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**PRISON ACT OF BHUTAN 1982**

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# **PRISON ACT, 1982.**

## **CHAPTER ONE.**

### **Title of the Act.**

Chha 1-1 This Act may be called the Prison Act, the Male Water Dog Year corresponding to 1982.

### **Extent**

Chha 1-2 It shall extend to the whole of Bhutan for all citizens and those residing in Bhutan.

### **Commencement**

Chha 1-3 It shall come into force from the 5th day of the 9th month of the Male Water Dog Year corresponding to October 22, 1982.

### **Definition of jail**

Chha 1-4 A "Prison" means a place or a house where all law breakers either convicted or under trial are detained or any other persons detained as per order of the Royal Government.

### **Categories of jail**

Chha 1-5 Three categories of jail:

- i) Central Jail
- ii) District Jail
- iii) Sub-Division Jail

Firstly, "Central" jail means a jail which is directly under the control of Headquarters where criminals convicted for five years and above are kept.

Secondly, "District" jail means a jail where criminals convicted for five years and below are kept.

Thirdly, "Sub-division" jail means a jail where all criminals convicted for less than one year are kept.

## **Separation of categories**

Chha 1-6 All the above three categories of jail should have separate compartments for female, male and hard core prisoners.

## **Definition of prisoners**

Chha 1-7 "Prisoner" means any person sentenced by the Court for any penal offence or by any person having the authority to do so and sent to prison.

## **Categories of prisoners**

Chha 1-8 The following are three categories of prisoners :-

- i) Civil prisoner,
- ii) Criminal prisoner,
- iii) Political prisoner.

Firstly "Civil prisoner" means a person who is convicted by the Court for violating any sections of the Law or Acts in connection with land, water, forest, marriage and monetary cases.

Secondly, "Criminal prisoner" means any person convicted by the Court involved in criminal offences like dacoity, murder, robbery, cheating, rape, illegal firearms, forgery and any other criminal offences.

Thirdly, "Political prisoner" means any person convicted for conspiring, attempting to or committing offences against the Tsa-Wa-Sum.

## **CHAPTER TWO**

### **Categories of the officers for prison guards and their responsibilities**

#### **Categories of Prison Officers**

- Chha 2-1
- 1) Under the Chief of Police, an officer of the rank of the Dungda (Major) should be appointed as overall in-charge (Superintendent of Jails).
  - 2) An officer of the rank of Yongzin (Captain) should be appointed as the Officer-in-charge (Superintendent) of a Central Jail.
  - 3) An officer of the rank of Dechap (Lieutenant) should be appointed as the Officer-in-charge of District Jail and who shall be under the command and control of the respective Divisional Superintendent
  - 4) An officer of the rank of Dechhab or Dezin (Lieutenant or 2nd Lieutenant) should be appointed as the Officer-in-charge of a Sub-Division Jail who shall be under the command and control of the O.C. of the respective Sub-Division.
  - 5) The Dungda (Superintendent) of Jail shall from time to time appoint additional manpower as per requirement and entitlement scale for the various above Jails.

#### **Functions of Prison Officers**

- Chha 2-2
- 1) Officer-in-charge of various Jails will function under the direct supervision and order of the Dungda Jail (Superintendent.)
  - 2) No Prison Officers are permitted to use prisoners for profit making motives or put a third person in between for their personal gain or engage in private work.

## **Responsibilities of the different Prison Officers**

Chha 2-3 The duties and responsibilities of the Prison Officers are:-

- to maintain the discipline of prisoners;
- maintenance of accounts related to ration and clothing of prisoners;
- to detail prisoners for work;
- to put handcuff;
- to enforce prison rules and regulations;
- maintenance of cleanliness in Jail premises;
- renovation of Jails; and
- inspection of Jails.

## **Maintenance of records by the different main prison officers**

Chha 2-4	Ka)	Arrest register with date & reason of imprisonment;
	Kha)	Release register;
	Ga)	Conviction register;
	Nga)	Character register;
	Cha)	Visitors register;
	Chha)	Prisoners property register;
	Ja)	Cash book/ Expenditure;
	Nya)	Prisoners work register;

- Ta) Arms and Ammunition register;
- Tha) Govt. property register;
- Dha) Absconder and re-arrest register;
- Na) Prisoners death register;
- Pa) Prisoners correspondence register.

The Prison Officer alongwith a doctor must carry out monthly medical checkup of the prisoner.

### **Procedure for reporting death of a Prisoner**

Chha 2-5 In case of death of any prisoner, the Prison Officer must obtain cadaver slip and submit it to the Dungda Jails (S.P.) with the following details:-

- Ka) Date of reporting and falling sick.
- Kha) Whether the prisoner was sent for work on the day he died.
- Ga) Quantity of food on that day.
- Nga) Date and time of admission in hospital
- Cha) When was the Doctor first informed about the illness.
- Chha) Diagnosis
- Ja) Date and time of checking by Doctor before death.
- Nya) Date and time of death and Inquest, and  
Ta) Cause of death

### **Responsibilities of Jail guards**

Chha 2-6 Ka) Unless specially approved in writing by the Prison Officers, no Jail commanders are

permitted to stay far away from the Jail premises.

- Kha) In case any prisoner is about to die, the report for the same must be immediately submitted to the Prison Officers.
- Ga) No Jail guard is permitted to leave the Jail premises without availing leave. However, prior permission of the Prison Officer should be taken if circumstances compel a guard to leave the Jail premises.
- Nga) In case the leave is sanctioned, a suitable and competent substitute must be detailed.
- Cha) Visitors can be permitted to meet the prisoners only after due approval in writing is obtained from the Prison Officer.
- Chha) Visitors permitted to meet the prisoners after the due approval of the Prison Officer should be frisked in presence of the Jail Commander before meeting the prisoners within the Jail premises.

### **Responsibilities of the Jail guards at the gate**

Chha 2-7 The Jail guard after the due permission of the Jail commander while sending out the prisoner for food and latrine and letting them in, must frisk them thoroughly at the gate.

### **Responsibilities of Jail guards outside the prison**

Chha 2-8 Ka) To ensure that no person irrespective of rank or status is permitted to enter the Prison gate. In case of visitors desiring to meet any of the prisoners, they can do so only after obtaining permission from the Jail commander.

Kha) To maintain record of the visitors.

Ga) Jail guards shall not be negligent while on

duty and must remain alert all the time, nor shall they enter into any unnecessary discussion or mix around with prisoners while on duty or after duty.

## **CHAPTER THREE**

### **Procedures for the arrival of new prisoners and their release thereof**

#### **Procedures for the admission of new prisoners**

Chha 3-1 Ka) While admitting new prisoners, the details of their addresses such as district, block, village, father's name, date of birth, occupation, present address, bio-data, such as Identification marks, height, complexion, colour of hair, colour of eyes, and personal belongings seized such as clothing, cash, weapons, match box, cigarette, beetle leaf container, lime container and any items must be entered in the record and the signature/thumb impression of the prisoner against the list must be obtained to enable the proper return of the items upon the prisoner's release from custody.

Kha) On immediate arrival of a new prisoner, the Prison Officer must enter all details in the register such as date and time of arrival, offence convicted for, conviction terms, conviction order No and photograph etc.

#### **Procedures for release of prisoners**

Chha 3-2 Ka) The procedure for release of a prisoner as per section Chha 12-9 on receipt of information from various Prison Officers to the Dungda Jail (SP), is that the latter should on the basis of monthly report about a week in advance, before the release date, send a release order to various concerned Jails with first copy to the prisoner himself, and other copies



to the concerned District Court, the Dzongda of the District to which the prisoner belongs, the Gup of the Gewog and the Police Station of his village, and to the Crime Branch of the Royal Bhutan Police.

Kha) On receipt of the release order, the Prison Officer must release the prisoner on the due date without any delay. During the release, all articles seized at the time of admission as per seizure list with his signature or thumb impression should be returned in accordance with the list and a receipt obtained with prisoner's signature or thumb impression.

## **CHAPTER FOUR**

### **Separation of prisoners**

#### **Separation of prisoners**

Chha 4-1 Ka) Female and male prisoners must be kept separately in Jail. In case, no provision exists, room partition should be made for female and male prisoners.

Kha) Young prisoners below 18 years should be kept separate from adults.

Ga) Civil prisoners must be kept separately from criminal prisoners.

Nga) First time offenders (prisoners) must be kept separately from the habitual offenders. (prisoners)

Cha) Prisoners having contagious disease should be quarantined.

Chha) Insane prisoners should be kept separately.

Ja) Prisoner sentenced to capital punishment should be kept separately.

Nya) Class One Officers involved in criminal offence should be kept separately in other Jails with proper facilities till conviction.

Ta) Untried prisoners shall be kept separate from convicted prisoners. (New)

However, after conviction, such prisoner shall be kept with other prisoners with no difference in facilities.

### **Solitary confinement**

Chha 4-2 Prisoners required to be kept in solitary confinement should be kept in a room not visible to other prisoners and at a convenient place. The Prison Officer should inspect it at least once in a day.

## **CHAPTER FIVE**

### **Prison discipline**

#### **Prison rules**

Chha 5-1 The following rules are to be strictly followed by the common prisoners for JA CHA DRO SUM and behaviour:

Ka) No one is allowed to meet prisoners without the prior permission of the Prison Officer.

Kha) Repealed.

Ga) Repealed.

Nga) Drugs or alcohol are strictly prohibited in the Jail.

Cha) Items like knife, needle and blade etc. are strictly prohibited.

Chha) Repealed.

- Ja) Stones, sticks, ropes or any other items considered of great risk to life are strictly prohibited in the Jail.
- Nya) Hooks and nails are strictly prohibited in the Jail.
- Ta) Rules enforced from time to time are to be followed strictly.

### **Instruments of Restraints**

- Chha 5-2 Ka First Repealed  
 Second "Handcuff" means with two rings for the two hands and having provision for lock on each ring.
- Chha 5-3 Repealed.

## **CHAPTER SIX**

### **Procedures for illness and death of the prisoner**

- Chha 6-1 In case if any prisoner falls sick, the Jail commander without any delay should report such matter to the Prison Officer.
- Chha 6-2 On receipt of such report, the Prison Officer must refer the case to the nearest Medical Officer.
- Chha 6-3 If such a sick prisoner is required to be admitted to hospital on advice of the Medical Officer, the Prison officer must immediately report to the Dungda, Jails (SP) to obtain permission and make all effort to provide good medical treatment.
- Chha 6-4 If a special diet is required to be given to the prisoner so admitted for medical treatment as advised by the Medical Officer, the same should be given after due approval of the Dungda, Jails (SP).

- Chha 6-5 If the prisoner so admitted is certified as medically unfit by the Medical Officer, any instrument of restraint should be removed after the approval of the Dungda, Jails (SP) till recovery of the prisoner.
- Chha 6-6 In the event if relatives have to be informed about the sick prisoner, the Prison Officer shall also inform the Dungda, Jails (SP) for his information.
- Chha 6-7 In the event of death of any prisoner, the Prison Officer shall inform the Dungda Jails (SP), the Court concerned and the relatives of the dead prisoner.
- Chha 6-8 In the event of natural death of any prisoner, the Prison Officer must send a copy of cadaver slip to the Dungda, Jails (SP) and to the concerned Court which convicted him and also inform the relatives of the prisoner.
- Chha 6-9 If a prisoner dies an unnatural death, the court which convicted the prisoner should be informed immediately and a joint inquest by a Thrimpon and a Medical Officer should be conducted and the relatives informed accordingly.
- Chha 6-10 The body of a dead prisoner should be handed over to his relatives.
- Chha 6-11 After informing the relatives, the dead body should be kept for a maximum period of three days depending on weather conditions.
- In case, no one comes to claim it, the body should be cremated by the department after obtaining permission from the Court.
- Chha 6-12 In case, there is no relative of the dead prisoner, the cremation should be done by the department.

## **CHAPTER SEVEN**

### **Prisoner's diet and clothing**

- Chha 7-1 Ka) All convicted prisoners are entitled to three square meals a day.
- Kha) Repealed.
- Chha 7-2 Ka) All prisoners are to be issued with clothing once in a year.
- Kha) Civil case prisoners or under trials are not entitled to yearly clothing.
- Ga) Civil case detainees and under trials are also entitled to three square meals a day. Such detainees are permitted to receive food or edibles brought by visitors other than alcohol. However, edible items before being handed over or served to the detainee should be checked and the visitor made to taste it.

## **CHAPTER EIGHT**

### **Prisoner's work**

- Chha 8-1 Except the prisoners convicted with capital punishment and hard core convicts, the other prisoners in order to reform themselves and learn a trade for their benefit, the Dungda Jails (SP) after due approval from the Government shall assign the following reformatory work in order to generate income:
- 1) To make kitchen garden and plant fruit trees.
  - 2) Painting, carving, weaving, carpentry and embroidering.
  - 3) Cottage industries like candle manufacturing, making

chairs and tables etc.

- 4) Any other work that may be useful for the department, public and prisoners themselves.

## **CHAPTER NINE**

### **Visitor' rules for convicted prisoners**

The following sections from Chha 9-1 to Chha 9-8 shall be deemed to have been amended:

- Chha 9-1 Relatives and family members shall obtain prior permission from the Officer in-charge of the Jail to meet the particular detainee/ prisoner.
- Chha 9-2 Any items brought by the visitor for the detainee/ prisoner shall be subjected to checking by prison authority.
- Chha 9-3 The meeting shall be confined to the visitors room.
- Chha 9-4 The visiting hours shall be from 0800 hours to 1700 hours.
- Chha 9-5 The duration of time allowed is 60 minutes.
- Chha 9-6 The purpose of the visit and the names of the visiting relatives and family members shall be kept in record.
- Chha 9-7 Spouses visiting the inmates may stay overnight in the special family cabins after receiving permission from the officer in-charge of the Jail.
- Chha 9-8 The visiting hours shall be from 0800 hours to 1700 hours and nobody is permitted to visit beyond the above time schedule.

## **CHAPTER TEN**

### **Outsiders cannot help the prisoners as follows**

- Chha 10-1 No security personnel or any other person are permitted to smuggle in or out any prohibited items within the Jail.
- Chha 10-2 Attempting to smuggle in and out any prohibited items as above.
- Chha 10-3 Discussing confidential matters with prisoners.
- Chha 10-4 Planning or abetting escape.
- Chha 10-5 Passing prohibited or edible items to prisoners.
- Chha 10-6 Communicating information outside the prison limit on behalf of the prisoner relating to his detention and causing instigation.
- Chha 10-7 Aiding or abetting a prisoner attempting to commit suicide.
- Chha 10-8 Refusal to reveal identity of any visitor or giving false information when asked.
- Chha 10-9 Whoever violates the above provision shall be charge sheeted to the nearest Court and will be dealt with as per the various provisions of the Law/Acts.

## **CHAPTER ELEVEN**

### **Violation of rules, categories of the offences and punishment**

#### **Categories of offences**

- Chha 11-1 Ka) Wilfully disabling himself to shirk work.
- Kha) Feigning illness;

- Ga) Quarrelling with other prisoners within the prison or use of criminal force;
- Gna) Wilful idleness or negligence at work by any prisoner sentenced to rigorous imprisonment;
- Cha) Immoral or indecent behaviour;
- Chha) Wilfully violating prison rules and regulations;
- Ja) Insulting or threatening Jail Officials;
- Nya) Wilful damage to prison property;
- Ta) Contumaciously refusing to work;
- Tha) Receiving, possessing or transferring any prohibited articles;
- Da) Conspiring to set the Jail on fire, attempting to or conspiring to escape or preparing to assault any Prison Official and refusing to report such conspiracy;
- Na) Assaulting or use of criminal force on Prison Officials;
- Pa) Removing the instrument of restraints;
- Pha) Wilfully bringing false accusations against any Prison officials;
- Ba) Planning and assisting others to escape.

## **Punishment**

Chha 11-2 This Section was amended as follows:

- Ka) Reprimand and explain to show good conduct and



behaviour to other inmates;

- Kha) Award rigorous works ranging from one day to maximum one month;
- Ga) Amenities/Facilities provided shall be withheld for a period of one week;
- Nga) The Punishment exempted for earlier default shall be awarded again for a period of one month;
- Cha) Solitary confinement from three days to a maximum period of three weeks.

### **Power to award Punishment**

- Chha 11-3 1) The respective Prison Officer is empowered to award punishment under section (Chha 11 - 2 (Ka - Nga) for violation of section Chha (Ka - Cha). However, the Dungda, Jails (SP) should be informed of the action taken.
- 2) The Prison Officer may award punishment under section Chha 11-2 (Cha-Chha) for violation of section Chha 11-1 (Chha-Dah) only after the approval of the Dungda, Jails (SP).
  - 3) The Dungda, Jails (SP) is only empowered to award punishment under Section Chha 11-2(JA) for violation of section Chha 11-1 (Na - Pa) and inform the High Court of such punishment.

Chha 11-4 Partially repealed.

However, the prisoner violating section Chha 11-1, shall be punished as per provisions of this Act.

Chha 11-5 While awarding the above three categories of punishment, the following records should be maintained:-

- Ka) Name of the prisoner

- Kha) Personal No.
- Ga) Whether habitual offender or not
- Nga) Offence and conviction term.
- Cha) Offence committed
- Chha) Date of offence
- Ja) Record of previous offence.
- Nya) Date of previous offence.
- Ta) Punishment awarded and term.

## **CHAPTER TWELVE**

### **Miscellaneous points**

Chha 12-1 Same security should be provided as in prison during the transfer of any prisoner.

Chha 12-2 A notice board for visitor's rule and prison rules and regulations should be displayed outside the Jail written both in Dzongkha and English.

Chha 12-3 No Prison Officers can proceed on leave, or treatment or any emergency purpose without the leave being sanctioned by the Dungda, Jails (SP) and a suitable substitution being detailed. The officer detailed as substitution can exercise the same power as given in this Act.

Chha 12-4 The police on duty in hot pursuit of an absconding prisoner should first fire in the air as warning. Despite warning firing, if the prisoner refuses to stop, the police on duty may open fire and try his best to shoot below the knee.

Chha 12-5 Ka) If any of the Jail guards wilfully plans or conspires with

any prisoner to help escape from Jail or assists a prisoner to escape and it is subsequently proved that the said Jail guard was responsible for the act, the Jail guard shall be imprisoned from one year to 15 years by the High Court as deemed fit. No Thrimthue shall be accepted in such a case.

Kha) In the event it is proved that a prisoner escaped due to negligence on the part of a Jail guard, but not through wilful assistance by himself as in section (Ka), the Jail guard shall be sentenced from three months to three years. No Thrimthue shall be accepted in such a case.

Chha 12-6 If any prisoner gives information of an attempted escape or setting the Jail on fire to the Prison Officer and such information is confirmed to be true, consideration for reduction of sentence shall be made by the High Court as deemed necessary.

Chha 12-7 Whenever any prisoner is released on bail for making an appeal, the bail period so availed shall not be deducted from his term of imprisonment if the appeal is not granted.

Chha 12-8 If any prisoner goes for medical treatment, such treatment period certified by the Doctor shall be deducted from his term of imprisonment.

Chha 12-9 The character report of the prisoner has to be submitted to the Court one month before the completion of term to obtain formal release order.

Chha 12-10 Ka) On receipt of the release order if the character of a prisoner is doubtful, such a prisoner should be handed over to one of his close relatives.

Kha) If there is no relative of the prisoner, such a prisoner must be handed over to the Gup and Chimi of his village.

- Chha 12-11
- Ka) If such a prisoner even during the time of his release is considered as habitual offender and has not reformed, the Court during the time of release must issue an order to the prisoner to report to the concerned police station once in a month for a period from one year to three years. The Prison Officer, during his release must strictly ensure that proper instructions are sent accordingly.
- Kha) If the character of a prisoner even during the time of his release is found doubtful, the Court in its release order should specify, that, such a prisoner after his release must confine his movement only to his village or block or Dungkhag or Dzongkhag and must inform the prisoner that his movement beyond the given area is an offence. The Prison Officer should follow such instruction and warn the prisoner.

## **THE PROVISIONS OF THE PRISON ACT**

### **CHAPTER THIRTEEN**

#### **Prison**

Chha 13-1 The Prison Act, 1982 classifies Jails in Bhutan into the following three categories :-

- 1) Central Jail
- 2) Dzongkhag Jail (District)
- 3) Dungkhag Jail(Sub-Division)

#### **Categories of Prison**

Chha 13-2 "Central" Jail means a Jail constructed in a convenient place

as per order of the Government and having a minimum capacity of 300 prisoners.

Chha 13-3 "District" or Dzongkhag Jail means a jail constructed in each district and having a minimum capacity of 50 prisoners.

Chha 13-4 "Sub-Division" or Dungkhag a Jail means a Jail constructed in each Dungkhag and having a minimum capacity of 25 prisoners.

### **Windows of the Prison**

Chha 13-5 In all above prisons, there should be a provision for separate compartment for female prisoners and young prisoner. Similarly, separate toilet provision should be made for female prisoners.

### **Size of the solitary confinement**

Chha 13-6 "Solitary" confinement means a dark room which is meant for hard core prisoner with a size measuring 8ft x 6 ft having provision for a small window.

Chha 13-7 A Central Jail should have a provision for 15 solitary confinement rooms and each have five such rooms.

## **CHAPTER FOURTEEN**

### **Procedure for arrival of new prisoners in the prison**

#### **Admission of the prisoner**

Chha 14-1 A Prisoner sent to Jail must be accompanied with a conviction order. It must be ensured that the bio-data such as name, address, etc of his admission to the prison must be recorded. Three copies of acknowledgement should be prepared and sent to the concerned Court, the Dungda of Jails (SP) and the third kept as office copy.

Chha 14-2 All prisoners arriving at the Jail for admission must be immediately admitted by the Prison Officer. However, any prisoner arriving after the Jail gate is closed, should

not be admitted, but be kept inside the outer gate with proper security.

Chha 14-3 A prisoner having a contagious disease on arrival should be quarantined from other prisoners.

### **Identification mark on Prisoner**

Chha 14-4 To avoid allegations against Jail authorities during the time of admission of a prisoner, the Jail authority must carry out a thorough physical check and examine for the presence of any wound on the body like legs, eyes, ears, and nose etc. or disability on any parts of the body and submit a copy of such report to the Court.

### **Rectification**

Chha 14-5 If any mistakes or omissions are observed in the Court order with regard to bio-data of the prisoner so admitted, the concerned Court should be immediately requested by the Prison Officer to make rectifications of the particular omissions.

### **Release of Prisoner by the High Court**

Chha 14-6 The High Court while sending any prisoner to Jail, must send the order to the Dungda, Jails (SP) with a copy to the Court of the district to which the prisoner belongs. The Dungda, Jails (SP) in turn should send an order to the Officer-in-charge of the concerned Police station and Prison Officer, with a copy to the High Court.

### **Release of Prisoner by other courts**

Chha 14-7 When a prisoner is sent by any of the Courts other than the High Court, the conviction order/Court order should be made in four copies to the O.C, Police Station (first copy), the High Court, the Dungda, Jails (SP) and the Prison Officer of the District Jail.

### **Need of photograph**

Chha 14-8 On receipt of the conviction order of a prisoner from any Court, the O.C., Police station must immediately take a photograph of the prisoner and make three copies.

While one copy should be kept in the prisoner's personal file, the other two copies should be sent to the Dungda, Jails (SP) and the concerned Prison office.

## **Hand print**

Chha 14-9 On the arrival of a prisoner at a Police station, the O.C Police station must immediately take prints of all the fingers of both hands and note all bio-data, identification marks, height and complexion etc. of the prisoner

## **CHAPTER FIFTEEN**

### **Regular prisoner's ration**

Chha 15-1 The ration scale for the prisoners as per Prison Act, 1982 are as under:-

#### **BREAKFAST**

- 1) Sugar per person - 30 gms each
- 2) Tea leaf per person - 2 gms each
- 3) Atta per person -200 gms each

#### **LUNCH AND DINNER**

- 1) Rice per person -334 gms each
- 2) Dalda per person - 15 gms each
- 3) Salt per person - 20 gms each
- 4) Chilly per person - 18 gms each
- 5) Vegetable per person -250 gms each
- 6) Dal per person - 50 gms each

- 7) Meat 250 gms per person per week.

## **CHAPTER SIXTEEN**

### **Work for the prisoner**

#### **Prisoners cannot be employed besides official work**

Chha 16-1 No prisoners are permitted to be employed for any private work like looking after cattle etc. other than official work as per daily routine work timings.

#### **Prisoners cannot be employed for any dangerous and risky work**

Chha 16-2 No prisoners are to be detailed or employed for any work by the Prison Officer which involves risk to life such as climbing on trees, building and cliffs, etc.

Chha 16-3 Prisoners are not allowed to be detailed for collection of their firewood. The department must supply firewood for the prisoners.

#### **Holidays for Prisoners**

Chha 16-4 No prisoners are permitted to be detailed for work on Sundays and the following Government holidays :-

- 1) Losar for two days;
- 2) Birth anniversary of Drugyel Sumpa on 2nd May;
- 3) Coronation Day of 4th Druk Gyalpo on 2nd June;
- 4) Lord Buddha's Pari-nirvana corresponding to 4th month of 15th day of Bhutanese calendar;
- 5) Birth Anniversary of Guru Rimpochhey on 10th day of the 5th month of Bhutanese calendar;
- 6) Summer Solstice ;



- 7) Winter Solstice;
- 8) Death Anniversary of Drugyel Sumpa;
- 9) First Sermon of Lord Buddha;
- 10) Blessed Rainy Day;
- 11) Dassai (one day);
- 12) Descending Day of Lord Buddha corresponding to 22nd day of Ninth month of Bhutanese calendar;
- 13) Birth day of the 4th King 3 days;
- 14) National Day;
- 15) Meeting of nine Evils;
- 16) Traditional Day of offerings (one day);
- 17) Dzongkhag Tshechus as per date of respective Dzongkhags.

Chha 16-5 Except on emergencies, all prisoners shall work for eight hours a day but not more.

### **Categories for prisoners for work**

Chha 16-6 Convicted females and young prisoners should not be given work beyond their capabilities. Further, no under trials are permitted to be deployed for daily labour.

Chha 16-7 No educated prisoners are to be deployed for office work.

Chha 16-8 The following categories of prisoners are not even permitted to cross the Jail gate or be detailed for daily work:-

- Ka) Convicted for 10 years and above.
- Kha) Convicted for dacoity.

- Ga) Re-arrested or who have attempted to escape.
- Gna) Habitual offenders
- Cha) Non-National prisoners.
- Ja) Prisoner with additional charges after conviction.
- Nya) Having no proper place of stay.
- Ta) Prisoners with an instrument of restraint.
- Ta) Disabled/handicapped or medically unfit prisoners.

## **CHAPTER SEVENTEEN**

### **Procedure for release of the prisoners**

#### **Date of the Imprisonment**

- Chha 17-1 Ka) Conviction period will be considered from the date of arrest. (amended)
- Kha) Conviction period will be based on the English calender.
- Ga) Conviction for one month shall be considered as 30 days.
- Gna) For any prisoner who was bailed out on production of Jabmi for processing Kidu and who absconds, upon his re-arrest by his Jabmi or the police, the period he was absent from the Jail shall be deducted from his sentence period.
- Cha) If a prisoner is arrested for involvement in more than one offence and later acquitted

for the first offence, but convicted for the second offence, the conviction period shall be determined from the first offence and not from the second offence.

Chha) Any prisoner sentenced to capital punishment who has such punishment commuted to life imprisonment by His Majesty the King, the conviction period shall be determined from his date of sentence passed for capital punishment.

### **Identification of Prisoner during release**

Chha 17-2 To ensure correct identity of a prisoner during release, the Prison officer must check the records and photographs before release.

### **Checking the release order**

Chha 17-3 Release order of a prisoner received from any court should be checked properly to ensure that it is genuine.

### **No delay after the completion of the term**

Chha 17-4 On receipt of the release order, the prisoner should be immediately released and should not be detained further.

Chha 17-5 During the release of a prisoner, all items seized during his arrest should be handed over after obtaining proper receipt.

### **Travelling allowance**

Chha 17-6 Travelling expenditure as admissible should be paid to the prisoner who requires to travel long distances.

### **Report of the release**

Chha 17-7 Intimation after the release of a prisoner, should be sent to the Court of that District to which he belongs, the OIC Police Station, convicting the Court and the Dunga, Jail (SP).