

- वाचले :- १. महाराष्ट्र कारागृह नियमावली प्रकरण XXXIX, पार्ट II सेक्शन- I नियम क्रं. ४, ५ व ६
 २. या कार्यालयाकडील आदेश क्र.पसह/कावि/१२७/२००६ दिनांक ८/०२/२००६
 ३. मा. पालकमंत्री यांचेकडील पत्र क्रं. जा.क्रं.पालकमंत्री/अन्न व ना.पु. आणि ग्रा.सं.अ.औ.प्र.व सं.कार्य /व्ही.आय.पी./१२१४ दिनांक- ६/०८/२०१५.

जिल्हाधिकारी कार्यालय,पुणे
 सर्वसाधारण शाखा
 क्र.सशा/पसह/कावि/१५८७/२०१५
 दि. १९/०९/२०१५

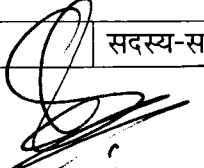
विषय :- पुणे जिल्हा येरवडा मध्यवर्ती कारागृह सल्लागार समिती गठीत करणेबाबत

सुधारीत आदेश

उक्त नमुद आदेशान्वये पुणे जिल्हा येरवडा मध्यवर्ती कारागृह समिती गठीत करण्यात आलेली आहे. सदर समितीतील अशासकिय सदस्यांचा कार्यकाल संपुष्टात आल्याने मा. पालकमंत्री यांचेकडून अशासकिय सदस्यांचे नियुक्तीचे शिफारस आदेश दिनांक ६/०८/२०१५ रोजी प्राप्त झाल्याने सदर समितीत अशासकिय सदस्य म्हणून खालील प्रमाणे नेमणूक करणेत येत आहे.

अ.क्र.	समितीची रचना	पत्ता	पद
१	जिल्हाधिकारी व जिल्हादंडाधिकारी, पुणे	जिल्हाधिकारी कार्यालय, पुणे	अध्यक्ष
२	जिल्हा सत्र न्यायाधिश, पुणे	जिल्हा व सत्र न्यायाधिश शिवाजीनगर, पुणे ०५	
३	अपर पोलीस महासंचालक व कारागृह महानिरिक्षक महाराष्ट्र राज्य, पुणे	मध्यवर्ती इमारत, पुणे ४११ ००१.	सदस्य
४	आयुक्त, पुणे शहर	पोलीस आयुक्त कार्यालय, पुणे शहर	सदस्य
५	पोलीस अधिक्षक पुणे ग्रामिण	चव्हाणनगर, पाषाण, पुणे ०८.	सदस्य
अशासकिय सदस्य			
६	श्री. मनोज सुधाकर देशपांडे	प्लॉट नं.१३, महेश सोसा., बिबवेवाडी, पुणे ३७ मो.नं.९३७१००९२०७	सदस्य
७	श्री. अजय नामदेव मारणे	स.नं.४४, धर्मवीर संभाजी महाराज पथ, हनुमान नगर, एरंडवणे, पौड रोड कोथरुड, पुणे ३८. मो. नं. ९८२३७६०९८८	सदस्य
८	श्री. सागर माळकर	१५४/२ माजी सैनिक नगर, येरवडा, पुणे ४११००६. मो. नं. ९४२२०८७१७२	सदस्य

९	अधिक्षक, येरवडा मध्यवर्ती कारागृह पुणे	येरवडा, पुणे ४११ ००६.	सदस्य-सचिव
---	--	-----------------------	------------


(सौरभ राव)
जिल्हाधिकारी पुणे

प्रत :-

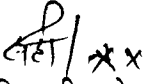
१) अधिक्षक येरवडा मध्यवर्ती कारागृह, पुणे तथा सदस्य सचिव,

२/- उपरोक्त समिती वरील आदेशान्वये गठीत करण्यात आलेली असल्याने सदर समितीची बैठक सत्वर बोलावून समितीचे कामकाज कार्यान्वित करण्यात यावे. तसेच सोबतच्या आदेशाच्या प्रति संबंधित सदस्यांना बजावून त्यांची दिनांकित स्वाक्षरी घेणेत यावी.

वरील समितीच्या बैठका दर तीन महिन्यांनी घेणेबाबत मा. पालकमंत्री यांनी सुचना दिलेल्या आहेत. याची नोंद घ्यावी.

२) स्वीय सहाय्यक, मा. पालकमंत्री, अन्न व नागरी पुरवठा आणि ग्राहक संरक्षण अन्न व औषध प्रशासन, संसदीय कार्य, महाराष्ट्र राज्य, मंत्रालय, मुंबई ३२.

२/- सदर समिती या आदेशान्वये गठीत केलीबाबत मा. मंत्री महोदय यांचे निदर्शनास आणून देणेस विनंती आहे.


जिल्हाधिकारी पुणे करीता

आयिकीशक प्रडचनान्न २२० ए येरवडा कारागृह) गाम्बान्न

CHAPTER XV

PRISON VISITORS

SECTION I: STATUTORY RULES

[Government Notification, Home Department, No. 1058 (XV)—IV,
Dated 30th April 1962]

In exercise of the powers conferred by clause (25) of section 59 of the Prisons Act, 1894 (IX of 1894), and of all other powers enabling it in that behalf and in supersession of the rules relating to visitors of Prisons in force in any part of the State, the Government of Maharashtra hereby makes the following rules, namely:—

Short title and commencement.

1. (i) These rules may be called, "The Maharashtra Visitors of Prisons Rules, 1962".

(ii) They shall come into force on the 1st day of June 1962.

Definitions.

2. In these rules, unless the context requires otherwise—

(a) "Board" means a Board of Visitors constituted in accordance with the provisions of these rules.

(b) "Chairman" means the Chairman of the Board.

(b-1) 'Police Officer' ("including any officer who is competent to investigate any offence under any law for the time being in force".)

(c) "Prohibition Officer" shall have the meaning assigned to it in clause (35) of section 2 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949).

(d) "Visitor" means a member of the Board.

Board of visitors

3. There shall be a Board of Visitors for each prison in the State consisting *ex-officio* visitors and non-official visitors appointed under these rules.

†Provided that, the State Government may not appoint a Board of Visitors for any prison, regard being had to the safety or security of the prisoners therein, the history or background in which they have been confined in such prison, the nature of the crime committed by them, the circumstances leading to such crime and any other factor relevant in relation to any such prison or prisoners confined therein.†

* —* Added by Government Notification, Home Department, No. RIM-1058 (XV) 22907 IV, dated 22nd May 1965.

† —† Added by Government Notification, Home Department, No. NVJ-1268/C268, dated 22nd July 1969.

4. respect

(1)

*(2)

(3)

(4)

(5)

(6)

(7)

(8)

(9)

(10)

(11)

(12)

(13)

(14)

(15)

(16)

(17)

(18)

(19)

(20)

(21)

†(2)

law

(2

Mun

force

(2

time

(2

5.

pris

each

pris

—

—

—

—

—

221

4. The following officers shall, in respect of prisons located within their respective jurisdiction, be *ex-officio* visitors, namely:— Ex-officio visitors

- (1) The Sheriff of Bombay.
- * (2) Presidency Magistrates, Greater Bombay.*
- (3) Sessions Judges,
- (4) District Magistrates,
- (5) Sub-Divisional Magistrates,
- (6) Taluka Magistrates,
- (7) The Inspector General of Police,
- (8) The Commissioner of Police, Greater Bombay,
- (9) Deputy Inspector General of Police,
- (10) District Superintendents of Police,
- (11) The Commissioners of Divisions,
- (12) Superintending Engineers,
- (13) Executive Engineers
- (14) The Surgeon General with Government of Maharashtra.
- (15) Civil Surgeons who are not medical officers of prisons,
- (16) The Director of Public Health,
- (17) The Assistant Director of Public Health,
- (18) District Health Officers,
- (19) The Director of Education,
- (20) The Director of Social Welfare,
- (21) Educational Inspectors,
- † (22) [The Mayor of any Municipal Corporation constituted under any law for the time being in force in the State.]†
- (23) † [The Commissioner or the Chief Executive Officer of the Municipal Corporation constituted under any law for the time being in force in the State.]†
- (24) The President of a municipality constituted under any law for the time being in force in the State.
- (25) Any other officer nominated by the State Government.

5. (i) There shall ordinarily be eleven non-official visitors, for the prisons in Greater Bombay, nine for each of the central prisons; six for each of the district prisons, Class I and four for each of the remaining prisons.

Non-official
visitors

— Substituted by Govt. Notification, Home Department, No. RJM-1058 (XVI)-IV, dated 2nd August 1962.

†...† Substituted by Govt. Notification, Home Department, No PVP-1371/1 (XVI), dated 23rd May 1973.

89

- (ii) Subject to the provisions of sub-rule (iii),—
- (a) the eleven visitors for the prisons in Greater Bombay shall be—
- (i) five members of the Maharashtra Legislature, and
- (ii) six persons to be nominated by the State Government of whom not less than three shall be women;
- (b) the nine visitors for each of the Central prisons shall be—
- (i) four members of the Maharashtra Legislature, and
- (ii) five persons to be nominated by the State Government of whom not less than two shall be women;
- (c) the six visitors for each of the district prisons, Class I shall be—
- (i) three members of the Maharashtra Legislature, and
- (ii) three persons to be nominated by the State Government of whom ordinarily not less than one shall be a woman;
- (d) the four visitors for each of the other prisons shall be—
- (i) two members of the Maharashtra Legislature, and
- (ii) two persons to be nominated by the State Government of whom one at least shall be a woman,
- (iii) No person shall be appointed as a non-official visitor unless he or she is willing to serve as such visitor.

Appointment of
non-official
visitors.

6. (i) The appointment of non-official visitors (other than members of the Maharashtra Legislature) shall, subject to the provisions of sub-rule (4), be made by the State Government from amongst persons who in its opinion, are interested in the administration of prisons and are likely to take interest in the prisoners and their welfare both while they are in prison and after their release.

(ii) The appointment of members of the Maharashtra Legislature as visitors shall, subject to the provisions of sub-rules (iii) and (iv), be made by the State Government annually from amongst the members of the Maharashtra Legislative Assembly representing Greater Bombay, or as the case may be, the District, in which the prison is situated and from amongst the members of the Maharashtra Legislative Council residing in Greater Bombay, or as the case may be, the district, in which the prison is situated.

91

223

(iii) The appointment of the members of the Maharashtra Legislature under sub-rule (2) shall be made by turns to be fixed jointly by such members themselves within such period as may be communicated to the members concerned by the Chief Presidency Magistrate in Greater Bombay and elsewhere by the District Magistrate concerned. Where the members fail to fix their turns, the Chief Presidency Magistrate in Greater Bombay and the District Magistrate concerned, elsewhere, shall fix such turns by drawing lots provided the name of any lady member of the Maharashtra Legislature shall not be included in such lot unless she is willing to serve as such visitor.

(iv) The tenure of office of visitors appointed under sub-rule (i) shall ordinarily be three years, and of the members of the Maharashtra Legislature shall be one year or till the member ceases to be a member of the Maharashtra Legislature, whichever is earlier.

(v) All appointments made under this rule shall be notified in the Official Gazette.

Explanation—For the purpose of this rule, a member of the Maharashtra Legislature shall not include a Minister, Deputy Minister or Parliamentary Secretary or the Speaker or the Deputy Speaker of the Maharashtra Legislative Assembly or the Chairman or the Deputy Chairman of the Maharashtra Legislative Council.

7. The Chief Presidency Magistrate, Bombay, in Greater Bombay, and the District Magistrate elsewhere, shall be the Chairman of the Board. In the absence of the Chairman, the meetings of the Board shall be presided over by the Sessions Judge (or by the senior most Sessions Judge if there be more than one present). * [If at any meeting of the Board, the Commissioner of the Division is present, he shall preside over such meeting.]*

8. Notwithstanding anything contained in the foregoing rules, the State Government may, at any time, terminate the appointment of any person appointed as a visitor, *ex-officio* or otherwise.

9. Every visitor shall, on appointment, be provided with a copy of these rules.

10. A list of the visitors of the prison shall be posted in a conspicuous place between the two Prison Gates.

* * * Added by Government Notification, Home Department No. RJM-1063/34011-IV, dated 20th March 1964.

Chairman of Board.

Power of Government to terminate appointment of visitors.

Every visitor to be provided with copy of rules.

List of visitors to be posted at Prison Gates.

= 3 Yrs

Meetings of
Board—Visits to
prisons.

Quarterly
Meeting //

11. (i) The Chairman shall convene a quarterly meeting of the Board in the months of January, April, July and October to carry out the duties specified in these rules.

(ii) The Chairman shall arrange a weekly programme of visits to a prison by one of the visitors and the Superintendent of that prison shall give timely intimation to the visitor concerned of the prison and of the week in which he is required to visit the prison in accordance with the programme arranged as aforesaid.

(iii) The Chairman shall also likewise arrange for the periodical inspection of women's wards in a prison by lady visitors.

(iv) Notwithstanding anything contained in sub-rules (ii) and (iii)—

(a) any visitor may visit any prison for which the Board (of which he is the member) is appointed on any day at any time during the day in addition to his or her weekly visit arranged by the Chairman under sub-rule (ii) or (iii),

(b) an *ex-officio* visitor whose headquarter is situated at a place other than the place where a meeting of the Board is held or the prison is situated may not attend the quarterly meetings or pay weekly visits as arranged by the Chairman; but such visitor shall so far as is practicable visit the prison in the course of inspection tour of his subordinate offices located at the place where the prison is situated.

(v) No visitor shall nominate a substitute to function in his place for the purpose of these rules.

Conveyance
allowance to non-
official visitors.

12. A non-official visitor shall be entitled in respect of every visit to a prison made in pursuance of the provisions of these rules to such conveyance charges as may be sanctioned by the State Government from time to time.

Visitors not to
visit after lock-up
and on Holidays
and Sundays.

13. Except for special reasons, which shall be recorded in the Visitors' Book, no visitor shall inspect any prison on Sundays and Jail Holidays, or between the hours of 6 p. m. and 6 a. m.

Visitors to be
accompanied by
officer and escort
during inspection
of prison.

14. On arrival of a visitor in a prison, the officer, if any, on duty at the gate or the Gatekeeper shall arrange for an Executive Officer to accompany the visitor with adequate escort. No visitor shall be allowed to proceed further unless accompanied by the Executive Officer with adequate escort.

577

Part—II

SECTION I : STATUTORY RULES

[Government Notification, Home Department, No. RJM-1058 (XLI).
XVI, dated 6th September, 1972.]

In exercise of the powers conferred by clauses (5), (7) and (27) of section 59 of the Prisons Act, 1894 (IX of 1894), in its application to the State of Maharashtra, and of all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the following rules, namely :—

1. (i) These rules may be called the Maharashtra Prisons (Review of Sentences) Rules, 1972.

Short title and commencement

(ii) They shall come into force on the 1st day of November 1972.

2. In these rules, unless the context requires otherwise,—

(a) "Act" means the Prisons Act, 1894 ;

(b) "imprisonment" includes imprisonment imposed by a Court in default of payment of fine;

(c) "Classification Committee" means the Work Assignment Committee constituted at a prison under rule 14 of the Maharashtra Prisons (Employment of Prisoners) Rules, 1965 ;

(d) "Form" means a form appended to these rules.

3. (i) With a view to reviewing from time to time and assessing how far a sentence had salutary and reformative influence with reference to the record of a prisoner, there shall be constituted an Advisory Board, at—

Constitution of Advisory Board

(a) Bombay Central Prison, Sane Guruji Road, for prisoners confined in the prisons in Greater Bombay ;

(b) Each Central Prison, for prisoners confined therein;

(c) Such other prisons as may be specified by the State Government.

(ii) Cases of prisoners eligible for review by Advisory Boards (being prisoners confined in prisons for which no Advisory Board is constituted) shall be reviewed by such Advisory Board as the Inspector General of Prisons may specify in that behalf.

Members of Advisory Board

4. (i) Greater Bombay, the Advisory Board shall consist of the Chief Presidency Magistrate, the Commissioner of Police, Greater Bombay, the Superintendent, Bombay Central Prison, and three non-official members nominated by the State Government. The Chief Presidency Magistrate shall be the President of the Board, and the Superintendent, Bombay Central Prison, Sane Guruji Road, shall be its Member-Secretary.

578

97

(ii) Elsewhere, the Advisory Board shall consist of the District Magistrate, the Sessions Judge, the Deputy Inspector General of Police of the Range at a Central Prison and the Superintendent of Police of the District at any other prison and the Superintendent of Prison and three non-official members nominated by the State Government. The District Magistrate shall be the President of the Advisory Board and the Superintendent of the Prison shall be its Member-Secretary.

Appointm^t of nominated members 5. The appointment of the three nominated members under rule 4 shall be made for a period not exceeding three years, preferably from amongst—

(a) Members of the State Legislature, or

(b) Social scientists or social workers interested in correctional work, in prison administration and in prisoner's welfare generally.

Provided that, the State Government may, at any time without assigning any reasons terminate the appointment of any nominated member before the expiry of the period of his appointment.

Nature of cases to be reviewed by Advisory Board.

6. (i) The Advisory Board shall meet every six months to review the sentences of non-habitual offenders sentenced to terms of imprisonment of three years or more. The cases of such prisoners sentenced to terms of imprisonment indicated in column 2 of the table below shall, subject to the provisions of sub-rule (2), be submitted to the Board on completion of the period of imprisonment (inclusive of the periods of remissions earned), as indicated in column 3 of the table.

Table

Category of prisoners	Terms of imprisonment	Completion of period of imprisonment
1	2	3
(i) Women-prisoners	3 years or more	On undergoing half of substantive sentence inclusive of remissions.
(ii) Old and infirm prisoners.	Do.	Do.
(iii) Prisoners other than those mentioned in (ii).	5 years or more	On undergoing two-thirds of substantive sentence inclusive of remissions.
(iv) Prisoners sentenced to life imprisonment.	Imprisonment for life.	On undergoing 12 years of substantive sentence inclusive of remissions.

579

(ii) Where any such non-habitual offender is found to be guilty of committing a prison offence for which he is awarded a major prison punishment within a period of one year before the date on which his case is due for submission to the Advisory Board, his case shall not be submitted to the Advisory Board for a period of six months after it is due for submission.

7. There shall be maintained a Review File for each prisoner whose case is eligible for review. The File shall contain—

- (i) A copy of the judgment or heads of charges to the Jury;
- (ii) The social history as in Form I;
- (iii) Initial classification sheet in Form II and progress report in Form III;

(iv) A report from the Superintendent as in Form IV;

(v) A report from the Medical Officer about the physical and mental condition of the prisoner and his fitness for release;

(vi) A summary sheet in Form V;

(vii) The opinion of the Superintendent of Police and the District Magistrate, or the Commissioner of Police, concerned, as the case may be;

(viii) The recommendation of the Advisory Board;

(ix) The Government order;

(x) A close-up sheet.

8. (i) On the admission of a convicted criminal prisoner, whose case may become eligible for review, the Superintendent shall obtain a report of his character and antecedents in Greater Bombay, from the Commissioner of Police, Greater Bombay, in the City of Pune from the Commissioner of Police, Poona and in the City of Nagpur from the Commissioner of Police, Nagpur and from the Superintendent of Police concerned elsewhere and a copy of the judgment or heads of charges to the jury from the court which passed the sentence. Where neither the judgment nor the heads of charges has been recorded in the case of a convicted criminal prisoner tried by the City Sessions Court, Bombay, the Superintendent shall call for copies of depositions in the Criminal Magistrate's Court from the Clerk of the Court.

(ii) If the original sentence is modified in appeal, the Superintendent shall obtain direct from the appellate court concerned, a copy of the judgment soon after the decision of the appellate court is made known to him by the court concerned.