

CHAPTER 17

JUDICIAL SOLITARY CONFINEMENT

Sentence of solitary confinement

540. A sentence of solitary confinement passed under of section 73 and 74 of Indian Penal Code shall be executed as if it were a sentence of confinement with or without hard labour, as entirely secludes a prisoner from communication with but not from sight of, other prisoners.

Maximum period of solitary confinement permissible

541. The period of solitary confinement that can be ordered by a court shall not exceed:

- i. one month, if the term of imprisonment does not exceed six months
- ii. two months, if the term of imprisonment exceed six months, but does not exceed one year; and
- iii. three months, if the term exceeds one year.

Note 1: For the purpose of solitary confinement a month signifies a period equal to the average duration of a calendar month that is 30 days

Note 2: The maximum period of solitary confinement permissible with a sentence of one month is 14 days.

Execution of sentence of solitary confinement

542. In executing a sentence of solitary confinement, such confinement shall in no case exceed fourteen days at a time, with intervals between the periods of solitary confinement of not less duration than such periods; and when the imprisonment awarded shall exceed three months, the solitary confinement shall not exceed seven days in any one month of the whole imprisonment awarded, with intervals between the periods of solitary confinement of not less duration than such periods.

Reference in case of irregularity in the order of solitary confinement

543. If any warrant contains an order relating to solitary confinement, which is contrary to section 73 or 74 of the Indian Penal Code, the matter shall be referred to the Inspector General, Prisons & Correctional Services in accordance with the rules laid down in this Manual. For example, such action will be necessary if a prisoner sentenced to seven months imprisonment be ordered two months solitary confinement.

Procedure for execution of judicial sentence of solitary confinement

544. No prisoner shall be placed in solitary confinement until the Medical Officer certifies that he/she is fit to undergo it.

545. Prisoners sentenced to solitary confinement shall ordinarily be divided into four gangs; each gang shall be placed in cells for a week at a time, so as to utilize the cells to the fullest extent and at the same time comply with the requirements of sections 73 and 74 of the Indian Penal Code. It shall be convenient to fix the 1st, 8th, 15th and 22nd of each month as days on which to commit batches to solitary confinement.

546. A prisoner, who is unfit at the time he/she would ordinarily be confined, shall be placed in a cell at a subsequent date if the conditions imposed by section 74 of the Indian Penal Code allow it.
547. The execution of a sentence of solitary confinement need not be postponed on account of an appeal.
548. Every prisoner undergoing solitary confinement shall be visited daily by the Medical Officer and the Deputy Superintendent.
549. If prior to any period of judicial solitary confinement a prisoner is declared by the Medical Officer to be unfit to undergo such confinement, or if during any period of judicial solitary confinement it becomes necessary, under the Medical Officer's orders, to remove a prisoner on the ground of injury to mind or body, the fact shall be reported to the Inspector General, Prisons & Correctional Services and to the court by which the sentence was passed.
550. If a prisoner sentenced to judicial solitary confinement be declared by the Medical Officers to be permanently unfit to undergo such confinement, the matter shall be reported to the court which awarded the sentence and the order of solitary confinement shall not be carried out.

Time when solitary confinement can be given effect to if a prisoner is undergoing sentence on more than one warrant

551. If a prisoner is sentenced under two or more separate warrants, any period of solitary confinement awarded can only be given effect to during the time the sentence of which it forms a part is being extended.

Endorsement on warrant on expiration of sentence

552. On the expiration of the sentence of every prisoner awarded judicial solitary confinement, the endorsement on the warrant by the Superintendent, certifying to the execution of the sentence shall state in weeks or days or partly in days and partly in weeks, the total period of judicial solitary confinement the prisoner has undergone; and if any portion of such sentence has not been duly executed, the reason shall be explained.

Restriction of prison punishment of cellular confinement to a prisoner undergoing solitary confinement

553. No prisoner who has undergone a period of judicial solitary confinement shall be punished with cellular confinement for a prison offence within a period equal to the solitary confinement he/she has undergone after the expiration of such confinement.

Record of solitary confinement

554. On each occasion, on which a prisoner undergoes solitary confinement, the Deputy Superintendent shall note on the history ticket of the prisoner the date on which the prisoner was placed in the cell,

the date on which he/she was removed and the number of days passed in such confinement. The entries shall be initialled by the Deputy Superintendent and the Superintendent. When a convict who has partially served a sentence of solitary confinement in a prison is transferred to another prison, the period of solitary confinement undergone by him/her up to the date of transfer shall be entered on the back of the warrant under the signature of the Superintendent.

