



ABSTRACT

Prisons – Wage Earning Scheme – Apportionment of wages earned by the prisoners in Prison Industries as per the recommendation of the Wage Fixation Committee – Accepted – Orders – Issued.

Home (Prison-III) Department

G.O.(D)No.192

Dated: 30.04.2020

விகாரி வருடம், சித்திரை 17
திருவள்ளூர் ஆண்டு 2051

Read:

1. Supreme Court of India, New Delhi Judgment in C.A.No.308/86, dated 24.9.98.
2. G.O. (Ms) No.4, Home, dated 4.1.99.
3. G.O. (Ms) No.238, Home (Prison-III) Department,, dated 2.3.2000.
4. G.O. (Ms) No.1141, Home (Prison-III) Department, dated 20.10.2000.
5. G.O. (3D) No.1372, Home (Prison-V) Department, dated 21.12.2000.
6. G.O. (3D) No.43, Home (Prison-III) Department, dated 01.09.2017.
7. Orders of the Madurai Bench of Madras High Court, Madurai in WP (MD) No.14653 of 2017, dated 01.02.2019.
8. Government letter No.58451/ Prison-III/ 2017-6, dated 03.10.2019.
9. From the Additional Director General of Police/ Inspector General of Prisons, Chennai-8 letter No.31235/IC.1/2017, dated 21.10.2019.
10. From the Additional Director General of Police/ Inspector General of Prisons, Chennai-8 letter No.31235/IC.1/2017, dated 04.12.2019.

ORDER:

In the order fourth read above, based on the recommendations of the above Wage Fixation Committee, Government have fixed the wages to the prisoners working in prison Industries as Rs.60/-, Rs.50/- and Rs.45/- respectively. In the said G.O. it has also been ordered to deduct 50% of the wages earned by the Prisoners for their upkeep, 20% for Prison Fund

towards Victim Compensation and the remaining 30% for Prisoners' cash property.

2. In the order fifth read above, Government had issued the following amendments to rule 481 of the Tamil Nadu Prison Rules, 1983;

Rule 481 (1):

- i. 50% of wages earned by the prisoners shall be deducted for the upkeep of the prisoners;
- ii. 30% of the wages earned shall be credited to the prisoners cash property account and
- iii. 20 % of the wages shall be credited to prison fund to be paid to the victims.

3. In the order sixth read above Government have revised and refixed the wages of skilled, semi skilled and unskilled working in maintenance and manufactory sections of the prisons as Rs. 200/-, Rs.180/-, Rs.160 per day respectively.

4. One Thiru.K.R. Raja has filed a W.P. (MD) No.14653 of 2017 before the Madurai Bench of Madras High Court seeking direction to declare the Rule 481 of the Tamil Nadu Prison Rules, 1983 as null and void to the extent of 50% wages earned by the prisoners deducted for the upkeep of the prisoners and 20% wages credited to prison fund to be paid to victims. In its order seventh read above, in the above case the Hon'ble Madurai Bench of Madras High Court has held that, "Rule 481 of Tamil Nadu Prison Rules, 1983 is unconstitutional to the extent it provides for deduction of 50% of the wages from the prisoners and that it is open to the Government to provide for a lesser and reasonable percentage of deduction which would be in accordance with the law laid down by the Hon'ble Supreme Court".

5. As directed by the Government based on the above orders of Madurai Bench of Madras High Court, Madurai in the letter eighth read above, the Additional Director General of Police/Inspector General of Prisons, Chennai-8 in his letter ninth and tenth read above has sent a detailed proposal stating that the Wage Fixation Committee meeting for the deduction of wages to prisoners engaged in prison industries was held at the office of the Additional Director General of Police/ Inspector General of Prisons, Chennai on 15.11.2019. In the board Meeting, the Members of the "Prisoners Wage Fixation Committee" discussed various matters related to the issues and after detailed discussions, the Committee has unanimously recommended that, deduction of wages from the prisoners engaged in prison industries may be reduced from 50% to 30% of wages towards Upkeep of the Prisoners, and wages payable to Prisoners in their Prisoner Cash Property account may be enhanced from 30% to 50% of

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wages and the balance 20% of wages towards Victim Compensation Fund.

Sl. No.	Wages	Apportionment of wages		
		Recovery for Upkeep - Diet and clothing to be remitted into Government Head	Victim Compensation Fund to be remitted into relevant Head	Wages payable to the prisoners in Prisoners cash property
1.	Existing	50%	20%	30%
2.	Recommended for revision	30%	20%	50%

He has therefore requested the Government to accept the above recommendations of the Committee and requested orders in this regard.

6. In this connection, in the Budget Speech of Hon'ble Deputy Chief Minister for the year 2020-2021, it has also been mentioned as follows:-

"Prisons in Tamil Nadu have been recognized as humane and reformatory in their approach. As a reformatory initiative, the share of the prisoners from the wages earned in prison industries will be increased from 30 percent to 50 percent by reducing the deduction for their upkeep from 50 percent to 30 percent."

7. In accordance with the directions of the Madurai Bench of Madras High Court, Madurai and based on the announcement of Deputy Chief Minister in paragraph 6 above Government have examined the proposal of Additional Director General of Police/ Inspector General of Prisons, Chennai above and decided to accept the same based on the recommendation of the Wage Fixation Committee in respect of revision of apportionment of wages earned by the prisoners in Prison Industries.

8. Accordingly, the apportionment of wages earned by the prisoners in the Prison Industries hitherto prescribed in rule 481 (1) of the Tamil Nadu Prison Rules, 1983 is hereby revised as follows:-

Apportionment of wages earned by the prisoners		
Recovery for Upkeep - Diet and clothing to be remitted into Government Head	Victim Compensation Fund to be remitted into relevant Head	Wages payable to the prisoners in Prisoners cash property
30%	20%	50%

9. Necessary amendments to the Tamil Nadu Prison Rules, 1983 to this effect will be issued separately and the Director General of Police/ Inspector General of Prisons, Chennai-8 is directed to send necessary proposals to Government in this regard.

10. This order issues with the concurrence of Finance Department vide its U.O.No.15218/Finance(Home-2)/2020, dated 27.04.2020.

(BY ORDER OF THE GOVERNOR)

S.K. PRABAKAR
ADDITIONAL CHIEF SECRETARY TO GOVERNMENT

To
The Director General of Police/ Inspector General of Prisons, Chennai-8.
The Deputy Inspector General of Prisons (Hqrs), Chennai-
All Range Deputy Inspector General of Prisons, concerned.
The Superintendents of all Central Prisons/ Borstal School, Pudukottai.
The Accountant General, Chennai-18/35
The Pay and Accounts Officer (East), Chennai-5
The Superintendents of Spl.Prisons for Women,
Vellore and Trichy.
The Hon'ble Chief Minister office, Chennai-9
The Special Personal Assistant to Minister for Law, Courts and Prisons Chennai-9
The Members of the Wage Fixation Committee.
SF/ SCs.

//FORWARDED BY ORDER//

S. Subashini
20/4/2020.
SECTION OFFICER