

**THE JAMMU AND KASHMIR PRISON (GAZETTED)
SERVICE RECRUITMENT RULES, 1982.**

Home Department Notification SRO-129 dated 10th April, 1982—In exercise of the powers conferred by the provision to section 124 of the Constitution of Jammu and Kashmir the Governor hereby in supersession to SRO-610 dated 30-12-70 and SRO- 779 dated 13-12-19778 makes the following rules, namely:-

1. Short title and commencement.—(1) These rules may be called the Jammu and Kashmir Prison (Gazetted) Service Recruitment Rules, 1982.

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

2. Definitions.—In these rules, unless the context otherwise requires,—

(a) ‘Administrative Department’ means the Department of the Government in the Civil Secretariat holding the Administrative charge of the service;

(b) ‘Cadre’ means the cadre of the service;

(c) ‘Commission’ means the Jammu and Kashmir Public Service Commission ;

(d) ‘Member of the Service’ means a person appointed to a post in the service under the provisions of these rules ;

(e) ‘Schedule’ means the schedule annexed to these rules ;

(f) ‘Service’ means the Jammu and Kashmir Prison (Gazetted) service ;

(g) Words and expressions used in these rules but not defined, shall have the same meaning as assigned to them in the Jammu and Kashmir Civil Service (Classification, Control and Appeal) Rules, 1956.

3. Constitution of Service.—(1) From the date of commencement of these rules there shall be constituted the Jammu and Kashmir Prison (Gazetted)

(2) The Government may, at the commencement of these rules, appoint to the service any person who at the commencement of these rules is holding any post in its sanctioned scale of pay included in the cadre of the Service :

Provided that for the purpose of initial constitution of the service, the person holding any post included in the cadre of the service in its sanctioned scale of pay shall be given an opportunity before such appointment to opt for the service within fifteen days from the commencement of the rules.

2. Strength and composition of the Service.—(1) The authorised permanent and temporary strength of the cadre and the nature of the posts included there in shall be determined by the Government from time to time and shall at the initial constitution of the service under these rules, be such as specified in Schedule ‘I’ annexed to these rules :

Provided that the Government may create temporary posts in the cadre of the service for specified period as may be considered necessary from time to time.

(2) The Government shall, at the interval of every three years or at such other intervals as may be necessary, re-examine the strength and composition of the cadre of the service and make such alterations therein as it deems fit :

Provided that nothing in this sub-rule shall be deemed to affect the power of the Government to alter the strength and composition of the cadre at any time.

3. Qualification and method of recruitment.—(1) No person shall be eligible for appointment or promotion to any post in any class, category or grade in the service unless he possesses the qualification as laid down in Schedule ‘II’ and fulfils other requirements of recruitment as provided in the rules and orders for the time being in force.

(2) Appointment to the service shall be made-

- (a) by direct recruitment (which will include appointment by transfer);
- (b) by promotion;
- (c) by deputation;

(d) partly by direct recruitment and partly by promotion; in the ratio and in the manner mentioned against each post in Schedule 'II'

6. Probation –(1) Persons appointed to service, either by direct recruitment or by promotion shall be on probation or trial for two years.

(2) If it appears at any time during or at the end of the period of probation or of trial that an officer has not made sufficient use of his opportunities or if he has otherwise failed to give satisfaction and has not passed the prescribed departmental examination or training, if any, if directly recruited, be discharged from the service and if appointed by promotion be reverted to the post on which he holds a lien.

(3) The Government may in the case of any person, extend the period of probation or trial upto the maximum period of four years.

Explanation.— Appointments on probation will be made against substantive vacancies only. All other appointments will be on trial; provided that any period of officiating appointment, shall be reckoned as period spent on probation when a person appointed on trial is given regular appointment to the service.

(4) A candidate appointed to the service by competitive examination, shall be allowed the minimum of the time scale during the first year and at the second stage of that scale during the remaining period of probation /trial. Where the period of probation/trial is extended beyond two years for reasons not directly attributed the probationer he shall be allowed to draw the second and third increments after the expiry of 2nd and 3rd year of probation/trial :

Provided that where a person has immediately before such appointment, been holding a post under the Government in a substantive capacity and was drawing therein pay equal to or more than the minimum of time scale, his initial pay at the time of his appointment to the service, shall be regulated under Art.77 (a) (ii) read with Art 67 (a) (ii) of the Jammu and Kashmir C.S Rs.

(5) In respect of a person who immediately before such appointment held a post under the Government in an officiating capacity and drew his presumptive pay equal to or higher than the minimum of the time scale, his initial pay at the time of appointment to the service shall be regulated under

Art.77 (a) (ii) of the Jammu and Kashmir C.S. Rs. treating his presumptive pay as substantive pay for purpose of such fixation alone. He shall not, however, get the benefit of Art.67 (a) (ii) either at the time of initial fixation or subsequently.

(6) In the case of persons who are appointed under these rules other than by competitive examination, their fixation of pay shall be regulated under the normal rules relating to such fixation from time to time.

7. Training and Departmental Examination.—Persons appointed to the service by competitive examination shall be required to undergo such training from time to time during the course of service and to pass during the period of probation or trial such departmental examination as the Government may prescribe. In case direct recruits fail in the training which they have immediately to undergo, their services shall be immediately terminated :

Provided that the Government may exempt, either wholly or partly, from such training or departmental examination persons who have passed a departmental examination or undergone training declared by Government to be equivalent to a Departmental Examination or training prescribed under these rules.

8. Eligibility of Government servants for direct recruitment.—A person already in the Government service may apply through proper channel for direct recruitment to a vacant post in any particular class or category in the service if he possesses the educational and other qualifications prescribed for recruitment to such class or category of posts. The age limit for direct recruitment shall be 18-30 years :

Provided that in case of a post which requires a higher degree of specialisation and/or experience, the Government may prescribe a higher age limit.

9. Maintenance of seniority lists.—Seniority of the members of the service shall be regulated under Jammu and Kashmir Civil Services (Classification, Control and Appeal) Rules, 1956. The Administrative Department in the Civil Secretariat shall maintain an upto date and final seniority list of the Service.

10. Residuary matters.—In regard to matters not specifically covered by these rules the member of the service shall be governed by the rules, regulations and orders applicable to the State Civil Services in general.

11. **Interpretation.**—If any question arises relating to the interpretation of these rules, the matter shall be referred to the Government whose decision thereon shall be final and binding.

12. **Repeal and Savings.**—(1) All rules corresponding to these rules and in force immediately before the commencement of these rules are hereby repealed.

(3) Notwithstanding such repeal, any appointment, order made or action taken under the provisions of the rules so repealed shall be deemed to have been made or taken under the corresponding provisions of these rules.

SCHEDULE 'I'

| S. No. | Designation of Scale the post | No. of Permanent post | Permanent | Temporary | Total | |
|-----------|-------------------------------------|--------------------------|-----------|-----------|-------|---|
| 1. | Controller of Prisons. | 1850-2300 | 1 | 1 | ... | 1 |
| 2. | Deputy Controller of Prisons | 1300-2030 | 1 | 1 | ... | 1 |
| 3. | Superintendent Central Jail Grade-I | 1000—1560 | 2 | 2 | ... | 2 |
| 4. | Superintendent Jail Grade-II | 875-1400 | 4 | 4 | ... | 4 |

701
SCHEDULE 'II'

| Class | Cate- gory | Designation | Grade | Minimum qualification | Method of recruitment |
|-------|---------------|---|-----------|--|---|
| I | I | Controller of Prisons | 1850-2300 | M.A.(PSY) OR MSW OR M.A. (Criminology). OR By deputation from IPS any other service. | By Promotion from class-II with at least 5 years service as such. |
| II | I | Dy. Controller of Prisons | 1300-2030 | ... OR By deputation. | By promotion from Class III (I) amongst Persons having not less than 5 years service as such. Preference being given to those having passed M.A (PSY) OR MSW OR M.A. (Criminology). |
| III | (I) | Superintendent Central Jail Grade –I | 1000-1560 | ... | By promotion from class III (ii). |
| | (II) | Superintendent Grade –II | 875-1400 | | (a) 67% by promotion from Dy. Superintendent of Jails who have not less than two years service. (b) 33% by direct recruitment out of those possessing following qualification and physical standards :— (i) M.A.(PSY) or MSW or M.A. (criminology). (ii) Minimum Height.5’-5”. (iii) Minimum Chest |

702
Government of Jammu and Kashmir
Civil Sectt. Home Department

Subject :— Wages Earning Scheme for Prisoner and canteen Facilities in Prisons-
Introduction.

Government Order No:- 406 (Jails) of 1979.

D A T E D :- 13-08-1979.

Sanction is accorded to the implementation of :—

- (1) The Wages Earning Scheme for Prisoners ; and
- (2) Canteen facilities for Prisoners ; in accordance with the rules and regulations detailed in the Annexure to this order.

By order of the Government of Jammu and Kashmir.

(Sd.) I. D. SHARMA,
Secretary to Government,
Home Department.

No: Home : 4-J/78

Dated : 13-08-1979.

Copy forwarded for information and necessary action to the :—
Superintendent Central Jail, Srinagar/Jammu.

(Sd.) K. S. SLATHIA,
Deputy Secretary to Government,
Home Department.
Measurement 31"—33"

D A T E D : 13-04-1979.

“Wage Earning Scheme for Prisoners.”

1. Title.—This Scheme may be called the Wages Earning Scheme for prisoners.”
2. Aims and objection.—The Principal aims and objects of the theme shall be to :
 - (i) Provide financial incentives to the Prisoners
 - (ii) Increase national production.
 - (iii) Provide, vocational training to the Prisoners for acquiring them with trades and crafts.
 - (iv) Impart reformatory education to the prisoners during their stay in the prison, so that their mental built-up is oriented for rehabilitation ;
 - (v) Introduce a follow-up programme, after the prisoner is released to ensure that he takes up some profession, in line with the skill taken up in the prison.
3. Application.—The scheme shall apply to the prisoners in Central Jails of the state. The controller of Prisoner may at any time with the approval of the Government apply the scheme to the Prisoner of any other Jails in the State.
4. Definitions.—(i) “Skilled work” means work which involves, skill either physical or mental in its execution.
 - (ii) “Unskilled work” means the work which is not skilled work.
 - (iii) “Work Full Task” means the quantity and quality of work prescribed to be completed by a normal prisoner in 8 hours during a day.
 - (iv) “Prescribed” means prescribed by the competent authority ;

5. **Eligibility.**—The following classes of Prisoners are eligible for the benefit scheme :—

- (i) All prisoners sentenced to rigorous imprisonment.
- (ii) Prisoners sentenced to simple imprisonment and undertrials who volunteer to work ; provided that no such undertrial shall be punished for neglect of work.

6. **Disqualification.**—The following classes of prisoners shall not be entitled for the benefit under this scheme namely :—

- (i) Sick and infirm prisoners ;
- (ii) Prisoners undergoing such Jail punishment as prevent them from any employment.
- (iii) Prisoners sentenced to simple imprisonment and undertrial prisoners who do not volunteer to work ; and
- (iv) Unskilled prisoners sentenced to imprisonment up to three months.

Working hours.—The working hours of prison labour shall be as under : —

- (i) Adult Criminal offenders not more than 9 hours a day.
- (ii) Juvenile convicts not more than 9 hours a day.
- (iii) Women offenders not more than 6 hours a day.

Note :—(1) Time occupied in educational and vocational ; training activities shall not be counted as work period.

(2) The hours of working as stated above are based on the assumption that the remaining period shall be usefully utilized in educational and other activities.

(3) The Superintendent Jail shall competent to suitable adjust the hours of work in accordance with conditions of each Institution requirements of additional training and seasonal variations, with the approval of the Controller of Prisons.

Rest Days.—After six days of work prisoners shall be given one day as rest from the usual employment.

Allotment of work.—The following factors shall be taken into consideration for allotment of work to prisoners :—

- (i) Physical and mental health.
- (ii) Age.
- (iii) Length of sentence.
- (iv) Requirements of security and discipline.
- (v) Results of vocational aptitude tests, where given.
- (vi) Previous occupation, training and experience.
- (vii) Area (urban and rural) where the Prisoners is likely to resettle after release and possibilities of employment.
- (viii) Level of work-skills and abilities.
- (ix) Vocational training needs.
- (x) Possibilities of imparting multiple skills.
- (xi) Rehabilitation needs.
- (xii) Prisoners occupational preference so far as they are complete with institutional conditions and available facilities for work and training.

Note:—Prisoners should be assigned work carefully on the basis of their interest, abilities, training, needs and trustworthiness ; but questionable and superficial interests should not be considered.

The allotments work in the above manner shall be subject to the following conditions :—

- (i) Requirements of the institution of essential services and maintenance jobs, should be considered on priority basis.
- (ii) Only volunteers should be employed in conservancy work.

10. **Assessment of work done.**—A daily task sheet in for form as per Appendix “A” shall be kept for noting the particulars of each prisoners, the nature of the task on which employed standard task prescribed the task actually done and the wages earned. Entries shall be made daily as per rule 685 of the Jail Manual it shall be personal responsibility of the Superintendent of Jail to ensure that this is done.

Note :—For works spread over one day which are incapable of satisfactory measurement until completion (i. e.) making a table) entries will be completed as soon as the 1 item of work is over. Of work which is in progress at the end of the month, suitable note should be given by the Supervisory Officer in the next month’s task sheet about the number of days occupied on the job in the previous month.

11. **Fixation of rates of wages.**—(i) The scale of wages for skilled semi-skilled and unskilled work shall be fix fixed by the Controller of Prisoners form time to time on the recommendations of the Superintendent Jail, who shall consult the technicians before making such recommendations.

(ii) Half of the earnings of each prisoner shall be credited to the Government account in the treasury as part payment of maintenance cost of the prisons.

(iii) Of the remaining half, 50 shall be deposited in a savings Bank account to be opened in J&K Bank. This account will be payable to the Prisoner at the time of his release provided that this amount may also be utilize towards payment of any fine that may have been imposed by a competent court or may be utilized for remittance to the, family of the prisoner with prior concurrence of the Superintendent Jail if the family is found to be in indigent circumstance : Remaining 50 may be utilized the prisoner for making purpose purchase of coupons for the Canteen on deposited in his private property account.

(iv) A prisoner who performs the standard task shall be entitle for payment of wages as prescribed for the task in which he is employed.

(v) A prisoner who does not accomplish the standard task prescribed shall not be entitled to payment of wages. However, in suitable cases for reasons to be recorded in writing, the Superintendent of the Jail may authorise part payment on the basis of part of task accomplished.

12. Calculation of wages and carry-over to personal accounts.—(a)

At the end of the month, the wages earned shall be worked out on the task sheet in the accounts branch and checked by the Accountant. The wages earned shall be abstracted into the wages a Register in the form as per Appendix "A".

(b) Total earning of each prisoners shall be carried over from the wages register into his personal ledger account in form as per appendix "C" personal ledger accounts shall be kept in separate volume for 100 entries and the index shall be at serial 0. 26 in volume I shall be shown as I/26. This will be noted on the task sheet, wages register and personal ledger account in the prescribed column. These Nos. shall be assigned as soon as a prisoner join the serining scheme and thereafter in April every year when fresh ledgers are opened.

Note :—After posting task sheets shall be handed ledger wise and titled.

(c) If a prisoner is removed from the wages earning scheme for a reason a note to that affect shall be kept in red ink in some conspicuous space on the task sheet of the prisoner and also his list ticket and initiated the supervision officer concerned.

13. Master Roll and labour Register.—In order to keep a check over the wage in the daily task sheet, a master roll (daily register of a attendance) in J. F. No. 62 shall, be maintained in every section 'p' will be marked for presence, 's' for sick and 'R8 for release etc. Besides, labour register in p J. R. No:- 26 shall also one maintained to which whether the number of prison servants is with permissible limit and whether the out-turn in factories is according to task.

14. Disposal of account treasuries.—Whenever a prisoner born the wage earning scheme is transferred to any other jail, his earning shall be drawn up to date and the balance a after deducting his expenditure in canteen should be sent to Jail to which the prisoner is transferred.

15. Statement of wages.—The Prisoner belonging to a particular category and getting wages at uniform rate shall be grouped together in the monthly statement of wages and submitted to the Control of Prisons along with monthly J. C. Bill or M. C. Bill the case may be. The Register No. and names of prisoners shall be omitted and only the total number of Prisoners

paid at a particular rate shown separately under respective heads, i.e. Disciplinary Garden, Conservancy etc. as shown in the sample statement below :—

The registers kept in the Jail must of course shown full details :—

Statement showing wages paid to prisoner working in the garden during the month.

| No. of Prisoners who Earned wages. | Aggregate days on Which Prisoner in Column (I) were Working during month. | Rate | Total amount paid for all prisoner shown in the statement |
|------------------------------------|---|------|---|
| 1 | 2 | 3 | 4 |

A similar statement shall be sent for wages paid under other heads such is conservancy, hospital, etc. the statement of wages paid to prisoner working in the factory shall also be submitted on the above lines. In doing so, prisoners employed on different industries in the factory shall be shown separately.

15. **Matters not mentioned in the scheme** :- In regard to all mater not specifically mentioned in this Scheme the relevant provisions of the Jail Manual shall apply and shall be strictly adhered to.

(Sd.) K. S. SALATHIA,
Deputy Secretary to Government,
Home Department.