

CHAPTER II
OPEN PRISONS

SECTION I : STATUTORY RULES

[Government Notification, Home Department, No. RJM 1070/21090-
XVI, dated 4th June 1971]

In exercise of the powers conferred by clause (5), (9), (12), (27) and (28) of section 59 of the Prisons Act, 1894 (IX of 1894) and of all other powers enabling it “in that behalf, the Government of Maharashtra hereby makes the following rules, namely:—

Short Title and commencement.

1. (i) These rules may be called the Maharashtra Open Prisons Rules, 1971.

(ii) They shall come into force on the 1st day of July 1971.

Definitions.

2. In these rules,—

(a) “Act” means the Prisons Act, 1894 (IX of 1894).

(b) “Open Prison” means any place so used permanently under any order of the State Government for the detention of prisoners under clause (1) of section 3 of the said Act.

(c) “Classification Committee” means the work Assignment Committee constituted at the prison under rule 14 of the Maharashtra Prisons (Employment of Prisoners) Rules, 1965.

Selection Committee.

3. (i) For the purpose of selecting prisoners for confinement in any open prison, there shall be a Selection Committee consisting of :—

(a) The Inspector General or his nominee, who shall be the chairman.

(b) The Deputy Inspector General of Prisons of the region from which the prisoners are to be selected.

(c) The Superintendent of the prison from which the prisoners are to be selected for confinement in an open prison.

(d) The Superintendent of Open Prison.

(ii) The Selection Committee shall, subject to the provisions of these rules, prepare a list of selected prisoners and shall submit the same to the Inspector General of Prisons for his orders.

4. (i) The following prisoners may be selected for confinement in all open prisons—

Convicted criminal prisoners who—

(a) are found to be of good behaviour, and are physically and mentally fit; and

(b) are willing to do hard work 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-fourth of their sentence excluding remissions ; or

(d) are sentenced to imprisonment for life or more than 14 years in the aggregate and who have undergone five years of the sentence excluding remission ;

(ii) The following prisoners shall not normally be sent for confinement in an open prison:—

(a) habituals classified as such by courts;

(b) known habituals;

(c) prisoners who are awarded three or more major punishments for prison offences during the last two years, prior to the date of selection.

(d) prisoners having any case pending in a court,

(e) prisoners suffering from mental disease or any other serious disease,

(f) prisoners having previous history of serious mental illness,

(g) prisoners convicted and sentenced for offences under Sections 121, 121-A, 122, 123, 124, 124-A, 125, 126, 128, 129, 130, 131, 132, 133, 134, 135, 376, 392 to 402 of the Indian Penal Code or for offences under the Bombay Prevention of Gambling Act, 1887, or for offences under the Sea Customs Act,

(h) escapees and escape risks,

(i) hired and professional murderers,

(j) prisoners convicted of offences connected with narcotics,

(k) prisoners, who have been transferred from an open prison to a closed prison,

(l) Class I prisoners,

(m) women prisoners,

(n) any other prisoner or category of prisoners whom the Inspector General of Prisons considers unfit for being sent to an open prison.

(iii) Notwithstanding anything contained in sub-rule (ii) the Inspector General of Prisons, may on the recommendation of the Selection Committee, consider the cases of prisoners falling under sub-rule (2) for the purposes of confinement in an open prison.

Procedure for
selection.

5. (i) The Superintendents of prisons shall prepare separate lists of prisoners falling under sub-rule (i), and sub-rule (ii), of rule 4, and who are willing to be confined in an open Prison.

(ii) The Superintendent shall prepare case histories of such prisoners in the Form I appended to these rules and then forward such lists together with case histories to the Selection Committee.

(iii) The classification committee shall examine the said lists along with the case histories and files of the prisoners at the respective Central Prisons and District Prisons, Class-I.

(iv) The case of each prisoner shall be screened, regard being had to the following factors, namely:—

(a) health, physical and mental to withstand confinement in open prison ;

(b) behaviour and conduct in prison and sense of responsibility displayed ;

(c) progress in work, vocational training, education and 'in other like matters;

(d) group adjustability ;

(e) character and self discipline;

(f) extent of institutional impacts (whether he has reached peak point of training and treatment);

(g) whether he is fit for being trusted for confinement in an open prison.

(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 for the approval of the Inspector General of Prisons. On the list being approved, the selected prisoners shall as soon as possible be transferred for confinement in the open prison.

Check of work
and suitability of
Prisoners
transferred to
open prison.

6. The case of each prisoner transferred to an open prison shall be put up before the Classification Committee once a month, which shall analyse the problems of the prisoner in detail. If it finds that a particular prisoner is found unfit for being kept in confinement in the open prison on the ground of indiscipline or unsatisfactory work or any other good and sufficient cause, he shall be transferred, after obtaining approval of the Inspector General of Prisons, to such prison as the Inspector General of Prisons may specify.

7. Ordinary remission shall be granted to the prisoners in the open prisons at the scale mentioned in the following table:—

Table

Category of prisoners 1	Scale of remission 2
(i) Prisoners sentenced to life imprisonment and prisoners sentenced to more than 14 years in aggregate.	30 days for a calendar month.
(ii) Prisoners sentenced to more than 5 years and upto 14 years.	20 days for a calendar month.
(iii) Other prisoners	15 Says for a calendar month.

Note 1.—No remission shall be granted for broken period or periods in a calendar month.

Note 2.—If the aggregate of ordinary and special remission granted to a prisoner exceed half of the period of the sentence, the case of the prisoners should be referred by the Superintendent to Government through the Deputy Inspector General of Prisons in charge of the region and the Inspector General of Prisons.

Note 3.—Remission earned by prisoners in an open prison shall be taken into account for the purpose of their final release.

8. 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.

FORM X

[See rule 5 (ii)]

HISTORY SHEET

1. Name of the prisoner.
2. Number of the prisoner.
3. Age.
4. Sentence.
5. Section.
6. Habitual or casual.
7. Criminal History and statement of the prisoner regarding present and previous crimes, if any.

8. Social History—
 - (a) Childhood.
 - (b) Health history.
 - (c) Neighbourhood.
 - (d) Educational background.
 - (e) Adolescence.
 - (f) Economic background.
 - (g) Employment history.
 - (h) Associations, companionship, etc.
 - (i) Habits, attitudes, etc.
 9. Personality (general) impressions only.
 10. Clues regarding sequence of criminal behaviour.
 11. Is he a social or individualised criminal? Is he an ordinary criminal careerist or professional criminal or organised criminal ?
Is his criminal act, behaviour of the moment or eruptive behaviour ?
 12. Is his maladjustment at the surface level or at the deep emotional level ?
 13. His defects and weaknesses.
 14. His assets.
 15. Which are the favourable and unfavourable points for his rehabilitation ?
 16. Suggestions about reference to experts like psychologist, psychiatrist etc.
 17. Indications about other sources from where information about the inmates' social background can be available. Suggestions about additional material to be collected.
- Date on which the case history was prepared.....
- Prison

SECTION II : NIL
