

New Rules 288, 289, 290, 291, 292, 293, 294, 295 and 296 of KPM comprise of the classification programme highly stressed under Chapter XIX of Model Prison Manual. It is a diagnostic process functioning from the time of admission of the prisoner till his release. The reason behind introducing these rules has been explained in Chapter XIX of Model Prison Manual.

CHAPTER XXII

ADMISSION OF PRISONERS

Rule 297 of KPM is a modified version of old rule 210. The intention is to give clear-cut instructions to the Officer in charge of the Prison on the initial admission of prisoners.

Rule 298 of KPM is a reproduction of old rule 210A.

Rule 299 of KPM is a reproduction of old rule 211.

Rule 300 of KPM is a new provision regarding the reckoning of concurrent or consecutive sentence.

Rule 301 of KPM is a verbatim reproduction of old rule 212.

Rule 302 of KPM is a verbatim reproduction of old rule 212A.

Rule 303 of KPM is a verbatim reproduction of old rule 213.

Rule 304 of KPM is a new provision based on section 428 Cr. P. C. for calculating the period of detention undergone by the accused to be "set off" against the sentence of imprisonment.

Rule 305 of KPM is a new provision to show that no set off can be allowed in the case of lifers. Please see Judgement published in K. L. T. 1975, Parts 6 and 7, page 147 and Government Letter No. 12934/B1/75/Home (B) dated 1-8-1975.

Rule 306 of KPM is a verbatim reproduction of old rule plus 4 more additional illustrations to make the point clear. While reckoning the commencement of and breaks in imprisonment.

Rule 307 of KPM is a reproduction of old rule 215 with an additional illustration to give further clarity to the rule.

Rule 308 (1) of KPM is a new provision based on the amendment to section 433 Criminal Procedure Code. The other provisions of old rule 216 are retained.

Rule 309 of KPM is a verbatim reproduction of old rule 217.

Rule 310 of KPM is a verbatim reproduction of old rule 218.

Rule 311 of KPM is a verbatim reproduction of old rule 219.

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Rule 312 of KPM is a verbatim reproduction of old rule 220.

Rule 313 of KPM is a verbatim reproduction of the old rule 221.

Rule 314 of KPM is a verbatim reproduction of old rule 222.

Rule 315 of KPM is a verbatim reproduction of the old rule 223.

Rule 316 of KPM is a verbatim reproduction of old rule 224.

Rule 317 of KPM is a modified version of old rule 225 to make the position clear.

Note.—The old rule 226 has been deleted and this provision has been included under the new rule 297.

Rule 318 of KPM is a new provision explaining as to when a default sentence is to begin.

Rule 319 of KPM is a verbatim reproduction of old rule 227.

Rule 320 of KPM is a modification of old rules 229 and 230. The new rule fully explained the procedure of search of prisoners on admission.

Rule 321 of KPM is a verbatim reproduction of the old rule 228.

Rule 322 of KPM corresponds to the old rule 231. But it has been further explained to give the complete picture of the programme to be undergone during the quarantine period. The new rules are based on the guide lines given under Chapter XVIII of Model Prison Manual.

Rule 323 of KPM is a verbatim reproduction of old rule 232.

Rule 324 of KPM is a verbatim reproduction of old rule 233.

Rule 325 of KPM is a verbatim reproduction of old rule 234.

Rule 326 of KPM is a new provision on the maintenance of Admission Register.

Rule 327 of KPM covers the old rule 235 and also elaborate the maintenance of History Ticket, Medical Sheet, and Weighment Chart of newly admitted convicts.

Rule 328 of KPM is a verbatim reproduction of old rule 235A.

Rule 329 of KPM corresponds to the old rule 236.

Rule 330 of KPM is a verbatim reproduction of old rule 237.

Rule 331 of KPM is a verbatim reproduction of old rule 238.

Rule 332 of KPM is a verbatim reproduction of old rule 239.

Rule 333 (i) of KPM is a verbatim reproduction of old rule 240.

Rule 333 (ii) of KPM is a new provision.

Rule 334 of KPM is a verbatim reproduction of old rule 241.

Rule 335 of KPM is a reproduction of old rule 242.

Rule 336 of KPM is a verbatim reproduction of old rule 243.

Rule 337 of KPM is a verbatim reproduction of old rule 244.

Rule 338 of KPM covers the old rule 245 as well as additional provisions to make it complete. This also is in line with the guidelines given under Chapter XXII of Model Prison Manual.

Rule 339 of KPM covers old rule 246.

CHAPTER XXIII

GENERAL DISCIPLINE AND DAILY ROUTINE

Rule 340 of KPM corresponds to the old rule 247. An addition has been made to provide for contingencies if no convict Officers have been appointed.

Rule 341 corresponds to the old rule 248.

Rule 342 is a verbatim reproduction of old rule 249.

Rule 343 covers the old rule 252 with an additional provision to separate the prisoners complaining of illness to be produced before the Medical Officer.

Rule 344 is a new provision which spells out certain fundamentals to be observed while taking count of prisoners.

Rule 345 is a verbatim reproduction of old rule 250.

Rule 346 corresponds to the old rule 252.

Rule 347 corresponds to the old rule 353. In the new rule against Note (i) of old rule the change has been made in line with the Government Orders contained in G. O. MS. No. 3579 Home dated 22-3-1979 where in the 'C' Class Prisoners are to be issued with one cake of toilet soap per prisoner per month.

Rule 348 of KPM is a new provision which gives the timetable of the daily routine on working days and holidays. This is also based on the guidelines given under Chapter XXI of Model Prison Manual.

Rule 349 corresponds to old rule 254.

Rule 350 of the guidelines Manual.

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Rule 368 has been drafted Chapter IV of

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Rule 350 of KPM. The old rule 255 has been modified to suit the guidelines prescribed under Chapter XXIV of Model Prison Manual.

Rule 351 of KPM is a reproduction of old rule 256.

Rule 352 corresponds to old rule 257. Additions have been made to suit the guidelines prescribed under Chapter XX of Model Prison Manual.

Rule 353 is a modified version of old rule 258. This is to suit the time-table prescribed under the new rule 348.

Rule 354 of KPM. The old Rule 259 has been split up into two rules viz., 354 and 355 to suit the daily routine and the change in the dietary.

Rule 356 of KPM is a modified version of old rule 260 and conforms to the guidelines prescribed under Chapter XXI of Model Prison Manual.

Rule 357 of KPM is a new provision which deals with the procedure the Officers have to follow when locking the prisoners for the night. This rule also replaces the old rule 265.

Rule 358 of KPM is a modified version of old rule 261.

Rule 359 is a new provision and deals with the indoor activities which the prisoners may engage themselves in, after lock up and till the time they go to bed. This is in accordance with the guidelines coming under Chapter XXI of Model Prison Manual.

Rule 360 of KPM is a verbatim reproduction of old rule 262.

Rule 361 of KPM is a verbatim reproduction of old rule 263.

Rule 362 of KPM is a verbatim reproduction of old rule 264.

Note.—The old rule 265 has been clubbed with new rules 354 and 355.

Rule 363 is a verbatim reproduction of old rule 266.

Rule 364 of KPM is a verbatim reproduction of old rule 267.

Rule 365 of KPM is a verbatim reproduction of old rule 268.

Rule 366 of KPM is a verbatim reproduction of old rule 269.

Rule 367 of KPM is a modified version of old rule 270.

Rule 368 of KPM is a modified version of old rule 271, and it has been drafted according to the guidelines prescribed under Chapter IV of Model Prison Manual.

Rule 369 of KPM is a modified version of old rule 272.

Rule 370 of KPM is a verbatim reproduction of old rule 273.

Rule 371 of KPM is a modified version of old Rule 274 and is in accordance with the guidelines given under Chapter XXII of Model Prison Manual.

Note.—The old Rules 275, 276, 277, 280 and 280A have been brought under a new Chapter "Education".

Rule 372 of KPM is a verbatim reproduction of old rule 278.

Rule 373 of KPM is a verbatim reproduction of old rule 279.

Rule 374 of KPM is a reproduction of old rule 433.

Rule 375 of KPM is a verbatim reproduction of old rule 434.

Rule 376 of KPM has been introduced as a separate provision in the place of "Note" to the old rule 278.

Note.—Old Rules 280 and 280A have been brought under the new Chapter "Education".

Rule 377 of KPM is a verbatim reproduction of old rule 281.

Rule 378 of KPM is a reproduction of old rule 282.

Rule 379 of KPM is a reproduction of old rule 283.

Rule 380 is a reproduction of old rule 284.

Rule 381 of KPM is a reproduction of old rule 285.

Rule 382 of KPM. This is an expanded form of old rule 286 so as to cover all aspects when a prisoner resorts to hunger strike.

Rule 383 of KPM is a new provision dealing with barbering services in Prison. This is based on the guidelines given under Chapter XXI of Model Prison Manual.

Rule 384 of KPM. This is a new provision on the procedure and maintenance of prisoners canteen in major Prisons. Although canteens have been started in Central Prisons and Open Prison under executive orders, no corresponding provision was made under the old Kerala Prison Rules. This is also in line with the provisions contained under Chapter XXI of Model Prison Manual.

Rule 385 of KPM is a provision has been included in the new rule for the constitution of 'prisoners welfare committees' in Major Prisons at the discretion of the Superintendent with a view to create a sense of responsibility and reliance among prisoners.

Rule 386 of KPM is a new provision for maintaining "grievance deposit boxes" in Prison in accordance with the directions contained in the judgment by the Supreme Court of India in Writ Petition No. 398 and 549 of 1980.

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DISCIPLINE, OFFENCES AND PUNISHMENT

The old Chapter XVII of Kerala Prison Rules requires modification to fall in line with the guidelines given under Chapter XXXI of Model Prison Manual.

Rule 387 of KPM deals with the standards of behaviour of prisoners of all categories and divisions, have to observe. Hence this is a new provision.

Rule 388 of KPM is based on the guidelines under Chapter XXXI of Model Prison Manual and hence the old rule 287 has been modified suitably.

Rule 389 of KPM. This is a new provision to described the constitution of "Discipline Board" in accordance with the guidelines given under Chapter XXXI of Model Prison Manual.

Rule 390 of KPM. This is a new provision concerning the functioning of "Orderly Room" as given under Chapter XXXI of Model Prison Manual.

Rule 391 of KPM. This is a new provision based on Chapter XXXI of Model Prison Manual.

Rule 392 of KPM. This is a verbatim reproduction of old rule 289.

Rule 393 of KPM is a verbatim reproduction of old rule 290.

Rule 394 of KPM is a modified form of old rule 291 in the light of the guidelines given under Chapter XXXI of Model Prison Manual.

Note.—The old rules 294 and 295 of Kerala Prison Rules have bene deleted, in view of the fact that "Penal Diet" is not imposed as a punishment, since the formation of Kerala State.

Rule 395 of KPM refers to the qualifications of punishment (Minor and Major); the old rule 297 and 296 have therefore undergone change in certain respects, based on the guidelines given under Chapter XXXI of Model Prison Manual.

Rule 396 of KPM. This is a new provision since the accent is now on curtailment of Prison privileges as a punishment for Prison offences. This is also in line with the guidelines given under Chapter XXXI of Model Prison Manual.

Rule 397 of KPM is a new provision detailing the forfeiture of Prison facilities as punishment.

Rule 398 of KPM is a new provision empowering the Superintendent to impose cut on the wages of a prisoner, who wilfully damages Government properties.

Rule 399 of KPM is a modified version of old rules 292 and 293. Hand-cuffs are not imposed as a punishment now. Hence the old rule has been altered appropriately.

Rule 400 of KPM is a new provision based on the Chapter XXXI of Model Prison Manual.

Rule 401 of KPM is a new provision on the guidelines given under Chapter XXXI of Model Prison Manual.

Rule 402 of KPM. Replaces the old rule 296 and is based on the guidelines given under Chapter XXXI of Model Prison Manual.

Rule 403, 404, 405, 406, 407, 408 are new provisions mostly based on the guidelines given under Chapter XXXI of Model Prison Manual.

Rule 409 of KPM is a modified version of old rule 288 and this is also based on Chapter XXXI of Model Prison Manual.

Rule 410 of KPM is a new provision based on Chapter XXXI of Model Prison Manual.

Rule 411 of KPM is a new provision included in pursuance of the directions contained in the judgment in Criminal Writ Petition No. 393 and 549 of 1980 in the Supreme Court of India.

CHAPTER XXV

REMISSION SYSTEM

Rule 412 of KPM is a modified version of old rule 299. With the amendment to the Criminal Procedure Code (Section 433A) and the directions contained in the judgment by the Supreme Court of India dated 11-11-1980 in writ petition numbers 865/79, 641/80, 1177/80 etc. The minimum period of sentence a lifer has to undergo depends on the date of his conviction i.e., whether it was before the coming into force of the amendment to the section 433A Cr. P. C. or after the date. See also Chapter XXIX of Model Prison Manual.

Rule 413 of KPM is a new provision which is intended to explain the various categories of remission of sentence. This is also based on the guidelines given under Chapter XXV of Model Prison Manual.

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Rule 414 of KPM is a verbatim reproduction of old rule 303.

Rule 415 of KPM is a modified version of old rule 300 and is based on the guide-lines given under Chapter XXIX of Model Prison Manual.

Rule 416 of KPM is a new provision; it is meant to explain the eligibility of the prisoner for earning ordinary remission. This is based on the guide-lines given under Chapter XXIX of Model Prison Manual.

Rule 417 of KPM is a verbatim reproduction of old rule 302.

Rule 418 of KPM is a verbatim reproduction of old rule 301.

Rule 419 of KPM is an improved version of old rule 312 and is in accordance with the guide-lines prescribed under Chapter XXIX of Model Prison Manual.

Rule 420 of KPM is a verbatim reproduction of old rule 312A.

Rule 421 of KPM is an improved version of old rule 313. It is based on the guide-lines given under Chapter XXIX of Model Prison Manual.

Rule 422 of KPM is a new provision entirely based on Section 428 of Cr. P. C.

Rule 423 of KPM is a verbatim reproduction of old rule 304.

Rule 424 of KPM is a verbatim reproduction of old rule 305.

Rule 425 of KPM is same of old rule 306 and as based on the guide-lines given under Chapter XXIX of Model Prison Manual.

Rule 426 of KPM is a verbatim reproduction of old rule 307 and is based on Chapter XXIX of Model Prison Manual.

Rule 427 of KPM is a reproduction of old rule 308.

Rule 428 is a verbatim reproduction of old rule 309.

Rule 429 of KPM is a verbatim reproduction of old rule 310.

Rule 430 of KPM is a verbatim reproduction of old rule 311.

Rule 431 of KPM is a verbatim reproduction of old rule 314.

Rule 432 of KPM is a reproduction of old rule 315.

Rule 433 is a modified version of old rule 319.

From practical experience it has been found that the records of prisoners undergoing treatment in a Mental Hospital|Leper Asylum|T.B. Hospital for prolonged periods, if maintained by the Hospital|Asylum will not be kept up to date and the respective Superintendents of the Asylum|Hospital may not also be in the

position to work-out the date of release of prisoners after giving appropriate remission. To avoid this the records of such prisoners should be kept and maintained in the Prison itself and the date of release intimated to the Superintendent of the concerned Asylum Hospital sufficiently in advance, in order to enable the latter to treat the prisoner as released from custody and if his further retention in the Asylum Hospital is necessary for the complete recovery from the disease, he can be treated as a civil patient. Please see G. O. MS. No. 80/79/Home (B) dated 2-6-1979. This will ensure the correct date of release of the prisoner from custody.

Rule 434 of KPM is a new provision intended to work-out remission in the case of prisoners on reciprocal arrangements from a Prison to another State.

Rule 435 of KPM. Partly covers the old rule 317. The changes made in the case of lifers correspond to the amendment to section 433A of Criminal Procedure Code.

Rule 436 of KPM is a verbatim reproduction of old rule 320.

CHAPTER XXVI

GRADING OF CONVICTS AND CONVICT OFFICERS

Rule 437 of KPM is a verbatim reproduction of old rule 321.

Rule 438 of KPM is a verbatim reproduction of old rule 322.

Rule 439 of KPM is basically the old rule 323. But instead of specifying the amount of gratuity it is mentioned as "as fixed by Government from time to time". It may be mentioned here that the amount now in vogue is too low and there is justification for revision.

Rule 440 of KPM covers the old rule 324, with the difference that instead of the rate of gratuity being mentioned, it is left as "such amount as fixed by Government from time to time". The rate of gratuity now given is too low and requires revision.

Rule 441 of KPM covers the old rule 325 but with the difference that instead of mentioning the rate it is given as "as fixed by Government from time to time".

Rule 442 of KPM is almost a reproduction of old rule 326. But with the difference that instead of mentioning the rate per day it is left as "as fixed by Government from time to time".

Rule 443 of KPM is a verbatim reproduction of old rule 327.

Rule 444 of KPM covers the old rule 328. However additional material is given to amplify the old rule.

Rule 445 of KPM covers the old rule 329. But the rate per mensem has been modified as "as fixed by Government from time to time". Besides their duties have been further amplified to make the rule clear.

Rule 446 of KPM covers the old rule 330. But with the difference that instead of mentioning the rate per mensem it is left as "as fixed by Government from time to time".

Rule 447 of KPM is a reproduction of old rule 331.

Rule 448 of KPM is a verbatim reproduction of old rule 332.

Rule 449 of KPM is a verbatim reproduction of old rule 333.

Rule 450 of KPM covers the old rule 334 but the difference is that instead of mentioning the rate per mensem it is left as "as fixed by Government from time to time".

Rule 451 of KPM is a verbatim reproduction of old rule 335.

Rule 452 of KPM is a modified version of old rule 336. The old rule imposition of hand-cuffs is given as punishment. This method has been discarded long since. Hence it is not necessary to mention about exemption from imposition of hand-cuffs.

Rule 453 amplifies the old rule 337.

Note:—The old rule 338 is not retained since the intention is to gradually do away with the convict warder system.

Rule 454 is a verbatim reproduction of old rule 339.

CHAPTER XXVII

DIET SCALE

Rule 455 of KPM covers the old rule 340 and 340A with amendments issued so far. (Please see G. O. MS. 172/69/Home dated 31-5-1969, G. O. Rt. No. 2404/77/Home dated 19-11-1977, G. O. MS. 111/76/Home dated 30-8-1976).

Rule 456 of KPM covers the old rule 341. Special Class undertrials have been included in this rule to make the provision up to date.