

The Sikkim Prisons Act, 2007

Chapter 65 - The discipline in Prisons has to be maintained with fairness and firmness. It has to cover every aspect of life in the

(2) After their admission, all prisoners should be informed of their rights, duties and disciplinary requirements in the prisons, in a language understandable to them. This aspect may be displayed on a board accessible to prisoners.(3) The following acts are declared to be prison offences when committed by a prisoner, namely: -(i) endangering the security and custody of a prison in any way, by a willful or negligent act and shall include tampering in anyway with prison walls, building, bars, locks and keys, lamps or lights or with any other security and custody measures;(ii) doing any act calculated to create unnecessary alarm in the minds of other prisoners;(iii) doing or omitting to any act with intent to cause to oneself any illness, injury or disability;(iv) omitting to report the commission of any prison offence;(v) breaking law and order and discipline;(vi) planning, instigating, abetting, directly or indirectly, in the commission of any prison offence;(vii) refusing, omitting or conniving to abide by standards of behavior, rules and regulations and lawful instructions and orders;(viii) failing to assist in the maintenance of prison discipline;(ix) failing to give assistance to a prison official when called to do so;(x) making false, malicious and groundless, written or verbal complaint against prison officials;(xi) committing nuisance or mischief of any kind;(xii) quarrelling with other prisoners;(xiii) smoking;(xiv) attacking, assaulting and causing injuries to others;(xv) participating in a riot or mutiny, abetting another prisoner to do the same;(xvi) escaping or attempting to escape from prison or legal custody or failing to report to prison officials about attempted escapes;(xvii) possessing, hiding, smuggling or attempting to smuggle, obtaining, giving or receiving or bartering contraband articles, failing to report to prison officials about contraband articles;(xviii) stealing / damaging / destroying / disfiguring / misappropriating any Government property or another prisoners' articles and property;(xix) failing to report at once any loss, breakage or injury which the prisoner may accidentally have caused, to prison property or implements;(xx) tampering with or defacing identity cards, records or documents;(xxi) breach of the conditions of leave and emergency release;(xxii) refusing to eat food or going on hunger strike;(xxiii) eating or apportioning any food not assigned to him or taking from or adding to the portions assigned to another prisoner;(xxiv) willfully or negligently destroying or spoiling food or throwing it away without orders;(xxv) introducing into food or drink anything likely to render it unpalatable;(xxvi) unauthorized cooking;(xxvii) violating rules and regulations framed for the systematic running of the canteen;(xxviii) bartering canteen articles;(xxix) Being idle, careless or negligent at work, refusing to work, malingering, disturbing other prisoners at work or in barracks;(xxx) manufacturing any article without the knowledge or permission of a prison officer;(xxxi) performing any portion of the task allotted to another prisoner or obtaining unauthorized assistance of another prisoner in the performance of one's own task;(xxxii) apportioning to any prisoner any part of the task to be performed by him / her;(xxxiii) mixing or adding a foreign substances to the materials issued for work;(xxxiv) willfully disabling himself from labour;(xxxv) converting or attempting to convert, a prisoner to a different religious faith;(xxxvi) willfully hurting other's religious feeling, beliefs and faiths;(xxxvii) agitating or acting on the basis of caste or religious prejudices,(xxxviii) having any communication, in writing or by word or by signs, without permission, with any outsider, an under-trial prisoner, detenus, civil prisoner and approvers;(xxxix) sending messages surreptitiously by writing or verbally;(xl) participating in or organizing unauthorized activities like gambling and betting;(xli) using indecent, abusive, insolent, threatening or improper language, being disrespectful, making indecent or vulgar acts or gestures;(xlii) soiling or befouling any place or article;(xliii) loitering or lingering, leaving the appointed area or workgroup without permission;(xliv) failing to assist or preventing another person from assisting prison officials in suppressing violence, assault, riot, mutiny, attack, gross personal violence or any other emergencies;Punishment of such offences.66(1) No officer other than the Superintendent may examine any person committing such offence, and determine thereupon, and punish such offence by: -(i) a formal warning: -Explanation: - a formal warning shall mean a warning personally

addressed to a prisoner by the Superintendent and recorded in the punishment book and on the prisoner's history-ticket;(ii) change of labour to some more irksome or severe form for such period as may be prescribed by rules made by the State Government from time to time;(iii) hard labour for a period not exceeding seven days in the case of convicted criminal prisoners not sentenced to rigorous imprisonment;(iv) such loss of privileges admissible under the remission system for the time being in force as may be prescribed by rules made by the State Government from time to time;(v) separate confinement for any period not exceeding three months or as specified by the authorized authority,Explanation: separate confinement means such confinement with or without labour and secludes a prisoner from communication with, but not from sight of, other prisoner, and allows him not less than one hour's exercise per diem and to have his meals in association with one or more other prisoners:(vi) Penal diet- that is restriction of diet in such manner and subject to such conditions regarding labour as may be determined by the Deputy Inspector General / Sr. Superintendent of Prisons:Provided that such restriction of diet shall in no case be applied to a prisoner for more than Forty-eight consecutive hours, and shall not be repeated except for a fresh offence nor until after an interval of one week;(2) No prisoner may be punished unless he has been informed of the offence alleged against him and given proper opportunity of presenting his defense. The competent authority may conduct an inquiry into the case. No prisoner may be punished except in accordance with the terms of laws or regulations.(3) No prisoner shall be punished twice for the same offence provided that any security measure (separate confinement) taken for the safe custody of a refractory and dangerous prisoner or for preventing him from committing mischief or stoppage of privileges which are otherwise admissible to well behaved prisoners only, may not be construed as prison punishment for this purpose.(4) The punishment of confinement or fatigue work may not be implemented unless the Medical Officer has examined the prisoner and certified in writing that he/she is fit to sustain it. The same rules may apply to any other punishment that may be prejudicial to the physical or mental health of a prisoner.Medical Officer to Certify the fitness of prisoner for punishment.67(1) No punishment of penal diet, either singly or in combination, or hard labour under clause (v) of sub-section (1) of section 66 of this Act shall be awarded to any prisoner until the prisoner has been examined by the Medical Officer and has been found fit to undergo the punishment and certified accordingly by the Medical Officer in the appropriate column of the punishment-book prescribed for this purpose.(2) If he considers the prisoner unfit to undergo the punishment, he shall in the like manner record his opinion in writing and shall state whether the prisoner is absolutely unfit for punishment of the kind or whether he considers any modification.(3) In the latter case he shall state what extent of punishment he thinks the prisoner can undergo without injury to his health.Entries in Punishment books.68(1) In the punishment book to be prescribed, every punishment inflicted shall be recorded with the name of the prisoners, register number and the class (whether habitual or not) to which he belongs, the prison offence of which he was guilty, the date on which such prison offence was committed, the number of previous prison offences recorded against the prisoner and the date of his last prison offence, the punishment awarded and the date of infliction.(2) In the case of every serious prison offence, the names of the witnesses proving the offence shall be recorded and in case of offences for which serious punishment is awarded, the Superintendent shall record the substance of the evidence of the witnesses, the defence of the prisoner and the finding with the reasons therefore.(3) Against the entries relating to each punishment the Jailer and the Superintendent shall affix their initials as evidence of the correctness of the entries.Procedure on commission of heinous offence.69If any prisoner is guilty of any offence against prison discipline which, by reason of having been frequently committed or otherwise, in the opinion of Superintendent, is not adequately punishable by the infliction of any punishment which he has power under this Act to award; the Superintendent may forward such prisoner to the court of any Magistrate of the first class having jurisdiction, together with a statement of the circumstances, and such Magistrate shall thereupon inquire into and try the charge so brought against the prisoner, and, upon conviction, may sentence him to imprisonment which may extent to one year, such term to be in addition to any term for which prisoner was undergoing imprisonment when he committed such offence, or may sentence him to any of the punishment enumerated under this Act;Provided that any such case may be transferred for inquiry and trial by such Magistrate to any other Magistrate of first class and that no prisoner shall be punished twice for the same offence.Offences by prison subordinates.70Every Jailer or officer of a prison subordinate to him who shall be guilty of any violation of duty or willful breach or neglect of any rule or regulations or lawful order made by competent authority or who shall withdraw from duties without permission or without having given previous notice in writing of his intention or who shall willfully

overstay any leave granted to him or who shall engage without authority in any employment other than his prison duty or who shall be guilty of cowardice, shall be liable , on conviction before a Magistrate, to a fine not exceeding rupees five hundred or to imprisonment for a period not exceeding three months or both.

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