

## **CHAPTER 22 - Letters and Interviews**

### ***Facilities to new convicted prisoners***

#### ***Rule 538***

Every newly convicted prisoner shall be allowed reasonable facilities for seeing or communicating with his relatives, friends and legal adviser with a view to the preparation of an appeal, revision or to the procuring of bail. He shall also be allowed to have interviews with, or write letters to his relatives or friends once or twice or oftener if the Superintendent considers it necessary to enable him to arrange for the management of his property or other family affairs.

### ***Facilities to prisoners imprisoned in default of payment of fine or furnishing security***

#### ***Rule 539***

Every prisoner committed to prison in default of payment of fine or for failure to furnish security under Chapter VIII of the Code of Criminal Procedure, shall be allowed to communicate by letters and to have interviews at any reasonable time with his relatives and friends for the purpose of arranging for the payment of the fine or the furnishing of security.

### ***Letters on transfer from one prison to another***

#### ***Rule 540***

Every prisoner shall, on transfer from one prison to another be allowed to write special letters to his friends or relatives intimating the change of address. If the prisoner is for any reason unable to inform his friends or relatives before his transfer from a prison, he shall be permitted to do so after his arrival in the other prison.

### ***Application for admission to superior class***

#### ***Rule 541***

A prisoner may write an application addressed to Government through the District Magistrate for admission to a superior class. Such application shall, as far as possible contain all the necessary particulars regarding his social status, education, etc., as required by the rules.

### ***Representation to Government or Government officers***

#### ***Rule 542***

Prisoners may be permitted to address communications to Government, the Inspector-General or any other Government officers in their official capacity with a view to the redress of a grievance. Such communications shall be to the point and not contain any offensive or irrelevant matter. Communications from one prisoner on behalf of another or joint memorials or petitions are not permitted.

### ***Interviews and letters for condemned prisoners***

#### ***Rule 543***

Every prisoner under sentence of death shall be allowed to interview and communicate with his relatives, friends and legal adviser as the Superintendent may think reasonable. One interview and one letter <sup>1</sup>[\*\*\*\*] may normally be allowed. If desired by the prisoner, the Superintendent may request the District Magistrate of the prisoner's district to communicate his desire for an interview with his relatives or friends.

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<sup>1</sup> In rule 543, the words "per week" deleted by No. 3/23-SO-Prs.-II-HD/81, Gazette of Punjab, Part I, 2<sup>nd</sup> Oct., 1985.

## **Ordinary letters and interviews**

### **Rule 544**

In addition to the privileges referred to in the preceding rules, every convicted prisoner shall be allowed to have an interview with his friends or relatives once a \*<sup>2</sup>[fortnight]. Each prisoner should be allowed one service postcard a month, but there will be no restriction on the number of letters, which he may receive. He may also be allowed two letters per month at his own expense. These privileges shall be subject to good conduct and may be withdrawn or postponed by the Superintendent if the prisoner has been found guilty of a serious breach of discipline.

**Explanation 1** A letter merely arranging an interview shall not be counted as a letter for the purpose of this rule.

**Explanation 2** \*-~~[Deleted]~~.

## **Extra interviews and letters**

### **Rule 545**

- (i) The Superintendent may, at his discretion grant interviews liberally or allow the dispatch of letters at shorter intervals than provided in the preceding rule, or inspite of the prisoner's misconduct, if he considers that special or urgent grounds exist for such concession, as for example, in the event of the prisoner being seriously ill or on the occurrence of the death of near relative, or if the friends or relatives have come from a distance to see the prisoner and it would inflict an undue hardship on them to refuse an interview, or if the prisoner is nearing release and wishes to secure employment, or for other sufficient reasons. Matters of importance such as the death of a relative may also be communicated at any time by the friends of a prisoner to the Superintendent who will, if he thinks it expedient, inform the prisoner of the substance of the communication.
- (ii) In the case of a prisoner suffering from dangerous illness and in case of extreme urgency the friends or relatives should be called by letter or telegram.

## **Censorship of letters**

### **Rule 546**

No letter shall be delivered to or sent by a prisoner until it has been examined by the Superintendent or an officer authorised by the Superintendent in this behalf but no unnecessary delay shall be allowed to occur in its delivery or dispatch. If a letter is written in a language unknown to the examining officer, he shall take steps to get it translated before forwarding it. No letter written in cipher shall be allowed to be sent or received. The Superintendent may withhold any letter, which seems to him to be in any way improper or objectionable, or may delete any passages, which appear improper or objectionable. The subject matter of letters shall be restricted to private and domestic affairs only. Suspicious looking letters may be exposed to heat or treated in any other suitable manner as a safeguard against unauthorised messages written in invisible ink being smuggled in or out of prison.

## **Retention of letters by prisoners**

### **Rule 547**

A prisoner may, unless the Superintendent otherwise directs retain any letters which may have been delivered to him or may request that these be kept for him in the prison.

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<sup>2</sup> In rule 544, the word "week" substituted and the explanation No. 2, deleted by No, 3/23.SO-Prs.-II-HD/81, Gazette of Punjab, Part 1, 2nd Oct., 1985.

## ***No interview or communication to take place without permission of Superintendent***

### ***Rule 548***

No prisoner shall be allowed to have an interview or to write a letter except with the permission of the Superintendent, which shall be recorded in writing.

## ***Provision of writing materials***

### ***Rule 549***

Writing materials, including service post-cards shall be supplied to any prisoner permitted to write a letter and all letters shall be written at such time and place as the Superintendent may appoint. One day in the week, preferably Sunday shall be set apart for letter writing. Service postage stamps at Government expense shall be provided for prisoner's letters.

## ***Letter and Interviews, etc., to be recorded on history ticket***

### ***Rule 550***

- (i) Interviews and letters allowed to a prisoner shall be entered on his history ticket and initialed by the Superintendent or by an officer deputed by him.
- (ii) Every interview shall also be recorded in the interview register and entries shall be initialed by the Deputy Superintendent and Superintendent.
- (iii) All petitions, vakalat namas and notices sent or received by prisoners shall be entered on the history tickets. All registered letters and parcels received by prisoners shall be similarly recorded.

## ***Petitions for interview***

### ***Rule 551***

Request for interviews with prisoners may be oral or in writing at the discretion of the Superintendent. A prison official, to be deputed by the Superintendent, shall record the names of the interviews and prisoners in the interview register. If the prisoner is not entitled to an interview the applicant shall be informed at once by the Assistant Superintendent or other officer incharge of interviews.

**Explanation** While recording interviews number of the identity card of the interviewers shall also be entered in the interviews register. No visitor shall be allowed to interview without showing the identity card, if one has been issued to the interviewer

## ***Time and days of Interview***

### ***Rule 552***

The Superintendent shall fix the days and hours at which all interviews shall be allowed and no interview shall be permitted on any other day, or at any other time except with the special permission of the Superintendent. A notice specifying the days and hours for interviews shall be posted outside, the prison. Ordinarily interviews should be taken place on working days. No interview should be allowed on Fridays and gazetted holidays except with the special permission of the Superintendent.

**Explanation 1** If the number of interviews is large at any prison, request for interviews should be recorded twice daily i.e., in the morning and at afternoon.

**Explanation 2** Presents of cooked food, sweets and fruits from relatives and friends of prisoners may be permitted to prisoners on Id-ul-Fitr and Id-ul-Azha, and with the permission of the Superintendent, on the occasion of the marriage of a son, daughter, brother or sister of the prisoner.

## ***Place of interview***

### ***Rule 553***

Every interview shall take place in a special part of the prison set apart for the purpose, if possible at or near the main gate subject to the following conditions

- (i) If a prisoner is seriously ill, the Superintendent may permit the interview to take place in the prison hospital
- (ii) A condemned prisoner shall ordinarily be interviewed in his cell and
- (iii) The Superintendent may, for special reasons to be recorded in writing, permit an interview to take place in any part of the prison.

## ***Number of person at an interview***

### ***Rule 554***

Not more than six adults shall be allowed to interview a prisoner at one interview. At the last interview of a condemned prisoner, not more than fifty adults in five batches of ten each shall be allowed to interview the condemned prisoner. The Superintendent may exceed this limit if the occasion warrants it and is not likely to interfere with arrangements for execution the following day.

## ***Persons granted an interview may be searched***

### ***Rule 555***

Every person desiring to have an interview with a prisoner shall, give his name and address and submit to be searched if such interview is to take place inside the prison. The search shall not be made in the presence of any prisoner or any other person except the officers of the prison, and in case of a women visitor, the search shall be conducted by a women warder. If the visitor refuses to be searched or to give his name and address, he shall not be permitted to enter the prison or to interview any prisoner and the fact shall be recorded by the Deputy Superintendent in his report book.

## ***Supervision of interviews***

### ***Rule 556***

Every interview with a convicted prisoner shall take place in the presence of an Assistant Superintendent or other officer detailed for the purpose, who shall be responsible that no irregularity occurs, and shall so place himself as to be able to see and hear what passes and to prevent any prohibited article being passed between the parties. The conversation shall be limited to private and domestic affairs only. \*[<sup>3</sup>For this purpose a grated gallery 5½' to 6' width, fitted with expanded metal shall be provided to maintain the distance between the prisoners and the interviewers.]

For this purpose a grated gallery of 18" to 24" width fitted with expended metal shall be provided to maintain the distance between the prisoners and the interviewers.

## ***Termination of interviews***

### ***Rule 557***

An interview may be terminated at any moment, if the officer supervising the interview considers that sufficient cause exists. In every such case the reason for terminating the interview shall be reported at once for the orders of the senior officer present at the prison.

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<sup>3</sup> Added to the existing rule 556. by No. 3!23-SO.Prs.-11-HD/81, Gazette of Punjab Part 1, 2nd Oct., 1985.

### ***Duration of interview***

#### ***Rule 558***

The time allowed for an interview shall not ordinarily exceed thirty minutes but may be extended by the Superintendent at his discretion.

### ***Search of prisoner before and after interview***

#### ***Rule 559***

Every prisoner shall be carefully searched before and after an interview by a head warder or warder specially deputed for this purpose. The search shall not be conducted in the presence or within sight of interviewers.

### ***Superintendent may refuse any interview***

#### ***Rule 560***

The Superintendent may refuse an interview to a prisoner ordinarily entitled under the rules, if in his opinion it is against the public interest to allow any particular person to interview the prisoner or for some other sufficient cause. In every such case he shall record in his order book the reason for such refusal. The Superintendent may, in his discretion disallow ex-prisoners from interviewing prisoners, unless they are related to them.

### ***Abuse of privilege***

#### ***Rule 561***

Any prisoner who abuses any privilege relating to interviews or letters or communications with persons outside the prison shall be liable to be excluded from such privileges for such time and may be subjected to such further restrictions as the Superintendent may direct.

### ***Deposit of articles or cash at interview***

#### ***Rule 562***

Should the friends or relatives interviewing a prisoner wish to make over any articles or cash for the use of the prisoner either in prison or on release, they shall deposit these at the main gate with the permission of the Superintendent. Any article or cash deposited under this rule shall be entered in the relevant registers and the prisoner informed. The prisoner shall be permitted while in prison, to use only such articles as he is allowed to have under the rules. The introduction of any article or cash into the prison, except in accordance with this rule or with the written sanction of the Superintendent, is prohibited and declared to be an offence under section 42 of the Prison Act, 1894.

### ***Fixation of quota of articles to be received by the prisoners at the time of interviews***

#### ***Rule 563***

(i) Prisoners may be allowed to receive the following articles for their consumption once a month at the time of interviews:-

Gur, shakkar or sugar	1 Kgr. 866 Gr
Cigarettes	15 packets of ten each
Ghee	1 Kgr. 866 Gr.
Mustard oil	0 Kgr. 933 Gr.
Toilet soap	2 cakes.
Washing soap	933 Gr.
Chewing tobacco (bira)	233 Gr

A tin for keeping gur, shakkar, ghee and oil may be allowed.

- (ii) Juvenile prisoners shall not be permitted to receive or smoke cigarettes or biris, etc.
- (iii) Other articles like fruits, sweets and cooked food may be allowed at interviews only and allowed to be taken inside the prison.

### ***Interviews, etc. in case of under-trial and civil prisoners***

#### ***Rule 564***

Under-trial and civil prisoners shall be granted all reasonable facilities at proper times and under proper restrictions for interviewing or otherwise communicating, either orally or in writing, with their relatives, friends or legal advisers. Under-trial prisoners may ordinarily be allowed one interview \*<sup>[4]</sup>in a fortnight].

### ***Number of letters allowed to under-trial prisoners***

#### ***Rule 565***

An under-trial prisoner shall be allowed to write a letter once a week at Government expense. If an under-trial prisoner desires to write more letters in connection with his defense, he may be allowed to do so at Government expense, if the Superintendent considers this necessary. He may also be permitted to send other letters at his own expense.

### ***Interviews of under-trial prisoners with legal advisers***

#### ***Rule 566***

Every interview between an under-trial prisoner and his legal advisor shall take place within sight, but out of hearing of a prison official. A similar concession may also be allowed by the Superintendent in the case of an interview with any near relative of under-trial prisoner.

**Explanation** The term, “friend or relative” as applied to a prospective interviewer of prisoners and as occurring in rules supra is to be liberally and strictly interpreted, i.e., no one should be allowed an interview with a prisoner who is not entitled under the rules, unless he can submit proof of a personal or intimate acquaintance or near relationship. In the case of a relative, the nature of relationship should be ascertained.

### ***Application from legal adviser for under-trial prisoners***

#### ***Rule 567***

When any person desires an interview with an under-trial prisoner in the capacity of his legal adviser he shall apply in writing, giving his name and address, nature of case and stating the immediate object of his visit and shall satisfy the Superintendent that he is a bona fide legal adviser of the prisoner with whom he seeks an interview and that he has legitimate business with him.

### ***Confidential letters of under-trial prisoners***

#### ***Rule 568***

Any bona fide confidential written communication prepared by an under-trial prisoner as instructions to his legal adviser, shall be forwarded to that legal adviser and the Superintendent shall not disclose the contents of the communication or any portion thereof to any other person. For the purpose of this rule the term legal adviser means a legal practitioner within the meaning of Act XVIII of 1879.

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<sup>4</sup> In 564, the words “every wee” substituted by No. 3/23-SO-Prs.-H-HD/81, Gazette of Punjab, Part I, 2<sup>nd</sup> Oct, 1985

### ***Interviews with approvers***

#### ***Rule 569***

The Deputy Superintendent shall personally conduct interviews with approvers, after these are granted by the District Magistrate and shall bring all these interviews to the notice of the Superintendent and also keep a record in his report book. Such interviews shall be terminated at once if any attempt is made by the interviewers to influence the prisoner to withdraw his confession or to alter his evidence.

### ***Interviews of civil prisoners***

#### ***Rule 570***

Civil prisoners may see their friends and relatives at such time and under such restrictions as the Superintendent may fix. The presence of a prison officer shall not be necessary.