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The Gazette of the Democratic Socialist Republic of Sri Lanka
EXTRAORDINARY

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PART I : SECTION (I) — GENERAL

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Government Notifications

PRISONS ORDINANCE (CHAPTER 54)

RULES made by the Minister of Justice under section 94 of the Prisons Ordinance (Chapter 54).

Dr. WIJEYADASA RAJAPAKSHE,
Minister of Justice, Prison Affairs and Constitutional Reforms.

Colombo,
07th July, 2022.

Rules

Prison Rules published in the *Gazette* No. 7093 of March 19, 1920 are hereby further amended as follows:-

- (1) Under the heading “RULES AS TO THE MEDICAL OFFICER”, by the repeal of the rule 80 thereof and the substitution therefor of the following:-

“80. (1) Where a Medical Officer or a Medical Practitioner has diagnosed a sentenced prisoner with a serious illness from which he is unlikely to recover, based on the written evidence of such Medical Officer or the Medical Practitioner, after being recommended by a Medical Board appointed by the Minister assigned the subject of health, such prisoner may be considered for placement under correctional supervision or on parole.



(2) Where the Medical Officer or the Medical Practitioner is of the opinion-

- (a) that the life of a prisoner will be endangered by further imprisonment and that the prisoner's condition cannot be improved by temporary removal to a public hospital for surgical or other treatment; or
- (b) that the prisoner has being diagnosed with a terminal illness which is likely to terminate fatally within a brief period and before the expiration of the sentence and that the prisoner is still capable of being removed and there is reason to think that the prisoner has friends or relatives able and willing to take care of him in the event of his release; or
- (c) that the mental condition of the prisoner will be adversely affected or endangered by further imprisonment,

the Medical Officer or the Medical Practitioner shall forthwith, submit to the Director General of Health Services a full medical report together with the particulars of such prisoner on prison form 26.

(3) The Director General of Health Services shall on receipt of such report under paragraph (2), appoint a Medical Board to examine the prisoner and to report on such prisoner on Prison Form 30, and forward such report together with his own recommendations thereon and all papers relevant to such prisoner marked "Urgent", to the Minister assigned the subject of justice through the Minister assigned the subject of health for submission to the President, for consideration for grant of pardon under the provisions of the Constitution."

(2) Under the heading RULES AS TO ADMISSION AND DISCHARGE OF PRISONERS:-

(a) by the repeal of rule 165 and substitution therefor of the following:-

"165. (1) A child of a female prisoner may be received into the prison with the mother if that child is below five years of age and is not attending school. When such child is received to the prison with the mother, the jailer shall certify on the back of the warrant that the child has been received, and obtain the Superintendent's signature to the endorsement.

(2) When a child is received into the prison, the jailer at once shall report such fact to the Superintendent and the Medical Officer of the prison. The Medical Officer shall, within twenty-four hours of the admission of the Child, conduct an examination of the child and submit the Medical report to the Superintendent.

(3) The Superintendent shall inform the fact of admission of the child to the Department of probation and Child Care Services, forthwith which shall as soon as practicable confer with the Superintendent and the Medical Officer of the prison whether it is in the best interest of the child to reside with the mother.

(4) The Continued residence of the child within the prison premises is dependent upon such assessment.

(5) Based on the assessment, where the Department of Prisons decides that it is not in the best interest of the child to reside with the mother in prison, the Department of probation and Child Care Services may place the child in the care of relatives of the Child if satisfactory arrangements can be made for the physical and psychological maintenance of the Child. If placing the child in the care of relatives is found not to be in the best interest of the Child, the child to be handed over to the Department of probation and Child Care.

(6) Department of Prisons shall ensure facilities for the proper biological, psychological and social growth of Children residing with female prisoners including food, education, medical facilities and appropriate recreation within the prison.

(7) As far as practicable, prison authorities shall maintain special units for mother and child in female prisons to ensure a safe environment for children.”.

(b) by the repeal of rule 166 and substitution therefor of the following:-

“166. When a child reaches the age of five years, the child shall be separated from the mother upon the certificate of the medical officer that the child is in a fit condition to be separated from the mother. The Department of prison shall ascertain whether satisfactory arrangements can be made for the maintenance of the child outside the prison. If no such arrangements can be made, the child shall be handed over to the Department of Probation and Child Care.”.

(3) Under the heading RULES AS TO SEPARATION AND CLASSIFICATION OF PRISONERS:-

(a) by the repeal of rule 178 and substitution therefor of the following:-

“178. Male Prisoners shall be divided into the following classes, and each class shall be kept, so far as the arrangements of the prison permit, separate from all other classes, that is to say:-

- (a) civil prisoners;
- (b) Prisoners awaiting trial, or on remand pending the hearing of a complaint, or in default of finding bail;
- (c) Prisoners under eighteen years of age;
- (d) Prisoners previously convicted;
- (e) Prisoners not previously convicted; and
- (f) **according to the prisoner’s period of sentence.”; and**

(b) by the insertion immediately after rule 178, of the following new rules:-

“178A. (1) Each prisoner who has been sentenced to more than six months of imprisonment shall be assessed by a Prisoner Assessment Committee appointed and chaired by the Superintendent as soon as such prisoner is admitted and from then on at least once in every twelve months in order to determine whether such prisoner should be transferred either within the prison or to another prison.

(2) In order to assess a prisoner under paragraph (1), the Prisoner Assessment Committee shall take the following into consideration:-

- (a) prisoner’s age and sex;
- (b) prisoner’s Social, medical, psychological and vocational background;
- (c) the nature of the prisoner’s offence, his attitude towards the offence committed by him and the length of the sentence;

- (d) whether the prisoner requires medical treatment or assistance in education;
- (e) the prisoner's suitability for any particular form of vocational training or work;
- (f) prisoner's behaviour in prison;
- (g) maintenance of prisoner's family ties; and
- (h) any other relevant factor.

“178B. (1) The risk assessment of each prisoner for the maintenance of security of each prison irrespective of their classification under rule 178 shall be conducted by taking the following into consideration:-

- (a) harm to self, to other prisoners or to persons working in or visiting the prison (harm related risk)-
 - (i) Seriousness of the offence for which the prisoner is serving a sentence of imprisonment or in the case of a prisoner who is serving a sentence for two or more offences, the seriousness of any of those offences;
 - (ii) the duration of the sentence or the sentences being served by the prisoner;
 - (iii) History of any mental disorders, if any;
 - (iv) whether the prisoner is awaiting trial or sentencing or any further charges and, if so, the nature of those charges,
- (b) threat to good order in prison (order related risk)-
 - (i) History of violent behavior by the prisoner;
 - (ii) history of using any substance contained in the schedules to the Poisons, Opium and Dangerous Drugs Ordinance (Chapter 218) or a narcotic drug or a psychotropic substance in the third schedule and fourth schedule to the Conventions against Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, No. 1 of 2008;
- (c) the likelihood of escape (Security related risk)-
 - (i) History of escapes or attempted escapes from the custody of the prison;
 - (ii) any other matter specified by the Superintendent as a matter to be taken into consideration;
- (d) Committing another serious offence while on prison leave or release (reoffending related risk); and

- (e) investigating the commission of offences in the community in cooperation with associates in the outside world (crime related risk).”.

(4) Under the heading RULES RELATING TO UNCONVICTED PRISONERS AND CIVIL PRISONERS-

- (a) in rule 190, by the substitution for the words “under section 60 of that ordinance.” of the words-

“under section 60 of that ordinance:

Provided however, the unconvicted prisoners or the civil prisoners shall nominate three persons from whom they shall receive food, clothing, bedding and other necessaries, at the time of admission to the prison.”;

- (b) by the repeal of rule 196 and substitution therefor of the following:-

“196. (1) on the payment of a fee fixed by the Superintendent, any civil prisoner may be permitted by the Superintendent to be placed in exclusive occupation of a room or cell better equipped than an ordinary cell or ward, if such a room or cell is available and the condition of such prisoner warrant the provision of such accommodation.

(2) With the permission of the Superintendent, any civil prisoner who has been placed in exclusive occupation of a room or cell under paragraph (1) may procure at his expense such furniture for that room or cell as may be approved by the Superintendent.”;

- (c) by the repeal of rule 200 and the substitution therefor of the following:-

“200. (1) Subject as hereinafter provided, every unconvicted prisoner or civil prisoner shall be entitled, if the necessary arrangements can be made in the prison, to receive, once a week a visit, lasting not more than fifteen minutes, from a party of his immediate family or nominated persons not exceeding three in number:

Provided however, that, in special circumstances of any case, the Superintendent may-

- (a) increase the number of visits which any such prisoner is entitled to receive under the preceding provisions of this rule;
- (b) permit any such prisoner to be visited by a party of more than three of his immediate family or nominated persons; and
- (c) extend the duration of any visit to more than fifteen minutes.

(2) An unconvicted prisoner or civil prisoner shall not be entitled to receive any visit on a Sunday.

(3) Every visit to any unconvicted prisoner or civil prisoner shall be paid at such times and shall be subject to such restrictions as the Superintendent may determine.

(4) In the following circumstances, the Superintendent may restrict the visits for a particular unconvicted prisoner or a civil prisoner-

- (a) if it is in the interest of national security;
- (b) for the prevention, detection, investigation or prosecution of a crime;

- (c) if it is in the interest of public safety;
 - (d) for securing or maintaining security or good order and discipline in the **youthful offenders' training schools established under section 2 of the Youthful Offenders (Training Schools) Ordinance (Chapter 35)**;
 - (e) for the protection of health or morals;
 - (f) for the protection of the reputation of others;
 - (g) for maintaining the authority and impartiality of the judiciary;
 - (h) for the protection of the rights and freedoms of any person;
 - (i) any other reason that the circumstances may require.”; and
- (d) by the repeal of rule 211 and substitution therefor of the following:-

“211. During a period of not less than one hour in day light on each day, every unconvicted prisoner or civil prisoner may, for the purpose of exercise, remain out of his cell or ward in such place as may be allotted to such prisoner by the Superintendent:

Provided however, that, in the special circumstances of any case, the Superintendent may allow such prisoner to remain out of his cell or ward in such place for the purpose of exercise for a longer period than provided in this rule.”.

- (5) Under the heading **RULE AS TO LABOUR OF CONVICTED PRISONERS** by the insertion immediately after rule 221 of the following new rule:-

“221A. (1) **Subject to the provisions of paragraph (2)**, the Commissioner - General of Prisons in concurrence with the Minister assigned with the subject of prisons may authorize convicted prisoners who have served a sentence of imprisonment for more than twelve months and who are eligible for employment **to be so employed** outside the prison premises in identified industries in public or private institutions.

(2) The Commissioner-General may identify the convicted prisoners who are eligible for employment outside the prison premises based on the risk assessment in rule 178B.

(3) The convicted prisoners working outside the prison shall be provided with food during working hours and remunerated in such amounts in accordance with the agreement entered into between the public or private sector employer and the Department of Prisons in conformity with the existing laws relating to industries and labour.

(4) The employment referred to in paragraph (1) shall be from 08.00 a.m. to 3.30 p.m.

(5) The remuneration earned by each prisoner shall be deposited in a state bank in such prisoner's name.

(6) Where a prisoner violates any rule or direction during his employment, the Superintendent may **terminate his employment** and recall him back to prison.

(7) Depending on the gravity of the misconduct committed by the prisoner, the Superintendent may forfeit remissions earned by such prisoner for not **less than** one week.”.

- (6) Under the heading RULES AS TO FOOD, CLOTHING AND BEDDING, by the repeal of paragraph (9) of rule 222 and the substitution therefor of the following:-

“(9) Children who have been admitted to prison under rule 165 shall be provided with such diet as may be recommended by the Medical Officer and approved by the Superintendent.”.

- (7) By the repeal of rules 236, 237 and 238 under the heading “RULES AS TO PROHIBITED ARTICLES” and the substitution therefor of the following:-

“236. All articles not supplied **in accordance with** the Prison Ordinance and according to prison rules shall be deemed to be prohibited articles. Any such article which may be found in the possession of a prisoner without the sanction of the Superintendent or introduced into the Prison in order that such article may come into the possession of any prisoner shall be confiscated by the Superintendent.”.

“237. (1) The following shall not be admitted into the prison except by medical order or under the sanction of the Superintendent:-

- (i) money;
- (ii) clothing;
- (iii) cooked or uncooked food;
- (iv) drink;
- (v) letter;
- (vi) Paper ; and
- (vii) Oil

- (2) **The following shall not be admitted into the prison or permitted to be introduced into the prison:-**

- (i) alcohol;
- (ii) tobacco;
- (iii) betel;
- (iv) animals;
- (v) unauthorized books;
- (vi) cards, dice or any instrument for gaming;
- (vii) tools;
- (viii) explosive; explosive device or incendiary device;
- (ix) any substance or device that can be used in the manufacture of an explosive or incendiary device;

- (x) Ammunition;
- (xi) Any pistol, revolver, rifle, machine gun, shot gun or any other kind gun;
- (xii) Weapons;
- (xiii) any device or instrument designed or commonly used, or that has been or is capable of being adapted or modified, for the purpose of inflicting any kind of bodily injury or harm to a person or assisting a prisoner to escape from a prison;
- (xiv) mobile telephone, mobile telephone accessory or other device that may be used to make or receive a telephone call, mobile telephone charger;
- (xv) Subscriber Identification Modules (SIM Cards);
- (xvi) a substance that is a prescription drug without the prior approval of the Medical Officer;
- (xvii) A substance contained in the schedules to the Poisons, Opium and Dangerous Drugs Ordinance (Chapter 218); a syringe or needle; a device capable of being used for the administration of a substance by means of the drawing of smoke or fumes (resulting from the heating or burning of the drug or substance) including a device known as a bong;
- (xviii) a narcotic drug or a psychotropic substance in the Third schedule and Fourth schedule to the conventions against Illicit Traffic in Narcotic Drugs and psychotropic Substances Act, No. 1 of 2008;
- (xix) any flammable, corrosive, or toxic substance that is determined to pose a threat to the safety and security of the prison;
- (xx) Paint;
- (xxi) acid or alkali;
- (xxii) glue or other adhesive;
- (xxiii) herbicide; fungicide; or insecticide;
- (xxiv) pressurized spray canister;
- (xxv) a video game, computer game, or movie;
- (xxvi) any pornographic material;
- (xxvii) a camera or other device capable of capturing or recording images (whether digitally or on film or tape);
- (xxviii) a 2-way radio (also known as a walkie-talkie);

- (xxix) drones;
- (xxx) any device that includes a mode or other device enabling it to transmit or receive data to or from a network of computers;
- (xxxi) any data storage device;
- (xxxii) any other digital, electronic, or electric device or equipment; and
- (xxxiii) any diagram, plan or other document, or audio or video recording, or any other material of any kind, that instructs, teaches or otherwise guides a person how to make any item referred to above or about a method of escaping from a prison or causing an insurrection, riot or other disturbance at a prison.”.

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