

**NOTIFICATION**

Home Department, Mantralaya  
Madam Cama Marg,  
Hutatma Rajguru Chowk,  
Second Floor, Main Build  
Mumbai- 400 032  
Dated -1<sup>st</sup> December, 2015

**Prisons Act, 1894.**

No. JLM-1013 C.R. 115/13/PRS-2- In exercise of the powers conferred by clause (8) of section 59 of the Prisons Act, 1894 (IX of 1894), in its application to the State of Maharashtra, and of all other powers enabling it in this behalf, the Government of Maharashtra hereby makes the following rules further to amend the Maharashtra Classification of Prisons Rules, 1970 as follows, namely:-

**Short Title and Commencement**

1. These rules may be called the Maharashtra Classification of Prisons (Amendment) Rules, 2015.
2. In the Maharashtra Classification of Prisons Rules, 1970 (hereinafter referred to as "the principal Rules"), for the words "Inspector General of Prison" wherever it occur the words "Additional Director General of Police and Inspector General of Prison and Correctional Services" shall be substituted.
3. In the principal Rules, for the word "Bombay" wherever it occur the word "Mumbai" shall be substituted.
4. In the principal Rules, for the word "Jail" or "Prison" wherever it occur the word "Prison and Correctional Centre" shall be substituted.
5. For rules 2, 3, 4 and 5, of the principal Rules, the following rules shall be substituted, namely:-

41626  
11-12

**2. Classification of Prisons and Correctional Centers-**

- (1) There shall be the following types of prisons and correctional centers in the State, which shall be classified as:-
  - (a) Central Prisons and Correctional Centers,
  - (b) District Prisons and Correctional Centers,
  - (c) Special Prisons and Correctional Centers,
  - (d) Open Prisons and Correctional Centers,
  - (e) Civil Prisons and Correctional Centers,
  - (f) Open Colonies,
  - (g) Borstal School,
  - (h) Hospital Prisons and Correctional Centers.

11-12-2015  
11-12-2015

1 DEC 2015

- 3. Regions-** (1) The State shall be divided for the purpose of the Government Prisons and Correctional Centre into four regions, each accountable to the

व. व. (31)  
व. व. (31)  
व. व. (31)

11-12

Additional Director General of Police and Inspector General of Prisons and Correctional Services for the administration of the Prisons and Correctional Centre and Institutions in their respective region. Each region shall be under the direction of a Deputy Inspector General of Prison and Correctional Services, who shall be vested with sufficient powers of:-

- (a) Direction and Control.
- (b) Supervision and Inspection.
- (c) Administration and Discipline.
- (d) Financial Control.

(ii) There shall be sufficient secretarial support appointed to each regional office to assist the Regional Deputy Inspector General of Prison and Correctional Services in the discharging of his duties.

**4. Regional Organisation (Prisons and Correctional Centre or Institutions):-** All Prisons and Correctional Centre and Institutions under the administrative control of the Prisons and Correctional Services Department are situated within the following regions:-

I. **Vidarbha Region – NAGPUR**

**Central Prisons and Correctional Centres**

**(800 prisoners & above) -**

- (i) Amravati.
- (ii) Nagpur.

**District Prisons and Correctional Centres Class-I**

**(Between 300 to 799 prisoners)-**

- (i) Akola.
- (ii) Bhandara.
- (iii) Chandrapur.
- (iv) Yeotmal.
- (v) Morshi (Open Prison and Correctional Centre)
- (vi) Wardha.
- (vii) Gadchiroli

**District Prisons and Correctional Centres Class-II**

**(Between 151 to 299 prisoners)-**

- (i) Buldhana.
- (ii) Washim.

**District Prisons and Correctional Centres Class-III**

**(Between 51 to 150 prisoners)-**

- (i) Amaravati (Open Prison and Correctional Centre).
- (ii) Nagpur (Open Prison and Correctional Centre).
- (iii) Akola (Female Open Prison and Correctional Centre).

## **II. Marathwada & Khandesh Region – AURANGABAD**

### **Central Prisons and Correctional Centres (800 prisoners & above) -**

- (i) Aurangabad.
- (ii) Nashik Road.

### **District Prisons and Correctional Centres Class-I (Between 300 to 799 prisoners)-**

- (i) Dhule.
- (ii) Latur.
- (iii) Nashik (Borstal School).
- (iv) Paithan (Open Prison and Correctional Centre).

### **District Prisons and Correctional Centres Class-II (Between 151 to 299 prisoners)-**

- (i) Beed.
- (ii) Jalna.
- (iii) Jalgaon.
- (iv) Nanded.
- (v) Nandurbar.
- (vi) Parbhani.
- (vii) Osmanabad
- (viii) Aurangabad (Open Prison and Correctional Centre)

### **District Prisons and Correctional Centres Class-III (Between 51 to 150 prisoners)-**

- (i) Nashik Road Open Prison and Correctional Centre.
- (ii) Bhusawal

## **III. Western Region – PUNE**

### **Central Prisons and Correctional Centres (800 prisoners & above) -**

- (i) Kolhapur.
- (ii) Yerwada.

**District Prisons and Correctional Centres Class-I  
(Between 300 to 799 prisoners)-**

- (i) Yerwada (Open Prison and Correctional Centre).

**District Prisons and Correctional Centres Class-II  
(Between 151 to 299 prisoners)-**

- (i) Ahmednagar.
- (ii) Sangli.
- (iii) Satara.
- (iv) Solapur.
- (v) Visapur (Open Prison and Correctional Centre).

**District Prisons and Correctional Centres Class-III  
(Between 51 to 150 prisoners)-**

- (i) Atpadi (Open Colony).
- (ii) Bindu Shahar (Kolhapur).
- (iii) Kolhapur (Open Prison and Correctional Centre).
- (iv) Yerwada (Female Open Prison and Correctional Centre).

**IV. Mumbai & Konkan Region – MUMBAI**

**Central Prisons and Correctional Centres  
(800 prisoners & above) –**

- (i) Mumbai.
- (ii) Talaja.
- (iii) Thane.

**District Prisons and Correctional Centres Class-I  
(Between 300 to 799 prisoners)-**

- (i) Byculla.
- (ii) Kalyan.
- (iii) Ratnagiri (Special Prison and Correctional Centre).
- (iv) Mumbai (Female prisons and Correctional Centre).

**District Prisons and Correctional Centers Class-II  
(Between 151 to 299 prisoners)-**


- (i) Alibag.
- (ii) Sawantwadi.
- (iii) Sindhudurg.

**District Prisons and Correctional Centers Class-III  
(Between 51 to 150 prisoners)-**

- (i) Sir J. J. Hospital Mumbai (Ward 44)
- (ii) Thane (Open Prison and Correctional Centre)

5. There shall be a Civil Prison and Correctional Centre in the State at a location as approved by the State Government from time to time.

By order and in the name of the Governor of Maharashtra.

  
(J. L. Pawara)

Deputy Secretary to Government

**NOTIFICATION**

Home Department, Mantralaya  
 Madam Cama Marg,  
 Hutatma Rajguru Chowk,  
 Second Floor, Main Build  
 Mumbai- 400 032  
 Dated -1<sup>st</sup> December, 2015

**Prisons Act, 1894.**

No. JLM-1013/C.R. 115/13/PRS-2-In exercise of the powers conferred by clauses (5), (7) and (27) of section 59 of the Prisons Act, 1894 (IX of 1894), in its application to the State of Maharashtra, and of all other powers enabling it in this behalf, the Government of Maharashtra hereby makes the following rules further to amend the Maharashtra Prisons (Review of Sentences) Rules, 1972, as follows, namely :-

1. These rules may be called the Maharashtra Prisons (Review of Sentences) (Amendment) Rules, 2015.
2. In the Maharashtra Prisons (Review of Sentences) Rules, 1972 (hereinafter referred to as "the principal Rules"), for the word "Bombay" wherever it occur, the word "Mumbai" shall be substituted.
3. In the principal Rules, for the word "Inspector General" or "Inspector General of Prison" wherever it occur, the words "Additional Director General of Police (Prisons) or Inspector General of Prisons" shall be substituted.
4. In rule 3 of the principal Rules, in sub-rule (1), clause (a) shall be deleted.
5. For rule 4 of the principal Rules, the following rule shall be substituted, namely:-  
 "4. *Members of Advisory Board.*- (1) The Advisory Board to review sentences awarded to prisoners and to recommend premature release constituted under the Code of Criminal Procedure, 1973 constituted as follows:-

Sr. No.	Advisory Board Member	Position
1	Regional Special Inspector General of Prisons or Deputy Inspector General of Prisons as the case may be.	Chairman;
2	Any Judicial Magistrate nominated by the District Sessions Judge (Principal Sessions Judge in Greater Mumbai).	Member;
3	The District Superintendent of Police (Commissioner of Police in Greater Mumbai).	Member;
4	The concerned Superintendent of the Prison.	Secretary;
5	Non Official Member No 1 (see rule 5).	Member;
6	Non Official member No 2 (see rule 5).	Member;
7	Non Official member No 3 (see rule 5).	Member.

(2) Where a male prisoners are being reviewed for premature release as being over sixty-five years of age and weak or infirmed or female prisoners over the age of sixty also being weak or infirmed, the following Medical Committee members shall be the part of the Committee:-

Sr. No.	Medical Committee Member	Position
1	District Civil Surgeon.	Member:
2	District Health Officer.	Member;
3	The Chief Medical Officer of the concerned prison.	Member.

*Note.* - If the District Civil Surgeon is not present at the meeting of the above Committee then the District Health Officer shall be in attendance. It is obligatory in every situation where the release of old, weak or infirmed prisoners or other prisoners with serious medical conditions are being discussed for premature release that either the Civil Surgeon or Health Officer are present together with the Prison's Chief Medical Officer. The decision to release old and infirmed prisoners shall be taken on the basis of the certificate issued by the above Medical Committee."

6. In rule 6 of the principal Rules.-

(a) for the existing *Table*, the following *Table* shall be substituted, namely:-

Sr. No.	Category of prisoners	Terms of Imprisonment	Completion of period of imprisonment
(i)	Female Prisoners.	More than 3 years.	On undergoing half of substantive sentence or at least three years whichever period is more including set off period but excluding remission.
(ii)	Old and infirm prisoners. (See rule 4 (2))	More than 3 years.	On undergoing half of substantive sentence or at least three years whichever period is more including set off period but excluding remission.
(iii)	Prisoners other than those mentioned in entry (ii) above.	5 years or more.	On undergoing two-thirds of substantive sentence including set off period but excluding remission.
(iv)	Prisoners sentenced to life imprisonment.	Imprisonment for life.	See rule 25 (d) Tables 1 and 2."

(b) after sub-rule (2), the following sub-rules shall added, namely:-

"(3) Special consideration shall be given to the premature release of casual female prisoners particularly in cases where she has been the sole breadwinner, or where no surrogate care is possible for her dependents. Where possible the expectant mothers shall be released on suspended sentences, or otherwise to

avoid having their child inside the prison.

- (4) Prisoners serving a sentence of imprisonment for offences under any of the following Acts shall not be considered by the Advisory Board for premature release including old and infirmed prisoners:-

The Maharashtra Prevention of Dangerous Activities of Slumlords, Bootleggers, Drug Offender and Dangerous Persons Act, 1981 (Mah. LV of 1981), the Maharashtra Control of Organised Crime Act, 1999 (Mah. XXX of 1999), the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985), and the Prisoners detained and punished under the Central Government jurisdictions detention rules."

7. In rule 7 of the principal Rules,-

(a) for the portion beginning with the words "There shall be maintained a Review File" and ending with the words "The File shall contain-", the following paragraph shall be substituted, namely:-

"A computerised database record of all convicted prisoners serving sentences shall be maintained in every prison as well as in the office of the Regional Deputy Inspector General of prisons. This system shall allow for the review of prisoners eligible for premature release and for a record to be kept of previous applications for release under these rules. Monitoring of cases shall be done every month at prison level and every three months at Regional level. This record or file shall contain-";

(b) in clause (i), for the words "to the jury" the words "from the Court" shall be substituted;

(c) in clause (v), for the words "Medical Officer" the words "Chief Medical Officer" shall be substituted.

8. In rule 16 of the principal Rules, sub-rule (1) shall be re-numbered and sub-rule (1)(a) as after sub-rule (1)(a) as so re-numbered the following clause shall be inserted, namely:-

"(b) While considering the case of premature release of a particular prisoner the Board shall keep in view the general principles of 'amnesty' remission of sentences, as laid down by the State Government or by the courts, as earlier precedents in this matter. The paramount consideration before the sentence review, the Board being the welfare of the prisoner and the society at large, the Board shall not ordinarily decline a premature release of a prisoner merely on the grounds that the police have not recommended his release on certain far-fetched and hypothetical assumptions. The Board shall take into account the circumstances in which the offence was committed by the prisoner and whether he has the propensity to commit similar or other offences again."

9. In rule 21 of the principal Rules, in sub-rule (1), for the words and figures "not less than 16 years and not more than 23 years" the words and figures "not less than 18 years and not more than 21 years" shall be substituted.

10. In rule 22 of the principal Rules, in sub-rule (2), in clause (b), for the figures "23" the



figures "21" shall be substituted.

**11.** In rule 23 of the principal Rules, in sub-rule (3), for the figures "23" the figures "21" shall be substituted.

**12.** For rule 25 of the principal Rules, the following rule shall be substituted, namely:-

**"25. Documents to be sent with report.-** The Superintendent shall report cases of all prisoners who have completed their sentence to the Additional Director General of Police (Prisons) or Inspector General of Prisons, one month in advance of the completion period. The following documents shall be sent along with the report, namely:-

(a) Nominal Roll (in duplicate) in Form VIII.

(b) Copy of the Judgement.

(c) Copy of the warrant (in duplicate).

(d) The register of prisoner (Review Board) in Form IX.

(e) The statement of character and antecedents of the prisoner".

**13.** In rule 27 of the principal Rules,-

(a) for the words "Medical Officer" wherever it occur, the words "Chief Medical Officer" shall be substituted;

(b) for the word "Presidency" wherever it occur, the word "Metropolitan" shall be substituted.

**14.** In rule 28 of the principal Rules, in the *Explanation*,-

(a) for the words "Medical Officer" wherever it occur, the words "Chief Medical Officer" shall be substituted;

(b) for the word "Presidency" wherever it occur, the word "Metropolitan" shall be substituted.

**15.** In rule 30 of the principal Rules,-

(a) for clause (a), the following clause shall be substituted, namely:-

"(a) If a prisoner is detained solely under a sentence of imprisonment in default of furnishing security to maintain the peace or to be of good behaviour, is so seriously ill that he is likely to die, whatever the term of his imprisonment, shall be referred immediately to the Magistrate of the District (Chief Metropolitan Magistrate in respect of Greater Mumbai), in case the order was passed by an Executive Magistrate, or to the Court of Session, in case the order had been passed by a Judicial Magistrate, for the necessary orders for the prisoners release under section 123 of the Code of Criminal Procedure, 1973."

(b) in clause (ii)-

(A) for the word "Presidency" the word "Metropolitan" shall be substituted.

(B) for the figure "124" the figure "123" shall be substituted.

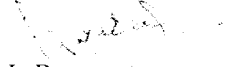
**16.** In FORM I of the principal Rules,-

(i) before the word "social" the words "a social" shall be inserted;

(ii) for the word "ordinary" the words "an ordinary" shall be substituted.

17. In FORM II of the principal Rules, for the words "Gradation in" the words "Level of" shall be substituted.

By order and in the name of the Governor of Maharashtra,



(J.L.Pawara)

Deputy Secretary to Government.

## **NOTIFICATION**

Home Department, Mantralaya  
Madam Cama Marg,  
Hutatma Rajguru Chowk,  
Second Floor, Main Build  
Mumbai- 400 032  
Dated -1<sup>st</sup> December, 2015

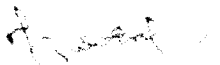
Prisons Act, 1894.

No. JLM-1013/C.R. 115/13/PRS-2- In exercise of the powers conferred by clause (23) of section 59 of Prisons Act, 1894 (IX of 1894), in its application to the State of Maharashtra, and of all other powers enabling it in this behalf, the Government of Maharashtra hereby makes the following rules further to amend the Maharashtra Prisons (Lunatics) Rules, 1965, as follows namely:-

1. These Rules may be called the Maharashtra Prisons (Lunatics) (Amendment) Rules, 2015.
2. In the Maharashtra Prisons (Lunatics) Rules, 1965 (hereinafter referred to as "the principal Rules"), the word "Bombay" shall be substituted as "Mumbai".
3. In the principal Rules, the word "Lunatics" whenever it occurs, the words "Mentally ill Prisoner" shall be substituted.
4. In the principal Rules, for the word "Inspector General" or "Inspector General of Prison" wherever it occur, the words "Additional Director General of Police (Prisons) or Inspector General of Prisons" shall be substituted.
5. In the principal Rules, the word "Jail" wherever it occur, the word "Prison" shall be substituted.
6. In the principal Rules, the word "woman" wherever it occur, the word "female" shall be substituted.
7. In rule 2 of the principal Rules, in sub-rule (2).
  - (a) for the section "464", the section "328" shall be substituted.
  - (b) for the section "466", the section "330" shall be substituted.
  - (c) for the section "471", the section "335" shall be substituted.
8. In rule 3 of the principal Rules, in sub-rule (1).
  - (a) in clause (a), the the section "464", the section "328" shall be substituted.
  - (b) in clause (b), the the section "466", the section "330" shall be substituted.
  - (c) in clause (c), the the section "471", the section "335" shall be substituted.
9. In rule 5 of the principal Rules, the the section "473", the section "337" shall be substituted.

10. In rule 6 of the principal Rules, in sub-rule (1), after the word "telegram" the words "or fax" shall be inserted.
11. In rule 7 of the principal Rules, in sub-rule (2), the words "Medical Officer" the words "Chief Medical Officer" shall be substituted.
12. In rule 12 of the principal Rules, in sub-rule (1), the words "re-transferred to the" the words "transferred back to" shall be substituted.
13. In rule 13 of the principal Rules, the words "re-transferred in to" the words "transferred back to" shall be substituted.
14. In rule 17 of the principal Rules, in sub-rule (5), the words "Medical Officer" the words "Chief Medical Officer" shall be substituted.
15. In rule 19 of the principal Rules,
  - (a) the words "Medical Officer" whenever it occurs, the words "Chief Medical Officer" shall be substituted.
  - (b) the word "ward", the words "housing unit" shall be substituted.

By order and in the name of the Governor of Maharashtra,



(J.L. Pawara)

Deputy Secretary to Government

## **NOTIFICATION**

Home Department, Mantralaya  
Madam Cama Marg,  
Hutatma Rajguru Chowk,  
Second Floor, Main Build  
Mumbai- 400 032  
Dated -1<sup>st</sup> December, 2015

### **Prisons Act, 1894.**

No. JLM-1013/C.R. 115/13/PRS-2- In exercise of the powers conferred by clause (17) of section 59 of the Prisons Act, 1894 (IX of 1894), in its application to the State of Maharashtra, and of all other powers enabling it in this behalf, the Government of Maharashtra hereby makes the following rules further to amend the Maharashtra Prisons (Habituals and Hardened Criminals) Rules, 1965, as follows, namely:-

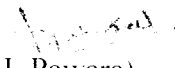
1. These rules may be called the Maharashtra Prisons (Habituals and Hardened Criminals) (Amendment) Rules, 2015.
2. In the Maharashtra Prisons (Habituals and Hardened Criminals) Rules, 1965 (hereinafter referred to as "the principal Rules"), for the words "Inspector General" or "Inspector General of Prisons" the words "Additional Director General of Police (Prisons) or Inspector General of Prisons" shall be substituted.
3. In rule 2 of the principal Rules, for sub-rule (2), the following sub-rule shall be substituted, namely :-  
"(2) Any person convicted of an offence punishable under Chapter XVI of the Indian Penal Code, or under any other law corresponding thereto or under the Suppression of Prevention of Immoral Traffic Act (PITA) whose previous conviction or convictions taken in conjunction with the facts of his case show that he habitually commits offences against the person or is habitually engaged in immoral traffic in women or children."
4. In rule 4 of the principal Rules, in sub-rule (1), in clause (d), for the word "gangsterism" the words "organised gangs" shall be substituted.
5. In rule 4 of the principal Rules, in sub-rule (3), the following sub-rule shall be substituted, namely :-  
"(3) The Classification Committee shall decide the line of training and treatment and the special emphasis to be given in the case of each individual prisoner. Every convict classified as a habitual shall throughout the period of imprisonment to which they are sentenced, be required to undertake the severest form of hard labour which they are capable of performing, but with due regard being paid to their health."

6. In rule 14 of the principal Rules, in sub-rule (4), for clause (d), the following clause shall be substituted, namely :-

“(d) Canteen facilities.— may be permitted at his own cost:

Provided that, the total amount of purchases does not exceed Rs. 1650 per month.”

By order and in the name of the Governor of Maharashtra.

  
(J.L.Pawara)

Deputy Secretary to Government.

**NOTIFICATION**

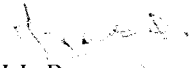
Home Department, Mantralaya  
Madam Cama Marg,  
Hutatma Rajguru Chowk,  
Second Floor, Main Build  
Mumbai- 400 032  
Dated -1<sup>st</sup> December, 2015

Prisons Act, 1894.

No. JLM-1013/C.R. 115/13/PRS-2- In exercise of the powers conferred by clauses (11) and (28) of section 59 of the Prisons Act, 1894 (IX of 1894), in its application to the State of Maharashtra, and of all other powers enabling it in this behalf, the Government of Maharashtra hereby makes the following rules further to amend the Maharashtra Civil Prisoners Rules, 1963, as follows, namely :-

1. These rules may be called the Maharashtra Civil Prisoners (Amendment) Rules, 2015.
2. In the Maharashtra Civil Prisoners Rules, 1963 (hereinafter referred to as "the principal Rules"), the word "Jail" wherever it occur, the word "Prison" shall be substituted.
3. In rule 5 of the principal Rules, for the words "Medical Officer" the words "Chief Medical Officer" shall be substituted.

By order and in the name of the Governor of Maharashtra,

  
(J.L.Pawara)

Deputy Secretary to Government.

## NOTIFICATION

Home Department, Mantralaya  
Madam Cama Marg,  
Hutatma Rajguru Chowk,  
Second Floor, Main Build  
Mumbai- 400 032  
Dated -1<sup>st</sup> December, 2015

### Prisons Act, 1894.

No. JLM-1013/C.R. 115/13/PRS-2- In exercise of the powers conferred by clauses (18) and (28) of section 59 of the Prisons Act, 1894 (IX of 1894), in its application to the State of Maharashtra, and of all other powers enabling it in this behalf, the Government of Maharashtra hereby makes the following rules further to amend the Maharashtra Prisons (Prisoners Sentenced to Death) Rules, 1971, as follows, namely :-

1. These rules may be called the Maharashtra Prisons (Prisoners Sentenced to Death) (Amendment) Rules, 2015.
2. In the Maharashtra Prisons (Prisoners Sentenced to Death) Rules, 1971 (hereinafter referred to as "the principal Rules"), for the words "Inspector General of Prison" wherever it occur, the words "Additional Director General of Police (Prisons) or Inspector General of Prisons" shall be substituted.
3. In the principal Rules, for the word "Jail" wherever it occur, the word "Prison" shall be substituted.
4. In the principal Rules, for the word "woman" wherever it occur, the word "female" shall be substituted.
5. In rule 3 of the principal Rules, in sub-rule (2), for the words "woman Jailor or Matron" the words "a Female Guard" shall be substituted.
6. In rule 5 of the principal Rules, in sub-rule (2), for the word "prison" the words "in the special yard" shall be substituted.
7. In rule 6 of the principal Rules.-
  - (a) in sub-rule (1), for the word "guard" the words "guarding staff" shall be substituted.
  - (b) after sub-rule (5), the following sub-rule shall be added, namely:-
    - (6) A prisoner under sentence of death shall not be handcuffed or placed in any form of restraint unless he is so violent as to be dangerous to the guard or to himself. If it is deemed necessary to put on handcuffs, the reason for such action shall be reported to the Additional Director General of Police (Prisons) or Inspector General of Prisons and the Regional Deputy Inspector General."



8. In rule 7 of the principal Rules, the existing rule shall be renumbered as sub-rule (1) thereof, and after sub-rule (1) so renumbered the following sub-rule shall be added, namely:-
- “(2) A prisoner under sentence of death shall be thoroughly searched every time when he is taken out of or is returned to his cell.”
9. In rule 9 of the principal Rules,-
- (a) for the words “Inspector-General”, the words “Deputy Inspector General of Prisons” shall be substituted;
- (b) for the words “Medical Officer”, the words “Chief Medical Officer” shall be substituted;
- (c) the words “of a convict” shall be deleted.
10. In rule 10 of the principal Rules,-
- (a) in sub-rule (1), for the words “in the case of any convict” the words for good reasons” shall be substituted;
- (b) in sub-rule (3), for the word “oftener” the words “more often” shall be substituted.
11. In rule 11 of the principal Rules, in sub-rule (2), for the words “Medical Officer” the words “Chief Medical Officer” shall be substituted.
12. In rule 12 of the principal Rules,-
- (a) in sub-rule (1), for the word “consequent” the words “from the convicting court consequent” and for the words “prescribed in” the words “prescribed by” shall be substituted.
- (b) after sub-rule (1), the following sub-rule shall be inserted, namely :-
- “(1A) If the prisoner under sentence of death so desires, the Deputy Superintendent or the Law Officer, as the case may be, shall at once get his appeal prepared for him as far as possible in his own words and it shall be forwarded either under registered cover or hand delivered by a prison official to the Registrar of the appropriate court under intimation to the State Government and the Additional Director General of Police (Prisons) or Inspector General of Prisons.”
13. For the rule 13 of the principal Rules, the following rule shall be substituted, namely:--
- “13. *Petition for mercy and Role of prison authority:-* (1) Immediately on receipt of a warrant of execution consequent on the confirmation by the High Court or the Judicial Commissioners Court of the sentence of death, the Jail Superintendent shall inform the convict concerned that if he wishes to appeal to the Supreme Court or to make an application for special leave to appeal to the Supreme Court under any of the relevant provisions of the Constitution of India, he should do so within the period prescribed in the Supreme Court Rules-1950.
- (2) On receipt of the intimation of the dismissal by the Supreme Court of the appeal or the application for special leave to appeal to it lodged by or on behalf or on the convict, in case the convict concerned has made no previous petition for mercy, the Jail Superintendent shall forthwith inform him (the convict) that

if he desire to submit a petition for mercy it should be submitted in writing within a period of seven days from the date of such intimation.

*Note-* In cases where no appeal to the Supreme Court or no application for special leave to it has been lodged by or on behalf of the convict. the said period of seven days shall be counted from the date next after the date on which the time allowed for an appeal to the Supreme Court or for lodging an application for special leave to appeal to it, expires. On expiry of such period, if the convict has made no previous petition for mercy, it shall be the duty of the prison Superintendent to inform the convict concerned that if he desires to submit a petition for mercy he should do so in writing within a period of seven days from the date of such intimation.

(3) If the convict submits a petition within a period of seven days prescribed, it should be addressed to the Governor of the State and the President of India. The Superintendent of the Jail shall forthwith dispatch it to the Secretary to the State Government in the Department concerned. The State Government together with a covering letter reporting the date fixed for the execution of sentence of death and shall certify that the execution of sentence of death has been stayed pending receipt of the orders of the Government on the petition. If no reply is received within a period of fifteen days from the date of the dispatch of the petition, the Superintendent shall by express letter to the Secretary to the State Government in the Department concerned, drawing attention to the fact, but he shall in no case carry out the execution of sentence of death before the receipt of the reply from the State Government.

(4) If the convict submits a petition after the period prescribed by Instruction ii, the Superintendent of the Prison shall at once forward it to the State Government by fax letter and at the same time the substance of it, requesting orders whether the execution of sentence of death should be postponed and stating that, pending a reply, the sentence will not be carried out. If such petition is received by the Superintendent later than noon on the day preceding the day fixed for the execution of sentence of death. He shall at once forward it to the State Government and at the same time by fax letter inform the substance of it, giving the date of execution and stating that the sentence will be carried out unless orders to the contrary are received.

(5) In the event of its coming to the knowledge of the Superintendent at any time before the execution of the sentence of death that altogether exceptional circumstances have arisen which plainly demand a reconsideration of the sentence, then in that case, notwithstanding, anything contained in the foregoing sub-rules he is at liberty, to report the circumstances by fax letter to the State Government and ask for its orders and to defer the execution of sentence of death till the orders are received from the State Government.

(6) The Superintendent shall at once repeat back to the Secretary to the State Government in the Department concerned all correspondence communicating orders to him regarding mercy petitions, by way of an acknowledgment of their receipt.

(7) On receipt of an intimation of the dismissal by the Supreme Court of the appeal, or as the case may be, the application lodged by or on behalf of the

convict, the Superintendent shall unless he has already made an application for mercy, forthwith inform him that if he desires to submit such petition, it should be submitted in writing within a period of seven days from the date of such intimation.

(8) In cases where no appeal or no application has been made by or on behalf of a convict, the said period of seven days shall be counted from the date next after the date on which the period allowed for making an appeal or an application, expires. On the expiry of such period, or if the convict has not made any previous petition for mercy, it shall be the duty of the Superintendent to inform him that if he desires to submit a petition for mercy, he should do so in writing within a period of seven days from the date of such intimation.

(9) A convict under sentence of death shall be allowed, if he has not already submitted a petition for mercy, for the preparation and submission of a petition for mercy, even after the expiry of the period of seven days, excluding of, the date on which the Superintendent of Jail informs him of the dismissal by the Supreme Court of his appeal or of his application for special leave to appeal to the Supreme Court:

Provided that, in cases where no appeal to the Supreme Court has been preferred or no application for special leave to appeal to the Supreme Court has been lodged, the said period of seven days shall be computed from the date next after the date on which the period allowed for an appeal to the Supreme Court or for lodging an application for special leave to appeal to the Supreme Court expires.

(10) Legal aid should be provided to the convict at all stages even after the rejection of a mercy petition. Hence, Superintendent of Prison shall intimate the rejection of mercy petition to the convicts as well as to the nearest Legal Aid Centre.

(11) The death convicts are entitled as a rights to receive a copy of the rejection of the mercy petition by the President and the Governor.

(12) *Mental Health Evaluation:* As it is quite possible that some death row convicts might lose their mental balance, hence there should be regular mental health evaluation and appropriate medical care should be given to those in need.

(13) *Physical and Mental Health Reports:* After the execution warrant is issued, the Prison Superintendent should satisfy himself on the basis of medical reports by Government doctors and psychiatrists that the prisoner is in a fit physical and mental condition and sentence of death to be executed. If the Superintendent is of the opinion that the prisoner is not fit, he should forthwith stop the execution, and produce the prisoner before a Medical Board for comprehensive evaluation and shall forward the report of the same to the State Government for further necessary action.

(14) *Furnishing documents to the convict:* Death row convicts should be provided with copies of relevant documents within a period of seven days of conviction by the prison authorities to assist in making mercy petition and petitioning the courts.

(15) Final Meeting between convict and his family: It would be mandatory for prison authorities to facilitate and allow a final meeting between the prisoner and his family and friends prior to the execution of sentence of death.

(16) Post-mortem reports. After the execution of death penalty, post-mortem would need to be mandatory performed to ascertain the exact cause of death."

14. For rule 14 of the principal Rules, the following rule shall be substituted, namely:--

"14. *Petition for mercy -Action by Government:-* (1) If the convict submits a petition within the above period, it shall be addressed to the Governor of the Maharashtra State and the President of India;

The execution of sentence shall in all cases be postponed pending receipt of their orders.

(2) *The petition shall in the first instance:-* Sent to the Government of Maharashtra for consideration and orders of the Governor. If after consideration it is rejected it shall be forwarded to the Secretary to the Government of India, Ministry of Home Affairs. If it is decided to commute the sentence of death, the petition addressed to the President of India shall be withheld and an intimation of the fact shall be sent to the petitioner:-

*Note-* The Petition made in case where the sentence of death is for an offence against any law exclusively relatable to a matter to which the executive power of the Union extends, shall not be considered by the State Government but shall forthwith be forwarded to the Secretary to the Government of India, Ministry of Home Affairs.

(3) If the convict submits the petition after the period prescribed by rule 13 sub-rule (9) above, it will be within the discretion of the State Government to consider the petition and to postpone executive pending such consideration and also to withhold or not to withhold the petition addressed to the President. In the following circumstances, however, the petition shall be forwarded to the Secretary to the Government of India, Ministry the Home Affairs.

(4) if the sentence of death was passed by an appellate court on an appeal against the convict acquittal or as a result of an enhancement of sentence by the appellate court, whether on its own motion or on an application for enhancement of sentence, or

(5) when there are any circumstances about the case, which, in the opinion of the State Government, render it desirable that the President should have an opportunity of considering it, as in cases of a political character and those in which for any special reason considerable public interest has been aroused. When the petition is forwarded to the Secretary to the Government of India, Ministry of Home Affairs, the execution shall simultaneously be postponed pending receipt of orders of the President thereon.

(6) in all cases in which a petition for mercy from a convict under sentence of death is to be forwarded to the Secretary to the Government of India, Ministry of Home Affairs, or the State Government, shall forward such petition as expeditiously as possible along with the records of the case and his

or its observations in respect of any of the grounds urged in the petition. In the case of other States, the Government of the State concerned shall, if it had previously rejected any petition addressed to itself or the Governor, also forward a brief statement of the reasons for the rejection of the previous petition or petitions.

(7) Upon the receipt of the orders of the President, an acknowledgment shall be sent immediately to the Secretary to the Government of India, Ministry of Home Affairs, in the manner hereinafter provided. In the case, if the petition is rejected, the orders will be communicated by express letter and receipt thereof shall be acknowledged by express letter. Orders commuting the death sentence will be communicated by express letter and receipt thereof shall be acknowledged by express letter.

(8) A petition submitted by a convict shall be withheld by the Government of the State, if a petition containing a similar prayer has already been submitted to the President. When a petition is so withheld the petitioners shall be informed of the fact and of the reason for withholding it.

(9) Whenever a sentence of death has been passed by any Court or Tribunal, the sentence shall not be executed until the dismissal of the appeal filed in the Supreme Court or of the application for special leave to appeal to the Supreme Court or, in case no such appeal has been preferred or no such application has been lodged, until after the expiry of the period allowed for an appeal to the Supreme Court or for lodging of an application for special leave to appeal to the Supreme Court:

Provided that if a petition for mercy has been submitted by or on behalf of the convict, execution of the sentence of death shall further be postponed pending the orders of the President thereon.

*Note-* If the sentence of death has been passed on more than one person in the same case and if an appeal to a higher Court or an application for special leave to appeal to the Supreme Court is lodged by, or on behalf of, only one or more but not all of them, the execution of the sentence shall be postponed in the case of all such persons and not only in the case of the person or persons by whom, or on whose behalf, the appeal or the application is lodged.

(10) On receipt of the intimation of the lodging of an appeal to the Supreme Court or of an application for special leave to appeal to that Court or of an intention to do so, the State Government concerned, shall forthwith communicate by telegram to the Government Advocate, Ministry of Law, and also to the Secretary to the Government of India, Ministry of Home Affairs:

- (i) the name of the convict under sentence of death, and
- (ii) particulars relating to the appeal or the application.

To oppose the appeal or the application, three copies of the paper book and of the judgment of the High Court or the Judicial Commissioners Court or the Tribunal, as the case may be, (one copy of each being a certified copy on power of attorney in the form prescribed by the Supreme Court and instructions, if any, for the purpose of opposing the appeal or the application shall be immediately sent to the Government Advocate, Ministry of Law,

Notice of the intended appeal or application, if and when served by or on behalf of the convict, shall also be transmitted to him without delay. If the intended appeal or application is not lodged within the period prescribed by the Supreme Court Rules, the Government Advocate shall intimate the fact by express letter to the State Government. The execution of the sentence of death shall not thereafter be postponed, unless a petition for mercy has been submitted by or on behalf of the convict.

(11) If an appeal or an application for special leave to appeal, has been lodged in the Supreme Court on behalf of the convict, the Government Advocate, Ministry of Law will intimate the fact to the State Government and also to the Secretary to the Government of India, Ministry of Home Affairs. The Government Advocate will keep the aforesaid authorities informed of all developments in the Supreme Court, in those cases which present unusual features. In all cases, however, he will communicate the result of the appeal or application for special leave to appeal, he will communicate the result of the appeal or application for special leave to appeal, to the State Government of the State concerned, by express letter, endorsing a copy of his communication to the Secretary to the Government of India, Ministry of Home Affairs, the State Government of the State concerned, as the case may be, shall forthwith acknowledge the receipt of the communication received from the Court in each case will be supplied by the Government Advocate, Ministry of Law, in due course to the State Government, who shall acknowledge the receipt thereof. The execution of the sentence of death shall not be carried until the receipt of the certified copy of the judgement of the Supreme Court dismissing the appeal or the application for special leave to appeal and until an intimation has been received from the Ministry of Home Affairs about the rejection by the President of India, of the petition for mercy submitted, if any, by or on behalf of the convict.

(12) There should be minimum period of fourteen days between the receipt of the communication of the rejection of the mercy petition and the scheduled date of execution of death sentence. This is to enable the convict to prepare himself and settle his affairs and meet his family members for one last time or to avail any judicial remedy.

15. In rule 16 of the principal Rules, for the words "Medical Officer" wherever it occur, the word "Chief Medical Officer" shall be substituted.
16. In rule 17 of the principal Rules.-
  - (a) for the words "Medical Officer" wherever it occur, the words "Chief Medical Officer" shall be substituted;
  - (b) for the words and figures "under section 382 of the Code of Criminal Procedure, 1898" the words and figures "under section 416 of the Code of Criminal Procedure, 1973", shall be substituted.
17. After rule 19 of the principal Rules, the following rule shall be inserted.

namely:-

**19A.** Communication order relating execution of death sentence :- (1) The words 'Death sentence' shall be inserted before the address in telegrams or fax relating to a capital sentence.

(2) In all cases receipts of orders communicating the rejection of petitions shall invariably be acknowledged by registered letter. The orders of Government postponing the execution shall immediately be acknowledged by telegram or fax.

(3) Telephonic orders regarding prisoners shall be confirmed by telephoning back to the concerned authority in the State Government.

(4) A distinctive red envelop with the words 'Death Sentence' and 'immediate' marked on the top left and right hand corners respectively shall be used in death sentence cases. The Superintendent shall make special arrangements to ensure that communication received in these distinctive envelops are received in the prison at any time of the day or night either by the Additional Superintendent (where there is one) or the Deputy Superintendent or in their absence by the senior most officer in charge of the Prison at the time the communication is delivered who:

(a) shall note the time and date of receipt of the communication in the receipt register, and


(b) shall immediately place the communication before the Superintendent or in his absence the officer next below him, for orders.

(5) The Superintendent shall see that prompt replies and acknowledgements are furnished where these are required and that in the case of orders staying execution an acknowledgement is promptly sent to the State Government by special messenger or telegram or fax and well in advance of the time fixed for the execution of the sentence."

**18.** In FORM I of the principal Rules, after point no. 14 the following point shall be inserted, namely:-

"15. Length of drop required (as per scale in section II rule 11)."

By order and in the name of the Governor of Maharashtra.

  
(J.L.Pawara)

Deputy Secretary to the Government.

**NOTIFICATION**

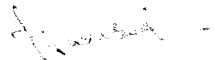
Home Department, Mantralaya  
Madam Cama Marg,  
Hutatma Rajguru Chowk,  
Second Floor, Main Build  
Mumbai- 400 032  
Dated -1<sup>st</sup> December, 2015

**Prisons Act, 1894.**

No. JLM-1013/C.R. 115/13/PRS-2- In exercise of the powers conferred by clause (20) of section 59 of the Prisons Act, 1894 (IX of 1894), in its application to the State of Maharashtra, and of all other powers enabling it in this behalf, the Government of Maharashtra hereby makes the following rules further to amend the Maharashtra Prisons (Convict Officers) Rules, 1962, as follows, namely :-

1. These rules may be called the Maharashtra Prisons (Convict Officers) (Amendment) Rules, 2015.
2. In the Maharashtra Prisons (Convict Officers) Rules, 1962 (hereinafter referred to as "the principal Rules"), for the words "Jail Guard" the words "Prison Guard" shall be substituted.
3. In rule 11 of the principal Rules.-
  - (i) in sub-rule (1), in clause (a), for the word "wards" the words "housing units" shall be substituted.
  - (ii) for the word "berths" the words "bed space" shall be substituted.
4. In rule 12 of the principal Rules, for the word, figures and letters "of 31 nP." the words "specified by the State Government" shall be substituted.

By order and in the name of the Governor of Maharashtra,

  
(J..LPawara)  
Deputy Secretary to Government.



## NOTIFICATION


Home Department, Mantralaya  
Madam Cama Marg,  
Hutatma Rajguru Chowk,  
Second Floor, Main Build  
Mumbai- 400 032  
Dated -1<sup>st</sup> December, 2015

Prisons Act, 1894.

No. JLM-1013/C.R. 115/13/PRS-2- In exercise of the powers conferred by clauses (5) and (27) of section 58 of the Prisons Act, 1894 (IX of 1894). in its application to the State of Maharashtra, and of all other powers enabling it in this behalf, the Government of Maharashtra hereby makes the following rules further to amend the Maharashtra Prisons ( Review and Remission of Sentences) Rules, 1970, as follows, namely :-

1. These rules may be called the Maharashtra Prisons (Review and Remission of Sentences) (Amendment) Rules, 2015.
2. In the Maharashtra Prisons (Review and Remission of Sentences) Rules, 1970 (hereinafter referred to as "the principal Rules"), for the words "Inspector General of Prison" the words "Additional Director General of Police (Prisons) or Inspector General of Prisons" shall be substituted.
3. In the principal Rules, for the word "woman" wherever it occur, the word "female" shall be substituted.
4. In the principal Rules, for the word "Bombay" wherever it occur, the word "Mumbai" shall be substituted.
5. In the Rule 2 of the principal Rules, sub rule (2), after the words "set out", the words "to her and the rules of the home." shall be inserted.

By order and in the name of the Governor of Maharashtra.

  
(J.L.Pawara)  
Deputy Secretary to Government.

**NOTIFICATION**

Home Department, Mantralaya  
 Madam Cama Marg,  
 Hutatma Rajguru Chowk,  
 Second Floor, Main Build  
 Mumbai- 400 032  
 Dated -1<sup>st</sup> December, 2015

**Prisons Act, 1894.**

No. JLM-1013/C.R. 115/13/PRS-2- In exercise of the powers conferred by clause (5) of section 59 of the Prisons Act, 1894 (IX of 1894), in its application to the State of Maharashtra, and of all other powers enabling it in this behalf, the Government of Maharashtra hereby makes the following rules further to amend the Maharashtra Prisons (Remission System) Rules, 1962, as follows, namely :-

1. These rules may be called the Maharashtra Prisons (Remission System) (Amendment) Rules, 2015.
2. In the Maharashtra Prisons (Remission System) Rules, 1962 (hereinafter referred to as "the principal Rules"), for the words "Inspector General of Prison" the words Additional Director General of Police (Prisons) or Inspector General of Prisons" shall be substituted.
3. In rule 6A of the principal Rules, for the word "classes" the word "categories" shall be substituted.
4. In rule 12 of the principal Rules, in *Example*,-
  - (i) for the figures "1595" the figures "2000" shall be substituted;
  - (ii) for the figure "1959" the figures "2000" shall be substituted;
  - (iii) for the figures "1960" the figures "2001" shall be substituted;
  - (iv) for the figures "1961" the figures "2002" shall be substituted.
5. In rule 14 of the principal Rules, for clause (d); the following clause shall be substituted, namely:-
 

"(d) for assisting the prison authorities in emergencies such as fire, riots, strikes or other such eventualities."
6. In rule 17 of the principal Rules, in sub-rule (2), for the words "with the" the words "Additional Superintendent or" shall be inserted.

By order and in the name of the Governor of Maharashtra.

  
 (J.L. Pawara)

Deputy Secretary to Government.

**NOTIFICATION**

Home Department, Mantralaya  
 Madam Cama Marg,  
 Hutatma Rajguru Chowk,  
 Second Floor, Main Build  
 Mumbai- 400 032  
 Dated -1<sup>st</sup> December, 2015

**Prisons Act, 1894.**

No. JLM-1013 C.R. 115/13/PRS-2- In exercise of the powers conferred by clause (5) and (28) of section 59 of Prisons Act, 1894 (IX of 1894), in its application to the State of Maharashtra, and of all other powers enabling it in this behalf, the Government of Maharashtra hereby makes the following rules further to amend the Maharashtra Prisons (Bombay Furlough and Parole) Rules, 1959, as follows, namely:-

1. These rules may be called the Maharashtra Prisons (Bombay Furlough and Parole) (Amendment) Rules, 2015.
2. In the Maharashtra Prisons (Bombay Furlough and Parole) Rules, 1959 (hereinafter referred to as "the principal Rules"), for the word "Bombay" the word "Mumbai" shall be substituted.
3. In the principal Rules, for the words "Inspector General of Prison" the words "Additional Director General of Police (Prisons) and Inspector General of Prisons" shall be substituted.
4. In the principal Rules, for the word "Jail" the word "Prison" shall be substituted.
5. In the principal Rules, for the word "woman" the word "female" shall be substituted.
6. After the rule 1 of the principal Rules, following rule 1-A shall be inserted:-  
 "(1-A) Objectives: - Furlough and Parole leaves to inmates are progressive measures of correctional services. The objectives of releasing a prisoner on leave are :-  
 (a) To enable the inmate to maintain continuity with his family life and deal with family matters,  
 (b) To save him from evil effects of continuous prison life,  
 (c) To enable him to maintain and develop his self-confidence,  
 (d) To enable him to develop constructive hope and active interest in life."
7. For the Rule 2 of the principal Rules, following rule shall be substituted :-  
 "2. (1) Sanctioning and Appellate Authority:-The Deputy Inspector General of Prisons (Regional) (hereinafter referred to as "the Sanctioning

Authority”) shall subject to these rules be competent to grant furlough to convicted prisoners.

(2) If an application of release on furlough is refused by the Sanctioning Authority, an appeal shall lie to the Additional Director General of Police and Inspector General of Prison and Correctional Services.

(3) The convicted prisoner may against the order of the Sanctioning Authority make an appeal to the Additional Director General of Police and Inspector General of Prison and Correctional Services within thirty days from the receipt of the refusing order:

Provided that, the appellate authority may, admit the appeal after the expiry of the period of thirty days, if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(4) The decision of the appellate authority shall be final.”

8. For the Rule 3 of the principal Rules, following rule shall be substituted namely :-

“3. *When prisoner may be granted furlough:-* Subject to the provisions of rule 2 above the convicted prisoners shall be eligible for furlough as per following criteria:

**(A)** A prisoner, sentenced to imprisonment for a period exceeding one year but not exceeding five years.

1. Shall become eligible for furlough on completion of one year of actual imprisonment.

2. Shall become eligible for second release on furlough after completion of six months of actual imprisonment from the date of last return from furlough.

3. Shall become eligible for subsequent releases completion of six months of actual imprisonment from the date of last return from furlough.

4. Prisoner shall not be given furlough exceeding 21 days in a calendar year six months of actual imprisonment from the date of last return from furlough.

5. Prisoner shall not be given furlough exceeding 21 days in a calendar year.

**(B)** A prisoner, sentenced to imprisonment for a period exceeding five years but not exceeding fourteen years.

1. Shall become eligible for furlough on completion of two years of actual imprisonment.

2. Shall become eligible for second release on furlough after completion of one year of actual imprisonment.

3. Shall become eligible for subsequent releases on furlough after completion of six months of actual imprisonment from the date of last return from furlough.

4. Prisoner shall not be given furlough exceeding 21 days in a calendar year for the first five years of his imprisonment and thereafter for the period not exceeding 28 days.
- (C) A prisoner, sentenced to imprisonment for a period exceeding fourteen years.
1. Shall become eligible for furlough on completion of three years of actual imprisonment.
  2. Shall become eligible for second release on furlough after completion of one year of actual imprisonment from the date of last return from furlough.
  3. Shall become eligible for subsequent releases on furlough after completion of six months of actual imprisonment from the date of last return from furlough.
  4. Prisoner shall not be given furlough exceeding 21 days in a calendar year for the first five years of his imprisonment and thereafter for the period not exceeding 28 days.

*Note 1.*—The period of imprisonment in this rule includes the sentence or sentences awarded in lieu of fine in case of amount of fine is not paid.

*Note 2.*-- For calculation of sentences for the purposes of eligibility for leave, 'sentence' shall mean a sentence as finally fixed on appeal, or revision, or otherwise, and includes an aggregate of one or more sentences. However, the actual imprisonment shall be inclusive of set-off period undergone in that specific case.

*Note 3.*-An order sanctioning the release of a prisoner on furlough shall cease to be valid if not given effect to within a period of two months from the date thereof. However sanctioning authority may extend such validity for further two months.

*Note 4.*- A register shall be maintained in the prison in the prescribed form in which all cases of prisoners eligible for leave shall be posted three months in advance of the date on which they become eligible for it. Appropriate entries in this regard shall also be made in the History Tickets of the inmates concerned."

9. In the Rule 4 of the principal Rules.--
  - (a) In the sub-rule (2), after the words "under Sections" the numbers and word "376, 377 and" shall be inserted.
  - (b) For the sub-rule (4), following sub-rule shall be substituted, namely:--
 

“(4) Prisoners whose release is not recommended in Police Commissionerate area by the Assistant Commissioner of Police and elsewhere, by the Deputy Superintendent of Police on the grounds of public peace and tranquility.”
  - (c) In the sub-rule (9), for the word "class", the word "category" shall be substituted."

10. For the Rule 5 of the principal Rules, the following rule shall be substituted, namely:-

“5. Ordinarily furlough shall not be granted to a prisoner within a period as prescribed in rule 3.”

11. For the Rule 6 of the principal Rules, the following rule shall be substituted, namely:-

“6. *Furlough not to be granted without surety*: - A prisoner shall not be granted furlough unless he can provide a suitable surety willing to receive him. Family members, relatives or friends of the prisoner, if of good antecedents, may stand for him or the Member of local bodies, Police Patil or Registered Medical Practitioner of the home town may if willing and acceptable also be allowed to stand surety. The surety chosen must be willing to enter into a surety bond as in ‘Form A’ appended to these rules for such amount as may be fixed by the sanctioning authority.

Provided that the sanctioning authority may dispense with the requirement for a surety where prisoners are confined in open prisons as defined in clause (b) of rule 2 of the Maharashtra Open Prison Rules 1971.”

12. In the Rule 8 of the principal Rules,

(a) for the sub-rule (2) “District Magistrate concerned through the District Superintendent of Police of that District or to the Commissioner of Police, Greater Bombay” shall be substituted as “Assistant Commissioner of Police or Deputy Superintendent of Police”

(b) In the sub-rule (2), the entire text after the clause (f), shall be substituted, namely:-

“(2-A) The Assistant Commissioner of Police/Deputy Superintendent of Police as the case may be, should be requested to furnish, along with his opinion the following information regarding the relatives of the prisoner with whom he intends to stay while on furlough :—

(a) Their relationship with the prisoner concerned.

(b) Whether such relatives are willing to keep the prisoner while on furlough

(c) Whether they (viz., relatives) are willing to enter into surety bond.

(c) After the sub-rule 2-A, following sub-rule shall be inserted, namely:-

“(2-B) The report from the Assistant Commissioner of Police/Deputy Superintendent of Police, as the case may be, shall be collectively called for the period of initial furlough period and possible period of extension. No fresh report shall be called from the Assistant Commissioner of Police/Deputy Superintendent of Police, as the case may be, in case of processing possible extension.

(d) In the sub-rule (3), for the words “District Magistrate or the Commissioner of Police Bombay” the words “Assistant Commissioner of Police or Deputy Superintendent of Police” shall be substituted.

(e) In the sub-rule (4), for the words “The District Superintendent of Police”, the words “The Assistant Commissioner of Police/Deputy Superintendent

of Police" shall be substituted.

- (f) After the sub-rule (6), following new sub-rule shall be inserted, namely:-  
 "(7) While rejecting furlough leave requests, the reasons shall be communicated to the prisoner on which ground(s) his request for leave has been rejected. The Superintendent shall convey the cause of the rejection of his application and ensure that a copy of the same is duly received by the prisoner."

**13.** In the Rule 10 of the principal Rules,

- (a) after the words "cash security", the bracket and words "(the prisoners private cash and wages may be taken as cash security)" shall be inserted.
- (b) In the sub-rule (1), for the words "District Magistrate..... /Commissioner of Police, Greater Bombay, or such Officer as the said District Magistrate/Commissioner of Police may appoint in this behalf", the words "Assistant Commissioner of Police.....or Deputy Superintendent of Police.....or such Officer as the said Assistant Commissioner of Police.....or Deputy Superintendent of Police..... may appoint in this behalf;" shall be substituted.
- (c) In the sub-rule (4), for the words "District Magistrate..... /Commissioner of Police" the words "The Assistant Commissioner of Police/Deputy Superintendent of Police" shall be substituted.
- (d) In the sub-rule (6), for the words "once a day" the words "twice a week or as ordered by sanctioning authority" shall be substituted.
- (e) After the sub-rule (6), following new sub-rules shall be inserted, namely:-  
 "(7) that the prisoner shall be de-barred from visiting  
 ..... (insert place) such as the place where the offence was committed for which the person was convicted or to restrict the movement of the prisoner.  
 (8) such other conditions that are imposed in the furlough or parole release order (list.....)."

**14.** For the Rule 11 of the principal Rules, the following rules shall be substituted namely:-

" 11. Before releasing a prisoner on furlough, declaration as under shall be taken as on the release order itself,

I hereby accept and abide by the conditions of release of the release order and I acknowledge that the application of the extension of furlough, if required, shall be submitted by me before the seven days of expiry of the furlough period granted to me. I further acknowledge that should I fail to fulfill these conditions or any portion of them the sanctioning authority may revoke the order of release and forfeit the amount of security furnished by me, and I may be arrested the any police officer without warrant and remanded to undergo the unexpired portion of my sentence and I further acknowledge should I fail to fulfill these conditions or nay portion of them, I am liable to punished on conviction with imprisonment for the term which may extend to two years or

with fine which may extend to Rs. 1000/- or with both, under section 51-B of the Prison Act 1894 as applicable to the State. I further acknowledge that should I fail to surrender on the due date after the expiry of furlough period then I shall be liable to prosecuted under I.P.C 224.

**15.** After Rule 13 of the principal Rules, the following sub-rules shall be inserted namely:-

"1. The extension application for the furlough shall directly be submitted by the prisoner to the sanctioning authority.

2. Onus of the deciding the furlough extension application of the prisoner before the expiry of the original furlough period shall be on sanctioning authority."

**16.** In the Rule 14 of the principal Rules.--

(a) In the sub-rule (1), for the clause (ii), (iii) and (iv), following clauses shall be substituted, namely:-

"(ii) to the Deputy Superintendent of Police in which the prisoner intends or agreed to spend his furlough and if the prisoner intends or agreed to spend his furlough in Mumbai, to the Assistant Commissioner of Police.

(iii) to the Deputy Superintendent of Police in which the prisoner was convicted and if the prisoner was convicted in the Commissionerate area to the Assistant Commissioner of Police concerned.

(iv) if the prisoner belong to this State, to the Deputy Superintendent of Police from which the prisoner hails and if the prisoner hails from Commissionerate area, to the Assistant Commissioner of Police.

(b) After the sub-rule (2), following new sub-rule (3) shall be inserted, namely:-

"(3) Where a prisoner does not return from either furlough or parole the prison authorities shall place his photograph and details on the website of the State Crime Record Bureau and inform the State CID and the prison authority shall a case under section 224 I.P.C. After registering such case if the prisoner is not arrested, concerned police station shall initiate procedures under section 82 & 83 of the CrPC 1973."

**17.** The Rule 16 of the principal Rules, the following rule shall substituted namely:-

"The furlough period shall be counted as remission of sentence."

**18.** For the Rule 20 of the principal Rules, following new Rule shall be substituted, namely:-

"20. *Parole to be counted as remission of sentence*:- The period spent on sanctioned parole shall be counted as remission of the sentence."

**19.** In the sub-rule (2) of Rule 22 of the principal Rules the text "the District Superintendent of Police concerned or the Commissioner of Police Bombay"



shall be substituted as "Deputy Superintendent of Police or Assistant Commissioner of Police". The following sub-rule (3) after sub-rule (2).

(3) The Police verification report shall be not essential for extending the parole period initially granted, if no adverse report about the prisoners is received from the police during the period of prisoners stay on parole.

**20.** The following sub-rule (1) and (2) shall be added after Rule 23 of the principal Rules.

(1) The onus of submitting Police enquiry report within a period of fifteen days shall lie on related Police authority and electronic modes of communication such as e-mail/fax shall be used for communicating the enquiry report

(2) The medical certificate submitted by prisoners for parole leave shall be verified and attested by Civil Surgeon/Medical Superintendent/Local Medical Officer of Public Health Centre.

**21.** After the Rule 24 of the principal Rules, the following new Rule 24-A shall be substituted, namely:-

"24-A. *Conditions subject to which prisoners may be granted parole*:- The Competent Authority may grant parole to a prisoner subject to his executing a surety bond, a personal bond and cash security in Forms A, B and C respectively to observe all or any of the conditions mentioned therein and also subject to such other conditions, if any, as may be specified by the Competent Authority :

Provided that when prisoners convicted of serious offences are released on parole, a condition shall be included in the parole order directing or requiring the prisoner to report at the Police Station nearest to the place where he intends to spend his parole, twice a week or as ordered by sanctioning authority:

Provided that, if prisoner has not applied for extension of parole before fifteen days of his expiry of sanctioned parole his application of extension shall be liable for rejection. If he does not surrenders on due date, the prison authority shall register a case under section 224 I.P.C. After registering such case if the prisoner is not arrested, concerned police station shall initiate procedures under section 82 and 83 of the Criminal Procedure Code, 1973."


**22.** In the Rule 27 of the principal Rules,

(a) in the sub-rule (1) clause (ii), for the words "District Magistrate and the District Superintendent of Police of the District", the words "Deputy Superintendent of Police or Assistant Commissioner of Police, as the case may be" shall be substituted.

(b) in the sub-rule (2), for the words "may arrest the prisoner, if at large, and remand him to undergo the unexpired portion of his sentence", the words "shall arrest the prisoner, under section 224 of I.P.C., if at large, and remand him to undergo the unexpired portion of his sentence after registering the case under section 224 I.P.C. if prisoner is not arrested by

the police concerned police carries out action as per under section 82 and 83 of Criminal Procedure Code, 1973" shall be substituted.

By order and in the name of the Governor of Maharashtra,



(J.L.Pawara)

Deputy Secretary to Government.

**NOTIFICATION**

Home Department, Mantralaya  
 Madam Cama Marg,  
 Hutatma Rajguru Chowk,  
 Second Floor, Main Build  
 Mumbai- 400 032  
 Dated -1<sup>st</sup> December, 2015

**Prisons Act, 1894.**

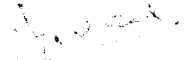
No. JLM-1013/C.R. 115/13/PRS-2- In exercise of the powers conferred by clauses (27) and (28) of section 59 of the Prisons Act, 1894 (IX of 1894), in its application to the State of Maharashtra, and of all other powers enabling it in this behalf, the Government of Maharashtra hereby makes the following rules further to amend the Maharashtra Prisons (Death of Prisoners) Rules, 1967, as follows, namely :-

1. These rules may be called the Maharashtra Prisons (Death of Prisoners) (Amendment) Rules, 2015.
2. In the Maharashtra Prisons (Death of Prisoners) Rules, 1967 (hereinafter referred to as "the principal Rules"), for the word "Bombay" wherever it occur, the word "Mumbai" shall be substituted.
3. In the principal Rules, for the words "Inspector General of Prison" wherever it occur, the words Additional Director General of Police (Prisons) or Inspector General of Prisons shall be substituted.
4. In the principal Rules, for the word "Jail" the word "Prison" shall be substituted.
5. In rule 2 of the principal Rules, in sub-rule (3), for the words "Medical Officer" the words "Chief Medical Officer" shall be substituted.
6. In rule 5 of the principal Rules,-
  - (a) in sub-rule (1), after the word "buried" the word "or burnt as the case may be";
  - (b) in sub-rule (2), for the words "either in a prison cart, if one is available, or in a hired cart" the words "in hired transport the cost of which will be borne by the State Government" shall be substituted;
  - (c) in sub-rule (4), in clause (b), for the words, letters and figures "a maximum of Rs. 10" the words "as prescribed in the Financial Regulation of the State Government" shall be substituted.
7. In rule 6 of the principal Rules, for sub-rule (1), the following sub-rule shall be substituted, namely:-
  - "(1) The Superintendent of the prison shall forthwith report the death of a person dying in a prison to the nearest Magistrate empowered under sections 174 and 176 of the Code of Criminal Procedure, 1973 to carry out a Magisterial enquiry, and to the authority empowered by the Government of Maharashtra, to perform the post

mortem in every case of a custodial death. The said Magistrate shall send the report of enquiry to the Superintendent of the Prison and the empowered authority shall also send a report of the post mortem to the Superintendent of the Prison. The Superintendent of the prison shall send both reports to the National Human Rights Commission as well as to the authorities specified in sub-rule (2)."

8. In rule 7 of the principal Rules, sub-rules (1) and (2) shall be deleted.

By order and in the name of the Governor of Maharashtra,



(J.L.Pawara)

Deputy Secretary to Government.

**ORDER**

Home Department, Mantralaya  
Madam Cama Marg,  
Hutatma Rajguru Chowk,  
Second Floor, Main Build  
Mumbai- 400 032  
Dated -1<sup>st</sup> December, 2015

Prisons Act, 1894.

No. JLM-1013/C.R. 115/13/PRS-2-In exercise of the powers conferred by sub-section (1) of section 29 of the Prisoners Act, 1900 (III of 1900), in its application to the State of Maharashtra, and of all other powers enabling it in this behalf, the Government of Maharashtra hereby makes the following Order further to amend the Maharashtra Prisons Removal of Prisoners Order, 1965, as follows, namely :-

1. This Order may be called the Maharashtra Prisons Removal of Prisoners Order. (Amendment) Orders, 2015.
2. In the Maharashtra Prisons Removal of Prisoners Order, 1965(hereinafter referred to as "the principal Order"), for the word "Bombay" the word "Mumbai" shall be substituted.
3. In the principal Order, for the words "Inspector General of Prison" the word "Additional Director General of Police (Prisons) or Inspector General of Prisons" shall be substituted shall be substituted.
4. The rule 2 of the principal Order, clauses (a-1), (b) and (f) shall be deleted.
5. In rule 4 of the principal Order, for sub-rule (2), the following sub-rules shall be substituted, namely:-  
 "(2) The Superintendent shall immediately after the removal, report the following removals falling under the proviso to sub-rule (1) to the Additional Director General of Police (Prisons) or Inspector General of Prisons shall be substituted or as the case may be the Deputy Inspector General (Regional) of Prisons that is to say removals falling under paragraph (a) and entry (4) of paragraph (b); removals falling under entries (2) and (3) of paragraph (b) when the Additional Director General of Police (Prisons) or Inspector General of Prisons shall be substituted or the Deputy Inspector General (Regional) of Prisons by general or special orders require such reports.

*Explanation.*— The expression "police registered prisoners" referred to in entry (3) of paragraph (b) shall means the prisoners against whom either of the following orders has been made and is in force:—

- (1) Order to notify residence under section 356 of the Code of Criminal Procedure, 1973.
- (2) Order of restriction under the provisions of the Mumbai Habitual

Offenders Act, 1959.

- (3) When an undertrial prisoner is required to be sent to another State for trial, the State from where the undertrial prisoner is sent shall arrange for the escort. Travel and other incidental expenses of the escort and of the undertrial prisoner shall be borne by the requisitioning State."
6. In rule 5 of the principal Order, for the words "a character" the words "in character" shall be substituted.
7. In rule 6 of the principal Order, for the words "Medical Officer" the words "Chief Medical Officer" shall be substituted; and after the word "Superintendent" the word "urgently" shall be inserted.
8. In rule 12 of the principal Order, following sub-rules shall be added, namely:-
- "(3) When prisoners are to be transferred the Superintendent or the Senior Jailer shall apply to the local Commissioner or Superintendent of police, as the case may be, where the prison is located sufficiently in advance for the requisite Police Guard and Police Transport, intimating the number of prisoners and the date, time of their intended dispatch and the name of the prison to which they are being transferred.
- (4) When prisoners are to be transferred by rail, timely notice shall be given to the local police authority of the intended date and hour of their dispatch, with a view to making suitable arrangements with the railway authorities, for their safe custody in transit, and for the provision of the necessary rail accommodation."
9. For rule 14 of the principal Rules, the following rule shall be substituted, namely:-
- "14. *Responsibility of officer in charge of escort.*- (1) All prisoners prior to their removal and daily during transit shall be carefully searched in the presence of the officer in charge of the escort, who shall then take over the charge of the prisoners with a list of property and articles, if any. The officer in charge of the escort shall then be entirely responsible for the safe custody of prisoners until their admission to the respective prisons. The prisoners shall be handed over to the Senior Jailer of the receiving prison, who shall give the officer-in-charge of the escort a receipt for his having received the prisoners as well as the property.
- (2) The officer in charge of the escort shall see that the different types of prisoners while in transit do not mix with each other, in particular female and adolescent prisoners shall be separated from adult male prisoners, and that the prisoners do not—
- (a) communicate with outsiders;
- (b) receive forbidden articles including cash from their friends and relatives while in transit ;
- (c) handle any cash or jewellery or other private property.
- (3) Any unauthorised cash, jewellery or other private property possessed by the prisoners at the receiving prison shall be forfeited to the State Government.

- (4) When a female prisoner is transferred, a female police officer or police constable shall accompany her, but her presence does not relieve the responsibility of the police escort party for the safe custody of the prisoner in transit.
- (5) If any breach or neglect of duty on the part of the officer in charge of the police escort is noticed, the Superintendent of the receiving prison shall send a report to the concerned police authority and Regional Deputy Inspector General of Prisons."
10. In rule 21 of the principal Order, for the words "Medical Officer" the words "Chief Medical Officer" shall be substituted.
11. In rule 23 of the principal Order,-
- (a) in sub-rule (1), for the word "warrants and property including jewellery as" the words "warrants, cash and property including jewellery and other valuable articles," shall be substituted;
- (b) in sub-rule (4), after the word "jewellery" the words "and other valuables" shall be inserted;
- (c) in Note (2), for the word and figure "Form 103" the word and letter "Form A" shall be substituted.
12. In rule 24 of the principal Order, for the words "Medical Officer" the words "Chief Medical Officer" shall be substituted.

By order and in the name of the Governor of Maharashtra,

(J.L.Pawara)

Deputy Secretary to Government.

**NOTIFICATION**

Home Department, Mantralaya  
 Madam Cama Marg,  
 Hutatma Rajguru Chowk,  
 Second Floor, Main Build  
 Mumbai- 400 032  
 Dated -1<sup>st</sup> December, 2015

**Prisons Act, 1894.**

No. JLM-1013/C.R. 115/13/PRS-2- In exercise of the powers conferred by clauses (7), (18), (27) and (28) of section 59 of the Prisons Act, 1894 (IX of 1894), in its application to the State of Maharashtra, and of all other powers enabling it in this behalf, the Government of Maharashtra hereby makes the following rules further to amend the Maharashtra Prisons (Execution of the Orders of the Courts and Release of Prisoners) Rules, 1972, as follows, namely :-

1. These rules may be called the Maharashtra Prisons (Execution of the Orders of the Courts and Release of Prisoners) (Amendment) Rules, 2015.
2. In rule 4 of the Maharashtra Prisons (Execution of the Orders of the Courts and Release of Prisoners) Rules, 1972 (hereinafter referred to as "the principal Rules"), for the words "Inspector General" the words "Additional Director General of Police (Prisons) or Inspector General of Prisons" shall be substituted.
3. After rule 8 of the principal Rules, the following rules shall be added, namely:-
  - 8A.** *Procedure when sentence is suspended.*- (1) When an appellate court directs that the execution of a sentence, or order appealed against be suspended, the appellant shall, if detained in prison on a warrant pending further orders of the court, be treated in all respects as an undertrial prisoner unless an order is issued for the prisoner to be admitted to bail or unless he is serving another sentence of imprisonment in another case.
    - (2) The appellant be ultimately sentenced to imprisonment the period during which the original sentence was suspended shall:-
      - (a) if passed while the prisoner was in prison, be included;
      - (b) if passed when the prisoner was at large be excluded in computing the term for which he is sentenced by the appellate court.
    - (3) When a court passes a sentence after a retrial, or after the original sentence is reversed and a retrial (fresh trial) is ordered on appeal, the previous sentences, or portion thereof, already undergone by the prisoner before the fresh trial shall also count, unless otherwise specifically directed, towards the sentence imposed after the fresh trial, excluding any period during which the prisoner was at large.
  - 8B.** *When a sentence is modified or reversed on appeal.*- (1) When the appellate court orders the retrial, or committal for trial, of a prisoner under section 386 of the Code of Criminal Procedure, 1973 (2 of 1974), it shall



communicate its order to the court whose decision has been reversed and that court shall thereupon make such orders as are conformable with the judgement of the appellate court.

(2) When a case is decided on appeal or revision by the High Court, the Court of Magistrate to which the High Court certified its order shall proceed under the provisions of section 388 or 405 of the Code of Criminal Procedure, 1973 (2 of 1974) to issue, when necessary a fresh warrant or order to the prison Superintendent.

(3) In all cases in which a sentence or order is modified or reversed, whether in appeal or revision, a separate warrant shall be issued as regards each prisoner whose sentence has been so modified or reversed.

**8C. When appeal is rejected.-** (1) When an appeal is rejected or a sentence is confirmed by an appellate court other than the High Court, intimation to that effect shall be sent to the Superintendent of the Prison by such appellate court and such order shall also be communicated to the lower court for record purposes.

(2) When the rejection by the High Court of an appeal or revision application submitted by a prisoner is communicated to the court that originally convicted the prisoner, such court shall at once cause the decision to be given to the prisoner through the Superintendent of the concerned prison."

4. In rule 9 of the principal Rules, for the word "wards" the words "housing units" shall be substituted.
5. In rule 13 of the principal Rules, for the figures "396" the figures "426" shall be substituted.
6. In rule 16 of the principal Rules, for the words "on this score" the words "regarding this matter" shall be substituted.
7. In rule 17 of the principal Rules, in sub-rule (2), for the word "removed" the word "transferred" shall be substituted.

By order and in the name of the Governor of Maharashtra.



(J.L.Pawara)

Deputy Secretary to Government.

1

**NOTIFICATION**

Home Department, Mantralaya  
Madam Cama Marg,  
Hutatma Rajguru Chowk,  
Second Floor, Main Build  
Mumbai- 400 032  
Dated -1<sup>st</sup> December, 2015

**Prisons Act, 1894.**

No. JLM-1013/C.R. 115/13/PRS-2- In exercise of the powers conferred by clauses (11) and (19) of section 59 of the Prisons Act, 1894 (IX of 1894), in its application to the State of Maharashtra, and of all other powers enabling it in this behalf, the Government of Maharashtra hereby makes the following rules further to amend the Maharashtra Prisons (Bedding, Clothing and Equipment) Rules, 1965. as follows, namely :-

1. These rules may be called the Maharashtra Prisons (Bedding, Clothing and Equipment) (Amendment) Rules, 2015.
2. In the Maharashtra Prisons (Bedding, Clothing and Equipment) Rules, 1965 (hereinafter referred to as "the principal Rules"), for the words "Inspector General of Prison" wherever it occur, the words "Addition Director General of Prisons or Inspector General of Prisons" shall be substituted.
3. In the principal Rules, for the word "women" wherever it occur, the word "female" shall be substituted.
4. In rule 4 of the principal Rules, in sub-rule (1), after the words "accused or murder", the words "being a Naxalite or as escapee" shall be inserted.
5. For rules 5 and 6 of the principal Rules, the following rules shall be substituted, namely:-

"5(1). The clothing, bedding and other necessities of a convicted criminal prisoner shall consist of:—

Article	Male	Female
Cotton, woollen chaddar (according to climate) (2.13m. x 1.219 m.)		
Cotton sheet (2.13 m. x 1.219 m.) ..	1	1
Loom carpet (1.829 m. x 60.96 centimeters).	1	1
Teri Cots shirt ..	2	..
Flannel Cloth jacket ..	1(in cold weather.)	
Teri Cots trousers or shorts (1 long and 1 short).	2	..
Cotton "underpants" ..	2	2
Cotton cap ..	1	..

Sarees (5.486 m. x 106-68 centimeters)	..	2
Cotton bodice	.. ..	2
Sanitary Napkins	.. ..	10
Pillow	.. 1	1
Pillow-slips	.. 1	1
Photo Identity Card in a plastic wallet...	1	1

Provided that, the Superintendent may, with the sanction of the Additional Director General of Police (Prisons) or Inspector General of Prisons. alter or add to the above items according to the season or climate.

(2) Every prison inmate shall be provided with a set of eating and drinking vessels. All vessels will where possible be made of stainless steel and shall be of a uniform pattern. They shall be issued at the following scale:-

Article	Male	Female
Mug	1	1
Thali (Plate)	1	1
Katora (Pot)	1	1

6. *Unconvicted criminal prison (undertials) and convicted criminal prisoners under sentence of simple imprisonment may wear private clothing.*- Subject to the provisions of rule 4, unconvicted criminal prisoners (undertials) (save those accused of murder or being a Naxalite) who are not likely to escape may be allowed to wear their private clothing.”.

7. Rule 7 of the principal Rules shall be deleted.

8. Rule 14 of the principal Rules, for the words “light orange”, the words “yellow” shall be substituted.

9. For rule 17 of the principal Rules, the following rule shall be substituted, namely:-

“17. *Pattern of different articles to be issued to convicted criminal prisoners.*-The patterns of articles of clothing to be provided to different categories of prisoner’s shall be as follows:—

(a) Caps - Plain caps of convict clothing 8.9 centimeters in height.

(b)(i) Shirts for prisoners made of the type popularly known as ‘Nehru Shirt’ which shall be of sufficient length to be worn approximately down to the knee, with one pocket (15.24 centimeters X 10.6 centimeters) on the chest and three buttons in the front.

(ii) Coloured bands shall be stitched on both the sleeves of shirts immediately above elbows to denote the category of the prisoner, as follows, namely:—

<b>Category of prisoner</b>	<b>Kind of Band</b>
1. Casual prisoners with sentence of 5 years or more.	Yellow band of 50.8 millimeters in diameter.
2. Casual prisoners who have escaped from any type of lawful custody with a sentence of less than	Red band of 50.8 millimeters in diameter.

5 years.

3. Casual prisoners who have escaped from any lawful custody with a sentence of 5 years or more.

Red band with a yellow stripe 25.4 millimeters at the top.

4. Habitual prisoners with a sentence of less than 5 years.

Dark blue band of 50.8 millimeters in diameter.

5. Habitual prisoners with a sentence of 5 years or more.

Yellow band with a dark blue stripe 25.4 millimeters in width at the bottom.

6. Habitual prisoners who have escaped from any lawful custody with a sentence of less than 5 years.

Red band with a dark blue stripe 25.4 millimeters in width at the bottom.

7. Habitual prisoners who have escaped from any lawful custody with a sentence of 5 years or more.

Red band at the top with yellow stripe 25.4 millimeters in the middle and dark blue stripe 25.4 millimeters at the bottom.

(8) Naxalite Prisoners

Green Band 50.8 millimeters in Diameter.

(c) Dhotis, Sarees, trousers and pyjamas: -

(i) Sarees for female prisoners are made out of 20s count material and sarees are coloured as follows:

Casual Convicted Female Prisoners - Light Green Sarees with white cholies.

Habitual Female Prisoners - Light Blue sarees with white cholies.

(ii) Cotton trousers for prisoners consisting of shorts to be issued during the summer (1st April to 30th June) and pyjamas which shall reach 10.16 centimeters above the ankles to be issued during the remaining period of the year.

(d) Other articles — (i) Towels measuring 121.92 centimeters X 60.96 centimeters.

(ii) Langotis measuring 91.44 centimeters X 30.48 centimeters with a tape of sufficient length.

(iii) Aluminium mug and katora of the following dimensions:—

(a) Mug—Height 15.24 centimeters and diameter 10.16 centimeters.

(b) Katora—Diameter of top 20.32 centimeters at base 10.74 centimeters and depth 5.8 centimeters.

(iv) C. W. Chaddar and blanket coats shall be made with cotton warp and woollen weft. A cross stripe 50.8 millimeters wide of white wool shall be woven into each blanket and on this stripe the year of manufacture and the initial letters of the manufacturing Prison shall be indelibly marked with Dhobi nut or other permanent marking ink. The stripes on hospital blanket coats shall be red.

(v) Loom Carpets -1.829 meters x 60.96 centimeters are to be issued to all prisoners.”.

9. For rule 21 of the principal Rules, the following rules shall be substituted, namely:-

“**21. Duty of prisoner to preserve clothing for specified period.**- A prisoner shall see that the following articles given to him under these rules last for a period not less than that specified against them :—

Cotton clothing except sheet	...8 months
(6 months in respect of prisoners confined in Open Prisons)	
Flannel Woollen Jacket	... 2 years.
Cotton sheets	... 1 year.
C. W. Chaddar	... 2 years.
Loom Carpet	... 5 years.
Teri cot Shirt or Trouser	... 1 year

**21A. Inspection of clothing and bedding.**- The Superintendent at his weekly inspection or parade of prisoners shall inspect their clothing and bedding and shall satisfy himself that each prisoner's kit is complete and is in proper condition. Suitable arrangements shall be made for washing and cleaning of every article of prisoners' clothing and bedding.”

10. For rule 28 of the principal Rules, the following rule shall be substituted, namely:-

“**28. Maintenance and cleanliness clothing.**- Every prisoner shall be required to wash his clothing and bedding at least once per week usually on a Sunday morning, and at any other time as directed by the Superintendent. The Superintendent may direct prisoners to wash specific items of prison clothing and bedding, and may authorise the issue of the necessary washing materials for this purpose.”

11. In rule 29 of the principal Rules.-

- (i) the words “or Senior Matron” shall be deleted;
- (ii) in clause (c), for the words “the ticket in the lace” the words “her identity card” in the space” shall be deleted.

12. In rule 31 of the principal Rules, for the words “upto three years”, the words “up to six years” shall be substituted.

13. For rule 35 of the principal Rules, the following rule shall be substituted, namely:-

“**35. Photo Identity Cards for prisoners.**- Every prisoner shall be provided with a photo identity card in a plastic wallet. The card shall be affixed to the prisoners clothing above the left breast during the Superintendents weekly rounds and at other times as directed by prison staff. Female prisoners may attach the card to their left sleeve.

The following particulars shall appear on the Photo Identity Card:—

- (1) Prisoner number.
- (2) Name and computer generated photograph
- (3) Section under which convicted. (or charged if an undertrial)
- (4) Date of sentence.
- (5) Sentence.

In the right hand top corner 'Hard' or 'other than hard' according to class of labour given to prisoner shall be mentioned.

(6) In the left hand top corner 'C' or 'H' according to whether the prisoner is a 'casual' or 'habitual', shall be mentioned."

14. Rules 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46 and 47 of the principal Rules shall be deleted.

By order and in the name of the Governor of Maharashtra,

  
(J.L.Pawara)

Deputy Secretary to Government.

## NOTIFICATION

Home Department, Mantralaya  
Madam Cama Marg,  
Hutatma Rajguru Chowk,  
Second Floor, Main Build  
Mumbai- 400 032  
Dated -1<sup>st</sup> December, 2015

### Prisons Act, 1894.

No. JLM-1013/C.R. 115/13/PRS-2- In exercise of the powers conferred by clause (28) of section 59 of the Prisons Act, 1894 (IX of 1894), in its application to the State of Maharashtra, and of all other powers enabling it in this behalf, the Government of Maharashtra hereby makes the following rules further to amend the Maharashtra Prisons (Prisoners' Property and Documents) Rules, 1964, as follows, namely :-

1. These Rules may be called the Maharashtra Prisons (Prisoners' Property and Documents) (Amendment) Rules, 2015.
2. In the, Maharashtra Prisons (Prisoners' Property and Documents) Rules, 1964 (hereinafter referred to as "the principal Rules"), for the words "Inspector General of Prison" wherever it occur, the words "Additional Director General of Prisons or Inspector General of Prisons" shall be substituted.
3. In the principal Rules, for the words "Jail" wherever it occur, the word "Prison" shall be substituted.
4. In rule 2 of the principal Rules, after the words and figure "under section 18" the words and figures "of the Prisons Act, 1894" and after the word "jewellery" the words "and any other valuable items" shall be inserted.
5. In rule 3 of the principal Rules,-
  - (a) in sub-rule (1), for the word "opium" the word "narcotics" shall be substituted.
  - (b) in sub-rule (3), clause (d) shall be deleted;
  - (c) for sub-rule (4), the following sub-rule shall be substituted, namely :-

"(4) A written numbered receipt in duplicate in FORM No. IX signed by the duty orderly officer and the prisoner detailing all items (including cash) taken into custody, giving an exact description of the items removed at the time of admission, shall be issued to the prisoner before he is sent to the reception barrack."
6. After rule 4 of the principal Rules, the following rule shall be added, namely:-

"(4A) *Property of prisoners.*- (1) After every two years the prisoner's property receipt together with the items listed therein shall be verified by the Senior Jailor in the presence of the prisoner, and then the property shall be re-sealed in front of him and signed or thumb impression across the sealing by the prisoner. Any discrepancies shall be immediately brought to the notice of the Superintendent and investigated.

(2) During the prisons annual inspection by the Additional Director General of Police (Prisons) or Inspector General of Prisons or the Regional Deputy Inspector General, the inspection team shall select at random twenty prisoners and perform

the check as provided in sub-rule (1).

(3) Whenever the Senior Jailor is replaced or re-posted the transfer of the prisoner's receipted items to the incoming Senior Jailor is to be conducted in the presence of the prisoner.”

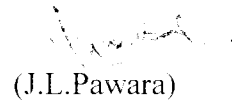
7. In rule 5 of the principal Rules, for the words “Medical Officer” the words “Chief Medical Officer” shall be substituted.

8. In rule 7 of the principal Rules, in sub-rule (1), for the words “Valuable articles of Jewellery including coins of foreign country”, the words “Valuable items such as jewellery, mobile phones, watches etc. including cash of a foreign country” shall be substituted.

9. In rule 10 of the principal Rules, in sub-rule (1), for the words “or the Senior Jail Guard not below the rank of a Naik, if a Havildar is not available” shall be deleted.

10. In rule 17 of the principal Rules, for the figures “20” the figures “5,000” shall be substituted.”

By order and in the name of the Governor of Maharashtra.



(J.L.Pawara)

Deputy Secretary to Government.



**NOTIFICATION**

Home Department, Mantralaya  
 Madam Cama Marg,  
 Hutatma Rajguru Chowk,  
 Second Floor, Main Build  
 Mumbai- 400 032  
 Dated -1<sup>st</sup> December, 2015

**Prisons Act, 1894.**

No. JLM-1013/C.R. 115/13/PRS-2- In exercise of the powers conferred by clause (28) of section 59 of the Prisons Act, 1894 (IX of 1894), in its application to the State of Maharashtra, and of all other powers enabling it in this behalf, the Government of Maharashtra hereby makes the following rules further to amend the Maharashtra Prisons (Facilities to Prisoners) Rules, 1962, as follows, namely :-

1. These rules may be called the Maharashtra Prisons (Facilities to Prisoners) (Amendment) Rules, 2015.
2. In the, Maharashtra Prisons (Facilities to Prisoners) Rules, 1962 (hereinafter referred to as "the principal Rules") for the words "Inspector General of Prison" wherever it occur, the words "Addition Director General of Prisons or Inspector General of Prisons" shall be substituted.
3. In the principal Rules, for the words "Jail Guard" the words "Prison Guards" shall be substituted.
4. In the principal Rules, for the word "women" wherever it occur, the word "female" shall be substituted.
5. In rule 3 of the principal Rules, after sub-rule (4), the following sub-rule shall be added, namely:-  
 " (5) A copy of the rules relating to prisoners interviews shall be placed in a conspicuous position in the prisoner and interviewer sections of the interview room in both Hindi and the local language."
6. Rule 6 of the principal Rules, shall be renumbered as sub-rule (1) thereof and after sub-rule (1), so renumbered the following sub-rule shall be added, namely:-  
 "(2) The Superintendent may permit interviews between male and female prisoners who are related to each other by marriage or blood, when they happen to be confined in the same prison."
7. For the rule 8 of the principal Rules, the following rule 8 shall be substituted, namely:-  
 "8. *Competent authorities to sanction interviews.*- (1) Interviews in respect of the following categories of prisoners shall be permitted only with the

prior sanction of the Superintendent, that is to say :—

(a) Prisoners and undertrials of a political background:

(b) notorious and dangerous convicts, irrespective of their term of sentence;

(c) notorious and dangerous undertrials : and

(d) Prisoners sentenced to death.

(2) The interviews of the following categories of prisoners shall be permitted in prisons, where there is a Deputy Superintendent, with the prior sanction of the Deputy Superintendent, and in other cases with the prior sanction of the Senior Jailor, that is to say :—

(a) Convicted prisoners whose unexpired sentence is more than ten years.

(b) Undertrials.

(3) Interviews to prisoners not falling in any of the categories mentioned in sub-rule (1) or (2) shall be permitted with the prior sanction of the Senior Jailor.

(4) In prisons, where the Jailor acts as a Superintendent also, interviews of all prisoners shall subject to the provisions of these rules, be arranged, with the prior sanction of the Jailor-cum-Superintendent.”.

**8. In rule 9 of the In the principal Rules.-**

(a) in sub-rule (1), for the figure and word “12 noon” the figure and letters “1 p.m.” shall be substituted.

(b) in sub-rule (5), the existing sub-rule shall renumbered as clause (a) thereof and after clause (a) so renumbered the following clause shall be added, namely:-

“(b) Every interview with a terrorist or militant prisoner shall take place in the presence of an officer from the local Police Station or Crime Branch. Security precautions during these interviews are of the utmost importance and prison staff shall be vigilant at all times whilst the interview is taking place.”;

(c) for sub-rule (13) and (14), the following sub-rules shall be substituted, namely:-

“(13) Every interview shall be granted at a place reserved for the purpose, which shall generally be at or near the main gate of the prison. The interview room shall where possible have clear perspex partitions with telephone style intercom facilities so that the prisoners may have a peaceful interview. The interview room shall be divided into cubicles and have a sound proofing materials covering its wall and ceiling.

(14) Interviews to female prisoners shall, as far as possible, be given in the female section of the prison. In a prison where there are no facilities in the female section for interviews to take place they shall be taken in the room set aside for interviews but they are not to be conducted at the same time as the male prisoners interviews.”.

**9.** In rule 10 of the principal Rules.-

(a) in sub-rule (1), the following portion shall be added at the end, namely:-

“Interviewers mobile phones are to be handed to a member of the prison staff (switched off) for safe keeping whilst an interview is taking place. The mobile phones shall be collected on leaving the interview room and only switched on when come out of the prison premises.”.

(b) in sub-rule (2), for the word “at” the word “in” shall be substituted.

**10.** In rule 15 of the principal Rules, the words “or a class of convicted criminal prisoners” shall be deleted.

**11.** In rule 17 of the principal Rules.-

(a) for sub-rule (3) and (4), the following sub-rules shall be substituted, namely:-

“(3) Prisoners may be allowed to write letters at the scale mentioned below:-

(a) Undertrial prisoners may be allowed to write four letters per calendar month, two at State Government cost and two at their own cost.

(b) Convicted prisoners may be allowed to write two letters per calendar month, one at State Government cost and one at their own cost.

(4) Ordinarily prisoners may be allowed inland letters and post cards. Envelopes may be issued or permitted only, when considered essential by the Superintendent. Foreign National prisoners may be allowed the use of international aerogrammes.”;

(b) in sub-rule (8), after the word “registered” the words “speed post” shall be inserted:

(c) in sub-rule (12), for the words “of this rules the words brackets and figures” “of sub-rule (3)” shall be substituted..

**12.** In rule 18 of the principal Rules, in clause (b), after the word “taxes” the word “fines” shall be inserted.

**13.** In rule 19 of the principal Rules, the words “in the history ticket” shall be deleted.

**14.** For rule 28 of the principal Rules, the following rule shall be substituted, namely:-

**28. Every prison to have Library.-** Every Central and District Prison Class I including the Special Prison shall have a library for the use of prisoners free of charge. The following facilities in the prison library should be provided:-

(a) Books in the library shall cater to the needs of different educational standards, satisfaction of intellectual needs and to help inmates develop their knowledge and skills.

(b) The prison library shall be properly equipped with books, magazines, and newspapers. These shall be issued to the prisoners on request. Inmates shall be encouraged to develop reading habits.

(c) A teacher or librarian shall be employed for the management of the library. The services of educated prisoners shall also be utilised, under the direct supervision of the librarian, to run the library. The librarian shall arrange for and make available books on various subjects for satisfying the needs of prisoners. The librarian shall keep a record of books and periodicals available in the library which shall be catalogued by title, author and subject.

(d) Donations of books by Non-Government Organization and educational institutions shall be encouraged and welcomed. Public and Government schools shall be encouraged to adopt the educational programs being run for the benefit of prison inmates.”.

**15.** In rule 35 of the principal Rules, sub-rule (1) shall be deleted.

**16.** In rule 36 of the principal Rules, for the words “dormitories or cells or on other jail buildings” the words “housing units or on other prison buildings.” shall be substituted.

**17.** For rules 38, 39, 40 and 41 of the principal Rules, the following rules shall be substituted, namely:-

**38. (1) Cultural activities.-** Cultural and recreational activities shall be organised in all institutions for maintaining the mental and physical health of prisoners. These activities are the basic elements of rehabilitations programmes for prisoners. These shall form the integral part of an institutional regime.

(2) Independence Day, Republic Day and Mahatma Gandhi's Birthday shall be celebrated in each prison so as to inculcate a feeling of patriotism among the prisoners. Cultural programmes may also be organised on such occasions and special food can be served to the prisoners in accordance with the Diet of Prisoners Rules at State Government cost and through the prison canteen at the prisoners cost.

**39. Other activities.-** Recreational and Cultural activities shall be organised depending upon various conditions such as availability of space, the climate and weather, composition of inmates and arrangements for security. Such activities may include:-

(a) Outdoor games like cricket, *kabaddi*, wrestling, volley ball, badminton, football, tug of war and basket-ball.

(Note: - Sports equipment shall be locked away securely when not in use.)

(b) Fitness training and gymnastics.

(c) Indoor games like Chess, Ludo, Snakes and Ladders and Carom.

(d) Film shows: historical, patriotic, biographical, scientific and educational films, travelogues, documentaries, newsreel, and films dealing with social themes shall be shown. Films depicting crime, sex, violence, and such other subjects that may have a damaging effect on the minds of inmates shall not be shown. Each central and district

prison and Kishor Yuva Sadan, should have audio-visual equipment for showing films to inmates. A library of suitable films should be developed at the headquarters of the Additional Director General of Police (Prisons) or Inspector General of Prisons and these films shall be circulated between the various institutions. A Close liaison shall be established between the Department of Prisons and Correctional Services and the Film Industry, Department of Information and Broadcasting, Film and TV Institutions, Film Societies and other organisations which can supply suitable films for showing to the inmates.

(e) *Music*: Music programmes may consist of radio music, recorded music, group singing, folk music, instrumental music and orchestra.

(f) *Community and folk dances*: Group and folk dances may be performed on festivals and social occasions.

(g) *Drama*: Social values and models of behaviour can be presented before the inmates through dramatic performances. Dramas dealing with social problems, pageants, musical dramas, tableau, soliloquies, radio plays and humorous skits may be performed for the benefit of inmates. Inmates themselves can be encouraged to take part and organise these activities.

(h) *Arts and crafts*: The prisoners can maintain their individuality through these activities.

(j) *Reading*: Inmates shall be encouraged to read books, newspapers and magazines.

(k) *Television*: The channels to be shown especially if cable or satellite TV is being used and their timings shall be carefully selected by the Superintendent of prison.

**40. *Place of games***.- There shall be a play area for outdoor games and a community hall (or an existing building which could double up as a community hall as needed) in every prison.

**41.** The non-Governmental Organisation shall be extensively involved in organising cultural and recreational activities and where possible they shall be encouraged to lend equipment for the benefit of prisoners. Well known personalities in the field of art, sports, literature, culture and music shall be invited to the prison as guests on various occasions to inspire the prisoners and be role-models for them.”.

**18.** In rule 46 of the principal Rules, after sub-rule (4), the following sub-rule shall be added, namely:-

“(5) The wages may, if so desired, be deposited in a saving bank in the name of the concerned prisoner. Deposits shall be made on a fixed date every month and the passbook shall be kept by the prisoner concerned.”.

**19.** In rule 47 of the principal Rules,

(a) in sub-rule (1), in clause (g), after the word "papers" the words "postage stamps" shall be added;

(b) in sub-rule (4), in clause (c), in *Explanation*, for the words "and removing night soil and cess-pool water" the words "and drains and removing waste matter from the housing units" shall be substituted;

(c) in sub-rule (4), in clause (e), for the words "twenty-three years" the words "eighteen years" shall be substituted.

**20.** In rule 49 of the principal Rules, in clause (c), for the words "twenty-three years" the words "eighteen years" shall be substituted.

By order and in the name of the Governor of Maharashtra,

  
(J.L.Pawara)

Deputy Secretary to Government.

## NOTIFICATION

Home Department, Mantralaya  
Madam Cama Marg,  
Hutatma Rajguru Chowk,  
Second Floor, Main Build  
Mumbai- 400 032  
Dated -1<sup>st</sup> December, 2015

### Prisons Act, 1894.

No. JLM-1013/C.R. 115/13/PRS-2- In exercise of the powers conferred by clause (24) of section 59 of the Prisons Act, 1894 (IX of 1894), in its application to the State of Maharashtra, and of all other powers enabling it in this behalf, the Government of Maharashtra hereby makes the following rules further to amend the Maharashtra Prisons (Petition and Appeal) Rules, 1962, as follows, namely :-

1. These rules may be called the Maharashtra Prisons (Petition and Appeal) (Amendment) Rules, 2015.
2. In rule 2 of the Maharashtra Prisons (Petition and Appeal) Rules, 1962 (hereinafter referred to as "the principal Rules"), after clause (ix), following clause shall be added, namely:-

“(x) The Superintendent shall communicate a list of prisoners of the following categories to the Duty Counsel, State Legal Services Authority at the High Court, or the Legal Services Department at the Supreme Court, as the case may be, on a continuous basis for the providing of legal aid and assistance to them (unless it is known they are legally represented):-

  - (a) Undertrial prisoners who are old and infirm, including female prisoners who are pregnant or have babies to be nourished.
  - (b) Undertrials who have spent more than three months in prison and who have no means to engage counsel.
  - (c) Persons arrested on suspicion under section 41 of the Code of Criminal procedure, 1973 (2 of 1974) who have been in prison beyond a period of fifteen days.
  - (d) Undertrials who the Superintendent has reason to think that they are under the age of eighteenth years and thereby shall be confined away from adult prisoners.
  - (e) Any convicted prisoner who has already filed an appeal through the prison authorities as provided in section 383 of the Code of Criminal Procedure, 1973 (2 of 1974) and who has given in writing his desire to avail of free legal aid. The Superintendent shall also supply information to the duty counsel regarding such appeals along with a copy of the memorandum of appeal if available.
  - (f) Prisoners or the members of their family requiring legal assistance in any civil or criminal proceedings.”.
3. In rule 3 of the principal Rules, for the words "Medical Officer" the words "Chief Medical Officer" shall be substituted.
4. In rule 13 of the principal Rules, in sub-rule (1), for clauses (b) and (c) the

following clauses shall be substituted, namely:-


“(b) if the copy of the judgement is not received by the prisoner, the Superintendent shall immediately address the court, on his behalf, for sending its transcript. In the event of such transcript or the judgement being sent to the prison authorities for delivery to a prisoner by the appellate or any other court, the official concerned shall get it delivered to the prisoner and obtain a written acknowledgement from the concerned prisoner. If, before the receipt of the transcript of the judgement, the prisoner has been transferred to another prison, or to the custody of any other officer, the transcript of the judgement shall on receipt, be forwarded without delay to the Superintendent of such prison or such officer, as the case may be, who has custody of the prisoner. Until such time as the transcript of the judgement is received by the prisoner the Superintendent of the prison shall ensure a reminder for sending a copy of the judgement has been sent to the concerned court every week. If the copy of the judgement is not received within a period of one month of the date of forwarding the application to the court, the Superintendent of the prison shall give details of the same to a prison officer to visit the court personally and collect a copy of the judgement and delivered it to the prisoner.

(c) a prisoner’s friend or counsel shall be allowed to communicate with the prisoner for the purpose of assisting him in drawing the petition of appeal or application:

(d) if a prisoner is unable to write or has no friends or agents who can draw up the Petition, the Superintendent shall arrange for the legal aid cell attached to the prison to prepare his appeal petition. The Superintendent shall not be obliged to give assistance in the preparation of appeals of prisoners who omit to give notice of their intention to appeal before the period of limitation has expired. A prisoner, whose petition or appeal is written by someone else on his behalf shall be given a full opportunity of expressing himself and his case shall, as far as possible, be recorded in his own words. Printed forms of appeal petitions shall not be used.”.

5. In rule 18 of the principal Rules, in sub-rule (2), after the words “and reported to the court concerned” the words “by letter that the aforementioned has been completed by the Prison Superintendent” shall be added.

By order and in the name of the Governor of Maharashtra,



(J.L.Pawara)

Deputy Secretary to Government.



## NOTIFICATION

Home Department, Mantralaya  
Madam Cama Marg,  
Hutatma Rajguru Chowk,  
Second Floor, Main Build  
Mumbai- 400 032  
Dated -1<sup>st</sup> December, 2015

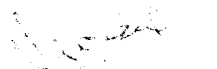
### Prisons Act, 1894.

No. JLM-1013/C.R. 115/13/PRS-2- In exercise of the powers conferred by clause (27) of section 59 of the Prisons Act, 1894 (IX of 1894), in its application to the State of Maharashtra, and of all other powers enabling it in this behalf, the Government of Maharashtra hereby makes the following rules further to amend the Maharashtra Prisons (Safe Custody of Prisoners) Rules, 1970, as follows, namely:-

1. These rules may be called the Maharashtra Prisons (Safe Custody of Prisoners) (Amendment) Rules, 2015.
2. In the Maharashtra Prisons (Safe Custody of Prisoners) Rules, 1970 (hereinafter referred to as "the principal Rules") for the words "Inspector General of Prison" wherever it occur, the words "Additional Director General of Police (Prisons) or Inspector General of Prisons".
3. For rule 2 of the principal Rules, the following rule shall be substituted, namely:-  
"2. *General provisions regarding safe custody of prisoners.*- There shall be a guarding establishment in every prison, the strength of which shall be determined from time to time by the Additional Director General of Police (Prisons) or Inspector General of Prisons, having regard to the safe custody of the prisoners to be confined therein. The guarding cadre shall be responsible for the guarding of prisoners, prison premises, gates, circles, yards, towers, workshops, tools, plants etc., and carrying out any other duties which may be assigned to them. The guarding establishment are to perform their duties in rotation. They shall carry out the internal and external guarding of the prison, together with the supervision of prisoners during their working hours.
4. For the rule 3 of the principal Rules, the following rule shall be substituted, namely:-  
"3. *Police help for safe custody prisoners in certain cases.*- (1) Secure custody of inmates is the primary responsibility of the prison. The overall objectives of reform and rehabilitation have to be pursued within the framework of custody. Furthermore, prison custody implies certain restrictions on the basic human rights of inmates due to the nature of the imprisonment itself.  
(2) Notwithstanding anything contained in any other rules made under the Prisons Act, 1894 for ensuring the safe custody of any prisoner or prisoners who pose special escape risks, or on occasions when the influx of prisoner is large so as to endanger the existing security arrangements, the Superintendent may, with the prior approval of the Additional Director General of Police (Prisons) or Inspector General of Prisons, seek the help of the Police Department and request the

Superintendent of Police, or the Commissioner of Police, as the case may be, to provide armed, unarmed or Special Reserve Police Guards and Police Officers inside the prison, for being posted at such points and for such a period as he may from time to determine.”.

By order and in the name of the Governor of Maharashtra,



( J.L.Pawara)

Deputy Secretary to Government.

**NOTIFICATION**

Home Department, Mantralaya  
 Madam Cama Marg,  
 Hutatma Rajguru Chowk,  
 Second Floor, Main Build  
 Mumbai- 400 032  
 Dated -1<sup>st</sup> December, 2015

**Prisons Act, 1894.**

No. JLM-1013/C.R. 115/13/PRS-2- In exercise of the powers conferred by clauses (3), (4) and (28) of section 59 read with clauses (6) and (7) of section 46 of the Prisons Act, 1894 (IX of 1894), in its application to the State of Maharashtra, and of all other powers enabling it in this behalf, the Government of Maharashtra hereby makes the following rules further to amend the Maharashtra Prisons (Punishments) Rules, 1963, as follows, namely :-

1. These rules may be called the Maharashtra Prisons (Punishments) (Amendment) Rules, 2015.
2. In the Maharashtra Prisons (Punishments) Rules, 1963 (hereinafter referred to as "the principal Rules"), for the word "Inspector General of Prison" wherever it occur, the words "the Additional Director General of Police (Prisons) or Inspector General of Prisons" shall be substituted.
3. In the principal Rules, for the word "woman" the word "female" shall be substituted.
4. For rule 2 of the principal Rules, the following rule shall be substituted, namely:-

*"2. Powers of jailor to place prisoner in restraint in certain circumstances.-*Where a jailor on his own authority places a prisoner in restraint for his safety and wellbeing, he shall make a report of the circumstance in Register No. 13 and give notice thereof to the Superintendent for such orders as the Superintendent considers appropriate."

5. For rule 6 of the principal Rules, the following rule shall be substituted, namely:-

*"6. Cells for female prisoner.-*In the female section of every prison there shall be a block of cells in sufficient number for use as punishment cells and to afford separate accommodation for female undertrial prisoners. A female criminal prisoner may, at the discretion of the Superintendent, if cell accommodation is available, have the choice of occupying a cell in the female section of the prison instead of being confined in the criminal prisoners' ward:

Provided that, necessary arrangements for guarding of cells in the females barracks and the custody of the keys of these cells can be made."

6. Rules 7, 8, 9, 10, 11, 12 and 13 of the principal Rules shall be deleted.
7. Rules 21, 22 and 23 of the principal Rules shall be deleted.

By order and in the name of the Governor of Maharashtra.

(J.L.Pawara)  
 Deputy Secretary to Government.

## NOTIFICATION

Home Department, Mantralaya  
Madam Cama Marg,  
Hutatma Rajguru Chowk,  
Second Floor, Main Build  
Mumbai- 400 032  
Dated -1<sup>st</sup> December, 2015

### Prisons Act, 1894.

No. JLM-1013/C.R. 115/13/PRS-2- In exercise of the powers conferred by clauses (1), (6), (10), (13) and (28) of section 59 of the Prisons Act, 1894 (IX of 1894), in its application to the State of Maharashtra, and of all other powers enabling it in this behalf, the Government of Maharashtra hereby makes the following rules further to amend the Maharashtra Prisons (Discipline) Rules, 1963, as follows, namely :-

1. These rules may be called the Maharashtra Prisons (Discipline) (Amendment) Rules, 2015.
2. In the Maharashtra Prisons (Discipline) Rules, 1963 (hereinafter referred to as "the principal Rules"), for the words "Inspector General of Prison" the words "Additional Director General of Police (Prisons) or Inspector General of Prisons" shall be substituted.
3. In the principal Rules, for the word "Jail" the word "Prison" shall be substituted.
4. In the principal Rules, for the word "woman" the word "female" shall be substituted.
5. In rule 5 of the principal Rules,-
  - (a) in sub-rule (1),-
    - (i) for the words "or Matron" the words "and Female Guards" and for the word "matron" the words "female guard or female convict officer" shall be substituted;
    - (ii) after the words "guards shall" the words "be used to" shall be inserted.
  - (b) in sub-rule (2), for the words "and for the purpose of interview, release or transfer" the words "unless it is for the purpose of interview, release, court attendance or transfer" shall be substituted.
  - (c) in sub-rule (3), for the word "Matron" the word "Female Jailor" shall be substituted.
6. In rule 6 of the principal Rules, for the words "a Superintendent" the words "a Superintendent and Additional Superintendent" shall be substituted.
7. In rule 7 of the principal Rules, in sub-rule (2), after the word "register" the word and figure "Form I" shall be inserted.
8. In rule 11 of the principal Rules,-
  - (i) in para 3, for the word "officer" the word "person" shall be substituted;
  - (ii) para 4 shall be deleted.
9. For rule 12 of the principal Rules, the following rule shall be substituted, namely:-

"12. Prisoners how to behave etc.- (1) Strict silence shall be maintained as instructed by a member of the prison staff or a convict officer except where any enquiry or instructions relating to work are concerned. There shall be no unauthorised singing in the housing units at any time and quarrelling between

prisoners is at all times strictly forbidden.

(2) No prisoner shall be allowed to leave his bed for any purpose without first obtaining the permission of the watchman or inmate in charge of the housing unit. No prisoner shall sit or lie on any other prisoner's bed."

**10.** In rule 13 of the principal Rules.-

(i) in clause (a), for the words "of prison staff" the words "on the prison staff" shall be substituted.

(ii) in clause (c), for the word "singing," the words "unauthorized singing" shall be substituted;

(iii) in clause (d), for the word "class" the "category" shall be substituted.

(iv) in clause (e), for the words "the Jailor or Warder;" the words "any Jailor or Guard" shall be substituted;

(v) in clause (l), for the words "cook room or feeding platforms" the words "kitchen or feeding areas" and for the words "wards or cells" the words "housing units" shall be substituted;

(vi) for clause (n), the following clause shall be substituted, namely:-

"(n) keep to the bed space provided in their allocated housing unit and to keep to the allocated work area which has been assigned to them."

(vii) for clause (o), the following clause shall be substituted, namely:-

"(o) not loiter about the yards or in the housing units after the doors have been opened, unless so authorised by a member of staff.":

(viii) in clause (p), for the words "make water" the word "urinate or defecate" and the word "injury" the word "damage" shall be substituted;

(ix) for clause (q), the following clause shall be substituted, namely:-

"(q) show respect and not to strike, assault or threaten any member of the prison staff, visitors to the prison or any prisoner;".

**11.** In rule 14 of the principal Rules, for the word "Jailor" wherever it occur, the words "Senior Jailor" shall be substituted.

**12.** For rules 15 and 16 of the principal Rules, the following rules shall be substituted, namely :-

"15 (1) *Shaving and haircutting of prisoners.*- In respect of shaving and haircutting of prisoners the services of prisoner barbers shall be utilised. Shaving or clipping shall be done at Government cost once a week.

(2) Soap for shaving of prisoners and brushes for lathering purposes may be provided at Government cost.

(3) No male prisoner except a Sikh shall be allowed to wear his hairs unduly long. Hindus shall, however, be allowed to maintain a Shendi and Muslims a beard of reasonable length.

16. *Cutting of hair of female prisoners etc.*- Female prisoners shall be allowed to cut their hair as and when necessary and the services of other female prisoners knowing this trade shall be utilised."

**13.** In rule 17 of the principal Rules, for the portion beginning with the words "No person shall" and ending with the words "any of the following articles:-", the following shall be substituted, namely:-

"No person shall except in accordance with these rules and with permission of the

Additional Director General of Police (Prisons) or Inspector General of Prisons, the Deputy Inspector General of Prisons (Regional), the Superintendent, the Additional Superintendent or Deputy Superintendent (where there is one), the Senior Jailor or the Chief Medical Officer, introduce or remove or attempt to introduce or remove into or out of a prison or supply or attempt to supply to a prisoner outside the limits of a prison any of the following articles:—”.

14. For the rule 19 of the principal Rules, following shall be substituted, namely:-

“19. *Acts constituting prison Offences:* - The following acts shall constitute minor and major prison offences within the meaning of section 45, and whoever wilfully commits any of the said acts shall be deemed to have wilfully disobeyed the regulations of the prison and to have committed a prison offence, namely :—

**Minor Prison Offences-**

- (i) talking when ordered by an officer of the prison to desist, unauthorised singing, loud laughter and loud talking ;
- (ii) quarrelling with any other prisoner ;
- (iii) answering untruthfully any question put by any officer or a visitor;
- (iv) loitering about the yards, or lingering in the barrack when these are open unless so authorised by prison staff ;
- (v) omitting or refusing to march in file when moving about the prison ;
- (vi) unnecessarily visiting the bathroom / toilet areas thereby creating a nuisance;
- (vii) smoking in places or at times other than as allowed by the prison superintendent.
- (viii) Refusing to reduce the television volume or to switch off the set when so ordered.

**Major Prison Offences-**

- (i) secreting any article whatever ;
- (ii) showing disrespect to any prison officer or visitor ;
- (iii) making groundless complaints ;
- (iv) holding any communication (in writing, by word of mouth, or otherwise) with an outsider, with a prisoner of the opposite sex, civil, detunes, approvers or undertrial prisoner, or a prisoner of a different category, in disobedience of the regulations of the prison ;
- (v) abetting the commission of any prison offence ;
- (vi) omitting to assist in the maintenance of discipline by reporting any prison offence or to give assistance to an officer of the prison when called upon to do so ;
- (vii) doing any act or using any language calculated to wound or offend the feelings and prejudices of a fellow prisoner especially concerning his religious beliefs and faiths;
- (viii) doing any act calculated to create any unnecessary alarm in the minds of the prisoners or officers of the prison ;
- (ix) leaving without permission of an officer of the prison, the gang to which he is attached or the part of the prison in which he is confined ;
- (x) leaving without permission of an officer of the prison the building, the yard, the place in file, the seat or the berth assigned to him ;
- (xi) refusing to eat food or the food prescribed in the prison diet scale ;

- (xii) eating or appropriating any food not assigned to him, or taking from or adding to the portions assigned to other prisoners ;
- (xiii) removing, without permission of an officer of the prison, food from the kitchen, or disobeying any order as to the issue and distribution of food and drink ;
- (xiv) bartering of canteen articles between prisoners and the purchasing of canteen articles in the name of another prisoner;
- (xv) wilfully destroying food, or throwing it away without orders ;
- (xvi) introducing into food or drink anything likely to render it unpalatable or unwholesome ;
- (xvii) omitting or refusing to wear the clothing given to him, or exchanging, any portion of it for the clothing of other prisoners, or losing, discarding, damaging or altering any part of it ;
- (xviii) removing, defacing, or altering any distinctive number, mark or badge attached to, or worn on, the clothing or person ;
- (xix) omitting or refusing to keep the person clean, or disobeying any order regulating the cutting of hair or nails ;
- (xx) omitting or refusing to keep clean his clothing, blankets, bedding, eating utensils or identification card, or disobeying any order as to the arrangements or disposition of such articles ;
- (xxi) tampering in any way with prison locks, bars or lights or other property with which he has no concern ;
- (xxii) stealing the prison clothing or any part of the prison kit from any other prisoner ;
- (xxiii) committing a nuisance in any part of the prison ;
- (xxiv) spitting on or otherwise soiling any floor, door, wall or other part of the prison building or any article in the prison ;
- (xxv) wilfully fouling the walls, latrines, washing or bathing places ;
- (xxvi) damaging the trees and vegetables in the prison garden or maltreating the prison cattle and other animals;
- (xxvii) omitting or refusing to take due care of the prison property entrusted to him;
- (xxviii) omitting or refusing to take due care of or injuring, destroying or misappropriating the materials and implements entrusted to him for work ;
- (xxix) omitting to report at once any loss, breakage or injury which he may accidentally have caused to prison property or implement ;
- (xxx) manufacturing any article without the knowledge or permission of an officer of the prison;
- (xxxi) performing any portion of the task allotted to another prisoner, or obtaining the assistance of another prisoner in the performance of his own task;
- (xxxii) appropriating any portion of the task performed by another prisoner;
- (xxxiii) mixing or adding any foreign substance to the materials issued for work;
- (xxxiv) doing or omitting to do any act with intent to cause to himself, any illness, injury or disability;
- (xxxv) causing or omitting to assist in suppressing violence or in/ subordination of any kind ;
- (xxxvi) taking part in any attack upon any prisoner or officer of the prison:

(xxxvii) omitting or refusing to help any officer of the prison in case of an attempted escape or of an attack upon such officer or upon another prisoner:  
 (xxxviii) disobeying any lawful order of an officer of the prison or omitting or refusing to perform duties in the manner prescribed, by or under these rules.  
 (xxxix) agitating or acting on the basis of caste or religious prejudices;  
 (xl) Sending messages surreptitiously either in writing or verbally.”.

15. For rule 21 of the principal Rules, the following rule shall be substituted, namely :-  
 “21. *Military prisoners not to wear uniforms.*- (1) Military prisoners shall not wear their uniform whilst in prison either as undertrial or convicts. The prison authority shall supply white prison uniform different from the regulation uniform (i.e. without the regulation blue stripes) for military prisoners if they do not have civil dress to wear as an undertrial prisoner.  
 (2) Convicted military prisoners shall wear the regular uniform as prescribed in the rules.”.
16. In rule 22 of the principal Rules, for the words “little irksome” the words “un-stressful” shall be substituted.
17. In rule 23 of the principal Rules, for the words “ward or cell” the words “housing unit”, and for the words “tampered with the rules for the good order and management” the words “disobeyed the rules” and for the words and figures “Register No. 12” the word and figures “Form II” shall be substituted.
18. In rule 24 of the principal Rules,  
 (i) for the words “Medical officer” the words “Chief Medical Officer” shall substituted:-  
 (ii) for the words “injuriously affected” the word “injured”, for the words “think the case requires” the words “deem necessary” shall be substituted.
19. For rule 26 of the principal Rules, the following rule shall be substituted, namely :-  
 “26. *Steps to be taken in case of disturbance in prisons.*- In the event of a serious outbreak or disturbance, the prison official present at the scene of the occurrence shall raise an alarm by blowing his whistle and on hearing this the other prison staff shall blow their own whistles. This shall be followed by the sounding of a bell and or siren. Every prison official outside the prison shall at once proceed to the appointed place under rule 25 and arm himself with equipment as ordered by the senior most prison officer present. A messenger shall be sent by the senior officer present to the Superintendent, and the Additional, Superintendent, Deputy Superintendent (where there is one) and the Senior Jailor who shall summon every available man.”.
20. In rule 27 of the principal Rules, for the word “seniormost” the words “senior most” and for the words “fired on” the words “fired upon” shall be substituted.
21. For rule 28 of the principal Rules, the following rule shall be substituted, namely :-  
 “28. *Prisoners outside prison to be collected and halted.*- Prisoners who are outside the prison when the alarm is sounded shall at once be collected and made to sit close together under the charge of their escort staff until the disturbance is over. If the situation permits, these groups shall be taken into the prison and locked up in a housing unit so that the prison guards in charge of the group can be released for other duties.”.



22. In rule 29 of the principal Rules, for the words "load and" the words "load weapon and" shall be substituted.
23. In rule 30 of the principal Rules.-
- (i) for the word "ward" the words "housing unit" shall be substituted.-
  - (ii) for the word "admit of delay" the word "permit" shall be substituted;
  - (iii) for the word "refractory" the word "unruly" shall be substituted.
  - (iv) after the words "the Senior Jailor or the Superintendent" the words "or Additional Superintendent or Deputy Superintendent (where there is one)" shall be inserted.
24. For rule 31 of the principal Rules, the following rule shall be substituted, namely :-
- "31. Use of Force against Prisoners.-** Any officer or member of the guarding staff of a prison may use a bayonet or any other weapon against any prisoner when he is found to be.-
- (a) escaping or attempting to escape if the officer or member of the guarding staff has reasonable grounds to believe that he cannot otherwise prevent the escape;
  - (b) engaged in any riot, outbreak or attempt to force or break open the outer gate or enclosure wall of the prison individually or collectively, provided that, he may use the weapon only if such an outbreak or attempt continues;
  - (c) using violence against any member of the prison staff, visitors or against another prisoner provided that there is reasonable grounds to believe that those staff members, visitors, or prisoners are in danger of loss of life or limb or, that serious injury is likely to be caused to any person."

25. For rule 32 of the principal Rules, the following rule shall be substituted, namely:-

**"32. Use of arms etc. in presence of Senior Officers.-** In all cases requiring the use of force only minimum force, in the given circumstance, shall be used and weapons shall only continue to be used until such time as the incident is contained."

26. For rule 33 of the principal Rules, the following rule shall be substituted, namely:-

**"33. Minimum force to be used.-** No officer or guard of the prison shall use firearms of any sort against a prisoner in the presence of his superior officer, except under the orders of such superior officer unless it is in self defence."

27. In rule 34 of the principal Rules, for the words "is threatened" the words "or the prison staff are threatened" shall be substituted.

28. In rule 35 of the principal Rules, after the words "The Superintendent," the words "the Additional Superintendent (where there is one)" shall be inserted.

29. For rule 39 of the principal Rules, the following rule shall be substituted, namely :-

**"39. Notice of escape of prisoner to be given and reports.-** (1)(a) When a prisoner escapes or attempts to escape a siren or an alarm bell which can be easily heard at the quarters of the prison staff shall be sounded and in places where prisoners are employed in large numbers the alarm shall be loud enough to be heard at main gate.

(b) The sequence of alarm shall start with the blowing of a whistle, followed by the sounding of the siren or and the striking of the alarm bell which shall indicate the need for urgent help because of an escape or escape attempt is in

progress.

(c) If the escape takes place during the night and there is a possibility of the prisoner still being inside the prison, a thorough search shall be made with torch lights in all areas.

(2) Where a prisoner escapes, immediate notice shall be given to the Superintendent of Police and the District Magistrate with a full description of the prisoner. If the prisoner belongs to another district, similar information shall be sent to the police authorities of that district.

(3) The Superintendent shall—

(a) give immediate intimation of the escape of a prisoner direct to the State Crime Records Bureau, Pune, in order to facilitate the re-arrest of the absconder:

(b) send a telegraphic or fax report on the same day to the Regional Deputy Inspector General of Prisons concerned and the Additional Director General of Police (Prisons) or Inspector General of Prisons who may order that a notice of escape of prisoners and of the rewards offered for their re-capture shall be published in the District Gazette and other publications as deemed necessary:

(c) send subsequently a further report with full details in a tabular statement in Form III containing information as to the time and circumstances under which the escape was effected, the party or parties through whose neglect it occurred, whether the prisoner has been recaptured, and if not, what measures have been adopted to effect his recapture. The escaped prisoners recapture at any future time shall also be reported ; and

(d) also send copies of reports referred to in clauses (b) and (c) direct to the State Government.”.

30. For rule 40 of the principal Rules, the following rule shall be substituted, namely:-

“40. *Escape from extramural work.*- Where a prisoner escapes from a gang on extramural work, the officer in charge shall immediately sound the alarm and collect the rest of the gang, detach one of his escorts, if any is available, to follow the escaped prisoner, and march the gang back to the prison, where he shall report the fact of the escape to the Senior Jailor who shall dispatch as many of the standing guard as can be spared to assist in searching for and apprehending the escapee.”.

31. For rule 41 of the principal Rules, the following rule shall be substituted, namely:-

“41. *Recaptured prisoners to be received on original warrant.*- (1) An escaped prisoner who is recaptured may be received back into the prison on the original warrant.

(2) The warrant of a prisoner who escapes from prison shall be retained in the prison for ten years from the date of his escape. If he is not recaptured within that period, it shall be returned to the committing court with an endorsement giving the reasons.”.

By order and in the name of the Governor of Maharashtra,

(J.L. Pawara)

Deputy Secretary to Government.

**NOTIFICATION**

Home Department, Mantralaya  
 Madam Cama Marg,  
 Hutatma Rajguru Chowk,  
 Second Floor, Main Build  
 Mumbai- 400 032  
 Dated -1<sup>st</sup> December, 2015

**Prisons Act, 1894.**

No. JLM-1013/C.R. 115/13/PRS-2- In exercise of the powers conferred by clauses (11), (27) and (28) of section 59 of the Prisons Act, 1894 (IX of 1894), in its application to the State of Maharashtra, and of all other powers enabling it in this behalf, the Government of Maharashtra hereby makes the following rules further to amend the Maharashtra Prison (Diet for Prisoners) Rules, 1970, as follows, namely :-

1. These rules may be called the Maharashtra Prison (Diet for Prisoners) (Amendment) Rules, 2015.
2. In the Maharashtra Prison (Diet for Prisoners) Rules, 1970 (hereinafter referred to as "the principal Rules"), for the words "Inspector General of Prison" wherever it occur, the words "Additional Director General of Police (Prisons) or Inspector General of Prisons" shall be substituted
3. In the principal Rules, for the word "jail" the word "Prison" shall be substituted.
4. In the principal Rules, for the word "Medical Officer" the word "Chief Medical Officer" shall be substituted.
5. In rule 3 of the principal Rules, for the words "A convicted" the words "An undertrial" shall be substituted.
6. In rule 4 of the principal Rules, after the words "which cannot be stored are sold" the words "at prevailing market rates" shall be added.
7. In rule 5, of the principal Rules, -
  - (a) in rub-rule (1), after the words "surplus vegetables shall be sold" the words "at prevailing market rates" shall be added.
  - (b) in sub-rule (2), for the words "annual report" the words "prison's annual report" shall be substituted.
8. In rule 12 of the principal Rules.-
  - (i) the entry relating to "Molasses" shall be deleted;
  - (ii) for the word "gram" the words " gram flour" shall be substituted.
9. In rule 13 of the principal Rules.-
  - (i) in sub-rule (2), for the words "for food of" the words "as food for" shall be substituted as:
  - (ii) for sub-rule (6), the following sub-rule shall be substituted, namely:-  
 "(6) proper places are used for the convenient and orderly distribution of food to prisoners and suitable utensils and other appliances for the consumption of food are duly provided."
10. In rule 14 of the principal Rules.-
  - (a) in sub-rule (3), for the words "Medical Officer" the words "the Superintendent in consultation with the Chief Medical Officer," shall be substituted;

(b) sub-rule (8) shall be deleted:

(c) for sub-rule (9), the following sub-rule shall be substituted, namely:-

“(9) The allowance of fuel laid down in the diet scales in the Appendix is the maximum. Endeavour shall, however, be made to reduce the quantity by the economical use of all types of fuel used for cooking. The use of evens with covering flues and a damper in the main chimney.”.

11. Rule 15 of the principal Rules, the following rule shall be substituted, namely:-

“15. *Ration diet.*- (1) The diet ration and tea, excluding ration required for conjee breakfast, shall be divided into two equal parts, and served at two principal meals morning and evening.

(2) The management of a kitchen or the cooking of the food on a caste or religious basis for both male and female inmates is totally banned in prison kitchens.”.

12. For rule 17 of the principal Rules, the following rule shall be substituted, namely:-

“17. *Diet Scales for convict officers.*- Convict Officers shall be provided with the diet in the same scale as that for convicted prisoners.”.

13. Rule 19 of the principal Rules shall be deleted.

14. Rule 23 of the principal Rules shall be deleted.

15. Rule 26 of the principal Rules shall be deleted.

16. In rule 27 of the principal Rules, for the words and figure “diet scale No.2” the words and figure “diet scale No.5” shall be substituted.

17. In rule 28 of the principal Rules, for the words, and figure “diet scale No.1” the words and figures “diet scale No.5” shall be substituted.

18. Rule 29 of the principal Rules shall be deleted.

19. In rule 32 of the principal Rules, after sub-rule (3), the following sub-rule shall be added, namely:-

“(4) Measuring equipment used for issuing rations to the grinding mills or to the kitchen and the equipment used in the kitchen itself shall be checked by the Superintendent at least once in a month if not more often.”.

20. For rule 33 of the principal Rules, the following rule shall be substituted, namely:-

“33. *Schedule of weights to be kept.*- The Schedule of weights of uncooked rations and cooked food per prisoner per meal shall be kept in the kitchen, Circle or Octagon yard office. The Jailor in charge of dietary and the Guard in charge of the kitchen shall be responsible for correct weights. The Superintendent or the Additional Superintendent or Deputy Superintendent (where there is one), Senior Jailor or a Medical Officer shall take a sample weighting daily.”.

21. For rule 34 of the principal rules, the following rule shall be substituted, namely:-

“34. *Cereals and pulses.*- Cereals and pulses shall be issued to prisoners as shown in the Appendix - Diet Scales 1 to 7.”.

22. For rule 38 of the principal Rules, the following rule shall be substituted, namely:-

“38. *Tempering with food or scales by cooks.*- Any prisoner or staff member found tampering with food or weighing scales shall be punished by the Superintendent as per the relevant disciplinary rules.”.

23. For rule 41 of the principal Rules, the following rule shall be substituted, namely:-

“41. *Number of cooks.*- (1) Where there are no specially qualified staff appointed for the supervision of cooking food, staff who have knowledge or some qualification in

food preparation shall be placed in charge of the prison kitchen. They shall be responsible for the supervision of prisoner kitchen workers, food preparation, cooking and to control the quality and quantity issued to prisoners. They shall be sent to the Prison Officers Training College at Pune for training before taking up the appointment.

(2) There shall be two shifts of workers in prison kitchens.

(3) The number of prisoner cooks shall not ordinarily exceed four per cent. of the prison population. The number of additional prisoner cooks for each prison may be fixed by the Regional Deputy Inspector General of Prisons on the basis of requirements of each prison.

(4) Selection of prisoner cooks shall be made by the Work Assignment Committee.

(5) The prisoner cooks shall be medically examined so as to ensure that they are free from disease. Such examination shall be held every month, and the Chief Medical Officer shall record his findings in the Medical Officer's Journal, in Form II."

**24.** In rule 42 of the principal Rules, -

(a) in sub-rule (1), for the words "The kitchen and cooking pots and appliances shall be scrupulously cleaned and well maintained," the words "The kitchen and cooking pots and appliances shall be scrupulously cleaned to prevent food contamination and well maintained." shall be substituted;

(b) in sub-rule (2), for the words "given to short," the words "given to short term prisoners." shall be substituted.

**25.** In rule 45 of the principal Rules, for the words "impermeable surface," the words "impermeable surface or by machine." shall be substituted."

**26.** In rule 46 of the principal Rules, for the portion beginning with the words "The detection shall" and ending with the words "with the dall or vegetable" the following shall be substituted, namely:-

"The liquid shall in the latter case be strained through a course cloth before it is used."

**27.** For rule 53 of the principal Rules, the following rule shall be substituted, namely:-

"**53. Serving of meals.**- (1) Meals shall be served daily at the following hours:-

- |                                    |                            |
|------------------------------------|----------------------------|
| (a) Early morning meal (breakfast) | 7-15 a.m. to 7-45 a.m.     |
| (b) Mid-day meal                   | ... 11-a.m. to 11-30 a.m.  |
| (c) Evening meal                   | ... 4-45 p.m. to 5-30 p.m. |

(d) Meal timings may be changed by application to the Regional Deputy Inspector General of Prisons or the Additional Director General of Police (Prisons) or Inspector General of Prisons if the need arises due to local conditions.

(2) Each meal shall be served as soon as practicable after it is ready. Fifteen minutes before serving of meals, a gong shall be rung. The prisoners shall then cease their activities, and get ready for their meal. They shall then form an orderly line and collect their food. The Convict Officers and their assistants shall do the serving. Yard Jailors and Prison Guards and in the case of Female prisoners, the Female Jailor, or the Female Guard on duty or both shall be present at the meals, and shall see that the meals are properly served and that the prisoners get sufficient time, not less than half an hour to eat their food.

(3) All cooked food is to be kept covered until it is distributed."

**28.** In rule 55 of the principal Rules, sub-rule (2) shall be deleted.

29. Rule 56 of the principal Rules shall be deleted.

30. In rule 60 of the principal Rules. for sub-rule (3), the following sub-rule shall be substituted. namely:-

(3) On Independence Day, Republic Day and the second of October (Mahatma Gandhi's Jayanti), every prisoner shall be provided with the following raw material for preparing sweet dish like Bundi Ladu or Jilabad or Rawa Besan Ladu or Rawa/Barfi Ladu as an **extra** diet costing no more than five rupees per head:-

**Sr. No Name of the Article Quantity (Uncooked Weight)**

1 Gram Flour	70 gms
2 Vegetable Ghee	50 gms
3 Sugar	100 gms
4 LP Gas	As reqd

**OR**

1. Maida	75 gms
2. Sugar	125 gms
3 Vegetable Ghee	60 gms
4 LP Gas	As reqd

**OR**

1 Rava	35 gms
2 Gram Flour	70 gms
3 Vegetable Ghee	30 gms
4 Sugar	75 gms
5 LP Gas	As reqd

**OR**

1 Gram Flour	90 gms
2 Vegetable Ghee	30 gms
3 Sugar	65 gms
4. LP Gas	As reqd."

By order and in the name of the Governor of Maharashtra.

(J.L.Pawara)

Deputy Secretary to Government.

**NOTIFICATION**

Home Department, Mantralaya  
 Madam Cama Marg,  
 Hutatma Rajguru Chowk,  
 Second Floor, Main Build  
 Mumbai- 400 032  
 Dated -1<sup>st</sup> December, 2015

**Prisons Act, 1894.**

No. JLM-1013 C.R. 115/13/PRS-2-In exercise of the powers conferred by clauses (12) and (14) of section 59 of the Prisons Act, 1894 (IX of 1894), in its application to the State of Maharashtra, and of all other powers enabling it in this behalf, the Government of Maharashtra hereby makes the following rules further to amend the Maharashtra Prisons (Employment of Prisoners) Rules, 1965, as follows, namely :-

1. These rules may be called the Maharashtra Prisons (Employment of Prisoners) (Amendment) Rules, 2015.
2. In the rule of the Maharashtra Prisons (Employment of Prisoners) Rules, 1965 (hereinafter referred to as "the principal Rules"), in sub-rule (1), after the words "Employment of Prisoners" the words "and Vocational Training" shall be inserted.
3. In the principal Rules, for the word "Inspector General of Prison" whenever it occur, the words "Additional Director General of Police (Prisons) or Inspector General of Prisons" shall be substituted.
4. In the principal Rules, for the word "jail" wherever it occur, the word, "prison" shall be substituted.
5. In rule 4 of the principal Rules, the following rule shall be substituted, namely:-  
 "4. *Forms of labour.*- (1) Employment and work programmes in prisons wherever possible consist of the services required by the community such as:-  
 (a) agriculture, horticulture, dairy, poultry, and floriculture,  
 (b) air conditioning and refrigeration servicing or repairing,  
 (c) artificial flower making,  
 (d) automobile and tractor servicing and repairing,  
 (e) bakery and confectionary,  
 (f) basket making, cane and bamboo work,  
 (g) black-smithy,  
 (h) book binding,  
 (i) candle making,  
 (j) carpentry, wood turning and veneers  
 (k) clerical work to include computing, typing, and stenography in selected cases only,  
 (l) cloth printing (screen printing),  
 (m) construction work,  
 (n) decorating - painting, lacquer work,  
 (o) electrical fitting, maintenance and repairs,  
 (p) embroidery, needlework.

- (q) fabric dyeing, fabrication of readymade garments.
- (r) handicrafts - knitting, crochet, lamp shade and rug making.
- (s) hosiery.
- (t) kitchen services - food processing, cooking and serving.
- (u) laundry work including ironing.
- (v) leather work.
- (w) maintenance of diesel engines.
- (x) maintenance of electric pumps.
- (y) masonry.
- (z) paper and envelope making.
- (aa) plumbing.
- (bb) pottery.
- (cc) printing.
- (dd) sewing machine repair.
- (ee) soap making.
- (ff) tailoring and button making.
- (gg) toy making.
- (hh) weaving - by hand and power looms.

(2) The forms of labour above may be considered as hard or otherwise according to the nature of the work and the task exacted. The Superintendent shall determine whether a particular task is hard or not, seeking advice where he considers necessary.

(3) The tasks imposed on females or adolescent convicts shall not in any case exceed two-thirds of the maximum task for hard and medium labour as prescribed in respect of adult male convicts.

(4) The work programmes shall also include essential institutional services such as maintenance, culinary, sanitary or hygiene and prison hospital services.”

6. For rule 7 of the principal Rules, the following rule shall be substituted, namely:-

“7. *Undertrial prisoner not to be employed.*- (1) Apart from convicts, undertrial prisoners, who volunteer to work, shall also be employed on work programmes and be given vocational training where there is space or spare capacity. The undertrial prisoners employed in prison industries or in agriculture shall be given fair and equitable remuneration on the same scale as allowed for convicts. They shall also be given labouring diet and other facilities. Undertrial prisoners are not to be given any employment or allowed vocational training outside of the prison compound.

(ii) It shall be the duty of undertrial prisoners who do not elect to work, to keep their bedding, clothing, housing unit and yard or circle and surrounding areas clean.”

7. In rule 9 of the principal Rules, for words “Prison Servant” wherever it occur, the words “prison domestic workers” shall be substituted.

8. In rule 13 of the principal Rules.- (i) for clause (b), the following clause shall be substituted, namely:-

“(b) the Additional Superintendent or ... Member.”;

Deputy Superintendent, if any

(ii) for clause (d), the following clause shall be substituted, namely:-

“(d) the Chief Medical Officer ... Member.”

9. In rule 21 of the principal Rules, for the words “Medical Officer” wherever it occur, the



words "Chief Medical Officer" shall be substituted

(a) In sub-rule (2), for the words, "Medical Officer" the words "Chief Medical Officer" shall be substituted:

(b) after sub-rule (2), the following sub-rules shall be substituted:-


"(3) When a Medical Officer is of the opinion that the health of a prisoner is suffering due to his type or class of labour he shall not be employed on that labour but he shall be given other work that the Medical Officer considers suitable. Any change in a prisoner's employment of class of labour shall be brought at the next meeting of the Classification Committee for ratification. Periodic medical examinations of prisoners working in production units where hazardous materials are used which could result in an occupational disease shall be regularly carried out.

(4) Payment of compensation to prisoners who meet accidents resulting in serious physical or mental disability, death, loss of limb or eye or due to occupational diseases may be submitted through the Additional Director General of Police (Prisons) or Inspector General of Prisons for consideration, by the State Government. The Chief Medical Officer shall certify the level of injury seeking advice from local specialist doctors as needed. The Superintendent of the Prison is to hold a full enquiry into all accidents resulting in injury or death and written statements shall be taken."

**10.** After rule 34 of the principal Rules, the following rule shall be inserted, namely:

35. *Modernisation*- Prison administration shall regularly take steps to modernize its industrial and agricultural activities."

By order and in the name of the Governor of Maharashtra,



(J.L.Pawara)

Deputy Secretary to Government.

**NOTIFICATION**

Home Department, Mantralaya  
 Madam Cama Marg,  
 Hutatma Rajguru Chowk,  
 Second Floor, Main Build  
 Mumbai- 400 032  
 Dated -1<sup>st</sup> December, 2015

**Prisons Act, 1894.**

No. JLM-1013 C.R. 115 13 PRS-2- In exercise of the powers conferred by clauses (17), (27) and (28) of section 59 of the Prisons Act, 1894 (IX of 1894), in its application to the State of Maharashtra, and of all other powers enabling it in this behalf, the Government of Maharashtra hereby makes the following rules further to amend the Maharashtra Prisons (Admission, classification and Separation of Prisoners) Rules, 1966 as follows, namely :-

1. These Rules may be called the Maharashtra Prisons (Admission, Classification and Separation of Prisoners) (First Amendment) Rules, 2015.
2. For PART I, PART II and PART III of the Maharashtra Prisons (Admission, Classification and Separation of Prisoners) Rules, 1966 (hereinafter referred to as "the principal Rules"), the following shall be substituted, namely:-

**PART I : ADMISSION OF PRISONERS**

1. *Admission of Prisoners.*:- (1) No new prisoner shall, subject to the provisions of rule 2, be admitted by a Gate-keeper into a prison before the opening of the prison and after the hour of its lock-up:

Provided that a prisoner.—

(a) on the special written order of a Sessions Judge or of a District Magistrate or the Superintendent, or

(b) on transfer after due intimation, shall be admitted into the prison after the hour of its lock-up.

(2) Prisoners who are admitted in the prison after the hour of its lock-up shall be kept in a cell or barrack used for that purpose.

2. *Procedure for admitted Prisoners.*- The following procedure shall be adopted for prisoners being admitted to the custody of any prison or institution:-

(a) No person shall be admitted into a prison as a prisoner unless accompanied by a writ, warrant or order in the prescribed format, which is to be signed, dated and 'sealed by a competent authority. There shall be a separate writ, warrant or order for every prisoner, even if two or more prisoners have been jointly charged.

(b) Before admitting a prisoner, the Duty Orderly Officer shall examine the writ, warrant or order for accuracy and that it is in the prescribed format. He shall then enquire the prisoner regarding his name and other particulars, including verifying the identification marks of the prisoner with those mentioned in the warrant, to satisfy himself that he is the person referred to in the warrant. In the event of a prisoner refusing to answer the Orderly Officer or denying the accuracy or the particulars entered in the warrant, the Orderly Officer shall request the officer in charge of the Police Station or Military escort to identify the prisoner on the basis of information at his disposal as the person named in the

warrant.

(i) Where the Superintendent is in doubt as to the accuracy or legality of any writ, warrant or order of commitment received by him along with the prisoner being admitted to the prison, for any of the following reasons:-

(i) There is a doubt as to the competency of the person whose official seal and signature are affixed thereto to pass the sentence, or to issue the writ, warrant or order:

(ii) If any error or omission, which appears to be due to mere oversight or mistake is found:

(iii) If the sentence or order passed, though within the competency of the tribunal or authority which passed it is in any way defective in format or contains any other irregularity, the Superintendent may admit the prisoner to prison custody subject to immediate reference to the issuing tribunal, competent authority, or Government, as the case may be, for necessary orders and guidance as to the treatment of the prisoner.

**3. Examination of Warrant.-** All warrants shall be examined to ascertain that they conform to the Code of Criminal Procedure, 1973 and the Orders of the Supreme Court of India, issued from time to time, so as to ascertain that,-

(a) a warrant ordering imprisonment without specifying whether it is simple or rigorous imprisonment, and an undated, unsigned or unsealed warrant, if any, shall be returned for correction.

(b) the amount of solitary confinement ordered on a warrant is dependent on the term of sentence and should not be more than what is allowed under section 73 of the Indian Penal Code.

(c) all warrants are signed in full (not initialed) by the Judge or Magistrate who issued it and have the seal of the issuing court.

(d) in the case of prisoners, on whom separate sentences of imprisonment are passed, care shall be taken that the warrant states the dates from which each sentence is to have effect and also if each sentence is to run concurrently or consecutively. Note shall also be taken of any additional periods of imprisonment awarded in lieu of non-payment of fines or compensation.

(e) in the case of undertrial prisoners, the warrant of commitment for judicial custody shall be checked with the greatest care.

(f) the Superintendent of a prison shall not refuse to admit a prisoner where the above instructions have not been carried out, but he shall draw to the immediate attention of the Judge or Magistrate concerned to the defective warrant, and request for its immediate rectification. He shall also send a copy of his request letter to the Magistrate of the District for his information.

(g) when a warrant is returned for correction a copy shall be retained in the prison until the original or a revised warrant is returned. The receipt of the corrected or revised warrant by the prison shall be acknowledged by special letter to the competent authority. The prison authorities shall not be held responsible for any mistake that may occur, in consequence of the irregularity (if any) in the original warrant.

(h) warrants for the release or remission of sentences of prisoners and for the release of prisoners to bail, or intimation that a fine has been paid, shall always be prepared in the vernacular of the officer issuing the order and shall be signed in full by such an officer and sealed with the seal of his court. The warrant then be sent to the prison authorities

through an official messenger of the court or through the agency of the post. The release warrant shall not be delivered to the prison authorities by friends or relatives of the prisoner.

**4. (1) Custody of Warrants.**- Convicted prisoners warrants after being annotated with the prisoners admission register number shall be arranged according to the dates of release and kept in monthly bundles, with each bundle being docketed on the outside with the month and year of release.

(2) The Register shall be kept in a locked safe or almirah of which the Deputy Superintendent (where there is one) or Senior Jailor shall keep the key.

(3) Copies of judgements, orders of appellate Courts and orders of Government, disposing of prisoner's petitions, together with correspondence relating to payment of fines, classification and the other connected records shall be filed and kept with the warrant of the prisoner to whose case they relate.

(4) Warrants of undertrial prisoners shall be kept locked in the prison judicial office in court appearance date order.

**5. Disposal of Warrant.**- (a) After a convicted prisoner is released the final disposal of the warrant shall be made by returning the warrant to the court that issued it, with an endorsement certifying the manner in which the sentence has been executed and the reason, if any, for remissions, pardon, early release or reversal of sentence (with the number and date of the authority of the court or of the order of Government) why the prisoner has been discharged from prison custody before the execution of his original sentence.

(b) The warrant of an undertrial prisoner shall, either on his conviction or discharge by the concerned court or competent authority, be retained in the prison office.

**6. Search.**- (a) Prisoners shall be thoroughly searched by a prison official on their admission to prison. Female prisoners shall be searched by a female member of staff only and it shall take place in the female section of the prison. Searches of prisoners shall be made with due regard to decency and with reasonable privacy. Civil Prisoners shall not be searched in the presence of any other prisoner.

(b) During the search, articles, such as knives, razors, mobile phones or SIM cards, other electronic devices, jewellery, money, narcotics, food, obscene publications and any other document considered undesirable, shall be taken away from the prisoner.

(c) All property taken from prisoners shall be dealt with as provided for under the Maharashtra Prisons (Prisoners Property and Documents) Rules, 1964.

(d) Other necessities of life may in special circumstances be permitted by the Superintendent referring to the Additional Director General of Police (Prison) or Inspector General of Prisons or Regional Deputy Inspector General of Prisons as necessary.

(e) Prisoners may be allowed on request to the Superintendent to wear or use in the prison the following items:-

The sacred thread known as 'Janwa or 'Janoi' or cloth known as 'Sowla', or an undergarment known as 'Sadri', and the thread known as 'Kasfi' or 'Ling' wrapped in a piece of cloth or kept in a silver box suspended round the neck, provided it is capable of being examined against misuse, Scapulars, Rosaries, Combs, iron bangles and kirpan, 0.0371 mtrs in length, (worn by Sikhs) and Kumkum and bangles for female prisoners.

7. *Receipt for Prisoners Property*:- (a) The Duty Orderly Officer shall give a receipt on the prescribed form to the escort officer who delivers the prisoner noting therein the property received with the prisoner. which shall be carefully examined and shown to the prisoner at the time of his admission. The prisoner's acknowledgement that he has seen his private property and that it is correctly recorded in the relevant registers maintained in FORMS III, IV and V, at the same time, be noted in the Admission Register.

(b) A written numbered receipt, in duplicate, in FORM VIII, signed by the duty Orderly officer and the prisoner detailing all items (including cash) taken into custody, giving an exact description of the items removed at the time of admission, shall be issued to the prisoner before he is sent to the reception barrack.

(c) The rules in the Maharashtra Prisons (Prisoners Property and Documents) Rules, 1964 shall be scrupulously followed.

8. *Admission Registers*:- (1) There shall be separate admission registers for convicted in FORM I and undertrial prisoners admitted to the prison in FORM II. The admission register shall contain a basic description of the prisoner in terms of name, parentage, body identification marks (3), home address, legal status, date of admission, committal courts and sentence awarded in the case of convicted prisoners. Admission registers shall be maintained by the Jailor or Clerk in charge of the judicial office in the prescribed format. The entries in this register shall be numbered serially. Prisoners on first admittance to the prison shall be given their prison number before being sent to the quarantine or reception barrack.

(2) The register number allocated will be the means of identifying any prisoner, and a fresh number is to be issued on every transfer to another prison.

(3) The letter prefix before a number shall be to distinguish the period of prison sentence awarded by the competent authority and is as follows:-

<b>Number Prefix</b>	<b>Undertrial or Convicted</b>	<b>Period of Prison Sentence awarded</b>
UT	Undertrial	Not Applicable
A	Convict	Less than 3 months.
B	Convict	3 months to less than 5 years.
C	Convict	5 years and over

*Note*:- H should be used after the prison number for those prisoners classified as Habitual e.g. C/7003-H or UT/234-H

(4) Female prisoners shall be entered in a separate register.

(5) The articles of prison clothing and bedding of each prisoner sentenced to substantial terms of imprisonment shall be marked with his number.

(6) In all official communications the number shall precede the name, e.g., C/1736 Ashok or UT/1736 Ashok. If a prisoner has to undergo two or more sentences under different warrants it is not necessary to re-enter him in the convict register on the expiry of one sentence or to give him another number.

(7) Every prisoner shall be called by his name and not by his register number.

9. *Record of date of Release*:- (1) In the case of a convict, the date on which the sentence shall expire shall be entered in the Convict Register.

(2) If the convict is under sentence for less than three months, an entry of his number

shall be made in the Release Diary maintained in FORM VI so that he is released on the correct date.

(3) If the sentence is for three months or more, the date of expiry shall be entered on his Remission Sheet and at the same time, the prisoner's register number, name, sentence, date of sentence and date of release shall be endorsed on his warrant and the endorsement shall be signed by the Competent Officer after examination and comparison with the warrant and with the entries in the Convict Register.

(4) In cases where imprisonment is awarded in default of payment of fine, the alternative dates of release shall also be included in the aforementioned warrant endorsement, Convict Register, Release Diary, History Ticket and Remission Sheet.

**10. Admission Procedure in Reception Unit.-** (1) A prisoner on first admission to the prison after the initial gate admission formalities have been completed shall be kept in a separate reception barrack until the formalities for his placement are completed. High Security risk and prisoners under sentence of death shall be sent directly to the appropriate yard where their admission procedure will take place.

(2) The procedure to be adopted on the admission of a prisoner to the reception unit shall be as follows:-

(i) Haircut and shave, initial issue of body soap, tooth powder, tooth brush, clothes washing soap or washing soda and where necessary disinfecting lotion.

(ii) Disinfection and storing in the prison godown the prisoner's personal clothes and other no valuable personal items which shall be correctly labelled with his name and prison number.

(iii) Issue of prison clothing:-

(a) Convicts- Clean prison clothing as per the scale allowed for in the rules.

(b) Undertrials- may be allowed to retain and wear their personal clothing unless the undertrial prisoner is required to wear prison clothing because he is charged under section of 302, the Indian Penal Code or is the accused of being a Naxalite or is an escapee.

(iv) Issue relating to all prisoners bedding, towels and utensils as per the scale laid down in the rules, and this may take place in the prisoner's allocated housing unit.

(v) Issue of any authorised personal belongings of persons.

(vi) A thorough medical examination of a prisoner is to take place within a period of 24 hours. However, as a part of the initial admission procedure the height, weight and three identification marks of a prisoner shall be taken in the presence of the Chief Medical Officer or a Medical Subordinate and the details entered in the appropriate admission register.

(vii) Attending to the immediate and urgent needs of a prisoner such as initial letters to his family or legal representatives, interviews, family welfare, and any other personal problems, etc.

(viii) The issuing of a prison identity card.

(ix) Verification by the Superintendent or Additional Superintendent (where there is one), Deputy Superintendent (where there is one) or Senior Jailor of admission register entries, which shall include the prisoner's name, address, identification marks, height and weight, cash and valuables deposited at the gate on admission, appeal and other legal matters, etc.

(x) Allocation by the Superintendent of the prisoner's housing unit in accordance with his classification.

(vi) Allocation of labour to a prisoner sentenced to rigorous imprisonment taking into account his age, physique and health as advised by the Classification Committee and the Medical Officer.

**11. Orientation.-** Every newly admitted prisoner shall be subjected to a programme of orientation so as to inform him about the prison routine, rules and regulations together with his rights and duties as a prisoner. These shall be clearly displayed in each part of the prison including prisoner housing units and also explained to him in a language he understands. Pamphlets containing the above information shall be given out with spare copies kept in the prison library. Where possible audio & visual presentations should be used to ensure prisoners are fully aware of what is required of them whilst in prison. Audio and visual aids shall help the illiterate prisoner to understand better. Special arrangements should be made for prisoners who are visually impaired or blind.

**12. Cleanliness.-** On admission to prison every prisoner shall be required to wash his person and his clothing thoroughly with soap as issued by the prison. If an epidemic disease exists in the neighborhood from which he comes, his clothing shall also be disinfected. In such cases special care is to be taken to thoroughly cleanse the prisoner's person as advised by the Chief Medical Officer.

**13. Medical Examination of newly admitted prisoners.-** The Chief Medical Officer or a Subordinate Medical Officer shall carefully examine each newly admitted prisoner. Each prisoner shall be examined with due regard to decency and with reasonable privacy. Female prisoners are only to be examined by a Female Medical Officer.

**14. Health Screening Pro-forma.-** (1) The Chief Medical Officer or Medical Officer shall himself record in the pro-forma titled 'Health screening of a prisoner on admission to prison' in FORM VII, which is the prisoner's medical history. He shall especially note any signs of drug abuse that may be required an immediate medical attention and a referral to the prison psychiatrist. Declared medical needs of an urgent nature in case of prisoners having diabetic or Tuberculosis or HIV, and they shall be treated without delay referring the prisoner to a local Government medical hospital for specialised advice, if necessary. Any signs of a prisoner having a contagious disease shall be carefully noted and reported to the Superintendent so that the prisoner's housing unit may be changed.

(2) In case the Medical Officer has reason to think that a newly admitted female prisoner is pregnant, she shall at once report the circumstances to the Superintendent for further action.

(3) The Chief Medical Officer or Medical Officer shall specially examine undertrial prisoners on admission for recent marks of violence and report immediately any such findings to the Superintendent.

(4) The Superintendent on receipt of any report about recent marks of violence from the Chief Medical Officer or Medical Officer shall carefully record the details. He shall, if the prisoners so desires and in any case at his discretion, transmit the same to the District Magistrate together with the prisoners' statement as to how the injuries were received.

**15. Young looking prisoners.-** (1) If a prisoner looks younger than his stated age he shall be immediately referred to the Civil Surgeon at a local Government hospital for specialised medical examination, for example ossification tests etc. On the determination of his age if it is found that he is a juvenile the matter shall be referred back to the court concerned together with the age certification report without delay for further directions.

No juvenile shall be kept in an adult prison under any circumstances, as per the Juvenile Justice (Care and Protection of Children) Act, 2000 (63 of 2000).

(2) The age of the prisoner as certified by the Civil Surgeon shall be recorded in all the prison records pertaining to the prisoner.

**16. Certification of appropriate class of labour.**-In the case of convicts sentenced to rigorous imprisonment or imprisonment for life, the Medical Officer shall, taking into account the age, medical and physical condition of the convict, the class of labour on which he is employed, shall be entered, in the appropriate column of the Convict Register.

**17. History Ticket.**- A History Ticket for every convicted prisoner sentenced to a term of imprisonment of six months and above shall immediately be established on his reception into the prison, and the entry of 'C' or 'H' shall be made in the top left hand corner according to whether the prisoner is a 'casual' or 'habitual' offender.

**18. Preparation and Maintenance of History Ticket.**- History Tickets shall be maintained, throughout the period during which the prisoner remains in confinement and each history ticket shall contain the following particulars:-

(i) The prisoners name, prison number, admission date, housing unit allocated and other particulars necessary for the identification of the prisoner.

(ii) The nature of the offence for which he has been convicted and the provision of the law applicable thereto.

(iii) The date, nature and extent of the sentence passed together with the name of the competent authority passing the sentence.

(iv) A brief entry, if any, of every other order passed and direction given relating to, the prisoner made by a competent authority.

(v) A brief record of every other occurrence of any importance affecting the prisoner which takes place whilst he remains in confinement.

**19. History Ticket Entries.**- (1) Every entry in the History Ticket shall be made at the time of the occurrence of the event to which it relates, or as soon as possible thereafter. Each entry shall be dated and signed by the officer who makes it.

(2) The following prison officials are authorised to make entries in a prisoners History Ticket:-

(a) Superintendent.- Punishments, Promotions, Special or State Government Remission awarded and any special orders concerning a prisoner made by the Superintendent.

(b) Jailors or Clerks - Letters, Interviews, Issue of clothing and bedding, Appeals, Petitions, work allocation to Convicts undergoing rigorous imprisonment, court Matters, ordinary and yearly (AGCR) remissions, prison transfers, release dates, escapes, days in cellular confinement, furlough, parole and discharge due to death.

**20. Initial entries by Chief Medical Officer in a History Ticket.**- In the heading of the History Ticket of every convicted prisoner, the Chief Medical Officer shall enter, or have entered under his supervision the following, particulars:-

(a) the prisoner's weight and height on admission.

(b) his state of health.

(c) the class of labour for which he is fit, if he has been sentenced to rigorous imprisonment.

(2) The Medical Officer shall subsequently enter, or have entered the following:-



- (a) details of any vaccination given and the result.
- (b) admission to and discharge from any hospital on every occasion together with the reasons for the admission.
- (c) admission to and discharge from the convalescent group, and
- (d) the Medical Officer shall himself enter such other directions or recommendations, as he may from time to time consider necessary, for the maintenance of the prisoner's health.
- (4) The particulars to be entered in a prisoner's history ticket, are as follows:-
  - (a) all prison clothing and other equipment issued on admission and subsequently,
  - (b) the work or task to which the prisoner sentenced to rigorous imprisonment has been assigned.
  - (c) every change of work or task for reasons other than medical,
  - (d) any complaint made by the prisoner of sickness or any report of his sickness,
  - (e) the action taken on any direction or recommendation of the Chief Medical Officer or Medical Officer,
  - (f) application for a copy of his judgement, if the prisoner desires to appeal,
  - (g) receipt of the copy of judgement,
  - (h) dispatch of appeal to the appropriate Competent Authority,
  - (i) substance of the order of the appellate court,
  - (j) the fact of an appeal not having been made before the expiration of the term allowed for appealing as detailed in the Code of Criminal Procedure, 1973.
  - (k) the amount of remission awarded half yearly,
  - (l) the amount of remission awarded annually (AGCR),
  - (m) the amount of any special or State Government remission awarded,
  - (n) every prison offence committed together with any punishment awarded,
  - (o) court appearances, prison transfers, date of release, escape or death,
  - (p) any recommendation of the workshop or factory manager or the Deputy Superintendent where there is one,
  - (q) action taken on any order entered by the Superintendent,
  - (r) the number of days to be spent in cellular confinement as ordered in the committal warrant,
  - (s) the total cellular confinement undergone on each occasion of removal and return to cellular confinement on the orders of the Chief Medical Officer or Medical Officer,
  - (t) any special order made by the Superintendent concerning a prisoner,
  - (u) promotion of convicts to the grade of Convict Overseer or Convict Night Watchman,
  - (v) any furlough or parole granted to a prisoner showing the date of leaving the prison and the date he returned to prison custody.

**21. Custody and management of History Ticket.**- The History Ticket of each prisoner shall be kept in a proper receptacle in the Judicial Office and shall be produced whenever required by any official of the prison. At the weekly inspection of prisoners History Tickets shall be made readily available if called for by the Superintendent. The history ticket shall be produced with the prisoner, whenever he is reported for an offence and brought before the Superintendent or when required by a Medical Officer for any reason.

**22. Duplicate History Ticket.**- A duplicate History Ticket shall be issued when the original history ticket has been lost. The new History Ticket shall be marked duplicate

and signed by a Competent Authority. The Ticket shall be reconstructed by registering all previous entries from documents and registers pertaining to the prisoner.

**23. Retention of History Ticket after escape, release or death.-** (1) The History Ticket of every prisoner shall be retained in safe custody for the period of time stated hereunder:-

(a) In the event of his release, for one year.

(b) In the event of release on bail, for one year after the result of the appeal is made known.

(c) In the event of his death, for two years after it occurs.

(2) In the event of his escape, his History Ticket shall be preserved until such time as he is arrested and re-admitted to prison. The Ticket shall then be disposed of in accordance with clauses (a) to (c) of sub-rule (1).

## PART II : SEPARATIONS OF PRISONERS

1. *Separation of Prisoners.-* (i) The Statutory requirements regarding the separation and custody of prisoners is as contained in sections of 27 and 28 of the Prisons Act.

(ii) The Superintendent or the Senior Jailor shall explain the separation system to a prisoner on his admission and shall caution him that he shall be liable to punishment if he converses or communicates with any prisoner of a different classification, or a prisoner confined in a section, yard or barrack other than that in which he is placed or confined, or if he is found in any part of the prison other than that in which he has been placed for work or housing.

2. *Accommodation classification of prisoners.-* The Prisoners on admission shall be classified and separated, where possible, as follows:-

(A)(i) The undertrial prisoners shall be accommodated in barracks or cellular accommodation separate from convicted prisoners. The classification shall only be done on the basis of security, discipline and institutional programmes. No classification on the basis of social status shall be attempted. The entitlement of bedding, clothing, diet and facilities to prisoners are such as laid down in the rules relating therefore.

(ii) The undertrial prisoners shall be classified as under:-

Category I - prisoners involved in terrorist and extremist activities.

Category II - dangerous prisoners involved in organised murders, dacoity, robbery, rape cases, habitual offenders, previous escapees and drug peddlers.

Category III - all other undertrial prisoners.

*Note.* - Whenever practicable the undertrial prisoners who are accused of heinous offences shall not be confined with those who are accused of offences less heinous.

(iii) Any undertrial prisoner who is accused with others of committing a crime shall, where facilities allow, be kept separated from the others concerned in the same case, but are not to be kept in solitary confinement.

(iv) Confessing or undertrial prisoners who have turned approver shall as far as practicable be separated from all other undertrial prisoners. Where a cell is used for segregating a confessing or approver undertrial prisoner he shall be allowed free use of the yard in front of the cell.

*Note:* A confessing or approver undertrial prisoner is one who is certified as such by a competent authority.

(v) An accused person detained under sub-section (2) of 122 of the Code of Criminal

Procedure. 1973 shall be treated as an undertrial prisoner until his case has been decided by the Sessions Court or the High Court.

*(B) In Case of Convicted Prisoners.-* (i) Wherever possible convicts sentenced to simple imprisonment shall be separated from those sentenced to rigorous or life imprisonment.

(ii) Convicts undergoing simple imprisonment shall remain during the daytime in their assigned part of the prison and shall not enter work areas or communicate with the working prisoners unless they elect to work.

(iii) Prisoners convicted for rape or unnatural offences, for kidnapping for the purposes of prostitution or for an offence under the Prevention of Immoral Trafficking Act (PITA), shall where possible be kept separate from other prisoners and where structural arrangements allow they shall invariably be housed separate from other prisoners at night.

(iv) Prisoners sentenced to simple imprisonment shall be kept separate from prisoners sentenced to rigorous imprisonment but where there is no separate accommodation available they shall be located together.

*(C)* Female prisoners are to be kept separate from male prisoners at all times, either in a female only prison or in female only yards in common prisons. Female prisoners sentenced to confinement in a cell shall be removed from their cell to an association barrack before lock-up.

*(D)* High category or security risk prisoners are to be kept separate from all other prisoners in a special high security yard within a Central Prison.

*(E) (i)* every habitual criminal is to be kept separately but not along with other habitual criminal prisoners or he shall be kept in a special prison

Note :- The classification of a convicted person as a habitual criminal shall be made by the convicting court. If the convicting court omits to do so, the Superintendent shall, on the basis of information at his disposal, send a report about the prisoner's social background, circumstances of the crime, known previous convictions and any other relevant information to the Additional Director General of Police (Prisons) or Inspector General of Prisons for orders.

*(ii)* habitual prisoners sentenced to simple imprisonment shall be kept separate from prisoners sentenced to rigorous imprisonment, unless they elect to work, in which case they may work with the latter during the prescribed hours.

*(F) (i)* a prisoner sentenced to death shall, from the date of his sentence and without waiting for the sentence to be confirmed by the High Court, be confined in a separate yard with cellular accommodation so that he is segregated from all other prisoners.

(ii) every such prisoner shall in the morning after the opening of the prison and in the evening before it is closed be searched in the presence of the Jailor in charge of the yard concerned.

*(iii)* a female prisoner under sentence of death shall be kept in the female section of the prison, separated from all other female prisoners and is to be guarded by female prison guards.

*(G)* Military prisoners sentenced by a military Courts Martial for offences under military law, so far as it is possible, shall be kept entirely apart from civilian criminal prisoners.

*(H)(i)* adolescent prisoners confined in ordinary prisons shall be kept entirely separate from other prisoners both by day and by night.

*(ii)* habitual adolescent prisoners shall where possible be kept separate from non habitual


adolescent prisoners.

(I) every civil prisoner shall be confined in a civil barrack of a prison and shall not be allowed to communicate or to be associated with criminal prisoners.

(J) Detenues shall be housed in a separate yard or area set aside for those arrested during non-violent, socio-political and economic agitation for a declared public cause.

(K) Prisoners under observation for mental disorder, drug addiction or suffering from contagious diseases shall be so segregated as the Chief Medical Officer considers necessary.”.

By order and in the name of the Governor of Maharashtra,



(J.L.Pawara)

Deputy Secretary to Government.

1

**NOTIFICATION**

Home Department, Mantralaya  
Madam Cama Marg,  
Hutatma Rajguru Chowk,  
Second Floor, Main Build  
Mumbai- 400 032  
Dated -1<sup>st</sup> December, 2015

**Prisons Act, 1894.**

No. JLM-1013/C.R. 115/13/PRS-2- In exercise of the powers conferred by clauses (10), (18) and (27) of section 59 of the Prisons Act, 1894 (IX of 1894), in its application to the State of Maharashtra, and of all other powers enabling it in this behalf, the Government of Maharashtra hereby makes the following rules further to amend the Maharashtra Prisons (Routine) Rules, 1965 as follows, namely :-

1. These rules may be called the Maharashtra Prisons (Routine) (Amendment) Rules, 2015.
2. In the Maharashtra Prisons (Routine) Rules, 1965 (hereinafter referred to as "the principal Rules"), for the words "Inspector General of Prison" wherever it occur "the Additional Director General of Police (Prisons) or Inspector General of Prisons" shall be substituted.
3. In the principal Rules, for the word "Jail" wherever it occur the word "Prison" shall be substituted.
4. In the principal Rules, for the word "woman" wherever it occur the word "female" shall be substituted.
5. In rule 2 of the principal Rules,-  
(a) sub-rule (1) shall be substituted, as follows, namely:-

(1) The ordinary daily routine of prisoners, except on Sundays and Prison holidays, shall be as follows:—

06.00 hrs. – 06.15 hrs. Opening of Prisoners Housing Units and counting of prisoners.

06.15 hrs. – 06.45 hrs. Morning Ablutions and Bath.

06.45 hrs. – 07.15 hrs. Exercises, Yoga, Prayers, Organised games etc.

07.15 hrs. – 07.45 hrs. Breakfast and Tea.

07.45 hrs. – 08.00 hrs. Work allotments.

08.00 hrs. – 11.00 hrs. Morning work period.

11.00 hrs. – 12.00 hrs. Mid-day meal and rest period.

12.00 hrs. – 16.00 hrs. Afternoon work period.

(Note:- Undertrials and Inmates who are not required for work will be counted and locked in their housing unit from 12.00 hrs. – 15.00 hrs.)

15.00 hrs. – 15.15 hrs. Afternoon Tea.

16.00 hrs. – 16.45 hrs. Games

16.45 hrs. – 17.30 hrs. Evening meal

17.30 hrs. – 18.00 hrs. Counting of prisoners and the locking of prisoners housing units.

18.00 hrs. – 22.00 hrs. Reading TV etc.

(Note:- On Sundays and prison holidays the prison routine may be adjusted to suit local conditions.)

(b) in sub-rule (2). for the words "timing of work, rest, education classes or other" the words "timings of the prison routine" shall be substituted.

6. For rule 5 of the principal Rules, the following rule shall be substituted, namely:-

**"5. Audible notification of correct prisoner count.- (1)** The Convict Officer or Inmate in charge of the housing unit shall ensure all prisoners are sitting in files of two in readiness for the unlocking of the housing unit and the counting of prisoners by the Prison staff.

(2) The Senior Jailor or in his absence the Second Jailor shall supervise the opening of barracks and cells which shall be conducted in the presence of the Jailor in charge of the barracks or cells concerned.

(3) When the morning opening count of prisoners is complete and the totals are in accordance with the lockup register a short single blast shall be made on a whistle and the prison bell struck 9 times.

(4) When the evening lockup count of prisoners is complete and the totals are in accordance with the prison register a short single blast shall be made on a whistle and the prison bell struck twice."

7. For rule 6 of the principal Rules, the following rule shall be substituted, namely:-

**"6. Morning ablutions.-** Prisoners shall be required to wash their hands, faces and feet, and also clean their teeth with tooth powder provided for the purpose or with tooth paste and a tooth brush purchased by them at their cost from the canteen."

8. In rule 7 of the principal Rules, for sub-rule (4), the following sub-rule shall be substituted, namely:-

"(4) All prisoners shall be provided monthly with 50 gms. of tooth powder and 1 x 100 gram bar of toilet body soap which shall be issued free of cost:

Provided that, no such prisoner shall be allowed to purchase or receive more than 225 grams of hair oil per month."

9. Rule 8 of the principal Rules shall be deleted

10. Rule 12 of the principal Rules, sub-rule (2) shall be deleted.

11. For rule 13 of the principal Rules, the following rule shall be substituted, namely:-

"13. *Evening meals.-* Evening meals shall be served to prisoners from 4.45 pm (or 16.45 hrs) to 5.45 pm (or 17.45 hrs)."

12. For rule 15 of the principal Rules, the following rule shall be substituted, namely:-

**"15. Custody of keys of barracks etc.- (1)** After the prisoners have been counted and the prison is locked up in the evening, the keys of the barracks and cells or other places where prisoners may be housed (excepting the quarantine barrack key and the hospital ward keys which shall remain in the charge of the duty *Amaldar*) shall be collected and counted by the Senior Jailor. They shall then, after the count of prisoners has been cleared, be kept in a box affixed to the wall between the main and secondary gates. The key box shall be locked and sealed with the Superintendents seal. The key of the box together with the keys of the wickets of the main and secondary gates shall be entrusted to the

Senior Prison Guard on night duty. All keys must be readily accessible in case of emergencies such as fire. If a fire breaks out in any of the prisoner housing units the keys are to be dispatched to the housing unit concerned with all speed via the fastest possible route, together with a large hammer to break locks in the event of the wrong keys being brought. Hammer to be kept under personal supervision of Circle Office or Duty Officer.

(2) All duplicate keys for the locks must be kept in a sealed box under the custody of the Deputy Superintendent in Central Prisons or the Senior Jailor in District Prisons. No prisoner shall have access to any prison key.

(3) All prison keys, other than those for barracks and cells or other places where prisoners may be housed are, when not in use, to be kept in an almirah or key box at the main gate in the custody of the gate keeper.

(4) In the event of any of the keys being lost or mislaid, the Superintendent shall immediately withdraw the lock from use and order an investigation as to the loss.”.

13. For rule 16 of the principal Rules, the following rule shall be substituted, namely:-

“16. *Custody of keys of female barracks etc.*- (1) The keys of the female barracks and cells shall be deposited by the female Jailor in a separate key box which shall have a glass front. The key box shall be locked and sealed by the Matron with the Superintendent’s seal. The Matron shall keep the key of the key box.

(2) The locks of enclosures, barracks and cells where female prisoners are housed shall be different from those in use in other parts of the prison, so that there is no possibility of keys to locks of other enclosures etc., being misused for opening enclosures and or housing units where female prisoners are housed.”.

14. For rule 18 of the principal Rules, the following rule shall be added, namely:-

“18A. *Checking and its report.*- All locks, bars and other fastenings must be regularly checked by the Senior Jailor and a report to that effect shall be given to the Deputy Superintendent (where there is one) or the Superintendent.”.

15. In rule 25 of the principal Rules, for the word “Slates” the word “Paper” shall be substituted.

16. For rule 27 of the principal Rules, the following rule shall be substituted, namely:-

“27. *After lockup activities by prisoners.*- Prisoners may read newspapers and books, play permitted indoor games, write letters or watch television (where a TV set is supplied) after lockup. The TV shall be switched off at 10 p.m. The TV volume is to be kept at a level so as to not disturb prisoners sleeping or those otherwise usefully occupied.”.

17. For rule 33 of the principal Rules, the following rule shall be substituted, namely:-

“33. *Issue of toiletries and clothes washing powder or soap.*- (1) Every male prisoner shall be supplied with a bar of washing soap for clothing weighing approx 100 gms. per week and 50 gms. of washing powder per week for washing their clothes.


(2) Every female prisoner shall be supplied with a bar of washing soap

for clothing weighing approx 100 gms. per week and 50 gms. of washing powder per week for washing their clothes.

(3) All prisoners shall be issued with a monthly allowance of body washing soap and tooth paste or tooth powder at the scale as laid down by the State Government, from time to time.

(4) Class I prisoners shall be given 112 grams washing soap at Government cost per head per month.”.

By order and in the name of the Governor of Maharashtra.

  
(J.L.Pawara)

Deputy Secretary to Government.



**NOTIFICATION**

Home Department, Mantralaya  
 Madam Cama Marg,  
 Hutatma Rajguru Chowk,  
 Second Floor, Main Build  
 Mumbai- 400 032  
 Dated -1<sup>st</sup> December, 2015

**Prisons Act, 1894.**

No. JLM-1013/C.R. 115/13/PRS-2- In exercise of the powers conferred by clauses (10) and (28) of section 59 of the Prisons Act, 1894 (IX of 1894), in its application to the State of Maharashtra, and of all other powers enabling it in this behalf, the Government of Maharashtra hereby makes the following rules further to amend the Maharashtra Prisons (Management of Prisons and Maintenance of Records) Rules, 1970 as follows, namely :-

1. These rules may be called the Maharashtra Prisons (Management of Prisons and Maintenance of Records) (Amendment) Rules, 2015.
2. In the Maharashtra Prisons (Management of Prisons and Maintenance of Records) Rules, 1970 (hereinafter referred to as "the principal Rules"), for the words "Inspector General" wherever it occur, the words "Additional Director General of Prisons or Inspector General of Prisons" shall be substituted.
3. In the principal Rules, for the word "Jail" wherever it occur, the word "Prison" shall be substituted.
4. In rule 2 of the principal Rules,-
  - (a) for sub-rule (1), the following sub-rule shall be substituted, namely :-  
 (1) Every prison shall remain open daily from sunrise to sunsets as may be specified by the State Government.";
  - (b) sub-rule (3), for the word "till" the word "until" shall be substituted.
5. Rule 3 of the principal Rules shall be re-numbered as sub-rule (a) and after sub-rule (a) so renumbered the following sub-rule be added, namely :-  
 (b)(i) A Duty Roster shall be maintained in each Prison and Borstal School. The authorised officer shall be responsible for the proper maintenance of this register. The register shall contain all the names of guards on duty with their hours of duty and their signature for having understood the duty hours. The register shall be sent to the Superintendent through the proper channel every day for checking and for his signature.  
 (ii) It shall be the responsibility of the Senior Jailor and the Deputy Superintendent (where there is one) to ensure that the guards attend to their allotted post according to the Duty Roster and any violation in this regard is to be immediately brought to the notice of the Superintendent. The Superintendent shall also verify during his surprise visits to different parts of the prison during the day and night. Care shall also be taken that the night duty is allotted in rotation.".
6. In rule 5 of the principal Rules, for the word "Jamadar" the word "Havildar" and for the word "result" the word "muster" shall be substituted.

7. After rule 10 of the principal Rules, the following rule shall be added, namely:-
- “10A. *Annual Department Conference.*- (1) The Conferences of Departmental personnel shall be held annually. The objectives of such conferences shall be:-
- (a) To take review of achievements and failures.
  - (b) To evaluate current procedures, practices and methods of the Department.
  - (c) To plan for the future development of the Department.
  - (d) To understand staff problems and staff aspirations.
  - (e) To promote best practices in custodial management.
- (2) The minutes of the conferences shall be recorded and copies of the minutes forwarded to the Additional Director General of Police (Prison) or Inspector General of Prisons copy to the Regional Deputy Inspector General. The Additional Director General of Police (Prison) or Inspector General of Prisons should forward the same to the State Government, along with his suggestions and appropriate proposals. Action taken on these minutes and proposals shall be communicated to the institutional personnel by the Prison Headquarters.”.

By order and in the name of the Governor of Maharashtra.



(J.L.Pawara)

Deputy Secretary to Government.

## NOTIFICATION

Home Department, Mantralaya  
Madam Cama Marg,  
Hutatma Rajguru Chowk,  
Second Floor, Main Build  
Mumbai- 400 032  
Dated -1<sup>st</sup> December, 2015

### Prisons Act, 1894.

No. JLM-1013/C.R. 115/13/PRS-2- In exercise of the powers conferred by clause (25) of section 59 of the Prisons Act, 1894 (IX of 1894), in its application to the State of Maharashtra, and of all other powers enabling it in this behalf, the Government of Maharashtra hereby makes the following rules further to amend the Maharashtra Visitors of Prisons Rules, 1962 as follows, namely :-

1. These rules may be called the Maharashtra Visitors of Prisons (Amendment) Rules, 2015.
2. In the Maharashtra Prisons Visitors of Prisons Rules, 1962 (hereinafter referred to as "the principal Rules"), for the words "Greater Bombay" wherever it occur, the word "Mumbai" shall be substituted.
3. In the principal Rules, for the word "Inspector General of Prison" wherever it occur, the words "Additional Director General of Police (Prison) or Inspector General of Prisons" shall be substituted.
4. In the principal Rules, for the word "Jail" wherever it occur, the word "Prison" shall be substituted.
5. In the principal Rules, for the word "woman" wherever it occur, the word "female" shall be substituted.
6. In rule 6 of the principal Rules,-
  - (A) for sub-rule (3), the following sub-rule shall be substituted, namely:-

"(3)(a) The appointment of the members of the Maharashtra Legislature under sub-rule (ii) shall be made by turns to be fixed jointly by such members themselves within such period as may be communicated to the members concerned by the Chief Metropolitan Magistrate in Greater Mumbai and elsewhere by the District Magistrate concerned. Where the members fail to fix their turns, the Chief Metropolitan Magistrate in Greater Mumbai and the District Magistrate concerned, elsewhere shall fix such turns by drawing lots. Provided that, the name of any Lady Member of the Maharashtra Legislature shall not be included in such lot unless she is willing to serve as such visitor.

(b) The State Human Rights Commission shall suggest the appointment of non-official visitors to be included in the Board of Visitors who all visit prisons within their jurisdiction on a regular basis. Each appointment shall be for a tenure of one year. Those nominated who do not perform their duties satisfactorily shall be replaced."
  - (B) in sub-rule (4) for the word "till" the word "until" shall be substituted.
7. In rule 7 of the of principal Rules, for the word "Presidency" the word "Metropolitan" shall be substituted.
8. In rule 8 of the principal Rules, for the word "*ex-officio*" the word "official"

shall be substituted.

9. In rule 10 of the principal Rules, for the word "list of the visitors of" as "the visitors list for" shall be substituted.

10. In rule 11 of the principal Rules.-

(a) in sub-rule (1), after the word "in these rules." the words "For the purpose of a meeting of the Board of Visitors one official and tow non-official visitors shall form a quorum." shall be substituted;

(b) in sub-rule (3), for the words "women's wards" the words "the female section" shall be substituted.

(c) in sub-rule (4), in clause (b), for the word "*ex-officio*" the word "official" and for the word "headquarter" the word "headquarters" shall be substituted.

(d) after sub-rule (v), the following sub-rule shall be added, namely:-

"(vi) When a non-official member of the Board visits a prison he shall be accompanied by at least one more member (official or non-official). The Chairman of the Board of Visitors shall make a monthly roster of visits to be undertaken by the members of the Board to the prison, in consultation with the Superintendent."

11. In rule 16 of the principal Rules,-

(A) in clause (a) for the words "wards, worksheds" the words "hospital, workshop or factories" shall be substituted;

(B) in clause (b), after sub-clause (ii), the following sub-clause shall be inserted, namely :-

"(iii) The quality and quantity of the prison diet is being maintained and that the conditions in the kitchen are clean and sanitary.";

(C) clause (d) shall be renumbered as sub-clause (d) (i), and after sub-clause (d) (i) so renumbered the following sub-clause shall be inserted, namely:-

"(ii) the Superintendent shall ensure that the prisoner who lodges a complaint or grievances with the visiting member or members of the Board of Visitors does not fall prey to a vendetta by any persons (staff or other prisoners) for the reason that they have made such a complaint.";

(D) for clause (g), the following clause shall be substituted, namely :-

"(g)(i) call through the Superintendent any paper or document pertaining to correctional work, recreation and training of prisoners, prison diets, medicines, grievances of prisoners and to follow the redressal of such grievances, if it is sought by a visiting member of the Board, and the Superintendent shall not allow a document to be seen by the Board members as it is not in the public interest that the document to be shown. The Superintendent shall also record his reasons therefore in writing.

(ii) The Superintendent shall not be bound to present any register or document or paper pertaining to financial accounts to a member of the board without the written approval of the Additional Director General of Police (Prison) or Inspector General of Prisons."

12. In rule 17 of the principal Rules,-

(a) for the word "class" the word "category" shall be substituted;

(b) after sub-rule (2), the following sub-rules shall be added, namely:-

“(3) All communication from the District Magistrate or other visitors shall not ordinarily be addressed to any person in the prison other than the Superintendent and all the orders issued shall be in writing.

(4) The District Magistrate or other official visitors orders shall be issued in the form of a written entry in the visitors’ book. The District Magistrate or official visitor is not required to interfere in the matters of detail which may disturb the management of a prison or institution. Official visitors all refrain from any action which may tend to weaken the authority of the Superintendent over subordinate prison staff or the prisoners.

(5) If the District Magistrate or any other official visitor gives an order to which the Superintendent of the prison or his senior takes objection, the concerned officer may represent the matter through the Regional Deputy Inspector General Prisons to Additional Director General of Police (Prison) or Inspector General of Prisons who shall where necessary represent the matter to the State Government, but he shall forthwith obey any order which is not inconsistent with the Central Government or State Prison Acts, or any rule made thereunder, and does not involve immediate risk or danger.”.

**13. In rule 18 of the principal Rules.-**

(a) in sub-rule (2), after the words “The Deputy Inspector General” the “of the Region” shall be inserted:

(b) after sub-rule (2), the following sub-rules shall be added, namely:-

“(3) The minutes of every meeting of the Board of Visitors shall be recorded in the visitor’s minute book, and the same shall be forwarded to the Additional Director General of Police (Prison) or Inspector General of Prisons with copy to the Regional Deputy Inspector General Prisons with comments of the Superintendent. A copy of the minutes shall also be dispatched to every member of the Board of Visitors. The Additional Director General of Police (Prison) or Inspector General of Prisons shall place a copy of the minutes of the last meeting or meetings of the Board of Visitors of all the prisons in the State, before the State Advisory Board.

(4) Any remarks made by an official visitor should be limited to a statement and fair criticism of actual facts, which may come to his knowledge, and to such suggestions as he may desire by The Superintendent, Regional Deputy Inspector General Prisons or the Additional Director General of Police (Prison) or Inspector General of Prisons considered necessary. The criticism shall be confined to such aspects of the ordinary administration and management of the prison which, in the opinion of the visitor, can be improved. On no account, the visitor shall directly or indirectly reflect either favourably or adversely, on the character or conduct of any of the prison staff. If the visitor wants to bring to notice the good or bad work of any prison official he shall do so by a letter addressed directly to the Additional Director General of Police (Prison) or Inspector General of Prisons copy to the Regional Deputy Inspector General Prisons.

(5) The Additional Director General of Police (Prison) or Inspector General of

Prisons or the Regional Deputy Inspector General Prisons may pass orders on any remark made by an official visitor, and he shall, if any, issue of importance requires the orders of the State Government forward the record and associated documents to the State Government for their consideration and decision.”.


**14.** In rule 19 of the principal Rules.-

- (i) in sub-rule (1), for the word “hereinbefore” the word “previously” shall be substituted;
- (ii) in sub-rule (2).-
  - (A) in clause (a) after the word “the Government” the word “or” shall be inserted;
  - (B) in clause (d) for the word “Yeravda” the “Yerwada” and for the word “Dhulia” the word “Dhule” shall be substituted;
  - (C) in clause (e), after the words “Deputy Inspector General of Prisons” the brackets and word “(Regional)” shall be inserted at both the places.

**15.** In rule 20 of the principal Rules.-

- (i) after sub-rule (1), the following sub-rule shall be inserted, namely:-
  - “(1-a) The police shall give intimation to the prison authorities of cases in which identification or undertrial prisoners is to be carried out and shall give a full description of growth of hair, moustache, beard etc., which the undertrial prisoner had at the time of his arrest.”.

By order and in the name of the Governor of Maharashtra,

  
(J.L.Pawara)

Deputy Secretary to Government.

## NOTIFICATION

Home Department, Mantralaya  
Madam Cama Marg,  
Hutatma Rajguru Chowk,  
Second Floor, Main Building  
Mumbai- 400 032  
Dated- 1<sup>st</sup> December, 2015

Prisons Act, 1894.

No. JLM-1013/C.R. 115/13/PRS-2.- In exercise of the powers conferred by clause (10) of section 59 of the Prisons Act, 1894 (IX of 1894), in its application to the State of Maharashtra, and of all other powers enabling it in this behalf, the Government of Maharashtra hereby makes the following rules further to amend the Maharashtra Prisons (Staff Functions) Rules, 1965 as follows, namely:-

1. These rules may be called the Maharashtra Prisons (Staff Functions) (Amendment) Rules, 2015.
2. Throughout the Maharashtra Prison (Staff Functions) Rules, 1965 (hereinafter referred to as "the principal Rules"), for the words "Inspector General" wherever it occur, the words "Additional Director General of Prisons or Inspector General of Prisons" shall be substituted.
3. For rule (1-A) of the principal Rules, the following rule shall be substituted, namely:-

*"(1-A) Prisons and Correctional services.- (i) Prisons and Correctional Services shall be under the control of the State of Maharashtra, Home Department, which is responsible for these services. There shall be a separate division within the Department for dealing with the matters connected with prisons and correctional services.*

*(ii) The aim of working with prisoners is for their reformation and rehabilitation so that after scott-free from the prison they shall be able to live in a society in a responsible and honest manner. All Officers of a prison together with their subordinates shall treat the prisoners with good temper, humanity and with strict impartiality.*

*(iii) The effectiveness of prison administration depends largely on the quality of literacy and supervision of the various institutions and the programmes therein.*

*(iv) 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.*
4. After rule 3 of the principal Rules, the following rule shall be inserted, namely:-

*"(A) General functions of the Additional Director General of Police (Prison) or Inspector General of Prisons.- The general functions of the*

Additional Director General of Police (Prison) or Inspector General of Prisons shall be:-

- (i) To implement prison policies as laid down in the Act and by the State Government.
- (ii) To plan, organize, direct, coordinate and control the various prisons and correctional services under his command.
- (iii) To define the functions and fix lines of authority and control under the command of the prison personnel.
- (iv) To inspect prisons and institutions under his command with particular reference to the custody, care, welfare, training and treatment of inmates.
- (v) To oversee the implementation of the rules regarding staff discipline and staff welfare."

5. For rule 4 of the principal Rules, the following shall be substituted, namely:-

"4. *Additional Director General of Police (Prison) or Inspector General of Prisons to be controlling authority for expenditure of prisons.*- The Additional Director General of Police (Prison) or Inspector General of Prisons shall prepare the annual budget for the various services under his control and submit the same to the State Government for approval, subject to the Accounts and Financial Rules in force. The Additional Director General of Police (Prison) or Inspector General of Prisons shall exercise full and general control over all expenditure of a prison for which the provision has been made for in the budget. Expenditure incurred on the following items shall be regulated in accordance with the rules laid down by the State Government:-

- (a) Constructions and repairs.
- (b) Supply of stationery.
- (c) Supply of medical stores.

6. For rule 6 of the principal Rules, the following rule shall be substituted, namely:-

"6. *Additional Director General of Police (Prison) or Inspector General of Prisons to sanction expenditure.*- The Additional Director General of Police (Prison) or Inspector General of Prisons may sanction any item of expenditure provided for in the budget. The sanction of the State Government is to be obtained for all special and unusual charges, for which distinct provision may not have been made or which are newly entered in the budget. Subject to the provisions of these rules, an adequate grant shall be placed at the disposal of the Additional Director General of Police (Prison) or Inspector General of Prisons to meet expenditure of a special nature."

7. After rule 9 of the principal Rules, the following rules shall be inserted, namely:-

"9 A. *Director of Correctional Services.*- The Additional Director General of Police (Prison) or Inspector General of Prisons shall perform the duties of the Director of Correctional Services and he shall be in overall charge of



prison training and correctional or vocational programmes in all prisons and institutions under his command. He shall be assisted by the Deputy Inspector General of Prisons and the Administrative Officer (Correctional Services) in the headquarters of the Additional Director General of Police (Prison) or Inspector General of Prisons and by the Deputy Inspector General of Prisons located in the four regional headquarters. Their powers and duties shall be fixed by the State Government, from time to time:

Provided that, if the State Government decided in the future to establish a separate post of Director of Correctional Services he would come under the authority of the Additional Director General of Police (Prison) or Inspector General of Prisons.

**9 B. Law Officer.-** A law officer is appointed at the Prison Headquarters, Pune to assist in the following areas:-

- (a) Advising the prison authorities on the protection of human rights of prisoners within the limitations of imprisonment.
- (b) Interpreting legal and procedural rights of prisoners.
- (c) Assisting prison authorities in dealing with all prison matters pending in courts.
- (d) Arranging free legal aid for needy prisoners.
- (e) Assisting in the preparation of petitions and appeals.
- (f) Assisting prison authorities in holding special courts, public courts and video-conferencing.
- (g) Advising the prison administration in all matters having legal bearing including agreements, contracts, affidavits and court documents, keeping prison authorities updated with judicial pronouncements and directives on all matters concerning prison legislation.”

8. After rule 10 of the principal Rules, the following rule shall be inserted, namely:-

10 A. *Duties and functions of institutional personnel.*- (i) The statutory duties and responsibilities of institutional personnel shall be as per the provisions of the laws and rules governing prisons.

(ii) Custody, security, discipline, and preventive and control action especially during an emergency, are the fundamental duties and responsibilities of every staff member.

(iii) The duties, responsibilities and functions shall be assigned in writing to every staff member on their initial appointment and care is to be taken to ensure that the rules, regulations, and instructions to be followed by institutional personnel are correctly interpreted, from time to time.

(iv) The general duties, functions and responsibilities of institutional personnel are as detailed below:-

(a) The Superintendent will, subject to any orders of the State Government, the Additional Director General of Police (Prison) or Inspector General of Prisons and the Regional Deputy Inspector General (Prisons), be in overall charge of the executive management of the prison in all matters relating to economy, discipline, labour, expenditure and punishment.

(b) The Superintendent is therefore responsible for developing an atmosphere that is conducive and correctional in nature, and for providing leadership in all aspects of prison management. He shall take care of the duties, planning, organizing, directing, guiding, coordinating, supervising and controlling of all prison activities. He should also take notice of suggestions submitted through the proper channels, taking action, concerning these suggestions where appropriate.

(c) The Superintendent shall be the head of the prison and all officers and other personnel appointed to the prison will be subordinate to him.

9. For rule 11 of the principal Rules, the following rule shall be substituted, namely:-

**“11. Superintendent not to leave head-quarters without previous permission of the Additional Director General of Police (Prison) or Inspector General of Prisons.-** (i) Subject to the provisions of sub-rule (ii), a Superintendent shall not leave the headquarters or hand over the charge of the prison to any person for a period exceeding twenty-four hours without having obtained the previous sanction of the Additional Director General of Police (Prison) or Inspector General of Prisons by phone or fax who may permit him to hand over the charge of his duties to the next senior most member of the executive staff.

(ii) The Superintendent may, in case of emergency proceed on leave and in anticipation of sanction from the Additional Director General of Police (Prison) or Inspector General of Prisons or the Regional Deputy Inspector General he shall inform them by phone or fax as soon as possible.”

10. Rule 12 of the principal Rules shall be re-numbered as sub-rule (i) and after sub-rule (i) so re-numbered the following sub-rule shall be added, namely:-

“(ii) On joining the reliever the Superintendent shall ensure that all the finished and unfinished goods and articles in factory storerooms have been accounted for in the records and that the balances tally with the records. In case of a discrepancy he shall make a note in the charge report. In case of any need a separate annexure of such items may be added to the charge report. The Regional Deputy Inspector General is to be informed of the discrepancies at the earliest opportunity.”

11. In rule 13 of the principal Rules.-

(a) for sub-rule (13), the following sub-rule shall be substituted namely:-

“(13) monitor Inmate discipline and morale and to take remedial action where necessary and also to receive and enquire into a complaint or an application from any category of prisoner”

(b) for sub-rule (17), the following sub-rule shall be substituted, namely:-

“(17) be personally responsible for the prompt payment of bills for goods or services supplied to the prison”

(c) after sub-rule (28), the following sub-rule shall be inserted.

namely:-

(29) to implement State policy pertaining to correctional administration, a Superintendent shall,-

- (a) personally keep the custody of secret and confidential documents;
- (b) ensure careful supervision regarding the care and welfare of all inmates in his charge;
- (c) have overall supervision of office administration within the prison;
- (d) be responsible for planning, organizing, directing, guiding, co-coordinating, supervising and the controlling of all institutional programmes and operations;
- (e) be responsible for the correct classification of prisoners, their training programmes, and correctional activities;
- (f) supervise and inspect work, employment and production programmes;
- (g) deal with any personnel matters appertaining to institutional staff including their welfare and discipline. He shall allocate the duties of all prison personnel under his command, and is to ensure health and safety, the protection of human dignity, staff rights and decent working conditions. He shall also acquaint institutional personnel with current policies of correctional functions and administration together with the role prison staff have to play in the reformation and rehabilitation of prisoners;
- (h) organise training programmes at institutional level for all institutional staff;
- (i) convene monthly meetings of the institutional staff. The objects of these meetings shall be to :-

- (i) coordinate the institutional activities,
- (ii) improve methods of work,
- (iii) interpret State Government and departmental policies to staff members,
- (iv) explain new procedures, rules, regulations and policies regarding the discipline and treatment of prisoners.
- (v) explain policies relating to personnel management, staff discipline and staff morale,
- (vi) explain welfare programmes formulated by the staff welfare committee,
- (vii) give opportunities to staff members to discuss their common problems,
- (viii) communicate appreciation of good work as and when necessary,
- (ix) reward staff members as and when necessary.

**Note.** - Minutes of the proceedings of staff meetings shall be recorded and a copy of the minutes is to be forwarded to the Additional Director General of Police (Prison) or Inspector General of Prisons and the Regional Deputy Inspector General with any necessary remarks by the Superintendent.

- (x) supervise the control and maintenance of stock and stores;
- (xi) ensure the maintenance of buildings, fixtures and fittings, equipment

and infrastructure:

(xii) liaise with other Government Agencies or non-Government Organisations etc. for the purpose of achieving his duties and the aims of the institution:

(xiii) on receipt of an order for the manufacture of articles in a prison factory or workshop call a meeting of the Jailor in charge of prison industries, the concerned factory technical supervisor and the in charge of raw material stores and they shall assess the capability of the concerned industry to produce the goods as per the customer's instructions. He shall keep a file of each order and enter into a contract with the customer and the contract is to include specifications, production schedules, rate per item and the quantity of goods to be purchased. The Superintendent is to take a review of each order from time to time."

12. After rule 13 of the principal Rules, the following rules shall be inserted, namely:-

***ADDITIONAL SUPERINTENDENT (CENTRAL PRISON)***

"13 A. *Additional Superintendent of Central Prison.*- In the absence of the Superintendent, the Additional Superintendent (where appointed) shall perform all the functions relating to the post of Superintendent. In the course of his normal duties the Additional Superintendent shall –

- (i) be responsible for admission and release of prisoners after verification and checking of committal warrants;
- (ii) check the disbursement of prepared food, subsistence allowance, bus and railway fares, etc. to released prisoners and attesting of entries in the cash book, permanent advance register and the prisoner's cash or property register;
- (iii) deal with minor correspondence relating to prisoners;
- (iv) check the appeal registers on a regular basis;
- (v) supervise the release on bail, appeals and fine payments;
- (vi) attend to the correction of sentences as notified by competent authorities;
- (vii) ensure the production of prisoners in courts is being managed in accordance with the production warrants and rules;
- (viii) check the issue of raw materials to various workshops according to requirements;
- (ix) check the stock books of raw materials and of manufactured articles;
- (x) attend the weekly inspection parade of prisoners together with the Superintendent;
- (xi) check the ration stock book;
- (xii) supervise the weight check of ration articles on purchase, which is subject to supervision by the Superintendent;
- (xiii) carry out any other duties assigned to him by the Superintendent from time to time:

(xiv) visit the prison inmate areas once in the forenoon and once in the afternoon on every working day and on Sundays and holidays when special circumstances render it appropriate;

(xv) visit the prison at night once in a week to satisfy himself that the guarding is proper and effective and that everything is correct and to submit a compliance report to the Superintendent to this effect;

(xvi) attend the unlocking and lock-up of inmates once in a week, and check these functions which are normally checked by the Deputy Superintendent on the other days. This shall be so arranged by liaison with the Deputy Superintendent under the specific orders of the Superintendent;

(xvii) check that all the rules and instructions are being followed at lock-up time, and that sufficient guards are posted for security. Check that all lighting is switched on and in working order. He shall attend to this duty once in each week;

(xviii) supervise from time to time the lock up of high security prisoners such as Condemned Prisoners, Naxalites, and Terrorist Prisoners etc;

(xix) ensure the segregation of those prisoners having escape or discipline risks and prisoners of known bad character. All segregations shall be reported to the Superintendent;

(xx) check that the outer and inner walls, buildings, gates, barracks, cells, high security cells, hospital area and other places in the prison are properly secured, and that the lighting system in and around the prison is complete and fully functional;

(xxi) ensure that guards are placed in housing units where notorious prisoners are confined;

(xxii) bring to the notice of the Superintendent through his report book, wherever the guarding arrangements are not satisfactory;

(xxiii) visit the prison hospital two days each week other than when the Superintendent makes his visits. This arrangement shall be made in consultation with the Superintendent as part of duty allotment;

(xxiv) bring to the notice of the Superintendent any impropriety or negligence on the part of the prison staff;

(xxv) at least twice in a week he shall check the rations issued to the kitchen and satisfy himself that the correct quantities are being issued;

(xxvi) make surprise visits (especially during the night hours) to the prison at least twice in a week, to check that sentries are posted correctly and are alert. He shall also check that the other checking or supervisory personnel have made their proper rounds in the checking of these sentries;

(xxvii) keep a report book in which he is to:-

(a) Record the duties performed by him each day and submit the same to the Superintendent for checking.

(b) Bring to the notice of the Superintendent his overall assessment of the standard of discipline and morale amongst the staff and prisoners.

(c) Record any inadequacy in the security arrangements and suggest guidelines to correct the problem.

(d) Bring to the notice of the Superintendent any matter of importance.

(xxviii) oversee the supervision of the remission section in the prison office with frequent and periodical checks over all the registers and other records within this section.

(xxix) supervise the work of his subordinate officer, that is, the Deputy Superintendent and the Jailors Grade A and Grade B in respect of the executive work allocated to them including the supervision of all the registers being maintained by them, and he is to initial the registers having first checked their accuracy.

### ***DEPUTY SUPERINTENDENT CENTRAL PRISON***

13B. *Deputy Superintendent at a Central Prison.*- The Deputy Superintendent is the Chief Executive Officer of the prison and is subordinate to the Superintendent. Where there is one the Additional Superintendent, he is to assist in the management of the prison wherever necessary. In the course of his normal duties the Deputy Superintendent shall –

(i) be generally responsible for the observance of all prescribed regulations, rules and orders;

(ii) have supervision over the security, custody, discipline, welfare and care of prisoners;

(iii) have supervision over matters appertaining to prison personnel including, staff discipline, staff welfare and assisting the Superintendent in matters pertaining to institutional management;

(iv) inspect the kitchen, canteen and make periodic visits to the prison hospital;

(v) attend to the admission and release work regarding prison manufacturing;

(vi) be part of the committee regarding the classification of prisoners and their training needs;

(vii) ensure that the personal hygiene of prisoners including their clothing are maintained to a satisfactory standard at all times, and to ensure that they have the authorized quantity of clothing and bedding and no more;

(viii) at uncertain times but at least once a week, cause every prisoner and all clothing, bedding, workshops, barracks, hospital wards and cells to be thoroughly searched;

(ix) be responsible for the execution of all orders regarding the labour of prisoners and he is to ensure that work allocated to each prisoner is performed satisfactorily. Work for each prisoner shall be assigned on the recommendation of the classifying committee constituted in each Central Prison for this purpose;

(x) where prisons have gardens, supervise the cultivation of the garden and be responsible for the adequate supply of vegetables and other produce grown in the garden. Where there is a prison farm he shall supervise its operation together with all other outside work concerning the prison:

(xi) jointly with a Medical Officer as assigned by the Chief Medical Officer be responsible for overseeing the proper preparation and distribution of food to all prisoners and especially to condemned and high security prisoners:

(xii) supervise the working of the guard at least once in a week and at other uncertain times. He shall also visit the prison after 22.00 hrs and satisfy himself that the standing guard is present, the sentries posted are on the alert, and that the rounds of the prison are being properly maintained:

(xiii) be responsible for the custody of all committal warrants and for the strict enforcement of their terms. He is to ensure that no prisoner on any account is released before his due time, unless so sanctioned by order of a competent authority. He is to ensure that no prisoner is kept in prison beyond the termination of his sentence, unless he is the subject of a committal warrant in another case.

***DUTIES OF THE DEPUTY SUPERINTENDENT (LAW (JUDICIAL)  
DEPARTMENT (SECTION))***

13C. *Deputy Superintendent at a Central Prison (Judicial Section).*- The Deputy Superintendent shall, -

(i) when the Jail Superintendent, Additional Superintendent shall not be present on their duty, take charge of that post.

(ii) in absence of the Additional Superintendent in prisons, where a post of Additional Superintendent is not there, then the Jail Superintendent shall look after all his work.

(iii) look after the work being Divisional Inquiry (Enquiry) Officer.

(iv) also look after all work being Chief concerned with the Law(Judicial) Department(Section), and look after all correspondence.

(v) himself look after all matters of High Court under directions of the Superintendent.

(vi) present in the Court being Superintendent.

(vii) look after the work of sending prisoners on furloughs.

(viii) look after the working of prisoners on promissory (Parole) leave.

(ix) put control over the proceedings in law (judicial) Department(Section).

(x) look after the work of all Jailors Grade -A in the Law (judicial) Department (Section) being their immediate Controlling Officer.

(xi) look after the work in accordance with the orders issued by the superiors time to time.

**DUTIES OF THE DEPUTY SUPERINTENDENT (FACTORY  
DEPARTMENT(SECTION))**

13D. *Deputy Superintendent at a Central Prison (Factory Section).*- The Deputy Superintendent shall,-

- (i) look after all correspondence with respect to the factory department (section).
- (ii) look after all work of Additional Superintendent in his absence or of prison where, there is no post of Additional Superintendent.
- (iii) also look after all work being Chief concerned with the Factory Department(Section) and also look after all correspondence.
- (iv) look after the work of the Factory Manager who is working under his control.
- (v) put control over the work of the current Jailors Grade B, Clerk, employees from the same cadre and the technical officers.
- (vi) put control over the demands received by the Government and Non-Government offices and supply thereof.
- (vii) prepare all returns of the factory department (section) in time and furnish the same.
- (viii) put control over the inspection of storage of heavy things, other storage etc. being Superintendent.
- (ix) look after the work in accordance with the orders issued by the superiors time to time."

13. In rule 14 of the principal Rules,-

(i) in clause (a), after the words "custody of prisoners" "the words" and to assist the Superintendent in studying the psychological and mental makeup of a prisoner, and taking appropriate steps to assist for their welfare and reformation;";

(ii) for clause (j), the following clause shall be substituted, namely:-

"(j) assist the Deputy Superintendent in supervising the work of all the agricultural and guarding staff in the prison garden. In prisons where there is no Deputy Superintendent or agricultural staff the Senior Jailor shall be in charge of the prison garden and be responsible for its proper maintenance and for ensuring a regular and economic supply of vegetables throughout the year as far as may be possible:"

(iii) for clause (n), the following clauses shall be substituted, namely:-

"(n) muster the prisoners in suitable batches and shall certify in the Jailor's Report Book—

- (i) that every prisoner has his prison issued photo identity card.
- (ii) that every prisoner has his authorized quantity of clothing and bedding and that they are clean and in good order :
- (iii) that he has read to prisoners the rules for rewards for good conduct: for granting remission and for punishments for commission of prison offences :



- (iv) that all barracks and cells have been inspected daily during the week and found in order.
- (o) be present and assist the Deputy Superintendent in the supervision of food supply to condemned prisoners;
- (p) supervise interviews with condemned prisoners;
- (q) assist the Deputy Superintendent in the supervision of searches, and the counting of prisoners on opening and locking of their housing units.
- (r) assist in all matters pertaining to institutional management;
- (s) attend to any other duty that may be assigned to him by the Superintendent;
- (t) supervise the admission formalities and the searching of prisoners and their luggage on their arrival in the prison;
- (u) be responsible for the safe custody of prisoner's property;
- (v) ensure the removal of private clothing from convicted prisoners and other categories of prisoners on their admission as per the rules, and the issue of prison clothing, bedding and eating utensils;
- (w) supervise the maintenance of the prison clothing registers in the prescribed form;
- (x) take charge of the quarantine, civil and leper annexes where they exist;
- (y) maintain a daily report book in which he shall record all important events and occurrences within the prison, bringing to the notice of the Superintendent any areas of concern."

14. After rule 14 of the principal Rules, the following rules are added, namely:-

**JAILOR GRADE-A (ADMINISTRATION)**

14A. *Jailor Grade-I (Administration)*. - The Jailor Grade-I shall,-

- (i) look after the work under the control of the Superintendent;
- (ii) carry out functions like discipline and security of the employees, distribution of duty, application without name (anonymous application), complaints, inquiries etc.;
- (iii) carry out distribution of the Government residence to the cadre employees;
- (iv) look after all correspondence with respect to the Construction and Agricultural Department;
- (v) look after the work like Chief of the Reserve Guard, Arms and Ammunitions, Armoner, contingency, storage of heavy materials, cloth godown, grain godown, Canteen etc. being its Controlling Officer.
- (vi) obtain daily report received from the sub-ordinate officers or employees and a report about whether the concerned employees or officers concerned with the opening and closing are present or not and will furnish those before the Superintendent;
- (vii) put control over the work of the search officers and officers in order;
- (viii) look after the work in accordance with the orders issued by the

superiors time to time:

(ix) put control over the main gate and entire prison vicinity gates:

(x) recommend for all leaves of all Jailors Grade-I and Jailor Grade-II and employees from security cadre;

(xi) The Jailor Grade-A (Administration) be responsible for the internal security in absence of the Internal Security Officer;

(xii) look after the work being information officer;

(xiii) put control over the clothes, bed and pots of the prisoners in jail:

(xiv) put control over the storage of heavy material in the prison:

(xv) look after the work in accordance with the orders issued by the superiors from time to time;

(xvi) put control over the kitchen of the prison.

*JAILOR GRADE-I (INTERNAL SECURITY OFFICER)*

14B. *Jailor Grade-I (Internal Security)*.- The Jailor Grade-I shall-

(i) look after the work under the control of the Additional Superintendent:

(ii) put control over the Circle Department (section), Separate Cells, Excess (High) Security Yard and over all securities on the inside fortification;

(iii) scientifically classify the prisoners entering into the prison:

(iv) classify prisoners from gangsters and general prisoners and shall furnish report thereof to the superiors:

(v) be responsible being the Controlling Officers and Jailor Grade-B in every Circle Department (section);

(vi) furnish report to the superiors if he found lacunas in the task of the officers or employees working under him:

(vii) take cognizance of any incident of breach of security taken place in the yard under his control and he shall see who is responsible for the same, and shall furnish report accordingly to the Superintendent:

(viii) be responsible for the supervision on whether the prisoners are getting all required facilities in accordance with rules or not:

(ix) put control over the clothes, bed and pots of the prisoners in jail:

(x) look after the work in accordance with the orders issued by the superiors from time to time.

*JAILOR GRADE-I (LAW (JUDICIAL) DEPARTMENT (SECTION))*

14C. *Jailor Grade-I (Judicial Section)*.- The Jailor Grade-I shall,-

(i) look after the work under the control of Deputy Superintendent:

(ii) put control over the officers or employees in Law (Judicial) Department (Section):

(iii) look after the work of the Jailor Grade B who is under his supervision;

(iv) look after all documents, returns of the Law (judicial) Department (section) and also look after matters pertaining to the record of private money of the prisoners and ornaments, matters of death of prisoners, matters with respect to compensations, matter about State Human Rights Commission and National Human Rights Commission:

- (v) look after the work about presenting the prisoners in the Court for hearing;
- (vi) give guidance to the Jailor Grade II in Law (Judicial) Department (section) and Clerk employees and get the work done through them;
- (vii) free the prisoners under punishment, under judicial process and detained (detenue) prisoners in accordance with the order of the Hon`ble Court after verifying their warrant and records in register;
- (viii) prepare all concerned summary of all record registers and concerned returns with respect to the law (Judicial) Department (section);
- (ix) verify Register No. 1A and 2A and sign in confirmation of correctness of the same;
- (x) have custody of all ornaments of the prisoners and will verify its record time to time;
- (xi) obtain requisite orders of the Superintendents on all important issues;
- (xii) look after the work in accordance with the orders issued by the superiors from time to time.”

**15.** In rule 19 of the principal Rules, in clause (g), the words to supervise the searches of all visitors to the prison and to report to a Senior Officer about the problems arise” shall be added at the end.

**16.** In rule 20 of the principal Rules, for clause (e), the following clause shall be substituted, namely:-

“(e) To open a prisoners housing unit at night in case of an emergency. If there is a fire at night in any of the prisoners housing units the duty Orderly Officer shall ensure the keys to the housing units are dispatched from the key box to the place of the fire by the shortest route. If the keys are not readily available the locks may be broken with a hammer and action taken in accordance with Standing Operating Procedures to ensure the security and welfare of the prisoners. The Superintendent together with Additional Prison Guards or local police shall immediately be summoned and the emergency services are to be called. In case of riot the main and secondary gates are to be secured and reinforced before unlocking the area where the riot is taking place:”

**17.** For rule 22 of the principal Rules, the following rules shall be substituted, namely:-

**“22. Duties of Female Jailor.-** (i) A Female Jailor shall be in charge of the women’s section of the prison and shall work under the direct supervision of the Superintendent. She shall perform all the duties of the Senior Jailor and Junior Jailor mentioned in these rules so far as the female section of the prison is concerned. It shall be her duty to see that either she herself or a female guard is present right from the time of the opening of the prison till the time of lock-up, and to ensure that no unauthorised person enters the female section of the prison. She shall always accompany inside the female section of the prison any male Superintendent, Deputy Superintendent, Senior Jailor, Medical Officer or any other male member of the prison staff

who has a legitimate cause to enter the female area of a prison. The Female Jailor shall also accompany any authorised external visitors to the female section of the prison. In times of emergency, she shall immediately contact the next higher ranking officer who is available and obtain orders.

(ii) No Female member of staff shall at any time and on any pretext, hold an interview, communicate with or interact in any way with any male prisoner or visit any part of the prison allotted, occupied or reserved for male prisoners, except in the discharge of her duties.

**22A. Custodial or guarding Staff strength.-** (i) The strength of the custodial or guarding staff shall be determined keeping in view the requirements of security, discipline, programme emphasis, duty posts, workload and distribution of functions. In principle there shall be one guarding staff for every six prisoners.

(ii) The guarding personnel shall consist of *Subedars, Havaldars, Sepoys* (male and female) and the supervisory staff of the *Borstal School*.

(iii) Specific duties for each member of the guarding staff at various locations within the institution shall be detailed by the Superintendent on a rotation basis and in keeping with their status within the cadre in the following areas:-

(a) Security, custody and discipline.

(b) Searches and counting of prisoners.

(c) Opening and locking-up of the prison.

(d) Reporting defects and short comings in prison buildings, walls, locks, lighting arrangements and bars, taking immediate action for the rectification of the above, and taking care of the custody of locks, keys, handcuffs and other security equipment.

(e) Care and welfare of the prisoners.

(f) Maintenance of discipline in all areas such as gate areas, quarantine yards, barracks, cells, workshops or factories, punishment yards, segregation yards, high security yards, hospital yard, kitchen, farm and in every other section of the institution.

(g) Ensuring good sanitation and hygiene in areas under their charge.

(h) Guarding and sentry duties.

(i) Escorting prisoners for work, supervision of their work, care and custody of tools, property, equipment, dead stock and livestock.

(j) Supervision of food distribution, canteen articles and inmate equipment.

(k) Supporting the technical personnel in workshop, management and discipline, assisting agricultural personnel in their duties.

(l) Discipline in areas where educational, cultural and recreational activities are conducted.

(m) Reporting violations of discipline to appropriate officers so that immediate action can be taken as per the rules.

(n) Observing habits and behaviour patterns of inmates and reporting the same to the relevant prison officials concerned, helping inmates to

improve their habits and attitudes.

- (b) Taking preventive and control measures for all emergency situations.
- (c) Ensure and maintain discipline in staff quarters.
- (d) Take part as directed in physical training, drill parades and emergency exercises."

18. For rule 25 of the principal Rules, the following rule shall be substituted, namely:-

"25. *Duties and responsibilities of Prison Guards.*- It shall be the duty of a Prison Guard:-

(1) not to quit his post on any account without being relieved. In case he finds himself incapacitated due to sudden illness or any other reason preventing him from performing his duties, he shall send intimation to the duty officer who shall make the necessary arrangements for his relief.

(2) not to remove his uniform while on duty, however, he may remove any part of his uniform like belt while taking his meals or during authorised rest periods.

(3) to ensure that he is fully briefed in order that he understands his duties and responsibilities and he shall refrain from conversing with any inmate, unless it is required as a part of his official duty.

(4) under any circumstances not to bring anything from outside the prison for any prisoner and not to receive anything from a prisoner to be conveyed outside the prison.

(5) to raise the alarm in case any prisoner attempts to escape or other emergency, by blowing a continuous short sharp blast with his whistle and he shall also endeavour to prevent damage to Government property.

(6) as part of essential services, to be on duty round the clock and he shall not leave the institutional premises without obtaining permission from the competent authority.

(7) to keep a daily report book in which he shall record all movement of prisoners from one area to another within the prison, the totals of prisoners kept in each barrack or cell, and record any problem of concern which is to be drawn to the attention of the duty officer.

(8) to stand or walk whilst on patrol duty and on no account to lay down whilst on duty.

(9) to keep his uniform and equipment in good order.

(10) to keep a list of tools delivered to prisoners proceeding to work in the morning, and to count, examine, and return the tools into the store and to immediately report any deficiency to the Senior Jailor. A Guard in charge of a workshop shall be responsible for the tools and equipment kept therein.

(11) to report any defect in locks, bolts and bars, and any tampering with these articles or keys in his charge.

(12) to keep all keys entrusted to him on his person, and not to leave them unattended.

(13) to treat prisoners with humanity and bring their complaints and grievances to the notice of his immediate superior without delay.

(14) to bring to the notice of the Superintendent and a Medical Officer any signs of sickness among prisoners in his charge,

(15) to report to the Senior Jailor if an uncomplaining prisoner appears to be passing into a failing state of health, or if a prisoner's state of mind appears, in his opinion, to be weak and uncertain.

(16) to search all prisoners in his work detail or area of responsibility at the time of taking charge of them and at such other times during his duty as he may feel it necessary.

(17) to report the discovery of any prohibited articles found with any of the prisoners in his charge and he shall be held responsible together with the in charge Jailor if any contraband article is found in his area of responsibility.

(18) To report any case of wilful damage to prison property.

(19) to prepare prisoners entrusted to his charge for counting, and to see that each prisoner comes to his place of duty in proper order, behaves well, and maintain silence.

(20) to report immediately to the Senior Jailor the fact of any prisoner missing from his charge.

(21) to count the prisoners allotted to him and to declare the number to the officer allocating the prisoners.

(22) to count prisoners in his charge at least twice during his period of duty, and to satisfy himself that he has the correct number in his custody.

(23) to report all cases of idleness and short-work amongst inmates entrusted to him who are required to work.

(24) to see that any prisoner who is required to leave the work detail for any legitimate purpose is handed over to the charge of a responsible prison official or convict overseer or night watchman for such purpose.

(25) to ensure that the personal hygiene of prisoners, including their clothing, bedding and eating utensils, are maintained to a satisfactory standard at all times.

(26) to keep strict watch of all inmates in barracks, cells, yards, circles, workshops and other places inside the main prison wall at all times.

(27) to prohibit any inmate from leaving his housing unit, yard, circle or workplace unless he is accompanied by a prison guard, convict overseer or night watchman.

(28) to report any plot for escape, assault, breakout or for obtaining prohibited articles that may come to his notice.

(29) to report immediately to a superior officer any breach of the prison rules."

**19.** For rules 27 to 30 of the principal Rules, the following rules shall be substituted, namely:-

*"27. Female Jailor in immediate charge of Female prisoners.- (1) Subject to the general control of the Superintendent the senior most Female Jailor shall have immediate charge of the female prisoners in the prison.*

(2) There shall be round the clock duty carried out by female prison guards in the female enclosures of a prison.

**28. Female Jailor duties to be discharged by a Female Guard or Convict Officer.-** In the absence of the Female Jailor a Female Guard assisted by a Female Convict Officer (where there is one) shall carry out the duties of the Female Jailor.

**29. Female Jailor to attend a female prisoners given separate confinement.-** Where a female prisoner is kept in a separate confinement in the female enclosure, the Female Jailor or a Female Guard shall always be present in the enclosure during the day time with the cell key in her possession to attend to the prisoner's wants and to keep her under observation.

**30. Female Jailor to ensure removal of female prisoners punished with cellular confinement.-** Where a female prisoner is punished with cellular confinement, the Female Officer shall remove such prisoner from her cell to an association barrack before lock-up."

**20** For rule 33 of the principal rules, the following rule shall be substituted, namely:-

"**33. Change of sentries on rotational basis.-** The guarding establishment shall supply sentries and guards for these duties. All guards and sentries shall perform their duties in rotation and armed sentries shall perform duties in two hourly shifts. The Guard Commander shall see that the sentry relieved passes the orders of his post to his reliever."

**21.** After rule 33 of the principal Rules, the following rule shall be added, namely:-

**33A. Firearm rules.-** (1) Only firearms and ammunition as issued may be carried by armed sentries and no firearm shall be loaded at any time unless the armed sentry is explicitly ordered to do so. The firearms of the guard shall always have the bayonet fixed.

(2) The outside of the main gate shall be guarded by armed sentries and other portions of the prison will be manned by guards without arms.

**22.** For rule 35 of the principal Rules, the following rules shall be substituted, namely:-

"**35. (i)** The armed sentry shall aid the prison authority in the suppression of violence or opposition of any kind, when called upon to do so.

(ii) The armed guard sentry on duty shall on no account quit his post without being relieved. In case he finds himself incapacitated due to sudden illness or any other reason preventing him from performing his duties, he shall send intimation to the guard commander who shall arrange for his relief."

**23.** For rule 37 of the principal Rules, the following rule shall be substituted, namely:-

"**37. Custody of firearms.-**

(i) The concerned Jailor shall be responsible to make sure that arms are never left within the reach of prisoners.

- (ii) All necessary arms when not in use shall be kept in the guardroom.
- (iii) The approach to the guard room shall be from outside of the main gate.
- (iv) A guard room outside the main gate shall be set apart for keeping the firearms and ammunition. It shall be furnished with racks for the firearms and for hanging up the accoutrements. The bayonets and ammunition pouches shall be slung on the spare belts ready for immediate use.
- (v) Where prison armed guards are posted by the Department, the key of the armory shall be kept by the Reserve Guard Commander and a duplicate key shall be kept by the Senior Jailor with a tin label affixed to it for immediate recognition in case of emergency.
- (vi) In places where Police Armed Guards are provided, the rules of the Police Department shall apply.
- (vii) The firearms, bayonets and other special equipment of the armed prison guards shall be checked and examined by the Superintendent on the first day of each month, the guard being paraded for this purpose. He shall also count all ammunition on that day and record in the book specially kept for that purpose, the total receipts and expenditure during the previous months and balance remaining."

24. For rule 42 of the principal Rules, the following rule shall be substituted, namely :-

"42. *Duties of armed guard.*- (1) It is the duty of an armed guard on sentry duty, both during the day and night, to challenge all unknown or suspicious persons approaching his beat, forbidding them to approach nearer unless they can satisfactorily account for themselves or, at night, give the password.

(2) It is the duty of an armed sentry to resist (if needed by reasonable force) all attempts to break into or out of the prison premises, and to prevent escapes or illicit communication with prisoners. In case any prisoner attempting to escape, the armed guard shall at once raise the alarm by blowing a continuous short sharp blast with his whistle."

(3) At night every armed guard sentry on duty shall report to the Patrolling Officer if anything suspicious or unusual comes to his knowledge. He shall give an assurance that all is well each time the Patrolling Officer passes by."

25. After rule 44 of the principal Rules, the following rules shall be added, namely:-

"44A. *Transportation of firearms and ammunition.*- (i) All consignments of firearms and ammunition sent by any means of transport shall be put into sealed boxes and escorted by an appropriate armed guard. It shall be the duty of the escort to guard the firearms and ammunition against any contingency.

(ii) When the firearms belonging to the Prison Department are being dispatched to repair or testing facilities outside the State they shall be entrusted to the Police Department. A police party shall escort these firearms along with the firearms of the Police Department, if any. If there are no firearms belonging to the Police Department to be escorted and a police



party has to be provided exclusively for escorting the firearms of the Prison Department, the expenditure incurred in connection with the journey shall be borne by the Prison Department

**44B. Reserve Guards.**- (i) In all Central and District Prisons, there shall be a Reserve Guard of sufficient number, who have undergone training, in the use of modern weapons and unarmed combat. The Reserve Guard shall always be ready in the guard room to meet any emergency. The Reserve Guard shall be divided into two Grades used on alternate days to handle any emergency in the prison. They shall be kept on alert with facilities for fast movement. The Reserve Guard shall be used for its specified duties only. As far as possible, the Reserve Guard shall be selected from younger members of the guarding cadre.

(ii) The Reserve Guard shall always be commanded by an officer during day and night hours. There shall be two officers in the rank of Jailor to look after the operations.

(iii) Personnel in the Reserve Guard shall be armed with modern firearms like pistols, carbines, self-loading rifles, pump action guns and also the authorised quantity of rubber bullets, plastic bullets and live ammunition in order so that these can be used during emergency situations. The firearms of the reserve guard shall be kept in a rack in the guard room with the bayonet and ammunition pouches on the belts ready for immediate use. Firearms shall not be left in any location where prisoners could seize them. On turning out for their duty or inspection or ceremonial parades, the reserve guard shall carry their bayonets and ammunition pouches unless otherwise ordered.

(iv) The Superintendent will personally satisfy himself that the Reserve Guard is properly trained, equipped with the required firearms and ammunition, and that they are alert at all times.

**44C. Changeover of the Reserve Guard and Firearms of Reserve Guard.**- When the watch is relieved, all firearms, ammunition and associated equipment shall be handed over to the relieving watch. The Jailor (Reserve Guard) in command shall be responsible for ensuring that firearms and ammunition are accounted for and correctly handed over to the incoming guard.

**44D. Mustering the Reserve Guard.**- Before the prison is unlocked in the morning, the Reserve Guard and the guarding staff whose duties for the day have not been fixed shall be mustered under arms outside the main gate, and the Jailor shall at once post the day sentries. The guard shall be drilled and afterwards shall remain under arms until the entire team is dismissed to the guardroom. The Reserve Guard shall again be under arms from the hour fixed for the cessation of work until the prisoners are locked up for the night."

26. In rule 51 of the principal Rules.-

(i) the word "matron" shall be deleted

(ii) after the words "as much consideration as possible," the words "Females shall only be searched by a Female Prison Officer or Female Guard" shall be added.

27. In rule 54 of the principal Rules,-

(a) for entry (10), the following entry shall be substituted, namely:-

(10) a telephone and two way radio equipment, (if provided).";

(b) after entry (11), the following entries shall added, namely:-

"(12) a fire extinguisher

(13) a Hammer of sufficient size to break locks in an emergency. This item to be kept in the possession of the duty Orderly Officer and is only to be used for the aforementioned purpose."

28. After rule 54 of the principal Rules, the following rules shall be added, namely:-

55. Probation Officer and his duties:- The Probation officer shall-

(1) Probation officers shall regularly visit prisons and identify prisoners who are eligible for various welfare schemes of Government.

(2) Case file or record of all cases shall be maintained by them and countersigned by the Superintendent.

(3) Probation officers shall submit monthly summaries of their work to the concerned Superintendent.

#### **WELFARE OFFICER**

56. *Welfare Officer and his duties* .- (i) Prisoners welfare shall be handled by the correctional branch of the prison administration which shall have a Welfare Officer. The Welfare Officer shall primarily be concerned with the wellbeing of prisoners, undertaking individualised care for those needing institutional adjustment and responsiveness through correctional programmes and to ensure there exists an effective after care and rehabilitation programme for appropriate inmates.

(ii) The duties of the Welfare Officer are –

(a) to co-ordinate the work of the welfare unit;

(b) to help inmates in overcoming problems of institutional adjustment;

(c) to assist inmates in dealing with problems faced by their families and dependents;

(d) to assist in the correctional needs of prisoners with the resources available within and outside the prison;

(e) to participate in the orientation, classification and reclassification programmes;

(f) to facilitate understanding between the inmate and the prison administration;

(g) to assist prison authorities in maintaining prison security and discipline;

(h) to participate in the pre-release programme and to help the inmate establish contacts useful to him after release;

- (c) to identify the resources for the rehabilitation of prisoners;
- (d) to assist the inmate with after care and rehabilitation as laid down in Part 4 to Chapter XXXIV of the Prison Manual.

### ***PSYCHOLOGIST***

57. *Appointment of Psychologist.*- (1) The administration may employ the services of a psychologist to help inmates in the following areas:-

- (a) Dealing with the emotional and psychological problems of inmates.
- (b) Providing counseling to inmates who are facing problems of adjustment within the prison and in relation to their families outside.
- (c) Helping inmates develop their self-image, self-confidence, and to become motivated for rehabilitation and correctional treatment.
- (d) Helping the staff in understanding the problems faced by inmates.
- (e) Aiding the psychiatrist in related matters.

(2) An appropriate Non-Government Organisation may also be contacted to interact and assist the psychologist and other prison staff in the above related matters.

### ***EDUCATIONAL PERSONNEL***

58. Education in prisons has to be pursued as an important means of the reformatory process, especially as it creates and develops an awareness of the value of literacy and numeracy in everyday life. It can also instill the inmates with an awareness of their social responsibilities and behaviour in society. The educational personnel all endeavour to offer comprehensive and diversified programmes to inmates in the following areas:-

- (i) Education for inmates who are of different educational standards, social awareness, moral education and, in conjunction with the prison medical staff, health education.
- (ii) Linking prison education with mainstream education.
- (iii) Screening of newly admitted inmates for the determination of their educational aptitude, abilities and interests.
- (iv) Participation in the Classification Committee's work.
- (v) Conducting literacy, socio-cultural and spiritual development programmes.
- (vi) Arranging for tests and examinations; periodically assessing the educational progress of inmates; changing educational programmes when and where necessary to meet the needs of the individual.
- (vii) Maintenance of a library with sufficient reading material in languages suitable for the inmate population.
- (viii) Ensuring audio-visual facilities available and in working condition including equipment used for video-conferencing.

### ***DUTIES OF THE TEACHER***

59. *Teacher appointed in Prison.*- The Teacher shall,-

- (i) fix Schedule of the Adult Literacy Class for the prisoners and to

conduct the Literacy Classes.

(ii) organize good lecture for the prisoners.

(iii) arrange cultural programmes, welfare schemes etc. for the prisoners and to conduct programs for varied talent skills.

(iv) organize sports competition for the prisoners.

(v) distribute news papers to the prisoners according to rules and maintain accounts thereof.

(vi) put control over the books of library and distribution of book to the prisoner for reading etc.

(vii) To conduct syllabus of the deemed university, entrance examination etc. for the prisoners.

(viii) participate in the programs of sports competition of the employees.

(ix) conduct programmes like nursery, sports etc. for the children of lady prisoners.

(x) organize special programmes on national festivals, anniversaries of national personalities, prisoners Welfare Day, etc.

(xi) conduct programmes for the prisoners from non-Government institutions and to attend those.

(xii) prepare a prisoner as a teacher for conducting Literacy Class of the prisoners after imprisonment.

(xiii) provide computer education as per the availability.

(xiv) take admission of the prisoner for higher education and to make him available books etc.

(xv) to carry out other work in accordance with the orders issued by the superiors from time to time.

#### **TECHNICAL PERSONNEL**

60. *Technical Personnel*.- The technical personnel are responsible for the development of vocational training and diversified programmes of productive work as an important component of the reformative process. While technically qualified and trained staff has to provide knowledge and skills for economic rehabilitation, the other technical staff shall have to ensure proper maintenance of the prison infrastructure. The specific duties of Technical Personnel are indicated below:-

**(i) Supervisors or Instructors:**

(a) Giving vocational aptitude tests to inmates, interviewing and collecting data regarding inmates, vocational history, skills, abilities and interests.

(b) Suggesting work and vocational training programmes for inmates.

(c) Preparing plans for vocational training projects.

(d) Imparting apprenticeships, on-the-job and vocational training to inmates.

(e) Utilizing resources of service and maintenance units for training purposes.

(f) Arranging arts and handicrafts projects.

(g) Arranging external vocational examinations for inmates.

- (c) Training of newly admitted convicted prisoners.
- (d) Maintaining progress reports regarding the training of inmates.
- (e) Suggesting improvements in working practices and methods.
- (k) Ensuring the equipment and machines in workshops in good and working condition and in a safe condition as he is responsible for the custody and maintenance of workshops and factories.
- (l) Ensuring health and safety measures in workshops and factory areas.
- (m) Maintenance of discipline in the areas under their charge, and attending to emergency situations.
- (n) Distribution of work to inmates.
- (o) Maintaining the muster rolls of inmates working in various sections.
- (p) Supplying inmates with production tools and materials, and ensuring the recovery of and accounting for tools etc. at the end of each working period.
- (q) Supervision over quality and quantity of production.
- (r) Maintaining work sheets.
- (s) Measuring tasks and apportioning wages to prisoners in the categories of skilled, semi-skilled and unskilled, as per the rules.
- (t) Indenting for the supply of raw materials from the store keeper, and the storage and safe keeping of such raw materials, maintain an account of all raw materials and manufactured articles in their charge, and to dispatch manufactured articles to the store keeper along with the monthly checking of stores for which he is responsible and to report the same to the authorities concerned.
- (u) Preparing work plans for the workshops or factories under their control and forwarding them to the officer in charge for approval.

**(ii) Maintenance Staff:**

- (a) Maintenance and repairs to prison buildings and infrastructure.
- (b) Maintenance and servicing of machines, tools, equipment and transport.
- (c) Maintenance and servicing of electric lines, plumbing facilities, water supply plant and power plant.
- (d) Periodic testing of emergency equipment such as firefighting equipment and the periodic checking of the contents of first aid boxes (e) to assist in ensuring that health and safety measures are in place to prevent accidents, and to report any concerns to the prison management.

**(iii) Agricultural Staff:**

Keeping in view the rural background of many of the prisoners, training and development of agriculture in prisons is an important part of the rehabilitation process. The agricultural personnel are to be responsible for keeping their skills updated in line with modern agricultural methods.

The specific duties to be performed by agricultural staff are indicated below:-

- (a) Dealing with all matters pertaining to agriculture and horticulture.
- (b) Distribution of agricultural work to prisoners, maintenance of muster rolls, inspecting and evaluating work done, and the apportioning of wages to inmates in the categories of skilled, semi-skilled and unskilled, as per the

rules.

(c) Planning of training projects, imparting training to inmates in improved methods and practices of agriculture and horticulture.

(d) Maintaining progress reports regarding the training of inmates.

(e) Indenting of materials from the store keeper and ensuring the safe storing of these materials, to maintain an account of the equipment, material and produce and to undertake monthly stock checks reporting any problems areas to the prison management.

(f) Preparing work plans for agricultural, horticultural and any related farm work.

(g) Security and maintenance of tools, equipment, and any livestock and ensuring the recovery of and accounting for tools etc.

(h) Maintenance of discipline in the areas under their control, and undertake daily inspection rounds, and to carry out a night inspection once in every week.

(i) To ensure the maintenance of forms and registers, attend to all emergency situations immediately summoning assistance as required.

#### **MINISTERIAL PERSONNEL**

61. *Ministerial Staff in prison.*- Ministerial staff shall be so organised as not to leave any scope for sharing their duties with prisoners. The duties of ministerial staff shall be assigned by the Superintendent as per the position they hold and the requirements of the post within the institution.

##### **(i) Accountants or Cashier:**

Preparation of the institution's budget, to maintain accounts for all branches, including stores and cash accounts, the daily checking of all stores and account registers, to prepare financial returns, periodical returns and statistics, to undertake the monthly stocktaking of all stores.

##### **(ii) Storekeeper:**

In charge of all stores namely, grains and pulses, provision supplies, raw materials, accessories, manufactured articles, inmate equipment, personnel prisoner's property kept in godowns whilst they undergo their period of imprisonment.

62. *Duties and Responsibilities of Technical Officer (Prison Agriculture).*-The Technical Officer shall -

(1) verify the prison-wise plan for the agricultural production.

(2) visit prison agricultural area in the State from time to time for technical guidance.

(3) implement programmes funded by the Central and State Government on the prison agricultural area and to follow up those.

(4) carry out correspondence with the Government with respect to purchase of basic facilities and equipments and tools for the modernization of the prison agriculture.

(5) reduce agricultural production cost on the prison agriculture and to give guidance to the regional employees for adopting agricultural methods in

accordance with the improved technology and in accordance with the recommendations to that effect.

(6) organize from time to time education for the officers and employees working on the agriculture at prison level and to take review meetings.

(7) compile all reports and correspondence with respect to the agriculture in prison and to initiate accordingly.

63. *Duties and responsibilities of Agricultural Supervisor.- The Agricultural Supervisor along with chapter 6 of the Maharashtra Prison Rules, 1979, shall.-* (1) Fulfil all duties and responsibilities of the Agricultural Assistant, where the post of Agricultural Assistant is vacant or not exists.

(2) carry out following function, in case, where the post of Agricultural Assistant is filled:-

(a) prepare a plan of the production in accordance with the season and as per the requirement of the prison and to furnish the same to the senior authority, and prepare a plan for the production of crops in emergency.

(b) adopt the prescribed method of accounts for purchasing requisite materials for the production of crops e.g. purchase of seeds, fertilizers, agricultural tools etc. and repairs thereof with the consent of the Superintendent.

(c) plan for distribution or sell of the agricultural produce from the prison area and to provide excess agricultural produce to other prison with the consent of the Superintendent or to sell the same in the local market at prevailing rate.

(d) reduce the production cost in agricultural work in the prison area and to adopt technical methods for better production of crops.

(e) furnish all updated records, registers with respect to the agriculture and to furnish supplementary report to senior authority, and furnish all concerned returns in time.

(f) put control over the day to day working in the Agricultural Department and to take care that the same be completed within time.

64. *Duties and Responsibilities of Agricultural Assistant.-*The Agricultural Assistant in addition to the.-

(1) To prepare plan of the production in accordance with the season and as per the requirement of the prison and to furnish the same to the senior authority. To plan for the production of crops in emergency.

(2) To give guidance to the concerned security guards and prisoners for completing all work of cultivation and production of crops in time and in accordance with the production plan and to get it done through them. To make aware the Superintendent and the senior jailor about availability of labour and requisite material etc.

(3) To adopt the prescribed method of accounts for purchasing requisite materials for the production of crops e.g. purchase of seeds, fertilizers.

agricultural tools etc. and repairs thereof with the consent of the Superintendent.

(4) To plan for distribution/sell of the agricultural produce from the prison area and to provide excess agricultural produce to other prison with the consent of the Superintendent or to sell the same in the local market at prevailing rate.

(5) To reduce the production cost in agricultural work in the prison area and to adopt technical methods for better production of crops.

(6) To plan for the animal husbandry and other agricultural allied business in the prison and to implement it.

(7) To furnish all updated records, registers with respect to the agriculture and to furnish supplementary report to senior authority. To furnish all concerned returns in time.

(8) To implement various Governments schemes pertaining to agricultural production in the prison area.

By order and in the name of the Governor of Maharashtra.



( J.L.Pawara)

Deputy Secretary to Government.



## NOTIFICATION

Home Department, Mantralaya  
Madam Cama Marg,  
Hutatma Rajguru Chowk,  
Second Floor, Main Build  
Mumbai- 400 032.  
Dated: 1<sup>st</sup> December, 2015

### Prisons Act, 1894

No. JLM-1013/C.R. 115/13/PRS-2- In exercise of the powers conferred by clauses (8) and (28) of section 59 of the Prisons Act, 1894 (IX of 1894), in its application to the State of Maharashtra, and of all other powers enabling it in this behalf, the Government of Maharashtra hereby makes the following rules further to amend the Maharashtra Prisons (Prison Buildings and Sanitary Arrangements) Rules, 1964 as follows, namely:-

1. These rules may be called the Maharashtra Prisons (Prison Buildings and Sanitary Arrangements) (Amendment) Rules, 2015.
2. For rules 2 to 35 of the Maharashtra Prisons (Prison Buildings and Sanitary Arrangements) Rules, 1964 the following rules shall be substituted, namely:-
  2. Norms for Prison architecture.- Prison architecture shall be based on the following:-
    - (i) The location of a new institution will be decided on the basis of:-
      - (a) The functions which the institution has to perform.
      - (b) The training and treatment emphasis.
      - (c) Programme content of the institution.
    - (ii) New institutions shall not be constructed near easily flooded and inundated areas, frontiers and international borders, sub-marginal land areas, sea-faces, airports and congested urban localities.
    - (iii) While selecting the site for new institutions, factors like transport facilities, water supply, electric lighting, connections with high power electric transmission lines, drainage and sewage, communication facilities such as posts, telegraphs, telephones and internet, climatic conditions, facilities for the purchase of institutional supplies shall be taken into consideration. Also, institutions like courts, civil hospitals, mental health centres, educational facilities for children of prison personnel, shall as far as possible be within easy reach.
    - (iv) #No buildings, except those of the prison itself, shall be constructed within 150 metres of the perimeter wall of a Central Prison, within 100 metres of a District Prison and within 50 metres of a Sub-Prison.

- (v) The architecture of institutions shall be governed by two principles:-
  - (a) Adequate protection to society through the establishment of security conditions.
  - (b) Adequate resources which would be necessary for the successful implementation of various correctional programmes: therefore, institutional design and architecture needs to be functional.
- (vi) The plan of an institution shall be based on a careful analysis of inmate population, age group, custodial, requirement, diversified work, educational programmes, etc.
- (vii) In urban or rural areas, wherever land resources permit, enough open space inside the perimeter wall for proper ventilation and sunlight is to be kept. As a guideline, the area available should not normally be less than 83.61 sq. metres per head of total capacity. However, if land is scarce then it may be any area between the normal above down to a minimum of 62.70 sq. metres per head of total capacity.
- (viii) Wherever possible no building inside a prison shall be nearer than 50 metres from the perimeter wall. The height of the outer wall shall not be less than 6.36 metres. The height of the wall shall be almost the same from both sides of the wall. The wall shall be so plastered that any prisoner would find it very difficult to climb. Provision shall be made to fix angles for live electric current on the main walls.
- (ix) The area of an institution shall be fixed in accordance with the needs of its programme.
- (x) The requirements of segregating inmate groups within an institution in accordance with the prescribed principles of classification will be provided for in every building plan. The requirements of administration and supervision shall also be taken into account whilst planning buildings.
- (xi) In any prison where female prisoners are held they must be accommodated in a separate enclosure or yard.
- (xii) The existing enclosures for females in a common prison shall, where possible, be renovated to ensure that female prisoners do not come in view of male prisoners during their passage to and from these enclosures. These enclosures shall have a double lock system with one lock outside and the other inside, the keys of the latter always remaining with a Female Guard inside. The institutions or enclosures for female prisoners shall have all the requisite facilities with reference to their special needs such as segregation, protection, pregnancy, child-birth, family care, health care, training, education and rehabilitation etc.
- (xiii) Female undertrials and detenues shall either be lodged in a

separate institution or in a separate yard in common prisons away from convicted prisoners.

- (xiv) High security prisoners that is prisoners and detenues involved in terrorist and militant activities shall be lodged in separate enclosures demarcated as high security enclosures. If possible, separate high security prisons shall be constructed within the State with the lodging capacity of 50 - 100 inmates. Under no circumstances the high security prisoners shall be kept with other undertrial prisoners or convicts.
- (xv) High security enclosures or prisons shall have a thick outer masonry wall of at least 6.6 metres in height with watchtowers on all sides. The building pattern shall be oval in construction. These enclosures or prisons shall be provided with anti-tunneling slabs and all spaces open to the sky shall be covered with iron grills. These enclosures shall be able to be divided into security zone Grades - I and II.
- (xvi) (a) Security zone grade-I shall have cellular type of accommodation with a minimum space of 3.03 x 2.73 metres which shall have the facility of an inbuilt WC with bathing facilities and a strong dividing wall. The front portion of the cell shall be of iron bars, the flooring shall be of RCC slab, high ventilators shall be provided instead of windows. The building shall have a separate entry lobby with a visitor's room on one side and a medical examination room. The hardcore militants, terrorists, professional killers, habitual offenders of heinous crime, violent and dangerous prisoners who pose a big threat of escape shall be housed in security zone Grade-I.
- (b) Security zone Grade - II shall have a single room accommodation (cellular and association barracks). This accommodation may be of 4.85 x 2.72 metres in size where two or three prisoners can be housed at a time. The barracks shall have a maximum capacity of housing 10 to 15 prisoners. The barracks shall have inbuilt toilets and bathing facilities. This security zone shall have its own entrance lobby separate from the Zone-I lobby.
- (xvii) Accommodation for all prisoners shall provide for adequate cubic capacity of air, floor space, lighting, ventilation and climatic protection. All prison construction shall adhere to ISI standards.
- (xviii) A special unit with adequate technical staff shall be set up at the prison headquarters of the State to plan, monitor and supervise all construction and repair works in the Prison Department.

**3. Prison Building to be in charge of Buildings and Communications Department.-** Prison Buildings including the quarters for the staff within a prison campus shall be in the charge of the Buildings and Communications Department. No new builds are to take place nor any additions, alterations or dismantling of existing buildings, whether or not sanctioned by the Additional Director General of Police (Prisons) or Inspector General of Prison or as the case may be, the Regional Deputy Inspector General of Prison, shall be carried out without the approval of that Department.

**4. Use of land in the vicinity of prison.-** Use of land in the vicinity of prisons (unless the State Government for reasons to be recorded in writing directs otherwise) within 150 metres of the perimeter wall of a Central Prison, within 100 metres of a District Prison and within 50 metres of a Sub-Prison of the main wall of a prison may not be leased for non-agricultural purposes. Provided that, the Collector may lease such land for agricultural purposes for short periods.

**5. White-washing or painting of inmate housing units and prison hospitals.-**

(i) All Inmate housing units in a prison shall be thoroughly swept and cleansed on a daily basis.

(ii) The walls and ceilings of prisoner housing units shall be scraped and white washed or painted once in a year and those of the hospital twice, or more often, if necessary. The date of the white-washing or painting shall be shown in distinct figures on the wall of the housing unit opposite the entrance door.

(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 to prevent the breeding of mosquitoes etc.

**6. Maintenance of cleanliness in prison.-** (i) All parts of a prison shall be kept thoroughly clean and no rubbish or dirt is to be allowed to accumulate in any part thereof. The Superintendent shall take special care to see that cleanliness in the kitchen is maintained to a high standard and that refuse is not thrown about but appropriately disposed of.

(ii) Special arrangements are to be made for the removal of the Prison Hospital waste classified as biological or hazardous. This type of waste is to be disposed of in accordance with the rules laid down by the local authority.

(iii) The Municipal Health Officer, District Health Officer or the Health Officers of the Corporation, as the case may be, shall visit all the prisons under their jurisdictions once in a month and offer suggestions for sanitation and hygiene.

**7. Safeguards for prisoners and prison staff.-** (i) In buildings that shall be constructed or used as workshops or factories where prisoners work, a minimum space of 14.15 cubic metres per prisoner shall where possible be provided. For efficient ventilation the window area will not be less than 20 per cent. of the floor area, subject to such variations as may be found necessary in relation to a

particular industry or the location to be used. All workshops and factories shall have ample lighting.

(ii) The following facilities and safeguards shall be provided in workshops, factories and other places where prisoners and prison staff work:-

- (a) Protection from heat, cold, rain, dust, smoke, fumes, gases, and chemicals
- (b) Protection from seepage and dampness and pits in workshops shall be kept damp proofed.
- (c) Safe drinking water.
- (d) Spittoons, urinals and latrines.
- (e) Washing and bathing facilities.
- (f) First-aid boxes (including necessary equipment for snakebites at remote duty points or prison farms and outposts etc.
- (g) Fire extinguisher and other firefighting equipment.
- (h) Safety equipment and accident prevention measures.

Note:-The standards used in outside factories in this respect shall also be adopted in prison factories and workshops. These equipment shall be fixed in consultation with the local Chief Inspector of Factories.

**8. Drainage and public nuisances not to be permitted near a Prison.-** (i) Public toilets, dye works, cesspits open sewerage drains or similar other nuisances likely to affect the health of prisoners are prohibited inside or near a prison.

(ii) All pits and pools of stagnant water near the prison shall be covered or filled up. Open rainwater drains (if any) around the prison shall be carefully maintained and cleaned whenever necessary to prevent an accumulation of water.

(iii) The Chief Medical Officer shall bring to the notice of the Superintendent any defects concerning the drainage in or around the prison (if he does not do so it shall be assumed he is satisfied with it.) All sewerage in a prison shall be underground and discharges directly into the public sewerage system.

(iv) If anything occurs or is likely to happen in the neighborhood of the prison including the new construction of public latrines and sewage drains that might injuriously affect the health of prison inmates and staff it shall be reported immediately to the Additional Director General of Police (Prisons) or Inspector General of Prison.

**9. Planting of trees in and around the prison.-** (1) 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 prison buildings and walls so that they cannot be used as an aid to escape or to make any mischief.

(2) As far as possible fruit trees shall not be grown within the prison walls.

**10. Additions and alterations to buildings.-** 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 Additional Director General of Police (Prisons) or Inspector General of Prison or the Regional Deputy Inspector General of Prisons, as the case may be.

**11. Administrative approval for new constructions, additions or alterations.-** (i) No new build, dismantling, additions or alterations to any existing building shall be made without specific orders, and no plans or estimates shall be prepared by the Superintendent without the prior sanction of the Additional Director General of Police (Prisons) or Inspector General of Prison or the Deputy Inspector General of Prisons (Regional), as the case may be.

(ii) The Superintendent shall submit proposals for the construction of any new builds, and for additions or alterations to any existing buildings, to the Additional Director General of Police (Prisons) or Inspector General of Prison or as the case may be to the Regional Deputy Inspector of General of Prisons for administrative approval. Such proposals shall be accompanied by a preliminary report specifying the location of the building, a description of the building including its use or proposed use, approximate estimate for construction or alteration, building plans and any other necessary information.

(iii) The Superintendent shall obtain an approximate estimate of the proposed construction or alteration or addition from the Buildings and Communications Department with the prior sanction of the Additional Director General of Police (Prisons) or Inspector General of Prison or, as the case may be, the Regional Deputy Inspector General of Prisons.

(iv) The Additional Director General of Police (Prisons) or Inspector General of Prison or, as the case may be, the Regional Deputy Inspector General of Prisons shall submit to the Buildings and Communications Department the proposal for their sanction.

**12. Superintendent to visit frequently work being carried out.-** (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 rectifying the problem.

(ii) The Superintendent shall at once report to the Regional Deputy Inspector General of Prisons where administrative approval for any work has been accorded by him and in other cases to the Additional Director General of Police (Prisons) or Inspector General of Prison, the defects and irregularities noticed by him.

**13. Area of Prison.-** 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.

**14. Dimensions of main and rear gates.-** (i) Main Gates: - The minimum dimension of the main gate and rear gate of all the closed prisons shall be 3 metres in width and 4 metres in height. Dimensions of the main and rear gates shall be sufficient for a fire tender, a bore well rig and lorries which supply raw materials or logs or rations to pass through these gates unhindered. The gate shall be made of a strong steel frame having

vertical round or square steel bars of 25 mm diameter or thickness. Each gate shall have a wicket gate of at least 0.6 metres in width and 1.5 metres in height. The main and wicket gates shall have strong locking arrangements from inside. Both gates shall have arrangements for easy opening and closing of shutters. The gates shall be covered with iron sheet from outside up to a height of 2.5 metres. The wicket gates shall have peep-holes covered with lead at eye level. The main gate shall be painted with colors as specified by the State Government.

(ii) The space between the two gates shall not be less than 16 metres in length and 5 metres in width to facilitate gate operations. This space shall have facilities for:-

- (a) A cabin;
- (b) The gatekeeper;
- (c) A search area.

(iii) Entry to the prison shall only be through a single point, that is the main gate, and all other entry points, if existing, are to be closed permanently.

**15. Prison Administrative Block.-** (i) There shall be a properly designed administrative block for each category of prison.

(ii) The administrative block shall be located adjacent to the main gate and shall where possible have office rooms, record rooms, conference or video conferencing hall, common rooms, enquiry cabins and control rooms for the efficient functioning of institutional administration.

**16. Court Hall for petty offences.-** A Court Hall may be set up to dispose of cases of undertrials involved in petty offences.

**17. Prisoner reception unit.-** (i) The reception unit shall have the necessary facilities for proper implementation of admission, quarantine, orientation and possible single room type accommodations.

(ii) Physical facilities shall be set up in accordance with the number and category of inmates to be received, and the programme to be followed for proper segregation of the various categories of inmates.

(iii) Provision shall also be made for the following facilities:-

- (a) A building where inmates will be initially received and housed.
- (b) Office room.
- (c) Interview room.
- (d) Exercise and recreational areas, etc.

**18. Housing of Prisoners.-** (1) All accommodation provided for use of prisoners, particularly for sleeping, shall meet basic requirements of healthy living. Due regard shall be paid to climatic conditions, cubic contents of air, minimum floor space, lighting and ventilation.

(2) The Superintendent and the Chief Medical Officer shall in all seasons at uncertain intervals, visit the inmate housing units at night and see that arrangements in respect of ventilation are adequate, properly controlled and are not obstructed by the inmates in the cold season to ensure warmth.

19. **Types of Inmate living accommodation.**- There shall be three types of living accommodation as detailed below:-

- (i) Barracks with accommodation for prisoners, shall depend upon the area available in each barrack, keeping in mind the provisions of the table in rule 20.
- (ii) Single room accommodation for prisoners needing privacy for pursuing studies etc.
- (iii) Cells for segregation of prisoners for the purpose of security, punishment and contagious diseases.

20. **Minimum space per prisoner in housing units.**- The minimum accommodation capacity of barracks, cells and hospitals per prisoner shall ordinarily be according to the following table:-

Square metres of ground area	..	3.71
Cubic metres of air space	..	15.83
Square metres of lateral ventilation	..	1.12
Square metres of ground area	..	8.92
Cubic metres of air space	..	33.98
Square metres of lateral ventilation	..	2.23
Square metres of ground area	..	5.58
Cubic metres of air space	..	23.75

Provided that, if the State Government, Additional Director General of Police (Prison) or Inspector General of Prisons, Regional Deputy Inspector General of Prisons or the Superintendent is of the opinion that it is necessary or expedient so to do for providing accommodation to prisoners in sleeping barracks on any occasion, or he may temporarily relax the provisions of this rule to such an extent as may be necessary having regard to the circumstances of the occasion.

21. **Capacity plate.**- A plate will be attached to each housing unit indicating its size in cubic metres together with the surface area. The plate shall also indicate the housing unit's authorized capacity. Ordinarily, the number of inmates confined in a housing unit shall not exceed its authorized capacity.

22. **Barrack Construction.**- Barracks are to be constructed as follows:-

- (i) **Roofing:** - If a barrack is flat-roofed there shall be ceiling ventilation openings close to the junction of its wall and ceiling. If the barrack is gable-roofed, there will be a ridge ventilator. The minimum height of roofs or ceilings shall not be less than 3.05 meters from the floor.
- (ii) **Floors:** - The floor of a barrack shall be made of impermeable materials such as cement or concrete.
- (iii) **Verandahs:** - All barracks shall, if possible, be provided with verandahs not less than 2 metres in width 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.

(iv) **Ventilation:** - Though ventilation of the sleeping barracks is of the greatest importance, the prisoners will not be permitted to close the windows and ventilation openings with shutters or curtains at their discretion. In new barracks, the ventilating area per head shall be half a window. A standard grated window is 2.12 metres x 1.06 metres; half a window will mean approx. 1 sq. metre. The ventilation shall, however, be controlled according to the season wherever necessary; otherwise the barracks shall be too cold and damp during the winter and rainy seasons.

(v) **Overcrowding:-** Where accommodation is overcrowded and does not meet the prescribed standards, secure corridors or verandas and or workshops may be used for accommodating short term prisoners and underrials involved in minor and petty offences overnight. If in any prison overcrowding is likely to continue, the excess number of prisoners shall be transferred to other penal institutions or camps as the case may be, with prior approval of the Additional Director General of Police (Prisons) or Director General of Prisons.

(vi) **Fixtures and Fittings:** - The structural arrangements for fixtures, fittings and locking devices of barracks shall be secure enough to prevent escapes. Any existing wooden frames of doors, windows and ventilators shall be replaced by iron or steel frames. The iron bars used in doors, windows and ventilators shall be 2.5 cm. diameter and the clear distance between two bars shall be 7.5 cm.

(vii) **Door:** - A barrack shall have only one door of 2.2 metres x 1 metre and shall have a single shutter. The door of a barrack shall have a clear opening of 1 metre. The iron frame shall be made of angle iron with a minimum thickness of 10 mm.

(viii) **Shelving:** - The prison administration may take appropriate decisions to provide a shelf for each inmate keeping in mind factors such as space, safety etc.

(ix) **Artificial Light:** - Sufficient artificial light shall be provided to enable the prisoners to work and read without difficulty in their barracks after dusk and for security purposes.

(x) **Latrines:** - Each barrack used for sleeping shall have a sufficient number of attached toilets, urinals and wash places.

(xi) **Water:** - Each barrack shall have a supply of water for use in latrines and for utensil washing. Potable and safe water shall also be supplied for drinking purposes.

23. **Cells:-** Cells are to be constructed as follows:-

(i) **Ventilation:** - There will be thorough ventilation of every cell. At the back of the cell there may be a clerestory window.

(ii) **Floors:** - The floor of the cell shall be made of impermeable materials such as cement or concrete.

- (iii) **Doors:** - A cell shall have only one door of 2.2 metres x 1 metre and shall have a single shutter. The door of a cell shall have a clear opening of 1 metre. The iron frame shall be made of angle iron with a minimum thickness of 10 mm.
- (iv) **Yards:** - Each cell shall have a yard attached to it where a prisoner can have the benefit of sufficient air and natural light.
- (v) **Latrines:** - Each cell shall be provided with a flush toilet. (Existing cells, where possible, should not be used until this facility has been provided).
- (vi) **Water:** - Each cell shall have a supply of potable and safe water for drinking. Water shall also be provided for bathing purposes and utensil washing.

24. **Latrines.-** Where possible latrines shall comply with the following:-

- (i) **Ratio:** - The ratio of toilets which can be used during the daytime (unlocking periods) shall be 1 unit per six prisoners.
- (ii) **Construction:** - Latrines shall be of the sanitary type with arrangements for flushing. They shall be placed on an impermeable base which shall be higher than the surrounding ground, and so built that the sun's rays can easily enter in the latrines and rain is kept out. The partitions separating the latrines shall be high enough to provide a reasonable degree of privacy. Latrines shall be so designed that all excreta and wash materials will go directly into the toilet without fouling the seats. Every toilet, where this is not an integral part of the toilet basin, shall be provided with foot rests with an impermeable surface which will be in the right position and not too far apart. The inside walls of latrines shall be glazed with ceramic tiles up to the height of 1 meter from floor level
- (iii) **Cleaning:** - Latrines and urinals shall be cleaned every morning and evening and as necessary in the middle of the day.

25. **Bathing places within a prison.-** Every prisoner will be required to have a bath as frequently as necessary for general hygiene according to climatic conditions. Accordingly the following shall be taken into consideration:-

- (i) **Facilities:** - Every prison shall provide adequate bathing facilities bearing in mind the social habits of inmates. A few cubicles bearing in mind the need for security may also be provided.
- (ii) **Water:** - 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. If feasible, new prisons shall have an arrangement for rainwater harvesting and recycling of water, keeping in view its cost effectiveness.

26. **Prison kitchen location and construction.- Kitchen:-** The general kitchen shall ordinarily be located at a central place inside the prison so that the distribution of food

to the prisoners may be completed quickly. The kitchen shall not be built close to the inmate housing units.

- (i) **Lighting and ventilation:** - The kitchen is to be well lit and shall have good ventilation by either natural sources, or by electric fans, or by a combination of both.
- (ii) **Oven:** - The oven, where installed, shall be of the type in which the heat does not escape outside and the fumes are extracted by a suitable chimney regardless of the type of fuel used.
- (iii) **Insect screening:** - The kitchen windows are to be protected by a fly proof wire meshing all around. Fly proof automatic closing doors shall be provided.
- (iv) **Floors and Walls:** - The floor of the kitchen will be made of impermeable materials such as cement or concrete and may be tiled with suitable non-slip tiling for easy cleaning. The walls of the kitchen shall be tiled up to a height of 2 meters for easy cleaning.
- (v) **Water:** - Each kitchen shall be provided with an adequate supply of pure water which shall be used for both cooking and washing. The water shall be collected from taps inside the kitchen.
- (vi) **Equipment:** - Cooking and serving utensils shall be made of stainless steel. Where not already provided for, prison kitchens shall be modernized by the installation of LPG burners and hot plates, kneading machines, chapatti making machines, mixers and grinders.
- (vii) **Space requirement:** - There shall be sufficient space in the kitchen for cooking as well as for the storage of provision articles, vegetables, containers and cooking utensils. Provision is also to be made for the separated storage of LPG gas cylinders, bearing in mind the safety requirements concerning this highly flammable fuel.

27. **Prison Hospital facilities.**- In every prison there shall be hospital facilities with the necessary number of beds for inpatient treatment with separate wards for men and women. All central and district prisons shall, where feasible, provide hospital accommodation for 5 per cent of the authorized inmate population. 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.

**Hospital Location:** - (i) As far as possible the prison hospital shall be situated near the main gate of the prison. Ideally it should be situated away from barrack areas.

(ii) **Hospital Accommodation** shall where possible, include:-

- (a) Wards for patients.
- (b) Storeroom (s) for hospital furniture, equipment and medications.
- (c) Room for minor operations, dressings and injections.
- (d) X-ray laboratory with dark room and associated equipment  
(Central Prisons only).
- (e) Room for a clinical laboratory with required equipment.
- (f) Room for the Chief Medical Officer and Junior Medical Officers.

- (g) Isolation rooms for accommodating patients with infectious and contagious diseases (such as TB, Measles, Cholera and Leprosy etc.).
- (h) Psychiatric and detoxification unit with isolation rooms for accommodating mentally ill patients.
- (i) Room for a dental clinic with required equipment (Central Prisons only).
- (j) Physiotherapy unit with equipment (Central Prisons Only).
- (iii) **Light and Air:** - Every hospital ward shall be constructed so as to allow sufficient natural light and fresh air. Artificial lighting shall be such that it provides adequate lighting for the treatment and comfort of patients after dusk.
- (iv) **Latrines and Bathing Places:** - Latrines and bathing places shall be provided close to the wards so that the patients do not have to walk far to use them. Toilet and bathing facilities for daytime use shall be at the ratio of one for every five patients. Each ward shall have sufficient attached toilets, and wash places for night time use and for use by disabled patients at any time.
- (v) **Floors and Walls:** - The floor of the hospital shall be made of impermeable materials such as cement or concrete, and may be tiled with suitable non-slip tiling for easy cleaning. The walls of the hospital shall also be tiled, up to a height of 2 meters, for sanitation and ease of cleaning.
- (vi) **Water:** - There shall be arrangements for a continuous supply of potable water in the hospital.

28. **Selection of source of water supply.**- Wherever municipal corporation, panchayat, township or cantonment water supplies exist, arrangements shall be made to connect the prison to it by a pipeline. The following shall be taken into consideration regarding the supply of water to prisons and institutions:-

**(A) Drinking Water:-**

- (i) It shall be the duty of the Superintendent and the Chief Medical Officer to see that the water supplied to prisoners for drinking and culinary purposes is pure and wholesome or is so treated with 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 Chief Medical Officer shall at once arrange to have it chlorinated or otherwise effectively purified.
- (iv) If practicable all prisoners on extra mural work shall obtain their supply of drinking water, during working hours, from the same source as other prisoners. When prisoners are working outside the prison special care shall be taken to ensure that they are supplied with good water.

**(B) Well Water:-**

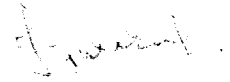
- (i) Where the water supply is drawn from a well in a prison the well shall be cleaned out once in a year.
- (ii) The purity of well water shall be preserved by the daily withdrawal of a large quantity of water, by the removal of decomposing matter, by obviating the re-entrance of water take out, and specially by preventing the seepage of sewage.
- (iii) No inmate shall be allowed to bathe or wash his clothes at the well from which the drinking water is drawn.
- (iv) Storage tanks and reservoirs shall be emptied and cleaned out before the monsoon season each year.

**(C) Standby Water Supply:-**

Each prison must have an independent standby arrangement for the supply of water (e.g. well, bore well or local arrangements for delivery by water tanker etc.)

29. **Recreation facilities.**- Recreational facilities in areas where space allows, for indoor and outdoor games, an auditorium for cultural activities, library, yoga, gymnasium and places for religious worship shall where possible be provided."

By order and in the name of the Governor of Maharashtra.



(J. L. Pawara)

Deputy Secretary to Government

## NOTIFICATION

Home Department, Mantralaya  
Madam Cama Marg,  
Hutatma Rajguru Chowk,  
Second Floor, Main Build  
Mumbai- 400 032  
Dated -1<sup>st</sup> December, 2015

### Prisons Act, 1894.

No. JLM-1013 C.R. 115 13/PRS-2- In exercise of the powers conferred by clauses (10), (27) and (28) of section 59 of the Prisons Act, 1894 (IX of 1894), in its application to the State of Maharashtra, and of all other powers enabling it in this behalf, the Government of Maharashtra hereby makes the following rules further to amend the Maharashtra Prisons (Prison Hospital) Rules, 1970 as follows, namely:-

1. These rules may be called the Maharashtra Prisons (Prison Hospital) (Amendment) Rules, 2015.
2. In the Maharashtra Prison (Prison Hospital) Rules, 1970 (hereinafter referred to as "the Principals Rules"), for the word 'Prison' or 'Jail' wherever it occur, the word 'Prison and Correctional Centre' shall be substituted.
3. In rule 2 of the Maharashtra Prisons (Prison Hospital) Rules, 1970 (hereinafter referred to as "the principal Rules"), in sub-rule (i).-  
(a) for clause (1), the following clause shall be substituted, namely:-  
“(1) The Medical Officer on deputation to a Prison from the Maharashtra Medical Services, Group B, where such posts are sanctioned by the Government who shall be the Chief Medical Officer (CMO) of the Prison, or”;  
(b) in sub-rule (ii), for the word “regularly”, the word “daily” shall be substituted;  
(c) after sub-rule (ii), the following sub-rule shall be added, namely:-  
“(iii) The staff of prison hospitals shall consist of the following personnel:-

Sr.	Persons	'A' Type for Central Prisons (50 + beds)	'B' Type for District Prisons Class I and Class II (under 50 beds)
1	Chief Medical Officer (in the rank of Civil Surgeon with Post Graduate Qualification)	1	1
2	Medical Officers (in the rank of Assistant Civil Surgeons)	5	1
3	Staff Nurses (Male or Female)	3	1
4	Pharmacists (Compounders)	2	1
5	Male or Female Nursing Assistants	3	1

6	Laboratory Technicians (to be trained in handling all equipment including ECG, and X-ray machine.	2	1
7	Psychiatric Counsellors (Psychologists)	2	1

(iv) All the Medical Officers in the rank of Assistant Civil Surgeons shall be from the different medical specialties as under:-

Sr.	Medical Speciality	'A' Type for Central Prisons (50 + beds)	'B' Type for District Prisons Class I and Class II (under 50 beds)
1	M.D. General Medicine	1	1
2	M.D. Dermatology	1	--
3	M.D. Psychiatry (mental and de-addiction cases)	1	1
4	M.D.S. Dentistry	1	--
5	M.D. Gynaecology	1	1

(v) The Medical Personnel shall be directly responsible for the medical care and health of prisoners. They shall also ensure the maintenance of minimum standards of hygienic conditions in the prison premises. The specific duties of each of the medical personnel shall be assigned by the prison authorities. The duties are divided into the following categories:

(A) Preventive Service: (a) Examination of prisoners on admission and their periodic re-examination and to provide immediate treatment wherever needed.

(b) Immunisation of inmates and to segregate and treat those having contagious or infectious diseases.

(c) To give advice regarding diet, clothing, equipment, health and safety, and institutional sanitation.

(d) To provide personal hygiene, and health education for inmates and prison personnel.

(B) Curative Services: (a) To provide or arrange for the treatment of diseases, dental care, skin ailments, correction of sight defects, hearing problems, speech impediments and posture problems.

(b) To arrange for artificial limbs, glass eyes, trusses and other prosthetic devices as prescribed by specialist medical personnel.

(c) To prescribe special diets where medically necessary.

(d) to advise on exercise and to arrange for physiotherapy where needed.

(C) General: (a) The Chief Medical Officer shall be responsible for the prison hospital administration, hospital discipline, classification of prisoners, with regard to their fitness for work, and suggesting special precautionary measures where necessary for certain types of offenders.

(b) Medical personnel shall visit daily, the prisoners who are under

cellular punishment and prisoners who are under sentence of death.

(c) The Chief Medical Officer shall on a regular basis inspect the kitchen, cooked food, canteen, raw provisions and supplies, and he is to assist the Superintendent in matters pertaining to institutional management.

(d) The Chief Medical Officer shall ensure a good working relationship with local officers of medical and health Departments and medical staff in local hospitals.

(vi) Where possible one ambulance shall be provided for each Prison Hospital attached to a Prison.”

4. For rule 3 of the principal Rules, the following rule shall be substituted, namely:-

“3. (1) The Chief Medical Officer shall be the Technical Head of all the medical officers and shall be in charge of the entire medical administration. He along with his subordinates shall be jointly responsible for the health care of the prisoners.

(2) The Chief Medical Officer shall,—

(1) see that proper expenditure is incurred on medicines and other medical stores.

(2) from time to time, examine all the medicines kept in the store in order to assure himself of their purity.

(3) regularly check the accounts of medicines purchased from the market.

(4) himself check the stock of drugs and instruments every six months and submit a certificate to that effect alongwith the certificate of the Superintendent to the Additional Director General of Police (Prisons) or Inspector General of Prisons in respect of central prisons and to the Regional Deputy Inspector General in respect of other prisons.

(5) pay special attention to the quality and quantity of the water supply to the prison. If contamination is suspected, he shall send water samples to the local testing laboratory and take corrective measures where needed.

(6) inspect at least once a month the sources, surroundings and distribution of water supply. When there is a reason to suspect that pollution or contamination is likely to occur, he shall take suitable steps to ensure the purity of water by chlorination or otherwise.

(7) ensure in prisons where there are more than one Medical Officer or Assistant Civil Surgeons that:-

(a) the hours of duty during the day shall be equally distributed between them, ensuring that one of them is always present in the prison.

(b) the arranges for the proper distribution of work amongst all the staff working in his department has been made

(c) one of the Medical Officer or Assistant Civil Surgeons shall be on night duty on a rotation basis to attend the prisoners in the event of an emergency:

Provided that, in prisons where there is only one Medical Officer or



Assistant Civil Surgeon he shall remain in the prison during the day, except when permitted to absent himself for meals or other valid reasons and shall visit the prison hospital occasionally at night and may under the orders of the Chief Medical Officer, be required to remain on duty if there are any cases under treatment which are likely to render his presence necessary.

(8) keep in view sites for segregation of prisoners which may be suitably utilised in case of any epidemic disease,

(9) inspect all new barracks, wards and other places of detention and shall certify whether they are, in all respects fit for occupation by prisoners.

(10) if he is the Resident Medical Officer, visit the hospital daily before 10 a. m. and shall take round of the wards and see all admitted and detained prisoners.

(11) personally examine and pass orders regarding the treatment of all prisoners who have come or been sent to hospital since the previous morning,

(12) examine all prisoners for diseases and sexually transmitted disease, provided that, female prisoners shall be examined by lady doctors only.

(13) as far as may be practicable, personally treat the sick prisoners instead of delegating this duty to a Junior Medical Officer and there should be provision for Tele-medicine facility in every jail.

(14) The medical officer may treat the sick prisoner with the help of tele-medicines and send the sick prisoner to the Government hospital only if tele-medicine and treatment within the prison hospital are inadequate to treat the inmate.

(15) visit the prison as many times daily as may be necessary for the efficient discharge of his duties or, if he is unable to do so on any day, he shall issue suitable instructions to his Junior Medical Officers in respect of cases requiring attention.

(16) acquaint the Superintendent of his absence and the arrangements made by him for his duties and shall on his rejoining, record the cause and duration of his absence in Form I.

(17) 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 present therein and ascertain that ventilation and cleanliness of the barracks, yards, latrines, and other parts of the prison are properly attended according to the rules laid down for conservancy and cleanliness of the persons and clothing of prisoners is observed.

(18) be present at the time of inspection rounds of the prison by the Superintendent, attend to the medical requirements of prisoners and shall record his observations in Form I with instructions, if any.

(19) occasionally visit the sleeping wards some hours after the inmates have been locked up in order to inspect the ventilation arrangements and particularly to see whether the air inside is foul and temperature unduly or low.

(20) visit once in a day, and often if necessary, all prisoners in cells and shall report at once in writing to the Superintendent the necessity for the removal of any prisoner therefrom on account of bodily or mental infirmity.

(21) see that the hospital books, registers and returns are properly maintained and are initialed daily where necessary.

(22) pay special attention to the following registers and forms, namely:—

(a) Medical Officers' Journal, in Form I (Register 32).

(b) Health screening of a prisoner on admission to prison in Form II.

(c) Register of Sick Prisoners, in Form III.

(d) Register of Convalescent Prisoners (with index), in Form IV.

(e) Register of extra diet given to prisoners, in Form V.

(f) Requisition Book, in Form VI.

(g) Register of Surgical Instruments and Medical Books, in Form VII.

(h) Register of Hospital Clothing, in Form VIII, and

(i) Expense book of drugs, in Form IX,

(23) keep a record in Form X (Form C. M. 3) of all cases admitted to hospital, of the number of prisoners treated as outpatients for minor ailments and of the members of the staff and their families in the Form prescribed by the Additional Director General of Police (Prisons) or Inspector General of Prison.

(24) scrutinise the entries made by the Medical Officers in Form II about the state of health of a prisoner on his admission to the prison. Where a prisoner appears sick, he shall direct his removal to the prison hospital or into quarantine and shall make an entry in the remarks column of form II. It is important that this Form is scrupulously completed as it is a Human Rights Commission directive.

(25) sign orders for extra diet and other articles required for sick prisoners whether in or out of the hospital and shall make a report thereof every month to the Additional Director General of Police (Prisons) or Inspector General of Prison, in respect of central prisons and to the Regional Deputy Inspector General in respect of other prisons through the Superintendent including variations made in the ordinary diet of prisoners on medical grounds, and also during any epidemic or other emergency.

(26) recommend to the Superintendent for change of diet of entire prison during the prevalence of epidemic disease or in case of emergency.

(27) while forming an opinion about the physical fitness for labour of a convicted criminal prisoner taking into account the prisoner's occupation, his mode of life, health, locality in which he has resided, abundance or scarcity of food in the district to which the prisoner belongs, the state of his muscles and limbs and signs, if any, of constitutional or mental weakness.

(28) cause to be prepared and brought to the notice of the Superintendent, an abstract of statement showing the total number of prisoners employed on labour who have gained weight, the number of kilograms gained, the total

number of prisoners who have lost weight. the number of kilograms lost and the number of prisoners whose weight has remained the same,

(29) prepare nominal rolls (in Form Prison and Correctional Centre 36-A) each month and attach to the detailed contingent bill. Such rolls shall show (a) the total number of prisoners to whom a particular extra diet is given, (b) the medical grounds on which extra diet is given, (c) the total number of prisoners in or out of the hospital to whom extra diet other than that supplied to ordinary prisoners was issued during the month, and (d) the reasons for giving such extra or special diet in each case,

(30) report in Form I about the health of a prisoner or the prisoners generally, the result of his weekly and other inspections and any practice, acts or omissions which he may consider to be objectionable on sanitary grounds,

(31) report to the Superintendent for communication to the Additional Director General of Police (Prisons) or Inspector General of Prison, matters connected with the sanitary conditions of the prison or the treatment of the prisoners which shall at any time appear to him to require his consideration and shall also make a special report through the Superintendent to the Additional Director General of Police (Prisons) or Inspector General of Prison, of any unusual or excessive sickness or mortality in the prison,

(32) report to the Superintendent in writing the appearance of any epidemic or contagious disease likely to assume an epidemic form, and any irregularities in the hospital or any other part of the prison which may come to his knowledge in connection with his medical duties or the sanitary arrangements in force, making at the same time necessary suggestions he shall also report to the Surgeon General, the Director of Public Health and the Director, Mumbai Bacteriological Laboratory, Parel, the appearance of epidemic disease of a contagious nature,

(33) give directions in writing for immediately separating from the other prisoners any prisoner having, or suspected of having, infectious, contagious, or mental disease, and for cleansing, disinfecting, or destroying any infected places, bedding or clothing,

(34) arrange for a post-mortem examination by the Medical Officer of the Medical College attached to a Government Hospital for all cases regarding the death of prisoners or their children who reside with them, occurring inside the prison premises, in prison hospitals, in transit from one prison to another or from the prison to an outside hospital or in an outside hospital. A full report on the circumstances of the death shall be sent by the Superintendent without any delay to the Additional Director General of Police (Prisons) or Inspector General of Prison, (copy to the Regional Deputy Inspector General of Prison) for submission to the State Government and the reports made by the police and magistrate, the nominal roll, copies of judgments, the reports required by section 15 of the Prisons Act, 1894 (Central Act IX of 1894) and the deposition of any witnesses with this report, shall be submitted,

(35) examine judiciously all cases which are recommended for release on medical grounds by the Medical Officer Group B, satisfy himself that the prisoner is really in such a state as to justify his immediate release from jail on medical grounds, and issue the certificate over his signature for being sent to Government with the report.

(36) also examine all prisoners awarded corporal punishment before it is executed and also attend all executions of prisoners.

(37) attend as required, to the medical needs of prison staff and their families, who reside on the prison campus. Medicines required for their treatment shall be provided from the prison store and shall bring to the notice of the Superintendent any facts regarding the cases of illness that may be of importance in enabling him to determine as to the fitness or otherwise of Prison Staff for continued employment in the Prison Service.

(38) report to the Additional Director General of Police (Prisons) or Inspector General of Prison, through the Superintendent of the prison if he notices injuries on any prisoner which are alleged to have been caused by prison officials,

(39) accompany the regional Deputy Inspector General of Police or the the Additional Director General of Police (Prisons) or Inspector General of Prison, on their inspection of the prison.

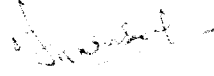
(40) in consultation with the Prison Psychiatrist and Psychologists (where they are appointed) shall organise de-addiction programs for such prisoners who are known to be drug addicts or alcoholics and shall also organise training in Transcendental Meditation and Yoga for them.”.

5. In rule 5 of the principal Rules, for the word “locality” the word “localities” shall be substituted.
6. In rule 8 of the principal Rules,-
  - (a) for the portion “1 Form II” the portion “III” shall be substituted;
  - (b) after the words “necessary action” the words “in Form I. No treatment shall be given to prisoners feigning illness.” shall be added.
7. In rule 9 of the principal Rules, in sub-rule (2), for the words “Medical Officer” the word “Chief Medical Officer” shall be substituted.
8. In rule 12 of the principal Rules, for the word “prisoner” the word “prisoners”, and for the words “shed” the word “housing unit” shall be substituted.
9. After rule 12 of the principal Rules, following new rule shall be added, namely:-

“13. Visit of Civil Surgeon or Medical Superintendent:- Civil Surgeon or Medical Superintendent shall visit the prisons and correctional centres in his jurisdiction and make sure that proper medical facilities are made

available to the prisoners. On request of the prison administration he shall arrange for specialists under his jurisdiction for appropriate treatment of the prisoners.

By order and in the name of the Governor of Maharashtra,



(J. L. Pawara)

Deputy Secretary to Government.

## NOTIFICATION

Home Department, Mantralaya  
Madam Cama Marg,  
Hutatma Rajguru Chowk,  
Second Floor, Main Build  
Mumbai- 400 032  
Dated -1<sup>st</sup> December, 2015

### Prisons Act, 1894.

No. JLM-1013/C.R. 115/13/PRS-2- In exercise of the powers conferred by clauses (5), (9), (12), (27) and (28) of section 59 of the Prisons Act, 1894 (IX of 1894), in its application to the State of Maharashtra, and of all other powers enabling it in this behalf, the Government of Maharashtra hereby makes the following rules further to amend the Maharashtra Open Prisons Rules, 1971 as follows, namely:-

1. These rules may be called the Maharashtra Open Prisons (Amendment) Rules, 2015.
2. In the Maharashtra Open Prisons Rules, 1971 (hereinafter referred to as "the principal Rules"), for the words "Inspector General" wherever it occur the words "Additional Director General of Police and Inspector General of Prisons and Correctional Centres" shall be substituted.
3. In rule 3 of the principal Rules, in sub-rule (i), after clause (d), the following clause shall be inserted, namely:-  
"(e) The Chief Medical Officer or Medical officer, as the case may be of the Prison from which the prisoners are to be selected."
4. In rule 4 of the principal Rules,-  
(i) in sub-rule (i), for clauses (b), (c) and (d) the following clauses shall be substituted, namely:-  
"(b) are willing to undertake industrial work, strenuous outdoor agricultural work or other hard work and have shown inclination for hard work during their stay in a closed prison and abide by the rules and regulations of the open prison: and  
(c) are sentenced to terms of imprisonment of one year or more and have undergone one year or half of their sentence, whichever is less, excluding remissions but inclusive of set-off period: or  
(d) are sentenced to imprisonment for life or more than fourteen years in the aggregate and who have undergone five years of the sentence excluding remission"  
(ii) in sub-rule (ii),  
(A) for clause (i), the following clause shall be substituted, namely:-  
"(i) hired and professional criminals involved in organised crime:"  
(B) for clause (m), the following clause shall be substituted, namely:-

“(m) Prisoners whose death sentence has been commuted to life imprisonment in the mercy.”

5. In rule 5 of the principal Rules, for sub-rule (v), the following sub-rule shall be substituted, namely:-

“(v) The Selection Committee shall select such prisoners as are eligible for being confined in open prison under rule 4, and submit a list of selected prisoners in order of seniority for the approval of the Additional Director General of Police and Inspector General of Prisons and Correction Centres. On the list being approved, the selected prisoners shall as soon as possible and subject to there being vacancies be transferred for confinement in the open prison.”

6. Rule 6 of the principal Rules shall be renumbered as sub-rule (i) and after sub-rule (i) so renumbered, the following sub-rules shall be added, namely:-

“(ii) If an inmate is found unfit because of his incapacity to work due to accident or other illness his case shall be put up before the Classification Committee for review.

(iii) A programme suitable to the needs of an inmate shall be organised at the open prison. He shall be given the necessary facilities to further improve his education and vocational skills. Suitable work shall be given to him so that he may improve his work habits and skills.”

7. For rule 8 of the principal Rules, the following rule shall be substituted, namely:-

“8. Contacts of family members: - Inmates in Open Prisons shall be encouraged to maintain their family contacts. The Superintendent may use his discretion in granting the facility of additional letters and interviews according to the merits of each case. Except as provided in these rules, all the rules made under section 59 of the Act shall apply in relation to prisoners confined in open prisons, as they apply to all other prisoners.”

By order and in the name of the Governor of Maharashtra.



(J. L. Pawara)

Deputy Secretary to Government.