

UTTAR PRADESH IMMORAL TRAFFIC (PREVENTION) RULES, 1993

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UTTAR PRADESH IMMORAL TRAFFIC (PREVENTION) RULES, 1993

¹1. vide Notifn. No. 6216/26-2-93-148-79. dated 7th March, 1994. published in the U.P. Gazette. Part. 1 (ka), dated 20th August, 1994 .pp. 1881-1896, No.34 (1994 LLT-V-231). In exercise of the powers under Sec. 23 of the Immoral Traffic (Prevention) Act, 1956 (Act No. 104 of 1956) read with S.21 of the General Clauses Act, 1897 and in supersession of Government Notification No. 3549/XXXVI- SW-163-57. dated 6th February, 1961, the Governor is pleased to make the following rules :

1. Short title and commencement :-

(1) These rules maybe called the Uttar Pradesh Immoral Traffic (Prevention) Rules, 1993.

(2) They shall come into force with effect from the date of their publication in the Official Gazette.

2. Definitions :-

(1) In these rules, unless the context otherwise requires-

(a) "Act" means the Immoral Traffic (Prevention) Act, 1956:

(b) "Advisory Body" means a body of not more than five leading social welfare workers of the area specified by the State Government for the purpose of sub-section (1) of Sec. 13. appointed by the State Government to assist the Special Police Officer;

(c) "Board" means the Board of Visitors appointed as such by the State Government under rule 41;

(d) "Chief Inspector" means the person appointed as such by the State Government to discharge the functions of the Chief Inspector under these rules:

(e) "Form" means a form appended to these rules;

(f) "Licence" means a licence granted by the State Government under Sec. 21;

(g) "Section" means a section of the Act:

(h) "Superintendent" means the Principal Officer in charge of a protective home or a corrective institution, as the case may be, and shall include any person appointed as such by the State Government to discharge the functions of the Superintendent under these rules,

(2) Words and expressions used in the Act but not defined In these rules shall have the meaning assigned to them in the Act.

3. Manner of notifying public places :-

A copy of every order of the District Magistrate notifying a place to be public place under sub-section (1) of Section 7 shall be affixed to a conspicuous part of the public place so notified and also to the Court of the District Magistrate.

4. Placing of persons in safe custody :-

(1) Where a responsible and trustworthy person belonging to the same religious persuasion as that of the person produced before a Magistrate under sub-sections (1) and (2) of Section 17 , is willing to take charge of the person so produced and the Magistrate acting under sub-section (1) or sub-sections (3) and (4) of that section, passes an order placing the person in the safe custody of that person, such person execute before the Magistrate an undertaking in Form I.

(2) If the person interested with the custody of the person under sub-rule (1) Is no longer willing to fulfil the conditions of the undertaking, he may apply to the Magistrate for relieving him of the responsibilities to keep the person in his custody.

(3) After the expiration of six months from the date of detention, if

the Magistrate after making an enquiry from the Probation Officer appointed by the State Government under the provisions of the United Provinces First Offenders' Probation Act, 1938 is satisfied that there is a reasonable probability that the offender will lead a useful and Industrious life, he may, discharge him provided that such an offender is not declared to be guilty under sub-section (2) of Section 17 .

5. Detention of persons in protective homes/corrective institutions :-

Where in pursuance of sub-section (1) of Section 10A or sub-section (4) of Section 17 or sub-section (3) of Section 19 , a Magistrate passes an order directing that the person be detained in a protective home/corrective institution, a warrant of detention in Form II shall be prepared in duplicate and shall be forwarded to the Superintendent who shall retain one copy and return the other to the Magistrate after making an endorsement therein that the person referred to in the warrant has been duly taken in his charge.

6. Notification of residence etc. by convicted offenders :-

(1) A convicted offender who has been ordered by the Court under Section 11 to notify his residence or any change or absence from such residence shall, immediately after his release, report himself to the police officer having jurisdiction over his place of residence and shall also leave his correct address with such police officer. Thereafter, he shall report himself to such police officer once in every month till the expiry of the period for which he is required to notify his residence.

(2) When any such offender intends to change his place of residence, he shall intimate his intention to the police officer having jurisdiction over his place of residence and also furnish to him the correct address of the intended place of residence. In every such case, the police officer shall send to the police officer having jurisdiction over the new place of residence a report of the intended change of residence together with full particulars of the convicted offender.

(3) As soon as the offender takes up his residence in the new place, he shall report himself to the police officer having jurisdiction over that place and shall also report himself to such officer once in every month till the expiry of the period for which he is required to notify his residence.

(4) If, for any reason, the offender does not change his place of residence as originally intended, he shall report the fact to the police officer having jurisdiction together with the reason for such change of intention.

(5) The provisions of sub-rules (2), (3) and (4) shall apply to temporary absence from the place of residence for any period exceeding seven days: Provided that, in the case of temporary absence, the convicted offender shall again report to the police officer as soon as he returns to the usual place of residence.

(6) Any person who commits a breach of any of the sub-rules (1) to (5) shall be punished with fine which may extend to two hundred and fifty rupees.

Explanation.- In this rule, the police officer means the officer-in-charge of a police station.

7. Licensing of protective homes and corrective institutions

:-

(1) Application for a licence under sub-section (3) of Section 21 shall be made in Form III to the State Government.

(2) On receipt of an application for a licence, the State Government shall cause full and complete investigation to be made through an officer or authority appointed in this behalf before issuing the licence. The said officer or authority before reporting on the application to the State Government shall record the statement of the applicant or applicants and the special police officer appointed for the area. In addition, he may make enquiries from such social welfare workers or respectable person of the locality as he may deem necessary. The State Government, if satisfied that the applicant or applicants is or are fit person or persons to whom a licence may be granted, may grant a licence in Form IV, which is granted will remain in force for a period of one year.

(3) An application for the renewal of licence shall be made in Form V at least 30 days before the date of expiration. The licence may thereupon be renewed for a like period.

(4) No licence issued or renewed under this rule shall be transferable.

(5) The licensee shall comply with all the conditions of the licence and the provisions of the Act and these rules and shall maintain all

registers and accounts in the manner hereinafter laid down and shall submit all statements and returns as prescribed in these rules.

8. Admission into protective homes or corrective institutions :-

(1) On the admission of a person into a protective home or corrective institution under the provisions of the Act, he shall be examined by the Superintendent, who shall record in the inmates register in Form VI the particulars required to be shown in the register.

(2) The person admitted into a protective home or corrective institution shall then be supplied with a new set of clothes and the clothes worn by him at the time of admission shall be destroyed, if they are in rags or a filthy and verminous condition. The clothing of every person to be detained for a period of two years or more shall, if they are liable to be destroyed, be sold and the proceeds credited to the personal account of the person concerned. In all other cases, the clothing of a person shall be returned to the parents, guardian or relative of the person concerned and if it is not possible to do so, shall be washed, tied up in a bundle and stored and returned to the person concerned on his discharge. He shall also be given a bath, which shall be of a disinfecting nature.

(3) The Superintendent or any other official of the protective home or corrective institution considered suitable by such Superintendent shall then take the person to the nearest hospital for examination. If there is no hospital within a reasonable distance, the medical examination of the person shall be conducted by the nearest qualified doctor.

(4) Persons found to be suffering from any venereal disease shall be kept, as far as possible, separate from the other inmates of the protective home or corrective institution and person suffering from minor ailments shall be treated by the Medical Officer of the protective home or corrective institution. If any person is suffering from serious illness he shall be taken to the nearest hospital for admission and a report shall immediately be sent to the District Magistrate. A copy of the report shall be simultaneously sent to the Chief Inspector.

9. Admission of children accompanying inmates into protective home or corrective institution :-

(1) A child below seven years of age in the care of its mother who is detained or ordered to be kept in the protective home or corrective institution may also be admitted to the home or institution along with her, if it cannot be placed with its relatives or otherwise properly provided for. If any question arises as to whether a child is below seven years of age or not, such question shall be determined by the Superintendent.

(2) A child born in the home or institution after the admission of the inmate into the protective home or corrective institution may remain with her.

(3) No child shall be kept in the protective home or corrective institution. If it has completed the age of seven years. On a child completing such age, the Superintendent shall intimate the fact to the Chief Inspector with a view to his making arrangements, if possible, to place the child or to produce it before the Child Welfare Board/Children Court/juvenile Court constituted under the Juvenile Justice Act, for such order as may be declared fit by the competent authority under the Juvenile Justice Act.

(4) A child kept in the protective home or corrective institution shall be allowed such diet and clothing as the Medical Officer attached to the home or institution may think fit.

10. Case record :-

A record comprising a history ticket in Form VII and other information regarding the study, classification and placement of the inmate and his responsiveness to institutional treatment shall be maintained in respect of each inmate.

11. Medical examination :-

Every inmate shall be medically examined and weighed once in every month and the result of such examination and weighing shall be recorded in the history ticket of the inmate. A statement in Form VIII shall be submitted by the Superintendent before the 10th of every month to the Chief Inspector showing the weighing statistics of the protective home or corrective institution.

12. Strength establishment of protective home or corrective institution :-

The strength of establishment including executive, clerical and correctional personnel of each protective home or corrective institution whether established or licensed by the State Government shall be determined by the State Government from

time to time In consultation with the Chief Inspector. The State Government in consultation with the Chief Inspector, may also assign the duties to them. Necessary arrangements for medical aid of the inmates shall be made by the State Government In consultation with the Chief Inspector.

13. Superintendent :-

(1) Each protective home or corrective Institution shall be headed by a whole time Superintendent, preferably a woman, who is professionally trained in social work or has a wide experience in women's welfare. In performing his duties, the Superintendent shall be assisted, besides executive and clerical staff, by as many specialists, such as, case workers, psychologists, etc., as considered necessary by the State Government, for home or Institution under his charge. The Superintendent shall generally be responsible for the observance of all rules and orders, the supervision of the subordinate staff and the maintenance of discipline among the inmates. He shall in his own handwriting maintain an of office journal in which shall be recorded dally, every occurrence of importance connected with the management of the home or institution, which is not otherwise disposed of In the register of correspondence and which it is desirable to note for future guidance. The journal shall be forwarded to the Chief Inspector at the end of each month, who shall Immediately return it after perusal with such remarks as he may consider necessary.

(2) The Superintendent of a corrective institution shall pay special attention to the individual problems of each inmate under his charge and for this purpose he shall ensure that a systematic programme of study for classification, placement, recovery, education and rehabilitation is planned for them.

14. Duties of Superintendent :-

The following duties, in addition to other duties assigned by protective home or the State Government from time to time, appertain to the Superintendent :

(i) The Superintendent shall be in charge of general supervision and sanitation of the home, and the health of inmates;

(ii) The Superintendent shall be responsible for the discipline of the subordinate staff;

(iii) The Superintendent shall be in charge of maintaining general

accounts, disbursing bills, custody of jewellery, cash and other belongings of the Inmates;

(iv) The Superintendent shall be in charge of office correspondence and public relations;

(v) The Superintendent shall arrange meetings of the Board and submit immediately the reports of the meetings to the Chief Inspector:

(vi) The Superintendent shall make surprise inspection of provision stores at least once a month, shall visit the home or institution at uncertain hours at least twice a month during night and check that everything is in order:

(vii) The Superintendent shall be responsible for submitting statements and returns under these rules in addition to such statements and returns as may be prescribed by the State Government in consultation with the Chief Inspector from time to time;

(viii) The Superintendent may grant casual leave to subordinate staff;

(ix) The Superintendent shall be responsible for the purchase of provisions as per the orders issued by the Chief Inspector from time to time. He shall also ensure the weighing of rations before it is served out to the cooks and shall inspect the food daily when it is cooked and ready for distribution to make sure that it is properly cooked and that the full quantity reaches the Inmate;

(x) The Superintendent shall make an optimum use of institutional resources in providing to Inmates the requisite opportunities for personality reconstruction and reformative treatment;

(xi) The Superintendent shall be responsible for all the properties of the protective home or corrective institution and all money and stores received.

15. Weekly inspections :-

(1) On one morning in every week which shall usually be Monday, the Superintendent accompanied with the Medical Officer shall hold a thorough inspection of all the inmates. At each such inspection the Superintendent shall satisfy himself that,-

(a) every inmate is provided with clothing and bedding;

(b) they are clean and tidy, and

(c) the rules and orders applicable to inmate are being duly carried out.

(2) The Superintendent shall, at every such inspection, hear and enquire into any complaint and or request that the inmates may wish to make. It shall be his duty to hear the complaints and/or requests of inmates patiently and to afford them reasonable facilities for making such complaints and/or requests.

(3) Nothing in this rule shall debar any inmate from making a complaint and or/request to the Superintendent at other times than at the weekly inspection, and it shall be the duty of every member of the staff to produce before the Superintendent without delay any inmate desiring to see him.

16. Documents to be kept in the personal custody of the Superintendent :-

The following documents shall be kept in the personal custody of the Superintendent,-

(a) Contract and agreement bonds.

(b) Contractor's and subordinates security deposit receipts or Post Office Savings Bank Account Books and Post Office Cash Certificate.

(c) Personal files, service books and character rolls of the staff.

17. Previous sanction required to leave Station by Superintendent :-

Without the written sanction of the District Magistrate, the Superintendent shall, on no account, absent himself from the station.

18. Office order book :-

The Superintendent shall maintain an order book for the protective home or corrective institution in which he shall record all standing orders issued to his subordinates from time to time. He shall by an order allot the various duties to his subordinates and may, by a subsequent order, vary such allotments as and when considered necessary.

19. Duties of the Medical Officer of protective home or corrective institution :-

(1) In addition to such other duties as may be assigned to the

Medical Officer of protective home or corrective institution by the State Government from time to time in consultation with the Chief Inspector, the Medical Officer shall visit the protective home or corrective institution every day except on Sundays and other holidays on Sundays and holidays also, when necessary. He shall attend to the Health and cleanliness of the inmates, the treatment, of the sick, the sanitation of the corrective institution, general inspection and supervision of food and all other matters connected directly or indirectly with the health of the staff and inmates of the home or institution.

(2) On each visit to the protective home or corrective institution, the Medical Officer shall enter his remarks in the register in Form IX.

(3) The Medical Officer shall accompany the Chief Inspector during his inspection of the protective home or corrective institution.

(4) During the absence of the Superintendent on short leave (other than casual leave) or during a vacancy in the post of Superintendent for a short period, if there is no Deputy or Assistant Superintendent to hold his charge, the Medical Officer with the previous approval of the Chief Inspector, may act, if called upon to do so, as the Superintendent in addition to his own duties.

20. Education and Training of inmates of protective home/ corrective institution :-

(1) Provision shall be made for general education and training programme in each protective home and corrective institution, each protective home or corrective institution shall, as far as possible, provide for vocational training of inmates in keeping with their aptitudes, interests and rehabilitative requirements. All inmates unless physically incapable, diseased or sick, shall be engaged on constructive work.

(2) Each protective home or corrective institution shall be provided with such facilities of education and training as approved by the Chief Inspector. The curricular of education and vocational training to be followed in a protective home or corrective institution shall be drawn in consultation with the Director of Education or the Director of Employment and Training or other concerned departments of the State Government, as the case may be. If found necessary, the facilities for education and vocational training available outside the protective home or corrective institution, may also be purposefully

availed of for the benefit of inmates with the approval of the Chief Inspector.

(3) Adequate number of trained teachers and qualified instructors shall be appointed for imparting educational and vocational training to the inmates.

21. Daily routine of protective homes and corrective institutions :-

(1) The daily routine of the inmates shall be fixed by the Superintendent with the approval of the Chief Inspector, generally on the following lines:-

(2) Daily routine may be suitably modified on Sundays and other holidays.

(3) In corrective institution, the daily routine of inmates shall be so regulated as to provide ample scope for an individualised correctional treatment of different types of inmates.

22. Diet of inmates in protective home and corrective institutions :-

(1) The inmates of protective home and corrective institutions shall be provided with a balanced nutritious and wholesome diet in accordance with the scale prescribed by the State Government from time to time. The scale of the diet shall generally conform to the following requirements:

(2) For pregnant and nursing women, the following items shall be added to the scale:

(3) The scale of fuel per inmate shall be as under : Coal .. 285 grams, when total number of inmates Is more than 150, 340 grams, when the total number of Inmates Is below 150. Firewood .. 565 grams, when the total number of inmates is more than 150, 680 grams, when total number of Inmates is below 150.

(4) Special diet as approved by the Chief Inspector shall be issued on festival day to be specified by the State Government. Diet for sick and diseased inmates shall be regulated as per the advice of the Medical Officer.

23. Supply of clothing, etc. to inmates of protective home and corrective institutions :-

(1) The inmates of the protective home or corrective institution shall be provided with clothing, bedding and other articles in accordance with the scale prescribed by the State Government from time to time on the following basis : Two sets of garments per year. Four sets of customary undergarments per year. One pair of chappal/footwear every year. Two towels per year. Sterilised sanitary pads as per requirements (in the case of women inmates) One thick cotton durrie or mat (2 metres x 1 metre). One pillow and two pillow covers every two years. One cotton bed sheet and one cotton chadar per year. Woollen blankets and warm clothing according to the climatic requirements, or on medical recommendation.

(2) Each inmate shall be supplied with one steel box, one plate, one mug, one bowl, one comb, and one mirror. For the purpose of washing clothes, one bar of washing soap per month, and for bathing purpose one cake of soap per month be supplied to the inmate. Further the inmates shall be provided with 5 grams, of oil daily for oil bath. Tooth powder, twigs or other means of cleaning teeth shall also be given for daily use.

(3) All articles of inmates, clothing, bedding etc. shall be washed and exposed to the sun and disinfected and fumigated at fixed intervals. All such articles shall be sterilised before initial use and subsequent use.

24. Living space for inmates of protective home/corrective institution :-

Every inmate shall have a separate bed with a floor space of not less than 2.5 metres x 1.5 metres. A place shall be allowed for every inmate in the dormitory.

25. Religious and moral Instructions :-

(1) The protective home and corrective institution shall not be used as a means of fostering one religion at the expense of others and the principle of secularism shall be maintained strictly.

(2) Religious and moral instructions to inmates of protective homes and corrective Institutions shall be allowed on condition that proselytising is carried on under the cloak of such instructions and that nothing is done to take the Inmates away from the religion professed by them. These Instructions may be in the form of meditation, group prayers, devotional songs which can be recited by persons of all religions : selected reading of literature, dealing

with ethics and universal principles of religions ; study of the lives of saints ; social reformers and moral teachers and moral lectures, talks and discourses.

(3) The Superintendent shall endeavour to secure the services of honorary moral teachers and Instructors and in their absence the senior members of the staff preferably and teachers, shall be deputed to impart religious and moral Instructions to the inmates of their own faith at least once a week.

(4) The selection of honorary moral teachers and Instructors shall be made by the Chief Inspector In consultation with the District Magistrate.

(5) The Chief Inspector may remove from the list of honorary moral teachers and instructors the name of any such teacher or Instructor if he is found unsuitable for the purpose.

26. Libraries for protective home and corrective institutions

:-

Every protective home or corrective institution shall be provided with a library of suitable books and periodicals with a catalogue. The choice of books and periodicals shall be made by the Superintendent and approved by the Chief Inspector in keeping with the requirements of the character-building and self-improvement of the inmates.

27. Attendance of the inmates of protective home or corrective institution before police or Magistrate :-

Any inmate whose attendance is required before the police or before a court shall be permitted to leave the protective home or corrective institution for the purpose only on receipt of a written requisition signed by a Police Officer not below the rank of Deputy Superintendent of Police authorised by the Superintendent of Police of a summons issued by a Court of competent jurisdiction. The inmates shall in such a case be accompanied by the Superintendent or by any other members of the staff considered suitable by the Superintendent.

28. Escape and recapture of inmate of protective home or corrective institution :-

(1) The Superintendent shall give immediate notice of the escape or recapture of any inmate of the home or institution to--

(a) the Chief Inspector:

(b) the nearest Police Station; and

(c) the District Magistrate;

(2) On receipt of notice of escape under sub-rule (1) the officer in charge of police station shall take necessary steps to recapture the inmate and to bring him back to the home or institution from which he escaped.

(3) The time which elapses after the escape of an inmate till his recapture under sub-rule (2) shall be excluded in computing the period of his detention in the home or institution.

29. Death of inmate in protective home or corrective institution :-

In case of death of any of the inmates, the Superintendent shall immediately report the circumstances of the case to the Chief Inspector and the District Magistrate. Simultaneously the parents or guardians or relatives of the deceased inmate shall also be informed Immediately.

30. Transfer of inmates :-

(1) The Chief Inspector may, at his own or on the report of the Superintendent, order for the transfer of any person detained in a protective home or corrective institution to-

(i) another protective home or corrective institution, as the case may be, if such a transfer is considered necessary for the welfare of the inmate or In the interest of the institutional discipline or for want of proper accommodation and the ground on which the transfer is made shall be recorded in writing;

(ii) a corrective institution from a protective home, if the attitude, behaviour and conduct of the inmate Is such that he requires intensive corrective treatment;

(iii) a protective home from a corrective institution, if the attitude and conduct of the person and other relevant circumstances Including the land of facilities required by him warrant such a transfer:

(2) Without prejudice to any disciplinary action under these rules, the Superintendent with the prior approval of the Chief Inspector may report to the Court, the case of any person detained In such

protective home or corrective institution, who is found to be incorrigible or exercising bad influence upon other inmates of the home or institution or whose presence becomes detrimental to the discipline of the home or institution, and the Court may thereupon, if satisfied, convert the balance of his detained period of detention in a home or institution or part thereof into a term of imprisonment: Provided that the period converted into a sentence of imprisonment by the Court shall not exceed three months at a time.

(3) On receipt of the order of the Court under the foregoing sub-rule, the Superintendent shall forthwith transfer the person along with the detention warrant to the prison for execution of the sentence of imprisonment.

(4) The Superintendent of the prison in which any person is ordered to undergo a sentence of imprisonment under sub-rule (2) shall inform the Superintendent of the due date of the expiry of the term of imprisonment at least 15 days in advance.

(5) On receipt of information under the foregoing sub-rule, the Superintendent shall bring or cause to be brought the person to the protective home or corrective institution as the case may be, on the expiry of sentence of imprisonment ordered under sub-rule (2) for undergoing the remaining period, if any, of his detention in protective home or corrective institution.

(6) The Superintendent of a person to which a person is sentenced under Section 7 or Section 8 at any time, report to the Court, the case of any person who requires prolonged protection or such instruction and discipline as are conducive to his correction and the Court may thereupon if satisfied, pass an order of detention, in protective home or corrective institution, as the case may be, for a term not being less than two years and not bearing more than five years, as the court thinks fit.

(7) On receipt of the order of detention from the Court under sub-rule (6), the Superintendent of the prison shall forthwith transfer the person alongwith the warrant of detention to the protective home or corrective institution, as the case may be.

(8) The detention order as aforesaid shall be executed in the same manner as a detention order passed under Section 10A of the Act.

31. Visit to and communications with the inmates of

protective home and corrective Institution :-

(1) No inmate shall be allowed to see visitors or receive letters without the express permission of the Superintendent and no male visitor shall be permitted to interview any of the inmates except in the presence of the Superintendent or any other member of the staff of the home or institution so authorised by the Superintendent. In this behalf: Provided that the Superintendent may not without reason to be recorded in writing decline permission to the representatives of an organisation or Association concerned with the protection and promotion of women's right to visit the protective home or corrective institution to meet the inmates thereof.

(2) Every inmate admitted to a protective home or corrective institution shall be allowed reasonable facilities for seeing or communicating with his relatives, friends or legal advisors for the preparation of an appeal.

(3) Parents and guardians may visit inmates of a protective home or corrective institution on Mondays between 4.00 p.m. to 6.00 p.m. For every urgent reasons visitors may be allowed on other days and at other times with special permission of the Superintendent. The privilege of receiving visitors may be refused on the order of the superintendent as a punishment for misconduct by the inmate or if it is used to introduce any prohibited article into the home or institution or if the parent or guardian has or is likely to have in the opinion of the Superintendent, bad influence on an inmate or inmates or for any other sufficient cause. The Superintendent shall record his reasons for such refusal in the office journal.

(4) Every inmate shall be allowed to write/receive a letter once a month during the period of detention or stay in the home or institution, subject to the condition of good conduct.

(5) If the address of the parents or guardians is known, they shall be given notice of any serious illness of the inmate and the Superintendent shall answer any reasonable enquiries made by the parents or guardians.

(6) Inmates shall be allowed, if they so desired, to write letters in order to inform their parents or guardians of their transfer from one protective home or corrective institution to another. This shall not be counted as a letter for the purpose of sub-rule (4).

(7) No letter shall be delivered to or sent by any Inmate unless the Superintendent has satisfied himself that Its transmission is not objectionable.

(8) The Superintendent may at his discretion grant interviews or allow the despatch or receipt of letters at short Intervals than those provided in sub-rule (4) in spite of the inmate's misconduct, if he considers that special or urgent grounds exist for such concession.

(9) A register shall be maintained by the Superintendent for recording the visits of parents or guardians of the Inmates of the home or Institution. Cases of refusal to permit visits shall be recorded in this register with reasons.

(10) A register of correspondence between the Inmates and their parents and guardians shall be maintained.

32. Permission to inmates to absent themselves for short period from protective home/corrective Institution :-

(1) With the previous sanction of the Chief Inspector, and in very special cases the Superintendent may, grant to any Inmate leave of absence for period not exceeding a week on the death of the parent or guardian or to visit the parent or guardian who is seriously III. The Chief Inspector may extend the leave granted by a period not exceeding two weeks. The leave granted may at any time be cancelled or curtailed without assigning any reason and the Inmate recalled.

(2) The period during which an inmate is absent from the protective home or corrective institution under sub-rule (1) shall be deemed to be a part of his detention in the home or institution.

33. Discipline and punishment :-

(1)The following acts are forbidden In a protective home or corrective institution and any Inmate who wilfully commits breach of any of them shall be deemed to have wilfully disobeyed the regulations of the protective home or corrective institutions-

(a) quarreling with any other Inmate/inmates;

(b) any assault or use of criminal force;

(c) use of insulting, obscene or threatening language;

(d) immoral or indecent or disorderly behaviour;

- (e) wilfully disabling himself for labour;
- (f) contumaciously refusing to work;
- (g) wilful idleness and negligence at work;
- (h) wilful damage to the property;
- (i) wilful mismanagement of work;
- (j) tampering with or defacing history ticket, records, documents or tools;
- (k) receiving, possessing or transferring any prohibited article;
- (l) feigning illness;
- (m) wilfully bringing a false accusation against any officer or Inmate;
- (n) omitting or refusing to report, as soon as it comes to his knowledge, the occurrence of any fire, any plot or conspiracy of escape, attempt or preparation to .escape or any attack upon any inmate or official;
- (o) conspiring to escape or to assist in escaping;
- (p) answering untruthfully any question put by an officer or a visitor.
- (q) refusing to eat food or wilfully destroying food, and
- (r) committing a nuisance in any part of the home or institution.

(2) The Superintendent may award any of the following punishments for the act or acts specified in the sub-rule (1).

- (a) deprivation of play hours;
- (b) temporary cessation of visits from parents or guardians; and
- (c) change to labour of severe nature for a period not exceeding three months.

(3) A punishment book shall be maintained by the Superintendent who shall record full particulars of the punishment inflicted by him together with nature of offences, the names of the offenders and number of previous punishments awarded to them.

(4) An extract from the punishment book shall be sent by the

Superintendent to the Chief Inspector before the 10th of every month.

34. Prohibited articles :-

Liquor, intoxicating drugs including opium and ganja shall be the prohibited articles and shall not be introduced, received, possessed or transferred in the protective home or corrective Institution.

35. Treatment of mental cases :-

When an Inmate of protective home or corrective institution is sent to a Government mental hospital for observation or treatment action shall be taken by the Superintendent under sub-sections (1) and (2) of S.19, of the Medical Health Act. 1987, for obtaining reception orders.

36. Removal to civil hospital for treatment :-

(1) Whenever an officer of a protective home or corrective institution considers it necessary to remove an inmate to a Civil Hospital for treatment as an indoor patient, he shall draw up a full statement of the case and forward the same to the Superintendent who shall forthwith cause the inmate concerned to be sent to the hospital temporarily.

(2) The inmate shall immediately proceed under escort to the hospital and present himself to the officer in charge of the hospital.

(3) The inmate shall be an indoor patient in the hospital and shall not leave it until formally discharged therefrom.

(4) The authorities of the hospital shall give Intimation to the Superintendent concerned before discharging the inmate from the hospital. On receipt of intimation, the Superintendent shall arrange for an escort to fetch the inmate. The railway warrant, subsistence allowance, bus or other fare and any other necessary allowance for the inmate and the escort shall be given to the escort. So arranged by the Superintendent, such charges shall also be paid to the escort while removing the inmate from the protective home or corrective institution to the hospital.

(5) When an inmate is removed for treatment to a Civil Hospital, no charges shall be made against the protective home or corrective Institution for the treatment and diet given to the inmate in the hospital.

37. Period spent in hospital :-

When an inmate is sent to a Government Mental Hospital or as an indoor patient to a Civil Hospital the period spent by him in such hospital and in going there and return therefrom shall be deemed to be part of the period of his detention or stay in the protective home or corrective institution.

38. Discharge of inmates of protective home or corrective Institution :-

(1) On a report from the Superintendent the Chief Inspector may order any person detained in a protective home or corrective institution, whose behaviour is found to be good and who is unlikely to commit any offence under the Act. to be discharged without or with conditions as he deems fit to impose and grant him a written licence of such discharge in Form X: Provided that no such person shall be discharged on licence unless he has resided in the corrective institution for a period not less than six months or in a protective home for not less than one-third of his detention, as the case may be.

(2) The Superintendent shall at the end of each month prepare a statement of inmates who have to be discharged in the subsequent month and read out that statement to the inmates. All such cases in which the inmates have no safe place to go back shall be reported by the Superintendent to Chief Inspector at least one month before the date of their charge from the home or institution for such rehabilitative placement as the Chief Inspectors deems appropriate.

(3) On the day of the discharge, the inmates's state of health shall be recorded by the Superintendent In the Inmate's Register he shall compare the entries in the warrant of Committal with those in the Register and shall satisfy himself that they agree and the term of the inmate has been duly served. He shall then sign the endorsement for discharge on the warrant, certifying the due expiry of the term. The belonging of the inmates shall be handed over to him and the details recorded in the appropriate column in the Inmate Register. The inmate shall be given food for the day before he is discharged. The inmate shall, if necessary, be provided with suitable clothing.

(4) Every discharged inmate whose destination is on or near a Railway Line, shall be supplied with a railway ticket of the lowest class. Payment of the fare shall be made by railway warrant where

the cost of journey exceeds rupees fifty. In other cases, payment shall be made in cash. When a journey is to be made by boat/bus or steamer, the inmate shall be provided with passage or passage money to the halting place nearest to his destination at the lowest rate. Every inmate who has to proceed to a destination of more than 8 Kilometres by road or has to perform more than three hours journey by rail or any other mode of conveyance shall on discharge be given subsistence allowance at the rate of rupees five if the journey is to be completed on the following morning and rupees ten per day otherwise.

(5) In case where the parent, relative or guardian of the discharged inmate fails to make his own arrangement to take charge of the inmate at the protective home or corrective institution, the inmate on discharge shall be sent under the charge of an official of the home or institution who shall be responsible for the care and safety of the inmate until he is handed over to such parent, relative or guardian. The official shall be granted travelling allowance for the to and from journeys at the rates admissible under the rules of the State Government.

(6) The State Government may at any time order suitable inmate of the protective homes or corrective Institutions to be admitted into institution established under the after-care programmes of the State Government.

(7) A disposal register in Form XI shall be kept in every protective home or corrective institution in which full particulars shall be entered of the manner in which every inmate is disposed of on discharge and of his after carers. Every effort shall be made by the Superintendent to keep in touch with the inmates for at least five years after their discharge.

(8) An annual return in Form XII shall be made by the Superintendent to the Chief Inspector. The remarks made by the Board of Visitors from time to time during the year to which the return relates shall also be communicated to the Chief Inspector with the return.

39. Marriage of inmates of protective home or corrective institutions :-

(1) The Superintendent may if possible arrange for the marriage of a female inmate with a man of her own religion provided that she has attained the age of 18 years and that her previous consent

about marriage is obtained in writing and she shows her willingness to get married to the particular man. No monetary consideration shall be accepted from the person to whom the inmate is married or from any person interested in him.

(2) No such marriage shall be performed unless the character, antecedents and background of the man have been verified and he is found fit for the marriage. Permission of the District Magistrate shall be obtained in each case.

40. Chief Inspector of protective home and corrective institution :-

(1) The State Government shall appoint Chief Inspector for all the protective homes and corrective Institutions in the State.

(2) Only such person shall be appointed as Chief Inspector as possesses sufficient experience of the functioning of the protective home or corrective institution.

(3) Among other duties assigned to him by the State Government from time to time, the following duties shall also appertain to the Chief Inspector-

(a) he shall superintend, supervise and control the working of these rules:

(b) he shall have general control over the staff in all protective homes and corrective institutions in the State;

(c) he shall inspect all protective homes and corrective institutions whether established or licensed by the State Government at least once a year and submit his inspection report to the State Government.

41. Board of Visitors :-

(1) The State Government may appoint Board of Visitors for each of the protective homes and corrective institutions to comment and advise on matters effecting the administration of such protective homes and corrective institutions.

(2) The State Government may appoint Board of Visitors to work as its member such officials and non-officials as deemed necessary the total number being not less than 3 and not more than 7, one of whom shall be nominated as President. Non-official members may include experienced social welfare workers, specially women, in the

field of the prevention of immoral traffic in persons.

(3) A non-official member appointed to the Board shall hold office for two years from the date of his appointment and shall be eligible for re-appointment.

(4) It shall be the duty of the Board-

(a) to enquire into and see that the arrangements for the care and welfare of inmates in the protective homes and corrective institutions are proper in all respects;

(b) to interview new admission since the last meeting and to hear any representations that the inmates may desire to make;

(c) to review the working of the correctional programmes and to suggest measures for further improvement;

(d) to help in the rehabilitation of persons discharged from the protective homes and corrective institutions;

(e) to carry out any other duties which may be assigned to the Board from time to time by the State Government.

(5) The Board shall hold a formal meeting once in every three months. The meeting shall be held in the protective home or corrective institution by rotation. The Superintendent of the protective home or corrective institution shall be the Secretary and the District Judge in whose jurisdiction such protective home or corrective institution is located or his nominee, who shall be not below the rank of an Additional District Judge, shall be a permanent invitee to such meeting of the Board.

(6) No such business shall be transacted at the meeting of the Board unless at least two members are present.

(7) The President shall chair every meeting of the Board at which he is present. If the President is absent from any meeting, the members present shall elect one of the members to chair the meeting and the member so elected shall at the time exercise all the powers of the President.

(8) The President of the Board shall fix the date and hour of the meeting and a week before the date so fixed, a notice thereof, together with an abstract of special matters to be considered shall be furnished to the member and permanent invitee by the Secretary of the Board.

(9) The minutes of each meeting shall be approved by the President and sent by the Superintendent of the protective home or corrective institution in which the meeting is held, to the Chief Inspector with his comments.

(10) The Superintendent of each home or institution shall bring to the notice of the Chief Inspector all cases of failures on the part of any members to attend a meeting.

(11) The Chief Inspector shall keep a record of such cases of absence and shall when any non-official member's attendance is markedly irregular bring the fact to the notice of the State Government, who may, if considered necessary, remove such member from office.

(12) The Superintendent shall be advised by the resolutions of the Board in the management of the home or institution, provided that if in the opinion of the Superintendent, any resolution is inconsistent with the Act or these rules, or to be inexpedient to give effect to such resolution he shall submit the resolution for the orders of the Chief Inspector and intimate to the President of the Board the fact of his having done so. The order of the Chief Inspector shall be final. It will however be subject to review by the State Government, who may confirm, rescind or modify such order.

42. Visitors Book :-

The Superintendent shall cause a Visitor's Book to be maintained in each protective home or corrective institution. A copy of the remark of the visitors recorded in the Visitor's Book shall be submitted by the Superintendent to the Chief Inspector soon after the remarks are recorded by the Visitor.

43. Annual Returns :-

The Superintendent shall submit to the Chief Inspector a report on the administration of his protective home or corrective institution for the previous year not later than the 15th May of each year. The Chief Inspector shall send annually to the State Government in the first week of July each year, a report on the working of these rules together with his remarks if any.

44. Maintenance and auditing of accounts :-

(i) The accounts relating to the cash transactions will be maintained by a responsible officer of the cadre of an Accountant of the protective home or corrective institution.

(ii) A bank account shall be opened for money belonging to the protective home or corrective institution. The retention of heavy cash balance in hand is forbidden.

(iii) A cash book shall be maintained wherein all daily transactions shall be recorded. All receipts and payments of cash are to be supported by proper voucher. Balance Sheet will be drawn up, Statement of receipt and expenditure shall be drawn up at the close of every month.

(iv) The cash book and cash balance will be checked by Superintendent daily or as frequently as practicable as also at the close of the months. The cash balance will be physically verified by the Superintendent and a note to this effect will be recorded in the Cash Book.

(v) Annual auditing of all the accounts of the protective home or corrective institution shall be got made by Government auditors and audit reports submitted to the Chief Inspector for scrutiny.

45. Punishment for breach of rules :-

Any person who commits a breach of rule 7 or rule 34 of these rules shall on conviction by Magistrate be punishable with fine which may extend to two hundred and fifty rupees.