

Bill Summary

The Rajasthan Prisons Bill, 2023

- The Rajasthan Prisons Bill, 2023, was introduced in the Rajasthan Legislative Assembly on March 15, 2023. The Bill repeals the Rajasthan Prisoners Act, 1960, and the application of the Prisons Act, 1894 in the state. The Bill provides for the establishment and regulation of prisons and oversight of prisoners. Key features of the Bill include:
 - **Rights of prisoners:** Every prisoner in the state will have certain rights, including: (i) right to human dignity (includes protection against torture, violence), (ii) right to basic minimum needs (adequate diet, clean water, and medical care), (iii) right to communication, (iv) right to access law and legal remedies, and (v) right to be released on the due date.
 - **Accommodation of prisoners:** The Bill mandates the state government to provide accommodation to prisoners in its territory. It allows for the establishment of temporary or special prisons. The Director General can establish a temporary prison when: (i) the number of prisoners in any prison is high enough to compromise convenience or safety, or (ii) there is an outbreak of epidemic disease within any prison.
 - Under the Bill, prisoners will be separated based on: (i) gender, (ii) status of conviction, and (iii) nature of offence. Further, separate annexes and wards shall be present for prisoners who are: (i) high-risk, (ii) drug addicted, and (iii) suffering from contagious diseases.
 - **Prison Officers:** The government will appoint a Director General to exercise control and supervision over all prisons in the state. Each prison will have: (i) a superintendent, (ii) a medical officer and a medical subordinate, (iii) jailor, (iv) welfare officer, and (v) custodial, medical, correctional, educational, and supporting staff. Prison officers shall neither have business dealings with prisoners nor have interests in supplying contracts to the prison. The superintendent shall manage the prison in all matters related to discipline, labour, punishment, and expenditure.
 - **Grievance redressal:** The Bill provides for the appointment of a Grievance Redressal Committee for each prison. The Committee shall be responsible for receiving and redressing prisoners' grievances. It will be headed by the prison superintendent and have three other members. If a prisoner is not satisfied with the Committee's decision, he may appeal to the Deputy Inspector General of Prisons within 30 days of the decision.
- **State Advisory Board:** The state government shall notify the appointment of a State Advisory Board for Prisons for advising the government on matters related to the management of prisons. This includes: (i) human resource development, (ii) modernisation of prisons, and (iii) post release programmes of rehabilitation. The Board shall consist of a Chairperson, Vice-Chairperson, and 14 members. The Chairperson shall be the Minister in-charge of Prisons, and the Vice-Chairperson shall be the Secretary in-charge of the Department of Home (Prisons).
- **Hospital in prison:** The Bill mandates a hospital or proper place for the reception of sick prisoners in every prison.
- **Premature release of prisoners:** The Director General may recommend a convicted prisoner's premature release to the government. Such recommendations are subject to the prisoner meeting certain conditions: (i) permanent incapacity due to old age or illness that prevents him from committing further crimes, (ii) a fatal disease which can be cured outside the prison, or (iii) a convict in danger of dying with no chance of recovery.
- **Offences and punishments:** The Bill declares certain acts as prison offences committed by a prisoner and provides for punishment. Minor offences include: (i) going on a hunger strike, or (ii) refusing to work. For such offences, punishment may include: (i) formal warning, and (ii) loss of privileges given to prisoners in detention for a maximum of one month. Major offences include: (i) endangering the security of the prison, (ii) escaping or attempting to escape prison or legal custody, and (iii) assault. Punishment for major offences includes: (i) separate confinement up to three months, and (ii) postponement of privileges of parole up to one year from the next eligible parole release date.

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