

Rule 1167 of KPM is a verbatim reproduction of old rule 890.

Rule 1168 of KPM is a verbatim reproduction of old rule 891.

Rule 1169 of KPM. The old rule 892 has been modified to make it more specific and clear.

Rule 1170 of KPM is a verbatim reproduction of old rule 893.

Rule 1171 of KPM is a new provision.

Rule 1172 of KPM is a verbatim reproduction of old rule 894.

Rule 1173 of KPM is a verbatim reproduction of old rule 895.

Rule 1174 of KPM is a verbatim reproduction of old rule 896.

Rule 1175 of KPM. The old rule 897 has been suitably modified to elaborate the procedure.

Rule 1176 of KPM is a reproduction of old rule 898.

Rule 1177 of KPM is a new provision.

Rule 1178 is a new provision.

Rule 1179 of KPM regarding payment of transfer credit See Prison Manual on Accounting Procedure.

Rule 1180 of KPM is a new provision. See Prison Manual on Accounting Procedure.

Rule 1181 of KPM is a verbatim reproduction of old rule 899.

Rule 1182 of KPM. The old rules 900, 901, 902 have been combined with suitable modification to form the new rule.

Rule 1183 of KPM. The old rule 903 has been modified to explain the position.

Rule 1184 of KPM is a new provision regarding labour and wages.

Rule 1185 of KPM. This is about Stock and Store Accounts. For details See Prison Manual on Accounting Procedure.

CHAPTER LXVII

SHOW AND SALES ROOM

This is a new Chapter. Rules 1186 to 1191 have been drafted based on the guidelines given under Chapter XXIV of Model Prison Manual. This new Chapter deals with the functioning of a Show and Sales Room.

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RULES FOR THE MANAGEMENT OF
OPEN PRISON—PART IA

In the old Kerala Prisons Rules there was no Chapter dealing with the Rules exclusively for the management of Open Prison. There were a number of executive orders giving certain privileges and concessions for prisoners confined in the Open Prison. Over and above those mentioned in the Kerala Prisons Rules.

A separate set of rules exclusively for the management of Open Prison have been framed as part of the new Kerala Prison Manual. The new rules consists of rules 1 to 52. Government orders viz., G. O. Rt. 2727/77|Home dated 31-12-1977, Government Memorandum No. 47248|B3|63-1|Home (B) Department dated 13-12-1963, G. O. Rt. No. 657|63|Home dated 18-3-1969, G. O. Rt. 500|68|Home dated 27-3-1968, G. O. Rt. 279|63|Home dated 6-2-1963, G. O. Rt. 1543|62|Home dated 26-10-1962, G. O. MS. 82|79|Home dated 11-6-1979, G. O. MS. No. 151|63|Home dated 20-3-1963, G. O. Rt. No. 603|68|Home dated 18-4-1968 have been incorporated in the new rules.

NEW RULES—PART IB

Rules for Open Colonies for temporarily released prisoners

A set of rules have been framed keeping in view of the guidelines contained under Chapter LII of Model Prison Manual. So far no Open Colonies for temporarily released prisoners have been started in Kerala. The new set of rules herein framed is meant for the administration of such Colonies, when they start functioning.

PART I

**ORGANISATION STAFF
AND
PRISON ADMINISTRATION**

KERALA PRISON MANUAL

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PREFACE

Review of the Correctional Policy and Prison Administration

1. (i) The 'Prison System' formulated in India in the Pre-Independence period was a corollary of the British Judicial System. In the year 1860, a simple code of rules was framed for the first time for the governance of Jails, which was followed by the "Goal Rules of 1866". The Jail conference of 1892 made some recommendations for improving the Jail Administration in the country. The Prisons Act (IX of 1894) was passed as a result of the recommendations made by this conference. This Act introduced some radical changes in Jail Administration; radical with reference to the conditions then obtaining in Jails and the methods of dealing with the criminals in those days in the Jails in India. The Prisoners Act was passed in the year 1900 to supplement the provisions of the Prisons Act. These Acts are even now at the core of the Prison Administration in the country.

(ii) 'Prisons' were on the Central list till the promulgation of the Government of India Act of 1935, under which provincial autonomy was granted. Consequently, the provincial Governments (now State Governments) were empowered to make all the rules under the Act, which powers were being exercised then by the Governor-General in Council. Necessary changes in the Act more particularly in Section 59 were made and section 60 of the Act deleted *Vide* Government of India's (Adaptation of Indian Laws) Order of 1937. Status quo was maintained in this regard after "Independence" and the subject of "Prisons" was included in the State list.

(iii) The 'Prison System' in India was formulated as stated above, as a corollary of the British Judicial system and its main function was initially custodial. Gradually imprisonment itself was being regarded as a punishment, with the result the function of the 'Prison System' was conceived to be 'punitive' and not merely 'custodial'. However, the system has undergone several changes as a result of various Committees and Commissions appointed by

the Government of India from time to time, to suggest ways and means to improve the conditions in Jails and Jail Administration in the country in order to keep pace with the advances made in other countries in regard to dealing with Crime and Criminals.

(iv) The Committee appointed in 1836-38 of which Lord Macaulay was a member, considered the general sanitary conditions of the Prisons, food, clothing etc., to be satisfactory. Corruption at the subordinate staff level, laxity of discipline, etc., were, however, severely criticised. The report mainly stressed the provision of proper accommodation and intra-mural employment and laid the foundation for further progress. Its vigorous grasp of principles placed the subjects of Prison reform in India on a higher plane than might otherwise have been at once attained.

(v) The Second Committee was appointed partly due to the continued high death rate in the Prisons and partly to other allied considerations. Its report was hardly as forcible as that of the previous Committee; or marked by the same command of general principles.

(vi) The third conference of officials mainly engaged in Jail work, was held in Calcutta in January 1877 and it discussed almost all questions hearing on Prison Administration; but the actual conclusions arrived at were somewhat buried under the mass of previous deliberations.

(vii) The Committee of 1888-89 examined the whole field of internal administration. This was supplemented by a Committee which met in Calcutta in 1892 and drew up proposals on the subject of prison offences and punishments which were incorporated in the Prisons Act, 1894 *Vide* para 1(i) *supra*.

(viii) Consequent on the appointment of the last three Committees, buildings were gradually provided for proper accommodation of prisoners; dietaries were laid down; systems of Jail labour were elaborated; the remission system was developed; insanitary conditions were corrected and death rates reduced in the Jails. But the science of Prison Administration had made great advance in Western Countries, and to keep pace with them, the Indian Jails Committee of 1919-20 was appointed by the Government of India. It made certain recommendations, some of which still hold the field.

The report of this Committee was the foundation for the modern Prison reforms. The publication of its reports gave fillip to penal reforms and resulted in the enactment of Borstal Acts; Children Acts and Probation of Offenders Acts in various States and also Acts providing for provisional release of prisoners. The constitutional changes brought about by Government of India Act of 1935, which resulted in the transfer of Jails to the control of Provincial Governments however affected the progress of implementation of the recommendations of this Committee. Progress of implementation of recommendations of this Committee was neither rapid nor vigorous from the year 1920 to the year 1937.

(ix) With the promulgation of the Government of India Act, 1935, the Prisons became transferred subject under the autonomous Provinces. The United Provinces Jail Inquiry Committee, 1928-29, the Committee on Prison Reforms in Mysore, 1940-41, the U. P. Jail Reforms Committee, 1946, the Bombay Jail Reforms Committee, 1946-48, the East Punjab Jail Reforms Committee 1948-49, the Madras Jail Reforms Committee, 1950-51, Jail Reforms Committee, Orissa, 1952-55, the Jail Reforms Committee, Travancore-Cochin State, 1953-55, the Uttar Pradesh Jail Industries Inquiry Committee, 1955-56, the All India Jail Manual Committee 1957-59, the Rajasthan Jail Reforms Commission, 1964, the Jail Manual Revision Committee, Delhi, 1969, the Bihar Jail Reforms Committee, 1972; and the Jail Code Revision Committee, West Bengal 1972, all have done very useful work and they have elaborately gone into every aspect of the Prison administration in this country and the conditions of Prison life therein and made suggestions consistent with the progressive views world over, in relation to penology and reformation and rehabilitation of the criminals. The All India Jail Manual Committee produced a report as well as a model Prison Manual. The Government of India invited technical assistance from the United Nations and Dr. W. C. Reckless spent some time in India in 1951-52 to suggest ways and means of Prison reforms. Among others, he recommended the taking out of juvenile delinquents from adult Jails, courts and police lock-ups; the development of whole-time Probation and After-Care services; the establishment of Revising Boards for the selection of prisoners for premature release; the establishment of new Jails to perform specialised functions; the revision of the Jail Manuals; training programme for

the warder and superior staff of prisons; the introduction of legal substitutes for short sentences; expedition in Police and court action to reduce the number of undertrial prisoners and the period of their remand to Jail; the establishment of an Advisory Bureau for Correctional Administration at the Centre; the development of a professional conference among the superior staff members concerned with the care and treatment of juvenile and adult offenders; and the establishment of integrated Departments of Correctional Administration including Jails, Borstal, Probation and After-care.

(x) With the integration of the States of Travancore-Cochin the Travancore-Cochin Prisons Act (Act XVIII of 1950) was enacted. The rules under this Act came into effect on 2nd November 1954.

(xi) With the re-organisation of States and formation of Kerala State on 1-11-1956, and in supersession of the then existing rules, a new set of rules viz., the Kerala Prison Rules 1958 came into effect on 26th July 1958.

(xii) In 1972 the Government of India constituted the working Group on Prisons. That Group submitted an interim report on 5-2-1973 and the final report on 30th November 1973. The report of the working Group is a further improvement on the Model Prison Manual.

2. Correctional Work

The correctional work has been viewed in an integrated manner commencing from prevention, control, care, training and treatment and ending in After-care. The main provisions included in this Manual are to replace the mass approach in Prisons by an individual approach through a system of diversified institutions, classification of prisoners on scientific basis and development of work-training, education and cultural programme. So it is the intention to develop a whole-some atmosphere of opportunities in Prisons for the self-improvement of prisoners. It is also to develop a system of positive and constructive discipline in Prisons so that through combination of such discipline and various educational and training opportunities prisoners can imbibe useful social values for their ultimate rehabilitation in the free community as law-abiding citizens.

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