

**OFFICE OF THE DIRECTOR GENERAL (PRISONS)
PRISONS HEADQUARTERS: TIHAR: NEW DELHI**

F.10(103)/CJ /Legal/2008/

Dated:

ORDER

Jail Supdts have been repeatedly directed by the undersigned that cases of seriously sick prisoners must be taken up immediately with the concerned trial court so that if the court think proper the prisoner may be released on bail. Further Hon'ble Delhi High Court has also issued directions for the release of seriously sick prisoner by the concerned trial courts.

The attention of Supdt. Jails is again invited to Rule 53 of Delhi Prisons (Prisoner's Property, History Ticket, Civil Prisoners, Unconvicted Prisoners) Rules, 1988 which stipulate the release of seriously sick undertrial prisoner. Similarly Rule 109 of Delhi Prisons (Admission, Classification, Separation, Remission, Reward and Release of Prisoner) Rules, 1988 make the provision for the release of seriously sick convicted prisoner.

Henceforth, Supdt. Jails will personally ensure that the case of every seriously sick prisoner is taken up with the concerned authorities so that he may not languish in jail. If a prisoner has been granted bail but he is unable to furnish surety, the case of such prisoner should be personally taken up and pursue with the trial courts for his release on relaxed surety condition or on personal bond as per the provisions of law. Needless to add that Hon'ble court should be approached with due urgency and with full supporting documents.

**(B.K. GUPTA)
DIRECTOR GENERAL (PRISONS)**

All Superintendent Jails

RMO/SMO's – with the direction that whenever a case of seriously sick prisoner is referred to Supdt. Jail, a copy of the same should also be marked to SO to DG.



**OFFICE OF THE DIRECTOR GENERAL (PRISONS)
PRISONS HEADQUARTERS: TIHAR: NEW DELHI**

F.10(103)/CJ /Legal/2008/

Dated:

ORDER

This is in continuation to this office instruction dated 29.11.2007 in which it was directed that every "egress" and "ingress" should be carefully allowed. The visitors who have been issued vehicle passes should be allowed entry from outside gates after the identity of all occupants of the vehicle is established either through identity card or on the identification/undertaking of authorized identity card holder. It should be ensured that bonafide visitor is not unnecessary harassed. There should be proper recording of every entrance from gate no.2, 3 & 4 and staff deployed on these gates is fully alert and courteous.

**(C.R. GARG)
DEPUTY INSPECTOR GENERAL (PRISONS)**

All Superintendent Jails



CONFIDENTIAL

**OFFICE OF THE DIRECTOR GENERAL (PRISONS)
PRISONS HEADQUARTERS: TIHAR: NEW DELHI**

F.10(103):CJ :Legal:2008:

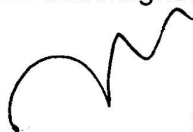
Dated:

CIRCULAR

A landmark judgement is given by the Hon'ble Supreme Court in Criminal Writ Petition No.296/2005 in which guidelines have been issued for the treatment of mentally sick prisoners languishing in psychiatric hospital/nursing homes. The following guidelines have been issued:-

- I. Whenever a person of unsound mind is ordered to be detained in any psychiatric hospital/nursing home under Section 330(2) of the Code, the reports contemplated under section 39 shall be submitted to the concerned Court/Magistrate periodically. The Court/Magistrate shall also call for such reports if they are not received in time. When the reports are received, the Court/Magistrate shall consider the reports and pass appropriate orders wherever necessary. In regard to prisoners covered by sub-section (1) of section 30 of the Prisoners Act, 1900, the procedure prescribed by sub-sections (2) and (3) of that Section read with Section 40 of the Mental Health Act, 1987 shall be followed.
- II. Wherever any undertrial prisoner is in jail for more than the maximum period of imprisonment prescribed for the offence for which he is charged (other than those charged for offences for which life imprisonment or death is the punishment), the Magistrate/Court shall treat the case as closed and report the matter to the medical officer in charge of the psychiatric hospital, so that the Medical Officer incharge of the hospital can consider his discharge as per Section 40 of the Act.
- III. In cases where, the under trial prisoners (who are not being charged with offence for which the punishment is imprisonment for life or death penalty), their cases may be considered for release in accordance with sub-section (1) of Section 330 of the Code, if they have completed five or more years as inpatients.
- IV. As regards the undertrial prisoners who have been charged with grave offences for which life imprisonment or death penalty is the punishment, such persons shall be subjected to examination periodically as provided in sub-sections (1), (3) and (4) of Section 39 of the Act and the officers named therein (visitors, medical officer in charge of the hospital and the examining medical officer respectively) should send the reports to the court as to whether the under trial prisoner is fit enough to face the trial to defend the charge. The Sessions Courts where the cases are pending should also seek periodic reports from such hospitals and every such case shall be given a hearing atleast once in three months. The Sessions Judge shall commence the trial of such as soon as it is found that such mentally ill person has been found fit to face trial.

The above guidelines should be strictly followed by the Supdt. Jails and compliance report is submitted to the undersigned on monthly basis.



**(B.K. GUPTA)
DIRECTOR GENERAL(PRISONS)**

All Superintendent Central Jails, Tihar & District Jail, Rohini, Delhi.

**Copy to:—
SO to DG(P)**

**OFFICE OF THE DIRECTOR GENERAL (PRISONS)
PRISON HEADQUARTERS: DELHI PRISONS**

No.F.10(752)/CJ/LEGAL/2008/

Dated: October, 2008

CIRCULAR

As per order passed by the Hon'ble Delhi High Court dated 30.09.2008 in Crl. Appeal No. 517/2001 and 227/2001 the appellant / convict in both these appeal have died before their appeal could come for hearing before the court. The order further state that no intimation has been received by the Ld. Registrar General, Delhi High Court about the factum of death of appellant from the concerned Superintendent Jail. The court was also not informed whether the near relatives of the appellants have been informed about the death.

Accordingly, Hon'ble Delhi High Court has directed that the Superintendent of Jails should, henceforth, in every case of death of appellant / convict who had preferred appeal from the jail and unfortunately expire during the pendency of their appeal in the High Court, inform to the Ld. Registrar General of the High Court within a period of 04 weeks from the date of their death. This information may also be communicated to the family member of the deceased – appellant wherein it be also stated that they have a right to file an application within 30 days incase they want to continue the appeal.

The Superintendent Jails are also directed to inform the Ld. Registrar General of Delhi High Court about the details of appellant / convicts who have died and whose appeals are pending in the High Court along with the details like appeal No., date of filing appeal etc. with a copy endorsed to the Prison Headquarters. They should further compile a list of convicts who had filed the appeal before Hon'ble Delhi High Court during the last five years and has since died. The list should be submitted to the Ld. Registrar General with a copy to the undersigned by 21.10.2008 positively.

A copy of the order passed by Hon'ble Delhi High Court is enclosed for strict compliance by all Jail Superintendents.

(B.K. GUPTA)
DIRECTOR GENERAL (PRISONS)
DELHI

All Jail Superintendents,
Central & District Jails, Delhi.

Copy for information to:—

The Ld. Registrar General, Delhi High Court, New Delhi with reference to the directions of this High Court dated 30.09.2008 in Crl. Appeal No. 227 and 517 of 2001

(B.K. GUPTA)
DIRECTOR GENERAL (PRISONS)
DELHI

**OFFICE OF THE DIRECTOR GENERAL (PRISONS)
PRISONS HEADQUARTER: TIHAR: NEW DELHI**

NO.F.10()/CJ/LEGAL/2008/

Dated : January, 2008

CIRCULAR

It has been noticed that the provisions of Delhi Prisons (Transfer of Prisoners, Labour and Jail, Industry Food, Clothings and Sanitation) Rules, 1988 are not being followed whenever a prisoner is being transferred to outside Delhi Jails. A prisoner when being transferred should be accompanied by a letter from Suptd. Jail in which it should be clearly mentioned about the cases in which he is being transferred. The letter should also contain the details about any conviction/pendency from Delhi Courts. The prisoner property being sent alongwith should also find mentioned in the letter. The acknowledgment received from the receiving jails should be carefully examined so that there is no discrepancy between the contents of letter sent and acknowledgment received.

In this regard, Rules 16, 30, & 36 are important and relevant portions are reproduced below for ready reference:

Rule 16

"The following documents shall be sent with each prisoner transferred:-

- (a) his warrants;*
- (b) his descriptive roll;*
- (c) separate lists of the Government and personal property accompanying him, and*
- (d) his history ticket written upto date."*

Rule 30

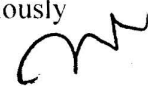
"The presence of a warder with prisoners on transfer in no degree affects the responsibility of the Police Officer charged with their escort and safe custody. The duties of the warder shall be:-

- (1)*
- (2) to preserve carefully and be responsible for the safe custody and safe delivery of the documents and property of all sorts sent with the gang;*
- (3)*
- (4) to take receipts from the Deputy Superintendent of the receiving jail for the prisoners' property and documents made over."*
- (5) – (8)"*

Rule 36

"Receipts for prisoners etc. Government property to be returned:- The Superintendent or Deputy Superintendent of the receiving jail, shall duly acknowledge the receipt of the prisoners and of the documents and property relating to them which are detained by him. Simultaneously, the police and the dispatching jail shall be informed identical articles of clothing and other Government property sent with the prisoners shall be returned to the jail of dispatch after being thoroughly washed and properly wrapped on gunny cloth."

The concerned Rules governing the transfer of a prisoner should be scrupulously followed while transferring a prisoner.



(C. R. GARG)

DY. INSPECTOR GENERAL(PRISONS)

All Supdt. (Jails)
DCP IIIrd Btn. DAP

**OFFICE OF THE DIRECTOR GENERAL (PRISONS)
PRISONS HEADQUARTERS: TIHAR: NEW DELHI**

F.10(1016)/CJ /Legal/2008/

Dated:

CIRCULAR

There has been the instances where visitors of a prisoners were caught while attempting to handover the prohibited articles to a prisoners like tobacco, narcotics, currency notes, Sim Card etc. This is a serious violation of the provisions contained in Delhi Prison Act, 2000. Such visitors can be arrested and prosecuted by the Jail Officers as per Section 43 & 44 of Delhi Prison Act, 2000. The relevant provisions are reproduced below:

- Penalty for introduction or removal of, into or from prison and communication with prisoners*** Section 43. Whoever, contrary to any rule under clause 60 introduces or removes or attempts by any means whatever to introduce or remove, into or from any prison, or supplies or attempts to supply to any prisoner outside the limits of a prison, any prohibited article, and every officer or member of staff of a prison who, contrary to any such rule, knowingly suffers any such article to be introduced into or removed from any prison, to be possessed by any prisoner, or to be supplied to any prisoner outside the limits of a prison, and whoever, contrary to any such rule, communicates or attempts to communicate with any prisoner, and whoever abets any offence made punishable by this section, shall, on conviction before a Magistrate, be liable to imprisonment for a term not exceeding six months, or to fine not exceeding six months, or to fine not exceeding ten thousand rupees, or to both.
- Power to arrest for offence under Section 43*** Section 44. When any person, in the presence of any officer of a prison, commits any offence specified in the last foregoing Section and refuses on demand of such officer to state his name and residence or gives a name or residence, which such officer knows or has reason to believe, to be false, such officer may arrest him, and shall without unnecessary delay make over him to a police officer and thereupon such police officer shall proceed as if the offence had been committed in his presence.

The Supdt. Jails are directed to brief their staff about the provisions of law so that appropriate legal action, against the visitors, who attempt to bring prohibited articles inside the prison, is taken.

(C.R. GARG)
DY. INSPECTOR GENERAL (PRISONS)
DELHI

All Superintendent Jails.
Commandant, TSP
Commandant, CRPF
Dy. Commandant, ITBP
PRO Gate No.3
PRO Gate No.4
Notice Board
SO to DG(PRISONS)
PA to DIG (P)



**OFFICE OF THE DIRECTOR GENERAL (PRISONS)
PRISONS HEADQUARTERS: TIHAR: NEW DELHI.**

No.F.10()/CJ/LEGAL/2008/

Dated: July, 2008

CIRCULAR

This is in continuation to this office circular of even no. dated 13.06.2008 and discussions held in the coordination meeting on 30.06.2008 prohibiting the receipt of outside food by the prisoner sentenced to death at the time of interview. It is hereby clarified that the food received by such prisoners from their family members only at the time of interview may be allowed with reasonable testing and precautions. However, no one else should be allowed to give food at the time of interview.

This issues with the approval of DG(P).



**(C.R. GARG)
DY. INSPECTOR GENERAL
PRISONS**

Copy to:
**All Superintendents
SO to DG(P)**