

**Gujarat Conditions of Detention (Prevention of
Blackmarketing and Maintenance of Supplies of Essential
Commodities) Order, 1980**

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Blackmarketing and Maintenance of Supplies of Essential Commodities) Order, 1980

The Gujarat Conditions of Detention (Prevention of Black marketing and Maintenance of Supplies of Essential Commodities) Order, 1980. No. GTH/80/19/GCD-'080/1/SB. In exercise of the powers conferred by section 5 of the Prevention of Blackmarketing and Maintenance of Supplies of Essential Commodities Act, 1980 (No. 7 of 1980), the Government of Gujarat hereby makes the following Order:

1. Order :-

(1) This Order may be called the Gujarat Conditions of Detention (Prevention of Blackmarketing and Maintenance of Supplies of Essential Commodities) Order, 1980.

(2) It shall come into force at once.

2. Order :-

In this Order, unless the context otherwise requires

(a) "Act" means the Prevention of Blackmarketing and Maintenance of Supplies of Essential Commodities Act, 1980;

(b) "Civil Surgeon," means the Civil Surgeon or the Chief Medical Officer of the District in which the prisoner is detained;

(c) "Commissioner" means the Commissioner of Police, Ahmedabad city;

(d) "detaining authority" means the State Government or any Officer specially empowered by the State Government or any Officer specially empowered by the State Government or an Officer specified in sub-section (2) of section 3 of the Act making the Order of detention under that section;

(e) "District Magistrate" means the District Magistrate or Additional District Magistrate of the district in which the prisoner is detained;

(f) "Government" means the Government of Gujarat;

(g) "prisoner" means a person with respect to whom a detention order is made by the detaining authority under the Act.

(h) "near relative" means parents, wife and children in case of a male prisoner and parents, husband and children in case of a female prisoner;

(i) "Superintendent" means (i) in the case of a prisoner detained in a police lock-up, the Superintendent of Police of the district in which the prisoner is detained and (ii) in the case of a prisoner detained in a jail or sub-jail, the person in charge of the jail or sub-jail in which the prisoner is detained.

3. Order :-

A prisoner shall be detained in such a jail or a sub-jail or a police lock-up, as may be specified by the detaining authority.

4. Order :-

(1) Any prisoner may be removed from a jail, sub-jail or police lock-up, as the case may be

(a) to any hospital for medical examination or treatment or as an indoor patient if in the opinion of the Superintendent or the Commissioner it is necessary to do so for the reason of the health of such prisoner;

(b) to a criminal court in the State of Gujarat, if such court requires the attendance of such prisoner for answering a charge of a criminal offence in any proceeding against him; or

(c) to any civil or criminal court in the State of Gujarat for giving evidence in any case pending before it.

(2) No prisoner shall be removed under paragraph (c) of sub-clause (1) unless the previous permission of the Government has been obtained which shall be refused if the Government think it necessary to do so in the interest of public order.

5. Order :-

(1) Prisoners detained in a jail or a sub-jail shall be divided into two classes, namely Class I and Class II. Classes shall be given to prisoners according to their State of health, education, status and mode of living. A prisoner detained in a police lock-up shall be treated as an under-trial prisoner.

(2) The Classification of each prisoner shall be made by the detaining authority in accordance with the principles specified in sub-clause (1). Accommodation.

6. Order :-

Where a prisoner is detained in a jail or a sub-jail, he shall be kept in a cell or association ward.

7. Order :-

Prisoners shall be allowed to communicate with each other provided that the Superintendent or the Commissioner may, if he considers it desirable to do so on the ground of the health of the prisoner or for any other reason, confine such prisoner separately. Prisoners shall, as far as possible, be kept separate from other kinds of prisoners. Prisoners of one class, shall as far as possible, be kept separate from those of the other class.

8. Order :-

(1) Prisoners may be allowed to use their own clothes and bedding. The Superintendent or the Commissioner may, in his discretion, permit, the supply of extra clothes and bedding to a prisoner by his friends or relatives or at his own expense. In cases where prisoners have not sufficient clothing of their own and have neither funds to buy it with, nor friends or relatives to supply it, they may be supplied with clothing at Government cost, on the scales mentioned below. The pattern of this clothing shall be different from that for convicts and cloth shall be without the jail regulation stripes.

(2) Jackets will be supplied for use only in cold weather. Scale of clothing for Class I and Class II female prisoners.

Scale of clothing for Class I and

Class II female prisoners.

<i>Name of articles.</i>		<i>No. of articles</i>
(1)	Sarees	2
(2)	Blouses	2
(3)	Bodiees	2
(4)	Chuddies	2
(5)	Longoties	2
(6)	Towels H.C.	2
(7)	C.W. Nehru Jacket	1
(8)	Petti-coats	2

9. Order :-

(1) Class I and Class II prisoners shall be given diet on the same scales as are prescribed for Class I and Class II convicts, respectively. They shall also get the following additional diet:

Additional diet for Class I prisoners.

(i)	Butter or ghee	15 grams	
(ii)	Milk	110 grams	
			Daily.
(iii)	Sugar or Molasses	15 grams	
(iv)	Potatoes	170 grams	
(v)	Fruits worth 19 paise	Three time in a week.	
	Additional diet for Class II prisoners.		
	Milk	170 grams	
	Sugar	Daily 145 grams	
	Potatoes	170 grams Twice a week.	
(iv) (v) (vi)	Rice Wheat Milk or curds	(Vide note (3) below)	
		110 grams Twice a week to Vegetarian Prisoner	

Note. -The diet of potatoes in item (iv) shall be supplied in substitution and not in addition to the diet of potatoes prescribed for convicts, namely, 170 grams on three days in a week to vegetarians and 280 grams on four days in a week to non-vegetarians.

Note (1) The quantity of milk prescribed above shall be inclusive of the milk required for tea mentioned in sub-clause (5) below and not in addition to it.

Note,-(2) The supply of sugar shall be subject to availability, the balance being made good with "gur". The quantity of sugar prescribed above shall be inclusive of the sugar required for tea mentioned in sub-clause (5) below and not in addition to it.

Note,-(3) The quantities of rice and wheat shall be as follows: Rice 170 grams once a week (in substitution of 170 grams cereal ration of the first cheapest grain). Wheat. 6 meals of 280 grams each in a week. These quantities of rice and wheat shall not be in addition to the diet scale prescribed in paragraph 1 of this sub-clause for Class

II prisoners (i.e. the same scale as that prescribed for Class II convicts), but shall form part of the total ration quantum available to Class II prisoners.

(2) Prisoner detained in a police lock-up shall be given diet on the scale prescribed for undertrial prisoners in police lock-ups.

(3) Prisoners may also be allowed to supplement their diet at their own expense Any prisoner who wishes to supplement his diet and who is unable to do so at his own expense may apply to the Superintendent or Commissioner, as the case may be. The Superintendent or Commissioner shall get him examined by a Medical Officer attached to the place of detention who may order such modification of, or addition to his diet, as he may consider necessary on medical grounds.

(4) When the supplementary diet for prisoner comes from his friends or relatives in kind, it shall be subject to search by such police or jail officer as may be authorised in this behalf by the Superintendent or the Commissioner, and the cost of such diet shall not be deducted from the allowance which a prisoner is entitled to receive under clause 10.

(5) Each prisoner shall be given 10 grams of tea daily.

(6) Prisoners may be permitted to purchase cereals of their choice, provided the cost on such purchase does not exceed the cost of the quantity and quality of rations provided of in this clause.

10. Order :-

(1) A prisoner may, with the previous sanction of the detaining authority, receive from a specified relative or friends, at intervals of not less than a month, funds not exceeding Rs. 30 per month and may spend those funds or a similar sum from his own private funds on such objects and in such manner as may be permissible under the rules. In cases in which for want of funds any prisoners are compelled to do without small amenities which their fellow prisoners enjoy, such amenities may, if considered absolutely necessary by the Commissioner or the Superintendent be supplied to them at Government cost.

(2) All funds so received shall be kept by the Commissioner or the Superintendent and spent by him on behalf of the prisoners concerned.

(3) Amounts in excess of those prescribed in sub-clause (1) may be received by the Commissioner or the Superintendent on " behalf of prisoners, but they shall not be spent in any month beyond the limits laid down in the said sub-clause.

11. Order :-

Prisoners shall be assigned tasks by the Commissioner or the Superintendent with due regard to their State of health, physical and mental capacity, character and antecedents and may receive remuneration for their labour at such rates as may be prescribed by the Inspector General of Prisons, State of Gujarat.

12. Order :-

Prisoners and the rooms, wards or cells in which they are accommodated shall be searched not less than once a week, but may be searched often or at any time if the Commissioner or the Superintendent considers it necessary. A prisoner shall also be searched immediately after admission and thereafter before and after every interview with any person other than a police officer, special precautions shall be taken to make through searches and the fact that the search has been made shall be noted in the report book of the officer making the search. The search shall be made by a Jailor, Deputy Jailor, Jail Guard or such other officer as may be authorised in this behalf by the Commissioner or the Superintendent.

13. Order :-

(1) Except on the written order of the Commissioner or the Superintendent, no prisoner shall be permitted to have an interview with any person other than a police officer or as the case may be, Civil Supplies Officer.

(2) The number of interviews shall not exceed six per month.

(3) Not more than three visitors shall be allowed to remain present simultaneously at any one interview except in the case of near relatives when the number may be increased to five.

(4) Applications for interview from persons other than police officer or as the case may be Civil Supplies Officer shall, as far as possible, be made to the Commissioner or the Superintendent, in Form 'A' appended hereto. The Commissioner or the Superintendent shall be competent subject to any special directions that may be issued by Government to allow or refuse an interview.

(5) When an interview is refused the fact shall be reported by the Commissioner to Government and by the Superintendent to the District Magistrate. The District Magistrate, on receiving the report, may if he considers it proper, sanction an interview which has been refused.

(6) The Commissioner or, as the case may be Superintendent shall appoint the time, place and duration of each interview, and shall not ordinarily allow an interview to continue for more than one hour with a near relative or half an hour with a person other than a near relative.

(7) Every interview shall take place in the presence, and within the hearing of an officer attached to the place of detention or a police officer who may terminate it at any time, if in his opinion the conversation is detrimental to the public interest or prejudicial to the maintenance of supplies of commodities essential to the community;

(8) After the interview is over or terminated, the officer present at the interview shall warn both the prisoner and the visitor that future interviews are liable to be prohibited if the visitor indulges in any publicity on behalf of the prisoner.

(9) The Commissioner or the Superintendent may, for special reasons, permit additional interviews in excess of the number permissible under sub-clause (2).

(10) In addition to the interviews permissible under the preceding provisions of this clause, a prisoner, may with the permission of the detaining authority, interview his legal adviser in connection with a pending or contemplated proceeding in a court of Law to which the prisoner is or will be a party. Not more than one such interview shall ordinarily be allowed in connection with a contemplated legal proceeding before the proceeding is instituted. All such interviews shall take place on the premises in which the prisoner is confined and shall be subject to such conditions and restrictions as the Commissioner or the Superintendent may consider necessary and prevent the passing of unauthorised communications unconnected with the case relating to which the interview is granted. Such an interview shall take place within sight, but not within hearing range of a Jail Officer. No police Officer shall be present, either within sight or within hearing range at the interview.

(11) In addition to the interviews permissible under the preceding

provisions of this clause, a prisoner may, with the permission of the detaining authority, be granted not more than two special interviews for the settlement of his business or professional affairs. Such interviews shall ordinarily take place within a period not exceeding two months from the date of detention of the prisoner concerned and shall be conducted in accordance with the provisions of this clause as regards place, duration and conditions of the interview and the proceedings shall be strictly confined to the objects for which the interview is granted.

(12) In addition to the interviews permissible under the preceding provisions of this clause, a prisoner who wishes to stand as a candidate for any election to Parliament or State Legislature shall be allowed biweekly interviews with his election agent up to the date fixed for taking the poll and the Superintendent may, subject to any special or general orders of Government allow any additional interviews to the prisoner with his election agent, for the purposes of his candidature at the election.

(13) In addition to the interviews permissible under the preceding provisions of this clause, a prisoner shall, if he so desires, be allowed to have interviews with a legal practitioner or any other person of his choice and at his cost for the purpose of drafting a representation under section 8 of the Act. Such interviews shall be conducted in accordance with the provisions of this clause as regards place, duration and conditions of the interview, and the proceeding shall be strictly confined to the object for which the interview is granted.

14. Order :-

(1) The detaining authority may by general or special order authorise any police officer as the case may be Civil Supplies Officer either singly or jointly to interview a prisoner.

(2) While visiting any room, cell or ward, every police officer or as the case may be Civil Supplies Officer shall be accompanied by such escort as the Commissioner or the Superintendent considers necessary for his safety. The escort shall, if the interviewer so requires, stand out of car- shot, but within sight, while he is speaking to a prisoner.

(3) The Police officer or as the case may be, Civil Supplies Officer so authorised may, with the permission of the Commissioner or the

Superintendent, interview a prisoner in the ordinary interview room, without any officer attached to the place of detention being present.

(4) Commissioner or the Superintendent or any officer authorised by him in this behalf may take photograph, register the finger prints and take specimens of the signature and hand writing of a prisoner.

15. Order :-

Prisoners may be allowed to read books and periodicals which are available in the library, if any attached to the place of detention.

16. Order :-

(1) Class I prisoners may be allowed at the Government expense one weekly newspaper for every 20 and one daily newspaper for every 15 prisoners, out of the list of newspapers considered suitable for convicts of Class I and Class II prisoners may be allowed one such weekly newspaper for every 40, and one such daily newspaper for every 20 prisoners Both Class I and Class II prisoner may be allowed, at their cost, any other weekly or daily newspapers included in the said list provided that if any prisoner wants any newspapers not included in the said list he shall obtain the orders of the Government, through the Commissioner or the Superintendent, as the case may be.

(2) Books (including periodicals not treated as newspapers) may be received by the prisoners through the post subject to the condition that the postal article containing the books shall first be opened by the Commissioner or the Superintendent, as the case may be or any person appointed by him in this behalf, and the delivery of such book to the prisoner shall be refused by the Commissioner or the Superintendent, as the case may be, if in his opinion it is not suitable:

Provided that a prisoner shall not have in his possession more than twelve such books at a time.

17. Order :-

(1) Prisoners shall ordinarily be permitted to write four letters per week at Government cost and receive any number of letters.

(2) A prisoner may be allowed to correspond with another prisoner in another place of detention on condition that such correspondence

is limited to personal and private matters.

(3) All letters to and from prisoners shall be censored by the Commissioner or the Superintendent, as the case may be. If in the opinion of the Commissioner or the Superintendent, the despatch or delivery of any letter is likely to be detrimental to the public interest or the discipline of the place of detention, he shall either withhold such letter or despatch or deliver it after deleting any objectionable portion therefrom. In respect of the censoring of letters of prisoners, the Commissioner or the Superintendent shall comply with any general or special instructions issued by the Government.

(4) Every letter forwarded to or from any prisoner shall be initialled and dated by the officer who handled the letter.

(5) The receipt and despatch of telegrams by prisoners shall be subject to the same control as hereinbefore provided for letters, except that the number of telegrams which may be despatched by prisoner shall be within the discretion of the Commissioner or the Superintendent.

(6) In all cases in which a letter or a telegram is withheld, the prisoner shall be informed of the fact of such withholding.

(7) When the telegram is to or from the Government, it shall be forwarded direct, provided that if the telegram is to or from the Central Government it shall be sent through the Government of Gujarat.

(8) Prisoners shall attach to all their outgoing letters and telegrams a slip containing the full name and address and relationship of the addressee and of such persons mentioned in the letter or telegram.

(9) The Commissioner or the Superintendent, as the case may be, shall have discretion to decide in the case of a petition submitted in telegraphic form whether it should be forwarded by telegraph or by post.

18. Order :-

Notwithstanding anything contained in clause 17, all communication between a prisoner who is a member of any house of Parliament or of a State Legislature and the presiding authority of such House of which he is a member or any officer thereof or the Chairman of a Committee (including a Committee of Privileges) of such House or a

Committee of both the House of Parliament or, as the case may be, of the State Legislature shall be forwarded direct to the addressees. Any question which such representation made under section 8 of the Act which a prisoner may submit to the Government.

19. Order :-

(1) The Commissioner or the Superintendent shall forward, without delay through the Inspector General of Prisons, State of Gujarat, with such observations as he may think fit, any representation other than a representation made under section 8 of the Act which a prisoner may submit to the Government.

(2) Where any prisoner makes a representation under section 8 of the Act, the superintendent shall forthwith forward it direct to the Government. Where the detaining authority is other than the Government, the Superintendent shall also forward a copy of the representation to such detaining authority and the detaining authority shall forward the same with its remarks, to the Government, with utmost expedition.

(3) AH petitions from prisoners addressed to Court shall be transmitted with the utmost expedition. The Superintendent, where the place of detention is a jail, shall forward such petitions direct to the Court concerned and forward copies thereof to the Inspector General of Prisons. Where the place of detention is a sub-jail or a police lock-up, the Commissioner, or the Superintendent, as the case may be, shall send such petitions to the Inspector General of Prisons who shall forward them to the Court concerned after keeping copies thereof. When a petition is addressed to the High Court, it shall be sent to the Registrar High Court, Gujarat, in a sealed envelop. The Inspector General of Prisons shall forward copies of such petitions to the Government whenever he considers if necessary to do so. Discipline and punishment for breaches of discipline.

20. Order :-

Prisoners shall, for the purposes of discipline and punishment for breaches of discipline be subject, as if they were convicted criminal prisoners, to the provisions of the Prisons Act, 1894 (IX of 1894), and the rules in the Bombay Jail Manual in so far as they are not inconsistent with these conditions or any special orders passed by a competent authority in this behalf.

21. Order :-

(1) The Civil Surgeon shall depute a Medical Officer to visit each prisoner detained in a police lock-up and report on his physical condition. The said Medical Officer shall visit the prisoner at least once a week and more often if the Civil Surgeon or the Commissioner or the Superintendent as the case may be, thinks fit, and submit a report of his condition to the Commissioner or the District Magistrate, as the case may be, after the first day of each month and at any other time he considers necessary,

(2) Prisoners detained in a jail or sub-jail, shall in the event of illness be treated in the same way as convicted criminal prisoners are treated under the rules prescribed in the Bombay Jail Manual.

22. Order :-

Wherever accommodation permits, a Class I prisoner shall be supplied at Government expense with a cot, a table and a chair.

23. Order :-

(1) Every prison shall be supplied with neem or babul sticks at Government expense.

(2) Every class I prisoner shall be supplied with two cakes of jail made toilet soap, and every Class II prisoner shall be supplied with one such cake of soap, per month, for bathing, at Government expense. The weight of each such cake shall be 115 grams approximately and if jail made soap is not available, any medium quality toilet soap manufactured in India and available locally shall be supplied.

(3) Every class I prisoner detained in a jail or sub-jail where there are no laundry arrangements as provided under clause 30 and every Class II prisoner shall be supplied at Government expense with 30 grams of washing soda and 115 grams of firewood per week for washing clothes:

Provided that such prisoners shall be supplied with laundry soap, if they ask for it, in lieu of washing soda subject to the condition that the cost involved does not exceed the cost normally incurred on supply of 30 grams of washing soda and 115 grams of firewood per week per prisoner.

24. Order :-

Prisoners who have no shaving equipment of their own, shall be allowed to have the services of the Jail Barber. Class I prisoners

shall be given this facility thrice a week and Class II prisoners twice a week.

25. Order :-

All female prisoners shall be allowed to retain their glass bangles. If any female prisoners requires to be supplied with bangles at Government cost unbreakable bangles of a suitable type, not exceeding two for each hand shall be supplied to her and she shall be allowed to retain these bangles at the time of her release. Glass bangles shall not be supplied or replaced at Government cost.

26. Order :-

A prisoner may be permitted to smoke or chew tobacco or to do both at his own expense, provided that either or both the privileges shall be liable to be withdrawn, if abused.

27. Order :-

Whenever accomodation permits, prisoners may be permitted by the Commissioner or the Superintendent to play indoor games like card carrom, chess and vyapar etc. at their own expense and inexpensive games such as ring, tennis at the Government expense. The necessary materials for such games may be provided by the Government at a cost not exceeding Rs. 100/-. Prisoner may with the previous permission of the Superintendent or Commissioner, receive materials for such games from their friends or relatives.

28. Order :-

Prisoners may be permitted to play chess, draughts and carrom at their own expense.

29. Order :-

Prisoners shall be supplied with sufficient light for reading at night till 10.00 p.m. A separate light may not be provided for each prisoner in barracks.

30. Order :-

Class 1 prisoners may be permittted to get 10 clothes per week washed at Government expense. Any clothes in excess of this number shall be charged for at the usual rates.

31. Order :-

The lock-up time for Class I prisoners shall be one hour later than that convicted prisoners.

32. Order :-

(1) Whenever a prisoner is released or transferred to another place of detention, his travel shall be arranged in second class of railway accommodation.

(2) Whenever a prisoner is released or transferred to another place of detention and the journey is to be performed by sea, he shall be given accommodation as follows: Class I prisoners : Upper or Second Class. Class II prisoners : Lowest Class.

(3) Whenever prisoner is released and the journey is to be performed by bus, he shall be given the actual bus fare.

(4) Whenever possible, a prisoner may also be permitted to send free of cost his luggage to the railway station, wharf or pier, or the bus stand, as the case may be, in cart, if any attached to the place of detention.

(5) Whenever a prisoner is released and the journey to be performed by him by railway, steamer, or bus is of a duration of 12 hours or more, he shall be given a subsistence allowance at the following rates for each 12 hours or fraction thereof Class I prisoners : 56 paise Class II prisoners : 37 paise

(6) Whenever a prisoner is released and there are no means of conveyance such as railway, steamer or bus available to him, he shall be given composite allowance at the following rates for each 24 kilometres or fraction thereof: Class I prisoners : Rs. 1.13 paise Class II prisoners : Rs. 0.75 paise.

33. Order :-

Whenever a prisoner is transferred to another place of detention whether in this State or another State or removed to Delhi in connection with the hearing of petition made by him to the Supreme Court and the journey to be performed by railway, steamer or bus is of a duration of 12 hours or more, he shall be given:

(a) a diet allowance for each 12 hours or fraction thereof at the rate

(i) Rs. 1.50 paise if he is a Class I prisoner; and

(ii) Rs. 0.75 paise if he is a Class II prisoner; and

(b) luggage charges at the rate of Rs. 0.19 paise per journey.

34. Order :-

(1) A prisoner shall be handcuffed or bound while being escorted to or from the place of detention or police lock-up if the Commissioner or the Superintendent so directs in writing.

(2) Notwithstanding anything contained in sub-clause (1), a prisoner may be handcuffed or bound by the officer-in-charge of the escort if he has reason to believe that the prisoner will use violence or attempt to escape or that an attempt will be made to rescue him.

35. Order :-

All particulars relating to prisoners shall be entered in a separate register (with serial number) and returns of satisfactions relating to them shall be submitted as far as may be as on the lines of jail returns.

36. Order :-

Notwithstanding anything contained in this Order, a prisoner who has been convicted of an offence under any law for the time being in force and sentenced to imprisonment shall be deemed to be a convicted criminal prisoner within the meaning of the Prison Act, 1894, and shall be governed by the provisions of that Act, and the rules made thereunder during the term of imprisonment: Provided that nothing in this clause shall affect the power of the Government to remove such convicted criminal prisoner from one place of detention to another place of detention under clause (b) of section 5 of the Act.

37. Order :-

Prisoners Class I and Class II, shall be given at Government cost, hot water for their bath during winter, if they make a request for it.