

GOVERNMENT OF ORISSA
HOME DEPARTMENT

NOTIFICATION

No. 23955
JIS.IP-57/06(pt-I)

Dated 12.6.07

In exercise of the powers conferred by sub-section-(27) of Section-59 of the Prisons Act, 1894 (9 of 1894) in its application to the State of Orissa, the State Govt.

make the following amendments to the rules contained in Orissa Jail Manual Vol.I

AMENDMENTS

In the Rule 881, 882 and 883 the following shall be substituted to the existing Rule 881 to Female Prisoners and Children accompanying the mother as per the directions of the Hon'ble Supreme Court of India in W.P.(C) No.559 of 1994.

Existing Rule of O.J.M. Vol.

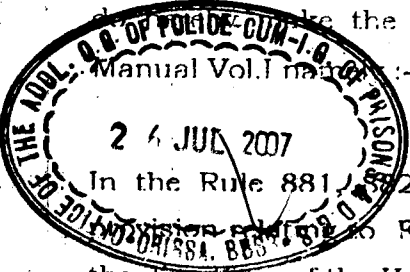
881. Children under four years of age may remain with their mother in confinement. Children of or beyond four years of age even if not weaned, shall not ordinarily be permitted to accompany their mothers to jail or to remain with their mothers in confinement, but the Supdt. Of jail may at his discretion permit children of 4 and upto 6 years of age to remain in the jail if the mother so desires. Such children while with their mother in confinement shall be allowed such diet as the medical officer may order for them and shall be provided with suitable clothing.

Rule 881 to be amended as follows:

881(a) Female prisoners may be allowed to keep their children with them in jail till the children attain the age of 6 years.

(b) No female prisoner shall be allowed to keep a child who has completed the age of 6 years. If a child who is staying with his/her mother attains the age of 6 years, the Jail Supdt, shall ask the mother for the name of a suitable surrogate mother or relatives who will take custody of the child. If this is not possible the Jail Supdt. may contact the Collector of the District for accommodation of the child in an institution run or recognised by Women, and Child Development Department. As far as possible the child should not be transferred to an institution/place outside the town or city where the prison is located in order to minimize undue hardship to both the mother and child due to physical distance.

(c) Such a child shall be kept in protective custody until his/her mother is released or the child attains such age as to earn his / her own livelihood.



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(2)

(d) The child kept under protective custody in a home of the Deptt. of Women and Child Development shall be allowed to meet the mother at least once a week. The Jail Supdt. Should fix the date suitable for the child to meet the mother, so that he/she will be brought by the Women and Child Development Department to the jail

881-A (a) A child shall not be treated as an undertrial/convict while in jail with his/her mother. Such a child is entitled to food, shelter, medical care, clothing, education and recreational facilities as a matter of right.

(b) The Supdt. Shall be empowered in special cases, where circumstances warrant admitting children of Women Prisoners to prison without court orders provided such children are below 6 years of age.

882. In the event of a child being born in a jail a notice of the birth shall be sent to the local Municipality if there is one otherwise to the nearest Police Station, if the child has been born of a Christian mother, a notice shall also be sent to a Clergyman, and he should, if the mother so desire be permitted to baptize the child either within the Jail or outside it.

Rule-882

(a) The name of the locality be mentioned as the place of birth of a child in the local Birth Registration Office without mentioning the name of the Jail, where the child was actually born.

(b) Arrangements for temporary release/parole (for suspended sentence in case of minor and casual offenders) should be made to enable an expectant female prisoner to have her delivery outside the prison in a hospital having reasonable facilities. Only in exceptional cases having high security risk or cases of equivalent grave nature this facility can be denied.

(c) Supdt. Of Jail should provide all facilities for naming rites of a child born when the mother is in the prison.

Rule 882-A (to be inserted)

(a) When a woman prisoner is found or suspected to be pregnant at the time of her admission or at any time thereafter, the Lady Medical Officer shall report the fact to the supdt. As soon as possible, arrangement shall be made to get such prisoner medically examined at the District Headquarter hospital for ascertaining the state of her health, pregnancy, duration of pregnancy, expected date of delivery and soon after, ascertaining the necessary particulars, a report shall be sent to the Inspector General Prisons, stating the date of admission, term of sentence, date of release, description of pregnancy/ possible date of delivery and so on.

(b) Gynecological examination of female prisoners shall be performed in the Dist Headquarters hospital. The Jail Supdt. Shall send her regularly to the hospital and all visits and advice of lady doctor should be entered in the history ticket. There should be specific mention in ticket about such examination at the Dist Headquarters Hospital. by the Lady Gynecologist.

883 - When a child in jail attains the age of four years or when a female prisoner dies in jail and leave a child, notice shall at once be sent to the Magistrate of the district who shall make arrangements for the care of such child. Should no relation or friend be found willing to take care of the child the Magistrate shall either place it in some approved institutions or shall entrust it to some respectable person.

883 - When a female prisoner dies leaving behind her child/children below six years, the Supdt. should inform the District Magistrate concerned and the District Magistrate should take proper care of the child. If none of the relatives of such a child/children is willing to support the child, the Dist. Magistrate shall place the child in an approved shelter home or home run by the Women and Child Development Department or handover the child to a responsible person for care and maintenance.

In the rule 885-A the following provision may be inserted to the existing provision for children accompanying the mother (as per the direction of the Hon'ble Supreme Court of India in W.P.(c) No.559 of 1994).

885-A Nil

Rule 885-A to be inserted.

(a) The child of a woman prisoner shall be given educational and recreational opportunities and while his/her mother is at work in jail, the child shall be kept in crèches under the charge of matron/female warder. This facility will also be extended to the children of warders and other female prison staff.

(b) The child should be sent to the Nursery School when he/she attains the age of 4 years and separate room should be constructed just outside the prison and temporary Nurses may be appointed as and when there is a child in the jail, to look after the child.

(c) Woman prisoner with child/children should not be kept in Sub-Jails, unless proper facilities can be ensured which would make for a conducive environment there for proper biological, psychological and social growth of the child.

(d) The child should not be kept in crowded barracks amidst women convicts undertrials, offenders relating to all types of crimes as it is harmful for the development of his/her personality. He/she should be separated from such environment on a priority basis.

In the rules 985 the following diet is to be added to the existing provision of diet for children accompanying the mother.

Sl.No.	Age group	Name of the items	Quantity
1(a)	6 - 12 months	Rice / Atta	45 grms
(b)	2 years	-do-	80 grms
(c)	3 years	-do-	120 grms
(d)	4 years	-do-	150 grms
(e)	5 years	-do-	200 grms
(f)	6 years	-do-	210 grms
2(a)	6 - 12 months	Pulses (Dal)	15 grms
(b)	1 - 3 years	-do-	30 grms
(c)	4 - 6 years	-do-	45 grms
3		Milk	500 ml (in case of breast feeding 200 ml)
4(a)	6 - 12 months	Roots and Tubers	50 grms
(b)	1 - 3 years	-do-	50 grms
(c)	4 - 6 years	-do-	100 grms
5(a)	6 - 12 months	Green Vegetables	25 grms
(b)	1 - 3 years	-do-	50 grms
(c)	4 - 6 years	-do-	50 grms
6(a)	6 - 12 months	Other vegetables	25 grms
(b)	1 - 3 years	-do-	50 grms
(c)	4 - 6 years	-do-	50 grms

7.		Fruits	100 grms
8(a)	6 - 12 months	Sugar	25 grms
(b)	1 - 3 years	Sugar	25 grms
(c)	4 - 6 years	Sugar	30 grms
9(a)	6 - 12 months	Oil	10 grms
(b)	1 - 3 years	-do-	20 grms
(c)	4 - 6 years.	-do-	25 grms
10		Salt	10 grms
11		Protein (egg, meat, chicken & fish)	50 grms (instead of protein equal amount of Pulse) per week)

Separate utensils viz. - feeding bottle, feeding spoon, cups and saucers of suitable size and materials such as oil cloth, mosquito net, sleeping materials, babies nappy should also be provided to each mother prisoner for the use of her child.

In the rule 1101-A the following is to be inserted to the existing provision for children accompanying the mother (as per the directions of the Hon'ble Supreme Court of India in W.P.(C) No.559 of 1994).

Existing Rule of O.J.M. Vol.I

Rule : 1101 -

Water used for drinking and ordinary purposes shall be analyzed once every quarter and bacteriological examination shall be made when required. The examination of the water will be carried out by the Officer in charge of the Bacteriological and Pathological Laboratory, Cuttack and special instructions as to the collection of samples will be duly notified from time to time.

In addition to the existing rule-1101, rule 1101-A to be inserted as follows:-

1101(A) :

Clean drinking water must be provided to the children. This water must be periodically checked.

In the rules 1124 the following is to be inserted to the existing provision of Hospital, Management for Children accompanying the mother (As per the direction of the Hon'ble Supreme Court of India in W.P.(C) No.559 of 1994).

Existing provisions of OJM Vol.I.

1124(1) No prisoner may be detained in hospital more than 24 hours under medical observation without being brought on to the hospital register, if it is necessary to detain for a longer period he must be admitted as an in-patient. Prisoners coming to hospital with well marked symptoms of disease such as fever, diarrhoea etc. should as a rule, be brought on to the hospital register at once.

(2) The name of prisoners so detained under observation shall be entered in the "morning state of sick" register and their disposal either by admission to hospital further detention or discharge shall be entered therein daily by the medical officer, or under his supervision by the medical subordinate.

1124-A - to be inserted

- (a) Children accompanying mother prisoner shall be regularly examined by the Lady Medical Officer to monitor their physical growth and shall also receive timely vaccination. Vaccination charts regarding each child shall be kept in records. Extra clothing, diet may be provided on the recommendation of the Medical Officer.
- (b) In the event of a woman prisoner falling ill alternative arrangement for looking after any child falling under her care must be done by the Jail Staff.
- (c) Sleeping facilities that are provided to the mother and the child should be adequate, clean and hygienic.

By order of the Governor

(Tarun Kanti Mishra)

Principal Secretary to Government.

05/6/07

Memo No. 29956 / Bhubaneswar, the 12th June, 2007.

Copy forwarded to the Assistant Director, Orissa Government Press, Secretariat Branch, Unit-III, Bhubaneswar for publications of the Notification in an Extra-ordinary issue of Orissa Gazette immediately. He is requested to supply 100 (one hundred) printed copies of the Notification to this Department.

D. S. Rao
11.6.07

Deputy Secretary to Government

Memo No. 29957 / Bhubaneswar, the 12th June, 2007.

Copy forwarded to Law Department/ Finance Department/ H & P.W. Department/ W & C.D. Department/ G.A. Department/ All Collectors/ D.G. of Police, Orissa, Cuttack/ V.G. of Prisons & D.C.S., Orissa, Bhubaneswar/ Sr. Supdt. of Circle Jail, Choudwar/ Circle Jail, Berhampur/ Circle Jail, Baripada and Circle Jail, Sambalpur for information and necessary action.

D. S. Rao
11.6.07

Deputy Secretary to Government

Memo No. 29958 / Bhubaneswar, the 12th June, 2007.

Copy to Sri Sibashis Mishra, Advocate on Records, Supreme Court for information with reference to the Counter Affidavit filed in W.P. (C) No.559/94 in Supreme Court.

D. S. Rao
11.6.07

Deputy Secretary to Government