

Guidelines for allowing visitors inside jails

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New Delhi, The Government of India has issues guidelines today for all the States to be followed scrupulously while allowing entry into the prison to any individual/ press/ NGOs or company, whether Indian or foreigner for the purposes of making documentaries, writing articles, interviewing inmates or any other similar research activity. No private individual/ Press/ NGO/ Company should ordinarily be allowed entry into the prison for the purposes of doing research, making documentaries, writing articles or interviews etc. These guidelines shall be applicable to all the visitors, whether foreigner or Indian including individuals, companies, press, researchers, film makers. The State/UT Governments may consider allowing visitors/press/documentary makers in the following cases: (i) The State/UT Government feels that a particular documentary/ article/ research is for the purposes of creating positive social impact, or (ii) The proposed work is relating to prison reforms, or (iii) The State/UT Government itself decides to invite press/ filmmakers to cover a particular event. The following measures must be taken for granting permission: (a) The proposed visitor(s) must submit an application to the Jail Superintendent or the Home Department of the State/UT Government at least 30 days before the date of visit. Foreigners must submit such application 60 days before. In the case of article by print media, the application may be submitted 7 days before. (b) On receiving the application, the Jail Superintendent, should immediately send the same to the Home/Prison Department of the State along with his comments and seek the permission of the State/ UT Government. If an application is submitted directly to the Home/Prison Department, it should seek a report from the Jail Superintendent before giving the permission. For foreigners, the State/ UT Government is advised to consult the local unit of IB and/ or may also consult MEA/ Foreigners Division of MHA. (c) The competent authority to grant such permissions should invariably be the Home/ Prison Department of the concerned State/UT. However, in case of visitors of Indian nationality, the State Government/UT Administrations may delegate this function to the Head of Prison Department (i.e., DG/ADG/IG as the case may be) specifically but not to any other lower level. (d)

While granting such permissions, various guidelines of the Supreme Court (Smt. Prabha Dutt Vs UOI and others AIR 1982 SC 6, Sheela Barse Vs the State of Maharashtra 1988(1) BOM. CR 58, etc.) may also be kept in mind. (e) The Jail Superintendent, after having received the permission from the State Government/UT Administration or the Head of the Department, as the case may be, may allow such visitor (s) to see the prisoner in the visitor area. (f) The Jail Superintendent shall take an Undertaking from the visitor as per the prescribed format. (g) The visitor shall also submit a Security Deposit of Rs.1 lakh by way of a Demand Draft/local Bankers' Cheque in the name of the Jail Superintendent of the concerned jail. However, the State Government/ UT Administrations may dispense with or modify this requirement in case of research studies undertaken by students. (h) Careful frisking be done and standard due diligence must be ensured before the visitor is allowed inside the visitor area of the jail. (i) Those who wish to make documentaries or conduct interviews, they may be allowed only Handycam/Camera/Tape recorder or equipments directly connected with the purpose of the visit. Tripod/stand mounted cameras/equipments should not be allowed. No mobile phones/papers/ book/pen etc. should be allowed. (j) While the visitors are touring the prison or interviewing the inmates, the Jail Superintendent should himself be present there.

In case he is absent, the next senior most officers must accompany the visitor. The Jail Superintendent should immediately intervene, on-the-spot if he feels that a certain video clip or an interview being

conducted is not desirable. (k) No videography/photography should be allowed which may create potential security risk or social/communal disturbance. (l) After the visit is complete, the visitors shall handover all their equipments like Handycams, Dictaphone, Camera, tape recorder or any other equipment to the Jail Superintendent for a period of three days. All precautions should be taken to ensure that the visitor does not leave the jail premises with the recordings. (m) The Jail Superintendent then shall see/hear all the recordings carefully and if he finds anything objectionable, he shall delete that portion. The said equipment after careful scrutiny/editing may be returned after three days to the visitor. (n) In case of Newspaper /magazine /web based articles, the visitor shall follow the norms of journalistic conduct prescribed by the Press Council of India before preparing the material for publication. (o) The final version of the documentary/film/research paper/articles/books to be released/ published is to be submitted to the concerned State Government/Head of the Prison Department for final "No objection certificate", for publication/release. (p) The documentary/film/research paper/articles/books shall not be released/published without the "No objection certificate" of the State Government/UT Administration/Head of Prison Department. (q) In case of any violation of these guidelines, or the undertaking given by the visitors, the Jail Superintendent shall forfeit the security deposit and initiate suitable legal action.

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