



TAMIL NADU GOVERNMENT GAZETTE

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NOTIFICATIONS BY GOVERNMENT

CONTENTS

Pages.

HOME DEPARTMENT

Tamil Nadu Prison Rules, 1983—Amendments	122-123
Tamil Nadu Suspension of Sentence Rules, 1982—Amendments ..	123-124

NOTIFICATIONS BY GOVERNMENT

HOME DEPARTMENT

Amendments to Tamil Nadu Prison Rules, 1983.

[G.O.Ms.No. 1527, Home (Prison V), 11th November 2008.]

No. SRO A-49/2008.—In exercise of the powers conferred by Section 59 of the Prisons Act, 1894 (Central Act IX of 1894), the Governor of Tamil Nadu hereby makes the following amendments to the Tamil Nadu Prison Rules, 1983:—

AMENDMENTS

In the said Rules,—

(1) for rule 963, the following rule shall be substituted, namely:—

“963, Prisoner’s Children.— (1) Female Prisoners shall be allowed to keep their children with them in jail until they attain the age of six years, if the child cannot be placed with relations or otherwise properly provided for. Children born in prison may remain with their mothers until they attain the age of six years, If they cannot be otherwise suitably placed. The Medical Officer shall determine the age of children not born in prison, **Female prisoners who are admitted in prisons with their children are to be separated from other female prisoners relating to all types of crimes including violent crimes.**

(2) No female prisoner shall be allowed to keep a child who has completed the age of six years. Upon reaching the age of six years, the child shall be handed over to a suitable surrogate as per the wishes of the female prisoner or shall be sent to a suitable Institution run by the Social Welfare Department, with the help of the District Magistrate concerned. As far as possible, the child shall not be transferred to an Institution outside the town or city where the prison is located in order to minimize undue hardships on both mother and child due to physical distance. Such children under protective custody shall be allowed to meet their mother once a week and the Director, Social Welfare Department shall ensure that such children are brought to the prison for this purpose on the date fixed by the Superintendent. Such children shall be kept in protective custody until their mother is released or the child obtains such age as to earn his/her own livelihood.

(3) When a female prisoner dies and leaves behind a child, the Superintendent shall inform the District Magistrate concerned and he shall arrange for the proper care of the child. Should the concerned relative(s) be unwilling to support the child, the District Magistrate shall either place the child in an approved Institution / home run by the Social Welfare Department or hand the child over to a responsible person for care and maintenance. .

(4) The nursing female prisoners be supplied with half a litre milk and the children who are less than one year accompanying the female prisoners be issued baby food like Glaxo or Amul based on the recommendation of the Medical Officer.

(5) Children in prison shall be provided with such diet and clothing as per advice of the Medical Officer keeping in view the calorific of growing children, as per the medical norms and local climatic requirement respectively:—

(i) The following diet scale shall be provided to the children of the women prisoners:—

Serial Number.	Name of the diet.	Below 12 months.	Between 1 and 3 years.	Between 4 and 6 years.
(1)	(2)	(3)	(4)	(5)
1	Undiluted Milk	500 ml (Unless breast fed in which case 200. ml)		
2	Cereals and Millets	45 gms	60-120 gms	150-210 gms
3	Roots and Tubers	50 gms	50 gms	100 gms
4	Pulses	15 gms	30 gms	45 gms
5	Green Leafy Vegetables	25 gms	50 gms	50 gms
6	Other Vegetables	25 gms	50 gms	50 gms
7	Fruits	100 gms	100 gms	100 gms
8	Sugar	25 gms	25 gms	30 gms
9	Fats/Oils (Visible)	10 gms	20 gms	25 gms.

(ii) One portion of pulse may be exchanged with one portion (50 gms) of egg/Chicken/meat/fish. It is essential that the above food groups to be provided in the portions mentioned in order to ensure that both macronutrients and micronutrients are available to the child inadequate quantities.

(iii) Separate utensils of suitable size and materials should be provided to each mother prisoner for using to feed her child/children.

(iv) The food for the children shall be cooked in a separate kitchen.

(v) Clean drinking water must be provided to the children and this water must be periodically checked.

(6) Children in prison shall be regularly examined by the Lady Medical Officer to monitor their physical growth and shall also receive timely Vaccination. Vaccination charts regarding each child shall be kept in the records.

(7) Sleeping facilities that are provided to mother and child shall be adequate, clean and hygienic.

(8) Children in prisons shall have the right of visitation.

(9) The Superintendent shall admit the children of female prisoners into the prison without Court Orders in special cases and where circumstances warrant provided such children are below six years of age;

(2) for rule 964, the following Rule shall be substituted, namely:—

“964, Welfare of the Children of the female prisoners in prison.—There shall be a creche and a nursery attached to the State Prison for Women, Vellore where the children of the female prisoners shall be looked after. The said creche and nursery shall be run outside the prison premises. Children within the age of three shall be looked after in the creche and those of above three years and up to six years shall be looked after in the nursery. The children of female prisoners shall be given proper education and recreational opportunities. There shall be supporting staff such as chief Ayah and Ayahs, the strength of which shall be regulated according to the requirements from time to time to take care of these children.”

Amendments to Tamil Nadu suspension of sentence Rules, 1982.

[G.O.Ms.No. 1527, Home (Prison V), 11th November 2008.]

No. SRO A-50/2008.—In exercise of the powers conferred by sub-section (5) of Section 432 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), the Governor of Tamil Nadu hereby makes the following Amendments to the Tamil Nadu Suspension of Sentence Rules, 1982:—

AMENDMENTS

In the said Rules,—

(1) in rule 6, after the expression “full sister as the case may be of the prisoner” the following expression shall be added namely:—

“and for having delivery outside the prison in case of female pregnant prisoners”.

(2) in rule 7, after clause (ii), the following Clause shall be added at the end, namely:—

“(iii) female pregnant prisoner for having delivery outside the prison provided who are not constituting high security risks or of cases of equivalent grave descriptions.”

(3) in rule 9, the following shall be added at the end:—

“In case of female pregnant prisoners, for having the delivery outside the prison, the Prison Medical Officer or Assistant Surgeon shall give medical certificate/report to the effect of pregnancy along with the probable date of delivery, to the Superintendent of Prisons concerned, for grant of emergency leave”;

(4) to rule 13, the following proviso shall be added, namely:—

“Provided that in case of female pregnant prisoners, for having the delivery outside the prison, emergency leave for a period of fifteen days may be granted as a special case without taking into account of the total spell of emergency leave availed earlier”;

(5) In rule 20, after the clause “(vii)”, the following Clause shall be added, namely:—

“(viii) in case of female pregnant prisoners, for having delivery outside the prison”;

(6) in rule 21, the following clause shall be added at the end, namely:—

“(g) female pregnant prisoners, for having delivery outside the prison, constituting high security risk or cases of equivalent grave descriptions”;

(7) In rule 23, in sub-rule (2), the following shall be added at the end, namely:—

“In case of female pregnant prisoner, for having delivery outside the prison, the petition for ordinary leave shall be submitted along with the Medical Certificate or report of the Prison Medical Officer or Assistant Surgeon in respect of probable date of delivery.

(8) In rule 25, after clause (vi), the following clause shall be added, namely:—

“(viii) that in case of female pregnant prisoners, for having delivery outside the prison, she shall reside at the place of delivery proposed by her”;

S. MALATHI,
Principal Secretary to Government.