

Punjab Open Air Jails Rules, 1978.

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✓ NOTIFICATION

No. G.S.R. 98/C.A. 9/1894/S. 59/78. - In exercise of the powers conferred by section 59 of the Prisons Act, 1894 (Act 9 of 1894), and all other powers enabling him in this behalf, the Governor of Punjab is pleased to make the following rules, namely :-

1. Short title and commencement. - (1) These rules may be called the Punjab Open Air Jails Rules, 1978.

(2) They shall come into force at once.

2. Definitions. - In these rules, unless the context otherwise requires -

- (a) 'Act' means the Prisons Act, 1894 (Act 9 of 1894);
- (b) 'eligible prisoner' means a prisoner who is eligible for being detained in Open Air Jail under rule 3 and includes a prisoner who is selected for being detained in such jail by the Inspector General of Prisons under rule 4;
- (c) 'inmate' means a prisoner who is under detention in Open Air Jail; and
- (d) 'Open Air Jail' means any place used as such permanently under the orders of the State Government for the detention of prisoners and includes all lands and buildings appurtenant thereto.

3. Eligibility for detention in Open Air Jail. - No prisoner shall be selected for detention in Open Air Jail unless -

- (i) he is casual prisoner;
- (ii) he is not less than twenty-one years and ordinarily not more than fifty years of age and has good physical and mental health without any history of a disease which may be aggravated in the Open Air Jail;
- (iii) he is fit for manual labour;
- (iv) his previous conduct in jail has been good;
- (v) he has not more than one previous conviction;
- (vi) he is a prisoner sentenced to rigorous imprisonment for a period of not less than one year or is a prisoner sentenced to simple imprisonment but elects to do labour and in either case the conviction is for an offence other than that mentioned in Chapters V-A, VI and VII of the Indian Penal Code, 1860 and Sections 328, 364, 376, 382, 386 to 389, 395 to 402, 413, 459 and 460 of the said Code and he also fulfils the following conditions :-

(a) in case he is a prisoner sentenced for a period of not more than seven years he has undergone one-fifth of the substantive sentence;

(b) in case he is a prisoner sentenced to more than seven years or sentenced to life imprisonment he has undergone one-fourth of the substantive sentence;

Note - For the purpose of this clause, life imprisonment shall mean imprisonment for fourteen years in the case of prisoners above twenty years of age and ten years in the case of prisoners under twenty years of age;

(b) From 16th October to 15th April.,
8 A.M. to 12 Noon, 4 hours - work in the farm.

12 Noon to 12-30 P.M., 1/2 hours - rest.

12.30 P.M. to 4 P.M., 4 hours - work in the farm

Note - The Superintendent, Open Air Jail is authorised to adjust the hours of work mentioned above, in accordance with the institutional requirements and additional training and seasonal variations and night work requirement, especially for running of tube-wells and irrigation of the crop fields.

11. Recreation facilities. - A radio set, games and other facilities shall be provided for the recreation of the inmates at Government expense.

12. Canteen. - A canteen shall be established in Open Air Jail in accordance with the provisions of the Punjab Jail Canteen Rules, 1965.

13. Gratuity Earning Scheme. - Each inmate shall be eligible to avail of the benefits of the Gratuity Earning Scheme.

14. Interviews. - There shall be no restriction on the number of interviews by the inmates with their relations and friends and they shall also have the facility of writing two letters in a month at Government expense.

15. Additional clothing. - Each inmate shall be provided with two vests with sleeves and one small pugree of two metres in length, after every six months in addition to the clothing otherwise admissible to him.

16. Training of prisoners. - (1) The inmates shall be imparted training in the following subjects :-

- (i) Conservation and preparation of soil :
- (ii) Use of latest type of machinery for ploughing, sowing and harvesting of crops;
- (iii) Selection and treatment of seeds of latest varieties and of good quality;
- (iv) Preparation of compost manure from rubbish, leaves, wood ashes, dung, stable litter and night soil;
- (v) Use of chemical fertilizers;
- (vi) Multi-cropping system ;
- (vii) Plant protection measures such as control of insects, pests and use of insecticides;
- (viii) Instruction in animal-keeping, other agro industries and mixed farming; and
- (ix) Modern methods of gardening and inter-cropping of vegetables;

(2) On the completion of training, each inmate shall be eligible for the grant of a Certificate for having acquired proficiency in the subject or any of the subjects mentioned in sub-rule (1).

17. Application of Prisoners Act and Rules etc. - Except as provided in these rules, all the provisions of the Prisoners Act, 1894, and rules made thereunder and the provisions of Punjab Jail Manual shall apply to the inmates.

- (vii) he was convicted by a court in the State of Punjab;
- (viii) no criminal case is pending against him;
- (ix) he had not at any time escaped from the jail;
- (x) he is willing to work in the Open Air Jail and has good family background;
- (xi) the unexpired portion of his sentence is more than six months on the date he is to be transferred to the Open Air Jail; and
- (xii) he has an aptitude for agriculture and is likely to resettle on agricultural land after release.

4. Power of Inspector General to select a prisoner for Open Air Jail. - Notwithstanding anything contained in rule 3 the Inspector General of Prisons may, for reasons to be recorded in writing, select any prisoner, who is not eligible under rule 3 for detention in Open Air Jails.

5. History sheet. - The history sheet of each eligible prisoner shall be prepared at least three months ahead of his transfer to the Open Air Jail and shall be sent to that Jail along with the prisoner.

6. Ineligibility. - No prisoner who is transferred from the Open Air Jail on administrative grounds shall be eligible for readmission in the Open Air Jail.

7. Medical test. - Special medical test of fitness of each eligible prisoner shall be conducted by the Medical Officer of the Jail. In the case of Jails where there is a part-time Medical Officer or subordinate Medical Officer, the medical examination shall be conducted by the Chief Medical Officer or Deputy Chief Medical Officer of the district in which the Jail is situate.

8. Selection of prisoners and their transfer to Concentration Jail and Open Air Jails. - (1) At every Jail initial selection of eligible prisoners shall be made by a Selection Committee consisting of Superintendent Jail Medical Officer, Deputy Superintendent and Welfare Officer, of the concerned Jail, Selected eligible prisoners shall be transferred to the Concentration Jail.

2. Final selection shall be made by a Committee consisting of the Inspector General of Prisons, Punjab or his nominee whose rank shall not be less than that of Assistant Inspector General of Prisons, Superintendent Open Air Jail and Superintendent of the Concentration Jail. The eligible prisoners so selected shall be transferred to the Open Air Jail.

9. Documents which shall accompany the eligible prisoner. - The following documents shall accompany the eligible prisoner at the time of his transfer to the Concentration Jail :-

- (i) Medical Certificate of fitness for working in the Open Air Jail;
- (ii) Case history :
- (iii) Recommendations of the Superintendent Jail that the prisoner has done good work at the Jail; and
- (iv) Roll of the prisoner.

10. Working hours. - Ordinarily the following working hours shall be observed in the Open Air Jail :-

- (a) From 16th April to 15th October.,
 - 6 A.M. to 10 A.M., 4 hours - work in the farm.
 - 10 A.M. to 3 P.M., 5 hours - bath, meals, rest, etc.
 - 3 P.M. to 7 P.M., 4 hours - work in the farm.