

No.V-11018/3/2010-PR
Government of India
Ministry of Home Affairs
(CS Division)

5th Floor, NDCC-II Building
Jai Singh Road, New Delhi
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Sub: Guidelines for allowing visit inside jails by individuals/ NGOs/ Company/Press for the purposes of undertaking research, making documentary or interviewing the inmates, etc.

In the recent past, cases have come up where private individuals/ documentary makers have accessed the prisoners un-authorizedly or have misused the permission for their own benefit. The Government of India has viewed such cases very seriously and accordingly decided to lay down guidelines 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.

2. 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. However, in the following circumstances, the State/UT Governments may consider allowing visitors/press/documentary makers if -

(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, or

3. For granting permission, the following measures must be taken:-

(a) The proposed visitor(s) must submit an application to the Jail Superintendent or the Home Department of the State/UT Government atleast 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 attached 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 officer 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.

4. These guidelines shall be applicable to all the visitors, whether foreigner or Indian including individuals, companies, press, researchers, film makers.

5. These guidelines supercede the earlier Advisory No V-11018/3/2010-PR dated 6th December 2012.



(Kumar Alok)

Joint Secretary (CS)

Tel: 23438100

To

All Chief Secretaries of the States/ UTs

All Principal Secretaries (Home) of the States/ UTs

All DG/ IG Prisons of States/ UTs

UNDERTAKING

(To be submitted to the Jail Superintendent)

I am/ we are enclosing a Demand Draft/ Bankers Cheque of Rs.1 lakh and undertake that if I/ we violate any guidelines/ instructions of the Authorities, the same may be forfeited.

I/ we also undertake that :-

- (a) I shall carry only one recording device as permitted by the Jail Superintendent.
- (b) I shall not carry any hidden recording devices with me while visiting the jail.
- (c) I will write the news article/magazine article/web based article following the journalistic conduct as prescribed by the Press Council of India.
- (d) I/we will not publish the research paper(s)/documentary (ies)/film(s)/article(s)/ book(s) without receiving the 'No Objection Certificate" from State Government/UT Administration/Head of Prison Department and shall publish the vetted and approved material only.
- (e) In case of films/ photographs/ documentaries, I/ we shall submit the final version to the Jail Superintendent and release the film/ documentary only after clearance from the Jail Superintendent is received.
- (f) At the end of the visit, I/ we shall, on the same day, handover all the equipments (Handycams/Cameras/taperecorders/ Dictaphone etc.) to the Jail Superintendent and collect them after three days.
- (g) I/ we also undertake that I/ we shall not release the documentary/ articles/ papers/ books or any content thereof to the media/ social media which is different than the vetted material as mentioned at (d) and (e) above.
- (h) I/ we undertake to immediately withdraw from circulation the documentary/ article/ paper/ book or any content thereof, if called upon to do so by the authorized officer of the State Government/UT.

[Signature of the visitor(s)]