

No.17014/3/2009-PR
Government of India/Bharat Sarkar
Ministry of Home Affairs/Grih Mantralaya

New Delhi the 16th July, 2009.

To

The Principal Secretary (Jail) / Secretary (Home) (In-charge of Prisons)
- All State Governments / UTs

Subject: Transfer of prisoner from one jail to another- advisory-

Sir/Madam

I am directed to draw your kind attention to the judgment of the Hon'ble High Court of Delhi dated 29.9.2008 in the case of Jaswant Singh vs State of NCT Delhi (Criminal appeal no. 257/2004) wherein the Hon'ble High Court has directed to devise a foolproof system in connection with transfer of convicts/ accused person from one jail to another jail.

In the instant case, a prisoner was convicted and sentenced for 4 years and 7 years rigorous imprisonment to run concurrently. The said prisoner was transferred from Tihar Jail, New Delhi to the District Jail Ghaziabad (U.P.). The said prisoner has, however, filed an appeal against the said transfer. When the matter came up for hearing, it was revealed that the said prisoner has been prematurely released by the jail authorities of Ghaziabad. The High Court of Delhi took serious view of this premature release and directed for an inquiry in the matter. The inquiry report conducted by the Registrar (vigilance) has, however, found that some officials of Tihar jail and District Jail Ghaziabad have aided and abetted the premature release of the said convict. The Hon'ble High Court while forwarding a copy of inquiry report to the Director General (Prisons), Delhi for taking appropriate action against the erring officials, has directed that a foolproof system be devised by all the States/ UTs so that such lapses do not occur in future while transferring convicts/ accused persons from one jail to other jail.

Keeping in view the aforesaid direction of the Hon'ble High Court of Delhi, you are requested to take necessary action keeping in view the provisions of Model Prison Manual circulated by the Government of India to all the States/ UTs in which specific procedure has been laid down for transfer of prisoner from one jail to other or transfer of prisoner belonging to other States.

Yours faithfully

Sd/-
(Neeraj Kansal)
Director (CS)
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