

B. Regional Organisation

Assistant Inspector General, Prisons (Region)

791. Assistant Inspector General, Prisons (Region) shall have power to revise or modify any punishment awarded by a Superintendent of a prison to prison officers.

792. In addition to the duties and responsibilities elsewhere prescribed in this Manual, the general duties and responsibilities of Assistant Inspector General, Prisons (Region) shall be as follows:

- i. Assistant Inspector General, Prisons (Region) shall tour the entire region in a month inspecting various prisons in their jurisdiction and send a tour report to Inspector General, Prisons & Correctional Services every month.
- ii. Assistant Inspector General, Prisons (Region) shall carry out a performance audit of the prisons in his/her jurisdiction every year and send a consolidated report to Inspector General, Prisons & Correctional Services within 1 month of the end of the financial year. The report shall necessarily contain the following information, prison wise:
 - a) Key observations and recommendations in the internal audit report, audit report of Finance Department and Transaction audit report of the PAG (Audit) alongwith comments of the Superintendent
 - b) Head-wise, scheme-wise budget allocation, withdrawal of fund and expenditure incurred during the year compared to previous financial year
 - c) Prisoner intake (strength) and average occupancy during the period under review
 - d) Sanctioned and posted strength
 - e) Allotment required for diet and allotment received for this purpose
 - f) Required medical facilities (including doctor, paramedical staff, ambulances and equipment) and available medical facilities
 - g) Required infrastructure (including wards, drains, toilet, hand pumps, perimeter walls, arms and ammunition, communication equipment, vehicles including prisoners van, housing for officers and security personnel etc.) and available facilities
 - h) No. of training programmes organized during the year
 - i) No. of occasions when the prisoners (including no. of prisoners) were not produced in the court
 - j) How many AC bills, DC bills were not submitted to Accountant General as at the end of the financial year
 - k) No. of escapes and no. of prisoners escaped during the year. No. of prisoners re-captured
 - l) Number of deaths in the prison during the last year along with reasons for each death
 - m) Details of inspections carried out by District authorities/higher officers of the Prisons & Correctional Services Department.

- iii. Assistant Inspector General, Prisons (Region) shall submit punctually to the Deputy Inspector General (Prison Administration) and Inspector General, Prisons & Correctional Services, all such consolidated annual/semi-annual/monthly returns, statements, as may be prescribed from time to time.
- iv. Assistant Inspector General, Prisons (Region) shall immediately report to the Deputy Inspector General (Prison Administration) and Inspector General, Prisons & Correctional Services, all serious breaches of prison discipline, escapes, and recaptures, suicides, deaths or serious injury to prisoners.
- v. Assistant Inspector General, Prisons (Region) shall ensure that all prisons in his/her region duly observe the provisions of this Manual strictly and shall be responsible for implementing all the directions of the Deputy Inspector General (Prison Administration), Inspector General, Prisons & Correctional Services and State Government in this regard.

District Magistrates

793. The key functions and powers of the District Magistrates shall be as follows:

- i. District Magistrates shall have general control over all prisons in their areas of jurisdiction. They may take into their own hands the control of the prison in exceptional circumstances, reporting the reasons at once to the Inspector General, Prisons & Correctional Services.
- ii. District Magistrate shall grant casual leave to Superintendent. In absence of Superintendent, senior most Deputy Superintendent/Assistant Superintendent shall be In-charge Superintendent for routine purpose.
- iii. Under Section 11(2) of the Prisons Act, 1894, the Superintendent of a prison shall obey all orders not inconsistent with the Prisons Act, or with this Manual which may be given with respect to the prison by the District Magistrate. The orders passed under section 11 (2), should except in emergent cases in which immediate action is, in the opinion of the Magistrate, necessary, be so expressed that the Superintendent may have time to refer (if he thinks necessary) to the Inspector General, Prisons & Correctional Services before taking action thereon.
- iv. In accordance with powers vested vide section 29 (2) of Prisoners Act, 1900, subject to the orders and under the control of the State Government any person who is detained in custody in a prison due to pending inquiry, investigation or trial under any writ, warrant or order of any Court may, by order, be directed by the District Magistrate to be removed from one prison to another within the district and to other district with the prior consent of the District Magistrate of such other district.

- v. In accordance with powers vested vide section 31 (C) of Prisoners Act, 1900, state government may authorise the District Magistrate to release under armed custody the prisoners detained in the respective prisons in their district, for a maximum of 15 days in the following emergency situations:
 - a) In the event of death of a prisoner's parent, spouse or child
 - b) Marriage of a prisoner's own daughter or son
 - c) Own marriage of a prisoner

Note: The release orders shall be made conforming to Section 31 (C) sub section (3) of Prisoners Act, 1900 on the recommendation of prison Superintendent after obtaining verification report from the local police.

- vi. In case of Subsidiary prisons all the functions of District Magistrate shall be carried out by Sub-divisional Magistrate.

794. In addition to the duties and responsibilities elsewhere prescribed in this Manual, the general duties and responsibilities of District Magistrates shall be as follows:

- i. District Magistrates shall ensure compliance of all orders issued by Inspector General, Prisons & Correctional Services in matters relating to safety & security, internal economy, discipline and management of prisons.
- ii. District Magistrates shall visit prisons under his/her jurisdiction as the case may be, at least once a month and shall not delegate this work to any other sub-ordinate. A record of each visit shall be entered in the visitor's book to be maintained by the Superintendent for the purpose.
- iii. District Magistrates whatsoever shall give all the orders only to Superintendent. Orders shall ordinarily be in writing and shall not be contrary to the rules of this Manual. The District Magistrate's orders shall ordinarily be issued in the form of an entry in the visitors' minute book.
- iv. The District Magistrates shall not interfere in matters of detail affecting the management of a prison. They shall avoid any action having a tendency to weaken the authority of the Superintendent over sub-ordinate officers and prisoners.
- v. When the District Magistrate is absent on tour from head-quarters, the officer in charge of the station for the time being shall perform the duties of the Magistrate with regard to the prison, subject to any instructions which the Magistrate may give. Such officer shall append to his signature in the Visitors' minute book the words "in charge of the station during the absence of the Magistrate."