SUB : Providing Police escort to the prisoners-instructions issued.


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It is noticed that certain units in the State are still confused about giving proper protection and escort to prisoners under Judicial custody while being taken to courts / hospitals and other institutions on time. A number of orders, circulars and directives have been issued earlier in this regard, which are referred above. In spite of the same, a number of complaints are received for non compliance of the directions.

02. Chapter XII CrPC deals with the attendance of persons confined or detained in prisons. Sec 270 CrPC mandates that the prisoner is to be brought to the Court under the custody by the officer in charge of the prison, concerned. Chapter 43, Kerala Prisoners and Correctional Service Management Rule 2014, Rule 576-590 also explains the role of jail authorities in producing the prisoners in various Courts and Commissions.

03. As per sec 5 of Prisoners (Attendance in Courts) Act, 1955, it has to be understood that,

'upon delivery of any order made under Section 3 to the officer in charge of the prison in which the person named there in confined, that officer shall cause him to be taken to the Court in which his attendance is required, so as to be present in the Court at the time in such order mentioned, and shall cause him to be detained in custody in or near the
Court until he has been examined or until the Judge or presidency officer of the Court authorizes him to be taken back to the prison in which he was confined'.

04. Contrary to this, in Criminal MC No 3848/2002, the Hon’ble High Court of Kerala have ordered that, ‘it is for the Director General of Police to make arrangements by issuing necessary orders for seeing that sufficient Police personnel are made available for taking under-trial prisoners to Courts on all days in which their presence in the Court is necessary.’

05. Vide message No. U6-181360/2017 dated 20.12.2017, all DPCs were instructed to provide adequate Police personnel for Prisoner’s escort duty, even for those arrested by Excise and Forest Departments.

Rule 590, Kerala Prisoners and Correctional Service Management Rule 2014, describes the role of Police in giving escort to the prisoners. Rule 795 and Rule 797 also detail the role of Police in giving escort to prisoner.

06. In districts like Thiruvananthapuram City, Thrissur City and Kannur, which are having central prisons, giving Police escort to prisoners is a challenge, especially where prisoners are to be produced in Courts located in other districts. Similarly, giving escort to prisoners to hospitals, Juvenile Justice Board etc. also is a drain on the effective strength in these districts. The situation being so, all District Police Chiefs are directed to give personal attention to this important task and to monitor on a day to day basis the escorts provided to prisoners, to different destinations on time without adversely affecting the other policing duties. It is the responsibility of the officer concerned in District Armed Reserve, to plan and provide adequate strength for escort duty to Courts and to ensure that the Under Trial prisoners are produced on stipulated dates to the Courts. The Range DIsh and Zonal IsGP are also directed to monitor the situation daily to avoid criticism from any authority for non production of prisoners.

07. For extension of remands, the prisoners can be produced through video conferencing. Recently, video conferencing has been started in 5 districts-
Thiruvananthapuram, Kollam, Alappuzha, Kottayam and Pathanamthitta. This facility must be utilised to the maximum.

08. If the prisoners are in need of medical emergency, they should be escorted by the jail authorities in immediate cases and the police can take over later upon the request of the Prison authorities. This is more important in District Jails where adequate strength may not be available in the night for emergency medical escort. In such places the police should assist the jail authorities in escorting them to the hospital.

09. Regarding prisoner’s escort duty /guard duty in hospitals and mental health centers, where the prisoners are treated under surveillance, adequate number of Police personnel should be posted there by concerned DPCs and they must ensure that police personnel on surveillance duty do not evade duty and leave duty place without instruction/permission.

10. The District Police Chiefs are instructed to ensure that the escort for the prisoners is given as per the requirement of the Prison Department, in accordance with the standing directions given from Police Headquarters. The Range DIsG should ensure the availability of Police personnel with the District Police Chiefs, for the escort of Prisoners.

LOKNATH BEHERA IPS
STATE POLICE CHIEF & DGP.
KERALA.

1. Copy to Director General of Prisons and Correctional Services with C/L for information.

Copy to: 2. All officers in List B
3. CAs to all Officers in PHQ/DD, PR for information & n/a
4. ED Register
5. Kerala Police Website,