

CHAPTER 27

Judicial Lock-ups

1. Introductory—The annexed consolidated and amended rules and instructions, regulating the management of, and control over, Judicial Lock-ups, are issued by the High Court, with the concurrence of the Inspector-General of Prisons and the approval of the State Government, in supersession of previous orders on the subject.

General Remarks

1. The essential difference between a Judicial and a Police Lock-up is—

(i) that in a Judicial Lock-up no prisoner can be kept without the written order of a Judicial officer to the Jailor or other officer incharge, stating the offence for which he is detained and whether bail is allowed or not, nor can a prisoner be removed without such written order;

(ii) that in a Police Lock-up no prisoner can be detained longer than twenty-four hours, exclusive of the period necessary for journey from the place of arrest to the Magistrate's Court without the special order of a Magistrate.

2. Persons to be kept in Judicial Lock-up—Judicial Lock-ups contain—

(i) persons under trial before Magistrates, including persons remanded at the request of the Police as well as persons in cases remanded to the Police;

(ii) persons under trial before the Sessions Judge; and

(iii) in certain districts, prisoners under sentence for short terms who are detained in Lock-ups for the whole period of their sentence, and prisoners under sentence for long terms, who are similarly detained until opportunity offers for their transfer to the nearest jail.

3. When other lock-ups are to be treated Judicial lock-ups—Every Lock-up which is used for purposes other than that for which the Police are entitled to use a Lock-up [as explained above in clause (ii) of paragraph (1)] must *ipso facto* be regarded and treated as Judicial Lock-up. In several districts the Judicial Lock-up at the headquarters of the District is located in the Jail and is managed by the Jail authorities. In some districts the Lock-ups at headquarters of the Tahsil are located in the local Police Station, and are used for confining persons in temporary Police

custody as well as those in Magisterial custody. In all such cases the Lock-up exist in such districts. The Lock-up or one of the Lock-ups is to be regarded and treated as a Judicial Lock-up. The mere fact that in several districts no special establishments have been sanctioned for Judicial Lock-ups does not show that no such lock-ups exist in such districts. The Lock-up or one of the lock-ups at the headquarters of every District and Tahsil must necessary be a Judicial Lock-up. District Magistrates are required by the rules [Rule XVI, clause (iii)] to assign proper places for Judicial Lock-ups and their guards at all Court houses, and should see that this rule is at once complied with in regard to the Courts at the headquarters of the District and at each Tahsil.

4. Management of Police Lock-ups and their use as Judicial lockups—Purely Police Lock-ups are under the exclusive control of the Police Department. Police officers are strictly responsible for any infringement of the law in regard to them, and the Magistrate is found, of his own motion, to take cognizance of such infringement. Where a Police Lock-up comes to be used as a Judicial Lock-up the District Magistrate immediately becomes responsible for the enforcement therein of these rules.

5. Certain lock-ups declared to be subsidiary jails—The lock-ups at Gurgaon and Kulu were declared to be subsidiary jails by Punjab Government Notification No. 484, dated the 21st December, 1896.

6. Financial control of Inspector General of Prisons over Judicial lock-ups—The Inspector-General of Prisons has hitherto exercised financial control over all Judicial Lock-ups in regard to such matters as sanctioning expenditure approving of budget arrangements and dealing with questions relating to the entertainment of special establishments and other similar matters. It is not intended to introduce any change in regard to these matters.

7. Inspection of Judicial lock-ups by Sessions Judge. Responsibility of District Magistrate for efficient management—District Magistrates should see that all Lock-ups within their districts are efficiently managed; that prisoners confined therein are properly cared for; and that these rules are duly observed. It should be regarded as an important part of the Session Judge's duty to inspect Judicial Lock-ups on all convenient occasions; and a brief report of the result of every such inspection should be communicated to the Inspector General of Prisons, the Government and the High Court.

8. Prisoners under trial should not needlessly be taken about from place to place when a Magistrate goes on tour.

9. Quick disposal of the cases of lock-up prisoners—Officers are requested to consider the disposal of cases where the accused is in custody as urgent and as having the first claim on their attention.

10. Interview with prisoners in lock-ups—Under-trial prisoners confined in a Lock-up should not be permitted to converse with people outside; but provision should be made under the rules to enable them to hold interviews with their friends and advisers, subject to such limitations as to times and places as may be proper and convenient.

11. Harassing of prisoners in lock-up—Care should be taken that prisoners are not exposed to any unnecessary inconvenience, suffering or degradation.

**Rules regulating the Management of, and Control over Judicial
Lock-ups and the Treatment of Under-trial Prisoners**

I. Control, management and inspection of Judicial Lock-ups in Jail—(i) Judicial Lock-ups located within or attached to a Jail shall be managed entirely by the Jail Department, provided that they shall be subject to these rules in regard to inspection by the Sessions Judge of the Division in which they are situate and to the submission of the monthly statements and weekly reminders hereinafter prescribed.

(ii) The Judicial Lock-up at Kulu in the Kangra District, which is also used as subsidiary Jail for short-term prisoners, shall be subject to the orders of the Inspector-General of Prisons so far as may be necessary for the purpose of dealing with prisoners undergoing sentences of imprisonment therein and subject to the same proviso as that contained in clause (i) of this rule.

(iii) Subject to the provisions of clauses (i) and (ii) of this rule, every Judicial lock-up shall be under the direct control of the State Government to be exercised through the Commissioner and the District Magistrate. The Sessions Judge will, however, be responsible for the inspection of all Judicial lock-ups subject to the general control of the High Court.

(iv) For the under-mentioned purposes every Judicial Lock-up shall be regarded as being subject to the orders of the Inspector-General of Prisons, namely:

(a) adjustment of budget estimates;

(b) sanction to expenditure;

(c) entertainment of establishments.

For the purposes of this clause the Inspector-General of Prisons will from time to time issue such instructions as may be necessary direct to District Magistrates.

II. Control over the other Lock-ups—The immediate supervision and control over every Judicial Lock-up, other than a Lock-up referred to in clause (i) of Rule I, shall vest in the District Magistrate of the District in which it is situated: provided that, in the case of a Judicial Lock-up situated within a Sub-Division or a Cantonment, the immediate control shall vest in the Sub-Divisional or Cantonment Magistrate (as the case may be) subject to the supervision and orders of the District Magistrate.

III. Officers in charge of Judicial Lock-ups—Every Judicial Lock-up situated at the headquarters of a district, other than a Lock-up referred to in clause (i) of Rule I, shall be in the charge of the Sheriff, and every Judicial Lock-up situated elsewhere shall be in charge of such officer as the District Magistrate may from time to time appoint in that behalf.

IV. Responsibility of Police to guard lock-ups and to conduct prisoners—The Police Department will be responsible for the security of every Judicial Lock-up not located within or attached to a Jail, and will supply the necessary guards for its protection and for the conduct of prisoners to and from the Courts, both at the headquarters of Districts and in Sub-Divisions, Tahsils and Cantonments, in accordance with the orders of Government and the rules of that Department.

V. Account of prisoners to be taken morning and evening—Account shall be taken morning and evening of the prisoners in every Judicial Lock-up not located within or attached to a jail. At the evening count the number of prisoners in each ward of the Lock-up shall be entered in a register to be maintained for the purpose and the entry initialled as correct by the officer-in-charge of the Police Guard. At the morning count, if the number of the prisoners in the Lock-up is found to be correct, the entry shall be initialled by the office-in-charge of the Lock-up.

VI. Office-in-charge responsible for discipline and proper dieting of prisoners—In the case of Judicial Lock-ups other than those referred to in clause (i) of Rule I, the officer in immediate charge shall, subject to the Magisterial supervision and control specified in Rule II, be responsible for the maintenance of discipline amongst, and the dieting of, the prisoners confined therein.

VII. Prisoner's tickets—Every prisoner confined in a Judicial Lock-up shall be provided with a wooden or cardboard ticket about two inches square, on which shall be written—his name; the date of his admission; the offence for or provision of the law under which he is in custody; and the Court in which his case is pending.

VIII. Date of hearing to be entered in the warrant—The date of hearing of the case shall be entered in the warrant directing the confinement of a person to a Judicial Lock-up.

Notes—(1) The Magistrate of the District will be responsible for the due observance of this rule by all Subordinate Magistrates in the District.

(2) The Jailor or Superintendent of Jail in charge of a Judicial Lock-up should not refuse admittance to a prisoner the provisions of this have not been observed, but he should draw the immediate attention of the Magistrate concerned to the defect, and ask for its rectification at once, sending at the same time a copy of his letter to the Magistrate of the District for his information.

IX. Weekly reminder of cases in which prisoner has been in the lock-up for more than a month—(i) The officer-in-charge of every Judicial Lock-up shall submit to the Magistrate, to whom he is subordinate (*i.e.*, District Magistrate, Sub-Divisional Magistrate or Cantonment Magistrate, as the case may be), a weekly reminder, in the form prescribed, showing every case in which a prisoner has been in confinement for more than a month since the date of his first admission to the Lock-up, except cases in which the prisoner is awaiting trial by the Sessions Judge under a warrant of committal to the Sessions.

(ii) In the case of Lock-ups situated within Sub-Divisions and Cantonments, the Sub-divisional Magistrate or Cantonment Magistrate (as the case may be), receiving a reminder under the preceding clause of this rule, will initial and date it, and forthwith submit it; with any remarks which he may deem necessary, to the District Magistrate for information and orders.

(iii) In every case in which a prisoner has been detained for a longer period than one month, the reminder shall be forthwith submitted by the District Magistrate to the Sessions Judge with an explanation of the cause of the delay.

X. Monthly returns—(i) A Judicial Lock-up return, in the form prescribed, shall be submitted monthly by the District Magistrate, in regard to every Judicial Lock-up in his district, whether located within or attached to a Jail or not, to the Sessions Judge. The Sessions Judge will make such remarks and pass such orders thereupon as he may deem fit, and shall then forward the return to the Inspector-General of Prisons for information.

(ii) For the purposes of this rule every office-in-charge of a Lock-up located within or attached to a Jail or of a Lock-up mentioned in clause (ii) of Rule I, shall forward a copy of the monthly return to the District Magistrate, the original being submitted to the Inspector-General of Prisons.

(iii) The monthly return for the district shall be submitted by the District Magistrate to the Sessions Judge on or before the tenth of every month. A copy of the monthly return shall also be submitted by the District Magistrate to the Commissioner of the division at the same time.

XI. Scale of Diet—(i) Under-trial prisoners confined in Judicial Lock-ups shall be dieted according to the following scale:

Description of Prisoners	Diet Scale for Under-Trial Prisoners							
	Twice a week		Three times a week		Four times a week			
	Wheat	Bajra or Jowar	Bajra or Makki	Dal, Urd or Mung	Dal, Urd or Mung	Parc	Salt	Condi- ments
	Chs.	Chs.	Chs.	Chs.	Chs.			Grs.
For male prisoners above 16 years of age	10	12	12	1-1½	2	2	200	
For female prisoners and juveniles under 16 years of age	8	10	10	1	1-1½	1	200	

Note I—In regard to the issue of inferior grains *see* paragraphs 921 and 922 of Jail Manual.

The proportion of the different ingredients for one day's rations of condiments for eight prisoners should be:—

Coriander 3/16 Chattacks Turmeric
4/16 Chattacks

Garlic 6/16 Chattacks Chillies 3/16 Chattacks

Note II—The ration of vegetables prescribed should consist of one or other of the following vegetables, according to season:

Cabbage, carrot, cauliflower, knol, khol, onion, parsnip, spinnach, turnip, radish, reg *sag*, white *sag*, French bean, sword bean, cucumber, pumpkin, squash, sweet potato, bottle gourd egg plant, country, pumpkin, *karela*.

Note III—If and when the grains of the varieties specified in the table above are not available the dieting of under trial prisoners confined in judicial lock-ups shall be such as may be ordered by Government in consultation with the Punjab High Court and the Inspector-General of Prisons, Punjab.

Provided that if an under-trial prisoner belongs to such a class of life that the ordinary Jail diet is reasonably distasteful to him, or, in any case, if the Medical Officer considers it necessary, arrangements shall be made for the supply to him, in the former case at his own expense and in the latter at the public cost, of articles of extra diet.

Provided further that A and B class under-trial prisoners confined in judicial lock-ups shall receive the same diet as prescribed for latter class prisoners when confined in Jails, by paragraph 920 read with paragraph 576-E of the Punjab Jail Mph I.

When articles of diet are supplied at the expense of the prisoner, they shall be supplied to him through the officer-in-charge of the Lock-up.

Notwithstanding anything contained in the above instructions, the under trial prisoners confined in judicial lock-ups may supplement their requirements in the matter of food by receiving the articles mentioned below from their relatives or friends at the time of interview:

Food Anti-Scorbutics and Condiments

1. Ghee 1. Lemons
2. Gur 2. Galgals
3. Shakkar 3. Mangoes
4. Sugar 4. Onions
5. Fruits 5. Pickles and Chutney
6. Sweets 6. Amla
7. Cooked Eggs.
8. Mustard oil or Toria oil
9. Almonds

Under trial prisoners who desire to have skimmed milk are permitted to have skimmed milk @ 8 ozs. per day at their own expense through the canteens or other similar sources, approved by the Inspector-General of Prisons, Punjab.

No alcoholic liquors or intoxicating drugs shall be supplied to under trial prisoners except on the order of the Medical Officer, who should give a written order specifying the dial quantity to be allowed in each case.

In the case of an under-trial prisoner, addicted to the use of opium, who cannot be conveniently taken before the Medical Officer of once, a proper quantity of opium may be given daily by the Officer-in-Charge of the Lock-up until the Medical Officer has seen the prisoner provided that

the prisoner or his friends supply the opium and that the quantity given shall be limited to what is actually necessary to maintain the health of the prisoner.

Such under-trial prisoners as are not under the age of sixteen and are addicted to tobacco may be allowed to smoke four cigarettes or eight *biris* per day at their own expense after meals. Save as aforesaid no tobacco will be supplied to under-trial prisoners without a written order specifying the quantity in each case of the Medical Officer. No under-trial prisoner shall, however, smoke in kitchens, barracks and other places of common resort and at places where smoking is likely to cause offence to other prisoners.

XII. (i) The Inspector-General of Prisons, in his annual tours, will inspect all Judicial Lock-ups in order to see that the sanitary arrangements are satisfactory, and that the financial management is efficient. He will bring to the notice of the Sessions Judge, the District Magistrate, and the Commissioner of the Division any defects which he may observe, submit a brief reports of the result of every such inspection to Government; and will review the general management of the Judicial Lock-ups in his annual Jail Report.

(ii) The Inspector-General of Prisons may at any time bring to the notice of the Government any matter connected with the management of any Judicial Lock-up which he considers to be unsatisfactory or to need attention.

XIII. Inspection by Sessions Judges—The Sessions Judge should as often as may be possible, inspect every Judicial Lock-up in his Division, and should bring to the notice of the District Magistrate any defects in the management which he may observe, and pass such orders as he may consider necessary. A brief report of every such inspection should be submitted to the High Court; copies thereof being sent to the Inspector-General of Prisons, the Home Secretary to the Punjab Government and the District Magistrate.

XIV. (i) Sub-Divisional and Cantonment Magistrate to see to the sanitation, discipline, etc. of lock-ups under their control—The District Sub-Divisional or Cantonment Magistrate having a Judicial Lock-up under his control, is at all times responsible that, though the strict rules as to sanitation and discipline observed in regular jails are not in force in Judicial Lock-ups, the points are duly attended to. As to sanitation, the Magistrate should see that sanitary precautions similar to those observed in Jails are taken; that the buildings are not crowded or badly ventilated; and that the food is of proper quality and according to the prescribed scale of diet.

In regard to discipline, the Magistrate should take Measures to ensure proper behaviour amongst the permitted to be noisy or turbulent, or to quarrel or fight with one another, and that they behave in a quiet and orderly manner, and are respectful and obedient to the officer-in-charge of the lock-up Prisoners confined in a lock-up should not be permitted to communicate with persons outside; nor should they be permitted to procure or to endeavour to procure any article from outside except on the written order of the Magistrate-in-charge of the lock-up

(ii) **Separate accommodation for female and juvenile prisoners**—Separate accommodation should be provided for female prisoners, who should be allowed sufficient privacy. Juveniles should not be placed in the same ward with adults.

XV. Receipt for prisoners taken out, Police to conduct prisoners—The officer-in-charge should invariably give a receipt to the Jailor, turnkey or other officer, as the case may be, for the body of every prisoner taken charge of by him, and should invariably use the agency of the Police to conduct prisoners to and from Court or any other place to which they may be sent under proper authority.

XVI. (i) Prisoners not to be kept in Police Lock-up without orders of Magistrate—No prisoner under trial should be permitted to remain in a Police Lock-up except under the order of a Magistrate or when in transit. A prisoner in a case remanded to the Police should not be sent to the Police Lock-up without the written order of the Magistrate, even though his case may be with the Police.

(ii) Prisoners accompanying Magistrate on tour should be taken to be in Judicial Lock-up—If a Magistrate proceeds on tour and prisoners under trial accompany him, they are still to be considered as being constructively in the Judicial Lock-up of such Magistrate's station for the purposes of these rules.

(iii) Provision of a Lock-up in each Court-house—In each Court-house or in the buildings attached to it, a proper place shall be provided for prisoners under trial and their guard.

Note—The amount of space which should be available in a Judicial Lock-up should ordinarily be not less than 648 cubic feet of air space and 36 feet of floor area per prisoner. Lateral ventilation exclusive of iron bars and door jambs should not be less than ten square feet. Separate accommodation should be provided for females and juveniles.

XVII. (i) Prisoners received or taken out under orders of Magistrate—Under-trial prisoners shall not be received into or removed from a Judicial Lock-up except on the written order of Magistrate.

The order should be made on the prescribed form of warrant. Whenever a prisoner is sent out of the Lock-up, the officer-in-charge should, after making the necessary endorsement, send the warrant with him to the Magistrate for the purpose of having the return endorsement made thereon by the Magistrate, as noted on the form.

(ii) Expenses of transfer of a prisoner—When a prisoner under-trial is transferred from one place to another under the orders of a Magistrate, the Magistrate under whose order the prisoner is transferred shall pay, in advance, the travelling expenses for the whole journey, and not merely to the headquarters of the nearest district *en route*.

(iii) Sick prisoners to be kept in jail hospitals. Transfer of sick prisoners—Under-trial prisoners shall not be transferred while suffering from serious illness; and if there is dispensary at the place where a Lock-up is situated, no prisoner who is ill shall be transferred until previous medical examination has shown him to be in a fit state of health to under-go the journey. Sick or wounded prisoners under trial at the headquarters of district shall be confined in Jail hospitals whenever medical advice or treatment may be necessary.

XVIII. Clothing—Prisoners under trial shall be allowed to wear their own clothing; but in order to provide for persons who are insufficiently clad a supply of blankets shall be kept in stock at each Judicial Lock-up. The blankets shall be obtained from the Jail of the district or from a neighbouring Jail on indent prepared by the District Magistrate and passed by the Inspector-General of Prisons.

XIX. Handcuffs, fetters and other restraints—Under-trial prisoners are to be subjected to no further restraint than is necessary for their safe custody, and shall not ordinarily be confined in fetters or placed under mechanical bodily restraint. Provided that the officer-in-charge may, with the permission in writing of the Magistrate having control over the Lock-up, have recourse to fetters or other necessary mechanical bodily restraint in the case of any under-trial prisoner who is violent or turbulent, or who is considered to be otherwise dangerous.

Under-trial prisoners while being escorted to and from Court by the Police should not be handcuffed, unless there is a reasonable expectation that such prisoners will use violence, or that an attempt will be made to rescue home.

XX. Habitual offenders and previous convicts to be reported—Whenever it shall come to the knowledge of the officer-in-charge of a Lock-up that a prisoner confined therein is an habitual offender or has been previously convicted of any offence, he shall forthwith report the fact to the Magistrate.

Note—Under-trial prisoners should not be permitted to crop their hair or to alter their personal appearance in any way so as to make it difficult to recognize them.

XXI. Information to be sent to Officer-in-charge when a prisoner is discharged or released on bail—When an under-trial prisoner is discharged in open Court or released on bail while attending the Court, the presiding officer of the Court shall intimate the fact in writing, under his signature, the same day, to the officer-in-charge of the Judicial Lock-up from which the prisoner was sent to such Court.

XXII. Interviews and correspondence—Prisoners under-trial shall be given all reasonable facilities for communicating, either personally or by letter, with their friends, or legal advisers. Interviews may be allowed and letters forwarded under the authority of the Magistrate having control over the Lock-up.

XXIII. Disposal of money or other property found on the person of the prisoner—Money or other property found on the persons of under-trial prisoners, other than necessary wearing apparel shall be taken charge of by the Court Inspector. A list of such articles shall be recorded on the back of the prisoner's warrant, and the Court Inspector shall be held responsible for seeing that they are made over to the prisoner, or duly forwarded to him, if he is discharged or acquitted or punished otherwise than by imprisonment, or that they are forwarded to the officer-in-charge of the Jail in which he is, or is to be confined if he is sentenced to imprisonment.

XXIV. Punishment for breach of discipline—(i) The punishments awardable for breaches of rules shall be as follows:—

- (a) Isolation in a cell or separate ward for a period not exceeding seven days;
- (b) Penal diet consisting of bread and water for period not exceeding three days; the quantity of bread to be 8 chattacks of wheaten flour made into *chapatis*.
- (c) In the case of turbulent or dangerous prisoners, confinement in fetters.
- (ii) Punishments may be inflicted under the written order of the Magistrate having control over the Lock-up.

XXV. Prisoners under sentence temporarily confined in Lock-up—Prisoners under sentence who may be temporarily confined in a Lock-up or who may be required to undergo their sentence in a Lock-up which is a subsidiary Jail, shall, as far as may be, subject to the same rules with regard to labour and discipline as are in force in regular Jails.

XXVI. Register of under-trial prisoners—A register, in the form prescribed, showing every admission to and removal from a Judicial Lock-up shall be maintained by the officer-in-charge.

XXVII. Appointment of non-official visitors—The State Government may appoint such number of persons to be non-official visitors in respect of any judicial Lock-up as it may think fit, after consulting the Sessions Judges and the District Magistrates concerned. Normally the scale of non-official visitors for Lock-ups will be—

- (i) Judicial Lock-ups situated at the Headquarters of a
1st Class Magistrate 2
- (ii) Judicial Lock-ups situated at the Headquarters of a
2nd or 3rd Class Magistrate 1

XXVIII. Qualifications for appointment of non-official visitors—(a) A non-official visitor to a Judicial Lock-up should be a local person commanding respect of the public;

- (b) He should be associated with public activities;
- (c) He should be a social worker doing work in public societies like the Prisoners Aid Societies or having general interest in jail reforms and after care of under-trials;
- (d) He should not be practicing lawyer.

XXIX. Term of Office—Every non-official visitor so-appointed shall hold office as such for two years, but may be reappointed on the expiration of that term.

XXX. Non-official visitors to be gazetted—The names of such gentlemen as are willing to undertake the important duties and are appointed non-official visitors of specified Judicial Lock-ups shall be notified in the *Punjab Government Gazette*.

Note—When the period of appointment of a non-official visitor is drawing to a close, the District and Sessions Judge of the District in which the Judicial Lock-up is situated shall represent the fact to Government and at the same time in consultation with the District Magistrate of the District submit recommendations for filling the appointment for a further period of two years.

XXXI. Duties of non-official visitors of Judicial Lock-ups—All non-official visitors shall visit Judicial Lock-ups at least once a month and at every visit shall—

- (a) Inspect buildings of Judicial Lock-ups and the cooked food to be supplied to under-trial prisoners;
- (b) Ascertain if considerations of health, cleanliness and security are attended to, proper management and discipline are maintained in every respect, and if under trial prisoner is detained for an undue length of time;
- (c) Examine-lock-up registers and records;
- (d) Hear and attend to all representations and petitions made by or on behalf of under-trial prisoners; and
- (e) Direct, if deemed advisable, that any such representations or petitions be forwarded to Government.

XXXII. Date of visit to be recorded. Copy of remarks to be sent to certain officers—There should be one visitors' book in every Judicial Lock-up. Every non-official visitor shall, after he has completed his visit to the Judicial Lock-up, record in the visitors' book, the date and hour of his visit, and may enter therein any remarks or suggestions he may wish to make.

A copy of the record made by every visitor, together with the reply of the officer-in-charge of the Judicial Lock-up thereto, shall be forwarded to the Inspector-General of Prisons, Punjab, and in case of any remark relating to the long detention of any unconvicted prisoner, a copy of such remark shall also be forwarded to the District Magistrate of the district.

(Punjab Government Letter No. 106J-JL-54/J7560, dated the 26th March 1954).