

THE RAJASTHAN PRISONERS OPEN AIR CAMP RULES, 1972

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THE RAJASTHAN PRISONERS OPEN AIR CAMP RULES, 1972

Preamble :- Whereas it is necessary to frame rules for sending convicts to open air camps with a view to encourage good conduct satisfactory performance of work and a life of self-discipline among the convicts of Rajasthan , and to provide these convicts with a pre-release, opportunity to learn social adjustment and economic self dependence, the Government of Rajasthan in exercise of the powers conferred by clause (18) of section 59 of the Prisons Act, 1894 (Central Act 9 of 1894) hereby makes the following rules, namely:-

1. **Short title and commencement:-** (1) These rules may be called the Rajasthan Prisoners Open Air Camp Rules, 1972.

(2) They shall come into force on the date of their publication in the Rajasthan Gazette.

2. **Definitions:** - In these rules unless there is anything repugnant in the subject or context:-

(i) "Government" means the Government of Rajasthan.

(ii) "Inspector General" means the Inspector General of Prisons, Rajasthan, Jaipur.

(iii) "Deputy Inspector General" means the Deputy Inspector General of Prisons, Rajasthan, Jaipur.

(iv) "Superintendent" means the Superintendent of Jails wherein the convicts to be sent to the Open Camp on that date are confined and includes a Deputy Superintendent, Incharge of District Jail.

1. Noti. No. G.S.R. 463 (45), dated 2.1.1973 (Pub. in Raj. Gaz., Pt.-IV-C, dated 22.3.1973)

(v) "Office-in-charge" means any Jail Officer appointed by the Inspector-General of Prisons, Rajasthan for the purpose of looking after the prisoners kept in an Open Camp.

(vi) "Open Air Camp" means the place which is declared to be an Open Camp for the detention of prisoners in pursuance of clause (1) of section 3 of the Prisons Act, 1894 (Central Act 9 of 1894) as adopted to the State of Rajasthan.

(vii) "Prisoners Open Air Camp Advisory Committee" means a committee constituted by Government to direct and evaluate the working of the open air camps and to take decision for transferring the eligible prisoners to Open Camps.

3. Ineligibility for admission to open air camp:- The following classes of prisoners shall ordinarily be not eligible for being sent to Open Camp:-

- (a) Prisoners whose ordinary place of residence is outside the State of Rajasthan, or who have been convicted by a Court Martial.
- (b) Prisoners convicted under the Explosive Substances Act, 1908.
- (c) Persons who have escaped from the jails or who have attempted to escape from a lawful custody.
- (d) Prisoners who have been convicted of an offence or offences under sections 121 to 130, 216A, 224, 225, 231, 232, 303, 311, 328, 333, 376, 377, 383, 392 to 402, 435 to 440, and 460 of the Indian Penal Code (Act XLV of 1860).
- (e) Prisoners who have been sentenced to less than five years imprisonment.
- (f) Prisoners who are habitual with more than two previous convictions of imprisonment to their credit.
- (g) Prisoners whose conduct in the jail is not good provided that a prisoner who would have not received any jail punishment for two years preceding the date of the recommendations of his name for admission to the Open Camp may be considered eligible.
- (h) Prisoners who are below 25 years of age and above 60 years of age.
- (i) Prisoners who are lunatic or have mental deficiency or are physically incapacitated.
- (j) Prisoners who have no fixed abode in Rajasthan.
- (k) Detunes and Civil Prisoners.
- (l) Prisoners convicted for vagrancy.
- (m) Prisoners who are unmarried.

4. Eligibility for admission to Open Air Camps: - A prisoner shall be eligible for admission to an Open Air Camp, if:-

- (a) He does not fall within any of the categories specified in rule 3 above.
- (b) He has been regularly performing his scheduled task in the Jail Factory or in Jail Service.
- (c) He has served one third term of his substantive sentence including remission.

5. Recommendation for sending prisoners to Open Air Camp: - The Superintendent or the Dy. Superintendent of the Jail concerned shall forward application of a prisoner desirous and eligible for admission to Open Camp, to the Inspector-General of Prisons, with his recommendation in the nominal rolls.

6. Orders for sending prisoners to Open Camps: - (a) The Inspector-General of Prisons, after going through the recommendations of the Superintendent, or the Dy. superintendent, In charge of the Jail shall subject to available accommodation from time to time select prisoners to be sent to the Open Camp and submit their case to the Prisoners Open Air Advisory Committee for sanction.

Provided that convict having served longer terms of imprisonment will be given, preference over those who have served lesser terms of imprisonment.

(b) It would be the discretion of the Prisoners Open Air Camp Advisory Committee to send a prisoner to any of the Camps ¹(and the Director-cum-Inspector General of Prisons may at any time transfer any prisoner from one camp to another camp.)

7. Work in Open Air Camp :- (a) The prisoner will get one or more of the following work in the Open Camps:-

- (i) Agriculture,
- (ii) Manufacturing or Industrial work,
- (iii) Work in any form,
- (iv) Any work of public utility,
- (v) Construction work, digging of canals or dams.

(b) Any prisoner desiring to pursue a hobby as a side work apart from the vocation that he adopts, will be allowed to do so with the permission of the works, and discipline committee.

(c) Every prisoner shall devote at least two hours a day twice a week, for work of common utility which will be decided by the works and discipline committee.

8. Wages. (a) The wages if earned as earned by the prisoners shall be utilized by them for the use of themselves or for their family.

(b) Administrative charges as fixed by the Inspector-General of Prisons shall be recovered from each prisoner of the camp out of his earning.

(c) The prisoners shall be allowed to have a Saving Bank Account in the nearest post office transacting Saving Bank business.

9. Lodging & Boarding: - Prisoners, group of prisoners, prisoners with families shall be allotted suitable residential accommodation by the Officer in charge of the respective camps and the prisoners shall have to make their own cooking arrangement for their food from their own earnings, within the camp.

10. Prisoners families in the camps: - The prisoners can keep their families in the Open Camp with the permission of the Inspector General of Prisons.

1. Sub. by (Pub. in Raj. Gaz, Pt-IV-C, Dated 23-7-96)

11. Internal management of the camp :-(1) General instructions for the internal management of the Open Camps (in view of their location, work and daily average population) shall from time to time be issued by the Inspector General of Prisons, he shall cause, by such instructions, the formation and working of –

- (i) Prisoners Panchayat,
- (ii) Works and Discipline Committee, and
- (iii) Prisoners, Co-operative Society in the Open Camps.

(2) (i) The Prisoners Panchayat , shall consist of not less than five and not more than 7 members as may be decided by the Inspector General of Prisons, keeping in view the numbers of prisoners in a camp. The Panch shall be elected by the prisoners but a casual vacancy shall be filled by nomination by the Inspector General of Prisons, from amongst the prisoners. The term of each Panchayat will be for a year.

(ii) The Prisoners“ Panchayat shall be empowered to deal with minor acts of omission /commission/misconduct of the prisoners. It may impose such penalties on the defaulters as imposition of fine upto Rs.5/- or putting the defaulter to additional labour in the works of common utility or curtailment of the facilities admissible to the prisoners, Such penalties shall be effective only on the approval of the Officer in charge of the Camp.

(3) (i) The works and discipline committee in each camp shall consist of not more than seven members representing various trades and crafts adopted by the prisoners of the Camp. All these members will be nominated by the Inspector General of Prisons and the committee shall be presided over by the Officer In charge of the Camp.

(ii) The committee shall prepare a work programme and code of conduct .for the camps prisoners, which shall be submitted to the Inspector General of Prisons for approval.

(4) The Co-operative society of the prisoners shall be formed for the purpose of supply and services of daily needs in the camp.

(5) The prisoners shall have to attend a roll call each morning and evening at the time fixed by the Inspector General of Prisons.

(6) The Superintendent, or the Dy.Superintendent of the Central or District Jail in whose jurisdiction a camp is situated, shall visit the camp at least once in a month.

12. Retransfer of Prisoners from Open Camp: - (a) Prisoners who commit acts of misconduct or who fail to pay penalties as imposed by the prisoners Panchayat or who do not perform their scheduled task for any other reason are found undesirable in the Open Camp shall be sent back to the Jails by the Officer–in-charge of the Camps under intimation to the Inspector General of Prisons.

(b) The Inspector General of Prisons can transfer any prisoner from Open Camp in any Jail whenever he deems it proper to do so.

13. Inspections: - The Dy. Inspector General of Prisons shall inspect each camp once a quarter and submit his report to the Inspector General of Prisons and the Government, the Inspector General shall inspect the Camps at least six monthly and submit his report to the Government.

14. Prisoners Open Air Camp Advisory Committee: - (1)A Committee consisting of the following shall be constituted to direct, evaluate and to take decision for transferring the eligible prisoners to open camps:-

- (1) Director and Inspector General of Prisons, Chairman.
- (2) Inspector General of Prisons, Rajasthan, member,
- (3) Dy. Secretary to Government, Home (Jails) Department, Member
- (4) Chief Probation Officer, Member.
- (5) Senior Most DIG, Prisons, Member Secretary,

The quorum for transacting business of committee shall be 3 members including the chairman of the committee.

The Committee shall submit its report to Government in January and July on each camp and will suggest such steps as are considered necessary for improving the working of the camp.

15. Powers of the Government: - Notwithstanding anything contained in these rules the Government shall have full powers to close any camp or pass orders in respect of any prisoners regarding his withdrawal from any camp and his such orders shall be final.

¹Rules 14 Sub. by Noti. No.F.21(58)Home/Gr.8/76 Pt. dated 26-05-1995.