

GOVERNMENT OF PUDUCHERRY
Abstract

Home (Jail) – Amendment to the Pondicherry Prison Rules, 1969 – Orders – Issued.

HOME DEPARTMENT

G.O. Ms. No. 30

-:-

Puducherry, dt. 06.06.2007

Read: 1) Letter No.12357/JD/A1/2006-07, dated 1.12.06 of the Chief Superintendent of Jails, Jail Department, Government of Puducherry.

2) I.D.No.12357/Home/P.II/2006 dated 20.12.06 of the Home Department, Government of Puducherry.

ORDER:

The following notification shall be published in the next issue of the official Gazette:-

NOTIFICATION

In exercise of the powers conferred under section 59 of the Prisons Act, 1894 (Central Act IX of 1894), the Lieutenant-Governor, Puducherry hereby makes the following rules further to amend the Pondicherry Prison Rules, 1969 issued in the notification in G.O. Ms. No.7 dated 1st March 1969 of the Home Department II, Chief Secretariat, Government of Pondicherry and published in the Pondicherry Gazette Extraordinary No.23, dated 1st March 1969, namely:-

1. Short title and commencement. – (1) These rules may be called the Pondicherry Prison (Amendment) Rules, 2007.
(2) They shall come into force on and from the date of their publication in the Official Gazette.
2. Amendment of rule 1. – (i) In the Pondicherry Prison Rules, 1969 (hereinafter referred to as the said rules), for sub-rule (1), the following shall be substituted, namely:-
“(1) These rules may be called the Puducherry Prison Rules, 1969.”
(ii) In the said rules, for the word “Pondicherry” wherever it occurs the word “Puducherry” shall be substituted.
3. Amendment of rule 60. – In the said rules, for rule 60, the following shall be substituted, namely:-
“60. Appointment of Medical Officers – A male Medical Officer not below the rank of an Assistant Surgeon shall be appointed on full time basis to look after the health of the Prisoners lodged in the Central Prison, Puducherry. In addition to the above Medical Officer, a lady Medical Officer (Gynaecologist) shall be appointed to look after the health of the women Prisoners.”

4. Amendment of rule 63. - In the said rules, for rule 63, the following shall be substituted, namely:-

"63. Daily visit to Jail. - (1) The male Medical Officer shall be available in the dispensary attached with the Central Prison during office hours on all working days and shall examine all the newly admitted prisoners and also all those prisoners who required Medical assistance. He shall visit the cells and all precincts of the Jail on all working days and to examine as to whether the entire premises are kept in hygienic condition and also record his observations in the register maintained by him. If he is prevented from doing so by sickness or any other cause, he shall record the fact and the cause of it in his register. If any epidemic or unusual sickness prevails, or when the seriousness of the case requires it, he shall visit the cells as many times daily as may be necessary. He shall be available for call duty on all holidays as and when required by the Jail authorities."

(2) The lady medical officer (Gynaecologist) shall be available in the Dispensary attached with the Central Prison during office hours to examine and provide treatment to the women prisoners and the institutionalized infant / children in the Central Prison. She shall visit the cells of the women prisoners and examine as to whether the premises are kept in hygienic condition and record her observations in the register maintained by her. She shall render necessary assistance to the male medical officer as and when required. She shall be available for call duty during non- duty hours as and when required by the Jail authorities."

5. Amendment of rule 129. - In the said rules, after rule 129, the following shall be added, namely:-

"129-A.- No member of the Jail staff shall, without the express sanction of the Government of Puducherry, or of the prescribed authority.

(a) be a member of, or be associated in any way with any trade union, labour union, political association, or with any class of trade unions, or of political associations; or

(b) be a member, or be associated in any way with, any other society, institution, association or organization that is not recognized as part of Jail Administration of which he is a member or is not of a purely social, recreational or religious nature; or

(c) communicate with the press or mass media or publish or cause to be published any book, letter or other document except where such communication or publication is in the bonafide discharge of his/her duties or is of purely literary, artistic or scientific in character or is of a prescribed nature."

6. Amendment of rule 382. - In the said rules, for rule 382, the following shall be substituted, namely:-

"382. Latrine accommodation in wards and cells. - Every ward and cell shall be provided with water closet pan with flush type toilet with water connection to enable the prisoners to use the same during the period of lock-up. The Superintendent of Jail shall ensure that water closets in the cells are maintained neat and tidy"

7. Amendment of rule 383. - In the said rules, the existing rule 383, shall be deleted.
8. Amendment of rules 449-456. - In the said rules, the existing rules 449-456, shall be deleted.
9. Amendment of rule 469. - In the said rules, the existing sub-rules (h) and (i) of rule 469, shall be deleted.
10. Amendment of rule 470. - In the said rules, the existing sub-rules (d),(e) and (f) of rule 470, shall be deleted.
11. Amendment of rule 653 - In the said rules, the existing sub-rules (6) and (7) of rule 653, shall be deleted.
12. Amendment of Chapter XXXIII.- In the said rules, the existing rules 719-728 under chapter XXXIII, shall be deleted.
13. Amendment of rule 816. - In the said rules, for rule 816, the following shall be substituted, namely:-

"816. - Custody of children - When a female prisoner dies and leaves behind a child, the Superintendent of Jail shall inform to the District Magistrate concerned. If the concerned relative(s) be unwilling to support the child, the District Magistrate shall either place the child in an approved institution/ Home run by the Social Welfare Department or hand over the child to a responsible person for care and maintenance".

14. Amendment of rule 1033 - In the said rules,-
 - (i) for sub-rule (2) of rule 1033, the following shall be substituted, namely:-

"(2) No child shall be admitted into or retained in Central Jail if he /she has attained the age of 6 years. When a child becomes disqualified for further retention on attaining the age of 6 years, the Superintendent of Jail shall give a notice to District Magistrate with a view to his making arrangements to hand over the child to a suitable surrogate as per the wishes of the female prisoner or shall be sent to a suitable institution run by the Social Welfare Department. As far as possible the child shall not be transferred to an institution outside the town or city where the woman prisoner is located in order to minimize undue hardships on both the mother and child due to physical distance. Such child shall be kept in protective custody until the mother is released or the child attains such age as to earn his / her own livelihood. The child kept under the protective custody in a home of the Department of Social Welfare shall be allowed to meet the mother atleast once in a week. The Director, Social Welfare Department shall ensure that such child is brought to the prison for this purpose on the date fixed by the Superintendent of Jail."

- (ii) for sub-rule (3) of the said rule, the following shall be substituted, namely:-

"(3) The Superintendent of Jail in consultation with the medical officer shall ensure that the woman prisoner breast-feed her new born baby day and night. If for some reason, the woman having baby cannot breast-feed her baby, undiluted fresh milk can be given to the baby. The child should be provided with at least 600 ml of undiluted fresh milk over 24 hours if breast milk is not available."

(iii) after sub-rule (3) of the said rule, the following shall be added, namely:-

*(4) The following dietary scales are prescribed for feeding the institutionalized infants / children of woman prisoners:-

Sl.No.	Item of diet	Infant / child in the age group of		
		06-12 Months	1-3 Years	4- 6 years
1.	Cereals and Millets	45 gms	60-120 gms	150-210 gms
2.	Pulses	15 gms *	30 gms *	45 gms *
3.	Milk			
	(a) child without breast feeding.	500 ml	500 ml	500 ml
4.	(b) Child with breast feeding.	200ml	200 ml	200 ml
	Roots and tubers	50 gms	50 gms	100 gms
5.	Green leafy vegetables	25 gms	50 gms	50 gms
6.	Other vegetables	25 gms	50 gms	50 gms
7.	Fruits	100 gms	100 gms	100 gms
8.	Sugar	25 gms	25 gms	30 gms
9.	Fats/Oils	10 gms	20 gms	25 gms

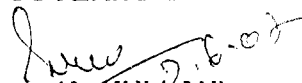
* One portion of pulse may be exchanged with one portion(50 gms) of Egg/Meat/Chicken/Fish.

(5) The children in the Central Prison shall be provided with adequate clothing suitable to the local climatic requirement. Three pairs of shirt and trousers to the male child and three pairs of skirt and under garments for the female child shall be provided. They shall also be provided with one set of bathing towel, mat, bed sheet, small pillow and blanket. Separate utensils of suitable size and material should also be provided to each mother prisoner for using to feed her child. Clean drinking water shall be provided to the children. The water shall be periodically checked. The children shall be regularly examined by the lady medical officer to monitor the physical growth and shall also receive timely vaccination. Vaccination charts regarding each child shall be kept in the records maintained in the Jail dispensary. Extra clothing, diet etc., may also be provided on the recommendation of the medical officer. In the event of the woman prisoner falling ill, alternative arrangements for looking after the child falling under her care must be made by the Superintendent of Jail. Sleeping facilities that are provided to the mother and the child should be adequate, clean and hygienic. Children of prisoners shall have the right of visitation. The Superintendent of Jail is empowered in special cases and where circumstances warrant for admitting children of women prisoners to prison without Court orders provided that such children are below 6 years of age.

(6) The child of female prisoners living in the jails shall be given proper education and recreational opportunities and while their mothers are at work in Jail, the children shall be kept in a crèche under the charge of a woman / qualified female teacher. Children below three years of age shall be allowed in the crèche and those between three and six years shall be looked after in the nursery. This facility will also be extended to children of wardens and other female prison staff. A crèche and nursery shall be set up in the Central Prison for the above purpose. The prison authorities shall preferably run the said crèche and nursery outside the prison premises.

(7) When a woman prisoner is found or suspected to be pregnant at the time of her admission or at any time thereafter, the lady medical officer shall report the fact to the Superintendent of Jail. As soon as possible, arrangements shall be made to get medical and gynaecological examinations of such female prisoners at the Government Maternity Hospital to ascertain the state of her health, pregnancy, duration of pregnancy, probable date of delivery and so on. After ascertaining the necessary particulars, a report shall be sent to the Inspector General of Prisons stating the date of admission, term of sentence, date of release, duration of pregnancy, possible date of delivery etc."

/BY ORDER OF THE LIEUTENANT-GOVERNOR/


(A. KULIAN)

JOINT SECRETARY TO GOVERNMENT

To

The Director of Stationery & Printing, Puducherry – for publication in the next issue of Official Gazette and 20 copies may be sent to this Department.

Copy to:

1. The Inspector General of Prisons, Puducherry.
- ✓ 2. The Chief Superintendent of Jails, Puducherry.
3. The District Magistrate/Collector, Puducherry.
4. The Deputy Secretary to Government, Law Department, Puducherry.
5. The Collector, Karaikal.
6. The Regional Administrators, Mahe/Yanam.
7. The Superintendent of Jails, Karaikal/Mahe/Yanam.
8. The Central Record Branch, Puducherry. 9. G.O. file. 10. Stock file.