

KERALA PRISON MANUAL
CONTAINING
THE RULES FOR THE SUPERINTENDENCE
AND MANAGEMENT OF PRISONS
IN
KERALA STATE

Vol. I

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STATE PRISON MANUAL
TRIVANDRUM

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PART I

(EXPLANATORY NOTES AND PRISON RULES)

KERALA PRISON MANUAL

Explanatory Notes

Explanatory notes under each Rule to convey the intention about the changes introduced generally in accordance with the guide-lines prescribed under the Model Prison Manual. The relevant number of corresponding Rules of the Old Kerala Prisons Rules, 1958 is given to make the verification easier and useful. K. P. M. occurring in the explanatory note stands for the new Kerala Prison Manual. In the new Kerala Prison Manual the statutory provisions under the Prisons Act (Act IX of 1894) and the Travancore Cochin Prisons Act, 1950 (Act XVIII of 1950) have been included wherever necessary.

PART I

CHAPTER I

HEADQUARTERS ORGANISATION

This is a new Chapter (Rules 1 to 5) dealing with the organisational set up of the Prisons Department at the Headquarters level. Rule 6 gives the Regional set up of the Department on the basis of the work load, problems etc.

CHAPTER II

ORGANISATION (INSTITUTIONAL)

Rule 7 (a), (b) is a new provision specifying the existing type of Prisons/Jails and their location. Rule 7 (c) is not a verbatim reproduction covering the old Rules (KPR) 1, 2, 2A, 3(a), (b), (c), (d), (e). The reason for effecting variation is to make the new rule more clear and explicit regarding the type of Jail Institutions and the necessity to keep different categories of prisoners taking into account of their criminal record, the legal reasons for their detention and necessities of their treatment. (Please see Chapter XV of the Model Prison Manual).

Rule 8 is a new provision to bring the Jail Training School, Trivandrum under the organisational set up.

CHAPTER III

INSPECTOR GENERAL OF PRISONS

Rules 9, 10, 11, 12, 13, 14 of the K. P. M. relate to the administrative and financial powers of the Inspector General of Prisons. The existing powers are those as exercised vide G. O. MS. No. 85/77/Home dated 28-6-1977 (Notification No. 381/73/B3/65-2/Home dated 24-12-1965), G. O. MS. No. 161/79/Home dated 27-11-1979, G. O. (P) No. 248/62 dated 24-4-1962 as amended by G. O. (P) 264/64/PD dated 27-7-1964, G. O. (P) 400/58 dated 31-3-1958, G. O. (P) No. 145/73/Fin. dated 18-5-1973, G. O. (P) No. 110/PD dated 16-4-1970, G. O. (P) 243/70 dated 20-7-1970, G. O. MS. No. 322/63 dated 8-7-1973, G. O. (P) No. 4058 dated 31-3-1958,

16/3631/MC.

G. O. MS. 286 dated 1-9-1962, G. O. (P) 196/65/PD dated 12-2-1965, G. O. MS. 82/78/PW dated 30-6-1978, G. O. MS. No. 1012 dated 7-2-1968, G. O. Rt. No. 2736/76/Home dated 29-11-1976, G. O. (P) No. 283/65/Fin. dated 8-7-1965, Circular Memorandum No. 52545/65/Fin. dated 15-10-1965, G. O. MS. No. 254 dated 18-7-1954, G. O. MS. No. 414 dated 23-9-1963, G. O. MS. No. 140 dated 9-1-1964, G. O. MS. No. 168/64/Home dated 9-4-1964, as amended by G. O. (P) 205/64/PD dated 11-6-1964 have been incorporated.

Rule 15 K. P. M. summarises the existing administrative powers of the Inspector General of Prisons and make it explicit.

Rule 16 K. P. M. corresponds the old Rule 8 of K. P. R. New Rule 16 (11) is a new provision. (Please see Chapter II of Model Prison Manual).

New Rule 17 K. P. M. corresponds to the old Rule 9.

New Rule 18 corresponds to old Rule 10.

New Rule 19 is a new provision. (Please see Chapter IX of Model Prison Manual).

CHAPTER IV

DEPUTY INSPECTOR GENERAL OF PRISONS

Rules 20 to 24 have been newly introduced since there is no mention about the Dy. Inspector General of Prisons and his functions in the old Rules. Hence a Chapter has been set apart for fixing the duties and responsibilities of this Officer.

CHAPTER V

STATE ADVISORY BOARD FOR CORRECTIONAL ADMINISTRATION AND BOARD OF VISITORS

The constitution of a State Advisory Board for Correctional Administration is given under Chapter VI of Model Prison Manual.

Rule 25 of the New Rules is based on in the guidelines given in the Model Prison Manual.

Rule 26 of K. P. M. corresponds to the old Rule 12.

Rule 27 of K. P. M. corresponds to the old Rule 13.

Rule 28 (1) of K. P. M. corresponds to the old Rule 15 (1).

Rule 28 (2) of K. P. M. corresponds to the old Rule 14 (2).

Rule 28 (3) and (4) corresponds to the old Rules 14 (3) and (4).

Rule 28 (5) of K. P. M. is a new provision adopted from Chapter VI of Model Prison Manual.

Rule 28 (6) of K. P. M. is a new provision adopted from Chapter VI of Model Prison Manual.

Rule 29 of K. P. M. (powers and duties of visitors) corresponds in general with old Rule 15.

Rule 30 (1), (2) and (3) corresponds to the old Rule 16.

Rule 31 of K. P. M. corresponds to Rule 17 of old Rule.

Rule 32 of K. P. M. corresponds to old Rule 18.

Rule 33 of K. P. M. corresponds to Rule 19 of old Rules.

Rule 34 of K. P. M. replaces the old Rules 20, 21 and 22. The change is in conformity with the guidelines given in Model Prison Manual.

CHAPTER VI

TRAINING OF PERSONNEL

Rule 35 of K. P. M. This is a new provision regarding training programme of Prison Executive Officers. Please refer Chapter X of Model Prison Manual.

Rule 36 of K. P. M. is a new provision on the constitution of the Jail Training School for warders.

Rule 37, 38 of K. P. M. are new provisions concerning the programmes to be organised in the Jail Training School. Please see G. O. MS. No. 117/71 Home dated 5-11-1971.

Rule 39 of K. P. M. refers to the training to be undergone in the various branches of Correctional Administration at the Regional Training Institute of Correctional Administration, Vellore (Tamil Nadu) by the Officers from the level of Assistant Jailors and above. This Institute came into being on 1st October 1979 and it is a joint venture by the Four State Governments of the Southern Region for giving specialised Training to Correctional Officers.

Rule 40 of K. P. M. refers to any other specialised training for which the Officers may be sent. Please see Chapter X of Model Prison Manual.

CHAPTER VII

NATIONAL FLAG

A new Chapter comprising of Rules 41 and 42 have been incorporated regarding the display of National Flag and United Nations Flag on Prison buildings.

CHAPTER VIII

PRISON BUILDINGS IN GENERAL

New Rules 43 and 44 of K. P. M. covering the general security aspects, maintenance etc. of Prison buildings.

New Rule 45 (a), (b) and (c) is a verbatim reproduction of old Rule 662, 663 and 664.

New Rule 46 is a verbatim reproduction of old Rule 665.

New Rule 47 is a verbatim reproduction of old Rule 666.

New Rule 48 is a modified version of old Rule 667 and is based on Chapter IV of Model Prison Manual.

New Rule 49 is a verbatim reproduction of old Rule 668.

New Rule 50 (a) and (b) is a modified version of old Rules 669 and 670 and is based on Chapter IV of Model Prison Manual.

New Rule 51 is a verbatim reproduction of old Rule 671.

CHAPTER IX

STAFF CONCESSIONS AND WELFARE

A new Chapter consisting of Rules 52, 53, 54, 55, 56, 57, 58, 59, 60 and 61 have been included in the K. P. M. for the constitution of Welfare Committees in the major institutions for looking into the welfare of the Prisons staff, starting of a welfare fund etc. This Chapter also includes the existing monetary benefits and other concessions enjoyed by the Prisons personnel. (See also page 89 of Model Prison Manual vide G. O. MS. No. 103/79 Home dated 23-7-1979, G. O. MS. 147/79 Home dated 2-11-1979 and G. O. (P) 860/78 Fin. dated 16-12-1978).

CHAPTER X

SUPERINTENDENT

Rule 62 (1) and (2) of K. P. M. corresponds to Rule 24 (1) and (2) of the old Rule.

Rule 63 of K. P. M. is a verbatim reproduction of old Rule 25.

Rule 64 (1) and (2) of K. P. M. corresponds to the old Rule 26 (1) and (2).

Rule 65 corresponds to the old Rule 27.

Rule 66 (1) and (2) of K. P. M. corresponds to the old Rule 28 and is a verbatim reproduction.

Rule 67 is a verbatim reproduction of old Rule 29.

Rule 68 is a verbatim reproduction of old Rule 30.

Rule 69 of K. P. M. corresponds partly to first para of Rule 31 of old Rule. The second and third paras of old Rule 31 are included under Rule 70 of K. P. M. (Financial powers).

Rule 70 of K. P. M. covers all the financial powers issued from time to time for which the Superintendent has power to exercise. Hence the old Rule 35 has been modified to achieve this purpose.

Rule 71 of K. P. M. (Administrative powers) now exercised by the Superintendent. (See sub rules 1 to 5 of Rule 40 of old Rules) have been incorporated.

Rule 72 is a new provision and is intended to safeguard the interest of security arrangements in times of emergency and on disciplinary matters.

Rule 73 of K. P. M. is a verbatim reproduction of old Rule 33.

Rule 74 of K. P. M. is a reproduction of old Rule 34. Besides provision has been included in line with the Chapter VIII of Model Prison Manual.

Rule 75 of K. P. M. is a new provision insisting on the Superintendent to take proper precautions to prevent damage by fire to Prison buildings etc.

Rule 76 of K. P. M. is a new provision to emphasise the responsibility of the Superintendent regarding the proper issue of food to the prisoners.

Rule 77 of K. P. M. is a new provision. It deals with the maintenance of an order book by the Superintendent and distribution of work to each subordinate.

Rule 78 of K. P. M. is a new provision; it deals with the action to be taken by the Superintendent on the recommendations made by the Prison Medical Officer.

Rule 79 (a) and (b) are new provisions enabling him to freely correspond with the Inspector General and also to take action to the best of his judgment awaiting orders of the Inspector General. Besides, this insists the Superintendent to hold an enquiry in the event of an accident resulting in an injury to a prisoner or member of staff.

Rule 80 of K. P. M. is a new provision which insists the Superintendent to conduct the physical examination of all stores, machinery, plant etc.

Rule 81 is a verbatim reproduction of old Rule 32.

Rule 82 of K. P. M. is a verbatim reproduction of first para of old Rule 36. A separate Rule (83 of K. P. M.) based on the second para of old Rule 36 seems to be necessary because the subject matter is entirely different. Hence the change.

Rule 84 of K. P. M. is a verbatim reproduction of old Rule 37.

Rule 85 is a verbatim reproduction of old Rule 38.

Rule 86 is a reproduction of old Rule 39.

Rule 87 of K. P. M. is a new provision adopted from Chapter XI of Model Prison Manual regarding the holding of staff meetings.

Regarding financial and administrative powers of the Superintendent please see G. O. MS. 85/77/Home dated 28-6-1977, G. O. MS. 184/59/Home dated 16-2-1969, G. O. (Rt.) 773/64/Home dated 2-5-1964, G. O. Rt. No. 107/73/Home dated 5-7-1973, G. O. Ms. 184/59/Home dated 10-2-1959.

CHAPTER XI

MEDICAL OFFICER

Rule 88 of K. P. M. is a reproduction of the old Rule 41.

Rule 89 of K. P. M. is a verbatim reproduction of old Rule 42.

Rule 90 of K. P. M. is a verbatim reproduction of old Rule 43.

Rule 91 of K. P. M. is a reproduction of old Rule 44.

Rule 92 of K. P. M. is a reproduction of old Rule 45.

Rule 93 of K. P. M. is a reproduction of old Rule 46.

Rule 94 of K. P. M. is a reproduction of old Rule 47.

Rule 95 of K. P. M. is a verbatim reproduction of old Rule 48.

Rule 96 of K. P. M. is a verbatim reproduction of old Rule 49.

Rule 97 of K. P. M. is a verbatim reproduction of old Rule 50.

Rule 98 of K. P. M. is a modification of old Rule 51 and is intended to provide non-practice allowance and special pay to Medical Officer. However the rate of allowance and special pay has been modified as "as sanctioned by the Government from time to time". This will avoid the amendment to this Rule each time revision is made in the scale of allowance and special pay.

Rule 99 of K. P. M. is a reproduction of old Rule 52. But another sentence has been added to pay "House Rent Allowance" in lieu of rent free quarters to the Medical Officer, since the intention of the old rule is to provide rent free quarters to the Medical Officer.

Rule 100 of K. P. M. is a verbatim reproduction of old Rule 53.

Rule 101 of K. P. M. upto sub-rule (i) is a verbatim reproduction of old Rule 54. Another sub-rule (j) has been included to emphasise the duty of the Medical Officer to inspect the ration articles and cooked food daily.

Rule 102 is a new provision insisting on the Medical Officer to take stock of the drugs, instruments etc. at the close of every financial year and prepare a statement.

Rule 103 of K. P. M. The purpose of this rule is the same as that of the old Rule 57. Open Prison and District Jail are also included in the new Rule since there is a post of Pharmacist|Compounder attached to these institutions also. The modification is to achieve this objective.

Rule 104 of K. P. M. refers to the old Rule 56 with the difference that the Pharmacist|Compounder is given rent free quarters and in lieu thereof, to give him house rent allowance. Provision of rent free quarters in the Prison campus is very necessary for the smooth working of the Hospital administration.

Rule 105 of K. P. M. The old Rule 58 dealing with the duties of Compounder|Pharmacist is not sufficient to cover the requirements. In the new Rule the duties and functions have been defined very clearly.

Rule 106 of K. P. M. The intention of this Rule is that of the old Rule 55. However the rate of allowance is deleted and the