

Home (Jail) – Amendment to the Puducherry Prison Rules, 1969 – Orders – issued

HOME DEPARTMENT

G.O. Ms. No. 43

Puducherry, dated 02.08.2007

Read: Note No 50-A/JD/A1/2006-07, dated 04.05.2007 of the Chief Superintendent of Jails, Jail 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 Puducherry 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 278. – In the Puducherry Prison Rules, 1969 (hereinafter referred to as the said rules), for sub-rule 278, the following shall be substituted namely:-

“278. Constitution of Advisory Board – The Advisory Board shall consist of -

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| 1. Minister in charge of Prison, | - | Chairman |
| 2. Chief Secretary, | - | Member |
| 3. Secretary (Law), | - | Member |
| 4. Principal District and Sessions Judge, Puducherry, | - | Member |
| 5. Chief Probation Officer, | - | Member |
| 6. A Senior Police Officer not below the rank of Senior Superintendent of Police nominated by Inspector General of Police, | - | Member |
| 7. Inspector General of Prisons, | | Member Secretary |

Amendment of rules 279 to 282. – In the said rules, the existing rules 279 to 282 shall be deleted

Amendment of rule 291. – In the said rules for rule 291, the following shall be substituted namely -

“291. Presiding Officer in the absence of the Chairman. – In the absence of the Minister in charge of the Prison the Chief Secretary shall preside over the meeting.

Amendment of rule 296. – In the said rules, for rule 296, the following shall be substituted, namely:-

“296. Duties of the Inspector General of Prisons (Member Secretary of the Advisory Board). – On a prisoner becoming eligible for consideration for review of sentence by the Advisory Board, the Inspector General of Prisons shall obtain reports from District Superintendent of Police, Chief Judicial Magistrate and Probation Officer on the advisability of premature release of the prisoner so as to enable the Board to judge the fitness of the prisoner for release”.

Amendment of rule 297. – In the said rules, in rule 297 –

(i) for sub-rule (1), the following shall be substituted, namely:-

“The following instructions shall be followed by the respective officer, while submitting the reports:-

(i) Police report. – The Inspector General of Prisons shall see that Police Officers not lower in rank than Sub-Inspector of Police enquire into and report on the advisability of premature release of the prisoner. The Superintendent of Police shall scrutinize the reports and give his considered opinion and forward it to the Inspector General of Prisons.

(ii) Report of the Chief Judicial Magistrate. – On receipt of the Police report from the Superintendent of Police, the Inspector General of Prisons shall forward the report along with a judgement copy of the case of the prisoner concerned to the Chief Judicial Magistrate. After scrutinizing these records, the Chief Judicial Magistrate shall forward the police report and judgement copy and his report to the Inspector General of Prison giving his considered opinion on the advisability of premature release of the prisoner.

(iii) Probation Officer’s report. – The Inspector General of Prisons shall furnish to the Probation Officer particulars like native place of the prisoner, the names and address of the relatives of the prisoners and the place where the prisoner proposes to settle on his release.”

(ii) for sub-rule (2), the following shall be substituted, namely:-

“(2) The Probation Officer shall enquire into the life of the prisoner outside the Jail and submit a report to the Inspector General of Prisons.”

Amendment of rule 299. – In the said rules, for rule 299, the following shall be substituted, namely:-

“299. Reasons to be recorded for not recommending premature release – If the Chief Judicial Magistrate, Superintendent of Police and the probation Officer are of the opinion not to recommended the premature release of a prisoner, detailed reasons in justification of such recommendations shall be included in the report”

Amendment of rule 300. – In the said rules, for rule 300, the following shall be substituted, namely:-

“(300) Submission of report to the Chairman of the Board. – On receipt of reports from the Chief Judicial Magistrate, Superintendent of Police and Probation Officer, the Inspector General of Prisons shall open a file for every individual prisoner and forward it to the Chairman of the Board”.

Amendment of rule 301. – In the said rules, for sub-rules (iii) and (v) of rule 301, the following shall be substituted, namely:-

"(iii) Report of the Chief Judicial Magistrate.

(v) Report of the Inspector General of Prisons."

Amendment of rule 302. – In the said rules, in sub-rules (1) and (2) of rule 302, for the words "District Magistrate" the words "Chief Judicial Magistrate" shall be substituted.

Amendment of rule 303. – In the said rules, in rule 303, for the words "District Magistrate" the words "Chief Judicial Magistrate" shall be substituted.

Amendment of rule 307. – In the said rules, for rule 303, the following shall be substituted, namely:-

"307. Nomination of Supervising Officer. – The Inspector General of Prisons shall nominate the Supervising Officer in consultation with the Government for the prisoner who is likely to settle after his release, on the arrangement which may be practicable for the supervision of the prisoner".

Amendment of rule 309. – In the said rules, for rule 309, the following shall be substituted, namely:-

"309. Action on Violation of Condition. – It shall be the duty of the Supervising Officer to bring to the notice of the Chairman or to the Executive Magistrate, if the prisoner is relapsing into crime or in the event of his failure to observe any of the conditions under which he was released.

On the receipt of any adverse report from the Supervising Officer and if the Chairman, is satisfied that there are serious breach of any of the conditions under which the prisoner was released and the prisoner remaining outside will in no way be useful for his rehabilitation, he shall refer the matter to Inspector General of Prisons, who in turn, through the Judicial authority concerned, take steps to arrest and bring him back to the prison to undergo the unexpired period of his sentence".

/BY ORDER OF THE LIEUTENANT-GOVERNOR/

(A. KULLAN)

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/Collectors, Puducherry and Karaikal
4. The Secretary / Deputy Secretary to Government, Law Department, Puducherry
5. The Regional Administrators, Mahe/Yanam.
6. The Superintendent of Jails, Karaikal/Mahe/Yanam
7. The Central Record Branch, Puducherry.
8. C.O. file.
9. Stock file.