

(For Departmental use only)



Prison Manager,
Vadodara Central Prison
VADODARA.



GOVERNMENT OF BOMBAY

BOMBAY JAIL MANUAL

(Edition of 1955)

Containing the Rules for the Superintendence and
Management of Jails in the

BOMBAY STATE

(Prescribed by the Government of Bombay)

Revised and recast by

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(Under the orders of Government in G. R., H. D., No. 6792/5, dated 24th
November 1952 and G. R., H. D., No. RJM-1053, dated 6-10-1954)

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PREFACE

There was no Manual of Rules or Regulations for the guidance of the Jail staff upto 1860 in which year a simple Code of Rules was framed. This was followed by the "Gaol Rules" framed in 1866. The first Jail Manual as such was prepared in 1876. In 1891 it was found necessary to revise the Manual, and in Government Resolution, Judicial Department No. 2997, dated 3-6-1891 Government directed such revision, but the work was not actually put in hand and ultimately it was held in abeyance pending the decision of the Government of India on the various proposals made by the Jail Conference held in 1892. The Prisons Act IX of 1894 was passed as the result of the recommendations made by the Conference. The radical changes introduced in the Jail Administration by this Act necessitated practically a re-casting of the Jail Manual of 1876, which was done in 1901 in the shape of the Bombay Jail Manual of 1901. The various Acts pertaining to the Jail Administration and specimens of the registers and forms to be maintained were incorporated in part-II of the Manual for the first time. These two parts were again revised and brought upto date in the years 1911 and 1915 respectively. The Bombay Jail Manual Part-I was again revised in the year 1927. With the separation of Sind and Aden from the Bombay State and conversion of the Juvenile Jail in Dharwar into a Borstal School, and certain reforms introduced during 1937-40 (1st popular Ministry) references pertaining to the Jails in Sind, Aden and Dharwar contained in the Manual of 1927 had to be omitted and the Manual brought up-to-date in other respects also. Revision of the Manual was, therefore, directed by Government in their letter Home Department No. 7103/3-C, dated the 16th December 1940, and the work was completed in the year 1944.

On account of the attainment of Freedom, partition of the country into "Pakistan and Bharat", merging of the Indian States and adoption by Government of the recommendations of the Jail Reforms Committee of 1948, considerable changes of a fundamental nature took place in the Jail Administration. This necessitated a re-casting of the Bombay Jail Manual for the second time. A beginning was made as directed in Government Resolution, Home Department No. 6792/5, dated 7-5-1949, but the work was not completed for one reason or the other. In the meantime the conference of the Inspector-General of Prisons of the various States in India held in Bombay in March 1952 passed the following Resolution:

"The Jail Manual needs a revision in view of the changed attitude from mere deterrence to correction and rehabilitation. It also requires to be considerably simplified and made more elastic so as to give more discretion to the Inspector-General and Superintendents. In order to achieve this, the Conference recommends that a Committee consisting of Inspector-General of Prisons Bombay and two experienced Superintendents of District or Central Jails should examine this question and draft a skeleton Jail Manual which will be circulated to the Inspector-General of several States for their opinions and suggestions. Concomitantly, it will be necessary to revise the existing Prisons and Prisoner's Acts for this purpose."

Government, however, did not consider the appointment of such a Committee necessary and in Government Resolution Home Department No. 6792/5, dated 24-11-1952, directed the Inspector-General to revise and re-cast the Manual of 1944 only by incorporating in it all the orders issued by Government from time to time.

Government orders upto 11-1-1955 have been incorporated in this revised Manual. For the sake of convenience of reference, the various Government orders on which the Rules in the Manual are framed have been quoted at the end of the Manual in Appendix VI which also contains a numerical list of the Rules in the old Manual with the corresponding Rules in the revised Manual shown against them.

A Chapter on the history of the Jail Reforms, information regarding the conditions of service of the Jail staff and the facilities available to them, and an appendix showing the powers of the various Officers of the Jail Department have been added in order that the Manual be made comprehensive.

The provisions of Part-II of the Manual have been brought up-to-date by omitting the redundant provisions and incorporated in the Bombay Jail Manual. There will no longer be Part-II of the Manual.

The terms "Prison" and "Jail" are used synonymously in the Manual.

Most of the Jail Reforms recently introduced are made applicable to the prisoners confined in Head-quarter Sub-Jails. The provisions of the Jail Manual will, therefore *mutatis mutandis* apply to Head-quarter sub-Jails, i. e. sub-Jails where departmental Jailors are posted irrespective of the location of those sub-Jails.

(iii)

The arrangement adopted in the present edition of the Manual is materially different from the one adopted in the past. All chapters were individually approved by Government. The draft of the whole Manual was again finally approved by Government (vide G. R. H. D. No. RJM-1053. dated 6-10-54).

Though every attempt has been made to incorporate in this Manual all the relevant and up-to-date rules and provisions, readers, are requested kindly to point out omissions if any.

M. K. DESHPANDE,
Inspector General of Prisons,
State of Bombay.

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ADDENDUM

(Incorporated as per G. L., H, D., No. RJM-1053/42013-C, of 25-6-1955)

The following material should be added as indicated in Column 2 :—

<i>Page.</i>	<i>Rule.</i>	<i>Material.</i>
20	Add at the end of the rule 8.	"One or more Jail guards are deputed for duty at Head quarter Sub-Jails from the nearest Central, District or Special Prisons. The period of deputation must not exceed three years without Inspector General's sanction."
24	Add new rule 11-A.	<p>"(i) Whenever recruitment to a particular post or class of posts is undertaken the number of posts to be reserved for members of the Backward Class should be determined in advance and invariably mentioned in the advertisement.</p> <p>(ii) If it is found that an adequate number of candidates belonging to the Backward Class are not available if the general standard of selection is strictly enforced, the standard of selection should be lowered in favour of members of that class and candidates who are generally considered suitable and conform to the minimum standards for appointment may be selected, such selected candidates should be given to understand that their appointment is on trial and that they would not be confirmed unless they are found suitable and come upto the required standards."</p>
25	Add new rule 15-A.	<p>"(i) No person who has more than one wife living shall be eligible for appointment to service.</p> <p>Provided that subject to the provisions of any law in force Government may, if satisfied that there are special grounds for doing so, exempt any person from the operation of this rule.</p> <p>(ii) Candidates for employment should be asked to indicate whether they have more than one wife living and in the event of a declaration in the negative being found to be incorrect after his appointment he will be liable to be dismissed from service."</p>
30	Add after rule 25 (3) (V)	<p>"Note :</p> <p>The posts of Supervisors of the Borstal School, Dharwar, are included in the cadre of Jail Guards and the appointments by nomination or promotion in the case of Supervisors in different ranks should be made on the lines of the rules applicable to the Corresponding posts of Jail guards. The incumbents of these posts are liable for transfer from Jail to School and Vice Versa."</p>
40	Add a new note (1) to rule 59 and the number the existing note as note No. (2)	"(1) All Clerks (including the clerks in Inspector General's office) shall furnish the requisite security and execute bonds for the due performance of their duties and shall be strictly bound by the conditions set forth in the bond."

Page

Rule

Material

41 Add new rule
63-A.

"The oath of allegiance to the Constitution of India should be taken by all new entrants to Government service in the following form:—

"I do swear/solemnly affirm that I will be faithful and bear true allegiance to India and to the Constitution of India as by law established and that I will carry out the duties of my office loyally, honestly and with impartiality.

(So help me God)."

(Conscientious objectors to oath taking may make a solemn affirmation in the prescribed form indicated above).

Note:

The Superintendent and/or Inspector General of Prisons should ensure that any Government servants already in service who have not taken the oath hitherto take the oath immediately without fail.

41 Add new rule
63-B.

"All foreign nationals who are full time Government servants should be required to take/ make the oath/affirmation in the following form:

"I a citizen of temporarily residing in and holding a civil post under the Government of India/Bombay do swear/solemnly affirm that, saving the faith and allegiance I owe to * I will during the period of my service as aforesaid, be faithful to India and to the Constitution of India as by law established and that I will carry out the duties of my office loyally, honestly and with impartiality

(So help me God)."

* Here insert the name of the Country concerned.

42 Add to rule 74.

Name of jail.	Amount & Conditions
Ahmednagar Sub-Jail.	Actual conveyance charges not exceeding Rs. 20 per month.
MGehsana Sub-Jail.	Do.
odhra Sub-Jail.	Do.
Surat Sub-Jail.	Do.
Nasik Sub-Jail.	Do.
Palanpur Sub-Jail.	Do.
Amreli Sub-Jail.	Do.
Satara Sub-Jail.	Do.
Sholapur Sub-Jail.	Actual conveyance charges not exceeding Rs. 10 per month.

42 Add new rule
71-A

"while fixing the pay of displaced Government servants from Pakistan if the person concerned is not able to produce his

page.

Rule.

Material

service records or other reliable evidence, his pay should be fixed on the basis of a declaration given by the Government servant himself duly supported by collateral evidence and certificate from two permanent Government Servants of higher status. The declaration and the certificate should be in the form given below, it should be made clear to the Government servant that overpayments, if any, made to him on the basis of his declaration will be recovered in full when the records become available and that any wilful misstatement or suppression of information leading to overpayments on a large scale will be treated as misconduct and render him liable to discharge from service.

Declaration to be given by the Government servant concerned:—

"Whereas the (here state the designation of the officer fixing the pay) having decided to fix my pay in the post held by me at present, in accordance with the orders contained in Government Resolution, Political and Services Department, No. 1868/46, dated the 5th January 1948, as modified from time to time.

I, formerly
..... office of the
..... and now.....
..... office of the
..... hereby declare

that the particulars of service and pay drawn by me as shown below in the territory now covered by Pakistan, are correct to the best of my knowledge and belief, in the absence of the requisite service records, which are not forthcoming from the authorities in Pakistan, and in consideration of the decision to finalise my fixation of pay on the basis of the information now supplied by me duly certified by two permanent employees of higher status, I hereby agree and undertake, that if the particulars given by me are found to be incorrect in any way at a later date, either with reference to the original records or otherwise "I shall refund to Government on demand any overpayment that may thereby have been made to me and also authorise Government without prejudice to any other remedies available to them in that behalf, to recover the amount of such overpayment in full from any moneys (including pension and death-cum-retirement gratuity) that may be payable to me by Government and further that any wilful mis-statement or suppression of information or facts by me will render me liable to discharge from service or such other

Page

Rule.

Material.

action as the competent authorities may decide in the matter."

Signed this day of
 at.....
 Signature.....
 Designation

Particulars:.....

Certificate to be given by the two other Government servants.

Certified that the particulars of service as given by of the office of in the above declaration are correct to the best of my knowledge and belief. The circumstances under which we have a knowledge of these particulars are as follows:—

(i) Signature and Designation of Government servant,

(ii) Signature and Designation of Government Servant.

47 Add to rule 98.

Railway Station between which season-ticket is granted.

Arthur Road Prison, Chinchpokly to Victoria Terminus.

101 Add second para. to note to rule 223-A.

"In the case of gazetted officers in Jail Department under suspension who draw subsistence allowance on their personal claims from the treasury the officers concerned should furnish the prescribed certificate, viz., a certificate to the effect that they did not accept any private employment or engage in any trade or business during the month for which the subsistence allowance is claimed in their pay bills. The Treasury Officers to whom the bills are presented should see that the certificate is furnished by the officers before their claim is admitted and if they have any reasons to doubt the certificate in any case they should report the case to the Inspector General of Prisons, who will ask the Police to verify the certificate.

Though jailors, Group II and III and B.M.S.O., Class III, are personal salaried officers, *vide* sub-rule 33 of T. O. No. 16 (F. P. No. II) the responsibility of obtaining the certificate rests with the Superintendent of the jail who has to countersign the pay bills of these officers."

50 Add note to the rule No. 104-A.

"Note:

Absence on the part of Government Servants for attending the Sports Festivals

Page.

Rule.

Material.

65 Add new rule
126-A.

organised by the Bombay State National Sports Fund either as participants or team managers will be treated as special casual leave."

Deputation of Government Servants out of India for Training.

1. Conditions to be satisfied in respect of Government servants to be sent for training.

(i) The Government servant should have at least three years to serve after the conclusion of training. In the case of a Government servant on loan from other Government or a quasi-Government or a local body the lending authority should agree to make him available to Government for a period of not less than three years after the conclusion of training, if required.

(ii) In the case of a Government servant in the temporary employ of Government, there should be a reasonable chance of his remaining in service for a minimum of three years after the conclusion of the training. He, as well as a Government servant in the permanent employ of Government, should be required to give an undertaking in writing that he agrees to serve the Government for a period of at least three years, failing which he would be liable to make good all the money spent by Government on his training including pay and allowances drawn during the period of training and in addition to pay a penalty of Rs. 500 if the period of training is less than 6 months and of Rs. 1,000 if the period of training is 6 months or more.

(iii) He should have completed a minimum of five years, service and should also possess adequate background of the subject or field in which he would be receiving training. The five years, limit may, however, be relaxed in cases in which the very nature of the training does not warrant such a restriction, e. g. cases where individuals are recruited on the condition that they should undergo training in the initial stage of their service or before they are posted to regular duties.

2. Terms to be allowed.- (a) pay-

(i) If the period of training (exclusive of travel time from India to the country of training and back) does not exceed six months, the Government servant will be allowed to draw while on deputation, pay which he would have drawn had he remained on duty in India, the period of deputation being counted, as duty for all purposes.

(ii) If the period of training exceeds six months, the first six months of absence

Page. Rule.

Material.

from his post in India will be treated as deputation as in clause (i) above and the remaining period will be covered by the grant of special leave on half average pay on the following terms:—

(1) The period of special leave will count as service for promotion, and if the Government servant is in pensionable service, for pension also.

(2) The special leave will not be debited of the Leave account of the Government servant.

(3) The leave salary during the special leave will be equal to half average pay subject to a minimum of Rs. 500 provided that in no case will it exceed the average pay. For this purpose, in the case of a Government servant to whom the Revised Leave Rules, 1935, apply "average pay" will mean the amount determined under rule 14 (1) (i) or rule (ii) (b) thereof, whichever is higher, and "half average pay" will mean the amount determined under rule 14 (2) of those rules. The leave salary will also be subject to the maxima prescribed under Bombay Civil Services Rule No. 759 or rule 14 (2) of the Revised Leave Rules as the case may be.

(b) *Dearness Allowance.* :— Government servant eligible for dearness allowance will be paid.

(i) for the period which is treated as deputation, at the normal rate at which the allowance would have been drawn, had the officers not proceeded on deputation.

(ii) during the period of special leave dearness allowance will be granted at half the rate admissible on the amount of leave salary, provided that no dearness allowance will be admissible on leave salary of Rs. 500 or above and that on amounts of leave salary nearing Rs. 500 the leave salary plus dearness allowance will not exceed Rs. 500.

(c) *Compensatory Local Allowance and House Rent Allowance* :— Payment of these allowances to Government servants in receipt of them prior to their deputation will be governed according to the normal rules (*vide* Bombay Civil Services Rules, 338, 339 and 344).

(d) *Passage.*— Free passages both ways by sea will be granted to Government servants who are treated either wholly as on deputation or partly as on deputation and partly as on special leave in accordance with the scale laid down in Rule 3 of Appendix XLIII in the Bombay Civil Services Rules Manual, Volume II, subject to the modification that it is not obligatory to go by a P & O Steamer. Government servants desirous of travelling by air should obtain special previous permission of Government.

Page.

Rule.

Material.

(The payment under this clause will be reduced to the extent the United Nations Organisation or other authority sponsoring the training scheme makes any payment towards cost of passage).

(e) Permanent Government servants in receipt of a pay of less than Rs. 500 per mensem, will be entitled to an advance of three months' pay to be repaid in equal instalments not exceeding twelve.

3. (i) In addition to the Schemes in which Government takes the initiative to get the Government servant concerned trained, there are certain schemes operated through non-official channels (e. g. Rockefeller Foundation) in which some Government servants obtain scholarship for study abroad mainly on their own initiative. In such cases special leave on half average pay on the terms mentioned in rule 2 (a) (ii) (without the minimum limit mentioned therein) may be granted for the entire period of training, if the training has a direct bearing on the subject with which the Government servant is concerned within the sphere of his duties. When the terms under the schemes like the Rockefeller Foundation Scheme allow drawal of family allowance, the question whether it is necessary to allow leave salary under the special leave terms should be considered on merits. The other concessions, e. g. passage, allowed to officers sent on deputation will not be admissible under the purely special leave terms.

(2) Exceptions to the procedure at (1) may be made when Government themselves obtain facilities for training under non-official auspices to a Government servant who would otherwise have had to be trained under the official schemes either as a condition of appointment of the Government servant or in the interest of Government work. In such cases, the deputation-cum-special leave terms referred to in rule 2 above may be allowed.

4. In the types of cases in rules 2 and 3 above, in lieu of special leave, the Government servant concerned may be permitted to avail of the leave on average pay or earned leave to the extent due and admissible to him. The period in excess of the period of deputation plus the period of leave on average pay or earned leave, if any, should however be treated as special leave."

93. Add to rule- 194.

"Dramas staged by prisoners inside the Jails may be allowed to be staged outside the Jails also (but in the Jail premises only), if the members of the staff so desire and if the prisoner are willing to stage them voluntarily. Reasonable Charges for

VIII

Page.	Rule.	Material.
		the seats should be levied and the amount so collected should be credited to Canteen Profits."
93	197-B Add after the word 'through' appearing in the last line of the rule.	"The Regional Publicity Officers direct under an intimation to".
97	Add new rule 198-A.	"No Government servant who has a wife living shall contract another marriage without first obtaining the permission of Government notwithstanding that such subsequent marriage is permissible under the personal law for the time being applicable to him."
128	Add new rule 264-A.	"The following points should be observed while sending material such as notices etc. for publication to the Directorate of Publicity:— (i) In the case of material intended to be released as a news item or as press note, it should have instruction in bold type at the top of the forwarding letter, such as, "Material for press note (or news item) without payment." (ii) The number and the language of papers in which the advertisement is to be issued, and (iii) the name of the Officer and/or Office to whom the bills are to be sent for payment."
161	Add to the list of visitors in rule 404 as 13-A.	(13-A) District Health Officers and the Medical Officer of Health appointed by Government.
165	Add the proviso to note to rule 420.	"Provided no such permission is granted to lady students to do research work in male section of the Jail."
204	Add new rule 572-A.	B. M. S., (Class I and class II) Officers who attend to the medical duties of prisons shall exercise the powers of Medical Officers in respect of non-gazetted Government servants serving in the Jail Department for purposes of rule 202 of the Bombay Civil Services Rules.
267	760—Add after the word— 'allowance.	"For Judgment debtors confined in Civil Jail Bombay."
277	Add note to rule 806.	A convict prisoner who has already spent some time in the same Jail as an under-trial and has had his ten days' quarantine period there, need not be placed in quarantine again after conviction.
301	Add new rule 881-A.	"Magistrates and Superintendents of Police should intimate to the Prison authorities the fact of the admission of any under-trial prisoner in whose case special precautions are necessary. An approver, who has been granted a pardon under section 337 (1), Criminal Procedure Code, and is committed to Jail under Section 337 (3), should invariably be confined separately

Page. Rule.**Material.**

359 Add to rule 1147.

373 Add new clause as given in column 3 after clause 2 and number it as clause (3), the existing clause (3) being renumbered as clause (4) to rule 1236.

385 Add clause (e) to rule 1285.

389 Add new rule 1312-A.

393 Add new rule 1320-A after rule 1320.

419 1432 Add as clause (4) to the rule.

from the accused in the case. The subsistence allowance and railway fare of undertrial prisoners discharged by trying courts shall be borne by such courts."

"The actual scale for each Jail should be fixed by the Inspector General according to circumstances such as climate kind of firewood locally available, number of prisoners for whom food is to be cooked, etc."

"Soap for shaving prisoners and brushes for lathering purposes may be provided at Government cost. Provided the total expenditure for this purpose does not exceed Rs. 5,000 per year."

(e) Exclusion from the remission system for a period exceeding three months.

"No punishment of standing hand-cuffs or of whipping, or of change of labour under section 46, clause 2, Prisons Act shall be executed until the prisoner to whom such punishment has been awarded has been examined by the Medical Officer, who if he considers the prisoner fit to undergo the punishment, shall certify accordingly in the appropriate column of the punishment register. If he considers the prisoner unfit to undergo the punishment awarded, he shall in like manner record his opinion in writing, and shall state whether the prisoner is absolutely unfit for punishment of the kind awarded or whether he considers any modification (i. e. in the length, or number of strips) necessary. In the latter case he shall state what extent of punishment he thinks the prisoner can undergo without injury to his health.

Prisoners in classes I and II may be allowed the concessions to effect the following transactions from Jail:—

(a) Sale, transfer or disposal of their property outside the Jail in accordance with the law.

(b) Issuing cheques, in the absence of any relatives or friends to operate their accounts, if the money is required for a legitimate purpose such as payment of taxes or other dues or maintenance of their dependents.

Provided the Superintendent is satisfied about the merits of each individual case. Provided further that no misuse is made of the concession by the prisoner.

(4) to a prisoner classed as Habitual and doing other than conservancy work:

Page.**Rule.****Material.**

442

Add new rule
1504-A.

"The Inspector General of Prisons should refer to Government the cases of the under-mentioned categories of prisoners when they apply for release on furlough so as to enable Government to obtain the prior consent of the Government of India or the State Government concerned:—

(i) Persons convicted of offences against laws relating to matters in the Union list; and

(ii) Persons convicted of political or other offences whose release on furlough is likely to have repercussions elsewhere in the country."

ADDENDUM—(contd).

Page.	Rule.		Revised rule.	Corresponding old rule	Authority
679	Add after rule 11	...	11-A	—	G. R., P. & S. D., No. BAC-1055, dated 5-3-1955.
679	Add after rule 15	...	15-A	—	P. & S. D., Circular No. CDR-1054, dated 13-1-1955.
679	Add under authority to rule 21.	...			"and Government in E. D., Memo. No. HD-161/5-II-66062-N, dated 15th January 1955."
680	Add after 63	...	63-A 63-B	—	G. R., P. & S. D., No. 1647/46, dated 15-9-1952. P. & S. D., Endt. No. OOA-1054-95282-B, dated 17-12-1954 and 30-3-1955.
680	Add after rule 71	...	71-A	—	G. R., P. & S. D., No. DPP-1154, dated 25-2-1955.
681	Add under authority to rule 74.			—	"and G. R., H. D., No. 2219/7 dated 3-11-1954."
681	Add under authority to rule 104-A.				Govt. H.D., Cir. No. N. S. F.-1017, dated 16-2-1955."
682	Add after 126	...	126-A	—	Govt., F. D., Cir. No. DOI-1055, dated 3-2-1955.
684	Add under authority to rule 194.				G. L., H. D., No. AFP-1355/35872-C, dated 17-6-1955." & I. G.'s, Cir. No. ADM-202, dated 27-6-1955."
684	Add after rule 198	...	198-A	—	P. & S. D., Cir. No. CDR-1054, dated 13-1-1955.
684	Add under authority to rule 197-B.				"and 9th April 1955."
685	Add after rule 264	...	264-A	—	Director of Publicity, Cir. No. DP/Adut-23434, dated 28-6-1955.

<i>Page.</i>	<i>Rule.</i>	<i>Revised rule.</i>	<i>Corresponding old rule.</i>	<i>Authority</i>
688	Add in column of authority to rule 404.			"H. D., Notification No. NVJ-1054/86461-1, dated 9-5-1955."
689	Add under authority to rule 420.			"and G. L., H. D., No. PVP 1155/3042-C, dated 24-1-1955."
693	Add after rule 572 ...	572-A	—	G. L., H. D., No. RPS-1055/88573-C, dated 23-2-1955.
698	Add under authority to rule 806.			G. L., H. D., No. GQJ-1055/2197-C, dated 25-4-1955."
700	Add after rule 881 ...	881-A	672	
702	Add under authority to rule 952.			"Government Confidential letter, No. PAA-4155/C-1898-C, 21-6-1955."
703	Add under authority to rule 993.			"Government Confidential letter, No. PAA-4155/C-1898-C, 21-6-1955."
705	Add under authority to rule 1055.			"G. L., H. D., No. JCE-1055/32685-C, dated 7-6-1955."
705	Add under authority to the rule 1059.			"G. L., H. D., No. JCE-1055/32686-C, dated 7-6-1955."
705	Add under authority to rules 1144 & 1145.			"G. L., H. D., No. 9435/5-C, dated 6-6-1955."
707	Add in columns 1 & 2 of the statement.	1144-B	872	
707	Add under authority to rule 1146.			"G. L., H. D., No. DFP-1155/25643-C, dated 25-5-1955."

<i>Page.</i>	<i>Rule.</i>	<i>Revised rule.</i>	<i>Corresponding old rule.</i>	<i>Authority.</i>
707	Add under authority to rule 1147.			"G. L., H. D., No. DFP-1255/33173-C, dated 9-6-1955."
707	Add under authority to rule 1152.			"and G. L., H. D., No. DFP-2054-C, dated 10-1-1955."
709	Add under authority to rule 1236.			"G. L., H. D., No. AFP-1654/80355-C, dated 7-3-1955."
711	Add after rule 1312 ...	1312-A	750	"G. L., H. D., No. GOJ-1354/47601-C, dated 17-2-1955."
711	Add under authority to rule 1320-A.			"and G. L., H. D., No. RTP-1554/87573-C, dated 25-4-1955."
714	Add under authority to rule 1432.			G. L., H. D., No. PAB-1954/87573-C, dated 10-2-1955."
715	Add under authority to rules 1450 & 1451.			G. L., H. D., No. PAB-1354/87573-C, dated 10-2-1955."
715	Add under authority to rule 1458.			"and G. L., H. D., No. RTP-1554/87573-C, dated 11-2-1955."
715	Add under authority to rule 1464.			"Deleted vide G. L., H. D., No. RTP-1554/87573-C dated 11-2-1955."
715	Delete the present authority to rule 1469 and insert therein			Government Endorsement, No. RMG-1155/1276, dated 11-2-1955."
715	Add under authority to rule 1482.			Govt. H. D., Endt. No. 4234/7-C, dated 15-2-1955"
716	Add after 1504 ...	1504-A		

CORRIGENDUM

(Incorporated as per Govt. Letter, Home Deptt. No. RJM, 1053/42013-C., dated the 25th June 1955).

Page No.	Rule	Line	Nature of correction
37	49-A	13	Read "prescribed" for the word "prescribe".
48	98	1	Read "Appendix XXIII-A" for "Appendix XXII-A".
51	109-A	10	Read '1931' for 1929'.
57	122	3	Read 'Prisons' for 'Prison'.
69	132	11	Read "will" for "should".
102	224(b)	2	Read "resorted" for "restored".
110	235	4	Rule 235-A should be from line 4 to 13 of the page and present rule 235-A to be re-numbered as 235-B.
180	468(3)	2	Read 'end' for the word 'and' prefixing the word 'indentors'.
193	505(c)	1	Read 'petty' for 'pretty'.
196	529	2	Read 'or' for the last word 'of'.
198	537	1	Read 'cresol' for 'eresol'.
211	619	4	Read 'walls' for 'wells'.
212	623	5	Read 'As few' for "A few".
219	644(2)	10	Read 'families' for families'
232	668(9)	1	Read 'filters' for fitters'.
240	682(ii) (a)	1	Read "two feet" for "two foot".
261	745	—	Delete the existing rule and substitute therein:—

(1) "Every Class II, U. T. and convicted prisoner shall be provided with washing soda and firewood at Govt. cost for washing his clothes every Sunday, on the following scale:—

- | | |
|------------------|-------------------------|
| (i) Washing Soda | ... 1 oz. per prisoner. |
| (ii) Firewood | ... 4 ozs. " |

(2) Firewood provided under Subrule(1) shall be utilized for boiling water in which the clothes should be dipped before washing.

(3) Prisoners employed as cook or on conservancy work shall be provided with 2 ozs. of Jail made Carbolic soap per prisoner per week at Govt. cost.

(4) Class I prisoners shall be given 4 ozs. of washing soap at Govt. cost per head per month".

Page No.	Rule	Line	Nature of correction												
279	820	6	Read 'lose' for 'loose'.												
292	850(2)	4	Read 'serological' for "scrological".												
312	952(i)	1	Read 'second class' for 'Inter Class or if not available II class'.												
323	993(a)	1	Read 'second class' for "Inter Class or if not available II class".												
337	1055(b)(i)	1	Delete the existing clause and substitute therein:— "Towels shall measure 4' x 2'".												
338	1059	4	Read "one year" for 'two years' against cotton sheets.												
356	1144	11	Read 'conjee' for 'coujee'.												
356	1144	1	Substitute the existing clauses beginning with the words "scales Nos. etc." and ending with the word "(Non-meateaters)" by the following:— "Scale No. 1 for Class I labouring male convicts".												
357	1144		Delete first 32 lines beginning with the words "Scale No. II etc." and ending with the words 'Dhall, meateaters only etc.'												
357	1144	Note (1)	Delete the words "both non-meateaters and meat-eaters" from Note (1) and the words 'scales Nos. I and II' from line 1 of Note (2).												
358	1145	15	Read Fuel 'lbs. 1-8-0' for Fuel 'lb. 1-0-0'												
358	1145	Note (1)	The existing Note (1) should be deleted and the following substituted therein:— Note (1):—Sunday ration shall be issued to all prisoners as under:— <table><tr><th>Name of article.</th><th>Quantity per prisoner</th></tr><tr><td>(i) Gool</td><td>... 3 ozs.</td></tr><tr><td>(ii) Vegetable ghee</td><td>... 1 oz.</td></tr><tr><td>(Superior quality)</td><td></td></tr><tr><td>(iii) Gram flour for</td><td>... 1 oz.</td></tr><tr><td>'Pithale'.</td><td></td></tr></table>	Name of article.	Quantity per prisoner	(i) Gool	... 3 ozs.	(ii) Vegetable ghee	... 1 oz.	(Superior quality)		(iii) Gram flour for	... 1 oz.	'Pithale'.	
Name of article.	Quantity per prisoner														
(i) Gool	... 3 ozs.														
(ii) Vegetable ghee	... 1 oz.														
(Superior quality)															
(iii) Gram flour for	... 1 oz.														
'Pithale'.															
359	1145	Line 3 of Note (6)	Delete the last sentence of the Note and insert therein the following:— "These articles should be utilized for Pithale".												
359	1146	3 to 5	(1) Read ' $\frac{1}{4}$ dram' appearing against the first three articles (i. e. Turmeric, Corriander seed (Dhanya) and garlic).												

(2) Add the following to the list of articles so amended:—

Name of Articles	Scale
Jira	... $\frac{1}{8}$ dram.
Rai	... $\frac{1}{4}$ "
Mathi	... $\frac{1}{4}$ "
Asafoetida	... $\frac{1}{8}$ "

Page No.	Rule	Line	Nature of correction								
360	1152	10 to 13	Delete the words "Mutton 4 ozs." & insert therein the following :— <table><tr><th>Name of Article</th><th>Scale</th></tr><tr><td>Vegetable ghee</td><td>1 oz.</td></tr><tr><td>(Superior quality)</td><td></td></tr></table> Add the words "gram flour for" prefixing the word "Pithale".	Name of Article	Scale	Vegetable ghee	1 oz.	(Superior quality)			
Name of Article	Scale										
Vegetable ghee	1 oz.										
(Superior quality)											
364	1198	3	Read 'earthenware' for 'earthware'.								
366	1211	5	Read 'opinion' for 'opinions'.								
384	1282 (10)	20	Read 'three' for the word 'six' suffixing the word 'exceeding'.								
407	1390	7	Read 'belongs' for 'belong'.								
426	1450	—	Substitute the existing rule 1450 as under:— <p>(1) "The Committee will meet every six months to review the sentences of all non-habitual convicts sentenced to terms of imprisonment of five years and upwards. The period of sentence to be completed for being put up before the A. B. should be exclusive of the remission earned. The cases of such prisoners should be put up on completion of actual imprisonments of the periods as indicated below :—</p> <table><tr><th>Sentence</th><th>On completion of actual imprisonment of—</th></tr><tr><td>5 to 8 years</td><td>3 years</td></tr><tr><td>8 to 11 years</td><td>4 "</td></tr><tr><td>11 to 25 years</td><td>5 "</td></tr></table> <p>(2) For every major Jail offence committed by a casual prisoner (i. e. non-habitual), the placing of his case before the A. B. should be postponed by six months: Provided the offence is committed within a period of one year before the date when he is due to be placed before the A. B.</p>	Sentence	On completion of actual imprisonment of—	5 to 8 years	3 years	8 to 11 years	4 "	11 to 25 years	5 "
Sentence	On completion of actual imprisonment of—										
5 to 8 years	3 years										
8 to 11 years	4 "										
11 to 25 years	5 "										
426	1451	—	Delete the existing rule and substitute therein as under :— <p>"The cases of habitual prisoners shall not be brought before the A. B."</p> <p>Explanations:—</p> <p>If a casual prisoner is convicted in a second case and classified as a habitual at the time of awarding second sentence, the effect of the provisions of this rule should be given in his case from the date of his second conviction.</p>								
428	1458	—	Add the following note to the present rule:— <p>"If a District Magistrate has once expressed a favourable opinion in a prisoner's case which is to be placed before the A. B. he need not be consulted again in that case on subsequent occasions".</p>								

[illegible]

JAIL MANUAL

HISTORY OF JAIL REFORMS

The Jail administration has undergone several changes as a result of the various commissions appointed by the Government of India from time to time to suggest ways and means to improve conditions in Jails and the Jail Administration. The reports of these committees and the action taken thereon can be summarised in brief as under:

The committee appointed in 1836/38 of which Lord Macaulay was a member, considered the general sanitary conditions of the Prisons, food clothing, etc., to be satisfactory. Corruption in the subordinate staff, laxity of discipline, etc., were however severely criticised. The report mainly stressed the provision of proper accommodation and intramural employment and laid the foundation for further progress. Its vigorous grasp of principle placed the subject of Prison reform in India on a higher plane than might otherwise have been at once attained.

The second committee was appointed in 1864 due partly to the continued high death rate in the Prisons and partly to other allied considerations. Its report was hardly as forcible as that of the previous committee nor was it marked by the same command of general principles.

The third conference of officials mainly engaged in Jail work was held in Calcutta in January 1877 and it discussed almost all questions bearing on Prison Administration, but the actual conclusions arrived at were somewhat buried under the mass of previous deliberations.

The committee of 1888-89 examined the whole field of internal administration. This was supplemented by a committee which met in Calcutta in 1892 and drew up proposals on the subject of Prison offences and punishments which are incorporated in the Prisons Act, 1894.

Consequent on the appointment of the last three Committees, buildings were gradually provided for the proper accommodation of Prisoners; dietaries were laid down; systems of Jail labour were elaborated, the remission system was developed, insanitary conditions were corrected and death rates reduced in the Jails, but the science of Prison Administration had made great advance in western Countries, and to keep pace with them the Indian Jails Committee of 1919-20 was appointed by the Government of India. It made certain recommendations some of which still hold the field. The report of this Committee was the foundation for the modern reforms introduced from time to time; but somehow or the other the progress towards the implementation of the recommendations

of the committee was neither rapid nor vigorous from the year 1920 up to the year 1937.

Soon after the popular Ministry assumed power for the first time in 1936-37 it took up the question of the Jail Reforms but this work had to be abandoned as a result of their resignation in 1939. The following Jail Reforms had however been introduced before the appointment of the committee of 1946 mainly on account of the efforts of the popular Ministry of 1936—

(1) In the year 1937 suitable accommodation was provided in all Jails, so that interviews with prisoners could be conducted without causing any discomfort to the prisoners or the interviewers.

(2) In the year 1938 :

(a) members of the State Legislature were brought on committees of Visitors of the Prisons. This gave wide scope to the prisoners to bring their grievances, if any, to the notice of Jail Visitors ;

(b) the system of providing newspapers to prisoners at Government cost from the approved list of newspapers was introduced ;

(c) the installation of radios at the Central Prisons was also completely carried out;

(d) the power driven flour mills were also installed in the Jails and manual work of grinding was abolished ;

(e) privilege of letters and interviews has been revised and made more liberal ;

(f) a section of juvenile female prisoners was opened in Yeravda Central Prison ;

(g) chapter 25 of the Bombay Jail Manual of 1927 which laid down special and more harsh rules for short termers in Bombay City was cancelled ;

(h) Medical Officers were instructed to invariably take a second opinion in cases of serious illness ;

(i) scale of ordinary remission was revised ;

(k) literacy classes for prisoners were started in Jails and special remission was sanctioned for attaining literacy ;

(l) dietary of 'C' Class was improved as under :

(i) issue of Besan (Gram-flour) and molasses on sundays was sanctioned ;

(ii) issue of 2 drams of extra salt was permitted to those who needed it ;

(iii) issue of 2 ozs. of raw onions out of 8 ozs. of Vegetables was allowed thrice a week ;

(iv) fast diets within the cost of existing diet scale were permitted to Hindu prisoners on fasting days.

(m) the appointment of a 'Weaving Master' attached to the Inspector General's Office for expert supervision and advice in the factories of all Jails was sanctioned;

(n) the appointment of School Master was sanctioned for Belgaum Central Prison and Ahmedabad Central Prison.

(o) Rule 980, Bombay Jail Manual, 1927, in respect of the imposition of fetters as a means of security was modified.

(3) In the year 1939:

(a) subsistence money to released prisoners was sanctioned,

(b) monetary award to prisoners at the rate of 3 pies per day of remission earned was sanctioned,

(c) supply of cotton sheets to prisoners in hot weather was sanctioned,

(d) prisoners were permitted to wear their private clothing during transit from one prison to another,

(e) Rules as regards handcuffing and fettering of prisoners while being taken from the court to a Jail and vice-versa were relaxed,

(f) improvement in the existing electric lighting arrangements at Jails and providing stronger lights in barracks and cells in Jails where electric lights were already provided were carried out so as to enable prisoners to read at night

(4) In the year 1940:

(a) Rules for the recruitment of Jailors and their scales of revised,

(b) the issue of Sunday ration (which consists of wheat and mutton) was sanctioned to Muslim prisoners on the four Muslim Public Holidays, ordinary ration being issued instead on four Sundays,

(c) issue of four varieties of Dhalls was introduced.

(d) the system of providing looking glasses to female prisoners in their barracks was introduced and cradles for babies of the female prisoners were provided.

(5) In the year 1941, carpentry and Mochi Instructors for Yeravda Central Prison were appointed.

(6) In the year 1942, the post of Superintendent of Jail Industries was created.

(7) In the year 1944, liberal issue of soap at Government cost to prisoners, who may require it on medical grounds, was started.

(8) The rate of monetary award was increased from 3 pies to one anna per day of remission earned with effect from 1st April 1945.

THE BOMBAY JAIL REFORMS COMMITTEE, 1946—AND THE BACKGROUND OF ITS APPOINTMENT

The question of Jail Reforms was pursued by the popular Ministry once again when it assumed Office in 1946 and the Bombay Jail Reforms Committee was appointed that year. Members of the Committee visited certain Jails in the State, interviewed the prisoners and studied the then prevailing conditions and prison system. A questionnaire was drawn up by them and was circulated to all interested parties and more especially to those who were interested in the welfare of prisoners. With a view to obtaining the opinion of the public on the subject, it was also published in newspapers. Prominent social workers, distinguished persons whose opinion on the subject of penology could be accepted as authoritative and a few selected Jail subordinates were personally interviewed by the members of the Committee.

The Committee published its report in 1948 and made several recommendations to further improve the conditions of the Prisons and prisoners. Most of these were accepted by Government. The Jail Reforms have been mainly based on the idea that as Mahatma Gandhi said, crime is but a sign of a diseased mind and that imprisonment should aim primarily at treating a prisoner's diseased mind and making him fit to go into society after release to lead an honest life.

JAIL REFORMS INTRODUCED AFTER THE PUBLICATION OF THE
BOMBAY JAIL REFORMS COMMITTEE'S REPORT IN 1948.

ADMINISTRATIVE

Jail accommodation

Due attention to individual prisoners is the primary requirement in the modern approach to the question of reforming every prisoner. The maximum number of prisoners to be confined in a Central Prison has therefore been fixed at 1200. This principle has been followed as far as possible, although not entirely, as the Jails are overcrowded due to lack of accommodation and due to the heavy admissions of short termers.

Detention of long term prisoners in the better equipped institutions

As far as possible prisoners having sentences of two years and above are transferred to Central Prisons to enable them to get practical experience of the vocational training available in the Central Jails where better facilities exist for their employment on useful work and where the chances of their reformation are greater as they can receive training in the several industries and Agricultural operations organised in the Central Prisons.

Staff

It is necessary that the superintending staff should know the Principles of Jail Reforms and the new way of treating

prisoners. To make this possible several Jail Officers have been specially trained in the science of criminology and allied subjects at the Tata Institute of Social Sciences, Bombay, under the United Nations Experts Dr. Reckless and Dr. Galway. Besides this, three of the Jail Superintendents have received training abroad in modern methods of penal science, under the United Nations Fellowship Programme.

Separation of the duties of Superintendents and Medical Officers

The combination of the two charges, viz., administrative and medical, in one person, makes it practically impossible for the Superintendent to attend properly to either of the duties. Separate posts of Superintendents and Medical Officers have therefore been created and such officers have been posted at the Prisons.

To ensure recruitment of the right type of executive staff, necessary amendments have also been made in the recruitment rules, according to the suggestions of the Reforms Committee.

Psychiatrist

For the proper classification and appropriate treatment of prisoners, it is very necessary to have the services of experts in psychology and psychiatry. The appointment of such experts is already under the consideration of Government. Non-availability of duly qualified hands as well as financial stringency are partly responsible for this scheme not materializing. These experts, when appointed, will, by their special knowledge, be in a better position to advise the Prison authorities to determine what particular work should be allotted to a prisoner after duly considering his previous career and the several observations made on his physical and mental capacities and the aptitude he has for a particular kind of work. The services of the psychiatrists will also be helpful in collecting statistical information and in advising the after-care workers for suitably dealing with the prisoner after his release. Their services are essential in classifying prisoners according to different categories and for giving such reformatory treatment as would be necessary either individually or according to groups.

Classifications of prisoners and proper attention in the Prisons

The Jails at present are broadly classified, as under:—

- | | |
|-----------------------|---------------------------------------|
| (1) Central Prisons, | (4) Headquarter and Taluka Sub-Jails. |
| (2) District Prisons, | (5) Lockups, |
| (3) Special Prisons, | (6) Civil Jails. |

Besides the above, the Borstal School, Dharwar, which is meant for the detention of boys of Borstal age group (16 to 21 years) is also under the Jail Department.

The Present arrangement consists of association barracks (for 40 prisoners or more) and cells. As it is undesirable to bring together prisoners in large barracks it has been decided that no association barrack should contain more than 20 prisoners. This is quite essential from the reformation point of views, and chances of contamination by prisoners of bad temperament will greatly be reduced.

As regards cellular accommodation, it is not possible to provide this in a large proportion due to the very limited number of cells in Prisons. The use of cells, on voluntary basis, is permitted in a few cases and educated prisoners who often desire to be left alone and be introspective can take advantage of the cells if available.

Classification and separation of prisoners

The classification of prisoners according to sexes, age group or crime record was the only method of classification followed on a broad scale. Separate accommodation exists in every Jail. Juvenile prisoners, i.e., prisoners between 16 and 23 years of age, are kept separate from adult prisoners; so also habituals are separated from casuals. Such classification has been solely made according to legal and administrative criteria. Further improvements were required as the classification methods as above did not help in giving suitable reformatory treatment to prisoners either individually or in groups according to their peculiar mental capacities. The study of the mind of each prisoner right from his admission into Jail and during the period of his incarceration, is now one of the important duties of the Jail Superintendent and his Subordinate Officers. This is a new approach to the problem of reclaiming the prisoner back to society after release as a reformed person and all possible measures are taken to carry out the study on systematic lines in spite of the limited material at hand. The classification of prisoners based on individual study of each one of them is helpful in finding out the appropriate method to deal with each case and give reformatory and corrective treatment both individually and according to groups. All the necessary statistical information is collected in each case for this purpose and recorded in the History Form maintained for every prisoner with sentence of over six months. This Form shows the prisoner's family history, his antecedents, associations, habits and social background prior to his admission into Jail.

The prisoners are kept in quarantine for a period of 10 days on admission. This period of their stay is profitably used in the elementary "Orientation". The simple rules of discipline, of personal and communal hygiene and of their behaviour towards the staff and fellow prisoners are explained to them. The Superintendent, Jailor, Medical Officers and other Subordinate

staff are required to take part in this elementary "*Orientation*" and give talks on the abovementioned subjects. The prisoners also get a true knowledge of Jail life during this quarantine period as they are shown the various Jail activities for their reformation such as Jail canteens, Physical Training and drills, games, etc. They thus prepare themselves for the well-disciplined and industrious Jail life under a benevolent atmosphere.

During the quarantine period the work of classification is carried on. Information regarding the previous history, physical and mental condition, education, previous occupation, monthly income, etc., are recorded in the History Form.

After the quarantine period is over, a Committee consisting of the Superintendent, Jailor, Medical Officer, etc., assign suitable work to each prisoner after examining the observations in the History Form. The History Form is to be scrutinised by the Committee every three months, so that change of work and treatment can be effected, if necessary.

The classification of prisoners according to psychological analysis, would require classified Jails wherein prisoners according to categories could be housed. It is not possible in the present financial stringency to provide such classified Jails. As a temporary measure and till classified Jails are provided, a separate section in the existing Jail buildings has been reserved as far as practicable for hardened and habitual prisoners who are not likely to be improved by any corrective treatment. Another section is reserved for such of those prisoners as have shown markedly good behaviour who could be put under as little restraint as possible, consistent with security measures.

The Jail at Karwar has been declared as "Special Prison" to concentrate the selected prisoners from all Jails, who are considered difficult and are likely to create trouble in Jails.

Classification of prisoners according to social status

The former classification of prisoners into A, B and C Class depended mainly upon the social status of a prisoner without taking into consideration the seriousness of the offence. The wealthy persons could get the higher class (A or B) irrespective of the serious nature of the crime and could get more comforts than those who were placed in C class some of whom although coming from poorer classes had not committed any grave offence. This inequality has now been removed and the classification has been changed into two class, viz., Class I and Class II in place of the former A, B and C classes and classification into Class I and Class II is determined after giving due weight to the nature and intensity of the offence in addition to the social status of the offenders.

Prison labour and Manufactures

The Jail reforms introduced in our State by the popular Ministry have abolished what had constituted a scandal of penal treatment. Prisoners sentenced to hard labour used to be forced to put in exceptionally hard and inhuman labour like grinding grain and pressing oil. The old time *chaki*, penal diet and gunny clothing used to be intended as a veritable torture-chamber that broke the spirit of hardened criminals and undermined their humanity and self-respect. It was for these humanitarian considerations that exceptionally hard and inhuman Jail labour such as referred to above has been done away with. Chakki and Ghani as well as penal diet and gunny clothing were as humiliating as they were barbarous forms of Jail labour. There should be no feeling against their removal when it is recognised that even the worst criminal has the right to be treated as a human being and to have his self respect preserved.

"A prisoner should be required to work, but the work should be productive and not punitive and purposeless." The prison system has thus radically changed from merely punitive to a reformatory agency. To achieve this end, a careful selection of jobs and their execution by the prisoners has to be taken into consideration and jobs have to be assigned to them according to their aptitudes and physical and mental capacities as revealed from the observations made in the History Forms maintained from the time of their admission into Prison. Broadly speaking prisoners from cities with large industries and prisoners from villages maintaining themselves on agricultural operations are received. The forms of work in Jails are thus mainly under two categories, namely (1) Industrial (2) Agriculture.

Industrial training is one of the most important items of Prison policy. The industries which will be helpful in securing employment for the prisoners on release, are organised in the Jails. Power looms are provided in the Jail factories of some of the Prisons situated in industrial areas and a large number of power looms will be provided as and when funds permit. Training in handling up to date machinery is thus imparted to prisoners. The tailoring sections at Ahmedabad Central Prison, Baroda Central Prison, Yeravda Central Prison, etc., provide useful employment to prisoners. The tailoring section at Ahmedabad Central Prison executes orders from Government Departments for Police uniforms and is in charge of trained Master Tailors under whose direct supervision the prisoners are trained.

Carpentry and paper industry and Mochi work are also some of the main industries. Trained technical staff is engaged for training the prisoners in these jobs.

Agricultural training is also one of the main activities of prisoners. In order to train the prisoners systematically in agricultural operations, Agricultural Graduates are appointed at the main Jails to supervise the work of prisoners employed in the large Jail Gardens and also to teach them methodically. The Swatantrapur Release Scheme has been sanctioned according to which prisoners with agricultural bias are released and sent to the "Swatantrapur Colony" at Atpadi in South Satara District. The prisoners are provided with free accommodation there and are allowed to live with their families. Work is provided both for them and their family members in the Agricultural farms. They are paid wages for the work they perform. The prisoners thus enjoy practically all the freedom and can settle in the colony, if they so desire, after release. The idea behind this scheme is to train deserving prisoners to adjust themselves to a life of discipline and industry in a free atmosphere even though the temptation of escape is before them.

Extramural employment of prisoners

The employment of prisoners by private employers has been stopped as it led to "public display of the prisoner's humiliation" which "damaged their self respect." Now the prison labour is available for works of Government and semi-Government bodies like Municipalities, etc.

Prison Discipline

Corporal punishment, although not abolished, cannot be resorted to frequently as before. It is kept in reserve as the last resort and inflicted only with the prior sanction of Government.

The use of handcuffs and fetters either as punishment or security has been restricted further and the rules have been relaxed so as to make them applicable only in cases of absolute necessity.

The punishments of penal diet and gunny clothing which were ineffective and harmful, have been abolished.

REFORMATION OF PRISONERS

The reformatory influences of the Prison system in the treatment of prisoners are (i) physical, (ii) educational, (iii) moral, (iv) industries and labour, and (v) punishments and rewards. All these reformatory measures have been adopted by the Jail administration.

Physical.—A "healthy mind in a healthy body" is a well recognised proverb. In order that the prisoners should keep fit and also be used to a life of discipline, they are given Physical Training for an hour a day, exceptions being made on medical grounds only. In order that the prisoners should feel and realise that if they behave properly in Jail, confidence will be placed in them by the Jail authorities and the restrictions put on them will be

relaxed, well behaved prisoners are taken out of the Jail premises and given physical training in the open. Experience has shown that this has proved to be very encouraging to well-behaved prisoners who show a keen sense of discipline and responsibility when they are taken out for physical training. As a further step in this direction a limited number of very well behaved persons will be kept in an open Jail.

A qualified Physical Training Instructor is in charge of the Physical Training and drill organised in the Jails and thus systematic training is imparted.

As an encouragement, special remission is given to those prisoners who are expert in physical training and show special enthusiasm for it.

Education.—Every illiterate prisoner who enters the Jail as a long termers is given elementary education and he leaves the Jail on release as a literate person. To intensify the literacy programme, literacy classes are held by paid teachers and literate prisoners also do this work. Remission for educational progress made by the prisoner is awarded as an encouragement. Regular examinations are held and the progress watched. The Social Education Committees are also consulted in respect of the curricula to be prescribed for the literacy classes.

Libraries, Newspapers and Periodicals.—The prison libraries are gradually being expanded and an adequate number of books is provided within permissible funds. More liberal provisions in the rules have been made and now every convicted prisoner is permitted to have in his possession at a time not more than two religious books and ten non-religious books of his own, provided that the non-religious books are not obscene or of an objectionable nature or not proscribed by Government. The liberal supply of books both private and from the Jail library greatly helps the prisoner to keep up his spirit and serves to keep him well informed. Prisoners are also supplied newspapers at Government cost and can also supplement them at their own cost. They can therefore get an up-to-date knowledge of the outside activities.

Moral Lectures.—Lectures by appointed moral lecturers are arranged every Sunday and the prisoners assemble for the purpose in one place. The lectures on moral subjects are not given *communitywise* now as in the past.

Morning prayers are also conducted. The prisoners before proceeding to their work, recite selected passages from the scriptures and selected songs composed by famous Saints are also sung by them. The spiritual side of their life is thus not neglected, as it is one of the essential requirements of the corrective and reformatory treatment.

Punishment and rewards.—The judicious award of punishments has been discussed elsewhere in the foregoing observations. As regards rewards, these include the several undermentioned amenities to the prisoners as a part of the reformatory work undertaken by the Jail authorities.

AMENITIES TO PRISONERS

Payment of wages to prisoners for the work done by them

Formerly the prisoners were given no wages for the work they did even if they worked strenuously. They were treated like beasts of burden only to be fed and subjected to Physical work at the will of the master. The prisoners are now given wages on a small scale for the work they do provided they finish the given task. Not only this but they are also given extra wages if they do extra work. This enables the prisoners not only to spend something on their legitimate needs in the Jail, but also to lay by something for their relatives. Thus the erstwhile feeling created in them, viz, their exploitation for the benefit of others is now completely removed.

Jail Canteens

Like the large number of the members of the public accustomed to luxuries like tea and smoking, most of the prisoners are accustomed to bidies and tea. Experience has shown that if these are denied to a prisoner, he becomes restless and irritable. He also suffers in health. It is also found that such prisoners commit petty jail offences, but behave quite well if they are allowed to enjoy these small luxuries. It is with this object in view that canteens have been opened in jails from where these articles are supplied to the prisoners and paid for by them mostly out of their earnings. The canteens thus serve as an incentive to the prisoners to work and earn wages. The canteens also supply certain healthy articles of food. The Jail can provide only a certain type of food common to all prisoners which though wholesome is of course not relished by several prisoners who are accustomed to richer food. They suffer in health and also in mind if they do not get some rich food. The canteens cater for such prisoners to a certain extent.

Liberal remission in period of imprisonment

The main Purpose of imprisonment is to give to the prisoners reformatory treatment. The hope of early release acts on a prisoner as a great incentive to behave himself in the jail and to respond very favourably to corrective treatment. Liberal remission in the period of imprisonment are, therefore, granted to prisoners for good behaviour and also for exceptionally good work or for showing initiative and extra ability in work.

Formerly prisoners with sentences of 6 months and above were entitled to get remission. This limit has been brought down and

prisoners with sentences of 3 months and above are now entitled to get remission. Thus a larger number of prisoners come under the remission system and get themselves released earlier by their good work and behaviour.

Parole and Furlough

Formerly prisoners did not enjoy any concessions of temporary release from Jail so as to enable them to keep alive the ties of friendship and relations. Continuous stay in the Jail upto the time of release completely precluded them from the happiness of family life and contact with the outside world. This naturally had an adverse effect on their minds especially of those prisoners with a number of years to undergo in the Jails. The aim of prison administration is to refit the individual criminal in Society after his release. It is, therefore, necessary that the prisoner should not feel out of it, completely uprooted from his social basis and this is possible if he is allowed occasionally, even for short periods, during the long term of his imprisonment to go back to society and stay with his near and dear ones. The introduction of the system of release on furlough has proved a welcome change for the long termers for despite all the encouraging attitude of the Jail authorities, the prisoner still yearns for the free atmosphere of the outside world.

Interviews and Letters

The concessions of interviews and letters have been still further liberalised. The prisoners now can write letters to their relatives and friends more frequently than before. Formerly letters received for them were not handed over to them unless they were entitled to them. Now there is no restriction on the letters received provided they are not objectionable. A similar relaxation has been made in the rules for interviews and the prisoners now have interviews with their friends and relatives at shorter intervals than before. The liberal concessions have been greatly appreciated by the prisoners as they can now remain constantly in touch with their family and private affairs.

Diet, Medicines, etc.

The prisoners are given healthy and wholesome diet. However, some prisoners are accustomed to a particular diet for reasons of health, etc. This is allowed at the prisoner's cost when the Medical Officer permits any prisoner any items of food, patent medicines or articles of clothing, if he considers that these are essential for the maintenance of the health of the prisoner; when a prisoner is admitted to Jail hospital and placed under the treatment of the Medical Officer, all medicines, extra or special diet and clothing are supplied to him at Government expense. Similarly the Medical Officer

can recommend the supply of patent medicines also at Government cost in deserving cases only. In the case of prisoners who are accustomed to a particular type of food or if medicine is essential for the normal maintenance of health of such prisoner, the Medical Officer may allow them to be supplied at prisoner's expense.

Sanitation and Hygiene

The Jail Hospitals are equipped with all available medical requirements. Special types of diseases are properly attended to. All possible care is taken against spread of contagious diseases. Prisoners suffering from skin and other contagious diseases are kept in Hospitals instead of allowing them to mix freely with other prisoners. Prisoners who are desirous of having extra medical facilities in respect of medicines, diet, clothing in addition those provided for in the Jail Hospital, are allowed to supplement them at their own cost, if the Medical Officer recommends this in the interest of the prisoner's health.

Prisoners are allowed to purchase soap from their private cash, in addition to the weekly quota of washing soda given to them at Government cost. Similarly they are permitted to have at their own cost, tooth brushes, tooth powder or tooth paste, in addition to the tooth powder supplied to them at Government cost.

Prisoners desirous of having a shave or a hair cut at more frequent intervals than those prescribed by rules are allowed the services of convict barbers at their own cost.

Hair oil once a week, at Government expense is also issued to the prisoners on hygienic grounds.

Prisoners doing conservancy work or prisoners employed as cooks are also issued soap at Government cost.

Those prisoners who wish to have their Prison clothes washed in the Jail Laundry are allowed to do so at their own cost, in addition to the weekly allowance of washing soda given to them at Government cost.

Prisoners who want dental treatment over and above what is available in the local Civil Hospitals are allowed to have it at their cost.

OTHER FEATURES

(i) *Panchayats*.—Another noteworthy feature of Jail Reforms is the formation of Panchayats of prisoners in the Jails. Panchas are selected by the prisoners themselves and they supervise cooking, bring to the notice of the Jail authorities common grievances of prisoners and help them in various ways in matters of internal Jail administration. The establishment of Panchayats has been a very welcome step in the Jail Administration and the reaction of prisoners to this reform is very encouraging.

(ii) *Clothing*.—The prisoners' clothing supplied at Government cost was with regulation stripes both crosswise and lengthwise. The convict clothing now issued is with lengthwise stripes only and this gives a more decent appearance to the clothing without any chances of convicted prisoners mixing with undertrial prisoners who are allowed their private clothing.

Formerly prisoners were supplied Jumper pattern cotton jackets and half moon shape caps. Whereas they are now supplied Nehru shirts and Gandhi caps, which give better look and wear.

(iii) *Films*.—Arrangements have been made by the Director of Publicity for exhibition of films to prisoners at regular intervals through the Regional Publicity Officers. Films on social and moral subjects are shown and the system thus serves a good purpose in educating the prisoners, besides providing recreation to them.

(iv) *Dramas*.—Dramatic performances are organised in Prisons on important days of rejoicing only. The performances include Male Roles only and care is taken to select such dramas as are entirely of a non-controversial nature and which deal with subjects of general education and moral uplift. Thus subjects such as the prohibition campaign, anti-gambling measures, etc., are given preference.

(v) *Aid to prisoners on release*.—Though the work of giving aid to released prisoners on release is still in an elementary stage, attention is already concentrated on the after-care work of prisoners within the available means. The Chief Inspector of Certified Schools and After-Care Associations are supplied with the names of prisoners with their History Forms prior to their release with a view to seeing if they could be provided with suitable employment or other aid after their release through the Associations.

The Released Prisoners' Aid Society, Ahmedabad, is the only non-Government organisation which is at present doing active work in the rehabilitation of prisoners after release by providing them with some funds, etc.

Ex-convicts now can get employment in Government service as according to Government orders conviction by itself is not to be considered a disqualification for Government service, unless the offence which led to the conviction involved moral turpitude or an anti-social attitude.

(vi) *Measures to shorten imprisonment*.—Long term prisoners, after receiving heavy sentences, have to undergo these sentences in the Jails. These sentences are awarded by the Sentencing Courts with due regard to the gravity of the offence. Their future good behaviour and the repentance they may show cannot, of course, be considered by them while awarding the sentences. The prisoner's conduct in Jail, the change in the circumstances which existed at the

time when the offence was committed provide the necessary material for consideration of his premature release without its being dangerous to society. For this purpose Advisory Boards are established to consider the cases of long term prisoners for their premature release. The cases of non-habitual prisoners whose sentences are more than five years and who have undergone half the term of their sentences including remission, are brought before the Advisory Board who may recommend their premature release.

The cases of habitual prisoners are also brought before the Advisory Board on completion of two-thirds of their sentences including remissions. The cases recommended for release by the Advisory Board are submitted to Government through the proper channel and Government remits the unexpired portions of sentences in deserving cases.

Under the 14 years Rule, the cases of all prisoners sentenced to more than 14 years, imprisonment or transportation or transportation and imprisonment for terms exceeding in the aggregate 14 years, are when the term of imprisonment undergone with any remission earned amounts to 14 years, to be reported to the Inspector-General by the Superintendent of the Prison. The Inspector-General of Prisons submits such cases together with the opinion of the District superintendent of Police or the Commissioner of Police, Bombay and the District Magistrate concerned to Government for orders.

Long-term prisoners can thus secure their release before completing the full term of sentences, either under the Advisory Board Rule or the 14 years rule. If not, they are released when they undergo 15 years' actual term of sentence (including the state remissions but excluding other remissions).

Female prisoners

Female prisoners now receive suitable vocational training. The latest scheme is that of training of selected prisoners as "Dais" and in "Mother craft" and "Personal Hygiene". The Bombay Mothers and children welfare society has been entrusted with the training, and female prisoners with the necessary elementary qualifications and aptitude are to be released to the training Centres.

The Yeravda Female Prison which has a Lady Doctor as Female Jailor also Provides for the above training as a Supplementary Scheme. The Female Jailor Conducts the classes in training in elementary Personal hygiene and Dais duties. This is followed up with advanced training in Mother—craft, etc. Demonstrations are given with delivery cases if possible, Practical demonstrations are also given with the help of dummies. The Prisoners are also Shown cine-films on health and hygiene. The training will stand them in good stead, as after release the

prisoners Will be in a better position to understand the correct and hygienic methods in child welfare and mother-craft.

Another redeeming feature in the Prison life of female prisoners is the "Nurseries" which have been opened at the Central Prisons. These are equipped with toys, pictures, etc., and the children are kept in these nurseries under the supervision of female prisoners while their mothers are engaged in their every day work. The babies and children are supplied suitable clothing and food at Government cost.

The former limit of allowing the female prisoners to keep their children only upto two years has been further relaxed and they can now keep their children upto the age of 3 years. when they attain 3 years of age, arrangements for their removal are made and they are entrusted to private persons or institutions for proper care.

GENERAL

The Jail Reforms thus mainly aim at doing everything that will help keep alive optimism in the minds of prisoners, so that they should after release be good citizens. Criticism based on a misunderstanding of the principles of the modern approach to the problem of reclamation of the prisoners, is answered by the description of the Jail Reforms described in the foregoing detailed observations which also assign the reasons for such reforms. The fear that a much too liberal treatment is given to prisoners and that therefore there is a danger of an increase in the incidence of crime, is groundless. The Jail Reforms aim meant to give humane treatment to the prisoners without in any way affecting the institutional discipline. They are meant also to reduce the crime by such methods of education as will be suitable in each case.

The State Jail Policy accepts and acts on the view that the basic purpose of Jail administration is not retribution or revenge but reformation and rehabilitation of the men and women who find themselves in Jails for various reasons. Whatever these causes might be, an attempt is made to equip them with such training as would enable them, after their release from Jail, to settle down as honest and useful citizens and earn their living

A clear distinction is made between treatment given to shorter-termers and long-termers. The short-termers, i.e., prisoners having sentences of less than 3 months (except those who do conservancy work) are not allowed the same facilities as are given to the long-termers. The short-termers are given no wages for the work they do, they are not awarded any remissions nor can they get the canteen facilities except soap and tooth powder, etc. during their short stay with a view to seeing that they are deterred from committing crime. The same restrictions apply to long-termers for the first 3 months of their sentence.

CHAPTER I

ORGANISATION

1. The Prisons and Jails in the Bombay State are constituted under the Prisons Act of 1894. The Inspector General of Prisons is appointed under Section 5 of the Prisons Act IX of 1894, and he shall exercise subject to the orders of State Government, general control and Superintendence over all Prisons, Jails and the Borstal School in the Bombay State.

2. The Personal Assistant to Inspector-General of Prisons shall be in the immediate charge of the Office of the Inspector General of Prisons in all its branches and shall conduct all routine work.

3. All Prisons situated in the Bombay State fall under the following classes, viz.,

- (i) Central Prisons.
- (ii) District Prisons.
- (iii) Special Prisons.
- (iv) Headquarter Sub-Jails (2nd and 3rd class).
- (v) Taluka Sub-Jails.
- (vi) Civil Jails.
- (vii) Borstal Schools.

4. The following are the Central Prisons :—

- Yeravda Central Prison.
- Ahmedabad Central Prison.
- Belgaum Central Prison.
- Nasik Road Central Prison and Baroda Central Prison.

For each of these Central Prisons there shall be a Superintendent who shall be assisted by a Senior Jailor, Junior Jailors and Jail Gaurds for the management of the Prison. There shall be Deputy Superintendents one each at Yeravda Central Prison and Ahmedabad Central Prison to assist the Superintendent.

5. The following are the District Prisons :—

- Thana District Prison.
- Bijapur District Prison.
- Dhulia District Prison.
- Sangli District Prison.
- Kolhapur District Prison.
- Worli District Prison, and
- Visapur District Prison.

For each of these District Prisons, there shall be a Superintendent who shall be assisted by a Senior Jailor, Junior Jailors and Jail Guards for the management of the Prison.

6. The following shall be Special Prisons :—

Arthur Road Prison, Bombay and House of Correction, Bombay and Karwar Special Prison and the Female Prison at Yeravda. Superintendent of these Prisons shall be assisted for the management of each Jail by Senior Jailor, Junior Jailors, and Jail Guards of the Prison concerned.

7. In every Central, Special and District Prison or a Head Quarter Sub-Jail in which female prisoners are confined, there shall be one or more matrons.

8. The following are Second Class Head Quarter Subsidiary Jails :—

Godhara, Broach, Nadiad, Palanpur, Himatnagar, Navsari, Rajpipla, Chhota-Udepur, Amreli, Mehsana, Ratnagiri, Ahmednagar, Satara, Akalkot, Jamkhadi, Sawantwadi, Surat, Sholapur, Mudhol, Phaltan, Deogad, Baria and Ichalkaranji.

There are Third Class Head Quarter Sub-Jails at the following places :—

Jalgaon, Poona, Nasik, Dharwar, Kolhapur, Bhusaval.

Charge of the post of Superintendent of these Jails except Kolhapur Sub-Jail is entrusted to Mamlatdar, Huzur Deputy Collector or Personal Assistant to the Collector under the Special orders of Government, and charge of the post of Superintendent Kolhapur Sub-Jail is held by the Superintendent, Kolhapur District Prison. Each of these Sub Jails has a whole time departmental Jailor and Jail Guards.

9. There are 276 Taluka Sub Jails. The Mamlatdar or Mahalkari of the Taluka or Mahal in which the Sub-Jail is situated is usually the Superintendent of the Jail. A clerk from the establishment of the Mamlatdar or Mahalkari is the Jailor.

9A. There is a Civil Jail at each of the following places :—

Ahmedabad, Kaira, Surat, Thana, Ahmednagar, Dhulia, Jalgaon, Nasik, Poona, Satara, Sholapur, Belgaum, Bijapur, Dharwar, Kanara, Ratnagiri, Kolhapur, Sangli, Mehsana, Kolaba and Baroda.

These are under the charge of the Nazir of the District Court or Chief Civil Court at the place where the Civil Jail is located.

Borstal School at Dharwar which is established under Act XVIII of 1929 is in charge of the Governor, Borstal School, Dharwar, who is assisted by Deputy Governor, Additional Deputy Governor and other supervisory staff in the administration of the School.

CHAPTER II

STAFF—RECRUITMENT

10. The personnel of Bombay Jail Department comprise the following:—

- (1) *Inspector-General of Prisons:*
- (2) *Bombay Jail Service: (Executive)*
 - (a) Superintendents of Central Prisons,
 - (b) Superintendents of District Prisons.
 - (c) Deputy Superintendents.
 - (d) Governor, Borstal School, Dharwar.
- (3) *Subordinate Jail Service: (Executive)*
 - (i) (a) Jailors Group I.
(b) Jailors Group II.
(c) Jailors Group III.
(d) Physical Training Instructor
 - (ii) Deputy Governor, Borstal School, Dharwar.
Additional Deputy Governor, Borstal School, Dharwar.
 - (iii) Jail Guards and Supervisory staff of Borstal School, Dharwar
 - (iv) Matrons.
- (4) *Ministerial Service:*
 - (a) Personal Assistant to Inspector General of Prisons.
 - (b) Office Superintendent.
 - (c) Superintendents of Branches in I. G. of Prisons' Office.
 - (d) Stewards.
 - (e) Head Clerks.
 - (f) (i) Senior Clerks.
(ii) Stenographer.
 - (g) Junior Clerks.
 - (h) Peons.
- (5) *Medical Service:*
 - (a) Medical Officers.
 - (b) Compounders.
 - (c) Nursing Orderlies.
- (6) *Technical Staff:*
 - (a) Superintendent of Jail Industries.
 - (b) Technical Assistants.
 - (c) Agricultural Graduates and Field Kamgars.
 - (d) House Masters and Instructors at Borstal School, Dharwar.
 - (e) Wireman Driver at Belgaum Central Prison.

- (f) Teachers.
- (g) Tailor Masters.
- (h) Paper Instructor.
- (i) Mali.

11. (i) The following percentages of vacancies occurring in the various services and posts in Jail Department Which are filled by direct recruitment should be reserved for members of the Backward class, viz:-

<i>Name of Service</i>	<i>Percentage of vacancies to be reserved</i>	
(i) All State Services & Posts	12½	Per cent.
(ii) All Class III Services & Posts	22	Do.
(iii) All Class IV Services & Posts	27	Do.

(ii) These Percentages represent the minimum number of vacancies to be filled by the appointment of members of the Backward Class and it is open to the Inspector-General to recruit members of the Backward Class in excess of these percentages if they are otherwise considered suitable for such appointment *vis-a-vis* other candidates.

(iii) The percentages of vacancies reserved for members of Backward Class in Class III and IV services and posts, *vide* sub-rule (i) above should be reserved as given below for members of the scheduled castes, scheduled tribes and other backward communities in those services and posts, viz:—

Class III Services:

(a) Scheduled Castes	...	6	Per cent.
(b) Scheduled Tribes	...	7	Do.
(c) Other Backward Communities	...	9	Do.

Class IV Services:

(a) Scheduled Castes	...	7	Do.
(b) Scheduled Tribes	...	9	Do.
(c) Other Backward Communities	...	11	Do.

The collective reservation of vacancies made in respect of the State (Gazetted) Services and Posts in favour of the Backward Class as a whole should continue in force.

(iv) Persons who belong to the Backward Class and wish to claim the benefits admissible to members of that class in the matter of recruitment are required to produce certificates from Stipendiary Magistrates certifying that they belong to the Backward Class.

12. Inspector General and/or Superintendent should report cases in which they have any doubt, to Government in the Political and Services Department which will decide finally whether or not the certificate is correct.

13. Inspector-General of Prisons should submit proposals to Government in the Home Department for filling of vacancies which are due to occur on the retirement of officers whose posts

fall within the purview of the Bombay Public Service Commission at least 6 months before the vacancies are due to occur.

14. When it is anticipated that an Officer in the Jail Department is likely to continue to officiate in a service or a post which is within the purview of the Commission, and to which he was appointed as a temporary measure without consulting the Public Service Commission, for a period exceeding 12 months, the necessary steps should be taken in good time to report his case to Government, with his record of service and confidential sheet.

15. So far as direct recruitment to subordinate executive posts in the Jail Department is concerned, preference should be given to candidates who have acquired training and experience in the National Cadet Corps, other qualifications being equal.

RECRUITMENT RULES

Inspector-General of Prisons:

16. (1) Unless the post is filled by the appointment of an I. C. S./I. A. S. Officer, appointment shall be made either (1) by nomination or (2) by promotion from among Superintendents of Central Prisons or (3) by transfer of a suitable Officer in the Bombay Medical Service, Class I.

(2) To be eligible for appointment by nomination a candidate must:

(i) be not less than 35 years and not more than 45 years of age,

(ii) possess a degree in Arts, Science or Law of a recognised University and also possess a post-graduate degree or diploma in Sociology or Penology of a recognised University or institution or have been associated in an important capacity with, or have done suitable field work in or under the auspices of, and appropriate institution or school of Social Science for a period of not less than two years,

(iii) have considerable administrative experience, and,

(iv) have sufficient knowledge of one of the regional languages of the State.

(3) Other things being equal, persons with knowledge of the subjects of Penology, Delinquency or Psychology of crime will be preferred for appointment whether by nomination or promotion or transfer.

(4) A candidate appointed by nomination shall be on probation for two years and will be required to pass an examination in Hindi according to the prescribed rules.

Superintendents of Prisons:

17. These posts fall into two categories:

(a) Superintendents of Central Prisons:

(b) Superintendents of Prisons, other than Central Prisons

Appointments to posts included in (a) shall be made by selection of suitable officers included among (b) Appointments to posts included in (b) shall be made by promotion of meritorious Jailors or by direct recruitment.

Provided that a suitable officer of the Bombay Medical Service may be appointed to any of these posts.

Note:—The post of the Governor of the Borstal School, Dharwar, is included in the cadre of superintendents of Prisons other than Central Prisons.

(1) To be eligible for appointment by direct recruitment a candidate must—

(a) be not less than 25 years and not more than 30 years of age: the upper age limit may be relaxed in exceptional cases;

(b) be an Hons. Graduate of a recognised University with a degree or diploma in Sociology from any recognised University or institution. A candidate having experience in cottage industries or administrative experience will be given preference.

(2) The selected candidate will be on probation for two years and during this period he will be attached to Central jails for training. After completing the probation period the candidate will be eligible for promotion as Superintendent of District Prison, provided he is found fit.

(3) The proportion of direct recruitment to departmental promotion should be 1:2.

The order of recruitment should be that the first vacancy should be filled by direct recruitment and the next two vacancies by promotion provided the proportion of recruitment fixed above is not altered.

18. *Jailors (Group-I)* — (1) Appointments shall be made by promotion of jailors in Group-II and by nomination in the proportion of 3:1 The order of recruitment shall be that the first vacancy shall be filled by direct recruitment and the next three vacancies shall be filled by promotion from amongst jailors, Group-II, in a successive order.

(2) Appointments by promotion from jailors in Group-II shall be made by the Inspector-General. Minimum qualification should be experience of a Factory jailor's job of a Central Prison and also knowledge of judicial, Ration and Carteen work.

(3) Appointments by nomination shall be made by the Inspector General of Prisons on the recommendations of the Public Service Commission from amongst persons who must not be more than 25 years of age on the date of appointment, and who must possess an Honours Degree in second class in Arts, Agriculture, Science or Law of recognised University. A diploma in Sociology or Penology will be an additional qualification. A candidate who is selected and who

does not possess a diploma in Sociology or Penology will be given training at appropriate Institutions or may be required to undergo such training at his own cost and thereafter to produce a Certificate of having satisfactorily completed it. Subordinates of Jail Department shall not be eligible for appointment by nomination.

Note.— The post of the Deputy Governor, Borstal School, Dharwar, is borne on the Cadre of Jailors Group-I.

19. *Jailor (Group-II).* —Appointment shall be made by the promotion of Jailors in Group-III by the Inspector-General of Prisons and there shall be no restriction as to age.

Note :— Post of Female Jailor (Group-II) at Yeravda Central Prison is on the cadre of Jailor Group-II.

20. *Jailor (Group-III).* —Appointments shall be made by nomination or promotion in the proportion of 50:50 by the Inspector-General on the recommendations of the Selection Board after inviting applications whenever vacancies occur.

The Selection Board shall consist of the Inspector-General and two Superintendents of Prisons nominated by Government. The nominated candidate must not be more than 25 years of age on the date of appointment and must be a graduate of a recognised University.

Appointments by promotion shall be made from amongst candidates who have passed the Matriculation Examination of a recognised University or an equivalent Examination.

Note :— The post of Additional Deputy Governor, Borstal School, Dharwar, is borne on the cadre of Jailor Group-III

I—Junior Jail Guards Sepoy and Lance Naik :

21. (1) *Sepoy.*—Appointments shall be made by nomination by Superintendents of Prisons from among persons who:—

(i) are over 18 and below 25 years of age;

(ii) are at least 5'—4" in height and have a chest measurement (deflated) of not less than 31";

(iii) have a robust constitution and good physique, are smart in appearance and proficient in games;

(iv) have passed the fourth standard in a regional language;

(v) consent to undergo vaccination;

(vi) satisfies the other conditions laid down in Appendix VII of the B.C.S.R. Volume-II.

Provided that the age limit in the case of ex-serviceman may be relaxed by a period not exceeding ten years of service rendered by them in the Army, Navy or Air Force.

(2) Preference will be given to persons who possess higher academic qualifications, provided they are otherwise suitable:

Provided that as between two persons possessing the same qualifications, preference shall be given to ex-servicemen.

(3) Every candidate on appointment shall be on probation for a period of six months and may be discharged after one month's notice if he is found unsuitable.

NOTE (1):—Members of the same family or Persons related to each other shall not be appointed in the same Prison

2 Every Jail guard shall be warned that he is liable to be transferred to any prison in the state.

22. Lance Naiks.—(1) Appointment shall be made by Inspector General of Prisons either—

(i) by promotion from among sepoy, or

(ii) where suitable sepoy are not forthcoming by nomination

(2) Appointments by promotion shall be made generally on the basis of seniority with due regard to the merit of the candidate, when any appointment is not made according to seniority, but by selection, the reasons therefor shall be recorded.

(3) To be eligible for appointment by nomination a candidate must satisfy the conditions prescribed under rule 21 for the appointment of a sepoy.

11—Senior Jail Guards.—Naiks, Lance Havildars, Havildars, Quarter Master Havildars, Jamadars, Junior Subhedars and Senior Subhedars.

Appointments to these posts shall be made by the Inspector General of Prisons either by—

(i) promotion from amongst the next lower rank; or

(ii) nomination;

23. Naiks and Lance Havildars.—(1) Appointment by promotion shall be ordinarily be made on the basis of seniority:

provided that if a suitable candidate according to seniority is not available, appointment may be made by selection from amongst the members of the next lower ranks after recording reasons for such selection.

(2) In making such appointment ability to read and write, to maintain a Gate Register, to deal with simple accounts in stores and grain godowns and to command men and knowledge of simple drill shall be considered as additional qualifications.

(3) To be eligible for appointment by nomination a candidate must satisfy the conditions prescribed for the appointment of a sepoy under rule 21 and in addition should—

(i) have passed the 5th standard in a regional language;

(ii) be able to maintain a Gate Register and deal in simple accounts in stores and grain godowns;

(iii) possess a knowledge of simple drill; and

(iv) have ability to command men.

24. *Havildars and Quarter Master Havildars*—(1) Appointment by promotion shall ordinarily be made on the basis of seniority.

Provided that if a suitable candidate according to seniority is not available, appointment may be made by selection from amongst the members of the next lower ranks, after recording reasons for such selection.

(2) In making such appointments good knowledge of stores and grain accounts and ability to check stores and daily tasks allotted to prisoners and to understand jail factory work orders, shall be considered as additional qualifications.

(3) To be eligible for appointment by nomination, a candidate must satisfy the conditions prescribed for appointment of a sepoy under rule 21 and should in addition—

(i) possess a certificate of having passed the P. S. L. Certificate Examination (7th Standard) in a regional language or have appeared for the S.S.C. Examination;

(ii) possess good knowledge of stores and grain accounts, ability to check stores and daily tasks allotted to prisoners and to understand jail factory work orders.

25. *Jamadars and Subhedars*—(1) Appointment by promotion shall ordinarily be made on the basis of seniority:

Provided that if a suitable candidate according to seniority is not available appointment may be made by selection from amongst the members of the next lower ranks after recording reasons for such selection.

(2) In making such appointments, the following shall be considered as additional qualifications, namely:—

(i) study up to 7th standard in any regional language or Hindi and proficiency in the regional language of the district of posting;

(ii) ability to check stores and daily tasks allotted to prisoners and to understand jail factory work orders;

(iii) ability to maintain good discipline and command men,

(iv) smart appearance; and

(v) knowledge of gardening.

(3) To be eligible for appointment by nomination, a candidate must satisfy the conditions prescribed for appointment of a sepoy under rule 21 and should, in addition,—

(i) possess a Primary School Leaving Certificate in a regional language or have appeared for the S.S.C. Examination;

(ii) understand the language of the district of posting;

(iii) possess ability to check store, daily tasks allotted to prisoners and to understand jail factory work orders;

(iv) possess ability to maintain good discipline and command men;

(v) have smart appearance and knowledge of gardening.

26. *Matrons*—(1) Appointments shall be made by the Inspector General of prisons by nomination from among women candidates who—

(a) have passed the Primary school Leaving Certificate Examination of the Bombay Government and

(b) are not less than 21 years or more than 40 years of age.

(2) Preference shall be given to those candidates who, in addition to the above qualifications, have at least six months' experience in hostel management, care and treatment of delinquents or other practical social work at a Government recognised Social Institution.

27. *Personal Assistant to Inspector-General*.— Appointment shall be made by Inspector-General by selection from the members of the executive and clerical branches of the Department.

28. *Office Superintendent*.— Appointments shall be made by promotion from amongst the member of the clerical staff holding posts in the scale of Rs. 150-10-200.

29. *Superintendents of Branches in I.G.'s Office and Stewards at Jails*.— Appointments shall be made by promotion from amongst Head Clerks in the scale of Rs. 100-8-140-10-160.

30. *Head Clerks*.— Appointments shall be made by selection from amongst suitable Senior Clerks.

31. *Senior Clerks*.— Appointment shall be made by promotion from amongst Junior Clerks.

32. *Stenographer*.— Appointment shall be made by promotion or nomination from amongst the candidates who must—

(i) not be more than 25 years of age on the date of appointment.

(ii) be a Matriculate of any recognised University.

(iii) have the minimum speed in Short hand and typing of 100 and 40 words per minute respectively.

Note—The sub-clause (i) about age is not applicable in case the appointment is made by promotion.

33. *Junior Clerks*.— Appointments to these posts shall be made by nomination from amongst candidates who must—

(i) be not less than 18 years of age and not more than 25 years of age on the date of appointment.

(ii) have passed any of the following examinations. Matriculation Examination of the Bombay University or any other equivalent examination conducted by a recognised University in the Bombay State.

(iii) Knowledge of the following subjects will be treated as additional qualification.—

(a) Short hand speed—100 words per minute.

(b) Typewriting speed—40 words per minute.

(c) Book Keeping and Accountancy.

A candidate having additional qualification to his credit may be given preference for appointment over other candidates. Similarly a candidate with higher academic qualifications may be given preference for appointment.

34. *Peons*.— Peons are appointed by the Inspector-General in his Office only. No specific qualification are prescribed for appointment of peons except that the candidate must ordinarily be not less than 18 years and not more than 25 years of age at the time of appointment, provided that in the case of ex-Military persons, the higher age limit may be relaxed. It will suffice if the candidates possess sufficient intelligence and physique to enable them to carry out their duties satisfactorily. However, preference may be given to literate persons.

35. *Bombay Medical Service Officers, Class III*.—The incumbents of these posts do not belong to Jail Department but their services are lent to Jail Department by Medical Department on the following conditions:—

(a) Every Bombay Medical Service Officer, Class III who has completed two years service in the Medical Department should be put on a roster from which transfer for service in the Jail Department should be effected.

(b) Every Bombay Medical Service Officer so transferred should be placed unconditionally at the disposal of the Inspector-General of Prisons, who may post and transfer him at his discretion.

(c) Every Bombay Medical Service Officer transferred for service in the Jail Department should be liable for service in that Department for a period of two years and should not be withdrawn during that period without the consent of the Inspector-General.

(d) No Bombay Medical Service Officer should ordinarily be liable to serve a second term in the Jail Department.

36. *Compounders*.— Appointment shall be made by the Inspector General by the nomination from amongst candidates who—

(i) have passed the test prescribed for compounders of the Medical Department.

(ii) are not less than 18 years and not more than 25 years of age on the date of appointment.

Nursing Orderlies:

These belong to the Jail Guards Cadre and are paid a special pay of Rs 7 p. m. for doing duty as Nursing Orderlies.

TECHNICAL STAFF

37. *Superintendent of Jail Industries.*—(1) Appointment shall be made either by promotion from amongst members of the staff of Jail Department with the requisite qualifications :

or

by transfer of a person with the requisite qualifications from among the staff of the Department of Industries;

or

by nomination from among candidates with the requisite qualifications who are not less than 25 or more than 35 years of age on the date of appointment.

(2) To be eligible for appointment a candidate must—

(a) possess a degree or Diploma in mechanical or electrical engineering or in the textile technology of a recognised University College or Institution. Preference will be given to a candidate having knowledge of and experience in the technology and manufacture of cotton and woolen textile in addition.

(b) have at least seven years practical experience in industry or in the Jail or Industries Department and of which he must have spent at least three years in a responsible supervisory post calling for organising ability and capacity for handling labour.

(3) Unless the selected candidate has a working knowledge of a regional language of the State other than his mother tongue he shall be required to pass such tests as may be prescribed by Government in a regional language (such language not being his mother tongue) within 18 months of Appointment.

38. *Weaving Assistant.*—Appointments shall be made by nomination from among candidates who must be not less than 18 and more than 30 years of age at the date of selection. Candidate should have completed the full textile course in recognised technical School such as the V.J.T.I., Bombay or the Kalabhuvan, Baroda and should have specialized in weaving. He should also have had practical experience in Hand-Weaving for a period of not less than 3 years and should be able to speak, read, and write English and one of the regional languages and should possess a colloquial knowledge of a second regional language. He should be able to command Jail labour.

39. *Carpentry Instructor.*—Candidates should (a) not be less than 18 and more than 30 years of age; (b) have good general knowledge; (c) hold diploma or certificate in Carpentry 'A' Course from a recognised technical institution; (d) have practical experience of at least eight years in carpentry work, preferably in rural areas, (e) be able to read, write and speak one of the regional languages of the State in addition to mother tongue and (f) be able to command Jail labour.

40. *Leather Instructor.*— Candidates should (a) not be less than 18 and more than 30 years of age; (b) have good general knowledge, (c) hold diploma or certificate (like Artisan's Leather Manufacture or Artisan's Leather, Goods Manufacture, or Artisan's Footwear Manufacture etc.) from a recognised institution, (d) have special experience of at least eight years in the manufacture of chappals boots, shoes, belts, etc. on small and large scale; (e) should be able to read, write and speak one of the regional languages of the State in addition to his mother tongue and (f) be able to command jail labour.

41. *Agricultural Officers.*— Appointments shall be made by nomination from amongst candidates who hold the degree of B. Sc. (Agri.) of recognised University and who are not less than 18 years and more than 25 years of age on the date of selection. He should be able to speak, read and write one of the regional language, and should possess colloquial knowledge of the second regional language. He should be able to command Jail Labour.

42. *House Masters and Instructors at Borstal school, Dharwar.*— Candidates not exceeding 35 years of age and physically fit may be deemed eligible for appointment as Teachers and Instructors in the Technical Branch of the Borstal School.

43. (1) *Wireman Driver.*— Appointment shall be made either by promotion from amongst members of the staff of Jail Department with the requisite qualifications or by nomination from amongst candidates with the requisite qualifications who are not less than 18 and more than 30 years of age on the date of selection.

(2) To be eligible for appointment a candidate must possess a certificate in wireman apprenticeship from a recognised technical institute. Preference will be given to a candidate with previous practical experience of at least two years. The candidate should be able to read, write and speak English and one of the regional languages and should also possess a colloquial knowledge of second regional language.

44. *Teachers.*—(1) Appointment shall be made either by promotion from amongst members of the staff of the Jail Department with the requisite qualifications or by nomination from amongst candidates with requisite qualifications who are not less than 18 and more than 25 years of age on the date of selection.

(2) To be eligible for appointment a candidate must have passed Matriculation or S.S.C. Examination or any other equivalent examination of a recognised University. The candidate should be able to read, write and speak one of the regional languages and should also possess a colloquial knowledge of a second regional language. Preference will however be given to those who possess higher academic qualification than those prescribed above and who have previous

experience of conducting Adult Education Classes:

(45). *Tailor Masters*.—(1) Appointment shall be made by promotion from amongst members of the staff of the Jail Department, with the requisite qualifications or by nomination from amongst candidates with the requisite qualifications who are not less than 18 and more than 30 years of age on the date of selection.

(2) To be eligible for appointment a candidate must have completed the Master Tailor Diploma Course or possess a certificate in Tailoring and Cutting. Preference will be given to those who have practical experience for at least two years. The candidate should be able to read, write and speak one of the regional languages and should also possess a colloquial knowledge of second regional language. He should be able to command Jail Labour.

46. *Paper Instructor*.—Appointment shall be made either by promotion from among members of the staff of Jail Department with the requisite qualifications or by nomination from amongst candidates with the requisite qualifications who are not less than 18 and more than 30 years of age on the date of selection.

(2) To be eligible for appointment a candidate must possess a certificate in hand paper from a recognized technical institute and should have practical experience for at least two years. He should be able to read, write and speak one of the regional languages and should also possess a colloquial knowledge of second regional language. He should be able to command Jail labour.

47. *Mali*.—(1) Appointment shall be made either by promotion from amongst Jail guards with the requisite qualifications or by nomination from amongst candidates with the requisite qualifications who is not more than 30 years of age on the date of appointment.

(2) To be eligible for the appointment the candidate must have attended the courses of instruction in one of the Agricultural Schools. Preference will be given to those who have attained proficiency in "Horticulture."

Note.—The existing pay scales of the posts are given in Appendix VII.

CHAPTER III

STAFF-APPOINTMENT, PAY, ALLOWANCE, LEAVE AND PENSION

48. The state Government shall make appointments to the posts of Inspector-General of Prisons, Superintendents, Deputy Superintendents, Governor, Borstal School, Dharwar, Superintendent of Jail Industries and Medical Officers, Class I and II.

49. The Inspector-General of Prisons shall make appointments to the posts of Jailors, Physical Training Instructor Personal Assistant to the Inspector-General of Prisons, Office Superintendent, Auditor, Superintendents of Branches in the Inspector-General's Office, Stewards, Head Clerks, Senior and Junior Clerks, Compounders, Matrons, Technical staff (except Superintendent of Jail Industries), Subhedars, Jamadars, Quarter Master Havildars, Lance Havildar, Naiks, Lance Naik and Office Peons,

49-A Orders sanctioning appointments to temporary posts, as distinguished from orders sanctioning the posts themselves, do not often specify a time-limit for the appointments. In such cases, therefore, temporary appointments are generally interpreted as being for the full duration of the temporary posts. This belief, though natural, is not correct. It may be explained here that clause (b) of the Explanation below rule 33 of the Bombay Civil Services (Conduct, Discipline and Appeal) Rules and below rule 49 of the Civil Services (Classification, Control and Appeal) Rules applies to temporary Government servants appointed for a definite period. In such cases, if the services of the temporary Government servants are to be terminated before the expiry of the definite periods the processes prescribe under Civil Services (Classification Control and Appeal Rule 55 or Bombay Civil Services. (Conduct, Discipline and Appeal) Rule 33 have to be followed. When however, the appointments are not for definite periods, the processes are not necessary even when the appointments are terminated before the expiry of the period for which the temporary posts are sanctioned. Orders sanctioning every temporary appointment which is not for a definite period should make it clear that the appointment is made "until further orders." Appointments of temporary Government servants for definite periods should be restricted to exceptional cases.

(ii) When temporary appointments are made "until further order," it should be clearly understood that the Government servants so appointed are liable to be discharged at any time without any reason being given for the discharge. In any case, temporary appointments made against or in the chain of leave and deputation

vacancies will be terminable on the return of the absentees when ever that may take place.

(iii) Before a temporary Government servant who has been appointed "until further orders" is discharged one month's notice of discharge should, if possible, be given to him. This, however, is not intended to confer on him any title to notice—see paragraph (ii) above.

(iv) When a temporary appointment is to be made "until further orders" a written undertaking in the following form should be taken from the candidate before his employment:—

"I understand that my employment under Government as is temporary and that my services may be dispensed with at any time without notice and without any reasons being assigned and I accept the employment on this basis."

50. Candidates shall not be allowed to serve in the Prison Offices without the sanction of the Inspector-General.

51. (i) In every case of transfer of charge of a Gazetted Officer, a copy of the report of transfer of charge together with the acknowledgment of the receipt of the Permanent Advance should simultaneously be sent to the Treasury Officer, and the Head of Department or the Controlling Authority concerned and;

(ii) the endorsement to the effect that a copy has been sent to the Treasury Officer should be made on the copies of report sent to the Accountant-General, Bombay and to the Inspector-General of Prisons or the Controlling Authority concerned.

52. Superintendents of Prisons shall make appointments to the Posts of Sepoys.

53. The State Government, the Inspector-General of Prisons and Superintendents of Prisons being the competent authority as defined in Rule 9(13) B.C.S.Rs. Volume I, shall exercise the following powers in respect of Jail employees whom they can appoint subject to the provisions of the B.C.S.Rs. quoted against them:—

Nature of Power

B.C.S.R.

- (a) Suspension or transfer of a lien of a Jail employee to a post. (19, 20, 21 and 22).
- (b) Sanction of increments in ordinary course. (Rule 45).
- (c) Removal of Jail employees from service or to require them to retire on grounds of misconduct, insolvency or inefficiency. (Rule 165-A).
- (d) Sanction pensions. (Rule 213).
- (e) Grant of leave. (Rule 623, 625, and Revised Leave Rules).

*Nature of Power**B.C.S.R.*

(f) Extension of leave of Jail employee who remains absent after the end of his leave.

(Rule 645)

(g) Grant of leave to a Jail employee who is declared by a Medical Committee to be completely incapacitated,

(Rule 682-C)

54. A person recruited for Government service in the Jail Department must be physically fit. All candidates appointed in the Inspector-General's Office shall be sent to the Civil Surgeon, Poona for Medical Examination,

55. The Medical Officers of Prisons shall examine all candidates for employment in the Prisons, who may be sent to them for that purpose by the Superintendent and shall furnish certificates as required by B.C.S. Rules.

56. No person who has completed six months temporary or officiating service shall be continued in employment nor be appointed substantively to a permanent post without the production of a Medical Certificate. The limit of six months prescribed in the above clause is the maximum one and the Superintendent should in the case of Government servants who on their appointment are expected to continue in Government service for more than six months require them to produce medical certificate of fitness for Government service within two months from the date of joining service. The Medical Certificate shall be affixed to the pay bill of the month in which the certificate is obtained. The fact that a Government servant is medically examined and found fit should be recorded in his Service Book as soon as a certificate is produced.

57. It is the responsibility of the Superintendent to see that no person under him is paid after completing the relevant period of service (six months or two months as the case may be) unless that person produces the required Medical Certificate.

58. The appointment of every Jail employee shall be considered probationary for six months, unless the Inspector-General of Prisons shall otherwise direct.

59. (a) Every permanent Official serving in the Jail Department who is either entrusted with the collection or the custody of cash, or is solely in charge of stores or whose appointment is likely to entail his being entrusted with such duties at any time, shall furnish security and execute a bond for the due performance of his duties and shall be strictly bound by the conditions set forth in the bond. The amount of security shall be one year's pay, being the minimum pay of the grade. The only form of security which shall be accepted from such Officials shall be Government Promissory Notes, National Savings Certificates, Government Loan Paper.

including State Loans at current Market rates, or Government Savings Bank Deposits. The security, in all cases, shall be furnished within a month after confirmation in an appointment. Such security may at the option of the official from whom it is taken, be furnished by a monthly cash deduction at 10 per cent of his substantive pay or in the form of a bond executed by the principal and two sureties for an amount equal to a year's pay.

(b) (i) Inspector-General of Prisons should enquire annually into the solvency of the securities furnished by the Superintendents and Deputy Superintendents of Prisons and the Governor, Borstal School, Dharwar and report the result to Government.

(ii) Superintendents should enquire annually into the solvency of the securities of the other Jail Officials and report the result to the Inspector-General.

(c) when an Official elects to give security by Personal Bond, he will not be allowed subsequently to change from this form of security to a monthly cash deduction unless he is prepared to deposit at once, such a sum as may be determined by Government in the case of a Superintendent or the Governor of Borstal School, Dharwar, and by the Inspector-General of Prisons in any other case.

(d) In the case of officiating appointments of officials Government or the Inspector-General, as the case may be, shall decide whether security should be taken or not according to the probable duration of the officiating appointment.

(e) A Security Bond continues in force until it is cancelled, and surety who withdraws from his suretyship continues liable for any defalcation occurring up to 60 days after his giving notice. A Security Bond should not be destroyed until so long after the principal has ceased to occupy the office in which he has to furnish security that there is no probability of its being of any use. If a fresh bond is taken for any reason the old one should be preserved.

(f) Government Officers to whom Surety Bonds are tendered should verify the identity of personal sureties and other solvency before the Surety Bond is accepted and only responsible Government Officials who have identified the personal sureties should sign such Surety Bonds as witness.

Note—Medical Officers attached to Jail Hospitals who are in charge of Hospital Stores, are exempted from the operation of this rule.

60. All Jail employees shall be held responsible for being fully acquainted with the rules and orders relating to their respective duties.

61. Every Jail employee shall yield prompt and strict obedience to all orders of his superior officers and shall treat all superior officers at all times with due respect.

62. On appointment every Jail employee shall be expected to know the provisions of the B.C.S.C.D. and A. Rules and section 54 of the Prisons Act. He shall be informed that he is liable to be called upon to serve any where under the State Government and that in the event of his desiring to leave the service he shall give two months notice in writing of his intention.

63. Every Jail employee shall make on appointment to the authority having power to appoint him through the usual channel, a declaration of all immoveable property which is held by him or his wife or any member of his family living with or in any way dependent on him and shall annually on the 1st April notify the said authority of any change that has occurred in such declaration.

64. A Service Book in the prescribed form shall be opened for every non-gazetted Government servant at his cost except in case of temporary servants whose tenure of office is not likely to exceed one year and in case of office peons. A Service Roll shall however be maintained in case of every office peon.

65. All corrections in dates of birth originally entered in service books should be made with prior sanction of the Inspector-General *vide* Rule 171, B.C.S.Rs. Vol. I and S. No. 1 in Appendix I (Chapter X).

66. No Jail employee once dismissed from employment in the Department shall be re-employed without the special sanction of the Inspector General of Prisons under Rule 74 (1) of Manual of Financial powers F.P. No. VII. Suitable convicts who were not convicted for offences which involve moral turpitude or an anti-social attitude may be appointed on their release from Jail with previous sanction of the Inspector General of Prisons.

Note,—Offences under the Prohibition Act or Gambling Act are treated as involving moral turpitude *vide* P. & S. D. Cir. No. CDR-1154, dated 23-7-1954.

67. When a jail employee has been tried and acquitted by a criminal court, he shall not be reinstated in the service without the orders of the Inspector-General.

68. Every jail employee for whom quarters are provided by Government shall reside in those quarters and those for whom no quarters are provided shall live within such a distance of the prison as shall from time to time be fixed by the Superintendent.

69. The Senior Jailor shall not permit any unauthorised person to remain for the night within the prison. Nor shall he allow any subordinate officer or servant, occupying any quarters attached to the Prison, to have any person, not a member of his family, sleeping in his quarters without special leave from the Superintendent, and shall see that all Jail guards invariably sleep in the quarters

allotted to them and shall occasionally call them out at night and ascertain that none has left the premises without permission. Such calls must be reported in Register No. 13 by him.

70. (i) All Government servants appointed substantively to permanent posts and whose pay Rs. 60 or more per month shall subscribe to the G.P. Fund. Temporary and Officiating Government servants may also volunteer to subscribe to the G.P. Fund on completion of one year continuous service.

(ii) The prescribed form for admission to the Fund (Gen.99) shall be filled in and sent to the Accountant-General, Bombay, for allotment of account number, on receipt of which the monthly subscription towards the fund shall be regularly deducted from his pay bill.

Pay and allowance

71. (i) There are two types of scales, i.e., Bombay city scale and mofussil scale.

(ii) The initial pay of a Government servant appointed to a post on a time scale of pay (mofussil) in a substantive, officiating or temporary capacity shall be fixed in accordance with the provisions of B.C.S. Rules 41, 56, or 57 as the case may be.

(iii) The initial pay of Government servant on Mofussil scale transferred to Bombay on a Bombay city scale or vice versa, shall be fixed under Rule 42, B.C.S.Rs., Volume-I.

72. A special pay of Rs. 100 (to be increased to Rs. 150 in special cases by the State Government) shall be granted to the officer holding medical charge of a Central Jail. (Item 20 of Appendix XLIV of B.C.S.Rs., Volume II).

73. An officer other than (i) a member of I.C.S. or I.A.S. or (ii) an officer holding an appointment ordinarily held by a member of that service or (iii) a Superintendent of Central Prison shall be granted a special pay of Rs. 100 p.m. for holding additional charge of the Superintendent of a first class District Prison and Rs. 75 p.m. for II Class District Prison. (Item 24 of Appendix XLIV, B.C.S.Rs., Volume-II).

74. The Superintendent of the following Jails shall be granted conveyance allowance as shown against them.

<i>Name of Jail.</i>	<i>Amount and Conditions.</i>
Kolhapur District Prison	Rs. 40 p.m. if a car is maintained or Rs. 20 p.m.

75. Jailors and Matrons shall be granted clothing allowance p.m. as shown below:—

		<i>City scale.</i>	<i>Mofussil</i>
		Rs.	Rs.
Jailor Group-I	...	12-8-0	4-9-0
Do. II	...	12-8-0	4-9-0
Do. III	...	12-8-0	4-2-0

	<i>City scale.</i>	<i>Mofussil.</i>
Female Jailor Group-II		
Yeravda Central Prison.	Nil	4-9-0
Senior Matron ...	1-4-0	1-4-0
Matrons ...	1-4-0	1-4-0

76. Senior Jailors and Factory Jailors at Central Prisons shall be granted special pay at the rate of 20 per cent of their pay subject to a maximum of Rs. 50 p.m. and Rs. 25 p.m. respectively.

77. Senior B.M.S. Officer Class III shall be granted Rs. 50 as special pay and Rs. 10 as compensatory allowance.

(i) When there is one B.M.S.O., he should be considered as 'Senior' and.

(ii) When there are more than one officer, the most Senior amongst them should be considered as 'Senior' and the rest as 'Junior'.

78. Junior B.M.S. Officer Class III shall be granted Rs. 35 as special pay and Rs. 10 as compensatory allowance.

79. Compounders shall be granted Rs. 5 p.m. as duty allowance.

80. Nursing orderlies shall be granted Rs. 7 p.m. as Special pay.

81. Jail guard in charge of the flour mill in the Jail shall be granted Rs. 5 p.m. as duty allowance.

Increment

82. (i) Rule 45 of the Bombay Civil Services Rules, prescribes that an increment shall ordinarily be drawn as a matter of course unless it is withheld. It is, therefore, necessary that the question whether an increment is to be withheld should be considered and settled in good time before the increment becomes due, as failing orders of stoppage it automatically becomes payable in the next pay bill. In the case of an increment next above an efficiency bar, however, a special sanction to its drawal is required under rule 46, B.C.S.Rs. ; but even in such cases it is clearly necessary that steps to obtain the sanction should be taken in good time before the increment falls due. It is also necessary that when it is proposed to deal with a case under the proviso in rule 47, B.C.S.Rs., timely orders should be passed recording the special reasons, and fixing the stage at which pay is to be granted. In this connection, attention is invited to Note 1 to clause (b) of rule 30 of the rules in Financial Publication No. 1.

(ii) The claims to arrears of pay on account of increments not drawn within six months of their becoming payable should first be referred to the Accountant General's Office through the Inspector-General as laid down in rule 30 of the rules in the Financial Publication No. 1.

(iii) If increments are withheld, the competent authority should issue specific orders to that effect expressly stating therein

the period for which they are withheld and whether the postponement shall have the effect of postponing future increments (*vide* Rule 45 of Bombay Civil Services Rules) Copies of such orders should in the case of Government servants in respect of whom annual establishment returns are furnished, be supplied to the Accountant General's Office and the necessary notes should be made in the establishment returns.

83. The Superintendent should sanction the periodical increments of the Clerks, Wireman-Driver, Teacher and Jail Guards serving under them and whose pay is below Rs. 160 p.m.

84. In every Prison a Register should be maintained. The names of all those on incremental scale of pay should be entered therein. The Register should contain the following columns:—

S. No.	Name.	Designation.	Present pay on 1st Jan-19	Due date of increment.	When sanctioned.	Remarks as to the effect of stoppage of increments, etc.
1	2	3	4	5	6	7

85. The increment certificates of those Jail subordinates whose increments the Superintendent cannot sanction, should be submitted to the Inspector-General two months before they are due along with the Service Book of the individual concerned. The Superintendent should, before signing the increment certificate, personally verify the entries in the Service Book and the Register and satisfy himself that the increment is legitimately due.

House Rent

86. All Jail officials and subordinates serving at Jail's and Borstal School, Dharwar, shall be provided with rent free quarters (if available) on the permises of the Jail [Rule 850-(a), B.C.S.R., Vol.-I and Serial Nos. 129 to 135 of Appendix LV, B.C.S.R., Volume-II].

Note.—Jail employees whose emoluments are Rs. 150 or less p.m. and who are provided with rent free quarters shall not be liable to pay for subsidiary services such as sanitary, water supply and electric installations and fittings. Monthly electric charges and meter rent shall be paid by the party concerned. Jail Officials whose emoluments are above Rs. 150 p.m. shall pay Halalkhore and water charges

Note.—Rent free quarters shall be in charge of the Jail employees even during the first four months of any leave other than leave preparatory to retirement taken by them, provided no extra expense is incurred over the housing of their substitutes. An undertaking shall however be taken from them to the effect that they will pay the full rent in respect of the quarters which they occupy free during the period of leave if they resign or retire voluntarily from Government service at

the end of the leave or of an extension of it. This undertaking shall be included in the application for leave.

87. Quarters shall be allotted according to both seniority and status of the Jail employee concerned. A set of blocks shall as far as is practicable be reserved for each cadre separately i.e., executive, clerical, guarding and technical. Quarters reserved for a member of one cadre may be allotted to a member of another cadre by the Superintendent for special reasons which shall be recorded.

88. Those for whom no rent free quarters are provided shall be granted House Rent Allowance at such rates as State Government may sanction.

Local Compensatory Allowance

89. The Jail employees to whom and the conditions subject to which a local compensatory allowance has been sanctioned will be found in Appendix XV, XVII and XVII A in B.C.S R., Volume II

89A. (i) The allowance may be drawn during leave if the authority sanctioning the leave certifies that the Government servant is likely to return to duty on expiry of leave at the station from which he proceeded on leave.

(ii) The authority sanctioning the leave shall invariably embody in the sanctioning order a certificate regarding the likelihood of the Government servant returning to the same station.

90. In cases in which such certificates are not recorded in the original orders sanctioning leave or transfer, requests for grant of compensatory allowance and/or house rent allowance shall not be entertained.

91. Sanctioning authorities are liable to be personally held responsible to make good a part or whole of the loss as Government may deem fit in each case caused to individual Government servant on account of non-compliance with the requirements of the rules.

92. The necessary certificates are sometimes not embodied in the orders sanctioning leave on the following among other grounds:—

(i) The posting of the Government servant on the expiry of his leave was not considered at the time his leave was sanctioned.

(ii) The posting was considered but the certificate was not given because it could not definitely be said that the Government servant would, on the expiry of the leave, return to the same post or to another post carrying similar allowances.

(iii) The order sanctioning leave was issued after the expiry of the leave and it was stated in that order that the Government servant was reappointed to the same post.

As regards items (i) and (ii) above, the posting of Government servants in receipt of compensatory and/or house

rent allowance on the expiry of leave asked for has to be considered at the time of sanctioning the leave in view of Bombay Civil Services Rules 339 and 344. Once it is certified on the basis of facts or circumstances known at the time of sanctioning leave, that the Government servant is likely to return to the same post or to another post carrying similar allowance, the Government servant can draw the allowance even though due to circumstances not visualised at the time of sanctioning the leave, the Government servant does not actually return to such post after the expiry of leave. If, however, on the available data at the time, the sanctioning authority is unable to issue such a certificate, the Government servant will not be eligible to draw the allowance even though he actually returns to such post on the expiry of the leave.

As regards item (iii) above, the statement made in the order sanctioning the leave to the effect that the Government servant was reappointed to the same post does not dispense with the need for granting the required certificate. The certificate has, in such cases, to be granted in the past tense as under:—

"At the time Government servant was allowed to avail of leave in anticipation of formal sanction, it was intended to appoint the Government servant to the same post or to another post carrying similar allowance."

Travelling Allowance

93. For the purpose of calculating travelling allowance, Jail employees are divided into four grades.

(1) The first grade includes the incumbents of the following posts:—

(a) Inspector-General of Prisons;

(b) Superintendents of Central Prisons in receipt of actual pay exceeding Rs. 750 p.m.

(2) The Second Grade includes the incumbents of the following posts:—

(a) Superintendents of Central Prisons drawing pay of Rs. 750 p.m. or less.

(b) Superintendents of District Prisons, Deputy Superintendents and Governor, Borstal School, Dharwar.

(c) Superintendent, Bijapur District Prison, Karwar Special Prison

(d) Superintendent of Jail Industries.

(e) Personal Assistant to Inspector-General of Prisons.

(f) Jailors Group-I

(g) Jailor Group-II drawing actual pay of Rs. 200 or more per month.

(h) Any other Government servant drawing actual pay of Rs. 200 or more per month.

(3) Third grade includes all Government servant in superior service not included in Grade I, II and IV.

(4) Fourth grade includes the following:—

(a) Lance Naiks and Sepoys.

(b) Office Peons.

(Rule 377, B.C.S Rs, Volume-I)

94. Claims of travelling allowance on transfer or tour shall be preferred in accordance with the provisions of Rules of B.C.S.Rs, Volume-I, applicable to the respective grades and submitted to the Inspector-General of Prisons for counter-signature.

95. Personal Assistant to the Inspector-General of Prisons is vested with the powers of countersigning Travelling Allowance Bills of the Jail Department under Government Letter, Home Department, No. 8223/5-A, dated 27th April 1949.

96. The Jail employee concerned shall furnish the details of his journey, vouchers, in support of his claims etc., to the Head Clerk or to other Clerk to whom the duty of preparing Travelling Allowance Bills of staff is entrusted, within fifteen days of the completion of his journey. Head Clerk or the Clerk concerned shall prepare all Travelling Allowance Bills immediately on receipt of the requisite details from the parties concerned. The Superintendent shall see that Travelling Allowance Bills are regularly prepared and submitted to the Inspector-General for counter-signature. Delayed Travelling Allowance claims may not be admitted by the Inspector-General except for sufficient reasons.

97. Whenever road journeys are to be certified as having been performed in State Transport buses, the Government Servants should invariably get the tickets endorsed either by the conductor of the bus in which they travel or by a State Transport Official at the nearest bus station or depot, giving Bus No., date of travel and the places between which the journey was performed.

98. A season ticket for the lowest class shall be purchased at Government cost for the following Jail employees between the Railway Stations specified against their names for their daily or occasional visits for work in connection with the prison.

Designation of Government Servant	Railway Stations between which season ticket is granted.
Lance Naik or Sepoy at:—	
(a) Thana District Prison.	Bombay and Thana.
(b) Ahmedabad Central Prison.	Sabarmati & Ahmedabad.
(c) Worli District Prison.	Lower Parel and Marine Lines.
(d) Visapur District Prison.	Visapur & Ahmednagar.
(e) House of Correction Byculla.	Byculla & Victoria Terminus.

(Rule 401, B.C.S.Rs., Vol. I and S. No. 4 of Appendix XXII-A B.C.S.Rs., Volume-II).

99. The Inspector-General of Prisons is allowed to draw under B.C.S.Rs. 465 the actual expenses for hiring of conveyances subject to the limit of mileage allowance calculated under B. C. S. Rule 414-II during his visits for the inspection of the Jails at Bombay, Ahmedabad, Belgaum and Nasik.

100. The Inspector-General of Prisons is permitted to go to a hill station on duty but he shall not be entitled to Daily Allowance or Travelling Allowance.

[B.C.S.R. 510 read with 1 (X) of Appendix XL.]

Note :— The travelling allowance of the establishment accompanying the Inspector-General shall be regulated under Rule 509, B.C.S.Rs., Vol. I.

101. Clerks of the office of the Inspector-General of Prisons when detailed to inspect the office of the Yeravda Central Prison are entitled to draw actual conveyance charges up to a maximum of Rs. 2-8-0 per trip for their Journeys from Poona City to Yeravda and back.

(3.C.S.R. 464 read with Rule 10 of Appendix XXXV, Vol. II)

102. Government servants in the Jail Department stationed in Bombay should on transfer from one Jail to another within the limits of Bombay City be allowed the actual cost of conveyance of their kit subject to the following maximum rates :—

	If not possessing a family.	If possessing a family.
Government Servant of 1st Grade	Rs. 10	Rs. 15
Do. 2nd " "	5	8
Do. 3rd " "	3	4

103. Jail guards are entitled to free passages by Rail or sea to their homes in India and back by the class of accommodation to which they are entitled according to grade while proceeding on and returning from earned leave. This concession is granted only once in three years and a Jail guard must have served three years before he can receive it.

Note.—(1) On each occasion on which a Jail guard proceeding on leave is given free Railway or steamer ticket the fact shall be clearly recorded in his Service Book and initialled by the Superintendent.

Note.—(2) Requisition for passage by Rail or steamer for Jail guards must be signed by the Superintendent.

Note.—(3) They may also be granted this concession when proceeding to their homes on retirement or on leave preparatory to retirement provided they have not enjoyed the concession during the preceding three years.

Note.—(4) The discretionary powers of sanctioning motor fares instead of Railway and Steamer tickets when the former are cheaper have been delegated to the Inspector-General of Prisons.

Leave

104. *Casual Leave*—Casual leave is not technically leave but an excuse for absence from duty. The absence on casual leave is therefore treated as duty for all purposes like (i) earning leave, (ii) counting it towards pension, (iii) earning increment.

The Inspector-General of Prisons may grant casual leave to Superintendents of Prisons, Governor, Borstal School, Dharwar, Superintendent of Jail Industries and all staff from Inspector-General's Office,

Superintendent of the Jail and Governor, Borstal School, Dharwar, may grant casual leave to all members of the establishment under him including the B. M. S. Officer, Class III.

The grant of casual leave is subject to the following conditions:—

(1) Not more than 15 days casual leave shall be granted in a calendar year.

(2) Not more than seven days casual leave shall be granted at any one time which may, however, be extended upto 10 days in exceptional circumstances

(3) Casual leave can be prefixed or affixed to Sundays and/or holidays.

(4) Sundays and holidays interposed between two periods of casual leave should be treated as part of casual leave,

(5) Casual leave cannot be prefixed or affixed to any other kind of leave or joining time

(6) Casual leave cannot be accumulated and therefore the balance of unutilized casual leave in a previous year cannot be carried forward to the next year.

104A. *Special casual leave sports and Tournaments* :—

(1) In view of the important part played by sports in the national life of the country and in order that Government servants who have acquired proficiency in sports so as to be invited to participate in events of national and international importance may not be placed at a disadvantage by such participation, such Government servants may be granted casual leave to the extent indicated in paragraph 2 and subject to the conditions stated in paragraph 3 below :—

(2) Special casual leave may be allowed to a Government servant for a period not exceeding 30 days in any one calendar year. The period of absence in excess of 30 days should be treated as regular leave of the kind admissible under the relevant leave rules applicable to the persons concerned. For this purpose Government servants may, as a special case, be permitted to combine special casual leave with regular leave. Special casual leave should not, however, be granted in combination with ordinary casual leave.

3. The special casual leave may be allowed only—

(a) for participation in sporting events of national or international importance; and

(b) when the Government servant concerned is selected for such participation—

(i) in respect of international sporting events by any one of the following organisations as a member of a team which is accepted as representative on behalf of India:—

- (1) The All-India Foot-ball Federation;
- (2) The Indian Hockey Federation;
- (3) The Board of Control for Cricket in India;
- (4) The Indian Olympic Association;
- (5) The All-India Lawn Tennis Association;
- (6) The All-India Badminton Association;
- (7) The Table-Tennis Federation of India; and
- (8) The All-India Women's Hockey Association.

or

(ii) in respect of events of national importance, when the sporting event in which participation takes place, is held on an inter State, interzonal or inter-circle basis, and the Government servant concerned takes part in the event in a team as a duly nominated representative on behalf of the State, zone or circle, as the case may be.

This concession is not to be allowed for participation either in a national or international sporting event in which such participation of the Government servant concerned takes place in his personal capacity and not in a representative capacity.

4. The power of granting special casual leave under this rule will be exercised by the Inspector-General of Prisons in the case of Jail employees.

Leave

105. All Jail employees are governed in regard to leave by the rules in Chapter XV of the B.C.S.R., Volume-I and in Appendix XLIV-A in B.C.S.R., Vol. II. Those rules which are important and knowledge of which is essential for day to day working are explained in brief here. The original rules in B.C.S.R. must be referred to for further clarification if any, when necessary.

106. Leave is earned by duty actually performed in a post or period spent on joining time, training etc., as defined in Rule 9 (16), B.C.S.R., Volume-I.

107. The main sets of leave Rules are as under:—

- | | |
|------------------------------|---|
| (1) The Special Leave Rules | } These are printed in Chapter XV of B.C.S.R., Vol.-I. |
| (2) The Ordinary Leave Rules | |
| (3) The Revised Leave Rules | } These are printed in Appendix XLIVA in B.C.S.R., Vol. II. |
| | |

Jail employees subject to the Special Leave Rules are:—

(1) All Jail employees of whatever domicile appointed by the Secretary of State prior to 24th July 1923 to one of the posts under the State Government.

(2) All Jail employees having at the time of their appointment domicile in Asia who prior to 24th July 1923 had been admitted to the benefits of the European service Leave Rules under the Civil Service Regulations or who between the 1st January 1922 and 24th July 1923 held a post which would have entitled them to such admission had they been subject to the Civil Service Regulations.

(3) All Jail employees appointed by the Secretary of State who had non-Asiatic Domicile at the time of appointment.

(4) All Jail employees subject to the Rule making control of the Government of Bombay who had a non-Asiatic domicile at the time of appointment and who were appointed to a service or post before 4th August 1931. Those appointed on or after 4th August 1931 by the Government of Bombay are governed by the Revised Leave Rules of 1935 even though they had a non-Asiatic domicile at the time of appointment.

Ordinary Leave Rules

108. All Jail employees who do not belong to any of the categories mentioned above and who were appointed prior to 4th August 1931 are governed by ordinary Leave Rules.

Revised Leave Rules of 1935

(As amended by Government Resolution, Finance Department No 6567/33, dated the 28th April, 1949).

109. All Jail employees appointed on or after 4th August 1931 are governed by these Leave Rules.

109A. Leave is earned at the following rates:—

	Rate
(1) In case of those subject to special Leave Rules.	5/22nd of the period on duty.
(2) In case of those governed by Ordinary Leave Rules	
(a) Jail employees recruited before 1st June 1929.	2/11th of the period on duty.
(b) Jail employees recruited between 1st June 1929 to 3rd August 1929. (Both days inclusive). (Rules 732, B.C.S.R., Volume I).	3/22nd of the period on duty.

Rate

(3) In case of those governed by Revised Leave Rules.

(a) Jail employee in Class I, II or Class III Service in permanent employ.

1/11th of the period on duty.

(b) Jail employee in Class I, II or Class III Service in Temporary employ.

1/22nd of the period on duty for the 1st year of service and 1/11th of the period on duty thereafter

(c) Jail employee in Class IV service in permanent employ.

(i) 1/22nd of the period on duty for the first 10 years of service.

(ii) 1/16 the of the period on duty for the next 10 years of service.

(iii) 1/11th of the period on duty thereafter.

(d) Jail employees in Class IV service in Temporary employ.

1/30th of the period on duty for the first year of service and thereafter at the rates specified at C. (i) (ii) & (iii) above.

110. Leave earned or consumed by Jail employee subject to special or ordinary Leave Rules, shall be expressed in terms of average pay and half average pay; and shall be expressed in terms of earned leave on full pay or half pay in case of Jail employee subject to Revised Leave Rules.

111. (i) Leave account shall be maintained in case of all Jail employees who are governed by special and ordinary leave Rules in the forms prescribed, *vide* Rule 649 B.C.S.R., Vol.-I, in order to determine at any time the leave that is admissible to a Jail employee.

(ii) Leave account shall also be maintained in case of Jail employees who are governed by the Revised Leave Rules in the form prescribed, *vide* G.R.F.D. No. 2706, dated 13th March 1952.

112. Leave on average pay may be availed of as shown below by Jail employees subject to special and ordinary Leave Rules.

	Jail employees subject to Ordinary Leave Rules.		
	Jail employees subject to Special Leave Rules.	Those who joined prior to 1st June 1929.	Those who joined after 1st June 1929.
1. The maximum amount of leave expressed in terms of leave on average pay can be granted.	<p>(a) The Privilege leave which was permissible as per rules on the date on which he becomes subject to B. C. S. R. plus.</p> <p>(b) 1/11th of the period spent on duty; plus</p> <p>(c) Three years.</p>	<p>(a) The Privilege leave which was permissible as per Rules on the date on which he becomes subject to B. C. S. R. plus.</p> <p>(b) Two and half years.</p> <p>(c) Two & half years.</p>	<p>(a) Nil.</p> <p>(b) 1/11th of the period spent on duty; plus</p> <p>(c) Two and half years.</p>
2. The maximum amount of leave on average pay which may be granted.	<p>(a) Eight months at any one time and</p> <p>(b) in all the leave admissible under (a) (b) above; plus</p> <p>(c) One year.</p>	<p>(a) Four months at any time and</p> <p>(b) in all the leave admissible under (a) (b) above; plus</p> <p>(c) One year.</p>	<p>(a) Four months at any one time.</p> <p>(b) In all the leave admissible under (a) (b) above plus</p> <p>(c) Six months.</p>

Note.—The period can be raised to eight months, if the extension of four months is supported by medical certificate —(Please see Rule 748, B. C. S. R., Volume-I for further details).

113. A Jail employee subject to Revised Leave Rules shall be granted earned leave on full average pay for four months only at any one time. He is, however, entitled for leave on half average pay commuted leave and leave not due as per conditions laid down in Revised Leave Rules.

114. The leave applications in the prescribed form G (58) of Superintendents of Prisons, Governor, Borstal School, Dharwar, Dy. Superintendent and Superintendent of Jail Industries shall be submitted to State Government through the Inspector-General of Prisons and Accountant-General, Bombay, who shall certify the admissibility of leave applied for and applications of other Jail employees shall be made to the authority competent to grant such leave.

115. Applications from Bombay Medical Service Officers for transfers and leave other than casual leave should be sent to the Surgeon-General for disposal through the proper channel, *vide* paragraph 204 of Bombay Civil Medical Code (Fourth Edition).

116. The Superintendent or the Governor, Borstal School, Dharwar, shall record in Register No. 12 an order sanctioning leave to the Jail employees and shall see that an entry in the Service Book of the Government servant concerned is made simultaneously.

117. (i) When a Jail employee takes leave (other than casual leave), resigns, is discharged, suspended or otherwise quits his appointment he shall be required in making over charge to his successor, to give a detailed account of all property stores etc., in hand and to furnish a balance sheet which shall be kept in the prison records, a copy being furnished to his successor. A certificate to that effect shall be recorded in the Register No. 13, by the Senior Jailor.

(ii) The Superintendent shall satisfy himself that the account so furnished is correct in every respect after allowing time for all due enquiry, which shall not be more than a month from the date of the employee's leaving the Office. He may furnish the employee, should the latter require it, with a certificate that no demands or liabilities are outstanding against him in that Prison. In the case of a employee's death the inventory shall be carefully made by or under the directions of the Superintendent and the no demand certificate shall be granted and security given up after reference to the Inspector-General and on the application of the heirs or executors of the deceased.

This rule may be suspended in the case of a Jail employee who takes leave for not more than two months but in such cases the employee who takes leave shall be pecuniarily responsible for the stores etc., during his-absence and the burden of proving the responsibility of his *locum tenens* for any loss shall lie with him.

118. If prevented from attending to his duties by illness or any other cause, the Medical Officer shall communicate the circumstances to the Superintendent, and, if need be, to the Inspector-General of Prisons, and give the name of the Medical Officer or Medical subordinate who is to officiate during his absence. The officer so placed in charge may exercise all the powers of a Medical Officer.

119. During the absence of the Medical Officer of a Prison for a short period, the powers and duties conferred on him may be, with the approval of the Inspector General of Prisons, exercised and performed by the Medical Subordinate of the Prison.

120. Government is pleased to lay down the following standard for issue of 'Fit' Certificates in cases of leprosy for employment in Government Service:—

(a) *For new recruits.*—Fit certificates should not be issued as long as there is any sign of active leprosy. An arrested case of leprosy or where the disease is inactive for more than two years with no sign of any activity may be declared fit with or without deformity depending on the nature of the work.

(b) For those who are already in service:—

(i) *Lepromatous Cases.*—They should be recommended long leave and should not be declared fit till they are bacteriologically negative by concentration method for at least one year, the bacteriological examination having been done every three months.

(ii) *Tuberculoid cases with lepromin strongly positive.*—Whether negative or positive to bacilli these cases should be recommended leave for three months in the first instance, put on treatment and kept under observation. If they tolerate the treatment well and are progressing satisfactorily, the following procedure may then be followed.

(a) If (i) there have been no exacerbations during the period of treatment, (ii) toleration to treatment was quite good during the period and (iii) they are negative bacteriologically, these cases may be declared fit with a proviso that they must be under constant treatment and observation. The fit certificates should be for a period of six months to begin with.

(a) If (i) there have been no exacerbations during the period of treatment, (ii) toleration to treatment was quite good, but (iii) they are bacteriologically positive, these cases should be recommended further leave of three months and observed as above. If after the period of three months the progress is maintained well and bacteriological finding has improved so that there are no or very few bacilli they should be declared fit with proviso as in (a) above.

(iii) Natural or Indeterminate type of cases with lepromin doubtful or negative the same rules may be followed as in cases of Tuberculoid leprosy but fit certificate should not be issued till the case is bacteriologically negative for six months.

2. Fit certificates should not be issued to any of the categories stated above, if the person has to come in contact with children during the course of his duties, till their disease is inactive and bacteriologically negative (by concentrative method) for one year.

3. Bacteriological examination should be done as follows:—

(a) Cut a small piece of skin (skin should be cut sufficiently deep so as to contain subcutaneous tissue).

(b) Place the piece of skin on a slide and put a few drops of chloroform with 5 per cent Xyol over the piece of skin.

(c) Make a smear by rubbing the piece of skin on the slide by means of the blade of scalpel.

(d) Discard the piece of skin and let the smear dry.

(e) Fix the smear.

(f) Stain with Carbol Fuchsin as usual.

Promotion

121. (a) The following principles which have been determined in consultation with the Bombay Public Service Commission should be observed in promoting officers from a lower to a higher grade, service or post by selection:—

(1) No officer should be so promoted unless his record shows that he possesses the necessary positive qualifications for the higher grade, service or post such as personality, professional qualifications, initiative, strength of character and readiness to assume individual responsibility;

(2) No officer who has the positive qualifications referred to in (1) above should be passed over by an officer junior to him unless the latter has, in addition, really exceptional ability or qualifications; and

(3) In assessing the merit of officers on comparative basis for the purpose of principles (1) and (2) above the ability, energy, initiative, integrity etc., of the officers concerned should be taken into consideration over a series of years wherever possible and the judgment should be formed after carefully considering reports of at least three different superior officers.

(b) The above principles shall not apply in the case of promotions to such key posts as Heads of Departments where Government's discretion is absolute.

(c) In all other cases the principles will apply, but their application will be subject to any special orders which Government may pass in regard to any particular services.

(d) The following supplementary instructions with reference to the above orders should also be followed;

(i) It is not intended that the suitability of a person for promotion should be invariably assessed by the opinion of three officers. The intention is that reports of at least three officers should be taken into account wherever such reports are available.

(ii) In the case of persons who are transferred frequently, or whose superiors are transferred frequently it is necessary to ensure that such frequent transfers do not lead to non-maintenance of proper confidential reports regarding them. Reporting officers should, therefore, if they are transferred, leave remarks in the confidential records of their subordinates at the time of their transfer. Also when the subordinates themselves are transferred the reporting officers under whom they are serving at the time the report is written should obtain the remarks of the officers under whom they have served for more than three months during the year in question and enter them in the report;

(iii) All officers and Departments responsible for making promotions should take care to see that the principles laid down in P. & S. D. 4099/34 of 18th December 1950 are properly applied, and that every proposal involving supersession is fully justified. Similarly in cases requiring reference to the Public Service Commission the Departments of the Secretariat should take care to see that in cases referred to it, especially those involving supersession, sufficient material is placed before it to enable it to consider the cases if the confidential record is not itself sufficiently explicit.

Resignations

112. (i) Jail employees wishing to resign their appointments must give two months notice of their intention to resign (Section 54 (1) Prison Act). The authorities competent to accept such resignation should communicate their decision one way or the other to the persons concerned as early possible, and in any case within period of one month. The decision should not be deferred indefinitely. Amounts, if any, due from the persons concerned should be recovered before acceptance of their resignation.

(ii) When Government servants are appointed on contract, or have executed bonds undertaking to serve Government for a definite period, the terms of their contract or bonds should be taken into consideration. The question whether any penalty is required to be imposed for breach of contract or undertaking should also be

considered. If the contracts provide that Government servants should give notice of a definite period for termination of the contract, it will be open to the competent authorities to withhold acceptance of resignation till the expiry of the prescribed period.

(iii) In cases in which resignations are tendered by Government servants while on duty, they should not be relieved until their resignations are accepted by the competent authorities. If the Government servants remain absent before their resignations are accepted, or without obtaining the necessary leave pending acceptance of their resignation, it is open to the competent authorities either to treat the absence as leave without pay, or to take suitable departmental action for such unauthorised absence.

(iv) Resignations of Jail employees who are under suspension and departmental enquiry is to be held in their cases, should not be accepted, *vide* Government orders contained in P. & S. D. No. 1581/31 of 16th March 1951.

Pensions

123. Preparation of pension papers should always begin 12 months before the date of retirement of Government servants drawing less than Rs. 250 p. m. and 6 months in other cases.

The following instructions must be scrupulously followed :—

(1) On the 1st January, 1st April, 1st July, 1st October of each year, the Superintendent shall cause a list of Government servants under his control who are due to retire within the next 12 months in the case of Government Servants drawing less than Rs. 250 p. m. and the next 6 months in the case of officers drawing over Rs. 250 p. m. to be prepared and submitted to him. He shall then give instructions in the Register No. 12 for the preparation of pension papers of those Government servants, irrespective of whether the Government servant due to retire has applied for pension or not. Where the Government servant concerned has not sent in the application, the Superintendent shall call him up and ask him to submit an application for pension forthwith.

(2) A copy of the list should be submitted by him to the Collector of the District and the Inspector-General of Prisons where the authority competent to sanction the pension is Government. Inspector-General should furnish a list of such persons to Government.

(3) The Superintendent shall be responsible for ensuring that the preparation of pension papers progresses with due diligence. If he feels any special difficulties in the preparation of the pension papers, he should report the case to the Inspector-General for guidance.

(4) The Inspector-General will watch the progress of the preparation of pension papers and the sanction of final pension until the pension payment order is issued and the pensioner begins to draw his final Pension. He will be responsible to take steps in time to remove any impediment in the prompt progress of the pension cases. If there are any difficulties he is unable to solve, he should approach the Finance Department for necessary advice. It should, however, be understood that this does not constitute an authority for any and every case to be sent to Finance Department. The primary responsibility for the progress of cases will continue to remain with the Superintendent and Inspector-General. Only where the difficulties are of a such a nature that they cannot be solved by the Superintendent or Inspector-General should the Finance Department be approached.

(5) The Superintendent or Inspector-General should, before he signs the application for pension or gratuity satisfy himself that every one of the items in the application for the pension and gratuity has been properly filled in. Actually every one of the items requires a reply except that the item 7-A may not have to be replied to in a large majority of pension cases. Similarly, the history of service should be filled in, in complete detail. It should be noted that for every change in the rate of pay or in the nature of appointment there should be a separate line giving the date of beginning and date of ending of the particular appointment on a particular rate of pay. To give a consolidated entry as is often done is incorrect and the Accountant General will not be in a position to certify the history of service in the absence of complete information. The instructions below the application for pension or gratuity should be strictly followed. Any corrections made in the application form and the history of services should be initialled by the persons making the corrections (i.e. Superintendent or Inspector-General). Before signing the application form, the Superintendent or Inspector General as the case may be should see that every one of these points of detail has been satisfactorily complied with.

(6) In order to ensure that a pensioner gets at least provisional pension very early, the declaration specified in B.C.S.R. 214 (a) should invariably accompany every application for pension.

(7) The main difficulty in the preparation of history of services is the failure to maintain service books up-to-date, B.C.S.R. 177 requires that the Books should be verified by the Superintendent in January every year. It appears, however, that this instruction is hardly ever complied with. All Superintendents should therefore report to the Inspector-General in the last week of January every

year that the Service Books of all the staff under their control have been verified and duly certified as required by Rule 117, B.C.S.R.

(8) Government is gradually providing the Huzur Treasury Office in each district with the services of clerks who are specially trained in the preparation of the pension cases. The Superintendent should secure the assistance of the services of such clerks in the preparation of pension papers. Wherever such trained clerks are available, the Superintendent should refer the pension cases to the trained clerks concerned with the following information and documents:—

(i) Form of application for pension, including the history of service filled in by the Superintendent or Inspector-General as the case may be,

(ii) All documents as specified in the note to B.C.S.R. 229 furnished by the Superintendent or Inspector-General duly filled in.

(iii) It should always be ensured that the following requirements are invariably fulfilled in the preparation of pension papers:—

(1) The nature of appointment (whether officiating or substantive) held by the pensioner from time to time should be shown in the history of service and service book.

(2) If he was officiating in the beginning of his service, it may be clearly noted in the Service Book and History of Service whether he was officiating in a permanent post which was substantively vacant or whether he was officiating in a temporary post which was subsequently made permanent. In the latter case, the No. and date of the Government orders under which the temporary post was subsequently made permanent should be noted in the service Book and History of Service.

(3) If he was officiating during the last 3 years of his service, it should be shown in the Service Book and history of service whether or not he was officiating in a permanent post which was substantively vacant.

(4) The leave statement should be verified from local records and a remark to that effect recorded in the leave statement.

(5) The declaration for grant of provisional D. C. R. Gratuity in form 'G' should bear signature with addresses of two witnesses.

(6) The officiating and substantive pay fixed in revised scale on 1-1-47 with the dates of further increment should clearly be shown in the Service Book and History of Service.

(7) The following documents should be furnished at the time of submitting the family pension papers.

- (a) The Service Book.
- (b) The death certificate.
- (c) The declaration as regards election of pension rules.
- (d) The nomination for grant of family pension. In the absence of nomination, the legal heirship certificate from competent Civil Court authority.
- (e) The application in Form 'F'.
- (f) The specimen signature and finger impression cards in duplicate of the applicant.
- (g) The order sanctioning the family pension.

(9) The trained clerks will keep watch over all the pension cases from the date they are required to be taken in hand with a view to ascertaining that prompt action is being taken by the Superintendent or the Inspector-General to finalise the pension papers before the pension becomes due.

(10) The responsibility for furnishing all the requisite documents will rest with the Superintendent. It will, however, be the responsibility of the trained clerk to ensure that all the material required is available, all the documents are properly prepared and on the data available calculate the amount of pension admissible and when the papers are complete to forward the pension papers to the Accountant-General, Bombay, or Deputy Accountant-General, Baroda. The Accountant-General or Deputy Accountant-General should return the case with his report thereon to the Treasury Officer who will report at once to the Superintendent or Inspector-General about the amount of pension due as certified by Audit. The pension due as certified by the Audit will be sanctioned by the authority empowered to sanction pension under B.C.S.R., 213.

(11) The Inspector-General or Superintendent as the case may be should ensure that all references from the Collector in respect of pension matters are disposed of without delay.

Pension commutation

123 A. (1) As soon as an application for commutation of pension is received from the pensioner, the Head of the Department concerned should promptly forward the same to the Finance Department with the following information :—

(i) Confidential certificate as required under Government Resolution, Finance Department No. 4569/Confl. dated 7-4-1933. (Appendix III).

(ii) Certificate whether the residue of pension after commutation will be sufficient to maintain the applicant and his family:

(iii) Information regarding the rules according to which the pension has been regulated, i. e. old Pension Rules, Revised Pension Rules or former State Rules. (In the case of those

governed by the State Rules, it should also be stated whether pension commutation is permitted under those rules, and if so, a copy of the relevant rules should be forwarded). In this connection, attention is invited to Government Resolution Finance Department No. 1007/33, dated 23-8-1951, and Government Resolution, Finance Department No. 8315/33, dated 20-12-1950:

(iv) A separate signed statement, detailing the manner in which the applicant wants to utilise the commuted amount of his pension:

(v) Identification marks of the applicant:

(vi) The place at which the applicant wants to get himself medically examined. (In cases where the applicants are to be examined by a medical authority, the place will be Bombay City or the District Head Quarters and in cases where the applicants are to be examined by a Medical Board: the place will be Bombay, Ahmedabad, Poona or Belgaum):

(vii) Full address of the applicant:

(viii) In the case of invalid pension, the grounds for invaliding the applicant or the statement of his medical case should be communicated.

2. Special care should be taken to see that the applications are not submitted to the Finance Department in a perfunctory manner, as any omission of the required particulars mentioned above will result in correspondence and consequently delay in according administrative approval to the commutation of pension and in making arrangements for medical examination.

3. Arrangements for the medical examination will be made by the Finance Department i. e. instructions for arranging medical examination of the applicant will be given directly by Finance Department to the Civil Surgeon or the Medical Board concerned who should, immediately on receipt of orders, inform the applicant directly of the time and place of the examination.

CHAPTER IV

STAFF-TRAINING

124. On recruitment, Superintendents of Prisons and Jailors should receive a theoretical as well as practical training on a scientific basis in all fields of correctional work. Training of the new recruits shall be conducted by Superintendents and Jailors.

125. The Superintendent shall make himself acquainted with the provisions of all Acts and Rules relating to Prisons. He should, as a rule, within 12 months of his appointment be able to converse freely in the regional language with an unlettered peasant of the District and understand correspondence in regional language when read to him. In the event of an officer, who has no previous service in the Jail Department, being selected for appointment as Superintendent he will be required to undergo such training as Government may consider necessary. The course of training should include a careful study of the principles of penal science and of the various Acts and Codes bearing on Jail Administration and other connected matters. It should also be such as to enable him to obtain a clear grasp of matters connected with Jail management and all other branches of Jail work.

126. The Inspector-General of Prisons should submit to Government a report regarding the Superintendent's work, while under training and Government will not place him in independent charge of a Jail unless it is satisfied, on such report, of his suitability for such a charge.

Training of Jail Guards

127. (1) Every Jail guard who has been entered in the Jail Department will be required to undergo a course of training for the due performance of his duties;

(2) The training programme will be of 3 months' duration and will begin from 1st January, 1st March, 1st July and 1st October, every year.

(3) The classes should be held by the Superintendent and Jailors twice a week for 3 months.

(4) At the end of each quarter the Jail guards will have to appear for examination, which will be only oral and which will have the Superintendent and the Senior Jailer as examiners.

(5) Class record of each Jail guard, under training, shall be maintained and will be used for purposes of assessing value of the result of the oral examination.

(6) The Superintendent shall record the result of the examination at the end of each quarter and necessary entries shall

be made in the class record. The entries of having passed the examination, should also be made in the Service Book of the Jail guard concerned, and signed by the Superintendent.

(7) The Jail guard shall get in all three chances to pass the examination. An extra chance may be given by the Superintendent at his discretion. Those who fail thrice will be liable to be discharged from service.

(8) The maximum permissible time limit to pass an examination will be only of one year and a half from the date on which the quarterly term of training starts, immediately after the Jail guard is entertained in service.

(9) Every Jail Guard shall be required to undergo the training from the first quarterly class available immediately after recruitment.

(10) The following is the curriculum for training for Jail Guards:—

(a) Knowledge of the standing orders for Jail Guards—as per printed pamphlet.

(b) Information regarding (i) pay scales (ii) Kinds of leave available to them.

(c) General knowledge of the New Prison Way and outlook with special reference to their behaviour towards and treatment of prisoners.

Parade and Drill

128. The Jail guards (both armed and unarmed) shall parade as far as possible daily according to the following programme—

Training of the Guarding Staff

Course of out-door training:—

- (1) Squad drill.
- (2) Saluting.
- (3) Company drill.
- (4) Ceremonial.
- (5) Rifle exercises.
- (6) Musketry.
- (7) Physical Training.
- (8) Ju-Jitsu (Non-arm combat).
- (9) Baton and cane drill.
- (10) Bayonet fighting.
- (11) Guard and sentry duties.
- (12) Games.

For the training in drill, bayonet fighting, physical training with and without arms etc., the Military Infantry Training Manual, Volume I, should be adopted.

The training should be in accordance with the orders for the time in force on the subject.

Particular attention should be paid to games and quickening exercises.

The object aimed at in the training should be to instill interest and enthusiasm into the men by the introduction of new subjects and new methods employed in the Army. Every effort should be made to stimulate initiative, intelligence and independence amongst men.

The outdoor training of the Jail Guards must be directed to making the men efficient for the duties they have to perform.

Suggested training programme

Unarmed Guards—

Monday.—Inspection by the Superintendent.

Tuesday.—Squad drill and saluting.

Wednesday.—P. T. and Games.

Thursday.—Baton and cane drill.

Friday.—Ju-Jitsu (non-arm combat).

Saturday.—P. T. and Games.

Armed Guards—

Monday.—Squad Drill (with arms).

Tuesday.—P. T. and Games.

Wednesday.—Rifle exercises.

Thursday.—Bayonet fighting.

Friday.—Inspection.

Saturday.—Guard and sentry duties.

Ceremonial Parades

Practice in ceremonial parades at Central and District Prisons should be taken periodically by the Superintendents of Jails to ensure that the men are properly trained.

Ceremonial parade should form a part of all formal inspections of the Jail by the Inspector-General of Prisons.

On special occasions, such as the Independence Day and Republic Day, the salute will be taken by the highest Executive Officer of the Jail Department present.

Office Orderlies and Nursing Orderlies shall attend daily parades at least thrice a week.

The Superintendent shall hold ceremonial parade of all available guards in the morning every Monday. Details of timings and items of parades taken shall be recorded by him in Register No. 12. Reasons shall invariably be given in cases where parades are not held.

129. A report in the prescribed form (Appendix III) on the P. T and drill of the guards shall be submitted by the Superintendent to the Inspector-General in the first week of every month.

130. The Physical Training Instructor shall visit all Jails regularly in rotation and devote about 3 weeks at a time at each Jail for Physical Training and drill. He shall see that all new recruits are given proper training in drill and that in

each Jail a couple of smart and suitable members of the guarding staff and also from among the prisoners are trained to take Physical Training and drill in his absence. He shall pick up the members of the armed staff who are unfit to be in the armed guard but are fit to be in the unarmed and vice versa and report the matter to the Superintendent who may transfer such members from one staff to another according to suitability.

Annual musketry training

131. (1) The Annual training of all armed men (Armed Guards) and executive officers will be conducted by the Physical Training Instructor at the respective Jails (where Departmental Armed Guards are provided) at the time of his Annual Visits. The course will consist entirely of individual training.

Jail prizes for musketry will be awarded by the Jail Superintendent and prizes on musketry results of the whole State by the Inspector-General of Prisons, the amount and the number of prizes being such as he may deem fit.

(2) *Annual musketry return (report) and musketry prizes.—*

The Physical Training Instructor should submit the report, showing the result of firing for the year, to the Inspector-General of Prisons after conducting the annual musketry training at each Jail. Information as to previous year's marksmen and other important points touching the shooting efficiency and the remarks the Physical Training Instructor may wish to make should invariably appear in the forwarding letter.

(3) Instructions for the cleaning of fire-arms before and after firing, given in "Small Arm Training, 1931, Volume I" should be followed.

Accounts test

132. Superintendents and Dy. Superintendent of Prisons, Superintendent of Jail Industries, Jailors, and all members of the clerical establishment of the Jail Department, except those who are exempted under the Jail Department Accounts Examination Rules, shall be required to pass an accounts examination within two years of their appointment or at the first examination held after two years from the date of their appointment, showing a satisfactory general acquaintance with the principles and system of Government accounts in general and Jail accounts in particular. The members of the clerical establishment shall have necessarily to show proficiency in maintenance of Jail accounts.

Those who fail to pass the examination within the stipulated period shall forfeit their appointment, unless exempted by Government: provided they may at the discretion of the Inspector-General be allowed to appear at the immediately

next examination to be held after 6 months from the date of declaration of the result.

The examination will be held twice a year in January and July for Superintendents, Jailor Group I and II, Superintendent of Jail Industries, Heads of Branches in Inspector-General's Office, Stewards, Head Clerks, and Senior Clerks by the Bombay Public Service Commission at Bombay and for Jailor Group III, Junior Clerks, Weaving Assistant, Agricultural Officers and other technical Inspectors by the Inspector-General of Prisons, Poona. The dates will be fixed by the Commission and the Inspector-General and should be notified in Bombay Government Gazette.

Note.—Appendix VII should be referred to for rules of the Examination

1. The first part of the document is a list of the names of the members of the committee who have been appointed to the various sub-committees. The names are listed in alphabetical order of the last name.

2. The second part of the document is a list of the names of the members of the committee who have been appointed to the various sub-committees. The names are listed in alphabetical order of the last name.

3. The third part of the document is a list of the names of the members of the committee who have been appointed to the various sub-committees. The names are listed in alphabetical order of the last name.

4. The fourth part of the document is a list of the names of the members of the committee who have been appointed to the various sub-committees. The names are listed in alphabetical order of the last name.

5. The fifth part of the document is a list of the names of the members of the committee who have been appointed to the various sub-committees. The names are listed in alphabetical order of the last name.

CHAPTER V

STAFF-UNIFORM

133. The following uniform is prescribed for Superintendents and Deputy Superintendents of Prisons but the provision of it is not compulsory. It may be worn during working hours and on such other occasions as uniform is worn by officers of the Indian Police:—

Review order

Collar and cap badges... In silver with the words, "Bombay Jails" on the top and the Ashoka emblem in the centre of the monogram.

Silver badges rank on shoulder straps ... Superintendent and Deputy Superintendent on appointment, 1 star.

Superintendent and Deputy Superintendent after 3 years service as such, whether officiating or permanent, 2 stars.

Superintendent and Deputy Superintendent after 8 years service as such, whether officiating or permanent, 3 stars.

Tunic ... Khaki drill, Military pattern, turn down collar.

Breeches ... Khaki cord.

Shorts ... Khaki.

Collars ... Khaki fastened with plain gold Tie pin.

Tie ... Dark blue silk.

Boots ... Brown parade.

Gaiters ... Brown leather regulation pattern.

Helmet ... Regulation pattern khaki, with khaki pagree, dark blue flash 3" wide on left with two vertical $\frac{1}{4}$ " stripes of rolled $\frac{1}{2}$ " apart in the centre of flash.

Belt ... Sam Browne with A. F. I. fittings regulation pattern but with silver mountings.

Sword ... Infantry officers pattern with silver hilt.

Gloves ... Tan leather.

Whistle ... The usual Police pattern to be worn attached to silk whistle cord and carried in the left breast pocket.

Buttons ... Usual Jail pattern silver buttons.

Working Ordinary—16th October to 15th February :

Tunics	...	} As for Review Order.
Shirts	...	
Collar	...	
Tie	...	
Helmet	...	
Whistle	...	

Shorts	...	Khaki	} or {	Slacks	...	Khaki
Puttees	...	Khaki		Socks	...	Khaki
Boots	...	As for Review Order.		Shoes	...	Brown,
Belts	...	Sam Browne without frog.				Derby

Working Hot Weather—16th February to 15th October :

Shirts ... Khaki military pattern with pockets and shoulder straps.

Badges of Rank on shoulder straps.

Helmet	...	} As for Review Order.
Whistle	...	
Tie	...	

Shorts	...	Khaki	} or {	Stockings	...	Khaki
Puttees	...	Khaki		Shoes	...	Brown,
Boots	...	As for Review Order.				Derby
Belts	...	Sam Browne without frog.				

Note.—Pea cap and Bush shirt may be worn on ordinary occasions.

134. The uniform for the Jailors shall be as follows :—

(a) Khaki jacket of the ordinary pattern worn by military officers. The buttons shall be silver plated embossed with Three Lions and Ashok Chakra and the words "Bombay Jail Department." A silver plated badge of the "Bombay Jail Department" 1 inch in diameter shall be worn on each lapel of the collar. Grades shall be indicated by cross brands of silver braid $\frac{1}{4}$ inch wide on both shoulder straps. Three bands denote a first group Jailor, two bands second group, one band third group.

(b) Khaki trousers (or Khaki shorts and black hose in the hot weather) shall be worn and black boots.

(c) Khaki shirt and collar with a black tie.

(d) The head dress shall be a khaki helmet of the Regulation Wolsley pattern with khaki pugri and a silver plated crest of the Bombay Jail Department on the front, the upper margin of the flash being inserted into the fourth fold of the helmet pugri and the lower margin being tucked under the lower margin of the pugri. Jailors may, if they desire, wear a khaki pugri with silver plated crest.

(e) Sam Browne belt in black.

Note :—Pea Cap and Bush shirt may be worn on ordinary occasions.

The uniform shall ordinarily be made of drill but serge may be worn in the cold weather if desired.

135. Jailors are required to provide themselves with the prescribed uniform at their own costs but are given the following clothing allowance for upkeep :—

At Bombay City Jails	... 12-8-0 per mensem.
At mofussil Jails	
Gr. I	... 4-9-0 per mensem.
Gr. II	... 4-9-0 per mensem.
Gr. III	... 4-2-0 per mensem.

136. Matrons shall wear a white saree and bodice. They shall be given the following clothing allowance to cover the cost of initial purchase of uniform and its upkeep :—

Female Jailor Group II at Yeravda Central Prison Rs. 4-9-0 per mensem.

Matrons at other Jails Rs. 1-4-0 per mensem.

137. The uniform of Jail guards will be as follows :—

(a) Khaki drill tunic of the blouse pattern with four buttons in front, two breast pockets and shoulder straps. The buttons shall be of brass embossed with the Three Lions and Ashok Chakra and the words "Bombay Jail Department." Brass letters B. J. D. shall be worn on each shoulder strap. In the hot weather a khaki shirt may be worn instead of a tunic.

(b) Khaki drill shorts.

(c) Putties for all ranks shall be of dark blue colour.

(d) Chappals shall be worn by all except in case where boots are specially sanctioned (leather will be black).

(e) The head dress shall consist of a khaki forage cap. A brass crest of the Bombay Jail Department shall be worn on the head dress.

(f) The belt shall be of black leather $2\frac{1}{4}$ inches wide with a brass plate $3\frac{1}{4}'' \times 2\frac{1}{2}''$ on which shall be embossed the Three Lions and Ashok Chakra and the name of prison. The belt shall be fitted with a hook for the baton or a bayonet frog in the case of Armed Jail guards.

(g) One kit box.

(h) Quarter Master Havildars will wear on inspection parades only a dark blue sash of the regulation pattern as used in the Army.

138. The following members of the Jail Guards shall be supplied with one pair of boots and two pairs of chappals every 3 years :—

- (1) Quarter Master Havildars.
- (2) Havildars.
- (3) Lance Havildars.
- (4) Naiks.
- (5) Lance Naiks.

The boots shall be used in winter and the chappals in summer and the rainy season.

139. Articles of uniform for the Jail guards shall so far as is practicable be manufactured in prisons and details of receipt and issues shall invariably be recorded in a stock register.

140. Every Jail guard on enlistment shall be provided with two complete serviceable suits of khaki drill uniform, one head dress and other articles of clothing according to the season.

141. Jail guards seconded for tours on duty at Sub-Jails shall be regarded as an establishment of the parent Jails for the purpose of supply of clothing and equipment.

142. Every article of clothing shall be indelibly marked with the date of original issue on the inside of the garment by means of Dhobi nut or paint.

143. The issue of all articles of clothing and equipment shall be recorded on the blank pages at the end of Service Book of each Jail guard.

144. In places where the climate renders it necessary all Jail guards shall be supplied with a warm jersey, padded waist coat or other similar article to be worn under the tunic in cold weather.

145. Every unarmed guard shall carry a whistle attached to a chain or cord affixed to the third button hole from the top of the jacket. The whistle shall be kept in the left breast pocket. He shall also carry a pair of handcuffs attached to his belt and a wooden baton. The latter shall be 17" in length with a diameter tapering from $1\frac{1}{2}$ " to $1\frac{1}{4}$ ". It shall have a leather loop attached to the handle.

146. Over-coats may be provided for the use of Jail guards actually on watch at night in the cold weather.

147. Umbrellas shall be supplied to Jail guards who have to perform duties out of doors in places where the rains are heavy.

148. Khaki drill haversacks may be issued to Jail guards for the purpose of carrying their food when travelling on duty or when employed on extra-mural work.

149. Senior Jail guards (except the Senior Subhedar, Junior Subhedar and the Jamadar) shall wear the same uniform as other Jail guards but with badges of rank on the upper part of the right sleeves :—

Quarter Master

Havildar	...	3	Chevrons of blue cloth on Khaki ground surmounted by a silver thread Lions & Ashok Chakra.
Havildar	...	2	Chevrons only.
Lance Havildar	...	3	Chevrons only.
Naik	...	1	Chevron only.

150. Senior Subhedar, Junior Subhedar and Jamadars shall wear the following uniforms:—

(a) Khaki drill tunic with five buttons in front, stand up collar 1 inch high, two breast pockets and shoulder straps. Buttons shall be silver plated. The letters Bombay Jail Department on the shoulder straps shall also be silver plated. They shall wear the following badges of rank on their shoulder straps:—

Senior and Junior Subhedars.—Two silver plated stars on each shoulder.

Jamadar.—One silver plated star on each shoulder.

(b) Khaki drill trousers, breeches or shorts (hot weather) and black boots.

(c) Sam Browne belt (black leather) with one shoulder strap.

(d) Forage caps as worn by the Jail guards but with a silver plated crest.

151. The armed guard Subhedar shall be provided with a sword which he shall always wear on duty.

152. Articles of clothing will be replaced by new ones after use for the following total periods—

Khaki drill tunic	...	One year.
Khaki trousers	...	One year.
Khaki shorts (Jail guards)	...	One year.
Putties	...	One year.
Two forage caps. Armed guards	...	One year.
Two forage caps. Unarmed guards	...	One year.
Shirts	...	Two hot weathers.
Shorts (Senior Jail Guards)	...	One year.
Jerseys or padded waist coats	...	Five years
Chappals one pair	..	One year.
Boots one pair.	...	Two years.
Kit box	...	Fifteen years.

153. Articles which have been replaced by new ones remain the property of Government and shall be disposed of as profitably as possible. They may, however, if the Superintendent considers it desirable be left with the jail guards for rough wear.

154. At least once in three months the Superintendent shall hold a kit parade when every jail guard must show the following articles in serviceable conditions:—

Two Khaki Tunics.

Two Khaki trousers (Subhedars and Jamadars) only.

One short and breeches (Subhedars and Jamadars) only.

Three khaki drill shorts. (All except the Subhedar and Jamadars.)—

- Two pairs of putties.
- Two forage caps.
- One pair of chappals or boots.
- One shirt.
- One jersey (if supplied).
- One belt with plate.
- One crest.
- One set buttons and shoulder letters.
- One whistle.
- One pair of handcuffs.
- One baton (unarmed guards only).
- One kit box.

155. Any article which is deficient or which has been worn out prematurely through neglect or carelessness must be made good at the expense of the jail guard to whom it was issued.

156. The rifles, bayonets and other special equipment of the Armed Jail guard shall be checked and examined by the Superintendent on the first day of each month, the guard being paraded for the purpose. He shall also count all ammunition on that day and record in his Order Book the total receipts and expenditure during the previous month and the balance.

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CHAPTER VI

OFFICE PROCEDURE

(HOURS OF WORK)

157. The Jail shall remain open daily from sunrise to sunset and Jail office from 7-30 a. m. to 6-30 p. m. except on Sundays and Jail holidays (i. e. Indian Republic Day, Christmas Day, Ramzan Id, Bakri-Id, Ramnavami, Gokul Ashtami, Diwali, Independence Day, Mahatma Gandhi's Birthday, Parsi New Year Day and Holi Day).

158. (i) All the Jail staff, including the Superintendent but excluding the Jail guards, shall put in not less than seven hours of attendance daily except on Sundays and Jail holidays, and the Jail guards not less than eight hours of attendance.

(ii) The hours of attendance of the Deputy Superintendent, Jailors, Clerks, Medical staff and technical staff shall be fixed by the Superintendent and recorded in Register No. 12. These shall be fixed and distributed in such a way that at least one Jailor and one Bombay Medical Service Officer or Compounder is on duty from the unlocking of the Jail till its lockup and one clerk during the prescribed Jail office time. No Jailor, clerk or Bombay Medical Service Officer shall leave the Main Jail gate on any pretext unless he has personally ascertained and satisfied himself that his relief has resumed and is present either inside the Jail or in the Jail Office,

(iii) The Superintendent shall attend the Jail not later than 8-30 a. m.

159. In case a Superintendent is unable to attend the prison on any week day, he should on his next visit make an entry in the Superintendent's Order Book, Register No. 12, stating briefly the cause of his absence.

160. The Senior Jailor shall see that all Jailors attend the opening of the Jail and adhere to the prescribed time of attendance.

161. The Jail guards on day duty shall be mustered in the morning and those on night duty in the evening by the Subhedar or Jamadar who shall report the result to the Senior Jailor.

162. The Head Clerk shall see that all clerks attend office regularly and adhere to the prescribed time of attendance. Defaulters if any, shall be produced by him before the Superintendent.

163. The Medical Officer shall see that either a Bombay Medical Service Officer or Compounder is present in the Jail Hospital from the opening of the Jail to its lockup and that sick

prisoners and Jail subordinates coming to the hospital for treatment are properly and promptly attended to.

164. Every Jail Subordinate unable to attend to the regular performance of his duty by illness or any other cause shall give or send immediate report in writing to the Superintendent through his next immediate superior officer. If the absence is due to illness, the Bombay Medical Service Officer may be instructed to examine and report about the likely duration of absence of the Jail subordinate concerned.

165. The Senior Jailor, Head Clerk and Medical Officer are authorised to grant leave of absence from the prison to any Subordinate officer under them without the sanction of the Superintendent but such leave shall not extend beyond four hours: Provided the necessary arrangements for the due performance of the absentees' duties are made.

166. The Senior Jailor, Head Clerk or Medical Officer shall not himself leave the prison without the permission of the Superintendent, but should any emergency require him to do so, he shall at once make an entry in the Jailor's Report Book Register No. 13, or M. O.'s Journal as the case may be of the reason of his absentsing himself without previous permission and shall, on all occasions before leaving the prison, make over formal charge of it to the next subordinate officer.

167. The Superintendent shall lay down in writing in Register No. 12, the duties of each member of the Jail staff (including only the superior members of the guarding staff). The Subhedar shall be responsible for seeing that all other members of the guarding staff are given, subject to the orders of the Superintendent, proper and adequate work and that they do it.

168. (i) The Senior Jailor shall control all Jailors and see that they are fully instructed in their duties and that they duly observe the character and industry of the prisoners and make in the proper manner the required daily and other reports about the maintenance of both internal and external order and discipline amongst the prisoners and Jail guards. Nonadherence to rules or any neglect or misconduct on the part of either prisoners or Jail guards shall be reported by him to the Superintendent.

Daily post

169. (i) The daily post, including confidential and secret post, received in Central, Special and District Prisons shall be opened by the Superintendent and, in his absence, only by the Deputy Superintendent or Senior Jailor. He shall issue instructions in writing about the disposal of references marked immediate and urgent.

(ii) The Head Clerk shall be responsible for the efficient working of the clerical staff whose work he shall supervise. It shall also be his duty to train inexperienced clerks and to see that work is properly allotted to each member of the clerical staff. He shall be in charge of the daily cash and the cash books which he shall maintain personally. The maintenance of other Registers and Returns should be entrusted to other clerks.

(iii) The ordinary post may be opened by the Jailor at Head-quarter Sub-Jails but it must be shown to the Superintendent the same day and his initials obtained on each paper. Covers marked confidential shall be placed before the Superintendent intact and the Superintendent alone shall open them unless he is out of Headquarters.

170. All letters, petitions, etc., delivered by post or placed in the petition box, from private or non-official persons or bodies should be acknowledged at once with an intimation that they will be considered.

171. The Medical Officer shall ordinarily correspond with the Inspector-General through the Superintendent.

172. An abstract of arrears (in the form described in Appendix III) shall be prepared by every Jailor and Clerk and placed before the Superintendent on every Tuesday morning through the Senior Jailor and the Head Clerk respectively.

173. The Head Clerk shall make a thorough search of the papers of any one Clerk at least once a week and submit a report of his findings to the Superintendent along with his own arrears report.

174. The Superintendent shall check the papers of the Senior Jailor, the Head Clerk and every Jailor and clerk once a month and expedite disposal. Avoidable delay must be taken suitable notice of.

175. A list of the periodical returns to be submitted by each Jailor and clerk with the dates on which they are due for submission shall be placed on the table of the Superintendent and copies thereof (one each) on the tables of the Senior Jailor and the Head Clerk who shall watch these dates and see that the returns are submitted on the due dates. If the submission of any of the returns is delayed beyond the due date, the explanation of the party responsible for the delay shall be obtained and submitted to the Inspector-General with the remarks of the Superintendent thereon.

175.-A.—(a) The steward (or Head Clerk where there is no Steward) should check in detail and sign the following Jail Registers:—

Jail	No.	15	Diet Register.
"	"	16	Prison Cash Book.
"	"	25	Factory and Canteen Cash Books.

Jail No. 31 Store Requisition and Receipt Book (Rations and Contingency).

" " 152 Money Order Book.

" " 163 Grain Store Register.

" " 164 Register of Grinding and Wastage Account.

(b) The Judicial Jailer should check in detail and sign the following registers:—

Jail No. 1 U. T. Register.

" " 3 Convicted Prisoners Register.

" " 4 Release Diary.

" " 6 Remission Register.

" " 141 Register of prisoners sent under Prisoners Act III of 1900.

(c) The Agricultural Officer (or Senior Jailer where there is no Agricultural Officer) should sign Garden Register (Jail No. 8).

(d) The Canteen Jailer should check in detail and sign all Registers maintained in the Jail canteen.

(e) The Senior Jailer should check in detail and sign the following Jail Registers:—

Jail No. 1 U. T. Register.

" " 2 Prisoners' Property Register.

" " 3 Convicted Prisoners Register.

" " 4 Release Diary.

" " 6 Remission Register.

" " 141 Register of prisoners sent under Prisoners Act III of 1900.

" " 15 Diet Register.

" " 31 Store Requisition and Receipt Book (Dead Stock).

" " 163 Grain Store Register.

" " 164 Register of grindings and wastage.

" " 19 Muster Roll.

All Canteen Registers.

(f) The Factory Jailer should check in detail and sign the following Jail Registers:—

Jail No. 23 Sales Journal.

" " 27 Daily Expenditure of R M.

" " 28 Ledger of R.M.

" " 29 Ledger of M.A.

" " 30 Order Book.

" " 31 Store Requisition and Receipt Book (Factory).

(g) The Superintendent should check in detail and initial the following Jail Registers:—

Jail No. 2 Property Register.

" " 5 Employment Register.

" " 7 Punishment Register.

" " 8 Garden Register.

Jail	No.	9	Escape Register.
"	"	10	Lock-up Register.
"	"	11	Gate Register.
"	"	14	Visitors' Book.
"	"	16	Prison Cash Book.
"	"	17	Contingent Register.
"	"	18	Receipt Book.
"	"	20/21	Clothing Register.
"	"	23	Sales Journal.
"	"	24	Factory Contingent Register.
"	"	25	Factory Cash Book.
"	"	26	Personal Ledger.
"	"	27	Daily Expenditure of R.M.
"	"	28	Ledger of R.M.
"	"	29	Ledger of M.A.
"	"	30	Order Book.
"	"	31	Store Requisition and Receipt Book.
"	"	132	Registers of Appeals by Convicts.
"	"	152	Money Order Book.

The Superintendent, as Head of the Jail is responsible for the proper maintenance of those records which will be attended to by his subordinates and for this purpose he should exercise a surprise check at irregular intervals and at least once in a quarter.

175-B. All Jail Registers should be checked in detail and signed by the Jailor and Superintendent at Headquarter Sub-Jails.

Note.—Where there is only one Jailor, he should check in detail and sign all registers mentioned at (b) (c) (d) (e) and (f) above.

176. (i) The Head Clerk shall see with the help of inspection points (Appendix IV) that all the Registers to be maintained by clerks are properly and regularly written up and upto-date.

(ii) The Senior Jailor shall see with the help of inspection points (Appendix IV) that the registers to be kept by Jailors are properly and regularly maintained upto-date.

(iii) Any lapse in the maintenance of Registers should be brought to the Superintendent's notice for action to be taken against the defaulter.

177. The Superintendent should report to the Inspector General on 1st January, 1st April, 1st July and 1st October that he (Superintendent) has satisfied himself that all registers are maintained properly and regularly.

178. The registers which usually require the daily attention of the Steward (or Head Clerk where there is no Steward) or Senior Jailor or Superintendent as the case may be and, in case of any entries, their initials, are detailed below:—

Register No. .—Undertrial Register.

Register No.	2.—Prisoners' Private Property Register.
Register No.	3.—Convicted Prisoners Register.
Register No.	4.—Release Diary.
Register No.	5.—Employment Register.
Register No.	6.—Remission Register.
Register No.	10.—Total Book.
Register No.	12.—Superintendent's Order Book.
Register No.	13.—Jailor's Report Book.
Register No.	15.—Diet Register.
Register No.	16.—Prison Cash Book.
Register No.	18.—Receipt Book.
Register No.	23.—Sales Journal.
Register No.	25.—Factory and Canteen Cash Books.
Register No.	31.—Store Requisition and Receipt Book.
Register No.	32.—Medical Officer's Journal.

The other registers shall be placed before the Steward (or Head Clerk where there is no Steward) Senior Jailor and the Superintendent for scrutiny and signatures regularly on fixed days in a week.

179. When a wrong entry in a register is to be cancelled an ink line shall be drawn through it in such a way that the cancelled entry will still be legible and the correct entry put above or by the side of it. All such corrections shall be initialed by the Official empowered to sign the register.

180. The Superintendent shall satisfy himself that the registers and books are written up every day regularly that the cash balances correspond with those entered in the books, that the daily entries are made in the day books, and that outstandings are not allowed to accumulate. He shall take particular care that all items of money received or collected on behalf of the prison are brought to account at once and that the securities deposited are in proper order. All cash receipts for credit to Government must be forwarded to the Treasury at least once a week or more frequently if necessary so as to avoid the accumulation of an unduly large sum in the Prison Cash chest.

181. Any remittance exceeding Rs. 300 shall be sent with an escort of one Senior Jail guard and two Junior Jail guards. The Superintendent may, however, use his discretion in sending one or two Jail guards when the remittance is below Rs. 300.

182. The Senior Jailor shall every day or at frequent intervals personally check each fresh entry in the Register of Convicted Prisoners No. 3, and shall see that for each entry therein a corresponding entry has been made against the proper date in the Release Diary, No. 4, and that in the case of the prisoner obtaining a remission of sentence or receiving any additional sentence while in prison, the entry in the Release Diary is transferred to the correct date. He shall be held personally responsible for the correctness of the entries in both

the Register of Convicted Prisoners and the Release Diary, as well as for any illegal detention of a prisoner that may result from neglect of this rule.

183. (i) The Bombay Medical Service Officer shall keep all the Hospital Registers written upto-date and punctually prepare the monthly end other returns, with the help of the compounder.

(ii) He shall write up the daily lists of special diets ordered for the sick, convalescent and infirm, and shall see that they are properly prepared and distributed.

184. The instructions issued by Government under Government Resolution, Home Department No. 8996/6, dated 28th April 1954, which are reproduced in Appendix II to this Manual should be strictly followed by all concerned in the Jail Department when they are summoned by a court to produce official documents for the purpose of giving evidence.

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CHAPTER VII

STAFF DISCIPLINE (PART I)

National flag

185. Following are the authorized standard sizes of the National Flag for the Jails in:

- (1) District Head-quarters 12'x8:
- (2) Taluka Head-quarters 6'x4:

The flag is the emblem of the Nation. It is essential that it should not be brought into disrepute by unregulated use.

186. The National flag should be flown on Jail buildings on the following special occasions:—

- (1) Republic Day. (26th January).
- (2) National Week. (6th to 12th April).
- (3) Independence Day. (15th August).
- (4) Mahatma Gandhi's Birthday. (2nd October).
- (5) Any other particular day of National rejoicing.

The use of the National flag on these days will be unrestricted.

187. Superintendents should bear in mind that the National flag should not be flown between sunset and sunrise and if on any occasion it is necessary that the flag should be kept flying for more than one day it should always be lowered at sunset and then hoisted again at sunrise.

187-A. When national flags of India are no longer fit for use they should be destroyed in a secluded place without attracting public attention.

188. As a standard practice the United Nations Flag should be displayed along with the National Flag of India on the 24th of October every year.

189. The Superintendent should see that the National flag is not out classed by the United Nations flag in any respect and is always flown to the right of an observer, if one could be placed at the foot of both standards.

190. It would be inappropriate to fly the United Nations Flag and the National flag of India from the same mast or standard whether by means of one or two strings or pulleys. The flags may be displayed from separate standards. According to the United Nations Flag Code, the United Nations Flag can be displayed on either side of any other flag without being deemed to be subordinate to any such flag. It would, however, be preferable if the National Flag of India is displayed on the extreme right with reference to the direction which it is facing (i. e. extreme left of an observer viewing them facing the masts flying the Flags).

191. When Officers attend a Parade to take a salute they should face the flag and salute. Later they may take the salute when the parade is reviewed in "March Past."

192. The guard shall present arms to the Inspector-General of Prisons, to the Superintendent of the Prison, the Inspector General of Police, the District Magistrate, the Sessions or Additional Sessions Judge, the Assistant Sessions Judge, the Magistrate in charge of the Sub-division, the Superintendent of Police, the Medical Officer of the Prison, if he is of the rank of Civil Surgeon, and such others as may be entitled to that compliment when visiting the prison.

193. National festivals like the Republic Day, Independence Day, etc. may be celebrated in the following manner:—

(i) The National flag should be hoisted by the highest superior Jail official present,

(ii) Ceremonial parades of guards and prisoners should be held,

(iii) Prisoners should be allowed to have matches of "Khoko", "Hu-tu-tu," "Atya-patya" "Wrestling bouts," "Volley Ball" and "Tug-of-War," etc., if space permits.

(iv) Exhibition of cinema films and magic lantern should be arranged through the Local Publicity Officer for the benefit of prisoners.

Provided that no extra expenditure than admissible, *vide* Rule 195 is incurred for this purpose without the Inspector General's prior sanction and provided further that the usual precautionary measures are taken for security when prisoners are concentrated to witness the functions.

Dramas

194. The performance of dramas by prisoners within the Jail walls is permitted on occasions like the 26th January, 15th August and other suitable occasions of National importance. The dramas selected should be without objectionable scenes such as scenes of drinking on the stage, and should be of a moral type. They should impress on the minds of prisoners some noble idea such as brother-hood, co-operation, settlement of disputes by compromise, evils of family feuds, etc. No female roles should be enacted in the dramas to be performed in the male section of a Jail.

Provided a drama satisfies these tests it may be performed without any reference to the Inspector-General. If, however, reference to the Inspector-General is deemed essential it should be made well in advance of the occasion on which it is to be staged.

No outsider should be allowed to take any part in any capacity in any such dramatic performance or other entertainment

on the Jail premises, except with the specific permission of the Inspector-General.

195. Sundry expenses for the dramatic performances such as make-up etc. may be incurred up to Rs. 25 by the Superintendent from the canteen profits on each occasion.

196. A short report on the performance should be sent to the Inspector-General after each performance.

197. No prisoner or any member of the Jail staff should be allowed to sing any cinema song during such entertainment programme.

197-A. The following rules should be followed in inviting officials and non-officials at functions held *inside* Jails in celebrating days of National importance and also when outside teams of players are invited to play with prisoners *inside* the Jails :

(1) When such functions are held inside the Jails, non-officials who are connected with the Jail Administration such as non-official visitors, members of the Advisory Board, Moral Lecturers and the like should be allowed to witness but *not* preside over the function *nor* address the prisoners.

(2) Other non-officials may, at the discretion of the Superintendent, be allowed to attend only, if they are persons of sufficient distinction and status in public life, and do not belong to any organization or party which is based on communal considerations or anti-Government or anti-social activities. None of the persons so allowed should, however, be allowed to address the prisoners.

(3) Even when functions are held outside the Jail on such and other occasions, no non-official should be allowed to *preside* or *speak*.

(4) Press representatives should *not* be allowed to be present at such functions. However, Superintendent may invite the local Publicity Officer to attend such functions so that the necessary publicity can be given.

There should be no objection to high officers of the other Departments such as District Magistrate, District Superintendent of Police, District Judge and the like being invited or allowed to be present.

197-B. *Photographs.*—Photographs may be taken by the Superintendents, of the prisoners' teams playing inside the Jails and of celebrations on the 26th January and the like. Similarly photographs may be taken by the cameraman of the Director of Publicity of the activities of prisoners. But their transmission for publication should invariably be done only through the Inspector-General of Prisons.

CHAPTER VII

STAFF DISCIPLINE (PART II)

198. All Subordinate executive officials are under the immediate control of the Senior Jailor. Clerks are under the immediate control of the Head Clerk and Bombay Medical Service Officers, Compounders and Nursing orderlies are under the immediate control of the Medical Officer. The lawful orders passed by the Senior Jailor, Head Clerk and the Medical Officer shall be obeyed implicitly by the respective subordinate officials under their control. All Jail subordinates including the Senior Jailor, Head Clerk and the Medical Officer shall be subject to the control and orders of the Superintendent.

199. Jail Officers and subordinates shall not attend or participate in any conference which is organised by communal bodies. Likewise they shall not participate in the activities of or be associated with institutions whose membership is confined to the members of a particular community or class of communities even if the institutions are of a social or educational nature.

200. The Superintendent is vested with the executive management of the Prison in all matters relating to internal economy, discipline labour, expenditure, punishment and control generally, subject to the orders and authority of the Inspector-General.

201. All prison officers and subordinates are subject to the rules in the Bombay Civil Services Rules and the Bombay Civil Service Conduct, Discipline and appeal Rules, in addition to the rules in the Bombay Jail Manual. They shall conduct themselves in such a manner that even a suspicion of behaviour contrary to the principle contemplated by Rule No. 30 (7) of the Bombay Civil Services Conduct, Discipline and Appeal Rules cannot be entertained against them.

202. No male subordinate of the prison establishment is to be permitted to enter the female ward or prison except as provided in rule Nos. 1231 and 1232.

203. No officer shall strike or use force to a prisoner except when compelled to do so in self-defence or to restrain a refractory prisoner nor shall any officer subordinate to the Superintendent punish or direct the punishment of any prisoner. He must never argue with prisoners, nor address coarse or unbecoming language to them. It is the duty of all prison officers to treat prisoners with good temper and strict impartiality, to listen patiently to their complaints and grievances, while at the same time maintaining strict discipline and observance of all rules and regulations. It is important that every complaint made by a prisoner shall be heard with

attention, in order that, if real, it may be redressed, and that no legitimate cause for discontent may be allowed to remain.

204. No officer shall correspond, or hold any unauthorized intercourse, with the friends or relatives of any prisoner, nor make any improper communication regarding the prison to any person unconnected with the Department.

205. All officers are bound :—

- (1) to exert the utmost vigilance in the prevention of escapes:
- (2) to prevent to the best of their power the introduction into the prison, and the giving to any prisoner, of any articles except those permitted by rules:
- (3) to prevent any communication between prisoners and outsiders except as permitted by the rules:

206. An officer or a subordinate observing any person attempting to communicate with any prisoner, or loitering about the prison grounds or mingling with the prisoners while at work or on the march, shall report the circumstances to the Senior Jailor, who shall take the necessary action himself or report the matter to the Superintendent.

207. No officer of a prison shall be permitted to receive any visitor or friend in the interior of the prison, and no officer or subordinate occupying quarters attached to the prison shall permit any person, not being a regular member of his family, to live with him without the permission of the Superintendent.

208. The visits of contractors or of private persons who have any dealings directly or indirectly with the Jail to the residence of Jail subordinates should be discouraged and in no case should monetary transactions be entered into by them at their residence.

209. All officer on being relieved from duty shall point out to their successors all matters of special importance and shall explain any directions given by a superior officer. A list of arrears and pending correspondence shall be prepared and signed by both the relieved and relieving officers and placed before the Superintendent.

210. Any disputes and wrangling about points of duty amongst Jailors and Jail guards are strictly prohibited and doubtful questions must be at once referred to the Senior Jailor for the decision and orders of the Superintendent.

211. Subordinate officers are prohibited from taking any part in any joint or combined action for the purpose of agitating for the redress of any grievance or supposed grievance or for any other purpose whatsoever.

212. All Jail guards shall pay strict attention to cleanliness of person and dress and shall at all time while on duty wear the prescribed uniform.

213. Jail guards shall be mustered when coming on duty, and when being relieved they may be searched at such or any other time in the presence of the Senior Jailer or Junior Jailer, but not, except in case of emergency, in the presence of prisoners.

214. Jail guards have power to handcuff, and confine if necessary, refractory prisoners but, must bring the matter to the notice of their superior officers immediately.

215. Jail guards shall not be absent from their quarters during night without leave from the Senior Jailer.

216. The quarters of Jail guards and the area surrounding them shall be open for inspection by Jail Officers when required. They shall always be kept clean and tidy.

217. (i) No member of the Jail staff entrusted with the keys of locks used inside the Prison shall take them out of the prison, leave them lying about, or lend them to any person on any pretence whatever, but he shall, when leaving the prison on any occasion, deliver them to such officer as may be authorized by the Superintendent to receive them. The keys when not actually in use shall be worn attached to the waist-belt and not slung over the shoulder. This rule, in so far as it relates to the removal out of the prison of the keys and the manner in which they should be worn, does not apply to the keys which, according to the rules, are kept in the possession of the Superintendent, Jailer, Steward or Head Clerk.

(ii) In case of loss of keys, the lock should be withdrawn after reporting to the Senior Jailer.

218. Any Bombay Medical Service Officer accused of taking a bribe or allowing forbidden indulgences to prisoners may be suspended by the Superintendent with the knowledge of the Medical Officer and the case at once reported to the Inspector-General.

219. The Inspector-General of Prisons may punish a Bombay Medical Service Officer by censuring or suspending him immediate intimation of the action taken being given to the Surgeon-General with the Government of Bombay.

220. If the Inspector-General of Prisons considers that the conduct of the Bombay Medical Service Officer while serving in the Jail Department requires the withholding of any increment or stoppage of promotion, it will be open to him to bring the matter to the notice of the Surgeon-General with the Government of Bombay.

220-A. Normally investigations into complaints against Government servants received by the Collectors and District Magistrates of the District are made by the Inspector-General or Superintendent to whom the complaints are passed on by the Collectors. If the Collectors consider it necessary there is no objection if they as the heads of the Districts decide to order investigation into the complaint themselves.

They may, however, in such cases apprise the Inspector-General or Superintendent concerned of the complaint and the action being taken by them unless, for any particular reason, they consider that it is either unnecessary or inadvisable to do so. It is also open to the Collectors to ask the Superintendent concerned to make the necessary enquiries into the complaints and to send them their findings and remarks on them. In case the Collectors do not apprise the Inspector-General or Superintendent concerned of the action being taken by them, they should report the matter to Government with full details. Also whether they make the inquiries into the complaint themselves or through the Inspector-General or Superintendent, the Collectors instead of passing final orders themselves should refer the cases to the Inspector-General of Prisons or to Government with their full recommendations for such further action as may be deemed necessary.

221. (a) The Superintendent shall have power subject to Rule 230 in the case of misconduct, neglect of duty or breach of jail rules to censure fine, reduce, suspend or dismiss any subordinate whom he is empowered to appoint or promote, subject to appeal to the Inspector-General of Prisons, who shall pass such final orders as he may deem fit

(b) In the case of other subordinates whom the Superintendent is not empowered to appoint or promote, the procedure laid down in Rule 55, Financial Publication No. VIII, reproduced in Rule 230 below should be followed and the papers submitted to the Inspector-General of Prisons for orders.

222. Suspension as a specific punishment shall be avoided and resorted to only in extraordinary circumstances and when *Prima facie* case for dismissal or reversion exists. In the case of Bombay Medical Service Officer suspension shall only be resorted to in extreme cases and with the knowledge of the Medical Officer.

223. Rule No. 151 Bombay Civil Services Rules, Vol. I, should be referred to for payments to be made to the servant under suspension.

223-A. (i) A Government servant under suspension continues to be governed by the Bombay Civil Services Conduct, Discipline and Appeal Rules even while under suspension. Accordingly it is not permissible for him to accept private employment or to do business while under suspension—*vide* Rule 21 of the Bombay Civil Services Conduct Discipline and Appeal Rules. If, therefore, a Government servant while under suspension accepts private employment or does business he is guilty of misconduct and should be dealt with accordingly. Since the subsistence allowance is paid to a Government servant under suspension for enabling him to subsist and since by taking private employment or doing business such a person earns money

he should be considered to have forfeited all claims to subsistence allowance during such period and the payment of subsistence allowance should be withheld during that period. When private employment is detected after subsistence allowance for the period of suspension or a part thereof is drawn the subsistence allowance paid for the period of private employment should be recovered from the Government servant.

There may be some cases in which a person who is removed or dismissed from service may be subsequently reinstated. In such cases it may happen that the person might have been in private service or doing business during the interval between his removal or dismissal and reinstatement. Though, in such cases the acceptance of private employment or doing of business during the interval does not amount to a breach of rule 21 of the Bombay Civil Services Conduct, Discipline and Appeal Rules, the principle indicated above should be applied in regard to payment of arrears of pay or subsistence allowance.

(2) The subsistence allowance which is paid for enabling a person under suspension to subsist cannot be withheld except in the circumstances mentioned with reference to point (i) above. It is not therefore permissible to appropriate subsistence allowance which is payable to a Government servant subject to the clarification of point (i) above towards satisfaction of the amount due to Government from him. In some cases, however, the subsistence allowance may, for some reason, fall in arrears and may remain to be paid to the person concerned *even after* he ceases to be under suspension. In such cases there is no objection to the arrears being appropriated towards satisfaction of the amount due to Government from the person concerned.

The dearness and other compensatory allowances sanctioned to a Government servant under suspension do not form part of the subsistence allowance but are paid in addition. There is no objection to such allowances being appropriated towards satisfaction of the amount due to Government even when the person concerned is under suspension.

Note.—In order to enable the I. G. and Superintendent to verify that a Government servant under suspension did not take up private employment or engage himself in trade or business during the period of suspension the latter should be required to produce a certificate every month before subsistence allowance is paid to him for the previous month that he did not accept any private employment or engage in any trade or business during the month in question. If there are reasons to doubt the certificate in any case the I. G. or Superintendent may ask the Police to verify the certificate and if a Government servant is found to have given a false certificate that should be construed as an act of misconduct and made an additional charge against him.

224. (a) The Departmental enquiries shall be held and completed within three months of the date of the decision to hold the enquiry. If for any special reason the enquiry is likely to take a longer time, the Superintendent shall submit

a report to the Inspector-General giving reasons for the delay and the latter shall obtain the sanction of Government for allowing the Superintendent an extension of time to complete the enquiry if he is satisfied that there is a case for such extension. In case the Inspector-General is himself the enquiry officer, he should report the reasons for delay, if any, to Government and obtain an extension time for completing the enquiry.

(b) It is desirable that the infliction of fines as a method of punishing members of the establishment should be restored to as seldom as possible. The black mark system referred to below will, if judiciously worked, prove of valuable assistance in maintaining discipline, without the infliction of actual punishment:—

(i) One black mark may be awarded for each offence but not more than one for any one offence.

(ii) Two uncanceled black marks against a man bar promotion and he is to be warned that the addition of another black mark will entail reduction.

(iii) Three uncanceled black marks entail reduction to the next lower grade after the prescribed departmental enquiry is held,

Explanation.—Reduction cancels the marks which brought it about.

(iv) Four black marks entail a warning, that the addition of another two black marks will result in dismissal.

(v) Six uncanceled black marks entail dismissal after the prescribed departmental enquiry is held.

(vi) Black marks may be cancelled by good conduct, each period of three months after the award of a black mark, without another being earned, cancelling one black mark.

The performance of a specially good piece of work may, with Inspector-General of Prisons' sanction cancel three or even more black marks.

(vii) The award of black marks should be entered in the appropriate column of the Service Book and Sheet thus:—

(1) B. M.—5th January 1905. Dirty on parade (initials of Superintendent).

(2) B. M.—9th July 1905. Allowing convicts in his charge to talk unnecessarily (initials of Superintendent).

Black marks take effect from date of offence. A black mark should not be awarded on every occasion on which it may be necessary to warn or reprimand.

(viii) It is not necessary to make any entry cancelling black marks in the Service Book or Sheet. A glance at the dates of award will show, whether a mark has been cancelled by good conduct or not.

(ix) When reduction or dismissal is deemed essential as a result of the award of a black mark, the procedure prescribed in the rule No. 230 B.J.M. shall be followed.

(x) Copies of the above rules in the regional language should be hung up in guard rooms, for the information of the staff.

(c) Whenever Superintendents have occasion to punish officers of any grade for laxity or other fault in the performance of their duties, they shall invariably make an entry of the same in the Superintendent's Order Book No. 12 and the Service Book of the official concerned.

225. Distinction exists between the removal or discharge, and the dismissal of a public servant. Removal from office for such a cause as unfitness for the duties of the office need not usually entail any further consequences. It ought not to bar reappointment to another office for the duties of which the person may be suited, and it should not be accompanied by any subsidiary orders which operate as such a bar or otherwise prejudice the person in question. Removal should be the penalty in all cases where it is not thought necessary to bar future re-employment under Government.

226. As a precaution against the inadvertance re-employment of men who may have been dismissed, Inspector-General or the Superintendent should ascertain whether an applicant for a post has been in Government service before, and should refer to his previous employer if the circumstances connected with his discharge are not clear. The applicant should be required to produce a copy of his character book or other record of service, and a person who succeeds in obtaining employment by the concealment of his antecedents would obviously merit dismissal on the true facts being discovered.

226-A. If there is a *prima facie* case against a temporary employee who has signed the prescribed undertaking and the competent authority is satisfied as to the guilt, he should be discharged from service on the strength of the undertaking and prosecution if necessary should be launched against him thereafter. Care should, however, be taken to see that the order, of discharge does not make any reference to the alleged misconduct but merely mentions that the services of the person concerned are being dispensed with as they are not required any longer.

Though the Government servants may not be given an opportunity of explanation before their services are terminated on the strength of the bond signed by them, the Heads of Departments and the Heads of Offices should see that appointments are not terminated on the strength of the undertaking arbitrarily and that before appointments are so terminated they

should personally satisfy themselves that termination of appointment is fully justified.

227. The expediency of inviting to retire should rarely be adopted with the object of ending the service of an officer with a long record of unsatisfactory service. Pensions are liable to reduction, hence when any such invitation is made it should be clearly explained to the officer concerned that it will lie with the superior authorities to determine whether full pension is to be granted or whether it shall be reduced.

228. The reversion of a person from a higher post or service in which he officiates does amount to reduction if it is by way of penalty, and it is necessary to follow the procedure prescribed for the imposition of the penalty of reduction for effecting such reversion. It would be justifiable to revert a person who is officiating in a higher post or service if he is considered unsuitable for that post or service so that the question of the reversion of such a person being by way of penalty does not arise. Unless there is a clear case to show that reversion is by way of penalty it should be presumed that it is on grounds of unsuitability, and that it is permissible to effect it without following the procedure of holding a departmental enquiry and serving a show cause notice.

229. A Government servant who officiates in a post for a period of less than 3 years should not be deemed to be entitled to have a claim to that post. Such a person is liable to be reverted from the post during the period of three years if he is found unsuitable to hold it. Accordingly it is not necessary to hold a regular Departmental enquiry for reverting such a person from the post in which he officiates. The reversion would not, however, disqualify him for being considered for promotion to the higher post on a future occasion. At the time of his reversion or immediately thereafter such a person should be informed of the defects observed in his work while officiating in the higher post and of the grounds of his unsuitability therefor. Similarly in cases where the Government servant is to be reverted on grounds of unfitness though he might have officiated for more than three years no departmental enquiry is necessary. The Bombay Public Service Commission should however be consulted before ordering such reversion from post within its purview.

Departmental enquiries

230. The procedure to be followed before an order of dismissal, removal, or reduction is passed against a Government servant in the Jail Department under rule 33 of the Bombay Civil Service Conduct Discipline and Appeal Rules or under rule 49 of the Civil Services (Classification, Control and Appeal) Rules, (other than an order based on facts which have

led to his conviction in a criminal court) is prescribed in Rule 55 of the Civil Services (Classification, Control and Appeal), Rules, and must be scrupulously followed.

Attention should in particular be paid to the following instructions:—

(1) No order of dismissal, removal or reduction (other than an order based on facts which have led to his conviction in a criminal court) shall be passed unless the Government servant in the Jail Department concerned, (hereinafter referred to as the person charged) has been informed in writing of the grounds on which it is proposed to take action.

(2) The grounds on which it is proposed to take action should be reduced to writing in the form of a series of definite charges. Each charge should be drawn up clearly and precisely, care being taken to avoid vagueness.

(3) The charges so framed should be communicated to the person charged, together with a statement of the allegations on which each charge is based and other circumstances which it is proposed to take into consideration in passing orders in the case. The relevant allegations as to facts should be clearly stated, as well as the inferences which they appear to lead to; (and any circumstances which appear to support such inferences should also be mentioned. Copies of the relevant documents, if any, should also be supplied to him.) In short, the person charged should be informed of the whole case against him in all its essential features.

(4) Thereafter, the person charged should be required to put in a written statement of his defence within a reasonable time, and he should also be asked to state whether he desires to be heard in person. Though it is in the discretion of the officer holding the inquiry to decide what would be the "reasonable time" it is safer to be liberal on this point. The time should be fixed according to the circumstances of each case and if the person charged applies for further time, such request should not be lightly refused.

(5) After the written statement of defence, if any, is filed and even if no such written statement is filed, the person charged should be given an opportunity of making an oral statement, either to supplement or explain the written statement or in lieu of it, as the case may be.

(6) If the person charged refuses to make any statement as regards any charge, his refusal to make a statement should be recorded. It should not, however, be presumed from his refusal to make a statement that he admits the truth of the charge.

(7) Thereafter the officer holding the inquiry may, if he considers it necessary to do, and must, if the person charged desires it, hold an oral enquiry.

(8) At the oral inquiry, evidence should be heard as to such of the allegations as are not admitted. All evidence should be recorded in the presence of the enquiry officer and the person charged, and the evidence in support of the allegations against the person charged, should be recorded first. He should be allowed to give evidence in person and also to cross-examine the witnesses examined against him. The person charged is also entitled to have called at the enquiry such witnesses as he may wish. The right is, however, subject to the power of the inquiry officer to refuse to call a witness for special and sufficient reasons which must be recorded by him in writing. Though it is in the discretion of the inquiry officer to decide what would be special and sufficient reasons for refusing to call a particular witness, the discretion must not be exercised capriciously to the prejudice of the person charged. Ordinarily, the request to call a witness should not be rejected. When, however, it appears that the request to call a particular person to give evidence is vexatious or is made with a view unnecessarily to delaying or prolonging the enquiry, such request may be rejected; e. g., when the request is to call an officer who has absolutely no knowledge of the facts relating to any of the charges, and the request is made merely to trouble, or cause inconvenience to, that officer.

(9) The evidence of each witness should be recorded in the form of a narrative, in the language of the district, or if the witness understands English, in English. After the evidence of a witness is completed, it should be read over to him, and, if necessary, explained to him in the language in which it was given. It should be corrected, if necessary, and then signed by the Inquiry Officer. If the witness denies the correctness of any part of the evidence when the same is read over to him, the inquiry officer may, instead of correcting the evidence, make a memorandum thereon of the objection taken to it by the witness and may add such remarks as he thinks necessary. If the evidence is given in English, and if the person charged is not familiar with that language, an authenticated translation of such evidence in the language of the district should form part of the record. Copies of such evidence, as are required by the person charged, should be supplied to him free of charge.

(10) Ordinarily, the person charged should be required to produce his documentary evidence, if any, along with his written statement, but such evidence should not be rejected merely because it is produced late. It is always safer to admit relevant documentary evidence produced by the person charged at any stage. The documentary evidence proposed to be used against such person should, as a rule, be placed on

record at a very early stage, and copies of such evidence should be supplied to him at the time when the charges and the grounds on which they are based are communicated to him.

(11) Ordinarily, pleaders should not be allowed to appear in the inquiry, for otherwise the inquiry might be very prolonged. The person charged is also not entitled as of right to ask for being defended by a pleader in such inquiry. But there is no prohibition against allowing pleaders on either side; and it must always be borne in mind that the person charged should have an adequate opportunity of defending himself. If, therefore, the case is very complicated or difficult or where the person charged is likely to be embarrassed he might be allowed to have legal aid.

(12) The officer holding the inquiry has no power to enforce the attendance of witnesses. If the attendance cannot be secured by a mere notice or request to attend, it is clear that the witness is not willing to give evidence, and it may be presumed that the witness would probably not support the prosecution or the person charged as the case may be. The expenses of witnesses called to give evidence against the person charged should be borne by Government, while the expenses of witnesses called by or at the instance of the person charged should be borne by him.

(13) After completing the oral inquiry, if any, and giving the person charged a further opportunity of making a written or oral statement, the inquiry officer should record his findings on each charge and reasons for such findings.

(14) The procedure laid down in Rule 55 B.C.S.C.D.A. Rules may not be followed and all or any of its provisions or of the above instructions may be waived in the following cases:—

(i) When the order of punishment, i. e. dismissal, removal or reduction, is to be based on facts which have led to the conviction of the person charged in a criminal court. In such cases the order of punishment may be passed on the strength of the facts as disclosed in the criminal case.

(ii) When the person charged has absconded, or when it is for other reasons impracticable to communicate with him.

(iii) When the incumbent is sought to be reverted from a higher grade, held in an acting or unconfirmed capacity, to a lower one within a period of 3 years of such acting or unconfirmed promotion.

(iv) In exceptional cases, when there is difficulty in observing the exact requirements of the rule. The requirements of the rule should not, however, be waived unless

it can be done without injustice to the person charged. In such cases the inquiry officer must also record in writing his reasons for waiving the requirements of the rule.

(15) After the enquiry against a Government servant in the Jail Department has been completed, and after the punishing authority has arrived at provisional conclusions in regard to the penalty, and if the proposed penalty is dismissal, removal or reduction he shall be given a show cause notice in form A or B (*vide* Appendix III) as the case may be, and supplied with a copy of Inquiry Officer's report (i. e. a copy of the full findings embodying the facts of the case, a discussion of the evidence produced against the defaulter, his say, his defence if any, and the conclusions of the Enquiry Officer as to which of the charges, if any, have been established and reasons therefor) and be called upon to show cause, within a reasonable time not ordinarily exceeding one month, against the particular penalty proposed to be inflicted. Any representation submitted by the accused in this behalf should be duly taken into consideration before final orders are passed.

231. The procedure detailed above need not be followed when the punishment to be inflicted is other than dismissal, removal or reduction. In such cases the Inquiry Officer should make the record such that it can be readily followed by an appellate authority, and the proceedings should contain a selfcontained statement showing the reasons for the punishment. It is necessary, however, that in all such cases the Government servant concerned is given an adequate opportunity to explain his point of view in regard to his default.

233. All orders of removal, dismissal etc. should be issued in the forms given in Appendix III. Form I should be used in respect of officers of the State (formerly Provincial) Services, and Form II in respect of Government servants belonging to Class III and Class IV services. Orders in Form II should be signed by the officer who is competent to impose the relevant punishment personally. It would not be sufficient if any other authority signs as for such authority.

234. Subject to the provisions of Rule 33, Bombay Civil Service Conduct, Discipline and Appeal Rules, no officer shall be punished by the Superintendent in one month with fines exceeding half a month's pay without the sanction of the Inspector-General.

235. Appeals from the decision of the Superintendent shall lie to, and be disposed of by, the Inspector-General. Appeals from prison officers still in the Department must be forwarded through the Superintendent.

(1) Appeals against the decision of the Superintendent shall be submitted within one month of the date of the order appealed against.

(2) Any person having cause of complaint against the proceedings of any civil officer of Government is, in the first instance, to seek redress from that officer's immediate superior, who, if he declines compliance, is to give the petitioner a written endorsement, or order, setting forth the grounds upon which the request is refused. If the petitioner is dissatisfied with this order, he is at liberty to address the chief local authority, and eventually the superior civil authority, by whom the chief local officer is controlled, or, in the event of there being no such intermediate controlling authority, Government.

Provided that where the issue turns on a question of fact there shall be only one appeal in respect of the proceedings of any gazetted officer or of a decision in appeal by such an officer.

(3) The preceding rule is not to be interpreted as precluding chief local or controlling authorities from using their discretion regarding the presentation, direct to themselves, of applications and complaints which have not been previously submitted to officers subordinate to them.

(4) Government, however, will not receive a petition on any matter, unless it shall appear that the petitioner has already applied to the chief local authority, and, when such exists, to the controlling authority. The petitions to the chief local and to the controlling authorities or copies of them, and the answers to, or orders upon, those petitions, in original, or copies of them, must be annexed to all petitions addressed to Government. The copies required by this rule are not required to be certified copies. Petitions by telegraph will in most cases violate this rule and will not generally be answered or attended to.

(5) Petitions to Government from persons in the service of Government relating to any matter affecting their official position will not be entertained unless forwarded through their official superiors.

(6) No appeal is admissible from a person in the service of Government when the action desired by such person is in the nature of a favour and not of a right or when such person has failed to obtain an appointment to which considerations of seniority are not usually held to apply. When a petition of appeal of this nature is received, it will be returned to the petitioner with an endorsement referring him to this rule.

(7) Government after passing a final order on appeal made to them, will not notice a second petition on the same subject, unless new matter requiring special consideration be introduced.

(8) The exercise of special revisionary powers by Government or any high officer of Government will be restricted to cases where it is necessary to remedy some flagrant irregularity.

For the following offences a prosecution shall be instituted against the offender, unless the Inspector-General otherwise orders, in which case the offender shall be punished departmentally—

- (1) wilfully or negligently permitting an escape;
- (2) giving or attempting to give a prisoner any article not permitted by rules;
- (3) introducing or abetting the introduction into prison of any article not permitted by rule;
- (4) abetting any communication or attempt at communication without due permission, with any prisoner.

235-A. Where a Government servant is reduced as a measure of penalty to a lower post or grade and is reinstated and the reduction is found to be wholly unjustified, he should be given in respect of the period for which he was reduced the full pay or leave salary or both and allowances to which he would have been entitled had he not been reduced.

236. The Superintendent shall not, unless there is a likelihood of the offender absconding before the reply of the Inspector-General can be received, undertake or enter into the criminal prosecution of any subordinate officer or other persons connected with the prison, without first submitting a full and detailed report of the case, with the evidence adduced, to the Inspector-General for instructions or sanction.

CHAPTER IX

STAFF-CONCESSIONS AND REWARDS

Free Quarters

237. The Jail officers and subordinates enumerated at Serial Nos. 129 to 135 of Appendix LV of B. C. S. R., Volume II, shall be provided with rent free quarters on the Jail premises, if available. If quarters are not available, they shall be granted house rent allowance.

238. Jailors should be provided with quarters on Jail premises in preference to Junior Clerks.

239. A Jail officer or subordinate who is under suspension may be permitted to reside in the quarters allotted to him pending the finalization of the proceedings held against him, provided that his behaviour is satisfactory. If dismissed, discharged or allowed to resign his post he shall be required at once to quit the quarters occupied by him and he shall hand over all articles of uniform and any other Government property entrusted to him.

240. Prisoners may be employed to sweep and clean the compounds of chawis of the Jail staff and the common latrines attached thereto on payment of the full rate of wages paid to prisoners.

241. The Superintendent and Jailor Group I may employ one Jail guard (not above the rank of a Lance Naik) each as a personal orderly, on the explicit understanding that no extra staff will be sanctioned on this account. Apart from the concessions referred to in the above rules, no official shall be allowed to make any private use whatsoever of any Jail guard or a prisoner.

Medical Aid

242. The Medical Officer shall attend on all prison officials and their families who reside on the prison premises. He may, however depute the Bombay Medical Service Officer to attend to slight cases among the subordinate officials. Medicines required for the treatment of Prison officials and their families may be supplied from the Prison Store.

243. In places where there are no prison hospitals, all Jail officials and members of their families (as defined in the note below Rule 1 of the rules sanctioned by Government Resolution Local Self Government and Public Health Department No. HFR. 1053, dated 12-11-1953) are entitled to receive free treatment and medicines etc. from the nearest Civil Hospital or Government and State-aided Hospitals and dispensaries.

[Please see Appendix X (ii) to Bombay Civil Medical Code (Fourth Edition) for rules governing the levy of fees in Government

and State aided hospitals in the Bombay State and para. 358 at page 74 of the said Code for rules governing antirabic treatment]

Facilities to Government Servants Suffering from T. B.

244. The following concessions have been sanctioned by Government to Government servants suffering or suspected to be suffering from tuberculosis. *Vide* G. R., L. S. G., and P.H.D., No. TBC-1053, dated 19-2-1954, The Inspector-General is the authority competent to sanction these concessions for the personnel serving in the Jail Department :

Rule 1.—All suspected cases of Tuberculosis amongst the Jail subordinates should be sent for examination and opinion to J. J. Group of Hospitals or the G. T. Hospital, Bombay, if serving in Bombay City, and if employed in the mofussil, to the nearest District Head-quarters Hospital. No charge should be made for such examination. The Civil Surgeon, if he considers it necessary, will refer the case to the nearest Government Hospital where proper facilities, including X-Ray, are available for a thorough examination. No charge will be made for X-Ray, Skiagrams, examinations and laboratory investigations.

Rule 2 (a).—If, after careful consideration, the case is found to be an active one, the Government servant concerned should be granted such leave as is recommended in his case by the authorised medical attendant until he has exhausted all the leave due to him under the ordinary or special leave rules or the Revised Leave Rules as the case may be. When the end of this leave is approaching he should be brought before a Medical Board for report whether there is any likelihood of his return to duty. If the Board reports that he would be fit to resume duty after further treatment, he should be granted extraordinary leave for the period recommended by the Board subject to a maximum of two years. If the Board reports that there is no likelihood of his returning to duty, he should be invalidated.

In the case of Government servants, who have more than six months' leave due to them, the examination by the Medical Board referred to above should be arranged six months after the commencement of the treatment, but before the expiry of the leave due. In cases where the total leave due is less than six months, such extraordinary leave as is necessary to complete that period may be given pending examination of the patient by the Medical Board.

At places where there are no Medical Boards the Civil Surgeons can with the sanction of the Surgeon General with the Government of Bombay convene Medical Board to examine Government servants suffering from Tuberculosis with the help of two Medical Officers of the Institution where the patient is receiving treatment.

(b).—In order to afford continuity of service to temporary Government servants, superior or inferior, who contract Tuberculosis and undergo treatment in a recognised institution established for the treatment of the disease, and to enable them to return to their original posts after treatment, they may, in addition to leave on average pay or earned leave, as the case may be, and/or leave on medical certificate which may be admissible to them, be granted in relaxation of Bombay Civil Services Rule 782 or Rule 14 (2) of the Revised Leave Rules, 1935 (Appendix XLIV-A of the Bombay Civil Services Rules Manual, Volume II), extraordinary leave up to a maximum period of twelve months on any one occasion, subject to the following conditions;—

(1) the post from which the Government servant proceeds on leave is likely to last till his return to duty;

(2) the extraordinary leave shall be granted subject to the production of a certificate from the Medical Board, specifying the period for which the leave is recommended; and

(3) the Medical Board, in recommending the leave, shall bear in mind the provisions of Bombay Civil Services Rule 659 and the orders issued in Government Resolution, Finance Department No. 2534/33, dated 16-5-1941.

(c).—The concession of extraordinary leave up to twelve months shall also be admissible to a temporary Government servant who, for want of accommodation in any of the institutions recognised for the purpose of the concession located at or near the place of his duty, receives treatment at his residence, provided that—

(i) the treatment is under a duly qualified registered medical practitioner; and

(ii) he submits a certificate signed by that medical practitioner to the effect that he is under his treatment and that he has reasonable chances of his recovery on the expiry of the leave recommended.

(d).—Before the expiry of the maximum limit of extraordinary leave admissible under the rules, the Government servant concerned should be examined by the Medical Board to see whether he is fit to resume duty or should be invalidated. If the Government servant is found to have greatly improved, but to be still in need of more time, say 1 to 3 months, to consolidate the progress and to become fit to resume duties, further leave may be granted subject to the limit of 3 months provided it is certified that he is likely to resume duty by the end of that period.

(e).—The Inspector-General or the Superintendent as the case may be, should, while placing the Government servant suffering

from T. B. before a Medical Board, invariably inform the Medical Board of the period of extraordinary leave already enjoyed by the Government servant concerned in pursuance of the T. B. concessions, and the balance of leave admissible, so as to enable the Medical Board to certify whether the Government servant is likely to be fit before the expiry of the full leave.

*Rule 3 (a).—*While on leave, the Government servant should be required to undergo treatment in a Government Medical Institution, or if he so prefers, place himself for treatment under a competent private medical practitioner or in any of the approved non-Government Tuberculosis Sanatoria or Institutions mentioned below:

The Bel-Air Sanatorium, Dalkeith Panchgani.

Hillside Sanatorium, Vengurla.

Wanless Tuberculosis Sanatorium, Wanlesswadi.

The Maharashtra Tuberculosis Sanatorium, Mhasrul, Nasik.

The Group of Tuberculosis Hospitals, Sewri, Bombay.

The N. M. Wadia Charitable Hospital, Sholapur.

The Talegaon General Hospital and Convalescent Home, Talegaon (Dabhade), District Poona.

The Anti-Tuberculosis Hospital and Perin Banoo Anti-Tuberculosis Dispensary, Ashwanikumar Road, P. O. Kattargaum, District Surat.

The Shashikala Tuberculosis Sanatorium, Jaysingpur, District, Kolhapur.

The Karnatak Health Institute, General Hospital and Sanitorium, Hukeri Road, District Belgaum.

The Salvation Army Tuberculosis Hospital, Anand, Kaira.

The Medical Officers should have discretion to decide whether a patient should be asked to stay in a hospital or a Sanatorium, or whether he should take treatment while staying outside such institutions under such conditions as may be considered necessary.

*(b).—*Reasonable facilities should also be provided so far as possible, for admission of the Government servant to the existing institutions (i. e. Government Hospitals or approved non-Government Sanatoria), provided he is deemed fit by the Civil Surgeon of the district concerned or the Superintendent, J. J. Group of Hospitals, or G. T. Hospital, Bombay, for institutional treatment. The expenses for the treatment of the Government servant in such an institution shall be met wholly by Government, subject to the limits mentioned in the next rule, if his pay does not exceed Rs. 250 per mensem, In the case of Government servants whose pay exceeds Rs. 250 per mensem, charges for diet and medicines and vaccines which

are included in the latest National Health Formulary at the United Kingdom shall be borne by the Government servant himself, and the remaining charges shall be met by Government. The concession contemplated in this rule will be allowed in respect of stay in non-Government Sanatoria, or treatment under a private medical practitioner, ordinarily to such Government servants as cannot be accommodated in a Government Hospital where proper facilities for the treatment of Tuberculosis exist.

(c).—Government servants undergoing treatment under private medical practitioners or as out-patients at Government Hospitals or recognised private Institutions should be granted the concessions subject to the following conditions:—

(i) The Medical Officer, i. e., the Civil Surgeon, or the Superintendent of Government Hospital should certify that the Government servant can take treatment of such medical practitioner under such conditions as he considers necessary.

(ii) The Medical Officer who has examined the Government servant, should as far as possible, try to secure him admission in a Government Hospital and at the same time furnish him with a list of approved sanatoria or institutions, so that the patient may also on his own seek admission to one of them.

(iii) The necessary vouchers for the special medicines purchased by the patient for himself should be produced and countersigned by the Medical Practitioner or the authorities of the Institutions concerned as the case may be.

(iv) The allowance for special diet should be granted subject to the condition that a declaration as stated below is given by the patient and is countersigned by the Medical attendant:—

I hereby declare that I, Shri.....
was under the treatment of Dr.....
for tuberculosis, and under his advice, I have taken special diet,
such asfor which I have incurred an expenditure
of Rs.for the period from.....to

(d).—Government servants taking treatment as indoor patients in Government institutions should be granted monetary concessions towards items on which they have incurred expenditure, subject to the maximum laid down in Rule 4, provided they produce necessary vouchers and certificates in support of their claim.

Rule 4.—Government will assist in the payment of the cost of diet, medicines and sanatorium charges in case of Government servants with pay not exceeding Rs. 250 per mensem when they are admitted to private sanatoria up to the following monetary limits.

- (1) Rs. 25 per mensem for sanatorium charges (which include charges for ordinary accommodation and medicines) or the rate actually paid by the patient, whichever is less;
- (2) an allowance of Rs. 30 a month during the period of high prices towards the cost of special diet, if any, prescribed by the Medical Superintendent of the Sanatorium; and
- (3) charges for special medicines up to Rs. 25 per mensem on production of a certificate from the Medical Superintendent of the Sanatorium, when those have been prescribed for, and purchased by the patient.

It may happen that Government servants may purchase medicines or pay for sanatorium charges or special diet to a greater extent during one month and less during the subsequent month, or vice versa. In such cases the Government servant concerned should be given the concession equal to the actual expenditure incurred by him during each month subject to the limits laid down in this rule, for a period of six months each time; and thereafter, if it is found that on basis of expenditure actually incurred by him, he would be entitled to more than what has been paid to him, on the basis of of average, for that period of treatment, the difference shall be paid to him.

Rule 5.—If after careful examination by the Medical Board the case is declared as "arrested" and the person is considered fit to carry out his duties, he should be allowed to continue in his appointment under the following conditions:—

(a) that he remains under suitable medical supervision and treatment of a qualified medical practitioner approved by the Government Medical Officer concerned who should maintain a special register of such cases so that the patient may be followed up up regularly from time to time in his own interest as well as that of public health;

(b) that the Government servant suspected of Tuberculosis or suffering from "arrested" Tuberculosis shall undergo periodical re-examination by the proper Government Medical Officer and if necessary, by a competent authority in Tuberculosis approved by Government. The re-examination should be done by the Government Medical Officer free of charge.

Rule 6 (a).—For Journeys to Government Medical Institutions and back in connection with the medical examination and for treatment, Government servants will be eligible to travelling allowance as on tour as admissible under the Bombay Civil Services Rules. Similar travelling allowance will also be granted, if Government servants go to approved non-Government Tuberculosis Sanatoria or Institutions for treatment.

(b).—The attendant, if any, accompanying the patient (Government servant) should be granted actual single fare of the appropriate

class in which the patient travels or a lower class by which the attendant actually travels.

Rule 7.—In the event of a Government servant suffering from Tuberculosis being declared fit for duty the Inspector-General or the Superintendent as the case may be should, wherever possible give him light duty for another year or so, and also allow him some period for rest daily or occasionally as advised by the medical attendant of the Government servant,

Rule 7 (a).—The concessions granted to Government servants suffering from Tuberculosis may be granted to them again if after having once availed of these concessions and having been certified to be fit for duty after treatment the Government servants contract T. B. again.

Rule 8.—Temporary Government servants, who have put in more than a year's continuous service shall be eligible for the concessions other than monetary concessions sanctioned in these rules. The monetary concessions will be admissible to those temporary Government servants who have put in not less than three years' continuous service. Temporary Government servants with less than a year's service are not entitled to any of these concessions.

For the purpose of this rule, one year's service or three years' service, as the case may be, should include even extraordinary leave, and the service should be completed before the commencement of leave for the treatment of Tuberculosis,

Rule 9.—The expenditure on account of monetary concessions extended under these rules should be debited to the Budget Head "28 Jails and Convict Settlements," under the primary unit "allowances and Honoraria Monetary Award to staff suffering from T. B."

Rule 10.—The concessions available under these rules shall, in any case, cease when the Government servant attains the age of superannuation.

Supply of Vegetables

245. Whenever there is a surplus of vegetables in the Jail garden after meeting the needs of prisoners, it shall be put up for sale outside the prison gate and as far as possible near the quarters of the Jail guards and sold to the members of the staff or to the public at the current bazar rates, preference being given, however, to Jail guards in making the sales,

246. When vegetables are produced in the Jail garden but there is no surplus, vegetables from the Jail garden, vegetables supplied by the Jail contractor shall be sold to the Jail staff only and an extra 25 per cent shall be charged to the staff over the contract rate for vegetables.

Jail Dairy

247. Any surplus quantity of milk available from the Jail dairy may be sold to the members of the staff at the current market rate.

Jail Furniture on Hire

248. Articles of furniture which are surplus to the Jail requirements may be hired out to the Jail staff for their private use on a monthly rental basis. The hire should be fixed by the Superintendent in consultation with the Executive Engineer and shall be recovered in cash from the salaries of the staff concerned every month and credited "XXII Jails and Convict Settlements—Jail Manufactures."

249. All articles to be so let out shall be branded with the initial letters of the Jail and shall be recorded in a register to be maintained specially for this purpose. It shall be occasionally seen by the Senior Jailor that the articles hired out are not damaged by the users. The cost of damages that may be caused to the furniture shall be recovered from the parties concerned.

Jail Factory

250. Members of the Jail staff and Inspector-General's Office, including the Inspector-General, may if they so desire take advantage of (like other members of the public)—facilities such as purchase of the produce of the Jail Factories, Bakery, Dairy and Garden, repairing of household kit, laundrying their clothes, tinning their utensils etc: provided this involves no concession in the value charged.

251. They may be granted the maximum credit limit of three months to settle the bills of articles purchased from Jail factory, garden and dairy.

252. The Senior Jailor shall in the first week of each month make a report in Register No. 13 as to what outstanding are due over 3 months and shall obtain orders of the Superintendent (in writing) to effect recovery of the amount overdue in a lump sum from the pay of the parties concerned to be paid on the first working day of the following month

253. The members of the guarding staff who sell Jail-made articles in their spare time out of duty hours and outside the Jail premises, may be given by the Superintendent commission at a rate not exceeding $6\frac{1}{4}$ per cent to be fixed and revised from time to time according to circumstances of the value of the goods sold: Provided the total sales so effected by the member amounts to Rs. 100 or more in a month: Provided further that the amount of sales effected on Jail premises are not taken into account.

Rewards

254. The Inspector-General of Prisons may sanction to Jailors and the guarding staff rewards not exceeding Rs. 10 per individual for meritorious acts of an exceptional nature, provided the sanction of Government is obtained whenever the total amount of the rewards in a particular case exceeds Rs. 50. The

Inspector-General can incur expenditure on this account upto a maximum limit of Rs. 1,500 per annum.

Family Welfare Fund

255. A fund known as "The Jail Staff Family Welfare Fund" may be opened for each of the Central, Special and District Prisons in this State and the Borstal School, Dharwar, for Providing amenities to the staff of the Jail Department and their families. The rules for the management of the fund are as under:

(a) *Object.*—The fund is intended to provide amenities to the staff of the Jail Department and their families.

(b) *Short-title.*—The fund will be called "THE JAIL STAFF FAMILY WELFARE FUND."

(c) *Extent and Membership.*—The fund will extend to the whole of the staff of the Bombay Jail Department. A member of the fund will cease to be its member when he ceases to be in the service of the Jail Department.

(d) *Fund.*—The fund will be raised from the following sources:

(1) *Subscription:*

Subscriptions at the following rates from the staff members:

	Rs. a. p.
Pay upto Rs. 40 exclusive of allowances	... 0 -4-0 p. m.
Pay from Rs. 41-54	... 0 -6-0 p. m.
Do. 55-75	... 0 -8-0 p. m.
Do. 76-100	... 0-10-0 p. m.
Do. 101-160	... 0-12-0 p. m.
Do. 161-200	... 0-14-0 p. m.
Do. 201-270	... 1 -0-0 p. m.
Do. 271-390	... 2 -0-0 p. m.

Superintendents of District Prisons including Deputy Superintendents and Governor, Borstal School, Dharwar and the Jailor-cum-Superintendents

... 3 -0-0 p. m.

Superintendents of Central Prisons

... 5 -0-0 p. m.

(2) *Voluntary Donations:*

(3) Other sources with the prior sanction of the Inspector-General of Prisons in each case, subject to the rules framed by Government for acceptance of donations.

(4) Interest accruing from the investments of the balances of the fund.

(5) Benefit performances by cinema or theatrical companies amateurs etc.

(e) (i) The monthly subscriptions shall be deducted at the scale specified above, from the salary or leave allowance of every member of the Jail staff by the officer disbursing the pay every month and shall be handed over to the Honorary Cashier to be selected by the Superintendent out of the staff members to maintain accounts of the

fund. The Inspector-General may sanction an honorarium up to Rs. 5 per month to any cashier if it is considered that the work is heavy enough to justify such payment.

(ii) Recoveries from other sources shall be similarly accounted for.

(f) The accounts and funds shall be written by the Honorary Cashier regularly and it will be the duty of the Senior Jailer to see that they are properly kept.

(g) All receipts so accounted for shall be credited into a personal ledger account specially opened for this purpose or in such account as Government may direct from time to time. The Superintendent and Governor, Borstal School, Dharwar, is authorised to administer the funds in regard to their respective institutions in their official capacity.

(h) The Honorary Cashier shall not keep in the current balance in his charge a greater amount than what is absolutely required for emergency expenditure and it shall not exceed Rs. 25 in any case at a time.

(i) The account shall be checked by the Departmental Auditor along with the Jail accounts and they shall also be subjected to audit by the auditor of the out-side audit Department of Accountant General's Office.

(j) The fund is mainly intended for the benefit of Class III and IV Government servants of the Bombay Jail Department, but members of higher classes are not debarred from benefit out of it.

The following amenities and benefits may be provided out of the Fund:

- (1) Library for the staff.
- (2) Canteen for the staff.
- (3) Aid for the education of specially deserving children of the staff (particularly the lower staff).
- (4) Sponsoring scheme for education of members' Children or any other welfare activities.
- (5) Game competitions.
- (6) Relief in accidents.
- (7) Relief in cases of premature/sudden deaths.
- (8) Relief in serious illness.
- (9) Relief in an unexpected/sudden loss or misfortune.
- (10) To provide amenities for the children of the staff in the shape of parks near the quarters where children will be provided swings and other amenities for sports and entertainment
- (11) To provide medical aid where more than ordinary medical help is required and is outside the capacity of a member to bear.
- (k) The funds of all Jails will be pooled together, provided that 50 per cent of the donations and income from dramatic

and other performances secured by a particular Jail will be spent towards the benefit of that Jail.

(/) (i) Each Jail shall make an annual budget of its requirements and send it to the Inspector-General along with the Jail budget. The Inspector-General will make allotments within the available funds. Details of distribution and expenditure out of the allotments so made will be left to the Superintendent concerned who will spend the allotments with the advice of a Committee consisting of six members (including the Superintendent who will be the Chairman) one representative of the Jailors, one representative of the clerical staff, the Subhedar (or Jamadar where there is no Subhedar) one representative of the armed guarding staff and one representative of the unarmed guarding staff. The representatives of the Jailors, clerical and guarding staff shall be elected by the ballot system in the first week of January every year.

(ii) The Superintendent will have a casting vote. He shall usually be guided by the advice of the majority of the members of the Committee but may override it for reasons to be recorded and reported to the Inspector-General for his information.

(m) The Superintendent shall convene meetings of the Committee not less than once a month. Minutes of the proceedings of every meeting shall be recorded in a bound book and signed by the Chairman and all members.

CHAPTER X

STAFF FUNCTIONS

Inspector-General of Prisons

256. The Inspector-General is *ex-officio* visitor of all Industrial Schools and Mental Hospitals in the Bombay State.

257. Section 472 of the Criminal Procedure Code provides that the Inspector-General shall once at least in every six months inspect and submit a special report upon every person confined in a prison under the provisions of Sections 466 or 471 of the Code, and Sections 473 and 474 empower the Inspector-General to grant certificates in certain cases. The State Government can, however, under Section 471 (4) of the Criminal Procedure Code, empower the officer in charge of the prison to perform any or all of these functions, and under Government Resolution, Judicial Department No. 8075, dated 20-11-1895, this authority has been so delegated.

258. The Inspector-General shall be the medium of Communication between the Government and every officer of the Prison Department and save in cases specially excepted such as proposals for transfer of prisoners to Mental Hospital, hungerstrike reports and petitions of prisoners for pardon or mitigation of sentence submitted under Rule 1392 of the Bombay Jail Manual and also release on parole, communication from any officer of the department which is intended for Government shall be submitted through him.

259. He has authority to sanction the employment of extra establishment in any prison in case of urgent necessity [Serial No. 79 (6) (7) and (8) of F. P. No. VII]: Provided Government sanction for the continuance of the staff beyond one year is obtained.

260. Subject to the Account and Service Rules for the time being in force the Inspector-General shall exercise full and general control over all expenditure in prisons, submitting annually to Government through the Accountant-General, a budget of the amount of funds necessary for their maintenance, in such manner and at such times as may be required.

261. All bills for prison expenditure of every description shall be submitted to, and audited by him, and shall require his sanction.

262. He may sanction any item of expenditure provided in the budget, but the sanction of Government shall be obtained to all special and unusual charges for which *distinct* provision may not have been made or which are newly entered in the budget.

263. He shall submit annually to Government before the 1st May, a detailed report of the working of the department during the

preceding calendar year in such form as Government may direct.

264. The following procedure shall be followed in regard to the release of material to the Press :—

(1) Inspector-General may furnish publicity material direct to the Director of Publicity without the intermediary of the Collector of the District concerned. He shall, however, make use of the Regional Publicity Officer for routine publicity. He may confirm or refute reports published in news-papers when approached by press representatives direct and without the intermediary of the Regional Publicity Officer.

(2) He may supply the necessary publicity material direct to the Regional Publicity Officers without the intermediary of the Collectors. If possible or if he considers necessary he may consult the Collector of the District concerned before the material is supplied: Provided the release of the material is not unduly delayed on this account.

(3) He shall send copies of such contradictions to the Government in home Department and the Director of Publicity, Bombay simultaneously.

Superintendent

265. The Superintendent shall not leave the station or make over charge of the prison to any person for any period over twenty-four hours, without having obtained the previous sanction of the Inspector-General of Prisons. The Inspector-General of Prisons may permit the Superintendent to hand over charge of his duties to the Senior Jailer.

266. In case of emergent need he may proceed in anticipation of sanction under intimation to the Inspector-General. (This Rule does not apply to charge of appointment ordered by Government).

267. In the event of a change in the Superintendentship of the prison, the officer making over and the officer receiving charge shall make a joint report to the Inspector-General of their having done so, and the officer who has received charge shall, within one month bring to notice any irregularities in the books or elsewhere which he may have detected.

268. He shall ordinaorily transact all business connected with the prison within its precincts.

269. He shall be present whenever a corporal punishment, awarded by him, is inflicted and whenever a capital sentence is carried out.

270. He shall once a month, but not always on a fixed day or at the same hour, see all the prisoners in the prison counted and personally ascertain and satisfy himself that all prisoners who ought to be in the prison are actually there.

271. He shall carry into effect the written directions of the Medical Officer for separating prisoners suffering from infectious or contagious diseases or suspected thereof; and shall immediately give directions for cleaning and disinfecting, fumigating, or destroying any foul or suspected apparel or bedding.

272. He shall carry into effect the written requisitions of the Medical Officer as to the supply of any additional bedding or clothing or alteration of diet for any prisoner, or with respect to any alteration of discipline or treatment in the case of any prisoner whose mind or body appears to require it, or who appears to be injuriously affected by the discipline.

Note.—If in the interest of discipline the Superintendent does not concur with any recommendation of the Medical Officer, he shall refer the matter to the Inspector-General.

273. Superintendents of Prisons other than Central Prisons, shall obey all written orders passed the District Magistrate of the District under clause (2) of Section 11 of the Prisons Act IX of 1894.

274. When an outbreak or of cholera or of any epidemic disease occurs in a prison, the Superintendent shall at once submit a report of the case to the Inspector-General, District Magistrate and Director of Public Health, State of Bombay, and forward a daily report so long as the disease prevails amongst the prisoners.

275. He may relax the rules for exacting hard labour, such other measures as regards extra clothing, diet and sanitary matters which the Medical Officer may advise shall be immediately adopted.

276. He shall require every precaution necessary to be taken for preventing escape; and shall cause a daily examination to be made of the doors, windows, bars, bolts, locks, etc. He shall withdraw from use any locks the keys of which have been lost, mislaid or tampered with.

277. He shall enforce the highest possible degree of cleanliness in every part of the prison and also with respect to the persons of the prisoners, their clothing, bedding and everything in use.

278. He shall see that a notice is placed in some conspicuous place near the prison gate (the notice to be printed in legible characters in English and in the regional language of the district), cautioning persons from bringing or attempting to bring spirits, opium, tobacco, letters, or other prohibited articles into the prison or giving or attempting to give such articles to prisoners outside the prison. He shall further notify in a similar manner that no person other than an officer or a visitor of the prison shall communicate, or attempt to communicate, with a prisoner by word of mouth or otherwise except—

(a) with the permission of the Superintendent, or

(b) in writing transmitted through that Officer. He shall, in accordance with Section 43 of the Prisons Act, apprehend or cause to be apprehended any person so offending or who may attempt by any means to so offend.

279. He shall on all occasions be ready to receive and enquire into any complaint and listen to any application from a prison officer or from a prisoner.

280. He shall promote the utmost economy in every department of his institution and carefully examine all demands or indents before passing them or submitting them for sanction to the Inspector-General where such sanction is required.

281. No articles intended for Jail use may be purchased unless full details have been entered in the Requisition Book and the entries initialled by the Superintendent and the official concerned.

282. He shall see that all expenditure on account of the prison is met either from the permanent advance or money drawn on abstracts from the Treasury and not from any private funds. Borrowing or lending from one head to another in the prison accounts is not permitted, unless supported by valid reasons to be recorded in Register No. 12 by the Superintendent.

283. He shall be personally responsible for the prompt payment of bills for goods supplied to the prison. In case of small cash payments to local suppliers money may be sent with a reliable Jail guard. Payments of Rs. 100 and above shall be made by abstract bill or R. T. R.

284. All detailed bills submitted to the Inspector-General must contain every item of expenditure incurred during the month and no payment shall be adjusted or charged for in subsequent months.

285. He shall cause a notice to be posted outside the prison, in English and in the language of the district, that the prison authorities will not be responsible for payment for any articles supplied to the prison unless supplied on the written orders of the Superintendent, or any other Jail official specially entrusted with this work and that the Superintendent is alone empowered to grant receipts for money paid to the prison for goods purchased from it, and no receipts other than temporary receipts granted by any other prison official will be regarded as valid.

286. Temporary receipts in the prescribed form may, however, be signed either by a Jailor, Steward or Head Clerk: Provided the regular receipt is signed by the Superintendent and sent to the party concerned immediately on the former's next visit to the Jail.

287. He shall once a month satisfy himself that all money given to the Jailor or Steward for the purchase of articles required for the prison has been properly disposed of and duly accounted

for, and that all money transactions connected with the prison and prison factories have been brought to account.

288. He shall satisfy himself, at least once a month, that the term of credit allowed to purchasers of articles from factory, garden, dairy, etc., is not exceeded. He shall also see that, at the time of purchase, the full name, rank and residence of customers are entered in the books. Ordinarily all purchases should be for cash, but, in the case of well-known persons, the Superintendent may allow credit for not more than three months but this period must on no account be exceeded.

288-A. He should inspect his own office once a year in the month of June with the help of the inspection points (Appendix IV) and see that those points which relate to his own office have been complied with. Each point should be scrutinized and answered by the Superintendent in his own hand and this work should on no account be entrusted to a subordinate officer.

289. He shall freely communicate with the Inspector-General in all matters relating to the prison, apprising him of any occurrence of importance and case of any emergency not sufficiently provided for in the rules, he shall apply to him and conform to his orders, acting in the meantime to the best of his judgment.

290. In the event of the Superintendent getting any information about the previous conviction of a prisoner, the fact should be notified to the Police.

291. In the event of an accident resulting in a injury to a prisoner or member of staff on duty inquiry should be immediately held and statements of the injured prisoner or member of the staff and other witnesses should be recorded.

292. In case of prisoners the monthly sick return should invariably show the nature and cause of injury stating that an inquiry was held in the case.

293. He shall apply for permission to defend a suit brought against Government by a private party, and no suit shall be instituted on behalf of Government without the express sanction of Government.

The Senior Jailer

294. Senior Jailer's first duty is to secure the safe custody of prisoners and to enforce discipline among subordinates and prisoners.

295. He shall frequently visit the extramural working parties and shall record each visit in the Jailer's Report Book No. 13.

296. He has no power to punish a prisoner or subordinate member of the establishment, but shall report any misconduct on their part to the Superintendent.

297. He shall see that no ladder, planks, ropes, chains, implements or materials of any kind, likely to facilitate escape are left unnecessarily

exposed or without surveillance at any time in the yards; all such articles as well as tools of all kinds when not in use must be kept in their appointed places.

298. He shall take care that no rubbish is piled against any one of the walls or allowed to remain in the yards, and that all refuse matter and sullage water is immediately removed.

299. He shall enforce the greatest economy and shall give his particular attention to all matters of detail connected with the management of the prison. He shall bring to the notice of the Superintendent any circumstances which may require attention, with a view to check unnecessary or improvident expenditure.

300. He shall at once communicate to the Superintendent every circumstance, which may come to his knowledge, likely to affect the security, health or discipline of the prisoners, the efficiency of the subordinate officers, or which may, in any other way, require the attention of the Superintendent.

301. He shall deliver to the Medical Officer a list of such prisoners as are confined in punishment cells.

302. Where there is no Agricultural Officer the Senior Jailer, shall have charge of the garden and be responsible for a regular supply of good fresh vegetables and condiment throughout the year and for the proper cultivation of sufficient number of lime, tamarind, mango and other anti-scorbutic fruit trees.

303. He is also responsible for the proper working of the prison factory, though the Factory Jailer is primarily responsible.

Jailor

304. The Jailer shall be competent to perform the following duties of a Senior Jailer if entrusted to him by the Superintendent.

305. The Superintendent shall lay down in Register No. 12, (Superintendent's Order Book) a list of the duties, which shall be performed by the Junior Jailer, care being taken that he is allotted a fair share of the work, and that those portions of the work for which he is most suited, are assigned to him, and also that he has an opportunity of learning all the duties expected of a Senior Jailer.

306. The following is a list of the Senior Jailer's duties which it may be convenient to delegate to a Junior Jailer—

- (1) The Superintendence of the admission and search of prisoners; and locking up on alternate days.

- (2) The custody of prisoners' private clothing.

- (3) The custody of the clothing store, the issue of fresh clothing and the maintenance of the clothing registers.

- (4) The storing of all raw materials in single lock and dead stock.

(5) The supervision of the cleaning of the grain and issue of the cooked food to Prisoners.

(6) The weighing and distribution of rations to the cooks and the examination of the cooked food.

(7) The mustering of Jail guards at morning and evening parade.

(8) Charge of factory and canteen and keeping factory and canteen Registers Nos. 27, 28, 29, 30, 31, etc.

(9) Charge of Sales Room.

(10) Maintenance of History Sheets of prisoners.

307. In prisons where there is no Junior Jailer, the Head Clerk or some responsible official may, with the sanction in writing of the Inspector-General, take the place of the Junior Jailer.

308. On every alternate Sunday a Junior Jailer appointed by the Superintendent in rotation shall relieve the Senior Jailer altogether and officiate for him. On such occasions, and also when the Senior Jailer is absent on leave, such Junior Jailer shall have all the powers and responsibilities of the Senior Jailer.

309. Note more than one Jailer should normally be given off at a time. All members of the Jail staff are expected to be on duty even on holidays if required by the Superintendent to do so in the interest of the prison Administration.

Jail Guards (Unarmed)

310. The Jail guards shall have assigned to them from time to time the immediate charge of such prisoners and of such parts of the Prison as the Senior Jailer, under the order of the Superintendent may direct.

311. The posts and duties of Jail guards shall be frequently changed, except in case of store, garden factory and cook house where the duties may be assigned for not more than 3 to 6 months as a rule.

312. Jail guards in charge of work sheds shall be responsible for all tools and property kept in them.

313. It shall be the duty of all guards—

(1) To stand or walk whilst on patrol duty and on no consideration to take off the belt or lie down whilst on duty.

(2) To treat prisoners with humanity and bring their complaints and grievances to the notice of their immediate superior with as little delay as possible.

(3) To bring to notice any signs of sickness amongst the prisoners.

(4) To report to the Jailer if an uncomplaining prisoner appears to be passing into a failing state of health, or if a prisoner's state of mind appears, in their opinion, to be weak and uncertain.

(5) To keep a list of tools delivered to prisoners on proceeding to work in the morning and on their leaving of work in the evening to count, examine, and return the tools into store reporting any deficiency immediately to the Jailor

(6) To search all prisoners of their gangs at the time they are made over to them and likewise before they give over charge of them to any other person, and at such other times during their watch as may be necessary and to report the discovery of any forbidden articles upon any one of the prisoners in their charge or on their beat.

(7) To report all cases of idleness and short work amongst prisoners sentenced to labour.

(8) To see that any prisoner who has occasion to leave the gang for any purpose whatever is made over to the charge of a responsible officer whilst away from his gang.

(9) To see to the cleanliness of the persons' clothing, bedding rings, fetters and eating utensils of the prisoners in their gangs. To see that the prisoners bathe only at the appointed time, and that the bedding is aired according to orders.

(10) To report any plots against the prison authorities for the purpose of escaping, assault or outbreak, or for obtaining forbidden articles. To report every breach of prison rules.

(11) To report any defect in locks, bolts or bars, and any tampering with these articles or keys.

(12) To keep all keys entrusted to them on their person, and not to leave them lying about.

(13) To report any case of wilful damage to prison clothing or property.

(14) To prepare prisoners for muster and for parade, and to see that each prisoner comes to his place in proper order, behaves well, and keeps silent.

(15) To report immediately to the Jailor the fact of any prisoner being missing.

(16) To keep their uniforms and equipment in good order.

(17) To count the prisoner made over to them and to declare the number to the officer distributing the prisoners.

(18) To know the number of prisoners in their charge; to count their prisoners at least twice during their turn of duty; and to satisfy themselves that they have the Correct number in their custody.

(19) To see that no dirt or litter is allowed to lie about the prison, and that the wards cells and drains are kept clean, and to report sweepers who neglect their work.

314. They shall, on being relieved, explain their duties to the relieving officer, and both delivering and receiving Jail guards shall count the prisoners and examine all fastenings in their charge. The responsibility of a jail guard on duty shall not cease until he is properly relieved.

Matron

315. Subject to the general control of the Superintendent and Senior Jailor, the Matron or Female Jailor as the case may be shall have the entire care and superintendence of the female prison.

316. During the absence of the Female Jailor or Senior Matron, the assistant matron or, if there is no assistant matron, a female convict officer shall carry on the Female Jailor's or Senior Matron's duties.

317. The matron shall search all female prisoners on admission and remove all prohibited articles found on them. Money or other property delivered with them or found with them on admission shall be handed over to the Senior Jailor or Female Jailor. She may likewise search any female prisoner at such time as she may consider necessary or when directed to do so by a superior officer. Female prisoners shall be searched by females only.

318. When a female prisoner is detained in the female enclosure the matron or a female attendant shall always be present in the enclosure during the day time with the cell key in her possession to attend to the prisoner's wants and to keep her under observation.

319. If at any time a female prisoner is sentenced to confinement in a cell, such prisoner shall be removed from her cell to an association barrack before lockup.

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CHAPTER XI

STAFF-FUNCTIONS II

Armed Guards

320. The Superintendent of each Central, District and Special Prison or Headquarter Sub-Jail shall draw up subsidiary rules for the guidance of the armed guard to meet local requirements; indicating.—

- (a) the sanctioned strength of the Jail or Prison guard.
- (b) its distribution (detachments if any);
- (c) the number and position of the sentries defining their beats;
- (d) the position to be taken up by the armed guard and its distribution and duties on the "alarm" sounding by day and by night;
- (e) Some alarm signal.

The rules so drawn up will be subject to the approval of the Inspector-General of Prisons. They shall, when approved, be translated into the regional language, signed by the Superintendent and hung up in the guard room.

321. No armed guard shall take part in the daily discipline of the prison or assist in searching the prisoners or in counting them except when allotted for duty over condemned prisoners. Armed guards must be kept as much away from being brought into close contact with the prisoners as possible.

322. The armed guard shall be changed every 24 hours when sufficient men are available. The sentries shall be relieved in the presence of the officer of the guard, every two hours. The latter shall be most particular to observe that the sentry relieved passes the orders of his post to his relief.

323. (1) When the guard is detailed, each man comprising the guard shall carry in his pouch a packet containing 10 rounds of ball ammunition, Ten loose ball cartridges shall be carried by the men who is actually on sentry duty, his pouch being kept open. These 10 loose cartridges shall be handed over to the relieving sentry, who shall exchange for them his closed packet of cartridges. Thus every man on guard will have 10 rounds of ammunition, the sentry alone having loose ammunition.

(2) When the guard is relieved, all the ammunition shall be handed over to the relieving guard. The Jamadar or the Senior guard in command shall be responsible for the correct handing over of his ammunition.

(3) The men on prison guard duty shall not carry their fire-arms loaded, but shall carry a closed packet containing 10 rounds of ball ammunition in their pouches. The sentry on duty shall wear

his pouch open in front for quick loading and shall carry his 10 rounds loose.

324. (1) The sentry or the Officer in charge of the guard shall on no account quit his post without being regularly relieved; should he find himself incapacitated by illness or other cause from performing his duty, he shall send an intimation of his illness to the Armed Jamadar who shall if necessary, relieve him, and send him to the Bombay Medical Service Officer on duty, for treatment.

(2) The sentry shall hold no communication whatever with any prisoner in the cell, but shall apprise any member of the prison establishment present, in the event of any prisoner making a signal from the cell, that he requires to see a member of the establishment.

(3) Should any prisoner attempt to escape the sentry shall at once raise the alarm if the help of other guards is essential to prevent the prisoner's escape and acquaint the Armed Jamadar. He shall at the same time take all necessary steps to prevent the prisoner's escape.

325. Sentries shall firmly enforce the orders given to them without any distinction of persons. It is the duty of the sentry to protect, as far as may be in his power, the stores and property belonging to Government although not actually delivered to his charge.

326. The fire-arms of the guard shall always have the bayonet fixed, and shall remain in the guard-room when not in use.

327. No guard on duty shall on any account take off his clothing or accoutrements. This rule does not apply to occasions when he is taking his meals, nor does it prohibit him from taking off his cap or belt when lying down to rest during the day and night.

328. The Officer in charge of the guard shall on no account quit his guard except to obey a call of nature and before quitting the guard he shall place the next senior guard in charge. He shall also prevent any man from quitting the guard without leave, which shall be sparingly granted only for special purposes and for the shortest possible period.

329. Men, on guard duty, who may be unable to arrange for having their food brought to them, shall be allowed two hours' leave for the purpose of taking their meal between the hours of 8 a. m. and 2 p. m. this privilege shall not be granted to more than one third of the men on guard at the same time.

330. The Officer or men of the guard shall not hold any communication with a prisoner either by words or by signs; they are strictly prohibited from bringing anything of whatever description from the outside of the prison to any prisoner and from receiving anything from a prisoner to be conveyed outside the prison.

331. The guard shall resist by force all attempts made to break into or out of any part of the prison, and shall aid in the suppression of all violence or opposition to authority on the part of the prisoners.

332. In the event of any attempt to break out of the Jail or Prison or any other disturbance occurring, the guard shall immediately fall in, load and act in accordance with the rules framed under Rule 320 (a and c) and the Officer of the guard shall at once do his best to communicate with the Senior Jailer. If, however, the prisoners should assault the Prison Officers or subordinates or attempt to break out of any particular ward or yard, and the Armed Jamadar should consider that it would be dangerous to delay until the arrival of the superior Prison officials; the Jamadar shall rescue the Prison Officers and subordinates and prevent the prisoners from breaking out. He shall give notice to the prisoners in a loud tone of voice, that if they do not immediately surrender, they will be fired upon. This warning shall (if circumstances admit of delay) be repeated twice, and if there appears no other means of quelling the disturbance, the Jamadar shall direct his guards to open fire upon the refractory prisoners but he shall be careful to cease firing as soon as the prisoners fly or surrender. On the arrival of the Superintendent or Deputy Superintendent or the Senior Jailer of the Prison, the guard shall act under the Senior Officer's orders. (In this connection attention is invited to the following rules regarding the use of arms against any prisoner or a body of prisoners, in the case of an outbreak or attempt to escape, which have been framed under Clause (6) of Section 59 of the Prisons Act, IX of 1894.

(1) Any officer or a member of the guarding staff of the Prison may use a sword, bayonet, fire-arm or any other weapon against any prisoner escaping or attempting to escape; provided that resort shall not be had to the use of any such weapon, unless such officer or member of the guarding staff has reasonable ground to believe that he cannot otherwise prevent the escape.

(2) Any officer or a member of the guarding staff of the Prison may use a sword, bayonet, fire-arm or any other weapon on any prisoner engaged in any combined outbreak or in any attempt to force or break open the outer gate or enclosure wall of the Prison, and may continue to use such weapon so long as such combined outbreak or attempt is being actually prosecuted.

(3) Any officer or a member of the guarding staff of the Prison may use a sword, bayonet, fire-arm or any other weapon against any prisoner using violence to any officer of the Prison or other person: Provided that such officer or member of the guarding staff has reasonable ground to believe that

the officer of the Prison or other person is in danger to life or limb, or that other grievous hurt is likely to be caused to him.

(4) Before using fire-arms against a prisoner under the authority conveyed in Rule (1) of this part, the officer or the member of the guarding staff of the Prison shall give a warning to the prisoner that he is about to fire on him.

(5) No officer or member of the guarding staff of the prison shall, in the presence of his superior officer, use arms of any sort against a prisoner in the case of an outbreak or attempt to escape except under the orders of such superior officer.

333. The armed Jamadar or the Senior official in charge shall make the round of the sentries twice during the night, and send a Junior officer to visit each sentry between reliefs. He shall send an other officer twice also at separate intervals during the night round the posts.

334. Any officer of the prison may, in the absence of his superior officer; or under the orders of such officer, use a sword, bayonet, fire-arm or any other weapon against any prisoner escaping or attempting to escape: Provided that resort shall not be had to the use of any such weapon unless such officer has reasonable ground to believe that he cannot otherwise prevent the escape. Before using fire-arms against a prisoner, under the authority conveyed in this rule, the officer of the prison shall give a warning to the prisoner that he is about to fire on him.

Guarding of Prisoners Sentenced to Death

335. Guards over condemned prisoners shall be armed with batons or heavy bamboo lathis and not with fire arms or bayonets.

336. The strength of the guard over any number of condemned prisoners up to six lodged in continuous cells shall consist of four Jail guards. If, however, condemned prisoners are housed in cells at a distance from each other, separate guards must be provided for each cell or group of cells.

337. (a) When the number of condemned prisoners exceeds three an additional guard of three able bodied Convict Overseers should be kept within celling distance.

(b) Condemned prisoners should always be confined in adjoining cell if possible unless there are special reasons for separating them.

(c) The entire guard must be present whenever condemned prisoners are allowed out of their cells for meals, bathing, latrine or exercise. Not more than two prisoners shall be allowed out at the same time.

(d) When the prisoners are locked up in their cells one sentry shall patrol the verandah constantly and shall under no circumstances leave his post or sit down until relieved.

338. Every condemned prisoner shall be made over to the charge of a special guard, who shall keep him in sight day and night, and shall not permit any one to go near the prisoner without the permission of the Superintendent or Jailor.

339. At night time a lamp shall be kept burning so as to throw a light on the prisoner. The key of the cell shall remain in the possession of the sentry on duty so that he may have it in his power to enter the cell in case of a sudden attempt at suicide on the part of the prisoner.

340. In the case of female sentenced to death, Superintendents may, with the sanction of the Inspector-General of Prisons, temporarily employ matrons to look after the convicts. If the Medical Officer considers a condemned female to be pregnant, the matter shall at once be brought to the notice of the Inspector-General of Prisons for the orders of Government and the capital sentence shall not be carried out before the orders of Government are received. Unless the condition of pregnancy is beyond doubt the Medical Officer should ask for a further and independent inquiry.

CHAPTER XII

THE GATE KEEPER

341. In every prison one of the Jail guards shall be detailed to perform the duties of gate-keeper. The person so selected must be able to read and write well.

342. The gate-keeper shall be in charge of the main gate of the prison shall never, under any pretext, leave his post till relieved by another Jail guard. He shall during the day retain charge of the keys of the gates; during the night the keys shall be delivered to the care of the Senior Jailor. It shall be his duty to see that the main electric light and Alarm switch where such exist are in working order.

343. He shall inform the Bombay Medical Service Officer Class III at once of the fact of new admissions of prisoners into the Jail.

344. He shall be responsible that no one enters or goes out of the prison gate except the recognised prison Officers and subordinates, official and non-official visitors, moral lectures, persons holding a pass from or accompanied by the Inspector-General or Superintendent, prisoners accompanied by a superior Jail officer, and persons accompanied by the Jailor with the permission of the superintendent. He shall be furnished with a list of visitors and moral lecturers entitled to enter the prison.

345. Whenever articles or things are to be sent from the Prison outside by means of head-loads or cart-loads or by any other means, they should be loaded in the presence of the Subhedar (Jamadar where there is no Subhedar) who should also accompany the head-load or cart-load etc., up to the Jail gate and see that it passes only in his presence.

346. A register in the prescribed form (Appendix III) should be maintained by the Gate-keeper for this purpose. This register should be preserved and should be in addition to the Gate Register. It should be placed every Monday before the Senior Jailor who should check a few entries in it at random with the entries in the Gate Register in order to see that the former is maintained properly and all entries that should be there are correctly made.

347. (a) The main gate shall not be opened during the day except at such times and for such special purposes as may be laid down by the Superintendent, and during the night only in case of emergency. It should be opened during day only for the Superintendent and Deputy Superintendent. It will also be opened to Inspector-General and other District Officers like District Magistrate, District Superintendent of Police, Official, non-official and distinguished visitors.

(b) When there are prisoners between the two gates (unless they are out-file prisoners) the main gate shall not be opened. In such cases only the wicket shall be opened.

(c) On ordinary occasions, and for ordinary purposes, ingress or egress of all persons having business in the prison shall take place through the wicket door, and one of the two gates shall never be unlocked until the other is securely shut. In the work of opening and shutting the gates the gate-keeper may be assisted by a convict officer.

(d) After lockup ingress and egress shall take place through the wicket doors only.

348. The Gate keeper shall be most careful to prevent the embezzlement of prison property or the admission of any prohibited articles such as tobacco, opium, razors, knives, nails, money, letters, etc. The admission of drugs, medical or surgical appliances will not also be permitted without the written authority of the Medical Officer. He shall allow no factory articles, raw materials, stores tools, etc., to pass the gate without an order in writing from the prison official responsible for these articles.

349. He shall not allow any articles to pass in unless the receipt is signed by the official removing such articles inside to the stores.

350. To enable the Gate-keeper to enforce these regulations, he is authorised to search all persons passing in or out of the prison except those whose names are included in the list of visitors with which he is furnished, or such other persons as may be exempted by the Superintendent's order. The higher officers of the prison including the Superintendent, Deputy Superintendent, Medical Officer, Jailors, Senior Jail Guards (of the rank of Naik and upwards), Medical Subordinates, Clerks, Compounders, Agricultural Officer and Technical staff, shall ordinarily be exempt from search. The searching of all persons, including prisoners, must be carried out with due respect for decency and with as much consideration as possible.

351. If the Gate-keeper has any reason to believe that any prison officer exempt from search is introducing or removing articles which ought not to be taken into or out of the Prison, he may detain him between the gates, and shall give immediate notice to the Senior Jailor, who shall himself make the search. Any exempted prison officer whom the Senior Jailor considers it necessary to search shall at once allow himself to be searched by the Senior Jailor.

352. He shall keep in his own hand-writing Register No. 11, Gate Register—a continuous diary of all that happens at his post—and shall enter therein the names of every person entering or leaving the prison, the total number and the register numbers of every gang of prisoners passing in and out, with the name of the

officer in charge, as complete and accurate a list as practicable of the articles taken in and out, and in each case the hour of entry or exit. This register shall be placed weekly before the Superintendent for his checking and initials.

353. He shall carefully file all passes for articles sent out of, or brought into, the prison, as well as any passes for Admission presented by visitors.

354. He shall keep in his charge spare lanterns and torches for any emergency, and shall hand over the same to the jail guard on duty at the gate at night. A lamp shall invariably be kept burning throughout the night at the main gate. In the passage between the two main gates shall be kept the following articles :—

- (1) A clock.
 - (2) A general key box with a lock fixed to the wall.
 - (3) A special glass fronted box containing the keys of the female enclosure.
 - (4) A standing desk for the gate keeper's books and writing materials.
 - (5) A stool for the gate-keeper.
 - (6) One iron chain.
 - (7) A board on which details of the population of the Jail is written each morning.
 - (8) List of visitors, moral lecturers and other persons, as may be exempted from search.
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CHAPTER XIII

CONVICT OFFICERS

Appointment

355. There shall be two grades of convict officers:—

(1) Convict Overseer.

(2) Convict Night Watchman.

Promotion to either grade of convict officer is contingent on the prisoner being physically fit to perform the duties of the office.

356. Only prisoners on the remission register are eligible for the post of convict officer.

357. Prisoners sentenced to a term of simple imprisonment, are not eligible for the posts of convict officers unless they elect to labour throughout their term of imprisonment.

358. Convict officers required for employment in yards or barracks reserved for prisoners sentenced to simple imprisonment shall, as far as possible, be drawn from the ranks of simple imprisonment prisoners, who have elected to labour.

359. Female Prisoners shall ordinarily be promoted direct to the grade of convict overseer, as it is usually unnecessary to employ Night Watchmen in female sections. Any case in which it is desired to appoint a female Night Watchman shall be reported to the Inspector-General for orders.

360. As Class I prisoners are ordinarily confined in separate cells, convict night watchmen shall not be appointed from amongst them. Promotion should be given direct from prisoner to convict overseer.

361. The number of Class I convict overseers shall not in any case exceed 4 per cent of the number of such class of prisoners confined in the Prison.

362. (1) No prisoner shall be appointed a Convict Officer unless he is eligible according to the provisions of sub-Rule (2) :

Provided that other things being equal preference shall be given to those prisoners who—

(i) have proved their industriousness,

(ii) have attained proficiency in a trade,

(iii) have shown good progress in educational activities like literacy classes or physical training, and

(iv) have shown marked usefulness in the prison in other fields.

(2) (i) A prisoner sentenced to a term of imprisonment for six months or more but not more than twelve months shall be eligible for the post of—

(a) a Night Watchman if he has completed a period of three months of the term of imprisonment and earned a remission of fifteen days, and

(b) a convict overseer, if he has completed a period of four months of the term of imprisonment and earned a remission of twenty days.

(ii) A prisoner sentenced to a term of imprisonment of more than twelve months but not more than eighteen months shall be eligible for the post of—

(a) a Night Watchman, if he has completed a period of four months of the term of imprisonment and earned a remission of twenty days, and

(b) a Convict Overseer, if he has completed a period of six months of the term of imprisonment and earned a remission of thirty days.

(iii) A prisoner sentenced to a term of imprisonment of more than eighteen months but not more than two years shall be eligible for the post of—

(a) a Night Watchman, if he has completed a period of five months of the term of imprisonment and earned a remission of twenty five days and

(b) a Convict Overseer, if he has completed a period of eight months of the term of imprisonment and earned a remission of forty days.

(iv) A prisoner sentenced to a term of imprisonment of more than two years but not more than three years shall be eligible for the post of—

(a) a Night Watchman, if he has completed a period of seven months of the term of imprisonment and earned a remission of thirty-five days, and

(b) a Convict Overseer, if he has completed a period of twelve months of the term of imprisonment and earned a remission of eighty days.

(v) A prisoner sentenced to a term of imprisonment of more than three years but not more than four years shall be eligible for the post of—

(a) a Night Watchman if he has completed a period of nine months of the term of imprisonment and earned a remission of forty-five days, and

(b) a Convict Overseer, if he has completed a period of sixteen months of the term of imprisonment and earned a remission of one hundred days.

(vi) A prisoner sentenced to a term of imprisonment of more than four years but not more than five years shall be eligible for the post of—

(a) a Night Watchman if he has completed a period of eleven months of the term of imprisonment and earned a remission of fifty-five days, and

(b) a Convict Overseer, if he has completed a period of twenty months of the term of imprisonment and earned a remission of hundred and twenty days.

(vii) A prisoner sentenced to a term of imprisonment of more than five years but not more than six years shall be eligible for the post of—

(a) a Night Watchman if he has completed a period of thirteen months of the term of imprisonment and earned a remission of eighty-five days, and

(b) a Convict Overseer if he has completed a period of twenty-four months of the term of imprisonment and earned a remission of one hundred and sixty days.

(viii) A prisoner sentenced to a term of imprisonment of more than six years but not more than seven years shall be eligible for post of—

(a) a Night Watchman if he has completed a period of fifteen months of the term of imprisonment and earned a remission of ninety-five days, and

(b) a Convict Overseer if he has completed a period of twenty-eight months of the term of imprisonment and earned a remission of one hundred and eighty days.

(ix) A prisoner sentenced to a term of imprisonment of more than seven years but not more than ten years shall be eligible for the post of—

(a) a Night Watchman if he has completed a period of twenty-one months of the term of imprisonment and earned a remission of one hundred and twenty-five days, and

(b) a Convict Overseer if he has completed a period of forty months of the term of imprisonment and earned a remission of two hundred and sixty days.

(x) A prisoner sentenced to a term of imprisonment of more than ten years but not more than fourteen years shall be eligible for the post of—

(a) a Night Watchman if he has completed a period of twenty-seven months of the term of imprisonment and earned a remission of one hundred and seventy-five days, and

(b) a Convict Overseer if he has completed a period of fifty-two months of the term of imprisonment and earned a remission of three hundred and forty days.

(xi) A prisoner sentenced to a term of imprisonment of more than fourteen years shall be eligible for the post of—

(a) a Night Watchman if he has completed a period of sixty months of the term of imprisonment and earned a remission of four hundred days, and

(b) a Convict Overseer if he has completed a period of eighty-four months of the term of imprisonment and earned a remission of five hundred and sixty days.

363. (a) Habitual prisoners when otherwise eligible under the rules and having upto four previous convictions may be promoted

to the grade of night watchman for night patrol inside barracks occupied by habituals, provided their previous Jail records have been good.

(b) Habitual prisoners when otherwise eligible under the rule and having not more than two previous convictions may be promoted to the grade of convict overseer in Jails exclusively reserved for habitual prisoners

(c) In no other circumstances may a habitual prisoner be promoted to a Convict overseer except with the special prior sanction of the Inspector-General in each case.

364. The employment of prisoners sentenced for rape, unnatural offences, or kidnapping for the purposes of prostitution, as convict officers of either grade is prohibited. *Mutatis mutandis* this rule applies to both the sexes

365. Convict overseers shall ordinarily be selected from the ranks of convict night watchmen.

366. If there be no prisoner in a prison who is qualified under the rules for promotion to any grade of Convict Overseer in which there is a vacancy the Superintendent shall either apply to the Inspector-General for the transfer of a qualified prisoner from another prison, or shall recommend a prisoner of the prison in charge of that Superintendent, who, though not qualified according to the provisions of Rule 362 has in the opinion of the latter the first claim on such vacancy. In the latter case the appointment shall not be made until the sanction of the Inspector-General has been received.

367. In those cases in which a prisoner has been appointed a convict officer under the written sanction of the Inspector-General, the number and date of the order conveying such sanction shall be entered at the head of the page in Register No. 6 in which the convict officer's name appears and in his History Ticket.

368. Should any convict officer, after appointment, become permanently incapacitated, physically or mentally, to perform the duties required of him, or should he be deemed by the Superintendent of the prison as a person unfitted for the duties of his post, he may be reduced with the sanction of the Inspector-General.

369. Convict Overseers of any grade shall not be transferred to other prison without the special sanction of the Inspector-General which shall always be obtained before the transfer is effected.

Duties :

370. The duties of a convict night watchman, in addition to his daily allotted labour and task during the day, shall be to—

(a) Patrol the inside of wards and assist in maintaining discipline and order at night;

(b) prevent prisoners leaving their berths except with permission and for a necessary purpose;

(c) count prisoners frequently, satisfy himself that all are present and answer challenging patrols;

(d) prevent, as far as lies in his power, any breach of Jail rules by any prisoner in his charge, and report the same;

(e) report cases of sickness and the use of latrines otherwise than at the time specified for that purpose;

(f) assist in quelling any disturbance and, in cases of necessity, defend any official;

(g) assist the Jail guards in discharge of their duties;

(h) at all times to do everything in his power to prevent escapes and to bring immediately to the notice of the Prison authorities ingress of unauthorised articles, any plot to escape or any projected ~~emeute~~ by other prisoners which may come to his knowledge.

(i) He may also, if required, be employed to act as gatekeeper of a workshop or barrack or yard during the day time. The number of night watchmen employed on supervision or guarding duty during the day must however be as small as possible.

371. The duties of a convict overseer shall be to—

(a) perform all or any of the duties of a convict night watchman which he may at any time be called upon to perform;

(b) supervise the labour of prisoners and maintain order and discipline among them;

(c) look after factory tools and appliances;

(d) see that bathing and other parades are properly carried out, to see that prisoners keep themselves, their clothing, post and plates and fetters clean;

(e) escort prisoners about the Prison when so required.

371-A. The Superintendents should utilise the services of well-behaved Convict Overseers for doing patrolling duty outside the sleeping barracks but *inside* the Jails at night time. This duty should however be confined to only those Convict Overseers who are reliable and whose conduct has been good, who have not more than two years unexpired sentence and who if released on furlough have returned from furlough punctually.

Convict Overseers, who are not entitled for furlough and whose furlough applications have been rejected should not be entrusted with this duty.

The duties of Convict Overseers allotted such night patrolling should be confined only to the inner circle of the Prison as far as possible and should not move one circle to another. The main wall and the outer yards should always be manned for duty by the guarding staff.

The Convict Overseers employed for night patrolling duty inside the Jail should be so fixed that they do not get more than three hours duties at night.

The normal number of Convict Overseers should not be increased for this work and no extra expenditure should be incurred for the purpose.

372. No convict officer shall have independent charge of any file, gang, or other body of prisoners, nor shall he have independent power to issue orders to prisoners; but there shall always be a Jail guard in superior charge under whose control and orders the convict officer shall work:

Provided that within the main walls of the Jail a reliable convict officer may temporarily be entrusted with charge of a gang employee on fatigue duty, or of a convalescent gang or a small gang of Mehtars or water carriers or compound sweepers.

373. No Convict Officer of the casual class shall ordinarily be placed in charge of habituals. This prohibition does not, however, apply to a casual convict officer of some status and education who has been sentenced to imprisonment for a crime against the person committed in passion and who but for this lapse is a respectable member of society and is unlikely to be contaminated by evil association.

Privileges

374. The privilege in connection with remission and pay to which Class I overseers shall be entitled, shall respectively be the same as those laid down for Class II Convict Overseers.

375. Convict Overseers shall not be required to have their heads shaved and beards clipped (cleanliness in these matters must, however, be maintained) and shall be exempt from wearing ankle rings.

376. Convict overseers and convict night-watchmen shall take their meals separately from ordinary prisoners though, if deemed desirable by the Superintendent, in the same yard with the latter.

377. Convict overseers are credited with annas eight and convict night-watchmen with annas four per mensem as deferred pay.

378. Deferred pay shall, when the promotion is not made on the first day of the month, only be reckoned from the first of the month following that in which a prisoner is promoted to a convict officer; this rule also applies in the case of increased pay on the promotion of a convict officer from a lower to a higher grade. When the promotion is made on the first day of the month, the pay or increased pay, as the case may be, reckons from the date of such promotion. In the case of reduction the convict officer reduced will draw the pay of the grade to which he may be reduced from the first of the month in which the

reduction has been ordered, in case of reduction to prisoner no deferred pay being drawn for the month in which such reduction has taken place.

379. A convict officer is entitled to earn deferred pay for the fraction of a month in which his death takes place or in which he is released on expiry of sentence. In case of transfer, deferred pay shall be allowed at the full rate during transit.

380. The quarterly earning of deferred pay by convict officers and the departmental fines inflicted on them shall be credited and debited as book entries in Register No. 6 and the amount due to any convict officer shall only be drawn from the treasury when it is actually required for disbursement.

381. As the deferred pay of a convict officer only falls due at the time of his release or decease, it shall not be used by the prisoner in any other manner than that laid down in Rule 388.

Note.—Deferred pay may be utilized by the Superintendent to pay the whole or any portion of any fine which may be inflicted by a Magistrate on a convict officer for an offence committed in prison.

382. If a convict officer is transferred to another prison, his account of deferred pay shall be sent with him to the Superintendent of the prison to which the convict may be transferred. But in the case of convict officer transferred to a jail outside the State or to a Taluka Sub-Jail for release within the State under the P. R. T. system the deferred pay and the monetary award should be drawn upto the date of such transfer and sent with him in cash.

383. In the case of the death in prison of a convict officer, any deferred pay due to him may, if he has expressed a wish regarding its disposal, be disposed of as desired by him; otherwise it shall be disposed of in the manner laid down in Rule 1036.

Note.—Such "wish" must be duly recorded before the death of the convict officer, and attested by the Superintendent. All such cases if the amount exceeds Rupees five shall be reported to the Inspector-General of Prisons before the money is disposed of.

384. During the period a convict officer is in hospital he is not entitled to earn deferred pay if such period exceeds a week. If the period is one week or less full pay may be granted.

385. Deferred pay shall be drawn in a separate Contingent Bill. For the purpose of the preparation of the Budget estimates any deferred pay that may be drawn shall be shown under the main head "allowances" and the sub-head "Deferred Pay to Convict Officers." The following information should be given in the detailed Contingent Bill for the month in which the amount of "Deferred Pay" is drawn:—

Date of appointment as Night Watchman.
Date of appointment as Convict Overseer.

386. In any case when the deferred pay of a convict officer is drawn six months after the release of the convict officer concerned, the bill for the same shall be sent through the Office of the Inspector-General to the Accountant-General for preaudit with an explanation of the delay.

387. Deferred pay expended in purchasing the extras referred to in rule shall also be debited in Register No. 6. Cost of chappals purchased by convict officers should be drawn from Treasury and credited to Factory Accounts during the same month as they are purchased and the amount deducted from the gratuity of convict officer purchasing them.

388. A convict officer may, with the permission of the Superintendent and, if he has no private money, buy through the Jail office, sandals, books and soap at a cost not exceeding the balance of deferred pay standing to his credit at the time such purchase is made. Similarly he may buy private clothing immediately prior to release.

Punishments

389. Every privilege to which a convict officer is entitled, under these rules, is permissible only during good conduct, and may be forfeited for misconduct.

390. Convict overseers should ordinarily be punished by loss of privileges, forfeiture of grade, gratuity or remission unless he commits serious breach of Jail discipline or instigation like assault, when he should be treated on par with other prisoners for purpose of punishment.

391. Every convict officer shall be liable for misbehaviour to reduction to prisoner or any intermediate grade, and any convict officer so reduced shall not be eligible for promotion again except in accordance with Rule 362.

Note.—The qualifying remission referred to in rule 362 must as regards prisoners promoted under this rule, be earned after reduction.

392. If a convict officer is reduced for the offence of insolence or insubordination, accompanied by violence, he shall not again be eligible for the post of convict officer during the current term of his imprisonment. If a convict officer escapes, or assists or connives in the escape of other prisoners, he shall be permanently reduced in addition to any other punishment.

393. If a convict officer's name is removed from the Remission Register either permanently or temporarily, all deferred pay which may be due to him at the time of the removal of his name may with the approval of the Inspector-General be forfeited.

CHAPTER XIV

MORAL LECTURERS

394. State Government shall appoint on the recommendation of the District Magistrate concerned and the Inspector-General, a lecturer to provide moral education to prisoners, on non-controversial subjects including first aid, simple hygiene, elementary civics, i.e., rules of behaviour in public, importance of co-operation, brotherhood, charitable disposition, etc.

395. Moral lecturers for the various prisons should be selected from amongst the professors, teachers and social workers, irrespective of their caste or creed and that they are *not* to be selected for the different denominations of prisoners. These lecturers will have to give lectures to all prisoners, irrespective of their denomination, caste or creed on the subjects such as brotherhood, civics, co-operative spirit, etc.

396. The appointment of moral lecturers shall be made for a fixed period of three years, provided that the appointment may be renewed for a similar period or periods.

397. The days and hours of moral lectures to prisoners shall be fixed by the lecturer in communication with the Superintendent subject to the approval of the Inspector-General of Prisons. Space permitting all prisoners except those admitted to the Hospital shall attend moral lectures.

398. If a prisoner who is dangerously ill or is sentenced to death, desires to have the services of a Minister of his faith, the Superintendent shall summon at the prisoner's cost and subject to the condition that not more than one lecturer shall be called for the purpose on any day a suitable Minister of the prisoner's faith not more than once in a week provided that the Minister be called oftener at the Superintendent's discretion for adequate reasons.

399. The Moral Lecturer may make any suggestions in the official visitors book (Register No. 14) which he considers may tend to improve the morals of the prisoners and lead to their reformation. An extract of such report shall be submitted to the Inspector-General by the Superintendent with his remarks.

400. The Lecturer shall not have communication with any prisoner individually without the permission of the Senior Jailor and he shall also be careful not to interfere with the routine of the Prison.

401. Prisoners shall not be permitted to change their religion in Prison.

402. The Lecturer shall be paid conveyance allowance or actual charges for his visits to the Jail at the rates prescribed in Section II of Appendix XLII-A of B.C.S.R. Vol. II, or at the rates specially sanctioned by Government.

CHAPTER XV

VISITORS OF PRISONS

— 403. There shall be a Board of visitors for each Prison which shall consist of:—

- (a) Ex-officio visitors,
- (b) Other Visitors appointed under the rules herein after appearing.

404. The following Officers and such other officers as Government may from time to time appoint in this behalf shall be ex-officio visitors of every prison within the respective areas and under their official charge or within their jurisdiction:—

(1) Sessions Judges including Additional and Assistant Sessions Judges.

(2) District Magistrates.

(3) Sub-Divisional Magistrates.

(4) Huzur Deputy Collectors and Huzur Mamlatdars.

(5) Inspector-General of Police

(6) Deputy Inspector-General of Police.

(7) District Superintendent of Police.

(8) Director of Education.

(9) Educational Inspector.

(10) The Surgeon-General with the Government of Bombay.

(11) Civil Surgeons who are not Medical Officers of Prisons.

(12) The Director of Public Health.

(13) Assistant Director of Public Health.

(14) Superintending Engineer.

(15) Executive Engineer.

(16) The Sheriff of Bombay.

(17) The Presidency Magistrate in Bombay.

(18) The Municipal Commissioner, Bombay.

(19) The Commissioner of Police, Bombay.

(20) The Municipal Commissioner, Poona.

404-A. (1) There shall ordinarily be twelve non-official visitors for the prisons in Greater Bombay, ten for each of the Central Prisons, six for each of the District Prisons and four for each of the Head-quarter Sub-Jails.

(2) (i) The twelve non-official visitors for the Prisons in Greater Bombay shall be:—

(a) the Mayor of the Municipal Corporation of the City of Bombay;

(b) five members of the Bombay Legislature;

(c) Six persons to be nominated by Government; of whom ordinarily not less than three shall be women who are willing to serve as such visitors.

(ii) The ten non-official visitors for each of the Central Prisons shall be :—

(a) the Mayor of the relevant Municipal Corporation or the President of the relevant Borough Municipality as the case may be;

(b) four members of the Bombay Legislature; and

(c) five persons to be nominated by Government; of whom ordinarily not less than two shall be women who are willing to serve as such visitors.

(iii) The six non-official visitors for each of the District Prisons shall be:—

(a) three members of the Legislature; and

(b) three persons to be nominated by Government; of whom ordinarily not less than one shall be a woman who is willing to serve as such visitor.

(iv) The four non-official visitors for each of the Head-quarter Sub-Jails shall be:—

(a) two members of the Bombay Legislature; and

(b) two persons to be nominated by Government; of whom one at least shall be a woman who is willing to serve as such visitor.

(3) (a) The appointment of non-official visitors other than members of the Bombay Legislature; shall be made for a period not exceeding three years.

(b) Persons referred to in sub-clause (c) of Clause (i) sub-clause (c) of Clause (ii) sub-clause (b) of clause (iii) and sub-clause (b) of clause (iv) of sub-rule (2) shall be appointed from amongst persons who, in the opinion of Government are interested in the administration of Prisoners and are likely to take interest in the prisoners and their welfare both while they are in prison and after their release.

(c) The appointment of members of the Bombay Legislature shall be made annually from amongst the members of the Bombay Legislative Assembly representing Greater Bombay or the District, as the case may be in which the Prison is situated and from amongst the members of the Bombay Legislative Council residing in Greater Bombay or the District as the case may be, in which the prison is situated.

(d) The appointment of the members of the Bombay Legislature shall be made by turns to be fixed jointly by such members themselves. If such members fail to fix their turns, the Chief Presidency Magistrate, in Greater Bombay and elsewhere the District Magistrate concerned, shall fix such turns by drawing lots provided the name of any female member of the State Legislature shall not be included in such lots unless she is willing to serve as such visitor.

(4) All the appointments made under this Rule shall be notified in the *Official Gazette*.

Explanation.—For the purpose of this rule, a member of the Bombay Legislature shall not include a Minister, Deputy Minister or Parliamentary Secretary to the Government of Bombay or the Speaker or the Deputy Speaker of the Bombay Legislative Assembly or the Chairman or Deputy Chairman of Bombay Legislative Council.

405. A representative of (1) the Poona District Probation and After-care Association, (2) Ahmedabad Released Prisoners Aid Society, (3) Belgaum District Probation and After-Care Association, (4) Nasik District Probation and After-Care Association and (5) Baroda District Probation and After-Care Association should be appointed as a member of the Board of visitors of the five Central Jails at Yeravda, Ahmedabad, Belgaum, Nasik and Baroda respectively.

406. The Collector of Bombay or the Commissioner of Police, Bombay, in the City of Bombay and elsewhere the District Magistrate shall be Chairman of the Board.

407. Notwithstanding anything contained in the above Rule, Government may at any time, terminate the appointment of any person appointed as a non-official visitor of any Prison before the expiry of the period of his or her appointment.

408. All the visitors shall be provided with a pamphlet of rules for visitors on their appointment.

409. A list of ex-officio and appointed visitors, both official and non-official, shall be posted up in a conspicuous position in the immediate neighbourhood of the main gate of the prison.

410. The Chairman of the Board of visitors of each Prison shall arrange for a weekly visit to the Prison by one of the members of the Board and shall give timely notice to the members whose turn it is to visit the Prison in the week.

411. The Chairman shall also arrange for the periodical inspection of the female wards by Lady Visitors in addition to that made at the time of weekly visits by other members of the Board.

412. Non-Official visitors should also be allowed to visit prison on any day at any time during the day in addition to his or her weekly visit arranged by the Chairman under rule 410 above. They will be entitled to the usual conveyance charges for all visits paid by them.

413. The Chairman shall convene a quarterly meeting of the whole Board in the months of January, April, July and October to carry out the duties of inspection specified in Rule 417.

414. Except for special reasons, which shall be recorded in the official Visitors' Book (No. 14) no visitor shall—

(a) inspect any prison—

(i) On Sundays and Jail holidays, or

(ii) between the hours of 6 p. m. and 6 a. m. and

(b) on any occasion other than that of a quarterly Committee meeting, require the attendance of the Superintendent, Deputy Superintendent, Senior Jailer or any other Junior Jailer,

415. (1) Immediately a visitor enters the main gate of the Jail the Gate keeper shall arrange for providing escort to the visitor. No visitor shall be allowed to proceed further unless such escort is provided.

(2) Such escort shall consist (at the discretion of the Superintendent) of one or more Jail guards, each armed with the baton provided for his use, and shall accompany the visitor throughout his inspection.

416. Official visitors are expected at the time of their visits to exercise watchfulness over the number and detention of prisoners confined in the undertrial yards and they may make a report in the Visitors' Book about the cases of undertrial prisoners which have been unduly delayed beyond the prescribed period of three months.

417. All visitors are expected so far as may be possible to—

(a) inspect the barracks, cells, wards, work-sheds and other buildings of the prison,

(b) ascertain—

(i) Whether considerations of health, cleanliness and security are attended to,

(ii) whether proper management and discipline are maintained in every respect;

(c) examine—

(i) the registers of convicted and undertrial prisoners,

(ii) the punishment book,

(iii) other prison registers containing entries relating to prisoners,

(iv) the accounts of the prison containing entries relating to prisoners,

(d) hear and attend to all representations and petitions made by prisoners;

(e) direct if deemed advisable that any such representations or petitions including appeal and mercy petitions withheld by the Superintendent, under Rule 1395 and 1396 be forwarded to Government,

(f) enter in a Visitor's Book,

(i) the date and hour of their visit,

(ii) any remarks as to the result of their inspection;

(g) Call for and inspect any book in which entries relating to prisoners are made from Jail record unless, the Superintendent for reasons to be recorded in writing, refuses to allow such inspection on the ground that it is not desirable in the public interest.

Note.—Any visitor may see and question any prisoner out of hearing but not out of sight of a Jail Officer.

418. (a) No member of the Board of Visitors shall have access to such prisoners as Government may from time to time specify as special class prisoners, and

(b) Government may appoint the District Magistrate or any other person or persons to visit such prisoners and may issue such instructions for the guidance of such visitor or visitors as it may think fit.

419. (1) In the event of any grave irregularity or of any important matter requiring immediate attention, which is brought to the notice by any visitor, or of any remarks made by a visitor which require special attention, the Superintendent of the Prison shall at once forward a copy of the Visitors' remarks recorded in the Visitors' Book to the Inspector-General of Prisons.

(2) A copy of every other entry made in the Visitors' Book whether at a quarterly or other visit by the visitor shall on the first day of the following month be forwarded by the Superintendent to the Inspector-General of Prisons with such remarks as the Superintendent may desire to offer.

(3) The Inspector-General may pass such orders as he thinks necessary on the remarks of Visitors and the Superintendent shall send a copy of the same to the Visitors concerned.

420. Save as hereinbefore provided no person other than a prison officer or a visitor appointed by or under these rules and visiting a prison for the purpose thereof shall be allowed to enter a prison unless—

(a) provided with a written permission from the Inspector-General or the Superintendent of the Prison,

(b) accompanied by a Jailer.

Note.—No student other than a post Graduate research student should be allowed to visit a Prison. Such permission should be granted for research purposes only and with the Inspector-General's previous permission.

421. To afford the Police the opportunity of recognising old offenders, the Superintendent shall permit a Police Officer deputed in the City of Bombay by the Commissioner of Police, or elsewhere by the District Superintendent of Police, not oftener than once a week except in special circumstances to be determined by the Superintendent to have access in the Prison office to the admission register and release diary. From these the Police officer will prepare lists of prisoners admitted during the preceding week, of prisoners who will be discharged in the following week and of any unidentified prisoner still under police enquiry, whom the Police may have to inspect on parade. The prisoners found in these lists shall be paraded at the weekly parade, separately from others and the police not exceeding twenty in number, selected by the Commissioner of Police or the District Superintendent of Police shall be permitted to inspect all those prisoners under the conduct of a Jailer.

They shall not be permitted to hold any communication with a prisoner except such as is necessary for the purpose of identification. The Superintendent shall inform the Commissioner of Police or the District Superintendent of Police as the case may be, on what day the weekly parade of prisoners will be held and at what hour the Police officer can have access to the Prison Office. Only prisoners convicted under Chapters XII, XVI, XVII and XVIII of the Indian Penal Code of offences punishable with three years, or attempts at the same under Sections 328, 363 to 369, persons bound down under Sections 109 and 110 of the Criminal procedure Code and undertrial prisoners need be paraded for the inspection of the Police. Female prisoners shall not be permitted for the inspection of the Police.

422. The Inspector General of Police Deputy Inspector-General of Police, the Commissioner of Police, Bombay, District Magistrates, and Superintendents of Police (elsewhere than in City of Bombay) may by letter addressed to the Superintendent authorise any Police Officer therein specified, who except for special reasons which shall be stated therein, shall not be below the rank of an Inspector in the City of Bombay or of sub Inspector elsewhere to interrogate any prisoner, and the Officer so specified shall thereupon be permitted to interrogate such prisoner in the presence but not within the hearing of the Jailer or some prison officer approved by him.—

(1) Such Police Officer may, in the same manner, be authorised to bring witnesses or informers to the prison for the purpose of identifying any prisoner or prisoners should such a course be necessitated during the investigation of any case. The Senior Jailer shall take great care that such prisoner or prisoners are paraded with a number of other prisoners similarly clad.

(2) Except as in this rule provided, no Police Officer shall except in the capacity of an ex-officio visitor, interrogate any prisoner.

Note.—The authority conferred by the above rule on Police officers to interrogate prisoners in Jails is also given to the officers of the Excise Department, Bombay, provided that they are on each occasion nominated in a letter addressed to the Superintendent by an Assistant Collector of Excise, and that they shall not, except for special reasons to be stated in the letter be below the rank of an inspector.

CHAPTER XVI

ADVANCES

Advance of Pay and Travelling Allowance

423. The Superintendents of Prisons and the Governor, Borstal School, Dharwar., are empowered, subject to the conditions prescribed in Rule 299 (a) (c) of the Financial Rules under Devolution Rule 37 (e) (Financial Publication No. 1) to sanction advances of pay and travelling allowance to themselves and to permanent Jail subordinates working under them and to those who are either under orders of transfer or proceeding on tour. These advances may also be granted to temporary Jail subordinates, provided it is ascertained from the Inspector-General that in the case of a temporary Government servant, there is a reasonable prospect of his continuing in service till the complete repayment of the advance. The amount advanced to meet the travelling expenses shall, under no circumstances, exceed the amount actually required.

424. (i) A manuscript register in the form given in Appendix III shall be maintained at all Jails to record the details of the amounts advanced, treasury voucher number and dates of the pay bills or the travelling allowance bills from which the advances have been recovered. When the amounts of advances have been recovered in full, a report may be sent to the Superintendent of the Jail who granted the advances. If a Jail subordinate is transferred before an advance is fully recovered, a second advance may be granted, provided the details of the unrecovered amount of the first advance are shown in the last pay certificate under an intimation to the Superintendent of the Jail who granted the first advance.

(ii) The Head Clerk will be personally responsible for seeing that advances are properly and punctually recovered.

Advances for the purchase of Motor Cars or Motor Cycles

425. (i) Under rule 296 of the Financial Rules advances for purchase of motor cars are admissible to officers in whose case possession of conveyances is considered necessary. Advances for purchase of motor cars should not however be granted to officers getting salaries of less than Rs. 500 per month and that such officers should not also maintain cars even if they are to be purchased without the help of an advance from Government. Officers getting less than Rs. 500 per month in whose cases possession of conveyance is considered necessary may maintain Tongas or Ponies if they so desire and may be granted advances for the purchase of such conveyances.

(ii) Applications for the grant of advances for the purchase of motor cars or motor cycles shall be submitted to Government

through the Inspector-General of Prisons who shall see that the conditions mentioned in the explanation below B. C. S. R. 490 (A)-1-(iv) are fulfilled.

[Rules 296 and 297 of Financial Publication No. 1 read with S. No. 36 (i) and (1-A) (under Miscellaneous Advances) of the Manual of Financial Powers (F. P. No. VII)].

426. Vehicles purchased with the help of such advances shall be insured with the Indian Insurance Companies Association Pool, Bombay, and the clause prescribed in the Annexure to G. R., F. D. No. 3464/33-xiii, dated 30th June 1952, shall be inserted in the policy of insurance.

Advance for the Purchase of Conveyances other than Motor Cars and Motor Cycles

427. Application for the purchase of a bicycle or any other conveyance, except a motor car or a motor cycle, may be considered by the Inspector-General who may sanction such advances in deserving cases only on the conditions laid down in Rule 298 of F. P. No 1., provided the Accountant-General, Bombay, certifies that funds are available.

428. A report together with a receipt in token of having purchased a conveyance shall be submitted to the Inspector General through the proper channel.

429. Conveyances purchased with the aid of advances shall not be sold or otherwise disposed of without the prior sanction of the Inspector-General.

430. The Superintendent of the Jail or the Personal Assistant to the Inspector-General (in case the advance is sanctioned for a member of the staff of the Inspector-Generals, Office) shall physically verify and report to the Inspector-General every six months, till the advance is recovered in full, that the party concerned is in possession of the conveyance.

Advances from the G. P. Fund

431. Temporary advances from amounts standing in the G. P. Fund account shall be granted as under:—

(1) To Jail subordinates (a) by the Superintendent of the Jail, if no special reasons as enumerated in clause (c) of sub-Rule 1 of Rule 14 of the Bombay G. P. Fund Rules are required; (b) by the Inspector-General if special reasons are required;

(2) To Superintendents of Prisons, the Governor, Borstal School Dharwar, and the members of the staff of Inspector-General of Prisons (a) by the Inspector-General if no special reasons are required. (b) by Government if special reasons are required.

(3) To Inspector-General of Prisons by Government irrespective of the fact as to whether special reasons are required or not.

432. Applications from subscribers of the G. P. Fund for the grant of temporary advances shall be submitted in the prescribed form (*vide* Inspector-General's Circular No. 13059, dated 5th July 1949) to the authority competent to grant the advance for ordinary or special reasons as the case may be.

433. If a subscriber applies for a temporary advance from his accumulations in the G. P. Fund while he is under suspension and draws a subsistence allowance, the pay for the purpose of Rule 14 (1) (c) (i) of the G. P. Fund Rules, shall be taken to be the pay which he was drawing immediately before he was placed under suspension.

434. The recovery of an advance, which has been subsequently disallowed, shall be made in a lump sum or, if the competent authority so directs, in instalments not exceeding 12.

CHAPTER XVII

PURCHASE OF STORES

435. Superintendents of Prisons and the Governor, Borstal School, Dharwar, shall communicate to the Inspector-General of Prisons in Gen. Form No. 248 their annual requirements of the following articles (according to the classifications given below) of stores on or before the prescribed dates as shown in Column 2 below:-

Schedule of items classified groupwise.	Date of submission of the Indent.	Date of submission of the indents to Central Stores Purchasing Officer by I. G.
1	2	3
1. Machine tools, electric machinery, agricultural machinery, boilers, automobiles.	15th September	31st October
2. Electrical goods and accessories.	Do.	Do.
3. Scientific and measuring instruments and surgical instruments.	Do.	Do.
4. General hardware, metal sheets and road pipes and tools, etc.	15th August.	30th September
5. Stationery.		
6. Textile, uniforms, leather goods and rubber goods.	15th July	31st August
7. Furniture and Office equipments.		
8. Chemicals, medicines, drugs, disinfectants, oils, paints, lubricants, photographic goods,	15th August	30th September

Note :— Separate indents should be submitted for different groups of stores as indicated above.

436. The Inspector-General will consolidate the annual requirements of articles requisitioned by the Superintendents of Prisons and the Governor, Borstal School, Dharwar, and arrange for their supply in the manner specified below :—

(i) The Inspector-General may direct the Superintendents of Prisons and the Governor, Borstal School, Dharwar, to make local purchases, at competitive rates, of those articles which are included in the list in schedule 2 of Appendix II of the second edition (re-print) of F. P. No. 1 and/or those which are occasionally required in small quantities and the aggregate cost of which does not exceed Rs. 2,000 or 25 percent of the contingent grant whichever is less.

(ii) Supplies of requirements of teak wood shall be arranged through the Forest Department direct to the Jails concerned.

(iii) Articles manufactured by Government departments or institutions will be supplied by such departments or institutions direct to the Jails concerned in accordance with the Inspector-General's instructions.

(iv) The Inspector-General should communicate on or before the prescribed dates as shown in Column 3 above, the requirements in respect of articles other than those specified in sub-rules (i) to (iii) above and the total value of which exceeds Rs. 100 to the Central Stores Purchasing Officer, Bombay, who will call for tenders and in appropriate cases carry on negotiations with various contractors and obtain samples of articles from them. After scrutinizing the samples, the Central Stores Purchasing Officer will forward them to the Inspector-General of Prisons for approval. The Inspector-General will return the samples approved by him to the Central Stores Purchasing Officer who will place orders for the articles required with the contractors concerned. The contractors shall then supply the articles direct to the Superintendents of the Jails concerned.

437. The approved samples of articles shall be sent by the Central Stores Purchasing Officer to the Inspector-General who will in turn send them to the Superintendents of Jails concerned for the purpose of checking the stores when supplied by the contractors.

438. Delivery of goods at the Railway Station shall be taken by the Factory Jailer or some responsible Officer deputed by the Superintendent. He will carefully examine and weigh all consignments in the presence of the Railway goods delivery clerk before accepting them. Instances of tampering with the parcels and differences in the actual weight of consignment and that shown in the railway receipt, if there be any, shall be brought to the notice of the Railway Station Master and a certificate giving the description and actual weight of the parcel concerned shall also be obtained from him before accepting the consignment.

439. The consignments of stores received from contractors and other sources shall be inspected within a weeks' time by a panel of not less than three members chosen from amongst the under-mentioned officers. The Superintendent should invariably be on the panel—

- (1) Senior Jailer.
- (2) Medical Officer or Bombay Medical Service Officer.
(When Medical Stores are received).
- (3) Factory Jailer.
- (4) Agricultural Officer.
- (5) Steward.
- (6) Store-keeper.

The committee shall examine the consignment outwardly for any signs of its having been tampered with and then have it opened without damaging the seal if any on the parcel and check the contents.

440. If any shortages are detected, the following procedure shall be followed—

(a) If the seal of the bundle containing a lesser number of articles than those mentioned on the label attached to the parcel is intact, the bundle should be returned to the suppliers at their cost with the seal of the bundle intact.

(b) If the seal of the bundle containing a lesser number of articles than those mentioned on the label attached to the bundle, is found tampered with the fact should be immediately reported to the supplier together with the following particulars:—

(i) Gross weight of the bale (containing the bundle or bundles with lesser number of articles).

(ii) Weight of packing materials.

(iii) Net weight of articles.

(iv) Bale number and number of bundles containing less number of articles.

When the supply is made through the Stores Purchasing Officer or any other Government or semi-Government institutions, he or the institution concerned, as the case may be, should be notified of such return.

(c) The Superintendents and the Governor, Borstal School Dharwar, should note that if the above procedure is not followed, it will not be possible to hold the supplier liable to make good the loss.

441. In cases where the seal on the consignment is not tampered with, the Committee shall open it and compare the contents in the consignment with the approved samples, if such samples are preserved according to rules. If after careful examination of the contents of the whole consignment the Committee finds that the articles supplied are wholly or partially of inferior quality, the Central Stores Purchasing Officer shall be immediately asked to depute his own inspecting staff to check the specifications of the stores supplied by the contractors with the approved samples of articles and to decide whether the articles should be rejected or not in case the contract for the supply of the articles was given through the Stores Purchasing Officer; and in other cases the Committee may reject the articles and inform the party concerned immediately. The rejected articles shall be removed by the supplier and replaced with articles as per approved samples at his own cost.

442. All the articles received and accepted by the Committee shall be taken to the prescribed stock registers.

443. The aluminium mugs and bowls shall be separately numbered by being stamped with a steel die from 1 upwards. The number of the mug and bowl (both should bear the same number) issued to each convict shall be entered in his history ticket. When any mug or bowl is condemned the article that replaces it shall

bear the same number as that which has been condemned. The number on the mug shall be stamped on the outside, half an inch below the rim and that on the bowl shall be impressed on the inside, half an inch below the rim.

Articles of clothing and bedding for prisoners

444. An estimate of clothing requirements for twelve months shall be prepared in Jail form No. 62 and submitted to the Inspector-General by the Superintendents of Prisons in the 1st week of April every year. The Inspector-General will scrutinize these indents and pass orders as to the Jails at which the various requirements of each prison are to be manufactured.

445. No article of clothing and bedding shall be purchased in the market without the sanction of the Inspector-General.

Dead-Stock Articles

446. The Superintendents and the Governor, Borstal School Dharwar, may purchase locally, after obtaining competitive rates, articles of dead-stock the value of which is Rs. 50 or less. He may also incur expenditure on the repair of dead-stock articles, provided the total cost of such repairs does not exceed Rs. 50 in each case.

447. If the cost of the dead-stock articles to be purchased exceeds Rs. 50 and can be purchased locally as provided in sub-rule (i) of rule 436 above, the Superintendents and the Governor, Borstal School, Dharwar, shall submit an estimate in Jail Form No. 70 to the Inspector-General for sanction.

448. The Inspector-General may direct the Superintendent and the Governor, Borstal School, Dharwar, to purchase the articles locally or to manufacture the same in the Jail factory whichever is found to be more economical.

449. The date of purchase and the cost shall be indelibly marked on each article of dead-stock immediately, it is bought and taken to Dead-stock Register No. 22.

National Flags

449-A. (i) National Flags are supplied by Government to the various officers every year according to their requirements. With a view to avoiding expenditure on the replacement of the Flags every year, proper care should be taken for the custody and maintenance of the flags, so that they last long. It is difficult to estimate the normal durability of a flag as it depends on the size and quality of the flag as also on the climatic conditions of the place where it is hoisted and care taken to protect it from fungus, moths, etc. The Superintendents should have periodical inspection of the flags in their possession and to ensure that proper care is being taken for their maintenance.

(ii) They should also see that the flags supplied to them from time to time are accounted for in the Dead-Stock Registers in their Offices as items of dead-stock.

Articles of Uniform

450. The indent for articles of uniform of Jail guards shall be submitted by the Superintendents of Prisons to the Inspector-General in the form given at Appendix III once in two years preferably in the month of April of the year when the indent is due. The Inspector-General will scrutinize these indents and pass orders as to the Jail where the articles should be stitched or manufactured and supplied to the Jail concerned.

451. Batons, handcuffs, badges, whistles, whistle chains, belts, belt plates kit boxes and haversacks are classed as articles of deadstock and are purchased out of the allotment for miscellaneous dead-stock and not from the grant for uniforms. Raincoats, great-coats and umbrellas should be purchased from the grant for uniforms included under Miscellaneous Services and Supplies, but they shall be borne on Dead-Stock Register No. 22.

452. Buttons, badges and crests are stocked at Yeravda Central Prison and will be supplied to other Jails on indent to be sanctioned by the Inspector-General.

Miscellaneous Articles

453 Fodder received from the Jail garden shall be stocked for consumption by the Jail cattle during the dry season. If the stock of fodder runs short or if no fodder is grown in the Jail garden, the Superintendents and the Governor, Borstal School, Dharwar, may purchase their requirements locally at competitive rates with the prior sanction of the Inspector-General.

454. Superintendents of Prisons and the Governor, Borstal School, Dharwar, may make petty purchases of articles the total cost of which does not exceed Rs.20 per month like wicks and glasses for lanterns, seeds, manure, matches, etc. for which no contracts are given.

Medicines and Drugs

455. The Medical Officer shall submit the annual medical indents in form No. C. M. 28 Ac. to the Medical Stores Depot, Bombay, through the Superintendents of Prisons or the Governor, Borstal school, Dharwar, and the Inspector-General of Prisons in accordance with the scheduled programme for the submission of the indent [Appendix XI (i) at page 419 of the Bombay Civil Medical Code (Fourth Edition)].

456. The Medical Officer should note that the indents are required to reach the Medical Stores Depot a fortnight in advance of the prescribed dates to avoid accidents; *vide* Rule 796 of the Bombay Medical Code, Part I (Reprint 1951). He shall, therefore, see that it is submitted to the Inspector-General a month in advance of the prescribed date so that it can be scrutinized and transmitted to the Medical Stores Depot in time.

457. The requirements for drugs etc. shall be based on the average consumption of the last three years.

458. The Medical Officers shall accurately weigh and measure all articles remaining in store on the first day of the month in which the indent is due so that the exact quantities may be inserted in the proper column of the indent form.

459. Demands for stores not authorised in the price list of Medical Stores (India) shall not be included in the annual indents, but if any such article is considered necessary, a requisition for the same shall be made separately to the Medical Stores Depot, Bombay, through the Superintendent and the Inspector-General.

460. Medical Officers are strictly forbidden to prefer extra indents unless compelled by unforeseen and emergent circumstances which shall be clearly explained in a letter. Demands unaccompanied by explanatory letters will not be attended to by the Medical stores Depot.

461. The name of the District and the name of the nearest Railway Station shall be given in all documents (letters, indents, vouchers, etc.) sent to the Medical Stores Depot.

462. The following documents will be received along with the stores supplied by the Medical Stores Depot:—

(i) The duplicate copy of the indent which will serve as the delivery voucher.

(ii) Two copies of the receipt vouchers.

463. (i) The boxes shall be unpacked in the presence of the Committee (Rule 439) and any deficiency or breakages noted on the packing note. Articles found in excess shall also be reported. Discrepancies, if any are noticed, shall be immediately reported along with the packing note to the Medical Stores Depot by the Medical Officer through the proper channel.

(ii) On checking the Stores, the Medical Officer and the Superintendent shall sign and return the receipt voucher immediately to the Medical Stores Depot, Bombay.

Arrangements for the Purchase of Medicines for the Jail Department

464. (1) A separate indent for the drugs which are not supplied by the Medical Stores Depot, Bombay, should be submitted by the Medical Officer to the Inspector-General through the Superintendent of the Jail along with one or more of the following certificates to suit the particular case:—

(a) "The drugs are not supplied by the Medical Stores Depot on indent, nor are they likely to be supplied quickly by the firm with whom a rate contract is entered into by the Director of Industries and Central Purchasing Officer, and that they are urgently required."

(b) "The disease from which a particular prisoner is suffering is likely to prove fatal but for the treatment with the

drug which is out of stock from and is urgently required."

Note — The certificate (b) above should be furnished when the purchase is to be made in unforeseen circumstances by the Superintendent in anticipation of Inspector-General's sanction.

(2) The Director of industries and the Central Purchasing Officer should endorse copies of all rate contracts for drugs and medicines fixed by him for Civil Hospitals to the Inspector-General of Prisons, State of Bombay, who should then purchase such drugs as were not available from the Government of India, Medical Stores Depot against these rate contracts from the firms indicated by the Director of Industries and Central Purchasing Officer.

(3) For emergency requirements of medicines i. e., when drugs are not supplied by the Medical Stores Depot on indent and also when the firm with whom rate contract is entered into, by the Director of Industries and Central Purchasing Officer is not likely to supply medicines quickly or when medicines are required by Jail Hospitals in unforeseen circumstances each one of the Superintendents of Central, Special and District Prisons, (including the Borstal School, Dharwar) may purchase medicines locally with the formal sanction of the Inspector-General of Prisons, State of Bombay, subject to the condition that the cost of such purchase does not exceed Rs. 2,000 per annum for use in the dispensary of the institution concerned.

Arms and Ammunition

465. (i) Ordnance Stores such as small arms, 410 muskets, revolvers and ammunition are treated as "Controlled Stores" and are classified as Class 'A' Stores.

(ii) General Stores, clothing and accessories and components of complete equipment (i. e. spare parts of fire-arms, lubricants cleaning materials etc.) are treated as "uncontrolled stores" and are classified as Class 'B' Stores.

466. The following scales have been laid down for the supply of arms and ammunition for the Jail staff.—

(A) Arms.—(for service, practice and training)—

(i) Pistols/Revolver	One per officer of and above
.455/.38	the rank of Jailor.
(ii) Muskets .410	One per Jail guard.

(B) Ammunition for Service.—

(i) Muskets .410	50 rounds per weapon.
(ii) Pistols/Revolver	
.455/.38	30 rounds per weapon.

(C) *Ammunition for practice and training.* —

(i) Muskets .410	75 rounds <i>per capita</i> per annum.
(ii) Pistols/Revolver .455/.38	60 rounds <i>per capita</i> per annum for practice and 70 rounds <i>per capita</i> per annum for training.

Note — (1) : — Blank ammunition for muskets Will be supplied up to the extent of 10 rounds per weapon per annum for service and 10 rounds *per capita* per annum for practice training.

Note — (2) : — The quantities indicated in the above scales for 410 musket ammunition are both ball and buck-shot ammunition and the proportion in which they should be issued has to be indicated by the Jails concerned not exceeding the total quota sanctioned.

467. The above scales should normally be followed in framing the annual forecasts and indents of arms and ammunition for Jail staff. In case arms and ammunition are actually required on a lesser scale, requirements shall be framed accordingly and if the above scales are found inadequate and supplies on a more liberal scale are considered essential, an adequate case shall be made out to justify the higher demand and the Inspector-General's prior approval thereto shall be obtained before framing the requirements on a more liberal scale than the one prescribed above.

468. The annual forecast requirements of arms, ammunition, etc., may be prepared and furnished by the Superintendents of Prisons where there is an Armed guard of the Jail Department so as to reach the Inspector-General not later than 5th January every year. The Inspector-General will consolidate the forecasts and submit it through the Government of Bombay so as to reach the Ministry of Home Affairs, Government of India New Delhi, on 1st February every year,

General Instructions

(1) While forwarding forecasts NO reference or comparison will be made to any previous forecasts submitted by indentors.

(2) Forecasts will be prepared as per form given in Appendix III and forwarded in duplicate to the Inspector-General of Prisons, a separate sheet being used for each VAOS section/sub-section.

(3) Forecasts relating to one particular year should be forwarded in one lot and NOT piecemeal. To this end, indentors will, certify in their forwarding letters, that NO additional requirements for the particular year will follow, except in case of emergency.

(4) Cat/Part NO. nomenclature and accounting units of the items included in forecasts should be in accordance with those given in VAOS, MET/PET, or 301 Tables as applicable.

(5) Indentors, will ensure that surplus, if any, lying with them are taken into consideration while preparing forecasts.

Annual Indents

469. (i) Separate single indents for arms and ammunition for service and ammunition for training for the whole year shall be prepared in quadruplicate in the forms (attached as Appendices A B and C) after taking into account the actual requirements, the strength of the Jail staff and the prescribed scales.

(ii) Separate sheets shall be used for Class 'A' and 'B' stores even if the VAOS Section is identical.

(iii) Full consignment instructions shall be furnished in respect of every indent.

(iv) The annual indents for ammunition required for practice shall be submitted by the Superintendents of Prisons where there are armed guards of the Jail Department so as to reach the Inspector-General in the first week of April every year, and the annual indents in respect of the ammunition required for service purposes shall be submitted when any quantity was actually used for that purpose in the preceding year.

470. The indents received from Jails will be consolidated and submitted to Government in the Home Department, Bombay, for onward transmission to the Ministry of Home Affairs, Government of India, New Delhi, by the Inspector-General of Prisons.

471. The supplies of arms and ammunition received in Jails shall be inspected by the committee and further steps taken as explained in Rule 439 before taking on charge the stores to the stock-book.

Payment by Book Transfer

472. In accordance with the existing procedure governing payment of stores by book debit issues, the following copies of issue vouchers are sent by the Ordnance Depot:—

- (a) No. 1 copy (unpriced) along with the Rly/Postal receipt.
- (b) No. 2 copy (unpriced) in the package.
- (c) No. 7, 8 and 10 copies (priced) by covering letter.

The Superintendents of Jails shall return to the Ordnance Depot the following copies duly signed and receipted/accepted:

- (a) No. 2 copy (unpriced). In token of receipt of stores.
- (b) No. 7 and 8 copy (priced). In token of acceptance of the debit.

Stationery Articles

473 (i) Superintendents of Prisons and the Governor, Borstal School, Dharwar, shall prepare their annual indents in accordance with the instructions laid down in the Printing and Stationery Manual and the pamphlet entitled "Stationery Notes"

issued by the Director of Printing and Stationery, Bombay, on 1st July 1953.

(ii) The indents shall be submitted direct to the Director so as to reach the Stationery Office in Bombay or Baroda for compliance not later than 15th September every year.

(iii) Orders issued by Government from time to time to effect economy in the use of stationery articles shall be strictly followed by all concerned and no demands for an additional supply of stationery articles shall be made unless there are special reasons to do so.

474. Whenever it is found that there is no alternative but to ask for additional supplies, the following information shall invariably be supplied to the Inspector-General who will forward the supplementary indent to the Stationery Department if the reasons advanced by the Superintendent or Governor are found to be satisfactory:—

(a) No. of members in the Jail Office who require stationery.

(b) In respect of each item of stationery.

(i) No. /quantity sanctioned as per model indent.

(ii) No. /quantity in balance at the time of submission of annual indent.

(iii) No. /quantity asked for in the annual indent.

(iv) No. /quantity actually supplied by the Director Government Printing and Stationery, Bombay or Baroda as the case may be (including "will follow" items).

(v) No. /quantity required in addition to (iv) above.

(iv) Reasons justifying the demand.

474-A. No articles of stationery other than those mentioned in rule 35 of the Bombay Stationery and Printing Manual Vol. I shall be purchased locally.

Forms and Envelopes

475. (i) Annual Indents for the standard forms and envelopes shall be prepared in the printed form and sent to the Yeravda Prison Press on or before 10th October every year.

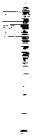
(ii) Quantities sanctioned in the model indent by the Inspector-General and recorded in the office of the Director, Government Printing and Stationery, shall not be exceeded except with the prior approval of the Inspector-General.

(iii) Further instructions are contained in Chapter XXIV of the Bombay Stationery & Printing Manual, 1943, Volume I.

476. A senior clerk in each Jail shall be made personally responsible for seeing that the forms and envelopes are kept in good order and properly accounted for. The Head-Clerk shall check the account of forms maintained by the Senior Clerk regularly on the 1st day of every month and shall physically

verify the stock forms on the 1st October every year and see that the quantity shown as in balance is correct and agrees with the actual stock on hand.

477. The Inspector-General will once in three years ascertain the requirements of special forms from the Superintendents of all Jails and prepare a consolidated indent in form No. Gen. 207 for the whole Department and submit it to the Director of Printing and Stationery, Bombay, for compliance.



CHAPTER XVIII

STORES AND OFFICE RECORD

Stores

478. Two rooms should be provided for stores—one to be called the "Double Lock" and the other "Single Lock". The former should have two locks put side by side while the latter only one.

479. The Senior Jailor shall be responsible that the scales, weights and measures in use in the prison for distribution of provisions, Stores and raw materials are accurate and in proper order. He shall arrange to have them regularly tested under the Weights and Measures Act, 1932.

480. The stocks, including canteen coupons, when received should be examined and weighed or counted by the Senior Jailor along with the Store Keeper and kept properly arranged in the double lock Room, unless the stock is likely to last for less than a month, in which case it should be sent to the Single lock. The Jailor concerned or the Steward shall be responsible for seeing that the articles received are of the appropriate quantity. Bin cards should be maintained for all items in the Double Lock and Single Lock rooms and receipts and issues should be shown therein and the balance struck on each occasion of receipt or issue of the articles and articles which are purchased up to only one month's requirement should be weighed and taken to the single lock godown directly. The key of one of the locks of the Double lock godown, should be with the Senior Jailor and that of the other lock with the Store Keeper. Stocks to last for about a month's consumption should be taken at one time out of the double-lock stock and kept in the single lock room the key of which will be with the officer concerned [e. g. Factory Jailor, Canteen Jailor, Steward or Ration Clerk (where there is no Steward)]. The double lock stores should not be opened except in the presence of the senior Jailor and the Store Keeper.

481. (i) The single lock balance should be checked on the last day of every month by the officer concerned singly and the double lock stock on the last day of every quarter by the Senior Jailor and the Store Keeper jointly. The correctness or excess or shortage in the Double or Single lock stock as the case may be, should be certified and signed by the officer concerned in the case of single lock and by the Senior Jailor and Store Keeper jointly in the case of the Double Lock.

(ii) The Superintendent himself should check at random 20 per cent of the items (e. g. Jowar, Bajari, Oil, Gur, etc.) in the double lock stock and the single lock stock at the time of the verifications and initial such entries in the Stock Register. His

checking should be arranged in such a way that every item of the stock comes under his check at least twice a year.

482. A stock verification certificate in the prescribed form (Appendix III) in respect of the stocks in the single lock room should be submitted by the Superintendent to the Inspector-General on the 5th day of every month, except when the quarterly stock verification certificate is submitted. A consolidated stock verification certificate in the prescribed form (Appendix III) in respect of the stocks both in the Single lock and Double lock rooms should be submitted by the Superintendent to the Inspector-General on the 1st of February, May, August and November every year.

483. (i) The Superintendent shall every six months in May and November examine and count the ammunition, machinery plants, tools, manufactured articles and the live and dead-stock appertaining to the Prison, and satisfy himself that he has on the premises stocks and plants equivalent to the balances shown in the account on the date of the inspection. After each examination he shall submit to the Inspector-General a report showing the result thereof and giving details of all deficiencies and excesses found. He may inspect all stocks and other Government property in the prison at any time and report to the Inspector-General any deficiency or irregularity that may be detected by him at such surprise inspections.

(ii) Report on the state of the health and condition of the live-stock should be submitted along with the half-yearly reports of stock taking.

484. The Superintendent shall be answerable for all prison property, stores and money, and shall be held responsible for any defalcations on the part of any member of the prison staff, if it is found that such defalcation was rendered possible by his negligence or slack supervision. This rule in no way affects the individual responsibility of the other Officers concerned.

485. When any article is lost or damaged or becomes unserviceable through the neglect of any prison official, the matter shall be at once reported for the orders of the Inspector-General.

486. Articles which become unfit for use shall be carefully put aside in a place selected for this purpose, until orders are issued by the Inspector General for their disposal.

487. The Superintendent shall see that the Jailor brings forward for inspection in the first week of November and May every year such stores and articles of clothing and bedding, etc. as are unserviceable, or irreparable, in order that they may be condemned or disposed of, and no article shall be condemned or disposed of without the written order of the Superintendent, or, when necessary the sanction of the Inspector-General. In either case the number and date of sanction should be recorded in the requisite register.

Notes of such sanction by the Superintendent or the Inspector-General as the case may be shall be kept against the articles in the Dead-Stock Register No. 22 and dated and initialled by the Superintendent.

Repairs

488. (i) The Inspector-General should invite quotations of repair charges for handcuffs and locks of different sizes from recognized firms in the first week of February every year and give contract for a financial year to the Firm whose rates are favourable for repairing handcuffs and locks of different sizes and communicate the name of such Firm to all Superintendents who should place their orders for repairing handcuffs and locks with such firm directly.

(ii) Repairs to the type-writers and bicycles should be carried out in accordance with the instructions contained in Chapters VI and IX respectively of the Bombay Stationery and Printing Manual, First Edition, Volume I.

Office Records

489. The Head-Clerk shall be in charge of all old records preserved in the Jail Office. He should follow the following instructions for the preservation and storage arrangements of the Records:-

(1) The building in which records are stored should be of brick and, if possible, with concrete floors. The floors should be coal-tarred or washed with some chemical preparation, so as to guard against the ravages of white ants and insects.

(2) It should be well lighted and, as far as possible, impervious to dust and damp.

(3) The walls of the building should be fitted with open racks, preferably of iron. Where wooden racks are used they should be wiped every two months with a rag soaked in kerosene oil, and the documents should be frequently shifted and dusted. Papers which have suffered from insects, or are liable to their attacks, should be brushed over with a solution of corrosive sublimate and powder of naphtha.

(4) Every old document should be folded flat, carefully mended with Bretnell's tracing paper, placed between paper covers and docketed.

(5) Bundles of these covers should then be made up, enclosed between card boards of slightly larger dimensions than those of the covers, and fastened with stout cords above and below.

(6) The bundles, their contents clearly indicated on the enclosing boards, should then be arranged on the racks, sufficient space being left between them to allow of efficient dusting.

(7) Volumes of annual proceedings and registers should be regularly bound.

490 The records to be preserved permanently and those to be destroyed at prescribed periods by the Superintendents of Prisons and in Inspector-General's Office are embodied in the lists given in Appendix V.

CHAPTER XIX

JAIL BUILDINGS AND SANITARY ARRANGEMENTS

491. All Jail buildings including the quarters for the staff on Jail premises are in charge of the Public Works Department and no additions, alterations, removal or dismantling should be carried out without the formal approval of that Department even though sanction has been received from the Inspector-General of Prisons.

492. The Collector should deal with applications for non-agricultural use of lands in the vicinity of Jails and Prisons having regard to the following principles:—

(1) Government land within 220 yards of the main Jail wall should not be disposed of except on temporary agricultural lease and in the case of privately occupied lands similarly situated, permission to build should not be granted when the Inspector-General of Prisons thinks it inadvisable.

(2) In cases in which permission to build is granted minimum restrictions necessary for the security of the Jail administration should be imposed in consultation with the Inspector-General of Prisons.

493. (i) The wards shall be thoroughly swept and cleaned daily.

(ii) The walls and ceilings of the wards shall be scraped and whitewashed once a year and hospital twice, or oftener if necessary. The date of the whitewashing shall be shown in distinct figures on the wall of the barrack opposite the entrance door.

(iii) The prison area and surrounding ground shall be kept clean and free from all jungle grass and weeds. The area and surrounding ground shall also be thoroughly drained, by either shallow or sub-soil drains, to ensure the dryness of the prison area and to prevent the accumulation of water near the prison. Open drains should, if possible, be used,

494. Grass should be grown and trees planted and kept neatly trimmed, in or near the prison, where practicable.

495. Trees should not be planted too close to walls and buildings so as to prevent their being used for escape.

496. No kitchen refuse shall be permitted to be thrown promiscuously on the grounds, nor rubbish of any kind to accumulate in or near the prison.

497. Earth shall not be dug for bricks or other purposes unduly close to the prison, and all low hollow ground, and specially stagnant pools, shall be carefully filled up.

498. In prisons where the convicts work with their legs in a pit, when employed on weaving, etc., care shall be taken that such pits are damp-proof.

499. No public privies, dye works, sewage drains, or other public nuisances should if possible be allowed near the prison.

500. The Inspector-General is authorised to sanction expenditure from the discretionary grant annually placed at his disposal for new minor works and additions and alterations to Jail buildings to an amount not exceeding Rs. 10,000 (which limit has been temporarily raised to Rs. 20,000) for any one work subject to the provisions of Rule 260 of Bombay Public Works Department Manual, Volume I. In the case of new residential buildings, the sanction of Government is necessary subject to the Item No. 22 of the Bombay Financial Publication No. VII.

501. Powers delegated to the Inspector-General in respect of matters dealt with in the Bombay Public Works Department Manual have been specified in Serial Nos. 8 and 17 of Appendix XXXVII of the Bombay Public Works Department Manual, Volume II (1940-Edition) and Item No. 22 of Financial Publication No VII.

502. No additions and alterations shall be undertaken without the Inspector-General's orders and no plans or estimates should be obtained by the Superintendent without his sanction.

Works

503. (i) The term "work" when by itself, is used in a comprehensive sense and applies not only to works of construction or repair but also to other individual objects of expenditure connected with the supply, repair and carriage of tools and plant, the supply or manufacture of other stores or the operations of a work-shop.

(ii) The term "Original Works" indicates new construction whether of entirely new works or of additions and alterations to existing works except as hereinafter provided; also all repairs to newly purchased or previously abandoned buildings required for bringing them into use.

(iii) The term 'repairs' indicated primarily operations undertaken to maintain in proper conditions buildings and works in ordinary use. It also includes new works at Jails of the following type:—

504. When portion of an existing structure or other work (not being a road or road surface etc.,) is to be replaced or remodelled (whether or not the change involves any dismantlement) and the cost of the change represents genuine increase in the value of the property, the work of replacement or remodelling as the case may be should be classified as "original work." In all other cases the whole cost of the new work should be charged to "Repairs."

Repairs

505. Repairs are of three kinds:—

(a) Those which as a matter of regulation are carried out periodically, i.e., painting and white washing.

(b) Those which are not done as a matter of regulation periodically but which it is convenient to carry out so far as may be necessary at the time of periodical repairs.

(c) Such occasional or pretty repairs as become necessary from time to time and which may have to be carried out between the times of periodical repairs.

Provision for repairs mentioned in (a) and (b) above should be made in Annual Budget Estimates by Public Works Department and for the third kind in separate requisition as the occasion may require.

506. "Major work" means an original work the estimated cost of which, exclusive of departmental charges, exceeds Rs. 10,000 (which limit has been temporarily raised to Rs. 20,000). "Minor work" means an original work the estimated cost of which, exclusive of departmental charges, does not exceed Rs. 10,000 (which limit has been temporarily raised to Rs. 20,000). These minor works are financed from the discretionary grants placed at the disposal of the Inspector-General and executed subject to the provisions of rule 234 and Serial No. 17 in Appendix XXVII of Bombay Public Works Department Manuals Volume-I and II respectively.

507. For every work (excluding repairs and petty works) initiated by or connected with, the requirements of Jail Department, it is necessary to obtain the concurrence (i.e., administrative approval) of Government in the Home Department or the Inspector-General of Prisons as the case may be to the proposals before the technical sanction (i.e., sanction to the detailed estimate) to the work is accorded by the competent authority in the Public Works Department. *vide* paragraph 130 of the Bombay Public Works Department Manual, Volume-I. The list of competent authorities who can accord technical sanction is given at Serial No. 7 in Appendix XXVII of the Bombay Public Works Department Manual, Volume-II.

508. An application for the administrative approval should be submitted to the Inspector-General which should be accompanied by a preliminary report, by an approximate estimate and by such preliminary plans, information as to the site and other details as may be necessary to elucidate fully the proposals and the reasons therefor. The approximate estimates required for this purpose should be obtained by the Superintendent from the Public Works Department with the prior sanction of the Inspector-General.

509. On receipt of the application and the approximate estimate, the Inspector-General should himself accord administrative

approval to the work if the cost thereof does not exceed the monetary limit laid down against Serial No. 22 of the Manual of Financial Powers and in other cases the plans and estimates should be submitted by him to Government in the Home Department to obtain their administrative approval.

510. This procedure should also apply to modifications of the proposals originally approved by Government in Home Department or the Inspector-General of Prisons, as the case may be, if likely to necessitate eventual submission of a revised estimate, to material deviations from the original proposals, even though the cost of the same may possibly be covered by savings on other items, and to cases where the detailed estimates when prepared exceed the amount administratively approved by more than 10 per cent. In these cases as also in cases when the expenditure on a work exceeds or is found likely to exceed the amount administratively approved for it by more than 10 per cent revised administrative approval to it should be obtained from the Inspector-General: Provided that in cases in which the expenditure on a work exceeds or is found likely to exceed the amount administratively approved for it by more than Rs. 10,000 the revised administrative approval of Government in Home Department should be obtained. In the case of modifications during construction revised administrative approval of the competent authority should be obtained without awaiting the preparation of a detailed supplementary or revised estimate.

511. The administrative approval to a work or the technical sanction to an estimate for such work will ordinarily cease to operate after a period of five years from the date from which such approval or sanction was accorded *vide* Rule 239 of Bombay Public Works Department Manual, Volume-I (1940-Edition).

512. The Public Works Department shall be entirely responsible for the construction of petty works in connection with the Jail buildings, and current repairs, special repairs, etc., shall also be carried out by that Department from the grants under the head 50-Civil Works—State:

513. (a) All petty works of the nature of the construction of or repairs to water channels in the garden and of temporary sheds for cattle shall be carried out and financed by the Jail Department from the grants provided for under "28-Jails and Convict Settlements.

(b) Convict labour both skilled and unskilled shall be utilized by the Public Works Department wherever available and possible, in carrying out original works and repairs, etc., to jails and paid for by credit to the Jail Department.

514. The Sub-Divisional Officer must see that all Jail rules are strictly observed when introducing free labour for work inside the Jail.

515. All orders for the commencement of any work should always be given in writing after a properly detailed plan and estimate have been sanctioned and allotment of funds has been made by the Inspector-General. Rule No. 234, 235 and 236 of Bombay Public Works Department Manual, Volume-I, should be referred to for further details.

516. The Superintendent should visit from time to time the work under execution and see that it is carried out according to the approved plan and estimate. In the event of any hitch or difficulty, the Superintendent should, if it is within his powers, give the matter prompt attention and assist the Public Works Department authorities in removing it. Any discrepancy or defects discovered by the Superintendent should be reported at once by him to the Inspector-General of Prisons.

517. (i) On the completion of the work a completion certificate in Public Works Department Standard Form No. 561 E should be forwarded by the Executive Engineer or other Official concerned of the Public Works Department to the Superintendent who should sign it if the work is carried out satisfactorily or else should pass thereon whatever remarks he considers necessary. The completion certificate should then be sent by him to the Inspector-General for counter-signature.

Note—The completion certificate in the case of petty works and repairs should be endorsed on the requisition (Public Works Account Form No. 32 Public Works Department Standard Forms Nos. 416 and 417) no separate certificate being required in such cases.

(ii) The counter-signature of the Inspector-General on completion certificate implies that the work has been completed and taken over by Jail authorities and on the requisition implies that the building or work is generally in proper order and the counter signature involves no further responsibility, *vide* Rule 289 of Bombay Public Works Department Manual, Volume-I. (1940-Edition).

Accommodations, Ventilation and General Sanitation

518. The area enclosed within the Jail walls be not less than 100 square yards per head of the total capacity, except that where land is particularly valuable the minimum may be 75 square yards per prisoner.

519. In every sleeping barrack the minimum space per prisoner shall be 40 square feet and 560 cubic feet. In hospital wards this shall be increased to 60 square feet and 840 cubic feet.

520. Not more than 20 prisoners should be accommodated in any sleeping barrack.

521. Cells should have a ground area of not less than 96 sq. feet and a cubic capacity of at least 1,200 cubic feet.

522. Free through ventilation of barracks, wards and cells should be secured by the provision of large barred doors and windows situated in opposite walls. The total area of these openings should be at the rate of 12 sq. feet per head of the sanctioned number of prisoners the barrack or ward is designed to accommodate. In the case of a cell the ventilating area should be at least 24 sq. feet.

523. In each barrack masonry or iron frame sleeping berths 6' x 3' x 1½' high may be provided if practicable. The number of these shall not be greater than the sanctioned capacity of the barrack and they shall be arranged in two parallel rows. In the case of masonry berths great care is necessary to prevent these becoming infested with bugs.

524. In the event of a prison being overcrowded, the Superintendent shall either utilise the worksheds as sleeping wards or accommodate in huts or tents the excess number of prisoners, reporting the circumstances to the Inspector-General.

525. All barracks and cells shall be white-washed regularly once in a year.

526. The floors of all barracks and cells shall be paved with stone or made of other impermeable material such as concrete or asphalt.

527. It is desirable that all barracks, wards and cells should have verandahs. These prevent rain drifting in and also provide shelter in which meals can be eaten during bad weather. They are also useful as work places and for the accommodation at night of short term prisoners when overcrowding of the Jail is inevitable.

528. A night latrine shall be annexed to every sleeping barrack and ward. Conservancy vessels must never be placed inside a barrack.

529. Worksheds should be very amply lighted and ventilated. In fact the walls should consist almost entirely of iron bars of expanded metal.

530. Over the door of every barrack or ward there shall be affixed a zinc, brass, or wooden plate specifying the number of cubic and superficial feet which the ward contains and the maximum number of prisoners which it is capable of accommodating.

531. As the condition of the atmosphere breathed by prisoners during the night can only be judged of by visiting at all seasons the sleeping wards several hours after the inmates have been locked-up, the Superintendent and the Medical Officer shall at uncertain intervals visit the prison at night to satisfy themselves as to the adequacy of the ventilating arrangements and to see that such are properly controlled, and are not obstructed by prisoners in the cold season to ensure warmth.

When testing the atmosphere it is advisable to bend down to the level at which the prisoners sleep, as the air on a level with the windows may be comparatively pure while that exhaled by the lungs, bodies and clothes of the prisoners is very impure. The results of such visits shall be recorded in either Register No. 12 or Register No. 32, as the case may be.

532. Every possible arrangement shall be made for the thorough ventilation of the sleeping wards during the day, as many hours of free ventilation are required to remove the organic matter which adheres to the walls and which is but slowly oxidised. It is absolutely necessary that the bedding should be removed out of the barracks for several hours daily if the weather is fine. Even in wet weather, if verandahs are available, the bedding should be exposed in them to the influence of the air.

Conservancy

533. The Superintendent, Deputy Superintendent, the Medical Officer, Bombay Medical Service Officer, the Jailor, and all subordinates are responsible that proper attention is paid to conservancy.

(a) Latrine accommodation shall be provided at the rate of one seat for every six prisoners.

(b) Latrines shall be built of stone or galvanized iron and no wood whatever should be used.

(c) The partition which divides the seats should be high enough to provide a reasonable degree of privacy. Dwarf doors should be provided in front of each seat for the same purpose.

(d) Every seat shall be provided with foot rests made of blocks of stone.

(e) The floors of all latrines shall be made of impermeable material.

(f) Water for ablution must be provided at or close to the latrine.

534. The latrines and urinals shall be cleaned out morning and evening and also, if necessary in the middle of the day.

535. Receptacles one-fourth full of water in which prisoners may urinate shall be placed in every night latrine and every cell before lockup each evening and near each work-shed or other place of labour. The use of these vessels for defecation should be strongly discouraged. They must never be placed inside a barrack but always in the night latrine. Those in the cells should be provided with close fitting lids.

536. If in the course the day any prisoner visits the latrine, at other than the appointed hours, from idleness or as an excuse for communicating with other prisoners, he may be punished.

537. Liquid disinfectants such as phenyle or eresol should not be used for latrines, latrine receptacles or drains. These should be painted occasionally with coal tar and smeared frequently with crude oil or pesterine.

538. All foecal matter, refuse of the kitchen and sweepings of the prison should be buried in shallow trenches, in the prison garden and/or made into compost.

539. (i) The trenches should be about one foot wide and one foot deep with an interval of about one foot between each trench.

(ii) The trench should be filled with foecal matter thoroughly mixed or amalgamated with dry-earth or other refuse matter to within six inches from the top; it is then to be filled in with the dry-earth taken from the trenches and the earth gently rammed down. The trenches should remain untouched for about six months when the ground should be dug up crosswise and cultivated.

(iii) The trenches should be as far from wells as can possibly be arranged any only a sufficient extent of trench for the day's requirements dug at a time.

540. The urine is not on any account to be buried in the same trenches or mixed with the excreta, but should be collected and buried in separate trenches.

541. Pits or deep trenches for the deposit of urine, excreta, or refuse matter are forbidden.

Water Supply

542. The purity of the water supplied to the prisoners for drinking and culinary purposes is a matter of the first importance, and both Superintendent and Medical Officer and the Bombay Medical Service Officer shall, therefore, pay constant attention to it.

543. If the purity of the water supply at any time is suspected, the Medical Officer shall at once arrange to have it chlorinated or otherwise effectively purified.

544. In Prisons where there are several sources of water supply the best shall be set apart for drinking purposes.

545. In those prisons where the water supply is drawn from a well, the well should be cleaned out once a year. Well water is to be preserved pure by the daily withdrawal of a large quantity of water, by the removal of decomposing matter, by obviating the re-entrance of water, taken out, and specially by preventing the percolation of sewage. Further, the prisoners shall not be allowed to bathe or wash their clothes at the well from which the drinking water is drawn. Storage tanks and reservoirs should be emptied and cleaned out before the rains.

546. If practicable, all prisoners on extra-mural work should obtain their supply of drinking water, during working hours, from the same source as the other prisoners.

CHAPTER XX

JAIL HOSPITALS

547. In every Central, District and Special Prison, there shall be a Jail Hospital under the management of the Medical Officer (i.e., Resident Medical Officer or the Civil Surgeon appointed by Government to hold the charge of Medical Officer).

Functions of the Hospital Staff

MEDICAL OFFICER

548. The Medical Officer is subordinate to the Superintendent of the Prison except as regards the medical treatment of the sick. He shall have a free hand in the medical treatment of the inmates of the Hospital whether sick or convalescent or under observation, subject to Jail discipline, and he is under the general control of the Inspector-General of Prisons.

549. All Medical Officers and Medical Subordinates solely employed in the Jail Department are debarred from private practice.

550. The duties of a Medical Officer shall embrace every matter affecting the health, physical and mental, of the prisoners and the general hygiene of the prison, especially as regards diet, clothing, work and punishments, as well as the treatment of the sick. He should inspect all rations consumed in the prison.

551. The Medical Officer shall advise the Superintendent as to the means to be taken for the protection of prisoners from cold, wet or sun.

552. He shall be responsible for the proper expenditure of all medicines and other medical stores. He shall from time to time examine all the medicines kept in store, in order to assure himself of their purity, and he shall regularly check the accounts of bazaar medicines.

553. The stock of drugs and instruments will be checked six monthly by the Medical Officer himself and a certificate issued to that effect and submitted to the Inspector-General of Prisons along with the Superintendent's certificate.

554. He shall be responsible that all medicines, instruments, etc., debited to the prison, are duly and faithfully expended for the use of the prison.

555. Corporal punishments may be carried out under the certificate of the Bombay Medical Service Officer, who for this purpose is appointed a Medical Officer under Section 61 of Act IX of 1894, if the Superintendent considers it desirable that the flogging should not be delayed till the arrival of the Medical Officer.

556. The Medical Officer shall pay special attention to the quality and quantity of the water supply of the Prison. If contamination is suspected, samples should be sent to the

Officer in charge, Laboratory, Poona, and the result of the analysis should be reported to the Inspector-General.

557. The liability of water to be polluted can be ascertained by a careful inspection of the source, surroundings and distribution of the supply. Such inspections should be made by Medical Officer at least once a month. When it is suspected that there is a chance of pollution occurring, steps should be taken to purify the water by chlorination.

558. The Medical Officer should arrange for proper distribution of work of his Subordinates and should arrange that one B.M.S. Officer Class III is available all time of the day, for any emergency.

559. He shall occasionally visit the prison cemetery and see that it is in proper order and shall also examine sites in the immediate neighbourhood of the prison with a view to the selection of suitable camping grounds in the event of an outbreak of cholera or other epidemic disease.

560. The Medical Officer shall inspect all new cells, wards and other buildings and shall certify whether they are, in all respects, fit for occupation by prisoners.

561. He shall see that the hospital books, registers and returns are properly kept and shall daily initial such as are necessary.

The Registers requiring his attention are:—

No. 32, Medical Officer's Journal.

" 33, Health Register.

" 34, Register of sick (with index).

" 35, Convalescent Register (with index).

" 36, Register of extra diet given to prisoners.

" 37, Requisition Book.

Register of Surgical Instruments and Medical Books.

Register of Hospital Clothing.

Expense book of drugs.

He shall keep a record in the form supplied (form C.M. 3) of all cases admitted to hospital.

562. A record of the number of prisoners who are treated as out-patients for minor ailments and also of the members of the staff and their families shall be maintained in the form prescribed by the Inspector-General of Prisons.

563. In treating weakly, convalescent and old prisoners the following points should be attended to:—

(a) They should form a separate class apart from the other prisoners.

(b) They should be allowed extra clothing and bedding at night and, if necessary, a blanket and extra clothing during the day.

(c) If necessary, extra and varied diet should be granted to them.

(d) Care should be taken that the old men have easy access to urinals during the night.

564. Opium is not to be given to a prisoner except on the written orders of the Medical Officer.

565. The Medical Officer may permit any prisoner to purchase from his private cash, any items of food, patient medicines, or articles of clothing, if he considers that these are essential for the maintenance of the health of the prisoner. All such orders shall be entered in Register No. 32.

566. Orders for extra diet, whether for prisoners in or out of hospital, and all other articles required for the sick shall be signed by him. He shall satisfy himself that his orders in this respect are carried out without any delay and that the wants of newly admitted sick prisoners are at once attended to. The diet of prisoner in hospital will be entirely under the Medical Officer's control and he may also order any change of diet which he may consider necessary for any particular prisoner. All extras given to prisoners whether in or out of hospital and all variations of the ordinary diet ordered on medical grounds shall be reported in detail to the Inspector-General through the Superintendent in the prescribed form every month. He should personally see that such diet is issued only to bonafide patient and restrict expenditure on this account to the minimum. The diet of the entire prison can only be changed by the Superintendent on the recommendation of the Medical Officer during the prevalence of epidemic disease, or in case of emergency. Any such action shall be at once reported to the Inspector-General.

567. Nominal rolls in Form Jail 36-A must be prepared by the Medical Officer each month and attached to the detailed contingent bill. These rolls must show the total number of prisoners (to whom a particular extra diet is given), the medical grounds, whether in or out of hospital who have received extras or food other than that supplied to ordinary prisoners during the month. The reasons for giving the extras or special diet must be stated in each case.

568. He shall report in Register No. 32 about the health of a prisoner or the prisoners generally, the result of his weekly and other inspections and any practice, acts or omissions which he may consider to be objectionable on sanitary grounds. He shall also report to the Superintendent for communication to the Inspector-General any circumstances connected with the sanitary conditions of the prison or the treatment of the prisoners which shall at any time appear to him to require consideration. He shall make a special report through the Superintendent to the Inspector-General of Prisons of any unusual or excessive sickness or mortality in the Prison.

569. He shall report to the Superintendent in writing the appearance of any epidemic or contagious disease likely to assume an epidemic form, and any irregularities in the hospital or any other part of the prison, which may come to his knowledge in connection with his medical duties or the sanitary arrangements in force, making at the same time suggestions for their correction. The appearance of epidemic disease of a contagious nature shall also be notified to the Surgeon-General; the Director of Public Health and the Director, Bombay Bacteriological Laboratory, Parel.

570. He shall give directions in writing for immediately separating from the other prisoners any prisoner having, or suspected of having, infectious, contagious, or mental disease, and for cleansing, disinfecting, or destroying any infected places, bedding or clothing.

571. He shall apply to the Superintendent for convict hospital attendants whenever he requires them. In the event of a prisoner who is seriously ill in prison, having a relative also in prison, the latter may be allowed, at the discretion of the Superintendent to attend on the patient.

572. The Medical Officer shall attend at all times on receiving information of the serious illness of a prisoner or officer or the family of the latter. The Medical Officer or Bombay Medical Service Officer at Yeravda Central Prison shall attend and give necessary medical aid to the staff members of the Prison Press, Yeravda.

573. When necessary the Medical Officer may call in a lady doctor in Government service to attend female prisoners—

(a) Such lady doctors are not entitled to fees but they, should be given conveyance charges to the extent necessary. Where lady doctors in Government service are not available the lady doctors employed by the Dufferin Fund and other Municipal and Local Board Institutions should be called in and paid fees in accordance with the following scale:—

I. By day

Medical Officers of the Women's Service and Medical Women with English Qualification.	...	Rs. 16 plus conveyance charges.
Lady doctors holding the degree of M.B.B.S.	...	Rs. 8 plus conveyance charges.
Lady doctors holding diploma of L.C.P.S.	...	Rs. 4 plus conveyance charges.

II By night

Double the above rates.

(b) Where no such lady doctors as are mentioned in paragraph

(a) above are available other lady medical practitioners should

be called in when necessary and should be allowed such fees as the Superintendent of the Jail considers reasonable.

(c) The cost on account of such fees and conveyance charges is debitable to "Medicine and Hospital equipment" and "Current Office expenses" respectively.

Note.—The rule is not applicable for female prisoners in Yeravda Female Prison.

574. (i) In all fatal cases *post-mortem* examinations should, if possible, be made, and the result noted, with a brief account of the general health of the prisoner at the time of his admission into prison, the nature of the work on which he had been employed, and his illness and punishments during the whole period of his imprisonment, and any remarks the Medical Officer may think necessary to offer on the nature and cause of the disease and on the general clinical features of the case with any account of the appearances after death. The *post-mortem* examination may be dispensed with in cases in which the Medical Officer is able to certify, with absolute certainty, the cause of death without a *post-mortem* examination.

(ii) A decision to dispense with a *post-mortem* examination requires the concurrence of the Superintendent of the Prison.

575. He shall be responsible that every prisoner, transferred or removed for any purpose, is in a fit state to undertake the journey required of him, and shall certify at the foot of the nominal roll that the prisoners are fit for transfer. He shall see that sick prisoners are provided with proper diet for the journey.

The Bombay Medical Service Officer

576. He shall enter the prison in the morning when the first bell rings, and not leave it in any case until the Superintendent and Medical Officer have completed their rounds. He shall again be present from such hour in the afternoon as may be fixed by the Superintendent until "lock-up", and shall be ready at all times to attend when his services are called for. He shall visit the hospital at night when there are any serious cases. If the Bombay Medical Service Officer has other duties (*vide* rule 594) his hours shall be fixed by the Medical Officer in consultation with the Superintendent.

577. In prisons where there are two or more Bombay Medical Service Officers, one shall always be present in the prison from 9 p. m. until the opening of the prison in the morning, and the Senior Bombay Medical Service Officer shall arrange that the Junior Bombay Medical Service Officer or compounder is present whenever he himself is absent. In places where there is only one Bombay Medical Service Officer, the

Medical Officer may ask the compounder to attend to emergent duties if he considers this feasible.

578. The Bombay Medical Service Officers are not permitted to engage in private practice but draw the pay of their grade *plus* the jail allowances sanctioned by Government in the case of each prison. Jail allowances are treated partly as special pay and partly as compensatory allowance and drawn monthly in the pay bills of the officers concerned.

579. The Bombay Medical Service Officer is at all times subordinate to the Medical Officer but in all matters outside the hospital he should merely report his observations to the Medical Officer or the Senior Jailor, as the case may require. In all matters connected with the care of the sick or other professional duties, he is under the orders of the Medical Officer but in matters connected with discipline and the maintenance of order in the prison he is subjected to the orders of the Superintendent and Medical Officer.

580. He is responsible to the Medical Officer for the maintenance of cleanliness, order and discipline in the hospital, and that all prison rules are strictly observed in it, and also for the care of the hospital furniture and extra clothing used in the hospital.

581. He shall attend the Superintendent on his weekly inspection of the prison buildings, yards and prisoners.

582. When the Medical Officer visits the prison, the Bombay Medical Service Officer shall accompany him on his round and take notes of any orders given by the former regarding the sick or the sanitation of the prison.

583. He shall at once visit any prisoner complaining of sickness and afford him the necessary treatment. As a rule he will admit such cases at once into hospital, but, if he thinks this is unnecessary, he will bring them to the notice of the Medical Officer at his next visit.

584. He shall see that prisoners sent to Hospital are sent in batches. Prisoners from the whole Jail should not be collected in Hospital and the place made a meeting place.

585. He is responsible that all medicines are correctly prepared and administered, and that all drugs and instruments are kept under lock and key, a separate receptacle with the word "poisons" painted on it being provided for poisonous drugs. No key of any receptacle for medicines or drugs shall ever be entrusted by the Bombay Medical Service Officer to any member of the subordinate staff or any prisoners.

586. He is responsible that the sick attendants do their duty, and also that the necessity for such attendants is brought to notice.

587. He shall carefully watch all prisoners who may possibly be malingering.

588. No prisoner shall be flogged unless it is certified by the Medical Officer, or in his absence the Bombay Medical Service Officer, that the prisoner is fit to undergo corporal punishment.

589. It is the duty of the Bombay Medical Service Officer to vaccinate all prisoners and infants resident in Prison, under the orders of the Medical Officer, and where quarters are provided for members of the establishment in the vicinity of the prison, vaccinate each member of the establishment and their families.

590. He shall afford medical aid to all the prison staff and their families living on the premises, and in cases of difficulty shall consult the Medical Officer. The Bombay Medical Service Officer at Yeravda Central Prison shall attend and give medical aid to the staff members of the Prison Press, Yeravda.

591. He shall examine periodically the wells, tanks, or other sources of water supply and shall bring to the notice of the Medical Officer any deficiency in the supply or likelihood of the water being polluted. Where filters are used, they shall be examined daily to see that they are clean and in good working order.

592. He shall at once bring in writing to the notice of the Medical Officer any unusual epidemic or infectious disease in the prison or its neighbourhood.

593. He shall report all deaths at once to the Senior Jailor and Medical Officer, and see that the body is decently removed to the dead-house. He shall make the necessary preparation for the *post-mortem* examination, assist the Medical Officer in making it, and shall be responsible that the body is afterwards properly stitched up and covered.

594. In addition to his own proper duties as above detailed, he will render the Medical Officer every assistance, exercising a general vigilance over all matters which can in any way affect the health of any of the inmates of the prison and reporting to the Medical Officer any instance in which he believes that sanitary or prison rules affecting the health of the prisoners have been neglected, as for example, in such a matter as the following, against which the Medical Officer himself should be on the alert:—

- (a) Overcrowding of wards, workshops or other space.
- (b) Incorrect weightment or distribution of food.
- (c) Unseasonable, worn-out or dirty clothing.
- (d) Neglect of personal cleanliness.
- (e) Undue exposure of prisoners to cold, wet or sun.
- (f) Unpunctuality or curtailment of meals.
- (g) Neglect to air dry or clean bedding.
- (h) Unsuitable task, especially in the case of weakly prisoners.

(i) Save in emergencies the use of workshops as dormitories or vice versa.

595. It should be understood that these rules are not intended to relieve in any way the Medical Officer in charge of a prison of his personal responsibility for the medical and sanitary arrangements of the prison, but in the absence of the Medical Officer the Bombay Medical Service Officer shall perform the former's duties.

Compounders

596. Compounders shall obey any orders of the Bombay Medical Service Officer which are not inconsistent with the Medical Officer's instructions and with the rules of this Manual. They are subordinate to the Superintendent, Medical Officer and Senior Jailor, and as regards leave (other than casual), punishment and discipline, they shall be treated as subordinate officers in superior service of the Bombay Jail Department.

597. The compounders shall help the Bombay Medical Service Officer to maintain Hospital Registers.

Hospital Management

598. Hospitals shall be kept scrupulously clean and well ventilated. Noisy lunatics shall not be kept there but in separate cells. The walls of the hospital shall be scrapped and white-washed once in six months, and oftener if necessary.

599. It is of the greatest importance that the strictest cleanliness be at all times observed in the clothing and bedding in use in the hospital, and the Medical Officer shall take such steps as may be necessary to secure this.

600. The hospital cots shall be of iron with cotton tape. Every occupied cot shall be provided with a proper mattress, a pillow with a white pillow case, two white sheets distinguished by red stripes and such blankets as may be necessary. Mosquito curtains shall also be provided in malarious localities. In all cases a record in Form C. M. 3 shall be kept. In fever cases a temperature chart shall also be kept.

601. All prisoners complaining of illness shall be brought before the Medical Officer and shall be examined by him, and he shall determine whether they shall be detained under observation, treated outside the hospital, placed on the convalescent gang, or admitted into hospital. If he thinks none of these courses necessary, he may make any recommendation in writing as to the prisoner's labour or diet in Register No. 32, which shall be laid before the Superintendent for information and orders.

602. In the absence of the Medical Officer the Bombay Medical Service Officer may admit prisoners into hospital, bringing them before the former on his next visit. Any order passed by the Medical Officer as to a prisoner's labour or diet shall be entered in the latter's history ticket.

603. All border line cases (i.e., cases which are not fit to be sent to the Mental Hospital but which show signs of mental disorder) of prisoners suffering from mental disorders shall be concentrated in the Yeravda Central Prison Hospital for treatment.

604. The Superintendent shall in communication with the Medical Officer, detail a sufficient number of well conducted prisoners to perform the menial duties of the hospital. Prisoners so detailed shall be under the immediate orders of the Medical Officer, and shall perform such duties as he may require of them.

605. In each Jail specially selected intelligent prisoners shall be trained in nursing by the Medical staff and shall not be transferred from the hospital to other work except on account of misconduct and with the concurrence of the Medical Officer.

606. When a prisoner is admitted to the Jail Hospital and placed under the treatment of the Medical Officer, all medicines including patent medicines, extra or special diet and clothing should be supplied to him at Government expense to ensure his speedy recovery. It is not, however, necessary to give special medical treatment to the patient prisoners with costly special drugs like streptomycine, chloromycine, etc., when they can be cured with ordinary medicines even though the period in which they will be cured will be slightly longer. If a patient prisoner is desirous of having treatment with special and costly drugs at his own cost he should be given every facility to purchase them, provided the Medical Officer considers it necessary in the interest of the health of the prisoner. In exceptional cases, however, if the Medical Officer considers that but for the treatment with special drugs the disease form which a particular prisoner is suffering is likely to prove fatal, the Medical Officer may supply special drugs to the prisoner in the Prison Hospital. The same rule should also apply when the patient prisoner is transferred to the local Civil Hospital for treatment. In any particular case, however, if the Civil Surgeon considers that treatment with special drugs is indispensable, the patient prisoner may be so treated and the expenditure on the treatment met from the regular grants at the disposal of the Civil Hospital or the Poor Fund or the Hospital Maintenance Fund.

In the case of prisoners, who are accustomed to a particular type of food or patent medicines, etc., but who are not admitted to the hospital and placed under treatment, the Medical Officer may, if he considers that particular type of food or medicine is essential for the normal maintenance of health of such prisoners, allow them to be supplied at the prisoner's own cost.

607. A prisoner may be detained for 24 hours but not longer in hospital under observation, without being brought on

Register No. 33. If the Medical Officer finds a prisoner to be malingering, he shall at once, report the fact to the Superintendent, for punishment.

603. Prisoners detained in hospital for observation (*vide* Rule 607) shall wear their own clothing but when admitted shall be provided with special hospital clothing which shall be distinguished by red stripes instead of blue being woven into the material. The prisoner's own clothing shall then be washed and stored until he is discharged from hospital.

609. Except in cases of urgent necessity, which shall be reported to the Inspector-General, no sick persons other than prisoners shall on any account be admitted into the prison hospital for treatment. All hospital clothes including bedding should be washed at Government expense in Hospital laundry. If this is not available it should be done in general laundry. This must be done every week.

610. In every prison there shall be formed a gang, which shall be termed the "Convalescent gang." This gang shall be made up of (1) prisoners who from age or bodily infirmity are physically and permanently incapacitated from the performance of hard or medium labour; (2) prisoners who have been discharged from hospital convalescent and who are temporarily unfit for hard or medium labour; (3) prisoners who are generally out of health, suffering from mal-nutrition and the like. Prisoners of this gang shall not be excused all labour (except under the written recommendation of the Medical Officer), but some light work suited to their strength shall be assigned to them. They shall be examined daily by the Bombay Medical Service Officer and at least once a week, by the Medical Officer. They shall, as far as practicable, be kept together and their names shall be entered in Register No. 35.

611. (i) Prisoners convalescent from dysentery cerebro-spinal meningitis and pneumonia should be segregated for at least a month after their discharge from hospital.

(ii) Similarly prisoners suffering from skin and other contagious diseases should be kept in Jail hospitals.

612. If a case in Jail hospital does not respond to treatment within a reasonable time or when the Medical Officer is not certain about the diagnosis he should consult the Civil Surgeon of the District.

613. In cases where the Medical Officer considers X-Ray or any other examination for diagnosis necessary which is not available locally, he should refer the case for orders to the Inspector-General of Prisons.

614. Urgent cases requiring immediate surgical or other treatment which cannot adequately be given in a Jail hospital should be transferred at once to the local Civil Hospital and report made to the Inspector-General of Prisons. Cases where delay

is not likely to do any harm should be transferred only with the previous sanction of the Inspector-General.

615. Prisoners, who are desirous of having extra medical facilities in respect of diet or clothing in addition to those provided for in the Jail hospitals, may be allowed to supplement them at their own cost, provided the Medical Officer considers it necessary in the interest of the health of the prisoner.

616. Prisoners who want dental treatment over and above what is available in the adjacent Civil Hospital, may be allowed to have it at their own cost.

617. When the Medical Officer is of opinion that the removal of a sick prisoner to another prison is absolutely necessary to save his life and is likely to lead to his recovery, he shall submit a brief statement of the case to the Superintendent, and point out the prison to which he considers a transfer desirable. The Superintendent shall submit the recommendation to the Inspector-General for his orders.

Note.—If any prisoner transferred for the benefit of his health dies, within three months after his arrival, of the disease on account of which he was transferred, his death shall be borne on the returns of the transferring prison, but if during such 3 months he dies of a different disease or dies subsequent to such 3 months of the disease on account of which he was transferred, his death shall be included in the returns of the prison wherein he dies. In the former case, his admission shall not be included in the statistics of the receiving prison nor his transfer in the statistics of the despatching prison.

Epidemics

618. Any case of infectious disease, or any case suspected of being infectious, shall immediately be separated and treated apart; and the strictest isolation of the case shall be maintained until it has been pronounced by the Medical Officer safe to discontinue such isolation. The Medical Officer shall give written instructions as to the cleaning, disinfecting or destroying of any infected clothes or bedding, and he shall satisfy himself that they are carried out.

619. When a case of infectious disease has occurred or been treated in a ward, the ward, shall at once be disinfected by a solution of perchloride of mercury, (1 in 500) being sprayed or dashed over the floor, walls, rafters and ceiling of the ward. The walls when dry should be thoroughly scraped, and the floor, if of earth, when dry shall be thoroughly dug up to the depth of 2 or 3 inches, the scrappings from the walls and the earth from the floor being removed and burnt and the floor being relaid with fresh earth.

620. The chief epidemic diseases which are likely to occur in Prisons are:—

Cholera, diarrhoea, small-pox, cerebro-spinal meningitis, influenza, relapsing fever, dysentery, pneumonia, plague beri-beri, mumps, measles and scurvy.

621. If within a week after the first case of cholera, cerebro-spinal meningitis or plague has shown itself in a prison, two or more cases occur, it shall be considered that the disease has assumed an epidemic form and information shall *at once* be sent to the Inspector-General and to the neighbouring Prisons if necessary.

622. In the event of epidemic disease being present in the vicinity of a prison, care shall be taken, as far as possible, to prevent any communication taking place between the inmates of the prison and the infected locality.

623. More than the ordinary attention shall be paid to all the usual conservancy arrangements of the prison, and the Medical Officer shall recommend such alterations in the prison diet as may be calculated to guard prisoners from liability to the attacks of epidemic disease. A few sick as possible ought to be collected in the Jail hospital, all trifling ailments being treated in barracks.

624. If any epidemic disease is present in a district, care shall be taken that all prisoners received from such districts are carefully examined and made to wash themselves and their clothing thoroughly disinfected on admission into prison. They shall then be rigorously segregated for a period of not less than ten days in such manner as the Medical Officer may deem proper. The assistance of the district authorities should be asked with a view to all prisoners being admitted sufficiently early in the day to allow of washing and disinfection on the same day.

625. For every prison, one or more camping grounds, sufficient to accommodate the usual total population with guards, shall be selected. The selection shall not be left till an epidemic actually occurs. The Superintendent shall select these camping grounds in communication with the District Magistrate, and the Medical Officer.

626. Every camping ground shall be selected so as to comply, as far as possible, with the following conditions; its exact accommodation shall be ascertained by measurement, and in making the selection special attention shall be paid to its state during the rains:—

(a) It shall be easy of access and not nearer than two miles to any military cantonment or than one mile to any civil station or town.

(b) It shall not be on any great lines of communication.

(c) The ground shall be high and well drained.

(d) There shall be a good supply of drinking water.

(e) There shall be no rank vegetation, and thick tops of trees must be avoided.

(f) The distance of the camping ground from the prison shall not ordinarily exceed five miles without Inspector-General's permission.

627. When a removal into camp becomes probable, the Superintendent and Medical Officer shall inspect the ground afresh and satisfy themselves that it is really available and in order.

628. It is desirable that every prison, where a site is available, shall be provided with two permanent isolation sheds built outside the prison walls. On the first occurrence of a case of cholera, plague, cerebro-spinal meningitis or suspicious diarrhoea, the patient shall not be taken to hospital, but shall be immediately removed out of the prison to one of these sheds, while in the other shed all attendants, sweepers, etc, looking after the case shall be strictly isolated and shall, on no pretext, be allowed to enter the prison or communicate with other prisoners until all risk of infection is over.

629. The utmost care must be taken that all prisoners employed in cleaning a ward in which a case of epidemic diarrhoea, cholera, or plague has occurred, or who have been in contact with the patient after the first symptoms have appeared, are retained under medical observation in a separate building, where available, in a manner that shall effectually prevent their mingling, on any pretext, with other prisoners who have not been so employed, special care being taken that they are bathed and fed apart, and that their excreta are separately collected and are disinfected before removal, and that their clothing are thoroughly disinfected before they are again allowed to mix with other prisoners.

630. These disinfecting parties shall, as far as possible be selected from among those prisoners who have been confined in the same ward or barrack as that in which the case of epidemic disease has appeared.

631. If an epidemic of any of the diseases named in Rule 620, specially cholera, becomes severe, all or a part only, of the prisoners may be moved from the prison either to any place on the prison premises or to the prison camping ground. The Medical Officer shall decide, after consulting the Superintendent, when it is necessary to move the prisoners from the prison, provided that if the Superintendent does not agree with the Medical Officer's decision he shall before acting on it, refer the question for the orders of the Inspector-General by telegram. Similarly, if the Superintendent and Medical Officer disagree as to whether the whole or a part only of the prisoners shall be moved or whether they shall be moved to the Prison camping ground or to any place on prison premises, the questions at issue shall be referred to the Inspector-General by telegram. In any case in which any removal of prisoners is determined, the fact shall be at once reported to the Inspector-General by

telegram. When the prisoners are being moved out of the prison, the District Magistrate and the Police authorities should be communicated with, so that any extra guard of Police, if required for the camp, may be in readiness.

632. The evacuation of a whole prison involves large expenditure and disturbance of discipline and labour. It should not therefore be resorted to except with Inspector-General's sanction. If the monsoon is in progress, prompt reduction of the Jail population by removal of a portion of the prisoners into camp may be attempted as it allows the infected wards to be vacated and cleansed.

633. When the tents provided at the prison are insufficient for the accommodation of the prisoners, application shall be made by telegram to the Inspector-General; and if more tents are not procurable, huts shall be put up for the shelter of the prisoners. The tents, after the camp is closed, shall be allowed to stand for a few days, during which they shall be thoroughly disinfected.

634. When prisoners are moved into camp, dry straw may be provided for them to sleep on and cots for the sick.

635. In camp there shall be two detached hospitals one for the treatment of miscellaneous cases, and the other for the treatment of epidemic cases. These shall be to the leeward of, and some distance from the camp.

636. Careful attention shall be paid to the conservancy of the camp and the trenches shall be dug every day to the leeward of the position. The prisoners and all others connected with the camp shall be made to resort to these trenches for the purposes of nature. These trenches shall be covered over with earth every evening.

637. No one but prison officials, or those having the Superintendent's pass, shall be allowed to enter a camp. The boundary of a camp can be effectively marked by a ditch 6 inches deep and 18 inches wide; the earth from this being all heaped up outside. By these means a sharp, well-defined shadow is thrown which at night assists the sentry in detecting any one crossing the boundary. In place of the trench a fence of thorny bushes, if available, may be constructed.

638. If the disease continues unabated in frequency and virulence after the removal of the prisoners, it will be advisable to shift the camping ground.

639. Where epidemic disease has broken out in a prison, and *it may not be considered desirable to remove the prisoners into camp*, the following precautions shall be observed in the prison during the prevalence of the disease:—

(i) The barrack in which a case occurs shall be immediately vacated, other accommodation being found for the inmates

who shall be kept together, and on no account be distributed amongst the other prisoners. The vacated barrack shall be thoroughly and carefully disinfected, the disinfection being carried out if possible by the prisoners who occupied the barrack.

(b) The condition of every prisoner shall be carefully watched, as the earlier a patient is treated the greater is the chance of his or her recovery. During the night enquiries as to the health of the inmates of each barrack shall be made by the sentries every hour, and any person attacked by premonitory symptoms shall be immediately removed for treatment. Convict Officers shall be required to report at once any sign of sickness, and a prisoner visiting the latrine oftener than usual shall be placed under observation.

(c) The most scrupulous attention shall be paid to the latrines and every detail connected with "dry earth conservancy" shall be most carefully and continuously enforced. Should any latrine have been used by a prisoner suffering from cholera or epidemic dysentery or diarrhoea the latrine shall be closed and disinfected; all pans, if of earth, broken and buried or burnt; if of iron disinfected with fire or strong disinfectant solution, exposed to the sun, and tarred.

(d) The measure enjoined in Rule 619 shall be adopted and a wood fire shall be burned in each ward or cell, the doors and windows being closed for a short period.

(e) All overcrowding shall as far as possible be strictly avoided both in the hospital barracks and cells. If the epidemic be severe, it may be desirable to give up the hospital to epidemic cases, removing all other cases to any temporary hospital that can be improvised in a ward or workshed, should there be no better place available. Slight cases of colic or ordinary diarrhoea should also be treated separately and not admitted to hospital until the characteristic symptoms of cholera have appeared.

(f) Those parts of the hospital floors which are liable to be soiled may be sprinkled with ashes, saw-dust or fine sand. All discharges shall immediately be carried away, and any portion of the floor which is soiled shall be at once cleaned and thoroughly wetted with strong solution of carbolic acid, or perchloride of mercury.

(g) During epidemic disease if the water supply is not absolutely free from suspicion, special attention shall be paid to the chlorination of all drinking water.

(h) If necessary the number of sweepers shall be increased; and if there are not sufficient prisoners available for conservancy duty, the extra number required shall be engaged from outside. The convict sweepers and attendants on patients may be encouraged in their work by a small daily allowance of tobacco or some inexpensive

change of diet or increase in the rates of wages. All reasonable charges, which it may appear necessary to incur in carrying out these rules, will be passed by the Inspector-General.

(j) Work in the factory shall be relaxed, but not discontinued entirely. The prisoners, if in camp, shall be employed in cleaning and levelling the ground and other easy labour. A mid-day rest for more than the prescribed hours shall be allowed, if considered essential by the Medical Officer.

(j) If for ten clear days no fresh case has occurred either in camp or in the prison, and the prescribed purification of the latter has been completed, the prisoners may return to it.

(k) Before the prisoners return, the whole of the clothing and bedding shall be boiled for 10 minutes or disinfected by steam if a disinfectant is available.

(l) The dejecta of a patient suffering from cholera shall be received in a vessel containing some disinfectant and be immediately buried or burnt.

(m) On the recovery or death of a patient suffering from a dangerous infectious disease, the clothing and bedding shall be immediately burnt.

(n) The prison officials and their quarters shall be attended to in every respect according to the rules laid down for the protection of prisoners.

(o) Cases occurring amongst the female prisoners are to form no exception to these rules.

(p) The body of a prisoner who has died of a highly infectious disease shall be entirely wrapped in a sheet saturated with a strong disinfectant e.g., one part perchloride of mercury in 500 parts of water and buried or burnt with the least possible delay.

(q) Whenever epidemic sickness prevails in a prison, a return in Jail Form No. 93 shall be submitted daily to the Inspector-General. On this return the Medical Officer shall briefly note the measures he is taking to arrest the epidemic, and any information he may consider of importance. The return shall be discontinued when the attacks have ceased. The outbreak shall also be reported to the Chief Sanitary Officer of the district.

(r) An outbreak of epidemic disease shall be reported immediately to the Director of Public Health by the Medical Officer through the Superintendent.

640. When it is clearly apparent that plague or cholera is established in an epidemic form in a jail or in the surrounding districts inoculation (on Professor Haffkin's system) shall be resorted to without delay in consultation with the Director of Public Health or his local representative.

641. If there is any reason to think that the clothing of any Jail guard or prison official is likely to have been polluted by any cholera discharge it shall at once be withdrawn from use and disinfected.

642. In each Central, Special and District Prison there shall always be a squad of 5 to 10 prisoners and 2 Convict Officers specially trained by the Medical Officer to take preventive measures against the spread of epidemics as detailed in the following instructions which are for the guidance of the Jail staff in general and do not fetter the discretion of the Medical Officer to take such other preventive measures as he deems necessary. The squad should be used for taking the preventive measures as soon as there is a reasonable apprehension of an epidemic spreading in the Jail.

Instructions for the Prevention of Malaria

643. The following are some of the useful directions for the prevention and cure of Malaria:—

(1) The most important preventive action against malaria is the extermination of anopheles mosquitoes, which breed in wet mud or in any collection of water, howsoever small, in the vicinity of quarters. This can best be given effect to by the following measures.

(a) Draining and filling in pits, depressions and hollows near the lines.

(b) Clearing rank vegetation from the bank of all pools and water courses which cannot be filled in.

(c) Regularising the courses, as far as possible, of all surface drains and water courses to prevent the formation of small pools.

(d) Clearing all undergrowth for a distance 100 yards around the lines. In this connection gardens or other places where water can collect or wet mud be formed must be strictly prohibited.

(e) All empty tins, broken bottles or pieces of "Chatty" in which water is likely to be collected should be gathered and removed from the vicinity of lines at least once a week and buried.

(f) All pools and disused wells which cannot be emptied or filled should be treated by pouring or spraying kerosene oil over the surface about every fourth day.

(2) The application every night to the face and neck of a small quantity of oil of Eucalyptus, oil of Citronella or other strong smelling essential oil or a mixture in the proportions of four wine bottles of oil of Eucalyptus to one tin of kerosene oil is efficacious and should be distributed, with directions for use, to Jail guards where mosquitoes are prevalent.

(3) Quinine and Mepacrine have to be taken for at least 5 days for the treatment of a primary attack, whereas a single administration of Paludrine will equally serve the purpose. Paludrine is therefore recommended as an anti-malaria drug. The dosages of paludrine are as under :—

(a) Paludrine tablet of .1 gm.

Age	Dosage
Below 6 months	... $\frac{1}{4}$ Tablet.
6 months to 12 months	... $\frac{1}{2}$ "
1 year to 5 years	... 1 "
6 years to 10 years	... 2 Tablets.
Above 10 years	... 3 "

(b) Paludrine tablets of .3 gm.

Age	Dosage
Below 1 year	... $\frac{1}{6}$ to $\frac{1}{4}$ of tablet.
1 year to 5 years	... $\frac{1}{3}$ tablet.
6 years to 10 years	... $\frac{1}{2}$ tablet.
Above 10 years	... 1 tablet.

(4) A dosage of two tablets of Paludrine a week at intervals of 3 and 4 days will ward off a malarial attack. A regular Paludrine parade may therefore be arranged by the Medical Officer for prisoners and guards twice a week at intervals of 3 and 4 days during the malaria months and for at least two months thereafter (i. e., from [August to the end of January.)

Instructions the Prevention of Plague

644. (1) Plague is essentially a rat disease and the infection is conveyed from a rat to a human being by means of the flea. Rat fleas do not pass their whole existence on the bodies of rats, but drop off after sucking blood. Plague first makes its appearance among the rat population and fleas from plague stricken rats bite men readily in the absence of rats. The best means of prevention of plague are:—

(i) Destruction of rats by (a) trapping, (b) poison baiting, and (c) starving through making any food stuffs inaccessible to them. Rats caught in traps may either be sent for examination to a laboratory or destroyed preferably by drowning. Rats found dead after baiting should be sprinkled over with crude kerosene or a 10 per cent solution in water of kerosene emulsion or pestrine in order to kill the fleas.

(ii) Prevention of infection by (a) avoiding contact with persons and localities infected by plague and (b) going out of the place infected i. e. by segregating yourself from likely infection.

(iii) Immunisation by means of inoculation.

(2) Every endeavour should be made by all Jail official to persuade the men to be inoculated, more especially when rats die in or near the lines. Force is not to be used, but the advantages of inoculation can be explained, pointing out at the same time that should a man succumb to plague in spite of inoculation (an unlikely contingency) there is a better chance of some provisions being made for his family by Government. If Government servants neglect to take prophylactic treatment such as inoculation or vaccination against plague, cholera, or small-pox, when it appears in the areas in which they are serving their families cannot except to be considered for compassionate grants in the event of their death.

(3) The Superintendent shall arrange for the inoculation of jail staff and their families either through the Medical Officer of the jail or through the Civil Surgeon if there is no jail Hospital.

Instructions for the Prevention of Influenza

645. (1) The earliest symptoms of influenza are usually those of a severe feverish cold; it is most infectious in its early stages; it is spread by discharges from the mouth and nose; it kills many by its complications and every person suffering from the disease, no matter of how a mild form, is a danger to others.

(2) In order to lessen the risk of an attack of influenza, the following instructions should be observed:—

(i) Avoid crowded gatherings, closed ill-ventilated buildings or carriages.

(ii) Avoid coughing, sneezing, spitting and tawking in public places.

(iii) Work and sleep in well ventilated rooms.

(iv) Wear warm clothing.

(v) Irrigate the nose with a solution of common salt, one teaspoonful to a pint or 20 Ozs. by sniffing up the solution and/or make gargles with the solution.

(vi) Hold a handkerchief in front of your mouth (if you are attacked by influenza) while coughing or sneezing.

(vii) Boil or sterilize the handkerchief used while coughing or sneezing (when attacked), and burn it, if of paper.

Instructions for the Prevention of Cholera

646. (1) The following are the sources from which infection of cholera is carried:—

(a) The poison of cholera is a very minute living organism, so minute that many lakhs of them could be placed on a silver two-anna piece. The living organism multiplies in the body of the person suffering from cholera, and leaves the body in the vomit and dejecta. The vomit and dejecta are, therefore, full of the poison

of cholera. it is by them that the infection is carried from person to person.

(b) A person can only be attacked by cholera, if he swallows in his food, and drink some living cholera organisms.

(c) Food including milk is contaminated by flies settling on it, or by the soiled hands of those who prepare it for use or otherwise handle it.

(d) Water in a river or tank is usually infected by the washing of soiled clothes in it or by persons with soiled hands or feet washing in it, or entering with cattle.

Water in a well is usually infected by soiled vessels being dipped in it; or by washing clothes in the neighbourhood, so that some of the soiled water can trickle back into the well.

(2) Cholera organisms are delicate and are killed by heat or by certain disinfectants, such as permanganate of potash and chlorogen. Hence during a cholera epidemic, people who drink only water or milk which has been boiled and eat only freshly cooked food while it is still hot will not get cholera. If food is allowed to get cold before eating, it may be reinfected by flies settling on it. Flies sit on dejecta and vomit and so carry filth directly to food.

(3) The digestive juice of the stomach in its healthy state is slightly acid and destroys the germs of cholera; but the eating of too much fruit, or of any under-ripe or over-ripe fruit may destroy this natural power of resisting cholera. Hence during a cholera epidemic, do not eat fruit of any kind, and avoid sherbets.

(4) The following precautions should be taken to protect oneself from cholera:—

(a) Never drink any water which has not been boiled;

(b) Store boiled water in vessels which are cleaned every day by rinsing them with boiling water. Keep the vessels carefully covered.

(c) Allow no one to dip cups in the vessels for storing water. If cups are used for drinking, they should be filled by pouring water from the storage vessels.

(d) Never drink unboiled milk;

(e) Do not lower your power of resisting infection by eating fruit or drinking sherbets.

(f) Eat only freshly cooked hot food. Do not eat sweets and dried fruits bought in the bazaar, which may have been infected by flies. Everyone must have seen the swarms of flies, on sweets and other articles of food exposed for sale in shops.

(g) Never eat uncooked vegetables.

(h) Wash your hands carefully before eating.

(i) Do not enter a house in which there is a case of cholera.

Vaccination

647. Section 33 of the Bombay District Vaccination Act (I of 1892) runs as follows:—

Subject to such rules as the Inspector-General of Prisons with the sanction of Government may make in this behalf, and to such exemptions as Government may from time to time, by either a general or a special order, authorize, the operation of vaccination shall be performed on every person confined in any of the cases hereinafter mentioned, whatever the age or sex of such person may be, and whether such person consent to undergo such operation or not, that is to say, in the case of every person in respect of whom—

(a) Imprisonment for more than one month or transportation has been awarded as part of the substantive sentence of a criminal court, or

(b) a criminal court has directed imprisonment in default of payment of fine for a term which, if the fine be not sooner paid, will exceed one month, or

(c) a court has directed imprisonment for failure to give security for good behaviour for a term which, if security be not sooner given, will exceed one month, or

(d) an order has been passed by Government under either Section 466 or Section 471 of the Criminal Procedure Code, 1898, for his confinement as lunatic.

648. A prisoner who, at the time of admission, is protected against small-pox in the sense either of showing unmistakeable signs of having suffered from the disease, or of bearing clear and well defined marks of recent vaccination, need not necessarily be vaccinated; but the Medical Officer in charge must use his discretion in the matter. No prisoner need be vaccinated in whose case the Medical Officer for any special reason considers vaccination undesirable.

649. The vaccination of prisoners shall be carried out either by the Medical Officer or Bombay Medical Service Officer of the Prison. Lymph shall be obtained monthly from the Vaccine Institute, Belgaum.

650. All Jail employees and their families residing in prison quarters must be vaccinated.

Lepers

651. Any undertrial prisoner suffering from leprosy and any convict leper, whose segregation the Medical Officer recommends, shall be segregated from all other prisoners, a cell, ward or temporary shed being set apart for the purpose. Care shall be taken that such confinement is not solitary. The prisoner shall see and may converse with other prisoners, and, if he is a convict sentenced to rigorous imprisonment, he shall not be given any work which is likely to be handled by others.

652. If the disease is in an advanced stage, or if for other reasons it seems advisable, the Inspector-General shall order the transfer of the convict from the prison in which he is confined to a prison where accommodation is set apart for this class of prisoners.

653. Upon any convict suffering from leprosy being admitted into any prison except Yeravda, a nominal roll regarding him

shall be submitted to the Inspector-General together with a brief medical case which shall state, amongst other matters, whether the disease is in the ulceration stage, or not, and whether the Medical Officer recommends the convict's removal to a prison where there is a leper ward, (Wards for leper convicts shall be provided in the Yeravda Central Prison).

654. Cells or wards which have been occupied by lepers shall be lime-washed and thoroughly cleansed before any other prisoner is confined in them. The prison clothing used by a released leper shall either be disinfected or destroyed, as may be recommended by the Medical Officer.

655. When a leper prisoner is travelling by rail, due notice of the fact shall be given to the Railway authorities.



CHAPTER XXI

JAIL GARDEN, DAIRY AND POULTRY

JAIL GARDENS

Staff

656. As far as possible, there should be a graduate in agriculture attached to each Central Prison, Visapur District Prison and Borstal School, Dharwar, who shall be in immediate charge of the gardens and field. At other Jails the charge of the garden shall be committed to a Field Kamgar (Field-man) or a Senior Jail Guard, who thoroughly understands gardening and who should, if possible, be specially recruited for this purpose.

657. The Senior Jailer shall be responsible that the garden contains at all seasons a sufficient quantity of good succulent vegetables for prison use, and if this is not achieved he shall be required to show that the failure was not due to neglect on the part of those in charge of Jail garden.

658. The following notes on growing vegetables are meant for the information and guidance as far as possible of Agricultural Officers and those concerned with Jail gardens agricultural lands.

(1) AGRONOMY

Definitions and Descriptions of a Few Agronomical Terms With Their Uses

(A) *Soil*.—It is a layer of the earth's surface consisting of desintegrated rocks and plant residues, which is fitted to support the growth of plants under suitable environmental conditions.

Practically, soils can be classified as given below:—

(a) *Sandy soil*, which contains 80-90 parts of sand and 10-20 parts of clay.

(b) *Sandy loam soil*, which contains 70-80 parts of sand and 20-30 parts of clay (Suitable for vegetables when well manured and well drained).

(c) *Loamy soil*, which contains 60-70 parts of sand and 30-40 parts of clay (Suitable for vegetables when well manured and well drained).

(d) *Clay loam soil*, which contains 50-60 parts of sand and 40-50 parts of clay (Suitable for vegetables when well manured and well drained).

(e) *Clay*, which contains above 50 parts of clay (Suitable for vegetables when well manured and well drained).

The soils can be put in any of the above classes even by feeling the soil between the fingers when wet. The feel of sandy soil gritty, that of loamy soil and clayey soil, floury and sticky respectively.

(B) *Manure*.—It is a plant food material added to the soil so as to supplement the nutrients of the soil and to keep the soil in a good chemical, biological and physical condition.

Broadly, manures are classified as (a) organic and (b) inorganic and then sub-classified as follows:—

*Classes:—(a) Organic manures:—*Manure originated from animals and plants, e. g., Farm Yard Manure, green manure, ashes, leaf mould, bone-meal, oil cakes, excreta of animals, etc.

*(b) Inorganic manures:—*All manures not originated from animals and plants but originated from minerals and rocks, etc., e. g. superphosphate, ammonium sulphate, potassium nitrate, rock phosphate, sodium nitrate etc.

*Sub-Classes:—(i) Farm Yard Manure:—*Manure prepared out of the farm waste by ordinary methods which is added to soil generally at the rate of 500 to 1000 lbs./1 Guntha (33'x33') or 20,000 to 40,000 lbs. i. e., 20 to 40 cart loads/1 acre (40 Gunthas) as required.

*(ii) Compost manure:—*Manure prepared out of bulky farm waste through biological fermentation. During the filling of compost pit, the "starter" in the form of dung paste and old manure is added on every one foot layer of farm waste to start biological fermentation.

*(iii) Leaf mold:—*Partially decayed matter of plant leaves only.

*(iv) Humus:—*Completely decayed matter of all parts of the plant and resistant to further decaying actions.

*(v) Liquid manure:—*Supernatant fluid prepared out of dung by adding water.

*(vi) Nitrogenous fertilisers:—*Those which supply mainly nitrogen, in readily available form, which is good for leafy growth, e. g., ammonium salphate, sodium nitrate, potassium nitrate, and those which supply nitrogen in mild forms, are night soil, oil cakes etc.

*(vii) Phosphatic fertilisers:—*Those which supply phosphorous, which is good for fruit crops, e. g., super phosphate, rock phosphate, bone-meal, etc.

*(viii) Potashic fertilisers:—*Those which supply mainly potassium, which is good for crops, e. g., potassium sulphate, ashes, etc.

*(ix) Manure mixture:—*Mixture containing 2 parts of ammonium sulphate, 8 parts of ground-nut cake and one part of bone-meal is the one prepared by the Bombay Agricultural Department and distributed as manure mixture.

*(x) Potato manure mixture:—*Mixture containing 200 parts of ground-nut cake, 375 parts of ammonium sulphate and 70 parts of bone-meal is prepared by the Bombay Agricultural Department and is distributed for use on potato crop.

(xi) *Top dressing*.—Application of manures or fertilisers such as ammonium sulphate ground-nut cake, bone-meal, superphosphate, etc. to the standing crop.

(C) *Miscellaneous*: (a) *Tillage*.—Tilling or stirring the soil to a certain depth with the help of implements or tools,

(b) *Implements*.—Bullock drawn instruments meant for tilling the soil, etc. such as seed drill, harrow.

(c) *Tools*.—Instruments for tilling the soil such as khurpi, spade, etc.

(d) *Preparatory tillage*.—Tillage before sowing.

(e) *After tillage*.—Tillage after sowing.

(f) *Inter-cultivation*.—Cultivation between two crop lines.

(g) *Earthing up*.—Putting the soil at the base of the plant.

(h) *Lay-out*.—The laying out of land in a suitable manner, so as to facilitate application of irrigation water. Examples—Ridges and furrows, flat beds, etc.

(i) *Plant scientific name*.—Name accepted by the world scientists by nomenclaturing the plants by binomial system i. e. by its genus and species to which the plant belongs. They are further sub-divided into varieties strains and biotypes.

(j) *Family*. It is a group of genera having somewhat similar growth habits.

(k) *Pests*.—Insects which cause damage to crops in one way or the other are called pests.

(l) *Insecticides*. Materials used to destroy insects.

(m) *Fungus*.—It is a thallophytic saprophytic or parasitic, unicellular or multicellular filamentous aseptate or septate body, which is microscopic (mostly) chlorophyllless body produced sexually, asexually or vegetatively.

(n) *Bacteria*.—Saprophytic or parasitic, thallophytic, i. e. undifferentiated unicellular microscopic bodies produced by fission (i. e. splitting single body into two).

(o) *Virus*.—Obligatory parasites (still in the twilight zone of life) which are not seen under ordinary microscope (seen under electron microscope).

CONTROL ON VEGETABLE INSECT PESTS

659. Measures of insect pest control are (1) preventive, (2) curative.

(1) Preventive Methods

(i) Field and plant sanitation by the removal of affected plant parts and remains of crop after harvest.

(ii) Proper cultural methods, such as good seeds and manure, proper cultivation, water, etc.

(iii) Growing pest-resistant varieties.

(2) Curative Methods

(a) Agricultural.

(b) Mechanical.

(c) Insecticidal.

(a) Agricultural

(i) *Deep ploughing*.—Hibernating stages of some pests are generally killed, due to the exposure to the sun, by deep ploughing and through harrowing immediately after the harvest of the crop.

(ii) *Clean cultivation*.—Breeding places are disturbed by the regular removal of accumulated weeds, rubbish and dried fallen leaves below the plants.

(iii) *Flooding of fields*.—Insects remaining in soil and damaging crops are forced out of soil by flooding the fields if irrigation water is easily available and fall an easy prey to birds.

(iv) *Crop rotations*.—Continuous breeding of some pests in the same area is checked by a change of crops in the area as the same pests do not damage all crops.

(b) Mechanical

(i) *Collection by nets*.—In the early stages of an attack by pests the collecting of insects by hand nets or hand picking checks the further multiplication of pests. In small scale gardening this is the most effective as well as very cheap method.

(c) Insecticidal

(i) *Stomach poisons*.—These, when applied to the surfaces of plant parts, enter the body of an insect along with its food while feeding and kill it when taken in sufficient quantities. These are generally arsenic compounds used in the form of dust or spray against the insects with biting and chewing type of mouth parts,

(ii) *Contact poisons*.—These, when applied to the plant surfaces, penetrate the body wall of an insect when it comes in contact during feeding and close the respiratory system, thus causing death. Contact poisons namely tobacco decoction nicotine sulphate, fish oil rosin soap rosin compound, pyrethrum extract and crude oil emulsion are mainly used against insects with sucking type of mouth parts, as stomach poisons do not show an effect. The new insecticides like DDT and BHC are mainly contact poisons. They are used even for insects biting with type of mouth parts.

INSECTICIDAL CONTROL OF SOME COMMON VEGETABLE PESTS

660. (1) *Aphids*

They suck the plant sap by inserting their sucking type of mouth parts in the form of a beak in the leaf tissue of cabbage cauliflower, brinjal, peas, beans, Tondli, Bhendi and cucurbit vegetable crops.

Control.—Any one of the following sprays effectively controls the pest:—

(a) Nicotine sulphate after mixing 1 lb. of nicotine sulphate and 4 lbs. of soap in 60 gallons of water, (b) Fish oil rosin soap after mixing in the proportion of $\frac{1}{2}$ in 4 gallons of water; (c) Pyrecolloids after mixing 1 lb. in 100 gallons of water. About 80 to 100 gallons of any of these spray solutions is required per acre. If insecticides are not available forceful spray of water alone may also reduce aphid population.

(2) *Jessids or leaf hoppers:*

They suck the plant sap by inserting their sucking type of mouth parts in the leaf tissues of bhendi, brinjal and potato vegetable crops.

Control.—Dusting with a mixture of 5 per cent DDT dust and sulphur in the proportion of 1:1 or 1:2 controls the pest successfully. About 15 to 20 lbs. of the mixture is required per acre. When this is required to be used on bhendi, sulphur should not be mixed and only 5 per cent DDT dust should be used, as presence of sulphur may injure Bhendi.

(3) *Different types of caterpillars:*

They cut and chew the plant parts with their biting type of mouth parts.

Control.—Dusting with 5 per cent BHC or DDT powder at the rate of 15 to 20 lbs. per acre or spraying with 50 per cent BHC or DDT water dispersible powder after mixing 4 lbs. in 100 gallons of water. For pod boring caterpillars DDT is to be preferred and for other caterpillars BHC is mostly satisfactory. Before consumption of the vegetables harvested from plots treated with BHC or DDT thorough washing is very necessary.

(4) *Pumpkin beetles:*

They eat the green portion of leaves mostly of cucurbits with their biting type of mouth parts and thus the patches of net veins are seen on leaves.

Control.—Dusting with a mixture of cryolite taken in the proportion of 1:3 at the rate of 15 to 20 lbs. per acre, or treating the plants with lead arsenate or calcium arsenate spray is also satisfactory. DDT & BHC should be avoided as they may injure the crop.

Major Diseases of Vegetables and Their Control

661. (1) *Black rot of crucifers*—This disease is caused by bacteria and affects cabbage and cauliflower. Affected plants show darkening of veins and chlorotic patches on leaves and the whole plant wilts and rots. The internal tissues of the stem turn black and rot. The organisms of this disease are carried on the seed and treating the seeds for 30 minutes in a 1:1000 solution of mercuric

chloride, (high poisonous and care is necessary in handling) before sowing controls the disease.

(2) *Powdery mildew*.—Affect crops like peas, bhendi, gawar, carrot and cucurbits. Affected leaves and stems are covered with an ashy white powder which can be easily rubbed out since the parasite, a fungus, is superficial. Powdery mildew usually occurs during dry weather after the monsoons and if severe, kills the plant completely. The disease is easily prevented by dusting the crop with 200 mesh fine sulphur powder.

A second type of powdery mildew which is caused by an endophytic or deep-seated fungus parasite commonly affects gawar and bhendi and cannot be controlled by sulphur. Bordeaux mixture 3-3-50 or a 0.25 per cent spray of copper containing proprietary fungicide is useful as a preventive measure,

(3) *Downy mildew*.—Usually affects cucurbits, pumpkin, chuka, etc. in the monsoon. Affected leaves turn brown and get covered by a downy fungus growth on the underside. Bordeaux mixture 3-3-50 or 0.25 per cent spray of a copper fungicide is useful as a preventive measure.

(4) *"Ring" or "Bangdi blight" disease of potatoes*.—Affects the tubers and causes a dark ring inside them. In early stages, affected plants wilt. The organism causing the disease is transmitted through diseased seed potatoes and such potatoes should not therefore be used for planting. Obtaining fresh seed potatoes from Simla every season completely eliminates the disease.

(5) *"Tambera" disease of potatoes*.—This disease is caused by an animal parasite called Red Spider Mite. Affected plants dry up and die. Spraying the crop with lime-sulphur dust or spray completely controls this disease.

(6) *Virus diseases of vegetables*.—These diseases are caused by viruses which generally are transmitted from plant to plant by insects like aphids, thrips, white flies and jassids. The most common of these diseases are the Yellow Vein Mosaic of bhendi, Mosaic of tomato, Little leaf of brinjal, Mosaic of pumpkin and Mosaic of beans. Since direct control of these diseases is not possible, preventive measures should be adopted to minimise losses. Some of these measures are:

- (a) Destruction of diseased plants early in the season.
- (b) Destruction of weeds for reducing insects population.
- (c) Clean cultivation.
- (d) Continuous roguing of diseased plants.
- (e) Insecticidal sprays and dusts to keep insects in check.

662. Every prison garden shall be surrounded by a thick hedge or high wall sufficient to prevent prisoners seeing persons outside the gardens or being seen by them.

663. The garden shall be kept neat and clean, free from weeds and undergrowth, and having every available portion under profitable cultivation. Special attention should be given to the selection for growth in the garden of vegetables possessing antiscorbutic qualities.

664. Tamarind trees should be planted inside the prison, if space is available, for purposes of shade as well as for their fruit. Those portions of the prison lands which are not utilised as a garden shall be utilised either for the growth of grain or fuel, or hay, or aloe plants, or for grazing. No prison land should be left unutilised unless it is entirely incapable of being turned to any account.

665. Great care shall be taken that all available sources of water-supply in prison gardens are utilised and husbanded as far as possible. The irrigation channels should be built of stone or cement, and leakages should be promptly repaired. As much use as possible shall be made of night soil in the gardens.

JAIL DAIRY

666. One or more pairs of draught cattle shall, with the sanction of the Inspector-General, ordinarily be maintained for use in bringing in supplies of wood or other articles to the prison, taking articles of the factory to the railway, ploughing, carting, manure, etc. If profitable, cows and buffaloes shall be kept to supply milk to the prison and outside customers.

667. The following notes on management of dairy cattle is meant for the information and guidance, as far as possible, of those concerned with the subject.

DEFINITION, DESCRIPTION AND USES OF A FEW DAIRY TERMS

(A) *Animals:*

(1) *Animal Husbandry*.—Science dealing with care and management of farm animals.

(2) *Dam*.—Mother.

(3) *Sire*.—Breeding bull, father.

(4) *Calf*.—Young animal prior to the age of breeding.

(5) *Bull calf*.—Male calf.

(6) *Heifer*.—Female calf up to the age of first calving.

(7) *Tattooing*.—Marking an animal, usually with certain chemicals, for identification. Tattooing is usually done inside the ear at the age of six to ten months of age.

(8) *Branding*.—This is done to mark animals of older age. A red hot piece of iron is generally used to mark a number on the hind quarters of the animal. Branding is also done for treating of certain ailments. Winter is the best time for branding. Precautions should be taken to treat the wounds caused by branding. There is usually trouble from flies which should be avoided.

(9) *Shaving of animals.*—Is necessary for buffaloes and also for animals suffering from skin infections. Buffaloes should be shaved every two months to avoid ticks and lice. For the same reason the hair of buffalo-calves should be periodically clipped.

(10) *Breeding*—Application of genetics and physiology of reproduction to animals with a view to bringing about improvement of farm animals. By breeding is also meant the mating of females to males for freshening. There are several systems of breeding. Usually in the Jail herds a system of grading is adopted. Grading signifies mating of scrub cows to pure-bred bulls. The progeny is in turn mated to pure-bred bulls so that in several generations the resulting progeny almost approaches purity of the breed.

(11) *Heat.*—A period during which the female will mate with the male. During heat the female exhibits symptoms such as unrest, off feed, jumping on other cows, temporary reduction in milk yield, enlargement of vulva and secretion of watery fluid from the vulva. The period of heat is anything between 12 to 20 hours. The animals should be bred during the heat or immediately before the cows go off heat. If not bred, the cows and buffaloes come in heat at regular intervals of 21 days unless there is something wrong with the animal.

FACTORS CONSIDERED FOR CLEAN MILK PRODUCTIONS

668. (1) *Byres or Barns.*—There should be ventilation and light as required. These should be periodically (15 days to 1 month) disinfected. These should be cleaned daily and no strong smelling materials should be kept in a byre.

(2) All animals should be kept scrupulously clean by shaving (buffalo class), grooming and washing.

(3) Animals in the herd should be medically examined periodically and necessary treatment should be given. In case of contagious diseases such as abortion, T. B. etc., animals should be separated and if necessary disposed of in consultation with the Veterinary Officer, and the I. G. of Prisons.

(4) Smoking should not be allowed in the byre or at milking.

(5) Udders and teats should be brushed, cleaned with disinfectants, washed with clean water and dried with clean cloth. Vaseline should be used if necessary for hard teats.

(6) Foremilk should be discarded if the calf is not allowed to suck the mother. Teats should be properly washed after the dam has suckled the calf for let-down.

(7) Milking should be done quickly and completely in a cleaned utensil.

(8) Milk drawn from each animal must be removed immediately to dry milk room and then strained.

(9) Metal strainer or cotton wool filters or at least a thin

coarse cloth should be used for straining. By this process hairs and coarse dirt, etc. are removed.

(10) Attendants and milk men should be periodically examined by a Medical Officer and those of them likely to carry infections should not be allowed to handle cows till they are declared fit to do so.

(11) All utensils should be scrupulously clean and sterilized with boiling water. Earth should never be used for cleaning utensils.

FEEDING, CARE AND MANAGEMENT OF PREGNANT AND NEWLY CALVED ANIMAL

669. A short note on "Feeding of Farm Animals" is given in rule 670 below which answers almost all the points included under this head. It may be noted that no hard and fast rules are laid down for feeding of animals. The management have to use their discretion in arriving at the cattle rations after having taken into consideration the availability of feeds and fodders, their cost and the circumstances. The points discussed in rule 670 are mostly indicative and serve the purpose of guidance.

The following two books are recommended for reference:—

- (2) 'Dairy Science' by Petersen.
- (2) 'Feeds and Feeding' by F. B. Morrison.

FEEDING FARM ANIMALS

670. Feeding of farm animals is probably the most important item in the care and raising of livestock. Being the most expensive item, choice of nutritive yet economic feeds and fodders is essential in keeping down the cost of feeding with no adverse effect on health, growth, work and milk production of livestock. Though there are other factors involved, work and production output, in general, is the direct function of care in proper feeding of livestock.

(i) *Roughages and Concentrates.*—The quantity of feeds and fodders fed to an animal in a day is known as its ration. Ration is made up of two kinds of feeds Roughages and Concentrates.

(ii) *Roughages.*—Roughages contain very high percentage of woody substance known as fibre. Roughages are less digestible and contain relatively less quantities of nutrients required for the proper functioning of the body. Thus, in order to fulfill the requirements of the body the animal has to consume large quantities of roughages. The ruminants, however, are well equipped to consume large quantities of roughages with advantage, especially so, when they are kept on quality roughages. Grasses, properly dried at not too mature a stage, fodders like jowar, bajri, maize—from which no grain has been removed—lucerne, barseem and other legumes make excellent roughages. Stovers or fodders from which grain is removed

do not make a good roughages, though properly dried and stored they serve as a cheap means of feeding.

Ruminants have a special ability to use roughages and utilise much of the fibre content from the same. As such feeding of roughages should be the first concern of the livestock man. Feeding of quality fodders results in considerable reduction in the quantity of concentrates required to be fed. Concentrates being the costliest item, it always pays dividends when cattle are fed on roughages.

When allowed to feed unhindered, cattle consume amazingly large quantities of fodder. However, 30 pounds of air dry fodder per 1,000 pounds of body weight, should be considered a liberal allowance in a ration of the animal. This could be reduced to 25 pounds if the fodder is of high quality.

The above requirements of fodder could be further reduced by feeding 10 to 15 pounds of green fodder every day. Green fodders are extremely necessary in order to provide palatability and other nutrients like carotene, which is almost destroyed under our system of drying grasses and fodders. Many cattle exhibit deficiency symptoms—such as stunted growth, poor milk yield, poor health, late maturity, abortions and deaths of newly borns. Feeding of green fodder as such or in the form of silage should ameliorate many of the above conditions.

In addition to being a source of cheap feed for cattle the roughages provide bulk to the feed. Bulk is essential to facilitate peristaltic and enzymatic actions within the intestines, to bring proper development of rumen in cattle and to prevent bloat to a certain extent. Roughages supply many nutritional concentrates. Roughages are also needed to provide for the growth of bacterial flora that are very essential in the ruminants.

Roughages should be properly dried and stored. Weatherbeaten, too old, musty smelling and rotting roughages are no good. Roughages should be palatable and should induce appetite. Fodders can be economically used if cut into small pieces preferably with a chaff-cutter.

(iii) *Concentrates*.—Concentrates are those feeds that contain small quantities of fibre. They contain high percentages of nutrients and, when fed in reasonable quantities, are more digestible than the roughages. Concentrates are fed to supplement the roughages with a view to meeting the additional requirements of work, milk production, growth, etc., of the animal. It is often misunderstood that large quantities of cotton seed and other concentrates are essential for production of more and better quality milk. Thus, with no consideration of cost large quantities of concentrates are fed to cattle at the same time neglecting the feeding of roughages. This results in many digestive disturbances, including tympany. It has

been an established fact that though production could be influenced by the level of feeding the quality of milk is affected to a relative small extent.

Large allowances of concentrates would result in higher production of milk, yet not necessary be economic because of the heavy cost. Thus, attempts should be made to keep animals on more and better quality roughages. This does not mean, however, that no concentrates should be fed. As stated elsewhere, the ability of an animal to consume fodder is limited and hence the necessity of feeding concentrates.

Silage

Silage is a process in which green fodders are stored in as nearly an air tight space as possible so that the stored fodder is available to supplement the day to day feeding of farm animals, especially when there is lack of green fodder. Properly stored silage should have clean odour, and should give yellowish appearance. Silage should be limited to 25 lbs. a day for an adult animal and should be always fed after milking. Young stock and breeding bulls should be fed, if at all, small quantities of silage. Silage can be obtained from all cereal crops and is best done when the fodder is cut in very small pieces preferably with a chaff-cutter and preserved properly in an air tight, water-tight silo pit.

Milk

Clean Milk.—Milk drawn from a healthy cow or buffalo under most hygienic conditions and hygienic handling. Such raw milk should contain minimum number of bacteria (but not pathogenic bacteria) and should be capable of keeping sweet for maximum time.

USE OF MINERALS OR MINERAL SUPPLEMENTS

671. Often mineral requirements of farm animals are neglected and animals have to be contented with whatever they obtain from concentrates or fodders. Mineral deficiency symptoms, including Pica are very common amongst cattle resulting in reduced efficiency in work or milk production. Care should, therefore, be taken to add minerals or mineral supplements to the ration of farm cattle.

There are many costly mineral mixtures available on the market. Though some of them are good simple mineral mixtures can be prepared by all. Experience has shown that the addition of one per cent common salt, one per cent lime and one per cent sterilized bone-meal to the concentrates gives satisfactory results. Every Jail should see that at least a handful of common salt is fed to each of the adult animals. Often big blocks of salt are recommended. However, the animal avoids licking salt as it is rather troublesome. The best way of feeding common salt, therefore, is to add the same to

concentrates or dissolve it in water which may be sprinkled on the fodder.

FEEDING DIFFERENT CATEGORIES OF CATTLE

672. (1) *Milking buffaloes*.—If good quality foddere are available there is scope to economize on concentrates. An average buffalo (about 1,000 pounds in body weight) would consume 25 to 30 pounds of dry fodder. This should be supplemented with 10 to 15 pounds of green fodder. Concentrates mixture (as already suggested) be fed at the rate of one pound to two to three pounds of milk, a day depending upon the quality of concentrates allowed to a buffalo may be limited to 12 pounds a day, irrespective of milk yield.

(2) *Milking cows*.—The requirements of milking cows are the same. The average body weight of a cow is about 800 pounds. Fodder requirements of a cow, therefore, will be rather less as compared to a buffalo. Concentrates should be fed at the same rate and the maximum allowance should be limited to 10 pounds a day.

It is rather difficult to lay down exactly the scale of concentrates for milking animals, especially because the individual animals show considerable variation in their requirements. The above should, therefore, be considered as a general guide and concentrate requirements be fixed from day to day performance of each individual animal.

(3) *Dry Cattle and maintenance ration*.—When animals are not producing nor growing nor doing appreciably hard work, the ration allowed to them is known as maintenance ration. Cattle should do well on good roughage ration of 25 to 30 pounds of dry fodder and 10 to 15 pounds of green fodder a day (per 1,000 pounds of body weight). When foddere available are of poor quality concentrates at the rate of one to two pounds a day should be allowed.

(4) *Pregnant cows and buffaloes*.—When pregnant cows and buffaloes are milking, their requirements can be generally met from the ration they should get as already described. However, when pregnant cows are dry or producing small quantities of milk they should be allowed concentrates in addition to their regular feeding. In the early stage of pregnancy one should start with two pounds of concentrate mixture slowly increasing to about 10 lbs. in buffaloes and eight pounds in cows by the last month of pregnancy. Incidence of prolapsus of uterus at calving has been common in herd fed heavily coupled with lack of facilities for exercise.

(5) *Work Cattle*.—Light working bullocks will need rather small quantities of concentrates, provided they are fed with good roughages, including green fodder, insufficient quantities of fodder. They should be supplied with concentrate mixture

(as already suggested at the rate of two to six pounds a day depending upon the heaviness and intensity of work. Ploughing, mhot, sowing, interculturing are some of the items that make draft animals put extra efforts in carrying out the work.

(6) *Breeding bulls.*—When moderately used, once a week, a bull can give service without being fed concentrates, and a maintenance ration of roughages including green fodder, will be quite alright. When used more than once a week, the breeding bull should be fed concentrate mixture at the rate of two to four pounds a day. Wheat bran, (udid, chuni, til or safflower cake are some of the good feeds for breeding bulls. Silage should be limited to five to ten pounds a day to the breeding bull.

(7) *Young stock.*—Calves should be encouraged and taught to eat grain and fodder as early as possible. A calf about six months old should be entirely on feeds other than milk, except in case of those that are used for inducing let down of milk. Even then, as soon as the let down is effected, the calf should be induced to eat concentrates from those provided for its dam. As a rule a calf should be allowed about one-half to one pound of concentrates by the end of its first year and as much fodder as it can consume. No silage should be given to young calves upto one year of age. By the time the calves are mature (three to four years in age) they should be getting three to four pounds of concentrates a day and good quality roughages, including green fodder, *ad lib.*

All categories of animals must get minerals in their rations. The matter has already been discussed and all concentrate allowances mentioned above include minerals.

FEEDING OF FARM ANIMALS

673. Underfeeding impairs the health of animals, whereas over-feeding strains the animal's digestive system and is wasteful. Therefore, in order to feed the farm animals adequately and economically it is essential that the ration of the farm animals should be regulated both in quality and quantity. This entails the use of properly balanced rations by which the animal is supplied in its daily diet with the proper amount of all the food constituents necessary to ensure a steady production of weight in the case of young growing animals, milk in the case of milch cattle, energy in the case of working animals, and to ensure a state of maintenance when they happen to be dry or doing no work.

CONSTITUENTS OF FOOD-STUFFS

674. The important constituents of food-stuffs are proteins (meat like substances), fats (fatty and oily substances), carbohydrates, (Starchy and sugary substances), mineral matter

and vitamins. Proteins play double role and must necessarily be adequately provided in the ration. They are essential for growth, for repairing wear and tear of the tissues and for the production of milk and, in common with fats and carbohydrates, on oxidation in the animal system supply energy for work, keep the animal warm and when fed in excess of the requirement fatten the animal. Mineral matter is chiefly concerned in the making of the skeleton. Vitamins though required in extremely small quantities are absolutely essential and play a unique role in regulating the life processes. In their absence animals in spite of getting other nutrients in adequate quantities suffer from deficiency such as poor biagrowth, rickets, deformed bones and teeth, etc.

Digestible proteins and nutrients. Food-stuffs rich in proteins are legumes, oil seeds and oil cakes in fats oil seed and oil cakes, in carbohydrates cereals, and in vitamins green growing parts of plants. The animal utilizes only such amounts of the food constituents as it is capable of digesting from food-stuffs. The amounts digested are determined by conducting digestibility trials and for easy computation, the nutritive value of a food-stuff is expressed in two terms (a) digestible protein and (b) total digestible nutrients. total digestible nutrients are calculated by adding up the digestible protein, the digestible carbohydrate and $3\frac{1}{2}$ times the digestible fat, and as the name implies, this term represents the value of a food-stuff for all purposes. It also forms a useful basis for purchasing concentrates as their market price does not necessarily vary according to their nutritive value on account of which it may be necessary at times to choose one food-stuff in preference to another.

It should be kept in mind that the ration should be made up of feeds of a suitable nature for a particular class of animals, should be palatable and should contain sufficient dry matter to satisfy the appetite of the animals. Further, it should be as cheap as possible. There should be a sufficient supply of necessary minerals and vitamins in the daily diet in order to ensure normal growth and good production. When a ration is made up from a variety of food-stuffs containing sufficient green fodder, there is little chance of vitamins running short.

675. The following feeding scale for different kinds of live stock at Jails should be followed as far as possible:—

(i) For cows and buffaloes.

- | | |
|--|----------|
| (1) Wheat, bran or rice bran or any crushed cereal | 2 Parts. |
| (2) Guar, Tur, Gram, Kulthi or any pulse crushed | 1 Part. |
| (3) Cotton seeds | 1 Part. |
| (4) Some oil cake either G. N. Cake, Safflower, Til
cocoanut cake | 1 Part. |

For cows 4 lbs. and for buffaloes 5 lbs. of milk for performance. Pregnant dry cows and buffaloes be given 3 lbs. concentrates without cotton seed.

(ii) *Ration for calves.*

- | | |
|---|---------|
| (1) Wheat bran rice bran or crushed cereal | 1 Part. |
| (2) Guar, Tur gram, Kulthi or any pulse crushed | 1 Part. |
| (3) Oil cake | 1 Part. |

Out of the above mixture 4 ozs. to 3 lbs. per head per day according to age.

(iii) *Rate for work cattle:*

- | | |
|--------------------------------------|----------|
| (1) Bran or crushed cereal | 2 Parts. |
| (2) Guar, Tur Gram of Kulthi crushed | 1 Part. |
| (3) Oil cake | 1 Part. |
| (4) Cotton seed | 1 Part. |

Out of the above mixture 4 to 6 lbs per head per day according to work

(iv) *Ration for breeding bulls:*

- | | |
|--------------------------------|---------|
| (1) Bran or crushed cereal | 1 Part. |
| (2) Guar, Tur. or Garm crushed | 1 Part. |
| (3) Oil cake | 1 Part. |

4 lbs of above mixture per head per day depending upon the services. In the breeding season if the bulls are used for outside services as well the quantity be increased to 6 lbs. per day according to number of services. If the services per week is one, 4 lbs of concentrates are sufficient.

To the concentrated ration 1 to $1\frac{1}{2}$ ozs. of common salt be added for adult animals and for calves from $\frac{1}{4}$ to 1 oz. according to age.

The available roughages should be given adlib which actually comes to 20-25 lbs. of dry fodder per day for a grown up animal.

DISPOSAL OF VEGETABLES AND MILK ETC.

676. Whenever there is surplus of vegetables in the Jail garden after meeting the needs of prisoners, it shall be put up for sale outside the prison gate and as far as possible near the quarters of the Jail guards and sold to the members of the staff or to the public at the current bazar rates, preference being however given to Jail guards in making the sales, *vide* rule Nos. 245 and 246.

677. Surplus quantity of milk available in the Jail dairy after meeting the needs of prisoners may be sold to the members of the staff or to the public at the current market rate.

678. If surplus firewood grown on prison land is available after providing for current requirements for Jail purposes and storing sufficient to guard against any anticipated shortage in the future it may be sold to members of the Jail staff or the public at current bazar rates. No firewood which has been purchased for Jail use may,

however, be sold under any circumstances whatever to the Jail staff or any one else.

679. Fodder should be stocked for consumption by the Jail cattle during the dry season. Any surplus may be sold to members of the staff or the public at current bazar rates.

680. Vegetables such as onions and potatoes which will keep should be suitably stored for issue during the rains when the garden ordinarily produces very little. The possibility of storing other vegetables should be remembered.

GRAZING ON JAIL LANDS

681. (a) No cows, bullocks, or buffaloes should be kept by any member of the Jail Staff without the previous sanction of the Inspector-General. Sheep or Goat not exceeding two (excluding kids up to 3 months) per family shall be kept.

All members of the staff who keep sheep or goat on Jail premises will be charged the following rates per month all the year round for each sheep or goat whether grazing is available or not.

A Goat or	} Re. 0-4-0 per mensem.
A Sheep	

(b) These animals may be permitted to graze on such land as the Superintendent may appoint but no attendants or cut fodder will under any circumstances be provided. Owners will be held responsible for any damage done to Government property by their animals and the Superintendent has full power to forbid the keeping of animals in any case where he considers it undesirable.

682. The following notes on poultry farming are meant for information and guidance, as far as possible, of those concerned with the subject.

(i) Notes on Poultry Farming.

The Equipment needed.—Poultry keeping can be started either with hatching eggs, day-old chicks or growing pullets. These should be obtained from a reliable source after the houses are ready.

(ii) To rear the flock following are the necessary equipment.

(a) A two-foot chick-feeding trough for use during the first three weeks of the chickens.

(b) A $2\frac{1}{2}$ feeding trough for the use from the third week onwards.

(c) *Poultry House.*—Housing space should be $3\frac{1}{4}$ square feet into the number of birds to be kept. See that the house is ventilated properly and its floor is raised above ground level. See that each bird gets about 20 cubic feet, air space. The poultry house should

have perches the length of which should be (9"x Number of birds to be kept). The distance between two perches should be 15" and the height of the perch from ground level 18".

(d) *Pen and Night House*.—The pen has a wire netting allround 7½' above ground, 1½' buried underground on all sides. The under-ground wire-netting has, ½" mesh to prevent animals from burrowing in. The house, 15'x10'x7½' can accommodate 50 birds. Shade, provided by trees, is necessary to protect birds from the severe heat of the sun, and to keep drinking water cool. This night house is of wooden frame with wire netting, and side walls and roof of cement asbestos sheets. Wire-netting at bottom allows dropping to fall on to the ground, helping to keep the house clean. Asbestos sheets can easily be cleaned and disinfected.

The enclosure should be made of wire-netting of 1"x1½" mesh, 6'x7' in height, (with a foot of the wire-netting buried underground) to prevent the birds flying out over the netting, will serve the purpose very well. Covering the top also with a 2" mesh wire-netting will be a good mode of keeping off cats, squirrels, crows, etc, which enter the pens and eat the food kept for the flocks.

(iii) *To begin with:*

Here it is assumed that about 10 good laying hens are to be kept.

(a) *With chicks*.—If it is decided on obtaining eggs and hatching them to raise chickens, about 70 eggs and two good country hens for setting purpose is the need. Good care should be taken in purchasing these setting hens from a reliable stockmen, and care should be taken to see that they are free of diseases even in a latent form. Otherwise these hens will be responsible for transmitting the diseases to the new-hatched chickens and wiping out the entire flock.

Instead of hatching eggs with natural broody hens, eggs can be hatched in an electric or kerosene oil incubator. If it is a hot air incubator run it at a constant temperatures of 103 degrees F, by turning the eggs from side to side at least thrice a day to get good hatching results. These eggs are to be kept in the incubator for 21 days. See that the egg tray is on top and a 'moisture tray' is fitted in at the bottom. This is kept moist as mixture is necessary for the hatching of chicks. If it is not provided, the embryo in the egg will not develop, but will die.

(b) *With chicks*.—If it is bothersome to hatch the eggs, then begin with day-old chicks. For this obtain forty chicks to begin with from which cull away the undesirable as they grow, till you get ten laying pullets, the number needed to be kept. (Remember that here 20 cokrels approximately out of 40 chicks will come out, here brooder is used to rear the chicks).

(c) *With Pullets*.—Still another way of making a beginning of poultry farming would be with about six months old pullets. This age is most suitable as the pullets will start laying eggs quite soon after purchase. Pullets give the highest number of eggs during the first year of their life, and continue to do so during the second. For the first two laying seasons therefore, the hen is profitable to keep. As age advances, egg-production decreases by about 16 to 20 per cent every year.

The hen can produce eggs without fertilization from the cock, but these eggs cannot be used for hatching as they are unfertilized eggs. So if fertilized eggs are necessary keep one cock for ten hens.

683. *What Breed to keep*.—The idea in keeping poultry in the Jail is primarily to produce table eggs, and in sufficient numbers to meet the Jail requirements.

It is advisable to keep a breed that is fairly a good layer and can stand the conditions available.

Pure bred white leghorn, Rhode Island red, or if these are not available, cross breeds will be highly suitable for Jails. However, first one is more suitable.

One of the first things to find out is whether the bird (in the case of hens) has a good laying capacity. This capacity can be judged by measuring the distance between the point of the chest bone (keel bone) and the pin bones (those pointed bones can be felt near the vent). In a good laying bird, this will measure four to five fingers. Then measure the distance between two pin bones. This should be about three fingers or more.

There are other characteristics to be noted in laying birds. They differ in good and poor laying birds as given below:—

	Good layers	Poor layers
Head	Broad and square	Crow headed and round.
Beak	Short	Long.
Eyes	Bright and bulging	Dull and sunken.
Face	Lean and smooth	Meaty and wrinkled.
Comb	Large and fine	Small and coarse.
Breast	Full and broad	Small and narrow.
Abdomen	Fine and pliable	Coarse and fatty.
Pelvic-bones.	Thin, fine and flexible.	Thick and stiff.

Similarly plenty of care should be taken in the selection of a male. He should be strong and vigorous, so that he may give better fertility to the flock. The hatchability of the eggs will also be better then, and the mortality among chicks will

be considerably reduced. Other points to note in the male are;—

Head.—Should be distinctly masculine, clean cut and full of colour and life.

Face.—Bright.

Eyes.—Bright, full and prominent.

Comb.—Full and bright; points should be wide at the base and not too high.

Wattles.—Full and Bright.

Skin.—The texture should be thin and pliable.

Vent.—Bluish-white in colour.

With a little experience anybody can tell a good bird from a poor one.

HINTS ON POULTRY FEEDING

684. (i) It is assumed that the poultry is being kept under the "intensive system", i. e., in poultry runs or yards in which the birds have a limited range of movement.

(ii) If there will be and difficulty in obtaining readily some of the various food stuffs mentioned on account of water conditions but, wherever possible, alternative food-stuffs (to economise) which may be more easily available, are suggested in addition to the normal food grains etc. which are generally available in the Jail grain godowns.

(iii) The food-stuffs usually fed to poultry consist chiefly of cereal grains, e. g., jowar, bajri, paddy, maize, etc. cereal byproducts, e. g., rice and wheat bran and other substances of plant of origin, e. g., cakes, chopped meat, vegetables milk, butter-milk, etc. At the present time when cereal grains are difficult to obtain, mhatra, i. e., waste grains, damaged grain and sweeping from grain godowns, etc., can be utilised. For example if 10 lbs. jowar or grain is needed and if the Jail godown waste of jowar or grain contain about 25 per cent grains in good or crushed form etc. then take the 40 lbs. godown waste.

(iv) *Feeding of Chicks.*—Newly born chickens do not require any food for the first two days after hatching. They must, however be kept warm and sheltered and given a little water to drink if they appear thirsty. Give finely crushed grains.

From the 3rd to 7th day after emergence from the egg, chickens should be given a soft mash consisting of a mixture of 1 part of wheat meal and 2 parts of maize meal. This mash should be fed five times a day at intervals of $2\frac{1}{2}$ hours,

One ounce of mash is sufficient to feed 6 chickens per day. In addition, butter-milk or separated milk, if available, should be given to the young birds.

From the 6th day to the age of 2 months, chickens should be given a crushed grain mixture twice a day, viz. in the morning

from 7 to 8 a. m. and in the afternoon from 3 to 4 p. m. In addition the mash mixture should be continued twice a day only at 11-30 a. m. and 2-30 p. m. The composition of the crushed grain mixture and of the mash is shown below:—

Crushed grain mixture*		Mash Mixture †	
Crushed wheat	... 3 parts.	Wheat Bran	... 3 parts.
Crushed maize	... 2 parts.	Wheat Mash	... 3 parts.
Crushed jowar	... 1 part.	Maize Mash	... 1 part.
Crushed Bajri	... 1 part.	Linseed Mash	... 1 part.
Crushed Paddy	... 1 part.	Fish meal or	... $\frac{1}{2}$ part.
		chopped meat.	
		Shell or grit	$\frac{1}{2}$ part.
		powder.	

* N. B.—2 Ozs. of this mixture is sufficient for 6 chickens per day to begin with and should be gradually increased as the chickens grow older up to six ozs. for 6 chickens per day.

† N. B.—2 Ozs. of the mixture is sufficient for six chickens per day to begin with and this quantity should be gradually increased to six ozs. for 6 chickens per day as the young birds increase in age.

(v) From 2 months to commencement of laying period, the birds should be fed with grain and mash mixtures as shown below. The grain mixture should be fed twice daily, in the morning and in the evening and the mash mixture made available twice daily also, viz. at 10-30 a. m. and 2-30 p. m.

Mash Mixture †		Grain Mixture ‡	
Wheat	... 2 parts.	Wheat Bran	... 2 parts.
Bajri	... 3 parts.	Wheat Meal	... 3 parts.
Jowar	... 2 parts.	Maize	... 1 part.
Maize	... 2 parts.	Linseed	... 1 part.
Paddy	... 1 part.	Fish meal or	... 1 part.
		chopped meat.	
		Shell or grit	$\frac{3}{4}$ part.
		powder,	

‡ N. B.— $1\frac{1}{2}$ to 2 Ozs. of this mixture is sufficient for one bird per day.

If, as is probable under present conditions, some of the ingredients of the above mixture are not available, the proportion of other ingredients will require to be increased accordingly or sweepings, damaged grains, etc., used in the preparation. Other substitute foods are crushed grain or gram flour, crushed barley flour, oats and oatmeal, cowpea, safflower and sunflower seed, lentils etc.

In addition to the above ration (a) grain mixture, and (b) mash mixture, butter milk or separated milk should be made available.

(vi) From laying period onward, the under noted grain and mash mixtures are recommended.

Grain Mixture		Mash Mixture	
Wheat	... 2 parts.	Wheat meal	... 3 parts.
Jowar	... 1 part.	Wheat bran	... 2 parts.
Bajri	... 2 parts.	Linseed meal	... 1 part.
Maize	... 1 part.	Maize meal	... 1 part.
Paddy grain may be given alone once a week as a change in diet.		Fish meal or chopped meat.	... 2 parts.
		Gram meal	... 1 part.
		Shell or grit powder.	$\frac{1}{4}$ part.
		Limestone powder.	$\frac{1}{4}$ part.
		Charcoal powder.	... $\frac{1}{4}$ part.

N. B.—2 Ozs. of this mixture should be given per bird per day.

(vii) Alternative feeds recommended by Mr. Champion of the Spicer College, 7th Day Adventists Mission, Kirkee, are given further in Appendix A below.

(viii) Whenever chopped meat is fed, it should be used carefully and only after being well boiled and finely chopped down. It should be noted that the proportion of chopped meat in a mash should never exceed 1 part to 15 parts.

(ix) *Green food*.—All fowls over the age of 15 days should be provided with green food, e. g., vegetables, lucerne, etc. twice a day at 9-30 a. m. and at 4-30 p. m. The vegetables or green food should be chopped down before feeding. The most suitable green foods are lucerne, lettuce, carrot leaves, radish leaves, Methi, shepu, cabbage, knol-knol, cauliflower, etc. Each adult bird will require 2 ozs. green food per day and each chicken 1 oz. green food per day. The feeding of chopped onions helps to keep the birds healthy but should not be done in excess as it may lead to bowel troubles. Onions (chopped) may be given on hot days but never more than $\frac{1}{2}$ oz. per bird per day.

(x) *Water*.—Fresh clean water should always be available in the poultry runs. One grain of potassium permanganate should be added to 2 lbs. of water and supplied to the birds once per week in order to keep them healthy and their bowels free and clean.

(xi) As a rough working guide, the amount of grain required daily for 100 birds at different ages is given below:—

Age in weeks. (100 Birds)	Lbs. of grain daily.
1	$\frac{1}{8}$
2	$\frac{1}{2}$
3	$1\frac{1}{4}$
4	2
5	$2\frac{1}{2}$
6	3
7	$3\frac{3}{4}$
8	$4\frac{1}{2}$

Age in weeks. (100 Birds)	Lbs. of grain daily.
9	5
10	5 $\frac{1}{2}$
11	5 $\frac{3}{4}$
12	6 $\frac{1}{4}$
13	7 $\frac{1}{2}$
14	8 $\frac{3}{4}$
15	10
16	12
(Adult) Heavy birds	12
(Adult) Light birds	12

APPENDIX 'A'

Poultry Feeds recommended by are. Champion of Spicer College, Kirkee.

Starting Feed	per 100 lbs.
	(1)
Barley	... 25
Maize	... 25
Gram	... 15
Ground-nut cake	... 10
Wheat bran	... 10
Fish meal	... 10
Shell and bone meal	... 4
Salt	... 1
	(2)
Oats	... 20
Ragi, or Nagli	... 20
Gram or Matki	... 15
Ground-nut cakes	... 15
Fish meal	... 10
Wheat Bran	... 15
Shell or Bone meal	... 4
Salt	... 1

One of these mixtures to be fed with not more than $\frac{1}{2}$ as much crushed grain mixture, equal parts of barley, maize, whea or other cereals.

	(3)
<i>Growing feed. (2 months to laying period)</i>	
Maize	... 15
Barley	... 15
Bran or wheat bran	... 15
Groundnut cake	... 10
Ragi (Nagli)	... 15
Gram or Matki	... 15

Starting Feed	per 100 lbs.
Fish meal	... 10
Shell or limestone	... 4
Salt	... 1

(4)

2 or 3 cereals i. e. Bajri, Jowari, Barley, Maize, Ragi (Nagli), Oats, Wheat, Good rice bran or wheat bran.	50
Pulses, i. e. Bengali Gram, Green, Gram, Matki, Peas, Red Gram.	15
Groundnut cake	... 15
Fish meal	... 10
Shell or limestone	... 4
Salt	... 1

To be fed with equal amount of whole grain mixture composed of two or three cereals as listed including, if desired, paddy.

(5)

Oats or Barley	... 20
Maize	... 20
Damaged rice	... 10
Gram, Bengali, Green Black or Matki	... 15
Groundnut cake	... 10
Fish meal	... 10
Salt	... 1
Limestone or shell	... 4

(6)

Cereals equal or 2 or 3 listed under No. 4	... 40
Pulses as under 4. Good quality rice bran or wheat bran	... 15
Groundnut cake	... 10
Fish	... 15
Shell or limestone	... 4
Salt	... 1

One of these mashes to be fed with a grain mixture as under.
Growing Feed, not more than one-third of the total feed should be grain mixture.

KEEPING DISEASES AWAY

685. Be on the lookout for diseases in your flock, and take immediate steps to protect them or treat them at the first sign of disease.

The most common diseases attacking fowls are Roup, Coccidiosis, Chicken pox, Bumble foot and Ranikhet.

Roup—Roup is a severe form of cold or catarrhal inflammation of the mucous membranes of the upper respiratory tract of the fowl. The common symptoms are inflammation of the eyes, discharge from the nostrils and mouth and difficult breathing. To treat the bird,

give one tea-spoonful of roup mixture in 1 lb. of drinking water as a preventive as well as a curative, after giving a dose of epsom salt ($\frac{1}{4}$ tea-spoonful in 2 tea spoonful of water) to each bird.

Coccidiosis.—Coccidiosis is caused by a micro-organism in the intestines of the bird. This disease affects only chicks in their first 2 to 3 weeks of life. The symptoms noticed are diarrhoea and huddling of the chicks in one corner of the house with their wings dropped. When the chicks are suffering from coccidiosis, give them a dose of epsom salt first as a purgative ($\frac{1}{8}$ tea-spoonful in 2 tea-spoonfuls of water, per chick). Then give (sulphamezathine) 16 per cent sodium solution at 1 tea-spoonful in 1 lb. ($\frac{1}{2}$ seer) water daily for 7 days.

Chicken Pox.—Chicken pox is caused by virus found especially in the chicks of fowls and turkeys.

Eruptions on the unfeathered parts of the body, eyes, throat, comb and wattles are the symptoms of the disease. Wash the lesions with a weak solution of copper sulphate, and apply a paste made from neem leaves, a little turmeric and castor oil mixed to make it sticky. Give some epsom salt in drinking water to evacuate the bowels. Prevention, however, is the best by vaccinating chicks when they are 6 to 8 weeks old.

Bumble Foot.—In bumble foot, hard or soft abscesses are noticed on the pad of the foot. Lameness, and the birds standing on one leg are commonly noticed when there is an attack of the disease.

To treat the disease, first wash and soak the affected foot in hot water and apply an iodine ointment. In severe cases cut out the core, and remove the pus. Put pure iodine crystals (about 2 to 3 grains) in the cavity with cotton wool soaked in limiment iodine and bandage.

Ranikhet.—Ranikhet is characterised by a paralysis of the neck. It is a virus disease which takes a very heavy toll of birds throughout India. The most common symptoms noticed are the affected bird putting its neck, under the wings, paralysis of the neck, yellowish chalky motions, stricky gaping mouth, difficulty in breathing, and high temperature (the normal temperature of a bird is 106.5 to 107.0 degrees). Death may occur within one to three days.

There is no curative treatment for the disease. Attempts must go to protect birds against Ranikhet with vaccination when $2\frac{1}{2}$ to 3 months old. Dead birds should be burnt or buried deep, and houses and runs should be disinfected. The Ranikhet vaccine is available from the Ranikhet Vaccine Laboratory, Boat Club Building, Moola Road, Kirkee, Poona 3, and also from all Veterinary Hospitals in Bombay State.

635-A. Regular inoculations of birds in Jail Poultry should be carried out before the beginning of each season when epidemic disease is expected.

REMEMBER

686. (a) Keep poultry well fed. This means health and profits.

(b) Keep houses and yards daily scrupulously clean. This means absence of disease and losses by epidemics.

(c) Give birds clean and cool drinking water. Hot or tepid drinking water is bad for fowls.

(d) Don't leave stale food in feeding troughs. Remove all uneaten food from troughs when birds have finished feeding.

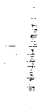
(e) A teaspoonful of Epsom salt in the mash or drinking water per 25 birds once a week will help to keep poultry fit.

(f) Don't put poultry runs under large trees, especially in or near towns. This will invite epidemic diseases from infected materials dropped by crows or hawks.

(g) Birds should be kept free of wet floor.

(h) When birds turn unproductive due to old age, deformity or poor body growth they should be culled.

(i) If there is any doubt or difficulty visit the Government Poultry Farm at Kirkee, Dharwar or Dhulia and get expert advice or write to the Poultry Development Officer, Bombay State, Poona, with prior permission of the Inspector-General.



CHAPTER XXII

ROUTINE

DAILY

687. (i) The ordinary daily routine, except on Sundays and Jail holidays, shall be as follows:—

5-15 A. M. to	5-30 A. M.	Prayers.
5-30 A. M. to	6- 0 A. M.	Opening of barracks and cells and counting of prisoners.
6- 0 A. M. to	6-45 A. M.	Morning Ablutions and bath.
6-45 A. M. to	7-15 A. M.	Exercises P. T. and Drill.
7-15 A. M. to	7-45 A. M.	Kanji.
7-45 A. M. to	8-15 A. M.	Work allotments.
8-15 A. M. to	10-45 A. M.	Work.
10-45 A. M. to	11-45 A. M.	Meals and rest.
11-45 A. M. to	4-15 A. M.	Work.
4-15 P. M. to	4-45 P. M.	Games.
4-45 P. M. to	5-45 P. M.	Meals.
5-45 P. M. to	6-15 P. M.	Latrine parade.
6-15 P. M. to	6-45 P. M.	Counting, closing etc.
7- 0 P. M. to	8-00 P. M.	Education classes.
8- 0 P. M. to	9- 0 P. M.	Reading news-papers, library books.
9- 0 P. M. to	9-30 P. M.	Prayers and preparation to go to bed.
	9-30 P. M.	to bed.

(ii) These times are approximate and may be altered at the discretion of the Superintendent, in consultation with the Medical Officer if necessary, according to local circumstances and the seasons of the year.

688. A small bell (which will have a sound distinct from the sound of the alarm bell) shall be rung as a signal for the change of routine. Care should be taken to see that prisoners move in discipline and are not allowed to wander unattended by Convict Officers or Jail-Guards.

DETAILED SCHEDULE OF THE JAIL ROUTINE

Prayers. (5-15 a. m. to 5-30 a. m.):

689. (i) Before the barracks are opened the Convict Officers shall awaken all the prisoners and make them shake out and fold up their bedding and clothing neatly.

(ii) While still in the barracks prisoners shall recite devotionna songs approved by the Inspector-General and may also recite or listen to recitations from the Gita, the Quran, the Bible and the Avests.

(iii) The Convict Officers shall then keep all prisoners ready to march out of the barracks in file.

Opening of the Jail: (5-30 a. m. to 6-0 a. m.)

690. (i) As soon as the barracks and cells are unlocked each prisoner shall take his bedding outside and place it in the space allotted for it. It shall then be spread out, except on rainy days, in the open for some hours.

(ii) As the prisoners leave the barrack, they shall be counted and formed up. Any prisoners complaining of illness shall be kept apart to be produced before the Medical Officer. The Senior Jailor or in his absence the 2nd Jailor shall supervise the opening of barracks and cells which shall be conducted in the presence of the Jailor in charge of the barracks or cells concerned.

Morning Ablutions and Exercise: (6-0 a. m. to 7-15 a. m.)

691. Prisoners shall then be marched to the latrine and then to the bathing platform and shall be required to wash their hands, faces and feet, also clean their teeth for which purpose they shall be provided with charcoal powder. They shall however be at liberty to use tooth powder and tooth brush purchased by them at their cost from the canteen.

692. All prisoners shall bathe every day regularly unless excused by Medical Officer. Coconut oil shall be issued to them once a week free of cost in the following quantities:—

(1) One ounce, in the case of prisoners who are allowed to keep hair, namely, females, sikhs and convict overseers, and

(2) half an ounce in the case of others.

693. Class I prisoners may be allowed to purchase hair oil at their own cost from the canteen and if there is no canteen in Jail, such prisoners may be allowed to receive hair oil through their friends or relatives provided that no such prisoner shall be allowed to purchase or receive more than 8 ounces of hair oil per month.

694. After the latrine and washing parade is completed, prisoners shall be divided in suitable batches for P. T. and drill, each batch being placed in charge of a Jail guard. P. T. and drill parades shall be conducted by the Jail guard in charge of the batch under the supervision of the Reserved guard Jamadar or P. T. Instructor.

Work and Mid-day Meals: (7-15 a. m. to 4-15 p. m.)

695. The early morning meal shall be distributed and the prisoners shall then be divided into gangs for work each gang being placed in charge of a Jail guard and a convict overseer. The number of the prisoners in each gang and the name of the Jail guard in charge shall be recorded in a book. The Subhedar or in his absence one of the Jamadars shall maintain this register.

696. The gangs shall then be marched to their work. The distribution of work according to the allotment made by the work allotment Committee (*vide* Rule 1098) shall be made by the Jailors concerned. The Jailor shall see that no prisoner is put to or kept on work for which he is declared to be unfit.

Meals:

697. The meals shall be served hot and the prisoner shall take it at a place where the food will be free from contamination. The Convict Officers in charge shall see that after the meals the premises are thoroughly cleaned and that every prisoner thoroughly cleans his pots. The taking of meals shall be so adjusted that the prisoners will get at least 15 minutes' rest before resuming work.

Games and Evening Meals: (4-45 p.m. to 6-15 p.m.)

698. (a) (i) Prisoners shall be encouraged to play such games as can be suitably arranged in the Jail premises.

(ii) Well behaved, long-term prisoners shall be taken outside the prison walls in suitable batches in turns to play games or take exercise in the open under such security measures as are deemed essential by the Superintendent.

(b) In Head-quarter Sub-Jails, prisoners shall play outdoor games in the Jail premises if space permits.

699. Evening meals shall be served to prisoners from 4-45 p.m. to 5-45 p.m. Prisoners shall then be given another opportunity to use latrines between 5-45 p.m. and 6-15 p.m.

Lockup: (6-15 to 6-45 p.m.)

700. (i) The counting of all prisoners in the Jail shall be done under the direct supervision of the Senior Jailor or, in his absence, the 2nd Jailor, and if the number is found to be correct they shall be locked up in barracks or cells for the night.

(ii) Similarly the Senior Matron shall be present at the locking up of the female wards. She shall attend mustering of female prisoners. She shall see that all the female prisoners are counted and that their number is correct before they are locked up for the night.

Keys:

701. A key box shall be affixed to the wall between the main gates. The key box of the female Jail shall be a glass fronted one.

702. After the prisoners are counted and the male prison is locked up in the evening, the keys of the barracks and cells shall be collected and counted by the Senior Jailor. They shall then be kept in the key box which shall be locked and sealed with the Superintendent's seal. The key of the key box together with the keys of the wickets of the inner and outer gates shall be entrusted to the Senior Jail guard on night duty.

703. The keys of the female barracks and cells shall be deposited by the Senior Matron in a separate key box which shall

have a glass front. It shall be locked and sealed by the Senior matron with the Superintendent's seal. The Senior Matron shall keep the key of the key box.

704. In case of serious emergency, the Senior Jail Guard on duty in the Jail at the time shall break the glass of the key box of the Female Jail or Section, take out the keys of the female wards and proceed to the Female Section along with other guards after having sent an urgent message to the Senior Jailer, Female Jailer Matrons and the Bombay Medical Service Officer to come over to the Jail or Section.

705. The keys of the treasure chests in the Jail Office shall at all times be in the possession of the Superintendent or any other Jail officials who have been empowered by the Inspector-General to keep the keys.

706. In the event of any one of the keys being lost or mislaid, the lock shall be immediately withdrawn from use.

707. The number of prisoners confined each night in the wards shall be recorded in Register No. 149 (Locking up Register) which shall be checked and signed by the Superintendent and the Medical Officer next morning.

708. A report shall be made to the Superintendent at the hour of locking up that all prisoners and all officers for night duty are present and that everything in the prison is correct or otherwise.

709. After the Jail gates have been closed for the night no ingress or egress shall be permitted without the orders of the Superintendent except to duly authorised persons, between the hours of locking up at night and unlocking in the morning.

710. If it becomes necessary to open a barrack or cell during the night, as for instance, in the case of a prisoner requiring medical attention, the official in charge of the keys shall break the seal of the key box and take the necessary keys to open the barrack. A report shall be made in the Jailer's Report Book about such necessity to open the key box. Care shall be taken when removing a prisoner from a barrack at night that the other prisoners do not make a rush. To prevent this, the doors shall be provided with an iron chain which will allow of the door opening just enough to allow one person to pass at a time.

Indoor activities after Lockup: (7-0 p.m. to 9-30 p.m.).

711. Literacy classes shall be conducted by the paid teacher and literate prisoners selected by the Superintendent for this purpose from 7-0 to 8-0 p.m.

712. Slates, pencils and other writing material may be supplied to prisoners at the Superintendent's discretion either at Government or the prisoner's expense as may be considered proper in each case.

713. Note books and exercise books may also be supplied to Class I prisoners at their cost.

714. Prisoners may read newspapers and books from 8-0 to 9-0 p.m. and shall go to bed at 9-30 p.m.

GENERAL RULES

715. As a general rule and subject to the provisions of Chapter XXIII prisoners who work together shall, as far as practicable, sleep together so as to facilitate the formation of gangs. No two prisoners concerned in one criminal case shall, as a rule, be confined in the same barrack or employed in one and the same gang. All long-term prisoners shall be frequently changed from barrack to barrack or cell to cell, as the case may be, under the orders of the Senior Jailer.

716. A prisoner shall sleep only in the place marked off for him by the Convict Officer on duty.

717. A light shall be kept burning in or near every sleeping barrack or cell throughout the night. It shall be so placed as to throw sufficient light in the barrack or cell and shall be inaccessible to the prisoners. The convict overseer on duty shall immediately report to the sepoy on duty if the light goes out at any time during the night, and shall maintain order.

718. In the case of Class I prisoners confined in cells, a table lamp may be provided in each cell.

719. In each barrack a latrine shall be provided for night use only. Similarly the vessels provided in cells shall be used only for urination. The convict overseer shall report any prisoner who makes a practice of using them for other purposes.

720. Where there are no such latrines earthen or iron vessels for night use shall be provided. One fourth portion of these vessels should be filled with water.

INSPECTION BY JAIL OFFICIALS

Senior Jailer

721. The Senior Jailer shall frequently inspect every part of the prison, especially the cells and beddings; see that they are clean and in order, and that the means of security in the different barracks, yards, and work-shops, are effective; and shall at uncertain times once a week search or cause to be searched every prisoners, person, clothing and bedding and see that there are no prohibited articles hidden away or anything that can assist in escape. The date, time and description of the barracks or cells searched shall be recorded in Register No. 13.

722. The Senior Jailer shall visit all the wards once a week and shall enter his visits in Register No. 13. together with the time of visit. This will however not absolve the other Jailors of their individual responsibilities in this respect.

723. Senior Jailer at the weekly parade muster all the Jail-guards and examine every prisoner, and shall certify in the Jailer's Report Book No. 13, to the following points :—

1st.— That the fetters every prisoner in irons are secure and clean;

2nd.— That every prisoner in irons has, if necessary a pair of leather gaiters;

3rd.— That every prisoner has his body and history ticket;

4th.— That every prisoner has his authorised quantity of clothing and bedding and that they are clean in good order;

5th.— That the Jailer has read out the prescribed circulars about remission rules rewards, punishments and escapes.

6th.— That all barracks and cells have been inspected daily during the week and found correct.

7th.— That every prisoner sentenced to six months and above has a History Form maintained for him.

Bombay Medical Service Officer

724. The Bombay Medical Service Officer shall go round the hospital in the morning, visiting each patient and doing whatever is needful for the latter while at the same time making notes of the condition or progress of the cases for the information of the Medical Officer.

725. He shall carefully inspect the prisoners in the convalescent gang every morning.

726. He shall visit all prisoners confined in cells, daily, and report to the Medical Officer any complaints that may have been made to him.

727. He shall visit the hospital frequently day and night and see that all serious cases have the prescribed medicines and food given to them by the nursing orderly or recognised hospital attendant

728. He shall daily inspect all latrines and urinals, and see that they are kept clean, and that the conservancy is properly carried out according to the system adopted in the Prison. He shall also see that the orders about ventilation of the hospital wards, sleeping barracks and work-shops are properly attended to according to the season of the year.

Medical Officer

729. The Medical Officer shall visit the hospital daily before 10-0 a. m. He shall go round the wards and see all admitted and detained cases. He shall also personally examine and pass orders regarding the treatment of all prisoners who have come or been sent to Hospital since the previous morning. The treatment of the sick is the personal duty of the Medical Officer and shall not be delegated to a subordinate. When great sickness prevails or the severity of the cases requires it, the Medical

Officer shall visit the prison as many times daily as may be necessary for the efficient discharge of his duties. If he is unable to visit the prison on any day for any valid reason he shall issue instructions to his subordinates in respect to cases which require attention. He shall at the time of his next visit record in Register No. 32 the cause and duration of his absence.

730. He shall visit the prison daily and inspect every part of it regularly and frequently for the purpose of ascertaining that nothing exists therein likely to be injurious to the health of the prisoners, and especially that the ventilation and clearliness of the barracks, yards and latrines, etc. are properly attended to according to the rules laid down under the head "Conservancy", and that cleanliness of the persons and clothing of prisoners is observed. He shall also, at the Superintendent's weekly inspection referred to in Rule 736, see every prisoner and carefully examine each one, paying special attention to any signs of a scorbutic, or anaemic tendency, or any falling off in condition, or of any skin diseases. The results of the inspection shall be recorded in Register No. 32. Medical Officer's Journal. Occasionally the sleeping wards should be visited immediately after they are opened in the morning, to see whether the air is foul or the temperature unduly high.

731. He shall visit once daily, and oftener if necessary all prisoners in cells and shall report at once in writing to the Superintendent the necessity for the removal of any prisoner therefrom on account of bodily or mental infirmity.

Superintendent

732. The Superintendent shall visit the prison and especially prisoners in cells and solitary confinement at least once every working day shortly after sunrise and in any case before 10 a. m. and on Sundays and holidays if necessary.

733. He shall visit the prison hospital frequently, and see that proper arrangements are made for the safe custody of the sick prisoners and others, and that discipline is maintained, as far as is consistent with the medical treatment prescribed.

734. He shall inspect the barracks, yards, cells, cook-rooms, latrines and every part of the prison once a week on uncertain days. He shall also occasionally inspect the quarters of the subordinate officers. He shall frequently visit the prison garden and shall see that the vegetables supplied to the prisoners are perfectly fresh and wholesome.

734-A. The Superintendent (not the Deputy Superintendent even if there is one) should invariably visit the female jail or female section of the jail every day at some convenient time in order to see whether there is any complaint from any female prisoner. The visit should be paid not at any particular appointed time but any time during the day without intimation and attempts should be made find out

tractfully if the prisoners get proper treatment from the Matron and other jail staff. The visit will, of course, be recorded in the Gate Register of the Female jail or female section as the case may be. If there is no Gate Register in the Female section one should be Maintained.

735. The notes and time of his visit and any instructions he may have to issue shall be recorded in Register No. 12.

736. On one morning regularly in every week, the Superintendent shall hold an inspection parade of all prisoners, at which the Medical Officer shall, if required, be present, when every prisoner shall have an opportunity of making any complaint or application to the Superintendent. At this parade each prisoner shall have his clothing, bedding and equipment arranged in line before him. After, or before, the parade, the Superintendent shall visit the hospital and shall hear any complaints or requests the inmates of the hospital may have to make. Nothing in this rule shall debar a prisoner from making a complaint or application to the Superintendent at other times than the weekly parade, and it shall be the duty of every prison official to produce before the Superintendent without unnecessary delay any prisoner desiring to see him.

Note.— In large Jails it may not be possible to see all the prisoners on one day without undue haste. In such cases two mornings a week may be devoted to the inspection parade.

737. No prisoner shall leave his work or his line to make any representation to the Superintendent or Jailor. The Jailor shall, at least once during the day, visit all the prisoners and give them the opportunity of making representations and complaints on any urgent matter, such as appeals, assault or illtreatment. Any prisoner wishing to appeal or making such a complaint shall be brought by the Jailor before the Superintendent.

738. The Superintendent, all Jailors, Subedar and Jamadars shall pay at least one night visit per week at uncertain hours. inspector- General of prisons

Inspector-General of Prisons

739. The Inspector General of Prisons shall inspect the yards, wards, barracks, cells and other enclosures in every Central, District, Special Prisons and Borstal School at least once every year and as many Sub-Jails including Taluka Sub-Jails as possible every year. He shall also inspect the gardens attached to prisons. He shall see every prisoner in prison at the time of his inspection, and give every prisoner the opportunity of making any application or complaint, and shall determine all such as relate to prison discipline.

740. The auditor attached to the Inspector-General's Office shall inspect all accounts, (including the accounts of "Jail Staff Family Welfare Fund") registers and records of every Jail.

and Head quarter Sub-Jails at least once a year and see that all rules and orders are followed by the Jails staff. During the course of his visits the Inspector-General shall also see as far as possible that the inspection notes are being complied with and that the work of the Jail Offices is proceeding on proper lines.

WEIGHMENT OF PRISONERS

741. Every prisoner shall be weighed regularly every alternate Sunday in the presence of the Medical Officer or Bombay Medical Service Officer who shall personally record the weights in a register specially kept by him for this purpose. The weighment should take place before the morning meal and the prisoner should wear trousers only. Deductions should be made on account of fetters at the rate of 5 lbs. for bar fetters and 3 lbs. for chain fetters. The Medical Officer shall take steps to prescribe nutrition treatment to such prisoners as he considers necessary on account of an undue loss of weight.

742. The Medical Officer shall from time to time examine the prisoners while at work and any prisoner who appears to be suffering in health from the kind of labour on which he is employed shall be removed therefrom and not again employed on like labour until the Medical Officer certifies his fitness for the same.

WASHING OF CLOTHES

743. Every prisoner shall wash his clothing at least once a week usually on Sunday morning and his langoti daily when having his bath. If necessary the Superintendent may detail prisoners for the purpose of washing any special portion of prison clothing and the private clothing of such prisoners as are unable to wash them for reason of health.

744. Prisoners may, if they so desire, get their clothes washed at their cost at the Jail laundry if there is one in the prison.

745. (i) All undertrial and convicted prisoners class II shall be issued washing soda and firewood on the following scale for washing their clothes every Sunday at Government cost:—

Washing Soda	... 1 oz. per prisoner per week.
Firewood	... 4 ozs. per prisoner per week.

Firewood issued at the above scale shall be utilized for boiling water in which prisoners could dip their clothes before washing.

(ii) Prison cooks and prisoners employed on conservancy work, shall be provided with two ounces of carbolic soap per prisoner per week at Government cost.

(iii) Class I prisoners shall be given 4 ozs. of washing soap at Government cost per head per month.


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CHAPTER XXIII

CLASSIFICATION, ADMISSION AND CONFINEMENT OF PRISONERS

CLASSIFICATION OF PRISONERS

746. In these rules unless a different intention appears from the subject or context the expression :—

(a) "Casual prisoner" means any convicted prisoner who is not a "habitual" as hereinafter defined.

(b) The following Criminal prisoners shall be classified as habitual, namely :

(i) Any person convicted of an offence whose previous conviction or convictions under Chapters XII, XVI XVII or XVIII of the Indian Penal Code taken by themselves or with the facts of the present case show that he habitually commits an offence or offences punishable under any or all of those Chapters;

(ii) Any person committed to or detained in prison under section 123 (read with section 109 or section 110) of the Code of Criminal Procedure:

(iii) Any person convicted of any of the offences specified in (i) above when it appears from the facts of the case, even although no previous conviction has been proved, that he is by habit a cheat or a member of a gang of dacoits or of thieves, or a dealer in slaves or in stolen property,

Explanation.—For the purpose of this definition the word "Conviction" shall include an order made under section 118, read with section 110 of the Criminal Procedure Code.

(c) "Convict" means a convicted criminal prisoner.

(d) "Child" means a person under the age of 16 years, and when used with reference to a child sent to a Certified School, applying to that child during the whole period of his detention, notwithstanding that the child might have attained the age of sixteen years.

(e) "Youthful Offender" means any child who has been found to have committed an offence.

(f) " Adolescent Offender" means a person who is 16 years old or more but less than 23.

(g) "Undertrial" and "awaiting trial" are synonymous terms and refer to persons committed to prison whilst the charges against them are under judicial investigation.

747. For the purpose of treatment in Jails, prisoners shall be grouped as short termers, (having sentences of less than 3 months) and long termers (having sentences of three months and over).

748. The classification of a convicted person as "habitual" shall ordinarily be made by the convicting court, but if the convicting court omits to do so, such classification may be made by the District Magistrate.

749. If the result of an exhaustive medical examination or psychological or psychiatric test carried out on a "casual" prisoner, discloses that he has developed criminal propensities he may be given such treatment as may be considered necessary for his case but he shall on no account be classified or styled as habitual.

750. The convicting court or the District Magistrate may, for reasons to be recorded in writing, direct that any convicted person or any person committed to or detained in prison under section 123 read with section 109 or section 110 of the Criminal Procedure Code shall not be classed as "habitual" and may revise such direction.

751. Convicting courts or District Magistrates, as the case may be, may revise their own classifications and the District Magistrate may alter any classification of a prisoner made by a convicting court or any other authority provided that the alteration is made on the basis of facts which were not before such court or authority.

Note.—The expression "District Magistrate" wherever it occurs in above rules means the District Magistrate of the district in which the Criminal was convicted, committed or detained. The expression includes a Presidency Magistrate. Superintendent should note the distinction between an habitual convict and reconvicted convict. All habitual convicts, are as a rule reconvicted, but not all reconvicted convicts are habitual.

CASUAL

752. Casual prisoners shall be divided into two classes, viz.—

(a) *Star Class*

(i) The Star Class shall include such prisoners as may be selected by the Superintendent on the ground that their previous character was good, that their antecedents are not criminal and that their crime does not indicate grave cruelty, gross moral turpitude or depravity of mind.

(ii) Prisoners in the Star Class so far as is practicable shall be kept apart from all other prisoners and especially so at night. They shall be distinguished by wearing a black or blue cloth star 3 inches in diameter sewn on to the left breast of the coat.

(iii) Star Class prisoner receive no special privileges but should be given prior consideration when selecting prisoners for promotion to be Convict Officers.

(b) *Ordinary Class.*

POLITICAL

752-A. There will be no separate class of political prisoners. If any prisoner requests to be classified as a political prisoner,

or claim any privileges on that score, his case should be reported to Government through the Inspector-General of Prisons.

CONVICTED

753. For the purpose of grant of prison amenities and privileges, convicted prisoners shall be classified as Class I or Class II by the sentencing court based on social status, mode of living etc.

754. Cases of prisoners recommended for Class I require confirmation of Government. If no orders about classification are passed by sentencing court, it should be assumed that prisoners belong to Class II.

755. The Superintendent of the Jail should bring to the notice of the District Magistrate the cases of all ex-military prisoners convicted by Courts-Martial or Naval Courts. The District Magistrate after making such enquiries as may be necessary, including, if necessary, a reference to the Local Brigade Area Commander, should make the initial recommendation for classification in Class I to the state Government by whom the recommendations would be confirmed or reviewed. Prisoners not classified in Class I will be treated as Class II prisoners.

UNDERTRIAL

756. There shall be two classes of undertrial prisoners viz., I and II based on social status, mode of living, education etc.

757. The classifying authority is the Magistrate or Court which commits the prisoner to Prison and the classification made by the Magistrate is subject to the approval of the District magistrate.

Note.— In the cases tried by the courts in Bombay City the classification will be subject to the approval of the Chief Presidency Magistrate.

CIVIL PRISONERS

758. Civil prisoners include three classes viz. :—

(1) Civil debtors confined under a warrant in execution of a decree of a Civil Court.

(2) Persons sentenced to confinement in a Civil Jail under sections 318, 332 or 514 of the Code of Criminal Procedure.

(3) Persons detained under Act III of 1864.

759. Judgment-debtors are divided into following two classes according to their social status, education and mode of living.

(1) Superior Class.

(2) Ordinary Class.

760. The subsistence allowance shall be paid in accordance with the scale fixed as follows :—

Superior Class:—From Re. 1 to Rs. 1-8-0 per day.

Ordinary Class:—From As. 8 to Re. 1 per day.

GENERAL RULES ABOUT ADMISSION AND CONFINEMENT OF PRISONERS IN JAILS

761. The requirement of the Prisons Act, with respect to the separation and custody of prisoners are as follows :-(Section 27, 28).

(1) In a prison containing female as well as male prisoners the females shall be imprisoned in separate buildings in such a manner as to prevent their seeing or conversing or holding any intercourse with the male prisoners;

(2) In a prison where male prisoners under the age of eighteen are confined, means shall be provided for separating them altogether, from the other prisoners and for separating those of them who have arrived at the age of puberty from those who have not,

(3) Unconvicted criminal prisoners shall be kept apart from convicted criminal prisoners;

(4) Civil prisoners shall be kept apart from criminal prisoners and

(5) As far as structural circumstances permit Class I prisoners will be provided with cellular accommodation. Where this is not possible association barracks should be used. Class I prisoners should be kept separate from Class II prisoners. As far as possible separate yards should be utilized for each class of prisoners.

762. Subject to the requirements of section 27 of the Prisons Act, convicted criminal prisoners may be confined either in association or individually in cells, or partly in one way or partly in the other.

Note.—If any cells remain vacant, full use may be made of them by keeping educated prisoners in them who wish to be kept separate. This should be done on a voluntary basis.

763. Convicts sentenced for rape, unnatural offences, or kidnapping for the purposes of prostitution, should be kept separate in Jail from other prisoners and where structural arrangements permit, should invariably be lodged separate from other prisoners at night subject to the exception ordered in Rule 319 in the case of female prisoners.

764. Habitual criminals as defined in Rule 746 (b) must invariably be completely separated from casuals at night, during parades and at meal times. Every effort shall also be made to prevent them from associating with non-habitual prisoners during working hours. Sleeping barracks assigned to habituals shall if possible be located in a separate enclosure.

765. Juvenile prisoners confined in ordinary prisons must be kept entirely separate from other prisoners both by day and night. Habitual juveniles, should be separated from casual juveniles.

766. Every prisoner condemned to death shall be confined in a separate cell, which shall be carefully examined by the Jailor. In the morning and evening i. e., immediately after the opening of the prison in the former and before its closing in the latter case the prisoner shall be searched in the presence of the Jailor.

767. Those under observation for insanity or suffering from contagious diseases shall be isolated to the extent that the Medical Officer considers necessary.

768. Wherever possible convicts sentenced to simple imprisonment shall be separated from those sentenced to rigorous imprisonment or transportation.

OVERCROWDING AT SUB-JAILS

768-A. The minimum space which has to be provided for each prisoner in a sleeping barrack, as laid down in rule 519, is 40 sq. feet and 560 cubic feet. The responsibility for seeing that the requirements of this rule are strictly observed rests with the Superintendents of the Head Quarter Sub-Jails. In case of emergency, Superintendents of Head Quarter Sub-Jails should, if there is time, consult the District Magistrate by telegram and obtain his orders. Otherwise they must use their own discretion in providing sufficient accommodation either by special releases of prisoners on bail or recognizance or by improving additional cells in some other building or by transferring prisoners to other Sub-Jails or Jails. Before transferring prisoners to other Sub-Jails or Jails, the Superintendent of the Sub-Jail concerned must necessarily consult the Inspector-General of Prisons, by an express telegram or by telephone (where such arrangements exists) so that the latter may allot a Jail where accommodation exists at that time.

UNDERTRIAL

769. Confessing undertrial prisoners shall so far as practicable, be separated from other unconvicted prisoners.

770. Undertrial prisoners will as far as possible always be accommodated in separate cells at night but if cells are not available for all, priority shall be given to adolescents and nonhabituals. The latter two classes must always be kept separate both from each other and from ordinary undertrial prisoners both by night and day.

771. Central Prisons are intended for the confinement of persons sentenced to terms of imprisonment of not less than two years but may also be used as District Prisons for the reception of prisoners from adjoining districts which no district prisons are provided.

Note.—(1):—Habitual and casual criminals may be confined in the Central Prisons as follows:—

1. YERAVDA CENTRAL PRISON

(a) All habitual criminals throughout the State, both adult and juvenile, punished with imprisonment for a term not less than 2 years;

(b) Casual criminals, both adult and juvenile, punished with imprisonment for a term not less than 2 years;

Provided that habitual criminals sentenced to less than two years who show readiness to improve and casual criminals from the Poona district and such other districts adjoining the Poona District in which no district prison is provided as the Inspector-General of Prisons may determine may also be confined in the Yeravda Central Prison.

2. CENTRAL PRISONS (OTHER THAN YERAVDA CENTRAL PRISON)

Casual criminals, both adult and juvenile, punished with imprisonment for a term not less than 2 years:

Provided that habitual criminals who show readiness to improve and casual criminals from the district in which a Central Prison is situated as also from such other districts adjoining the said district in which no district prison is provided as the Inspector-General of Prisons may determine may also be confined in a Central Prison.

Note.—(2) There are Special Juvenile Sections at Yeravda Central Prison, Ahmedabad Central Prison and Belgaum Central Prison for male casual Juveniles.

The Female Jail at Yeravda has a special Juvenile Section for female Juveniles.

772. The following may be confined in District Prisons:—

(i) Criminal prisoners sentenced to death.

(ii) Criminal prisoners sentenced to terms of imprisonment for less than two years and for more than the term for which they might be confined in a subsidiary Jail under the rules regulating the same.

(iii) Criminal prisoners in transit to Central or Special Prisons, provided that they should not be so confined for more than one month.

(iv) Criminal prisoners awaiting trial before a Court of Session, or where special accommodation is provided, before a Magistrate, provided that there is no subsidiary Jail or other place of confinement where they might, under the rules regulating the same, be more conveniently confined: Provided always that no European criminal prisoner under sentence of death or under sentence of imprisonment exceeding three months shall be confined in any District Prison.

Note.—Save as regards criminal prisoners sentenced to death, habitual and casual criminals may be confined in district Prisons, as follows :—

THANA DISTRICT PRISON

(a) All habitual criminals throughout the State, both adult and juvenile, punished with imprisonment for a term less than 2 years and for more than the terms for which they might be confined in a subsidiary Jail under the rules regulating such Jail.

(b) Casual criminals from the Thana District both adult and juvenile, punished with imprisonment for a term less than two years and for more than the terms for which they might be confined in a subsidiary Jail under the Rules regulating such Jails.

Provided that casual prisoners from the Thana District and such other districts adjoining the Thana district in which no district prison is provided as the Inspector-General of Prisons may determine may also be confined in the Thana District Prison.

DISTRICT PRISONS (OTHER THAN THE THANA DISTRICT PRISON)

Casual criminals, both adult and juvenile, from the district in which such district prison is situated punished with imprisonment for a term less than two years and for more than the term for which they might be confined in a subsidiary Jail under the rules regulating the same.

Provided that habitual criminals who show readiness to improve and casual criminals from the district in which a district prison is situated as also from such other districts adjoining the said district in which no district prison is provided as the Inspector-General of Prisons may determine may also be confined in a district prison.

773. If practicable, female prisoners, except those sentenced to transportation or long term habitual criminals, shall, as a rule, be retained in the prison of the district to which they belong.

774. Special Prisons are provided for the confinement of such classes of prisoners as Government shall order from time to time. They may if necessary and to such an extent as accommodation is available be used as District Prisons.

SUB-JAILS

775. (i) Undertrial prisoners and convicted prisoners sentenced to terms of confinement not exceeding three months in second class subsidiary Jails.

(ii) Convicted prisoners sentenced upto six months but whose unexpired portion of the sentence does not exceed three months

may also be confined in Head Quarter Sub-Jails: Provided the conditions in Central and District Prisons really require it.

776. Undertrial prisoners and convicted prisoners sentenced to terms of confinement not exceeding one month are confined in Third Class Subsidiary Jails.

CIVIL JAILS

777. Civil prisoners are confined in Civil Jails.

BORSTAL SCHOOL DHARWAR

778. The Borstal School at Dharwar admits males who have been ordered to be detained there under the Bombay Borstal Schools Act XVIII of 1929.

779. Military prisoners are usually not real criminals and those of them who have been sentenced for purely military offences should be kept so far as is possible entirely apart from ordinary convicts. They ought for example always to sleep in cells and might work in the undertrial section of the Prison during the day. But the exact arrangements made will depend on local circumstances and are left to the discretion of Superintendent.

ADMISSION

780. Prisoners shall be admitted after the opening of the prison up to the hour of lock-up. This does not apply to prisoners before the Sessions Court or those coming from a long distance by rail from Prisons or Jails when notice has been received. Arrangements should be made to receive such prisoners on arrival. On the admission of a prisoner the Judicial Jailer shall furnish the Officer in charge of the Police escort with a receipt for him.

CONVICTED PRISONERS

781. No prisoner shall be admitted into prison except on a warrant signed by a competent authority. A separate warrant shall be received for every prisoner, even though two or more prisoners have been jointly charged and convicted. Before admitting a prisoner, the Judicial Jailer shall examine the warrant and Form P. M. 30-A and shall question him as to his name and other particulars with a view to ascertaining that he is the person referred to in the warrant and Form P. M. 30-A.

UNDERTRIAL PRISONERS

782. Undertrial prisoners shall be admitted on separate warrants signed by competent authority. On admission they shall be examined by the Bombay Medical Service Officer for marks of violence (Rule 815). On their conviction or discharge their warrants shall be retained in the prison office. (Section 4 of Prisons Act of 1900).

GENERAL RULES ABOUT THE WARRANT

783. Every warrant shall be examined to see whether it is apparently correct and complete. If a warrant is incorrect or incomplete, and it seems likely that the incorrectness or incompleteness is due to a clerical error it may be returned for correction to the issuing Court under Section 369 of the Criminal Procedure Code. In this case a copy shall be retained till the original is received back. In other cases the Senior Jailor shall follow the procedure laid down by section 17 of the Prisoners Act III of 1900—provided that every reference under this section shall be accompanied by a copy of warrant referred to and shall be submitted through the Inspector-General.

Note.—(1):—A warrant ordering imprisonment without specifying whether it is to be simple or rigorous imprisonment, and undated, unsigned or unsealed warrant shall be returned for correction.

Note.—(2):—If a warrant purporting to have been issued by a Magistrate of the third class directs that a prisoner be subjected to rigorous imprisonment for a single offence to over one month, the case shall be referred to the District Magistrate or the Sessions Judge as the case may be and the sentence not carried out pending revision and the prisoner shall be treated as undertrial pending decision of the case.

Note.—(3):—A sentence of flogging is irregular:

(a) in the case of a prisoner also sentenced to imprisonment for more than five years;

(b) in the case of a prisoner more than 45 years of age;

(c) in the case of women; and

(d) in the case of a prisoner also sentenced to imprisonment for less than 3 months.

Note.—(4):—The amount of solitary confinement ordered on a warrant is dependent on the term of sentence and should not be more than is allowed under section 78 of the Indian Penal Code.

Note.—(5):—Every warrant shall show the class habitual or casual to which the prisoner belongs, and in the case of those previously convicted, a statement showing the previous convictions shall be attached.

Note.—(6):—In case of any warrant containing a sentence of imprisonment in default of fine, the sentencing authority shall note on the warrant whether the fine or any portion thereof has been paid.

In endorsing the recovery of fines on the prisoner's warrants of commitment the courts shall use a conspicuous rubber stamp containing the words "Fine Paid" in block capitals to be impressed at the left hand top corner of the warrant.

Note.—(7):—Every warrant shall define the period and nature of the imprisonment awarded.

**RULES ABOUT SEARCH, MEDICAL EXAMINATION AND
REGISTRATION OF PRISONERS ON ADMISSION**

784. The Jailor shall be invariably present on the reception of a prisoner into prison, and shall see that the warrants and other papers are correct and according to the prescribed form. He shall see that the prisoner is searched for prohibited articles, that his private property is taken away from him and properly valued and

brought to account, and that his descriptive roll is correctly made out. He shall explain or cause to be explained to all newly admitted prisoners the acts the commission of which constitutes a breach of prison discipline, the punishments which may be awarded for such prison offences and the advantages to be secured by good behaviour.

785. Every prisoner on admission into prison shall be thoroughly and carefully searched.

786. The search of female prisoners shall be made by a matron and only in the presence of females. In extreme cases, such as absence of the matron, the search of a female may be made by any other suitable women, or by a female convict officer.

PRISONERS SENTENCED TO DEATH (CONDEMNED TO DEATH)

787. Every prisoner sentenced to death shall, immediately on arrival in the prison, be searched, by or in presence of, the Jailor.

788. The prisoner shall be stripped, and every article in his possession taken from him, and shall be dressed in prison clothes; the Jailor shall then carefully inspect the prisoner and satisfy himself that no article remains in his possession with which he can either do himself harm or effect his escape. With a view to lessen the risk of suicide on the part of the prisoner, all wool blankets shall be substituted for cotton woollen ones and earthen vessels for alluminum pots and plates. He is not to be fettered except for special reasons, such as an insecure cell or violence.

789. If a Parsee be admitted under a sentence of death, a specially thin "Kasti" should be obtained from the Secretary, Parsee Panchayat, Bombay. This Kasti before issue should be soaked in strong chunam water so that it may break on the least strain.

PRISONERS SENTENCED TO SIMPLE IMPRISONMENT

790. Every simple imprisonment prisoner shall, on admission into prison, be thoroughly searched, and all money, jewellery, papers, letters, and any other property other than the clothes he is wearing shall be taken away from him.

UNDERTRIAL PRISONERS

791. Undertrial prisoners accused of murder shall be searched in the presence of the Jailor and if necessary for safe custody their private clothing and other articles may be removed and they may be supplied with prison clothing and locked in cells. Special care should be taken to guard against any risk of escape or suicide by these prisoners.

792. Undertrial prisoners, save as provided in Rule 791 shall be permitted to retain their own clothing, bedding, shoes, eating

and drinking vessels and religious emblems but all money, jewellery and other articles shall be taken possession of by the Jailor who shall endorse a list of the same in Register No. 1. The list shall be signed by the prisoner and initialled by the Superintendent. Papers, etc., which assist the prisoner in his defence may be left with him. If the prisoner is acquitted, his property shall at once be made over to him, but if convicted, it shall be disposed of as provided in Chapter XXX.

CONVICTED PRISONERS

793. Every article whether clothing, bedding, money, jewellery, documents or otherwise, shall be taken away from prisoners sentenced to rigorous imprisonment but if received into prison late or after lock-up their clothing except when there is a possibility of their conveying contagion from an infected district may be left with them until next morning. Money, personal ornaments, paper and letters and any other property other than clothes required for immediate use shall be taken away from simple imprisonment prisoners. Surplus clothing if any should be kept in prison godown and issued as required.

Note.—Prisoners may be allowed on request to the Superintendent to wear or use in the Prison the sacred thread known as "Janwa" or "Janoi" or cloth known as "Sowla", or an under garment known as "Sadra" and the thread known as "Kasti" or "Ling" wrapped in piece of cloth or kept in a silver box suspended round the neck (provided it is capable of being examined against misuse), scapulars, rosaries, comb, iron bangle and kirpan 1½" in length (worn by Sikhs) and Kumku and bangle (for female prisoners).

794. Any prisoner abusing these concession or whose conduct in the prison is unsatisfactory shall be deprived of them for such period as the Superintendent of the Prison may deem fit.

795. The articles will in no case be supplied at the expense of Government, except bangle for female prisoners who may be supplied on request unbreakable bangle of a suitable type, not exceeding two for each hand.

796. As soon as possible after admission every prisoner shall be brought before the Jailor and shall have his descriptive roll carefully and fully written out in the Register No. 3 (the Bombay Medical Service Officer Class III will fill in columns 5 and 7) and at the same time his property shall be entered in Register No. 2. The latter entry should be read out to the prisoners and signed by him and the Jailor in proof of its correctness. Valuable articles of jewellery should be put into a packet (Jail Form No. 112 e) in the presence of the prisoner concerned and carefully closed and sealed. A paper cross band should be stuck all round the packet and the prisoners should be allowed to put his signature or thumb impression on the joints of the slip so pasted.

797. The description of the prisoner to be recorded in columns 5 and 7 of the Register No. 3 should give full particular as to the exact position and size of scar, moles, and descriptive marks and it should show the distance of such in inch from the nearest joint or bone or surface protuberance. At least three identification marks should be clearly and fully recorded in the case of each prisoner when he is first admitted. This description must not be altered except by the Medical Officer and for minor corrections or amplification during the whole period he remains in Prison. Every such correction shall be signed and dated by the Medical Officer who makes it.

798. If the prisoner had originally come in as an undertrial prisoner and was subsequently convicted, his description must be copied from Register No. 1 into Register No. 3.

799. If the prisoner is transferred from one Jail to another his description must be recopied from the transfer papers into Register No. 3 at the receiving Jail. On each occasion on which the description is copied into a document or into a Register, it must be carefully checked by the Senior Jailer so as to prevent impersonation and the prisoner's Register No. name, sentence, date of sentence, date of admission, date of release and number of conviction shall be endorsed on his warrant. A history ticket shall be prepared for him.

800. Classification of Class I prisoner should be marked in red ink against his register number in all the Prison Registers.

801. The name of every convicted prisoner shall be entered in Register No. 3 each entry being numbered serially. The register number thus given shall be the prisoner's identifying mark throughout his imprisonment, a fresh number being however given him on every transfer to another prison. In all Official communications regarding a prisoner his number will invariably precede the name. Renumbering of convicted prisoners and the recopying of entries in Register No. 3 is not permitted without the sanction of the Inspector-General.

802. The Jail authorities should enter the Jail admission number on the finger print slip received with the committal warrants and hand it over to the Chief Operator on his visit to the Jail. The signature of the chief operator should be obtained in Column 6 of the convicted prisoners Register No. 3.

803. The names of enroute prisoners both convicted and undertrials, must invariably be entered in Register No. 3 (convicted prisoners Register) and Register No. 1 (Register of Undertrial Prisoners) of the Prison in which they stop enroute.

804. In all registers and returns the numbers and names of female prisoners shall be written in red ink.

805. The letter 'H' shall be written in red ink against the names of Habitual Prisoners in all registers and forms.

QUARANTINE

806. Newly convicted prisoners shall on admission be kept in quarantine for such period, being not less than ten days, as the Medical Officer may consider necessary in each case with due regard to the kinds of epidemic diseases if any which are prevalent at the time.

807. Prisoners in quarantine shall so far as is practicable be confined in cells and shall not be allowed to associate with other prisoners or amongst themselves.

808. No prisoner shall be transferred from the quarantine to a circle or barrack without the approval of the Medical Officer.

809. It is not ordinarily necessary to quarantine prisoners transferred from other Jails if they have been in such Jails for at least fourteen days unless the Medical Officer advises to the contrary.

810. Suitable work must be provided for all prisoners during the quarantine period.

811. All newly admitted prisoners (convicted as well as Under-trials) shall be made to wash themselves thoroughly on the first day of their admission. For this purpose they shall be issued carbolic soap lotion at the scale of 2 Ozs. of lotion for each prisoner. The lotion shall be prepared in the proportion of half a dram of carbolic soap to two Ozs. of water. Their private clothing must also be washed and disinfected if considered necessary by the Medical Officer, before it is stored in the godown.

812. The period of quarantine should be utilised for (1) the elementary orientation (2) the collection of information about the prisoners.

The prisoners should be explained by the Jail staff including Medical Officer simple rules of Jail discipline, of personal and communal hygiene, of their behaviour towards Jail Officials and towards other prisoners, the new outlook in regard to the treatment of prisoners, the concessions and liabilities of prisoners, the necessity of utilising the period of his Jail life in preparing himself for rehabilitation after his release.

(2) A History Form (Jail No. 176) should be filled in respect of all prisoners sentenced to a term of imprisonment (either simple or rigorous) of six months and above except hardened criminals who in the Superintendent's opinion are not likely to be benefited by corrective treatment, after obtaining from the prisoner concerned the relevant information. In case the prisoner refuses to give any information the letter (R) should be put in relevant column of the form.

813. Until certified by the Medical Officer that a newly admitted prisoner is fit to be received among the other prisoners he shall be kept separate.

MEDICAL EXAMINATION OF PRISONERS

814. The Senior Jailor shall as soon as possible after the admission of a prisoner send him before the Medical Officer for examination. In the case of a female prisoner this examination shall be held in the female ward.

815. Bombay Medical Service Officer Class III shall carefully examine all new admissions of prisoners and report his observations to the Medical Officer. He shall specially examine undertrial prisoners on admission for recent marks of violence, reporting the result of such examination to the Medical Officer. All new admissions to Prison shall be examined for marks of vaccination or small-pox, and result noted.

816. In the case of a female prisoner who, he has reason to think, is pregnant, he shall report the circumstances to the Medical Officer.

817. A convicted prisoner shall, on the day of or the day after, his admission, be brought fully equipped according to rules for examination before the Bombay Medical Service Officer who shall enter in health Register No. 33, the weight, both actual and physical equivalent, height and state of health and (in the case of prisoners sentenced to rigorous imprisonment) the class of labour to which the prisoner is fit, with any observations that may be considered necessary. If a prisoner is not in good health or is not fit for hard labour the reason must be clearly stated in Register No. 33 and also on the prisoner's history ticket. He shall also record whether the prisoner has been vaccinated or has had small-pox.

818. On receipt of report about the recent marks of violence from the Bombay Medical Service Officer, the Medical Officer shall carefully record the same, forwarding a copy to the Superintendent of the Prison. This latter officer shall, if the prisoner so desired (and in any case may at his discretion) transmit the same to the District Magistrate together with the prisoner's statement as to how the injuries were received.

819. Subject to the provisions of Rules 647 and 648, all convicted prisoners shall be vaccinated as early as practicable after arrival in prison.

820. The Medical Officer shall scrutinize entries made by Bombay Medical Service Officer, enter in Register No. 33 (Health Register) about the state of health, and decide class of labour (hard, medium, or light) for which the prisoner is physically fit. The reason for classifying a prisoner as fit for labour other than hard shall be recorded on his History Ticket as well as in the Register No. 33. If the prisoner appears sick, the Medical Officer shall direct his removal to the Prison Hospital or into quarantine and shall note in the remark column anything abnormal in the prisoner's condition. When forming an opinion of the physical

fitness for labour of a convict on his admission into prison, the Medical Officer should take into account the convict's previous occupation, mode of life, health of the locality in which he has resided, abundance or scarcity of food in that district, the state of his muscles and limbs and any signs of constitutional or mental weakness. At the same time the Medical Officer should not lose sight of the possible good effect of judicious exercise and suitable labour for prisoners of weakly constitution.

821. The mere fact that a prisoner's weight is somewhat below the physical equivalent of his height is not in itself sufficient reason for classifying him as unfit for hard labour. The muscular development of such an individual must always be examined.

EXAMINATION OF THE PRISONERS BY THE SENIOR JAILOR WITH RELEVANT DOCUMENTS

822. As soon as possible after the procedure described in Rules 796 and 817 has been completed the prisoner shall be brought before the Senior Jailer who shall—

(i) examine the warrant and endorsement thereon and initial them;

(ii) read out to the prisoner the list of his private property as recorded in Register No. 2 and initial it if it is acknowledged correct, by the prisoner concerned;

(iii) verify the age of identification marks as recorded on the warrant and Register No. 3 and examine all other entries in the latter register and initial;

(iv) verify the entry in the release diary and initial;

(v) examine all entries on the History Ticket particularly as regards previous convictions;

(vi) verify and ascertain from the prisoner concerned about the correctness of the entries regarding his past history recorded in the history form;

(vii) issue special orders regarding fetters for security, transfer to a Borstal Institution, etc., as may be applicable to the case under the rules;

(viii) verify the entry made in History Ticket about the submission of the appeal and initial it, if it is acknowledged as correct by the prisoner.

CHAPTER XXIV

SENTENCE

823. Sentences of imprisonment passed by a Criminal Court may be concurrent or consecutive. In the absence of any direction on the warrant as to the manner in which such sentences shall be carried out, it should be assumed that they are consecutive. (Section 35 (i) and 397, Criminal Procedure Code, 1898).

824. Subject to the provisions of the last preceding rule, the period of imprisonment to be undergone under the sentence of a Criminal Court shall be calculated from the date on which the sentence was passed.

825. When a prisoner is sentenced to two or more sentences the date of release shall in the absence of any instructions from the Convicting Court be calculated as though the sum of the terms was awarded in one sentence. (Rule 938).

826. Sentences imposed in default of payment of fines cannot run concurrently.

827. If a prisoner is awarded two sentences for separate offences and while undergoing the first the same is reversed on appeal, the second sentence shall be deemed to have commenced from the date on which it was awarded.

828. Sentences of imprisonment in lieu of fine shall always be carried out on the expiration of substantive sentences whether the latter are annexed to the fine sentence or not.

829. When a person is sentenced to imprisonment (whether or not in default of payment of fine) that sentence begins to operate at once if the prisoner is at the same time under an order of detention for failure to give security under the Criminal Procedure Code.

This covers that class of cases where substantive sentence is passed after an order under Section 123 for an offence committed prior to the date of that order.

If, however, the offence was committed subsequent to the date of the order under Section 123, Criminal Procedure Code, the execution of the sentence for that offence must be postponed, and the case of the prisoner referred to the Inspector-General under note (ii) to Rule 830.

Note.—Detention for failures to give security is not a substantive sentence of imprisonment within the meaning of Section 397, Criminal Procedure Code.

830. If a prisoner, who is detained until such time as he may furnish security under the provisions of Chapter VIII of the Code of Criminal Procedure, is later sentenced to a further term of imprisonment for any other offence committed prior to the date of order under Section 123, Criminal Procedure Code, the sentence of imprisonment awarded in default of furnishing security shall run

concurrently with the subsequent sentence of imprisonment on conviction.

Notes.—(i) If a prisoner, who is detained for failing to furnish security under Sections 106 and 108 of the Criminal Procedure Code, expresses to the Superintendent or Jailor his willingness to furnish the security required of him, the Superintendent shall at once communicate with the Magistrate with a view to the necessary action being taken under Section 123 of the Criminal Procedure Code,

(ii) Where a prisoner, who is already undergoing a substantive sentence of imprisonment, has been ordered to undergo a further sentence in default of furnishing security for keeping peace or good behaviour under Chapter VIII of the Code of Criminal Procedure, 1898, then

(a) if such order has been passed by a judicial magistrate, the order should be brought to the notice of the Sessions Judge to whom such judicial magistrate is subordinate; and

(b) if such order has been passed by an Executive Magistrate, the order should be brought to the notice of the District Magistrate to whom such executive magistrate is subordinate.

for such action as the Sessions Judge or the District Magistrate, as the case may be, may deem necessary under section 435 of the said Code.

(iii) Sentences awarded under Section 52 of the Prisons Act commence on the expiry of imprisonment in default of furnishing security or from the date of receipt at the Prison of an intimation that the Security has been furnished.

(iv) If a foreigner apprehended and detained under Section 4 of Foreigners' Act, 1864, is sentenced to a term of sentence, the period of detention under Section 4 of the Foreigners' Act will be exclusive of and additional to the period of imprisonment passed upon him.

(v) The maximum period of detention ordered in two consecutive Chapter cases (i. e. under Section 123, Criminal Procedure Code) cannot exceed 3 years. Any case in which this is exceeded should be reported to the High Court, Bombay, for action with an appeal petition from the Convict.

(vi) An accused person falling under Section 123 (2), Criminal Procedure Code, must be treated as an undertrial prisoner until his case has been decided by the Sessions Court or High Court.

(vii) The period mentioned in the proviso to Section 123 (3), Criminal Procedure Code, must be counted from the date of the order of the Sessions Judge or High Court unless the latter specifically directs in the warrant that it is to be counted from some other date. In such a case the direction of the Superior Court must be complied with.

(viii) In the case of convicts committed to Jail under Chapter VIII, Criminal Procedure Code, the amount of Bond and Sureties should be recorded in Register No. 3 as follows:—

Section 110, Criminal Procedure Code,	{	Rs. 100 Bond,
		Rs. 50 each, Sureties.

Date of Release

831. (i) The duration of a prisoner's sentence shall be calculated by the year or month unless stated in days. When a prisoner's sentence consists of so many months with or without the fraction of a month, the date of release shall be calculated by adding the number of months to the date of the sentence, the fraction, if any, being reduced to days. For this purpose one month shall be deemed as equivalent to 30 days.

Example.—A prisoner is sentenced to one and a half months' imprisonment on the 2nd February. The date of his release will be the 16th March.

(ii) If the month in which the sentence of a prisoner expires has no date corresponding to the date of sentence the last day of the said month should be taken as day of expiry of sentence.

Example.—A prisoner sentenced on the 29th or 30th or 31st January to one month's imprisonment would be entitled to release on the 28th February.

(iii) In calculating the date of expiry of a sentence of imprisonment, the day upon which the sentence was passed and the day of release shall both be included and considered as days of imprisonment. Similarly, if a convict is released on bail pending appeal or if he escapes, the day on which he was released or escaped and the day on which he is re-admitted or re-captured, shall both be counted as days of imprisonment.

(iv) A prisoner sentenced to one day's imprisonment must be released on the same day, but if he is sentenced to imprisonment for 24 hours he must be kept in imprisonment for that period. In such cases the warrant shall state the hour at which he was sentenced.

832. To calculate the date of release of a prisoner who after conviction is released on bail and is afterwards remanded to Prison to serve out his sentence or who escapes and is at large for a certain period and is then re-captured, or who is released on parole and surrenders himself to Jail to undergo the remaining term of his sentence add the number of days the prisoner is on bail or at large (exclusive of the days of release and committal into custody or of escape and re-capture) to the term of his sentence; the date on which the sum of these periods will elapse, counting from the date of conviction is the date of expiration of sentence.

Note.—(a) A prisoner released on bail in Court on the day he is sentenced without having been sent to Prison shall not be deemed to have served any part of his sentence.

(b) If the sentence of any prisoner is suspended and the prisoner is kept in confinement the period of suspension shall reckon as part of his sentence.

(c) This rule does not apply to a prisoner detained until such time as he may furnish security under the provision of Chapter VIII of the Criminal Procedure Code. Such a prisoner cannot be legally detained after the expiration of the period specified in the warrant however short a time he may actually have spent in Prison.

(d) On the surrender of a prisoner undergoing sentence under a conviction in this State his sentence shall be deemed to be suspended until the date of his re-surrender when it shall revive and have effect for the portion thereof which was unexpired at the time of his surrender (Section 11 (2) Extradition Act XV of 1903).

(e) In the case of an escaped prisoner subsequently arrested in connection with another offence, any period spent on that account in Police custody or as an under-trial prisoner shall not be reckoned as imprisonment under the original sentence.

(f) Convicted prisoners from Part A States or Part B States removed to a Jail in this State to answer charges or to give evidence should be treated as convicted prisoners and not as under-trial prisoners.

(g) Convicted prisoners removed from a Jail in the Bombay State to a Jail in other Part A States or Part B States under the provisions of the Transfer of Prisoners Act, 1950 (XXIX of 1950), would be deemed to be undergoing their sentences during their absence from the Jail in the Bombay State.

(h) The period spent out by a prisoner released on furlough will reckon towards the term of sentence.

(i) Day on which a prisoner is released on parole and the day on which the prisoner surrenders back to Jail will be counted towards sentence.

833. Date of release shall be re-calculated and fixed in case of prisoners released on parole, after taking into account the period the prisoner was out on parole.

834. If a prisoner escapes and on his recapture is awarded any fresh sentence for escape, the date of release shall be recalculated in accordance with provisions of Section 396 of the Code of Criminal Procedure and the date of release fixed accordingly.

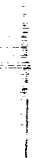
835. When an Appellate Court simply modifies a sentence passed by a lower Court without change of section, or when the Appellate Court passes a new sentence by changing the conviction section or the punishment section or otherwise, the sentence finally shall count, unless otherwise specially directed, from the first day of imprisonment under the original sentence.

836. The Senior Jailer and the Judicial Jailer shall every day or at frequent intervals personally check each fresh entry in the Register of Convicted Prisoners No. 3, and shall see that for each entry therein a corresponding entry has been made against the proper date in the Release Dairy, No. 4, and that in the case of the prisoner obtaining a remission of sentence or receiving any additional sentence while in Prison, the entry in the Release Dairy is transferred to the correct date. They shall be held personally responsible for the correctness of the entries in both the Register of Convicted Prisoners and the Release Dairy, as well as for any illegal detention of a prisoner that may result from neglect of this rule.

837. When a conditionally released prisoner is re-admitted within two years owing to an infringement of the terms on which he was released the unexpired portion of his sentence should be carried out without waiting for the receipt of Government orders which should, however, be applied for immediately on admission of the prisoner through the Inspector-General.

Sentence of whipping

838. Persons sent to a Prison for whipping only shall be dealt with immediately and then released. They shall under no circumstances be detained over-night and their names shall not be entered in the Prison Registers, except the Gate Register.





CHAPTER XXV

LUNATICS

839. Lunatics may be divided into five classes:—

(1) Persons supposed to be lunatics and under observation under Act IV of 1912;

(2) Prisoners who have become insane after their conviction and admission into Prison;

(3) Prisoners incapable of making their defence owing to unsoundness of mind and detained under Section 466 of the Code of Criminal Procedure pending transfer to a Mental Hospital;

(4) Prisoners who have been tried for a criminal offence and who have been found to have committed the act alleged, but who have been acquitted on the ground of being insane when the act was committed, and who are detained under Section 471 of the code of Criminal Procedure either permanently or pending transfer to a Mental Hospital;

(5) Recovered lunatics remanded from a Mental Hospital to a Prison with a view to ultimate release.

Persons falling within Class (1) of the classes specified above are non-criminal lunatics, and will in due course when the Magistrate has made a final order under Sections 13 and 15 of Act IV of 1912 either be released or transferred to a Mental Hospital. Non-criminal lunatics shall be entirely excluded from all statistical returns relating to prisons.

Persons falling within classes (2), (3), (4) and (5) are criminal lunatics.

840. Whenever a lunatic prisoner of any of the above classes is found to be dangerous, noisy, or of filthy habits, he shall be confined in a cell and he shall be daily visited by the Medical Officer. The observation made by the Medical Officer regarding a lunatic shall be recorded in Register No. 32.

841. The following rules regulating the detention, care and treatment of supposed lunatics under observation under the provisions of the Act IV of 1912 have been made by Government under Section 91 (1) of that Act.

Rules:—

(1) A person ordered to be detained under Section 16 of the Indian Lunacy Act 1912 in any district where there is a Mental Hospital shall be sent to such Hospital.

(2) If there is no Mental Hospital within the District the supposed lunatic shall be sent to a Jail lockup, hospital or dispensary as may seem most appropriate to the Magistrate or in Bombay the Commissioner of Police, regard being had to the supposed

lunatic's apparent condition and the means of accommodation and guarding and the facilities of skilled observation available in each case.

(3) *The Magistrate or in Bombay the Commissioner of Police may in his discretion make special provision for the guarding of the supposed by Police Officers.*

842. Under Section 16 of the Indian Lunacy Act 1912 the maximum period during which a person arrested under Section 13 can be detained for observation is thirty days. Immediately on the expiry of this period the Superintendent shall address the Court under whose warrant the person is detained, pointing out that the maximum authorised period of detention has expired and requesting sanction to release the person detained. If by the end of seven days more, the Superintendent has not received the orders of the Court to release the person detained, he shall report the matter to the Inspector-General.

843. When a convict is suspected of labouring under any form of mental aberration and is placed under observation, it shall at once be ascertained by telegram from the Surgeon-General with the Government of Bombay in what Mental Hospital, prisoner, if found to be a lunatic, can be confined. As soon as the decision to send the convict away to a Mental Hospital has been formed, his case shall be immediately reported direct by the Superintendent to the Secretary to Government, Home Department. The application shall state either that there is room for the lunatic in a certain Mental Hospital or that the information on this point has been sought and will be sent as soon as possible by telegram.

844. The Superintendent in submitting a case for the orders of Government under Section 30 (i) of the Prisoners Act, 1900, shall forward with it.

- (1) The nominal roll of the prisoner.
- (2) A copy of the warrant under which he is confined (in duplicate).
- (3) The Medical Officer's certificate in the form prescribed *vide* Government Resolution, Home Department, No. 6417, dated 15-11-1924 (in duplicate).
- (4) The revised form of Medical history sheet (in duplicate).
- (5) A copy of the Judgment.

Note. --In submitting such case the following information shall be noted in the last column of the Nominal roll.

- (a) Date of admission in Prison.
- (b) Date on which the convict first showed signs of insanity.
- (c) Date on which he was placed under medical observation.
- (d) Date on which he was declared a lunatic by the Medical Officer.

845. On receipt of a warrant issued by Government under the provisions of Section 30 of Act III of 1900, the Superintendent shall forward the lunatic to the Mental Hospital specified in

the order of Government together with the following documents:—

- (1) Nominal Roll.
- (2) A copy of the warrant.
- (3) Medical Officer's certificate in the appended form.
- (4) The revised form of Medical History sheet, as prescribed in Government Resolution No. 3837, dated 3-7-1911.
- (5) A certificate from the Medical Officer that the prisoner is fit to travel.

846. In addition to the above documents he shall also supply the following information:—

- (a) Sentence already spent in Jail.
- (b) Remission earned in Jail.
- (c) The date, if any, when the Advisory Committee has examined his case.
- (d) The date, if any, when the Advisory Committee has directed the prisoner's case to be brought again before the Board.
- (e) If the case has not come at all before the Advisory Committee the term of sentence at the end of which it would have been so brought had the prisoner continued to be in Jail.

N. B.—A copy of the Judgment or of the order of the Court should also be supplied by the Superintendent of the Jail, if called for at any time by the Superintendent of the Mental Hospital.

847. When prisoner under sentence of death becomes insane after conviction, the case shall be reported immediately to the Inspector-General and the execution postponed. The documents referred to in rule No. 844 should accompany the report.

848. No lunatic shall be transferred to any Mental Hospital unless he is certified by the Medical Officer to be in a fit state to travel. Every precaution shall be taken to secure that the lunatic is properly cared for on the journey that a proper escort is sent with him, and that due arrangements are made regarding his clothing, bedding and food. Fetters shall not be used unless absolutely necessary.

849. The warrant under which the prisoner was confined in Prison shall be returned, duly endorsed, to the Court that issued it, immediately after the convict is transferred to the Mental Hospital.

850. Whenever a Special Medical Board is appointed for the purpose of examining the mental condition of a convict sentenced to death, the following procedure should be followed.

Procedure and conditions governing the examination

(1) Whenever a Special Medical Board is appointed for the purpose of examining the mental condition of a convict sentenced to death, the convict shall be kept under observation in the Prison by the Mental Specialist in charge of the nearest

Mental Hospital, for a period of ten days, or longer if considered necessary, prior to his examination by the Medical Board.

(2) The Superintendent and Medical Officer of the Prison in which the convict may be confined shall give all facilities to the Mental Specialist for a physical examination of the convict including serological tests and for the observation of the convict without his knowledge.

(3) As soon as possible after the Medical Board is appointed and the convict is placed under observation the Superintendent of the Prison shall collect the following information about the convict through the Police or otherwise and place it at the disposal of the Mental Specialist

(i) The History of the convict shall be obtained from institutions or individuals with whom he has had contacts. The Mental Specialist shall furnish the Superintendent of the Prison with a questionnaire for collecting the information.

(ii) Factual material concerning the mental condition of the convict shall be obtained either from records or from eye-witness including arresting Officers

(iii) For the purpose of an estimation of the convict's state of mind just prior to, at the time of and soon after the commission of the offence reports shall be obtained from eye-witnesses including relatives of the convict.

(iv) Evidence regarding the behaviour of the convict at the time of the trial and especially during examination in Court will be available from notes of the proceedings of the Court including notes of evidence and the summing up and judgment.

(v) Reports on the convict shall be obtained from individuals who have been in contact with him during his remand and subsequent detention in the Jail.

Note.—While collecting this information the utmost care shall be taken to see that the object with which it is collected is not divulged. It should also be remembered that the relatives of the convict are likely to be specially interested in making out a case for insanity and the information supplied by them shall be used with the greatest care.

(4) As soon as the Mental Specialist is ready with his report he shall request the Surgeon-General to fix a date for the meeting of the Special Medical Board.

(5) The mental Specialist shall place all the records before the Medical Board. The President shall forward the proceedings of the Medical Board to the Secretary, Home Department, through the Inspector-General of Prisons and the Surgeon-General, with the Government of Bombay.

851. Prisoners confined under Sections 463 and 471 of the Code of Criminal Procedure shall be dealt with in accordance with the orders which the Government may pass on their case.

852. Under Section 471 (2) of the Code of Criminal Procedure the State Government has empowered Superintendent of Prisons to discharge all the functions imposed on the Inspector-General by the Sections 473, or 474 of the Code.

853. When a prisoner confined under Section 466 of the Code of Criminal Procedure is certified to be capable of making his defence, the certificate made under Section 473 shall be sent together with a medical history of the case, which should include information as to his conduct while in Prison, to the Court before which he is to be tried, in view to the Court appointing a time for trial.

854. When any prisoner confined under Sections 466 and 471 of the Code of Criminal Procedure is transferred to a Mental Hospital under the orders of Government, the certificate in form 3 in the Schedule annexed to Act IV of 1912, shall be sent with him.

854-A. Sub-section (3) of Section 30 of the Prisoners Act, provides that the time during which a prisoner is confined in a Mental Hospital under sub-section (1) shall be reckoned as part of the term of detection or imprisonment which he may have been ordered or sentenced by the Court to undergo and it is clear from these provisions that the transfer of a prisoner to a mental hospital and his retransfer to a prison do not affect the period of imprisonment which he has to undergo and the total period spent in the mental hospital and the prison has to be taken into account and the prisoner has to be released on expiry of that period and, therefore, the question of specifying the period of probation does not arise. It is, therefore, not necessary to issue a fresh warrant in such cases. The prisoner is remanded to the prison under a warrant issued by Government under Section 30 (2) of the Prisoners Act and the original warrant of the Court is the authority for the detention of the prisoner in jail. Therefore, the original warrant which is not fully executed and which has been returned to the Court under rule 849 of the Bombay Jail Manual may be called for by the Jail authorities and this original warrant read with the warrant issued by Government under Section 30 (2) of the Prisoners Act will be the authority for the detention of the prisoner in Jail.

Rule Nos. 855 to 857 apply to lunatics falling under clause (5) of rule 839 and have no application in the cases which fall under clause (2) of the said rule.

855. The persons falling within class (5) of the classes specified in Rule 839 are lunatics who are believed to have recovered and who are transferred to a Prison by order of Government to undergo a certain period of probation before release. (Regarding this class,

rules have been laid down in the accompaniments to Government Resolution, Judicial Department No.1803, dated 3-4-1889).

856. Whenever a recovered lunatic is received into a Prison from a Mental Hospital he shall be entered in Register No. 3 and the period of probation he has to serve, according to the rules contained in the accompaniments of the Government Resolution quoted in the preceding rule, shall be shown in column 22 of the Register.

857. Particulars regarding recovered criminal lunatics shall be shown in the Registers in which convicts are usually accounted for, but they must be omitted from the figures appearing in the monthly and annual Judicial statements. A note however, should be made at the foot of these returns showing the number of this class of prisoners in confinement.

858. Recovered criminal lunatics shall if they are not fit for employment as Convict Officers, be employed on some light form of labour (See Rule 11 of the rules in the Appendix of the Government Resolution quoted in Rule 855). They shall wear prison clothing and be treated in all respects as ordinary convicts.

859. When it is proposed to recommend a recovered criminal lunatic for release, the case shall be brought before the Official Visitors at a quarterly meeting so that they may have an opportunity of recording any remarks they may consider necessary. The recommendation together with the remarks shall then be submitted to the Inspector-General with a view to the same being forwarded to Government.

860. When submitting a case under the preceding rule a nominal roll of the recovered lunatic shall be forwarded under a covering letter to the Inspector General and the following information shall be given:—

- (a) Date of committal to Mental Hospital,
- (b) Mental Hospital from which received,
- (c) Number and date of Government order sanctioning removal to the Prison,
- (d) Date of arrival, in the Prison.
- (e) Opinion of the Medical Officer on prisoner's condition,
- (f) Conduct of prisoner in Prison and
- (g) Work on which employed in Prison.

861. Section 30 (f) of the Indian Lunacy Act of 1912 provides that the Inspector-General shall at least once in every six months inspect and submit a special report upon every person confined in a Prison under provisions of Sections 466 or 471 of the Code and Sections 473 and 474 empower the inspector—

General to grant certificates in certain cases The State Government can, however, under Section 471 (2), Criminal Procedure Code, empower the Officer in charge of the Prison to perform any or all of these functions, and under Government Resolution, Judicial Department No. 8075/ dated 20-11-1895, this authority has been so delegated.

CHAPTER XXVI

CIVIL PRISONERS

862. The following rules apply to Civil prisoners in the City of Bombay.

863. Every civil prisoner shall be confined in the Civil Jail or portion of the criminal prison set apart for civil prisoners, and shall not be allowed to hold communication or be associated with criminal prisoners.

Note.—A separate room need not be provided for each individual civil prisoner.

864. The Inspector-General, the Official Visitors, the Superintendent and other officials and subordinates of Arthur Road Prison, Bombay, possess the same powers in respect of civil prisoners as in respect of other classes of prisoners, except when distinction is made in these rules.

865. The Superintendent, Civil Jail, Bombay, is appointed as Officer of the High Court of Judicature at Bombay to keep Judgment-debtors ordered to be detained in his custody pending the enquiry referred to in Order XXI, rule 40 of the Code of Civil Procedure.

866. Except under the Prisoners' Act of 1900 no civil prisoners shall be transferred from one civil Jail to another.

867. In the case of judgment-debtors committed to Jail by the order of a Court other than the Court of Small Causes, Bombay, the first payment of diet money shall be made before the debtor is sent to Jail for such period of the current month as remains unexpired at the time of admission to the proper officer of the Court, and such Officer shall send the amount with the civil prisoner to the Jailor. In the case of civil prisoners upon being arrested and committed to prison by order of the Court of the Registrar, Small Causes, Bombay, the Judgment-creditor, or some person on his behalf shall accompany the bailiff to prison, and shall pay to the officer in charge of the prison so much subsistence allowance, as will suffice till the end of the current month, calculated in accordance with the rates that may be fixed by the Court from time to time, in pursuance of scales of monthly subsistence allowance fixed by Government under Section 57 of the Code of Civil Procedure; and, in cases where it is not possible to bring the judgment debtor under arrest before the said Court, or the Registrar forthwith, the judgment-creditor, or some person on his behalf, shall accompany the bailiff to the prison, and shall pay to the officer in charge there, so much subsistence allowance as will suffice to lodge the judgment debtor in Jail, until the first available day, on which he can be brought before the Court, and the said officer shall thereupon retain the judgment debtor in his custody until

such day. Subsequent payments (if any become due) shall be made to the Jailor by the decree-holder before the 1st day of the month in advance for the full amount to be expended in the ensuing month. Should the decree-holder omit to pay the allowance as above, the Superintendent shall, without reference to the Court, release the judgment-debtor. The release shall take place on the morning of the day for which no allowance has been received by him. A receipt shall be given to the decree-holder for subsistence money paid to the Jail authorities, the amount received being credited in the Civil Jail Cash Book.

868. After a civil debtor has been released any balance of diet money from the advance payments made shall be paid into the Treasury to the credit of Government if not claimed by the decree holder within two months of the release of the debtor.

869. A judgment debtor who has been committed to jail may be released therefrom by the State Government on the ground of his suffering from any infectious or contagious disease, or by the committing Court, or any Court to which that Court is subordinate, on the ground of his suffering from any serious illness. Whenever a civil debtor is found to be suffering from any serious illness likely to cause his death, the case shall be immediately reported by the Superintendent to the committing Court.

870. Extracts from the Code of Civil Procedure, containing the provisions relating to insolvency, shall be posted up in the civil jail, and civil prisoners shall be allowed to make the necessary application under the Code, should they desire, to be declared insolvents.

871. Civil debtors may be supplied with food by their friends, through the Jailor, at such hours as the Superintendent shall fix, in which case the subsistence allowance deposited by the detaining creditor may be made over to such friends; but in other cases it shall be credited to the jail, and the Jailor shall supply the prisoners with good and wholesome food, according to their own choice, provided that the daily cost does not exceed the amount lodged by decree-holder. They may be permitted to cook their own food. If it is preferred, the money may be given to the prisoner and arrangements made for allowing him to purchase the food which he requires from the prison contractor or from an approved shop-keeper. The Superintendent shall fix the hours at which food shall be brought to and articles purchased by the prisoners. All purchases or supplies of food, clothing, bedding or other necessities shall be made through the Jailor subject to the Superintendent's sanction, and shall be examined by the Jailor before delivery to the prisoner. The Superintendent may refuse to

allow the purchase of or the delivery of anything which he considers to be unnecessary, unsuitable, or unduly luxurious. If any extra articles of diet are ordered by the Medical Officer for civil debtors on medical grounds, any excess of cost beyond the daily diet money shall be borne by Government.

872. Civil prisoners (classes 2 and 3) shall be allowed diet on the scale provided for non-labouring criminal prisoners at the expense of Government and shall have their food cooked and supplied by convicts. All extras ordered by the Medical Officer shall be paid for by Government.

873. No part of any food, clothing, bedding or other articles belonging to or delivered to any civil prisoner shall be given hired or sold to any other prisoner. Any civil prisoner transgressing this rule shall lose the privilege of purchasing food or receiving it from private sources for such time as the Superintendent thinks proper; and any civil prisoner committing an offence under Section 42 of Act IX of 1894 shall be prosecuted before a Magistrate.

874. Civil prisoners must be properly dressed when leaving their rooms or wards during the day; they must stand up when any inspecting officer or authorised visitor visits the civil ward or jail, must answer any questions put to them by such officers or visitors in the discharge of their duty and otherwise treat them with respect; and they must comply with the regulations of the jail and the Superintendent's orders. Any civil prisoner assaulting or insulting another prisoner or jail officer, or quarrelling or talking loudly or boisterously, or guilty of indecent or immoral conduct, or communicating with outsiders in an unauthorized manner, or bribing, or attempting to bribe, any jail officer, or gambling, or spitting about and soiling the ward, verandah or passages, or disobeying the orders of or showing disrespect to the jail authorities or officials visitors in any way, may be punished under the rules laid down in Chapter XXXVI (Rule 1289) except that they may not be handcuffed, fettered or whipped. (Section 46, Prisons Act).

875. Any civil prisoner by escaping commits an offence under Section 225-B of the Indian Penal Code. On the occurrence of an escape of a civil prisoner, intimation shall be given to the judgment creditor, who may, if he be able to ascertain the whereabouts of the prisoners, assist the Jail authorities and the police in recapturing him. On recapture after escape, or on an attempt to escape, the prisoner shall be prosecuted before a Criminal Court.

876. Civil prisoners outside the City of Bombay are governed by Bombay Act II of 1874.

877. Judgment-debtors are divided into two classes (Superior and ordinary) according to their social status, education

and mode of living and subsistence allowance is fixed at the following scales for districts outside the City of Bombay :—

Superior. —From Re. 1 to Rs. 1-8-0 per day.

Ordinary. —From As. 6 to As. 12 per day.

CHAPTER XXVII

EXECUTION OF ORDERS OF THE COURT

ATTENDANCE OF PRISONERS IN COURTS

Convicted prisoners

878. The Superintendent shall arrange to produce the prisoner in the Civil or Criminal Court in which he is required for evidence purposes if an order of the Court in the prescribed form duly counter-signed by the Sessions Judge (where such counter-signature is required) is received through the District Magistrate of the District in case the prisoner is confined in any of the Jail in the mofussil and through the Commissioner of Police in case the prisoner is confined in one of the Bombay Jails, provided the prisoner is fit to be removed and is neither under committal for trial nor under remand pending trial or preliminary investigation and the period of sentence is not due to expire before the expiration of the time required for his removal to the Court.

Note.—(1) The reasons for not producing the prisoner shall be immediately reported by the Superintendent to the Court concerned.

Note.—(2) If the place where the evidence of the prisoner is required is not more than five miles away from Jail, and if the prisoner is fit to travel, the Superintendent shall not abstain from carrying out the order of the Court.

879. No prisoner, under sentence of death, shall be removed, under Part-IX of the Prisoners Act, 1900, from the prison in which he is confined without the special sanction of Government: Provided that such prisoner may be removed from the prison without such sanction, if his attendance is formally required by a High Court or a Court of Session for the purpose of taking any additional evidence, under Section 428 of the Code of Criminal Procedure, 1898.

880. Section 167, Criminal Procedure Code has no application to a case where the prisoner is required to be produced by Jail Authorities under Section 37 of the Prisoners Act and that if the prisoner is required by the Police for the purpose of investigation the proper procedure will be to suspend the sentence under Section 401 Criminal Procedure Code and then to hand him over to the Police according to the practice followed.

Undertrial Prisoners

881. Unconvicted criminal prisoners whose cases are being enquired into by a Magistrate, shall be brought before the Magistrate at least once in fifteen days for the purpose of remand. Upon the expiry of each period of remand, the prisoner shall be again placed before the Court.

882. In order that undertrial prisoners may be produced in Courts in time, the Superintendent shall inform the Officer in

charge of the Police Head-quarters on the previous evening of the number of prisoners that has to be sent to Courts on the next day and request him to send an additional van, if necessary, so that all prisoners are produced in the Courts at the proper time. In case the additional van required is not available, the Superintendent shall request the Police to send the van earlier, so that it can make two or more trips to convey the prisoners to the Courts in time.

883. When an undertrial prisoner has to be sent to Court, he should be given his food before he goes and arrangements should be made to enable him to have his food when he returns. If an undertrial prisoner has not been in the Jail previously, it is the duty of the police to see that he has his food before he is taken to the Jail if he is likely to arrive there after lock-up.

884. The clothing as on person of an undertrial prisoner shall be given to him each time he goes to the Court. He shall also be allowed to take cash up to rupees five at a time with him from his money. Under no circumstances should he be allowed to take more cash or any jewellery with him, except on an order from a Magistrate, in which case the Superintendent of the Prison shall inform the Police of the passing of such an order. Other articles such as bedding, keys, pen-knives, etc., shall not be handed over to the prisoner but he should be instructed to call for them at the Jail in case he is released or acquitted.

885. When an undertrial prisoner, who is not already, undergoing a sentence of imprisonment, is being escorted to and from Court by the Police, he shall not be secured by handcuffs, except when there is a reasonable expectation that he will use violence or attempt to escape, or that an attempt will be made to rescue him. Nor shall he appear in Court in fetters, except with the special permission of the Court.

886. In regard to the Undertrial prisoners the Government of Bombay has come to an agreement with the Government of the West Bengal, United Provinces, Madhya Pradesh, Assam, Madras, and Delhi that the conveyance and other incidental charges involved in sending undertrial prisoners from one State to another should be borne by the State sending them.

887. Every Superintendent of a Jail shall, on the first day of each month, submit to the Sessions Judge within whose jurisdiction the Jail is situated a statement in the prescribed form in respect of cases of all undertrial prisoners pending for more than three months in the Court of the Judicial Magistrate or Magistrates, subordinate to such Sessions Judge. Such statement shall also specify separately the names of prisoners in such Jail received on transfer from other Jails whose total period of detention exceeds three months.

888. In any case when an undertrial prisoner is seriously ill, the Superintendent shall report the circumstances to the Magistrate or if the prisoner is awaiting trial before the Sessions Court to the Sessions Judge, in order that, if the law permits and the Court thinks it proper the prisoner may be released on bail.

Bail

889. Under Section 426 of the Criminal Procedure Code an Appellate Court may order that the execution of a sentence or order appealed against be suspended, and if the convicted prisoner be in confinement, that he be released on bail or on his own bond. Superintendents or Jailors shall obey the terms of such order.

890. Should a Court direct under Section 123 (4) of the Criminal Procedure Code that the Superintendent or other officer in charge of the Jail, shall release a prisoner upon his furnishing securities to be approved by the Superintendent, the Superintendents shall call on the prisoner to furnish such securities. The Superintendent, however, is not bound to accept any securities that are produced, and, if he is not personally acquainted with the sureties, or is otherwise not fully satisfied as to the sufficiency, he shall not accept them, but shall refer to the nearest Magistrate or to any Magistrate to whom reference is desired, to make enquiries as to the sufficiency of the sureties produced.

Note.—For form of bond see Schedule V annexed to the Criminal Procedure Code.

Fine

891. In all prisons a Fine Statement Book shall be maintained in the prescribed form. Each book will contain one hundred forms, and supplies of the same may be had from the Treasury Officer or the Government Central Press, Bombay.

892. If a fine or a portion of a fine imposed on a prisoner as a sentence or part of a sentence by a Judicial Magistrate is tendered at the Prison it shall be received by the Superintendent or the Senior Jailor between the hours of 8 a.m. and 5 p.m. and a receipt in Jail Form No. 75 issued. On receipt of such fine the prisoner shall receive such remission of sentence as the payment made in his behalf will entitle him to, and acknowledgment shall be sent at once by the Prison Authorities to the Sentencing Court.

893. All cash received in payment of fine shall be accounted for in Register No. 16 Prison Cash-Book.

894. When fines inflicted on prisoners are recovered by a Court, intimation of the same will be received by the Superintendent from the Court in Form (G) at page 208 of the High Court Criminal Circular Order Book (1947 Edition).

895. The prisoner concerned shall be informed and the payment shall be duly noted in the register, on the warrant and on the prisoner's History Ticket. The entries in the register and on the warrants and History Ticket shall be signed by the Superintendent and the Senior Jailor. A separate Inward Register for the receipt of fine intimations should be maintained.

896. No action shall be taken on fine intimations which do not bear the seal of the Court but returned to the Court for the seal being affixed; nor on telegrams intimating the recovery of a fine or any portion of a fine. When intimation of payment of the fine of a prisoner is received from a Police Officer, it shall be returned to that Officer with a request that it may be forwarded through the Sentencing Court.

897. If a prisoner, who is sentenced to a fine and in default of imprisonment for a certain number of months, pays any part of his fine, the remission for the payment shall be calculated in months and not in days, and any fraction of a month obtained by such calculation shall be reduced to days. When the fraction thus obtained is not exactly equal to any number of days or is less than a single day, the portion of a day which results shall be considered and treated as being equal to a full day, in favour of the prisoner.

898. A month shall be deemed equivalent to 30 days.

Judicial Whipping

899. When whipping is awarded in addition to imprisonment an entry shall be made in the Release Diary on the page for the day on which the person is to receive the stripes, and if the date is changed owing to an appeal being made forward entries shall be made so that the matter may not be over-looked.

(Provisions of Section 391 Criminal Procedure Code should be carefully studied).

Note.—If a prisoner undergoing a sentence of imprisonment is sentenced for another offence to a sentence of whipping in addition to imprisonment, the whipping can be carried out on any day during the term of the first sentence.

900. When the prisoner is certified on the warrant by the Medical Officer or the Medical Subordinate to be fit to receive the whipping, it shall be administered in the presence of the Superintendent and Medical Officer or Medical Subordinate. If the prisoner be declared by the Medical Officer to be physically unfit to receive the whole or a portion of the whipping, the fact shall be reported to the Sentencing Court for necessary action under Section 395 Criminal Procedure Code.

901. All judicial floggings shall be inflicted in private either at a Jail or in an enclosure near the Court-house.

902. The punishment of whipping shall in all cases be inflicted on the buttocks, which shall be entirely covered with a piece of thin cloth soaked in anti-septic solution.

903. In carrying out a sentence of whipping, the prisoner undergoing the punishment shall be tied up to a triangle, or shall be otherwise so secured that he is unable to move, in order that there may be no risk of the cane falling on any part of the body other than the buttock. The cane employed shall never exceed the legal minimum of half an inch in diameter in the case of persons over 16 years of age; and in the case of juvenile offenders a still lighter cane shall be employed.

904. Whipping shall be inflicted by one of the members of the guarding establishment or a convict officer specially trained for the purpose.

905. After the whipping has been duly inflicted, the Superintendent shall endorse a certificate on the warrant to that effect, recording the date of infliction.

Judicial Solitary Confinement

906. Solitary confinement means such confinement as entirely secludes the prisoner both from sight of and communication with other prisoners.

907. The law regarding the award of sentences of judicial solitary confinement and the manner in which the punishment is to be inflicted are contained in Sections 73 and 74 Indian Penal Code. Any warrant containing an order on the subject which appears to be illegal shall be referred to the Inspector-General.

908. Solitary confinement being nowhere defined by law shall be executed in the manner prescribed for the execution of sentences of cellular confinement.

909. One month of judicial solitary confinement shall be regarded as equivalent to thirty days.

910. On the admission of a prisoner who is sentenced to a period of solitary confinement entries shall be made by the Jailor in the Release Diary No. 4 showing the dates on which each period of solitary confinement is to commence, and as such period is carried out, a remark to that effect shall be entered in the diary under the initials of the Judicial Jailor and Senior Jailor. When a prisoner is sentenced to imprisonment under two separate warrants, of which the second alone awards any period of solitary confinement, the solitary confinement shall not be executed during the duration of the first term of imprisonment. Similarly, if the term of solitary confinement under one warrant is too long to be completed during the term of imprisonment awarded by that warrant the balance shall not be carried out during any subsequent term of imprisonment undergone under a second warrant. The execution of a sentence of solitary confinement need not be postponed on account of appeal.

911. No prisoner shall undergo a punishment of cellular or separate confinement within seven days before or after a period of judicial solitary confinement.

912. No prisoner shall be placed in solitary confinement until he has been examined by the Medical Officer and certified in Register No. 32 to be fit to undergo the punishment.

913. If during any period of solitary confinement it becomes necessary to remove from a cell any prisoner sentenced to solitary confinement on the ground of injury to his mind or health, a report shall be made to the Inspector-General and if the prisoner's health is such that the award of the solitary confinement is not likely to be carried out during the sentence, the matter shall be reported to the Court which awarded the sentence.

914. Outside the cell door of a prisoner undergoing solitary confinement a ticket shall be placed showing the number and name of the prisoner, the date on which placed in solitary confinement, the number of days to be so confined, and the date on which he was last in cell.

915. Every prisoner in solitary confinement shall be visited daily by the Superintendent and Medical Officer or Medical Subordinate.

916. On the expiration of the sentence of every prisoner awarded judicial solitary confinement, the Senior Jailer shall certify the execution of the sentence stating the total period of such solitary confinement the prisoner has undergone, and if any portion of such sentence has not been duly executed, the reasons shall be explained.

Death Sentence

917. A police guard of not less than ten constables and two Head-Constables or an equal number from Jail Armed Guard shall be present at every execution. The Superintendent of Police will supply the guard on application, where no armed guard of Prison exists.

918. The execution of a condemned prisoner shall not be carried out on the date fixed if he is physically unfit to receive the punishment, but in determining the degree of physical disability sufficient to justify postponement of execution, the illness shall be both serious and acute (not chronic) before postponement is considered. Ordinarily the criterion for postponing the execution shall be that the mere act of moving the prisoner from his bed in hospital and placing him in an erect position on the scaffold might in itself be sufficient to cause death.

919. No criminal sentenced to death shall be executed on a day which has been notified as a public holiday.

920. Before the condemned criminal is taken from his cell his hands shall be pinioned behind his back, and the Superintendent and Senior Jailer shall then identify the convict by a reference to the prison registers as the individual named in the warrant.

921. All executions shall take place at the prison to which the warrant is directed unless expressly ordered otherwise in the warrant. They shall usually be carried out in a special enclosure attached to, or within the walls at the prison. To this enclosure adult male relatives of the prisoner and other respectable adult males may be admitted as spectators, up to a maximum of twelve, with the permission of the Superintendent who shall have full discretion to refuse admission altogether, or to particular individuals in cases where he considers the circumstances to justify such a course.

922. Prisoners shall never be made to attend an execution, save in the case of an execution arising out of a capital offence committed by one of their number—when undergoing a lesser sentence—either within or without the prison walls. In such cases it shall rest with the Superintendent with the prior sanction of the Inspector-General to determine what prisoners shall be selected to witness the execution.

923. If orders are received from Government that publicity shall be given to the execution of any prisoner carried out within the Jail precincts, the Superintendent shall notify the fact of the execution to the District Magistrate who shall then cause it to be proclaimed by beat of drum in the village or locality in which the crime was committed and shall cause a notice to the following effect to be posted in the village Chowra :—

"A. B. convicted of the murder of C. D., was hanged on theat.....Jail. Let all evil minded persons take warning."

Note.—For sentences passed by Court Martial, see Government Resolution, Judicial Department No. 6049, dated 7th September 1898.

924. The Superintendent, Deputy Superintendent, Senior Jailor and Bombay Medical Service Officer shall be present at all executions. If there is a Resident Medical Officer at any of the Jails he shall also be present at all executions; the non-Resident Medical Officer if he is not the Superintendent need not attend unless specially required to do so by the Superintendent. An Executive Magistrate deputed by the District Magistrate shall attend the execution and countersign the return thereof to the Sessions Judge.

925. The Superintendent should give timely information of all executions to be carried out in his Jail to the Civil Surgeon of the District who may take an Electro Cardiographic X-Ray and carry out other medical investigations in respect of condemned prisoners before and after their execution: Provided post-mortem may be conducted only when the body is not claimed by relatives.

926. The gallows shall be erected and the rope tested in the presence of the Superintendent the evening before the execution, he being personally responsible that these arrangements are properly

made. A new rope need not necessarily be used for every execution, but the Superintendent shall see that the rope is carefully tested. As a rule a bag of sand weighing $1\frac{1}{2}$ times the weight of the prisoner to be hanged and dropped between 6 and 8 feet will afford a safe test of the rope. Two spare ropes for each condemned prisoner shall be kept ready in reserve on the scaffold in the event of accidents.

927. Regarding the length of the drop to be given to a condemned prisoner :—

(a) If the prisoner weighs less than 100 lbs. he should be given a drop of 8 feet;

(b) If the prisoner weighs from 100 to 133 lbs. he should be given a drop of 7 feet 6 inches;

(c) If weighing more than 133 lbs. but not more than 166 lbs. he should be given a drop of 7 feet;

(d) If weighing more than 166 lbs. but not more than 200 lbs. he should be given a drop of 6 feet 6 inches;

(e) If weighing more than 200 lbs. he should be given a drop of 6 feet;

Provided that, so long as the extreme limits of 6 feet on the one hand and 8 feet on the other are adhered to, if owing to any physical peculiarity of the prisoner the Medical Officer is of opinion that the drop should be increased or decreased, effect should be given to the Medical Officer's views.

928. Regarding the fixing of the rope to allow of a given drop, the following measures shall be adopted. The height of the condemned prisoner to the angle of the jaw immediately below the left ear shall be accurately measured, as should also be the height from the drop shutter, when fixed in position, to the lower portion of the ring in the beam to which the rope will be affixed. These two measurements will determine the distance, when the prisoner is standing in position on the drop, from the point of the latter's jaw to the ring in the beam. The measurement of the prisoner's neck shall also be carefully taken, the neck measurement and the height measurement to angle of jaw being carried out immediately after the convict has been sentenced to death. The length of rope for any given drop shall be the length of that drop plus the distance from the angle of the condemned prisoner's jaw to the ring in the beam. That is to say, that, assuming the distance between the angle of the jaw and the iron ring to be 4 feet and the desired drop to be 7, the amount of free rope hanging from the ring shall be 11 feet from the ring to the leather washer maintaining the loop in position on a pillow of gunny cloth, filled with sand, of the same thickness as the neck of the condemned prisoner.

929. The Superintendent should invariably see that the rope round the neck of the condemned prisoner is adjusted properly and the knot placed in the proper position.

930. The body shall remain suspended for half an hour before being taken down and until the Medical Officer or Bombay Medical Service Officer has certified that the life is extinct.

931. A report shall, immediately after each execution, be made to the Inspector-General in Form No. 83 and the warrant duly endorsed shall be returned to the Court which issued it.

932. A hangman should be paid at the rate of Rs. 5 for execution of one man.

933. The Inspector-General of Prisons is empowered to sanction a higher rate not exceeding Rs. 15 in special cases.

Release

934. In all cases of premature releases, orders under Section 401, Criminal Procedure Code, will have to be issued by Government before the prisoners can actually be released from Jail.

935. A prisoner shall not be released on the authority of a Telegram. Orders issued by Government affecting release or remission of sentences of prisoners will be forwarded by Government in original to the Superintendent of the Jail Concerned.

936. Whenever orders to release a prisoner are received by the Superintendent by Telephone from Government, Inspector-General, District Magistrate or any Court, the Superintendent shall ring back the officer concerned and get the orders confirmed before taking action on the original Telephone message.

937. (a) In calculating the date of release of a prisoner the number of days of remission earned shall be converted into months and days, at the rate of 30 days to each month.

(b) In calculating the date of release, the remission earned should be deducted from the substantive sentence as follows: months should be first subtracted and then days.

(c) When a life convict or a prisoner in whose case the State Government has passed an order forbidding his release without reference to it, has earned such remission as would entitle him to release but for the provisions of this rule, the Superintendent shall report accordingly to the State Government through the Inspector-General in order that his case may be considered with reference to Section 401 of the Code of Criminal Procedure, 1898.

(d) Save as provided by clause (c) when a prisoner has earned such remission as entitles him to release, the Superintendent shall release him.

(e) When a prisoner is released under clause (d) the total amount of remission earned by him shall be endorsed on his warrant and the endorsement shall be signed by the Superintendent.

938. The date on which a prisoner is entitled to be released shall be calculated by the Judicial Clerk and checked by the Judicial Jailer. An entry giving the register number, name and sentence of the prisoner shall be made in the Release Diary No. 4 under the due date. In case the term of imprisonment be changed either by the Judicial imposition of additional imprisonment or by payment of fine or by remission of any part of the sentence or by absence from custody on bail, parole or after escape, the original entry shall be scored through and a reference made to the date of release under the new order under which date a new entry shall be made. To all these entries the Senior Jailer and Judicial Jailer shall affix their initials in the columns provided and they shall be personally responsible for the correctness of such entries and for any illegal detention of a prisoner and failure to execute a sentence due to neglect of this rule.

939. The cases of illegal detentions of prisoners shall be reported by the Superintendent to the Inspector-General along with statements of the responsible parties. The Inspector-General shall take suitable action against those at fault (except in the case of Gazetted Officers) and submit a detailed report to Government for their information and such action against the Gazetted Officers as they deem fit.

Note.—Cases of illegal detention of prisoners upto 2 days and cases of premature releases of prisoners should not be reported to Government. The Inspector-General should decide finally all such cases.

940. A prisoner whose date of release falls on Sunday or a Jail holiday shall be liberated on the preceding day an entry to that effect being made in Register No. 3.

941. On the day before the date on which a prisoner becomes entitled to release, he shall be produced before the Medical Officer and his state of health and weight duly recorded in Register No. 33. On the day of release, the Judicial Jailer shall place him before the Senior Jailer together with his warrant, History Ticket, Register Nos. 2, 3, 4, 6, his clothing and other property.

942. His canteen and private cash accounts shall be completed by the Canteen Jailer and Judicial Clerk respectively, before the prisoner is produced before the Senior Jailer.

943. The Senior Jailer shall satisfy himself that prisoner bears the identification marks recorded in Register No. 3 that the entries in the warrant agree with those in the register and the sentence passed on the prisoner by the Court has been duly executed. The endorsements of release in the relevant registers shall be signed by both Senior Jailer and the Judicial Jailer. Private property (including jewellery) and the amount due to the prisoner under his respective accounts (i. e., private cash, deferred pay, motor fare, subsistence money and wages) shall

be paid to him in the presence of the Senior Jailer after obtaining his acknowledgment of receipt in Register No. 2 and 18. The prisoner shall be released at the main gate. The Senior Jailer shall be responsible for seeing that the prisoner does actually receive his dues and property correctly and that his complaints if any on this score shall be attended to immediately.

944. Prisoners discharged from prison if labouring under any contagious or dangerous disease, shall ordinarily be removed to the nearest hospital until they are in a fit state to be sent home. In case removal would endanger life, the prisoner may, but only with his own consent, be detained in the prison hospital [see Section 26 (3), Prisons Act and next rule].

945. No prisoner (suffering from any acute or dangerous disease), shall be discharged from prison against his will on the expiry of his sentence, but shall be detained in Hospital until the Medical Officer considers that he can be safely liberated.

946. The discharge of a prisoner shall usually take place at 8 a.m. and in no case later than 10 a.m. except when his prison kit is dirty in which case he may be detained till it is washed or or till 5 p.m. whichever is earlier.

947. There is no objection to the release of a prisoner between the hours of 6 p.m. and 7 a.m. though a prisoner cannot claim to be released during those hours nor has a District Magistrate any authority to order release of a prisoner during that period. It is entirely in the discretion of the Superintendent of a Prison when to release a prisoner but he shall give due weight to the opinion of a District Magistrate should the latter desire for some special reasons that a prisoner be released at an unusual hour.

948. After the prisoner is released the warrant shall at once be returned to the Court who issued it, with an endorsement certifying the manner in which the sentence has been executed and the reason if any such as remissions, pardon, reversal of sentence (with the number and date of the order of Government or authority of the Court for the same) why the prisoner has been discharged from the custody before the execution thereof.

949. When a prisoner has to undergo two or more sentences under separate warrants and if all the warrants are not issued by the same Court, at the expiry of each sentence the warrant relating to it shall be separately endorsed and returned to the Court. In such case the endorsement shall state the prisoner is retained in prison to undergo sentence under another warrant.

950. The Superintendent shall furnish nominal roll of a conditionally released prisoners to the Superintendent of Police of the District of which the released prisoners is a native and in the case of the City of Bombay to the Commissioner of Police, Bombay. When a prisoner, coming under the Finger print Rules,

is to be released conditionally, his finger impressions shall first be taken by a duly qualified Police Operator before he is allowed to leave the prison premises.

951. When a P.R.T. prisoner is released before the anticipated date either by payment of fine, furnishing security or on appeal, immediate intimation should be sent to the Police of the District to which he was to have been transferred and the Local Police should also be informed of the circumstances.

952. Every prisoner shall on the morning of his release:—

(a) be given a full meal before he leaves the Jail premises.

(b) be provided with travelling allowance on the following scale sufficient to enable him to reach either his home or the place where he was arrested at the discretion of the Superintendent.

(i) By rail

Class I. Inter Class if not available 11nd Class.

Class II. Lowest Class.

(ii) By sea

Class I. 11nd Class if not available Upper Class.

Class II. Lowest Class.

(iii) By road

Actual charges by S.T. Bus wherever such buses are available or allowances at the rate of 9 pies per mile shall be paid to prisoners: Provided that no allowance shall be given for a road journey of five miles or less.

(c) If the journey by rail or sea is of longer duration than 12 hours, he shall also be given subsistence money at the rate of 6 annas for each 12 hours or a fraction thereof in the case of Class I prisoners and 4 annas for Class II prisoners.

A prisoner who is incapacitated by illness or infirmity from walking may be given such conveyance hire as the Superintendent may consider necessary.

Note.—1: If the correct home address of a prisoner is not given by the Court in the committal warrant, the Superintendent shall return the warrant to the sentencing Court for completion unless it is specifically stated by the sentencing Court in the committal warrant that the information is not available in which case the Superintendent shall obtain the same from the Police concerned.

Note.—2: In cases in which the prisoner's home address is not available the prisoner shall be provided with travelling allowance sufficient to enable him to reach the place where he was arrested.

Note.—3: The provision of this rule apply also to undertrial prisoners released on bail and to ex-military prisoners released on the expiry of Court Martial sentences.

Note.—4: Prisoners convicted for the offence of travelling without a ticket on Railways shall be granted neither travelling nor subsistence allowance on release.

Note.—5: Undertrial prisoners accused of ticketless travelling, shall also be denied the concession of travelling and subsistence allowance when they are released on bail.

Note.—5: Female prisoners undertrial or convicted for the offence of travelling on railways without a ticket should be paid travelling allowance on their release on bail or release on completion of the sentence, as the case may be, if the Superintendent considers that it is absolutely necessary in the interest of the released female prisoners.

Note.—7: Care shall be taken when a Juvenile prisoner is released that he is as far as possible handed over to his relative or friend.

953. The approaching release of the following prisoners only need be intimated to the District Superintendent of Police or the Commissioner of Police on Jail Form No. 82.

(1) Habitual Offenders.

(2) Prisoners sentenced to one year or more for the following offences,

(a) Under Chapter VI, Indian Penal Code (of offences against the State).

(b) Under the Arms Act.

(3) Prisoners sentenced to six months and upwards under Chapters XII, XVII and XVIII, Indian Penal Code.

Intimation of release of all other prisoners such as those convicted of murder, assault, rape etc., is unnecessary.

954. At least a fortnight before a female prisoner is due for release the Superintendent shall write a letter to her relatives intimating to them the date of her release and asking them to be present at the Jail to take her away.

955. Female prisoners when their sentences have expired, shall be released immediately they are taken out of the female prison and shall not be allowed to loiter about the prison office or grounds.



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CHAPTER XXVIII

DEATH OF PRISONERS

956. When a prisoner dies in prison, his warrant shall be at once returned to the Court from which it issued, with an endorsement certifying the cause and date of death, and a casualty report shall be forwarded to the Inspector-General of Prisons. In the city of Bombay, the death shall also be reported to the Coroner, who shall enquire into the cause of death, and, if no special report is to be made, shall sign the casualty report, which will be submitted to the Inspector-General of Prisons. In case of death from epidemic disease— if the Medical Officer certifies that such procedure is necessary —the body shall not be kept in the prison for an inquest, but shall be disposed of, the fact and cause of death being reported to the Coroner.

957. The nearest relatives of a prisoner shall be informed as early as practicable of his serious illness and of his death. The intimation shall be sent direct if the address is known; otherwise, through the District Magistrate of the District in which the prisoner's home is situated or through the Police.

958. Deaths of all prisoners whether their finger prints have been taken or not may be intimated immediately to the Chief Operator of the District in which the Prison is situated.

959. The body of any prisoner dying in Jail or in local hospital or executed in prison shall be made over to the friends of the deceased, if claimed by them, unless there are special reasons to the contrary, e. g., the prisoner has died of any infectious disease, or in the case of a prisoner who has been executed, if there are grounds for supposing that the convict's funeral will be made the occasion for a demonstration.

Note.— If the circumstances demand the Superintendent of the Prison may approach the highest Executive Magistrate available for issue of orders under Section 144 Criminal Procedure Code upon the persons to whom the body is delivered directing them not to take it outside the jail but to dispose of it within the jail precincts.

960. If there be no relations or friends willing to perform the last offices for prisoners who have been executed or have died in Jail, their bodies shall be burnt or buried, at some selected spot by the hands of other prisoners.

961. The Superintendent may incur an expenditure subject to a maximum of Rs. 10 per head for performing the last rites of prisoners who are executed or die in Jails and whose bodies are unclaimed.

962. The bodies of prisoners dying in prison or local hospital and which are not made over to friends shall be disposed of in strict accordance with their religions, e. g., Hindus would ordinarily

be burnt and Musalmans and Christians would be buried. The unclaimed body of a prisoner who has died in local hospital should be brought to the prison in the Jail cart for disposal. At a Jail where no cart is provided, a cart should be hired for the purpose and the expenditure for hire debited to Jail contingencies.

963. Funeral ceremonies should invariably be performed by prisoners belonging to the same religion as the deceased and facilities must always be given for carrying out funerals with decency and with the prescribed religious rites.

964. Clean shrouds must be provided for the bodies of deceased prisoners where necessary and plain wooden coffins for those whose dead bodies are ordinarily interned in coffins.

965. There shall, as far as practicable, be a burial ground attached to every prison distinctly marked off or enclosed, and used only for the burial of prisoners.

966. In the selection of a burial and cremation ground for a prison, care should be taken that the plot selected is not unduly near the prison itself or to any city, town, or village; that it is not unduly near a well, or other source of drinking water, used either by the prison or the free population; that the prevailing wind does not blow from it towards the prison; and that sufficient ground is secured to answer all the requirements of the prison for at least fifteen years.

967. Cemeteries must always be enclosed by a fence and the graves dug in regular lines. Each grave should be marked with a piece of wood, metal or stone on which the Jail number and name of the occupant is recorded.

968. No grave shall be less than six feet deep. One or more graves should be kept ready for occupation.

969. Care should be taken in filling a grave to press down the earth well, so as to protect the body from the depredations of wild animals. The earth should be heaped up one foot above the surrounding surface of the ground, and heavy stones or thorns, if procurable, placed on the top.

970. The Superintendent and Medical Officer shall periodically visit the burial ground and see that it is properly kept.

CHAPTER XXIX

TRANSFER OF PRISONERS

971. The Inspector-General of Prisons is authorised:—

(i) Under Section 29 (2) read with Section 29 (1) of the Prisoners Act of 1900 to remove any prisoner including prisoners sentenced to death from one Prison to another in the State,

(ii) Under the reciprocal arrangements to admit prisoners who are residents of Bombay State in any Jail in the State from other States and to arrange for the transfer of prisoners ex-military or others, convicted by Civil Courts of criminal jurisdiction, to a Jail in the State of their origin in direct consultation, with the Inspector-General of Prisons of that State:—

(a) Provided that the prisoner is sentenced to more than three months;

(b) Provided further that due regard is paid to the wishes of the prisoner concerned before transferring him to his Home State, unless there are adequate reasons against such transfer, for instance, his being mentally deranged, obstreperous or aged parents requiring his transfer so that they might see him during their last days, etc.

Note.—In the case of displaced persons who originally belonged to Pakistan, the State of their adoption shall be treated as the State of their origin.

972. The Inspector-General may transfer to a special habitual Jail or to the habitual section of an ordinary Jail any prisoner, not being a habitual criminal, whom, for reasons to be recorded in writing, he believes to be of so vicious or depraved a character as to be likely to exercise an evil influence of casual prisoners. A prisoner so transferred shall not otherwise be subject to the special rules affecting habitual criminals.

973. Unless otherwise directed by the Inspector-General no transfer of prisoners from one prison to another shall be made without his previous sanction.

974. Prisoners in a bad state of health shall not be transferred from one Prison to another except with the special sanction of the Inspector-General.

975. When the Medical Officer is of opinion that the removal of a sick prisoner to another prison is absolutely necessary to save his life and is likely to lead to his recovery, he shall submit a brief statement of the case to Superintendent and point out the prison to which he considers a transfer desirable. The Superintendent shall submit the recommendation to the Inspector-General for his orders.

Note.—If any prisoner transferred for the benefit of his health, dies, within three months after his arrival, of the disease on account of which he was transferred, his death shall be borne on the returns of

the transferring prison, but if during such 3 months he dies of a different disease or dies subsequent to such 3 months, of the disease on account of which he was transferred, his death shall be included in the returns of the prison wherein he dies. In the former case, his admission shall not be included in the statistics of the despatching prison.

976. Prisoners sentenced to solitary confinement shall not be transferred to Prisons where there are no solitary cells.

977. Prisoners sentenced to be flogged in addition to imprisonment shall not be transferred until their sentence of whipping has been carried out, annulled or commuted as the case may be.

977-A. As an ordinary rule; a prisoner shall not be transferred until the expiration of the period allowed for appeal or until the result of the appeal is known.

978. Prisoners must not as far as possible be transferred so as to reach their destination on a Sunday or other Jail holiday or after lockup.

979. No convict Officers of any grade shall be transferred to any other prison without the special sanction of the Inspector-General which shall always be obtained before the transfer is effected.

980. The transferring prison shall inform the receiving prison of the date of departure and probable arrival at their destination.

981. Except in an emergency six days notice of ensuing transfer of prisoners shall be given to the Police and the Superintendent of the receiving prison when a body of prisoners exceeding ten in a number is to be transferred.

982. Full details of the following classes of prisoners shall always be supplied before hand to the Police by the Superintendent of the transferring Jail :—

(a) Specially dangerous or long term prisoners who are included in the party;

(b) Prisoners sentenced under Section 224 I. P. C. and those who are known to have escaped or attempted to escape at any time

(c) Prisoners whose conduct in Jail is bad or who have been adjudged dangerous from Jail standard,

(d) Prisoners forming members of a gang, and transferred as a gang,

(e) All prisoners with sentences of five years and upwards.

983. The strength of the Police escorts accompanying parties of prisoners on transfer is a matter for the Police authorities to decide.

984. Parties of prisoners to be transferred shall as far as possible be made into batches of 10 including the escort (*vide* Rule 320 (b) of the Bombay Police Manual Part III Seventh Edition.

985. All prisoners prior to transfer shall be carefully searched and their fetters examined in the presence of the Officer in charge of the escort who shall then take over the charge of prisoners with a list of property. The Officer in charge of the escort shall then be entirely responsible for the safe custody of prisoners until they are made over to the Senior Jailer of the receiving prison who shall grant him a receipt for the same.

986. The Officer in charge of the escort shall take every precaution that females are separated from males and boys from men, and shall be responsible that the prisoners have no communication with outsiders and have no opportunity of obtaining forbidden articles (including cash) from their friends and/or relatives while in transit. The unauthorised cash if any received with the prisoner, should be forfeited to Government. He shall be reminded by the Senior Jailer of these duties under this head before starting.

987. Prisoners under transfer are to receive before starting the articles of diet requisite for the journey. In transfers involving a break of journey with temporary incarceration in the prison of the halting station of the prisoners so transferred, the articles of diet requisite for the journey shall be supplied for the first portion of the journey by the prison from which the transfers are made and subsequently by the prison of the halting station. Money for road expenses and dieting of the prisoners shall if necessary be given to the Officer in charge of the escort or Jail guard who goes with the party who shall furnish a written account of the expenditure on his return. Should his advance through unforeseen circumstances run short, he shall apply to the Superintendent of the nearest prison for money. The Superintendent of the Prison applied to shall advance funds to a reasonable amount.

988. No prison in which epidemic sickness is prevailing or there has been a case of infectious disease or any unusual sickness shall receive any additional prisoners, except new admissions from Courts, nor shall prisoners be transferred from that Jail to another until twenty-one days have elapsed from the date of the latest seizure. If a transfer be made from any prison in which there has recently been infectious disease, or unusual sickness, the prisoners transferred shall not be received into any other prison until they shall have been examined by the Medical Officer who shall decide what period of quarantine is necessary.

989. In the event of the Medical Officer considering it advisable that they shall not be admitted into the prison, special provision for their accommodation outside the prison shall be made and the circumstances reported to the Inspector-General of Prisons for the orders of State Government.

990. No transfers shall be made to or from any district when epidemic cholera is prevailing either in that district or along the line of road by which the prisoners must march.

991. When a prisoner dies in transfer from one prison to another the Officer Commanding the escort shall at once report the circumstances to the nearest Magistrate, who shall enquire into the case and submit his report direct to the Inspector-General of Prisons and shall arrange for the disposal of the body. The Superintendent of the Prison to which the prisoners are being transferred shall inform the deceased prisoner's relatives of his death. In such a case, the death shall be debited to the transferring prison.

992. While escorting prisoners from Courts to Jails and *vice versa* or from Jail to Jail:—

(i) If the prisoner is willing to supply or pay for a conveyance for himself and his escort, he should ordinarily be allowed to do so.

(ii) Prisoners not so willing shall ordinarily be conveyed at Government expenses in the following instances:—

(a) If they are females, Juveniles, sick or infirm,

(b) In order to avoid an undesirable demonstration,

(c) If the distance is in excess of 3 miles in the mofussil or one mile in Bombay.

In other cases it is open to the Police or Jail authorities to arrange to convey prisoners at Government expenses for special reasons, e. g., to avoid a journey through crowded streets or to save time for the escort party or if the climatic or other conditions fully justify it.

(iii) Where Police buses exist, they shall be made available generally for the conveyance of prisoners between the Jails including Sub-Jails or Police Stations and Courts, if the distance exceeds one mile in the mofussil and irrespective of distance in Bombay. Similar arrangement shall also be made for conveyance of sick and leprosy affected prisoners in Police buses, between the Jails and Hospitals, irrespective of the distance, whenever they are not required for more urgent Police work. No charges should be recovered from the Jail Department for providing such transport facilities. Whenever, however, the Jail Department requires Police vans for transporting leper (or other) prisoners from one District to another District, charges should be recovered from it like any other Government Department.

(iv) In conveying prisoners at Government expense otherwise than in Police buses in the mofussil, the cheapest form of conveyance except bullock carts shall generally be provided.

(v) In supplying an escort, the Police authorities shall select the shortest and the cheapest route. The Superintendent

shall issue Railway or Steamer warrants or bus and other fare for which such warrants or bus and other fare are issued by the Police authorities to the escorting party.

993. Prisoners on transfer shall be provided with travelling allowance on the following scale: —

By Rail

- | | |
|------------------------|---|
| (a) Class I Prisoners. | Inter Class or if not available II Class. |
| Class II Prisoners. | Lowest Class. |

By Sea

- | | |
|------------------------|---|
| (b) Class I Prisoners. | Upper Class or if not available II Class. |
| Class II Prisoners. | Lowest Class. |

(c) By Road

If the Police buses are not available and the prisoners are to be conveyed by State Transport Buses the actual charges required for the conveyance should be paid.

994. Requisition for passage by Rail or steamer for prisoners must be signed by the Superintendent and in his absence by the Senior Jailer, who should place the counterfoil of the requisition before the Superintendent immediately on his return to duty.

995. In case of illness in transit, the escort should apply to the nearest dispensary for advice.

996. On the day previous to the transfer the Medical Officer shall give a certificate that the prisoners are in a fit state to travel and that they are free from any illness likely to render them dangerous to others. No prisoner who is not fit to travel shall be sent.

997. (1) When prisoners are transferred from one Prison to another, the transferring prison shall send to the receiving prison their history tickets warrants and property including jewellery and the following forms duly filled in:—

(a) Nominal Roll and descriptive roll and other particulars from Register No. 3.

(b) List of warrants, orders on appeal and other connected papers.

(c) List of private property.

(d) List of Government property.

(e) Certificate of receipt (cash to be entered in words.)

(2) Private clothing shall be worn by prisoners at the time of their transfer from one prison to another and the surplus private clothing, if any, shall be sewn in bundles and each prisoner shall carry his own bundle.

(3) If a prisoner's private clothing has been destroyed or otherwise disposed of, the prison authorities shall provide him at

the expense of Government with suitable clothing which shall be similar to that issued to released prisoners who have no clothing of their own.

(4) Documents and private jewellery must be made up into one or more secure parcels which must be sealed and either handed over to the Jail guard accompanying the party or to the officer in charge of the escort or else despatched by registered and insured post. In the latter case the parcel should be posted the day before the departure of the prisoners from the despatching Jail.

Note.—(i):—Refusal on the part of prisoners to carry their private effects constitutes a Jail offence unless the property is such as cannot be reasonably carried by the prisoner in which case it should be sent at Government cost.

(ii) Whether finger impressions have or have not been taken at the transferring Jail shall be invariably noted in column 8 of Jail form 103.

998. Forms A, B and C shall each contain particulars relative to each transferred prisoner. If the fine has been paid fully or in part the facts and details with remission on such account shall invariably be recorded in block letters in red ink on the warrant of Committal.

999. Whenever intimation is sent by a Court to a Superintendent that a fine or a portion of fine has been recovered on behalf of a prisoner, and such prisoner has been transferred to another Prison, the Senior Jailor shall at once forward such intimation by registered letter to the Superintendent of the Prison to which such prisoner has been transferred simultaneously informing the Court of his action and shall also see that such intimation is duly acknowledged by the receiving Jail. This acknowledgment shall be passed on to the Court.

1000. Form E, (Certificate of receipt) shall be filled in and signed by the Senior Jailor of the receiving prison and forwarded to the Superintendent of the transferring prison by post or through the Jail guard or Escort Amaldar in charge of the party. If for any good reason he is unable to sign the certificate, a report explaining the reasons thereof shall be immediately made to the Inspector-General by the Superintendent of the receiving prison through the Superintendent of the transferring prison, who will at once send it on with his explanation.

1001. The B. M. S. O. Class III is responsible to see that all hospital entries have been made in the History ticket, the Senior Jailor that the other forms are duly filled in and that the History Tickets are duly completed in every respect.

1002. The Medical Officer shall be responsible that every prisoner transferred or removed for any purpose, is in a fit state to undertake the journey required of him and shall certify at the foot of the nominal roll that the prisoners are fit for transfer. He shall see that sick prisoners are provided with proper diet for the journey.

1003. The total amount of remission earned by every transferred prisoner upto the end of the preceding month, shall be endorsed on his warrant, and entered on his History Ticket, and the entries shall be signed by the Senior Jailor.

1004. The Senior Jailor of the transferring Jail shall be responsible that the above information is duly and correctly supplied.

1005. The account of the deferred pay of a convict officer transferred to another prison in the State shall be sent with him. If he is transferred to a Jail outside the State or to a sub-Jail within the State under the P. R. T. system the deferred pay and the monetary award shall be drawn to the date of such transfer and sent with him in cash.

1006. In the case of P. R. T. prisoners transferred to Sub-Jails in the State, Forms A, B and C should be dispensed with but the private property should be entered on the warrant and the number of warrants of each prisoner entered on the back of his P. R. T. roll.

1007. When prisoners are transferred to Taluka Sub-Jails under the P. R. T. system, the date on which release is due shall be entered in red ink on the P. R. T. Rolls.

1008. History Tickets of P. R. T. prisoners who are subject to the remission system transferred to Sub-Jails should be retained by the transferring Jails for audit purposes.

1009. The Superintendent of the Jail from which a prisoner is transferred shall immediately send to the Superintendent of the receiving Jail by registered post any notice which may be received regarding the annulment or modification if any of his sentence on appeal and any warrant received from a Court after correction or for an additional sentence.

1010. If a prisoner whose appeal is not decided, or who has been committed to prison in default of payment of fine or in default of furnishing security, be transferred to a prison other than that specified in the warrant, intimation of the transfer should be given to the sentencing Court.

CHAPTER XXX

PRISONERS' PROPERTY AND OTHER DOCUMENTS

Warrants

1011. The Senior Jailor shall be responsible for the safe custody of the private property, warrants and other documents committed to his charge and the strict enforcement of their terms. There shall be a separate box or press with a good lock provided in each prison for the safe keeping of the warrants, the key being always kept in the Senior Jailor's own possession. The warrants should be arranged according to Serial Nos. A separate box or press shall also be provided for the safe keeping of jewellery, the key remaining with the Senior Jailor.

1012. Property delivered with, or found on a prisoner on admission, or afterwards sent to him openly and through the Superintendent or Jailor, shall be dealt with under the following rules.

1013. If it consists of obscene pictures or literature, opium, or any other drug or liquor, it shall be destroyed and no compensation shall be given.

1014. If it consists of perishable articles of any value, it may be sold and the proceeds dealt with under Rule 1022.

1015. All clothing, cash, jewellery and other property received with or found on the person of a prisoner on admission shall be entered in the Prisoners' Property Register No. 2, or 1 as the case may be and the entry which shall specify in detail the nature of the property, the number or quantity and the estimated value of each item—shall be read over to the prisoner, and his signature or mark, together with the signature of the Senior Jailor, shall be taken in the column for that purpose. The list of property shall be read over to the prisoner in the presence of the Superintendent who shall also sign the Register after satisfying himself that the entries are correct. The clothing of prisoner, if ragged or worthless, may be destroyed under the orders of the Superintendent which shall be recorded in the Register concerned.

*Note.—1:—*The genuine value of each item must be shown. So much description of an article as will facilitate identification and prevent pilferage must be given (e. g. whether a coat is wollen or cotton, its colour, design and condition etc.).

*Note.—2:—*Any counterfeit coin if found with the prisoner should be cut and handed over to him on release.

1016. A Jailor is only bound to receive charge of such property brought with a prisoner as can be stored in the prison store-rooms. If, as is sometimes the case, cattle or unwieldy articles such as charpoys, etc. are brought to prison with a prisoner, they should not be taken charge of by the Jailor, but handed over to the prisoner's

friends, if he so desires, or else sold by public auction and the proceeds, when realised, should be credited to the prisoners' account as directed in Rule 1022.

1017. The Senior Jailer is responsible for the safe custody and due delivery, on release, of all property not dealt with under Rules 1021 and 1026 brought by a prisoner into prison or received there on his account.

1018. If the Medical Officer considers that there are sanitary objections to the retention of the clothing of any prisoner, or if any prisoner on admission into prison is suffering from any infectious or contagious disease, the clothing shall, under the written order of the Medical Officer in Register No. 32, be burnt.

1019. Clothing, after washing or fumigation shall be made up into a bundle and endorsed, in both English and the regional language, with the prisoners' name, register number and ordinary date of release. *Lothas*, cooking pots, and other non-perishable articles shall be included in the clothing bundle, which shall be stored in a place set apart for the purpose. These bundles shall, as far as possible, be arranged in open work partitions, baskets, or nets, each containing the bundles of prisoners to be released in a particular month.

1020. For the method of making jewellery packets *vide* Rule 796. The cash belonging to a convicted prisoner shall be brought to account in Register Nos. 2 and 16 and shall be kept either in the treasury—on a Pass Book—or in the prison safe. Cash required for the month's disbursements should only be kept in the latter.

Note.—Coin of foreign countries shall be classed as jewellery.

1021. Property of any kind found on a prisoner, after his being searched on admission, shall be forfeited under an order of the Superintendent in Register No. 12 and the value carried to the credit of Government, a certain proportion, not exceeding one-third, being awarded to the finder under a written order of the Superintendent, a copy of which shall be forwarded to the Inspector-General for information.

1022. (i) Where the term of imprisonment is for two years and upwards, the clothing and other perishable articles legitimately received with a convicted prisoner may at the discretion of the Superintendent be sold by auction at the Mamlatdar's Court, and the money received carried to the prisoner's credit by a red ink entry initialled by the Superintendent in the cash column of the Prisoners' Property Register No. 2, provided that, if an appeal is made, by the prisoner against his sentence the property other than perishable articles should not be disposed of until the appeal is decided.

(ii) A prisoner must always be informed before his property is auctioned and should he request that this may not be done his wishes should be complied with, provided that there is room in the godown and the property is worth keeping.

(iii) The prisoner should always be told how much was realised by the sale of his property and the fact that this has been done should be noted on his history ticket.

1023. The prisoner's private property and clothing store should be in charge of Jailor to be assisted by a Senior Jail Guard not junior in rank than Jamadar or if none is available for this duty his next junior. The Jailor will attend all auction sales of clothing and be responsible for the amounts received and see that a fair price is obtained for the value of the clothing and other articles sold.

1024. Buying directly or indirectly any prisoner's property at such auction sales by the Jail Staff is strictly forbidden.

1025. Whenever, under the operation of these rules, the clothing of a prisoner is summarily disposed of by the Prison authorities, the prisoner shall on release, if he has not sufficient money to purchase other clothing be provided with suitable clothing at the expense of Government. Such clothing shall consist of one shirt of the type popularly known as "Nehru shirts" one Gandhi cap and four yards of cloth or a pair of trousers. These shall be made of white cloth of similar texture to that used for convict clothing but without the regulation stripes.

1026. Any property or money belonging to a prisoner may, at any time during his imprisonment with the consent of the prisoner and the approval of the Superintendent be delivered to the prisoner's friends or sold, and the proceeds of the sale of such property may be disposed of in such manner as the prisoner may direct, provided that they shall not be applied to the personal use of the prisoner during his confinement, nor so disposed of with the object of escaping payment therefrom of any fine imposed on him by any Court. Where the prisoner's sentence is below two years, sufficient clothing must also be retained to enable him to leave the prison decently clothed.

1027. (1) Permission to remit or hand over money or property must be entered on the prisoner's history-ticket by the Superintendent.

(2) The Superintendent must satisfy himself so far as is possible that the person to whom the cash or property is to be given is a relative of the prisoner or has a legal claim on him.

(3) Money or property must not be sent by post to an address within 20 miles of the Jail. In such a case the addressee must take delivery personally in the presence of the Superintendent and the prisoner.

(4) It is forbidden to send cash or currency notes enclosed in a letter. Remittance must always be made by Money Order signed by the Superintendent. The Post Office receipt and the addressee's acknowledgment must be forthwith shown to the prisoner by the

Superintendent initialled by the latter and attached to the prisoner's warrant for delivery to him on release.

(5) Other property must be packed, sealed and addressed in the presence of the Superintendent and the prisoner and despatched by registered post, the receipt being dealt with as in the case of a Money Order acknowledgment. All postal charges must be paid by the prisoner.

(6) An entry recording the method of disposal of money or property must be made in the Property Register and the prisoner's history-ticket and signed by the Superintendent.

1028. The transfer of money or any other private property from one prisoner to another for any purpose whatever is strictly prohibited.

1029. When a prisoner is transferred from one prison to another, the whole of his property of every description shall be sent with him, with a full and correct statement of the description and estimated value of each article.

1030. On the occasion of the release of a prisoner the property shall be made over to him in the presence of the Senior Jailor, who shall after entry of the word "received" take the prisoner's signature in the column provided for that purpose in Register No. 2 or 1 and shall attest the entry by his signature. The Superintendent should also attest such entries at the time of checking daily Cash Books. The same procedure shall also be adopted whenever the property of a prisoner is disposed of under Rule 1026.

1031. Stamped receipts are not necessary whenever deposits of his private cash only exceeding Rs. 20 are returned to prisoners on release.

1032. (1) If any undertrial prisoner who is released, discharged or acquitted by a Court does not call at the Jail for taking back his property within a period of six months from the date of his release or acquittal, as the case may be, such property shall be handed over to the police for disposal in accordance with the provisions of sections 82 to 88 of the Bombay Police Act, 1951:

Provided that where the property is claimed within the aforesaid period by the prisoner himself, it shall be handed over by the Superintendent to him if he satisfies the Superintendent about his identity, establishes his claim to the property and passes a receipt for having received it;

Provided further that where the property is claimed within the aforesaid period on behalf of the prisoner by any other person it shall be handed over by the Superintendent to such person after he establishes his claim thereto, executes an indemnity bond and passes a receipt for having received the property.

1033. If the property of a prisoner who is released, discharged or acquitted or dies in any prison is not claimed by or on behalf of the prisoner within a period of six months from the date of such release, discharge, acquittal or death, as the case may be, it shall be handed over to the police for disposal in accordance with the provisions of sections 82 to 88 of the Bombay Police Act, 1951;

Provided that where the property is claimed within the aforesaid period by the prisoner himself, it shall be handed over by the Superintendent to him if he satisfies the Superintendent about his identity, establishes his Claim to the property and passes a receipt for having received it;

Provided further that where the property is claimed within the aforesaid period on behalf of the prisoner by any other person it shall be handed over by the Superintendent to such person if he establishes his claim thereto, executes an indemnity bond and passes a receipt for having received the property.

1034. The property of a prisoner who has escaped from a prison shall, after the expiry of a period of one year from the date of escape, be handed over to the police for disposal in accordance with the provisions of sections 82 to 88 of the Bombay Police Act, 1951 unless such prisoner is recaptured within such period.

1035. When a prisoner is sent to Mental Hospital all property in the prison belonging to him shall be sent with him and a receipt obtained:

CHAPTER XXXI

CLOTHING AND EQUIPMENT

Clothing

1036. Class I prisoners may be permitted to use their own clothing, except political symbols. They shall be provided with prison clothing on the following scale if they desire it or if the Superintendent considers it necessary:—

Article	Males	Females
Cap (cotton) ...	1	...
Shirt (cotton) with long sleeves ...	2	...
Pyjamas (cotton) or dhoti ...	2	...
Lungoti ...	1	2
Towels ...	1	2
Sari cotton ...	...	2
Cotton jacket ...	...	1
" bodice ...	...	2
" socks ...	2	...
Stockings (if required) ...	...	2
Slippers or chappals or Boots ...	1	1
C. W. Chaddar ...	1	1
Warm tunics ...	1	1
Mattress, thin ...	1	1
Pillows ...	2	2
Pillow slips ...	4	4
Cotton sheet ...	1	1
Comb ...	1	1
Brush ...	1	1
Mug alluminium ...	1	1
Bowl Do. ...	1	1
Body Ticket ...	1	1
History Ticket ...	1	1

An additional alluminium mug and plate may be allowed to them if required.

Note.— The above list may be altered or added to under the sanction of the Inspector-General.

1037. A Class I prisoner of other than Indian domicile who is accustomed to dress in the western style, may be provided with the following articles in addition to those enumerated in rule 1036 on request to the Superintendent.

Article	Males	Females
Cotton coat ...	2	...
Night dresses ...	...	2
Petti-coat ...	...	1
Hat (Pith, straw or cane). ...	1	1

1038. Every Class II convicted prisoner, under sentence of rigorous imprisonment or transportation or death shall wear the prescribed prison clothing and use prison bedding which shall be supplied to them free of cost.

1039. The clothing, bedding and equipment of Class II convicted prisoners shall consist of:—

Article	Males	Females
Cotton woollen chaddar ... (7' x 4').	(According to climate)	
Cotton sheet (7'x4') ...	1	1
Loom carpet (6'x2') ...	1	1
Cotton shirt ...	2	...
Cotton woollen jacket ...	1 in cold weather.	...
Cotton trousers or shorts ...	2	...
Lungoti ...	1	2
Cotton cap ...	1	...
Sarees (18'x3½') ...	...	2
Cotton bodice ...	...	2
Aluminium mug ...	1	1
Do. bowl ...	1	1
Body ticket ...	1	1
History ticket ...	1	1
Pillow ...	1	1
Aluminium Katora (16 Ozs.) ... or similar vessel.	1	1

Note.— The above list may be altered or added to under the sanction of the Inspector-General to suit the requirements of the climate in which the prison is situated the authorised allowance for each prisoner being shown in the column provided in Form No. 62.

1040. Undertrial prisoners (save those accused of murder) and civil prisoners may be allowed to wear their private clothing. Simple imprisonment prisoners who have not volunteered for work and those who have volunteered for work but who, in the opinion of the Inspector-General, are not likely to escape may be allowed to wear their private clothing, provided simple imprisonment prisoners desiring to avail themselves of canteen facilities shall have to wear prison clothing.

1041. Undertrial and simple imprisonment prisoners who have not sufficient clothing and bedding of their own shall be provided with the same from the prison stock on request to the Superintendent.

1042. All prisoners sentenced to rigorous imprisonment, except those who do conservancy work, shall be issued clothes with green lines instead of black or blue lines during the first three months of their actual imprisonment so that they can be identified as prisoners who are to be given canteen facilities, and prison clothing with black or blue lines on completion of the prescribed period.

1043. Male and female prisoners who desire to use undergarments in addition to the Jail issue of clothing, may be permitted to have two sets of underwear of plain white cotton cloth. All under garments shall be marked with the prisoner's number before issue.

1044. Sikh prisoners shall be given white turbans (measuring 12'x 2') and Kachas in lieu of caps and cotton trousers.

1045. The dress of a convict night watchman shall be the same as an ordinary convict. The cap shall be white and shall have the word WATCH sewn on it in black letters at least 1" high.

1046. The dress of a convict overseer shall consist of a white coat with five plain zinc buttons, canary yellow knicker-bocker trousers with or without puttees according to the climate of the locality in which he is employed, and a leather belt with a zinc belt plate ($3'' \times 2\frac{1}{4}''$) on which the words 'convict overseer' shall be engraved or stamped. He shall carry a baton.

1047. The uniform for Class I convict overseers shall consist of a white coat with five plain zinc buttons, white trousers, and white hat with a blue turban round it. They shall wear a belt like that of Class II convict overseers, and shall carry a baton.

• 1048. Female convict officers shall wear the same style of clothing as female convicts. The Sari should, however, be dyed canary yellow.

1049. No clothing or bedding shall be purchased in the market without the sanction of the Inspector-General which shall be accorded in very special circumstances only.

1050. All prison clothing shall be of uniform pattern; and manufactured by prison labour out of 2/20s 40 reed and 10s (2) and 24 picks per inch [2/20s warp and 10s (2) weft] and shall be distinguished by lengthwise (i. e., vertical) blue or black or green stripes $\frac{1}{4}$ inch wide woven into the cloth at interval of (12") twelve inches. In the case of hospital clothing the stripes shall be red instead of blue. The width of the convict cloth used for shirts and trousers shall be 26".

1051. Only the raw material required for the manufacture of the prison clothing shall be charged to Government.

1052. A clothing estimate (Form No. 62) of the requirements for twelve months shall be prepared in April every year by the Jailor in charge of the clothing store, and submitted to the Inspector-General for sanction. Save in emergency, no clothing or bedding shall be issued from the prison factory except on an estimate duly sanctioned by the Inspector-General. Issues made in grave emergency, under the orders of the Superintendent, shall require the Inspector-General's post sanction. One cotton jacket and two cotton coats shall be provided for every convict overseer in the clothing estimate.

1053. A Jailor shall be placed in charge of the clothing store who shall see that sufficient stocks are always manufactured and stored and that they are frequently moved and exposed to the sun and air by the prisoners working in the clothing store. Clothing and bedding received back in store from prisoners shall be thoroughly washed (sunned in the case of woollen clothing) and repaired before it is placed in stock. The old worn-out blankets and clothing shall be periodically examined by the Senior Jailor to find out such clothing as can be cleaned and made into pads to be used by the prisoners, employed in carrying baskets of earth, grain, etc. The condemned convict clothing which cannot be so used by prisoners should not be sold but utilized in Hand Made Paper Industry. The Superintendent shall examine unserviceable and irreparable clothing and bedding periodically (every six months) and condemn or pass orders about its disposal in Register No. 12. The number and date of such order shall be quoted against the entries of condemned articles in Register No. 21—clothing Register. No clothing which has not lasted for the prescribed period shall be condemned except with the Inspector-General's sanction.

1054. The Senior Jailor shall check all demands for clothing, and shall be held responsible that no extra clothing is issued without the authority of the Superintendent. He shall see that all clothing and bedding is brought on the books before being issued to prisoners, and that a proper stock is maintained.

(a) Caps (for Class I and II prisoners)

1055. 'Gandhi' caps ($3\frac{1}{2}$ " in height) shall be issued in different colours which will denote the categories of prisoners:—

(i) *White Caps.*—Ordinary casual prisoners.

(ii) *Yellow caps.*—Casual prisoners with the unexpired sentences of five years imprisonment or more.

(iii) *Black or blue caps.*—Ordinary habitual prisoners.

(iv) *Caps having one side made of black or blue cloth and the other of yellow cloth.*—Habitual prisoners with the unexpired sentences of five years or more.

(v) *Caps having one side made of bright red and the other white cloth.*—A casual prisoner, escaped either from Jail or from Police custody.

(vi) *Caps having one side made of bright red and the other black or blue cloth.*—A habitual prisoner escaped either from Jail or Police custody.

(b) Shirts

Shirts for Class I prisoners shall be made from the ordinary convict cotton cloth with a stand up collar of $\frac{1}{2}$ ", three cloth buttons down the front and sleeves to the wrist and one breast pocket (6"×4") on left side.

Class II prisoners shall be provided with shirts of the type popularly known as "Nehru shirt" which shall be of sufficient length to be worn approximately upto the knee, with one pocket (6"x4") on the left side on the chest and three buttons in the front.

(c) Dhotis Sarees and Pyjamas

Dhotis for Class I prisoners shall be made out of 20s count with the prescribed lengthwise blue stripes. They shall be 9 yards per pair in length and $3\frac{1}{2}$ feet in width.

Saris for female prisoners shall also be made out of 20s count with the prescribed lengthwise blue stripes.

Pyjamas for Class I shall be made of convict cotton cloth and will extend to the ankles.

Cotton trousers for Class II shall consist of shorts to be issued during the summer (1st April to 30th June) and Pyjamas which shall reach 4 inches above the ankles to be issued during the remaining period of the year.

Chaddies shall be made with a hem for a waist string.

(d) Other articles for Class I and II

(i) Towels shall measure 24"x24" except in the case of Muslims who may, on request to the Superintendent, be supplied with towels measuring 48"x24".

(ii) Langotis shall measure 36"x12".

(iii) The aluminium mug and bowl be of the following dimension:—

(a) Mug.—Height 6" and diameter 4".

(b) Bowl.—Diameter at top 8", at base $4\frac{1}{4}$ " and depth 2".

(iv) C. W. Chaddar and blanket coats shall be made with cotton warp and woolen weft. A cross stripe 2" wide of white wool shall be woven into each blanket and on this stripe the year of manufacture and the initial letters of the manufacturing Jail shall be indelibly marked with Dhobi nut or other permanent marking ink. The stripes on hospital blankets and blanket coats shall be red.

(v) Loom carpets (6'x2') may be issued to Class II prisoners and to Class I prisoners only when mattresses are not available.

(vi) Warm tunics for Class I prisoners shall be made of C.W. cloth with 5 plain zinc buttons after the pattern of convict overseer's coats.

1056. No pocket or opening in the clothing other than those authorised shall be allowed and the pattern shall in no way be departed from.

1057. Articles of clothing and bedding shall not be used for carrying grain or other articles.

1058. Prisoners employed on garden work and other active occupations, do not require to wear all their clothing while at labour, neither do prisoners employed in closed work-shop,

kitchen, clothing and grain stores. The Jailor shall see during his inspections that prisoners wear such clothes only as are necessary. He shall also see during the cold weather that the prisoners are properly clad and do not wear wet clothes. When working in the rain, prisoners may be allowed an old extra blanket each so that the ordinary allowance may be kept dry to put on when they cease work.

1059. The life of prison clothing is fixed as under:—

Cotton clothing except sheet	...	8 months.
Cotton woollen Jacket	...	2 years.
Cotton sheets	...	2 "
C. W. Chaddar	...	2 "
Loom carpet	...	5 "

1060. Prisoners who keep their clothing and bedding in good order beyond the ordinary length of time may be rewarded by the Superintendent by grant of Special remission.

1061. Those prisoners, whose conduct and work is exemplary, may be allowed to have private clothing and bedding, at their own cost, on the standard and scales laid down in rules 1039 and 1043 respectively, as the case may be. Those, who have earned this concession, but are unable to procure private clothing, may be allowed at Government cost, a set of clothing without the regulation stripes, with the previous sanction of the Inspector-General of Prisons.

1062. The Superintendent shall report to the Inspector-General of Prisons, the names of all prisoners, who are allowed the concession in the above rule either at their cost or Government and the Inspector-General of Prisons will review these cases, during his periodical inspections.

1063. A convict should appear before a Court in prison clothes only when he is being tried for an offence committed while in prison. All other prisoners appearing before a Court should wear their private clothing—if this has been destroyed or otherwise disposed of, the Prison Authorities shall provide them temporarily at the expense of Government with clothing of the type mentioned in rule 1025 which shall be similar to that issued to released prisoners who have no clothing of their own.

1064. Extra clothing and bedding shall be issued to any sick weakly or infirm prisoner on the written recommendation of the Medical Officer either at Government cost or at the prisoner's cost at the Superintendent's discretion.

1065. The Medical Officer shall be responsible for all clothing and equipment on the hospital premises.

1066. The Bombay Medical Service Officer Class III shall see that the prison clothing of all dead prisoners is destroyed if ordered by the Medical Officer or fumigated and washed and returned to the Store.

1067. The articles of cotton clothing and bedding shall be steeped in boiling water with alum to destroy vermin in them. Woollen articles shall be dried in the sun so as to secure effective disinfection.

1068. The Female Jailer Group II or the Senior Matron shall see that the female prisoners are clean in their person and clothes; that they have the regulation amount of clothing and bedding; that their clothing and bedding are properly aired; that they wear the body tickets in the place assigned for the same, and that they comb and clean their hair properly.

1069. A mirror 9"x12" shall be permanently fixed in each female barracks and cell with a reasonable number of cheap combs.

1070. Children upto three years of age who are allowed to remain with their mothers in Jail and are in need of clothing shall be supplied with clothing at Government cost. The clothing issued to each child shall consist of two coloured cotton frocks, two coloured cotton undergarments and two coloured cotton Chaddies per year.

1071. A small nursery with cradles and other reasonable equipment shall be provided in each Female Jailer or ward.

1072. Simple imprisonment prisoners shall be supplied with the same blankets, beddings, pots and plates as labouring prisoners. They shall wash their own clothes and keep them neatly arranged and folded.

1073. Civil Prisoners of all classes shall be allowed to use their own clothing, bedding and eating and drinking vessels.

Equipment

1074. In the case of Class I prisoners each cell shall contain as part of its equipment the following furniture:—

Bed hospital pattern (Space permitting)	...	1
Table, wooden	...	1
Chair, Do.	...	1
Book-shelf, wooden, small	...	1
Mosquito net	...	1
Basin wash-stand	...	1
Jug water	...	1
Lamp (reading) [where no electric light is available].	...	1

1075. A reasonable amount of private furniture may be permitted at the discretion of the Superintendent.

1076. A basin wash stand shall be supplied to Class I prisoner, on request; provided the prisoner is ordinarily accustomed to using a basin.

1077. Class I prisoners may be permitted to use their own cooking and feeding utensils, at the discretion of the Superintendent.

1078. A mirror (9"x12") shall be provided at Government cost. It shall be fixed in a frame which again will be fixed to a wall in each yard where Class I prisoners are confined.

1079. Every convicted prisoner sentenced to rigorous imprisonment shall be provided with a zinc ticket (3"x2") which shall be put in the breast pocket, suspended by the tab and attached to a button in the case of male prisoners and it shall be attached by a leather tab to a button, on the left sleeves in the case of female prisoners.

1080. The following particulars shall appear on the ticket:—

Prison number.

Name and father's or husband's name.

Section under which convicted.

Date of sentence.

Sentence.

In the right hand top corner H. M. or L. according to Class of labour given to prisoner.

In the left hand top corner 'C' or 'H' according to whether the prisoner is a casual or habitual.

1081. Every convicted prisoner sentenced to imprisonment shall, on admission, receive a history ticket with the particulars on the opening page duly filled in and in this ticket shall be recorded all the results of the fortnightly weighments, all admissions into and discharges from Hospital, all changes of labour, all issues of clothing and equipment, particulars regarding appeals or petitions, all remission and gratuities, all punishments and all indulgences granted under prison rules such as interviews allowed, special diets etc., shall be entered on the last page of the ticket.

1082. History tickets of prisoners sentenced to three months or less shall consist of a single sheet, from three months to one year of a double sheet and over one year of four or more sheets as required. Charts for recording weighments shall be included in the History Tickets of all prisoners sentenced to rigorous imprisonment for three months or more.

1083. These shall be preserved for one year after release or death. When a prisoner is transferred to another prison, his History Ticket shall be sent with him except in the case of prisoners transferred to a Taluka Sub-Jail for release.

1084. Every undertrial prisoners shall be provided with a ticket on which shall be entered, the date of his arrest, the nature of the charge against him, the date of his arrival in prison and the date of such subsequent examination and remand; also dates of interviews and letters and records of punishment.

The ticket of the undertrial prisoner will show the class to which he belongs.

1085. The History Ticket shall be kept in locked wooden boxes in the Jail Office. They shall be systematically arranged so that they may be easily accessible for reference.

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CHAPTER XXXII

EMPLOYMENT OF PRISONERS

Classification and rules for assignment of work

1086. Labour is classified as Hard, Medium and Light.

1087. The following common forms of labour shall always be regarded as :—

(a) Hard

Earth digging.
Quarrying.
Raising water.
Hewing trees and cleaving firewood.
Extracting fibre by pounding.
Road making,
Carrying or hauling loads,
Sawing wood.
Rough carpentry.
Black-smith works.
Out file works,
Ploughing fields and other earth work,

(b) Medium

Weaving.	} If the prescribed full task is not completed light.
Tailoring.	
Coir work.	
Carpentry.	
Conservancy work.	
Cooking in kitchen or canteen.	
Shoe making.	
Dying yarn etc.	

(c) Light

Sweeping.
Grain cleaning and vegetable cutting.
Book binding and envelope making
Shaving.
Button making.
Opening twist
Clerical work.
Work in Jail Hospital.
Repairing old clothing.

Note.—The classification of other kinds of work as Hard, Medium or light may be determined by the Superintendent according to the nature of the work and task exacted.

1088. The following kinds of work should usually be allotted to Class I prisoners but may be given to suitable Class II prisoners also :—

Book binding.
Envelope making.

Sewing.
Cane work.
Carpentry.
Painting and Polishing.
Clerical work (in selected cases only).
Tablet making and packing.
Cot tape and ordinary weaving.
Gardening (where possible).
Spinning.
Button making.

1089. Simple imprisonment prisoners shall not be required to labour save as provided for in Section 36 of prisoners Act. They may, however, be permitted to labour if they so desire, and in that case shall be given the benefit of remission and wages system if eligible by length of sentence and shall be allowed labouring diet. They shall not be compelled to perform any menial duties for others or duties of a degrading character.

1090. Undertrial prisoners may be allowed to work at their option, but shall not in any circumstances be employed with other convicted prisoners. They shall be provided with such employment as they can perform in their cells, barracks or yards.

1091. Civil prisoners may be allowed to work at their own or any other trade for their own benefit; Provided that by so doing they cause no expense to Government and provided the work is approved by the Officer in charge of the Civil Jail. They shall also be allowed to engage in gardening if practicable and without expense to Government and the product of their gardening shall be at their disposal.

Prison Servants

1092. Prison servants (cooks, sweepers and hospital attendants) shall ordinarily not exceed 10 per cent of the Prison population except with the Inspector-General's sanction.

1093. The total number of convict officers shall be kept as low as possible and shall not exceed 11 per cent (i.e., 6 per cent C. Os. and 5 per cent N. Ws.) of the prison population without the sanction of the Inspector-General.

1094. All menial and other duties of the prison shall be assigned at the discretion of the members of the Work Assigning Committee (Rule 1098) to labouring prisoners, care being taken that no such work shall be assigned or exacted from a prisoner who is not in the habit of performing such work when in a free State. Care shall, however, be taken that no prisoner is permitted on a false pretext to evade any work which he may consider to be onerous or disagreeable. Complaints of prisoners if any in this respect, shall be referred to Inspector-General whose decision shall be final.

1095. Coservancy work shall as far as possible be assigned to those prisoners whose profession it was to perform such work when free. It may be allotted if necessary to other prisoners who volunteer for it subject to the following conditions:—

(1) Volunteers shall be employed only if the requirement of the Jail makes it necessary.

(2) The mere fact that a particular prisoner volunteers for conservancy work does not establish any right to be employed in that capacity.

(3) There shall be a properly attested record of the fact that particular prisoners have volunteered.

(4) Volunteers to whom the work is allotted must perform it in its entirety.

(5) The Superintendent as a Head of the work assigning committee shall have full discretion to discontinue such employment at any time for valid reasons to be recorded in No. 12.

(6) The combination of other employment with a little conservancy work shall not be permitted.

(7) Children and minors shall not be accepted as volunteers,

1096. (i) The employment of prisoners to assist in the clerical work in the Prison is not permitted. They may, however, with Inspector-General's prior sanction, be employed to write appeals of prisoners and to copy letters, reports, returns, statistical statements and rolls in a verandah or gateway or other suitable place to be decided by the Superintendent, provided that prisoners guilty of forgery, fraud or breach of trust are not selected for employment as convict clerks and that no prisoner is employed as a convict clerk until he has completed one-fourth of his sentence.

(ii) They shall not be allowed to enter the office for clerical work or to have access to warrants and any of the Jail Registers and shall be under the constant supervision of a Jail-Guard while at work.

1097. The convict officers employed in the Juvenile Sections of prisons must be specially selected and should ordinarily be elderly men and of very good character.

Assignment of work

1098. The Superintendent, Deputy Superintendent, Medical Officer, Jailors, Agricultural Officers and Technical Assistants and the Subhedar shall sit in a committee on every Saturday evening to assign work for newly admitted prisoners having a sentence of six months and more and to consider cases requiring change of work. Once the work is assigned, it shall not be changed unless the prisoner's case is again examined by the Committee and a note thereof made in the sheet of the prisoner or History Ticket where there is no history form. Exceptional cases requiring change of work in the

meantime shall, however, be decided by the Superintendent himself.

1099. The Senior Jailer should arrange to give work to prisoners having sentences of less than six months. He shall do this thrice a week and see that no prisoner remains in the quarantine for over 10 days, due to non-compliance of these orders.

1100. After the assignment of work to prisoners who have a sentence of six months and over, the prisoners' conduct shall be closely watched by the Jailer in charge and notes thereof made in his history sheet in the appropriate place. For this purpose, he may secure information in addition to his own observation through his subordinates. The sheet of every prisoner shall be scrutinized by the Committee once in every three months so that any change of work or treatment could be effected if necessary.

1101. Every prisoner on being assigned work, shall be allowed reasonable time to learn it and if during this time he shows due diligence and makes satisfactory progress, he shall receive remission and payment of wages for industry. The time which is necessary to enable a prisoner to learn his work and produce the full task will differ according to the industry. Care shall be taken in estimating a prisoner's progress that due allowance is made for difference in intelligence and physical strength.

1102. The Inspector-General of Prisons should examine from time to time the scales of tasks that prisoners produce and fix up standard scales of tasks for all industries and communicate such standard scales of tasks to the Superintendent for being followed rigidly by all concerned.

1103. Except in an emergency and by the written order of the Superintendent in Register No. 12 no prisoner shall be kept to labour for more than nine hours in any one day. No work except menial and other necessary work shall be done on Sundays and other Jail holidays.

1104. Prisoners in judicial solitary confinement shall be provided with suitable work and regulated task shall be exacted from them.

1105. The Superintendent shall issue such instructions as will prevent prisoners from being employed in any position where their lives may be endangered and in consultation with the Medical Officer shall exercise discretion in proportioning the amount and description of labour to the physical powers of the prisoners. He shall also see that no more than the authorized percentage of prisoners are employed as prison servants and shall not permit any prisoner to be employed in any private capacity either for himself or any other person except as provided by rules.

1106. Prisoners shall be at work daily from 8-15 to 10-45 a. m. and from 11-45 a.m. to 4-15 p. m.

1107. The Senior Jailer shall superintend generally the distribution of the working parties when proceeding to their appointed labours and shall be careful that they are despatched with regularity and without loss of time. He shall occasionally check their number during the hours of work and on their return to their barracks, He shall see that the task allotted to the prisoners is properly exacted by the Jail-Guards in charge of the file. In wet weather he shall see that necessary measures are taken for having the clothing of prisoners dried and that those prisoners who are exposed to rain have such extra clothing as may be necessary.

1108. The Bombay Medical Service Office shall carefully inspect prisoners detailed for extramural work before they leave the prison in the morning and after their return thereto for the purpose of satisfying himself that they are physically fit for the work for which they have been selected and have not suffered therefrom.

1109. He shall see that the requisite medicines are distributed in the morning to those prisoners in the out-going gangs who require it.

1110. when prisoners are employed in blasting, well sinking, excavating or other work of a dangerous character, every reasonable precaution shall be taken to guard against accidents. In blasting operations the firing of the charge shall be carried out by some responsible person; in excavation the sides shall be sloped or cut in steps, and in well sinking the sides if not sloped shall be boarded to prevent them from falling in.

1111. No claim for compensation by the relatives of a prisoner can be admitted by Government if he meets with an accidental death while employed on works undertaken by Jail, as the Workmen Compensation Act 1923 is not applicable to the Jail Department.

1112. Every prisoner who has not more than 12 months of sentence remaining may be employed on extramural labour irrespective of the portion of sentence already passed in prison. No prisoner who has more than two years of sentence to run shall be so employed without the sanction of the Inspector-General. No prisoner sentenced to more than 18 months imprisonment shall be selected for extramural work until he has served at least $\frac{1}{3}$ of his sentence. No prisoner shall be passed out of the main Jail gate for extramural work without his register number and the name of the person responsible for his safe custody being recorded by the Gate-keeper.

Note.—This rule does not apply to prisoners employed in extra-mural camps, regarding the selection of which rules shall from time to time be issued by the Inspector-General of Prisons. Discretion should be

exercised not to select prisoners for extra-mural labour who have shown or are likely to have a strong inclination to escape.

1113. Prisoners working on extramural work must work together in gangs. The official in charge shall be responsible that they are subjected to the same discipline as when employed inside the prison.

1114. In every prison there shall be formed an infirm gang, of whom a separate muster shall be kept. The gang is to consist of old and infirm men, physically unfit for hard labour, and prisoners, discharged as convalescent from the hospital, who are to be employed on light labour.

Jail Industries

1115. As between different lines of production those industries which would give larger profits should be selected. In exceptional cases, however, less remunerative lines of production may be continued with the approval of Government if they conduce towards the rehabilitation of prisoners and give them training in a craft or industry which would stand them in good stead later on.

1116. The selling prices of articles manufactured in the Jails, shall be fixed on a par with the market prices of such articles, after taking into account the cost of raw materials, wages paid to prisoners, the expenditure on depreciation charges and cost of technical staff. The percentage of charging the expenditure on depreciation and cost of technical staff shall be fixed by the Superintendent with the prior sanction of the Inspector-General.

Repairs etc.

1117. Every possible advantage shall be taken of convict labour in executing repairs or new works connected with a prison, and no article for prison use which the prisoners can manufacture for themselves shall be purchased in the market without the sanction of the Inspector-General.

1118. The employment of prisoners by the Officers and Staff of Prisons for private work at their residences and in the gardens attached to their houses is strictly prohibited, except when they are employed on payment of the wages actually paid to the prisoners concerned according to Rules for cleaning the compounds of Chawls and the common latrines used by the Jail and Prison Staff.

1119. The employment of prisoners on public works and semi-Government bodies shall be governed by the following conditions:—

(1) No convict shall be employed on public works other than constructions or alterations of prison buildings or premises or repairing roads, cleaning canals or similar work within a reasonable distance from the Jail. Prison labour in

such cases shall be sanctioned by the Inspector-General of Prisons, State of Bombay, on the clear understanding that the prisoners will be employed by the Public Works Department and not hired out to private employers or contractors.

Provided that the Inspector-General of Prisons may sanction the employment of prisoners :—

(i) by private contractors if the work on which they are to be employed appertains to the prison, or

(ii) by municipalities and other bodies approved by the State Government in this behalf on their undertaking that prisoners will not be hired out to private employers or contractors.

(2) Notwithstanding anything contained in sub-rule (1), the State Government may permit employment of prisoners by private employers or contractors in respect of such class of work as it may specify in this behalf.

1120. Prisoners shall not be employed in association with free labourers: Provided that this rule shall not prohibit the employment of skilled workmen as foremen or instructors on public works or in other industries. No prisoner shall at any time, upon any pretext or for any purpose whatever whether accompanied by Jail-Guards or not, be permitted to proceed to or visit any bazaar or mart.

Guarding of Prisoners

1121. A single Jail-Guard should never be in sole charge of one or more prisoners working outside the prison. If the number of prisoners working outside is not more than ten, the guard should be 1 sepoy and 1 convict overseer. If the number of prisoners is more than 10, the guard should be 1 sepoy for each 10 prisoners or less, and 1 convict overseer for each 20 prisoners or less.

Example.—For 38 prisoners the guard would be 4 jail guards and 2 convicted overseers.

Note.—(a) In the case of large convict working gangs the Inspector-General may modify the foregoing rule, if he is of opinion that he can safely do so, to the extent of allowing one Jail guard to each 15 prisoners or less, that portion of the rule which deals with the proportion of convict officers remaining the same.

Note.—(b) Prison is defined in Act IX of 1894 to include "all lands and buildings appurtenant to" the actual building in which the prisoners are confined, but for the purpose of this rule the expression "outside the Prison" shall be deemed also to apply to any part of such appurtenant premises which are at a distance of 200 yards or more from the main entrance gate of the prison building.

1122. Notwithstanding anything contained in the above rule, every batch of prisoners sentenced to terms of imprisonment not exceeding three months sent for work outside the prison shall consist of not more than twenty prisoners and the guard in charge of the prisoners so sent shall consist of.

(a) 1 Sepoy and 1 convict overseer for every batch of not more than ten prisoners; and

(b) 1 additional convict overseer for every batch of more than 10 prisoners.

Explanation.—The expression "outside the prison" shall have same meaning as in the above rule.

1123. When prisoners are sent to work outside the prison with axes, pick-axes, crowbars, spades or other implements which might be used against the Jail Guards, the Superintendent shall use his discretion whether or not to arm one or more Jail-Guards with rifles, bayonets and ball cartridges and on the extra-mural parties being sent out in the morning there shall be recorded in a book kept for the purpose a note under the signature of the Superintendent, setting forth whether or no any Jail-Guard or guards in charge of extra-mural parties for that day has or have been sent out armed as above, the name of such guard or guards being given.

1124. If a prisoner falls ill while working extra-murally, all the party (ten or less) to which he belongs should return to the prison, so that the Jail-Guard in charge may return with them.

1125. In extra-mural camps, when the prisoners are guarded by Jail -Guards who are armed with breech-loaders, the strength of the escort will depend on the nature of the work, Superintendents of these prisons shall record in Register No. 12 the strength of the escort necessary, for the guidance of the Jailor.

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CHAPTER XXXIII

DIETARY

Method of Procuring Provisions

1126. If the provisions are to be purchased departmentally tender notice in the form given in Appendix III shall be issued in the last week of October in one of the local newspapers by the Superintendent who should also give wide publicity to the notice by circulating copies among local merchants and their associations, if any, and exhibiting copies on the Notice Boards of the local Government Offices. Samples of the articles for which tenders are invited should be kept in the Jail Office for the inspection of the merchants wishing to offer tenders. On the date fixed for the opening of the tenders, all tenders received upto the date fixed in the tender notice for this purpose shall be opened in the presence of the merchants present and the rates most favourable to Government found in the tenders for the different commodities shall be taken as the upset price for holding an auction. Those who wish to compete in the auction must deposit on the spot and before the auction begins Rs. 500 as earnest money. No merchant shall be allowed to compete in the auction unless he has made such a deposit in cash or in the form of a Treasury Challan. The signatures of all competing merchants shall also be taken on the tender notice in token of their having seen and accepted the conditions of the tender notice. The bids most favourable to Government shall be provisionally accepted by the Superintendent and he shall submit them together with his remarks to the Inspector-General for sanction within 3 days of acceptance. In doing so it shall be open to the Superintendent to state, with full reasons, whether the most favourable rates should or should not be accepted. The report of the Superintendent shall be accompanied by a statement giving the current market rates of the commodities obtained from the local Revenue Officers, or Marketing Officers. No final contract shall be entered into by the Superintendent with the successful bidder except with the specific sanction of the Inspector-General. In case of emergency, however, he may, if he considers this to be to the advantage of Government, start purchasing articles from the successful bidder.

1127. The merchant cannot be debarred from appearing as a Bidder at the time of Government Auction even after inclusion of his name in the Black List. As auction declaration contain a condition that Inspector-General is not bound to accept the lowest bid such defaulters can be ignored even if they offer the lowest bid. Whenever a black listed merchant appears for taking part in the Auction Bidding and offers his rates, the Superintendent while

submitting the report for Inspector-General's sanction should specifically mention that the bidder is Black Listed one if his bid is the lowest. In such case the next higher bid with name of the bidder should invariably be stated.

1128. The samples mentioned above should be preserved by the Superintendent under a common seal of the Superintendent and the successful bidder.

1129. (i) Agreement bonds shall be taken from each successful bidder whose rate or rates have been finally accepted by the Inspector-General. A copy of each such bond taken should be sent to Inspector-General to record.

(ii) The agreement to be entered into by the contracting party requires stamp duty of Rs. 1-8-0 under article 5 (c) of the Schedule to the Indian Stamp Act, in addition to the duty payable on the Security deposit (vide clause 21 of the agreement) depending upon the mode of payment. If the security deposit is in cash, it will require duty at the rate of $2\frac{1}{4}\%$ under article 40 (s); and if in Government Promissory Notes, it will require Rs. 1-8-0 only under section 23-A.

1130. Cases involving revision of contract rates agreed to by the supplier should be referred to the Inspector-General for obtaining the orders of Government.

1131. The Senior Jailor and/or Store-keeper shall not directly or indirectly have any interest in any contract or agreement for the supply of prison, nor shall he receive directly or indirectly, under any pretence whatever, any fee or gratuity or present from any person supplying or tendering supplies for the prison, nor from any prisoner or prisoner's friend, nor from any person visiting the prison.

1132. Care should be taken that a supply of vegetables be available from the prison garden throughout the year. as the best or only preventive against scurvy, onions, carrots, turnips, cabbages, beet-root, mustard, radish and potatoes should be the class most largely grown. Where a surplus quantity exists and it cannot be stored it should be sold.

1133. Where distance and means of transport permit vegetables should be supplied by Jails which have a surplus to those where there is a deficiency.

1134. In such cases no charge must be made but the supplying Jail should note the quantity and the value of the supplies made in the Annual Report.

1135. Lime orchards containing say, one tree for every prisoner, according to the capacity of the prison, should be cultivated in every prison garden where there is suitable land available. Vegetables can be grown in the spaces between the lime trees, which should be planted twelve feet apart. The growth of mango, tamarind and cocum trees should be encouraged and also of roselle.

Circular No. 2757, dated the 19th June 1891, gives instructions as to the method of preparing lime pickle.

1136. Information regarding the growth of vegetables will be found in the Chapter XXI of this Manual.

Weighing of articles

1137. (i) The store-keeper or in his absence the Steward or Ration Jailer should personally weigh all articles received from the contractors or from the Government godown.

(ii) In weighing or measuring rations and food, avoirdupois weights and standard measures shall always be used.

1138. The scales used in the godown and cook-houses should be of iron, properly stamped and should be frequently tested to ascertain their correctness.

Preservation of stocks of grains and other articles

1139. (i) Precautions should be taken to avoid rat- nuisance.

(ii) Bags should be so arranged that:—

(a) There remains moving space between the bags and the walls of the godown.

(b) Bin cards showing the stock receipts, issues and balance should be attached to the stocks of different commodities and should be kept corrected up-to-date.

(iii) Old stock should be consumed first.

(iv) Old stock of grain, except rice, should be exposed to sun frequently.

(v) Sufficient stock of cleaned grains should always be kept in stock for being issued daily.

Cleaning and grinding of grains and pulses

1140. After the grain is cleaned it shall be ground with the usual country mill stones or power driven mills where available which should be so placed that dust and dirt shall not become mixed with flour.

1141. After being ground the flour should be carefully sifted through a sieve made of wire-netting having not less than 900 meshes to the square inch, and any residue such as "Tailings" and "middlings" should be ground again, and again sifted so as to reject only the hard pieces of husk.

1142. Pulses should be thoroughly husked before being cooked. Moong Dall must be well soaked and rubbed to remove the husk. When Moong Dall is issued, an excess of 10 per cent beyond the scale allowance shall be given to compensate for subsequent loss in husking and care must be taken when husking this Dall not to wash away or waste the grain.

1143. Maximum wastage permitted for cleaning or grinding of grains and provisioning articles are as shown below:—

	Per cent.	
Jowari ...	4	Cleaning, grinding and splitting of flour.
Bajri ...	5	Do
Wheat ...	5	Do.
Rice ...	2	Cleaning.
Fire-wood ...	5	Splitting.
Steam-coal ...	5	
Molasses ...	2	
Pulses and other items such as whole Moong, Gram, Chavali, etc.	2	Cleaning.

Note.—It should be ensured that wastages are not charged at the above-mentioned percentages automatically but that the actual wastages are charged in Jail accounts.

Diet scales in force

1144. Scales Nos. I and II are for Class I labouring male convicts.

Scale No. I (Non-Meat-Eaters)

Wheat or Jowaree or Bajri flour.	...	12	Ozs.	
Loaf Bread	...	4	"	
Butter or Ghee	...	$\frac{1}{2}$	"	
Rice	...	6	"	
Milk or Curds	...	12	"	
Sugar or Molasses	...	$1\frac{1}{2}$	"	
Tea	...	$\frac{1}{4}$	"	
Coujee (Jowaree)	...	2	"	
Dhall	...	4	"	
Sweet oil	...	$\frac{1}{2}$	"	
Vegetables	...	6	"	
Tamarind	...	$\frac{1}{4}$	"	
Fuel	...	24	"	
Onions	...	$\frac{1}{2}$	"	
Asafoetida	...	$\frac{1}{4}$	Drams.	
Salt	...	$\frac{1}{2}$ * $\frac{1}{4}$ *	Ozs.	*(Sunday, Tuesday, Thursday and Saturday).
Condiments	...		"	
Salt	...	10†	Drams.	†(Monday, Wednesday and Friday).
Condiments	...	5†	"	
Potatoes	...	6†	Ozs.	

Scale No. II. (Meat Eaters)

Loaf bread or Wheat	...	16	Ozs.	
or Jowaree, or				
Bajree flour.				
Butter or Ghee	...	$\frac{1}{2}$	"	
Conjee	...	2	"	
Milk	...	8	"	
Sugar or Molasses	...	$1\frac{1}{2}$	"	
Tea	...	$\frac{1}{4}$	"	
Salt	...	$\frac{1}{2}$	"	
Sweet oil	...	$\frac{1}{2}$	"	
Vegetables	...	6	"	
Black pepper	...	$\frac{1}{2}$	Dr.	
Onions	...	$\frac{1}{2}$	Ozs.	
Fuel	...	24	"	
Condiments	...	$\frac{1}{4}$ *	Oz.	
Rice (thrice a week)	...	6	"	*(Sunday, Wednesday and Friday).
Dhall	...	4*	Ozs.	
Mutton	...	4*	Ozs.	
Tamarind	...	$\frac{1}{4}$ *	"	
Potatoes	...	5†	Drams.	†(Monday, Tuesday, Thursday and Saturday).
Condiments	...	8†	Ozs.	
Mutton	...	10†	Ozs.	

For Class I undertrial prisoners, female prisoners and non-labouring Class I male prisoners, scales I and II will be modified as follows:—

		Ozs.	Instead of Ozs.
Potatoes in case of meat eaters.	...	6	10
Mutton on Monday, Tuesday, Thursday and Saturday.	...	6	8
Dhall, Meat-eaters only	...	3	4

Note.—(1) Class I prisoners, both non-meat eaters and meat-eaters are allowed to supplement the dietary at their own cost.

Class I prisoners who are permitted, under the rules to supplement their diets should not be permitted, for medical or sanitary reasons, to introduce an excessive amount of extras nor to retain such in their possession. Extras should normally be obtained as required for daily use.

Note.—(2) Distribution of diet scales Nos. I and II and the hours at which the diet is to be issued shall be fixed by the Medical Officer.

Note.—(3) Condiments may be used in the form of curry power 17 drams chillies, 24 drams coriander, 3 drams turmeric, $2\frac{3}{4}$ Ozs. Curry powder.

1144-A. If foreigners cannot accustom themselves to the diet scales for Indian prisoners, Medical Officer may recommend such modified diet as is necessary.

1144.-B. Convict Officers shall receive the same diet as convicts of their class.

Class II prisoners

1145. (a) *Scale No. III.*—For male prisoners including Juveniles confined in Central, Special District Prisons and Sub-Jails and employed on *bona fide* hard labour, such as oil pressing, grain and lime-grinding, digging and carrying earth, stone-breaking cleaving firewood, water lifting, pounding aloe fibre and scavenging while working up to a full task.

Articles		Daily
Wheat, Jowari or Bajri	...	Ozs. 24
flour or Rice.		
Dhall	...	" 5
Salt	...	Drams 8
Onions	...	" 4
Condiments	...	" 4
Vegetables	...	Ozs. 8
Fuel	...	Lb. 1
Oil	...	Drs. 6 from 1- 4 to 30-9.
		Drs. 10 from 1-10 to 31-3.
Tamarind (wit one husk	...	Drs. 4 from 1- 4 to 30-9.
and seed.		Drs. 2 from 1-10 to 31-3.

(b) *Scale No. IV.*— For male convicts (including juveniles other than those confined in Special Juvenile Sections) confined in Central Special District Prisons and Sub-Jails and employed on medium and light labour and for prisoners under sentence of death.

Articles		Daily
		Ozs.
Wheat, Jowari or Bajri flour or Rice	...	22
Dhall	...	4

All other articles as in Scale No. III.

(c) *Scale No V.*— For female convicts, simple imprisonment convicts and undertrial prisoners confined in Central, Special District Prisons, and Sub-Jails.

Articles		Daily
		Ozs.
Wheat, Jowari or Bajri flour or Rice	...	20
Dhall	...	4

All other articles as in scale No. III.

Note.—(1):— Sunday ration shall be issued as under:—

Vegetarians.—1st week. One meal of wheat bread with 4 Ozs. of molasses.

2nd week. One meal of wheat bread with 2 Ozs. of Molasses plus 2 Ozs. of bason.

Meat-eaters.—One meal of wheat bread with 4 Ozs. of Mutton every Sunday.

(2) In addition to 8 drams of salt every day 2 extra darms of salt shall be issued those prisoners, who may want it.

(3) Out of 8 Ozs. vegetables issued daily, 2 Ozs. of raw onions shall be issued thrice a week.

(4) For Juveniles confined in Central and District Prisons. See Scale No. IX.

(5) No Dhall should be issued to prisoners on Sundays.

(6) No saving on account of salt, oil, condiments, tamarind and onions should be made on days when molasses is issued to any class of prisoners. These articles should be made into chutney and issued to prisoners along with molasses.

1146. The standard condiments allowed to each prisoner shall, as a rule consists of :—

Turmeric	...	$\frac{1}{2}$	Dram.
Corriander seed (Dhunya)	...	$\frac{1}{2}$	"
Garlic	...	$\frac{1}{2}$	"
Chillies (green or dry)	...	$2\frac{1}{2}$	"

These ingredients may be changed on condition that no extra expense is incurred.

1147. The allowance of fuel laid down in the diet scales is the maximum. Endeavours should be made to reduce the quantity by the use of ovens with converging flues and a damper in the main chimney.

1148. The allowance of tamarind may sometimes be supplied to prisoners in the hot season as a drink, or it may be issued mixed with salt and chillies as a chutney. Tamarind which has been kept a few months is to be preferred to that recently gathered.

1149. In lieu of tamarind (4 Drs.) either of the following anti-scorbutics may be given if procurable from the Prison garden or if available cheaper.

Lime-juice	...	1	Ozs.
Mango-or Amchur (dried Mango)	...	3	Drs.
Roselle	...	3	"
Cocum	...	3	"

1150. The daily allowance of salt and green vegetables may be increased during unhealthy seasons on the recommendation of the Medical Officer and under the written sanction of the Inspector-General.

1151. *Hospital Diets* : (All Classes) :—

(a) *Scale No. VI*

Milk	...	3	lbs.	} Daily.
Sugar	...	1	Oz.	
Fire-wood	...	1	lb.	

(b) *Scale No. VII*

Milk	...	2	lbs.	} Daily.	
Arrow-root or Sago	...	3	Ozs.		
Sugar	...	2	Ozs.		
Rice	} for early morning conjee	...	2		Ozs.
Salt		...	2		Drs.
Fuel	...	1	lb.		

(c) Scale No. VIII

Ordinary diet on Scale No. I and II for Class I prisoners and on Scale No. III for Class II prisoners with the addition of $\frac{1}{2}$ lb. milk daily.

(d) Ordinary diet on Scale No. I or II (I Class), No. III, or No V (II Class).

1152. Scale IX for Juveniles confined in Central and District Prisons :

Wheat	... 24	Ozs.	Sunday and Wednesday.
Jowari	... 24	"	Monday, Thursday and Saturday.
Bajri	... 24	"	Tuesday and Friday.
Jowari Conji	... 2	Ozs.	} Daily.
Molasses	... 1	"	
Moong	... 5	"	Monday and Friday.
Gram	... 5	"	Tuesday Thursday and Saturday.
Mutton	... 4	"	} Daily.
or			
Molasses	... 3	"	
Pithale	... 1	"	} Daily.
Salt	... 8	Drs.	
Onions	... 4	"	
Condiments	... $2\frac{1}{2}$	"	} Daily.
Vegetables	... 8	Ozs.	
Fuel	... 1	lb.	} Daily.
Oil	... 6	Drs.	
Oil	... 10	" "	1-10 to 31-3.
Tamarind	... 4	" "	1-4 to 30-9.
Tamarind	... 2	" "	1-10 to 31-3.

Note.—Juveniles with sentences of one month or less should however, be excluded from the concession of the scale specified above irrespective of the Prison in which they are confined.

1153. On the basis of the above scales and rules, dietaries adapted to local requirements are to be framed in each prison, and these when sanctioned by the Inspector-General shall be strictly adhered to.

1154. Any sanction which may be accorded to a change in the above diet scales by the Inspector-General shall only hold good (if a period has not been specified) till the end of the calendar year in which it has been sanctioned. If it is desired that the revised scale should be continued, fresh sanction shall be applied for.

General Rules about diet scales

1155. There is no scale fixed for the dieting of prisoners according to length of sentence.

1156. Simple imprisonment convicts who elect to labour (the labour on which they shall be employed shall be fixed by the Superintendent after consulting the Medical Officer) throughout

their term of imprisonment shall be allowed the scale according to the labour on which they may be employed.

1157. Prisoners under sentence of death shall be allowed the ordinary diet of a labouring prisoner, but no sweetmeats or extra diet of any kind except on the recommendation of the Medical Officer.

1158. The diet of a prisoner in hospital is entirely under the Medical Officer's control, and he may order for each individual case such extras as he may consider necessary in addition to the ordinary hospital diet; these being accounted for under the head of medical comforts.

1159. The Medical Officer may at his discretion order extra or special provisioning for any prisoner out of hospital. Such order shall be duly entered in Register No. 36 and, if such extra or special provisioning is issued beyond a period of thirty-one days, an order shall be entered in Register No. 32 (Medical Officer's Journal) regarding the same, such order being repeated at intervals of thirty-one days if the extra diet is continued. For the purposes of this section the Medical Officer shall after each periodical weighing of the prisoners carefully examine the results as given in the history tickets so as to ascertain what prisoners require extra or special diet or a change of labour.

1160. Much peculation and waste will be avoided if full rations are not drawn for all the sick in hospital and convalescents or weakly prisoners unable to labour or performing only the lightest tasks, as many of them are unable to consume the full quantity of food according to scale. In these cases, as well as in those in which extra diet is prescribed on medical grounds, reduction in the full allowance should be left to the discretion of the Medical Officer, and he should exercise such economy as is not inconsistent with the well-being of the prisoners concerned.

1161. The diet of individual prisoners may be modified on the recommendation of the Medical Officer, but the diet of any body of prisoners shall not be changed without the previous sanction of the Inspector-General except in case of emergency when the Medical Officer may change the same. Any such action shall at once be reported to the Inspector-General by letter, the circumstances leading to the change being fully stated therein.

1162. Convict Officers shall receive the highest scale of diet allowed by these rules to convicts of their race and sex in the Prison in which they are confined.

1163. Should any doubt arise as to which diet scale is applicable to any particular prisoner, the matter with the Medical Officer's opinion thereon should be referred to the Inspector-General for decision.

1164. Rice or wheat must not be given to a prisoner merely because he claims to come from a part of the country where one of these grains is the staple food of the free population.

1165. Rice may be issued in lieu of the flour ration (except at the early morning meal) to any prisoner on the recommendation of the Medical Officer in each individual case and shall be in addition to the 2 Ozs. flour at morning conjee if so directed by the Medical Officer.

1166. Children in Prison with their mothers are to be allowed such diet as the Medical Officer may advise. Such articles shall be shown under 2-B (Miscellaneous Dietary Charges).

1167. Nursing mothers may be allowed, in excess of the ordinary labour rations, such articles of diet as the Medical Officer may direct; the cost of the same being debited to extra provisioning.

1168. Superintendents are expected to exercise the greatest care in seeing that diet on the highest scales is issued only to such prisoners as are employed on *bona fide* hard labour and are doing full task.

1169. The Superintendent has no power, save in special cases when the Medical Officer's opinion is not immediately available, to alter the rations of any prisoner without consulting the Medical Officer.

1170. In such special cases the Medical Officer shall be informed as soon as possible of the Superintendent's action in the matter.

1171. Every lunatic shall receive the ordinary prison diet unless the Medical Officer otherwise directs. Prisons falling under class (1) of the classes specified in Rule 839 may be supplied with food from outside the prison, under the same conditions as are prescribed for undertrial prisoners.

Issue of Articles

1172. The Senior Jailor shall check daily the returns of the rations and compare those of the preceding day with the actual total number of prisoners. He shall also generally superintend the arrangement for the regular messing of the prisoners and distribution of their meals, and shall see that each prisoner receives his proper ration.

1173. All articles of food issued for consumption as well as the fuel shall be weighed daily at the time of issue to the cooks, by the Jailor, or Steward (if there is such an Official on the establishment) who shall be responsible that the proper quantity is issued for every prisoner. From time to time the Superintendent shall check the issue of rations thus made.

1174. Table of the weight of the rations both cooked and uncooked shall be posted in the Prison Office and in the neighbourhood of the kitchen. These should also be at hand during the distribution of meals.

1175. The distribution of grain to be issued to Class II prisoners during the week will be as under:—

Cheapest grain	...	9 meals.
Second cheapest grain	...	4 "
Wheat grain	...	1 meal.

1176. (i) Four varieties of Dhall, viz., Toor, Masur, Gram and Moong, shall be issued during the week as under:—

(ii) Two meals each of the two cheapest Dhalls and one meal each of the remaining two Dhalls.

1177. The scale of vegetables is to be calculated after all hard stalks and fibrous mid-ribs have been excluded. (Neither rice nor Dhall shall be classified as a vegetable).

1178. The Superintendent shall inspect daily (unless prevented by unavoidable circumstances) the vegetables before cooking and see that they are free from all waste matter. Similarly the allowance of tamarind pulp shall be issued free of husk and seed.

1179. Potatoes should be supplied once or twice a week if obtainable within the cost of other vegetables.

1180. The allowance of meat issued with bone should be increased by 25 per cent. Good, ordinary, grass-fed mutton or goat's flesh shall be supplied. The issue of lungs or entrails is prohibited.

1181. Fresh fish if available within the cost of mutton may be issued under the orders of the Medical Officer in lieu of mutton. Fish should be weighed without their heads, fins and tails, care being taken that the weight of the fish has not been unduly added to, by their having just been soaked in water.

1182. If practicable the milk supply shall be drawn from cows or buffaloes brought to the main gate of the Prison for milking. The rule is applicable only when the supply of milk is arranged through an outside agency.

Cooking

1183. Prison subordinates are not allowed either to cook their food inside the prison walls or to have it cooked for them by the prisoner cooks.

1184. Any tampering with the food or scales by the cooks should be severely punished.

1185. If it is necessary to let the cooks out before the general body of convicts, they shall for the preceding night be locked up together in a barrack, the key of which shall be entrusted to the Senior Prison Officer on night-duty, who may unlock the barrack at the prescribed hour.

1186. All prisoners while employed in cooking will wear white overalls reaching from the neck to within six inches of the ground. These shall be provided at the rate of two per cook so that they may be changed and washed every second day.

1187. The number of cooks should not, as a rule, exceed two per cent of the Jail population. The short termers shall clean the rice, peel and prepare the vegetables, clean the cooking utensils and keep the cook-room clean and tidy.

1188. The selection of the prisoner cook shall be made by the Superintendent. Cooks should occasionally be changed.

1189. The kitchen and cooking pots and appliances shall be scrupulously cleaned and well kept. Iron utensils should be avoided as far as possible. The cooking shall be done slowly and thoroughly, the oven or plate being kept at a gentle heat).

1190. No Chula or fire-place for cooking shall be allowed to be constructed in any part of the Prison except the kitchen except under special circumstances which should be reported to the Inspector-General.

1191. Two ounces of the daily grain ration shall be made into Conjee with 2 drams of salt and issued hot at the early morning meal. The remainder of the grain ration shall be divided into two equal parts one of which shall be consumed at each of the principal meals of the day. Rice shall be boiled and the flour made from other grains shall be baked into Chapatis.

1192. Early morning Conjee shall be made from the cheapest grain and shall be issued to all classes of prisoners including convict overseers.

1193. The Superintendents may give bread with a little salt in it instead, if they consider it best and suitable for the time of the year and if prisoners prefer it.

1194. No extra allowance of fuel nor increase in percentage of cooks shall be allowed.

1195. When the ration of flour for a meal exceeds six ounces it is desirable that it should be prepared in two or more cakes. The diameter of each Chapati should not be less than eight inches. A wooden standard for testing them should be kept in each cook house.

1196. When preparing the dough the flour should be slowly mixed with the water and kneaded thoroughly on some impermeable surface.

1197. The tamarind should be allowed to soak for an hour or so in water just sufficient to cover it, before it is used, or it can be allowed to sock all night, being in the morning thoroughly broken up with the hand. The decoction should in this latter case be strained through a coarse cloth before it is mixed with the Dhall or vegetables.

1198. Amchur (dried Mango) should be cut up the evening before it is to be used, and soaked all night in a sufficient quantity of water in an earthenware vessel.

1199. In order that oil should assimilate with the vegetables and Dhall it should be put while cooking i.e., oil and vegetables should be cooked together and in the case of Dhall, Dhall should

be first cooked thick and then put into oil with condiments and water for boiling till the oil is thoroughly assimilated in the preparation. The oil should be put in the presence of the Medical Officer

Cooked food

1200. Cooked rice weighs approximately three times as much as dry rice. The weight of Chapatis should be roughly as follows:-

Articles.		Scale No. III.		Scale No. IV.		Scale No. V.	
		Flour.	Chapatis.	Flour.	Chapatis.	Flour.	Chapatis.
Jowari	Ozs. ...	11	15	10	14	9	12½
Wheat	" ...	11	14½	10	13½	9	12½
Bajri	" ...	11	13	10	12	9	11

1201. Chapatis made of Bajri do not lose appreciably in weight in drying. But there is considerable loss in the case of Jowari and somewhat less in the case of wheat.

Jowari $\frac{1}{2}$ to 2 Ozs. per cooked meal.

Wheat $\frac{1}{2}$ to $\frac{3}{4}$ Oz. per cooked meal.

Cooked Dhall weights approximately four times as much as dry Dhall.

1202. Inspections of the food when dressed for use should be made by both the Superintendent and the Medical Officer. Food should be taken for test from the bulk or from that which is actually being served.

1203. The Superintendent shall, at least once a week, inspect the provisions furnished for the prisoners and satisfy himself by personal observation regarding the quality of the different cereals and other articles of food supplied for their use. He shall also occasionally test the weight of the cooked food of the prisoners. An entry of the result of the inspections of the food and scales shall be entered in Register No. 12. He shall visit the prisoners as often as possible at meal times and receive and enquire into any complaints that may be made to him regarding the quantity and quality of rations. The growth of condiments required for the prisoners diet and the storage of vegetables shall receive his special attention. Food should be inspected in bulk at the cook house or during distribution to prisoners.

1204. The Medical Officer shall exercise the utmost vigilance in the supervision of the food and all articles of food issued for consumption shall be inspected both in the raw and in cooked state daily, unless unforeseen circumstances arise which render such a proceeding impossible by the Medical Officer, who shall specially

see that an adequate supply of vegetables of good quality is made. This duty shall not be delegated to the Medical subordinate, who should, however examine the rations of the Prison and report the result to the Medical Officer, but he shall have no authority to condemn food.

1205. Any defect in quality noticed by the Medical Officer or Medical Subordinate shall at once be brought to the notice of the Superintendent.

Distribution of food

1206. The meals should be distributed at the following hours:—

Early morning meal. On opening of Jail.

Morning Meal.—Between 9-30 a. m. and 10-15 a. m.

Evening meal.—Between 4-30 p. m. and 5 p. m.

1207. Each meal shall be issued as soon as practicable after cooking.

15 minutes before the morning and evening meals are distributed a bell should be rung. The prisoners should then cease work and wash their faces and hands and be drawn up in lines for the food parade. Prisoners other than convict officers should not be permitted to sit in groups. After the prisoners are drawn up the food should be distributed by the cooks in the presence of a responsible Jail-Guard and they should be allowed a full half hour for eating each meal.

1208. If any prisoner complains of the quantity of ration the senior most Officer present should weigh the same in the presence of the prisoner. Deficiency, if any, should be made good and the reasons for short supply investigated.

1209. The Senior Jailor or Steward (or Head Clerk where there is no Steward) shall take care that every article or food supplied for the use of the prisoners is thoroughly cleaned and shall superintend the issue of the rations.

1210. The Female Jailor or Senior Matron shall carefully supervise the distribution of the food to the female prisoners and see that each receives her proper rations. She shall report to the Superintendent any instance in which the food is bad, badly cooked or is insufficient in quantity.

1211. Bombay Medical Service Officer shall periodically inspect the food godowns and kitchens to see that they are clean and that all food material, vegetables, etc., are of good quality, reporting to the Medical Officer, or in the latter's absence to the Superintendent if in his opinions, the contrary is the case.

1212. Bombay Medical Service Officer shall examine all food before it is distributed and see that it is properly cooked and especially that the proper quantity of oil, salt, and antiscorbutics have been added. He should personally see that the

oil is weighed out correctly and it shall be added to the rations in bulk in his presence twice daily.

1213. It shall be the duty of all guards to see that no food is secreted by the prisoners, that every prisoner gets his proper allowance of food, and that no prisoner gives his food to another to report any cook who gives a short allowance or favours a prisoner by giving more than the allowance.

1214. No food, save with the permission of the Superintendent or Jailor, is to be taken away from the spot where the food parade is held by any of the prisoners to eat elsewhere. Any food and scraps which may not be consumed should be collected and divided amongst prisoners who will eat it. If not eaten it may be given to the prison cattle or thrown away.

1215. Convict officers shall eat apart from ordinary prisoners.

1216. When an undertrial prisoner has to be sent to Court he should be given his food before he goes and arrangements should be made to enable him to have his food when he returns. If an undertrial prisoner has not been in the Jail previously, it is the duty of the police to see that he has his food before he is taken to the Jail if he is likely to arrive there too late for the evening meal.

1217. Prisoners on transfer shall be given a full hot meal before leaving and if the journey is a short one they will carry with them ordinary cooked food to eat on the way. In the case of longer journeys dry rations must be issued on the following scale per diem:—

12 Ozs. parched rice, 4 Ozs. parched gram.

4 Ozs. Molasses.

Fasts and festival days

1218. The following days have been fixed as fast days for Hindu prisoners:—

(1) Ramnavami.

(2) Gokul Ashtami.

(3) Ekadashi (Ashadhi, First).

(4) Ekadashi (Kartiki, First).

(5) Mahashivratri.

(6) Month of "Shravan" or any one or more days of the said month.

Such prisoners as may wish to fast should be given sweet potatoes, dates, ground-nuts etc., in lieu of and within the cost of the usual rations.

1219. (1) Unless a public holiday or festival day referred to in this Sub-rule falls on a Sunday, Sunday ration shall be issued to all prisoners on:—

(a) Republic Day,

(b) Independence Day,

(c) Mahatma Gandhi's Birthday.

- (b) Bakri-Id-Day,
- (c) Moharram Day,
- (f) Id-e-Milad Day,
- (g) Ramzan-Id-Day,
- (h) Holi Day,
- (i) Gudi Padwa Day,
- (j) Dassara Day,
- (k) Diwali Day, and

(l) Such days, not exceeding four in a year, as are observed generally as festival days by persons professing any religion other than Hindu or Muslim religion and which the prisoners may be professing.

(2) When any Sunday ration is issued on any day referred to in Sub-rule (1), ordinary ration shall be issued on the Sunday immediately following the public holiday or the festival day, as the case may be.

1220. All Muslim prisoners, convicted or undertrial should be allowed to keep "Roza" during the month of Ramzan. Prisoners not in good health should not be allowed to keep "Roza" except with the permission of the Medical Officer.

1221. Prisoners, while keeping the fast should be permitted to receive the whole of their daily rations at the evening meal, and to retain the whole or any portion thereof in their barracks or cells for consumption during the night or following morning.

1222. The rations for Muslims who are fasting should be cooked as late in the afternoon as possible so that the food may not be stale when consumed.



CHAPTER XXXIV

DISCIPLINE I

1223. The Superintendent shall enter in Register No. 12, all his orders relating to the management and discipline of the Prison.

1224. It is the duty of all officers and the guarding establishment to maintain discipline and order amongst prisoners.

1225. During the period of Quarantine, the rules regarding rewards for good behaviour and punishments for breach of prison discipline shall be explained to the prisoners by the Senior Jailer or other Jailors to whom the work has been specially assigned by the Superintendent and they shall be warned that all money or, articles (other than those permitted by the Jail authorities) found in their possession will be forfeited.

1226. A Panchayat of 3 prisoners shall be elected for each yard by the prisoners themselves every six months. If any vacancy occurs in between, it may be filled in by holding an election for that vacancy. The Jailer and the Superintendent shall consult the committee in matters of discipline and those relating to the general welfare of the prisoners.

1227. The Senior Jailer shall take care that the prisoners' clothing is in proper repair, that their hair is kept properly cut according to the rules, and that their washing, shaving, and bathing is satisfactorily attended to.

1228. The Medical Officer shall maintain strict discipline compatible with the state of health of the prisoners and shall allow no undue indulgence or laxity. He shall be specially on his guard against malingerers who try to get into Hospital either for a mere change, or to be with friends or to obtain extra diet.

1229. No female prisoners during the terms of their imprisonment are to be allowed outside the door of the female prison except to be released or under the special orders of the Superintendent in writing. They are not to be taken to the Prison Office to have their property verified, the results of appeals communicated to them, or letters read. This must be done in the female Prison.

1230. The Female Jailer or Senior Matron shall be responsible for maintaining discipline in the female prison. She shall take care that no female prisoner leaves the female section of Prison unless accompanied by a duly authorised prison official. As far as possible a matron shall accompany the female prisoners, but if male Jail-Guards are required to accompany them, not less than two guards shall accompany them. The removal of female prisoners from the female prison except for the purpose of interview, release and transfer under the Prisoners'

Act of 1900 is forbidden except with the special permission of the Superintendent. No male prisoners shall be allowed to enter female prison on any account. All menial duties connected therewith must be carried out by the female prisoners and all refuse matter shall be placed at stated hours outside the female prison for being carried away by male prisoners. In prisons where there are no female prisoners who are prepared or can be compelled to do conservancy work it may be performed by male convicts under the supervision of a Jail-Guard, when the Matron also shall be present.

1231. Save with the written permission of the Inspector-General of Prisons or except in case of serious emergency no male shall enter the female enclosure except the Superintendent, Deputy Superintendent Jailer, Medical Officer, Bombay Medical Service Officer and official and non-official visitors and even in these cases the Superintendent may prohibit any such individual from entering the Jail for adequate reasons to be recorded in Register No 12.

1232. No male shall on any account enter the female prison singly and no male non-official enter it unless accompanied by a Jail official.

1233. Discipline must be strictly enforced in the case of prisoners and no subordinate officer is to be permitted to hold any communication with a prisoner further than is requisite to enforce obedience to the prison rules and for the performance of his duty and is not to be allowed to talk of any official matter whatever in the hearing of a prisoner.

1234. Prisoners shall;—

- (i) conform to the rules of the prison;
- (ii) industriously apply themselves to their work
- (iii) shall not waste material;
- (iv) shall complete their allotted tasks;
- (v) wear in the assigned place their body tickets;
- (vi) abstain from unnecessary talking, laughing, singing, playing or quarrelling and other unseemly behaviour;
- (vii) not use or possess unauthorised articles;
- (viii) march two by two when moving from one place to another, not leave their proper place or loiter about the prison or place at which they may be working;
- (ix) not leave the enclosure in which they are confined without authority, nor communicate with other prisoners with whom they have no concern;
- (x) not urinate or defoecate in the drains or in any place other than the place provided for the purpose;

1235. The Jail-Guards and Convict Overseers in charge shall see that their directions are not disobeyed by prisoners.

1236. (1) (a) Class I prisoners shall be allowed the concession of shaving themselves with their own safety razors and

other shaving materials except mirror. The mirror shall be provided at Government cost. It shall not be more than 9" x 12" in size and shall be fixed to a wall in a frame so as not to be readily moveable.

(b) They shall, if they so desire, be allowed to utilize the services of Jail barber for shaving or clipping at Government cost once a week and those who wish to do this oftener or to have their hair fashionably cut may be allowed to do so at their cost if a convict barber knowing the art of such hair cut is available.

(2) Class II prisoners who have been awarded rigorous or simple imprisonment and undertrials shall not be allowed the concession of shaving themselves but the services of a convict barber shall be utilized for this purpose. Shaving or clipping shall be done at Government cost once a week. Prisoners who wish to do this oftener or to have their hair fashionably cut may be allowed to do so at their cost if a convict barber knowing the art of such hair cut is available.

(3) No male prisoner except a Sikh shall be allowed to wear his hair unduly long. Hindus shall, however, be allowed to maintain a Shendi and Muslims a beard of reasonable length.

1237. The hair of female prisoner should not be cut except when the Medical Officer deems it indispensable on the grounds of health or cleanliness. Widows who when admitted have their heads shaved on account of widowhood, may have them shaved again should they so desire.

1238. Under Section 42 of the Prisons Act of 1894 the introduction or removal or the attempted introduction or removal into or out of any prison and the supply or attempted supply to any prisoner outside the limits of a prison except in accordance with rule and with the authority of the Inspector-General, the Superintendent, the Deputy Superintendent, the Jailor, the Medical Officer or the Bombay Medical Service Officer of any of the articles herein-below specified, are prohibited, that is to say:—

- (a) Alcohol and spirits of every description.
- (b) Bhang, Ganjya, Opium and other intoxicants.
- (c) Betel nuts and leaves.
- (d) Bank notes and cash.
- (e) Bambus, ladders, clubs, sticks and any implements capable of being used to assist in the escape of a prisoner or as implements for causing hurt.
- (f) Books.
- (g) Clothing.
- (h) Food, fruit, sweets condiments.
- (i) Anything whatever for eating and drinking.
- (j) Fire arms, explosive materials, weapons, knives and cutting implements of every kind.

- (k) Matches and materials for producing fire.
- (l) Gold, silver, copper or any metal in any form.
- (m) Letters, and writing materials of every description.
- (n) Playing cards or other implements for gambling.
- (o) Postage stamps.
- (p) Rope string or anything capable of being used to facilitate escape.
- (q) Snuff.
- (r) Tobacco and appliances for smoking it and any other article whatsoever not specially permitted by the prison rules.

1239. The following acts are forbidden and every prisoner who wilfully commits any of the following acts shall be deemed to have wilfully disobeyed the regulations of the prison and to have committed a prison offence within the meaning of Section 45 of the said Act:—

- (1) Talking when ordered by an Officer of the prison to desist and singing, loud laughter and loud talking;
- (2) Quarrelling with any other prisoners;
- (3) Secreting any article whatever;
- (4) Showing disrespect to any Jail Officer or visitor;
- (5) Making groundless complaints;
- (6) Answering untruthfully any question put by an officer of the prison or visitor;
- (7) Holding any communication (in writing, by work of mouth, or otherwise) with an outsider, with a prisoner of the opposite sex, civil or undertrial prisoner, or a prisoner of a different class in disobedience of the regulations of the prison;
- (8) Abetting the commission of any prison offence;
- (9) Omitting to assist in the maintenance of discipline by reporting any prison offence or to give assistance to an officer of the prison when called on to do so;
- (10) Doing any act or using any language calculated to wound or offend the feelings and prejudices of a fellow prisoner;
- (11) Doing any act calculated to create any unnecessary alarm in the minds of the prisoners or officers of the prison;
- (12) Leaving, without permission of an officer of the prison, the gang to which he is attached, or the part of the prison in which he is confined;
- (13) Leaving, without permission of an officer of the prison, the building, the yard, the place in file, the seat or the berth assigned to him;
- (14) Loitering about the yards, or lingering in the barrack when these are open;
- (15) Omitting or refusing to march in file when moving about the prison;
- (16) Visiting the latrines or bathing platforms except at stated hours or without permission of an Officer of the Prison,

or resorting unnecessarily to the night latrine or omitting or refusing to employ dry earth in the manner directed by the prison regulations;

(17) Refusing to eat food or the food prescribed by the prison diet scale;

Note.—See Appendix No. X.

(18) Eating or appropriating any food not assigned to him, or taking from or adding to the portions assigned to other prisoners;

(19) Removing, without permission of an officer of the prison, food from the cook-room, or disobeying any order as to the issue and distribution of food and drink;

(20) Wilfully destroying food, or throwing it away without orders;

(21) Introducing into food or drink anything likely to render it unpalatable or unwholesome;

(22) Omitting or refusing to wear the clothing given to him, or exchanging any portion of it for the clothing of other prisoners, or losing, discarding, damaging or altering any part of it;

(23) Removing, defacing, or altering any distinctive number, mark or badge attached to, or worn on, the clothing or person;

(24) Omitting or refusing to keep the person clean, or disobeying any order regulating the cutting of hair or nails;

(25) Omitting or refusing to keep clean his clothing, blankets, bedding, fetters, Aluminium cups or platters or body ticket, or other identification token, or disobeying any order as to the arrangements or disposition of such articles;

(26) Tampering in any way with prison locks, lamps or lights or other property with which he has no concern;

(27) Stealing the prison clothing or any part of the prison kit of any other prisoner;

(28) Committing a nuisance in any part of the prison;

(29) Spitting on or otherwise soiling any floor, door, wall or other part of the prison building or any article in the prison;

(30) Wilfully befouling the walls, latrines, washing or bathing places;

(31) Damaging the trees and vegetables in the prison garden, or maltreating the prison cattle;

(32) Omitting or refusing to take due care of the prison property entrusted to him;

(33) Omitting or refusing to take due care of or injuring, destroying or misappropriating, the materials and implements entrusted to him for work;

(34) Omitting to report at once any loss, breakage or injury which he may accidentally have caused to prison property or implements;

(35) Manufacturing any article without the knowledge or permission of an officer of the prison;

(36) Performing any portion of the task allotted to another prisoner, or obtaining the assistance of another prisoner in the performance of his own task;

(37) Appropriating any portion of the task performed by another prisoner;

(38) Mixing or adding any foreign substance to the materials issued for work;

(39) Doing or omitting to do any act with intent to cause to himself, any illness, injury, or disability;

(40) Causing, or omitting to assist in suppressing violence or insubordination of any kind;

(41) Taking part in any attack upon any prisoner or officer of the prison;

(42) Omitting or refusing to help any officer of the prison in case of an attempted escape or of an attack upon such officer or upon another prisoner;

(43) Disobeying any lawful order of an officer of the prison or omitting or refusing to perform duties in the manner prescribed;

1240. Prisoners must obey the lawful orders of all Jail officers including convict officers.

1241. Prisoners sentenced to simple imprisonment shall as far as practicable be kept separate from other prisoners and shall not be permitted to loiter or lounge about the Prison.

1242. Prisoners sentenced to simple imprisonment shall observe all Prison rules regarding order, cleanliness, and sanitation and are liable to the same punishments as other prisoners for breaches of order and discipline.

1243. Military prisoners sentenced to simple imprisonment shall on no account be permitted to wear military uniform while in prison. If such a prisoner has no clothing in his possession other than uniform, he shall be provided with prison clothing without the regulation stripes.

1244. The custody of undertrial prisoners should be made as little irksome as possible, in their case no restraint beyond that absolutely necessary to prevent escapes or unauthorised communication with persons either within or without the Prison should be exercised. Obedience to authority must be enforced.

1245. Undertrial prisoners shall be allowed exercise during the day and shall be required to keep their clothing, person, ward or cell and yard clean and shall conform to prison rules. Those who have tampered with the rules for the good order and management of the prison may be refused any of the privileges allowed by rules the fact being noted by the Superintendent in Register No. 12. They may also be punished in the same ways as convicted criminal prisoners.

1246. Whenever the Medical Officer shall have reason to believe that either the mind or the body of a prisoner is likely to be injuriously affected by any part of the discipline or treatment given in the prison, he shall after careful scrutiny report the case in writing to the Superintendent accompanied by such suggestions as he may think the case requires. The Superintendent shall thereupon in regard to such prisoner alter or suspend the discipline and regulate the prisoner's work accordingly.

CHAPTER XXXV

DISCIPLINE II

Out-breaks

1247. In every prison a particular place shall be appointed where the guard will assemble for the purpose of quelling any disturbance which may occur.

1248. On receipt of news of a serious outbreak or disturbance amongst the prisoners the senior most Jail Officer present shall cause the bell at the main gate to be violently rung, and it shall then be the duty of every prison official who is outside the prison to proceed at once to the appointed place or places and arm himself under the orders of such officer. This Officer will despatch a messenger to the Superintendent and Senior Jailor, if they are absent, and to the sepoys' lines to summon every available man.

Note.— The alarm should not be raised for minor troubles.

1249. It shall be the duty of every prisoner immediately upon the alarm being given, to run at once to places of security usually the nearest barrack, to be signified by the senior most guarding Amaldar present where they shall, as far as possible, be locked in by the guards inside the prison. Prisoners shall be warned that neglect of this rule will render them liable to be treated as participating in the outbreak and fired on if necessary.

1250. Prisoners who are outside the prison, when the alarm is sounded, shall be at once collected and halted under guard of their escort until the disturbance is over, and they shall be made to sit down close together.

1251. The Armed guards shall at the same time load and fix bayonets, but shall not act until the arrival of the Superintendent or Senior Jailor of the Prison unless to rescue or to save the life of any of the prison officials against whom the prisoners are actually committing violence, or to drive back the prisoners in the event of their attempting to force open the gate or to scale the walls.

1252. If, however, the prisoners should actually assault prison officers or attempt to break out of any award or yard and the officer should consider that it would be dangerous to delay until the arrival of the prison officials, that officer will detach a party to the spot with orders to rescue the officer and prevent the prisoners from breaking out. The officer on arriving at the scene of disturbance, shall give notice to the prisoners in a loud tone, that, if they do not immediately surrender, they will be fired upon. This warning shall, if circumstances admit of delay, be repeated twice, and if there appears no other means of quelling the disturbance, the officer will direct his men to open fire upon the

refractory prisoners, which he will be careful to stop the moment they fly or surrender. On the arrival of the Superintendent of the Prison, the Senior Jailor or the Superintendent of Police, the guard will act under their orders.

1253. Any officer of the prison may use a sword, bayonet, fire-arm, or any other weapon on any prisoners, engaged in any combined outbreak or in any attempt to force or break open the outer gate or enclosure wall of the prison, and may continue to use such weapon so long only as such combined outbreak or attempt is being actually prosecuted.

1254. Any officer of the prison may use a sword, bayonet, fire-arm, or any other weapon against any prisoner using violence to any officer of the prison or other person: provided that such officer has reasonable ground to believe that the officer of the prison or other person is in danger to life or limb, or that grievous hurt is likely to be caused to him.

1255. No officer of the prison shall, in the presence of his senior officer, use arms or weapons of any sort against a prisoner except under the orders of such senior officer.

1256. In all cases requiring the use of force only the minimum force shall be used.

1257. Incidents like assault on prison officials shall be reported to the Superintendent to the District Magistrate for information only. Enquiries in such cases shall, however, be held by the Superintendent or such other officer as the Inspector-General may direct and not by the District Magistrate.

1258. Jail Authorities should not attempt to disperse a mob outside the premises of their Jail unless the Jail itself is threatened.

1259. Police aid shall be invoked by the Superintendent or Deputy Superintendent or in his absence by the Senior Jailor either by phone or other means as speedily as possible, only when this is absolutely necessary.

Accidents, suicide, fire

1260. Prisoners with apparently suicidal tendencies shall be carefully watched and not left alone in a cell.

1261. Knives and tools used in the prison shall be counted over and locked up by the jail guards at the close of work. The wells, if any, in a prison shall, as far as practicable, be protected so as to prevent prisoners falling or throwing themselves in. Care shall be taken that pieces of glass or anything likely to be used for suicidal purposes are not left about in the prison. Poisonous drugs shall on no account be unnecessarily left within the reach of prisoners.

1262. Upon the occurrence of any case of suicide, or of any death from violent or unnatural causes in prison, the Superintendent shall give immediate information thereof to the

Coroner, or the nearest Magistrate empowered to hold inquests (Section 174, Criminal Procedure Code) in order that an inquest may be held on the body. A full report on the whole circumstances connected with the case shall be submitted, without delay, by the Superintendent to the Inspector-General after the inquest is over.

1263. Every precaution shall be taken against fire. When the prison is being locked up, all fires not actually in use or under supervision shall be extinguished. In extramural camps as large a supply as possible of buckets and vessels full of water or sand shall be collected at a suitable spot in the camp. If the camp is composed of huts, a supply of fire-hooks shall always be at hand with which to level those huts nearest the conflagration; or if of tents, the prisoners shall be taught to strike or pull them down at short notice. The measures to be taken in case of fire, such as sounding an alarm, the vacating of the huts or tents, etc. should be concerted, not less than once a quarter (the date of rehearsal to be entered in Register No. 12) all the staff and prisoners shall be instructed and drilled in them.

Escapes

1264. All articles which can be used by prisoners as dangerous weapons, or for escaping, shall be carefully watched while in use during the day, and counted and safely deposited during the night.

1265. Selected and reliable prisoners who have short terms of their sentences to run shall be employed on duties which afford facilities for escape.

1266. Prisoners employed on extra-mural works, shall not be allowed to leave the gang on any pretext. On such works arrangements shall be made so that all their legitimate requirements shall be provided for under the eye of the guard in immediate charge.

1267. Escapes through the neglect or connivance of prison guards, prison subordinates, or convict officers, are not to be treated as ordinary breaches of prison discipline, but are to be dealt with in accordance with the provisions of the Section 223 Indian Penal Code unless very extenuating circumstances are present or unless the Superintendent considers the evidence insufficient to procure a conviction, when the case shall be submitted to the Inspector-General of Prisons for orders.

1268. Whenever a prisoner escapes, immediate notice shall be given to the Superintendent of Police and Magistrate of the District, with a full description of the prisoner. If the prisoner belongs to another district, a similar information shall be sent to the Police authorities of that district.

1269. The Superintendent shall also give immediate intimation of the escape of a convict direct to the Officer in charge Finger

Print Bureau, Poona, in order to facilitate the re-arrest of the absconder.

1270. In the case of an escape of a prisoner, a report shall be made the same day to the Inspector-General. A further report with full details in a tabular statement, (Register No. 9) shall be subsequently submitted containing information as to the time and circumstances under which the escape was effected, the party or parties through whose neglect it occurred, whether the prisoner has been recaptured, and if not, what measures have been adopted to effect his recapture. The runaway's recapture at any future time shall also be reported.

1271. On receipt of the report from the Superintendent, the Inspector-General shall punish the parties responsible and submit a detailed report to Government for information.

1272. When an escape takes place from an extramural gang, the officer in charge shall collect the rest of the gang, detach one of his escort, if any is available, to follow the escaped prisoner, and march the gang back to the prison, where he shall report the escape to the Jailor.

1273. Every prisoner who escapes, or attempts to escape, shall be prosecuted under Section 224 of Indian Penal Code and if, in the course of the escape or attempt, he uses criminal force to any public servant in the execution of his duty (Section 353), he shall be further prosecuted for that offence. Every prisoner who abets an escape or attempts to escape is liable to be prosecuted.

1274. An escaped prisoner who is recaptured may be received back into prison on the original warrant.

CHAPTER XXXVI

PUNISHMENTS

General

1275. No Officer subordinate to the Superintendent of a Jail has the power to punish a prisoner.

1276. In case of urgent necessity, the Senior Jailor may place any prisoner in irons or under mechanical restraint, a report of the circumstance being made in Register No. 13 which shall be placed before the Superintendent for orders, as soon as practicable.

1277. All cases of breach of the rule Nos. 1275 and 1276 shall be reported by the Superintendent to the Inspector-General of Prisons.

1278. Prisoners are liable to the punishments enumerated in the following rules, irrespective of the class in which they are placed. A Class I prisoner entails his reduction to Class II under State Government orders for his bad conduct in addition to any other punishments.

1279. No prisoner shall be punished for any statement or complaint made to a visitor except with the concurrence of such visitor.

1280. Punishments are (1) minor and (2) major—

(1) *Minor—*

(i) Formal warning:

(ii) Change of labour:

(iii) Forfeiture of remission earned not exceeding five days:

(iv) Forfeiture of grade, privileges or deferred pay, for a period not exceeding three months:

(v) Temporary reduction from a higher to a lower grade and removal from wage system for a period not exceeding three months,

(vi) Cellular confinement for not more than 7 days:

(viii) Sepaarte confinement for not more than 14 days:

(vii) Handcuffs otherwise than by handcuffing to a staple:

(ix) Chain fetters for not more than 15 days:

(2) *Major—*

(i) Hard labour in the case of prisoners not sentenced to rigorous imprisonment;

(ii) Forfeiture of remission earned exceeding 5 days;

(iii) Forfeiture of grade, privileges, and the deferred pay for a period exceeding 3 months:

(iv) Exclusion from the remission system for a specified period or permanently and removal from wage system for a period exceeding 3 months;

(v) Permanent reduction from a higher to a lower grade;

(vi) Cellular confinement for a period exceeding 7 days:

(vii) Separate confinement for a period exceeding 14 days:

(viii) Handcuffs to a staple:

(ix) Chain and Bar fetters for a period exceeding 15 days;

(x) Whipping.

(xi) Any combination of punishments.

1281. The following punishments shall not be carried out in combination even when awarded at different times for different offences:—

(a) Formal warning with any other punishment except loss of privileges:

(b) Cellular confinement with separate confinement so as to prolong the total period of confinement more than six months;

(c) Whipping with any other form of punishment except cellular or separate confinement or loss of privileges admissible under the remission system.

1282. The following punishments only may be awarded by the Superintendent for prison offences:—

(1) Formal warning personally addressed to the prisoner by the Superintendent.

(2) Change of labour to some more irksome or severe form for a stated period.

(3) Hard labour for a period not exceeding seven days to a convict prisoner who has not been sentenced to rigorous imprisonment.

(4) Forfeiture of remission already earned.

(5) Exclusion from the privileges of the remission and wages system for a stated period.

(6) Forfeiture of grade, prison privileges or deferred pay.

(7) Temporary reduction from a higher to a lower grade.

(8) Imposition of handcuffs which may be either bar-handcuffs weighing not more than 2 lbs. or swivel handcuffs weighing not more than $1\frac{1}{4}$ lbs. or chain handcuffs weighing not more than 1 lb.

(9) Imposition of fetters.

(10) Separate confinement for any period not exceeding six months.

(11) Cellular confinement for any period not exceeding fourteen days.

1283. The Superintendent may with the previous sanction of Government award the punishment of whipping for the commission of the following prison offences, namely:—

(a) rioting and mutiny;

(b) conduct seriously affecting the discipline of the Jail or incitement thereto;

(c) serious assault on any public servant, visitor or fellow prisoner.

Note.—(1) The Superintendent shall, when he is satisfied that immediate infliction of whipping is necessary to restore order and respect

for authority, send his recommendations for whipping by telegram simultaneously to Government and the Inspector-General of Prisons.

Note.—(2) The Inspector-General shall telegraph his opinion to Government and Government will, if whipping is decided on, send orders to the Superintendent by telegram.

1284. The Jail Superintendents are empowered to remove prisoners from the benefits of the wage system as a punishment for Jail Offences for a period upto one month only. For longer periods than one month, the Superintendent should obtain Inspector-General's prior approval in the matter.

1285. The following punishments require confirmation by the Inspector-General,

- (a) Forfeiture of remission earned in excess of 15 days.
- (b) Forfeiture of more than three months deferred pay.
- (c) Separate confinement for a period exceeding one month.
- (d) Imposition of chain or bar fetters for a period exceeding 15 days. The use of fetters in such cases shall not exceed 30 days. If the Superintendent finds it necessary to continue fetters beyond 15 days, he shall obtain previous sanction of the Inspector-General of Prisons, reporting full details of the case.

1286. Application for sanction shall immediately be made on the prescribed form Jail No. 130.

1287. In each case of late surrender or breach of any of the conditions of furlough or parole, the necessary punishment or punishments should be awarded by the Superintendent of Prison with due regard to the circumstances of each case. All the punishments mentioned below or in Section 48-A of the Prisons' Act, 1894 need not necessarily be awarded in each case but it is left to the discretion of the Superintendent to decide which particular punishment or punishments should be awarded. If, in certain cases, the Superintendent is satisfied that the overstay was for good or sufficient reasons, he may excuse the prisoner. However, before awarding any punishment, the Superintendent should invariably obtain a prisoner's explanation in each case of overstay of period or breach of any conditions of furlough or parole.

(1) A maximum cut of 5 days' remission for each day of overstay; Provided that where the prisoner has not sufficient remission to his credit, he shall cease to earn remission in future for such period as the Superintendent may direct;

(2) Stoppage of canteen concession for a period of not less than one month and not more than three months

(3) Withholding concession of either interviews or letters or both, for a maximum period of three months.

(4) In cases of furlough, the furlough period not to be counted towards sentence.

1288. The Superintendent should go deeper into the cause of Jail offences, and particularly of the typical ones, and find

out the real reason that led to the commission of the offence. A record should be maintained of the cases so investigated. An analytical note should be furnished by each Superintendent for inclusion in Administration Report every year.

Mechanical means of restraint

1289. In no case shall Fetters be imposed upon female prisoners, Juvenile prisoners or civil prisoners; nor shall fetters be imposed on any convict when appearing before a court under the Prisoners' Act, 1900. They shall not be imposed on any prisoner in Hospital except with the approval of Medical Officer. If in any exceptional case a prisoner is so dangerous that it would be unsafe to produce him in the court without fetters the Police should make an application to the Court requesting permission to produce the prisoner in fetters.

1290. No prisoner (Undertrial or convicted) shall be handcuffed by the Police while being taken from Jail to a Court and vice versa or from one Jail to another unless a definite direction has been given in writing by the Court or the Senior Jailer directing that the prisoner be handcuffed.

1291. The Superintendent is empowered to place in fetters any convict who has escaped from custody or who attempts to escape from the custody and the period for which such fetters shall be imposed is left entirely to the discretion of the Superintendent. He may also fetter any prisoner if he considers it necessary for his safe custody, having regard to the state of the prison or the character of the prisoners. Orders regarding the imposition of fetters shall be given in writing by the Superintendent in his Order Book (Register No. 12) and it shall be specified whether chain or bar fetters are to be used.

1292. The use of fetters in such cases shall not exceed 30 days. If the Superintendent finds it necessary to continue fetters beyond 15 days, he shall obtain previous sanction of the Inspector-General of Prisons, reporting full details of the case.

1293. Handcuffs may be imposed, either separately or in addition to fetters, upon any male prisoner who is refractory, violent, or dangerous.

Handcuffs—except when awarded as a form of punishment shall be imposed only in front as a means of restraint under the written orders of the Superintendent, which shall be recorded in Register No. 12.

1294. In cases of urgent necessity the Senior Jailer may on his own authority impose fetters and handcuffs on a prisoner reporting at once the fact in Register No. 13.

1295. Handcuffs may be imposed upon any female who is violent, or dangerous, but in no case except where the prisoner is likely to injure herself; should they be kept no longer than twenty-four hours at a time and even then they should occasionally be removed to give the arms relief.

1296. Cells may be used—

(1) for carrying out sentences of solitary confinement under Sections 73 and 74 of the Indian Penal Code;

(2) for separate and cellular confinement of prisoners under Section 46 (8) and (10) of the Prisons Act;

(3) for the separation of troublesome convicts at night;

(4) for the medical observation of lunatics;

(5) for the medical observation and separation of prisoners apparently suffering from sickness, or who are suspected of malingering or who are suffering from contagious affections;

(6) for the confinement of prisoners condemned to death;

(7) for the confinement of prisoners who are refractory;

(8) for the confinement of any special class of prisoners as may be ordered by Inspector-General; and

(9) for keeping those educated prisoners who volunteer to remain in cells; and

(10) subject to the requirements of Section 27 of the Prisons Act of 1894, convicted criminal prisoners may be confined either in association or individually in cells, or partly in one way and partly in the other.

1297. Any prisoner who becomes so refractory or violent as to require restraint, shall at once be placed in a separate cell by the Senior Jailor in the absence of the Superintendent to whom the circumstances shall be reported (Register No. 13) at his next visit to the prison.

1298. Under no circumstances whatever shall any two male prisoners be confined in one cell only.

1299. Every prisoner before being placed in a cell be very carefully searched and all implements and appliances likely to facilitate escape or suicide shall be taken away; and every cell and every prisoner therein shall be carefully searched daily at lock-up time and oftener if necessary.

1300. Every prisoner in a cell shall both day and night have the means of communicating with the guard on duty. The guard shall keep the keys of the cells during the day and night.

1301. The inmate of a cell shall at all times be compelled to keep it scrupulously clean.

1302. The bedding of prisoners in cells except that of prisoners under observation for sickness or insanity shall be withdrawn from the cell during the day.

1303. Labouring prisoners in cells shall be provided with suitable work according to their capacity.

1304. Every prisoner confined in a Solitary cell for more than 24 hours shall be visited daily by the Superintendent and the Medical Officer or Bombay Medical Service Officer. A ticket showing the nature of confinement, the date on which the prisoner was placed in cells and is due for discharge from the cell shall be placed outside the cell.

1305. In case of sickness in a cell, immediate notice shall be given by the guard to the Senior Officer on duty, who will send for the Bombay Medical Service Officer to attend to the prisoner and to remove the latter to hospital, if necessary.

Execution of punishments

1306. Handcuffs may be imposed as follows :—

(a) by day or night on the wrists in front of the body for a period of not more than 12 hours at a time with intervals of not less than 12 hours between each application and for not more than four consecutive days or nights;

(b) On the wrists in front of the body and attached to a staple which is fixed not higher than the prisoners' shoulders or lower than his waist for a period of not more than 6 hours in any day of 24 hours and for not more than four consecutive days. The handcuffs shall be removed for an interval of at least one hour after they have been attached for 3 hours. This punishment shall always be carried out in the presence of other prisoners and shall only be imposed in cases where the prisoner has been guilty of repeated and wilful violation of prison rules and is evidently contumacious. Prisoners undergoing the punishment of handcuffs shall be sheltered from sun and rain.

1307. Either of the following fetters shall be imposed as a punishment for a period of 30 days or less :—

(a) Bar-fetters composed of two iron bars joined together by a link, the total weight of which shall not exceed 5 lbs. and each bar shall not be less than 20 inches in length.

(b) Link fetters composed of two iron chains joined together by a link and attached to ankle rings, the total weight of which shall not exceed 3 lbs. and each chain shall not be less than 24 inches in length.

1308. Leather or woollen gaiters shall if considered necessary by the Medical Officer be provided so as to prevent the ankles from being chafed by the ankle rings. Care shall however be taken to see that the latter are always perfectly smooth and without ridges, points or other inequalities.

Separate confinement

1309. Separate confinement with or without labour is meant to seclude a prisoner from having communication with others. Such prisoner shall however be not out of sight of other prisoners. He shall be allowed to have one hour's exercise per diem and to have his meals in association with one or more other prisoners.

1310. Cellular confinement means such confinement with or without labour as entirely secludes a prisoner from having communication with other prisoners. Such a prisoner shall however be not out of sight of other prisoners.

1311. After each period of the cellular confinement an interval of not less than 14 days must elapse before the prisoner is again sentenced to cellular to confinement.

Whipping

1312. The punishment of whipping shall be inflicted with a light ratan (cane) half an inch in diameter on the bare buttocks covered with a thin cloth soaked in antiseptic solution in the presence of the Superintendent and the Medical Officer, but in the case of persons under the age of sixteen a lighter ratan shall be used and punishment shall be inflicted on the palms. The drawing stroke is forbidden, so also the execution in instalments. The number of strokes shall not exceed:

(1) twelve in the case of a Juvenile prisoner below sixteen years of age.

(2) fifteen in the case of a juvenile prisoner between the ages of sixteen and twenty-one years.

(3) thirty in any other case.

Punishment by a Magistrate for Jail offence

1313. If a prisoner is guilty of an offence against Prison discipline which, by reason of his having frequently committed such offences or otherwise, in the opinion of the Superintendent is not adequately punishable by infliction of any Jail punishments, the Superintendent may send a statement of the circumstances along with the prisoner concerned to the Court of a Judicial Magistrate having jurisdiction for being dealt with under Section 52 of the Prisons Act, 1894. If the Magistrate declines to act under this section, the Superintendent may award such Jail punishment as he may deem expedient and the prisoner is fit to undergo.

1314. In respect of offences committed by prisoners which are punishable both under the Indian Penal Code or Section 42 of the Prisons Act, or any other criminal law, and under these rules, it shall be discretionary with the Superintendent either to use his own powers of punishment as set forth in these rules or to prosecute the offender before a Court of Magistrate: provided that in the case of the following offences a prosecution shall be initiated viz.—

(1) *Rioting*—

Section 147 I. P. C.

Section 148 I. P. C.

Section 152 I. P. C.

Rioting.

Rioting armed with a deadly weapon.

Assaulting or obstructing public servant when suppressing riot.

Note.—The terms "public servant" includes convict Officer (Section 23, Prisons Act).

(2) *Escape—**Section 222 I. P. C.—*

Intentional omission to apprehend on part of a public servant.

Section 223 I. P. C.—

Escape negligently suffered by a public servant.

Section 224 I. P. C.—

Escape.

(3) *Offence affecting the human body—**Sections 302 and 303 I. P. C.—*

Murder and murder by a person under sentence of transportation for life.

Section 304 I. P. C.—

Causing death by rash or negligent act.

Section 309 I. P. C.—

Attempt to commit suicide.

Section 325 I. P. C.—

Voluntary causing grievous hurt.

Section 326 I. P. C.—

Voluntary causing grievous hurt by dangerous weapons.

(4) Any offence triable exclusively by the Court of Session.

Note.—The case of a prisoner convicted under Section 304, Indian Penal Code in respect of an offence committed while in Prison must be reported to Government through the Inspector-General.

1315. The preceding rule does not apply to preliminary investigations but only indicates the tribunal by which the punishment is to be inflicted. It is clear that in a murder case the investigation should be entrusted to the Police; but it may well happen that in escapes or riots offences in which prosecution must be initiated, the most fitting investigating officer is the Superintendent of the Prison. It is not considered necessary to lay down any hard and fast rule on the subject and the Superintendent shall use his discretion in such cases. That discretion will naturally lead him to invoke the aid of the Police to investigate the more important offences.

1316. No prisoner shall be punished twice for the same offence. Provided that security measure (separate confinement, fetters, etc.) taken for the safe custody of refractory and dangerous prisoners or for preventing him from committing mischief and the stoppage of privileges which are otherwise admissible to well behaved prisoners only shall not be construed as Jail punishments for this purpose.



CHAPTER XXXVII

FACILITIES TO PRISONERS

General Rule about Interviews and Letters

1317. Every newly convicted prisoner including one committed under Chapter VIII, Criminal Procedure Code shall be allowed during the period of appeal to see or communicate with his relatives or friends once a week or oftener at the discretion of the Superintendent for the purpose of an appeal or the procuring of bail or security for arranging payment of fine or for managing his property or other family affairs.

1318. The printed post card (as given in Appendix III) should be sent to the relatives of every prisoner admitted in Jail at Government cost.

1319. Every prisoner under sentence of death shall be allowed such interviews and other communications with his relatives, or friends, and legal advisers as the Superintendent thinks reasonable.

1320. (i) In addition to the privileges mentioned in the Rule No. 1317, every convicted prisoner in Class II shall be allowed to have one interview with his relatives or friends and to write two letters one at Government cost and one at his own cost within a period of one month.

(ii) The prisoners in Class I shall be allowed the same privileges allowed to Class II prisoners, within a period of one fortnight.

Provided that during the first three months of imprisonment all long term prisoners except those willing to do conservancy work and actually doing it shall not have more than one interview with their friends or relatives within a period of two months in the case of Class II prisoners and within a period of one month in the case of Class I prisoners.

1321. As regards letters received for the prisoners in Class I and II, these will be issued to them as and when received without any restriction provided that, on being censored, they are found to be not objectionable.

Note 1.—A prisoner cannot be allowed to use his monthly interview for the purpose of transacting business.

Note 2.—A letter merely arranging an interview shall not be counted as a letter for the purpose of this rule.

Note 3.—A prisoner may, with the permission of the Superintendent substitute a letter with reply for an interview or vice versa.

Note 4.—The withdrawal or curtailment of these privileges under this rule will be treated as a specific punishment for a specific offence and not as a direct result of any other punishment for any other offence.

1322. Letters addressed by "non-criminal" prisoners to Ministers should not be counted in the normal quota of letters allowed to prisoners.

1323. The Superintendent may at his discretion grant interviews or allow the despatch of letters at shorter intervals than provided in Rule 1320 or in spite of the prisoner's misconduct, if he consider that special or urgent grounds exist for such concession, as for example, in the event of the prisoner being seriously ill or on, the occurrence of the death of a near relative or if the friends or relatives have come from a distance to see the prisoner and it would inflict an undue hardship on them to refuse an interview, or if the prisoner is nearing release and wishes to secure employment or to make any other arrangement for his rehabilitation in society after release or for other sufficient cause.

1324. Applications for interviews with prisoners should be oral or in writing at the discretion of the Superintendent. All applications for interviews shall be entered in a register in order of receipt and the time of presentation shall also be entered in it. Interviews shall be granted strictly in the order of priority except in exceptional circumstance and for reasons to be recorded in writing by the officer in charge of interviews.

1325. If the prisoner is not entitled to an interview the applicant shall be informed at once.

1326. The number of a persons permitted to be present at an interview shall not ordinarily exceed two but in case of the following near relatives of a prisoner may be extended to five persons, viz., husband, wife, children, father, mother, brothers, and sisters.

Note.—Prisoners may have joint interviews with friends and relatives provided the number of friends does not exceed two and the total number of persons does not exceed five.

1327. The Superintendent shall fix the days and hours at which all interviews shall be allowed and no interviews shall be allowed at any other time except the special permission of the Superintendent. A notice of the interview days and hours shall be posted outside the Jail.

1328. Seating arrangement and drinking water shall be provided for the persons who come for interviews.

1329. A Jail guard shall be present in or near the place of interviews during the hours prescribed for interviews to enquire about and guide all interviewers. A complaint book shall be kept in the visitors' (waiting) room and it shall be inspected by the Superintendent every day after the interview hours. The book should be paged and stamped with the Jail seal.

1330. The interview of one prisoner only shall take place at a time. Every interview shall take place in the interview room or in its absence in a part of the Jail specially appointed for this purpose which should if possible be at or near the main gate: Provided that interviews with female prisoners shall, if practicable, take place in the female enclosure: Provided also

that if a prisoner is seriously ill the Superintendent may permit the interview to take place in the hospital, and a condemned prisoner shall ordinarily be interviewed in his cell. Provided further that the Superintendent may for special reasons to be recorded in writing permit an interview to take place in any part of the Jail.

1331. The time allowed for an interview shall not ordinarily exceed 20 minutes but may be extended by the Superintendent at his discretion for reasons to be recorded in writing.

1332. No political matters shall be permitted to be discussed during interviews between the prisoners, undertrial or convicted, and their relatives, legal advisers or friends.

1333. Every convicted prisoner and every unconvicted criminal prisoner shall be carefully searched before and after an interview.

1334. Every interview with a convicted prisoner shall take place in the presence and hearing of a Jailor specially appointed by the Superintendent for the purpose.

1335. Conversation at the interview shall not be permitted in any language not readily understood by the Jailor present unless an interpreter is available on the Jail staff.

1336. No article whatsoever shall be allowed to be passed by the visitor or interviewer to any convicted prisoner Civil or criminal convicted or undertrial except through the Jail authorities.

1337. Civil prisoners in Class I may see their friends and relatives between 8 A. M. and 4 P. M. on week days under such conditions as may be judged suitable by the Superintendent. They shall also be allowed to write letters when they wish to do so, but must provide their own writing materials. The Senior Jailor may under the order of the Superintendent open and examine any letter to and from a civil prisoner and withhold any which appears to him to be objectionable until the prisoner is entitled to release. If any prisoner is found to be abusing the privilege of writing or receiving letters, it may be withheld under the orders of the Superintendent who shall record his reasons in Register No. 12. No visitor shall be allowed to take within the civil Jail any article without the permission of the Superintendent.

Note.—Civil prisoners shall be accorded the same privileges as undertrial criminal prisoners as regards interviews and letters *vide* next Rule.

1338. Undertrial criminal prisoners shall be allowed reasonable facilities for interviewing or otherwise communicating either orally or in writing with their relatives, friends and legal advisers during stated hours to be fixed by the Superintendent.

1339. Every interview between an undertrial prisoner and his legal adviser shall take place within the sight, but out of hearing of a Jail Official. A similar concession may be allowed by the Superintendent in the case of an interview with any relative of the undertrial prisoner.

1340. When a legal adviser desires an interview with an undertrial criminal prisoner he shall apply in writing giving his name, address, and profession and satisfy the Superintendent as to his *bona fides*.

1341. The Superintendent shall record in Register No 12 any instance (with reasons) in which he refuses a legitimate interview to the relations or friends of a prisoner.

1342. The Senior Jailer shall have power to remove any visitor (other than an official or non-official visitor on duty) whose conduct is improper and to search any person suspected of bringing in or taking out of Jail forbidden articles as defined in Rule 1238.

1343. Any interview may for sufficient reasons be terminated at any moment by the Jailer. In every such case the reason for terminating the interview shall be reported at once for the orders of the Senior Officer present in the Jail.

1344. A Superintendent may refuse to allow any interview to which a prisoner would ordinarily be entitled under these rules but in every such case if in his opinion it is inexpedient in the public interest to allow any particular person to interview a prisoner or if other sufficient cause exists he shall record his such refusal in his Order Book.

1345. Writing materials including service post cards shall be supplied at Government cost in reasonable quantities to any convict who is entitled to write a letter and all letters shall be written at such time and place as the Superintendent may appoint on a fixed day of the week preferably Sunday. All letters written by or for prisoner shall be immediately censored, recorded in the history ticket and posted without delay.

1346. Any prisoner who is entitled to write a letter and who desires to do so, may correspond on personal and private matters but may not include matter likely to become the subject of political propaganda. Permission to write letters is intended primarily for communication with his family or friends on personal matters and for the arrangement of private affairs. Information as to his personal well-being, work, reading, and similar matters is permissible but not—

(1) any strictures on the administration of the prison,

or

(2) any reference to other persons confined in the Prison who have their own opportunities for communication with their families.

1347. In the event of the correspondence of any prisoner being found to infringe these conditions, they should be clearly explained to him, with the caution that any further infringement will render the privilege liable to be withdrawn.

1348. The Superintendent may withhold for reasons to be recorded in Register No. 12 any incoming or outgoing letter of a prisoner which seems to him to be improper or objectionable or may erase any improper or objectionable passages.

1349. All prisoners' communications shall be censored by the Senior Jailer. He will personally or through a reliable agency scrutinize all letters which shall after censorship be marked 'censored' and initialed by him (Jailer). In no case shall this work be entrusted directly or indirectly to convicts or convict officers.

1350. If none of the Jail employees understands the language in which any letter is written by a prisoner or is received for him, it should be submitted to the Inspector-General of Prisons with a view to obtaining from the Commissioner of Police a reliable translation of the same in English.

1351. All letters delivered to prisoners shall be destroyed after a week from the date of delivery unless the Superintendent allows any letter to be retained by a prisoner by putting on the letter his initials and the words, "allowed to be retained."

1352. Any prisoner who abuses any privilege relating to the holding of an interview or the writing of letters or other communication with any person outside the Jail shall be liable to be excluded from such privileges for such time and may be subjected to such further restrictions as the Superintendent may direct.

1353. Notwithstanding any thing contained in the above rules, the State Government may at any time direct that any convicted prisoners or class of convicted prisoners shall not be allowed the privilege interview.

1354. The Superintendent shall report to the Inspector-General every quarter all cases where such privileges are withheld or curtailed.

Newspapers and books

1355. Daily newspapers in English which are on the—

(a) list approved by Government shall be issued free to Class I prisoners at the rate of 1 copy for every 15 prisoners or less.

(b) Daily newspapers in English or one of the regional language on the approved list shall be supplied free at the rate of 1 copy for every 20 prisoners in Class II.

(c) If any prisoner wishes to have any other newspaper or periodical on the approved list, he may be allowed by the Superintendent to have it at his own cost.

(d) No newspaper or periodical which is not on the approved list shall be supplied to a prisoner except with the permission of Government.

Provided that no newspaper shall be supplied to undertrial prisoners at Government cost.

Jail Library

1356. Every Central, District and Special Prison shall have a library for the use of all prisoners free of charge. The Superintendent shall make satisfactory arrangements for the proper custody and issue of books to prisoners.

1357. A convicted prisoner shall be permitted to have in his possession at a time not more than 2 religious books and ten non-religious books of his own. Provided that the non-religious books are not in the opinion of the Superintendent vulgar, obscene or of an objectionable nature or are not proscribed by Government. Those desiring to prosecute higher studies may possess any number of text books with the permission of the Superintendent. The prisoner may also have a book from the library of the Prison.

1358. Books brought in by a prisoner or which are sent to him in excess of the number specified above shall be kept with the Superintendent who will keep a list of such books. Such books may be issued to the prisoner in exchange for the books that he may already have in his possession. All such books shall be returned to him when he is released.

1359. Simple imprisonment prisoner shall be allowed books from the prison library in the same way as other prisoners and may also use their own writing materials at the discretion of the Superintendent.

1360. An undertrial prisoner shall also be permitted to purchase at his own expense or to obtain from private sources as many books as he likes for his use: Provided that no such book is in the opinion of the Superintendent, vulgar, obscene or of an objectionable nature or is proscribed by Government.

1361. Books from the Jail library may be lent for the benefit of civil prisoners at the discretion of the Superintendent. Books and periodicals may be provided to civil prisoners at their own expense and at the discretion of the officer in charge of the civil prison subject to safeguards against the introduction of improper literature.

1362. Civil prisoners may have, at their own expense newspapers on the approved list.

Wages to prisoners

1363. (1) All prisoners with sentences of more than three months and who have completed the first three months of their sentence, detainees and undertrial prisoners who have volunteered to work will be paid 1/5th of the labour earned, provided

they complete their daily quota of task to the satisfaction of the authorities. If the prisoner does extra work, he may be given the full benefit of the labour earned.

(2) Prisoners who do conservancy work shall be allowed to earn wages at the rate of 6 annas per day per prisoner even during the first three months of their sentence.

(3) A prisoner may be permitted to remit a portion of the wages paid to him/her under sub-rules (1) and (2) to the following members of his/her family namely:—

Husband, Wife, Child, Father, Mother, Brother or Sister.

1364. Every wage-earning prisoner should be made to save one-third of his earnings which should be paid to him at the time of his release to enable him to defray his Journey expenses and to help him to a fresh start in life. In exceptional cases, however, where a prisoner cannot save enough to meet his Journey expenses on release, the discretion to provide him with the necessary allowances under Rule No. 952 should be exercised by the Superintendents of Prisons.

Canteen for prisoners

1365. There shall be a canteen run on self-supporting basis in every Central, Special and District Prison and wherever possible in Sub-Jails.

(1) The following articles shall be stocked therein, namely:—

(a) Tea and coffee.

(b) Tobacco (in various forms).

(c) Soap and other articles of toilet, and

(d) such eatables and other articles as the Inspector-General of Prisons, may from time to time, approve for the benefit of the prisoners.

(2) No prisoner and/or detainee other than the one working in the canteen shall have access to the interior part of the canteen. Arrangements shall be made to sell the articles therefrom to prisoners by means of trolleys etc. kept outside the canteens at the places selected by the Superintendent, during such hours as may be fixed by the Superintendent.

(3) No short termers with sentence of less than three months and no long term prisoner who has not completed the first three months of his sentence shall work in the canteen.

(4) Subject to the provisions of this sub-rule, the prisoners shall be permitted to purchase the articles referred to in sub-rule (1) from the canteen either from the amount standing to their credit in respect of wages earned for the work done by them or from their private cash or both in accordance with the following provisions, namely:—

(a) Prisoners with substantive sentence of rigorous imprisonment or simple imprisonment for a term of three months or

more and who have completed the first three months of their sentence may purchase any of the articles specified in sub-rule (1) from the amount standing to their respective credit on account of wages earned by them:

(b) Short termers and long termers during the first three months of their sentence shall purchase only soap and other articles of toilet from their private case;

(c) Short termers and long termers who have volunteered to do and actually do conservancy work shall be permitted to purchase any of the articles referred to in sub-rule (1) from the canteen either from the amount standing to their credit in respect of wages earned by them or from their private cash or from both.

Explanation.—For the purpose of this clause conservancy work means the work of cleaning latrines and removing night soil and cesspool water.

(d) If permitted so to do by the Superintendent, prisoners who—

(i) though entitled to work, cannot be suitably employed;

(ii) are unable to work because of physical or other disabilities; and

(iii) do work, but do not earn sufficient wages for reasons beyond their control, may purchase, tea, coffee, tobacco and eatables from their private cash;

(e) undertrial and security prisoners may purchase any of the articles specified in sub-rule (1) either from the amount standing to their credit in respect of the wages earned by them, if any, or from their private cash;

Provided that no prisoner shall be in possession of more than one cake of soap or article of toilet at any one time:

Provided further that no prisoner who has not attained the age of 23 years shall purchase tobacco in any form from the canteen.

(5) The Superintendent shall maintain a record of the reasons for which permissions have been granted by him under clause (d) of Sub-rule (4) and of the prisoners who are subject to the restriction contained in the second proviso to sub-rule (4) and shall keep or cause to be kept such record in the canteen. He shall also make or cause to be made a note of such reasons and restriction in the wage sheet of the prisoner concerned.

1365-A. (i) Bad conduct prisoners confined in the Karwar Special Prison on disciplinary grounds should not:—

(a) be considered eligible for any of the facilities given to well behaved prisoners in other jails ;

(b) be permitted to play any outdoor games.

(ii) They may however, be allowed only bidjes, matches, tea and toilet articles required on hygienic grounds and be permitted

physical training in their respective yards for the purpose of keeping them fit.

Note.—Other prisoners who are confined in Karwar Special Prison *not* on disciplinary grounds, should however be given all the facilities.

1366. The Borstal School lads transferred to Jails under Section 12 of the Bombay Borstal Schools Act, should *not* be given
(i) Canteen facilities except soap and tooth powder etc.
(ii) wages unless they volunteer to do and actually do conservancy work and (iii) remission.

1367. Superintendent is however empowered to restore some or all these facilities to the Borstal lads referred to in rule 1366 above if it is found after a period of six months from their admission to the Jail that they behave themselves and do not continue their mischievous or refractory nature.

1368. Well behaved prisoners should, irrespective of religion caste or creed, be allowed to mix with each other freely for a limited number of hours on four Jail holidays, viz. Diwali (First Day), Ramzan Id, Christmas Day and Parsi New Year Day and they should also be allowed to treat fellow prisoners to eatables at the canteens on the first three days mentioned above.

1369. The profits accruing from canteens should be utilised on the provisions of amenities of the various forms mentioned below.

- (1) Replacement, repairs and purchase of new articles of canteen dead-stock.
- (2) Purchase and repair of radios and accessories.
- (3) Books and publications and accessories for libraries and reading rooms for prisoners;
- (4) Sports outfit,
- (5) Simple musical instruments required for increasing the gravity of prayers.
- (6) Accessories for the performance of dramas by prisoners in the Jails;
- (7) Celebrations, such as Independence Day, the Birth Day of Mahatma Gandhi etc. in which prisoners take part;
- (8) Any other item which is calculated to promote the welfare of prisoners.

1370. The Inspector-General of Prisons, is authorised to incur out of these profits, expenditure up to Rs. 1,000 per annum on the provisions of the said amenities, as and when required, to the prisoners in any Jail, subject to the condition that the profit of the canteen at that particular Jail have been as high as Rs. 1,000 per annum.

1371. (i) Gift of a radio set and/or gifts which are similarly of the nature of public collections may be accepted by the Inspector-General of Prisons, if offered to the Jail Department.

(iii) The Officers who are associated in an official capacity with foreign Delegations or Missions, Visiting India should not accept presents given by such Delegations or Missions as a token of goodwill or Courtesy except when they are given to Government or by a Ruler of an independent State.

Tournaments with outside teams

1372. The Inspector-General of Prisons is authorised to grant permission to the Superintendent to allow prisoners to take part in tournaments of games like Hu-tu-tu, Volley Ball, etc. both inside and outside the Jail. Teams of well behaved prisoners may be sent out to play with outside teams.

Toilet articles for children of female prisoners

1373. The following articles should be supplied to children of female prisoners who are admitted into the Jail along with their mothers and whose mothers cannot afford to make these articles available to them at their own cost.

Name of the articles	Quantity
1. Jail made Carbolic Soap	2 Ozs. per month per child.
2. Cocoanut oil	1 Oz. per week per child.



CHAPTER XXXVIII FACILITIES TO PRISONERS

(PART II)

1374. All Class I prisoners should be allowed to play chest draughts and carrom at their own cost.

1375. Necessary arrangements occasionally to exhibit suitable films for the benefit of prisoners should be made by the District Publicity Officers in consultation with the Superintendent of the Jail.

1376. The Superintendent should submit a monthly report to the Inspector-General on the following lines;—

(1) Number of film shows exhibited by the Publicity Officer, with dates and the names and subject of the film shows exhibited.

(2) The days fixed for such shows and how many times during a month these are arranged.

(3) Short note as to the effect of shows on the minds of the inmates.

1377. A separate Register (Visitors Book No. 14) should be maintained and therein the Publicity Officer should record his visit and his remarks as to the subject of the film show etc. The Superintendent should also record his own remarks and submit these every month to the Inspector-General.

1378. If necessary prior intimation regarding the subject of the films to be exhibited during a month should be called for from the Publicity Officer, with a view to enable the Superintendent to know in advance as to whether such subjects are entirely in conformity with the Jail rules.

1379. Monetary award to prisoners should be granted at the rate of 3 pies from 1st April 1939 and at the rate of one anna per day of remission earned from 1st April 1946 till 1st January 1949. Any remission granted by Government under Section 401, Criminal Procedure Code, is not to be taken into account for the purpose of monetary award.

Note.—When a prisoner is transferred to a Jail outside the State or to a Sub-Jail within the State under the P. R. T. system the monetary award should be sent with him.

Undertrial prisoners

1380. Undertrial prisoners who are unable to supply themselves, or who are not supplied by their friends with food, shall receive prison rations and when they have not sufficient clothing or bedding they shall be provided with the same from the prison stock. They shall be permitted to purchase food at their own expense or obtain such from private sources subject to the provisions of Rule 622. If receiving prison diet they may supplement

it by purchases. No claim to allow their food to be cooked separately shall ordinarily be allowed although the Superintendent may permit this in exceptional cases when suitable arrangements can be made. Nothing deleterious to health and no drugs or intoxicating liquor or objectionable publications shall be allowed.

1381. A reasonable supply of stationery and writing material may be purchased at the prisoner's own expense.

1382. They shall be allowed exercise during the day and shall be required to keep their clothing, person, ward or cell, and yard clean and shall conform to prison rules.

Female Prisoners

1383. All female prisoners should be issued with Shikakai or Soap nuts at Government cost for washing their hair every Sunday at the rate of one ounce per head.

1384. (1) All female prisoners should be allowed to retain their glass bangles. If any female prisoner requests to be supplied with bangles at Government cost, unbreakable bangles of a suitable type, not exceeding two for each hand, should be supplied to her and she should be allowed to retain these bangles at the time of her release. Glass bangles should not be supplied or replaced at Government cost.

(2) Married women may be allowed to wear a small red mark (Kunku) on their foreheads.

(3) All married female prisoners who are not widows and belong to the Kanara District should be allowed to wear noserings.

(4) All married Hindu female prisoners whose husbands are alive should be allowed to wear "Mangalsutras."

1385. In the event of the admission of a female prisoner who at the time of conviction has a child at the breast, or to whom a child is born while in prison, the child may be allowed to remain with the mother until the former is 3 years of age, when the child must be removed unless the mother is to be released soon after.

1386. Superintendents may under exceptional circumstances admit a child above 3 years of age with its parent if the latter has been sent to Prison but should write immediately to the District Magistrate concerned to make the best arrangement he can, by placing the child in some institution or entrusting it to some respectable person. A copy of such reference should be sent to the Inspector-General of Prisons for information. The action taken by the District Magistrate should be reported in due course.

1387. Children of prisoners sentenced to death, or children who have to be removed from prison on attaining the age of three years, are to be made over to their nearest relatives, but

where such cannot be found, the District Magistrate shall arrange for maintenance and care of such children.

1388. The District Magistrates shall make the best arrangements they can regarding such children by placing them in some institution or by entrusting them to some respectable persons to bring up, and they may make a moderate allowance for their maintenance. The same procedure should be followed in the case of female prisoners dying in prison and leaving young children whose relatives cannot be found.

Prisoners sentenced to death

1389. Prisoners sentenced to death may, on the recommendation of the Medical Officer be allowed exercise in the open air and within the prison walls morning and evening, under the care of the guard. They may be fettered or handcuffed when taking exercise.

1390. Prisoners under sentence of death may be visited once or oftener by their relatives, friends and legal advisers. The interview shall take place in the presence of the Jailor and during the interview the prisoner and his friends or legal advisers should not be allowed to approach each other. A condemned prisoner may also be visited by a minister of the persuasion to which he belong. He may be given books, tobacco and other indulgences as the Superintendent may think fit.

1391. The Superintendent of the Jail in which the prisoners sentenced to death are confined, is authorised to incur expenditure upto Rs. 15 per deserving condemned prisoners for amenities including expenditure on securing the presence of his relatives to visit him.

Note.—Please refer the Chapter No. XXII on "ROUTINE" for facilities in addition to these appearing in this Chapter.

CHAPTER XXXIX

PETITIONS AND APPEALS OF PRISONERS

Petitions

1392. (i) Convicts are permitted to prefer petitions to State Government for pardon or mitigation of sentence. Such petitions shall be signed by the prisoner and attested by the Senior Jailor. If written in Regional language, they shall be accompanied by an abstract or precis in English. Every such petition shall also be accompanied by a covering letter addressed to the Secretary to Government, Home Department, and by a nominal roll (Jail Form No. 110). Any other facts of importance bearing on the case shall be entered by the Superintendent in the remarks column e. g., whether accomplices of the prisoners have been released, whether the prisoner is known to be a hereditary or professional criminal etc. In the case of prisoners convicted at one and the same trial, the petitions of the two or more prisoners may be submitted together under a single covering letter and one nominal roll (Jail Form No. 110). The above mentioned procedure may also be adopted if the petition is addressed to the President of India and the Register of the Supreme Court of India.

(ii) Communications from the prisoners, addressed to the High Court or to the Supreme Court pertaining to matters other than an appeal or revision application should only be forwarded through Government and any petition of appeal or an application for revision addressed to the High Court, Bombay, or the Supreme Court of India should in accordance with Rule 1416 of the Bombay Jail Manual be forwarded direct to the Court concerned. Communications to be submitted through Government should be sent to Government with the least possible delay by all concerned.

Note.—In the case of prisoners convicted by a court subordinate to other State Government or Administrations, petitions should be forwarded direct to such State Government or Administration whether addressed to them or to a higher authority.

1393. If a petition for mitigation of sentence or pardon is based on grounds of alleged bad health, old age or other infirmity of the prisoner petitioning, it shall be accompanied by a report of the Medical Officer stating how far the allegations are true and by an expression of that officer's opinion as to the probability of life being seriously endangered by prolonged imprisonment and whether the prisoner's life is likely to be prolonged if he be set at liberty.

1394. Every facility shall be given to a prisoner to prepare petitions for submission to Government in accordance with these rules. There is no objection to a convict signing and submitting as his own a petition drafted for him by his agent or friend,

provided that he understands its contents. The Senior Jailor is responsible for seeing that he understands the gist of its contents before signing it. Every petition from a convict must be submitted through the Superintendent and not through the convicts' agents or friends. If his relatives or friends wish to petition Government against the sentence passed on him they may send their petition direct or through Jail authorities. No petition from a convict will be considered by the State Government or forwarded to the President of India or Supreme Court unless signed by the convict and submitted through the Superintendent of the Jail.

1395. A petition shall not be forwarded if it is couched in discourteous or offensive language or if it contains statements which the Superintendent knows to be untrue and which the prisoner refuses to amend after the petition has been returned to him for amendment. Nor should a petition be forwarded if it proceeds only on a claim for consideration of general application which has already been disposed of or other matter which is provided for in the Prison Rules.

1396. When a petition to Government has been once rejected a second petition from the same prisoner on the same subject shall not be entertained by the authorities of the prison, except on the written recommendation of an official visitor made in the Visitors' Book.

Mercy petitions of prisoners sentenced to death

1397. Immediately on receipt of a death warrant for execution consequent on the confirmation by the High Court of a sentence of death or of intimation of the dismissal by the Supreme Court of his application for special leave to appeal or of the breaking down of his application for special leave to appeal at any of the intermediate stages in case the condemned prisoner had made no previous petition for mercy the Jail Superintendent shall inform the condemned prisoner that if he desires to submit a petition for mercy it should be submitted in writing. The prisoner shall be allowed for preparation and submission of a mercy petition seven days after, and exclusive of, the date on which such intimation was given to him by the Superintendent of Jail.

Provided that in cases where no appeal to the Supreme Court has been preferred or no application for special leave to appeal to the Supreme Court has been lodged, the said period of seven days shall be computed from the date next after the date on which the period allowed for an appeal to the Supreme Court or for lodging an application for special leave to appeal to the Supreme Court expires.

1398. If the condemned prisoner submits a petition within the period of seven days prescribed above it should be addressed

to the Governor of the State and the President of India and despatched by Registered Post A. D. to the Secretary to the State Government, together with a covering letter reporting the date fixed for the execution, and shall certify that the execution has been stayed pending receipt of the orders of the Government on the petition. If no reply is received within 15 days from the date of the despatch of the petition, the Superintendent shall send an express letter to the Secretary to the State Government drawing attention to the fact, but he shall in no case carry out the execution before receipt of reply from the State Government.

1399. If the prisoner submits a petition after the period prescribed in above Rule 1394 the Superintendent of the Jail shall at once forward it to the State Government, requesting orders whether the execution should be postponed and stating that pending a reply, the sentence will not be carried out.

Provided that the Superintendent shall not stay the execution, if he has received specific orders from State Government not to give further postponement to the execution of the prisoner.

1400. In all cases receipt of orders communicating the rejection of petitions shall invariably be acknowledged by express letter.

1401. The orders of Government postponing the execution shall immediately be acknowledged by Telegram by repeating back the orders.

1402. All acknowledgments whether by Telegram or express letter, shall be addressed to the Secretary, Home Department by designation and not by name and shall invariably be sent to Bombay even though the Headquarter of Government may at the time be in Poona.

Appeal to the Supreme Court and application for special leave to appeal to the Supreme Court

1403. Whenever a sentence of death has been passed by any court or tribunal the sentence shall not be executed until after the dismissal of the appeal to the Supreme Court or of the application for special leave to appeal to the Supreme Court or in case no such appeal has been preferred or no such application has been lodged until after the expiry of the period allowed for an appeal to the Supreme Court or for lodging of an application for special leave to appeal to the Supreme Court.

Provided that if a petition for mercy has been submitted by or on behalf of the convict execution of the sentence shall further be postponed pending the orders of the President thereon.

Note.— If the sentence of death has been passed on more than one person in the same case and if an appeal to a higher court or an application for special leave to appeal to the Supreme Court is lodged by or on behalf of, only one or more but not all of them, the execution of the sentence shall be postponed in the case of all such persons and not only in the case of the person by whom or on whose behalf, the appeal or the application is lodged.

1404. The procedure governing the submission of Petitions of Special Leave to Appeal is contained in rules 1, 2, 3 and 4 of Order XIII and rules 1 and 4 of Order XVIII read with rule 2 of Order XXI of the Supreme Court Rules, 1950 (*vide* Appendix II). These Rules lay down that a Petition for Special Leave to Appeal should be drawn up in the proper form and should be accompanied by the following documents;

(i) a certified copy of the Judgment of the Court appealed from;

(ii) an affidavit to the effect that notice of the intended petition for Special Leave to Appeal has been served upon the respondents;

(iii) an affidavit in support of the Petition as required by rule 4 of Order XVII of the supreme Court Rules, 1950;

(iv) an application praying for condonation of delay in filing the Petition, if it is presented after the expiry of the period of limitation prescribed by rule 1 of Order XIII read with rule 2 of Order XXI; and

(v) certified copies of the judgments of the lower courts if the Petitioner wishes to rely upon the same.

1405. Since all proceedings in the Supreme Court are conducted in the English language (*vide* Article 343 (1) of the Constitution of India), petitions in a language other than English must be accompanied by their English translation, duly authenticated.

1406. The Superintendent should see that before forwarding Petitions for Special Leave to Appeal to the Supreme Court, the procedure governing the presentation of such Petitions detailed above are explained by the jailor to the intending convict-Petitioner and such facilities, as the jail rules permit, e. g., swearing of affidavits, obtaining certified copies of the Judgments of the lower courts, consulting their legal advisers are afforded to them. The Superintendent should also see that such petitions should on no account be withheld, even if the period of limitation has expired.

1407. The attention of the Superintendents is specially invited to rules 2, 3, 7, 11 and 12 of Order XXI and they are requested that if any condemned convict desires to appeal to the Supreme Court or apply to that Court for Special leave to appeal at Government cost, his appeal or application should be forwarded to the Registrar, Supreme Court of India, direct (under intimation to Government in Home Department and the Inspector-General of Prisons) in accordance with the Supreme Court Rules referred to above.

1408. On receipt of an intimation from the State Government that appeal or application to the Supreme Court is not

lodged within the period prescribed by the Supreme Court Rules, the execution of the sentence shall not thereafter be postponed, unless a petition for mercy has been submitted by or on behalf of the convict.

1409. If an appeal or an application for special leave to appeal has been lodged in the Supreme Court by or on behalf of the convict, the execution of the sentence of death shall not be carried out until after the receipt of the certified copy of the judgment of the Supreme Court dismissing the appeal or the application for special leave to appeal and until an intimation has been received from the Ministry of Home Affairs about the rejection by the President of India of the petition for mercy submitted, if any, by or on behalf of the convict.

1410. In the event of its coming to the knowledge of the Superintendent at any time before the execution of the sentence that altogether exceptional circumstances have arisen which plainly demand a reconsideration of the sentence he is at liberty, notwithstanding anything in the foregoing rules, to report the circumstances by telegraph to the State Government and ask for its orders and to defer execution till they are received.

1411. The Superintendent on receipt of an intimation of the intention of a convict to appeal under rule 1404 shall immediately report the fact by telegram to Government in the Home Department.

1412. The words "Death Sentence" should be inserted before the address in telegrams relating to Capital Sentences.

Appeals of prisoners

1413. Any convicted prisoner desiring to appeal and entitled to do so, shall be granted every facility for appealing to the proper Appellate Court. Any petition of appeal made by a prisoner within the period allowed by law for appealing shall be countersigned by the Superintendent of the Prison and forwarded without delay to the Appellate Court with a copy of the judgment or order appealed against.

Note.—In submitting prisoners' appeals to the Appellate Court the number of the case on the Magistrate's file, if quoted on the warrant, shall be stated.

1414. (1) The periods allowed under the Indian Limitation Act (Act IX) of 1908 for appeal to the different courts are as follows:—

Appeal from a subordinate Magistrate's decision to the Sessions Judge or the District Magistrate if authorised by Government under proviso to Section 406 Criminal Procedure Code to receive appeals against the orders of subordinate Executive Magistrates ...

30 days.

Appeal to the High Court where the sentence against which the appeals made is not a sentence to death passed by a Sessions Judge	...	60 days.
Appeal to the High Court against a sentence of death passed by a Sessions Judge	7	..

Note.—(i) In computing the above periods there shall be excluded (a) the day from which such period is reckoned; and (b) the time required for obtaining a copy of the sentence appealed against.

(ii) The Court may admit appeals after the period of limitation for sufficient cause under section 5 of the Indian Limitation Act of 1908.

2. The periods allowed under paragraph 1 of Order XXI of the Supreme Court Rules, 1950 for Criminal Appeals by the Supreme Court shall be as follows:—

Appeals under article 132 (1) and article 134 (1) (c) of the Constitution.	30 days from the date of certificate granted by the High Court.
Appeals under article 134 (1) (a) and (b) of the Constitution or under any other provision of law.	60 days from the date of the Judgment, final order or sentence appealed from.

1415. Arrangements shall be made for having petitions of appeal written out for prisoners who cannot write and who have no friends or agents who can draw up the petitions for them. The Services of literate convicts only need be used, if such prisoners are available in Jail, for writing out appeals and petitions of illiterate prisoners subject to the provisions of rule 1096 Bombay Jail Manual. In all such cases the Superintendent shall apply for a copy of the Judgment or order from the sentencing court and arrange to submit his appeal within the prescribed time limit.

1416. A petition of appeal or an application for revision addressed or purporting to be addressed to the High Court, Bombay or a petition of appeal or an application for Special leave to appeal so addressed to the Supreme Court of India by a prisoner shall together with the accompanying documents be forwarded in a sealed envelope by the Superintendent with the utmost expedition to the Registrar, High Court, Bombay, or the Registrar, Supreme Court of India, New Delhi, as the case may be. The Superintendent shall at the same time forward a copy of such petition or application to the Inspector-General of Prisons.

1417. The requisite particulars in respect of every appeal, shall be entered in a Register (Jail Form No. 132) which shall be placed before the Superintendent regularly every Monday. The Superintendent shall pass such orders as are deemed necessary about the issue of reminders for copies of judgments or results of appeal.

1418. If the result of an appeal is not communicated within 15 days or in the case of High Court or Supreme Court within one month of the date on which the appeal was submitted, the Superintendent shall send a reminder to the Appellate Court or to the Registrar of the High Court or Supreme Court as the case may be enquiring what has been the result of the appeal and thereafter shall repeat the enquiry at reasonable intervals. The result of the appeal shall be communicated to the prisoner and this shall be certified on the writ which shall be attached to the prisoner's warrant and the Superintendent shall report the fact to the court concerned. In the letter acknowledging the receipt of the writ, the number and date of the writ with the result of the appeal, shall be recorded in the proper column of Register No. 3 and also in the prisoner's History Ticket.

CHAPTER XL

THE REMISSION SYSTEM

1419. In the following rules :—

(a) "Prisoners" includes a person committed to Prison in default of furnishing security to keep the peace or be of good behaviour.

(b) "Sentences" means a sentence as finally fixed on appeal, revision or otherwise and includes an aggregate of more sentences than one and an order of committal to prison in default of furnishing security to keep the peace or be of good behaviour.

(c) A sentence of transportation for life shall ordinarily be taken as 15 years' actual imprisonment.

1420. Remissions to prisoners should be granted as under :—

Kind of remission	No. of days of remission
1. Ordinary ...	42 days per six months.
2. Ordinary ...	Night watchman—48 days per six months.
3. Ordinary ...	Convict Overseer—54 days per six months.
4. Annual Good Conduct.	30 days per year.
5. Special ...	30 days a year by Superintendent and 60 days a year by Inspector-General.
6. Blood donation ...	10 days at a time.
7. Conservancy work ...	20 days per six months.
8. Physical Training ...	3 days in a month.
9. Sport ...	At the discretion of the Inspector-General of Prisons.

Note.—(1);— Physical Training remission should be granted to the Instructors only.

(2) The remission for sport should include remission for leadership in performance of dramas and the like.

(3) No remission should be granted for broken periods of a month, i. e. a prisoner should be allowed to earn remission from the 1st day of the calendar month following his conviction.

1421. A prisoner who is unable to labour through causes beyond his control by reason of being at Court, in transit from one Jail to another, in Hospital including a Mental Hospital, on an invalid gang, shall be granted ordinary or conservancy work remission under the above rule on the scale earned by him during the previous month if his conduct prior to and during the period in question has been such as to deserve such grant.

Provided that if his absence from work is due to his own misconduct in Jail, no remission shall be awarded for the period of absence.

Provided also that if he is in Hospital or an invalid gang, no remission shall be granted unless the Medical Officer certifies that the prisoner's absence from labour is due to the causes beyond his control and is in no way caused by any action of the prisoner himself taken with a view to escape work or to get into or to remain in Hospital.

1422. Ex-Military prisoners shall be granted ordinary Jail remission for the period they pass in transit or in Military custody before their admission in Jails of Bombay State on the same scale as laid down in above rule.

1423. The Borstal School lads transferred to Jails under Section 12 of the Bombay Borstal School Act should not be given remission. The Superintendent is, however, empowered to grant them remission if it is found after a period of six months from their admission to the Jail that they behave themselves and do not continue their mischievous or refractory nature.

1424. Ordinary remission shall be respectively calculated from the first day of the calendar month next following the date of the prisoner's sentence and the date of his appointment as a convict overseer or night watchman as the case may be. A prisoner who is sentenced or appointed as Convict Overseer, Night Watchman on the 1st of a month, shall be granted full remission for the month in which he is sentenced or appointed, as the case may be.

1425. Any prisoner who has been released on bail or whose sentence has been temporarily suspended shall on his readmission to Jail, be credited with any remission he may have earned previous to his release on bail or to the suspension of the sentence and be brought under the remission system again the first day of the calendar month next following the readmission, vide rule 1419 and 1424 above.

1426. In the case of a prisoner transferred from a Subsidiary Jail to a Prison while undergoing imprisonment the period spent by him in the Subsidiary Jail excluding the period spent as an undertrial prisoner, shall be computed along with the period spent by him in the Prison for calculating remission.

Note.—For the purpose of calculating remission under this rule, a fraction of a day shall be taken as equivalent to one day.

1427. The award of ordinary remission shall be made, on 1st January, and 1st July regularly. The amount shall be intimated to the prisoner and recorded on his history ticket.

1428. Ordinary remission shall be awarded by the Senior Jailor or subject to his control and supervision by any other Jailor, specially empowered by the Superintendent.

1429. The Jailor awarding ordinary remission shall before making the award, consult the prisoners, History Ticket in which every offence proved against the prisoner is recorded.

1430. (a) If a prisoner has not been punished during the period otherwise than by a formal warning he shall be awarded the full ordinary remission for that quarter;

(b) If a prisoner has been punished during the period otherwise than by a formal warning the case shall be placed before the Superintendent who after considering the punishment or punishments awarded shall decide what amount of remission shall be granted. All remissions recorded on the prisoner's history ticket shall be entered six monthly in the remission register by the Jailer who records remissions in the History Tickets.

1431. (i) Any prisoner eligible for ordinary remission, shall be awarded 30 days' ordinary remission in addition to any other remission earned: Provided that he has committed no prison offence whatever for a period of one year reckoned from the date of his sentence or the date on which he was last punished for a prison offence.

(ii) A Borstal School lad who behaves properly from the date of his admission into a prison should be granted Annual Good Conduct Remission on completion of one year from the date of his admission into the Prison.

(iii) For the purpose of this rule prison offences punished with a warning only shall not be taken into account.

1432. Ordinary remission shall not be granted in the following cases:—

(1) In respect of substantive sentence of imprisonment less than three months.

(2) In respect of any sentence of simple imprisonment of three months and upwards except for any continuous period, being not less than one month, during which the prisoner labours voluntarily.

(3) In respect of any sentence passed in default of payment of fine which is not annexed to a term of substantive sentence for which the prisoner is otherwise eligible for remission.

Note 1.—If a prisoner's sentence or total of sentences is reduced on appeal to less than three months he shall cease to be eligible for ordinary remission under these rules and any remission that he may have earned prior to the reduction of sentence or sentences shall be forfeited.

Note 2.—If a prisoner is undergoing two consecutive sentences one of which is for a term of three months or upwards he may, if one of the sentences is remitted on appeal and the other sentence is not less than three months, be allowed the benefit of any remission that may be to his credit at the time of the reversal of the sentence above referred to.

Note 3.—Ordinary remission can be earned throughout a period of imprisonment in lieu of fine which immediately follows and is continued with a substantive sentence of not less than three months.

1433. No prisoner shall be granted ordinary remission for the month in which he is released.

Special remission

1434. (a) Special remission may be given to any long term prisoner (i. e., a prisoner undergoing a sentence of imprisonment for three months or more) for special services as for example:—

- (1) Assisting in detecting or preventing breaches of Prison discipline or regulations;
- (2) Success in teaching handicraft;
- (3) Special excellence in, or greatly increased outturn of work of good quality;
- (4) Protecting an officer of the Prison from attack;
- (5) Assisting an officer of the prison in the case of outbreak, fire or similar emergency;
- (6) Economy in wearing clothes;
- (7) Staging dramas, organising games or any other sport activities.

(d) Special remission may be awarded:—

- (1) by the Superintendent to an amount not exceeding 30 days in one year;
- (2) by the Inspector-General or the State Government to an amount not exceeding 60 days in one year.

(c) (i) Special remission including Inspector-General of Prisons' remission, should not ordinarily be given to short term prisoners, i. e., prisoners undergoing sentences of imprisonment for less than three months but if it is proposed to give such remissions in very exceptional cases the matter should be referred to Government for orders through the Inspector-General of Prisons.

(ii) Short term prisoners should, however, be given blood donation remissions

(iii) In addition to the special remission of 30 days in a year which the Superintendent may also award special remission upto a maximum of three days in a month to all classes of prisoners who show special enthusiasm in physical drill. This special remission should, however, be granted proportionately, i.e., it may be one, two or three days in a month, according to the degree of special enthusiasm that may be shown by prisoners and should be recorded separately from the Superintendent's special remission of 30 days and should not be merged with it.

Explanation.—For the purpose of this rule years shall be reckoned from the date of sentence and any fraction of a year shall be reckoned as complete year.

1434-A. The Superintendent's special remission should be extended only to those doing really good work. Merely doing literacy work does not entitle a prisoner to Superintendent's special remission as such prisoners are given wages. But if prisoners do literacy work in addition to their Prison duty

such prisoners would be entitled for Superintendent's special remission.

1435. The Superintendent and all Jailors sit in a Committee, in the last week of December and June every year to consider the question of award of special remission. Each Jailer should prepare a list of prisoners in his charge who deserve to be awarded special remission and place it before the Superintendent with his recommendations and reasons for award of special remission. It shall be awarded by the Superintendent sparingly and not in each and every case recommended. Each award must be supported by specific, cogent and adequate reasons.

1436. Similarly the list of prisoners to be placed before the Inspector-General at his yearly inspection for award of special remission shall be scrutinized by the Superintendent before hand so as to satisfy himself that only deserving cases are placed before the Inspector-General.

1437. An award of special remission shall be entered on the history ticket of the prisoner as soon as possible after it is made and the reasons for every award of special remission by a Superintendent shall be briefly recorded.

1438. Special remission shall be sparingly awarded to convict officers and the reasons for such awards must always be fully recorded in History Tickets.

1439. The total ordinary and special remission awarded to a prisoner under the above rules shall not without the special sanction of the State Government exceed one third of his sentence.

1440. As soon as possible after the end of every six months beginning with the 1st January, the Inspector-General shall submit to the State Government a consolidated statement showing special remissions given to prisoners by him and the Superintendents of Prisons during the period together with the reasons in full for the grant of such remissions.

1441. The Inspector-General or the State Government may cancel ordinary or special remissions granted to any prisoner, either wholly or in part or exclude such prisoner from the benefit of earning such remissions for a specified period if the Inspector-General or the State Government as the case may be is satisfied that such prisoner was given remissions without sufficient reasons.

State remission

1442. State remission is awarded by Government on occasions of public rejoicing. It is granted unconditionally under Section 401 (1), Criminal Procedure Code, and cannot under any circumstances be forfeited.

1443. The total remission (including ordinary, special and State) awarded to a prisoner up to date shall be entered on his history ticket on or as soon as possible after the 1st January each year by the Jailor.

1444. If a prisoner is convicted of an offence committed after admission to Jail, under Sections 147, 148, 152, 224, 302, 304, 304-A, 306, 307, 308, 323, 325, 326, 327, 332, 333, 352, 353 and 377 of the Indian Penal Code, or of an assault committed after admission to Jail on a Jail guard or other Officer, all the ordinary and special remission of whatever kind earned by him under these rules up to the date of said conviction may be cancelled with the sanction of the Inspector-General.

1445. When a convict is punished by temporary removal from the remission register the award of punishment shall state specifically the period for which the name has been removed. The Superintendent may with the previous sanction of the Inspector-General, re-admit to the remission system any prisoner who has been removed therefrom permanently if his conduct in Jail demands it subsequently. In the event of a prisoner being transferred to another prison after his permanent removal from the remission register, any recommendation regarding his restoration to the benefits of the remission system shall be submitted to the Inspector-General through the Superintendent of the Prison in which the prisoner's name was removed from the remission register. Such a prisoner shall earn remission under these rules from the commencement of the month following such readmission.

CHAPTER XLI
REVIEW OF SENTENCES
(PART I)

1446. (1) The cases of all prisoners sentenced to more than 14 years' imprisonment or to transportation and imprisonment for terms exceeding in the aggregate 14 years shall, when the term of imprisonment undergone together with all remission earned or granted amounts to 14 years, be reported to the Inspector-General, six months in advance of the date they become due. The following documents shall be sent along with the 14 years report:—

- (1) Nominal roll in form No. Jail 117 (in duplicate).
- (2) Copies of Warrants (in duplicate).
- (3) Copy of Judgment.
- (4) Register of prisoner (Advisory Committee) Form No. Spl. I. G. 39.
- (5) Statement of character and antecedents.
- (6) History Ticket.

The following information shall also be furnished in the forwarding letter:—

- (1) Nature of the Crime of the prisoner.
- (2) Factors in the causation of crime apart from those mentioned in the copy of Judgment.
- (3) Has the reformative treatment programme helped in the transformation of the prisoner and if so in what way?
- (4) What is the post release programme of the prisoner?

1447. (i) If a convict resided in a District but was convicted in Bombay City or vice versa the District Magistrate and the Commissioner of Police, Bombay, shall be consulted, by the Inspector-General and his definite opinion about the premature release of the prisoner obtained, with detailed reasons.

(ii) If the convict resided and was convicted in Bombay City, the Commissioner of Police alone shall be consulted by the Inspector-General.

(iii) The District Magistrate of the District in which the convict was convicted need not be consulted, provided that it is neither the District of origin or normal residence of the convict nor the District in which the offence was committed. The Inspector-General will then submit such cases to Government for orders with his remarks.

(2) Notwithstanding anything contained in rule 1419 no prisoner who has been sentenced to transportation for life or more than 14 years imprisonment or to transportation and imprisonment or to transportation and imprisonment for terms exceeding the aggregate 14 years shall be released on completion of his term of

transportation or imprisonment or both as the case may be, including all remissions unless a report with respect to such prisoner has been made under Sub-rule (1) and orders of Government have been received thereon with regard to the date of his final release.

Advisory Board

1448. An Advisory Committee shall be set up in the Head quarters of every district in which long term prisoners are imprisoned, to assess the actual severity of the sentence and to judge how far it has a salutary and reformatory influence on the prisoner with reference to the record of the prisoner concerned, such record consisting of the following documents;—

- (1) Character and antecedents of the prisoner,
- (2) Copies of Judgments or heads of charges, to Jury,
- (3) The statement showing the particulars of the cases to be reviewed by the Committee in form No. Spl. I. G. 39,
- (4) Opinions of the District Magistrate and District Superintendent of Police concerned.

The Committee shall consist of the District Magistrate, Sessions Judge, District Superintendent of Police, and two nominated local members subject to the proviso that when either the Deputy Inspector-General of Police of the range or the Deputy Inspector-General of Police, C. I. D. can arrange to attend the meeting, he shall be a member of the Committee instead of the District Superintendent of Police. The District Magistrate shall be the President of the Committee, and the Superintendent of the Prison, its Secretary.

In the City of Bombay the Advisory Committee, consists of the Chief Presidency Magistrate as President, the Commissioner of Police, Bombay, and two nominated local members.

1449. The appointment of the two nominated local members shall be made for a period not exceeding three year from amongst suitable persons, preferably members of the Bombay Legislature, after ascertaining from the persons concerned that they are willing to serve on such committees.

1450. The Committee will meet every six months to review the sentences of all convicts sentenced to terms of imprisonment of five years and upwards. The cases of non-habituals shall be brought before the Committee on completion of half of their sentences including remission and in no case later than five years actual imprisonment (i. e. five years excluding remission).

1451. The cases of habitual prisoners shall be brought before the Committee on completion of two-thirds of their sentences including remission.

1452. The period of imprisonment shall include sentences in lieu of payment of fine, if it is not paid.

1453. In order that the necessary information may be laid before the Advisory Committee the following procedure shall be adopted:—

On the 15th February and 15th August the Senior Jailer shall with the help of the Clerk to whom the work has been entrusted by the Superintendent make out a statement of all convicts whose sentences have become due for review according to the instructions contained in the preceding rule since the last meeting of the Committee and arrange to collect the requisite documents for being placed before the Committee. The Advisory Committee will assemble as soon as possible after the 31st March and 30th September so that the meeting shall be held regularly in April and October every year. The Committee will consider with regard to each convict except in the cases of habitual prisoners the information laid before them.

1454. At the time of admission of a convict (excluding Juveniles confined in Yeravda Central Prison, Ahmedabad Central Prison and Belgaum Central Prison and Yeravda Female Jail) whose case will be eligible for review, the Superintendent shall obtain a statement of his character and antecedents from the District Superintendent of Police concerned or in the case of the City of Bombay from the Commissioner of Police, Bombay, and a copy of the Judgment or heads of charges to the Jury from the Convicting Court. When neither Judgments nor Heads of Charges have been recorded in the case of convicts tried before the High Court Sessions Bombay copies of the Depositions in the Committing Magistrates' Court shall be called for from the clerk of the High Court as soon as the sentence becomes ripe for revision. The Superintendent shall also obtain direct from the Court concerned a copy if any of the Judgment of the Court passing the sentence in appeal or revision.

1455. Copies of Judgments received in accordance with Government Resolution, Home Department No. 432-II, dated 29-7-1926 for use by the Advisory Committee must invariably be attached to the warrants of the prisoners as soon as they are received.

1456. While making references to the Police regarding character and antecedents of long term prisoners to be placed before the Advisory Board copies of Finger Print Impressions shall invariably be furnished to the Police in all cases in which convicts are not sentenced under Chapters XII or XVII of the Indian Penal Code or for any of the offences for which Finger Impressions are usually taken.

1457. To enable the C. I. D. to supplement by means of their record and through the Finger Print Bureau the information contained in the reports furnished by the District Magistrate of convicts

to be placed before the Advisory Board as required by paragraph 3 of Government Resolution, Home Department No. 432, dated 11-12-1925 a duplicate copy of the statement referred to in paragraph 2 of the said Government Resolution should be furnished to the Chief Operator attached to the Jail as early as possible before the date the Committee assembles.

1458. When the sentence is ready for review the Superintendent of the Jail shall obtain a definite recommendation for or against the release of the convict from the Commissioner of Police, Bombay, in the case of the City of Bombay or from the District Magistrate of the district of which the convict is a native, as well as from the District Magistrate of the district in which he was convicted.

1459. (i) The date of each meeting of the Advisory Board when fixed shall be intimated by the Superintendent of the Jail to the Inspector-General of Prisons, the Inspector General of Police, the Deputy Inspector General of Police, C. I. D., the Superintendent of the Police of the District and the Deputy Inspector-General of Police, Northern Range or Southern Range in which the Jail is situated.

(ii) In the case of Bombay City Jails the intimation should be sent to the Inspector-General of Prisons only.

1460. The cases of prisoners confined in House of Correction Byculla, and Worli Prison will be reviewed by the Committee meeting at Arthur Road Prison and of those confined in Visapur District Prison by the Committee meeting at Yeravda Central Prison. The Committee will examine the idiosyncracies of Prison life. They will review of the opinions of the local officers in the light of the Jail record of the prisoner and the effect of punishment already undergone. In particular the committee will take special note of those circumstances which were not within the knowledge of the Court when the sentence was awarded and recommend the deserving cases for premature release.

1461. If an Advisory Committee after consideration of a case decides not to make a recommendation for premature release it should order that the case should be resubmitted for consideration after an appropriate period which need not exceed three years.

1462. The Committee shall not as a rule interview the prisoners unless they have special reasons for wishing to see them (i. e. when release is proposed on the grounds of age or infirmity) or to ask them questions. The meetings of the Committee shall be held in the Jail Office and prisoners need not be informed that their cases have been recommended until the orders of Government are received.

1463. The Committee should record special reason if it recommends the release of the convict in opposition to the District Magistrate's or Commissioner or Police's opinion.

1464. Similarly in the case of a habitual convict special reasons should be recorded by the Committee before recommending his release. The recommendation of the Committee together with the documents of the prisoners, recommended for release should be submitted to Government through the Inspector-General of Prisons.

1465. Cases of long term prisoners and lifers in whose cases Government orders postponing consideration of their cases to a future date have been issued need not be placed before the Advisory Board.

1466. Fresh opinions of local officers shall be invariably obtained when resubmitting cases of life convicts which have been directed to be submitted to Government after a certain fixed period.

1467. The report shall be forwarded to the Inspector-General of Prisons two months earlier and the probable remission that the convict is likely to earn during these two months shall be taken into account when working out the date of his completion of the period of report.

1468. Information regarding co-accused of a prisoner shall be sent to the Inspector-General of Prisons along with the Advisory Board papers or with the 14 years report in form SPI. I. G. P. 77 in duplicate.

1469. In the case of Habitual prisoners, a different procedure shall be adopted. Nominal rolls of such prisoners shall be placed before the Advisory Board at the meeting before their cases are due for review and the Boards should decide which cases they find suitable for consideration. The papers in such cases shall be prepared for the following meeting and these cases reviewed in the ordinary course. The rejected cases shall not be reviewed again for premature release but shall be treated under the ordinary rules.

Procedure in the case of ex-military prisoners

1470. The Advisory Board will be authorised to obtain information regarding antecedents and character together with a brief statement of offence direct from the Adjutant General in India in respect of prisoners sentenced by Courts-Martial. The antecedents of a man at the time of enlistment may be presumed to be satisfactory and for the purpose of reviewing the sentence of a convict soldier there is no practical necessity to enquire further into his past. It should be noted that Courts-Martial do not record Judgments.

1471. The Advisory Board will meet and make enquiries in the Jail regarding the behaviour of the convict in Prison.

1472. The recommendations of the Advisory Board will be submitted to the State Government who will forward them to the Government of India.

Prisoners convicted by other States

1473. In the case of prisoners who are residents of this State but convicted by Courts of other States, Superintendents shall make enquiries from the District in which they lived in regard to their character and antecedents and complete their case papers and place them before the Committee for review of their sentences.

Advisory committee for juvenile prisoners

1474. (i) The Special Advisory Committee for Juveniles in Central Jails i. e. Yeravda Central Prison, Ahmedabad Central Prison and Belgaum Central Prison shall consist of a Chairman, three members to be appointed by Government and a Secretary. The Superintendent of the Jail shall be the Secretary.

(ii) The Chairman of the Committee for Yeravda Central Prison shall be the Director of Public Instruction Bombay State.

(iii) The Chairman of the Committee for the other two Central Prisons shall be the Sessions Judge of the respective Districts.

(iv) The appointment of the three nominated members shall be made for a period not exceeding three years.

1475. The Committee shall assemble once a quarter in the Jail Office, the order convening the meeting being issued by the Chairman of the Committee.

1476. The Superintendent shall arrange to have all records and relevant documents prepared and placed before the Committee regarding all inmates of the Special Juvenile Section of the Prison, who have attained the age of twenty three years.

1477. The Committee shall examine the records placed before them and may make any of the following recommendations in every case placed before them:—

(1) That the inmate concerned shall be released either conditionally or otherwise. If any conditions are to be imposed the Committee shall state specifically what those conditions should be:

The Committee should definitely state whether release on probation to any approved person, authority or society is recommended and the period recommended for such supervision.

(2) That the inmate concerned may be retained in the Special Juvenile Section till he has attained the age of twenty five years when his case will once again be reviewed.

(3) That the inmate concerned may be transferred to an adult section of a Prison.

1478. The proceedings of the Advisory Committee shall be forwarded to the Inspector-General of Prisons, with the Superintendent's remarks.

1479. Any recommendation made by the Advisory Committee for the release of an inmate shall be submitted by the Inspector-General to Government for orders.

1480. Recommendations for the transfer of inmates of the Juvenile Section of a Prison or for retention for a further term in the Juvenile Section after attaining the age of 23 years shall be submitted to the Inspector-General for orders.

1481. In addition to reviewing the cases of Juvenile prisoners who have attained the age of 25 years the Special Advisory Committee at Yeravda, Ahmedabad and Belgaum Central Prison shall also review every six months the cases of long term juvenile prisoners who have undergone the period laid down in Rule No. 1450 above. These orders shall also apply to the Female Juvenile Section of the Yeravda Central Prison.

Premature release on medical grounds

1482. (a) If the Medical Officer considers that any prisoner is in danger of death from illness other than acute infectious disease and that the illness will be so aggravated by further imprisonment that the prisoners' release is desirable he shall furnish a certificate in the form at appendix III which shall be sent together with a detailed report of the case to the Superintendent.

On receipt of the certificate, the Superintendent shall immediately address the prisoner's relatives or friends, if any, and ascertain from them whether they are willing to look after the prisoner. If they are so willing the Superintendent shall take from them a security bond to the effect that the prisoner committed to their care shall be handed over by them to the Superintendent at any time when so required by the Superintendent. The security bond shall be for such amount not less than five hundred rupees and not more than one thousand rupees as the Superintendent may think fit.

(b) If the unexpired period of sentence exceeds six months, the Superintendent shall enquire urgently from the District Magistrate of the District in which the crime was committed or from the Chief Presidency Magistrate in the case of Bombay City whether there is any objection to the release of the prisoner on Medical grounds. Consent will not be accorded in the case of any prisoner who has been habitually associated with other person for the commission of murder, dacoity or other heinous crime.

The case shall then be forwarded to the Inspector-General with the following documents for submission to State Government.

- (i) Forwarding letter stating that the prisoner's friends are willing to take care of him if released,
- (ii) Nominal roll in duplicate,
- (iii) Copy of Warrant in duplicate,
- (iv) Medical case,
- (v) Medical Officer's certificate,
- (vi) District Magistrate's opinion,
- (vii) Security Bond signed by prisoner's friends (may be taken at the time of release).

(c) If the unexpired sentence of the prisoner does not exceed six months, the case with all the papers enumerated in (b) of this Rule (except District Magistrate's opinion) shall be submitted by the Superintendent direct to the Magistrate of the District in which the prisoner's offence was committed or the Chief Presidency Magistrate if the prisoner was convicted in Bombay who if he agrees with the proposal and if the prisoner has undergone more than three months sentence, shall order the prisoner's release subject to the subsequent sanction of Government.

The Magistrate or the Chief Presidency Magistrate who orders release in such a case shall forward all the documents to Government.

1483. Cases of prisoners who have undergone less than three (3) months imprisonment and cases where the Magistrate dissents from the proposal to release shall be submitted to Government for orders by the Magistrate of the District or the Chief Presidency Magistrate, Bombay as the case may be.

1484. The Superintendent of the Prison shall report the date of release of the prisoner to the Inspector-General, together with the bond signed by the prisoner's relatives or friends.

1485. When a prisoner is suffering from illness other than an acute infectious disease of such nature or severity that there is no hope of recovery and it is considered desirable to allow him the comfort of dying out of Prison, the procedure detailed in the above rule shall be followed except that the Medical Officer's certificate must be in the form given at appendix III.

All releases under this rule count as deaths in the statistical records of the Jail.

1486. If a prisoner detained under sentence of imprisonment in default of furnishing security (1) is in danger of death from sickness not produced or aggravated by the wilful act of the prisoner and provided the unexpired term of sentence does not exceed six months or (2) if the state of his health is such as in the opinion of the Superintendent to render it highly unlikely that he will, during the period for which he is ordered to be detained, commit a breach of the peace or be of bad behaviour as particularised in Section 110 of the Code of Criminal Procedure; the Superintendent shall refer the case with sufficient

particulars to the Magistrate of the District in which he was ordered to furnish security, or if the order to furnish security was passed in Bombay City, to the Chief Presidency Magistrate who should exercise the discretion allowed him by Section 124 of the Criminal Procedure Code, under which he can release the prisoner without referring his case to Government. All such releases shall be reported immediately to the Inspector General and if the prisoner would be in all probability have died within the period for which he was committed to Jail had he remained in confinement, such release shall be counted as a death in the statistical records of the Jail, subject to the revision of the Inspector-General who shall decide whether it is to be so counted.

CHAPTER XLII

REVIEW OR SUSPENSION OF SENTENCES

(PART II)

Females

1487. Every case of a female convicted prisoner, sentenced to death or transportation for life for infanticide (where the child is killed by the mother within six months of its birth) and cases of other deserving female prisoners sentenced to death, transportation or to any term of imprisonment shall be immediately reported by the Superintendent to the Inspector-General of Prisons for orders of Government with a view to the commutation or/and remission of the sentence passed upon such female prisoner. The following documents shall be sent along with the report :—

- (i) A copy of the Judgment.
- (ii) A copy of the warrant.
- (iii) Nominal roll.

It shall be stated in the report as to whether the prisoner has preferred an appeal or not. The Superintendent shall also ascertain and report whether the prisoner can be admitted by any of the selected Homes and whether the prisoner is willing to reside in the Home and abide by the conditions set out.

1488. The cases of female prisoners sentenced for causing miscarriage of abortion or cases in which step-children have been murdered should not be reported to Government.

Note.—Whenever a female prisoner is transferred to a Home under orders of Government to pass the unexpired portion of her sentence there, the final date of release including the remission earned in Jail shall be communicated to the Officer in charge of the Home and the Inspector-General of Prisons.

Training as 'Dais'

1489. (i) The Superintendent shall select deserving female prisoners for training as Dais and submit their cases, along with the following documents to the Inspector-General of Prisons for the orders of Government :—

- (1) Nominal Roll.
- (2) Copy of Judgment.
- (3) Declaration from the prisoner accepting the conditions for release.

(ii) The report shall state as to whether the female prisoner has an inclination for training and whether she possesses sufficient educational and other qualities for successfully completing the training. The conditions subject to which the selected female prisoners will be sent for training as 'Dais' are given in Appendix II.

Juvenile prisoners

1490. Cases of youthful offenders and child offenders sentenced to undergo imprisonment in a Prison by an Executive Magistrate shall be brought to the notice of the District Magistrate and of those sentenced by Judicial Magistrates to the notice of the Sessions Judge.

Note.—Under Section 22 Bombay Children Act, 1948, no child shall be sentenced to death or transportation or committed to prison except where the court certifies that he is so unruly or of so depraved a character that he is not a fit person to be sent to a Certified School and that none of the other methods in which the case may legally be dealt with under that Act is suitable.

1491. Adolescents may or may not be eligible for admission to a Borstal School or Juvenile Section of a Prison. The nominal rolls of eligible prisoners shall be submitted by the Superintendent to the Inspector-General for orders immediately on their admission in Jail.

1492. In determining whether a prisoner is eligible for admission to an Industrial School or other institution for Juveniles, the age as recorded by the convicting courts in the warrant of committal shall be accepted.

1493. (1) Where in any case, the sentence passed by a Court other than the High Court on a juvenile prisoner or the order under section 123 of the Code of Criminal Procedure, 1898, in consequence of which a juvenile prisoner is undergoing imprisonment seems to require further consideration, the Superintendent of the Prison shall at once report the case to the Inspector-General of Prisons. The report shall be accompanied by the nominal roll, copy of the judgment or order and the form of preliminary enquiry if any, of the prisoner. The Inspector-General of Prisons shall consider what action is most suitable. He may come to the conclusion that—

(i) no action is necessary, or

(ii) the High Court may be moved to exercise its revisionary jurisdiction, or

(iii) the case is fit for orders to be passed under section 11 of the Bombay Borstal Schools Act, 1929.

(2) In case the Inspector-General of Prisons comes to the conclusion that no action is necessary he shall return the report along with all its accompaniments received under Sub-rule (1) to the Superintendent of the Prison informing him of his decision.

(3) In case the Inspector-General of Prisons comes to the conclusion that the High Court should be moved to exercise its revisionary jurisdiction, the Inspector-General of Prisons shall send the proposal

(a) in the case of a sentence passed by a Court in Greater Bombay other than the High Court to the High Court through the Public Prosecutor for Greater Bombay in accordance with

the procedure laid down in paragraph 6 of Government Circular, Legal Department No. 383-P, dated the 26th October 1938:

(b) in the case of a sentence passed by a Judicial Magistrate elsewhere, to the Sessions Judge to whom such Judicial Magistrate is subordinate; and in the case of a sentence passed by the Sessions Judge, to the High Court.

(4) If the Inspector-General of Prisons comes to the conclusion that the case is fit for orders to be passed under section 11 of the Bombay Borstal Schools Act, 1929, he shall pass orders himself when he is competent to do so. In cases requiring the previous sanction of Government the Inspector-General of Prisons shall address Government enclosing a copy of the judgment or order as the case may be.

Swatantrapur release scheme

1494. In consultation with the Manager of the Swatantrapur Colony, the Superintendent shall select from amongst prisoners who are either agriculturists or agricultural labourers or who wish to settle down ultimately as agriculturists and farmers on their release, and submit deserving cases to Government for orders through the District Superintendent of Police and the District Magistrate of the District in which they were convicted, and the Inspector-General of Prisons.

1495. The selected prisoners should be of good behaviour and should have undergone actual imprisonment of —

(i) one year in the case of those sentenced to less than five years, and

(ii) two years in the case of those sentenced to five years and above.

1496. The unexpired sentence in any case at the time of release to the colony shall not be less than one year. The prisoners whose release has been sanctioned by Government may bring their families including their immediate dependents to stay with them in the colony. All the colonists shall be subject to the prescribed rules for the colony.

Release on licence on the lines of "alco prison road camp system"

1497. Any prisoner who has served one year of sentence exclusive of remission or one-fourth of sentence inclusive of remission, whichever is greater, shall be eligible for selection and employment at any of the extramural camps opened by Government: Provided that the unexpired portion of the sentence of such prisoner is more than six months: Provided further that habitual prisoners or prisoners undergoing sentence for dacoity shall not be eligible for selection and employment.

1498. A prisoner eligible for selection and desiring to work at the camp may make an application in the prescribed form to the Superintendent of the Prison who shall submit it, after obtaining

the Medical Officer's opinion thereon, to State Government through the District Superintendent of Police and the District Magistrate of the District in which the prisoner was convicted and the Inspector-General of Prisons in succession. In the case of a prisoner undergoing sentence in Greater Bombay, such application shall be submitted to the State Government through the Commissioner of Police and the Inspector-General of Prisons in succession. Every Officer through whom an application is forwarded shall make an endorsement thereon in the prescribed form. (Appendix III).

1499. On receipt of Government orders for the selection of a prisoner, the Superintendent of the Prison shall explain or cause to be explained to the prisoner concerned the conditions of his selection and shall satisfy himself that the prisoner is physically and mentally fit for employment in the camp. The prisoner's property, including cash and earnings, shall be handed over to him before his transfer to the camp. A list of the property, handed over to him, the warrant, history ticket and other documents of the prisoner shall be transferred through the escort to the Jailor in charge of the camp in which the prisoner is to be employed, under an intimation to all the Officers concerned. At the camp the prisoner shall be provided with a bamboo matting hut and such other equipment as may be required by him and also a week's wages in advance to be recouped in three instalments. Any loss or damage to the equipment shall be made good by the prisoner. He shall be paid wages weekly at the current market rate subject to a maximum of annas ten (10) per day. After the advance is recouped in full $1\frac{1}{2}$ day's earnings of the prisoner shall be deducted out of his one week's wages and credited to his account to be paid to him on his release. After the prisoner has worked for three months at the camp, his family may be allowed to join him. Members of the prisoner's family who stay with him shall be paid wages at the market rate and they shall be subject to the Camp Rules. Breach of rules either on his part or on the part of his family will entail the prisoner's return to the Jail to undergo the unexpired term of his sentence. The prisoner shall be liable to be returned to Jail at any time for the commission of an offence. If an inmate escapes from the camp, the other inmates in the group shall be jointly held responsible and shall be liable to be returned to the Jail to undergo the unexpired portion of their sentence. All remission previously earned by them shall be liable to be forfeited. If he works satisfactorily in the camp, one-third of his unexpired sentence shall be granted as remission and the prisoner shall be given an option of either returning to his home or of remaining in the camp on a voluntary basis. The warrant of the prisoner shall then be returned to the Court concerned through the

Superintendent of the Prison from which the prisoner was assigned and a report shall be submitted to Government through the Inspector-General of Prisons. The Jailor shall hold an enquiry into any breach of Rules and pass necessary orders which shall be final.

Furlough

1500. (1) A prisoner who is sentenced to imprisonment for a period exceeding one year but not exceeding five years shall, on completion of a period of one year of actual imprisonment from the date of his admission into prison or from the date of his last return from furlough, as the case may be, be eligible for release on furlough for a period of two weeks.

Prisoners sentenced to less than 5 years and fine or more than 5 years and fine are eligible, for release on furlough on completion of one year's and 2 years' actual sentence, respectively. Prisoners sentenced to exactly 5 years and fine have to undergo imprisonment in lieu of the fine (if they do not pay it) and thus the total period of their imprisonment exceeds 5 years and therefore they become eligible for furlough after two years of actual imprisonment. However, those who pay the fine have to undergo only five years' imprisonment and they thus become eligible for furlough after one year of actual imprisonment. Prisoners who are sentenced to 5 years and fine and have paid the fine, are granted furlough after one year of actual imprisonment. There is, therefore, no objection to releasing such prisoners (sentenced to 5 years and who have paid the fine) on completion of one year of actual imprisonment. Such prisoners can pay the fine even on the last day of one year's actual imprisonment and become eligible for furlough on completion of one year's actual imprisonment.

(2) A prisoner who is sentenced to imprisonment for a period exceeding five years shall on completion of a period of two years of actual imprisonment from the date of his admission into prison or from the date of his last return from furlough, as the case may be, be eligible for release on furlough for a period of two weeks:

(3) The prisoner should give a personal bond of reasonable amount for going on furlough.

Provided that a prisoner who desires to spend his furlough at a place outside the State of Bombay may be granted furlough for a period of three weeks.

Provided further that habitual criminals and prisoners convicted of offences relating to robbery and dacoity under Sections 392 to 402 of the Indian Penal Code or prisoners convicted under Prohibition Act either singly or together with any offence or such convicts, whose presence is considered dangerous or prejudicial to public peace and tranquillity by the District

Magistrate concerned or the Commissioner of Police, Greater Bombay, as the case may be, or prisoners whose conduct in jail is in the opinion of the Superintendent not satisfactory, shall not be eligible for release on furlough.

Note.—Prisoners confined in Karwar Special Prison are not eligible for release on furlough during the first years of their admission to that Prison during which period they should necessarily show good conduct.

1500-A. While granting furlough to a prisoner, the period of imprisonment awarded to the prisoner should be taken into consideration and that furlough should be granted accordingly irrespective of the fact whether the several sentences are to be undergone concurrently or consecutively.

1500-B. The concession of furlough should be denied not only to habituals vide second proviso to rule 1500 B. J. M. but also to all prisoners who show a tendency to crime; Provided the merits of each case are considered before refusing furlough to a prisoner.

1500-C. Furlough should be granted only to such prisoners as have relatives to go to, if such relatives are willing to keep the prisoners while on furlough and if they enter into personal sureties of reasonable amounts for this purpose.

1501. There is no bar to a prisoner applying again for furlough after his previous application for release on furlough has been turned down, and if on the subsequent occasion, the District Magistrate or the Commissioner of Police finds that the circumstances which prevailed when he did not recommend release on furlough no longer exist, and recommends his case, the prisoner can be released on furlough. In actual practice however, a period of at least six months should be allowed to elapse, save in special circumstances, before entertaining any application for release on furlough from a prisoner whose application has been turned down.

1502. Furlough should not also be granted to prisoners within a period of six months from the date of their surrender after the expiry of parole period.

1503. The Inspector-General of Prisoners, State of Bombay shall be the authority for granting furlough.

1504. (i) Two weeks before a prisoner becomes eligible for release on furlough the Superintendent shall inform the prisoner accordingly. If the prisoner desires to avail himself of the concession, he shall make an application to the Inspector-General of Prisons through the Superintendent stating clearly the name and full address of the place including the district in which such place is situated where he desires to spend the furlough and if he is not able to bear the expenses of the journey bothways, or either way, the amount of expenses that may be required for such journey.

Explanation.—For the purpose of this rule, the term "district" shall include Greater Bombay.

(2) (i) On receipt of the application under sub-rule (1), Superintendent shall forward it expeditiously to the District Magistrate concerned or the Commissioner of Police, Greater Bombay, as the case may be, through the District Superintendent of police concerned with such remarks as he deems fit and shall state the amount of money the prisoner has to his credit which he may have earned in prison.

The District Magistrates or the Commissioner of Police, Greater Bombay as the case may be should be requested to furnish along with their opinions, the following information regarding the relatives of the prisoners with whom they intend to stay while on furlough:—

(a) Their relationships with prisoners.

(b) Whether such relatives are willing to keep the prisoners while on furlough.

(c) Whether they (viz., relatives) are willing to enter into personal sureties of reasonable amounts for this purpose.

The Superintendent should furnish information in the nominal roll regarding financial status of prisoners and the amount of security which the Superintendent considers proper.

(ii) Whenever applications from prisoners for release on furlough or parole are forwarded by Superintendents to the Inspector-General or to Government or whenever Nominal rolls of prisoners are called for in connection with the prisoners' release on furlough or parole, the following information should *invariably* be given in the forwarding letters or the Nominal Rolls of the prisoners:

(a) the name of the village, Taluka and District in which the prisoner proposes to spend his furlough or parole.

(b) the name of the District from which he hails.

(c) the name of the District in which he was convicted.

(3) The District Magistrate or the Commissioner of Police, as the case may be, shall thereafter forward the application to the Inspector-General of Prisons together with his recommendations.

(4) The District Magistrate or the Commissioner of Police shall, before forwarding the application to the Inspector-General, cause inquiries to be made regarding the financial position of the prisoner's family for the purpose of verifying the prisoner's statement that he is not able to bear the expenses of the journey bothways or either way, as the case may be, and make recommendation accordingly.

If furlough is not recommended, detailed reason for not recommending furlough shall be given.

(5) If on receipt of the application together with the recommendations under sub-rule (3), the Inspector-General of Prisons

is satisfied that there is no objection to grant the furlough applied for, he shall make an order for the release of the prisoner on furlough and the suspension of the execution of the sentence on such conditions as may be specified in the Order.

The Inspector-General of Prisons shall grant furlough to prisoners subject to one or more of the following conditions which shall be set out in the order made under Rule 1504 namely:—

(1) that the said prisoner shall reside at*.....
.....in the †.....District/Greater
Bombay and shall not go beyond the limits of the said district/Greater
Bombay without the permission of the District Magistrate,/Comm-
issioner of Police, Greater Bombay, or such officer as the said
District Magistrate/Commissioner of Police may appoint in this behalf.

(2) That the said prisoner shall be of good behaviour and shall also not commit any offence punishable by or under any law in force in India.

(3) That the prisoner shall not associate with notoriously bad characters or lead a dissolute life.

(4) That the prisoner shall surrender himself to the Superintendent of the prison on the expiry of the period of furlough.

* Here insert address of place where the prisoner will reside during the furlough period.

† Here insert name of district.

(5) That the prisoner shall give—

(i) cash security for such amount not exceeding Rs. 1,000 as the Inspector-General of Prisons thinks fit in each case, or

(ii) execute a personal recognizance bond or

(iii) execute a bond with sureties, according to the directions issued by the Inspector-General in each case.

1505. Where a prisoner is released on furlough, the cost of his journey bothways shall be borne by the prisoner himself;

Provided that, if in the opinion of the Inspector-General of Prisons the prisoner is not able to bear the expenses of journey bothways or either way, as the case may be, the Inspector-General of Prisons shall direct that the expenses be borne by the prison authorities.

1506. Notwithstanding anything contained in rules 1500 and 1504 the Inspector-General of Prisons may, on the application of a prisoner or otherwise, by an order in writing extend the furlough period for such further period as may be specified in the order on the same conditions on which the prisoner was granted furlough.

1507. Whenever any prisoner is released on furlough, intimation of his release and of non-surrender (in case he does not surrender himself to the Prison in time) should be given to:—

(i) The District Magistrate and District Superintendent of Police of the district in which the prisoner proposes to spend his furlough.

(ii) The District Magistrate and District Superintendent of Police of the District in which the prisoner was convicted and

(iii) The District Magistrate and District Superintendent of Police of the District from which the prisoner hails if within the State of Bombay.

1508. As soon as a prisoner released on furlough surrenders himself to the prison authorities, his original order of release will become inoperative. Where, therefore, a prisoner who is released on furlough has applied for the extension of the period of furlough and before his application has been sanctioned surrenders himself to a prison authority, he shall not be released after such surrender without obtaining a fresh order from the Inspector-General of Prisons.

1509. The furlough period shall in each case be counted as a remission of sentence:

Provided that where any furlough period has been extended under rule 1506 the period of extension shall not be counted as a remission of sentence.

Parole

1510. A prisoner may be released on parole, for such period as Government may order in cases of serious illness or death of any member of the prisoner's family or his nearest relatives or for any other sufficient cause. The period spent under parole will not count as part of the sentence.

1511. A prisoner who desires to be released on parole shall submit his application (in triplicate) in the prescribed form (Jail 177 e) to the Superintendent who shall endorse his remarks thereon and submit one copy direct to Government in the Home Department and one to the Inspector-General of Prisons, along with the Nominal Roll of the prisoner concerned.

Nominal rolls or any other information called for by Government shall be furnished by the Superintendent direct to Government by return of post.

Note.—Prisoners who apply for parole on false grounds or who abuse the concession or commit breaches of any of the conditions of parole, will be liable to be punished.

1512. As soon as a prisoner released on parole surrenders to a prison authority, his original order of release and the agreement executed by him will become inoperative. Where, therefore, a prisoner who is released on parole has applied for the extension of the period of parole and before his application

has been sanctioned surrenders himself to the prison authority, he shall not be released after such surrender without obtaining a fresh release order from Government.

1513. Release and surrender reports shall be immediately submitted by the Superintendent to Government and copies thereof sent to the District Magistrate, the District Superintendent of Police and the Inspector-General of Prisons.

1514. The forms of surety and security bonds as given in Appendix III should be adopted for use in Jails wherever prisoners are to be released on parole or furlough on their furnishing security or surety of a third person.

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JAIL MANUAL

APPENDICES

APPENDIX I

THE PRISONS ACT (IX OF 1894)

(22nd March 1894).

An Act to amend the law relating to Prisons.

WHEREAS it is expedient to amend the law relating to prisons in Part A States and Part C States, and to provide rules for the regulation of such prisons. It is hereby enacted as follows:—

CHAPTER

Preliminary

- (1) This Act may be called The Prisons Act, 1894.
- (2) It extends to the whole of India, except Part B States.
- (3) It shall come into force on the first day of July 1894.
- (4) Nothing in this Act shall apply to civil Jails in the State of Bombay outside the City of Bombay, and those jails shall continue to be administered under the provisions of sections 9 to 16 (both inclusive) of Bombay Act II of 1874, as amended by subsequent enactments.

2. Repealed by Act I of 1938).

3. In this Act—

(1) "Prison" means any jail or place used permanently or temporarily under the general or special orders of a State Government for the detention of prisoners, and includes all lands and buildings appurtenant thereto, but does not include—

(a) any place for the confinement of prisoners who are exclusively in the custody of the police;

(b) any place specially appointed by the State Government under section 541 of the Code of Criminal Procedure, 1882; or

(c) any place which has been declared by the State Government, by general or special order, to be a subsidiary jail;

(2) "Criminal prisoner" means any prisoner duly committed to custody under the writ, warrant or order of any Court or authority exercising criminal jurisdiction, or by order of a Court-martial;

(3) "Convicted criminal prisoner" means any criminal prisoner under sentence of a Court or Court-martial, and includes a person detained in prison under the provisions of Chapter VIII of the Code of Criminal Procedure 1882 or under the Prisoners Act, 1871:

(4) "Civil prisoner" means any prisoner who is not a criminal prisoner:

(5) "Remission system" means the system of regulating the award of marks to, and the consequent shortening of sentences of, prisoners in Jail in accordance with the rules for the time being in force:

Title,
extent and
commence-
ment

Definitio-
ns.

(5-A) "Furlough system" means the system of releasing prisoners in Jail on furlough in accordance with the rules for the time being in force;

(6) "History ticket" means the ticket exhibiting such information as is required in respect of each prisoner by this Act or the rules thereunder;

(7) "Inspector-General" means the Inspector-General of Prisons;

(8) "Medical Subordinate" means an Assistant Surgeon, Apothecary or qualified Hospital Assistant : and

(9) "Prohibited article" means an article the introduction or removal of which into or out of a prison is prohibited by any rule under this Act.

CHAPTER II

Maintenance and Officers of Prisons

Accom-
mod-
ation for
Prisoners.

4. The State Government shall provide, for the prisoners in the territories under such Government, accommodation in prisons constructed and regulated in such manner as to comply with the requisition of this Act in respect of the separation of prisoners.

Inspector-
General

5. An Inspector-General shall be appointed for the territories subject to each State Government, and shall exercise, subject to the orders of the State Government the general control and superintendence of all prisons situated in the territories under such Government.

Officers
of
Prisons.

6. For every prison there shall be a Superintendent, a Medical Officer (who may also be the Superintendent), a medical Subordinate, a Jailor and such other officers as the State Government thinks necessary:

Provided that (the State Government of Bombay) may, declare by order in writing that in any prison specified in the order the office of Jailor shall be held by the person appointed to be Superintendent.

Temporary
accom-
modation
for
Prisoners.

7. Whenever it appears to the Inspector-General that the number of prisoners in any prison is greater than can conveniently or safely be kept therein, and it is not convenient to transfer the excess number to some other prison;

or whenever from the outbreak of epidemic disease within any prison or for any other reason, it is desirable to provide for the temporary shelter and safe custody of any prisoners,

provision shall be made, by such officer and in such manner as the State Government may direct, for the shelter and safe custody in temporary Prisons of so many of the prisoners as cannot be conveniently or safely kept in the Prison.

CHAPTER III

Duties of Officers

(Generally)

Control
and
duties of
Officers
of
Prisons.

8. All officers of a prison shall obey the directions of the Superintendent; all officers subordinate, to the Jailor shall perform such duties as may be imposed on them by the Jailor with the sanction of the Superintendent or as prescribed by rules under section (59).

9. No officer of a Prison shall sell or let, nor shall any person in trust for or employed by him sell or let, or derive any benefit from selling or letting, any article to any prisoner have any money or other business dealing directly or indirectly with any prisoner.

Officers not to have business dealings with Prisoners.

10. No officer of a prison shall, nor any person in trust for or employed by him, have any interest, direct or indirect in any contract for the supply of the prison; nor shall he derive any benefit, directly or indirectly from the sale or purchase of any article on behalf of the prison or belonging to a prisoner.

Officers not to be interested in Prison contracts.

11. (1) Subject to the orders of the Inspector-General, the Superintendent shall manage the prison in all matters relating to discipline, labour, expenditure, punishment and control.

Superintendent.

(2) Subject to such general or special directions as may be given by the State Government, the Superintendent of a prison other than a Central prison or prison situated in a Presidency-town shall obey all orders not inconsistent with this Act or any rule thereunder which may be given respecting the prison by the District Magistrate, and shall report to the Inspector-General all such orders and the action taken thereon.

12. The Superintendent shall keep, or cause to be kept, the following records:—

Records to be kept by the Superintendent.

(1) a register of prisoners admitted;

(2) a book showing when prisoner is to be released;

(3) a punishment-book for the entry of the punishments inflicted on prisoners for prison-offences;

(4) a visitors' book for the entry of any observations made by the visitors touching any matters connected with the administration of the prison;

(5) a record of the money and other articles taken from prisoners; and all such other records as may be prescribed by rules under section 59.

Medical Officer

13. Subject to the control of the Superintendent, the Medical Officer shall have charge of the sanitary administration of the prison, and shall perform such duties as may be prescribed by rules made by the State Government under section (59).

Duties of Medical Officer

14. Whenever the Medical Officer has reason to believe that the mind of a prisoner is, or is likely to be, injuriously affected by the discipline or treatment to which he is subjected, the Medical Officer shall report the case in writing to the Superintendent, together with such observations as he may think proper.

Medical officer to report in certain cases.

This report, with the orders of the Superintendent thereon, shall forthwith be sent to the Inspector-General for information.

15. On the death of any prisoner, the Medical Officer shall forthwith record in a register the following particulars so far as they can be ascertained, namely:—

Report on death of Prisoner.

(1) the day on which the deceased first complained of illness or was observed to be ill,

(2) the labour, if any, on which he was engaged on that day,

(3) the scale of his diet on that day,

(4) the day on which he was admitted to hospital,

- (5) the day on which the Medical Officer was first informed of the illness,
 - (6) the nature of the disease,
 - (7) when the deceased was last seen before his death by the Medical Officer or Medical Subordinate.
 - (8) when the prisoner died, and
 - (9) (in cases where a *post mortem* examination is made) an account of the appearances after death.
- together with any special remarks that appear to the Medical Officer to be required.

Jailor

Jailor.

16. The Jailor shall reside in the prison unless the Superintendent permits him in writing to reside elsewhere.

(2) The Jailor shall not, without the Inspector-General's sanction in writing, be concerned in any other employment.

Jailor to give notice of death of Prisoner.

17. Upon the death of a prisoner, the Jailor shall give immediate notice thereof to the Superintendent and the Medical Subordinate.

Responsibility of Jailor.

18. The jailor shall be responsible for the safe custody of the records to be kept under section 12, for the commitment warrants and all other documents confined to his care, and for the money and other articles taken from prisoners.

Jailor to be present at night.

19. The Jailor shall not be absent from the prison for a night without permission in writing from the Superintendent; but, if absent without leave for a night from unavoidable necessity, he shall immediately report the fact and the cause of it to the Superintendent.

Powers of Deputy, or Assistant Jailor.

20. Where a Deputy Jailor or Assistant Jailor is appointed to a prison, he shall subject to the orders of the Superintendent, be competent to perform any of duties, and he subject to all the responsibilities, of a Jailor under this Act or any rule thereunder.

Subordinate Officers

Duties of Gate-keeper.

21. The officer acting as gate-keeper, or any other officer of the prison may examine anything carried in or out of the prison, and may stop and search or caused to be searched any person suspected of bringing any prohibited article into or out of the prison, or of carrying out any property belonging to the prison, and if any such article or property be found, shall give immediate notice thereof to the Jailor.

Subordinate Officer not to be absent without leave.

22. Officers subordinate to the Jailor shall not be absent from the prison without leave from the Superintendent or from the Jailor.

Convict Officers.

23. Prisoners who have been appointed as officers of prisons shall be deemed to be public servants within the meaning of the Indian Penal Code.

CHAPTER IV

Admission, Removal and Discharge of Prisoners

Prisoners to be examined on admission.

24. (1) Whenever a prisoner is admitted into prison, he shall be searched, and all weapons and prohibited articles shall be taken from him.

(2) Every criminal prisoner shall also, as soon as possible after admission be examined under the general or special orders of the Medical Officer, who shall enter or cause to be entered in a book, to be kept by the Jailor, a record of the state of the prisoner's health, and of any wounds or marks on his person, the class of labour he is fit for if sentenced to rigorous imprisonment; and any observations which the Medical Officer thinks fit to add.

(3) In the case of female prisoners the search and examination shall be carried out by the matron under the general or special orders of the Medical Officer.

25. All money or other articles in respect whereof no order of competent Court has been made and which may with proper authority be brought into the prison by any criminal prisoner or sent to the prison for his use, shall be placed in the custody of the Jailor.

Effects of
Prisoners.

26. (1) All prisoner previously to being removed to any other prison, shall be examined by the Medical Officer.

Removal
and dis-
charge of
Prisoners.

(2) No prisoner shall be removed from one prison to another unless the Medical Officer certifies that the prisoner is free from any illness rendering him unfit for removal.

(3) No prisoner shall be discharged against his will from prison, if labouring under any acute or dangerous distemper, nor until, in the opinion of the Medical Officer, such discharge is safe.

CHAPTER V

Discipline of Prisoners

27. The requisitions of this Act with respect to the separation of prisoners are as follows:—

Separation
of
Prisoners.

(1) in a prison containing female as well as male prisoners, the female shall be imprisoned in separate buildings, or separate parts of the same building in such manner as to prevent their seeing, or conversing or holding any intercourse with, the male prisoners:

(2) in a prison where male prisoners under the age of (twenty-one) are confined, means shall be provided for separating them altogether from the other prisoners and for separating those of them who have arrived at the age of puberty from those who have not:

(3) unconvicted criminal prisoners shall be kept apart from convicted criminal prisoners; and

(4) civil prisoners shall be kept apart from criminal prisoners.

28. Subject to the requirements of the last foregoing section, convicted criminal prisoners may be confined either in association or individually in cells or partly in one way and partly in the other.

Associa-
tion and
Segrega-
tion of
Prisoners.

29. No cell shall be used for solitary confinement unless it is furnished with the means of enabling the prisoner to communicate at any time with an officer of the prison, and every prisoner so confined in a cell for more than twenty-four hours, whether as a punishment or otherwise, shall be visited at least once a day by the Medical Officer or Medical Subordinate.

Solitary
confinement.

30. (1) Every prisoner under sentence of death shall immediately on his arrival in the prison after sentence, be searched by, or by order of, the Jailor and all articles shall be taken from him which the Jailor deems it dangerous or inexpedient to leave in his possession.

Prisoners
under sen-
tence of
death.

(2) Every such prisoner shall be confined in a cell apart from all other prisoners and shall be placed by day and by night under the charge of a guard.

CHAPTER VI

Food, Clothing and Bedding of Civil and Unconvicted Criminal Prisoners

Maintenance of certain Prisoners from Private Sources

31. A civil prisoners or an unconvicted criminal prisoners shall be permitted to maintain himself and to purchase, or to receive from private sources at proper hours, food, clothing, bedding or other necessaries but subject to examination and to such rules as may be approved by the Inspector-General.

Restriction on transfer of food and clothing between certain Prisoners.

32. No part of any food, clothing, bedding or other necessaries belonging to any civil or unconvicted criminal prisoner shall be given, hired or sold to any other prisoner; and any prisoner transgressing the provisions of this section shall lose the privilege of purchasing food or receiving it from private sources, for such time as the Superintendent thinks proper.

Supply of clothing & bedding to Civil and unconvicted Criminal Prisoners.

33. (1) Every civil prisoner and unconvicted criminal prisoner unable to provide himself with sufficient clothing and bedding shall be supplied by the Superintendent with such clothing and bedding as may be necessary.

(2) When any civil prisoner has been committed to prison in execution of a decree in favour of a private prison or his representative, shall, within forty-eight hours after the receipt by him of a demand in writing, pay to the Superintendent the cost of clothing and bedding so supplied to the prisoner; and in default of such payment the prisoner may be released.

CHAPTER VII

Employment of Prisoners

Employment of Civil Prisoners.

34. (1) Civil prisoners may, with the Superintendent's permission, work and follow any trade or profession.

(2) Civil prisoners finding their own implements, and not maintained at the expense of the prison shall be allowed to receive the whole of their earnings: but the earnings of such as are furnished with implements or are maintained at the expense of the prison shall be subject to a deduction, to be determined by the Superintendent, for the use of implements and the cost of maintenance.

Employment of Criminal Prisoner

35. (1) No criminal prisoner sentenced to labour or employed on labour at his own desire shall, except on an emergency with the sanction in writing of the Superintendent be kept to labour for more than nine hours in any one day.

(2) The Medical Officer shall from time to time examine the labouring prisoners while they are employed, and shall at least once in every fortnight cause to be recorded upon the history-ticket of each prisoner employed on labour the weight of such prisoner at the time.

(3) When the Medical Officer is of opinion that the health of any prisoner suffers from employment on any kind or class of labour, such prisoner shall

not be employed on that labour but shall be placed on such other kind or class of labour as the Medical Officer may consider suited for him

36. Provision shall be made by the Superintendent for the employment (as long as they so desire) of all criminal prisoners sentenced to simple imprisonment; but no prisoner not sentenced to rigorous imprisonment shall be punished for neglect of work excepting such alteration in the scale of diet as may be established by the rules of the prison in the case of neglect of work by such prisoner.

Employment of Criminal Prisoners sentenced to simple imprisonment.

CHAPTER VIII

Health of Prisoners

37. The names of prisoners desiring to see the Medical Subordinate or appearing out of health in mind or body shall, without delay, be reported by the officer in immediate charge of such prisoners to the Jailor.

Sick Prisoners.

(2) The Jailor shall, without delay, call the attention of the Medical Subordinate to any prisoner desiring to see him, or who is ill, or whose state of mind or body appears to require attention, and shall carry into effect all written directions given by the Medical Officer or Medical Subordinate respecting alterations of the discipline or treatment of any such prisoner.

38. All directions given by the Medical Officer or Medical Subordinate in relation to any prisoner with the exception of orders for the supply of medicines or directions relating to such matters as are carried into effect by the Medical Officer himself or under his superintendence, shall be entered day by day in the prisoner's history-ticket or in such other record as the State Government may by rule direct, and the Jailor shall make an entry in its proper place stating in respect of each direction the fact of its having been or not having been complied with, accompanied by such observations if any, as the Jailor thinks fit to make, and the date of the entry.

Record of directions of Medical Officers.

39. In every prison an hospital or proper places for the reception of sick prisoners shall be provided.

Hospital.

CHAPTER IX

Visits to Prisoners

40. Due provision shall be made for the admission, at proper times and under proper restrictions, into every prison of persons with whom civil or unconvicted criminal prisoners may desire to communicate, care being taken so far as may be consistent with the interests of justice, prisoners under trial may see their duly qualified legal advisers without the presence of any other person.

Visits to Civil & unconvicted Criminal Prisoners.

41. The Jailor may demand the name and address of any visitor to a prisoner and when the Jailor has any ground for suspicion, may search any visitor, or cause him to be searched, but the search shall not be made in the presence of any prisoner or of another visitor.

Search of visitors.

(2) In case of any such visitor refusing to permit himself to be searched, the Jailor may deny him admission: and the grounds of such proceeding, with the particulars thereof, shall be entered in such record as the State Government may direct.

CHAPTER X

offences in relation to Prisons

Penalty to
Introduc-
tion or
removal of
Prohibited
articles into
or from
Prison and
communi-
cation with
Prisoner.

42. Whoever, contrary to any rule under section (59) introduces or removes or attempts by any means whatever to introduce or remove, into or from any prison, or supplies or attempts to supply to any prisoner outside the limits of a prison, any prohibited article, and every Officer of a prison who, contrary to any such rule, knowingly suffers any such article to be introduced into or removed from any prison, to be possessed by any prisoner, or to be supplied to any prisoner outside the limits of a prison,

and whoever, contrary to any such rule, communicates or attempts to communicate with any prisoner,

and whoever abets any offence made punishable by this section,

shall, on conviction before a Magistrate, be liable to imprisonment for a term not exceeding six months, or to fine not exceeding two-hundred rupees, or to both,

Power to
arrest
under
Section 42.

43. When any person, in the presence of any officer of a prison, commits any offence specified in the last foregoing section, and refuses on demand of such officer to state his name and residence, or gives a name or residence which such officer knows or has reason to believe, to be false, such officer may arrest him, and shall without unnecessary delay make him over to a Police Officer, and thereupon such Police officer shall proceed as if the offence had been committed in his presence.

Publication
of
Penalties.

44. The Superintendent shall cause to be affixed in a conspicuous place outside the prison, a notice in English and the Vernacular setting forth the acts prohibited under section 42 and the penalties incurred by their commission

CHAPTER XI

Prison Offences

Prison
Offences.

45. The following acts are declared to be prison offences when committed by a prisoner :—

- (1) such wilful disobedience to any regulations of the prison as shall have been declared by rules made under section 59 to be a prison offence;
- (2) any assault or use of criminal force;
- (3) the use of insulting or threatening language;
- (4) immoral or indecent or disorderly behaviour;
- (5) wilfully disabling himself from labour;
- (6) contumaciously refusing to work;
- (7) filing, cutting, altering or removing handcuffs, fetters or bars without due authority;
- (8) wilful idleness or negligence at work by any prisoner sentenced to rigorous imprisonment;
- (9) wilful mismanagement of work by any prisoner sentenced to rigorous imprisonment;
- (10) wilful damage to prison-property;
- (11) tampering with or defacing history-tickets, records or documents;

- (12) receiving, possessing or transferring any prohibited article;
- (13) feigning illness;
- (14) wilfully bringing a false accusation against officers or any prisoner;
- (15) omitting or refusing to report, as soon as it comes to his knowledge, the occurrence of any fire, any plot or conspiracy, any escape, attempt or preparation to escape, and any attack or preparation for attack upon any prisoner or prison-official; and
- (16) conspiring to escape, or to assist in escaping, or to commit any other of the offences aforesaid.

46. The Superintendent may examine any person touching any such offence and determine thereupon, and punish such offence by:—

Punishment
of such
offences.

- (1) a formal warning.

Explanation.—A formal warning shall mean a warning personally addressed to a prisoner by the Superintendent and recorded in the punishment book and on the prisoner's history-ticket;

- (2) change of labour to some more irksome or severe form (for such period as may be prescribed by rules made by the State Government);

- (3) hard labour for a period not exceeding seven days in the case of convicted criminal prisoners not sentenced to rigorous imprisonment.

- (4) such loss of privileges admissible under the remission furlough system for the time being in force as may be prescribed by rules made by the State Government;

- (5) the substitution of gunny or other coarse fabric for clothing of other material, not being woollen, for a period which shall not exceed three months;

- (6) imposition of handcuffs of such pattern and weight, in such manner and for such period, as may be prescribed by rules made by the State Government;

- (7) imposition of fetters of such pattern and weight, in such manner and for such period, as may be prescribed by rules made by the State Government;

- (8) separate confinement for any period not exceeding (three) months;

Explanations.—Separate confinement means such confinement with or without labour as secludes a prisoner from communication with, but not from sight of, other prisoners, and allows him not less than one hour's exercise per diem and to have his meals in association with one or other prisoners.

- (9) penal diet.—that is, restriction of diet in such manner and subject to such conditions regarding labour as may be prescribed by the State Government;

Provided that such restriction of diet shall in no case be applied to a prisoner for more than ninety-six consecutive hours, and shall not be repeated except for a fresh offence nor until after an interval of one-week;

- (10) cellular confinement for any period not exceeding fourteen days;

Provided that after each period of cellular confinement an interval of not less duration than such period must elapse before the prisoner is again sentenced to cellular or solitary confinement.

Explanation.—Cellular confinement means such confinement with or without

labour as entirely secludes a prisoner from communication with, but not from sight of, other prisoners;

- (11) penal diet as defined in clause (9) combined with (cellular) confinement;
- (12) whipping, provided that the number of stripes shall not exceed thirty,

Provided that nothing in this section shall render any female or civil prisoner liable to the imposition of any form of handcuffs or fetters, or to whipping.

Plurality
of Punish-
ments
under
Section
46.

47. (1) Any two of the punishments enumerated in the last foregoing section may be awarded for any such offence in combination, subject to the following exceptions, namely:—

(1) formal warning shall not be combined with any other punishment except loss of privileges under clause (4) of that section;

(2) penal diet shall not be combined with change of labour under clause (2) of that section, nor shall any additional period of penal diet awarded singly be combined with any period of penal diet awarded in combination with (cellular) confinement;

(3) cellular confinement shall not be combined with separate confinement, so as to prolong the total period of seclusion to which the prisoner shall be liable;

(4) whipping shall not be combined with any other form of punishment except cellular (and) separate confinement and loss of privileges admissible under the remission or Furlough System;

(5) no punishment will be combined with any other punishment in contravention of rules, made by the State Government;

(6) no punishment shall be awarded for any such offence so as to combine with the punishment awarded for any other such offence, two of the punishments which may not be awarded in combination for any such offence.

Award of
Punish-
ments
under
Sections
46 and
47.

48. (1) The Superintendent shall have power to award any of the punishments enumerated in the two last foregoing sections, subject in the case of separate confinement for a period exceeding one month, to the previous confirmation of the Inspector-General.

(2) No officer subordinate to the Superintendent shall have power to award any punishment whatever.

48-A. If any prisoner fails without sufficient cause to observe any of the conditions on which his sentence was suspended or remitted or furlough was granted to him, he shall be deemed to have committed a prison offence and the Superintendent may, after obtaining his explanation, punish such offence by—

- (1) a formal warning as provided in clause (7) of section 46;
- (2) reduction in grade if such prisoner has been appointed an officer of prison
- (3) loss of privileges admissible under the remission or furlough system; or
- (4) loss of such other privileges as the State Government may by a general or special order direct.

Punish-
ments to be
in accor-
dance with
forego-
ing Sec-
tions.

49. Except by order of a Court of justice, no punishment other than the punishments specified in the foregoing sections shall be inflicted on any prisoner otherwise than in accordance with the provisions of those sections.

50. (1) No punishment of penal diet, either singly or in combination or of whipping, or of change of labour under section 46, clause (2) shall be executed until the prisoner to whom such punishment has been awarded has been examined by the Medical Officer, who, if he considers the prisoner fit to undergo the punishment shall certify accordingly in the appropriate column of the punishment book prescribed in section 12.

Medical officer to certify to fitness of Prisoner for punishment.

(2) If he considers the prisoner unfit to undergo the punishment, he shall in like manner record his opinion in writing and shall state whether the prisoner is absolutely unfit for punishment of the kind awarded, or whether he considers any modification necessary.

(3) In the latter case he shall state what extent of punishment he thinks the prisoner can undergo without injury to his health.

51. (1) In the punishment-book prescribed in section 12 there shall be recorded in respect of every punishment inflicted, the prisoner's name, register number and the class (whether habitual or not) to which he belongs, the prison offence of which he was guilty, the date on which such prison-offence was committed, the number of previous prison-offences recorded against the prisoner, and the date of his last prison-offence, the punishment awarded, and the date of infliction.

Entries in Punishment book.

(2) In the case of every serious prisoner-offence, the names of the witnesses proving the offence shall be recorded, and, in the case of offences for which whipping is awarded, the Superintendent shall record the substance of the evidence of the witnesses, the defence of the prisoner, and the finding with the reasons therefor.

(3) Against the entries relating to each punishment the Jailor and Superintendent shall affix their initials as evidence of the correctness of the entries.

52. If any prisoner is guilty of any offence against prison-discipline which by reason of his having frequently committed such offences or otherwise, in the opinion of the Superintendent, is not adequately punishable by the infliction of any punishment which he has power under this Act to award, the Superintendent may forward such prisoner to the Court of the District Magistrate or of any Magistrate of the first class (or Presidency Magistrate) having jurisdiction together with a statement of the circumstances, and such Magistrate shall thereupon inquire into and try the charge so brought against the prisoner, and upon conviction, may sentence him to imprisonment which may extend to one year, such term to be in addition to any term for which such prisoner was undergoing imprisonment when he committed such offence, or may sentence him to any of the punishments enumerated in section 46 :

Procedure on committal of heinous offences.

(Provided that any such case may be transferred for inquiry and trial by the District Magistrate to any Magistrate of the first class and by a Chief Presidency Magistrate to any other Presidency Magistrate : and)

Provided also that no person shall be punished twice for the same offence.

53. (1) No punishment of whipping shall be inflicted in instalments, or except in the presence of the Superintendent and Medical Officer or Medical Subordinate.

Whipping.

(2) Whipping shall be inflicted with a light ratan not less than half an inch in diameter on the buttocks, and in case of prisoners under the age of sixteen it shall be inflicted, in the way of school discipline, with a lighter ratan.

Offences
by Prison
Sub-
ordinates

54. (1) Every Jailor or officer of a prison subordinate to him who shall be guilty of any violation of duty or wilful breach or neglect of any rule or regulation or lawful order made by competent authority, or who shall withdraw from the duties of his office, without permission, or without having given previous notice in writing of his intention for the period of two months, or who shall wilfully overstay any leave granted to him, or who shall engage without authority in any employment other than his prison duty, or who shall be guilty of cowardice, shall be liable, on conviction before a Magistrate, to fine not exceeding two-hundred rupees, or to imprisonment for a period not exceeding three months or to both.

(2) No person shall under this section be punished twice for the same offence.

CHAPTER XII

Miscellaneous

Extra
mural
custody,
control &
Employ-
ment of
Prisoners

55. A prisoner, when being taken to or from any prison in which he may be lawfully confined, or whenever he is working outside or is otherwise beyond the limits of any such prison in or under the lawful custody or control of a prison officer belonging to such prison, shall be deemed to be in prison and shall be subject to all the same incidents as if he were actually in prison.

Confine-
ment in
irons.

56. Whenever the Superintendent considers it necessary (with reference either to the state of the prison or the character of the prisoners) for the safe custody of any prisoners that they should be confined in irons, he may, subject to such rules and instructions as may be laid down by the Inspector-General with the sanction of the State Government, so confine them.

Confine-
ment of
Prisoners
under sen-
tence of
transporta-
tion in
irons.

57. (1) Prisoners under sentence of transportation may, subject to any rules made under section (59), be confined in fetters for the first three months after admission to prison.

(2) Should the Superintendent consider it necessary, either for the safe custody of the prisoner himself or for any other reason, that fetters should be retained on any such prisoner for more than three months, he shall apply to the Inspector-General for sanction to their retention for the period for which he considers their retention necessary, and the Inspector-General may sanction such retention accordingly.

Prisoners
not to be
ironed by
Jailor ex-
cept under
necessity.

58. No prisoner shall be put in irons or under mechanical restraint by the Jailor or his own authority, except in case of urgent necessity, in which case notice thereof shall be forthwith given to the Superintendent.

59. The State Government may make rules consistent with this Act :—

Power to
make
Rules

- (1) defining the acts which shall constitute prison-offences
- (2) determining the classification of prison-offences into serious and minor offences;
- (3) fixing the punishments admissible under this Act which shall be awardable for commission of prison-offences or classes thereof;
- (4) declaring the circumstance in which acts constituting both a prison-offence and an offence under the Indian Penal Code may or may not be dealt with as a prison-offence

(5) for the award of marks, granting remission or furlough determining the conditions on which and the authority by which such remission or furlough shall be granted and the consequent shortening of the sentence.

(6) regulating the use of arms against any prisoner or body of prisoners in the case of an outbreak or attempt to escape;

(7) defining the circumstances and regulating the conditions under which prisoners in danger of death may be released;

(8) for the classification of prisons and description and construction of wards, cells and other places of detention;

(9) for the regulation by numbers, length or character of sentences, or otherwise, of the prisoners to be confined in each class of prisons;

(10) for the Government of prisons and for the appointment of all officers appointed under this Act;

(11) as to the food, bedding and clothing of criminal prisoners and of civil prisoners maintained otherwise than at their own cost;

(12) for the employment, instruction and control of convicts within or without prisons;

(13) for defining articles the introduction or removal of which into or out of prisons without due authority is prohibited;

(14) for classifying and prescribing the forms of labour and regulating the periods of rest from labour;

(15) for regulating the disposal of the proceeds of the employment of prisoners;

(16) for regulating the confinement in fetters of prisoners sentenced to transportation;

(17) for the classification and the separation of prisoners;

(18) for regulating the confinement of convicted criminal prisoners under section 28;

(19) for the preparation and maintenance of history-tickets;

(20) for the selection and appointment of prisoners as officers of prisons;

(21) for rewards for good conduct;

(22) for regulating the transfer of prisoners whose term of transportation or imprisonment is about to expire; subject, however, to the consent of the State Government of any other State to which a prisoner is to be transferred;

(23) for the treatment, transfer and disposal of criminal lunatics or recovered criminal lunatics confined in prisons;

(24) for regulating the transmission of appeals and petitions from prisoners and their communications with their friends;

(25) for the appointment and guidance of visitors of prisons;

(26) for extending any or all of the provisions of this Act and of the rules thereunder to subsidiary jails or special places of confinement appointed under section 541 of the Code of Criminal Procedure, 1882, and to the officers employed, and the prisoners confined therein;

(27) in regard to the admission, custody, employment, dieting, treatment and release of prisoners; and

(28) generally for carrying into effect the purpose of this Act.

60. (Power of Local Government to make rules) Omitted by the Government of India (Adaptation of Indian Laws) Order 1937.

61. Copies of rules, under (section 59) so far as they affect the government of prisons, shall be exhibited, both in English and in the Vernacular, in some place to which all persons employed within a prison have access.

Exhibition
of copies
of Rules

Exercise of
Powers of
Superin-
tendent &
Medical
Officer

62. All or any of the powers and duties conferred and imposed by this Act on a Superintendent or Medical Officer may in his absence be exercised and performed by such other officer as the State Government may appoint in this behalf either by name or by his official designation.

ACT NO. III. OF 1900

2nd February 1900

An act to consolidate the law relating to Prisoners
confined by order of a Court

[As modified up to the 15th April 1950]

WHEREAS it is expedient to consolidate the law relating to prisoners confined by order of a court: It is hereby enacted as follows:—

PART I

PRELIMINARY

1. *Short title and Extent.*—(1)—This Act may be called the Prisoners Act, 1900.

[(2) It extends to the whole of India except Part B States].

2. *Definitions.*—In this Act, unless there is anything repugnant in the subject or context.—

(a) "Court" includes a Coroner and any officer lawfully exercising civil, criminal or revenue jurisdiction; and

(b) "Prison" includes any place which has been declared by the (State Government), by general or special order, to be a subsidiary jail; and

[(c) "State" means a Part A State or a Part C State, and States means all the territories for the time being comprised within Part A States and Part C States.]

PART II

GENERAL

3. *Officers in charge of prisons to detain persons duly committed to their custody.*—The officer in charge of a prison shall receive and detain all persons duly committed to his custody, under this Act or otherwise, by any Court, according to the exigency of any writ, warrant or order by which such person has been committed, or until such person is discharged or removed in due course of law.

4. *Officers in charge of prisons to return writs, etc., after execution or discharge.*—The officer in charge of a prison shall forthwith, after the execution of every such writ, order or warrant as aforesaid other than a warrant of commitment for trial, or after the discharge of the person committed thereby,

return such writ, order or warrant to the Court by which the same was issued or made, together with a certificate, endorsed thereon and signed by him, showing how the same has been executed; or why the person committed thereby has been discharged from custody before the execution thereof.

PART III

PRISONERS IN THE PRESIDENCY-TOWNS

5. *Warrants, etc., to be directed to Police Officers.*—Every writ or warrant for the arrest of any person issued by the High Court in the exercise of its ordinary extraordinary or other criminal jurisdiction shall be directed to and executed by a Police-Officer within the local limits of such jurisdiction.

6. *Power for State Government to appoint Superintendents of Presidency Prisoners.*—The (State Government) may appoint officer who shall have authority to receive and detain prisoners committed to their custody under this Part.

Explanation.—Any officer so appointed, by whatever designation he may be styled, is hereinafter referred to as "the Superintendent."

7. *Delivery of persons sentenced to imprisonment or death by High Court.*—Where any person is sentenced by the High Court in the exercise of its original criminal jurisdiction to imprisonment or to death, the Court shall cause him to be delivered to the Superintendent, together with its warrant, and such warrant shall be executed by the Superintendent and returned by him to the High Court when executed.

8. *Delivery of persons sentenced to transportation by High Court.*—Where any person is sentenced by the High Court in the exercise of its original criminal jurisdiction to transportation the court shall cause him to be delivered for intermediate custody to the Superintendent, and the transportation of such person shall be deemed to commence from such delivery.

9. *Delivery of persons committed by High Court in execution of a decree or for contempt.*—Where any person is committed by the High Court, whether in execution of a decree or for contempt of Court or for any other cause, the Court shall cause him to be delivered to the Superintendent, together with its warrant of commitment.

10. *Delivery of persons sentenced by Presidency Magistrate.*—Where any person is sentenced by a Presidency Magistrate to imprisonment, or is committed to prison for failure to find security to keep the peace or to be of good behaviour, the Magistrate shall cause him to be delivered to the Superintendent together with his warrant.

11. *Delivery of persons committed for trial by High Court.*—Every person committed by a Magistrate, (or Justice of the Peace) for trial by the High Court in the exercise of its original criminal jurisdiction, shall be delivered to the Superintendent together with a warrant of commitment, directing the Superintendent to produce such person before the Court of trial; and the Superintendent shall, as soon as practicable, cause such person to be taken before the Court at a criminal session thereof, together with the warrant of commitment, in order that he may be dealt with according to law.

12. *Custody pending hearing by High Court under section 350 of the Code of Civil Procedure of application for insolvency.*—The High Court may, pending the hearing, under section 350 of the Code of Civil Procedure (XIV of 1882) of any application for a declaration of insolvency, cause the judgment-debtor concerned to be delivered to the Superintendent, subject to the provisions as to release on security of section 349 of the said Code, and the Superintendent shall detain the said judgment-debtor in safe custody until he is re-delivered to an officer of the High Court for the purpose of being taken before it in pursuance of its order, or until he is released in due course of law.

13. *Delivery of persons arrested in pursuance of warrant of High Court or Civil Court in Presidency-town.*—(1) Every person arrested in pursuance of a writ, warrant or order of the High Court in the exercise of its original civil jurisdiction, or in pursuance of a warrant of any Civil Court established in a Presidency-town under any law or enactment for the time being in force, or in pursuance of a warrant issued under Section 5, shall be brought without delay before the Court by which, or by a Judge of which, the writ, warrant or order was issued, awarded or made, or before a Judge thereof, if the said Court, or a Judge thereof, is then sitting for the exercise of original jurisdiction.

(2) If the said Court, or a Judge thereof, is not then sitting for the exercise of original jurisdiction, such person arrested as aforesaid shall, unless a Judge of the said Court otherwise directs, be delivered to the Superintendent for intermediate custody, and shall be brought before the said Court, or a Judge thereof, at the next sitting of the said Court, or of a Judge thereof, for the exercise of original jurisdiction in order that such person may be dealt with according to law; and the said Court or Judge shall have power to make or award all necessary orders or warrants for that purpose.

PART IV

PRISONERS OUTSIDE THE PRESIDENCY TOWNS

14. *References in this part to prisons, etc., to be construed as referring also to Reformatory Schools.*—In this Part all references to prisons or to imprisonment or confinement shall be construed as referring also to Reformatory Schools or to detention therein.

15. *Power for officers in charge of prisons to give effect to sentences of certain Courts.*—(1) Officers in charge of prisons outside the Presidency-towns may give effect to any sentence or order or warrant for the detention of any person passed or issued—

(a) by any Court or tribunal acting, whether within or without the States under the general or special authority of the Central Government, or of any State Government, or of the Government of Burma, or by any Court or tribunal, which was before the commencement of the Constitution acting under the general or special authority of His Majesty, or of the Crown Representative; or

(b) before the 26th January, 1950, by any Court or tribunal in any Indian State—

(i) if the presiding Judge, or the Court or tribunal consisted of two or more Judges, at least one of the Judges, was an officer of the Crown authorized to sit as such Judge by the State or the Ruler thereof or by

the Central Government or the Crown Representative; and

(ii) if the reception, detention or imprisonment in any Province of India of persons sentenced by any such Court or tribunal had been authorised by general or special order by the State Government; or

(c) by any other Court or tribunal in a Part B State with the previous sanction of the State Government in the case of each such sentence, order or warrant;

Provided that effect shall not be given to any sentence or order or warrant for detention passed or issued by any Court or tribunal in Burma without the previous sanction of the State Government concerned.

(2) Where a Court or tribunal of such an Indian State as aforesaid had passed a sentence which could not have been executed without the concurrence of an officer of the Crown, and such sentence had been considered on the merits and confirmed by any such officer specially authorised in that behalf, such sentence, and any order or warrant issued in pursuance thereof, shall be deemed to be the sentence, order or warrant of a Court or tribunal acting under the authority of the Central Government or the Crown Representative.

16. *Warrant of officer of such Court to be sufficient authority.*— A warrant under the official signature of an officer of such Court or tribunal as is referred to in Section 15 shall be sufficient authority for holding any person in confinement, or for sending any person for transportation, in pursuance of the sentence passed upon him.

17. *Procedure where officer in charge of prison doubts the legality of warrant sent to him for execution under this Part.*—(1) Where an officer in charge of a prison doubts the legality of a warrant or order sent to him for execution under this Part or the competency of the person whose official seal or signature is affixed thereto to pass the sentence and issue the warrant or order, he shall refer the matter to the (State Government) by whose order on the case he and all other public officers shall be guided as to the future disposal of the prisoner.

(2) Pending a reference made under sub-section (1), the prisoner shall be detained in such manner and with such restrictions or mitigations as may be specified in the warrant or order.

18. *Execution in the States of certain capital sentences not ordinarily executable there.*—(1) Where (Court established by the authority of the Central Government) exercising, in or with respect to territory beyond the limits of (the States) jurisdiction which the (Central Government) has in such territory.—

(a) has sentenced any person to death, and,

(b) being of opinion that such sentence should, by reason of there being in such territory no secure place for the confinement of such person or no suitable appliances for his execution in a decent and humane manner be executed in (the States), has issued its warrant for the execution of such sentence to the officer in charge of a prison in (the States),

Such officer shall, on receipt to the warrant, cause the execution to be carried out at such place as may be prescribed therein in the manner, and subject to the same conditions in all respects as if it were a warrant duly issued under the provisions of Section 381 of the Code of Criminal Procedure, 1898 (V of 1898).

(2) The prisons of which the officers in charge are to execute sentences under any such warrants as aforesaid [shall in each (State) be such as the (State Government)] may, by general or special order direct.

[(3) Sub-section (3) and proviso omitted by A. L. O. 1950].

(Part V.—Persons under Sentence of Penal Servitude—Sections 19-27]
Repealed by s. 4 of the Criminal Law (Removal of Racial Discrimination) Act, 1949) (17 of 1949) (with effect from 6-4-1949).

PART VI

REMOVAL OF PRISONERS

28. *References in this Part to prisons etc., to be construed as referring also to Reformatory Schools.*—In this Part, all references to prisons or to imprisonment or confinement shall be construed as referring also to Reformatory Schools or to detention therein.

29. *Removal of prisoners.*—(1) The (State Government) may, by general or special order, provide for the removal of any prisoner confined in a prison—

(a) under sentence of death, or

(b) under or in lieu of, a sentence of imprisonment or transportation, or

(c) in default of payment of a fine, or

(d) in default of giving security for keeping the peace or for maintaining good behaviour,

to any other prison in [the (State)].

(2) [Subject to the orders, and under the control of the (State Government) the Inspector-General of Prisons may, in like manner, provide for the removal of any prisoner confined as aforesaid in a prison in the (State) to any other prison in the (State)].

30. *Lunatic prisoners how to be dealt with.*—(1) Where it appears to the (State Government) the any person detained or imprisoned under any order or sentence of any Court is of unsound mind, the (State Government) may, by a warrant setting forth the grounds of belief that the person is of unsound mind, order his removal to a lunatic asylum or other place of safe custody within the (State), there to be kept and treated as the [State Government] directs under the remainder of the term for which he has been ordered or sentenced to be detained or imprisoned or, if on the expiration of that term it is certified by a medical officer that it is necessary for the safety of the prisoner or others that he should be further detained under medical care or treatment then until he is discharged according to law.

(2) Where it appears to the [State Government] that the prisoner has become of sound mind, the [State Government] shall, by a warrant directed to the prison having charge of the prisoner, it still liable to be kept in custody, remand him to the prison from which he was removed, or to another prison within the [State] or, if the prisoner is no longer liable to be kept in custody, order him to be discharged.

(3) The provisions of Section 9 of the Lunatic Asylums Act, 1858 (XXXVI of 1858) shall apply to every person confined in a lunatic asylum under sub-section (1) after the expiration of the term for which he was ordered or sentenced to be detained or imprisoned; and the time

during which a prisoner is confined in a lunatic asylum under that sub-section shall be reckoned as part of the term of detention or imprisonment which he may have been ordered or sentenced by the Court to undergo.

[(4) In any case in which the [State Government is competent under sub-section (1) to order the removal of a prisoner to a lunatic asylum or other place of safe custody within the [State], the [State Government] may order his removal to any such asylum or place within any other [State] or within any [Part B State] by agreement with the [State Government] of such other [State] or with [such State or the Ruler thereof] as the case may be; and the provisions of this section respecting the custody, detention, remand and discharge of a prisoner removed under sub-section (1) shall, so far as they can be made applicable, apply to a prisoner removed under this sub-section.]

31. [Removal of prisoners from territories under one Local Government to territories under another.] Rep. by s. 4 and Sch. III of the Amending Act, 1903 (1 of 1903).

PART VII

PERSONS UNDER SENTENCE OF TRANSPORTATION

32. *Appointment of places for confinement of persons under sentence of transportation and removal thereto.*—[(1) The [State Government] may appoint places within the [State] to which persons under sentence of transportation shall be sent; and the [State Government], or some officer duly authorized in this behalf by the [State Government], shall give orders for the removal of such persons to the places so appointed, except when sentence of transportation is passed on a person already undergoing transportation under a sentence previously passed or another offence.

[(2) In any case in which the [State Government] is competent under sub-section (1) to appoint places within the [State] and to order the removal thereto of persons under sentence of transportation the [State Government] may appoint such places in any other [State] by agreement with the [State Government] of that [State], and may by like agreement give orders or duly authorize some officer to give orders for the removal thereto of such persons.]

PART VIII

DISCHARGE OF PRISONERS

33. *Released on recognizance, by order of High Court, of prisoner recommended for pardon.*—[Any Court which is a High Court [for a Part A State] may in any case in which it has recommended to [Government] the granting of a free pardon to any prisoner, permit him to be at liberty on his own recognizance.

PART IX

PROVISIONS FOR REQUIRING THE ATTENDANCE OF PRISONERS
AND OBTAINING THEIR EVIDENCE*Attendance of Prisoners in Court.*

35. *References in this part to prisons etc., to be construed as referring also to Reformatory Schools.*—In this part, all references to prisons or to imprisonment on confinement shall be construed as referring also to Reformatory Schools or to detention therein.

35. *Power for Civil Courts to require appearance of prisoners to give evidence.*—Subject to the provisions of section 39, any Civil Court may, if it thinks that the evidence of any person confined in any prison within the local limits of its appellate jurisdiction, if it is a High Court, or if it is not a High Court, then within the local limits of the appellate jurisdiction of the High Court to which it is subordinate, is material in any matter pending before it, make an order in the form set forth in the first schedule, directed to the officer in charge of the prison,

36. *District judge in certain cases to countersign orders made under Section 35.*—(1) Where an order under Section 35 is made in any civil matter pending—

(a) in a Court subordinate to the District Judge or

(b) in a Court of Small Causes outside a Presidency-town it shall not be forwarded to the officer to whom it is directed, or acted upon by him until it has been submitted to, and countersigned by

(i) the District Judge to which the Court is subordinate, or

(ii) the District Judge within the local limits of whose jurisdiction the Court of Small Causes is situate.

(2) Every order submitted to the District Judge under sub-section (1) shall be accompanied by a statement, under the hand of the Judge of the subordinate Court, or Court of Small Causes, as the case may be, of the facts which in his opinion render the order necessary, and the District Judge may, after considering such statement, decline to countersign the order.

37. *Power for certain Criminal Courts to require attendance of prisoner to give evidence or answer to charge.*—Subject to the provisions of section 39, any Criminal Court may, if it thinks that the evidence of any person confined in any prison within the local limits of its appellate jurisdiction, if it is a High Court, or, if it is not a High Court, then within the local limits of the appellate jurisdiction of the High Court to which it is subordinate, is material in any matter pending before it, or if a charge of an offence against such person is made or pending, make an order in the form set forth in the first or second schedule, as the case may be, directed to the officer in charge of the prison;

Provided that if such Criminal Court is inferior to the Court of a Magistrate of the first class the order shall be submitted to, and countersigned by, the Sessions Judge to whose Court such Criminal Court is subordinate or within the local limits of whose jurisdiction such Criminal Court is situated.

38. *Order to be transmitted through Magistrate of the district or sub-division in which person is confined.*—Where any person, for whose attendance on order as in this Part provided is made, is confined in any district other than that in which the Court making or countersigning the order is situate, the order shall be sent by the Court by which it is made or countersigned to the District or Sub-divisional Magistrate within the local limits of whose jurisdiction the person is confined, and that Magistrate shall cause it to be delivered to the officer in charge of the prison in which the person is confined.

39. *Procedure where removal is desired of person confined in Presidency town or more than one hundred miles from place where evidence is required.*—

(1) Where a person is confined in a prison within a Presidency-town, or in a prison more than one hundred miles distant from the place where any Court, subordinate to a High Court, in which his evidence is required, is held, the Judge or presiding officer to the Court in which the evidence is so required, shall, if he thinks that such person should be removed under this Part for the purpose of giving evidence in such Court, and if the prison is within the local limits of the appellate jurisdiction of the High Court to which such Court is subordinate, apply in writing to the High Court, and the High Court may, if it thinks fit, make an order in the form set forth in the first schedule, directed to the officer in charge of the prison.

(2) The High Court making an order under sub-section (1) shall send it to the District or Sub-divisional magistrate within the local limits of whose jurisdiction the person named therein is confined, or, in the case of a person confined in a prison within a Presidency-town, to the Commissioner of Police, and such Magistrate or Commissioner shall cause it to be delivered to the officer in charge of the prison in which the person is confined.

40. *Persons confined beyond limits of appellate jurisdiction of High Court.*—

Where a person is confined in a prison beyond the local limits of the appellate jurisdiction of a High Court, any Judge of such Court may, if he thinks that such person should be removed under this Part for the purpose of answering a charge of an offence or of giving evidence in any criminal matter in such Court or in any Court subordinate thereto, apply in writing to the [State Government] of the territories within which the prison is situate, and the [State Government] may, if it thinks fit, direct that the person be so removed, subject to such rules regulating the escort of prisoners as the [State Government] may prescribe.

41. *Prisoner to be brought up.*—Upon delivery of any order under this Part to the officer in charge of the prison in which the person named therein is 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 presiding officer of the Court authorizes him to be taken back to the prison in which he was confined.

42. *Power to Government to exempt certain prisoners from operation of this Part.*—The [State Government] may, by notification in the [official Gazette], direct that any person or any class of persons shall not be removed from the prison in which he or they may be confined; and thereupon, and so long as such notification remains in force the

provisions of this Part, other than those contained in Sections 44 to 46, shall not apply to such person or class of persons,

43. *Officer in charge of prison when to abstain from carrying out order.*—In any of the following cases, that is to say,—

(a) where the person named in any order made under Section 35, Section 37 or Section 39 appears to be, from sickness or other infirmity, unfit to be removed, the officer in charge of the prison in which he is confined, shall apply to the District or Sub-divisional Magistrate within the local limits of whose jurisdiction the prison situate, and if such Magistrate, by writing under his hand, declares himself to be of opinion that the person named in the order is from sickness or other infirmity, unfit to be removed; or

(b) where the person named in any such order is under committal for trial; or

(c) where the person named in any such order is under a remand pending trial or pending a preliminary investigation; or

(d) where the person named in any such order is in custody for a period which would expire before the expiration of the time required for removing him under this Part and for taking him back to the prison in which he is confined;

the officer in charge of the prison shall abstain from carrying out the order, and shall send to the Court from which the order has been issued, a statement of the reason for so abstaining:—

Provided that such officer as aforesaid shall not so abstain where.

(i) the order has been made under Section 37; and

(ii) the person named in the order is confined under committal for trial, or under a remand pending trial or pending a preliminary investigation, and does not appear to be, from sickness or other infirmity, unfit to be removed; and

(iii) the place, where the evidence of the person named in the order is required, is not more than five miles distant from the prison in which he is confined.

COMMISSIONS FOR EXAMINATION OF PRISONERS

44. *Commissions for examination of prisoners.*—In any of the following cases, that is to say—

(a) where it appears to any Civil Court that the evidence of a person confined in any prison within the local limits of the appellate jurisdiction of such Court, if it is a High Court, or if it is not a High Court, then within the local limits of the appellate jurisdiction of the High Court to which it is subordinate, who, for any of the causes mentioned in Section 42 or Section 43, cannot be removed, is material in any matter pending before it; or

(b) where it appears to any such Court as aforesaid that the evidence of a person confined in any prison so situate and more than ten miles distant from the place at which such court is held, is material in any such matter; or

(c) where the District Judge declines, under Section 36, to countersign an order for removal;

the Court may, if it thinks fit, issue a commission, under the provisions of the Code of Civil Procedure (XIV of 1832) for the examination of the person in the prison in which he is confined.

45. *Commissions for examination of prisoners beyond limits of appellate jurisdiction of High Court.*—Where it appears to a High Court that the evidence of a person confined in a prison beyond the local limits of its appellate jurisdiction is material in any civil matter pending before it or before any Court subordinate to it, the High Court may, if it thinks fit, issue a commission, under the provisions of the Code of Civil Procedure (XIV of 1882) for the examination of the person in the prison in which he is confined.

46. *Commission how to be directed.*—Every commission for the examination of a person issued under Section 44 or Section 45 shall be directed to the District Judge within the local limits of whose jurisdiction the prison in which the person is confined is situate, and the District Judge shall commit the execution of the commission to the officer in charge of the prison or to such other person as he may think fit.

SERVICE OF PROCESS ON PRISONERS

47. *Process how served on prisoners.*—When any process directed to any person confined in any prison is issued from any Criminal or Revenue Court, it may be served by exhibiting to the officer in charge of the prison the original of the process and depositing with him a copy thereof.

48. *Process served to be transmitted at prisoner's request.*— (1) Every officer in charge of a prison upon whom service is made under section 47 shall, as soon as may be, cause the copy of the process deposited with him to be shown and explained to the person to whom it is directed, and shall thereupon endorse upon the process and sign a certificate to the effect that such person as aforesaid is confined in the prison under his charge and has been shown and had explained to him a copy of the process.

(2) Such certificate as aforesaid shall be prima facie evidence of the service of the process, and, if the person to whom the process is directed requests that the copy shown and explained to him be sent to any other person and provides the cost of sending it by post, the officer in charge of the prison shall cause it to be sent.

MISCELLANEOUS

49. *Application of Part in certain cases.*—(1) For the purposes of this Part, the Courts of Small Causes established in the Presidency-towns and the Court of Presidency Magistrates shall be deemed to be subordinate to the High Court of Judicature at Fort William, Madras or Bombay, as the case may be.

50. *Deposit of costs.*—No order in any civil matter shall be made by Court under any of the provisions of this Part until the amount of the costs of charges of the execution of such order (to be determined by the Court) is deposited in such Court:

Provided that, if upon any application for such order it appears to the Court to which the application is made, that the applicant has not sufficient means to meet the said costs and charges, the Court may pay the same out of any fund applicable to the contingent expenses of such Court, and every sum so expended may be recovered by the [State Government] from any person ordered by the

Court to pay the same as if it were costs in a suit recoverable under the Code of Civil Procedure (XIV of 1882).

51. *Power to make rules under this Part.*—(1) The [State Government] may make rules—

(a) for regulating the escort of prisoners to and from Courts in which their attendance is required and for their custody during the period of such attendance;

(b) for regulating the amount to be allowed for the costs and charges of such escort; and

(c) for the guidance of officers in all other matters connected with the enforcement of this Part.

(2) All rules made under sub-section (1) shall be published in the [Official Gazette] and shall, from the date of such publication, have the same force as if enacted by this Act.

52. *Power to declare who shall be deemed officer in charge of Prison.*—The [State Government] may declare what officer shall, for the purpose of this Part, be deemed to be the officer in charge of a Prison.

53. [Repeals]. Repealed by s. 3 and Sch. II of the Repealing and Amending Act. 1914 (X of 1914).

(THE FIRST, SECOND AND THIRD SCHEDULE)

THE FIRST SCHEDULE

(See Sections 35 and 37)

Court of

To the officer in charge of the
(state name of Prison).

You are hereby required to produce
now a prisoner in

under safe and

sure conduct before the Court of

at

on the day of

next by

of the clock in the forenoon of the same day, there
to give evidence in a matter now pending before the said court, and after the
said has then and there given his evidence before the
said Court or the said Court has dispensed with his further attendance, cause
him to be conveyed under safe and sure conduct back to the prison.

The

date of

(Countersigned)

A. B.
C. D.

THE SECOND SCHEDULE

(See section 37)

Court of
To the Officer in charge of _____
(state name
of Prison)

You are hereby required to produce
now a prisoner in _____ safe and sure
conduct, before the Court of _____ at
on the _____ date of _____

next by _____ of
the clock in the forenoon of the
same day, there to answer a charge now pending before the said Court, and
after such charge has been disposed of or the said Court has dispensed with
his further attendance, cause him, to be conveyed under safe and sure conduct
back to the said prison.

The _____ date of _____

(Countersigned) A. B.
C. D.

[The Third Schedule] Repealed by s. 3 and Sch. II of the Repealing and
Amending Act, 1914 (X of 1914).

BOMBAY ACT NO. VII of 1949

(b) THE PRISONERS (BOMBAY AMENDMENT) ACT, 1949

11th April 1949

AN ACT TO AMEND THE PRISONERS ACT, 1900, IN ITS APPLICATION
TO THE PROVINCE OF BOMBAY

III of 1900

Whereas it is expedient to amend the Prisoners Act, 1900, in its application
to the Province of Bombay, for the purposes hereinafter appearing; It is hereby
enacted as follows:—

Short Title

1. This Act may be called the Prisoners (Bombay Amendment) Act,
1949.

Amendment of heading to Part III of Act III of 1900

2. In the heading to Part III of the Prisoners Act, 1900, (hereinafter called
the said Act), for the words "the Presidency-towns" the words "Greater
Bombay" shall be substituted.

Amendment of Section 5 of Act III of 1900

3. In section 5 of the said Act—

(a) after the words "criminal jurisdiction" the words "or by the Court of Session for Greater Bombay" shall be inserted;

(b) after words "such jurisdiction" the words "or within the limits of Greater Bombay as the case may be" shall be added.

Amendment of Section 7 of Act III of 1900

4. In section 7 of the said Act—

(a) for the words "criminal jurisdiction" the words "or appellate criminal jurisdiction or by the Court of Session for Greater Bombay" shall be substituted.

(b) for the words "the court" the words "the High Court or the Sessions Court, as the case may be," shall be substituted;

(c) for the words "the returned by him to the High Court when executed" the words "when executed returned by him to the High Court or the Sessions Court, as the case may be" shall be substituted.

(d) in the marginal note to the said section, after the words "High Court" the words "or Sessions Court" shall be added.

Amendment of Section 8 of Act III of 1900

5. In section 8 of the said Act—

(a) for the words "criminal jurisdiction" the words "or appellate criminal jurisdiction or by the Court of Session for Greater Bombay" shall be substituted;

(b) for the words "the Court" the words "the High Court or the Sessions Court, as the case may be," shall be substituted;

(c) in the marginal note to the said section, after the words "High Court" the words "or Sessions Court" shall be added.

Amendment of Section 9 of Act III of 1900

6. In section 9 of the said Act—

(a) after the words "High Court" the words "the Bombay City Civil Court or the Court of Session for Greater Bombay," shall be inserted;

(b) for the words "the Court" the words "the High Court, the City Court or the Sessions Court, as the case may be," shall be substituted;

(c) in the marginal note to the said section, after the words "High Court" the words "City Court or Sessions Court" shall be inserted.

Amendment of Section 11 of Act III of 1900

7. In section 11 of the said Act,—

(a) after the words "criminal jurisdiction" the words "or by the Court of Session for Greater Bombay" shall be inserted;

(b) for the words "the Court" at both the places where they occur the words "the High Court or the Sessions Court, as the case may be," shall be substituted;

(c) In the marginal note to the said section, after the words "High Court" the words "or Sessions Court" shall be added.

Amendment of Section 13 of Act III of 1900

8. In section 13 of the said Act—

(a) in sub-section (1), for the words "a Presidency town" the words "Greater Bombay" shall be substituted;

(b) in the marginal note to the said section, for the word "Presidency town" the words "Greater Bombay" shall be substituted.

Amendment of heading to Part IV of Act III of 1900

9. In the heading to Part IV of the said Act, for the words "the Presidency-towns" the words "Greater Bombay" shall be substituted.

Amendment of section 15 of Act III of 1900

10. In section 15 of the said Act in sub-section (1), for the words "the Presidency-towns" the words "Greater Bombay" shall be substituted.

(b) THE PRISONERS ACT, 1900 (III OF 1900)

G. N., J. D., No. 6321, dated 6th October 1902, amended by G. N., H. D., No. 9180/3-III, dated 3rd June 1939.

In supersession of all previous rules issued on the subject, the Governor in Council is pleased, in exercise of the power conferred by sub-section (1) of section 51 of the Prisoners Act 1900 (III of 1900), to make, and under sub-section (2) of the same section to publish for general information, the following rules:—

- (a) for regulating the escort of prisoners (State prisoners excepted) to and from any court, situated within the jurisdiction of the High Court, in which their presence is required and for their custody during the period of such attendance
- (b) for regulating the amount to be allowed for the costs and charges of such escort, and
- (c) for the guidance of officers in matters connected with the enforcement of Part IX of the Prisoners Act, 1900 (III of 1900):—

1. On receipt of an order issued under sections 35, 37, 39 or 40 of the Act, the officer in charge of the prison shall make a requisition on the District Superintendent of Police or in the City of Bombay on the Commissioner of Police for an escort, and the District Superintendent or Commissioner as the case may be, shall supply such escort in conformity with the ordinary rules of his department.

2. The officer in charge of such escort shall, in like manner, be guided by the rules of the Police Department in the performance of his duty, and in the treatment of the prisoners under his charge.

3. All prisoners shall be taken to the Court before which their appearance is required by the most expeditious route. Prisoners under sentence or under trial for criminal offences shall ordinarily travel on foot; but civil prisoners who are desirous of obtaining and are willing to pay for the indulgence, may be provided with suitable means of conveyance. Prisoners and their escorts shall not travel by night except when absolutely necessary. When a railway is available, all prisoners shall be conveyed by rail under charge of the police guard.

4. Civil prisoners shall ordinarily not be fettered or hand-cuffed. Before any criminal is made over to the officer in charge of the escort, the officer in charge of the prison shall satisfy himself that the fetters of the prisoner or prisoners to be removed are in order and that each prisoner is supplied with

suitable clothing, and he shall further make over to the officer in charge of the guard copies of the warrant under which the person, whether a civil or criminal prisoner, is confined and of the orders of the Court under which the prisoner is removed, together with a sum of money for their maintenance and road expence. Diet money shall be calculated at a rate not exceeding 4 annas per diem, according to the number of days which the escort will take going to and returning from the Court.

5. The officer in charge of the guard shall give to the officer in charge of the prisoner a receipt for such prisoners as he may receive with a statement of the clothing, etc., in each prisoner's possession, and a receipt for the amount of diet money or road expenses which has been advanced on their account. Advances required on account of the escort shall be made by the District Superintendent, or Commissioner of Police, in the City of Bombay, supplying it.

6. Should there be a prison or (in default of a prison) a lock-up at the place where the Court before which the prisoners have to appear is held, the officer in charge of the escort shall deliver the prisoners to the Jailor of such prison or officer in charge of such lock-up, and shall not be responsible for their custody while they are in such prison or lock-up, but shall only be responsible for their custody while escorting them thither and from such prison or lock-up to the place where the Court is held.

7. Whenever a criminal prisoner is removed under the Act to a place other than that where he has been undergoing his sentence he shall, when his attendance is no longer required, be taken to the nearest District or Central Prison, the officer in charge of which shall apply to the Inspector-General of Prisons for instructions as to his disposal. On the prisoner being received by the Jailor under this rule, the copy of the warrant of confinement shall be made over to him by the Officer in charge of the escort, who shall then receive from the officer in charge of the prison a receipt for the prisoner and such clothing, etc. as he may have with him. The officer in charge of the prison shall also forward copy of such receipt by post to the officer in charge of the prison from which the prisoner has been brought. Civil prisoners shall, on their attendance being dispensed with, be taken back to the prison from which they have been brought.

8. On the completion of the duty for which the escort was detailed, the District Superintendent or Commissioner supplying it shall, if the presence of the prisoner was required in any civil matter, submit a bill to the Court from which the requisition proceeded, for the cost of the guard as fixed by the scale in Schedule A, and for the actual expenditure incurred by them on account of carriage by land or water, if the journey is not performed entirely on foot, plus 10 per cent, for contingencies. A separate bill should also be forwarded by the District Superintendent or Commissioner of Police in the City of Bombay for the diet money and road expenses of the prisoner or prisoners.

9. All sums received in payment of these bills shall at once be paid into the Treasury of the District from which the escort started to the credit of the State Government, as a receipt either of the Police or Jail Department, according as the amount is paid on account of the escorts or of the prisoners.

10. In estimating beforehand, under section 50, the amount to be deposited by any party requiring the testimony of a prisoner in any civil matter, the Court should calculate the charges for escort parties according to the scale shown in Schedule A attached to these rules, and should take the average distance covered by escort parties travelling by road at from ten to fifteen miles per diem. The Court should also estimate for the whole time likely to be occupied in going, waiting and returning. Where the journey is performed by rail the cost of third class fares both ways for a whole compartment should be added. The fares by boat or steamer must be estimated on such information as the Court may itself possess. In every case 4 annas per diem, for each prisoner's diet money, and 10 per cent, on the cost of the guard for contingencies should be added. Any balance deficient between the amount estimated by the Court and the charge entered in the bill preferred by the District Superintendent or Commissioner of Police in the city of Bombay shall be recovered by the Court under section 50 of the Act. The Court before whom any prisoner appears to give evidence should take his evidence without unnecessary delay.

11. The foregoing rules do not apply to State prisoners confined by order of the State Government, whose attendance in any Court can only be arranged for under the special orders of the State Government in each case.

Schedule A

Number of Prisoners	Number of Constables employed	Cost per diem Rs. as. p.
1 Prisoner	2 Constables	0 12 0
1 Prisoner if the distance to be escorted is so great as to render halt for the night necessary <i>en route</i> to enable a sentry with relief being furnished at night.	1 Head Constable and 3 constables.	1 12 0
2, 3 or 4 prisoners	1 Head Constable and 3 Constables.	1 12 0
5 or 6 prisoners	1 Head Constable and 4 Constables.	2 2 0
For every 2 prisoners above six.	1 Additional Constable	0 6 0

G. N., J. D., No. 6322, dated 6th October 1902.

Under section 52 of the Prisoners Act, 1900 (III of 1900), His Excellency the Governor in Council is pleased to declare, in supersession of Government Notification No. 1809, dated the 18th May 1870, that in the case of prisons administered, under the Prisons Act, 1894 (IX of 1894), the Superintendents of such Prisons, and in the case of Civil Jails administered under Bombay Act II of 1874 as amended by subsequent enactments, the Nazirs of the District Courts shall be deemed to be officers in charge of prisons for the purposes of Part IX of the Prisoners Act, 1900.

THE TRANSFER OF PRISONERS ACT, 1950 (XXIX OF 1950)

AN Act To PROVIDE FOR THE REMOVAL FROM ONE STATE TO ANOTHER OF PERSONS CONFINED IN A PRISON.

Be it enacted by Parliament as follows:—

1. Short Title and Extent

- (1) This Act may be called the Transfer of Prisoners Act, 1950.
- (2) It extends to the whole of India except the State of Jammu and Kashmir.

2. Definitions: In this Act—

- (a) "Court" includes any officer lawfully exercising civil, criminal or revenue jurisdiction;
- (b) "Government" or "State Government", in relating to a Part C State, means the Chief Commissioner of that State;
- (c) Prison includes any place which has been declared by a State Government, by general or special order to be a subsidiary Jail.

3. Removal of Prisoners from one State to another

- (1) Where any person is confined in a prison in a State—
 - (a) under sentence of death, or
 - (b) under, or in lieu of, a sentence of imprisonment or transportation, or
 - (c) in default of payment of a fine or,
 - (d) in default of giving security for keeping the peace or for maintaining good behaviour; Government of that State may, with the consent of the Government of any other State, by order provide for the removal of the prisoner from that prison to any prison in the other State.
- (2) The Officer in charge of the prison to which any person is removed under sub-section (1) shall receive and detain him, so far as may be, according to the exigency of any writ, warrant or order of the Court by which such person has been committed, or until such person is discharged or removed in due course of law.

4. Amendment of Section 29, Act III of 1900

In sub-section (1) of Section 29 of the Prisoners Act, 1900, the words, "or, with the consent of the State Government concerned, to any prison in any other State" shall be omitted

CHAPTER IV

(a) THE WHIPPING ACT, 1909 (IV OF 1909)

[22nd March, 1909]

An Act to consolidate and amend the law relating to the punishment of whipping.

Whereas it is expedient to consolidate and amend the law relating to the punishment of whipping. It is hereby enacted as follows:—

Short title and extent

1. This Act may be called the Whipping Act, 1909
and

2. (It extends to the whole of India except Part B States).

Whipping added to punishment described in Act XIV, 1860

3. In addition to the punishments described in section 53 of the Indian Penal Code, offenders are also liable to the punishment of whipping.

Offences punishable with whipping in lieu of other punishment

Whoever commits any of the following offences, namely:—

- (a) theft, as defined in section 378 of the Indian Penal Code other than theft by a clerk or servant of property in possession of his master;
- (b) theft in a building, tent or vessel, as defined in section 380 of the said Code;
- (c) theft after preparation for causing death or hurt, as defined in section 382 of the said Code;
- (d) lurking house-trespass, or house-breaking, as defined in sections 443 and 445 of the said Code, in order to the committing of any offence punishable with whipping under this section;
- (e) lurking house-trespass by night, or house-breaking by night, as defined in sections 444 and 446 of the said Code, in order to the committing of any offence punishable with whipping under this section; may be punished with whipping in lieu of any punishment to which he may for such offence be liable under the said Code.

Offences punishable with whipping in lieu of or in addition to other punishment

4. Whoever—

- (a) abets, commits or attempts to commit, rape, as defined in section 375 of the Indian Penal Code;
- (b) compels, or induces any person by fear of bodily injury, to submit to an unnatural offence as defined in section 377 of the said Code;
- (c) voluntarily causes hurt in committing or attempting to commit robbery, as defined in section 390 of the said Code;
- (d) commits dacoity as defined in section 391 of the said Code; may be punished with whipping in lieu of or in addition to any other punishment to which he may for such offence, abetment or attempt be liable under the said Code.

Juvenile offenders when punishable with whipping

5. Any juvenile offender who abets, commits or attempts to commit—

- (a) any offence punishable under the Indian Penal Code, except offences specified in Chapter VI and in sections 153-A and 505 of that Code and offences punishable with death, or
- (b) any offence punishable under any other law with imprisonment which the State Government may, by notification in the Official Gazette, specify in this behalf,

may be punished with whipping in lieu of any other punishment to which he may for such offence, abetment or attempt be liable.

Explanation.—In this section the expression "Juvenile offender" means an offender whom the Court, after making such enquiry (if any) as may be deemed necessary, shall find to be under sixteen years of age the finding of the Court in all cases being final and conclusive.

Special provision as to punishment with whipping in frontier districts

6. Whenever any State Government has, by notification in the Official Gazette, declared the provisions of this section to be in force in any frontier district or any wild tract of country within the jurisdiction of such State Government any person who in such district or tract of country after such notification as aforesaid commits an offence punishable under the Indian Penal Code, with imprisonment for three years or upwards, may be punished with whipping in lieu of any other punishment to which he may be liable under the said Code.

Amendment of S. 392, Act V of 1893

7. (Rep. by Act. I of 1938).

(Repeals)

8. Repealed by Act XVII of 1914.

The Schedule.—Enactments repealed (Repealed by Act XVII of 1914).

(b) THE WHIPPING ACT, 1909 (IV OF 1909)

G. N., H. D., No. 9180/3-IV-(C), dated 14th August 1940 (B. G., Part IV-A, P. 943).

In exercise of the powers conferred by section 5, clause (b), of the Whipping Act, 1909 (IV of 1909), and in supersession of the Government of India Notification in the Home Department, No. 1650, dated the 27th September 1920, in so far as it applies to the Province of Bombay, the Government of Bombay is pleased to specify the offences under the enactments and rules mentioned in the Schedule hereto annexed, being offences punishable under the said enactments and rules with imprisonment, as offences for the abetment or commission of, or attempt to commit which, juvenile offenders may be punished with whipping in accordance with the provisions of the said section.

SCHEDULE

Central Acts

1. The Police Act, 1861 (V of 1861), section 34.
2. The Cattle Trespass Act, 1871 (I of 1871), section 24.
3. The Opium Act, 1878 (I of 1878), section 9.
4. The Indian Arms Act, 1878 (XI of 1878), Sections 19, 20, 22 and 23.
5. The Indian Salt Act, 1882 (XII of 1882), sections 9 and 10.
6. The Indian Telegraph Act, 1885 (XIII of 1885), sections 24 and 25.
7. The Indian Railways Act, 1890 (IX of 1890), sections 126, 127, 128 and 129.

8. The Prevention of Cruelty to Animals Act, 1890 (XI of 1890), in its application to the State of Bombay, sections 3, 4 and 5.
9. The Prisons Act, 1894 (IX of 1894), section 42.
10. The Indian Fisheries Act, 1897 (IV of 1897), sections 4 and 5.
11. The Indian Post Office Act, 1898 (VI of 1898), sections 61, 62 and 68.
12. The Ancient Monuments Preservation Act, 1904 (VII of 1904), section 16.
13. The Indian Electricity Act, 1910 (IX of 1910), section 40.
14. The Criminal Tribes Act, 1911 (III of 1911), section 22 (i).
15. The Cantonment Code, 1912, section 67 (i).
16. The Indian Forest Act, 1927 (XVI of 1927), sections 26, 33, 63 and rules made under section 41 for the infringement of which imprisonment is prescribed as a penalty.

State Acts

1. The Bombay Abkari Act, 1878 (Bom. V of 1878), sections 43 and 48.
2. The Bombay Prevention of Gambling Act, 1887 (Bom. IV of 1887), sections 5 and 12.
3. The Bombay District Police Act, 1890 (Bom. IV of 1890), sections 62, 70 and 71.
4. The City of Bombay Police Act, 1902 (Bom. IV of 1902), section 122.

THE INDIAN LUNACY ACT, 1912 (IV OF 1912)

(16th March, 1912)

An Act to consolidate and amend the law relating to Lunacy.

WHEREAS it is expedient to consolidate and amend the law relating to lunacy; it is hereby enacted as follows:—

PART I

PRELIMINARY

CHAPTER I

Short Title and Extent

1. (1) This Act may be called THE INDIAN LUNACY ACT, 1912.
- (2) It extends to the whole of India, (except the State of Jammu and Kashmir).

Savings

2. Nothing contained in part II shall be deemed to affect the powers of any High Court (for a Part A State), over any person found to be a lunatic, by inquisition or over the property of such lunatic, or the rights of any person appointed by such Court as guardian of the person or manager of the estate of such lunatic.

Definitions

3. In this Act, unless there is anything repugnant in the subject or context,—

(1) "asylum" means an asylum (or mental hospital) for lunatics established or licensed by any Government in India.*

(2) "cost of maintenance" in an asylum includes the cost of lodging, maintenance, clothing, medicine and care of a lunatic and any expenditure incurred in removing such lunatic to and from an asylum (together with any other charges specified in this behalf by the State Government, in exercise of any power conferred upon it by this Act);

(3) "District Court" means the principal Civil Court of original jurisdiction in any area outside the local limits for the time being of the presidency-towns

(4) "criminal lunatic" means any person for whose (detention) in, or removal to an asylum, jail or other place of safe custody an order has been made in accordance with the provisions of section 466 or section 471 of the Code of Criminal Procedure, 1898, or of section 30 of the Prisoners Act, 1900, (or of section 103-A of the Indian Army Act, 1911):

(4-A) "India" means the territory of India excluding the State of Jammu and Kashmir. (Inserted by Act III of 1951).

(5) "Lunatic" means an idiot or person of unsound mind:

(6) "Magistrate" means a Presidency Magistrate, District Magistrate, sub-Divisional Magistrate or a Magistrate of the first class specially empowered by the State Government to perform the functions of a Magistrate under this Act :

(7) "medical officer" means a gazetted (medical officer in the service of the Government) and includes a medical practitioner declared by general or special order of the State Government to be a medical officer for the purposes of this Act:

(8) "medical practitioner" means a holder of a qualification to practise medicine and surgery which can be registered in the United Kingdom in accordance with the law for the time being in force for the registration of medical practitioners, and includes any person declared by general or special order of the State Government to be a medical practitioner for the purposes of this Act,

(9) "prescribed" means prescribed by this Act or by rule made thereunder:

(10) "reception order" means an order made under the provisions of this Act for the reception into asylum of a lunatic other than a lunatic so found by inquisition:

(11) "relative" includes any person related by blood, marriage or adoption: and

(12) "rule" means a rule made under this Act.

PART II

RECEPTION, CARE AND TREATMENT OF LUNATICS

Reception of Lunatics

4. (1) No person other than a criminal lunatic or a lunatic so found by inquisition shall be received or detained in an asylum without a reception order, save as provided by sections 8, 16 and 98.

Provided that any person in charge of an asylum may, with the consent of two of the visitors of such asylum, which consent shall not be given except upon a written application from the intending boarder,

receive and lodge as a boarder in such asylum any person who is desirous of submitting himself to treatment.

(2) A boarder received in an asylum under the proviso to sub-section (1) shall not be detained in the asylum for more than twenty-four hours after he has given to the person in charge of the asylum notice in writing of his desire to leave such asylum.

Reception orders on petition

5. (1) An application for a reception order shall be made by petition accompanied by a statement of particulars to the Magistrate within the local limits of whose jurisdiction the alleged lunatic ordinarily resides; shall be in the form prescribed and shall be supported by two medical certificates on separate sheets of paper, one of which certificates shall be from a medical officer.

(2) If either of the medical certificates is signed by any relative, partner or assistant of the lunatic or of the petitioner, the petition shall state the fact and, where the person signing is a relative, the exact manner in which he is related to the lunatic or petitioner.

(3) The petition shall also state whether any previous application has been presented for an inquiry into the mental capacity of the alleged lunatic in any Court; and if such application has been made, a certified copy of the order made thereon shall be attached to the petition.

(4) No application for a reception order shall be entertained in any area outside the Presidency-towns unless the State Government has, by notification in the Official Gazette, declared such area as an area in which reception orders may be made.

6. (1) Subject to the provisions of sub-section (3), the petition shall be presented by the husband or wife of the alleged lunatic, or, if there is no husband or wife or the husband or wife is prevented by reason of insanity, absence from India or otherwise from making the presentation, by the nearest relative of the alleged lunatic who is not so prevented.

(2) If the petition is not presented by the husband or wife, or, where there is no husband or wife, by the nearest relative of the alleged lunatic, the petition shall contain a statement of the reasons why it is not so presented, and of the connection of the petitioner with the alleged lunatic, and the circumstances under which he presents the petition.

(3) No person shall present a petition unless he has attained the age of majority as determined by the law to which he is subject, and has within fourteen days before the presentation of the petition, personally seen the said lunatic.

(4) The petition shall be signed and verified by the petitioner, and the statement of prescribed particulars by the person making such statement.

7. (1) Upon the presentation of the petition the Magistrate shall consider the allegations in the petition and the evidence of lunacy appearing by the medical certificates.

(2) If he considers that there are grounds for proceeding further, he shall personally examine the alleged lunatic unless for reasons to be recorded in writing he thinks it unnecessary or inexpedient so to do.

(3) If he is satisfied that a reception order may properly be made forthwith, he may make the same accordingly.

(4) If he is not so satisfied, he shall fix a date (notice whereof shall be given to the petitioner and to any other person to whom in the opinion of the magistrate notice should be given) for the consideration of the petition, and he may make such further or other inquiries of or concerning the alleged lunatic as he thinks fit.

8. Upon the presentation of the petition, the Magistrate may make such order as he thinks fit for the suitable custody of the alleged lunatic pending the conclusion of the inquiry,

9. The petition shall be considered in private in the presence of the petitioner, the alleged lunatic (unless the Magistrate in his discretion otherwise directs), any person appointed by the alleged lunatic to represent him and such other persons as the Magistrate thinks fit.

10. (1) At the time appointed for the consideration of the petition, the Magistrate may either make reception order or dismiss the petition, or may adjourn the same for further evidence or inquiry and may make such order as to the payment of the costs of the inquiry by the person upon whose application it was made, or out of the estate of the alleged lunatic if found to be of unsound mind, or otherwise as he thinks fit.

(2) If the petition is dismissed, the Magistrate shall record in writing his reasons for dismissing the same, and shall deliver or cause to be delivered to the petitioner a copy of such order.

11. No reception order shall be made under section 7 or section 10, save in the case of a lunatic who is dangerous and unfit to be at large, unless—

(a) the Magistrate is satisfied that the person in charge of an asylum is willing to receive the lunatic, and

(b) the petitioner or some other person engages in writing to the satisfaction of the Magistrate to pay the cost of maintenance of the lunatic.

11-A. (1) The Magistrate may, subject to the provisions of this section by order in writing (hereinafter referred to as an order of substitution), transfer the duties and responsibilities under this Act of the person on whose petition a reception order has been made to any other person who is willing to undertake the same, and such other person shall thereupon be deemed for the purposes of this Act to be the person on whose petition the reception order was made, and all references in this Act to such last mentioned person shall be construed accordingly:

Provided that no such order of substitution shall release the person upon whose petition the reception order was made, or, if he is dead, his legal representative from any liability incurred before the order of substitution was made.

(2) Before making any order of substitution, the Magistrate shall send a notice to the person upon whose petition the reception order was made, if he is alive, and to any relative of the lunatic to whom, in the opinion of the Magistrate, notice should be given; the notice shall specify the name of the person in whose favour it is proposed to make such order and the date, which shall be not less than twenty days from the sending of the notice, upon which any objection to the making of the order will be considered.

(3) On such date or any subsequent date to which the proceedings may be adjourned, the Magistrate shall consider any objection made by any person to whom notice has been sent, or by any other relative of

the lunatic, and shall receive all such evidence as may be produced by or on behalf of any such person and such further evidence, if any, as the Magistrate thinks necessary, and may thereafter make or refrain from making an order of substitution;

Provided that, if the person on whose petition the reception order was made is dead and any other person is willing and, in the opinion of the Magistrates, fitted to undertake the duties and responsibilities under this Act of such first-mentioned person, the Magistrate shall make such an order.

(4) If in proceedings under this section any question arises as to the person to whom the duties and responsibility under this Act of a person upon whose petition a reception order has been made shall be entrusted, the Magistrate shall give preference to the person who is the nearest relative of the lunatic unless, for reasons to be recorded in writing, the Magistrate considers that such preference would not be in the interests of the lunatic.

(5) The Magistrate may make such order for the payment of the costs of an inquiry under this section by any person who is a party thereto or out of the estate of the lunatic, as he thinks fit.

(6) Any notice under sub-section (II) may be sent by post to the last known address of the person for whom it is intended.

11-B. (1) When an arrangement has been made with any foreign European State with respect to the reception of lunatics in asylums in India the Central Government may, by notification in the Official Gazette, direct that reception orders may be made under this Act in the case of any lunatic or class of lunatics or class of lunatics residing in the territories in India of such foreign European State, and shall in such notification specify the state or States within which such reception orders may be made.

(2) On publication of a notification under sub-section (1), the provisions of this Act as to the making of reception orders on petition and for temporary detention in suitable custody shall apply in the case of such lunatics, with the following modifications, namely :—

(a) an application for a reception order may be made by petition presented by such officer or agent to the foreign State in which the alleged lunatic ordinarily resides, as may by general or special order be approved by the State Government in this behalf.

(b) the functions of the Magistrate shall be performed by such officer as the State Government may, by general or special order, appoint in this behalf and such officer shall be deemed to be the Magistrate having jurisdiction over the alleged lunatic for all the purposes of the said provisions.

(c) for the purposes of sections 5 and 18 (1), the expressions "medical officer", and "medical practitioner" shall include such person or class or persons as the State Government may specify in this behalf.

(d) the Magistrate may in his discretion extend the period prescribed by section 19 within which the alleged lunatic must have been medically examined; and

(e) section 6 (1), (2), (3), 11, (11-A) and 34 of the Act, shall not apply, and with such other modifications, restrictions or adaptations as the Central Government may, by notification in the Official

Gazette, direct for the purpose of facilitating the application of the said provisions.

(3) A reception order made under this section shall be deemed to be reception order made under section 7 or section 10, as the case may be.

Reception orders otherwise than on petition

12. When any European who is subject to the provisions of the Army Act [the Naval Discipline Act or that Act as modified by the Indian Navy (Discipline) Act, 1934], (the Air Force Act or the Indian Air Force Act, 1932), has been declared a lunatic in accordance with the provisions of the military (Naval) (or Air Force) regulations in force for the time being, and it appears to any administrative medical officer that he should be removed to an asylum, such administrative medical officer may, if he thinks fit, make a reception order under his hand for the admission of the said lunatic into any asylum which has been duly authorized for the purpose by the Central Government.

13. (1) Every officer in charge of a police station may arrest or cause to be arrested all persons found wandering at large within the limits of his station whom he has reason to believe to be lunatics, and shall arrest or cause to be arrested all persons within the limits of his station whom he has reason to believe to be dangerous by reason of lunacy. Any person so arrested shall be taken forthwith before the Magistrate.

(2) Every officer in charge of a police-station who has reason to believe that any person within the limits of his station is deemed to be a lunatic and is not under proper care and control, or is cruelly treated or neglected by any relatives or other person having the charge of him, shall immediately report the fact to the District Magistrate.

14. Whenever any person is brought before a Magistrate under the provisions or sub-section (1) of section 13, the Magistrate shall examine such person, and if he thinks that there are grounds for proceeding further, shall cause him to be examined by a medical officer, and may make such other inquiries as he thinks fit; and if the Magistrate is satisfied that such person is a lunatic and a proper person to be detained, he may, if the medical officer who has examined such person gives a medical certificate with regard to such person, make a reception order for the admission of such lunatic into an asylum;

Provided that, if any friend or relative desires that the lunatic be sent to a licensed asylum and engages in writing to the satisfaction of the Magistrate to pay the cost of maintenance of the lunatic in such asylum consents, make a reception order for the admission of the lunatic into the licensed asylum mentioned in the engagement.

Provided further that if any friend or relative of the lunatic enters into a bond with or without sureties for such sum of money as the Magistrate thinks fit, conditioned that such lunatic shall be properly taken care of, and shall be prevented from doing injury to himself or to others, the Magistrate, instead of making a reception order, may, if he thinks fit, make him over to the care of such friend or relative,

15. (1) If it appears to the Magistrate, on the report of a police-officer or the information of any other person, that any person within the limit of his jurisdiction deemed to be a lunatic is not under proper care and control or is cruelly treated or neglected by any relative or

other person having the charge of him, the Magistrate may cause the alleged lunatic to be produced before him and summon such relative or other person as has or ought to have the charge of him.

(2) If such relative or other person is legally bound to maintain the alleged lunatic, the Magistrate may make an order for such alleged lunatic being properly cared for and treated, and if such relative or other person wilfully neglects to comply with the said order, the Magistrate may sentence him to imprisonment for a term which may extend to one month.

(3) If there is no person legally bound to maintain the alleged lunatic, or if the Magistrate thinks fit so to do, he may proceed as prescribed in section 14, and upon being satisfied in manner aforesaid that the person deemed to be a lunatic is a lunatic and a proper person to be detained under care and treatment may, if a medical officer gives a medical certificate with regard to such lunatic, make a reception order for the admission of such lunatic into an asylum.

15. (1) When any person alleged to be a lunatic is brought before a Magistrate under the provisions of section 13 or section 15, the Magistrate may, by an order in writing authorize the detention of the alleged lunatic in suitable custody for such time not exceeding ten days as may be, in his opinion necessary to enable the medical officer to determine whether such alleged lunatic is a person in respect of whom a medical certificate may be properly given.

(2) The Magistrate may, from time to time, for the same purpose by order in writing, authorize such further detention of the alleged lunatic for periods not exceeding ten days at a time as he thinks necessary.

Provided that no person shall be detained in accordance with the provisions of this section for a total period exceeding thirty days from the date on which he was first brought before the Magistrate.

17. All acts which the Magistrate is authorized or required to do by sections 14, 15 or 16 may be done in the Presidency towns by the Commissioner of Police; and all duties which an officer in charge of a police station is authorised or required to perform may be performed in any of the Presidency towns by an officer of the police force not below the rank of an inspector.

Further provisions as to reception orders and medical certificates

18. (1) Every medical certificate under this Act shall be made and signed by a medical practitioner or a medical officer, as the case may be, and shall be in the form prescribed.

(2) Every medical certificate shall state the facts upon which the person certifying has formed his opinion that the alleged lunatic is a lunatic, distinguishing facts observed by himself from facts communicated by others; and no reception order on petition shall be made upon a certificate founded only upon facts communicated by others.

(3) Every medical certificate made under this Act shall be evidence of the facts therein appearing and of the judgment therein stated to have been formed by the person certifying on such facts, as if the matters therein appearing had been verified on oath.

19. (1) A reception order required to be founded on a medical certificate shall not be made unless the person who signs the medical certificate, or, where two certificates are required, each person who signs a certificate has personally examined the alleged lunatic, in the case of an order upon petition,

not more than seven clear days before the date of the presentation of the petition, and in all other cases, not more than seven clear days before the date of the order.

(2) Where two medical certificates are required, a reception order shall not be made unless each person signing a certificate has examined the alleged lunatic separately from the other.

20. A reception order, if the same appears to be in conformity with this Act, shall be sufficient authority for the petitioner or any person authorized by him, or in the case of an order not made upon petition, for the person authorized so to do by the person making the order, to take the lunatic and convey him to the place mentioned in such order and for his reception and detention therein, or in any asylum to which he may be removed in accordance with the provisions of this Act, and the order may be acted on without further evidence of the signature or of the jurisdiction of the person making the order.

Provided that no reception order shall continue to have effect—

(a) After the expiry of thirty days from the date on which it was made, unless the lunatic has been admitted to the place mentioned therein within that period, or

(b) After the discharge, under the provisions of this Act, of the lunatic from such place or from any asylum to which he may have been removed.

21. Any authority making a reception order under this Part shall forthwith send a certified copy of the order to the person in charge of the asylum into which such lunatic is to be admitted.

22. Subject to the provisions of section 85, no Magistrate shall make a reception order for the admission of any lunatic into (any Government asylum) outside the State in which the Magistrate exercise jurisdiction.

Detention of Lunatics Pending removal to asylum

23. When any reception order has been made under section 7, 10, 14 or 15, the Magistrate may, for reasons to be recorded in writing, direct that the lunatic, pending his removal to an asylum, be detained in suitable custody in such place as the Magistrate thinks fit.

Reception and detention of criminal lunatics

24. An order under section 466 or section 471 of the Code of Criminal Procedure, 1898, or under section 30 of the Prisoners Act, 1900 (or under section 103-A of the Indian Army Act, 1911) directing the reception of a criminal lunatic into any asylum which is prescribed for the reception of criminal lunatics shall be sufficient authority for the reception and detention of any person named therein in such asylum or in any other asylum to which he may be lawfully transferred.

Reception after inquisition

25. A lunatic so found by inquisition may be admitted into an asylum—

(1) in the case of an inquisition under Chapter IV, on an order made by, or under the authority of, the High Court;

(2) in the case of an inquisition under Chapter V, on an order made by the District Court.

26. (1) When any lunatic has been admitted into an asylum in accordance with the provisions of section 25, the High Court or the District Court, as the case may be, shall, on the application of the person in charge of the asylum, make an order for the payment of the cost of maintenance of the lunatic in the asylum, and may from time to time direct that any sum of money payable under such order shall be recovered from the estate of the lunatic or of any person legally bound to maintain him.

Provided that if at any time it shall appear to the satisfaction of the Court that the lunatic has not sufficient property, and that no person legally bound to maintain such lunatic has sufficient means for the payment of such cost, the Court shall certify the same instead of making such order for the payment of the cost as aforesaid.

(2) An order under sub-section (1) shall be enforced in the same manner and shall be of the same force and effect and subject to the same appeal as a decree made by the Court in a suit in respect of the property or person therein mentioned.

Amendment of order or certificate

27. If, after the reception of any lunatic into any asylum on a reception order, it appears that the order upon which he was received or the medical certificate or certificates upon which such order was made is or are defective or incorrect, the same may at any time afterwards be amended by the person or persons signing the same with the sanction of two or more of the visitors of the said asylum, one of whom shall be a medical officer.

CARE AND TREATMENT

Visitors

28. (1) The State Government shall appoint for every asylum not less than three visitors, one of whom at least shall be a medical officer.

(2) The Inspector-General of Prisons (where such office exists) shall be a visitor ex-officio of all the asylums within the limits of his jurisdiction.

29. Two or more of the visitors, one of whom shall be a medical officer, shall, at once at least in every month, together inspect every part of the asylum of which they are visitors, and see and examine, as far as circumstances will permit every lunatic and boarder therein, and the order and certificate for the admission of every lunatic admitted since the last visitation of the visitors, and shall enter in a book to be kept for that purpose any remarks which they may deem proper in regard to the management and condition of the asylum and the inmates thereof.

30. (1) When any person is (detained) under the provisions of section 466 or section 471 of the Code of Criminal Procedure, 1898 (or under the provisions of section 103 A of the Indian Army Act, 1911), the I. G. of Prisons, if such person is (detained) in a jail or the visitors of the asylum or any two of them, if he is (detained) in an asylum, may visit him in order to ascertain his state of mind; and he shall be visited once at least in every six months by such

Inspector-General or by two of such visitors as aforesaid; and such Inspector-General or visitors shall make a special report as to the state of mind of such person to the authority under whose order he is (detained).

(2) The State Government may empower the officer in charge of the jail in which such person may be (detained) to discharge all or any of the functions of the Inspector-General under sub-section (1).

Discharge of lunatics

31. (1) Three of the visitors of any asylum, of whom one shall be a medical officer, may, by order in writing, direct the discharge of any person detained in such asylum, and such person shall thereupon be discharged.

Provided that no order under this sub-section shall be made in the case of a person detained under a reception order under section 12, or, in the case of a criminal lunatic, otherwise than as provided by section 30 of the Prisoners Act, 1900.

(2) When such order is made, if the person is detained under the order of any public authority, notice of the order of discharge shall be immediately communicated to such authority.

32. (1) A lunatic detained in an asylum under a reception order, made on petition, shall be discharged if the person on whose petition the reception order was made so applies in writing to the person in charge of the asylum.

Provided that no lunatic shall be discharged under the provisions of sub-section (1) if the officer in charge of the asylum certifies in writing that the lunatic is dangerous and unfit to be at large.

(2) A person detained in an asylum under a reception order made under section 12 shall be detained therein until he is discharged therefrom in accordance with the Military 1 (Naval) 2 (or air force) for the time being, or until the officer making the order applies for his transfer to the military 1 (Naval) 2 (or air force, authorities in view to his removal to England.

(3) Whenever it appears to the officer in charge of an asylum that the discharge of a person therein detained under an order made under section 12 is necessary either on account of his recovery or for any other purpose, such person shall be brought before the visitors of the asylum, and on the visitors recording their opinion that the discharge should be made, the General or other Officer commanding the division, district, brigade or force, or other Officer authorised to order the admission of such persons into an asylum, shall forthwith direct him to be discharged, and such discharge shall take place in accordance with the military 1 (naval) 2 (or air force) regulations in force for the time being.

33. When any relative or friend of a lunatic detained in any asylum under the provisions of section 14, 15 or 17 is desirous that such lunatic shall be delivered over to his care and custody, he may make application to the authority under whose order the lunatic is detained, and such authority, if it thinks fit in consultation with the person in charge of the asylum and with the visitors or with one of them being a medical officer and upon such relative or friend entering into a bond with or without sureties for such sum of money as the said authority

thinks fit conditioned that such lunatic shall be properly taken care of and shall be prevented from doing injury to himself or to others may make an order for the discharge of such lunatic, and such lunatic shall there-upon be discharged.

34. If any lunatic detained in an asylum on a reception order made under sections, 7, 10, 14, 15, or 17 is subsequently found on an inquisition under Chapter IV or Chapter V not to be of unsound mind and incapable of managing himself and his affairs, the person in charge of the asylum shall forthwith, on the production of a certified copy of such finding discharge the alleged lunatic from the asylum.

Removal of lunatics

35. (1) Any lunatic may, in accordance with any general or special order of the State Government, be removed from (any Government asylum) to any other asylum within the State or to any other asylum in any other State with the consent of the State Government of that State,

Provided that no lunatic admitted into an asylum on a reception order made on petition shall be removed in accordance with the provisions of this subsection until notice of such intended removal has been given to the petitioner.

(2) The State Government may make such general or special order as (it) thinks fit directing the removal of any person for whose (detention) an order has been made under section 466 or section 471 of the Code of Criminal Procedure 1898, [or under section 103-A of the Indian Army Act, 1911] from the place where he is for the time being [detained] to any asylum, jail or other place of safe custody (in the state or to any asylum, jail or other place of safety in any other State with the consent of the State Government of that State).

Escape and recapture

36. Every person received into an asylum under any such order as is required by this Act, may be detained therein until he is removed or discharged as authorised by law, and in the case of escape may, by virtue of such order, be retaken by any police-officer or by the person in charge of such asylum, or any officer or servant belonging thereto, or any other person authorised in that behalf by the said person in charge, and conveyed to and received and detained in such asylum.

Provided that in the case of lunatic not being a criminal lunatic or a lunatic in respect of whom a reception order has been made under section 12, the power to retake such escaped lunatic under this section shall be exercisable only for a period of one month from the date of his escape,

PART III

JUDICIAL INQUISITION AS TO LUNACY

Proceedings in Lunacy in Presidency-towns Inquisition

37. The Courts having jurisdiction under this Chapter shall be the High Courts of judicature at Fort William, Madras and Bombay.

38. (1) The Court may upon application by order direct an inquisition whether a person subject to the jurisdiction of the Court who is alleged to be lunatic, is of unsound mind and incapable of managing himself and his affairs.

(2) Such order may also contain directions for inquiries concerning nature of the property belonging to the alleged lunatic, the persons who are his relatives, the time during which he has been of unsound mind, or such other matters as to the Court may seem proper.

39. Application for such inquisition may be made by any relative of the alleged lunatic, or by the Advocate-General.

40. (1) Notice shall be given to the alleged lunatic of the time and place at which it is proposed to hold the inquisition.

(2) If it appears that personal service on the alleged lunatic would be ineffectual, the Court may direct such substituted service of the notice as it thinks fit.

(3) The court may also direct a copy of such notice to be served upon any relative of the alleged lunatic and upon any other person to whom in the opinion of the Court notice of the application should be given.

41. (1) The Court may require the alleged lunatic to attend at such convenient time and place as it may appoint for the purpose of being personally examined by the Court, or any person from whom the Court may desire to have a report of the mental capacity and condition of such alleged lunatic.

(2) The Court may likewise make an order authorising any person or persons therein named to have access to the alleged lunatic for the purpose of personal examination.

42. The attendance and examination of the alleged lunatic under the provisions of section 41 shall, if the alleged lunatic be a woman who, according to the manners and customs of the country, ought not to be compelled to appear in public, be regulated by the law and practice for the examination of such persons in other civil cases.

43. (1) If the alleged lunatic is not within the local limits of the jurisdiction of the Court, and the inquisition cannot conveniently be made in the manner hereinbefore provided, the Court may direct the inquisition to be made before the District Court within whose local jurisdiction the alleged lunatic may be; and such District Court shall accordingly proceed to make such inquisition in the same manner as if the alleged lunatic were subject to its jurisdiction, and shall certify its finding upon the matters of inquisition to the Court directing the inquisition.

(2) The record of evidence taken upon the inquisition shall be transmitted, together with any remarks the Court may think fit to make thereon, to the Court by which the inquisition was directed.

44. If the finding of the District Court appears to the Court directing the inquisition to be defective or insufficient in point of form, it may either amend the same or refer it back to Court which made the inquisition to be amended.

45. The finding of the Court on the inquisition or the finding of the District Court to which the inquisition may have been referred under the provisions of section 43 with such amendments as may be made under the provisions of section 44, as the case may be, shall have the

same effect, and be proceeded on in the same manner in regard to the appointment of a guardian of the person and the manager of the estate of the lunatic as the findings referred to in section 12 of the lunacy (Supreme Courts) Act, 1858, immediately before the commencement of this Act

Judicial powers over person and estate of lunatic

46. (1) The Court may make orders for the custody of lunatics so found by inquisition and the management of their estates.

(2) When upon the inquisition it is specially found that the person to whom the inquisition relates is of unsound mind so as to be incapable of managing his affairs, but that he is capable of managing himself, and is not dangerous to himself or to others, the Court may make such orders as it thinks fit for the management of the estate of the lunatic including proper provision for the maintenance of the lunatic and of such members of his family as are dependant on him for maintenance, but it shall not be necessary to make any order as to the custody of the person of the lunatic.

47. The Court, on the appointment of a manager of the estate of a lunatic may direct by the order of appointment, or by any subsequent order, that such manager shall have such powers for the management of the estate as to the Court may seem necessary and proper reference being had to the nature of the property, whether movable or immovable, of which the estate may consist.

Provided that no manager so appointed shall without the permission of the Court—

(a) mortgage, charge or transfer by sale, gift, exchange or otherwise any immovable property of the lunatic; or

(b) lease any such property for a term exceeding five years.

Such permission may be granted subject to any condition or restriction which the Court thinks fit to impose.

48. The Court may, on application made to it by petition concerning any matter whatsoever connected with the lunatic, or his estate, make such order, subject to the provisions of this Chapter respecting the application, as in the circumstances it thinks fit.

Management and Administration

49. The Court may, if it appears to be just or for the lunatic's benefit order that any property, movable or immovable, of the lunatic, and whether in possession, reversion, remainder, or contingency, be sold, charged, mortgaged dealt with or otherwise disposed of as may seem most expedient for the purpose of raising or securing or repaying with or without interest money to be applied or which has been applied to all or any of the following purposes, namely:—

(1) the payment of the lunatic's debts or engagements,

(2) the discharge of any incumbrance on his property:

(3) the payment of any debt or expenditure incurred for the lunatic's maintenance or otherwise for his benefit;

(4) the payment of or provision for the expenses of his future maintenance and the maintenance of such members of his family as are dependent on

him for maintenance, including the expenses of his removal to Europe, if he shall be so removed, and all expenses incidental thereto:

(5) the payment of the costs of any inquiry under this Chapter, and of any costs incurred by order or under the authority of the Court.

50. (1) The manager of the lunatic's estate shall in the name and on behalf of the lunatic execute all such conveyances and instruments of transfer relative to any sale, mortgage or other disposition of his estate, as the Court may order.

(2) Such manager shall, in like manner, under the order of the Court exercise all powers whatsoever vested in a lunatic, whether the same are vested in him for his own benefit or in the character of trustee or guardian.

51. Where a person, having contracted to sell or otherwise dispose of his estate or any part thereof, afterwards becomes lunatic, the Court may, if the contract is such as the Court thinks ought to be performed, direct the manager of the estate to execute such conveyances and to do such other acts in fulfilment of contract as it shall think proper.

52. (1) Where a person, being a member of a partnership firm, is found to be a lunatic, the Court may, on the application of the other partners, or of any person who appears to the Court to be entitled to require the same, dissolve the partnership.

(2) Upon such dissolution or upon a dissolution by decree of Court or otherwise by due course of law, the manager of the estate may, in the name and on behalf of the lunatic join with the other partners in disposing of the partnership property upon such terms, and shall do all such acts for carrying into effect the dissolution of the partnership as the Court shall think proper.

53. Where a lunatic has been engaged in business the Court may, if it appears to be for the lunatic's benefit that the business premises should be disposed of order the manager of the estate to sell and dispose of the same, and the moneys arising from such sale shall be applied in such manner as the Court may direct.

54. Where a lunatic is entitled to a lease or under-lease and it appears to be for the benefit of his estate that it should be disposed of, the manager of the estate may, by order of the Court, surrender, assign or otherwise dispose of the same to such person for such valuable or nominal consideration, and upon such terms, as the Court thinks fit.

55. If a lunatic is possessed of any immovable property situate beyond the local limits of the jurisdiction of the Court which by the law in force in the State wherein such property is situated, subjects the proprietor, if disqualified, to the jurisdiction of the Court of Wards, the said Court of Wards may assume the charge of such property and manage the same according to the law for the time being in force for such management.

Provided that—

(1) in such case, no further proceedings in respect of the lunacy shall be taken under any such law, nor shall it be competent to the Court of Wards or to any Collector to appoint a guardian of the person of the said lunatic or a manager of the estate except of the immovable property which so subjects the proprietor as aforesaid:

(2) the surplus of the income of such property, after providing for the payment of the Government revenues and expenses of management, shall be disposed of from time to time in such manner as the High Court may direct;

(3) nothing contained in this section shall affect the powers given to the High Court by sections 49, 50 and 51 or (except so far relates to the management of the said immovable property which so subjects the proprietor as aforesaid) the powers given by any other section.

56. (1) If it appears to the Court, having regard to the situation and condition in life of the lunatic and his family and the other circumstances of the case to be expedient that his property should be made available for his or their maintenance in a direct and inexpensive manner it may, instead of appointing a manager of the estate, order that the property if money or if of any other description the produce thereof, when realized, be paid to such person as the Court may think fit, to be applied for the purpose aforesaid.

(2) The receipt of the person so appointed shall be a valid discharge to any person who pays any money or delivers any property of the lunatic to such person.

Vesting orders

57. Where any stock or Government securities or any share in a company (transferable within India or the dividends of which are payable there) is or are standing in the name of, or vested in lunatic, beneficially entitled thereto, or in a manager of the estate of a lunatic, or in a trustee for him, and the manager dies intestate, or himself becomes lunatic, or is out of the jurisdiction of the Court, or it is uncertain whether the manager is living or dead, or he neglects refuses to transfer the stock, securities or shares, or to receive and pay over thereof the dividends to a new manager or as the Court directs, within fourteen days after being required by the Court to do so, then the Court may order some fit person to make such transfer, or to transfer the same, and to receive and pay over the dividends in such manner as the Court directs.

58. Where any such stock or Government securities or share in a company is or are standing in the name of, or vested in, any person residing out of India and not in any part of the United Kingdom, the Court upon being satisfied that such person has been declared lunatic, and that his personal estate has been vested in a person appointed for the management thereof, according to the law of the place where he is residing, may order some fit person to make such transfer of the stock, securities or shares of any part thereof, to or into the name of the person so appointed or otherwise and also to receive and pay over the dividends and proceeds as the Court thinks fit.

General

59. If it appears to the Court that the unsoundness of mind of a lunatic is in its nature temporary and that it is expedient to make temporary provision for his maintenance or for the maintenance of such members of his family as are dependent on him for their maintenance, the Court may, in like manner as

under section 56, direct his property or a sufficient part of it to be applied for the purpose aforesaid.

60. (1) When any person has been found under this Chapter to be of unsound mind, and it is subsequently shown to the Court that there is reason to believe that such unsoundness of mind has ceased, the Court may make an order for inquiring whether such person is still of unsound mind and incapable of managing himself and his affairs.

(2) The inquiry shall be conducted as far as may be in the manner prescribed in this Chapter for an inquisition into the unsoundness of mind of an alleged lunatic; and if it is found that the unsoundness of mind has ceased, the Court shall order all proceedings in the lunacy to cease or to be set aside on such terms and conditions as to the Court may seem fit.

61. The Court may, from time to time, make rules for the purpose of carrying into effect the provisions of this Chapter in matters of lunacy.

Proceedings in Lunacy outside Presidency-Towns

Inquisition

62. Whenever any person not subject to the jurisdiction of any of the Courts mentioned in section 37 is possessed of property and is alleged to be a lunatic, the District Court, within whose jurisdiction such person is residing may, upon application, by order direct an inquisition for the purpose of ascertaining whether such person is of unsound mind and incapable of managing himself and his affairs.

Lunacy

63. (1) Application for such inquisition may be made by any relative of the alleged lunatic or by any public Curator appointed under the Succession (Property Protection) Act, 1841 (hereinafter referred to as the Curator), or by the Government Pleader, as defined in the Code of Civil Procedure, 1908, or if the property of the alleged lunatic consists in whole or in part of land, or any interest in land, by the Collector of the District in which it is situate.

(2) If the property or any part thereof is of such a description that it would by the law in force in any State where such property is situate subject the proprietor, if disqualified, to the jurisdiction of the Court of Wards, the application may be made by the Collector on behalf of the Court of Wards.

64. The provisions of sections 40, 41 and 42 shall regulate the proceedings of the District Court with regard to the matters to which they relate.

65. (1) The District Court, if it thinks fit, may appoint two or more persons to act as assessors to the Court in the said inquisition.

(2) Upon the completion of the inquisition, the Court shall determine whether the alleged lunatic is of unsound mind and incapable of managing himself and his affairs or may come to a special finding that such alleged lunatic is of unsound mind so as to be incapable of managing his affairs. but that he is capable of managing himself and is not dangerous to himself or to others.

66. (1) If, the alleged lunatic resides at a distance of more than fifty miles from the place where the District Court is held to which the application is made the said Court may issue a commission to any sub-ordinate Court to make the inquisition, and such subordinate Court shall thereupon conduct the inquisition in the manner hereinbefore provided in this Chapter.

(2) On the completion of the inquisition, the subordinate Court shall transmit the record of its proceedings with the opinions of the assessors if assessors have been appointed, and its own opinion on the case and the District Court shall thereupon proceed to dispose of the application in the manner provided in section 65, sub-section (2) :

Provided that the District Court may direct the subordinate Court to make such further or other inquiries as it thinks fit before disposing of the application.

Judicial powers over person and estate of lunatic

67. (1) The Court may make orders for the custody of lunatics so found by inquisition and the management of their estates.

(2) When upon the inquisition it is specially found that the person to whom the inquisition relates is of unsound mind so as to be incapable of managing his affairs, but that he is capable of managing himself and is not dangerous to himself or to others, the Court may make such orders as it thinks fit for the management of the estate of the lunatic including proper provisions for the maintenance of the lunatic and of such members of his family as are dependent on him for maintenance, but it shall not be necessary to make any order as to the custody of the person of the lunatic.

68. If the estate of a lunatic so found or any part thereof consists of property which by the law for the time being in force, subjects the proprietor, if disqualified, to the jurisdiction of the Court of Wards, the Court of Wards shall be authorized to take charge of the same.

69. (1) If the estate of a lunatic so found consists in whole or in part of land or any interest in land, but is not of such a nature that it would subject the proprietor if disqualified, to the jurisdiction, of the Court of Wards, the District Court may direct the Collector to take charge of the person and estate of the lunatic.

Provided that no such order shall be made without the consent of the Collector previously obtained.

(2) The Collector shall thereupon appoint a manager of the estate, and may appoint a guardian of the person of the lunatic.

70. All proceedings of the Collector in regard to the person or estate of a lunatic under this Chapter shall be subject to the control of the State Government or of such authority as it may appoint in this behalf.

71. (1) In all other cases the District Court shall appoint a manager of the estate of the lunatic and may appoint a guardian of his person.

Provided that a District Court may, instead of appointing a manager of the estate of a lunatic, exercise any of the powers conferred on the High Court under sections 56 and 59.

(2) Any person who has been appointed by the District Court or Collector to manage the estate of a lunatic shall, if so required, enter into

a bond in such form and with such sureties as to the Court or the Collector, as the case may be, may seem fit, engaging duly to account for what he may receive in respect of the property of the lunatic.

72. The legal heir of a lunatic shall not be appointed to be the guardian of the person of such lunatic unless the Court or the Collector, as the case may be, for reasons to be recorded in writing, considers that such an appointment is for the benefit of the lunatic.

73. A guardian of the person of a lunatic or a manager of his estate appointed under this Chapter shall be paid such allowance, if any, as the Court or the Collector, as the case may be, thinks fit for his care and pains in the execution of his duties.

74. (1) The person appointed to be guardian of a lunatic's person shall have the care of his person and maintenance.

(2) When a distinct guardian is appointed, the manager shall pay to the guardian such allowance as may be fixed by the District Court or the Collector, as the case may be, for the maintenance of the lunatic and such members of his family as are dependant on him for their maintenance.

75. (1) Every manager of the estate of a lunatic appointed as aforesaid may exercise the same powers in the management of the estate as might have been exercised by the proprietor if not a lunatic, and may collect and pay all just claims, debts and liabilities due to or by the estate of the lunatic.

Provided that no manager so appointed shall without the permission of the Court—

(a) mortgage, charge, or transfer by sale, gift, exchange or otherwise any immovable property of the lunatic.

(b) lease any such property for a term exceeding five years.

Such permission may be granted subject to any condition or restriction which the Court thinks fit to impose.

(2) Before granting any such permission, the Court may cause notice of the application for such permission to be served on any relative or friends of the lunatic, and may make or cause to be made such inquiries as to the Court may seem necessary in the interest of the lunatic.

76. (1) Every person appointed by the District Court or by the Collector to be manager of the estate of a lunatic shall, within six months from the date of his appointment, deliver in Court or to the Collector, as the case may be, an inventory of the immovable property belonging to the lunatic and of all such money, or other movable property, as he may receive on account of the estate, together with a statement of all debts due by or to the same.

(2) Every such manager shall also furnish to the Court or the Collector annually, within three months of the close of the year of the era current in the district, an account of the property in his charge, exhibiting the sums received and disbursed on account of the estate and the balance remaining in his hands.

77. If any relative of the lunatic, or the Collector by petition to the Court, impugns the accuracy of the said inventory and statement, or of any annual account, the Court may summon the manager and inquire summarily into the matter and make such order thereon as it thinks fit; or the Court, as its discretion, may refer any such petition to any

(2) When a child absconding from a certified school or fit person has been arrested at a different place, he shall be detained in a place of safety pending his removal to the certified school or fit person.

PART X (APPEALS)

Appeals

94. (1) Any person aggrieved by a final order may appeal to the courts hereinafter mentioned :—

(2) If a final order is passed

(a) by a juvenile court an appeal shall lie in the Greater Bombay to the Chief Presidency Magistrate and in other places to the [Court of Sessions.]

(b) by a Magistrate (not being a Presidency Magistrate) empowered under section 8 to exercise the powers of a juvenile court, an appeal shall lie to the Court of Session.

(c) by a Presidency Magistrate or a court of Session, an appeal shall lie to the High Court.

(3) Except as provided in this section no appeal shall lie from any order passed under this Act by a juvenile court or any other court empowered to exercise the powers of a juvenile court under section 8.

Application of Criminal Procedure Code to appeals

95. The provision of sections 419 to 431 (both inclusive) of the Code of Criminal Procedure 1898 shall *mutatis mutandis* apply to appeals against final orders as if the said orders were the orders of conviction and sentence passed by a Criminal Court.

Period of limitation of appeals

96. (1) The period of limitation for an appeal against a final order shall be thirty days in the case of appeals to courts other than the High Court and sixty days in case of an appeal to the High Court from the date of an order appealed against.

(2) The provisions of sections 5, 7 and 12 of the Indian Limitation Act, 1908 shall apply to the filing of such appeals.

PART XI

MISCELLANEOUS

Discharge and transfer

97. (1) The (State) Government may at any time order a child or youthful offender to be discharged from a certified school or fit person institution, either absolutely or on such conditions as the (State) Government approves.

(2) (a) The (State) Government may order a youthful offender who has attained the age of sixteen years detained in a certified school to be transferred to a Borstal School established under the Bombay Borstal Schools Act, 1929 in the interest of discipline or for other special reasons;

authority of such responsible person or society willing to take charge of the child and approved by the Chief Inspector.

(2) Any licence granted under sub-section (1) shall be in force until revoked, or forfeited by the breach of any of the conditions on which it was granted.

(3) The Chief Inspector may at any time by order in writing revoke any licence and order the child to return to the certified school or fit person institution and shall do so at the desire of the person or society with whom or under whose supervision he is licensed to live. If the child refuses or fails to return to the school or fit person institution, the Chief Inspector of Certified Schools may, if necessary, call for the papers and deal with the case himself making such order as he thinks fit in the interest of the child or direct the arrest of the child and cause him to be placed before the Court or taken back to the school or fit person institution.

(4) When a licence has been revoked or forfeited and the child or youthful offender refusing or failing to return to the school or fit person institution has been arrested and placed before the court under the provisions of sub-section (3) the court may, if satisfied by information on oath or solemn affirmation that there is reasonable ground for believing that his parent or guardian could produce the child or youthful offender issue a summons requiring the parent or guardian to attend at the court on such day as may as be specified in the summons and to produce the child or youthful offender, and, if he fails to do so without reasonable excuse he shall, in addition to any other liability to which he may be subject under the provisions of this Act, on conviction, be punished with fine which may extend to fifty rupees.

(5) Where a parent or guardian is directed to pay a fine under this section the amount may be recovered in accordance with the provisions of the Code of Criminal Procedure, 1898.

(6) The time during which a child is absent from a certified school or fit person institution in pursuance of a licence granted under this Section shall be deemed to be part of the time of his detention in the school or institution; provided that, where a child has failed to return to the school or institution on the licence being revoked or forfeited, the time which elapses after his failure so to return shall be excluded in computing the time during which he is to be detained in the school or institution.

Action by Police with escaped children

83. (1) Notwithstanding anything to the contrary contained in any law for the time being in force, any police officer may arrest without a warrant a child who has escaped from a certified school or a fit person institution or from the supervision of a society or a person under whose supervision he was directed to remain and shall send the child back to the certified school, institution society or the person without registering any offence or prosecuting the child, and the said child shall not be deemed to have committed any offence by reason of such escape but he shall be dealt with by the authorities of the institution concerned in such manner as they think fit.

youthful offender or child and shall record evidence if any, in the presence of the parent or such other person as the case may be.

(3) Any order made under this Section may be varied by the Court on an application made to it by the party liable or otherwise.

(4) The person liable to maintain a child or youthful offender shall for the purposes of sub-section (1) include in the case of illegitimacy his putative father.

Provided that where the child or youthful offender is illegitimate and an order for his maintenance has been made under Section 488 of the Code of Criminal Procedure 1898, the court shall ordinarily make an order for contribution against the putative father but may order the whole or any part of the payments accruing due under the said order for maintenance to such person or persons as may be named to be applied by him or them, as the case may be, towards the maintenance of the child or youthful offender.

(5) Any order under this section may be enforced in the same manner as an order under Section 488 of the Code of the Criminal Procedure 1898.

Provision as to religion

91. (1) In determining the certified school, fit person or other person to whose custody a child is to be committed or entrusted under this Act, the court shall ascertain the religious denomination of the child and shall if possible in selecting such certified school, fit person or other person have regard to the facilities which are afforded for instruction in his religion.

(2) When a child is committed to the care of a certified school in which facilities for instruction in his religion are not afforded or is entrusted to the care of a fit person or other person under circumstances in which it appears that no special facilities for the bringing up of the child in his religion exist the authorities of such certified school or such fit person or such other person shall not bring the child up in any religion other than his own.

(3) Where it is brought to the notice of the Chief Inspector of Certified Schools or of the court that breach of sub-section (2) has been committed, it shall be open to the Chief Inspector or the court to transfer the child from the custody of such institution or person.

Placing out on licence

92. (1) Subject to the prescribed condition the Chief Inspector of Certified Schools may, at any time after the expiration of six months from the commencement of the detention of a child in a certified school or fit person institution on the recommendation of the visitors or managers of the certified school or fit person institution or on application by a parent other relation or guardian reinforced by local inquiries made through the Bombay Province Probation and After Care Association or otherwise, release such child from the school or institution and grant him a written licence in the prescribed form and on the prescribed condition permitting him to live under the supervision and

direct that if such person executes a bond with sufficient sureties for his attendance before the Magistrate at a specified time and thereafter until otherwise directed shall by the Magistrate, the officer to whom the warrant is directed shall take such security and shall release such person from custody.

(3) The police officer executing the warrant shall be accompanied by the period laying the information if such person so desires and may also if the Magistrate by whom the warrant is issued so directs be accompanied by a duly qualified medical practitioner.

(4) In any information or warrant under this section the name of the child shall be given if known.

Information to Probation Officer and Officer in charge of remand home by Police or any person effecting arrest

88. (1) It shall be the duty of a police officer immediately after effecting the arrest of a child to inform a Probation Officer and Officer in charge of a remand home for the purpose stated in section 66.

(2) It shall be duty of any other person effecting such arrest to inform a Probation Officer in charge of a remand home for the like purpose as provided in section 66.

(3) The Juvenile Court for the purpose of such inquiry may remand the child even in his absence from time to time for a period of not more than fourteen days at a time until available information has been obtained.

PART IX

MAINTENANCE AND TREATMENT OF COMMITTED CHILDREN

Period of Detention

89. Notwithstanding anything contained in this Act, the period of detention in the case of a person under the age of fifteen years shall be such as will result in the person being detained until he reaches the age of eighteen years.

Provided that the period of detention in the case of a child over fifteen years of age shall be not less than two years;

Provided further that where special circumstances exist and the interest of the child so demands it shall be open to the Court for reasons to be recorded in writing to pass an order for a shorter period of detention.

Contribution of Parents

90. (1) The Court which makes an order for the detention of a child or youthful offender in a certified school or for the committal of a child or youthful offender to the care of a relative or other fit person may make an order on the parent or other person liable to maintain the child, or youthful offender, to contribute to his maintenance if able to do so, in the prescribed manner.

(2) The Court before making any order under sub-section (1) shall inquire into the circumstances of the parents or other person liable to maintain the

order had been passed, it may after making such inquiries as it deems fit order the child to be detained in a certified school or to the care of a fit person.

Repatriation of victimised child

84. (1) In the case of a child the ordinary place of whose residence is outside the jurisdiction of the court before which he is produced if the court is satisfied after due inquiry that it is expedient so to deal with the child the court may order the child to be sent on his own bond back to a relative or a fit person who is fit and willing to receive him at his native place and exercise proper care and control of him notwithstanding the fact that the place of residence of such child may be at any place outside the (State).

(2) For breach of a bond taken under sub-section (1) the child shall be liable to be committed to a certified school or to the care of a fit person if found again in the (State).

Reasons to be recorded for order under Sections 81 to 84

85. The reasons for every order made under sections 81 to 84 shall be recorded in writing and may be made by the court in the absence of the child.

Order under sections 81 to 84 to be in force even if conviction of alleged victimisation is set aside

86. Where an order is made under sections 81 to 84 and the conviction or order binding the person to keep the peace is set aside or the person is acquitted the order made under the said sections shall remain in force but it shall be open to the person so acquitted or discharged from his bond to keep the peace to apply for a reconsideration of the said order in consequence of the altered circumstances.

Warrant to search for child

87. (1) If it appears to a Juvenile Court or any other court duly empowered under this Act from information on oath or solemn affirmation laid by any person who in its opinion, is acting in the interests of the child, that there is reasonable cause to suspect that an offence has been or is being committed or unless immediate steps be taken will be committed in respect of the child, the court may issue a warrant authorising any police officer named therein to search for such child and if it is found that he has been or is being wilfully ill-treated or neglected in manner aforesaid or that any offence has been or is being committed in respect of the child to take him to and detain him in a place of safety until he can be brought before it and the court before whom the child is brought may in the first instance remand him in the prescribed manner to a place of safety.

(2) The Court issuing a warrant under this section may in its discretion by the same warrant direct that any person accused of any offence in respect of the child be apprehended and brought before it, or

Provided that if the proceedings terminated in conviction of the person, the order of detention shall remain in force for a further period of one month.

(3) An order passed under this section shall be given effect to notwithstanding that any person claims the custody of the child.

Victimised child to be sent to Juvenile Court or (First Class Magistrate)

80. Any Court by which a person is convicted of having committed an offence in respect of child or before which a person is brought for trial for any such offence or by which a person is bound over to keep the peace towards a child shall direct that the child against whom the offence has been committed or in relation to the alleged offence against whom the trial is in progress, or in relation to keeping the peace towards whom the adult concerned has been bound over shall be produced before a juvenile court with a view to that court making such interim and final orders as may be proper provided that in an area where no juvenile court has been established. (The Court if it is not competent to exercise the powers of a juvenile court under Section 8 shall submit the proceedings and forward the child to the salaried First Class Magistrate).

Order for committal of victimised children

81. The Court before which a child is produced in accordance with section 79 may order the child in the prescribed manner;—

(a) to be committed to a certified school or fit person institution, until such child attains the age of eighteen years or in exceptional cases for a shorter period the reasons for such shorter period to be recorded in writing or

(b) to be committed to the care of a relative or other fit person, on bond, with or without surety, as the court may require, such relative or fit person being willing and capable of exercising proper care control and protection of the child and of observing such other conditions, including, where necessary supervision for any period not exceeding three years as the court may impose in the interest of child;

Provided that if the child has a parent or guardian, fit and capable, in the opinion of the court, of exercising proper care, control, and protection, the court may allow the child to remain in his custody or may commit the child to his care on bond with or without surety in a prescribed form and for the observance of such conditions as the court may impose in the interest of the child.

Supervision of victimised children

82. The Court which makes an order committing a child to the care of his parent, guardian or other fit person under the foregoing provisions may in addition order that he be placed under supervision.

Breach of Supervision

83. If it appears to the court on receiving a report from the probation Officer or otherwise that there has been a breach of the supervision order relating to the child in respect of whom the supervision

Postponement sine die

76. Notwithstanding anything contained in the foregoing provision the court may adjourn the case of a youthful offender *sine die* and may reopen at the stage of the proceedings at which it was left then adjourned on additional grounds or material being placed before the court.

Court empowered to exercise powers under one or more of preceding provisions

77. In passing an order in respect of a youthful offender under this Part, it shall be lawful to the court to exercise its powers under any one or more of the foregoing provisions at the same time, if it is necessary and expedient to do so in the interests of the offender.

PART VIII

MEASURES FOR DETENTION ETC. OF CHILDREN AND YOUTHFUL OFFENDERS

Detention of child in place of safety

78. (1) Any Police Officer not below the rank of sub-inspector or a police officer or a person authorised in this behalf in accordance with rules made by the Provincial Government may take to a place of safety any child in respect of whom an offence has been or there is reason to believe has been or is likely to be committed.

(2) A child so taken to a place of safety and also any child who seeks refuge in a place of safety may be detained until he can be brought before the court.

Provided that such detention shall not in the absence of a special order of the court exceed a period of twenty four hours exclusive of the time necessary for the journey from the place of detention to the court.

(3) The court may thereupon make such order as hereinafter provided.

Courts powers for care detention of child

79. (1) Where it appears to the Court that an offence as stated in Section 78 has been committed or is likely to be committed in respect of any child who is brought before it and that it is expedient in the interests of the child that action should be taken under this Act, the court may make such order as circumstance may admit and require for the care and detention of the child until a reasonable time has elapsed for the institution of proceedings against the person for having committed the offence in respect of the child or for the purpose of taking such other lawful action as may be necessary.

(2) The order of detention made under sub-section (1) shall remain in force until such time as the proceeding instituted against any person for an offence referred to in sub-section (1) terminate in either conviction discharge or acquittal.

(ii) without passing any final order direct that he be released on probation of good conduct and committed to the care of his parent or guardian or other adult relative or other fit person on such parent, guardian, relative or person executing a bond with or without sureties, as the court may require to be responsible for the good behaviour and well being of the youthful offender for any period not exceeding three years and for the observance of such other conditions as the Court may impose for securing that the youthful offender may lead an honest and industrious life;

(iii) If the offence committed by the youthful offender is punishable with fine and the youthful offender himself is over the age of fourteen years, order the offender to pay a fine.

Repatriation

73. (1) In the case of a youthful offender whose ordinary place of residence lies outside the jurisdiction of the court before which he is brought, if the court is satisfied after due inquiry that it is expedient so to do, the court may send the youthful offender on his own bond back to a relative or a fit person who is fit and willing to receive him at his native place and exercise proper care and control of him, notwithstanding the fact that the youthful offender has to be sent to a place outside the Province.

(2) Any breach of the said bond shall render the youthful offender if found at any time at any place within the Province liable to be committed to a certified school or to the care of another fit person.

Power to order parent to pay fine etc. instead of child

74. (1) Where the offence committed is punishable with fine and if the youthful offender is under fourteen years of age the court shall order that the fine be paid by the parent or guardian of the child, unless the court is satisfied that the parent or guardian cannot be found or that he has not conduced to the commission of the offence by neglecting to exercise due care of the child.

(2) An order under this section may be made against a parent or guardian who having been required to attend, has failed to do so, but save as aforesaid, no such order shall be made without giving the parent or guardian an opportunity of being heard.

(3) Where a parent or guardian is directed to pay a fine under this Section the amount may be recovered in accordance with the provisions of the Code of Criminal Procedure, 1898.

Release of youthful offenders under supervisions

75. The court shall wherever possible order that the youthful offender released under Section 72 be placed under supervision.

Provided that if it appears to the Court on receiving a report from the Probation Officer or otherwise, that the youthful offender has not been of good behaviour during the period of supervision, it may proceed to pass such final order as it would have done had it not placed the youthful offender on probation of good conduct.

Sentences that may not be passed on child

68. (1) Notwithstanding anything to the contrary contained in any law, no youthful offender shall be sentenced to death or transportation or imprisonment.

(2) When a child is found have committed an offence of so serious a nature that the court is of opinion that no punishment which under the provisions of this Act is authorised to inflict is sufficient, or when the court is satisfied that the child is of so unruly or of so depraved a character that he cannot be committed to a certified school or detained in a place of safety and that none of the other methods in which the case may be legally dealt with is suitable, the court shall order the offender to be kept in safe custody in such place or manner as it thinks fit and shall report the case for the orders of the Provincial Government.

Expressions "conviction and sentence" not to be used in relation to children

69. Save as provided in this Act, the words "Conviction" and "Sentence" shall cease to be used in relation to children dealt with under this Act and any reference in any enactment to a person convicted, a conviction or a sentence shall in the case of a child be construed as including reference to a person found guilty of an offence, a finding of guilty or an order made upon such a finding as the case may be.

No proceedings under Chapter VIII of Criminal Procedure Code against child

70. Notwithstanding anything to the contrary contained in the Code of Criminal Procedure 1898, no proceedings shall be instituted and no order shall be passed against a child under Chapter VIII of the said Code.

Commitment of child to certified school or fit person institution

71. Where a child is found to have committed an offence the court if satisfied on inquiry that it is expedient so to deal with the child, may order him to be committed to a certified school or a fit person institution for such period of detention as will not subject to the provisions of section 5, extend beyond the time when the child will attain the age of eighteen years or in exceptional cases for a shorter period, the reasons for such shorter period to be recorded in writing.

Other order of the Court

73. A Court may if it shall think fit, instead of directing any youthful offender to be detained in a certified school or committed to the care of a fit person institution under Section 71:

- (i) Order him to be discharged after due admonition.

imprisonment of either description for a term not exceeding two months or with fine which may extend to five hundred rupees or with both.

Offences under this part cognizable

63. All offences under this part shall be cognizable.

PART VII

YOUTHFUL OFFENDERS

Bail of children arrested

64. Where a boy or a girl apparently under the age of sixteen years is arrested on a charge of a nonbailable offence and cannot be brought forthwith before a court, the officer in charge of the police station or section to which such boy or girl is brought, may release the child on bail, if sufficient security is forthcoming but shall not do so where the release of the child shall bring him into association with any reputed criminal or expose him to moral danger or where his release would defeat the ends of justice.

Custody of children not enlarged on bail

65. (1) Where a boy or a girl apparently under the age of sixteen years having been arrested is not released under section 64 or otherwise the officer in charge of the police station or section shall cause him or her to be detained in the prescribed manner until he or she can be brought before a Juvenile Court or a Court empowered under section 8 to exercise the powers of a Juvenile Court.

(2) A court, on remanding or committing, for trial a child who is not released on bail, shall order him to be detained in the prescribed manner.

Submission of information to Probation Officer and Officer in charge of remand home by Police after arrest

66. Immediately after the arrest of a child, it shall be the duty of the police officer or any other person effecting the arrest, to inform the Probation Officer and officer in charge of the remand home of such arrest in order to enable the said Probation Officer and Officer in charge of the remand home to proceed forthwith in obtaining information regarding his antecedents and family history and other material circumstances likely to assist the juvenile court in making final order.

Attendance of parent or guardian

67. Where the child is arrested, the officer in charge of the police station or section to which he is brought shall cause the parent or guardian of the child if he can be found to be summoned at the court before which the child will appear.

parent or guardian exposed to the risk of seduction or prostitution, the Court may direct the parent or guardian to enter into a recognizance to exercise the due care and supervision in respect of such girl.

Exploitation of child employees

59. (1) Whoever secures a child ostensibly for the purpose of menial employment or for labour in a dock, factory, or other establishment but in fact exploits the child for his own ends, withholds or lives on his earnings, shall, on conviction, be punished with fine which may extend to one thousand rupees.

(2) Whoever secures a child ostensibly for any of the purposes mentioned in sub-section (1), but exposes such child to the risk of seduction, sodomy, prostitution, or other immoral conditions, shall on conviction, be punished with imprisonment of either description for a term which may extend to two years or with fine which may extend to one thousand rupees or with both.

(2) Any person who avails himself of the labour of a child exploited in the manner referred to in sub-section (1) or (2) or for whose immoral gratification such child is used shall be liable as an abettor.

Penalty for abetting escape of child or youthful offender

60. Whoever—

(a) knowingly assists or induces, directly or indirectly, a child detained in or placed out on licence from a certified school or fit person institution to escape from the school or fit person institution or from any person with whom, as the case may be he has been placed out on licence, or any child to escape from the person to whose care he has been committed under the provisions of this Act or

(b) knowingly harbours, conceals, connives at or prevents from returning to school or fit person institution or to any person with whom he is placed out on licence or to whose care he is committed under this Act, a child who has so escaped or knowingly assists or connives at so doing.

Shall, on conviction, be punished with imprisonment of either description for a term which may extend to three months or with fine which may extend to five hundred rupees or with both.

Penalty for use of voluntary home in contravention of section 35

61. Whoever uses or knowingly permits to be used any voluntary home in contravention of the provisions of Section 35 shall, on conviction, be punished with fine which may extend to five hundred rupees and to a further fine not exceeding fifty rupees in respect of each day during which the institution is so used or permitted to be used after the conviction.

Penalty for publication of report or pictures relating to children

62. Whoever publishes any report or picture in contravention of the provisions of Section 23 shall, on conviction, be punished with

Inciting child to bet or borrow

53. Whoever by words either spoken or written or by signs, or otherwise incites or attempts to incite a child to make any bet or wager or to enter into or take any share or interest in any betting or wagering transaction or so incites or attempts to incite a child to borrow money or to enter into any transaction involving the borrowing of money shall, on conviction, be punished with imprisonment of either description for a term which may extend to one month or with fine which may extend to one hundred rupees or with both.

Taking on pledge or purchasing articles from child

54. Whoever takes an article on pledge from a child, whether offered by that child on his own behalf or on behalf of any person shall, on conviction, be punished with imprisonment of either description for a term which may extend to one year or with fine which may extend to five hundred rupees or with both.

Allowing or permitting child to be in brothel

55. Whoever allows or permits a child over the age of four years to reside in or frequently go to a brothel shall, on conviction, be punished with imprisonment of either description for a term which may extend to two years or with fine which may extend to one thousand rupees or with both.

Causing or encouraging seduction etc.

56. (1) Whoever having the actual charge of, or control over, a girl under the age of eighteen years causes or encourages the seduction (which shall include inducement to indulge in immoral behaviour) or prostitution of that girl or causes or encourages any one other than her husband to have sexual intercourse with her shall, on conviction, be punished with imprisonment of either description for a term which may extend to two years or with the fine which may extend to one thousand rupees or with both.

(2) For the purpose of this Section a person shall be deemed to have caused or encouraged the seduction of a girl or to have induced her to behave immorally if he has knowingly allowed the girl to consort with or to enter or continue in the employment of, any prostitute, or person known immoral character.

Seduction or outrage of modesty

57. Whoever seduces or indulges in immoral behaviour with a girl under the age of eighteen years shall, on conviction, be punished with imprisonment of either description for a term which may extend to two years or with fine which may extend to one thousand rupees or with both.

Young girls exposed to risk of seduction etc.

58. If it appears to a court on the complaint of any person that a girl under the age of eighteen years is, with or without the knowledge of her

causes or procures him to be assaulted, illtreated, neglected abandoned or exposed or negligently fails to provide adequate food, clothes, medical aid or lodging for a child in a manner likely to cause such child unnecessary mental and physical suffering shall, on conviction, be punished with imprisonment of either description for a term not exceeding two years or with fine which may extend to one thousand rupees or with both.

Provided that in the case of married juveniles the court trying the offence under this section may sanction its composition for reasons to be recorded in writing.

(2) The infliction of reasonable punishments on a child for a proper reason shall not be deemed to be an offence under this section.

Employing children for begging

49. Whoever employs any child for the purposes of begging or causes any child to beg or whoever having the custody charge or care of a child connives at or encourages the employment for the purpose of begging or the causing of a child to beg and whoever uses a child as an exhibit for the purpose of begging shall, on conviction be punished with imprisonment of either description for a term which may extend to one year or with fine which may extend to three hundred rupees or with both.

Penalty for being drunk while in charge of child etc.

50. If any person is found drunk in any public street or other public place, whether a building or not, while having the charge of a child and if such person is incapable by reason of his drunkenness of taking due care of the child such person shall, on conviction, be punished with fine which may extend to two hundred rupees.

Penalty for giving intoxicating liquor or dangerous drug to child

51. Whoever in any public street or other public place, whether a building or not, gives or causes to be given to any child any intoxicating liquor or dangerous drugs except upon the order of a duly qualified medical practitioner in case of sickness or other urgent cause shall, on conviction be punished with fine which may extend to two hundred rupees.

Penalty for permitting child to enter places where liquor or dangerous drug is sold

52. Whoever takes a child to any place where intoxicating liquor or dangerous drugs are sold or whoever being the proprietor owner, or a person in charge of such place permits a child to enter such place or whoever causes or procures a child to go to such place shall, on conviction, be punished with fine which may extend to two hundred rupees.

that he be placed under supervision for any period not exceeding three years.

Provided that when the Court thinks fit, it may allow such child to remain in the custody of a parent or guardian with a direction that he be placed under supervision on such parent or guardian executing a bond with or without sureties in a prescribed form, and the Court may from time to time during the supervision period adjourn the case and compel the production of the child in court to satisfy itself that the conditions of the said bond are being carried out.

Provided further that if it appears to the Court on receiving a report from the probation officer or otherwise that there has been a breach of the supervision order it may, after making such inquiries as it deems fit, order the child in respect of whom the supervision order has been made, to be detained in a certified school or committed to the care of a fit person.

Sending of child having place of residence outside jurisdiction

46. (1) In the case of a child whose ordinary place of residence lies outside the jurisdiction of the court before which it is brought the court may, if satisfied after due enquiry that it is expedient so to do, send the child on his own bond back to a relative or a fit person who is fit and willing to receive him at his native place and exercise proper care and control of him.

(2) Any breach of the said bond shall render the child liable to be committed to a certified school or to the care of another fit person.

Uncontrollable children

47. (1) Where the parent or guardian of a child complains to the Juvenile Court or if a Juvenile Court is not established for the area to a Magistrate empowered under section 8 to exercise the powers of a Juvenile Court that he is not able to control his child, the court or Magistrate, as the case may be, if satisfied on inquiry that the case appears to be one of which cognizance should be taken, shall remand the child for observation or treatment and any further inquiries necessary.

(2) If the Court or Magistrate is satisfied that it is expedient so to deal with the child under this Act, the Court or Magistrate may order the child to be committed to a Certified school or a fit person institution.

(3) The Court or Magistrate may also, if satisfied that home conditions are satisfactory and what is needed is supervision, commit the child to the care of the person or guardian or relative or any other proper person under a bond with or without sureties and place him under supervision for a period not exceeding three years.

PART VI

SPECIAL OFFENCES IN RESPECT OF CHILDREN

Punishment for cruelty to children

48. (1) Whoever having the actual charge of or control over, a child wilfully assaults, illtreats, neglects, abandons, or exposes him or

who has the actual charge of or control over the child the Police Officer or other person authorised under Section 40 shall in the first instance make a report to the Juvenile Court established for the area or if one has not been established to the nearest Magistrate empowered under Section 8 to exercise the powers of a Juvenile Court or to any other nearest Magistrate.

Court or Magistrate may direct production of child by parent or guardian

43. The Juvenile Court, Magistrate or the other court to which or whom a report is made under Section 42 may call upon such parent or guardian to produce the child before it or him in order to show cause why the said child should not during the pendency of the proceedings, be removed from his care; and may on suitable sureties being offered for the safety of such child and for his being brought before it or him, permit the child to remain in the actual charge or control of parent or guardian or may immediately order his removal if necessary by issuing a search warrant for the immediate production of the child to a place of safety if it appears to the court or Magistrate that the child is likely to be removed from the jurisdiction of the court or to be concealed.

Examination of police officer or person producing or reporting

44. (1) The Court before which a child is brought under section 40 or 41 shall examine the police officer or the authorised person who brought the child or make the report and record the substance of such examination and shall, as provided in section 43 send the child to a remand home for further inquiries.

(2) On the date fixed for the production of the child or for the inquiry or on any subsequent date to which the proceeding may be adjourned the court shall hear and record all evidence which may be adduced and consider any cause which may be shown why an order committing the child to a certified school or to the care of a fit person should not be passed and make any further inquiry if thinks fit.

Committal of child to certified school or to fit person

45. (1) If the Court is satisfied on the enquiry that such person is a child and is as described within the provisions of section 40 and that it is expedient so to deal with him, the court may order him to be committed to a certified school or to the care of a fit person named by the court until such child attains the age of eighteen years or in exceptional cases for a shorter period the reasons for such shorter period to be stated in writing.

(2) The Court which makes an order committing a child to the care of relative or other fit person may when making such order require such relative or other person to execute a bond with or without sureties as the court may require to be responsible for the good behaviour and well being of the child and for the observance of such other conditions as the court may impose for securing that the child may lead an honest and industrious life.

(3) The court which makes an order committing a child to the care of relative or other fit person under this section may in addition order

shall be as those provided under the provisions of this Act and the rules made thereunder and in accordance with general or special orders which the (State) Government or any officers authorised in this behalf may make for the purpose of carrying out the provisions of this Act.

PART V

MEASURES FOR THE CARE AND PROTECTION OF DESTITUTE AND NEGLECTED CHILDREN ETC.

Children Found homeless destitute etc.

40. Any Police Officer or other person authorised in this behalf in accordance with the rules made by the (State) Government may bring:

(i) before a Juvenile Court if such court is established for the area and is sitting

(ii) if a Juvenile Court is not established for the area or if it is not sitting before a Magistrate empowered under section 8 with the powers of a Juvenile Court, or

(iii) If there is no court of the kind specified in items (i) and (ii) above before any magistrate.

Any person who in his opinion is a child and who (a) has no home or is found wandering without any settled place of abode and without visible means of subsistence or is found begging or is found doing for a consideration any act under circumstances contrary to the well being of the child or

(b) is destitute or is illegitimate without means of subsistence other than that of charity or has no parent or guardian or has a parent or guardian unfit to exercise or incapable of exercising proper care and guardianship or who is not exercising proper care and guardianship or

(c) is known to associate or live with any prostitute or person or persons of criminal, drunken habits; or

(d) is lodging or residing in or frequently going to a place or places used for the purpose of prostitution or

(e) is otherwise likely to fall into bad association or to be exposed to moral danger or to enter upon a life of crime.

Procedure when Magistrate is not empowered to pass order under this Act

41. When any Magistrate not empowered to exercise the powers of juvenile court is of opinion that a person brought before him is a child he shall record such opinion and submit the proceedings and forward the child to the nearest juvenile court having jurisdiction in the case or where such court does not exist to the (Sessions Judge) to whom he is subordinate.

Police Officer to make report if child has parent

42. If the child requiring care and protection on any of the grounds mentioned in clauses (a) to (e) of Section 40, has a parent or guardian

(9) Where an order has been made for the removal of all children from such voluntary home the home shall not be used for the reception of children without the consent of the Provincial Government.

Inspection of Certified Schools and visits to fit person institutions

36. (1) Every certified school shall be liable to inspection at all times and in all its departments by the Chief Inspector, Inspector or Assistant Inspector, and shall be so inspected at least once in every year.

(2) The Chief Inspector or Assistant Inspector shall also have a right to visit a fit person institution at any time.

Provided that where any such certified school or fit person institution is for the reception of girls mainly and such inspection or visit is not made or paid by the Chief Inspector the Visitor shall, wherever practicable be a woman.

PART IV

OFFICERS, THEIR POWERS, AND DUTIES

Appointment of Officers

37. (1) The Provincial Government may for the purposes of this Act appoint the following officers:—

- (a) The Chief Inspector of Certified Schools.
- (b) The Inspectors and Assistant Inspectors of Certified Schools.
- (c) The Probation Officer.
- (d) Such other officers as may be necessary.

(2) Any Society recognized in this behalf by the (State) Government may also appoint a Probation Officer.

(3) Notwithstanding anything contained in sub-section (1) or (2), a juvenile court or any court empowered under section 8 to exercise the powers of a Juvenile court may for the purposes of any particular case or proceeding, appoint any other person as a Probation Officer, if in its opinion such appointment is expedient or necessary.

Supervision and control of Probation Officers

38. A probation officer in the performance of his duties under this Act shall be an officer of the Court, and shall be under the supervision and guidance of the Juvenile Court where such court exists and elsewhere of the District Magistrate of the District in which the Court which passes any order under this Act in respect of the child is situated.

Nothing in this section shall derogate from the powers of supervision of the Chief Presidency Magistrate and the Chief Inspector of Certified Schools in Greater Bombay and the District Magistrate and the Chief Inspector of Certified Schools elsewhere.

Powers and duties of Probation Officers and Inspectors

39. The powers and the duties of the Chief Inspector, Inspectors and Assistant Inspectors of Certified Schools and of Probation Officers

school at the respective dates aforesaid shall, except so far as the Provincial Government otherwise directs, continue until the withdrawal or resignation of the certificate takes effect.

Disposal of inmates on withdrawal or resignation.

34. When a School ceases to be a certified school the children or youthful offenders detained therein shall be either discharged absolutely or on such conditions as the Provincial Government may impose or transferred by order of the Chief Inspector of Certified Schools to some other certified school or fit person institution in accordance with the provisions of this Act relating to discharge and transfer.

Inspection of Voluntary Homes

35. (1) The Provincial Government may cause any voluntary home to be visited and inspected from time to time at all reasonable hours by the Chief Inspector of Certified Schools or any member of the inspecting staff for the purpose of securing the health and welfare of the children and the sanitation of the premises.

(2) The Chief Inspector of Certified Schools or any member of his inspecting staff shall have power to enter a voluntary home at all reasonable hours and to make a complete inspection thereof and of all registers relating thereto for the aforesaid purposes.

(3) Where any voluntary home is for the reception of girls, the inspection shall where practicable, be conducted by a woman authorised or appointed by the Chief Inspector of Certified Schools.

(4) If the Provincial Government is satisfied that the management of any voluntary home, or the accommodation for, or the treatment of, the children therein is unsatisfactory, it may cause to be served upon the person responsible for the management of the voluntary home such general or specific direction with respect to the matters aforesaid or any of them as it thinks expedient for the welfare of the children in the institution.

(5) A direction under the foregoing sub-section may be varied by a subsequent direction or withdrawn by the Provincial Government.

(6) Where any such direction is not complied with, the District Magistrate in the mofussil or the Chief Presidency Magistrate in Greater Bombay may, on the complaint of any person appointed for the purpose by the Provincial Government cause a summons to be served upon the person in charge of the voluntary home and upon such other person as he may think fit and upon hearing the person summoned may if he thinks fit, make an order for the removal of all children from the voluntary home.

(7) The District Magistrate or the Chief Presidency Magistrate, as the case may be, may, if he thinks fit, order that the direction shall be deemed to be modified to such extent, as may be specified in such order and the direction shall have effect accordingly.

(8) Any order for the removal of all children from such voluntary home shall operate as an authority to any person named in the order and to any police officer not below the rank of an Inspector to enter the voluntary home and to remove the children therein to place of safety.

(2) The managers of a certified school recognized by the Provincial Government may decline to receive any child committed to it under this Act.

Provided that when such school has once accepted any child, it shall be bound to teach, train lodge, clothe, and feed him during the whole period for which he is liable to be detained in the school, or until the withdrawal or resignation of the certificate of the school.

Medical Inspection of Certified schools and fit person institutions

30. Any registered medical practitioner empowered in this behalf by the Provincial Government may visit any certified school or fit person institution at any time with or without notice to its managers in order to report to the Chief Inspector on the health of the inmates and the sanitary condition of the school or institution.

Power of Provincial Government to withdraw certificate

31. (1) The Provincial Government if dissatisfied with the conditions, rules, management or superintendence of a certified school may at any time by notice served on the managers of the school declare that the certificate of the school is withdrawn as from a date specified in the notice and on such declaration the withdrawal of the certificate shall take effect and the school shall cease to be a certified school.

(2) The Provincial Government may, instead of withdrawing a certificate under sub-section (1), by notice served on the manager of the school, prohibit, the admission of children of youthful offender to the school for such time as may be specified in the notice or until the notice is revoked.

Provided that before the issue of a notice under sub-section 1 or 2, a reasonable opportunity shall be given to the managers of the school to show cause why the certificate may not be withdrawn or admission to the school may not be prohibited as the case may be.

Resignation of certificate by Managers

32. The Managers of a certified school may, on giving six months' notice in writing to the Provincial Government through the Chief Inspector of Certified Schools of their intention so to do, resign the certificate of the school and accordingly at the expiration of six months from the date of notice, unless before that time the notice is withdrawn, the resignation of the certificate shall take effect, and the school shall cease to be a certified school.

Effect of withdrawal or resignation of certificate

33. A child or youthful offender shall not be received into a certified school under this Act after the date of the receipt of the managers of the school of a notice of withdrawal of the certificate or after the date of notice of resignation of the certificate.

Provided that the obligation of managers to teach, train, lodge, clothe, and feed any children or youthful offenders detained in the

Provided that for reasons to be recorded in writing the Court trying the case or holding the proceeding may permit the disclosure of any such report, if in its opinion such disclosure is in the interests of child welfare and is not likely to affect adversely the interests of the child concerned.

*Provisions of Criminal Procedure Code 1898 to apply to trial
of cases and conduct of proceedings under the Act unless
excluded*

24. Except as expressly provided under this Act or the rules made thereunder the procedure to be followed in the trial of cases and the conduct of proceedings under this Act shall be in accordance with the provisions of the Code of Criminal Procedure 1898.

PART III

CERTIFIED SCHOOLS: REMAND HOMES AND OTHER INSTITUTIONS

Establishment and certification of schools

25. (1) The Provincial Government may establish and maintain industrial schools for the reception of children and youthful offenders.

(2) The Provincial Government may certify that any industrial school or other educational institution not established under sub-Section (1) is fit for the reception of children or youthful offenders.

Declaration of places as Remand Homes

26. The Provincial Government may by notification in the Official Gazette declare any particular place as a remand home for the purposes of this Act.

*Conditions to be prescribed for fit person institutions and
approved places*

27. The Provincial Government may prescribe conditions subject to which institutions or associations shall be recognized as "fit person institutions" and "approved places" for the purposes of this Act.

Management of certified schools

28. (1) For the control and management of every school established under sub-section (1) of Section 25, a Superintendent and a committee of visitors shall be appointed by the Provincial Government and such Superintendent and committee shall be deemed to be the managers of the school for the purposes of this Act.

(2) Every School certified under sub-section (2) of Section 25 shall be under the management of governing body, the members of which shall be deemed to be the managers of the school for the purposes of this Act.

Liabilities of Managers

29. (1) The Managers of a certified school whether established or recognized by the Provincial Government and the managers of a fit person institution shall be consulted by the Court before any child is committed to it.

to treatment the Court may send the child to a remand home or to any other place recognised to be an approved place in accordance with the rules made under this Act for such period as it may think necessary for the required treatment.

(2) Where a child is found to be suffering from leprosy or is of unsound mind he shall be dealt with under the provisions of the Lepers Act, 1898 or the Indian Lunacy Act, 1912, as the case may be.

(3) Where a Court has taken action under Sub-section (1) in the case of a child suffering from an infectious or contagious disease, the court before restoring the said child to his partner in marriage, if there has been such or to the guardian as the case may be, shall where it is satisfied that such action will be in the interest of the said child call upon his partner in marriage or the guardian, as the case may be, to satisfy the court by submitting to medical examination that such partner or guardian will not re-infect the child in respect of whom the order has been passed.

Factors to be taken into consideration in passing orders by courts

21. For the purpose of any order which a Court has to pass under this Act, the Court shall have regard to the following factors:

- (a) the character and age of the child.
- (b) the circumstances in which the child is living.
- (c) the reports made by the Probation Officer and
- (d) such other matters as may, in the opinion of the Court, require to be taken into consideration in the interests of the child.

Provided that where a youthful offender is found to have committed an offence the above factors shall be taken into consideration after the Court has recorded a finding against the youthful offender that he has committed the offence.

Reports of Probation Officers and other reports to be treated confidential

The report of the Probation Officer or any other report considered by the Court under Section 21 shall be treated as Confidential.

Provided that if such report relates to the character, health or conduct of, or the circumstances in which the child or parent is living, the Court may if it thinks expedient, communicate the substance thereof to the child or parent concerned as the case may be, and may give the child or parent an opportunity to produce evidence as may be relevant to the matters stated in the report.

Prohibition on publication of names, addresses, etc. of children involved in cases or proceedings under the Act

23. No report in any newspaper, magazine, or news-sheet of any case or proceeding in any Court under this Act in which a child is involved shall disclose the name, address or school or include any particulars calculated to lead to the identifications of any such child, nor shall any picture be published as being or including a picture of any such child.

Withdrawal of Persons from Juvenile Courts

16. If at any stage during the course of a trial of a case or proceeding, a juvenile court considers it expedient in the interest of the child to direct any person including the parent, guardian, or the spouse of the child or the child himself to withdraw, the court shall be entitled to give such direction and thereupon such person shall withdraw. If any person refuses to withdraw, the Court may take steps to remove him.

Dispensing with attendance of child

17. If at any stage during the course of the trial of a case or proceeding, the Juvenile Court is satisfied that the attendance of a child is not essential for the purposes of hearing of the case or proceeding, the Court may dispense with his attendance and proceed with the trial of the case in the absence of the child.

Withdrawal of persons from Court when child is examined as witness

18. If at any stage during the course of a trial of a case or proceeding in relation to an offence against or any, conduct contrary to decency or morality, a child is summoned as a witness, any Court trying the case or holding the proceeding may direct such persons as it thinks fit, not parties to the case or proceeding, their legal advisers and the officers concerned with the case or proceedings to withdraw. Such persons shall then withdraw. If any person refuses to withdraw, the Court may take steps to remove him.

Attendance at Court of Parent of child charged with offence etc.

19. (1) Where a child brought before a Court under this Act has a parent or guardian such parent or guardian may in any case, and shall, if he can be found and if he resides within a reasonable distance, be required to attend the court before which any proceeding is held under this Act, unless the court is satisfied that it will be unreasonable to require his attendance.

(2) The parent or guardian whose attendance shall be required under this section shall be the parent or guardian having the actual charge of, or control over, the child.

Provided that if such parent or guardian is not the father, the attendance of the father may also be required.

(3) The attendance of the parent of a child shall not be required under this section in any case where the child was before the institution of the proceedings, removed from the custody or charge of his parent by an order of a Court.

Committal to approved place of child suffering from dangerous disease and its future disposal.

20. (1) When a child who has been brought before a Court under any of the provisions of this Act is found to be suffering from a disease requiring prolonged medical treatment or physical or mental complaint that will respond

*Procedure in appealable summons cases to be followed by
Juvenile Courts and Magistrates Courts in
trials of children*

11. A Juvenile Court and in a case in which a child is not being tried jointly with an adult, a Magistrate empowered under Section 8 to exercise the powers of Juvenile Court shall, as far as practicable and subject to the provision of this Act follow the procedure provided by the Code of Criminal Procedure, 1898 for summary trials in summons cases in which an appeal lies.

Sitting, etc., of Juvenile Courts etc,

12. (1) A Juvenile Court shall hold its sittings at such places, on such days and in such manner as may be prescribed.

(2) In the trial of a case in which a child is charged with an offence and is not being tried jointly with an adult a Court shall, as far as may be practicable sit in a different building or room from that in which the ordinary sittings of the Court are held, or on different days, or at different times from those at which the ordinary sittings of the Court are held.

*Adult to be committed to Sessions in case to be committed
to Sessions*

19. In the trial of a case in which a child is being tried together with adult in accordance with the provisions of this Act, if the Magistrate trying the case comes to conclusion that the case is a fit one for committal to the Court of Session, he shall separate the case in respect of the child from that in respect of the adult and shall direct the adult alone to be committed to the Court of Sessions for trial and shall proceed with the trial of the case in respect of the child, notwithstanding anything in the Code of Criminal Procedure, 1898 or any other law for the time being in force.

Appearance of legal practitioners before Juvenile Courts

14. Notwithstanding anything contained in any law for the time being in force, a legal practitioner shall not be entitled to appear in any case or proceeding before a Juvenile Court, unless the Juvenile Court is of opinion that in public interests the appearance of legal practitioner is necessary in such case or proceeding and authorises for reasons to be recorded in writing a legal practitioner to appear in such cases or proceedings.

Presence of Persons in Juvenile Courts

15. Save as provided in this Act, no person shall be present at any sitting of a Juvenile Court except—

- (a) the members and officers of the Court,
- (b) the parties to the case before the Court and other persons directly concerned in the case including the Police Officers.
- (c) Such other persons as the Court specially authorises to be present.

PART II

POWERS AND FUNCTIONS OF COURTS HAVING JURISDICTION
UNDER THE ACT*Juvenile Courts*

7. For the purpose of this Act, the (State) Government may by notification in the *Official Gazette* establish one or more juvenile courts for any local area.

Courts empowered to exercise powers of juvenile courts

8. The powers conferred upon a Juvenile Court under this Act shall, subject to the provisions thereof, be also exercisable by the following courts, whether trying any case originally, or on appeal or in revision, as the case may be:—

(a) The High Court.

(b) A Court of Session.

2

2.

(e) A salaried Presidency Magistrate.

(f) A salaried Magistrate of the first class.

*Powers of Juvenile Courts and other Courts mentioned in
Section 8*

9. Save as otherwise provided in this Act; (1) Where a Juvenile Court has been established for any local area, such court shall try all cases in which a child is charged with the commission of an offence and shall deal with and dispose of all other proceedings under this Act, but shall not have power to try any case in which an adult is charged with an offence under Part VI of this Act;

(2) Where a Juvenile Court has not been established for any local area, no court other than courts empowered under Section 8 to exercise the powers of Juvenile Court shall have power to try any case in which a child is charged with the commission of an offence or to deal with or dispose of any other proceedings under this Act.

*No joint trial of child and adult in area where juvenile
Court exists*

10. (1) Notwithstanding anything contained in Section 239 of the Code of Criminal Procedure 1898 or any other law for the time being in force no child shall be charged with or tried for any offence together with an adult if a juvenile court has been established for the area where the trial of such case is to take place.

(2) If a child is accused of an offence for which under Section 239 of the Code of Criminal Procedure, 1898, or any other law for the time being in force, such child and the adult could but for the provisions of sub-section (1), have been tried together the Court taking cognizance of the offence shall direct separate trials of the child and adult; if a juvenile court has been established for the local area, the child shall be tried by the Juvenile Court, and the adult shall be tried separately by a Court having jurisdiction to try the offence.

(j) "Immoral behaviour" includes any act or conduct which is indecent or obscene.

(k) "Juvenile Court" means a court established under Section 7 of this Act.

(l) "Place of Safety" includes a remand home or any other suitable place or institution, the occupier or manager of which is willing temporarily to receive a child or where such remand home or other suitable place or institution is not available, in the case of a male child only, a police station in which arrangements are available or can be made for keeping children in custody separately from other offenders.

(m) "Prescribed" means prescribed by rules made under this Act.

(n) "Probation of good conduct" means the release of a youthful offender on probation of good conduct on his personal recognizance. The expression "Probation of good conduct order" shall be construed accordingly.

(o) "Prostitution" means offering of the body for indiscriminate lewdness for hire or otherwise notwithstanding anything contained in the Bombay Prevention of Prostitution Act, 1923.

(p) "Society" means a body or association of individuals, whether incorporated or not.

(q) "Supervision" means the placing of child under the control of a probation officer or other person for the purpose of securing proper care and protection of the child by his parent, guardian, relation or any other fit person to whose care the child has been committed. The expression "Supervision Order" shall be construed accordingly.

(r) "Voluntary home" means any place for the reception of children maintained wholly or partly by voluntary contributions; and

(s) "Youthful Offender" means any child who has been found to have committed an offence.

(2) Words and expressions used and not defined in this Act but defined in the Code of Criminal Procedure, 1898 shall have the meanings assigned to them in that Code.

Continuation of proceedings against child on his attaining specified age

5. For the purpose of this Act, a person shall be deemed to be a child, if at the time of the initiation of any proceedings against him under this Act or at the time of his arrest in connection with which any proceedings are initiated against him under this Act, such person has not attained the age is specified in clause (e) of Section 4:

Provided that if during the course of the proceedings under this Act such person attains the age specified in the said clause, the proceedings already commenced shall be continued and orders may be passed in respect of such person under the Act as if such person was a child notwithstanding anything to the contrary in this Act.

Reformatory Schools Act, 1897, and certain provisions of Code of Criminal Procedure 1898, not to apply

6. The provisions of the Reformatory Schools Act, 1897, and of Sections 29 B and 399 of the Code of Criminal Procedure, 1898 shall cease to apply to any area in which Parts II to XI of this Act have been brought into operation.

PART I

PRELIMINARY

Short Title and extent

1. (1) This Act may be called the Bombay Children Act, 1948.
- (2) It extends to the whole of the (State) of Bombay.

Commencement

2. Section 1 shall come into force at once. The rest of the Act, or any provision thereof, shall come into force in any on such date as the (State) Government may, by notification in the *Official Gazette*, specify.

Saving

3. The (State) Government, may, by notification in the *Official Gazette*, direct that all or any of the provisions of the Act shall not apply to any class of children or youthful offenders in the whole of the (State) or in any particular area.

Definitions

4. (1) In this Act, unless there is anything repugnant in the subject or context, —

(a) "Adult" means a person who is not a child.

(b) "Begging" means begging as defined in the Bombay Beggars Act, 1945;

(c) "Brothel" means a brothel as defined in the Bombay Prevention of Prostitution Act, 1923;

(d) "Certified School" means an industrial school established or any other school or institution certified by the (State) Government under Section 25;

(e) "Child" means a boy or girl who has not attained the age of sixteen years;

(f) "Dangerous Drug" means any article defined as "Dangerous Drug" in the Dangerous Drugs Act, 1930.

(g) "Final Order" means an order passed by a Juvenile Court or any court employed under section 8 to exercise the powers of a Juvenile Court under the following section namely:— 45 to 47, 71 to 76, 79, 81 to 84, 90 to 92, 101 and 103.

(h) "Fit Person" includes a fit person institution which in relation to the care of any child means any association or body of individuals whether incorporated or not established for or having for its object the reception or protection of children or the prevention of cruelty to children and which undertakes to bring up or to give facilities for bringing up any child entrusted to its care in conformity with the religion of its birth;

(i) "Guardian" in relation to a child or youthful offender includes any person who in the opinion of the Court Having cognizance of any proceedings in relation to the child or youthful offender has for the time being the actual charge of or control over, the said child or youthful offender;

5. This licence may be revoked at any time by the Inspector-General under Section 15 (1) of the Act either of his own accord or at the request of the said and upon such revocation the licence shall be detained in a Borstal School until the expiry of the term for which he was ordered to be detained in such school.

6. If the licensee removes himself from the supervision and authority of the said this licence shall be deemed to have been revoked under Section 15 (2) of the Act from the date from which he has so removed himself.

I hereby acknowledge that I am aware of the abovenamed conditions which have been explained to me.

Signature or mark of the
inmate of the Borstal School
at Dharwar.

Certified that the conditions specified in the above order for discharge on licence have been read over to the inmate named in the said order, and that he has accepted them as the conditions under which he is discharged before the expiry of the term of his detention.

Governor,
Borstal School, Dharwar.

Certified that the inmate named in the above order for discharge on licence has been discharge on and made over to

Governor,
Borstal School at Dharwar.

(Here the signature of the person under whose supervision and authority the inmate is required to live).

BOMBAY ACT, LXXI OF 1948 (THE BOMBAY CHILDREN ACT, 1948)

(31st December, 1948)

Amended by Bom. 53 of 1949.

Adapted and modified by the Adaptation of Laws Order, 1950.

Amended by Bom. 23 of 1951.

An Act to consolidate and amend the law for the custody, protection, treatment, and rehabilitation of children and youthful offenders and for the trial of youthful offenders in the Province of Bombay.

WHEREAS it is expedient to consolidate and amend the law for the custody, protection, treatment and rehabilitation of children and youthful offenders and for the trial of youthful offenders in the Province of Bombay and for certain other purposes specified herein; It is hereby enacted as follows:—

19. *Method of release on licence.*—An inmate discharged on licence under sub-section (1) of section 14 of the Act shall ordinarily be accompanied by a member of the school staff to the place of his destination. He shall be accompanied only as far as the steamer in Bombay.

20. *Measures on Release.*—When the release of an inmate is about to fall due, the committee shall take such measures as it thinks fit. Such measures may include:—

- (a) sending the inmate to his home,
- (b) finding employment for him, or
- (c) otherwise assisting him.

20-A. *Award.*—The Committee may recommend the grant of an award not exceeding Rs. 20 to a deserving inmate. The amount so recommended shall be paid through the Probation Officer to such inmate if he does not go home or does not find any employment.

21. *Visitors' Book.*—A Visitors' Book shall be kept at the school in which shall be recorded the minutes of the proceedings of each meeting of the Committee. A copy of the proceedings of each meeting shall be sent to the Inspector-General.

SCHEDULE

Form of Order for Discharge on Licence (Vide rule 18)

I, the Inspector-General of Prisons, State of Bombay, do by this licence permit _____ son of _____
 caste _____ residence _____ number _____ who was
 ordered to be detained in a Borstal School by the Court _____
 under Section _____
 of the Bombay Borstal School Act, 1929 (Bom. XVIII of 1929) for a term
 of _____ on the _____ day of _____ 19 _____,
 and who is now detained in the Borstal School, at Dharwar to be discharged
 from the said school on condition that he be placed under the care, supervision,
 and authority of _____ during the
 remaining portion of the aforesaid period of detention.

This licence is granted subject to the conditions endorsed hereon, upon the breach of any of which it will be liable to be revoked.

Inspector-General of Prisons,
 State of Bombay.

Conditions

1. The licensee shall proceed to, and live under the authority of _____ until the expiry of the term for which he was ordered to be detained in the Borstal School at Dharwar unless the licence is sooner revoked.

2. He shall not, without the consent of the said _____ remove from _____ that place or any other place which may be named by the said _____.

3. He shall obey such instructions as he may receive with regard to punctual and regular attendance at employment or otherwise.

4. He shall abstain from any violation of the law and shall lead a sober and industrious life to satisfaction of the said _____.

(4) The District Magistrate, Dharwar, shall be the Chairman of the Committee. In the absence of the Chairman, the Senior Official member present shall act as Chairman.

15. *Term of Office.*—(i) The term of office of an official member of the Committee shall continue so long as he holds the office in virtue of which he is such a member;

(ii) The non-official members of the Committee shall hold office for a period of one year and for such further period, if any, as the State Government may by general or special order in that behalf direct:

Provided that if, during the aforesaid period any non-official member ceases to be a member of the District Committee of the District Probation and After-Care Association, Dharwar, the State Government may direct that such member shall cease to be a member of the Committee and thereupon his office shall be deemed to have become vacant;

(iii) any casual vacancy among the non-official members shall be filled up by the nomination in manner provided in these rules of a person thereto who shall hold office so long only as the person in whose place he is nominated would have held if the vacancy had not occurred:

(iv) the non-official members nominated on the Committee shall be eligible for renomination on the expiry of the term of their office.

16. (Deleted).

17. *Duties of the Visiting Committee.*—It shall be the duty of the Visiting Committee—

(a) to visit the school. Every member of the Committee, other than the Governor shall visit the school individually, every month. A meeting of the Committee shall be held not less than once every quarter. Five members shall form a quorum at such meetings.

(b) to inspect all parts of the school and see every inmate detained therein;

(c) to satisfy themselves that the necessary disciplinary and reformatory measures are being carried out;

(d) to give every inmate an opportunity of making an application or a complaint to them and to inquire into the same;

(e) to inspect the records of—

(i) all inmates whose release falls due within three months of the date of the Committee's meeting; and

(ii) those inmates whose discharge on licence may be recommended to the Inspector-General of Prisons in accordance with sub-section (1) of Section 14 of the Act; and

(f) to inquire into the details of the past history, the nature of the offence, the conduct and character in the school and the future intentions and prospects of every inmate whose case may be put before them for consideration, by the Governor of the School and if they think fit, to recommend him to the Inspector-General for discharge on licence.

18. The licence granted under Sub-section (1) of Section 14 of the Act shall be in the form of the Schedule appended to these rules. The recommendation of the Visiting Committee shall state whether any society or responsible person is willing to take charge of the inmate under its or his supervision and to provide work for him and whether the inmate is willing to be placed under the authority and supervision of such society or person.

inmate of the school for offences specified in the Prisons Act, 1894, and the rules made thereunder shall be in the following form;—

- (i) Formal warning,
- (ii) Change of labour,
- (iii) Forfeiture of gratuity for a period not exceeding 3 months.
- (iv) Reduction in grade for a period not exceeding 3 months,
- (v) Gunny clothing for a period not exceeding 3 months,
- (vi) Cellular confinement for not more than 7 days,
- (vii) Separate confinement for not more than 14 days,
- (viii) Deduction of marks up to a maximum of 50 at any one time,
- (ix) Penal grade not exceeding 1 month,
- (x) Deprivation of any of the privileges of the grade for a period not exceeding 3 months.

Minor.

- (xi) Reduction in grade for more than 3 months,
- (xii) Combination of any of the punishments, specified in clauses (i) to (x) above.
- (xiii) Cellular confinement for not more than 14 days,
- (xiv) Separate confinement for not more than 1 month,
- (xv) Deduction of marks over 50 but not exceeding 100 at any one time,
- (xvi) Penal grade exceeding 1 month,
- (xvii) Deprivation of any of the privileges of the grade for a period exceeding 3 months.
- (xviii) Corporal punishment with a light rattan which shall not exceed 15 stripes.

Major.

(2) No punishment shall be awarded to an inmate by any official of the school except the Governor or in his absence the official exercising his functions.

14. *Constitution of the Visiting Committee.*—(1) The Visiting Committee shall consist of eleven members. Of these, seven including the Chairman shall be officials and four shall be non-officials.

(2) The official members shall be the following;—

The District Magistrate, Dharwar.

The Chief Inspector of Certified Schools, State of Bombay,

The District Judge, Dharwar.

The Medical Officer of the School.

The Governor of the School.

The Educational Inspector, Southern Division.

The District Superintendent of Police Dharwar.

(3) The four non-official members shall be nominated by the State Government from among the non-official members of the District committee of the District Probation and After Care Association, Dharwar.

(4) The inmate shall be allowed a gratuity at the rate of two annas per month.

10. (1) When, after close observation of his general demeanour and efficiency, the Governor is satisfied that an inmate in the special grade can safely be placed in a position of special trust, he may be promoted to the "Special Star Grade." He shall then wear a distinctive badge. Such inmates may act as monitors in different capacities, and may be placed in authority over other inmates on parade, in workshops, playgrounds, or in other situations where they can assist the administration in various capacities.

(2) *Dress.*—The ordinary dress shall be the same as for the special grade except that a brass star 1" x 1" will be worn in front of the cap.

(3) The dress and privileges of monitors shall be as follows:—

Dress.—

Cap, khaki, pork-pie, drill,
Tunic, khaki, kurta,
Shorts, khaki.
Shoes, chappals.

Privileges.—He shall be permitted to write, during every fortnight of his detention in the school, two letters, one at his own cost and the other at the cost of Government and to have one interview with his relatives or friends.

(4) An inmate in the special star grade shall be allowed a gratuity at the rate of four annas per month, and a monitor shall be allowed a gratuity at the rate of eight annas per month.

11. *Penal Grade.*—When an inmate in the ordinary grade is believed to be exercising a bad influence or is guilty of any serious misconduct, the Governor shall place him in the penal grade for such period, as he may deem necessary, in the interest of the inmate himself or of others. For similar reasons an inmate in the special or special star grade may be placed in the ordinary or penal grade as the Governor may think necessary. While in the penal grade, an inmate shall be employed in separation on hard and laborious work and shall forfeit all privileges including the gratuity, if any, allowed to him. The Governor shall record in his Order Book particulars of every case in which he orders an inmate to be placed in the penal grade, with the reasons for such order, stating the period during which he is to be so retained. This record shall be placed before the Visiting Committees at each visit. If the inmate has been placed in the penal or ordinary grade from the special or special star grade, he shall not be restored to the grade from which he was degraded until he has served such period or periods in the inferior grades as the Governor may determine.

12. *Hours of Work.*—All inmates, provided they are medically fit shall be required to labour for nine hours every working day. The day's work shall ordinarily be divided as follows:—

Drill and physical exercises

or

recreation, on alternate days.

Literary instruction

Manual work (including agriculture)

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...		6

13. *Punishments.*—The punishments which may be inflicted on an

observation of the inmates, attention being specially paid to their general behaviour, their amenability to discipline and their attention to instruction both literary and industrial.

7. (1) An inmate shall remain in the *ordinary grade* for at least six months. During this period he shall be employed on manual labour commensurate with his physical condition and shall be carefully observed by the staff with special reference to his character, mental disposition and fitness for a special trade.

(2) An inmate shall be permitted to write at the cost of Government, one letter on his reception in the school. Thereafter during every two months of his detention in the school he shall, subject to good behaviour, be permitted to write two letters, one at his own cost and the other at the cost of Government and to have one interview with his relatives or friends.

(3) The dress of the inmate shall consist of—

Cap, white pork-pie Dungri,
Tunic, white kurta pattern,
Dungri. Shorts, white Dungri
in summer, with an additional
cotton woollen bandi in
winter, which shall be plain
grey without any stripes.

8. (1) A daily record shall be kept of the conduct and industry of each inmate in the *ordinary grade*. A register shall be kept for this purpose in which shall be recorded from day to day the words "very good," "good," "fair" or "bad" opposite each inmates name. The register shall be examined once a week by the Governor, who will then allot marks for each day, in figures, as follows, viz:—

Very Good	...	...	...	3 marks.
Good	...	...	...	2 "
Fair	...	...	...	1 mark.
Bad	...	...	...	No marks.

(2) The full marks for a month of 28 working days will therefore be 84, to which the Governor shall have the power, when he thinks fit, to add 16 marks making the monthly maximum of 100 marks.

(3) An inmate in the *ordinary grade* shall be required to earn at least 500 marks before he can be promoted to the *special grade*. If he is required to remain more than six months in the *ordinary grade*, the number of marks to be obtained by him for promotion shall be increased by such number as the Governor may consider necessary.

9. (1) An inmate promoted to the *special grade* shall be placed in a trade suitable to his individual taste and capacity.

(2) Subject to the approval of the Governor, he shall be permitted to write, during every month of his detention in the school, two letters, one at his own cost, and the other at the cost of Government and to have one interview with his relatives or friends and to wear special uniform.

(3) The dress of the inmates shall consist of—

Cap, White pork-pie Dungri,
Tunic, white kurta pattern, Dungri with a patch pocket on the left side,
Shorts, white Dungri.

THE BOMBAY BORSTAL ACT, 1929 (BOM XVIII OF 1929)

G. N., H. D., No. 7311 (IV) (a) dated the 5th March 1931
(B. G. Pt. I. p. 584).

In exercise of the powers conferred by sub-section (2) of section 2 of the Bombay Borstal Schools Act, 1929 (Bom. XVIII of 1929), the Governor in Council is pleased to appoint the 1st April 1931 as the date with effect from which the said Act shall come into operation.

2. In exercise of the powers conferred by sections 4 and 13 of the said Act, the Governor in Council is further pleased to declare the Dharwar Juvenile Jail a Borstal School with effect from the 1st April 1931.

S. 19 Dharwar Borstal School Rules 1930

(G.N.H.D. No. 6130/2, dated 25-11-1930 (B. G. Pt., I 2901)

Amended by G. N. H. D. No. 6130/2-II, dated 30-10-31.

Amended by Do. P. 98 (c) dated 31-5-33.

Amended by Do. 6130/2, dated 15-12-36.

Amended by Do. 9180-3-V. dated 10-3-39.

Amended by Do. 2726/4-C., dated 4-5-40.

Amended by Do. 3919/4, dated 18-9-41.

Amended by Do. P. 186, dated 6-2-42.

Amended by Do. 9838/4, dated 27-11-47.

Amended by Do. 4615/5, dated 24-5-48.

In exercise of the powers conferred by section 19 of the Bombay Borstal Schools Act 1929 (Bom. XVIII of 1929), the Governor in Council is pleased to make the following rules for the control and management of the Borstal School at Dharwar which is to be established under section 4 (1) of said Act, namely:—

1. *Short title.*—These rules may be called the Dharwar Borstal Schools Rules, 1930.

2. *Definition.*—In these rules.—

(a) "the Act" means the Bombay Borstal Schools Act, 1929.

(b) "School" means the Borstal School at Dharwar.

3. *Control and Management of the Schools.*—Subject to the orders of the Inspector-General, the control and management of the School shall vest in the Governor of the School.

4. *Appointments, Powers and Duties of officials.*—The State Government shall appoint a Governor and such other officials of the school as it thinks necessary. The Governor and officials so appointed shall be subject to the rules laid down in the Bombay Jail Manual, except so far as those rules are inconsistent with the Act.

5. *Classification and Treatment of the Inmates.*—The inmates of the school shall be divided by the Governor into the following grades according to their industry and good conduct, namely:—

(1) The ordinary grade.

(2) The special grade.

(3) The special star grade.

(4) The penal grade.

6. All pupils shall on reception be placed in the ordinary grade and promotion from one grade to another shall be regulated by close personal

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for or determine—

(a) the control and management of Borstal schools established under this Act;

(b) the appointment, powers and duties of officials in such schools;

(c) the constitution, powers and duties of visiting committees;

(d) the classification, control, discipline, training instruction and treatment of offenders ordered to be detained in a Borstal school and for the temporary detention of such offenders until arrangements can be made for sending them to such school;

(e) the regulation of visits to, and communication with, offenders detained in such school;

(f) the restriction or prohibition of the supply to, or possession by, offenders detained in such school of any specified articles or kinds of articles;

(g) the period for which offenders or any class or classes of offenders may, within the limits fixed by this Act, be ordered to be detained in such school;

(h) the class or classes (if any) of offenders who shall not be ordered to be detained in such school;

(hh) the removal of offenders to Borstal schools in other (States) in India and the reception and detention in a Borstal school established under this Act of offenders transferred from other (States);

(i) the form and conditions of licences granted under section 14;

(j) the supervision of offenders after the expiration of the term of their detention;

(k) the transfer of incorrigible offenders from a Borstal school to prison;

(l) the conditions on which an offender may be discharged under section 17-A;

(m) the constitution, procedure, powers and duties of the Investigating Committee.

(3) The making of rules under this section shall be subject to the condition of previous publication. Such rules shall be laid (before each (House) of the (State) Legislature) for one month previous to the next session thereof and shall be liable to be rescinded or modified (by a resolution in which both (Houses) concur). If any rule is modified the (State) Government may accept the modification and reissue the rule accordingly or may rescind the rule.

Removal of disqualification

20. The ((State) Government) may, on the recommendation of the Inspector-General and the Visiting Committee, or otherwise remove any disqualification incurred by an offender ordered to be detained in a Borstal School on account of such detention.

21. For the purposes of appeal and revision under the Code of Criminal Procedure, 1898, an order of detention under section 6 of this Act shall be deemed to be a sentence of imprisonment for the same period.

institution, society or person under whose supervision he has been permitted to live or has been directed to remain, to be of bad behaviour, or

(b) who has broken any of the conditions of the licence granted to him under section 14,

to appear before the Investigating Committee within such time and at such place as may be specified in the order.

(3) The Investigating Committee shall examine the offender and after making such inquiry as it thinks fit into his conduct submit its report to the Inspector-General. If the Investigating Committee report that the conduct of such offender has been such that he is unfit for further detention in a Borstal school and in every case where an offender had been directed to remain under supervision under section 16, the Inspector-General shall forward a copy of the report of the Investigating Committee to the Provincial Government.

(4) The offender shall during the period of the proceedings under this section, be detained in a Borstal school or in a special ward, or such other suitable part of a prison as the Inspector-General may by general or special order direct.

(5) If the offender fails to appear before the Investigating Committee in accordance with the order made under sub-section (2) or escapes while detained under sub-section (4), he may, on the requisition of the Inspector-General or any officer authorized by him in this behalf, be arrested by any officer of police without warrant and without an order of a Magistrate and brought before the Investigating Committee or sent under custody to the place of detention under sub-section (4), as the case may be.

(6) The period beginning from the date on which the order under sub-section (2) is passed by the Inspector-General and ending with the day on which an order is passed by the Inspector-General under section 15 or by the Provincial Government under section 15 or 16, as the case may be, shall be excluded in computing the total term of his detention in a Borstal school or in computing the period of one year referred to in section (16).

Arrest of offender escaping from Borstal School, or escaping from supervision

18. Any offender who, in contravention of the provisions of this Act, has escaped from a Borstal school (or has escaped from a civil hospital to which he was removed for treatment under section 13B) or has escaped from the supervision of any authority, institution, society or person under whose supervision he has been directed to remain, or has been permitted to live by licence under section 14, (or has committed a breach of any of the conditions imposed under section 17A) may be arrested by any officer of Police without warrant and without the order of a Magistrate and sent back to the Borstal school (or to the civil hospital) or to such authority, institution, society or person, as the case may be.

Rules

19. (1) The (Provincial Government) may make rules for the regulation and management of any Borstal school and for the carrying into effect of the provisions of this Act.

supervision till the date on which he is arrested shall, subject to the provisions of section 17; be excluded in computing the period for which he has been ordered to be detained in a Borstal school.

Subsequent supervision

16. (1) When the Inspector-General and the Visiting Committee report that the conduct (or progress) of any offender detained in a Borstal school has been such that it is expedient that he shall remain under supervision for a further period after the end of the term of detention, the (Provincial Government) may direct that he shall, on the expiration of the term of his detention, remain for a further period not exceeding one year under the supervision of such authority, society or person as the Inspector-General, subject to rules made under this Act, may direct.

(2) The Provincial Government may, after considering the report of the Investigating Committee forwarded to it under section 17B, direct that the offender who is under supervision in accordance with sub-section (1) shall—

(a) again be detained in a Borstal school for such period as it may think fit, or.

(b) if the Investigating Committee report that the conduct of the offender has been such that he is unfit for detention in a Borstal school, undergo imprisonment of such description and for such period as it may direct;

Provided that the total period of supervision, detention and imprisonment, under this section shall not exceed one year.

(3) The provisions of sub-section (2) of section 12 shall apply when an offender is directed to undergo imprisonment under sub-section (2) of this section.

Period of detention

17. No person shall be detained in a Borstal school after he has, in the opinion of the (Provincial Government), attained the age of twentythree years; or, if in any particular case the (Provincial Government) so directs, after he has attained the age of twenty-five years.

Discharge from Borstal School

17-A. The (Provincial Government) may at any time order any person detained in a Borstal school to be discharged from such school either absolutely or on such conditions as may be imposed).

Investigating Committee to investigate into complaints against offenders discharged on probation, etc.

17-B. (1) The provincial Government may, by notification in the **Official Gazette**, appoint an Investigating Committee.

(2) The Inspector-General may, by an order in writing, require any offender—

(a) who is discharged on licence under section 14 or who is placed under supervision under section 16, and who is reported by the authority,

offender in a Borstal school, if he is satisfied that there is a reasonable probability that the offender will abstain from crime and lead a useful and industrious life, discharge him from the Borstal School and grant him a written licence in the prescribed form and on the prescribed conditions, permitting him to live under the supervision and authority of such—

- (a) (Government Officer),
- (b) secular institution,
- (c) religious society, or
- (d) responsible person, as may be approved by the Inspector-General and willing to take charge of the offender.

(1A) The Inspector-General may, subject to the prescribed conditions, discharge any offender who had been previously granted a licence but whose licence was subsequently revoked under section 15 and grant him a fresh written licence and in such case the provisions of this Act shall apply as if such fresh licence had been granted under sub-section (1).

(2) A licence under this section shall be in force until the expiry of the term for which the offender was ordered to be detained in a Borstal school, unless sooner revoked.

(3) The period during which an offender is absent from a Borstal school during the continuance of a licence granted to him under this section shall, for the purposes of computing his term of detention in such school, be deemed to be part of that detention.

Revocation of licence

15. (1) Subject to the prescribed conditions, the Inspector-General may at any time (and in the case of a request made by) the institution, society or person, under whose supervision and authority the offender has by licence been permitted to live (shall after considering the report of the Investigating Committee submitted to him under section 17B) revoke a licence granted under section 14, and upon such revocation the offender shall be detained in a Borstal school until the expiry of the term for which he was ordered to be detained in such school:

Provided that, if the Investigating Committee report that the conduct of the offender has been such that he is unfit for detention in a Borstal school, the Inspector-General shall forward the report of the Investigating Committee to the (State) Government and the (State) Government may—

(i) direct the Inspector-General to revoke the licence as provided in this sub-section, or

(ii) itself revoke the licence and commute the unexpired residue of the term of detention of the offender to a term of imprisonment as provided in section 12.

(2) If an offender removes himself from the supervision of the institution, society or person under which he was by licence permitted to live, his licence shall be deemed to have been revoked from the date on which he has so removed himself.

(3) On the revocation of a licence under sub-section (2) the period beginning from the date on which the offender removed himself from

Provided that, if accommodation in a Borstal school is not immediately available for such offender, he may be detained in a special ward, or such other suitable part of a prison as the (State) Government may direct until he can be sent to a Borstal School. The period of detention so undergone shall be treated as detention in a Borstal school.

(2) The [(State) Government] may order the removal of any offender from any one Borstal school to any other Borstal school, (established under this Act or to a Borstal school in any other (State) in India) provided that the whole period of his detention in a Borstal school shall not be increased by such removal.

Power to order detention in, or removal of offenders to, a Borstal School in another (State):

13A. (1) No order for the detention in or transfer or removal to a Borstal school in any other (State) in India..... shall be passed except with the previous concurrence of the officer in charge of such Borstal school and unless the (State) Government of the said (State) under any law in force therein or by general or special order, has consented, or is empowered, to receive such offender for detention in such Borstal School.

Power to accept transfers of offenders from another (State) to a Borstal school in the Presidency

(2) The officer in charge of a Borstal school established under this Act may, subject to the rules made in this behalf, give effect to any order for the detention therein of any person passed by any authority under any enactment in force in any other (State) India. A person detained in such Borstal school under this provision shall be deemed to be an offender ordered to be detained under the provisions of section 6 and the provisions of this Act shall apply to such person accordingly.

Removal of person detained to civil hospital in (State) for medical treatment

13B. (1) If an offender detained in a Borstal school is suffering from any illness and the Inspector-General is satisfied that it is not possible to render to him proper medical care or treatment in the School, the Inspector-General may provide for the removal of such offender to any civil hospital in the (State) for the purpose of undergoing medical treatment and for his return to the school after such treatment is undergone.

(2) The period during which an offender is absent from a Borstal school under sub-section (1) shall, for the purposes of computing his term of detention in the school, be deemed to be part of that detention.

Power to release on licence

14. (1) Subject to the prescribed conditions, the Inspector-General may on the recommendation of the Visiting Committee at any time after the expiration of six months from the commencement of the detention of an

liable to undergo or failure to give security, as the case may be), for such period as together with the period of transportation or imprisonment already undergone will not exceed the maximum period for which such person could have been ordered to be detained by a Court under section 6:

Provided that the Inspector-General shall not, without the previous sanction of (the (State) Government), direct such person to be detained in a Borstal school for a period which including the period of imprisonment or transportation undergone exceeds the period of imprisonment or transportation to which such person has been sentenced (or the period of imprisonment which he is liable to undergo for failure to give security, as the case may be).

(2) A person transferred to a Borstal school under sub-section (1) shall upon transfer to such school be deemed to be an offender ordered to be detained by a Court under the provisions of section 6 and the provisions of the Act shall apply to such person accordingly.

Transfer of incorrigibles, ect. to prison

12. (1) Where an offender detained in a Borstal school escapes, or is reported to the (State) Government by the Inspector-General to be incorrigible or to exercise (or to be likely to exercise) a bad influence on the other inmates of the school, (or to be more than twenty years of age), (or where a licence granted under section 14 is revoked by the (State) Government under clause (ii) of the proviso to sub-section (1) of section 15 or is, in the opinion of the (State) Government, otherwise unsuitable for training in a Borstal School), the (State) Government may commute the unexpired residue of the term of detention to such term of imprisonment of either description as the (State) Government may determine, but in no case exceeding the shorter of the following two periods:—

(a) the unexpired residue of the term of detention, or

(b) the maximum period of imprisonment provided by law for the offence of which the offender was found guilty or the failure to give security, as the case may be, in consequence of which the offender was ordered to be detained in a Borstal School (or ordered to be transferred to and detained in such school by the Inspector-General).

(2) Such offender may be confined in any prison within the Bombay Presidency by warrant under the hand of a Secretary to (the (State) Government) and effect shall be given to such warrant and the sentence of imprisonment passed upon such offender shall be executed in the same manner as if such person had been sentenced by a competent court of criminal jurisdiction.

(State) Government to determine the Borstal school in which a person shall be detained and may order removal

13. (1) Every offender ordered to be detained in a Borstal school shall be detained in such Borstal school as the (State) Government may, by general or special order, or in the prescribed manner, appoint for the reception of persons so ordered to be detained:

Magistrate, or a Magistrate of the first class and may be exercised by such Courts whether the case comes before them originally, or on appeal or in revision.

Procedure when Magistrate is not empowered to pass an order under this Act

9. (1) When any Magistrate not empowered to pass an order for detention under this Act, is of the opinion that an offender who has been found guilty by him or who has failed to furnish the security which the Magistrate has ordered him to furnish under Chapter VIII of the Code of Criminal Procedure, 1898, is a proper person to be detained in a Borstal School, he may, without passing any order, record such opinion and submit his proceedings and forward the offender to the (Magistrate of the first class) or the Chief Presidency Magistrate, as the case may be to whom he is subordinate.

(2) The (Magistrate of the first class) or Chief Presidency Magistrate to whom the proceedings are so submitted may transfer the proceedings to any Magistrate subordinate to him competent to pass an order under this Act, or, as the case may be, to a salaried Presidency Magistrate.

(3) The Magistrate (of the first class) or Chief Presidency Magistrate to whom the proceedings are so submitted or any Magistrate to whom the proceedings are so transferred may make such further enquiry (if any) as he may think fit and may pass such order for the detention of the offender in a Borstal school, or such other sentence or order, as he might have passed if such offender had originally been brought before or tried by him.

Limitation on powers conferred by Section 6

10. Any offender detained in a Borstal School for failure to furnish security when ordered to do so under Section 106 or section 118 of the Code of Criminal Procedure, 1898, shall be released on furnishing such security or on the passing of an order under section 124 of the said Code.

Transfer from prison to Borstal School

11. (1) If the Inspector-General is satisfied that a person undergoing transportation or imprisonment in consequence of a sentence (passed under any law or undergoing imprisonment under an order made under section 123 of the Code of Criminal Procedure, 1898, for failure to give security) being within the limits of age within which persons may be ordered to be detained in a Borstal School, by reason of his criminal habits or tendencies, or association with persons of bad character, might with advantage be detained in a Borstal school the Inspector-General may by order in writing direct such person to be transferred from Prison to a Borstal school (established under this Act or subject to the provisions of section 13A, to a Borstal school in any other (State) in India and to be detained in such school, in lieu of the unexpired residue of his sentence, (or of the period of imprisonment which he is

(2) For every Borstal School, a visiting committee shall be appointed in such manner as may be prescribed.

Application of the Prisons Act, 1894, and the Prisoners Act, 1900

5. Subject to any alterations, adaptations, and exceptions made by this Act and the rules framed under it, the Prisons Act, 1894, and the Prisoners Act, 1900, and the rules framed thereunder shall apply in the case of every Borstal School establishment under this Act as if it were a prison and the inmates prisoners.

Court may pass order for detention in a Borstal School

6. When an offender is found guilty of an offence for which he is liable to be sentenced to transportation or imprisonment: or is liable to imprisonment for failure to furnish security under Chapter VIII of the Code of Criminal Procedure, 1898, whether any previous conviction is proved against him or not, and it appears to the Court—

(a) that the offender is not less than sixteen or, in any district or place in which the Bombay Children Act 1924, is not in operation less than fifteen nor more than twenty-one years of age; and

(b) that by reason of his criminal habits or tendencies of association with persons of bad character it is expedient that he should be subject to detention for such term and under such instruction and discipline as appears most conducive to his reformation.

It shall be lawful for the Court, if empowered in this behalf, to pass in lieu of a sentence of transportation or imprisonment, or of an order of imprisonment under section 123 of the Code of Criminal Procedure, 1898, an order for the detention of the offender in a Borstal School (established under this Act or subject to the provisions of section 13-A, in a Borstal school in any other (State) in India for such term, not being less than (three) years nor more than five years, as the Court subject to rules made under this Act, thinks fit;

Provided that before passing such an order the Court shall give an opportunity to the parents or guardians of the said offender to be heard and shall consider any report or representation which may be made to it as to the suitability of the case for treatment in (such Borstal School), and shall be satisfied that the character, state of health and mental condition of the offender and the other circumstances of the case, are such that the offender is likely to profit by such instruction and discipline as aforesaid.

Power of (State) Government to exempt

7. The (State) Government may, by rules made under this Act, direct that any class or classes of persons specified in such rules shall not be ordered to be detained in a Borstal school.

Courts empowered to pass order for detention

8. The powers conferred on Courts by this Act shall be exercised only by the High Court, a Court of Session, a salaried Presidency

BOMBAY ACT, XVIII OF 1929

(THE BOMBAY BORSTAL SCHOOLS ACT, 1929)

{25th November 1929}

Amended by Bom. 10 of 1932.

Amended by Bom. 3 of 1934.

Amended by Bom. 18 of 1935.

Amended by Bom. 2 of 1936.

Adapted and modified by the Adaptation of Indian Laws Order in Council.

Amended by Bom. 3 of 1948.

Adapted and modified by the Adaptation of Laws Order, 1950.

Amended by Bom. 23 of 1951.

*An Act to provide for the establishment of Borstal Schools
in the Presidency of Bombay.*

WHEREAS it is expedient to provide for the establishment of Borstal Schools in the Presidency of Bombay; and whereas the previous sanction of the Governor General required by sub-section (3) of section 80-A of the Government of India Act has been obtained for the passing of this Act; It is hereby enacted as follows:—

Short Title

1. This Act may be called the Bombay Borstal Schools Act, 1929.

Extent and commencement

2. (1) This Act shall apply to the whole of the Presidency of Bombay.
(2) It shall come into operation on such date as the (State) Government may, by notification in the (Official Gazette), appoint in this behalf.

Definitions

3. In this Act, unless there is anything repugnant in the subject or context:—

(a) "Borstal School" means a place in which young offenders, whilst detained in pursuance of this Act, are given such industrial training and other instruction and are subjected to such disciplinary and moral influences as will conduce to their reformation and the prevention of crime;

(b) "Inspector-General" means the Inspector-General of Prisons and includes any officer appointed by the (State) Government to perform all or any of the duties imposed by this Act on the Inspector-General.

(c) "Prescribed" means prescribed by rules made under this Act.

Establishment of Borstal Schools

4. (1) For the purposes of this Act the (State) Government may establish one or more Borstal Schools.

seventhly, of the said Code, may, under the orders of a Magistrate within the local limits of whose jurisdiction such arrest was made, be detained in the same manner and subject to the same restrictions as a person arrested on a warrant issued by such Magistrate under section 10.

24. (Repeals.) Repealed by Section C and Sch. II of the Repealing and Amending Act, 1914 (X of 1914).

THE FIRST SCHEDULE

Extradition Offences

[See Section 2, clause (b), and Chapter III (Surrender of fugitive criminals in case of States other than Foreign States)].

[The sections referred to are the sections of the Indian Penal Code.]

Frauds upon creditors (Section 206).

Resistance to arrest (Section 224).

Offences relating to coin and stamps (Sections 230 to 263-A).

Culpable homicide (Sections 299 to 304).

Attempt to murder (Section 307).

Thug (Section 310, 311).

Causing miscarriage, and abandonment of child (sections 312 to 317).

Causing hurt (Sections 323 to 333).

Wrongful confinement (Section 347, 348).

Kidnapping and slavery (Sections 360 to 373).

Rape and unnatural offences (Sections 375 to 377).

Theft, extortion, robbery, etc., (Sections 378 to 414).

Cheating (Sections 415 to 420).

Fraudulent deeds etc., (Sections 421 to 424).

Mischief (Sections 425 to 440).

Lurking house-trespass [Sections 443, (444)].

Forgery, using forged documents, etc., (Sections 463 to 477-A).

[Desertion from any unit of (the Armed Forces maintained by a Part B State) declared by the Central Government, by notification in the Official Gazette, to be a unit desertion from which is an extradition offence].

Piracy by law of nations.

Sinking or destroying a vessel at sea, or attempting or conspiring to do so,

Assault on board a ship on the high seas with intent to destroy life or to do grievous bodily harm.

Revolt or conspiracy to revolt by two or more persons on board a ship on the high seas against the authority of the master.

Any offence against any section of the Indian Penal Code or against any other law which may, from time to time, be specified by the Central Government by notification in the Official Gazette either generally for all States or specially for any one or more States.

THE SECOND SCHEDULE

(Enactments repealed)—Repealed by the Repealing and Amending Act 1914 (X of 1914).

CHAPTER V

OFFENCES COMMITTED AT SEA

20. Where the Government of any State outside India makes a requisition for the surrender of a person accused of an offence committed on board any vessel on the high seas which comes into any port of (the States), the (Central) Government and any Magistrate having jurisdiction in such port and authorized by the (Central) Government in this behalf may exercise the powers conferred by this Act.

CHAPTER IV

EXECUTION OF COMMISSIONS ISSUED BY CENTRAL COURTS
OUTSIDE (THE STATES),

21. The testimony of any witness may be obtained in relation to any criminal matter pending in any Court or tribunal in any country or place outside (the States) in like manner as it may be obtained in any civil matter under the provisions of the Code of Civil Procedure for the time being in force with respect to commissions, and the provisions of that Code relating thereto shall be construed as if the term "suit" included a criminal for proceeding;

Provided that this section shall not apply when the evidence is required for a Court or tribunal in any State outside India other than (an Indian Court) and the offence is of a political character.

CHAPTER VII

SUPPLEMENTAL

22. (1) The Central Government may make rules to carry out the purposes of this Act,

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the removal of prisoners accused or in custody under this Act, and their control and maintenance until such time as they are handed over to the persons named in the warrant as are entitled to receive them;

(b) the seizure and disposition of any property which is the subject of, or required for proof of, any alleged offence to which this Act applies;

(c) the pursuit and arrest in (the States), by officers of the Government or other persons authorized in this behalf, of persons accused of offences committed elsewhere; and

(d) the procedure and practice to be observed in extradition proceedings.

(3) Rules made under this section shall be published in the Official Gazette and shall thereupon have effect as if enacted by this Act.

23. Notwithstanding anything in the Code of Criminal Procedure, 1898, any person arrested without an order from a Magistrate and without a warrant, in pursuance of the provisions of section 54, clause

17. (1) In any proceedings under this Chapter, exhibits and depositions (whether received or taken in the presence of the person against whom they are used or not) and copies thereof, and official certificates of facts and judicial documents stating facts, if duly authenticated, be received as evidence,

(2) Warrants, depositions or statements on oath which purport to have been issued, received or taken by any Court of Justice outside (the States), or copies thereof, and certificates of, or judicial documents stating the fact of, conviction before any such Court, shall be deemed duly authenticated.—

(a) if the warrant purports to be signed by a Judge, Magistrate, or officer of the State where the same was issued or acting in or for such State;

(b) if the depositions or statements or copies thereof purport to be certified, under the hand of a Judge, Magistrate or officer of the State where the same were taken, or acting in or for such State, to be the original depositions or statements or to be true copies thereof, as the case may require;

(c) if the certificate of, or judicial document stating the fact of, a conviction purports to be certified by a Judge, Magistrate or officer of the State where the conviction took place or acting in or for such State;

(d) if the warrants, depositions, statements, copies, certificates and judicial documents, as the case may be, are authenticated by the oath of some witness or by the official seal of a minister of the State where the same were respectively issued, taken or given.

(3) For the purposes of this section, "warrant" includes any judicial document authorizing the arrest of any person accused or convicted of an offence.

18. Nothing in this Chapter shall derogate from the provisions of any treaty for the extradition of offenders, and the procedure provided by any such treaty shall be followed in any case to which it applies, and the provisions of this Act shall be modified accordingly.

CHAPTER IV

RENDITION OF FUGITIVE OFFENDERS IN HIS MAJESTY'S DOMINIONS

19. For the purpose of applying and carrying into effect in (the States) the provisions of the Fugitive Offenders Act, 1831, the following provisions are hereby made:—

(a) the powers conferred on "Governors" of British possessions (shall be powers of the Central Government);

(b) the powers conferred on a "Superior Court" may be exercised by any Judge of a High Court;

(c) the powers conferred on a "Magistrate" may be exercised by any Magistrate of the first class or by any Magistrate empowered by the (Central) Government in that behalf; and

(d) the offences committed in [the States] to which the Act applies are piracy, treason, and any offence punishable under the Indian Penal Code with rigorous imprisonment for a term of twelve months or more or with any greater punishment.

in the territories of a State for which there is a Political Agent, to such Political Agent and in other cases to the (Central) Government.

(3) A person arrested on a warrant issued under this section shall not, without the special sanction of the (Central) Government, be detained more than two months, unless within such period the Magistrate receives an order made with reference to such person in accordance with the procedure prescribed by section 9, or a warrant for the arrest of such person under section 7.

(4) In the case of a person arrested or detained under this section, the provisions of the Code of Criminal Procedure for the time being in force relating to bail shall apply in the same manner as if such person were accused of committing in (the States) not offence with which he is charged.

11. (1) A person accused of an offence committed in (the States) not being the offence for which his surrender is asked, or undergoing sentence under any conviction in (the States), shall not be surrendered in compliance with a warrant issued by a Political Agent under section 7 or a requisition made by or on behalf of (any Part B State or any State outside India not being a Foreign State) under section 9, except on the condition that such person be re-surrendered to the Central Government (), on the termination of his trial for the offence for which his surrender been asked:

Provided that no such condition shall be deemed to prevent or postpone the execution of a sentence of death lawfully passed.

(2) On the surrender of a person undergoing sentence under a conviction in (the States), his sentence shall be deemed to be suspended until the date of his re-surrender, when it shall revive and have effect for the portion thereof which was unexpired at the time of his surrender.

12. The provisions of this Chapter with reference to accused persons shall, with any necessary modifications, apply to the case of a person who, having been convicted of an offence in the territories of (any Part B State or any State outside India not being a Foreign State) has escaped into or is in (the States) before his sentence has expired.

13. Every person who is accused or convicted of abetting or attempting to commit any offence shall be deemed, for the purposes of this Chapter, to be accused or convicted of having committed such offence, and shall be liable to be arrested and surrendered accordingly.

14. It shall be lawful for any person to whom a warrant is directed in pursuance of the provisions of this chapter, to receive, hold in custody and convey the person mentioned in the warrant, to the place named in the warrant, and, if such person escapes out of any custody to which he may be delivered in pursuance of such warrant, he may be re-taken as a person accused of an offence against the law of (the States) may be re-taken upon an escape.

15. The Central Government may, by order, stay any proceedings taken under this Chapter, and may direct any warrant issued under this Chapter to be cancelled, and the person for whose arrest such warrant has been issued to be discharged.

16. The provisions of this Chapter shall apply to an offence or to an extradition offence, as the case may be, committed before the passing of this Act, and to an offence in respect of which a Court of (the States) has concurrent jurisdiction.

(2) When security is taken under this section, the Magistrate shall certify the fact to the Political Agent who issued the warrant, and shall retain the bond.

(3) If the person bound by any such bond does not appear at the time and place specified, the Magistrate may, on being satisfied as to his default, issue a warrant directing that he be re-arrested and handed over to any person authorized by the Political Agent to take him into custody.

(4) In the case of any bond executed under this section, the Magistrate may exercise the powers conferred by the Code of Criminal Procedure for the time being in force in relation to taking a deposit in lieu of the execution of a bond and with respect to the forfeiture of bonds and the discharge of sureties.

8-A (1) Notwithstanding anything contained in section 7, sub-section (2), or in section 8, when an accused person arrested in accordance with the provisions of section 7 is produced before the District Magistrate or Chief Presidency Magistrate, as the case may be, and the statement (if any) of such accused person has been recorded, such Magistrate may, if he thinks fit, before proceeding further report the case to the (Central) Government and, pending the receipt or orders on such report, may detain such accused person in custody or release him on his executing a bond with sufficient sureties for his attendance when required.

(2) In the case of any bond executed in pursuance of this section, the District Magistrate or the Chief Presidency Magistrate, as the case may be, may exercise the powers conferred by the Code of Criminal Procedure for the time being in force in relation to taking a deposit in lieu of the execution of a bond and with respect to the forfeiture of bonds and the discharge of sureties.

9. Where a requisition is made to the Central Government () by or on behalf of (any Part B State or any State outside India not being a foreign State), for the surrender of any person accused of having committed an offence in the territories of such State, such requisition shall (except in so far as relates to the taking of evidence to show that the offence is of a political character or is not an extradition crime) be dealt with in accordance with the procedure prescribed by section 3 for requisitions made by the Government of any Foreign State as if it were a requisition made by any such Government under that section.

Provided that, if there is a Political Agent in or for any such State, the requisition shall be made through such Political Agent.

10. (1) If it appears to any Magistrate of the first class or any Magistrate empowered by the (Central) Government in this behalf that a person within the local limits of his jurisdiction is accused or suspected of having committed an offence in (any Part B State or any State outside India not being a Foreign State) and that such person may lawfully be surrendered to such State, or that a warrant may be issued for his arrest under section 7, the Magistrate may, if he thinks fit, issue a warrant for the arrest of such person on such information or complaint and on such evidence as would, in his opinion, justify the issue of a warrant if the offence had been committed within the local limits of his jurisdiction.

(2) The Magistrate shall forthwith report the issue of a warrant under this section, if the offence appears or is alleged to have been committed

were accused of committing in (the States) the crime of which he is accused or has been convicted.

5. (1) If the Central Government () is of opinion that the crime of which any fugitive criminal of a Foreign State is accused or alleged to have been convicted is of a political character, if may, if it thinks fit, refuse to issue any order under section 3, sub-section (1).

(2) The Central Government () may also at any time stay any proceedings taken under this Chapter and direct any warrant issued under this Chapter to be cancelled and the person for whose arrest such warrant has been issued to be discharged.

6. The expressions "the Police Magistrate" and "the Secretary of State" in section 3 of the Extradition Act, 1870, shall be read as referring respectively to the Magistrate directed to inquire into a case under section 3 of this Act, and to the Central Government ().

CHAPTER III

SURRENDER OF FUGITIVE CRIMINALS IN CASE OF STATES OTHER THAN FOREIGN STATES

7. (1) Where an extradition offence has been committed or is supposed to have been committed by a person, () (in a Part B State or in the territories of any State outside India not being a Foreign State) and such person escapes into or is in (the territories to which this Act extends) and the Political Agent in or for such State issues a warrant, addressed to the District Magistrate of any district in which such person is believed to be, (or if such person is believed to be in any Presidency town to the Chief Presidency Magistrate of such town), for his arrest and delivery at a place and to a person or authority indicated in the warrant, such Magistrate shall act in pursuance of such warrant and may give directions accordingly.

(2) A warrant issued as mentioned in sub-section (1) shall be executed in the manner provided by the law for the time being in force with reference to the execution of warrants, and the accused person, when arrested, shall (be produced before the District Magistrate or Chief Presidency Magistrate, as the case may be, who shall record any Statement made by him, such accused person shall then), unless released in accordance with the provisions of this Act, be forwarded to the place and delivered to the person or authority indicated in the warrant.

(3) The provisions of the Code of Criminal Procedure for the time being in force in relation to proclamation and attachment in the case of persons absconding shall, with any necessary modifications, apply where any warrant has been received by a District Magistrate (or Chief Presidency Magistrate) under this section as if the warrant had been issued by himself.

8. (1) Where a Political Agent has directed by endorsement on any such warrant that the person for whose arrest it is issued may be released on executing a bond with sufficient sureties for his attendance before a person or authority indicated in this behalf in the warrant at a specified time and place, the Magistrate to whom the warrant is addressed shall on such security being given release such person from custody.

(4) If the Magistrate is of opinion that a *prima facie* case is made out in support of the requisition, he may commit the fugitive criminal to prison to await the orders of the Central Government.

(5) If the Magistrate is of opinion that a *prima facie* case is not made out in support of the requisition, or if the case is one which is bailable under the provisions of the Code of Criminal Procedure for the time being in force, the Magistrate may release the fugitive criminal on bail.

(6) The Magistrate shall report the result of his inquiry to the Central Government () and shall forward together with such report, any written statement which the fugitive criminal may desire to submit for the consideration of the Government.

(7) If the Central Government () is of opinion that such report or written statement raises an important question of law, it may make an order referring such question of law to such High Court as may be named in the order, and the fugitive criminal shall not be surrendered until such question has been decided.

(8) If, upon receipt of such report and statement or upon the decision of any such question, the Central Government () is of opinion that the fugitive criminal ought to be surrendered, it may issue a warrant for the custody and removal of such criminal and for his delivery at a place and to a person to be named in the warrant.

(9) It shall be lawful for any person to whom a warrant is directed in pursuance of sub-section (8), to receive, hold in custody and convey the person mentioned in the warrant to the place named in the warrant and, if such person escapes out of any custody to which he may be delivered in pursuance of such warrant, he may be re-taken as a person accused of an offence against the law of (the States) may be re-taken upon an escape.

(10) If such a warrant as is prescribed by sub-section (8), is not issued and executed in the case of any fugitive criminal, who has been committed to prison under sub-section (4), within two months after such committal, the High Court may, upon application made to it on behalf of such fugitive criminal and upon proof that reasonable notice of the intention to make such application has been given to the Central Government () order such criminal to be discharged, unless sufficient cause is shown to the contrary.

4. (1) Where it appears to any Magistrate of the first class or any Magistrate specially empowered by the (Central Government) in this behalf that a person within the local limits of his jurisdiction is a fugitive criminal of a Foreign State, he may, if he thinks fit, issue a warrant for the arrest of such person, on such information or complaint and on such evidence as would, in his opinion, justify the issue of a warrant if the crime of which he is accused or has been convicted had been committed within the local limits of his jurisdiction.

(2) The Magistrate shall forthwith report the issue of a warrant under this section to the (Central Government).

(3) A person arrested on a warrant issued under this section shall not be detained more than two months unless within that period the Magistrate receives an order made with reference to such person under section 3, sub-section (1).

(4) In the case of a person arrested or detained under this section the provisions of the Code of Criminal Procedure for the time being in force relating to bail shall apply in the same manner as if such person

And whereas it is also expedient to amend the law relating to the extradition of criminals in cases to which the Extradition Acts, 1870 and 1873, do not apply:

It is hereby enacted as follows.

CHAPTER I

PRELIMINARY

1. (1) This Act may be called THE INDIAN EXTRADITION ACT, 1903.
- (2) It extends to the whole of India except Part B States.
- (3) It shall come into force on such day as the Central Government by notification in the Official Gazette, may direct.
2. In this Act, unless there is anything repugnant in the subject or context,—
 - (a)
 - (b) "extradition offence" means any such offence as is described in the first schedule;
 - (c) "foreign state" means a State to which, for the time being, the Extradition Acts, 1870 and 1873, apply;
 - (d) "High Court" means the High Court as defined by the Code of Criminal Procedure for the time being in force;
 - (e) "offence" includes any act wheresoever committed which would, if committed in (the States), constitute an offence;
 - (f) "rules" include prescribed forms; [and]
 - (g) ["states" means all the territories for the time being comprised within Part A States and Part C States,]

CHAPTER II

SURRENDER OF FUGITIVE CRIMINALS IN CASE OF FOREIGN STATES

3. (1) Where a requisition is made to the Central Government by the Government of any Foreign State, for the surrender of a fugitive criminal of that State, who is in or who is suspected of being in [the States], the Central Government may, if it thinks fit, issue an order to any Magistrate who would have had jurisdiction to inquire into the crime if it had been an offence committed within the local limits of his jurisdiction, directing him to inquire into the case.
- (2) The Magistrate so directed shall issue a summons or warrant for the arrest of the fugitive criminal according as the case appears to be one in which a summons or warrant would ordinarily issue.
- (3) When such criminal appears or is brought before the Magistrate, the Magistrate shall inquire into the case in the same manner and have the same jurisdiction and powers, as nearly as may be, as if the case were one triable by the Court of Session or High Court, and shall take such evidence as may be produced in support of the requisition and on behalf of the fugitive criminal, including any evidence to show that the crime of which such criminal is accused or alleged to have been convicted is an offence of a political character or is not an extradition crime.

(2) Every Civil Prisoner unable to provide himself with sufficient clothing and bedding shall be supplied by the Nazir with such clothing and bedding as may be ordered by the Judge or Assistant Judge under the provisions of Section 11 of this Act.

When any such prisoner has been committed to prison in execution of a decree in favour of a private person, such person, or his representative, shall be liable to pay to the Nazir on demand in writing the cost of the clothing and bedding so supplied to the prisoner; and in default of such payment the prisoner shall be released.

15. When a prisoner shall die in the Civil Jail, the Nazir shall immediately report such death to the nearest Magistrate, who shall thereon inquire into the cause of such death, and make a written report thereon to the Inspector-General of Prisons, and the corpse of such prisoner shall after the Medical Officer appointed under Section 12 has certified to his death, be made over to his relatives or friends (if any be present and willing to take charge of it.)

(If no relatives or friend of a prisoner who has died in prison is present and willing to receive and dispose of his corpse, it shall be buried, burnt or otherwise disposed of.)

16. If, at the time of a prisoner's death or release, any of the subsistence money furnished by the party at whose suit such prisoner was detained remains unexpended, notice shall be forthwith given to the party paying the same, and the balance so remaining unexpended shall be returned to such party or his representatives: Provided that he or they claim payment thereof within three months from the date of such notice: failing which such balance shall become the property of (the State Government.).

The cost of disposing of the corpse of deceased prisoners under clause 2 of the last preceding section, and of procuring comforts for sick prisoners, and generally for the maintenance of the Civil Jail, shall be provided by [the (State) Government] subject to such rules as [the (State) Government] may from time to time prescribe in this behalf.

PARTS IV TO XIV

(Criminal Jails; Superintendents of Criminal Jails, and their duties; Jailors and their duties; Medical Officer; Prison Offences: Offences in relation to Jails; Visits to, and correspondence of Prisoners: Discharge of Prisoners; Visitors of Jails; extramural Gangs; Miscellaneous).

17 to 52 (Rep. Act IX of 1894).

THE INDIAN EXTRADITION ACT(XV OF 1903)

(4th November, 1903)

*An Act to consolidate and amend the law relating to the
Extradition and Rendition of Criminals*

WHEREAS it is expedient to provide for the more convenient administration of the Extradition Acts, 1870 and 1873 and of the Fugitive Offenders Act, 1881:

PARTS I AND II

Preliminary; Classes of Jails

1 to 7 (Rep. Act IX of 1894).

PART III

Civil Jails

8. (Limitation of application of Part III) Rep. Act IX of 1894.

9. There shall be a Civil Jail at the Seat of District Court for each District created under Section 3 of Act XIV of 1869: Provided that it shall be in the power of the (State) Government to establish Civil Jails at other convenient places.

10. The Nazir of the District Court or of the Chief Civil Court at the place where the Civil Jail is located shall be ex-officio keeper of the Civil Jail, and shall be responsible for the safe custody of the prisoners and for the preservation of cleanliness and good order in the Jail and among the prisoners, and shall have such establishment under him as the District Judge, with the sanction of the [(State) Government] may direct.

11. The Judge or the Assistant Judge of the District in which a Civil Jail is situated shall visit such Civil Jail at least once in each month, and shall issue in writing such orders connected with the economy of the Jail the good management, health and accommodation of the prisoners, as he may think fit.

He shall record the date of his visit and any remarks he may have to make in a book to be kept for the purpose.

12. A Medical Officer to be appointed by the [(State) Government] shall attend the Civil Jail, and shall be bound to offer such advice to the District Judge, or other Officer in charge of the Civil Jail, as may seem expedient to him with regard to the sanitary state of the jail and of the prisoners.

He shall also administer remedies at the expense of the [(State) Government] to the sick: Provided that nothing contained in this section shall prevent a prisoner in a Civil Jail from employing at his own expense any medical man he may think fit to consult.

13. The Civil Jail shall be opened daily for the admission of those wishing to visit prisoners from 9 a. m. till 3 p. m. and no stranger shall be allowed to remain in the Civil Jail beyond the abovementioned hours except by the permission of the Judge, the Assistant Judge of the District, or on the recommendations of the Medical Officer by the permission of Nazir in charge of the Jail.

14. (1) Prisoners, in the Civil Jail, may either make their own arrangements for their subsistence, or may, within the amount of subsistence money or Batta furnished by the party at whose suit they are detained, require, the Nazir to furnish their food or other necessaries out of the subsistence money fixed for them by the Court by which they are committed: Provided that excess in the use of intoxicating liquors or drugs be strictly prohibited. A tariff of prices approved by the District Judge on the first day of each month shall be kept in each Civil Jail and shall be accessible to all the prisoners.

FORM 8

Bond on the discharge of a lunatic from an asylum on the undertaking of relative or friend to take due care.

(See Section 33)

Whereas A. B., son of _____, inhabitant of _____, is a lunatic who is now detained in the asylum at _____ under an order made by C. D., a Presidency Magistrate for the town of _____ (or Commissioner of Police for _____

I (or the District/Sub-Divisional Magistrate of _____, or a Magistrate of the first class specially empowered under Act IV of 1912) under section 14 (or section 15) of Act IV of 1912, and whereas I, E. F., son of _____, inhabitant of _____, have applied to the said Magistrate (or Commissioner of Police) that the said A. B. may be delivered to my care and custody.

I hereby bind myself that on the said A. B. being made over to my care and custody, I will have him properly taken care of and prevented from doing injury to himself or to others; and in case of my making default therein, I hereby bind myself to forfeit to the Government the sum of rupees _____.

Dated this _____ day of _____ 19 _____.

(Sd.) E. F.

(Where a bond with sureties is to be executed add)—

We _____ do hereby declare ourselves sureties for the abovenamed E. F., that he will, on the aforesaid A. B. being delivered to his care and custody, have the said A. B. properly taken care of and prevented from doing injury to himself or to others; and in case of the said E. F. making default therein, we bind ourselves, jointly and severally, to forfeit to the Government, the sum of rupees _____.

Dated this _____ day of _____ 19 _____.
(Signature).

BOMBAY ACT, II OF 1874 (THE CIVIL JAILS ACT, 1874)

(15th January, 1874)

Repealed in part. by Act 9 of 1894.

Repealed in part. by Bom. 3 of 1886.

Amended by Bom. 2 of 1882.

Adapted and modified by the Adaptation of Indian Laws Order in Council.

Adapted and modified by the Adaptation of Laws Order, 1950.

An Act for the regulation of Jails in the City and Presidency of Bombay and the enforcement of discipline therein.

PREAMBLE (Rep. Act IX of 1894).

the person in charge) to pay the cost of maintenance of the said A. B. in the said asylum, hereby authorize you to receive the said A. B., into your asylum.

(Sd.) C. D.

(Designation as above).

Dated the

To the person in charge of the asylum at

FORM 7

Bond on the making over of a Lunatic to the care of relative or friend

(See Sections 14, 15 and 17)

Whereas A. B., son of _____, inhabitant of _____, has been brought up before C. D., a Presidency Magistrate for the town of _____ (or Commissioner of Police for _____) (or the District Sub-Divisional Magistrate of _____, or a Magistrate of the first class specially empowered under Act IV of 1912) and is a lunatic who is believed to be dangerous (or deemed to be a lunatic who is not under proper care and control or is cruelly treated or neglected by the person having the charge of him) and whereas, I, E. F., son of _____, inhabitant of _____ have applied to the Magistrate (or Commissioner of Police), that the said A. B. may be delivered to my care.

I, E. F., abovenamed hereby bind myself that on the said A. B. being made over to my care, I will have the said A. B. properly taken care of and prevented from doing injury to himself or to others; and in case of my making default therein, I hereby bind myself to forfeit to the Government the sum of Rupees.

Dated this _____ day of _____ 19.

(Sd.) E. F.

(Where a bond with sureties is to be executed add)—

We _____ do hereby declare ourselves sureties for the abovenamed E. F., that he will, on the aforesaid A. B. being made over to his care, have the said A. B. properly taken care of and prevented from doing injury to himself or to others; and in case of the said E. F. making default therein, we bind ourselves, jointly and severally, to forfeit to His Majesty the King Emperor of India, the sum of rupees.

Dated this _____ Day of _____ 19

(Signature).

FORM 4

Reception Order in case of Lunatic Soldier

(See Section 12)

Whereas it appears to me that A. B., a European, subject to the Army Act, who has been declared a lunatic in accordance with the provisions of the military regulations, should be removed to an asylum, I do hereby authorise you to receive the said A. B. into your asylum.

(Administrative Medical Officer)

FORM 5

Reception order in case of wandering or dangerous lunatics or lunatics not under proper control or cruelly treated (sent to an asylum established by Government

(See Sections 14, 15 and 17)

I, C. D., Presidency Magistrate of _____ (or Commissioner of Police for _____) (or the District Magistrate of _____ or the Sub-Divisional Magistrate of _____ or a Magistrate specially empowered by Government under Act IV of 1912) having caused A. B. to be examined by E. F., a Medical Officer under the Indian Lunacy Act, 1912, and being satisfied that A. B. (describing him) is a lunatic who was wandering at large (or is a person dangerous by reason of lunacy) (or is a lunatic not under proper care and control or is cruelly treated or neglected by the person having the care or charge of him) and a proper person to be taken charge of and detained under care and treatment, hereby direct you to receive the said A. B. into your asylum.

(Sd.) C. D.

(Designation as above).

Dated the _____

To the officer in charge of the asylum at _____

FORM 6

Same when sent to a licensed Asylum

I, C. D., (as above down to "care and treatment") and being satisfied with the engagement entered into in writing by G. H. of (here insert address and description) who has desired that the said A. B. may be sent to the asylum at (here insert description of asylum and name of

FORM 2

Reception Order in Petition

(See sections 7 and 10)

, the undersigned E. F., being a Presidency Magistrate of
 (or the District Magistrate of or the Sub-Divisional
 Magistrate of or a Magistrate of the First class
 specially empowered by Government to perform the functions of a Magistrate
 under Act IV of 1912) upon the petition of C. D. of in the matter of A. B. a
 lunatic, accompanied by the medical certificates of G. H., a medical officer,
 and of J. K., a medical practitioner (or medical officer), under the said Act,
 hereto annexed, hereby authorize you to receive the said A. B. into your asylum.
 And I declare that I have (or have not) personally seen the said A. B. before
 making this order.

(Sd.) E. F.
 (Designation as above).

FORM 3

Medical Certificate

(See sections 18 and 19)

n the matter of A. B. of in the town of
 (or the sub-division of in the district of) an alleged
 lunatic, I, the undersigned C. D., do hereby certify as
 follows:—

I am a gazetted medical officer (or a medical practitioner declared by State
 Government to be medical officer under Act IV of 1912) or I am a holder of
 (or declared by State Government to be medical officer under Act
 IV of 1912).

and am in the actual practice of the medical practitioner
 under Act IV of 1912).

2. On the day of 19 at in the town/village
 of (or the sub-division of in the district
 of) (Separately from any other practitioner), I personally
 examined the said A. B. and came to the conclusion that the said A. B. is a
 lunatic and a proper person to be taken charge of and detained under care
 and treatment.

3. I formed this conclusion on the following grounds, viz:—

(a) Facts indicating insanity observed by myself, viz:—

(b) Other facts (if any) indicating insanity communicated to me by others,
 viz:—

Here state the information and from whom.

Dated:

(Sd.) C. D.
 (Designation as above).

capacity of the said A. B. was made to the _____ on the _____
and a certified copy of the order made on the said petition is
annexed hereto.

(Or if that is the fact).

No application for an inquiry into the mental capacity of the said A. B. has
been made previous to this application.

The petitioner therefore prays that a reception order may be made in
accordance with the foregoing statement.

(Sd.) C. D.

The statements contained or referred to in paragraphs _____ are
true to my knowledge: the other statements are true to my information and
belief.

Dated:

(Sd.) C. D.

Statement of Particulars

(If any of the particulars in this statement is not known, the fact to be so
stated.)

The following is a statement of particulars relating to the said A. B.—

Name of patient at length.

Sex and age

Married, single or widowed.

Previous occupation.

Caste and religious belief, as far as known.

Residence at or immediately previous to the date hereof.

Names of any near relatives to the patient who are alive.

Whether this is first attack of lunacy.

Age (if known) on first attack.

When and where previously under care and treatment as a lunatic.

Duration of existing attack.

Supposed cause.

Whether the patient is subject to epilepsy.

Whether suicidal.

Whether the patient is known to be suffering from phthisis or any form of
tubercular disease.

Whether dangerous to others, and in what way.

Whether any near relative (stating the relationship) has been afflicted with
insanity.

Whether the patient is addicted to alcohol, or the use of opium, ganja,
charas, bhang, cocaine or other intoxicant.

(The statements contained or referred to in paras. _____ are true to
my knowledge.

The other statements are true to my information and belief).

(Signature by person making the statement)

and be subject to the obligations by this Act conferred or imposed upon the petitioner for reception order, and the provisions of this Act relating to persons upon whose petition a reception order was made shall apply in the case of a person who has signed an order, under section 7 of the Indian Lunatic Asylums Act, 1858, before the commencement of this Act as if the order had been made after the commencement of this Act upon a petition presented by him.

(2) All orders for the detention of lunatics made and all undertakings given under any enactment hereby repealed shall have the same force and effect as if they had been made or given under this Act and by or to the authority empowered thereby in such behalf.

101 (Repeal of enactments) Rep. by the second Repealing and Amending Act (XVII of 1914), S. 3 and Sch. II.

SCHEDULE

FORMS

(See section 96)

Application for Reception Order

(See Sections 5 and 6)

In the matter of A. B., residing at _____ by occupation _____
 , son of _____ ; a person
 alleged to be a lunatic.

To Presidency Magistrate, for _____ (or District Magis-
 trate of _____ , or Sub-Divisional Magistrate of _____
 , or Magistrate specially empowered under Act IV of
 1912 for).

The petition of C. D., residing at _____ by occupation _____
 , son of _____ , in the town of _____
 (or sub-division of _____ in the district of _____
).

1. I am _____ years of age.
 2. I desire to obtain an order for the reception of A. B. as a lunatic
 in the _____ asylum of _____
 situate at _____

3. I last saw the said A. B. at _____ on the _____ day of _____

4. I am the _____ of the said A. B.

(of if the petitioner is not a relative of the patient state as follows :

I am not a relative of the said A. B. The reasons why this petition is not
 presented by a relative are as follows: (State them).

The circumstances under which this petition is presented by me are as
 follows :— (State them).

5. The persons signing the medical certificates which accompany the
 petition are.

6. A statement of particulars relating to the said A. B. accompanies
 this petition.

7. (If that is the fact). An application for an enquiry into the mental

(f) to prescribe the procedure to be followed by District Courts and Magistrates before a lunatic is sent to any asylum established by Government;

(g) to prescribe the (Government asylums) within the State to which lunatics from any area or any class of lunatics shall be sent;

(h) to prescribe conditions subject to which asylums may be licensed;

(i) save as otherwise provided in this Act, generally to carry into effect the provisions of the Act.

(2) In making any rules under this section, the State Governments may direct that a breach of it shall be punishable with fine which may extend to fifty rupees.

92. All rules made under section 91 shall be published in the Official Gazette, and shall thereupon have effect as if enacted in this Act.

Supplemental Provisions

93. Any person who—

(a) otherwise than in accordance with the provisions of this Act receives or detains a lunatic or alleged lunatic in an asylum, or

(b) for gain detains two or more lunatics in any place not being an asylum, shall be punishable with imprisonment which may extend to two years or with fine or with both.

94. The provisions of Chapter XLII of the Code of Criminal procedure, 1898, shall, so far as may be, apply to bonds taken under this Act.

95. (1) When any sum is payable in respect of pay, pension, gratuity, or other similar allowance to any person (by the Central Government or any State Government) and the person to whom the sum is payable is certified by a Magistrate to be a lunatic; the Government officer under whose authority such sum would be payable if the payee were not a lunatic may pay so much of the said sum as he thinks fit to the person having charge of the lunatic, and may pay the surplus if any, or such part thereof, as he thinks fit, for the maintenance of such members of the lunatic's family as are depended on him for maintenance.

(2) Government concerned shall be discharged of all liability in respect of any amounts paid in accordance with this section.

96. Subject to any rules, the forms set forth in the First Schedule, with such variation as the circumstances of each case may require, shall be used for the respective purposes therein mentioned, and if used shall be sufficient.

97. No suit prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act.

98. Any officer in charge of an asylum may give effect to any order or warrant for the reception and detention of any lunatic made or issued by any Court or tribunal beyond the limits of India in the exercise of jurisdiction conferred by Government.

99. The State Government may make rules regulating the procedure for the reception and detention in asylum in the State of lunatics whose reception and detention are provided for by section 98.

100. (1) In the case of orders made before the commencement of this Act under section 7 of the Indian Lunatic Asylums Act, 1858, for the reception of persons who signed the order shall have all the powers

89. (1) The Court shall inquire into the matter in a summary way, and on being satisfied that such lunatic has an estate applicable to his maintenance, or that any person is legally bound to maintain and has the means of maintaining such lunatic, may make an order for the recovery of the cost of maintenance of such lunatic, together with the cost of the application out of such estate or from such person.

(2) Such order shall be enforced in the same manner, and shall be of the same force and effect and subject to the same appeal as a decree made by the said Court in a suit in respect of the property or person therein mentioned.

89-A (1) In computing the amount payable on account of the cost of maintenance of lunatics detained in any asylum for the cost of whose maintenance any State Government is liable, charges may be included on account of the upkeep of the asylum and of the capital cost of establishment thereof.

(2) In the case of any such lunatic under detention immediately before the commencement of Part III of the Government of India Act, 1935, the amount payable by any State Government on account of the cost of his maintenance shall be determined in accordance with any general or special orders of the President in Council in force immediately before that date and applicable to his case).

89-B (1) When under the provisions of this Act the cost of the maintenance of a lunatic is payable by the Government, then such cost shall be payable—

(a) in the case of a lunatic not domiciled in India by the State Government of the State in which the reception order or the order under section 25, as the case may be, was made; and

(b) in the case of a lunatic domiciled in India by the State Government of the State in which the lunatic has last resided for a period of five years before the reception order or the order under section 25, as the case may be, was made; or, if the lunatic has not been resident in any one State for such period by the State Government of the State in which such order was made.

* * * *

90. The liability of any relative or person to maintain any lunatic shall not be taken away or affected by any provision contained in this Act.

Rules

91. (1) The State Government may make rules for all or any of the following purposes, namely :—

(a) to prescribe forms for any proceeding under this Act other than a proceeding before a High Court;

(b) to prescribe places of detention and regulate the care and treatment of persons detained under section 8 or section 16;

(c) to regulate the (detention), care, treatment, and discharge of criminal lunatic;

(d) to regulate the management of asylums and the care and custody of the inmates thereof and their transfer from one asylum to another,

(e) to regulate the transfer of criminal lunatics to asylums;

PART IV

MISCELLANEOUS

Establishment of Asylums

84. The State Government may establish or license the establishment of asylums at such places as it thinks fit (if it is satisfied that provision has been or will be made for the curative treatment therein of persons suffering from mental diseases).

84-A. (If in any licensed asylum no provision for curative treatment has been made, or the State Government considers that the provision made is insufficient, the State Government may require the person in charge of the asylum to take such measures for making or supplementing such provision as it may deem necessary, and if such person does not comply with the requisition within a reasonable time, the State Government may revoke the licence),

85. (The Magistrate or Courts exercising jurisdiction in any State may send lunatics or any class of lunatics to any asylum situate in any other State in accordance with any general or special order of the State Government made in that behalf with the consent of the State Government of such other State).

Expenses of Lunatics

86. (1) When any lunatic is admitted to a licensed asylum under a reception order or an order under section 25, and no engagement has been taken from the friends or relatives of the lunatic or order made by the Court for the payment of expenses under the provisions of this Act, the cost of maintenance of such lunatic shall, subject to the provision of any law for the time being in force, be paid by the Government to the person in charge of such asylum.

(2) The paymaster of the military circle within which any asylum is situated shall pay to the officer in charge of such asylum the cost of maintenance of every lunatic received and detained therein under an order made under section 12.

87. Any money in the possession of a lunatic found wandering at large may be applied by the Magistrate towards the payment of the cost of maintenance of the lunatic or of any other expenses incurred on his behalf, and any movable property found on the person of the lunatic may be sold by the Magistrate, and the proceeds thereof similarly applied.

88. If a lunatic detained in an asylum on a reception order made under section 14, section 15 or section 17 has an estate applicable to his maintenance, or if any person legally bound to maintain such lunatic has the means to maintain him, the authority which made the reception order or any local authority liable for the cost of maintenance of such lunatic under any law for the time being in force may apply to the High Court or District Court within the local limits of the original jurisdiction of which the estate of the lunatic is situate or the person legally bound to maintain him resides, for an order for the payment of the cost of maintenance of the lunatic.

subordinate Court or to the Collector if the manager was appointed by the Collector.

78. All sums received by a manager on account of any estate in excess of what may be required for the current expenses of the lunatic or of the estate, shall be paid into the public treasury on account of the estate, and shall be invested from time to time in any of the securities specified in section 29 of the Indian Trusts Act, 1882, unless the Court or the Collector, as the case may be, for reasons to be recorded in writing, directs that such sums be in the interest of the lunatic otherwise invested or applied.

79. Any relative of a lunatic may with the leave of the District Court sue for an account from any manager appointed under this Chapter, or from any such person after his removal from office or trust, or from his legal representative in case of his death, in respect of any estate, then or formerly under his care or management or of any sums of money or other property received by him on account of such estate.

80. (1) The District Court, for any sufficient cause, may remove any manager appointed by it not being the Curator, and may appoint such Curator or any other fit person in his place, and may compel the person so removed to make over the property in his hands to his successor and to account to such successor for all money received or disbursed by him.

(2) The Court may also for any sufficient cause, remove any guardian of the person of the lunatic appointed by it, and may appoint any other fit person in his place.

(3) The Collector, for any sufficient cause, may remove any manager of the estate of a lunatic or guardian of the person of a lunatic appointed by him and may appoint any other fit person in place of such manager or guardian; and the District Court, on the application of the Collector, may compel any manager removed under this section to make over the property and all accounts in his hands to his successor and to account to such successor for all money received or disbursed by him.

81. The District Court may impose a fine not exceeding five hundred rupees on any manager of the estate of a lunatic who wilfully neglects or refuses to deliver his accounts or any property in his hands within the time fixed by the Court and may realize such fine as if it were a sum due under a decree of the Court, and may also commit the recusant to the Civil Jail until he delivers such accounts or property.

82. (1) When any person has been found under this Chapter to be of unsound mind, and it is subsequently shown to the District Court that there is reason to believe that such unsoundness of mind has ceased, such Court may make an order for inquiring whether such person is still of unsound mind and incapable of managing himself and his affairs.

(2) The inquiry shall, as far as may be, be conducted in the same manner as is prescribed in this Chapter for an inquisition into the unsoundness of mind of an alleged lunatic and if it is found that the unsoundness of mind has ceased, the Court shall order all proceedings in the lunacy to cease or to be set aside on such terms and conditions as to the Court may seem fit.

83. An appeal shall lie to the High Court from any order made by a District Court, under this Chapter: Appeals.

(b) any boy or girl over the age of sixteen years, who has been released on licence and who has committed a breach of licence conditions and whom it is not advisable to send back to his own school or institution may be transferred to a Borstal School.

Provided that the whole period of the detention of the child or youthful offender shall not be increased by the transfer.

(3) Upon the transfer of a child or youthful offender to a Borstal School under sub-section (2) the provisions of the Bombay Borstal Schools Act, 1929 shall apply to such offender as if he had been originally ordered to be detained in a Borstal School under that Act.

(4) The (State) Government may at any time in its discretion discharge a child from the care of any person to whose care he is committed under this Act, either absolutely or on such conditions as the (State) Government approves.

Transfers between institutions and those of like nature in different parts of India

98. (1) The (State) Government may in consultation with the managers of any certified school or fit person institution consent to the transfer to that school or institution of any child or youthful offender in respect of whom an order has been made by a competent authority in any other part of India of the nature of an order under this Act, directing him to be sent to a certified or reformatory school or institution of a like nature and upon such transfer the provisions of this Act shall apply to such child or youthful offender.

(2) The (State) Government may direct any child or youthful offender to be transferred from any certified or reformatory school or fit person institution to any school or institution of a like nature in any other part of India in respect of which provision similar to that in the (State) of Bombay is made by the Government of that Part under any law in force therein.

Provided that no such child or youthful offender shall be transferred under this section to any other (State) without the consent of the Government of that (State).

Transfer of children of unsound mind or suffering from leprosy

99. (1) Where it appears to the (State) Government that any child detained in a certified school or fit person institution under any order of a court is of unsound mind or a leper the (State) Government may, by an order setting forth the grounds of belief that the child is of a unsound mind or a leper, order his removal to a mental hospital or leper asylum or other place of safe custody, there to be kept and treated as the (State) Government directs during the remainder of the term for which he has been ordered to be detained or if on the expiration of that term it is certified by a medical officer that it is necessary for the safety of the child or of others that he should be further detained under medical care or treatment then until he is discharged according to law.

(2) Where it appears to the (State) Government that the child has become of sound mind, or is cured of leprosy, the (State) Government shall by an

order directed to the person having charge of the child if still liable to be kept in the custody send him to certified school or fit person institution from which he was removed or if the child is no longer liable to be kept in custody order him to be discharged.

(3) The provisions of Section 31 of the Indian Lunacy Act, 1912 or (subject to the provisions of sub-section (2) of section 14 of the Lepers Act, 1898, shall apply to every child confined in a mental hospital or leper asylum under sub-section (1) after the expiration of the period for which he was ordered to be detained; and the time during which a child is confined in a mental hospital or leper asylum under the sub-section shall be reckoned as part of the period for which he may have been ordered by the Court to be detained.

Provided that where the removal of a child due to unsoundness of mind or leprosy is immediately necessary it shall be open to the authorities of the institution in which the child is detained to apply to a court having jurisdiction under the Indian Lunacy Act, 1912, or the Lepers Act, 1898, as the case may be, for an immediate order of committal to mental hospital or a leper asylum until such time as the order of the (State) Government can be obtained in the matter.

Transfer from one institution to another
100. The Chief Inspector may direct any child or youthful offender to be transferred from one institution to another, whether a certified school or fit person institution.

Provided that the total period of the detention of the child or youthful offender shall not be increased by such transfer.

Compensation for false and frivolous or vexatious information
101. (1) If in any case in which an information has been laid by any person under the provisions of Section 87, the Magistrate after such inquiry as he may deem necessary is of opinion that such information was false and either frivolous or vexatious the Magistrate may for reasons to be recorded in writing direct that compensation to such an amount not exceeding one hundred rupees as he may determine be paid by such informer to the person against whom he information was laid.

(2) Before making any order for the payment of compensation, the magistrate shall call upon the informer to show cause why he should not pay such compensation and shall consider any cause which such informer may show.

(3) The Magistrate may by the order directing payment of the compensation further order that in default of payment the person ordered to pay such compensation shall suffer simple imprisonment for a term not exceeding thirty days.

(4) When any person is imprisoned under sub-section (3) the provisions of sections 68 and 69 of the Indian Penal Code shall so far as may be apply.

(5) No person who has been directed to pay compensation under this section shall by reason of such order be exempted from any civil or criminal liability in respect of the information given by him but any amount paid as compensation shall be taken into account in any subsequent civil suit relating to such matter.

(6) When an order for the payment of compensation is made under subsection (1) the compensation shall not be paid to the person ordered to receive it before the period allowed for the presentation of an appeal has expired.

Removal of disqualification attaching to convictions

102. When a youthful offender is found to have committed any offence the fact that he has been so found shall not have any effect under section 75 of the Indian Penal Code, or section 565 of the Code of Criminal Procedure, 1898, or operate as a disqualification for office or any employment or election under any law.

Power to amend orders

103. Without prejudice to the powers of courts of appeal and revision any custody order, supervision order or probation order may be amended by the court which made such order in respect of the person named as custodian supervisor or Probation Officer and such other details as may be deemed necessary, provided that in the case of an order committing a child to an institution no such order shall, subject to the proviso hereinbelow, be amended except in relation to the period of duration, such amendment being by way of extension of the period only.

Provided that in case of emergency and for immediate necessity a committal order may be varied by way of change in the institution to which the order relates such variation being subject to confirmation by the Chief Inspector of Certified Schools.

Control over Custodian of child

104. Any person to whose care a child is committed under the provisions of this Act shall, while the order is in force, have the like control over the child as if he were his parent, and shall be responsible for his maintenance and the child shall continue in his care for the period stated by the court notwithstanding that he is claimed by his parent or any other person.

Power to authorities to send children to remand homes or voluntary homes instead of to certified or fit person institution

105. Whenever under the provisions of this Act it is provided that a child shall be committed to a certified school or a fit person institution it shall be lawful for the authority concerned to order such child to be sent to a remand home or a voluntary home instead, if in the opinion of such authority such order shall be in the interest of the child.

Bonds taken under the Act

The provisions of Chapter XLII of the Code of Criminal Procedure, 1898 shall so far as may be, apply to bonds taken under this Act.

*Probation Officers, Chief Inspector, Inspectors and persons
authorized to be deemed to be public servants*

107. The Probation Officers, Inspectors of Certified Schools including the Chief Inspector of Certified Schools and all other persons authorised or entitled to act under any of the provisions of this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

Protection of action taken under this act

108. No suit, prosecution, or other legal proceedings shall be instituted against any person for anything which is in good faith done or intended to be done under this Act.

Rules

109. (1) The Provincial Government may make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing provisions such rules may be made for all or any of the following matters namely:—

(a) The procedure to be followed by Juvenile Courts and other Courts empowered to exercise the powers of juvenile courts under section 8 in the trial of cases and the conduct of the proceedings under the Act.

(b) The places at which days on which and the manner in which a juvenile court shall hold its sittings under sub-section (1) of Section 12;

(c) the conditions subject to which institutions and associations shall be recognized as approved places for the purpose of sub-section (1) of Section 20;

(d) the establishment of certification, managements, maintenance, records, and accounts of certified schools, the education and industrial training of inmates in such institutions and their leave of absence the appointment of visitors and their tenure of office, the inspection of such certified schools, and other institutions for the reception of children and the internal management and discipline of schools either established or certified by the Provincial Government, and release on license of inmates therein;

(e) the conditions subject to which institutions and associations shall be recognized as "fit person institutions" and "approved places" under Section 27;

(f) the powers and duties of Chief Inspectors, Inspectors and Assistant Inspector of Certified Schools and Probation Officers under Section 39;

(g) the recruitment and training of personnel responsible for work under the Act;

(h) the conditions in which societies may be recognized by the Provincial Government for providing Probation Officers their employment and matters incidental to their appointment authorization resignation and removal, and remuneration, and expenses payable to them;

(i) the manner of authorising persons for the purposes of sections 40 and 78;

(j) the manner in which a child or youthful offender shall be sent back to his native place under sections 46 and 73.

(k) the manner in which children shall be detained in custody by officers in charge of Police Stations or sections under sub-section (1) and the manner in which children shall be ordered to be detained by courts under sub-section (2) of Section 65.

(l) the manner in which a child shall be ordered to be committed to a certified school or fit person institution or to the care of a relative or other fit person under clauses (a) and (b) of and the form of bond under the proviso to section 81;

(m) the manner in which a child shall be remanded under sub-section (1) of section 87.

(n) the manner in which contribution for the maintenance of a child may be ordered to be paid under sub-section (1) of section 90.

(o) the conditions under which a child may be released from a certified school or fit person institution on licence and the form and conditions of such licence under sub-section (1) of section 92.

(p) the conditions subject to which children may be committed to the care of persons under this Act and the obligations of such persons towards the children so committed.

(q) any other matter which is or may be prescribed under the Act.

(3) The power to make rules under this Act shall be subject to the condition of previous publication.

(4) the rules made under this Act shall be published in the official gazette and on such publication shall have effect as if enacted in this act.

Repeal Bombay XIII of 1924

110. The Bombay children Act, 1924, is hereby repealed.

Provided that:

(a) Juvenile courts established under the repealed Act shall be deemed to be Juvenile Courts established under this Act.

(b) certified schools established or certified fit person institutions, remand homes, approved places and voluntary homes recognised under the repealed Act shall be deemed to be recognized under this Act.

(c) all licences and certificates granted and transfers made under the repealed Act shall be deemed to be granted or made under this Act.

(d) all cases, proceeding and appeals pending before any court under the repealed Act shall be continued and disposed of by the said courts notwithstanding anything in this Act as if they were cases, proceeding and appeals under this Act.

(e) all appeals against orders of courts appointed under the repealed Act which would have laid under that Act shall be deemed to be appeals from orders made by courts under this Act and shall be presented to the courts empowered to hear appeals under this Act and shall be disposed of accordingly;

(f) any appointment, notification, notice, order, rule or form made or issued under the repealed Act shall continue to be in force and be

deemed to have been made or issued under the provisions of this Act, in so far as such appointment notification notice, order, rule, or form is not inconsistent with the provisions of this Act and shall continue to be in force unless and until it is superseded by any appointment notification notice order rule or form made or issued under this Act.

BOMBAY ACT, XIX OF 1938.

[The Bombay Probation of Offenders Act.]

Amended by Bombay 17 of 1945.
Rep. in part by Bom. 38 of 1947.
Amended by Bom. 23 of 1949.
Adapted and modified by the Adaptation of Laws Order, 1950.
Amended by Bom. 23 of 1951.

An Act to provide for the release on probation of offenders

Whereas it is expedient to provide for the release on probation of offenders in certain cases and for other matters incidental thereto; It is hereby enacted as follows:

1. Short Title Extent and Commencement

1. This Act may be called the **Bombay Probation of Offenders Act, 1938.**
2. It extends to the whole of the (State) of Bombay.
3. This Act shall come into force in such area and on such date as the (State) Government may, by notification in the Official Gazette, direct.

2. Definitions

- (a) In this Act, unless there is anything repugnant in the subject or context,
- (a) the "Code" means the Code of Criminal Procedure, 1898;
 - (b) "Court" means a Court empowered to exercise powers under this Act;
 - (c) "Probation Order" means an order made under Sub-section (1) of Section 5;
 - (d) "recognised society" means a society recognised by the (State) Government for the purposes of section 10;
 - (e) "Supervision order" means an order made under sub-section (2) of section 5; and

(f) words and expressions used but not defined in this Act shall have the meanings assigned to them in the Code.

3. Courts empowered to pass orders under the Act

1. The following courts are hereby empowered to exercise powers under this Act namely:—

- (a) The High Court, or the Court of Sessions, or a Magistrate specially empowered in this behalf.
- (b) A Court of Sessions, or a Magistrate specially empowered in this behalf.
- (c) A Magistrate specially empowered in this behalf.
- (d) A Magistrate specially empowered in this behalf.
- (e) A Magistrate specially empowered in this behalf.
- (f) A Magistrate specially empowered in this behalf.
- (g) Any other Magistrate specially empowered in this behalf.

2. The powers conferred under Sub-section (1), may be exercised by such Court whether the case comes before them originally or on appeal or in revision.

3. Where any offender is convicted by a magistrate not empowered to exercise powers under this Act, and such magistrate is of opinion that the powers conferred by Section 4 or 5 should be exercised, he shall record his opinion to that effect and submit the proceedings to a Magistrate of the first class or Sub-Divisional Magistrate forwarding the offender to, or taking bail for his appearance before, such Magistrate, who shall dispose of the case in the manner provided by section 380 of the Code.

4. Power of court to release certain convicted offenders after admonition

Notwithstanding anything contained in any enactments for the time being in force in any case in which a person is convicted of any offence punishable with not more than two years imprisonment or fine or both and no previous conviction is proved against him, the Court by which he is so convicted, may, if it thinks fit having regard

- (a) to the age, character, antecedents or physical or mental condition of the Offender, and
- (b) to the nature of the offence and any extenuating circumstances under which the offence was committed.

for reasons to be recorded in writing instead of sentencing him to any punishment, release him after due admonition.

5. Power of court to release certain convicted offenders on probation of good conduct

1. Notwithstanding anything contained in any enactment for the time being in force, when

- (a) any male person is convicted of an offence not punishable with death or transportation for life or
- (b) any woman is convicted of an offence of any kind,

if it appears to the Court by which the offender is convicted that regard being had to the age, character, antecedents or physical or mental condition of the offender, or to the circumstances in which the offence was committed, it is expedient that the offender should be released on probation of good conduct, the Court may, for reasons to be recorded in writing instead of sentencing him at once to any punishment direct that he be released, on his entering into a bond, with or without sureties, to appear and receive sentence when called upon during such period not being less than one year and not exceeding three years as the Court may direct, and in the meantime to keep the peace and be of good behaviour.

(2) Where the offender appears to the Court to be under the age of twenty-five years, the Court may for reasons to be recorded in writing make an order hereinafter called a supervision order, directing that the bond to be entered into under sub-section (1) shall contain a condition that the offender shall be under the supervision of a probation officer named in the order during the period specified therein and such other conditions as in the opinion of the Court may be necessary for securing such supervision:

Provided that the period so specified shall not extend beyond the date on which, in the opinion of the Court the offender shall attain the age of twenty-six years.

(3) While making a supervision order the Court may also direct that the bond shall contain such additional conditions with respect to residence, abstinence from intoxicants and any other matters which the Court may have regard to the particular circumstances of the case, consider necessary for preventing a repetition of the same offence or a commission of other offences by the offender.

(4) A Court making a supervision order shall furnish the offender with a written statement of the conditions which he is required to observe.

*5-A. Report of probation officer before making release,
probation or supervision order*

1. Before making an order of release under section 4, or a probation or supervision order under section 5, the Court may require any probation officer to submit to it a report as to ;

(a) the character and age of the offender,

(b) the antecedents of the offender and the circumstances in which he is living and

(c) such other matters as may, in the opinion of the Court, require to be taken into consideration before making such order.

2. Any report submitted by the probation Officer under sub-section (1) shall be treated as confidential :

Provided that the Court may, if it thinks expedient, communicate the substance thereof to the offender and may give the offender an opportunity to produce evidence as may be relevant to the matters stated in the report.

*6. Power of Court to require released offender to pay damages
and costs and recovery of such damages and costs*

1. A court directing the release of an offender under section 4 or section 5 may order the offender to pay such compensation for loss or injury caused to any person by the offence and such costs of the proceedings as the Court thinks reasonable.

Provided that the amount of compensation and costs so awarded shall in no case exceed the amount of fine which the court could have imposed in respect of the offence.

2. At the time of awarding compensation in any subsequent civil suit relating to the same matter; the Court shall take into account any sum paid or recovered as compensation under sub-section (1).

3. The amount ordered to be paid under this section may be recovered as a fine in accordance with the provisions of sections 386 and 387 of the Code.

7. *Appeal and Powers and Court in Appeal and Revision*

1. Notwithstanding anything contained in the Code except in cases in which the offender has pleaded guilty, or where the order is passed by the High Court, an appeal shall lie from an order of conviction in every case in which an order passed under section 4 or 5 to the Court to which appeals ordinarily lie under the Code.

2. The Appellate Court or the High Court in the exercise of its powers of revision may pass any such order as it could have passed under the Code, or may set aside an order under Section 4 or 5 and in lieu thereof pass sentence on such offender according to law:

Provided that the Appellate Court or the high court in revision shall not inflict a greater punishment than might have been inflicted by the Court by which the Offender was convicted.

8. *Provision in case of Offender failing to observe Condition of Release*

1. If the Court before which an Offender is bound by his bond under section 5 to appear and receive sentence when called upon, or any court which could have dealt with the offender in respect of his original offence, has reason to believe that the offender has failed to observe any of the conditions of his bond, it may issue a warrant for his arrest or may, if it thinks fit, issue a summons to the offender and his sureties, if any, requiring him or them to attend before it at such time as may be specified in the summons.

2. The Court before which an offender is brought or appears under sub-section (1) may either remand him to custody until the case is heard or admit him to bail, with or without sureties, to appear on the date of hearing.

3. If the Court after hearing the case is satisfied, that the offender has failed to observe any of the conditions of his bond, including any conditions which may have been imposed under sub-section (2) or sub-section (3) of section 5, it may forthwith—

(a) a sentence him for the original offence, or

(b) without prejudice to the continuance in force of the bond, impose upon him a fine not exceeding one-hundred rupees:

Provided that the court passing a sentence of fine under clause (a) or (b) shall take into account the amount of compensation ordered to be paid under section 6.

(4) If a fine imposed under clause (b) of sub-section (3) is not paid within such period as the Court may fix, the Court may sentence the offender for the original offence.

9. *Provisions as to Bonds*

The provisions of sections 122, 126A, 406A, 514, 514A, 514B and 515 of the V of Code, shall so far as may be, apply in the case of sureties given under this Act:

10. *Appointment of Probation Officers*

1. A probation officer named in a supervision order may be—

(a) any person appointed to be a probation officer by the Provincial Government; or

(b) any person nominated for this purpose with the previous approval of the Provincial Government by a recognized society, or

(c) any other person who, in the opinion of the Court, is a fit person to act as a probation officer in the special circumstances of the case.

2. A probation officer named under sub-section (1) shall be a person who shall possess such qualifications as may be prescribed by rules made in this behalf.

3. A probation officer, in the exercise of his duties under any supervision order, shall be subject to the control of the District Magistrate of the District in which the offender for the time being resides.

4. The Court before which an offender is bound by his bond under section 5 to appear and receive sentence when called upon, may at any time appoint another probation officer in place of the person named in the supervision order.

Explanation.—In this section, in the Greater Bombay, "District Magistrate" means the "Chief Presidency Magistrate" and "district" means the area comprising the Greater Bombay.

11. Duties of Probation Officer

A probation officer shall, subject to the provisions of section 10 and rules made under this Act—

(a) visit or receive visits from the offender at such reasonable intervals as may be specified in the supervision order or, subject thereto, as the probation officer may think fit;

(b) see that the offender observes the conditions of the bond;

(c) report to the Court as to the behaviour of the offender;

(d) advise, assist and befriend the offender, and, when necessary endeavour to find him suitable employment; and

(e) perform any other duty which may be prescribed by rules made under this Act.

12. Variations of Conditions of Probation on Application by Probation Officer

1. The Court before which any person is bound by a bond under section 5 to appear and receive sentence may at any time upon the application of the probation officer or of its own motion, if it thinks that it is expedient that the terms or conditions of the bond should be varied, summon the offender to appear before it, and, if he fails to show cause why such variation should not be made, vary the terms of the bond by extending or diminishing the duration thereof or by altering any of the conditions thereof or by inserting additional conditions therein:

Provided that, in no case, shall the duration of the bond be less than one year or more than three years from the date of the original order and where a supervision order has been made under sub-section (2) of section 5, the duration of the period of supervision extend beyond the date on which, in the opinion of the Court, the offender shall attain the age of 26 years:

Provided further that in the case of a bond with a surety or sureties, no such variations shall be made without the consent thereto of such surety or sureties and that in the absence of such consent the Court

shall in all such cases require the offender to enter into a new bond with or without sureties.

2. Such Court may also, on the application made by the probation officer or of its own motion, on being satisfied that the conduct of the offender has been such as to make it unnecessary that he should be kept any longer under supervision, discharge the bond.

12-A. Probation Officers to be Public Servants

(All probation officers acting under any of the provisions of this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code. (XLV of 1860).)

12-B. Protection of Persons Acting in Good Faith

No suit, prosecution or other legal proceeding shall be instituted against any person for anything which is in good faith done or intended to be done under this Act.)

13. Power to Make Rules

1. The Provincial Government may make rules for the purpose of carrying into effect the provisions of this Act.

2. In particular and without prejudice to the generality of the foregoing power, the Provincial Government may make rules—

(a) regulating the appointment, resignation and removal of probation officers and prescribing the qualifications of such officers;

(b) prescribing and regulating the duties of probation officers;

(c) regulating the remunerations and expenses payable to probation officers; and

(d) specifying conditions on which societies may be recognised for the purposes of clause (b) of sub-section (1) of section 10.

3. All rules made under this section shall be subject to the condition of previous publication.

14. Barring of Operation of Section 562 of Act V of 1898.

In any area in which this Act is in force, no Court shall make an order under section 562 of the Code in respect of any first offender.

15. Savings of the Bombay Children Act and the Bombay Borstal Schools Act

Nothing in this Act shall affect the provisions of the Bombay Children Act 1924, or the Bombay Borstal Schools Act, 1929. (Bom. XIII of 1924 Bom. XVIII of 1929).

THE STATE PRISONERS ACT (XXXIV OF 1850)

23rd August 1850.

An Act for the better Custody of State Prisoners.
(Preamble) Omitted by A. L. O., 1937.

*Persons to whom warrants of commitment may be addressed
and effect of warrants of commitment*

(1) The warrant of commitment of any State prisoner, under the Bengal State Prisoners Regulation, 1818, may, if it is issued by virtue of the powers

conferred by that Regulation on the Central Government, be directed to the commandant of any fortress, or the officer in charge of any jail or place, anywhere in any Part A State or Part C State and may, if it is issued by virtue of the powers conferred by that Regulation on State Governments, be directed to the commandant of any fortress, or the officer in charge of any jail or place, anywhere within the State in question; but any such warrant issued under that Regulation, whatever the powers by virtue of which it is issued, shall be sufficient authority for the arrest of the State prisoner anywhere in any Part A State or Part C State and for his detention until he can be handed over to the commandant or officer to whom the warrant is directed, or dealt with in accordance with sub-section (1) of Section five of the State Prisoners Act, 1858:

Provided that a State prisoner shall not be arrested under a warrant issued by virtue of the powers conferred by the said Regulation on State Governments except with the consent of the State in which he is arrested.

(3) This section applies throughout (the whole of of India except Part B States).

2. (Regulation III of 1818, extended) Rep. by the A.L.O. 1950.

3. (Confinement of State prisoners legalized). Rep. by Act XII of 1891.

THE STATE PRISONERS ACT (III OF 1858)

23rd January 1858

An Act to amend the Law relating to the arrest and detention of State Prisoners:

(Preamble)—Omitted by A.L.O., 1937.

1. (Repeal of part of S. 1 cl. (1) of Bombay Regulation XXV of 1827) Rep. by Act XIV of 1870.

2. (Regulations as to arrest and confinement of State Prisoners in force within Presidency-towns) Rep. by A.L.O. 1937.

*Persons to whom warrants of commitments may be addressed
and effect of warrant of commitment*

The provisions of section one of the State Prisoners Act, 1850 (which relate to the persons to whom warrants of commitment under the Bengal State Prisoners Regulation, 1818, may be addressed, and the effect of such warrants) shall apply in relation to warrants of commitment under Regulation II, 1819, of the Madras Code, and Regulation XXV of 1827, of the Bombay Code, as they apply in relation to warrants of commitment issued under the Bengal State Prisoners Regulation, 1818, by virtue of the powers conferred thereby on State Governments.

4. (Arrests, etc., made before the passing of this Act legalized), Rep. by Act XII of 1891.

Removal of State prisoners from one State to another State.

5. (1) A State prisoner who is or is to be confined in any State under the provisions of any of the said Regulations for reasons connected with the maintenance of public order therein may, by arrangement between the State Governments concerned, be transferred to or, as the case may be, retained in another State and confined in that other State.

in accordance with that one of the said Regulations which is in force in that other State in all respect as if reasons connected with the maintenance of public order in that other State required his confinement therein.

(2) Nothing in this section shall be construed as limiting the power of the Central Government to transfer State prisoners from one place of confinement in a Part B State or Part C State to another place of confinement in that or any other State, or the power of a State Government to transfer State prisoners from one place of confinement in the State to another place of confinement in the State.

Extent

[This Act extends to the whole of (India except part B State).]

[Rules Nos. 1032, 1033 and 1034, B. J. M.]

EXTRACTS OF SECTIONS 82 TO 88 OF BOMBAY POLICE ACT, 1951 (XXII OF 1951)

82. (1) The Police shall take temporary charge—

(a) of all unclaimed property found by or made over to them and also

(b) of all property found lying in any public street, if the owner or person in charge of such property on being directed to remove the same, refuses or omits to do so.

(2) In Greater Bombay the property of which the Police have taken charge under Sub-Section (1) shall be handed over to the Commissioner.

83. (1) In Greater Bombay if any property of the nature referred to in section 82 appears to have been left by a person who has died intestate and not to be under four hundred rupees in value, the Commissioner shall communicate with the Administrator-General with a view to its being dealt with under the provisions of the Administrator General's Act 1913, or other law for the time being in force.

(2) In areas outside Greater Bombay the property shall be delivered to the police patel, if any, of the town or village in which the same was found, and a receipt therefor taken from the Police Patel who shall forward such property to the Magistrate to whom such Police Patel is subordinate. If in any such case there be no police patel of such town or village, the Police shall forthwith report to such Magistrate as the Magistrate of the district shall, from time to time, appoint in this behalf, and act thereafter, as the said first mentioned Magistrate shall direct.

84. If the property regarding which a report is made to a Magistrate, under section 83 or under section 19 of the Bombay Village Police Act, 1867 appears to such Magistrate to have been left by a person who has died intestate, and without known heirs and to be likely, if sold in public auction to realise more than four hundred rupees net proceeds, he shall communicate with the District Judge with a view to its being dealt with under the provisions of section 10 of Bombay Regulation VIII of 1827 (a Regulation to provide for the formal recognition of heirs etc.) or other law in force.

85. (1) In any case not covered by section 83 or 84 the Commissioner or the Magistrate concerned as the case may be, shall issue a proclamation

specifying the articles of which such property consists and requiring any person who may have a claim thereto to appear before himself or some other officer whom he appoints in this behalf and establish his claim within six months from the date of such proclamation.

(2) If the property or any part thereof, is subject to speedy and natural decay or consists of live-stock, or if the property appears to be of less value than five rupees it may be forthwith sold by auction under the orders of the Commissioner, or the Magistrate concerned, as the case may be, and the net proceeds of such sale shall be dealt with in the same manner as is hereinafter provided for the disposal of the said property.

86. (1) The Commissioner or the Magistrate concerned, as the case may be, shall, on being satisfied of the title of any claimant to the possession or administration of the property specified in the proclamation issued under sub-section (1) of Section 85, order the same to be delivered to him, after deduction or payment of the expenses properly incurred by the Police in the seizure and detention thereof.

(2) The Commissioner or the Magistrate concerned as the case may be, may at his discretion, before making any order under sub-section (1), take such security as he may think proper from the person to whom the said property is to be delivered and nothing hereinbefore contained shall affect the right of any person to recover the whole or any part of the same from the person to whom it may have been delivered pursuant to such order.

87. If no person establishes his claim to such property within the period specified in the proclamation it shall be at the disposal of the State Government, and the property, or such part thereof as has not already been sold under sub-section (2) of section 85 may be sold by auction under the orders of the Commissioner, or the Magistrate concerned, as the case may be.

88. Nothing in the Indian Succession Act, 1925, or in the Administrator General's Act, 1913, shall apply to intestate property which is dealt with by the Commissioner under sub-section (1) of Section 85 nor shall the provisions of 10 of Regulation VIII of 1927 likewise be deemed to apply to intestate property which is dealt with by a Magistrate under sub-section (1) of Section 85.

APPENDIX II

CHAPTER I

[Rule No. 1287, B. J. M.]

Order

Home Department—

Bombay Castle, 30th March 1954.

Prisons Act 1894

No. 232/7;— In exercise of the powers conferred by clause (4) of Section 48-A of the Prisons Act, 1894 (IX of 1894) in its application to the State of Bombay, the Government of Bombay is pleased to direct that in addition to the penalties specified in the said section 48-A a prison offence may be punished with the loss of any of the following other privileges, namely;—

(1) A maximum cut of 5 days' remission for each day of overstay: Provided that where the prisoner has not sufficient remission to his credit, he shall cease to earn remission in future for such period as the Superintendent may direct;

(2) Stoppage of Canteen Concession for a period of not less than one month and more than three months.

(3) Withholding concession of either interviews or letters or both, for a maximum period of three months.

By order and in the Name of Governor
of Bombay,

(Sd.) D. S. Joshi.

Secretary to the Government of Bombay,
Home Department.

CHAPTER II

[Rule Nos. 1500 to 1514, B. J. M.]

Revenue Department,

Bombay Castle, 7th August 1954.

Indian Stamp Act, 1899

No. STP-1354,— In exercise of the powers conferred by clause (a) of Sub-section (1) of Section 9 of the Indian Stamp Act, 1899 (II of 1899), the Government of Bombay is pleased to remit with effect from the 1st August 1954 the duty chargeable under the said Act in respect of the bonds required to be executed by a prisoner and his surety whenever a prisoner is to be released on parole or furlough.

By order and in the name of the Governor of Bombay,

M. E. Gangat,

Under Secretary to Government.

CHAPTER III

(RULE No. 1403, B. J. M.)

Accompaniments to Government H. D. No. 7850/6-C dated 11-12-1954.

ORDER VII

Documents

1. The officers of the Court shall not receive any pleading, petition, affidavit or other document except original exhibits and certified copies of public documents, unless it is fairly and legibly transcribed on one side of standard petition paper, demy foolscap size, or paper which is ordinarily used in the High Courts for transcribing such documents.

2. No document in a language other than English shall be accepted for the purpose of any proceeding before the Court unless translated in accordance with these Rules.

3. Every document required to be translated shall be translated by a translator nominated or approved by the Court.

4. Every translator shall, before acting, make on oath or affirmation that he will translate correctly and accurately all documents given to him for translation.

5. All plaints, petitions, appeals and other documents shall be presented in person by the plaintiff, petitioner or appellant or by an Advocate of the Court duly appointed by him for the purpose.

6. The Registrar may decline to accept any document which is presented otherwise than in accordance with the Rules of the Court.

7. Except as otherwise specifically provided by these rules or by any law for the time being in force, the court fees set out in the Third Schedule to these rules shall be payable on the documents mentioned therein, and no document chargeable with a fee under the said Schedule shall be received or filed in the Registry unless the fee prescribed has been paid on it.

ORDER XIII

Appeals by Special Leave

1. A petition for special leave to appeal shall be lodged in the court within sixty days from the date of the refusal of leave to appeal by the High Court or within ninety days from the date of the judgment or order sought to be appealed from:

Provided that in computing the period, the time requisite for obtaining a copy of the judgment or order sought to be appealed from shall be excluded.

Provided further that the Court may for sufficient cause extend the time on application made for the purpose.

2. Where an appeal lies to the Supreme Court on a certificate issued by the High Court or other Tribunal no application to the Supreme Court for special leave to appeal shall be entertained unless the High Court or Tribunal concerned has first been moved and it has refused to grant the certificate.

3. The petition shall state succinctly and clearly all such facts as it may be necessary to state in order to enable the Court to determine whether special leave to appeal ought to be granted and shall be signed by the Advocate for the petitioner, unless the petitioner appears in person. The petition shall also state whether the petitioner has moved the High Court or Tribunal concerned for leave to appeal against its decision, and if so, with what result.

4. The petition shall be accompanied by a certified copy of the Judgment or order appealed from and the affidavit in support thereof prescribed by rule 4 of Order XVII, and the petitioner shall lodge at least seven copies of the petition and the accompanying papers.

5. Unless a caveat as prescribed by rule 2 of Order XVII has been lodged by other parties who appeared in the Court below petitions for grant of special leave to appeal shall be put up for hearing *ex parte* but the Court may, if it thinks fit, direct the petitioner to issue notice to the respondent and adjourn the hearing of the petition. Where the Court orders notice, the petition shall be posted for hearing after service of notice on the respondent and on an affidavit of service being duly filed by the petitioner.

Where a caveat has been lodged as aforesaid, notice of the hearing of the petition shall be given to the *caveator*; but a *caveator* shall not be entitled to costs of the petition, unless the Court otherwise orders.

6. In urgent cases, when the Court is in vacation, an application for special leave to appeal may be heard and disposed of by a single Judge.

7. Where the Court grants special leave to appeal, it may in its order specify the amount of the security for costs (if any) to be lodged by the petitioner, upto a maximum of Rs. 5,000 and the time within which such security is to be lodged, and, unless the circumstances of a particular case render such a course unnecessary, provide for the expeditious transmission of the printed record by the Registrar of the Court concerned or by other authority to the Registrar of this Court, and for such further matters as the justice of the case may require. Unless the Court specially directs otherwise, any security for costs to be furnished by the petitioner shall be in the sum of Rs. 2,500 in cash or Government securities and shall be lodged in the court or tribunal from whose judgment or decision special leave to appeal has been granted within six weeks of the date of the order granting special leave and that Court or tribunal shall deal with such security in accordance with the directions contained in the order of the Court when determining the appeal.

8. After the grant of special leave to appeal by the Court, the Registrar shall transmit a certified copy of the order to the Court or Tribunal appealed from.

9. On receipt of the said order, Court or Tribunal appealed from shall, in the absence of any special directions in the order, act in accordance with the provisions contained in Order XLV of the Code, so far as applicable.

10. Where an appellant who has obtained special leave to appeal desires, prior to the despatch of the record to this Court to withdraw his appeal, the High Court may, upon an application in that behalf made by the appellant, grant him a certificate to the effect that the appeal has been withdrawn and

the appeal shall thereupon be deemed as from the date of such certificate to stand dismissed without an express order of this Court and the costs of the appeal and the security entered into by the appellant shall be dealt with in such manner as the High Court may think fit to direct. A copy of the said certificate shall be forwarded to the Registrar of this Court.

11. Where the security is to be deposited in the Court appealed from, the Registrar, of the Court appealed from shall, as soon as the deposit is made, intimate the fact and the date of such deposit to the Registrar of this Court; where the deposit is not made within the time fixed, or within such further time as may be granted by this Court, the Registrar of the Court appealed from shall forthwith report the default to the Registrar of this Court.

12. Upon intimation from the Registrar of the Court appealed from that the petitioner has committed default in depositing the security, or where the security is to be deposited in this Court, upon default of the petitioner in depositing the same within the time fixed or such further time as the Court may grant, the Registrar shall, after notice to the Advocate for the petitioner, post the matter before the Court for orders on the default of the petitioner in lodging security, and the Court may thereupon revoke the order granting special leave or make such other order as it thinks fit.

13. Where the appellant who has obtained special leave to appeal by an order of this Court, fails to have the printed Record transmitted to the Registrar with due diligence, the Registrar shall call upon the appellant to explain his default, and, if no explanation is offered, or if the explanation offered is, in the opinion of the said Registrar, insufficient, the said Registrar may issue a summons to the appellant calling upon him to show cause before this Court at a time to be specified in the said summons why the special leave to appeal should not be rescinded. The respondent shall be entitled to be heard before this Court in the matter of the said summons and to ask for his costs and such other relief as he may be advised. The Court may, after considering the matter of the said summons, rescind the grant of special leave to appeal or give such other directions as the justice of the case may require.

14. Where security is required to be furnished in this Court, it shall be given to the Registrar or to such other officer as the Court may specially direct, and the Court may permit or order him to assign the same to any other person for the purpose of enforcing it upon such terms as the Court may think fit.

15. Where the appellant has lodged security for the respondent's costs of an appeal in the Registry the Registrar shall deal with such security in accordance with the directions contained in the Court's order determining the appeal.

16. Save as otherwise provided by rules contained in this order, the provisions of Order XII and Order XV to XX shall apply *mutatis mutandis* to appeals by special leave.

Extract of rule 1 and 4 of Order XVII, Supreme Court Rule, 1950

1. All petitions shall consist of paragraphs numbered consecutively and shall be fairly and legibly written typewritten or lithographed on

one side of standard petition paper, demy foolscap size or on paper ordinarily used in High Courts for transcribing petitions, with quarter margin and endorsed with the name of the court appealed from the full title and Supreme Court number of the appeal to which the petition relates, or the full title of the petition (as the case may be) and the name and address of the Advocate on record (if any) of the petitioner or of the petitioner where the petitioner appears in person. The petitioner shall file along with his petition such number of copies thereof as may be required for the use of the Court.

4. A petition not relating to any appeal of which the Record has been registered in the Registry of this Court, and any other petition containing allegations of facts which cannot be verified by reference to the registered Record or any certificate or duly authenticated statement of the Court appealed from shall be supported by affidavit. Where the petitioner is represented by an Advocate, the said Affidavit may be sworn to by the petitioner or, where he is for any reason unable to do so by some person on his behalf acquainted with the facts.

ORDER XXI

Special Leave Petitions In Criminal Proceedings and Criminal Appeals.

1. Save as hereinafter provided, the provisions contained in order XIII in relation to applications for special leave to appeal in civil proceedings shall apply *mutatis mutandis* to applications for special leave to appeal in criminal matters.

2. A petition for special leave to appeal in case involving a sentence of death shall be lodged in the Court within thirty days from the date of the refusal of a certificate by the High Court or within thirty days from the date of the judgment, final order or sentence sought to be appealed from, as the case may be.

Provided that the Court may for sufficient cause shown extend the time.

3. Where the petitioner is in Jail he may present his petition for special leave to appeal, together with the accompanying documents, including any written arguments which he may desire to advance, to the officer-in-charge of the jail, who shall forthwith forward the same to the Registrar.

4. As soon as practicable, the Registrar shall place the petition and the accompanying documents so received before the Court, and the Court, may, upon perusal of the papers, reject the petition summarily without hearing the petitioner in person, if it considers that there is no sufficient ground for granting leave to appeal.

Provided that where the petitioner is represented by counsel of his choice or by an *amicus curiae* assigned to him by the Court, the Court shall not dismiss the petition without hearing the counsel or the *amicus curiae*, as the case may be.

5. All criminal appeals under Articles 132 (1) and 134 (1) (c) of the Constitution shall be lodged in this Court within thirty days from the date of the certificate granted by the High Court, and all appeals under Articles 134 (1) (a) and (b) of the Constitution or under any other provision of law within thirty

days from the date of the judgment, final order or sentence appealed from:

Provided that in computing the period, the time requisite for obtaining a copy of the judgment or order sought to be appealed from or of the certificate shall be excluded:

Provided further that the Court may for sufficient cause shown extend the time.

6. The appeal shall be in the form of a petition in writing, which shall be accompanied by a certified copy of the judgment or order appealed against and of the certificate.

7. The appellant, if he is in jail, may present his petition of appeal and the accompanying documents, including any written arguments which he may desire to advance, to the officer-in-charge of the Jail, who shall forward them forthwith to the Registrar.

8. On receipt of the petition of appeal, the Registrar shall cause notice of the appeal to be given, where the appeal is by a convicted person, to the Attorney-General for India or to the Advocate General or the Government Advocate of the State concerned or to both, as the case may require, and, in cases where the appeal is by the Government, to the accused and shall also furnish the Attorney-General for India and/or the Advocate General or the Government Advocate concerned or the accused, as the case may be, with a copy of the petition of appeal and other accompanying papers, if any.

9. The Registrar shall thereafter send a copy of the petition of appeal and the accompanying papers, if any, to the High Court concerned for its record. The High Court shall then arrange for the printing of the record in the case and for the transmission of the printed record to the Registrar with all convenient speed. In the preparation of the printed record, the High Court may include the printed paper book prepared for its own use at an earlier stage. The record shall be printed at the expense of the appellant unless otherwise ordered by the court, but in appeals involving sentence of death the record shall be printed at the expense of the Government of the State concerned.

10. (i) As soon as the record has been got ready, the Registrar of the High Court shall despatch to the Registrar of this Court not less than fifteen copies, (ii) In all cases involving a sentence of death, where sufficient number of copies of the High Court printed record are available, they shall be despatched to the Court along with the such additional records as may be necessary, as soon as these are printed, and where the record is to be printed afresh for the Supreme Court appeal the printed record shall be made ready and despatched to this Court within a period of sixty days after the receipt of the intimation from the Registrar of the Court of the filing of the petition of appeal.

11. Where the accused person is not represented by counsel of his choice the Court may, in a proper case, direct the engagement of an Advocate at the cost of the Government. The fee of Advocate so engaged shall be Rs. 100 per day of the hearing.

12. Due notice shall be given to the accused of the date fixed for the hearing of the appeal. The accused person may, where he so desires, present his case by submitting his argument in writing and the court shall consider the same at the hearing of the appeal.

13. The Court may, where it thinks fit to do so, in the interests of justice, direct the production of an accused person in custody at the hearing of the appeal to enable him to argue his case or for other reasons.

14. After the appeal has been disposed of, the Registrar shall, with the utmost expedition, send a copy of the Court's judgment or order to the High Court concerned.

15. Pending the disposal of any appeal under these Rules, the Court may order that the execution of the sentence or order appealed against be stayed on such terms as the court may think fit.

16. In criminal proceedings no security for costs shall be required to be deposited and no court fee, process fee, or search fee shall be charged, and no copying charges shall be levied except for copies other than the first.

17. Save as aforesaid the proceeding orders in this Part of these rules, shall, with the necessary modifications and adaptations, apply, so far as may be, to criminal appeals under this order, but it shall not be necessary to file a statement of case in appeals under this Order.

CHAPTER IV

[RULE 184, B.J.M.]

Accompaniments to G. R. H. D., No. 8996/6, dated 28-4-1954.

Procedure to be followed when a Government servant is summoned by a court to produce official documents for the purpose of giving evidence

The law relating to the production of unpublished official records as evidence in Courts is contained in sections 123, 124 and 162 of the Indian Evidence Act, 1872 (Act I of 1872), which are reproduced below :—

123. No one shall be permitted to give any evidence derived from unpublished official records relating to any affairs of State, except with the permission of the officer at the head of the Department concerned, who shall give or withhold such permission as he thinks fit,

124. No public officer shall be compelled to disclose communications made to him in official confidence when he considers that the public interests would suffer by the disclosure.

162. A witness summoned to produce a document shall, if it is in his possession or power, bring it to Court, notwithstanding any objection which there may be to its production or to its admissibility. The validity of any such objection shall be decided on by the Court.

The Court, if it sees fit, may inspect the document, unless it refers to matters of State, or take other evidence to enable it to determine on its admissibility.

If for such a purpose it is necessary to cause any document to be translated, the Court may, if it thinks fit, direct the translator to keep

the contents secret, unless the document is to be given in evidence; if the interpreter disobeys such direction, he shall be held to have committed an offence under section 166 of the Indian Penal Code.

(2) For the purposes of section 123 above, the expression "officer at the head of the department concerned may be held to mean the officer who is in control of the department and in whose charge records of the department remain. Ordinarily such an officer would be the Secretary to the State Government in the case of State Governments and the Secretary, Additional Secretary or Joint Secretary in charge of the Ministry in the case of the Government of India. But in case of attached offices like Directorates, the Director-General may be regarded as 'the head of the Department' for the purposes of this Section. Only such an officer should be treated as the authority to withhold or give the necessary permission for the production of official documents in evidence. In case of Part C States the Chief Commissioner or the Lieutenant Governor, as the case may be, may be regarded as the head of the Department and not his Secretaries.

(3) In respect of documents (1) emanating from a higher authority, i. e., the Government of India, or the State Government, or which have formed the subject of correspondence with such higher authority or (2) emanating from other Governments, whether foreign or members of the Commonwealth, the head of the Department should obtain the consent of the Government of India or of the State Government, as the case may be, through the usual official channels before giving permission to produce the documents in Court or giving evidence based on them unless the papers are intended for publication or are of a purely formal or routine nature, when a reference to higher authority may be dispensed with.

(4) In the case of documents other than those specified in paragraph 3 above production of documents should be withheld only when the public interest would be injured by their disclosure, as where disclosure would be injurious to national defence, or to good diplomatic relations or where the practice of keeping a class of documents secret is necessary for the proper functioning of the public service. Some High Courts have pointed out the circumstances under which no such privilege should be claimed e. g., privilege is not to be claimed on the mere ground that the documents are State documents or are official or are marked confidential, or if produced would result in Parliamentary discussion or public criticism or would expose want of efficiency in the administration or tend to lay a particular department of Government open to a claim for compensation. The mere fact that the head of the department does not wish the documents to be produced is not an adequate justification for objecting to their production. The High Courts have also observed that refusal to produce documents relating to affairs of State implies that their production will be prejudicial to public interest. Consequently the reasons therefor should be given in an affidavit in Form I at the appropriate place.

(5) In a case of doubt the head of the department should invariably refer to higher authority for orders.

(6) These instructions apply equally to cases in which Government is party to the suit. In such cases, much will depend on the legal

advice as to the value of the documents but before they are produced in Court, the considerations stated above must be borne in mind, and reference to higher authority made, when necessary.

(7) The Government servant who is to attend a Court as a witness with official documents should, where permission under section 123 has been withheld, be given an affidavit in Form No. I duly signed by the head of the department in the accompanying form. He should produce it when he is called upon to give his evidence, and should explain that he is not at liberty to produce the documents before the Court, or to give any evidence derived from them. He should, however, take with him the papers which he has been summoned to produce.

(8) The Government servant who is summoned to produce official documents in respect of which privilege under section 124 has to be claimed, will make an affidavit in the accompanying Form No. II. When he is not attending the Court himself to give evidence he shall have it sent to the Court along with the documents. The person through whom the documents are sent to Court should submit the affidavit to the Court when called upon to produce the documents. He should take with him the documents which he has been called upon to produce but should not hand them over to the Court unless the Court directs him to do so. They should not be shown to the opposite party.

(9) The head of the department should abstain from entering into correspondence with the presiding officer of the Court concerned in regard to the grounds on which the documents have been called for. He should obey the Court's orders and should appear personally, or arrange for the appearance of another officer in the Court concerned, with the documents, and act as indicated in paragraph 7 above, and produce the necessary affidavit if he claims privilege

Form of Affidavit No. 1

IN THE COURT OF

Suit No. of 19 .

I, Secretary/Additional Secretary/
Joint Secretary to the Government of Bombay in the
Department, do hereby solemnly affirm and state as follows:

A summons bearing No. dated issued by the
Court of in suit No. of 195 . ()
Vs.) has been received
in the Department, on 195 , requiring
production in the said Court on 195 , of documents stated
below. I, as the Head of the Department, am in contro
of, and in charge of, its records. I have carefully considered the relevant
documents and have come to the conclusion that they are unpublished

official records relating to affairs of State and their disclosures will be prejudicial to public interest for the following reasons:

LIST OF DOCUMENTS SUMMONED

I do not, therefore, give permission to anyone under Section 123 of the Indian Evidence Act, 1872, to produce the said documents or to give any evidence derived therefrom.

Solemnly affirmed at Bombay etc. this _____ day of 195 .

Secretary/Additional Secretary/Joint
Secretary.

In the _____ Department.

Sworn before me.

Form of Affidavit No. II

IN THE COURT OF

Suit No. _____ of 195 .

I, _____ do hereby solemnly affirm and state as follows:—

A summons bearing No. _____ dated _____ issued by the Court of _____ in suit No. _____ of 195 . (

Vs. _____) has been served

on me on _____ 195 , requiring production in the said Court on _____ 195 , of the documents stated below. I have carefully considered them and have come to the conclusion that they contain communications made in official confidence and I consider that the public interest would suffer by their disclosure for the following reasons:

LIST OF DOCUMENTS SUMMONED

I therefore, claim privilege under section 124 of the Indian Evidence Act, 1872 solemnly affirmed at Bombay etc. this _____ day of

195 .

Secretary/Additional Secretary/Joint
Secretary.

In the _____ Department.

Sworn before me.

CHAPTER V

(RULE No. 175-A, B.J.M.)

No. GQJ-1454-C,
Home Department,
Bombay Castle, 7th December 1954.

From

Shri G. R. DONDE, M.Sc.,
Assistant Secretary to the Government of Bombay,
Home-Department.

To

The Inspector-General of Prisons,
State of Bombay, Poona.

Subject.—Jail Registers—

Signing of—

Reference your letter No. ADM-58, dated the 21st July 1954, on the subject noted above.

2. Government approves of your proposal to delegate powers of signing the Jail Registers to the Jail Officials as stated in column 3 of the statement accompanying your letter subject to the condition that the Superintendent, as Head of the Jail, should be held responsible for the proper maintenance of those records which will be attended to by his subordinates and for this purpose he should exercise a surprise check at irregular intervals and at least once in a quarter.

(Sd.)

Assistant Secretary to the
Government of Bombay,
Home Department.

Female Prisoners

Release of.....for training as "Dais"

GOVERNMENT OF BOMBAY

Home Department,

Resolution No. 5405/5,

Bombay Castle, 12th November, 1951.

Resolution.—In pursuance of the recommendation of the Bombay Jail Reforms Committee, Government is pleased to approve of a scheme for the training of selected female prisoners as "Dais"—two each at the two training centres viz. Khed and Bhilawadi, run by the Bombay Mothers and Children Welfare Society, Bombay. The conditions subject to which selected female prisoners should be sent for training are mentioned in the accompaniment to this Government Resolution.

Bks. (JC)-22-74

2. The following non-recurring and recurring expenditure is sanctioned for each female prisoner selected for training as "Dais."

Non-recurring expenditure per female prisoners

1. Four Sarees	...	10	0	0
2. Four Blouses	...	4	0	0
3. Bedding	...	20	0	0
4. Utensils	...	15	0	0

Total ... 49 0 0

Recurring expenditure per female prisoner:

1. Stipend at Rs. 27 per mensem for ...	243	0	0
nine months.			
2. Additional expenditure for the whole	5	0	0
term.			

Total ... 248 0 0

The Bombay Mothers and Children welfare Society, Bombay, should incur the expenditure in the first instance, and then approach Government to sanction an equal amount of grant-in-aid. Government will thereafter take steps to sanction an equivalent amount as grant-in-aid to the Bombay Mothers and Children welfare Society under the major head "28-Jails and Convict Settlements."

3. The Inspector General of Prisons, State of Bombay, should send to Government proposals for the release of a few selected female prisoners for the purpose of training as "Dais". While proposing the names of female prisoners, the Inspector General of Prisons should take into account the following two points, viz. (1) whether the female prisoner has an inclination for the training, and (2) whether she possesses sufficient educational and other qualities for successfully completing the training.

By order of the Governor of Bombay,
(Sd.)

for Secretary to the Government of Bombay,
Home Department.

Accompaniment to Government Resolution, Home Department, No. 5405/5,
dated 12th November 1951.

Conditions for the release of female prisoners as Dais

(1) The prisoner shall reside in the .. for a period of six months from the date of her admission to the ..

(2) She shall not leave the.....under any pretext whatever without first obtaining a pass from the Officer-in-charge of the.....and she shall comply all the conditions of the pass;

(3) She shall obey all rules and orders that may be from time to time in force in the.....for the maintenance of discipline and order, or for the welfare of the inmates;

(4) If it appears to the Government of Bombay that the prisoner's presence in the.....is or is likely to be harmful to the good management of the.....the conditions of the remission of sentence shall be deemed not to have been fulfilled, and she shall be liable to undergo the unexpired portion of her remitted sentence;

(5) If she, during her stay in the....., under conditional release, commits any offence and is sentenced to imprisonment or fine therefor, she shall be liable to be sent back to Jail to complete her remitted sentence and the conditions of the remission of sentence shall be deemed not to have been fulfilled and she shall be liable to undergo the unexpired portion of her remitted sentence.

(6) She will be liable, during her stay in theto be removed to a suitable medical institution for purposes of observations or treatment without prejudice to the pendency of order of conditional release.

Special Pay.

Examination of rates of.....drawn by subordinate officers in the Jail Department.

GOVERNMENT OF BOMBAY

Home Department

Resolution No. 2016/2.

Bombay Castle, 17th April 1928.

Resolution.—Government do not consider that the rates of special pay of subordinate officers in the Jail Department are unduly high except those of Rs. 50 per mensem and Rs. 25 per mensem granted to senior and junior jailors, respectively, at Central jails. These require modification. The Governor in Council is accordingly pleased to direct that, with effect from the 1st April 1928, senior and junior Jailors at Central Jails should be granted special pay at the rate of 20 per cent of their pay, subject to maxima of Rs. 50 per mensem and Rs. 25 per mensem, respectively.

By order of the Governor in Council
(Sd.) W. N. U. DUNLOP,
Acting Under Secretary to the
Government of Bombay, Home Department.

Jails.

Powers conferred on Superintendents of Prisons under Section 475B of the Code of Criminal Procedure:

No. 8075.

Judicial Department

Bombay Castle, 20th November 1895.

Resolution.—In modification of the orders contained in Government Resolution No. 3308, dated the 4th June 1886, His Excellency the Governor in Council is pleased, under the provisions of Section 475B of the Code of Criminal Procedure, 1882, as amended by Section 12 of Act X of 1886, to empower the Officers in charge of the following Prisons to discharge in respect of persons confined therein under the provisions of Section 466 or Section 471 of the Code all the functions of the Inspector-General of Prisons under Section 472, Section 473, or Section 474:—

Yeravda Central Prison.
Dhulia Prison.
Bijapur Prison.
Dharwar Prison.

House of Correction	} Bombay,
Common Prison.	
Thana Prison.	
Karwar Prison.	
Ratnagiri Prison.	
Ahmedabad Central Prison.	

2. In those Prisons where the Officer in charge is not himself the Medical Officer of the Prison, he should discharge the said functions after consultation with the Medical Officer.

(Sd.) M. H. W. HAYWARD,
Under Secretary to Government.

To

The Inspector-General of Prisons

CIRCULAR

No. 2757 of 1891

Inspector General of Prisons' Office,
Bombay, 19th June 1891.

MEMORANDUM:

The following instructions showing the method of picking and preserving Limes for use in Jail dietaries, which has been introduced into the Jails of the Central Provinces, and found effective, are circulated for the information of Superintendents of Jails.

Instructions

1. The limes should be plucked when fully ripe, and cut into quarters (one cut being across the septa of the fruit) and exposed on bamboo chitais to the sun for four or five days, (they may be left lying out all night without taking any harm). When sufficiently dried, the peel will be crisp at the edges and just beginning to be spotted with dark stains.

The pieces should then be collected and stored in large earthen jars (mats or martabans), and as each layer is put in, a proportion of spices should be sprinkled over it, and then the whole completely covered with mustard oil.

2. The Spices are composed as follows:—The spices to be ground fine and then mixed together, this quantity is sufficient for 1,500 large limes; those of the Kaghazi variety are by far the best, and should always be used if procurable. On no account should the salt be added to the limes during the drying process as it causes the juice to run out and be lost.

Garlic	...	1	lb.
Turmeric	...	1	lb.
Jira	...	1	lb.
Sonth	...	$\frac{1}{2}$	lb.
Chilli	...	1	lb.
Salt	...	$4\frac{1}{2}$	lbs.

2. A large mat will hold 6,000 to 7,000 limes and require about 60 to 70 lbs. of mustard oil, according to the size of the limes.

4. The pickle is fit for use in three months and improves with keeping for, at all events, two years. If the jars leak at all, a little fresh oil should be added from time to time. It is essential that the pickle should be kept entirely covered by a layer of oil at least one inch in depth.

5. The jars should be well coated with shellac before being used to prevent undue loss of oil by percolation. The jars also improve with age, and after having been a few months in use, the oil ceases to exude. The jars should be ranged round a godown and supported by earth to the depth of about 16 or 18 inches, and they should be covered with an earthen pan, which it is advised to leave loose, to permit of frequent inspection.

6. The jars cost one rupee when new and 3 seers of wood and 8 ozs. shellac for coating them cost $1\frac{1}{2}$ anna each more.

7. The quantity of spices, given above as sufficient for 1,500 limes, costs fifteen annas, and 15 lbs. of oil costs three rupees, exclusive of Jail labor. The cost per thousand when the limes are grown in the Jail garden, is therefore Rs. 2-10-0. The value of the limes varies; the market rate at Nagpur is now Rs. 2-8-0. per thousand.

8. One of the pieces of pickle with as much of the spices and oil as clings to it, should be given to each prisoner at each meal, unless the limes are very small ones, when two pieces will be required or else the smaller limes may be cut into pieces only, and the quantity of spices proportionately reduced.

9. It will be well therefore to calculate the requirements for Jails at 200 large limes per head of population and to provide accordingly. In cases where a Scorbutic taint exists, the quantity of pickle issued might be doubled and it would be found much cheaper to use it in this way than to purchase preserved toj uice.

T. M. FILGATE,
Inspector General of Prisons.

To

All Superintendents of Jails.

JAIL MANUAL

APPENDIX III

FORMS

(RULE 1038, B.J.M.)

(Letter to the relatives of the Prisoner)

"Dear Sir,

Prisoner has been admitted into this Prison and his Jail number is . You can interview him on any week day except holidays between hours. You can also write to him at any time c/o. the Superintendent of the Jail. The prisoner is, however, allowed only two letters per month provided his conduct in the Jail is good. An interview with him is also allowed once a month. The interviews and letters must be restricted to domestic affairs only. No eatables and other articles can be sent to the prisoner or given to him at the time of interview. You may, however, send to the prisoner through the Superintendent money for the prisoner's use. You can also hand over the cash to a Jailor at the time of interview, and should invariably obtain a receipt. No money should be paid to any Jail Guard.

Superintendent.

Prison."

(RULE 1514, B.J.M.)

Draft Bond giving a Cash Security

Whereas I (name) inhabitant of (place)
have been sentenced to undergo imprisonment for the term of years.

And whereas the Government of Bombay/Inspector-General of Prisons, State of Bombay has been pleased to release me on parole/ furlough for the term of commencing from and ending on on condition of my giving a cash security for my appearance on the following date viz., I hereby agree with and bind myself unto the Governor of Bombay to appear and surrender myself to the Jail Authorities at at O'clock on the following date viz., and in case the period of parole/furlough is extended then on the date following the date of expiry of such extended period of parole/furlough and in case of my making default herein I bind myself to forfeit to the Government the sum of Rs.

dated this day of 195
Before me

Superintendent,
Prison.

Signature of the Prisoner.

(RULE 1514, B.J.M.)

Draft of the Personal Recognition Bond

Whereas I (name) inhabitant of (place)
have been sentenced to undergo imprisonment for the term of years.

And whereas the Government of Bombay/the Inspector-General of Prisons, State of Bombay, has been pleased to release me on parole/furlough for the term of _____ commencing from _____ and ending on _____ on condition of my executing a Personal Recognition Bond for my appearance on the following date viz., _____ I hereby agree with and bind myself unto the Governor of Bombay to appear and surrender myself before the Superintendent of Prison at _____ O'Clock on the following date viz., _____ and in case the period of parole/furlough is extended then on the date following the date of expiry of such extended period of parole/furlough and in case of my making default herein I bind myself to pay to the Government of Bombay a sum of Rs. _____ and I agree that the Government of Bombay may without prejudice to any other rights or remedies, recover the said sum from me as an arrear of land revenue under the provisions of the Bombay Land Revenue Code, 1879, and the amendments thereof.

Dated this _____ day of _____ 195 _____
Before me

Superintendent,
Prison.

Signature of the Prisoner.

Surety Bond

I, _____ inhabitant of _____ hereby declare myself surety for prisoner _____ and give the guarantee that he shall appear himself before the Superintendent of _____ Prison at (place) _____ on the expiration of the period of his suspension and in case of his making default herein, I hereby bind myself to pay to the Governor of Bombay the sum of Rs. _____

And I agree that the Government of Bombay may without prejudice to any other rights or remedies of Government, recover from me the said sum as an arrear of Land Revenue under the provisions of the Bombay Land Revenue Code, 1879. And I agree that any extension of time given to prisoner _____ will not discharge me from my liability to pay the said amount.

Dated this _____ day of _____ 195 _____
Signed by the above named surety.
in the presence of :

- 1.
- 2.

(RULE 1485, B. J. M.)

Medical Certificate

"I hereby certify that convict No. _____ is suffering from _____ and that there is no hope of his recovery either in or outside the prison. His illness is such as to incapacitate him absolutely from the commission of further crime and has not been produced or aggravated

(RULE 450, B. J. M.)

*Indent for Uniform for the Armed & Unarmed Guarding Establishments
for the year 19 19*

Strength.	When last indent was received	When due.	No. of articles required for each Jail guard.	No. of Jail guard for whom required	Designation of the Jail guards	Name of articles required.	Total No. required	Rate.	Value.	From whom be obtained.
1	2	3	4	5	6	7	8	9	10	11

(RULE 468, B.J.M.)

Appendix A

Consolidated indent for Arms for the year ending 31st March 195

Jail staff

*Category of arms.

(1) Musket .410

(2) .455/ .38 Revolvers.

*Delete the unnecessary item.

Authorised scale quote the relevant scale as mentioned in rule No. 466 B.J.M.	Arms to which entitled on the basis of the scale mentioned in Col. 1.	Actual holdings.	Difference between Cols. 2 & 3.	Present demand.	Remarks.	Consignment instructions.
1	2	3	4	5	6	7

(RULE 468, B.J.M.)

Appendix B

Consolidated indent for service ammunition for the year ending 31st

March 195

Jail Staff.

*Category of ammunition.

(1) Muskets.

(2) Pistols/Revolvers.

.38 .455

*Delete the unnecessary item.

No. of arms on charge.	Authorised scale (quote the relevant scale as mentioned in rule 466, B.J.M.)	Quantity of ammunition to which entitled on the basis of the scale mentioned in Column 2.	Actual holdings.	Difference between columns 3 and 4.	Present demand.	Remarks.	Consignment instructions.
1	2	3	4	5	6	7	8

(RULE 468, B.J.M.)

Appendix C

Consolidated indent for Practice/training ammunition for the year ending 31-3-195

Jail staff.

*Category of ammunition.

(1) .410 Muskets.

(2) .38/.455 Revolvers.

*Delete the unnecessary item.

No. of Officers and men for whom ammunition is required.	Authorised scale (quote the relevant scale as mentioned in rule 466, B.J.M.)	Quantity of ammunition to which entitled on the basis of the scale mentioned in Col, 2.	Actual holdings.	Difference between Columns 3 and 4.	Present demand.	Remarks.	Consignment instructions.
1	2	3	4	5	6	7	8

(RULE 468, B.J.M.)

Enclosure to Army Headquarters' Letter No. 55654/IMG/OS-1B.
dated 8-6-1951

SERVICE.....

Page No. of Sheet

FORECAST REQUIREMENTS OF STORES OF ORDNANCE ORIGIN

Cate or Part No.	Designation.	A/U.	Revised forecast requirement. 1st April 19 to 31st March 19	First forecast requirements. 1st April 19 to 31st March 19	Remarks.
1	2	3	4	5	6

*(Only items in one VAOS Sub-Section to be shown on each Sheet).

(RULE 123 A(1) (i) OF B.J.M.)

Certificate

Certified that Shri is not known to have
in the past been connected with any undesirable activities.

Inspector-General of Prisons,
State of Bombay.

G. of Prisons' Office,
Poona, 195

or
Superintendent of
the Prison.

[RULE 230 (15), B.J.M.]

Departmental Enquiry

Form A

From

To

Subject:—Disciplinary Action.

Sir,

I am directed to forward herewith a copy of the report submitted by the Enquiry Officer who conducted the departmental enquiry into your conduct and to state that on the basis of the said report Government have come to the conclusion that the charges Nos. mentioned in the charge sheet served upon you have been proved against you. Government therefore, propose to dismiss/remove you from the service/reduce you from the rank of to the rank of on the ground that you have been found guilty of the aforesaid charges. You are hereby called upon to show cause within days from the date of receipt of this notice why the proposed action should not be taken in regard to you.

You are requested to acknowledge the receipt of this letter.

Yours faithfully,
(Designation)

Form B

No.

From

To

Subject:—Disciplinary Action.

Sir,

I am directed to forward herewith a copy of the report submitted by the Enquiry Officer who conducted the departmental enquiry into your conduct and to state that Government do not agree with the findings of that officer and for the reasons noted below considers that the charges Nos. framed against you have been proved Government therefore, proposes to dismiss/remove you from the service/reduce you from the rank of to the rank of on the ground that you have been found guilty of the aforesaid charges. You are hereby called upon to show

cause within _____ days from the date of receipt of this notice why the proposed action should not be taken in regard to you.

You are requested to acknowledge the receipt of this letter.

Yours faithfully,
(Designation)

Note.—Form A is intended for use in cases in which the findings of the Enquiry Officer are being accepted. Form B is to be issued in cases in which they are not being accepted and the competent authority for independent reasons comes to the conclusion that the charges or any of them have been proved.

In cases it is considered that some minor modifications are necessary in the forms to meet the peculiar requirements of a case such modifications may be made in the forms. But care should be taken to see that the fundamental requirement that opportunity to show cause extends both to the acceptance of findings and quantum of punishment is not lost sight of.

(RULE 233, B.J.M.)

Form I

Order

No.....
.....Department
Bombay Castle, (Bom. 1).
Date.....195

The Governor of Bombay is hereby pleased to dismiss/remove
Shri _____ from the
service/services with effect from _____

By order of the Governor of Bombay,
Signature

(Designation)

Secretary,

Deputy Secretary to Government, Under
Secretary, Assistant Secretary.

Form II

Order

No.....
.....Department
Office of the.....
Date.....195

I, the undersigned, do hereby dismiss/remove Shri _____
from the _____

with effect from _____

Service
Service

Signature
Name:

Designation of officer competent to dismiss/remove from service

Jail Register of Advances of Pay and Travelling Allowances

[illegible]

(RULE 482, B.J.M.)

Statement showing excesses and shortages noticed at the time of Stock verification of single lock/double lock
taken on the.....195 for the month/Quarterending 195

1 Serial No.	2 Name of the article.	3 Opening balance(at the beginning of the month/quarter under report).	4 Receipts during month/quarter.	5 Total.	6 Consumption during month/quarter.	Wastage and Dryage if any charged by the Superintendent.		9 Total of Column Nos. 6 and 7.	10 Book balance at the time of stock verification.	11 Actual stock in hand on the day of verification.	Excesses.		Shortages.		Per centage on quantity shown in column 5.				20 Reason for variations.
						7 (Quantity.)	8 Per cent.				12 Quantity.	13 Value.	14 Quantity.	15 Value.	16 Excess.	17 Per cent.	18 Shortage.	19 Per cent.	

N. B.—(1) The Single Lock Stock Verification Report should be submitted by the 5th of every month.

(2) The Double Lock Stock Verification Report should be submitted every quarter by the 5th of February, May, August and November.

CHAPTER III

(Rule 1126, B.J.M.)

Tender Notice

1. Open auction bidding will be held in this Prison on _____ at _____ for the supply of the following articles delivery free at the Jail Gate, for a period of twelve months commencing from the _____. For this purpose sealed Tenders will be first invited. They will be opened by the Superintendent on the _____ 195 _____. and an auction bidding will be held on the day mentioned above taking the lowest tendered rates as the upset rates. No tenderer will be allowed to bid unless he has deposited a sum of Rs. 500 as earnest money in the Treasury or deposits with the Superintendent on the spot an equal amount in token of the bidder's *bona fides*. Only those tenderers whose tenders are duly filed in and are acceptable will be permitted to take part in the open auction bidding.

2. The tender forms can be obtained on payment of Re. 1 (rupee one) per form from the Superintendent. The rates quoted in the Tender form should be in seers per rupee in the case of articles which are sold by weight and in numbers in other cases.

(3) The Superintendent will not be bound to accept the lowest or any bid and the acceptance of the tender by the Superintendent will be subject to confirmation by the Inspector-General of Prisons, State of Bombay, Poona. Final acceptance of the tendered rates rests with the Inspector-General of Prisons, State of Bombay, Poona, who may accept or reject any rate, without assigning any reasons therefor.

4. On completion of the open auction bidding, the Treasury Chalang for Rs. 500 in respect of the earnest money or the earnest money in cash, as the case may be, will be returned to the unsuccessful tenderers. In the case of successful tenderers it will be returned on the execution of the agreement bond.

5. The bidder whose bid is accepted by the Superintendent will have to deposit on the spot in cash an amount equal to 1/10th of the total value of the estimated quantity of articles to be supplied or furnish in advance personal security with two sureties duly certified as solvent by the competent authority (Mamlatdar) for a like amount. If he fails to do so, a fresh auction will be held and loss if any, sustained by Government on account of such re-auction (the loss sustained by Government will be ascertained by reference to the estimated requirements of Government) will be recovered from the defaulting bidder as arrears of Land Revenue without prejudice to the other remedies of Government. The deposit of the bidder whose bid is finalised by the Inspector-General of Prisons, State of Bombay, Poona, will be refunded only after the period of the contract, unless it is forfeited partly or wholly by the Inspector-General of Prisons at his discretion for any default in the fulfilment of the contract. The decision of the Inspector-General of Prisons as to whether there has been a default or not will be final. Sample of the articles for which a bid is accepted will be preserved under the seal of the contractor as well as the Superintendent.

6. The amount of deposits in respect of the previous contracts or the amounts of outstanding bills will not be considered as the earnest money or the deposit referred to in Clause 5 above for the purposes of this auction.

7. The successful bidder will have to execute an agreement in the prescribed form (specimen enclosed) on a stamped paper of Rs. 1-8-0 within a week from the date of the receipt of the intimation from the Superintendent that the rates have been finally accepted by the Inspector-General of Prisons failing which the earnest money of Rs. 500 will be forfeited to Government and the contract will be treated as cancelled. He will also be liable for the loss, if any, sustained by Government on account of the resultant re-auction or local purchase such loss will be ascertained by reference to the estimated requirements of Government and such loss will be recovered from the contractor as arrears of Land Revenue without prejudice to other remedies of Government.

8. The name of the agent, if any, employed by the contractor should be communicated in writing to the jail authorities. The agent should hold a proper power of attorney authorising him to bind the contractor in all matters relating to the contract. The contractor will be responsible for any breach of Rules on the part of his agent and will have to make good any loss that may be incurred by Government due to the actions of the agent in respect of the contract.

9. Supplies will have to be made, in accordance with the samples approved by the Superintendent and preserved under the seal of the contractor and the Superintendent, from time to time according to the requirements to be communicated by the Superintendent in the requisitions within a period stipulated by him which will in no case be less than 24 hours. In case of default by the contractor the Superintendent will be at liberty to purchase in any manner he chooses the required article without any intimation to the contractor. The contractor will be responsible for the extra rates, if any, that will have to be paid by the Superintendent for such purchases.

10. Requirements may increase or decrease as the case may be, depending upon the requirements of the Jail population and on any emergency such as control of prices or commodities by Government. Government will be bound to purchase only the actual requirements which shall be supplied by the contractor at the contract rates.

11. No facility is guaranteed to the contractor for obtaining permits, railway wagons, etc. The contractor will have to make his own arrangements in the matter.

12. The contract in respect of supply of any article will cease from such date as the article is brought under control by Government or the District Magistrate.

13. Transfer of the contracts by the contractor to the name of another party will not be permitted and will entail the forfeiture of the security deposited by the contractor for the contract. He will also be liable for the loss, if any, sustained by Government on account of the resultant re-action or local purchase on the basis of estimated requirements and such loss will be recovered from him as arrears of Land Revenue.

14. The supplies that may be rejected and supplies that may not be required as a result of late compliance of the requisition will have to

be removed at once and failure to do so will be treated as a breach of the terms of the contract. The rejected articles will be kept in the Jail premises at the risk of the contractor and if not removed within 24 hours, a fee in lieu of rent for use of the Jail premises at the rate to be fixed by the Inspector-General of Prisons will be charged and recovered from the Contractor as Revenue dues.

15. If the Superintendent or Medical Officer certifies that any articles supplied by the contractor is inferior or of impure quality the contractor will replace it in time so as to prevent any inconvenience or delay whatsoever.

16. The supplies shall be made by the contractor as per requisitions placed by the Superintendent. Supplies made by the contractor on the dates other than those mentioned in the requisition or in quantities differing from those mentioned in the requisition will be liable to be rejected.

17. The contractor will have to comply with every requisition from the Superintendent in full. No excuse that the articles are not available in the market will be entertained. If the supplies are not made in full according to the requisition on due dates, the articles will be purchased locally and the extra cost, if any, will be paid by the contractor.

18. The supply of articles viz. Milk, mutton, firewood, etc., which are required for daily consumption, will have to be made in strict accordance with time or times that may be fixed by the Superintendent. Milk to be supplied should be fresh and of pure quality and not 'toned' made from skimmed Milk Powder. Milk should be of the specific gravity fixed by the Municipal authorities or the Medical Officer of the Prison i. e., between 1.025 and 1.030. The supply of Milk shall have to be made twice a day at such hours as may be fixed by the Superintendent. If the supply of milk is not made at the prescribed hours, it will be obtained locally and the extra cost, if any, will be paid by the contractor.

19. Good mutton or goat's flesh should be supplied. The issue of lungs, entrails, hoofs, heads, etc., is prohibited. The supply will have to be got approved by the Medical Officer of the Prison.

20. Vegetables to be supplied should be of fresh quality and not over-grown. The supply should be from different varieties available during the season.

21. The supply of firewood should be from the dry stock and the size should not exceed 3' in length and 1' in diameter.

22. The articles of provisions and other articles as appearing in this Notice should be of good quality, wholesome and free from damp, dust, dirt, weevils and should be according to the samples approved by the Superintendent and preserved under the seal of the contractor and the Superintendent.

23. Such articles as are required by the Jail Canteen and Jail Factory from amongst the articles appearing in this Tender Notice should also be supplied at the accepted rates as and when required.

24. The Tender Notice form should be returned duly signed in token of having read and understood the contents thereof along with the Tender Form.

Superintendent,
Prison.

Dated

195

Form of Tender

1. I, the undersigned shall bind myself to supply to the
 Prison during the period of contract, viz. from the
 195 to the 195, the
 following articles of provisions accordig to the samples approved by the
 Superintendent and described in the Tender Notice at the rates mentioned
 against them:—

Name of article.	Rate per.	Remarks.	Name of article.	Rate per.	Remarks.
------------------	-----------	----------	------------------	-----------	----------

2. I have duly received a copy of the Tender Notice, which is returned herewith duly signed by me in token of its receipt, and I undertake to abide by the conditions of the contract specified therein. I have also received a copy of the agreement form and shall execute the necessary agreement on such conditions as are laid down therein.

3. Treasury chalan for Rs. 500 (rupees five hundred) is enclosed herewith.

(Signature of the Tenderer)

Dated 195

Form of Agreement

I, the undersigned agree with the
 Governor of Bombay and bind myself to supply the undermentioned articles to
 the Prisons, at the rates mentioned against them, for a
 period of one year with effect from the 195, to the
 195.

Name of article.	Rate per.	Remarks.
------------------	-----------	----------

1. The articles will be supplied at the above stated rates, delivery free at Jail Gate.

2. The articles to be supplied by me at the above quoted rates shall be of good quality, wholesome, and free from damp, dust, dirt and weevils.

3. The supplies of each article will be made by me in accordance with the sample approved by the Superintendent and preserved under the seal of the Superintendent and my seal from time to time according to requirements that will be communicated by the Superintendent in the requisitions within a period stipulated by the Superintendent, which shall in no case be less than 24 hours. In case of default on my part, the Superintendent shall be at liberty to purchase in any manner he chooses the required article or articles without any intimation to me and I shall be liable to pay the excess price if any, that may be paid by the Superintendent in respect of such purchases.

4. If the Superintendent or Medical Officer shall certify that any article supplied by me is of inferior or impure quality, it shall be replaced by me.

forthwith and in time without causing inconvenience or delay in issuing food.

5. The supplies shall be made by me as per requisitions placed by the Superintendent and the Superintendent will be at liberty to reject supplies made by me on dates other than those mentioned in the requisition or to reject quantities differing from those as stated in the requisition.

6. The supplies that may be rejected and supplies that may not be required as a result of late compliance of the requisition shall be removed by me at once and if I fail to do so, the rejected articles will be kept in the Jail premises at my risk and if not removed within 24 hours, a fee in lieu of rent for the use of the Jail premises may be charged at the rate to be fixed by the Inspector General of Prisons, State of Bombay, Poona, and recovered from me as Revenue dues. The failure on my part to remove such articles within the time mentioned above may be treated as a breach of the terms of the contract.

7. Every requisition from the Superintendent for the supply shall be complied with by me in full in respect of each article and no excuse shall be put forth by me on the ground that the article is not available in the Market. If the supplies are not made in full according to the requisition on due dates, the Superintendent will be at liberty to purchase the article locally and the extra cost, if any, shall be paid by me.

8. Such articles as are required by the Jail Canteen and Jail Factory from amongst the articles for which I hold the contract shall also be supplied at the accepted rates, as and when required by the Superintendent.

9. If any article supplied by me is found to be of inferior or impure quality by the Jailor, and the Superintendent the same shall be replaced immediately by me by articles of better quality. The Superintendent and the Inspector - General of Prisons will be at liberty to fine me to the extent of Rs. ten and Rs. fifty, respectively on each occasion.

10. The supply of articles viz Milk, Mutton, Firewood, etc., which are required for daily consumption, shall be made by me in strict accordance with time or times that may be fixed by the Superintendent.

11. Milk to be supplied by me shall be fresh and of pure quality and not "toned" Milk or made from skimmed Milk Powder. The Milk to be supplied shall be of specific gravity fixed by the Municipal authorities or the Medical officer of the Prison, i.e., between 1.025 and 1.030. The supply of Milk shall be made by me twice a day at the hours fixed by the Superintendent viz. if the supply is not made by me at the appointed time it may be obtained locally by the Superintendent and the extra cost, if any, shall be paid by me.

12. Mutton or goat's flesh to be supplied shall be wholesome and of best quality and it shall not contain any issues of lungs, entrails, hoofs, heads, etc. The supply will be subjected to the approval of the Medical Officer of the Prison.

13. Vegetables to be supplied by me shall be of fresh quality and not overgrown and shall contain different varieties available during the season and approved by the Superintendent.

14. The supply of firewood shall be made by me from the dry stock and the size shall not exceed 3 feet in length and 1 foot in diameter.

15. The Superintendent shall not be bound to purchase the estimated quantities mentioned in the Tender Notice and that the requisition for the supplies will be according to the requirements which may increase or decrease, as the case may be depending upon the Jail population and on any emergency such as control of prices of commodities by Government. The actual requirements shall be supplied by me at the contract rates.

16. I shall make my own arrangements as regards permits, railways wagons etc. and shall not look to Government for any special facilities.

17. The contract in respect of supply of any article shall cease from such date on which such article is brought under statutory control.

18. I shall not directly or indirectly transfer the contract or assign the benefit thereof to any other party.

19. In case I commit the breach of any of the conditions of this contract, it will be lawful for Government or the Inspector-General of Prisons or any other officer authorised in that behalf to terminate the contract forthwith and to appropriate the security deposit towards loss occasioned to Government by such termination. The amount of loss sustained by Government will be excess payment which Government may have to make in respect of the unsupplied estimated requirement by reference to market prices thereof in force on the date of such termination and Government may without prejudice to its rights recover such loss from me as arrears of Land Revenue.

20. The bill in duplicate for the articles supplied by me during a month shall be furnished by me to the Superintendent in the first week of the succeeding month for varification and payment. In case of any overpayment to the same shall be refunded by me in cash immediately and I shall not insist on the refund of such amount by short payment in the bill to be paid to me.

21. The name of the agent, if any, employed by me to supply the articles for which I hold the contract, or to receive payment on my behalf, shall be communicated in writing by me to the Jail authorities and the agent shall hold a proper power of attorney. I shall also be responsible for any breach of the conditions of the contract on the part of the agent and I shall be liable to make good any loss that may be incurred by Government due to his actions in respect of the contract.

22. I have deposited a sum of Rs. (Rs.) on the 195 , as Security Deposit and the same shall remain in the custody of the Superintendent till the period of the contract is over and accounts are finally settled and shall in the meantime be held as a deposit to be appropriated partly or wholly by the Inspector-General of Prisons, State of Bombay, Poona at his discretion towards any loss suffered by Government by reason of any default on my part in the fulfilment of the contract.

23. I have received and I understand the above mentioned conditions and bind myself to abide by them.

Contractor.

(Signature and date).

We inhabitants of in the

2.

APPENDIX IV

INSPECTION POINTS

(Jail Registers)

Register No. 1: Undertrial Register

<i>Item</i>	<i>Authority</i>
(a) Is every prisoner examined by the Medical Officer and his marks of identification written ?	(a) Rule 813, B.J.M.
(b) Are prisoners received from Courts with regular remand warrants ?	(b) Rule 782, B.J.M.
(c) Is the time of admission and release recorded ?	(c) I. G.'s Circular No. 28875, dated the 25-10-1952.
(d) Is the U. T. Prisoner allowed to take cash with him while going to the court in accordance with the provisions of the marginally quoted rule ?	(d) Rule 884, B.J.M.
(e) Is the extract of marks of violence, if any, sent to the Court ?	(e) Rule 815 & 818, B.J.M.
(f) Is a prisoner detained in Jail over 15 days without producing him before the remanding Court ?	(f) Rule 881, B.J.M.
(g) Is the Statement of U. T. Prisoners detained in Jail over three months sent to the authority concerned ?	(g) Rule 887, B.J.M.
(h) Is a remark made against the names of those U. T. Prisoners whose cases are committed to Sessions ?	

Register No. 2: Prisoner's Property Register

<i>Item</i>	<i>Authority</i>
(a) Is the prisoner's private property properly valued and described?	(a) I.G.'s Circular No. Audit /Jails, dated 7-7-1953, and
(b) Is occasional check of the prisoner's private clothing bundles carried out?	(b) I.G.'s No. Audit/Jails, dated 7-7-1953.
(c) Are jewellery packets properly sealed?	(c) I.G.'s No. 20367, dated 29-7-1952, and rule No. 796 B.J.M.
(d) Is an acquittance of prisoners taken on admission and release?	(d) Rules 1015 & 1030, B.J.M.
(e) Are the private clothes of prisoners sentenced to two years or over auctioned after the period of appeal is over?	(e) Rule 1022, B.J.M.
(f) Is the property of dead or escaped prisoners disposed of?	(f) Rules 1032, 1033, 1034, B.J.M.
(g) Is transfer of property from one prisoner to another allowed in contravention of the provisions of the marginally quoted rule?	(g) Rule 1028, B.J.M.

Register No. 3: Convicted Prisoner's Register

(a) Are the prisoners produced before the Medical Officer on admission for identification marks being recorded?	(a) Rule 796, 797, B.J.M.
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Item	Authority
(b) Is classification marked against the names of prisoners?	(b) Rule 800, B.J.M.
(c) Are the entries of age, sentence, release, etc. verified and initialled?	(c) Rule 822 (iii) and (iv).
(d) Is time of admission and release noted?	(d) I.G.'s Circular No. 28875, dated 25-10-1952
(e) Are warrants or released prisoners returned to Courts?	(e) Rule 948, B.J.M.
(f) Are the Nominal rolls of Juveniles submitted to the I. G. ?	(f) Rule 1493, B.J.M.
(g) Are prisoners belonging to other States transferred to the State of their origin in accordance with the procedure laid down under reciprocal arrangement?	(g) I.G.'s Circular No.1919 dt. 22-1-1951, 10165, dt. 14-5-1951, 17680, dt. 20-8-51; 5626, dt. 7-5-52, 10792, dt. Nil, May 1952, ADM-SR-XI 34. dt. 24-4-1953.
(h) Is the result of appeal noted in the appropriate column of the register?	(h) Rule 1418, B.J.M.
(i) Is the chart of admission of prisoners maintained as per marginally noted orders?	(i) I.G.'s No. ADM-PR-XIII. dt. 7-5-53, 13-5-53, 27-9-53, 9-3-54.
(j) Is a separate inward register for fine intimations maintained?	(j) Rule 895, B.J.M.

Register No. 4: Release Diary

Item	Authority
(a) Are entries of release initialled by the Officers concerned?	(a) Rule 938, B.J.M.
(b) Are Jail holidays and Sundays marked on the Registers?	(b) Rule 940, B.J.M.
(c) Are Nominal rolls of conditionally released prisoners submitted to the Police?	(c) Rule 950, B.J.M.
(d) Are the correct home addresses of prisoners entered?	(d) Rule 781, B.J.M.
(e) Are deaths of prisoners reported to the Chief Operator?	(e) Rule 958, B.J.M.

Register No 5: Employment Register

(a) Is the register written daily and placed before the Superintendent for initials?	(a) Rule 178, B.J.M.
(b) Do the figures of admission, release, sick, etc. agree with the following corresponding Registers:— Register No. 4: Morning releases. Register No. 15: For diet. Morning Report for sick. Register No. 7 for punishments. Register No. 11 for release and admission.	

<i>Item</i>	<i>Authority</i>
(c) Is the ratio of prison servants and convict officers correct?	(c) Rules 1092, 1093, B.J.M.
(d) Is the number of prisoner unemployed unduly large? (If so, investigate reasons and take steps to provide employment to as many prisoners as possible).	
(e) Is allotment of labour done properly?	(e) I.G.'s No. F-35056, dated the 15-12-1952.

Register of Appeal: (Form 132)

(a) Is the register placed before the Superintendent every Monday?	(a) Rule 1417, B.J.M.
(b) Are the appeals of prisoners sent to the Appellate court in time?	(b) Rule 1413, and 1414 B.J.M.
(c) Are reminders issued punctually?	(c) Rule 1418, B.J.M.

Register No. 6: Remission Register

Item	Authority
(a) Check with Register No. 3 to see whether the names of long termers are brought into this Register?	(a) Rule 1432, B.J.M.
(b) Are six monthly awards of remissions recorded in the Register?	(b) Rule 1427, B.J.M.
(c) Are special awards recorded in the History Ticket and this Register?	(c) Rule 1437, B.J.M.
(d) See that prisoners who have been removed from the remission system for punishment do not get remissions.	(d) Rule 1445, B.J.M.
(e) Is forfeiture of remission noted in the Register (see Register No. 7)?	(e) Rule 1444, B.J.M.
(f) Is allotment of remission done by a Committee?	(f) I.G.'s Circular No. 17784 dated 8-7-1952, and rule No. 1435, B.J.M.
(g) Are the entries of promotion, authority thereto and result of appeal made regularly in this register?	(g) Rule 367, B.J.M.
(h) Is the special Remission Register maintained?	(h) I.G.'s Circular No. 17784, dt. 8-7-1952.

Register No. 7 : Punishment Register

<i>Item</i>	<i>Authority</i>
(a) Are details of Jail offences noted ?	(a) I.G.'s Circular No. 31395, dt. 15-11-1952, and rule 1288, B.J.M.
(b) Is I.G.'s sanction obtained where necessary for punishments awarded for Jail offences ?	(b) Rule 1285, 1286, B.J.M.
(c) Is the case which is unauthorizedly found with prisoners forfeited and the finder rewarded in suitable cases ?	(c) Rule 1021, B.J.M.
(d) Are punishments properly classified (Major and minor) ?	(d) Rule 1280, B.J.M.
(e) Is the concurrence of Medical Officer obtained for the punishment of Fetters, Flogging ?	(e) Rule 1289, 588, and 1437 B.J.M.

Register No. 8 : Garden Register

(a) Are maps of garden lands maintained ?	(a) I.G.'s Circular No. 24105, dated 27-5-1953.
(b) Are thefts in Jail garden dealt with properly ?	(b) I.G.'s No. D-II/26760 dated 4-10-1952.
(c) Are varieties of vegetables issued to prisoners ?	(c) I.G.'s No. ADM-199, dated 27-7-1953.

<i>Item</i>	<i>Authority</i>
(d) Do vegetables issued to prisoners consist of 50 per cent leafy vegetables ?	(d) I.G.'s No. 21522, dated 17-12-1947.
(e) Are issues of vegetables properly accounted for ?	See notes on Jail No. 8 in Jail Account Manual.
(f) Is the sale of surplus vegetables done according to Government orders ?	(f) Government Home Department No. 1573/7-C, dated 12-11-1953, and rule 676, B.J.M.
(g) Is an account of grazing charges recovered for the staff cattle kept ?	(g) Rule 681, B.J.M.

Register No. 9 : Escape Register

(a) Are details of escapes noted in a tabular form ?	(a) Rule 1270, B.J.M.
(b) Is the notice of escapes given to the District Superintendent of Police and District Magistrate ?	(b) Rule 1268, B.J.M.
(c) Is Finger Print Bureau, Poona, notified of escapes ?	(c) Rule 1269, B.J.M.

Item

Authority

(d) Is the result of prosecution noted in column 10 of the Register?

See notes on Jail form No. 9 in Jail Account Manual.

Register Jail 149: Night Report Book

(a) Is the locking up time as prescribed in the standing orders?

(a) I.G.'s Circular No. D. II-32807, dated 27-11-1952, and rule No. 687, B.J.M.

(b) Are certificates of examination of Bars, Locks, etc. recorded every day?

(c) Are night visits by the Jail Officers properly arranged and carried out?

(c) I.G.'s No. 24567, dated 10-9-1952, and rule 738 B.J.M.

Register No. 11: Gate Register

<i>Item</i>	<i>Authority</i>
(a) Do all Jailors attend unlocking in the morning regularly?	(a) Rule 700, B.J.M.
(b) Is one Jailor always present inside the Jail during working hours?	(b) I.G.'s No. EST-206, dated the 29-4-1954, and rule 158 (ii), B.J.M.
(c) Dose each member of the staff put in not less than seven hours work?	(c) I.G.'s No. EST-206, dated the 29-4-1954, and rule 158 (i), B.J.M.
(d) Is a subsidiary register maintained for recording the ingress and engress of head loads and cart loads, etc. and does the Senior Jailor carry out a sample check of the entries with those in the Gate Register?	(d) Government Letter, Home Department No. 1453/51192-C, dated the 12-8-1953, and rule 346, B.J.M.
(e) Are entries of receipts of Stores etc. verified and attested by the Officers concerned?	(e) I.G.'s Circular No. 20412, dated the 29-7-1952, and rule Nos. 348 and 349 B.J.M.

Register No. 12: Superintendent's Order Book

(a) Are the following reports recorded in the Register?	
(i) Reports regarding Night Visits?	(i) Rule 738, B.J.M.
(ii) Reports regarding Superintendent's absence?	(ii) Rule 159, B.J.M.

Item	Authority
(iii) Reports regarding withholding of prisoner's letters?	(iii) Rule 1348, B.J.M.
(iv) Reports regarding refusal of interviews to prisoners?	(iv) Rule 1341, B.J.M.
(v) Reports regarding management and discipline of the Jail?	(v) Rule 1223, B.J.M.
(vi) Reports regarding duties of the Jail subordinates?	(vi) Rule 167, B.J.M.
(vii) Reports regarding punishments to Jail officers?	(vii) Rule 224, B.J.M.
(viii) Reports regarding Inspection of cooked food?	(viii) Rule 1203, B.J.M.
(ix) Reports regarding the keeping of the keys of the gates?	(ix) Rule 217 and 709, B.J.M.
(x) Reports regarding actual counting of prisoners?	(x) Rule 270, B.J.M.
(xi) Reports regarding counting of arms and ammunition?	(xi) Rule 156, B.J.M.
(xii) Reports regarding Periodical stock taking?	(xii) Rule 483, B.J.M.
(b) Are the orders of the Superintendent noted by the Officer concerned and action taken accordingly?	

Register No. 13: Jailor's Report Book

Item	Authority
(a) Are all matters which require the Superintendent's attention noted by the Jailor in this Register?	(a) See notes on Jail No. 13 in Jail account Manual.
(b) Are Jail guards remain absent from their quarters without permission of the Senior Jailor?	(b) Rule 215, B.J.M.
(c) Does the Jailor concerned visit the extramural working parties regularly and enter his observations in this Register?	(c) Rule 295, B.J.M.
(d) Do Jailors make entries of their night visits to the Jail?	(d) Rule 295, B.J.M.
(e) Are surprise searches of prisoner's barracks and cells regularly taken and the result noted in the Register?	(e) Rule 721, B.J.M.
(f) Is a report about promotion of Prisoners made here?	(f) See notes on Jail form No. 13 in Jail Account Manual.
(g) Are reports about bad debts arising out of credit sales of factory, garden, dairy and poultry products made by the Senior Jailor?	(g) Rule 252, B.J.M.
(h) Does the Head Clerk make quarterly reports about Office work, efficiency of clerical staff, etc.?	(h) Rule 169 (ii) and 176 B.J.M.
(i) Does the Agricultural Officer (in his absence the Senior Jailor) regularly enter here all garden receipts except vegetables?	(i) See notes on Jail form No. 8 in Jail account Manual.
(j) Is the contraband money found with prisoners and recorded in this Register credited to the Cash Book and also disbursed without any undue delay?	(j) Rule 1021, B.J.M.

Register No. 14: Visitors' Book

<i>Item</i>	<i>Authority</i>
1. Are extracts of the Visitor's remarks which require special attention submitted to the I. G. without delay?	1. Rule 419 (i), B.J.M.
2. Is a copy of every entry made in the book submitted to the I. G. on the 1st day of the following month regularly?	2. Rule 419 (2), B.J.M.

Register No. 15: Diet Register

1. Is the register filled in daily by the Ration clerk and are the issues noted therein checked by the Senior Jailor with reference to those of the preceding day and the actual number of prisoners in the Jail?	1. Rule Nos. 178 & 1172, B.J.M.
2. Is the scale of diet issued to prisoners in accordance with the labour actually done (Hard, Medium and light)?	2. Rule 1168, B.J.M.
3. Is the proportion of grain pulses and condiments, etc. according to the prescribed scales?	3. Rule Nos. 1175 & 1176, B.J.M.
4. Are changes if any in the sanctioned diet scales reported to the I.G.?	4. Rule 1161, B.J.M.

Register No. 16: Cash Book

<i>Item</i>	<i>Authority</i>
1. IS the amount of Permanent Advance regularly recouped?	1. Rule 28 (c) of F. P. No. 1.
2. Are regular receipts passed for all the amounts received by the Superintendent?	2. Rule 1 of F. P. No. 1.
3. Are all moneys received in the Jail promptly accounted for, and credited to the Treasury where necessary?	3. Rule 41 of F. P. No. 1 Rule 180, and 181, B.J.M.
4. Is a receipt obtained from the payee for every payment made?	4. Rule 23 of F. P. No. 1.
5. Are purchases of articles requiring I.G.'s sanction made only after such sanction is obtained (except in real emergency which is to be reported for post sanction)?	5. Rule 436, B.J.M.
6. Does the actual cash on hand agree with the book balance and is the physical verification of cash made on the first day of every month and a certificate recorded in the Cash Book?	6. Rule 7 of F. P. No. 1 and I.G.'s Circular No. 7226, dt. 4-4-51.
7. Are amount of pay, T. A. etc. promptly disbursed?	7. Rule No. 76 F. P. No. 1.
8. Are loans inadvertently taken from one account head to another?	8. See notes on Jail form No. 16 in Jail Account Manual.

Register No. 17 : Contingent Register

<i>Item</i>	<i>Authority</i>
(a) Are the sanctioned budget grants noted in the Register ?	(a) I. G.'s Circular No, 11324, dated 12-5-52.
(b) Are the progressive totals regularly worked out and carried over to the next month ?	(b) Rule No. 19 of F. P. No. IX. Manual of Contingent Expenditure.
(c) Is amount drawn from the Treasury after 10th of the month without submitting the D. C. Bill of the previous month to the I. G. ?	(c) I. G.'s Circular No, ACT-PR-VII, dt. 2-2-1954.

Register No. 18 : Receipt Book

(a) Are the vouchers and receipts (below Rs. 25) defaced and cancelled regularly ?	(a) Rule No. 33 of F. P. No. IX. Manual of Contingent Expenditure.
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Muster Roll : (Gen. 12 e.)

<i>Item</i>	<i>Authority</i>
(a) Is the summary of casual leave always kept up-to-date in Columns 6, 7 and 8 ?	
(b) Is excess grant of leave; If any, regulated ?	
(c) Is the sanctioned strength of establishment, pay scales and orders creating posts entered on the opening page of the register ?	

Register Nos. 20 and 21 : Clothing Register

(a) Is any article of clothing prematurely condemned ?	(a) Rule 1053, B.J.M.
(b) Are articles of clothing, bedding etc. issued according to the sanctioned scale ?	(b) Rule 1054, B.J.M.
(c) Are the articles recorded in the Register as unserviceable actually inspected by the Superintendent before they are condemned by him (in case of clothing) or reported to I. G. for his sanction ?	(c) Rule 487, B.J.M.

<i>Item</i>	<i>Authority</i>
(d) Is there sufficient stock of clothing and bedding in reserve for issue to prisoners?	(d) I.G.'s Cir. No. D-III/13612 dated 2-6-1952.

Register No. 22: Dead-Stock Register

(a) Is the inventory of all articles purchased (or obtained) kept up-to-date?	(a) Rule No. 81 of the Manual of Contingent Expenditure, F. P. No. IX.
(b) Is any article written off the book without the sanction of the competent authority. (No. and date of sanction should always be recorded against the relevant entry in the Register)?	(b) Rule 487, B.J.M.
(c) Is the stock of articles taken regularly in the last week of May every year, and the requisite certificate submitted to I. G. in the 1st week of June?	(c) Rule 80 of the Manual of Contingent Expenditure. (F. P. No. IX).
(d) Is the live stock checked regularly and the register kept up-to-date?	(d) I. G.'s No. ACT-PR-XII dt. 20-1-54.

Register No. 23: Sales Journal

<i>Item</i>	<i>Authority</i>
(a) Is the register regularly signed by the Superintendent?	(a) I. G.'s Circular No. 7, dated 3-11-1921.
(b) Are bills for the articles sold on credit to consumers prepared and issued immediately and the signatures of the purchaser or his authorised agent taken on the office copy of the bill in token of his having received the articles?	(b) I. G.'s Circular No. FCT-56, dated the 19-12-1953.
(c) Are invoices for the articles supplied to Government Departments sent regularly, and steps taken to get back the counter-signed invoices as expeditiously as possible?	(c) Rule 26 of F. P. No. IX. Manual of Contingent Expenditure.
(d) Is the summary of transactions drawn up regularly at the end of the month?	

Register No. 24: Factory Contingent Register

(a) Are the sanctioned budget grants noted in the prescribed columns?	(a) I. G.'s Circular No. 11324 dated 12-5-1952.
(b) Are the progressive totals worked out regularly and carried over to the next month?	(b) Rule No. 19 of F. P. No. IX, Manual of Contingent Expenditure.

<i>Item</i>	<i>Authority</i>
(c) Is amount drawn from Treasury after 10th of the month without submitting the P. M. Bill to the I. G.?	(c) I. G.'s Cir. No. ACT-PR-VII dt. 2-2-1954.

Register No. 25: Factory Cash Book

(a) Is the amount of the factory P. A. regularly recouped?	(a) Rule 28 (c) of F. P. No. 1.
(b) Are regular receipts made out for the amounts received by the Superintendent and promptly sent to the party concerned?	(b) Rule 1 of F. P. No. 1.
(c) Are all revenue receipts promptly accounted for and credited to the Treasury?	(c) Rule 41 of F. P. No. 1
(d) Is a receipt obtained from the payee for every payment made?	(d) Rule 23 of F. P. No. 1.
(e) Are articles which are required to be purchased through the Stores Purchasing Organisation purchased locally without obtaining sanction of the Stores Purchasing Officer. (This must be avoided unless indispensable)?	(e) G. R., D. D., No. SPO. 3252, dated the 25-11-1953.
(f) Does the actual cash on hand agree with the book balance, and is the physical verification of cash made on the first day of every month and a certificate recorded in the Cash Book?	(f) Rule No. 7 of F. P. No. 1 and I. G.'s Circular No. 7226, dt. 4-4-1951.

Register No. 26: Personal Ledger Account

<i>Item</i>	<i>Authority</i>
(a) Are the personal ledgers always kept up-to-date?	(a) I. G.'s Circular No. ACT-PR-V., dated the 20-8-1953.
(b) Are bills and reminders regularly issued to the credit customers. (See that the maximum credit limit is not exceeded)?	(b) Rule 252. B.J.M., & I. G.'s No. ADM-37, dated 7-5-1954.
(c) Are I. G.'s orders directing to effect recoveries promptly carried out?	(c) I. G.'s Circular No. ACT-PR-30-A, dated the 1-2-1954, Act 50, dt. 14-9-54.
(d) Is the account of amounts of advance kept properly?	(d) See notes on Jail form No. 26 in Jail Account Manual.

Register No. 27: Ledger of Daily expenditure of Raw Material

(a) Is a work order (Jail Form No. 161) invariably made out for every work before its execution is undertaken in the Jail Factory?	(a) I. G.'s Circular No. 7, dated the 10-7-1940.
(b) Is only the actual quantity of raw material required for the article under manufacture as per form No. 161 charged in this Register and the surplus if any returned to the Store Room?	(d) I. G.'s Circular No. 7, dated the 10-7-1940.

<i>Item</i>	<i>Authority</i>
(c) Does the Superintendent see the work order (Jail Form No. 161) and the articles manufactured simultaneously when he signs the register and fixes the selling price of the articles manufactured?	(c) I.G.'s Circular No. 7, dated 10-7-1940. (See notes on Jail form No. 27 in Jail Account Manual.)
(d) Are the wastages charged within the sanctioned percentages? (Make sure that the maximum wastages are not charged automatically but are charged according to the actual wastage found.)	(d) See notes on Jail Form No. 27 in Jail Account Manual.
(e) Is the selling price of Jail made articles fixed in accordance with marginally noted orders?	(e) G. R., H. D., No. 2161/7, dated 12-5-1953 and I. G.'s No. FCT-2, dated 11-6-1953.

**Register Nos. 28 and 29: Ledgers of Raw Materials and
Manufactured Articles**

(a) Are the overwritings attested by the Factory Jailer?	(a) I. G.'s No. FCT-35, dated 27-5-1953.
(b) Are the opening and closing balances checked and initialled by the Superintendent?	(b) I. G.'s Circular No. 5, dated 17-7-1936.
(c) Are the books always kept up-to-date?	(c) I.G.'s Circular No. ACT - PR-V., dated 20-8-1953.
(d) Are the quarterly stock verification certificates submitted to the I.G. regularly in the 1st week of January and June every year?	(d) Rule 483, B.J.M.

(e) Is I. G.'s sanction for the excesses and shortages obtained after each stock taking?

(e) I. G.'s Circular No. 13, dated 22-12-1939.

(f) Are there any unsalable or surplus articles in stock? (See that a report of such articles if any is submitted to the I. G.).

(g) Are the iron packing patties received along with bales, etc. taken to books regularly?

(g) I. G.'s No. FCT-R-VI dated 13-5-1954.

(h) Is a proper watch kept over the receipts of bales of yarn etc. for which advances were paid by the Jail?

Register No. 30: Factory Order Book

(a) Is adequate advance taken from all private customers before their orders are accepted?

(a) See notes on Jail form Nos. 27 & 30 in Jail Account Manual.

(b) Are orders executed promptly and in order of priority as far as possible?

(b) I. G.'s Circular No. 1292, dated 13-4-1976.

<i>Item</i>	<i>Authority</i>
(c) Is a summary of all pending work orders recorded here at the end of every month?	(c) See notes on Jail form No. 30 in Jail Account Manual.

Register No. 31: Store Requisition Book

(a) Are articles purchased for the Jail without making a proper requisition in the Register?	(a) I. G.'s Circular No. 10 dated 1-7-1927.
(b) Are columns 6 and 7 (i. e. particulars of monthly average consumption and stock on hand) invariably filled in?	(b) See notes on Jail form No. 31 in Jail Account Manual.
(c) Are full particulars such as home address of the suppliers, etc. obtained in respect of credit purchases?	(c) Do.
(d) Is the quantity recorded by the Jailor concerned or Steward himself in column 11?	(d) Do.
(e) Is the Voucher No. recorded in Column 20 of the register as soon as payment is made?	(e) Do.
(f) Is a summary of the transactions drawn up at the end of the month and details of the outstanding amounts due by the Prison entered in the Register?	(f) Do.

<i>Item</i>	<i>Authority</i>
(g) Are all purchased articles ledgered to the respective stock registers regularly?	(g) See notes on Jail form No. 31 in Jail Account Manual.

**Jail Form No. 141: Register of Prisoners sent to Courts under
Prisoners Act III of 1900**

1. Are the entries of all prisoners (sent out to give evidence or to answer a charge pending in a Court outside the local limits of the City, Town or Village in which the Jail is situated) made here regularly?

2. Are the History Tickets and warrants of all prisoners out under testimony kept separately?

3. Are the prisoners out under testimony for an unduly long period?

4. Are the Courts concerned expedited to send the prisoners back?

5. Are any prisoners handed over to the Police for enquiry without their sentence being suspended?

Jail Form No. 152: Money Order Book*Item**Authority*

1. Is the Register placed before the Superintendent for his signature regularly?

2. Are the amounts received for prisoners credited immediately to their respective accounts in Register No. 2 and Wage sheets?

3. Are the amounts received by Money Order credited to the cash book on the same day?

Jail Form No. 163: Grain Store Register

1. Is the Register written daily by the Ration Clerk and checked by the Senior Jailor regularly?

1. Rule Nos. 178 & 1172, B.J.M.

2. Are there always sufficient stocks of provisioning articles in Store?

2. I. G.'s Circular No. 22520, dated 23-8-1952.

3. Are orders placed with the contractors concerned and articles procured well before the stocks are exhausted?

3. Do,

<i>Item</i>	<i>Authority</i>
4. Are the quarterly stock verification certificates sent to the I. G. regularly?	4. I. G.'s Circular No. 7, dt. 9-3-1938. I. G.'s Circular No. 5133, dt. 29-3-1943. I. G.'s Circular No. 17184, dt. 4-7-1952. I. G.'s Circular No. 1247, dt. 12-1-1953. ACT-PR-XI, 8-6-1953. ACT-PR-XI, 9-7-1953. ACT-39, dt. 2-3-1954.
5. Is the purchase of other articles which dry or deteriorate quickly restricted to a week's or fortnight's supply only in order to prevent loss?	5. I. G.'s Circular No. ACT SR-XI, dated 15-12-1953.
6. Is the sanction of the I. G. obtained to write off shortages or to take to book the excesses found in the monthly or periodical stock takings?	6. Rule 482, B.J.M.
7. Is the actual stock of any of the articles of provisioning articles unduly large?	
8. Are the totals of receipts and issues worked out and the summary of the month (as given at the end of every account) drawn up regularly? (Take totals of daily issues of a few articles and make sure that the totals shown in the prescribed columns are correct).	
9. Are the actual issues of any articles in excess of the book balance?	

Jail Form No. 164: Grinding and Wastage Account

<i>Item</i>	<i>Authority</i>
1. Are the wastages charged within the sanctioned percentages? (Make sure that the maximum wastages are not charged automatically but are charged according to the actual wastages found).	1. I. G.'s Circular No. ACT-PR-B. V., dated 23-12-1953.
2. Is the bran account correctly maintained in this Register?	
(Make sure that the bran received from the Flour-Mill on Jowari, Bajri and Wheat ground during the month is accounted for under receipts in this account).	

Jail Form Nos. 41 and 44: Detailed Bills (i. e. D. C. Bill and P. M. Bill)

1. Are the marginally noted orders strictly followed while preparing the Bill?	1. I. G.'s Circular No. Canteen /8110, dated 29-2-1953 and ACT-PR-VII, dated 9-2-1954.
2. Are the amounts withdrawn from the Treasury after 10th of the month without submitting the detailed contingent bill of the preceding month to the I. G.?	2. I. G.'s Circular No. ACT-PR-VII, dated 2-2-1954.

<i>Item</i>	<i>Authority</i>
3. Are the provisions of Rule 319 of F. P. No. 1 strictly followed in case of drawals of amounts from the Treasury?	3. I. G.'s No. ACT. 35, dated 2-6-1954.
4. Are the points in marginally noted Circular verified before the submission of the P. M. Bill?	4. FCT-PR-II-B, dated 29-1-1954.
5. Are the Extra Diet statement and wages statement prepared in the prescribed forms?	5. I. G.'s Circular No. 25804, dated 23-9-1952.

GENERAL

(1) Canteen

1. Are the following points regarding the canteen coupons particularly observed?

1. I. G.'s No. CNT-SR-I, dated 13-1-1953 and 17-12-1953

(a) The surplus stock to remain with the Superintendent and a separate stock account of such coupons to be maintained by the Superintendent.

(b) Used coupons to be taken from the prisoners by the Superintendent every day, kept in his possession and destroyed every month after satisfying himself that the coupon account has been properly kept,

<i>Item</i>	<i>Authority</i>
2. Are the amounts of wages drawn regularly?	
3. Are canteen facilities wrongly given to those prisoners who are not entitled?	G. L. H. D. No. 4790/7-C. dt. 31-7-53 and I. G.'s. Endt. No. ADM-182, dated 5-8-1953.
4. Are all the statements prescribed for canteen submitted to the I. G. on the due dates?	I. G.'s. No. 31148, dated 12-11-1952.
5. Are articles required for canteen purchased from the Jail contractors?	I. G.'s. No. 22681, dated 21-8-1952 and No. Canteen 31975, dated 20-11-1952.
6. Make sure that the excesses and shortages noticed in the periodical stock takings are accounted for in books together with their values.	I. G.'s Cir. No. CNT2 dated 24-11-1954.

(2) Contract

1. Are agreement bonds taken from all contractors on a Court Fee Stamp of the proper value (see the Stamp Act).	1. I. G.'s Circular No. A/11/566, dated the 11-1-1952, and G. L. H. D. No. 2210/7-G dated 12-11-1954.
2. Are the cereals and pulses of good quality purchased and are they in accordance with the samples preserved in sealed bottles?	2. Rule 1161, B.J.M.; and I. G.'s No. A-IV/17048 dated 2-7-1952.
3. Are the amounts of security deposit taken to the Security Register and receipts of the Contractors obtained in that register on the return of their deposits?	

Item	Authority
4. Are the Jail contract rates obtained in Srs. per rupee instead of Lbs. per rupee?	4. I. G.'s No. ACT-SR-16 dt. 20-1-1954.
5. Are blacklisted contractors given any Jail contractor? Is a clause to the effect that "the I. G. is not bound to accept the lowest bid etc." inserted in the auction bidding notice?	5. I. G.'s No. CONFL. ACT-SR-X-479, dt. 15-12-54.
6. Is the procedure prescribed in the marginally noted orders followed while submitting auction bidding reports to the I. G.?	6. I. G.'s No. ACT-SR-X- dated 18-11-1953.

(3) Office Correspondence etc.

1. Have Office papers been properly filed and standing order files maintained and kept up-to-date? (Particulars see that there is a Standing Order file for each important subject).	1. I. G.'s No. 13629 dated 3-6-1952.
2. Are weekly arrear reports in the prescribed form regularly put up to the Superintendent by the Head Clerk? Does Superintendent take action regarding delayed cases shown in the Arrears List and guide the clerks regarding their disposal?	2. Rule 172, B. J. M. and I. G.'s No. 13629, dated 3-6-1952 and No. 30427, dated 7-11-1952.

Item	Authority
3. Is a regular account of waste News papers maintained and disposal of the waste paper done regularly?	3. I. G.'s Circular No. ACT-SR-X., dated 3-12-1953.
4. Are all the monthly returns and periodicals being submitted on the due dates?	4. I. G.'s Circular No. A/ 25989, dated 24-9-1952, No. 30427, dated 7-11-1952, and No. Canteen/36888, dated 30-12-1953.
5. Is the Head Clerk supervising the work of every member of the clerical staff and concentrating his attention on the speedy disposal of the work of each clerk?	5. Rule 169 (ii) and 175 B.J.M.
6. Is the stamp account checked by the Head clerk regularly?	
7. Is a separate account of receipt books (Jail Form No. 75) and cash memos (Jail Form No. 142) kept by the Steward or Head Clerk as the case may be?	
8. Are the prescribed steps taken to avoid illegal detention or premature release of prisoners?	8. I. G.'s No. ADM-167, dt. 6-2-1954.
9. Are the prescribed charts maintained?	9. I. G.'s No. ADM-PR XIII dt. 7-5-1953 and 9-3-1954.

(4) Dietary

<i>Item</i>	<i>Authority</i>
1. Are the daily requirements of firewood weighed in the presence of the Committee and not by a single Officer?	1. I. G.'s Circular No. 25743, dated 22-9-1952.
2. Are the scales, weights, and measures in use accurate and in proper order? Are they periodically got tested by the Weight Measurement Inspector?	2. Rule 479, B.J.M. and I. G.'s Circular No. 2987, dated 29-2-1944.
3. Is sweet oil weighed and added to the Dali or Vegetables in the presence of the B. M. S. O.?	3. Rule 1212, B.J.M.
4. Carry out a sample weighment and see whether the weight of the cooked food is correct or not.	4. Rule 1200, B.J.M.
5. Is the inspection of cooked food regularly done by the B. M. S. O., Jailor, or Superintendent?	5. Rules 1173, 1202, 1203 and 1211, B.J.M. and I. G.'s Circular No. 18071, dated the 10-7-1952.
6. Are the prisoners who are released before 10 a. m. given one meal and those released afterwards two meals?	6. I. G.'s No. 15493, dated 7-9-1942.
7. Are two batches of cooks employed and the arrangements of cutting vegetables made in accordance with the marginally noted orders?	7. I. G.'s Circular No. 19435, dated the 24-7-1952.
8. Are three breads made out of the sanctioned quota of dough instead of two as per marginally noted orders?	8. I. G.'s No. ADM-75 dated 14-6-1954, and Rule 1195, B.J.M.
9. Is oil mixed while preparing the dough of wheat breads?	9. I. G.'s No. ADM-PR-XXII, dated 5-6-1953.

(5) Economy

Item	Authority
1. Is use of telegrams and Telephones restricted to the minimum and is the prescribed register maintained up-to-date?	1. I. G.'s Circular No. 30838, dated 10-11-1952.
2. Is proper care taken for the custody of National flags?	2. Rule 449A, B.J.M.

(6) Employment

1. Are convict clerks employed in the Jail Office in contravention of Rules 1096, B.J.M.?	1. I. G.'s Circular No. 15280, dated 16-6-1952.
2. Are wages paid to prisoners at the sanctioned rates only and in accordance with task?	2. I. G.'s No. 17167, dated 3-7-1952. I. G.'s No. 26445, dated 29-9-1952. I. G.'s No. FDT/38, dated 26-9-1953.
3. Are labour charges at full rates for the prison labour supplied to clean the compounds of chawls and common latrines of the Jail staff regularly recovered from the staff members?	3. I. G.'s No EST-60 dated 7-7-1953.
4. See that prisoners who are convicted for forgery, fraud, or breach of trust etc. are not employed as Convict clerks either in Circles or Jail Office.	4. Rule 1096, B.J.M.
5. Are all attempts made to provide suitable work to all prisoners who can work?	5. Rule 1094, of B.J.M. and I. G.'s Circular No F/ 8502, dt. 28-2-1953.
6. Are the services of well-behaved convict overseers utilised for patrol duty?	6. Rule 371, B.J.M.

(7) Factory

Item	Authority
1. Does the price list of Jail articles accompany the Jail cart which carries Jail articles for sale in the local market and is the cost of the articles labelled on them in order to prevent fraud?	1. I. G.'s No. 8907, dated 5-3-1953.
2. Is there any scope for expanding the Jail Industries?	
3. Are the new rags and Tailor's cuttings sent to Yeravda Central Prison regularly?	3. I. G.'s No. FCT-PR-I dated 31-12-1953.
4. Is a correct record of the articles hired out to the staff kept regularly? Is the rent fixed in consultation with the Executive Engineer concerned and is it recovered regularly from the members concerned?	4. I. G.'s End No. FCT. 41, dt 13-10-1953.
5. Is the procedure of Sales Tax prescribed <i>vide</i> marginally noted orders followed correctly?	5. I. G.'s No FCT-6, dated 15-12-1953. (See notes on Jail Form No. 23, 25 and 26 in Jail Account Manual).
6. Are the articles which are not easily salable at sale room only given to merchants for sale on commission?	6. I. G.'s No. FCT-30, dt. 11-12-1953.
7. Is the account of Jail contractors checked by the Jail authorities?	7. I. G.'s No FCT. 30, dated 29-4-54.
8. Are the difficulties of Tech. Assistants considered by the Superintendent?	8. I. G.'s No. FCT. 53, dt. 8-10-1953,
9. Are the marginally noted orders about prohibition of smoking in godowns, weaving section etc. followed scrupulously?	9. I. G.'s No. FCT-32, dated 15-5-1953.
10. Are orders from Government Departments and Public entered in the Registers and remarks of cancellation of orders or diversion of orders etc. made against the relevant entry in the register?	10. I. G.'s No. FCT-35, dated 2-2-1954.
11. Is the staff recovery book maintained in the prescribed form?	I. G.s No. 3, dated 11-5-1937 and FCT-56 dated 8-10-1954.

Item	Authority
12. Is the despatch of Jail made articles to be sent to other Jails and Departments unduly delayed ?	12. I. G.'s No. FCT-PR-1. (Stn. 54/55), dated 17-9-1954.
13. Are steps taken to manufacture articles (indented by other departments) of the standard quality and within the scheduled period ?	13. I. G.'s No. FCT-PR-1. (Medical/53-55), dated 6-1-1954.
14. Are steps taken to train an adequate number of prisoners in Industries like Carpentry, Tailoring, Mochi, Smithy, etc. ?	14. I. G.'s No. D-III/8906, dated 5-3-1953.

(8) Garden

1. Are mangoes from Jail garden sold at the most favourable rates ?	1. I. G.'s No. ACT. 28. dt. 16-8-1954.
2. Is a proper account of trees on the Jail premises maintained ?	2. I. G.'s No. ADM. 347, dated 3-5-1954.

(9) Hospital

<i>Item</i>	<i>Authority</i>
1. Are all malaria patients in the Jail Hospitals provided with mosquito curtains?	1. I. G.'s Circular No. 6284, dated 29-4-1944.
2. Are the extra diets issued to prisoners as per marginally quoted rule?	2. Rule 606, B.J.M.
3. Is the Jail hospital properly equipped?	3. I. G.'s No. 25804, dated 23-9-1952.

(10) Increments

1. Are the increment certificates in their substantive time scale of pay of Jailors officiating in higher groups sent to the Accountant-General, Bombay with their pay bills?	1. I. G.'s Endt., No. 18060 dated 22-10-1942.
2. Are the increments of Jail sepoys, compounders, clerks etc. drawing pay less than Rs. 160 per month sanctioned by the Superintendent before they fall due?	2. Rule 83, B.J.M. and Rules Nos. 45, 46 and 47, B.C.S.R., Vol. I.

Item	Authority
3. Are the increment certificates of other members of Jail staff who are drawing more than Rs. 160 per month submitted to the I. G. two months in advance of the dates on which they actually fall due?	3. Rule 83, B.J.M. and Rules Nos. 45, 46 and 47, B.C.S.R., Vol. I.

(11) Jail

1. Are all the prescribed notice boards posted at the proper places?	1. Rules 285 & 278, B.J.M. and I. G.'s Circular, No. BLD-78, dated 13-11-1953.
2. Are the requisite articles kept in the passage between the two main gates?	2. Rule 354, B.J.M.
3. Are wells from which water is drawn for the Jail cleaned once a year regularly?	3. Rule 545, B.J.M.
4. Are staff quarters and Jail buildings white washed regularly and are they in a state of proper repair? (Point out deficiencies).	4. Rule 493, B.J.M.

Item	Authority
5. Is a register showing the details of repairs and white washing etc. effected in Jail buildings and quarters kept?	5. I. G.'s Cir. No. BLD-50 dated 29-11-954.

(12) Judicial Return

(a) Do the number of prisoners admitted and released agree with those recorded in Register Nos. 3 and 4 respectively?

(b) Are there any prisoners out under testimony for a considerable period of time?

(c) Do the details of age, previous occupation, etc. as recorded on page 2 of the return agree with those recorded in Register No. 3?

(d) Do the details of punishments recorded on page 3 of the return agree with those in Register No. 7 Punishment Register? (See that punishments awarded to U. T. prisoners are not included here).

(c) I. G.'s No. 16/5877 dated 15-11-1879.

I. G.'s No. 5921 dt. 14-5-1918.

(d) I. G.'s No. ADM-PK XIII, dt. 6-8-1954.

(13) L. F. Return

Item	Authority
(a) Is the number of prisoners unemployed unduly large?	
(b) Are the percentages fixed for the employment of prisoners on prison services, as convict officers etc. exceeded?	(b) Rules 1032, & 1093, B.J.M.
(c) Are the authorities for excesses and writes off under R.M., M.A., and T.P. recorded against the relevant entries in the return?	
(d) Is the adjustment bill for the amount of commission paid on factory sales submitted?	(d) G.R., H.D. No. 2761/3, dt. 4-9-1933 & I. G.'s Circular No. 15319, dt. 15-11-1933.
(e) Is any article of Tools and plants purchased without I. G.'s sanction where such sanction is required?	
(f) Are the outstanding bill for purchases made under T. P. and R. M. paid after three months without obtaining I.G.'s prior sanction?	
(g) Are the necessary steps taken to recover the outstanding amounts of credit sales from the customers concerned?	(g) Rule 252, B.J.M. & I.G.'s No. ADM-37, dt. 7-5-1954.
(h) Are any articles supplied to customers against the amount of advances paid by them? If so, have necessary steps been taken to carry out the adjustments for the same?	
(i) Does the amount of wages paid to prisoners exceed the prescribed limit of 1/5th of total convict labour earned by the factory during the month concerned?	(i) I.G.'s No. 20987, dt. 29-12-1950.
(j) Is the amount of Railway freight in excess of Rs. 10 paid in cash instead of using credit notes?	(j) I. G.'s Circular No. 1, dated 16-1-1939.
(k) Are the expenses over Jail Dairy divided in proportion to the supply of dairy milk to the Jail use?	

*Item**Authority*

(l) Do the amounts of expenditure (vide page 3) as allocated against the sub-heads of contingencies agree with the following corresponding records?

1. Amounts in column 1 to agree with pay bills D. C. Bill, Deferred Pay bill and T. A. Bills.

2. Amounts in column 2 to agree with provisioning voucher.

3. Amounts in column 3 to agree with Grain Statement.

4. Amounts in column 4 to agree with amounts of adjustments recorded in monthly expenditure statement.

5. Amounts in column 5 to agree with Register No. 23.

(m) Do the totals of debit and credit sides of the page 4 of the return agree with each other?

(14) Pension Papers

1. Is the preparation of pension papers of Jail employees drawing less than Rs. 250 taken in hand twelve months six months as the case may be, before the date of retirement of Government servant concerned?

1. Rule 123, B.J.M. and Government Finance Deptt. Circular No. 3266/33-X, dated 26-8-1952.

Item	Authority
2. Is a copy of the list of Jail employees retiring within the next six months sent to the District Magistrate regularly every quarter ?	2. Rule 123, B.J.M. and Government Finance Deptt, Circular No. 3266/33-X, dated 26-8-1952.

(15) Prisoners

1. Are cases of Class II prisoners confined in the yard meant for Class I prisoners reported to I. G. ?	1. I. G.'s Circular No 26465, dated 29-9-1952.
2. Is the physical counting of the prisoners' properly done and the result recorded in Register No. 12 or 13 as the case may be ?	2. I, G.'s No. Audit/Jails, dated 7-7-1953.
3. See that newspapers other than those approved by Government are not supplied to prisoners.	3. Rule No. 1355, B.J.M.
4. Is the censoring of prisoner's letters properly done by the Jailor concerned ?	4. Rule Nos. 1346, 1347 and 1349, B.J.M. and I. G.'s Circular No. 19321, dated 14-11-1942.
5. Are articles which facilitate escape left without surveillance in the yards ?	5. Rule 297, B.J.M.
6. Is the weighing of prisoners carried out fortnightly ?	6. Rule 741, B.J.M.
7. Is any prisoner put in fetters beyond 15 days without the sanction of the I. G. ?	7. Rule 1291, 1292 B.J.M.

Item	Authority
8. Are prisoners whose cases are under investigation under Rule 1493 B. J. M. segregated as far as accommodation permits ?	8. I. G.'s Circular No. 14721, dated the 20-8-1942.
9. Are the orders remitting the sentences of prisoners carefully scrutinized by the Senior Jailer & Superintendent before they are executed ?	9. I. G.'s Circular No. 18736, dated 3-11-1942. and No. 13613, dated 13-8-1943.
10. Is strict supervision maintained over prisoners entrusted with a Razor ?	10. I. G.'s Circular No. 148, dated 5-1-1913.
11. Is the advisory Committee of prisoners (Panchayat) formed at regular intervals.	11. Rule 1226, B.J.M.
12. Is the Register of A. B. 14 years report etc. maintained ?	12. I. G.'s Circular No. 6124, dated 10-2-1953.
13. Are the cases of prisoner "not recommended" again placed before the A. B. Committee after three years ?	13. G.R., H.D., No. 7495/3 II-C. dt. 29-10-1938.
14. Is every wage earning prisoner made to save 1/3 of his earnings ?	14. G.L.H.D. No. GQ. J. 1053-C dated 9-11-1953 & I. G.'s No. ADM. 187, dated 14-11-1953, dated 15-12-1953.
15. Are there any deserving prisoners for employment in Jail services ?	15. I.G.'s No. 30532, dated 8-11-1952.
16. Are the printed post cards regularly sent to the relatives of prisoners ?	16. G.R.H.D. No. LIP-1053, dated 4-1-1954 and I.G.'s No. ADM. 253, dt. 4-9-1954
17. Are the prisoners, letters (i. e., both incoming and outgoing) attended to promptly ?	17. Rule 1345, B.J.M.
18. Is a review of cases of prisoners requiring to be classified as "Habitual" taken by the Superintendent and the deserving cases referred to the D. M. ?	Rule 748.
19. Is the date of release of every female prisoner communicated to her relatives a fortnight before her release from Jail ?	Rule 954, B.J. 1.

(16) Purchases

Item	Authority
1. Are any articles of clothing & bedding purchased in the market without the I. G.'s sanction?	1. Rule 1049, B.J.M.
2. Are medicines purchased locally without I. G.'s prior sanction in contravention of marginally noted orders?	2. Rule 464, B.J.M., G.L., H.D., No. 448/7-C dated 18-5-1954 and dated 29-6-1954.
3. Make sure that the proposals for the sanction of expenditure for seeds, manure etc. are submitted with the requisite details.	3. I.G.'s No. ACT-49 dated 20-11-1954.
4. Are the articles of stationery purchased locally in contravention of the provisions of the marginally quoted rule?	Rule 474-A, B.J.M.

(17) Reforms

1. Is the orientation programme carried out in accordance with the marginally noted orders?	1. I. G.'s No. 22676, dated the 21-8-1952, No. B/61, dt. 31-8-1953, No 7214, dt. 19-2-1953, No. ADM-I (17), dated 27-7-1953. No. ADM-187, dated 29-7-1953.
2. Are History forms intelligently maintained and kept up-to date in respect of all prisoners sentenced to six months and more?	2. I. G.'s 23726, dated the 3-9-1952.
3. Is the Jail Radio entrusted to some responsible Jail guard and the prescribed timings for the working of the Radio observed?	3. I. G.'s No. 22546, dated 20-8-1952.
4. Is the Jail Library organized and used in accordance with the marginally noted orders?	4. I. G.'s No. ACT. SR. 13, dated 24-11-1953.

<i>Item</i>	<i>Authority</i>
5. Are prayers recited strictly in accordance with the marginally quoted orders?	5. I. G.'s No. 20233, dated 26-7-1952 and No. 29492 dated 29-10-1952.
6. Are all illiterate prisoners who should attend literacy classes doing so?	6. I. G.'s No. D-I/17937, dated 9-7-1952.
7. Is the P. T. of prisoners taken and the monthly statement submitted to the I. G. regularly?	7. I. G.'s No. 24954, dated 19-8-1950, and No. 17063, dated 2-7-1952.
8. Are the provisions of the marginally quoted rule followed strictly in inviting officials and non-officials at functions held in Jail?	Rule 197-A, B.J.M.

(18) Release

1. Are the release and surrender reports of prisoners released on parole and furlough submitted regularly to the Officers concerned?	1. Rule No. 1513, B.J.M. and I. G.'s Circular No. 10 I/31667, dated 17-11-1952.
2. Is a fresh release order obtained from the competent authority before releasing a prisoner who has surrendered to Jail before the receipt of orders extending his parole or furlough period?	2. Rule No. 1508 and 1512, B.J.M. and I. G.'s No. ADM-SR VIII, dated, 15-3-1954.

(19) Staff

Item	Authority
1. Are the marginally noted orders observed in the matter of grant of leave to the Jail staff?	1. I. G.'s No. C-III/16926, dated 2-7-1952. 17078, dt. 3-7-52, 17422, dt. 5-7-52. C-III/672, dt. 8-1-53.
2. Are cows, bullocks, and buffaloes kept by the Jail staff on Jail premises in contravention of the orders on the subject?	2. I. G.'s No. 8284, dated 27-2-1953.
3. Is the account of the Jail staff family Welfare Fund regularly maintained (the cash on hand should not exceed Rs. 25 at any time).	3. EST-72 dated 8-4-1954 and 29-9-1954.
4. Is the Register of increments maintained?	4. I. G.'s No. EST-99, dt. 19-10 53.
5. Is adequate security taken from the staff members?	5. Rule 59, B.J.M.
6. See whether the Superintendent visits:	
(i) The female section regularly.	(i) I. G.'s Circular No. ADM-PRI dated Nil May 1954.
(ii) Solitary cells daily? (If there are prisoners).	(ii) Rule 732, B.J.M.
(iii) Jail Hospital frequently enough.	(iii) Rule 733, B.J.M.
(iv) All other parts of the Prison staff quarters and garden once a week on uncertain days.	(iv) Rule 734, B.J.M.
(v) The prisoners at suitable intervals at meal times.	(v) Rule 1203, B.J.M.
7. Are the prisoners actually counted daily by the Senior Jailor and once a month by the Superintendent?	7. Rule 700 & 270, B.J.M.
8. Is the periodical verification of stocks of raw material, grains, canteen articles, drugs, instruments and dead stocks, etc. carried out?	8. Rules 483 and 553, B.J.M.
9. Is the requisition of extra clothing, diet, etc. made by the Medical Officers promptly complied with?	

<i>Item</i>	<i>Authority</i>
10. See that more than one Sepoy is not taken by the Superintendent and Jailor Group I as personal orderly, and sepoys and prisoners are not asked to do unauthorised work.	10. Rule 241, B.J.M. and G.L. H.D., No. EST-3754-C, dated 17-9-1954.
11. Does the Agricultural Officer or Field man supervise the distribution of surplus milk of Jail dairy?	11. I. G.'s No. ADM SR-X (L. S.), dt. 6-1-54.
12. Is only such portion of the kit as is urgently required brought by the Passenger train and the rest by goods train by the members of staff on their transfer?	12. I. G.'s No. 10450 dated 24-6-43.
13. Are notes about the due dates of expiry of the tenure of temporary posts kept in Register No. 4?	13. I. G.'s No. 1014, dated 9-3-45.
14. Are the claims (according to seniority) of Jail guards on deputation to Sub-Jails taken into consideration at the time of granting promotions?	14. I. G.'s No. 4964, dt 18-4-1945.
15. Is the stamp duty levied on gross amount of the pay bill or not?	15. I. G.'s Endt. 4178, dt. 13-3-42.
16. Is a Medical certificate of fitness produced by all newly entertained members of the Jail Staff?	16. Rules 10, 11 and 14, B.C.S.R. Vol. I.
17. Are any patent medicines and injections supplied to staff members and their families at Government cost?	17. Rule 242, B.J.M.
18. Is the requisite undertaking taken from every temporary Government servant?	18. I. G.'s No. C-III/8753, dated 3-3-1953.
19. Are Staff Meetings held regularly?	19. I. G.'s Cir. No. ADM PRI dated 28-1-1955.
20. Is the inspection parade of kit held regularly?	20. Rule 154, 155, B.J.M.
21. Is the training programme prescribed for Jail guards, carried out regularly?	Rule 127, B.J.M.
22. Is practice in ceremonial parades taken regularly?	Rule 128, B.J.M.

<i>Item</i>	<i>Authority</i>
23. Has every member of the clerical, executive and technical establishments of the Jail passed the prescribed Account and other Tests?	Rule 132, B.J.M.
24. Is the requisite certificate obtained before subsistence allowance is paid to Government servant under suspension?	Note to rule 223-A, B.J.M.
25. Is every vehicle purchased by a Jail officer with the help of advance insured according to Government orders?	Rule 426, B.J.M.
26. Has the physical verification of the Conveyances purchased with the aid of advance, done by the Superintendent regularly?	Rule 430, B.J.M.
27. Are promotions given strictly in accordance with Government orders?	Rule 121, B.J.M.

(20) Sanitation

1. Is there a Sanitary Squad for controlling the breeding places of Malaria?	1. I.G.'s Circular No. 600, dated the 13-2-1942.
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(21) Service Books

1. Is a Service Book prepared for every member of the establishment?	1. Rule 64, B.J.M.
2. Are all entries affecting the services of Jail staff made in their Service Books and attested regularly by the Official concerned and Superintendent?	2. Rule 167, and 170, B.C.-S.R., Vol. I.
3. Are the service verification certificates recorded in the Service Books of all Jail staff regularly in the month of January year?	3. Rule 177, B.C.S.R., Vol. I.

<i>Item</i>	<i>Authority</i>
4. Is the leave account in the prescribed forms maintained in respect of all Jail staff?	4. Rule 649, B.C.S.R. Vol. I and G.R.F.D. No. 2706, dt. 13-2-1952.
5. Is a Confidential sheet maintained for each member of the staff?	5. G.R.P. & S.D. No. 2263/-34, dt. 3-6-1942. P. & S.D. Circular No. CFR/1053, dt. 29-6-53 and I.G.'s Confidential Circular No. 861, dated 18-12-53.

(22) Stores & Office Records

1. Are all stores properly arranged either in the "Double Lock" or "Single Lock" in accordance with the marginally noted instructions?	1. I.G.'s Circular No. 1247, dated 12-1-1953.
2. Are the old records properly preserved?	2. G.R.J.D. No. 1780, dt. 30-5-1905.
3. Is the destruction of old record done regularly and correctly?	3. Note to Rule 1236, B.J.M.
4. Are the costly articles kept in galvanized iron sheet containers?	4. I.G.'s Circular No. ACT-PR 39, dt. 9-3-1954.
5. Is the periodical sale Misc. articles such as leather cuttings etc. done?	5. I.G.'s ADM-37, dt. 9-7-54 & ACT-28, dt. 22-5-54.

(23) Store Account

Item

Authority

(a) Do the cost of non-consumable stores both in balance at the beginning and end of the year agree with those recorded in the relevant Dead Stock Registers?

(b) Are the figures required for Parts I and II of the Return complied in accordance with instructions contained in the marginally noted orders?

(b) I. G.'s No. 5472, dt. 25-4-1929.
No. 14823 dt. 29-8-1941.
No. 21518, dt. 14-12-1943
No. 6910, dt. 20-4-1946.
No. 5785, dt. 31-3-1947.

(24) T. A. Bills

1. Are the T. A. Bills of Jail staff regularly prepared in the first week of every month?

1. I. G.'s Circular No. 11122 dated 19-5-1952.

2. Are the original details of travelling allowance claims furnished by the parties concerned in time and kept on records along with the Office copy of the T. A. Bill?

2. I. G.'s Circular No. C-II/3754, dated 2-3-1953.

(25) Annual Establishment Returns*Item**Authority*

1. Are these returns prepared as per instructions in marginally noted Government orders?

1. G.R.F.D. No. 2704/3 dt. 15-4-1940, dated 7-11-40, 30-4-40, and G.R.F.D. Circular No. EST-5754, dt. 20-2-1954.

(26) Weekly Return

(a) Do the figures of admission, releases, etc. of prisoners agree with those in Lock Up and Employment registers?

(b) Do the Jail Officers pay night visits to the Jail regularly and record the time etc. in lock up register in their own hand?

(c) Was the practice alarm sounded during the month concerned?

(b) No. 9743, dt. 23-6-1948
No. 24567, dt. 10-9-1952.
No. 35542, dt. 18-12-1952.
No. ADM-PR-1, dt. Nil-6-1953.

(c) I. G.'s No. 8, dated 19-5-1920.

APPENDIX V

[Rule No. 430 B.J.M.]

ABCD LIST OF JAIL DEPARTMENT

Note.—H=To be filed in the I. G.'s office.

J=To be filed in the Jail office.

S. No.	Document.	Remarks and instructions.	H	J
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Laws, Rules and General Administration

1	Council Questions	No separate classification. Deal with each in its comp. and class under item Nos.		
2	Acts, Departmental and District Manuals, composition of Standing orders, books, law reports, Gazetteers, selections, printed A. R. Agriculture, Art, Veterinary Journals, Co-operation conferences and leaflets and the like.	Enter in classified library catalogue noting dates of receipt, cost, removal etc. (II).	A	A
3	All the above, when obsolete or superseded by new editions, and loose copies of Acts, when bound books substituted.	If needed by any other Office they are not Obsolete. In administrative offices old Acts are needed for reference.	D	D
4	Boune Volumes of Gazetteers with statistics posted up-to-date.	Until embodied in revised editions, or otherwise printed.	A	...
	Composition of statistics or information on History Ethnology, etc., for Gazetteer or similar publications.	Until completed and submitted for publication will be current paper. If there is delay in publication, file temporarily among A pp. when published	C	...
6	Trade price lists and Catalogues of articles used in the Department such as tools, hardware paint, office appliances, stationery, tents.	Maintain a file and replace old ones by new: not replaced.	C	C
7	Bombay Government Gazette Part I.	Indexed annually by Government. One complete set should be preserved by the I. G. The Prison Superintendents should preserve only.	A	... B

S. No.	Document.	Remarks and instructions.	H	J
		those pages which contain notifications affecting their jurisdiction, including General Notifications (excluding leave, appointments, etc.,) which are recorded by the A. G. (III)		
8	Bombay Government Gazette, Part I-A. (Local Bodies).	Do.	A	B
9	Bombay Government Gazette, Part II. (Miscellaneous Notices, Vital statistics).	These are not necessary for Superintendents	C	...
10	Bombay Government Gazette, Part III. (Prices, rain, season).		B	...
11	Bombay Government Gazette, Part IV. (Bombay Acts).	Until published as books.	A	A
12	Bombay Government Gazette, Part V. (Bombay Progs).	...	B	...
13	Bombay Government Gazette, Part VI. (Trade Returns).	...	C	...
14	Bombay Government Gazette, Part VIII. (S and T. Notices, etc.)	...	A	...
15	Bombay Government Gazette, Parts VIII, IX, X. (Vern. and Acts).	Until published as books	A	A
16	Bombay Government Gazette, Supplements.	...	Z	Z
17	Bombay Government Gazette, Extraordinary.	Always reprinted in the following ordinary gazette.	D	...
18	Bombay Government Gazette, Annual Index.	...	A	A

S. No	Document.	Remarks and instructions.	H	J
19	Gazette of India, all parts.	...	C	...
20	Memos. advising the despatch of Acts, Books, Journals, etc., and all ancillary correspondences intimating no. of copies required, complaint of non-receipt, etc.	Note details on cate- Catalogue (No. 23).	D	D
21	Distribution Memos. and receipt from Subordinate Officers for Acts, Books, Manuals, Press, Notes, etc., supplied.	Note details on catalogue or on copy kept by Superior Officer (II).	D	D
22	Circulation Memos. covering any printed matters or report or pp. circulated to Subordinate officers.	Note fact of circulation on document itself (II).	D	...
23	Library Catalogue or Register. (G.R., R., D., 5376 of 2-6-11).	While in use, keep in Library. When old or disfigured recopy and file old Register (VII).	C	C
24	Library issue book or file of issue slips.	As above, but if no book is kept destroy the slips only after return of issues.	D	D
25	O.C. of charge report stating the condition of Library, Records and Dead Stock.	Endorse note below Catalogue or Register and keep no copy (II).	D	D
26	Charge reports of Libraries, etc., received from Sub-Officer.	Heads of Clerical staff are responsible for library. (R. 684-03) I.G. has been invested with powers to write off missing books (F. P. VII, Rule 329).	B	B
27	Government Resolutions in all Departments.	Keep all notes of distribution or circulation on the filed copy and keep one or two spare copies (if likely to be needed) in the same file.	A	A
28	Press notes, proclamations and notifications (a) if published in Gazette or G.R.	Publish and distribute copies received, treat any surplus as.	D	D

S. No.	Document.	Remarks and instructions.	H	J
	(b) If not published in Gazette or in a G. R.	Treat like G. R.	A	A
29	Circulars and standing orders received from Superior Officers (of A and D classification i.e., nature) including specimen forms.	Issuing Officer will classify and manualise, but if he omits.	Z	Z
30	O. C. of circulars issued to Sub. Officers with connected papers.	Even a D Circular for observance on a single occasion (visit of Hon. Ministers, etc.) may be kept in issuing office as a precedent. (VI).	Z	Z
31	Rulings and decisions of Government, I. G. or Superintendent communicated for guidance otherwise than by G. R. or Circular.	Whenever Manual or correction slip arrives instruct R. K. to put up case for reclassification (Z).	B	B
32	Do. delivered upon local cases.	Will often be manualised, but until so treated, raise the classification of the case, so that it will be indexed.	B	B
33	Powers and duties of all classes of officers; (so far as decided by the I. G. or Government, such as authority to inspect, relative responsibility and subordination.	Until included in the Jail or other Manual.	B	...
34	O.C. of report on bills sent for opinion with statistics and report received from sub-officers for incorporation.	Unless subsequently printed in G. R. and after weeding (V).	B	C
35	Enquiries from other Districts or offices as to our practice or opinion.	If the discussion leads to any orders we shall receive them (III).	D	D
36	Office copy of Adm. A Report with appendices.	Weed out (V) all pp. embodied in report and appendices, including explanations, corrections and discussions, ending in amendment of R. If received in print, keep printed copy as.	B	B

S. No.	Document.	Remarks and instructions.	H	J
37	Extracts from or duplicates of do. sent to other officers for information.	Preserve no separate office copy.	...	...
38	Office copy of information, Statistics, R., etc., submitted by Sub-Officers for incorporation in District or State Administrative Report.	...	...	C
39	Inspection Memos. issued for guidance of inspected office (including Departmental Audit Notes).	...	B	B
40	Inspection Memos. issued for guidance of inspected office (including Departmental Audit Notes). O. C. in Issuing Office.	Manualise any matter requiring general instructions.	C	C
41.	Extracts from Official Visitors' notes on Jails and correspondence thereon.	These are extracts from fixed Register Form No. 14.	D	D
		If the discussions lead to important orders or decisions raise their classification according to subject, if not.	D	D
42	Errors for correction and explanations called for on inspection.	If explanation is satisfactory and no specific order is given otherwise class according to subject.	C	C
43	Discussion as to forms or accounts and returns and proceeding of all kinds.	Till manualised	B	B
44	Discussions on points of principles, interpretation, procedure of administration which do not result in the issue of any orders such as proceedings at a conference of District Officers or Superintendents.	If any orders issue, each separate case falls under 29 and 31. Many such discussions are specifically mentioned under the chapters in which they arise.	B	C
45	Correspondence on opening or abolition of Jails, such as declarations of Prisons under Prisons' Act.	Abolish gazetted and weed and preserve chief reasons.	A	A
46	Alteration of District or other Headquarters.	...	A	...

S. No.	Document.	Remarks and instructions.	H	J
47	Advisory Boards for Jails and their recommendations.	Copies are sent to the I.G.P. for action.	B	C-I
48	Juvenile Boards for Prisons and their recommendations.	...	B	C-I
49	Question on above orders.	If the orders are not published in Gazette or G.R. treat like G.R.	A	A
50	Security Prisoners and correspondence on them.		B	C-I
51	Military Prisoners and correspondence on them.	...	C-I	C
52	Professional convicts and correspondence on them.	...	C	C
53	Correspondence on Political Refugee.	Returns of Political Prs. G. R., J. D., No. 5801, 10-10-10 be treated as D. Pps.)	C-IC-I	
54	Out Break of riots in Prisons and their dispersal.	Weed out important decisions and orders and preserve as.	B	B
55	Correspondence on fixation of scale of dietary to prisoners.	Till manualised	B	B
56	Leases or transfer of lands for use of Prisons.	Weed out and preserve important decisions or orders.	A	A
57	Correspondence about grant of remission of sentence.	If the prisoner is released early, treat as D.	C-IC-I	
57 (A)	Correspondence on transportation sentence inflicted on Prisoners.	Weed out and preserve important papers.	B-15B-15 yrs.	15 yrs.
58	Proposals for telephone connections for administrative objects.	If not embodied in G. R. or other preserved cases.	B	B
59	Correspondence on escape of prisoners from Prisons and in transit.	Rulings and decisions of Government or I. G. communicated in lieu of G. R. be preserved as.	B	B
60	Exhibition of magic lanterns and films for education and recreation of prisoners and correspondence thereon.	(i) Returns and reports from the Jails be treated as.	D	D

S. No.	Document.	Remarks and instructions.	H	J
		(ii) Weed out and pre-serve important decisions of Government or I.G.	A	A
61	Literacy classes for prisoners and correspondence thereon.	(i) As 60 (i) (ii) As 60 (ii)	D A	D A
62	Questions on Physical training to prisoners and guarding staff.	Weed out and preserve important decisions of Government or I.G.	A	A
63	Correspondence on award of punishment to prisoners.	Treat periodical returns as. Until manualized	D B	D B
64	Insane prisoners and correspondence concerning them.	...	C-I	C-I
65	Execution of condemned prisoners.	...	D2 yrs.	D2 yrs.
66	Correspondence on release of prisoners and lads in Borstal School, Dharwar, on (i) Parole and furlough.	In case of those who do not surrender at the end of the stipulated period, the classification should be raised to C. I.	C	C
67	Transfers of prisoners. (Inter-State, Jail to Jail and P. R. T.).	...	C	C
68	Nominal Rolls of B Class Prisoners.	...	D	...
69	Judicial Return (G.O., J.D., No. 2814-12-5-11) with accompaniments.	...	C	...
70	Labour and Financial return (G.R., J.D., No. 1222, 28-12-1911).	...	C	C
71	Memoranda of factory and other payments made into Government Treasuries.	...	C	C
72	D>Returns.	...	C	C
73	Annual tabular statements.	...	C	C
74	M. Os. reports extract from Register No. 32).	...	D	...

S. No.	Document.	Remarks and instructions.	H	J
75	Sick return and sanitary reports (G.R., J.D., No. 1451, 9-3-11) cases of sick prisoners and <i>post-mortem</i> notes (including sick and mortality among prisoners confined in lock-ups).	...	D2 yrs.	D2 yrs.
76	Cash-balance reports (G.R., J.D., No. 5801, 11-10-10).	...	D2 yrs.	D2 yrs.
77	Return of undertrial prisoners detained over 3 months.	...		D
78	Undertrial Warrants.	...		D2 yrs.
79	Enquiries re : prisoners from outsiders and prisoners interview correspondence.	...	D	D
80	Statement of punishment awarded to prisoners.	...	D	D
81	Letters and interviews withheld from prisoners.	...	D	D
82	Return of annual Shooting and grant of prizes.	...	D	D
83	Report of epidemic outbreak in Prisons.	...	D	D
84	Discussion about starting of hand-loom and similar Jail industries.	All important orders and decisions or Government or I.G. should be preserved as A.	Z	Z
85	Prison Presses and correspondence thereon.	Weed out and retain important Government orders if not published in Gazette or G. R. as.	A	A
86	Employment of convicts on various works and questions thereon.	Do.	A	A
87	Tenders for supply of provisions to Prisons and Head-quarter Sub-Jails and sanctions thereto.	...	C	C

S. No.	Document.	Remarks and instructions.	H	J
88	Exhibition of Jail made articles at various shows) and correspondence thereon.	The Prison Superintendent has full correspondence as the Jail made articles are in his custody. Weed out all and sort:	...	...
		(i) Historically and Administratively interesting report or abstract.	B	B
		(ii) Accounts of recoveries and expenditure.	...	C
Records				
89	A, B, C, D lists of records to be preserved or destroyed.	Till manualised	A	A
90	Office Order book for record and correspondence system.	...	A	A
91	Indexes of records and of filed pp. (A or B).	The record room itself is not part of such other branches of the office, but a separate branch under "Administration."	A	A
92	Lists of old pps. now shorted and some (B or C) destroyed and the residue freshly indexed.	Do not in future prepare, but if they do exist anywhere.	D	D
93	Loss or damage to records or current documents and their replacement.	After settlement, note in Index or other suitable place.	D	D
94	Issue books or slips for records and all correspondence about their returns.	Keep carefully as current till records are recovered,	D	D
95	Applications for copies or searches and all ancillary pps.	...	D	D
96	Receipt books, Treasury receipts for comparing fees and cost of pp. M. O. and V. P. P. vouchers, etc.	...	D	D

S. No.	Document.	Remarks and instructions.	H	J
97	Inward and Outward correspondences Register or case (Madras system) Registers or (Maxwell) file Register 1915 onwards.	Since in future all A and B pps. will be Indexed we shall not require these Regrs. for tracing them.	B	B
98	Inward and Outward correspondences Register or case (Madras system) Registers or (Maxwell) file Register for 1914 and earlier years.	Destroy unconditionally when 30 years old.	...	...
99	Register of receipt and despatch (P. R. B.).	P. Rs. themselves are dealt with under their department heads.	C	C
100	New Indexed Docket Sheet Office System:			
	(i) Docket Sheet Register.	Vide 91 above	A	A
	(ii) Indexes.	Vide 91 above	A	A
	(iii) Special Registers.	According to the nature of cases entered therein.	...	...
	(iv) Periodicals, permanent file of Standing Orders and forms.	Current till revised or reconstructed them.	C	C
	(v) S. I. File:	According to the contents C & D cases should be noted on the jacket.	...	...
101	Peon's hand local delivery book.	...	C	C
102	Post and Telegram Despatch Book or Daily Despatch lists.	...	C	C
103	Account of Service Stamps (Including telegrams) form A (R-855/24-20-1-25).	Carry forward any and standing orders.	C	C
104	Consolidated abstract of Service Stamps form B (Do.)	...	C	C
105	Indents and all PPs. about supply of Service Stamps.	Enter all orders and note all supplies and issues in account book (II).	D	D
106	Misuse of Service Stamps.	Enter all orders and note all supplies and issues in account book (II).	D	D

S. No.	Document	Remarks and instructions.	H	J
107	Returns and Reports (in or out) as to state of work (e. g. unanswered references, disposed files, pending cases, progress in sorting records.)	Each such R. super-sedes its predecessor.	D	D
108	Progress reports (in or out) particular cases.	When any work such as manufacture of Jail made articles or sorting of old records is taken up the whole subject constitutes a case. If the progress reports are sent the first and the last (showing the total work completed and dates) should be kept noted on case. All others can be weeded out (V).	...	...

Tours

109	Tour programmes of I. G. or other officers (issued or received) and intimation from other Departments regarding their visits.	Records of touring are in Administrative Report.	D	D
110	Instructions about post and telegrams.	...	D	D
111	General arrangements about window delivery and post bags.	...	C	C
112	O. C. of Diaries in despatching office and F. C. in receiving Office.	Do not use diaries as substitute for case correspondences (I) for obtaining orders or reporting matters.	C	C
113	O. C. of Diaries in other Dists. or officer received in transit only.	Retain no copy	C	C
114	Complaints about supply of provisions or carts to touring officers.	May be entirely trivial or involve important principles (VI).	Z	...
115	Fixation of cart rates.	...	B	...

S. No.	Document	Remarks and instruction.	H	J
116	Enquiries about distance for T. A. purposes.	(III)	D	D
117	T. A. Bills with acquaintances.	A. G. has F. C. (as paid voucher)	C	C
118	Bills or Memos. sent for consolidation into-T. A. Bill of Prison or Huzur Est.	After audit period	D	D
Accounts, Dead Stock and Stationery for Jail Officers only				
119	Dead or live stock Register including (Jail instruments) and tools.	In current use (VII).	C	C
120	Purchase or transfer of dead-stock, sanction allotments, bills etc. (including live stock).	Enter in Register with sufficient particulars (II).	D	D
121	Sale, loss or write off of D. S.	Enter in Regr. with sufficient particulars (II).	C	C
122	Annual statement : of expenditure on imported stores (due 15th May to Government direct-G 5673-15).	If not blank	C	C
123	Charge reports, notes as to dead stock or periodical certificates.	See 26 above, No. o. c. needed in despatching office.	B	B
124	Annual or quinquennial detailed report on dead stock, in receiving office.	Do. (II)	D	...
125	Model indents for stationery and forms.	Till modified or superseded.	A	A
126	Stationery and forms receipt, issue and balance Registers, (N. B. Stationery includes all consumable stores).	G-2367-23 and 1538-24 (J)	C	C
127	Indents for stores, stationery or forms.	For return of boxes to Yeravda and nail extractors see-R. 5663-10,9840-11.	C	C
128	Purchase of News-papers, Journals, Books.	Enter in library list, If necessary.	C	C

S. No.	Document.	Remarks and instructions.	H	J
129	Sanctions to local purchases of stationery.	Now practically extinct except for newly created officer in the first year.	...	...
130	Advices of despatch of Stationery packing accounts from the A. G.	} Emboding in Regr. or O. C. of indent form.	D	D
131	Indents and Memos. of requirements of stationery and forms from Sub-Office.			
132	Six monthly report on purchase of textiles.	...	C	C
133	Press orders and local printing (under sanction of Director of printing).	After payment and audit.	D	D
134	Insertion of advertisements in News-papers or Gazette.	Weed out of case and destroy after insertion.	D	...
135	Register of contingent charges.	Transfer any contingent voucher to 138.	C	C
136	Accounts of Expr. of fixed (un-audited) contingencies.	(App. E-D, CAC. 8th Edn.).	C	C
137	O. C. of detailed bill.		C	C
138	Vouchers (if not sent with bill).	*Must be marked "cancelled".	C	C
139	O. C. and F. C. of Memos. or bills submitted to Superior Office for consolidation.	After disposal	D	D
140	Monthly statement of progress of expr. under all heads (both O. C. & F. C.).	...	D	D
141	Permanent advance register.	...	C	C
142	Alahida Wahi, Hathia rozmel or Taba-Wahi. unofficial deposit Register for undisbursed pay, allowances, etc.	...	C	C
143	Annual acknowledgment of P. A. in receiving office.	No. O. C. required in despatching office.	C	C

S. No.	Document.	Remarks and instructions.	H	J
144	Extracts of A. G.'s objection statement and O. C. of replies.	(Vide accounts 16)	C	C
145	Budget note book.	(Vide accounts 17)	C	C
146	Printed Budgets or inward Memos. communicating grants and distribution memos, issued to Sub-offices.	Note or keep with the Regr. of charges concerned till expiry of period for which valid.	D	D
147	Contracts & agreements or counterpart agreements with farmers or agents for monopolies or licensed shops.	So long as the contract etc. is in force keep pp. as current (stamped bonds, securities etc. should be placed in the safe). As soon as the contract ends even if renewed by fresh contract file pp. as.	C	C
148	Agreement with contractors till terms are fulfilled and thereafter.	...	C	C
149	Note of auction conditions.	Keep with case pp.	C	C
150	Memos. of bids deposits and refunds thereof.	Weed out of case pp. when filed under 147 (V).	D	D
151	Solvency certificates received.	Do.	D	D
152	Taluka enquiries as to solvency and Register of Certificates issued.	...	C	C
153	Notices of advertisements of contracts sales, auctions, notices of elections, epidemics etc. received from other Dist. or office and ancillary pp.	After publication and expiry of period (III).	D	D

II. Establishment.

- Discussions of orders about strength of fixed est. scales of pay-fixed T. A. and local allowances, extent of duties and distribution of sazas i. e. area etc.

Weed well, usually final B
G. R. supplies.

S. No.	Document.	Remarks and instructions.	H	J
2	Entertainment of temporary establishment, including Foreign Service.	Neither these pps. include appointment of individuals.	B	...
3	Statement showing the strength of Extra-establishment required at the Prisons (G.R., H.D. No. 4893-III-9-7-1925).	...	D2 yrs.	D2 yrs.
4	Certificate of age and nationality for I.C.S. State Service, etc.	(Must be used within limited period).	C	C
5	Applications of candidates.	Current file, till either accepted or rejected, then.	D	D
6	Register of passed candidates.	...	D	...
7	Intimations of appointment & postings of GOs.	Do not keep after disposal.	D	D
8	Appointment of non-gazetted ministerial, or menial officers (including guarding staff).	Enter in S. B.	D	D
9	Training Classes for clerks etc.	...	C	C
10	Service Books.	Are current records so long as officers serve, then if not handed over to heirs (R-3792-01).	C	C
11	Civil Surgeon's certificate.	Attach to first pay bill	...	...
12	Employment and training of upper branch probationers and State service probationers, etc.	...	C	...
13	Permission to appear for Departmental obligatory examination, including language, etc. failures, exemptions extensions of time etc.	Note and concentrate results in S. B. before filing,	D	...
14	Conduct of examinations, time-tables, lists of candidates etc.	...	D	...

S. No.	Document.	Remarks and instructions.	H	J.
15	Tables of results of examinations, time-tables, lists of candidates etc.	If gazetted If not, then	C B	......
16	Charge reports.	Either filed by A. G. or noted in S. B., vide Adm, 25, 26 and 123.	...	...
17	Postings, transfers, promotions, (including increment certificates) reversions etc.	Do not file till posted in S. B. and gradation lists.	C-I	C-I
18	Efficiency bars.	Do.	C	C
19	Gradation lists of all kinds, in office in which they are maintained.	Entries should be attested keep as current till fresh one prepared, file (VII),	C	C
20	Gradation lists of all kinds in office to check which are communicated.	(After receipt of fresh one).	D	D
21	Permission to accept outside work or remuneration.	Note in S. B.	C	...
22	Permission to acquire landed property or invest in Co-operative Societies etc.	Note in S. B.	C	...
23	Return of landed property sent to Government.	Abstract into S. B.	D	...
24	O. C. of landed property sent in Sub-Office.	Kept till next is submitted,	D	D
25	Security Bonds.	Keep in safe custody as current so long as in force then	C	C
26	Annual report of solvency of sureties.	After next return is received.	D	D
27	Alleged defalcation, misconduct, fines, reduction of all classes of officers,	Either summaries into S. B. and class D. or preserved as B.	Z	Z
28	Jail enquiries as to.	...	C	C
29	Recovery of defalcated sum from sureties.	...	C	C

S. No.	Document.	Remarks and instructions.	H	J
30	Transfers to Foreign Service.	Weed out all but final orders of Government etc. embodying essential facts and see that S. B. is attested by A. G. and sent to officer.	B	...
31	Loans of Government Servants (on payment) to Railway, Municipal or other bodies.	Enter facts in S. B.	C	...
32	Dismissals, invalidings and resignations, discharge on reduction, etc.	...	C	...
33	Supply of arms and ammunition to prisons and correspondence relating thereto.	Preserve important orders and decisions as. Correspondence on periodical supply as.	A	A D 2 D 2 yrs. yrs.
34	O. C. of absentee statement of Jailors (Group II and III) and Establishment, etc.	A. G. keeps for 35 years	C	C
35	Report of clearance of stock of drugs.	...	D	D
Pay and allowances:				
36	Sanction to advances for tentage, house building, Motors, Ponies, Cycles, etc. advances on transfer etc.	Advance like tentage Motors, etc., require Government sanction.	C	...
37	Papers relating to allowances tentage, conveyance, house rent, compensation and the like.	...	C	C
38	Eligibility of condition of subscriptions to G.P.F. and nomination of beneficiaries (not standing order).	Orders will be noted in the A. G.'s Office.	C	C
39.	Sanctions of advances of G.P.F.	Communicated to Treasury and quoted on voucher.	C	C

S. No.	Document.	Remarks and instructions.	H	J
40	Indents for Peons' clothing and guarding staff and pp. relating to its periodical supply.	...	C	C
41	Register of clothing issued.	(VII).	C	C
42	Enquiries about grain or other rates from other Districts.	(III)	D	D
43	Salary bills of gazetted and Quasi-Gazetted Officers.	(F. 3038-18 applied to paid vouchers). O. C. should be kept by himself. L.P.C. is prepared from Try. Register.	...	...
44	Salary slips and leave salary certificates.	...	C	C
45	O. C. of paybills of any pensionable establishment with acquittance rolls, if separate (T. F. 8).	Every person must be shown in the Establishment return and have S. B. Preserves for 6 years for Government Servants for whom annual est. returns and records of services are maintained.	C	C
46	O. C. of paybills or muster rolls of temporary or non pensionable establishment.	For Superior Government Servants Keep for 35 years whether names are not shown in the est. returns and no S. B.s are maintained.	B	B
47	Honoraria and deputation allowance for special work.	Note in S. B. if non-gazetted.	C	...
48	Rewards for guarding staff for special work, such as quelling of disturbances or tracking of prisoners trying to escape from the Jail custody.	Note in S. B.	C	C
49	Last pay Certificates.		D	D
50	Leave of all kinds except casual.	Enter in S. B. and file after termination.	D	D

S. No.	Document.	Remarks and instructions.	H	J
51	Leave Account.	Kept with S. B. current so long as the officer is in service then.	C	C
52	Casual Leave Register.	(VII)	D	D
53	All Pps. about casual leave.	After note in register.	D	D
54	Note of attachment of salary by Civil Courts.	Note in S. B. keep current till satisfied then.	D	D
55	Service of summons on employees.	Returned to Court III.	D	D
56	Recovery of Bhatta of Government servants.	After credit into Treasury	D	D
57	O. C. of annual report of est. as it stands on April 1st.	A. G. keeps for 35 years.	C	C
58	Annual statement of gazetted officers attaining 55 years.	Returned to A. G. through the I. G.	...	...
59	Annual statement of Non-gazetted officer (60 years) with reports of sub-officers on the extracts sent to them.	...	C	...
Pensions				
60	Pensions, gratuities etc. refused.	...	C	...
61	Grant of Pensions and verification of service and all other preliminary papers.	File only after the PPO is issued.	C	...
62	Cases in which invalid pensions have been taken.	...	B	...
63	Gratuities.	Whether granted or refused.	C	...
64	Extra-ordinary pensions.	Just as ordinary.	C	...
65	Commutations of pensions.	R 10130, F. 1523-14.	C	...
66	Commutation agreements.	Till fulfilled	...	...
67	Heirs of deceased pensioners.	...	C	...

(All other pension papers belong to Treasury).

S. No.	Document.	Remarks and instructions.	H	J
III. Accounts				
<i>Budget</i>				
1	O. C. of Budget estimates of Prisons and sub-Jails with their schedules and appendices (statement of new and unusual items).	All the estimates will be dealt with, consolidated and filed in I. G.'s Office although the Jails have to be consulted.	C	...
2	All notes, information and correspondence regarding Budgets from sub-Offices or other branches.	After incorporation. Some may be worth keeping till next year to help prepare next budget.	D	...
3	Correspondence with A. G. or I. G. as to Budgets unless ending in a general instructions or rule (<i>vide</i> Adm. 29 above).	...	D	...
4	Printed budgets received from A. G. or other officers communicating grants.	(<i>Vide</i> Adm. 146 above) Distribute and keep in use for re-appropriation etc., till expiry of financial year. Then.	C	C
5	Periodical statement of expenditure under primary units under several major heads sent to Government or controlling officers.	...	D	D
6	Re-appropriation correspondence extra grants and surrenders.	At the end of the financial year.	D	D
7	Fixation of contract grant.	...	C	C
8	(i) Office copies of Schedule of G.P.F.	...	C	C
	(ii) Final withdrawal from G. P. F.	...	C-I	...
9	Final withdrawal from G. P. F. by personal other than subscribers.	...	B	...
10	Correspondence subsidiary of the above.	...	C-I	C-I
11	Authorities for payment including powers of attorney.	Go in original with voucher.	...	...

S. No.	Document.	Remarks and instructions.	H	J
12	Specimen signatures.	Keep with register so long as officer if serving then.	D	D
13	Correspondence regarding Rail-way warrants, bills for electric energy, telephone calls, etc.	...	D	D
General Accounts and Audit				
14	Report of compliance on the audit note from the offices audited.	If explanation is satisfactory and no specific order is given otherwise class according to subject.	C	C
15.	A. G.'s audit of Jails.	...	B	B
16	Objection Statements from A. G. and O. C. of replies.	...	C	C
17	Grain Statement.	...	C	C
18	Canteen Statements.	...	C	C
19	Stock Verification Report.	...	C	C
20	Expenditure incurred on detainees of other states.	...	C	C
21	Outstanding returns.	...	D 2 yrs.	D 2 yrs.
22	P. P. C. reports.	...	D 2 yrs.	D 2 yrs.
23	Statement of adjustment with Prisons and Jails.	...	D 2 yrs.	D 2 yrs.
24	Store account.	(B. J. M. Rule 1234)	C	C
25	Estimates of Prison clothing and bedding.	...	D 2 yrs.	D 2 yrs.
26	"B" Statement showing articles supplied to Government Departments	...	C	C
27	Detailed prison Manufacture bills.	...	D 2 yrs.	D 2 yrs.
28	Extra diet statement	...	C	C

STATEMENT A

Statement showing the difference in classification of official records as prescribed under B. J. M. Rule 1236 (a) to (g) compared with the classification according to the A. B. C. D. Lists by Mr. Anderson.

S. No.	Description of papers.	Period of preservation as per B. J. M. rule 1236 (a) to (g).	Classification as per A. B. C. D. lists.	Remarks.
1	All printed reports and resolution, etc., issued by Government.	Permanent	A or B	As regards report they are not of Class A vide Adm. report as C pp. and G. Rs. as A (vide Adm. 40 and 29).
2	All circulars issued by the I. G.	Do.	Z	Vide Adm. 91.
3	All correspondence ...	Do.		The term is not clear.
4	Inward and outward Registers.	15 years	B or A	Vide Adm. 52 and 53.
5	Government Gazette ...	Do.		Separate Classification for different parts of the P. G. G. and for different offices, vide Adm. 7 to 21.
6	Adm. Reports of Superintendents.	10 years	C	Vide Adm. 40
7	Contingent bills ...	Do.	C	Vide Adm. 85a, 86.
8	Budget Estimates ...	5 years	D	Vide Try. 2.
9	Establishment Return.	Do.	C	Vide Est. 57.
10	T. A. Bills ...	2 years	C	Vide Adm. 68.
11	Stationery Indents ...	Do.	C	Vide Adm. 79.
12	Peon's Delivery Book.	Do.	D	Vide Adm. 55.
13	Railway Requisition ...	Do.	D	Vide Try. 80 A
14	Report on epidemic disease.	Do.	D	Vide Adm. 102.
15	Annual acknowledgment report on P. A.	Do.	C	Vide Adm. 91.

APPENDIX VI

Note.—(1) The rules in column 1 for which there are no corresponding old rules in column 2 have been newly inserted.

(2) Absence of authority in column 3 indicates that none is traceable.

Revised rule.	Corresponding old rule.	Authority.
1	16	—
2	36	G. R., H. D., No. S/45/16/22, dt. 2-8-1937.
3	3	—
4	4	—
5	5	G. R., H. D., No. 5716/6, dt. 29-8-1953.
6	6	G. R., H. D., No. ONP/1053, dt. 25-9-1953.
7	224	—
8	7	—
9	7	—
9-A	8 & 9	—
10	—	App. A (9), App. B to the B. C. S. C. & R. R. G.
11	—	R. P. & S. D., No. 490/46, dt. 24-1-53, and 30-4-53.
12	—	Do.
13	—	Govt. H. D., No. 3199/5-A, dt. 30-9-1950.
14	—	Govt. H. D., No. 1924/4-(a)-1A, dt. 20-3-43.
15	—	G. L., H. D., No. 7106/6-C, dt. 21-8-1951.
16	—	G. L., H. D., No. 7302/6-A, dt. 23-6-1951.
17	—	Rule 38 in Appendix C of B. C. S. C. and R. R. and Govt. Home Deptt. Endt. No. 449/5 dt. 8-11-1947.
18	—	Rule 37 in Appendix D of B. C. S. C. and R. R. and Govt. H. D. Endt. No. 1291/5-C, dt. 28-11-47 and Govt. Confl. No. 1275/6. C, dt. 11-3-54.
19	—	Rule 37 in App. D of B. C. S. C. & R. R. and Govt. Endt. No. 161/5-11 (44170)-C, dt. 24-2-49 and 23-5-49.
20	—	Do.
21	189	Govt. Notification No. 161/5-II, dt. 6-2-54 and G. L., H. D., No. 8097-5-C, dt. 14-10-53.
22	—	Do.
23	—	Do.
24	—	Do.
25	—	Do.
26	—	Do.
27	—	G. R., H. D., No. S. 45/16/22, dt. 2-8-1937.
28	—	—
29	—	—
30	—	—
31	—	—

Revised rule.	Corresponding old rule.	Authority.
32	—	—
33	—	—
34	—	—
35	—	G. R., G. D., No. 6332, dt. 8-6-1925 and S. G.'s letter No. S. 19/19766/B., dt. 14-11-1945.
36	—	—
37	—	Rule No. 77 A in App. C of B. C. S. C. and R. R.
38	—	—
39	—	—
40	—	—
41	—	—
42	—	—
43	—	—
44	—	—
45	—	—
46	—	—
47	—	—
48	—	—
49	18	G. R., J. D., No. 6302, dt. 13-9-1894.
49-A	—	G. P. & S. D. Cir. No. 1581/34, dated 9-8-1947.
50	249	—
51	—	Govt. F. D. Cir. No. 2706, dt. 18-7-53.
52	84	G. L., H. D., No. 8097/5-C., dt. 14-10-53.
53	—	—
54	—	—
55	285	—
56	—	G. N. No. 2649/33-C., dt. 7-9-49 and F. D. No. ROS. 1054, dt. 20-7-1954.
57	—	Do.
58	102	—
59	130	G. N., No. 1588/7, dt. 18-5-1953 and F. D. Cir. No. 3449, dt. 14-10-1890 and F. D. No. SEC/, 1554, dt. 30-7-1954.
60	100	—
61	99	—
62	103	G. R., P. & R. D., No. 70/33 (Fin), dt. 15-11-33.
63	Note to Rule 103	Do.
64	104	—
65	—	—
66	105	G. P. & S. D. Cir. No. CDR. 1154, dt. 23-7-54.
67	115	—
68	125	—
69	143	—
70	—	—
71	—	—
72	—	—

Revised rule.	Corresponding old rule.	Authority.
73	—	—
74	—	G. R., H. D., No. 1013/6, dt. 2-4-1953.
75	—	G. L., H. D. No. 9562/4, dt. 10-11-1945 and G. R., H. D., No. 6110/3, dt. 10-4-1944.
76	—	G. R., H. D., No. 2016/2, dt. 17-4-1928.
77	—	G. R., L. S. G. and P. H. D., No. S. 127 (3), dated 7-6-1951
78	—	Do.
79	—	G. R., F. D., No. 607, dt. 20-9-1921.
80	—	—
81	—	G. R., H. D., No. 236/4-XVIII, dt. 11-10-44.
82	—	G. F. D. Cir. No. 1811/33, dt. 19-9-1935.
83	—	I. G.'s Cir. No. 19260, dt. 22-9-1949.
84	—	I. G.'s Cir. No. EST/99, dt. 19-10-1953.
85	—	—
86	—	—
87	—	—
88	—	—
89	—	—
89-A	—	Govt. F. D. Cir. No. 6567/33, dt. 19-2-1932.
90	—	Do.
91	—	Do.
92	—	Govt. F. D. Cir. No. CPA. 1054, dt. 6-5-54.
93	—	Rule 377 of B. C. S. R., Vol. I.
94	—	—
95	—	G. L., H. D., No. 8223/5-A., dt. 27-4-49.
96	—	I. G.'s Cir. No. 11122, dt. 19-5-52 and No. C. 11/8754, dt. 2-3-1953.
97	—	G. F. D. Cir. No. 1922/33, dt. 18-8-53.
98	—	Rule 401, B. C. S. R., Vol. I., G. L., H. D., No. 4776/7-C, dt. 24-7-53 and G. L., H. D., No. PAA. 4154/19652-C., dt. 20-4-54.
99	—	G. L., H. D., No. 8353/4-A., dt. 3-11-1944.
100	—	Rule 510, B. C. S. R., Volume-I.
101	—	Rule 465 Do.
102	—	G. R., H. D., No. 6358/6, dt. 31-1-1952.
103	200	G. R., H. D., No. 6905, dt. 2-12-1924, I. G.'s Cir. Nos. 2, dt. 26-1-1927, 12, dt. 16-7-1927 and Rule 593, B. C. S. R., Vol. I
104	—	G. R. F. D., No. 5204/33, dt. 30-11-51.
104-A	—	G. R., F. D., No. LVE. 1454, dt. 30-9-54.
105	—	—
106	—	—
107	—	—
108	—	—
109	—	—
109-A	—	—
110	—	—

Revised rule.	Corresponding old rule.	Authority.
111	—	—
112	—	—
113	—	—
114	—	—
115	—	Rule No. 204 of Bombay Civil Medical Code.
116	129	—
117	177	—
118	256	—
119	257	—
120	—	G. R., L. S. D., No. LEP. 1053, dt. 6-10-53.
121	—	P. & S. D., No. 4099/34, dt. 18-12-50.
122	—	P. & S. D., No. 1042/52, dt. 10-8-53 & 1581/ 34, dt. 16-3-51.
123	—	G. F. D. Cir. Nos. 3266/33, dt. 14-6-50 and 26-8-52 and letter No. PR. III/3556, dt. 5-12-1953.
123-A	—	Govt. F. D. No. 1007/33, dt. 22-3-54.
124	—	G. L. H. D., No. 1484/7-C., dt. 3-1-1953.
125	40	G. L., H. D., No. 201-D., dt. 25-8-1922.
126	—	Do.
127	—	G. L., H. D., No. 126/5-II,-C., dt. 29-9-52.
128	—	—
129	—	I. G.'s Cir. No. 24954, dt. 19-8-50.
130	—	—
131	—	Do.
132	—	G. H. D. No. 6703/6-C., dt. 30-4-54.
133	98	Govt. H. D. No. 4020/2, dt. 12-7-1928.
134	201 & 202	—
135	203	—
136	204	G. R., H. D., No. 6110/3, dt. 29-3-1935.
137	205	—
138	205 (b)	G. L., H. D., No. 7967/5, dt. 12-1-1950.
139	218	—
140	211	—
141	213	I. G.'s Cir. No. 5795, dt. 4-5-1926.
142	214	—
143	212	—
144	209	—
145	210	—
146	219	—
147	220	—
148	221	—
149	206	—
150	207	—
151	208	—
152	215	—
153	216	—
154	217	—

Revised rule	Corresponding old rule	Authority.
155	217	—
156	223	—
157	—	—
158	—	—
159	49	—
160	—	—
161	139	—
162	—	—
163	—	—
164	124	—
165	142	—
166	174	—
167	83	—
168	134, 140, 137 & 138	—
169	145, 53 (iii)	Govt. Cir. P. & S.D. No. 2034/34, dt. 19-7-38 and I.G.'s Cir. No. A/35223, dated 16-12-1952.
170	53 (ii)	Govt. Cir. P. & S. D. No. 1129/34, dt. 14-2-1938.
171	258	—
172	—	I.G.'s Cir. No. 30427, dt. 7-11-52.
173	246, 247	Do.
174	Do.	Do.
175	Do.	—
175-A	—	G.L.,H.D., No. GQJ. 1454-C., dt. 7-12-1954.
176	—	G. L., H. D., No. RJM. 1053/48083-C, dated 17-8-1954.
177	248	—
178	55	G.L.,H.D., No. GQJ-1454-C., dt. 7-12-1954
179	—	—
180	53 (i)	—
181	53 (i)	—
182	51	G.L.,H.D., No. GQJ-1454-C., dt. 7-12-1954.
183	318, 330	—
184	—	G.R.,H.D., No. 8996/6, dt. 28-4-54.
185	—	Govt. P. & S. D. Cir. No. 9528, dt. 29-12-51 and Govt. of India, Ministry of Home Affairs Letter No. F. 41/18/49-Public, dt. 27-4-50.
186	—	G.R.P. & S.D. No. 2598, dt.19-2-49 and P. & S.D. Cir. No. 9528, dt. 31-12-51.
187	—	Do.
188	—	Do.
189	—	Do.
190	—	P. & S.D. No. 9528/31686-E., dt. 22-8-1952.
191	—	P. & S.D. No.9528, dt. 26-5-49.
192	1049	G.L.,H.D., No. 5616/2, dt. 19-7-1929.
193	—	—

Revised rule.	Corresponding old rule.	Authority.
194	—	I.G.'s Cir. No. ADM. 202, dated 23-10-1953.
195	—	G.L., H.D., No. 1247/7-C. dated 14-11-52 and 8-4-1953.
196	—	—
197	—	I.G.'s Cir. No. ADM. 202, dated 26-12-1953.
197-A	—	G.L., H.D., (Confl.) No. CEL/1054/C/1226-C., dt. 13-3-54 and 27-3-1954.
197-B	—	G.L., H.D., No. PVP. 1053/80348-C., dated 11-1-1955.
198	136	—
199	—	P. & S.D. Cir. No. 119/46. dated 27-7-1948 and Press Note No. 1607/34-D., dt. 8-2-1952.
200	37	—
201	131	P. & S.D. Cir. No. 1581/34, dt. 18-4-53.
202	548	—
203	106	—
204	107	—
205	108	—
206	109	—
207	110	—
208	—	P. & S.D. (Confl.) No. 7926/46, dt. 28-9-1950.
209	123	—
210	113	—
211	120	—
212	120	—
213	195	—
214	197	—
215	198	—
216	199	—
217	128	—
218	341	—
219	304 (c)	G.R., G.D., No. 6332, dated 8-6-1925.
220	304 (d)	Do.
220-A	—	P. & S.D. No. CDR. 1154, dt. 26-6-1954.
221	85 (a)	—
222	85 (a)	—
223	—	—
223-A	—	P. & S.D. Cir. No. 1581/34, dt. 20-4-53 and C.D.R. 1154, dt. 5-8-1954.
224	85 (b) (c)	G.R., J.D., No. 6323, dt. 10-7-1920.
225	—	Govt. No. 3498, dt. 22-8-1895.
226	—	Do.
226-A	—	P. & S.D. Confl. Cir. No. 1581/34, dt. 1-6-53 and CDR. 1154, dt. 30-4-54.
227	—	R. No. 1348, dt. 18-2-1897.
228	—	P. & S.D. No. 2733/34, dt. 24-10-1952.

Revised rule	Corresponding old rule	Authority.
229	—	P. & S.D. Cir. No. 2733/34, dt. 21-4-53 and No. CDR. 1154, dt. 21-7-1954.
230	116	I.G.'s Cir. No. 26098, dt. 25-9-1952.
231	—	P. & S. D. No. 1581/34-D., dt. 15-8-1944.
233	—	P. & SD. No. 2733/34, dt. 30-12-1950,
234	117	—
235	118	—
235-A	—	Govt. F.D.R. No. DRS. 1053, dt. 28-4-1954.
236	86	—
237	—	—
238	—	G.L., H.D., No. 1442/7-C., dt. 18-12-53.
239	126 & 127	—
240	—	G.L., H. D., No. 7166/6-C., dt. 24-6-1953.
241	1027	I.G.'s No. 9623, dt. 14-7-1926 and G.L., H.D., No. EST. 3754-C., dt. 17-9-1954.
242	288	—
243	289	Govt. R.L.S. G. and P.H.D. No. HFR. 1053, dt. 12-11-53.
244	—	G.R.L.S.G. & P.H.D. No. TBC-1053, dt. 19-2-54 and 31-5-54.
245	—	G.L., H.D., No. 1573/7-C., dt. 12-11-53.
246	—	Do.
247	—	G.L., H.D., No. RJM. 1053/C., dt. 12-1-1954.
248	—	G.L., H.D., No. JIM-2053-C., dt. 14-9-1953.
249	—	G.L., H.D., No. JIM-2053-C., dt. 14-9-53 and I.G.'s No. FCT. 41, dt. 13-10-1953.
250	—	G.L., H.D., No. RJM-1053/C., dt. 12-1-1954.
251	—	G.L., H.D., No. RJM. 1053/C., dt. 12-1-1954.
252	176	—
253	—	G.R., H.D., No. 2761/3, dt. 16-9-1936,
254	—	G.R. H.D. No. 4140/dated 4-9-1953.
255	—	G.L., H.D., No. 4594/7C., dated 17-3-1954.
256	32	—
257	33	—
258	34	—
259	21	—
260	24	—
261	25	—
262	26	—
263	31	—
264	—	P. & S.D. Cir. No. CDR-1053, dt. 30-9-1953.
265	38	—
266	—	I. G.'s Cir. No. C-III/25803, dt. 23-9-1952.
267	97	—
268	42	—
269	50	—
270	52	—
271	72	—

Revised rule.	Corresponding old rule.	Authority
272	72	—
273	371	—
274	75	—
275	76	—
276	91	—
277	90	—
278	94	—
279	77	—
280	62	I. G.'s Cir. No. 10, dt. 1-7-1927.
281	62	Do.
282	57	—
283	61	—
284	63	—
285	60	—
286	—	—
287	59	—
288	56	—
288-A	—	G.L., H.D., No. GQJ-1454-C., dt. 7-12-1954.
289	96	I. G.'s Cir. No. 8, dt. 15-8-1939.
290	96	Do.
291	96	Do.
292	96	Do.
293	95	—
294	135	—
295	150	—
296	168	—
297	169	—
298	170	—
299	159	—
300	161	—
301	166	—
302	173	—
303	172	—
304	179	—
305	181	—
306	182	—
307	180	—
308	183	—
309	184	—
310	191	—
311	192	—
312	193	—
313	194	—
314	196	—
315	225	—
316	227	—
317	231	—
318	233	—

Revised rule.	Corresponding old rule.	Authority.
319	234	—
320	1038	—
321	1046	—
322	1052	—
323	1053	—
224	1054	—
325	1055	—
326	1041	—
327	1042	—
328	1043	—
329	1044	—
330	1047	—
331	1045	—
332	1048	—
333	1056	—
334	1104	—
335	587	—
336	588	—
337	589	—
338	585	—
339	584	—
340	586	G.R., J.D., No. 5601, dt. 25-8-1881 and India Govt. H.D., (Judl.) L. 1279, dt. 20-8-1900.
341	236	—
342	237	—
343	325	—
344	238	—
345	—	G.L., H.D., 1453/51192-C., dt. 12-8-1953.
346	—	Do.
347	239	I.G.'s Cir. No. ADM-289, dt. 22-12-1953.
348	240	—
349	—	I.G.'s No. 20412, dt. 29-7-1952.
350	241	—
351	242	—
352	243	—
353	244	—
354	245	—
355	813, 821	—
356	815	—
357	823	—
358	834	—
359	855	—
360	857	—
361	858	—
362	817	Govt. H.D. Notification No. 1826/7, dt. 21-10-1953.
363	818	—
364	819	G.L., H.D., No. 7209/2, dt. 19-11-1930.

Revised rule.	Corresponding old rule.	Authority.
365	826	—
366	827	—
367	828	—
368	822	—
369	829	—
370	836	—
371	837	—
371-A	—	G.L.,H.D., No. GQJ-1054/9920-C, dt. 25-2-1954 and I.G.'s Cir. No. ADM-303, dt. 15-3-1954.
372	833	—
373	835	—
374	861	—
375	830	—
376	832	—
377	838	—
378	847	—
379	848	—
380	839	—
381	849	—
382	850	—
383	851	G.L.,H.D., No. 3845/4, dt. 12-12-1940.
384	840	—
385	844	—
386	846	—
387	843	—
388	841	G.L.,H.D., No. 8592/C., dt. 3-10-1925.
389	820	—
390	831	—
391	824	—
392	825	—
393	852	—
394	345	—
395	—	G.L.,H.D., No. 161/5-II/43527-C, dt. 12-2-1954.
396	—	G.L.,H.D., No. 161/5-II/43527-C, dt. 6-10-1953.
397	348	—
398	351	—
399	354	—
400	—	—
401	353	—
402	—	—
403	355	—
404	356	—
404-A	357	—
405	—	G.L.,H.D., No. 7256/6-C, dt. 12-11-1953, 18-1-1954 and 18-6-1954.

Revised rule.	Corresponding old rule.	Authority.
406	355	—
407	358	G.H.D. Notification No. 3276/4, dt. 21-4-1941.
408	—	G.R., H.D., No. 4436/7, dt. 12-8-1953.
409	365	—
410	359	—
411	359	—
412	359	G.L., H.D. No. NVJ-1354/27475-C, dt. 29-5-1954 and 17-7-1954.
413	360	—
414	367	—
415	366	—
416	372	—
417	361	—
418	364	Govt. H.D. Notification No. 3276/4, dt. 18-4-1940.
419	363	Govt. H.D. Notification No. 9180/3-IV-A, dated 1-2-1940.
420	370	G.L., H.D. No. PVP-1053-C, dt. 18-12-53, and 12-1-1954.
421	369	—
422	368	—
423	—	Rule 299 of F. P. No. 1.
424	—	I. G.'s Cir. No. 32917, dt. 28-11-1951.
425	—	Rule No. 296 of F.P. No. 1 and P. & S D- Cir. No. CDR. 1054, dt. 1-11-1954.
426	—	G.R., F.D., No. 3464/33-XIII, dt. 30-6-1952.
427	—	—
428	—	—
429	—	F.D. Cir. No. MCA 1354, dt. 6-4-1954.
430	—	—
431	—	—
432	—	I. G.'s Cir. No. 13059, dt. 5-7-1949.
433	—	P. & S.D. Cir. No. 1575/34, dt. 19-11-1948.
434	—	P. & S.D. Cir. No. 1575/34, dt. 24-11-1950.
435	—	G.R., D.D., No. SPO-3252, dt. 25-11-1953.
436	—	Do.
437	—	Do.
438	—	—
439	—	—
440	—	G.R., D.D., No. SPO-3252, dt. 25-11-1953.
441	—	Do.
442	—	—
443	963	—
444	959	—
445	959	—
446	—	—
447	—	—
448	—	—

Revised rule.	Corresponding old rule.	Authority.
449	—	—
449-A	—	P. & S.D. No. FLG 1154-E, dt. 30-6-1954.
450	—	—
451	222	G.L., H.D., No. 2407/4, dt. 5-10-1939.
452	222	I. G.'s Cir. No. 18005, dt. 9-12-1938.
453	—	—
454	—	—
455	—	—
456	—	—
457	—	—
458	—	—
459	—	—
460	—	—
461	—	—
462	—	—
463	—	—
464	—	G.L., H.D., No. 2209/7-C, dt. 21-9-1954.
465	—	Govt. of India Ministry of Home Affairs letter No. 10/34/51 Police (I), dt. 9-7-1951.
466	—	Govt. of India Ministry of Home Affairs letter No. 10/19/60-Police (I), 17-1-1952.
467	—	G.L., H.D., 6168/5-C, dt. 6-2-1952.
468	—	Govt. of India Ministry of Home Affairs letter No. 10/34/51-Police (I), dt. 9-7-1951.
469	—	Govt. of India Ministry of Home Affairs letter No. 10/34/51-Police (I), dt. 9-7-1951 and G.L., H.D., No. 5781/6-H, dt. 21-8-1951 and G.L., H.D., No. 6168/5-C, dt. 25-9-1952.
470	—	—
471	—	—
472	—	No. 3824/II/449, dt. 26-9-1952 from the Central Ordnance Depot Jabbalpur and I. G.'s Cir. No. C III/31123, dt. 12-11-1952.
473	—	—
474	—	Govt. D.D. Cir. No. GSO 1352, dt. 3-10-1952.
474-A	—	—
475	—	—
476	—	—
477	—	—
478	—	G.R., H.D., No. MAJ-1453/51193, dt. 1-10-1953.
479	165	—
480	—	G.R., H.D., No. MAG-1453/51193, dt. 1-10-1953.
481	—	Do.

Revised rule	Corresponding old rule.	Authority.
482	—	G.R., H.D., No. MAJ-1453/51193, dt. 1-10-1953.
483	64	I.G.'s Cir. No. 3072, dt. 26-2-1938.
484	54	—
485	67	—
486	68	—
487	70 & 69	—
488	—	—
489	—	—
490	—	—
491	1213	I. G.'s Cir. Nos. 1, dt. 9-1-1928 and 13, dt. 31-10-1938.
492	—	G.R., R.D., Nos. 4178/33-III, dt. 4-8-1941 and 4178-B/33, dt. 27-12-1943.
493	1205, 1206 and 1207	—
494	1208	—
495	—	—
496	1209	—
497	1210	—
498	1212	—
499	1211	—
500	27	G.R., P.W.D., No. A 2303, dt. 27-10-1910.
501	—	—
502	27	G.R., P.W.D., No. A 2303, dt. 27-10-1938.
503	—	Chapter I (XXI) paragraph 128 of Bombay P.W.D. Manual, Vol. I (1940 edition),
504	—	Do.
505	—	Paras. 173 and 174 of Bombay P.W.D. Manual, Vol. I
506	—	Chapter I (XV) & (XVI) of the Bombay P.W.D. Manual, Vol. I.
507	—	Para. 130 of Bombay P.W.D. Manual, Vol. I.
508	—	Para. 131 of Bombay P.W.D. Manual, Vol. I.
509	—	G.L., H.D., No. RJM 1053-II-C, dt. 23-3-1954.
510	—	Paragraph 132 of Bombay P.W.D. Manual, Vol. I.
511	—	Paragraph 239 of Bombay P.W.D. Manual, Vol. I.
512	1214	G.R., H.D., 4833/3, dt. 20-11-1935 and G.R., P.W.D. Nos. 8760/27 and 4892/36, dt. 31-3-1937 and 11-12-1940.
513	1214	Do.
514	—	—
515	—	Para. 230 of Bombay P.W.D. Manual, Vol. I.
516	—	—
517	—	Para. 237 of Bombay P.W.D. Manual, Vol. I.
518	1155	—

Revised rule.	Corresponding old rule.	Authority.
519	1166	—
520	1157	—
521	1158	—
522	1159	—
523	1160	—
524	1167	—
525	1161	—
526	1162	—
527	1163	—
528	1164	—
529	1165	—
530	1166	—
531	1168	—
532	1169	—
533	1171 & 1175	—
534	724 & 1181	—
535	723 & 1182	—
536	723 & 1182	—
537	1183	—
538	1184	G.R., J.D., No. 4708, dt. 30-8-1892.
539	1185, 1186 and 1187	—
540	1188	—
541	1189	—
542	1190	G.R., J.D., No. 4708, dt. 30-8-1892.
543	1191	—
544	1192	—
545	1193	—
546	1194	—
547	—	—
548	253	—
549	254	G.R., H. D., No. 8944, dt. 30-1-1926.
550	255	—
551	273	—
552	290	—
553	291	I.G.'s Cir. No. 1, dt. 5-4-1937.
554	293	—
555	297	—
556	298	—
557	299	I. G.'s Cir. No. 24, dt. 22-9-1926.
558	—	I.G.'s Cir. No. EST-206, dt. 29-4-1954.
559	301	—
560	302	—
561	274, 276	—
562	277	I.G.'s Cir. No. 2208, dt. 6-2-1940.
563	281	—
564	295	—
565	294-A	G.L. H.D., No. 5400/5-C, dt. 27-11-1948.

Revised rule.	Corresponding old rule.	Authority.
566	294	—
567	9 23	—
568	303, 275 & 263	—
569	264	—
570	278	—
571	282	—
572	286	G.R., J.D., No. 4318/4, dt. 1-9-1941.
573	287	G.L., H.D., No. 9685/2-III, dt. 24-10-1934.
574	284	G.L., H.D., No. 1826, dt. 4-10-1922.
575	279	—
576	308	—
577	309	—
578	305	G.R., H.D., No. 3550/3-III, dt. 2-3-1937.
579	306	—
580	319	—
581	310	—
582	324	—
583	311	—
584	—	—
585	317	—
586	320	—
587	321	—
588	322	—
589	326	—
590	338	G.R., H.D., No. 4318/4, dt. 1-9-1941.
591	334	—
592	328	—
593	337	—
594	339	—
595	342	—
596	344	—
597	—	—
598	1118	—
599	1119	—
600	1110	G.R., J.D., No. 4708, dt. 30-8-1892
601	1109	G.R., J.D., No. 4798, dt. 30-8-1892.
602	1109	Do.
603	—	G.L., H.D., No. 2684/7-C, dt. 21-9-1953.
604	1115	—
605	1116	—
606	1109	G.L., H.D., No. 5499/5-C, dt. 2-11-1948 and 2209/7-C, dt. 19-6-1953.
607	1111	—
608	1117	—
609	—	—
610	1112	G.R., J.D., No. 4708, dt. 30-8-1892.
611	1112	Do.
612	1122	I.G.'s Cir. No. 180, dt. 29-7-1938.

Revised rule.	Corresponding old rule.	Authority.
613	1122	I.G.'s Cir. No.180, dt. 29-7-1938.
614	1121	I.G.'s Cir. No. 18859, dt. 15-11-1941.
615	1123-A	G.L.,H.D., No. 5410/5-C, dt. 5-9-1949.
616	1123-B	Do.
617	1120	—
618	1113	—
619	1114	—
620	1124	—
621	1125	—
622	1126	—
623	1127	—
624	1128	—
625	1130	—
626	1131	—
627	1132	—
628	1133	—
629	1134	—
630	1134	—
631	1137	—
632	1138	—
633	1139	—
634	1141	—
635	1142	—
636	1143	—
637	1144	—
638	1140	—
639	1145	—
640	1129	—
641	1135	—
642	—	—
643	—	—
644	—	—
645	—	—
646	—	—
647	1146	—
648	1147	—
649	1148	—
650	1149	—
651	1150	—
652	1151	—
653	1152	—
654	1153	—
655	1154	—
656	1217	G..L.,H.D., No. 5410/5-C, dt. 5-9-1949.
657	1218	—
658	—	—
659	—	—
660	—	—

Revised rule.	Corresponding old rule.	Authority.
661	—	—
662	1216	—
663	1221	—
664	1222	—
665	1223	—
666	1224	—
667	—	—
668	—	—
669	—	—
670	—	—
671	—	—
672	—	—
673	—	—
674	—	—
675	—	—
676	—	Govt. H. D. Notification No. 1573/7, dt. 9-12-1952.
677	—	G. L., H. D., No. RJM-1053/C, dt. 12-1-1954.
678	1229	—
679	1231	—
680	1232	—
681	1230	I. G.'s Cir. No. 8284/B, dt. 27-2-1953.
682	—	—
683	—	—
684	—	—
685	—	—
685-A	—	I. G.'s Cir. No. ACT-SR-XII-156, dt. nil July 1954.
986	—	—
687	699 & 700	G. L. H. D. No. 5410/5-C, dt. 5-9-1949. and G. R., H. D., No. 5547-C, dt. 31-8-1925.
688	702	—
689	704	G. L., H. D. No. 4666/6-II, dt. 19-5-1951 and 4666/6-II-C dt. 25-9-1952.
690	705 & 707	—
691	Do.	—
692	—	Govt. Notification No. 161/5-II/44865, dt. 24-4-1953.
693	—	Do.
694	709	G. L., H. D., No. 5416/5-C, dt. 4-10-1948.
695	Do.	—
696	710	—
697	711	—
698	—	G. L., H. D., No. 1325/7-C, dt. 13-7-1953.
699	713, 714	—
700	155	—
701	226 & 737	—
702	Do.	—

Revised rule.	Corresponding old rule.	Authority.
703	226 & 737	—
704	Do.	—
705	Do.	—
706	Do.	—
707	1170	—
708	92	—
709	93	—
710	715	—
711	—	—
712	739 (iv) (v)	G. L., H. D., No. 9685/2-II, dt. 27-8-1934.
713	Do.	Do.
714	Do.	—
715	717	—
716	719	—
717	720	—
718	721	G. R., H. D., No. 6039/2-V, dt. 3-4-1930.
719	722	—
720	724	—
721	152	—
722	151	—
723	315	—
724	314	—
725	315	—
726	316	—
727	329	—
728	335	—
729	259 & 260	—
730	261	—
731	262	—
732	43, 44	—
733	45	—
734	46	—
734-A	—	I. G.'s Cir. No. ADM PR I, dt. nil mal 1954.
735	47	—
736	725	—
737	726	—
738	—	I. G.'s Cir. No. 24567, dt. 10-9-1952. and 35542 dt. 18-12-1952.
739	29	—
740	—	G. R., H. D., No. 1329/7-I, dt. 25-8-1953.
741	728	—
742	270	—
743	727	—
744	—	Govt. H. D. No. 8776/5-C, dt. 28-3-1953.
745	1022	I. G.'s Cir. No. 21353 dt. 28-11-1940 and Govt. Notification No. 1319/7-II-g, dt. 3-11-1953.

Revised rule.	Corresponding old rule.	Authority.
746	2	G.L., H.D., No. 680-D dated 8-2-1923 and Govt. Notification No. 2088/7-C, dt. 7-3-1953.
747	524-A	G.L., H.D., No. 5410/5-C, dt. 5-9-1949.
748	533	G.L., H.D., No. 680-D, dt. 8-2-1923.
749	533	G.L., H.D., No. 5388/5-C, dt. 29-10-1948.
750	534 (a)	—
751	534 (b) and 535	—
752	538	—
752-A	538-A	G.L., H.D., No. 5397/5-C, dt. 28-6-1948.
753	378	G.C., H.D., No. 6039/2-V, dt. 18-4-1930 and G.L., H.D., No. 5398/5, dt. 20-7-1948.
754	378 and 379	G.C., H.D., No. 6039/2-V, dt. 18-4-1930 and G.L., H.D., No. 5398/5, dt. 20-7-1948.
755	381	Govt. Endt. H.D. No. 5964/4, dt. 4-4-1944.
756	652	G.R., H.D., No. 6039/2-V (a)-II, dt. 16-3-1934.
757	652	Do.
758	631	—
759	632	G.N., H.D., No. 8134/2, dt. 25-8-1931.
760	632	Do.
761	524	—
762	526	G.L., H.D., No. 5410/5-C, dt. 5-9-1949.
763	529	G.L., H.D., No. 7209/2-C, dt. 19-11-1939
764	532 (a)	—
765	567	—
766	583	—
767	528	—
768	531	—
768-A	—	Govt. H.D. Cir. Nos. 2325/4, dt. 24-7-1939 and 31-3-1948.
769	525	G.R., J.D., No. 2035, dt. 29-3-1917.
770	656	—
771	4	G.R., J.D., No. 1841, dt. 6-3-1897 and Govt. H.D., Notification No. 161/5-III (A) dt. 26-3-1954
772	5	Do.
773	546	—
774	6	—
775	7	—
776	7	—
777	8	—
778	9	—
779	530	I.G.'s Cir. No. 6, dt. 3-4-1928.
780	374	—
781	375 (1)	—
782	651	—

Revised rule.	Corresponding old rule.	Authority
783	377 and 382	G.R., H.D., No. 8406/2, dt. 9-4-1931. G.R., J.D., 4809, dt. 23-8-1909, G.R., J.D., No. 5837, dt. 16-10-1909 and G.R., J.D., No. 1386, dt. 6-3-1911.
784	146	—
785	383	—
786	383 and 540	—
787	581	—
788	582	—
789	582	—
790	616	—
791	657	—
792	658	—
793	384	G.L., J.D., No. 1195, dt. 24-2-1917; G.R., H.D., No. 3932, dt. 25-3-1923; G.L., H.D., No. 7497/2-C, dt. 17-7-1930; I. G.'s Cir. No. 16178, dt. 28-10-1930 and Govt. Notification H.D., Nos. 9097/5-C, dt. 28-3-1952 and 8665/6, dt. 21-5-1952.
794	384	Do.
795	384	Do.
796	387	—
797	387	—
798	387	—
799	387	—
800	387	—
801	389	—
802	388	G.R., H.D., No. 101/2, dt. 15-7-1926 and I. G.'s Cir. No. 1, dt. 25-1-1932.
803	376	—
804	539	—
805	536	—
806	385 (i)	—
807	385 (ii)	—
808	385 (iii)	—
809	385 (iv)	—
810	385 (v)	—
811	386	G.L. H.D., No. AFP-1153-C, dt. 5-10-1953.
812	—	G.L., H.D., No. 5409/5-C, dt. 15-12-1952.
813	265	—
814	149	—
815	325	—
816	327	—
817	390	—
818	391	—
819	392	—
820	268	—
821	269	I. G.'s Cir. No. 11860, dt. 27-8-1926.

Revised rule.	Corresponding old rule.	Authority.
822	393	—
823	397	—
824	398	—
825	401	—
826	410	G.R.,H.D., No. 911-2, dt. 26-10-1926.
827	407	G.N.,H.D., No. 6164/4, dt. 17-10-1942.
828	408	G.R.,H.D., No. 7383, dt. 21-4-1925.
829	409	G.L.,H.D., No. 3737/2-C, dt. 3-4-1929.
830	399	G.L.,H.D., No. 3206/3, dt. 22-9-1933. I.G.'s Cir. Nos. 6, dt. 9-7-1929; 5, dt. 17-2-1928; 7, dt. 22-8-1932 and G.L.,H.D., No. RJM-1454/15925-C, dt. 10-1-1955.
831	403	—
832	402	G.L.,H.D., No. 1460 /2-C, dt. 17-8-1927 and G.L.,H.D., No. RJM-1153-C, dt. 7-7-1954.
833	—	I.G.'s Cir. No. 6756, dt. 30-3-1951.
834	405	—
835	406	—
836	51	G.L.,H.D., No. GQJ-4454-C, dt. 7-12-1954.
837	411	G.L.,H.D., No. 3414-D, dt. 19-2-1923.
838	375 (2)	—
839	675, 678 and 681	—
840	676 & 677	—
841	679	—
842	680	—
843	682	G.R.,J.D., No. 3070, dt. 4-6-1903.
844	684	G.R.,H.D., No. 6417, dt. 15-11-1924.
845	685	G.L.,H.D., No. 3683/4-C, dt. 13-8-1940; G.R.,H.D., No. 3683/4, dt. 3-8-1940; G.R.,J.D., No. 8851, dt. 3-12-1914 and G.R., J.D., No. 1698, dt. 9-3-1915.
846	685	Do.
847	592	—
848	692	—
849	686	—
850	683	G.R.,H.D., No. 3424/4-II, dated 15-3-1941.
851	687	—
852	687	—
853	688	—
854	689	—
854-A	—	G.L.,H.D., No. P226 (4)/93720-C, dt. 11-10-1954.
855	693	—
856	694	—
857	695	—
858	696	—
859	697	—
860	698	—

Revised rule	Corresponding old rule	Authority.
861	33	G.R., J.D., No. 8075, dt. 20-11-1895.
862	629	—
863	630	—
864	633	—
865	634	Govt. Endt. H.D., No. 1496/4-B, dt. 24-1-1939.
866	635	—
867	637	High Court of Judicature Appellate side Notifi- cation No. 2307, dt. 24-8-1920.
868	638	—
869	639	—
870	640	—
871	641	—
872	641	—
873	646	—
874	947	—
875	648	—
876	650	Govt. Notification No. 8194/2, dt. 25-8-1931.
877	650	Do.
878	—	Sections 35 to 43 of Prisoners Act III of 1900.
879	614	—
880	—	Govt. H.D. Endt. No. GQJ 1154-C, dt. 26-11-1954.
881	668	—
882	660-A	G.L., H.D., No. 9396/4, dt. 6-12-1945.
883	661	—
884	659	G.L., H.D., No. 8892/4, dt. 21-4-1945.
885	671	—
886	674	Begal Govt. H.D. End. No. 9203/2-C, dt. 23rd November 1931; U.P.H.D. End. No. 9203/2-C, dt. 10th December 1931; C.P.H.D. End. No. 9203/2-C, dt. 4th March 1932; Assam H.D. End. No. 9203/2-C, dt. 25th May 1932; Mad- ras H.D. End. No. 9203/2-C, dt. 18th August 1932; Delhi H.D. End. No. 9203/2, dt. 7th January 1936; Sind H.D. End. No. 9203/2-C, dt. 6th May 1939; Baluchistan Govt. End H.D. No. 9203/2-D, dt. 21st October 1943.
887	669	Govt. H.D. Notification No. 2155/7-C, dt. 21-4- 54.
888	673	—
889	412	—
890	413	—
891	414	G.R., J.D., No. 7743, dt. 22-10-1897 and G.R.J. D., No. 581, dt. 23-1-1900.
892	415	—

Revised rule	Corresponding old rule	Authority.
893	415	—
894	418	—
895	420	—
896	421	—
897	422	—
898	422	—
899	423	—
900	424	—
901	425	—
902	426	—
903	427	—
904	428	—
905	429	—
906	430	—
907	431	G. R., H. D., No. 2765/2, dt. 22-5-1929
908	431	Do.
909	432	—
910	433	—
911	434	—
912	435	—
913	436	—
914	437	—
915	438	—
916	439	—
917	612	—
918	599	Govt. H. D. Endt. No. 5118/3, dt. 9-8-1934.
919	600 (a)	—
920	610	—
921	603	—
922	604	—
923	605	—
924	606	Govt. H. D. No. 7209/2-C, dt. 26-1-1931, and Govt. Letter No. SJE 1453/54957-C dt. 10-9-1953.
925	—	G. L., H. D., No. CSC-1553-C, dt. 5-12-1953.
926	607	—
927	608	—
928	609	—
929	—	I. G.'s Cir. No. ADM-195, dt. 14-10-1953.
930	606	Govt. H. D. End. No. 7209/2-C, dt. 26-1-1931.
931	613	—
932	615	G. R., H. D. No. 6216/3, dt. 29-4-1935.
933	615	Do.
934	—	G. L., H. D., Nos. RTP 1153-C, dt. 6-1-1954, and RTP 1153/4197-C, 4-2-1954.
935	447	G. L., H. D., No. P-106 (L)-II, dt. 13-11-1929.
936	446	I. G.'s Cir. No. C/287, dt. 26-2-1941.

Revised rule.	Corresponding old rule.	Authority.
937	776	—
938	440	—
939	—	I. G.'s Cir. No. 758, dated 6-2-1885.
940	441	G. L., H. D., No. 236/4, dt. 28-11-1938.
941	443	—
942	—	—
943	444	—
944	272	—
945	454	—
946	442	—
947	445	G. L., H. D., No. 3271/3, dt. 11-10-1933.
948	448	—
949	449	—
950	450	G. C., H. D., No. 432, dt. 31-7-1925 and I. G.'s Cir. Nos. 1, dated 7-1-1927 and 6, dt. 16- 11-1931.
951	492 note (2)	I. G.'s Cir. No. 13, dt. 5-5-1926.
952	451	G. R., H. D., No. 6039/2-V, dated 7-10-1930; 19-2-1942 and 22-8-1942; G. R. H. D., No. 3005/3, dt. 9-11-1933 and G. L. H. D., Nos. GQJ-1053, dt. 14-9-1953 and GQJ-1053-C, dt. 7-12-1953.
953	537	I. G.'s Cir. No. 15, dt. 25-8-1927 and G. R., H. D., No. 1345/4, dt. 19-11-1940.
954	557	—
955	558	—
956	458	—
957	459	—
958	460	I. G.'s Cir. No. 7728, dt. 8-6-1926.
959	1195	G. R., H. D., No. 289/3, dt. 27-1-1932.
960	611	—
961	—	G. R., H. D., No. 4576/5, dt. 6-7-1948.
962	1196	I. G.'s Cir. No. 33604, dt. 3-12-1952.
963	1197	—
964	1198	—
965	1199	—
966	1200	—
967	1201	—
968	1202	—
969	1203	—
970	1204	—
971	492	Sec. 29 of the Prisoners Act of 1900 and Govt. H. D. End. No. 1392/5-II-C, dt. 14- 12-1949, 24-5-1950, 2-5-1951, 31-3-1952, 27-9-1952.
972	532 (b)	—
973	493	—
974	515	—

Revised rule.	Corresponding old rule.	Authority.
975	1120	—
976	512	—
977	514	—
977-A	512	—
978	494	—
979	829	—
980	497	—
981	495	G.L., H.D. No. 1333/3, dt. 14-4-1934.
982	495	Do.
983	495	Do.
984	—	Rule No. 320 (b) of the Bombay Police Manual, Part III.
985	510 & 508	—
986	509	—
987	511	—
988	519 & 516	—
989	517	—
990	518	—
991	520	—
992	495	G.R., H.D. No. 6039/2-V, dt. 19-2-1942, 22-8- 1942 and 4012/4, dt. 11-9-1941 and Govt. H.D. Notification No. 2182/7, dt. 20-7-1953 and G.L., H.D. No. 0 (51748)-D, dt. 2-6-1953 addressed to the I. G. of Police & copy to the I. G. of Prisons, Poona and G.L., H.D., No. 839/6-II-C. dt. 11-2-1954.
993	495 (4)	Do.
994	523	I. G.'s Cir. No. 12, dt. 16-7-1927.
995	496	G.R., H.D., No. 9206/2, dt. 19-6-1931.
996	498	—
997	499	G.R., H.D., No. 236/4/3921, dt. 16-6-1939; I. G.'s Cir. No. 3, dt. 28-4-1932 and 9684, dt. 15-7-1926.
998	507	—
999	419	—
1000	506	—
1001	505	—
1002	279	—
1003	778	—
1004	778	—
1005	850	—
1006	500	—
1007	502	I. G.'s Cir. No. 7139, dt. 27-5-1926.
1008	501	I. G.'s Cir. No. 6, dt. 14-4-1927.
1009	521	G.R., H.D., No. 5050/4, dt. 24-10-1941.
1010	522	—
1011	147 & 148	—
1012	988	—

Revised rule.	Corresponding old rule.	Authority.
1013	989	—
1014	990	—
1015	993	I. G.'s Cir. No. 8, dt. 27-5-1927.
1016	995	—
1017	992	—
1018	991	—
1019	994	—
1020	996	—
1021	1009	—
1022	997	—
1023	998	I. G.'s Cir. 3, dt. 1-5-1936.
1024	998	Do
1025	999	—
1026	1000	—
1027	1001	G.L., H.D., No. 5990/-C, dt. 16-12-1924.
1028	1002	—
1029	1003	—
1030	1004	—
1031	1005	G.L., H.D., No. 1581/4, dt. 6-4-1939.
1032	659-A,	H.D. Notification No. 4304/7, dt. 10-3-1954.
	1006,	
	1007,	
1033	Do.	Do.
1034	1008	Do.
1035	691	—
1036	968, 969	—
1037	Do.	—
1038	956	—
1039	961	G.L., H.D., No. 5410/5-C, dt. 5-9-1949 and G.L., H.D., No. 4578/7-C, dt. 6-6-1953.
1040	618, 643 & 658	—
1041	Do.	—
1042	—	G.L., H.D., No. 4790/7-C, dt. 31-7-1953.
1043	966	I. G.'s Cir. No. 10389, dt. 7-7-1932 and G.L., H.D., No. 5410/5-C, dt. 5-9-1949.
1044	964	—
1045	967	—
1046	965	I. G.'s Cir No. 11300, dt. 5-8-1937.
1047	860	—
1048	854	—
1049	960	—
1050	957 (a)	G.L., H.D., No. JCE-1453-C, dt. 25-8-1953.
1051	956, 959, 983 & 985	—
1052	Do.	—
1053	Do.	—
1054	158	—

Revised rule	Corresponding old rule	Authority
1055	962 (a) (b) (c) (d) (e) (f) (g) & 957 (b)	G. L., H. D., No. JCE-1453, dt. 25-8-1953 and G. R., H. D., No. 5404/5, dt. 6-6-1949.
1056	987	—
1057	987	—
1058	979	—
1059	980	—
1060	981	—
1061	968-A	G. L., H. D., No. 5410/5-C, dt. 5-9-1949.
1062	Do.	Do.
1063	1065	G. R., H. D., No. 5875/3, dt. 12-3-1935.
1064	973	G. L., H. D., No. 5400/5-C, dt. 27-11-1948.
1065	292	—
1066	340	—
1067	986	—
1068	228	—
1069	—	G. R., H. D., 236/4/4837, dt. 6-5-1940.
1070	966-A	Govt. Notification Home Dept. No. 1524/7-C, dt. 3-3-1953.
1071	—	—
1072	618	—
1073	643	—
1074	970	—
1075	970	—
1076	970	—
1077	972	G. R., H. D., No. 6039/2 V, dt. 3-4-1930.
1078	—	I. G.'s Cir. No. 198, dt. 5-1-1949.
1079	974	G. R., H. D., No. 5404/5, dt. 6-6-1949 and I. G.'s Cir. No. 20365, dt. 29-7-1952.
1080	974	—
1081	975	—
1082	977	—
1083	978	—
1084	667	—
1085	976	—
1086	1017	—
1087	1017	—
1088	1020	G. R., H. D., No. 6039/2-V, dt. 3-4-1930.
1089	620	—
1090	663-A	G. L. H. D., No. 5412/5-C, dt. 23-9-1948.
1091	649	I. G.'s Cir. No. 4, dt. 10-3-1938. and No. 2, dt. 27-2-1941.
1092	814 (a)	—
1093	814 (a)	—
1094	1023	—
1095	1024	I. G.'s Cir. No. 2027, dt. 9-2-1933 and Govt. endt., H. D., No. 2099/3, dt. 7-2-1933.

Revised rule.	Corresponding old rule.	Authority.
1096	250, 251, 252 and 1025	—
1097	570	—
1098	1018 and 153	G.L., H.D., No. 5409/5-C, dt. 15-12-1952.
1099	1018 and 153	—
1100	—	—
1101	1021	—
1102	—	G.L., H.D., No. RJM-053-I-C, dt. 10-2-1954.
1103	1012 and 1013	—
1104	1012 and 1013	—
1105	73 and 89	—
1106	—	—
1107	154	—
1108	312 and 313	—
1109	312 and 313	—
1110	1031	—
1111	1032	G.L., H.D., No. 121/2-C, dt. 15-6-1926.
1112	1033	—
1113	1034	—
1114	1035	—
1115	1029	G.R., H.D., No. 2161/7, dt. 12-5-1953.
1116	1029	Do.
1117	1022	—
1118	1026	G.L., H.D., No. 7166/6-C, dt. 11-9-1952.
1119	1014	Govt. H. D. Notification No. 990/7, dt. 10-3-1954.
1120	1030	—
1121	1060	—
1122	—	Govt. H.D. Notification No. RJM-1453, dt. 27-1-1954.
1123	1060	—
1124	1061	—
1125	1062	—
1126	852, 88, 863, 864 and 28	G.L., H.D., No. 2210/7-C, dt. 12-11-1954.
1127	—	I. G.'s Confl. Cir. No. ACT-SR-X-479 dt. 15-12-1953.
1128	867	—
1129	—	G.L., H.D., No. 2210/7-C, dt. 12-11-1954.
1130	865	G.R., H.D., No. 6459, dt. 27-10-1928.
1131	162	—
1132	910	—
1133	911	—
1134	911	—
1135	913	—
1136	914	—
1137	953	—
1138	942	—

Revised rule.	Corresponding old rule.	Authority.
1139	—	—
1140	891	—
1141	891	—
1142	893	—
1143	—	—
1144	871	—
		G.L.,H.D., No. 9685-2-II-C, dt. 1-2-1941, Govt. of Bombay H.D. Letter No. 9685/2/ II, dt. 6-10-1934, G.R.,H.D., No. 5664/4, dt. 10-3-1942 and G.L.,H.D., No. 6178/4- IV-C, dt. 24-7-1947.
1144-A	873	—
1145	874 and 875-A	G.R.,H.D., No. 527/4, dt. 3-10-1938, G.L., H.D., No. 527/4, dt. 10-5-1939, I.G.'s Cir. No. 18875 dt. 17-11-1941 and G.R.,H.D., No. 2855/7, dt. 10-8-1953.
1146	934	—
1147	935	—
1148	908	—
1149	909	—
1150	925	—
1151	886	—
1152	888	G.R.,H.D., No. 2855/7, dt. 10-8-1953 and 14-4-1954.
1153	946	—
1154	948	—
1155	870	—
1156	880	—
1157	590	—
1158	921	—
1159	922	—
1160	924	—
1161	927	—
1162	881	—
1163	869	—
1164	929	—
1165	882	—
1166	884	—
1167	885	—
1168	879	—
1169	945	—
1170	945	—
1171	690	—
1172	157	—
1173	952	—
1174	941	—
1175	876	—
1176	878	G.L.,H.D., No. 23674-C, dt. 8-8-1940.
1177	904	—

Revised rule:	Corresponding old rule.	Authority:
1178	905	—
1179	912	—
1180	930	—
1181	931 and 932	—
1182	955	—
1183	943	—
1184	937	—
1185	716	—
1186	901	—
1187	903	—
1188	936	—
1189	944	—
1190	894	—
1191	897	—
1192	877	—
1193	877	—
1194	877	—
1195	896	—
1196	892	—
1197	906	—
1198	907	—
1199	938	—
1200	898	—
1201	899 and 900	—
1202	939 and 950	—
1203	87	—
1204	929	—
1205	951	—
1206	915	—
1207	916	—
1208	920	—
1209	163	—
1210	232	—
1211	331	—
1212	333	—
1213	194 (25)	—
1214	918	—
1215	919	—
1216	661	—
1217	889	—
1218	734	G.L.H.D., No. 236/4, dt. 19-10-1938.
1219	735	Govt. H.D., Notification No. 2741/7, dt. 8-2-1954
1220	736	G.R., H.D., No. 1826, dt. 4-10-1922.
1221	736	Do.
1222	736	Do.
1223	82	—
1224	101	—

Revised rule.	Corresponding old rule.	Authority.
1225	394	—
1226	814-A	G.L., H.D., No. 5410/5-C, dt. 5-9-1949.
1227	160	—
1228	280	—
1229	547	—
1230	229, 230, 539 and 550	—
1231	235	—
1232	548	—
1233	112	—
1234	194	—
1235	194	—
1236	395	G.L., H.D., No. 8715/6-C, dt. 29-7-1954.
1237	543	G.R., J.D., No. 2159, dt. 8th April 1933 Paragraph 10.
1238	730	—
1239	742	G.R., H.D., No. 12-Jails-500-510 of 31st August 1896, Appendix II, Part I; G.L., H.D., No. 195-2-C, dt. 31st January 1921, H.D., No. 6081/3, dt. 3-5-1935.
1240	729	—
1241	617	—
1242	623	—
1243	624	Govt. H. D. letter No. 7209/2-C, dt. 19th November 1930.
1244	662, 666 and 663	—
1245	Do.	—
1246	271	—
1247	1083	—
1248	1084	—
1249	1087	—
1250	1088	—
1251	1085	—
1252	1086	—
1253	1089	G.R., H.D., No. 12-Jails 500-510 dt. 31-3-1896, Appendix II, Part V.
1254	1090	—
1255	1091	—
1256	—	Govt. H.D. Confl. letter No. 4102/7-C, dt. 21-4-1953 and 4-5-1953.
1257	—	Do.
1258	1092	G.L., H.D., (Pol.) No. S.D. 1579, dt. 4th March 1932.
1259	1092	Do.
1260	1106	—
1261	1107	—
1262	1105	I. G.'s Cir. No. 19462, dt. 1-12-1922.
1263	1108	—

Revised rule.	Corresponding old rule.	Authority
1264	1100	—
1265	1101	—
1266	1102	—
1267	1094	—
1268	1095	—
1269	1096	I. G.'s No. 17203, dt. 15-12-1926.
1270	1097	—
1271	—	G.L., H.D., No. SD 633/6537-A, dt. 21-7-1948 and G.J., H.D., No. EOP-1353/C-4509-C, dt. 26th October 1953.
1272	1098	—
1273	1099	—
1274	1103	G.R., H.D., No. 5392/3, dt. 9th March 1935.
1275	751	I. G.'s No. 14555, dt. 11-10-1937.
1276	167	—
1277	167	—
1278	747-A	G.L., H.D., No. 7415/2-C, dt. 17-6-1930.
1279	Note No. 2 to rule 361	—
1280	746	G.L. H.D., No. 195/2-C, dt. 31-1-1924.
1281	747	G.L., H.D., No. 192/2-C, dt. 31-1-1924 and G.L., H.D., No. 5414/5-C, dt. 28-9-1948.
1282	743	G.L., H.D., No. 5414/5-C, dt. 28-9-1948 and G.N., H.D., No. 8965/6-C, dt. 16-5-1952.
1283	744	Govt. H.D., Notification No. 5066/4, dt. 27-7- 1942 and G.L., H.D. No. 5415/5-C, dt. 10-11-1948.
1284	—	G.L., H.D., No. 7396/5-C, dt. 27-7-1954, and 25-9-1954.
1285	748	G.L., H.D., No. 5407/5-C, dt. 6-11-1948.
1286	748	G.L., H.D., No. 5407/5-C, dt. 6-11-1948.
1287	—	G.L., H.D. No. 232/7-C, dt. 30-3-1954 and H.D. order No. 232/7, dt. 30-3-1954.
1288	—	I. G.'s Cir. No. 31395, dt. 15-11-1952.
1289	1067 and 1065	G.R., H.D. No. 5875/3, dt. 12-3-1935.
1290	1066	Govt. Cir H.D., No. 1710/4, dt. 12-4-1939.
1291	1063	I. G.'s Cir. No. 9, dt. 14-9-1939.
1292	1063	Do.
1293	1070 and 1071	—
1294	Do.	—
1295	1072	—
1296	1073	—
1297	1082	—
1298	1078	—
1299	1076	—
1300	1075	—
1301	1079	—
1302	1080	—

Revised rule.	Corresponding old rule.	Authority.
1303	1081	—
1304	1074	—
1305	1077	—
1306	743	G.L.,H.D., No. 5414/5-C, dt. 28-9-1948 and G.N.,H.D., No. 8965/6, dt. 16-5-1952.
1307	Do.	Do.
1308	Do.	Do.
1309	Do.	Do.
1310	Do.	Do.
1311	Do.	Do.
1312	744	Govt. H.D. Notification No. 5066/4, dt. 27-7-1942 and G.L.,H.D., No. 5415/5-C, dt. 10-11-1948.
1313	752	—
1314	753	G.R.H.D., No. 12-Jails-500/510, dt. 31-8-1896 Appendix II, Part III, and G.L.,H.D., No.2752-D, dt. 18-1-1923.
1315	754	G.R.,J.D., No. 6466, dt. 7-11-1911.
1316	754-A	—
1317	473	—
1318	—	G.R.,H.D., No. LIP- 1053, dt. 4-1-1954.
1319	473	—
1320	474	G.L.H.D., No. 161/5/65110-C, dt. 15-2-1949, G.L.,H.D., No. 4790/7-C, dt. 31-7-53 and G.L.,H.D., No. 4790/7-C, dt. 13-2-1954.
1321	474	Do.
1322	—	Govt. Confi. letter No. SAT-1053/C-1322, dt. 19-3-1954.
1323	475	—
1324	477	—
1325	477	—
1326	476	G.R.,H.D., No. 8211/2, dt. 22-4-1933.
1327	478	—
1328	480	—
1329	—	—
1330	479	—
1331	483	—
1332	—	Govt. Confi. letter No. LIP-1033/C-1291-C, dt. 19-3-1954.
1333	484	—
1334	481	—
1335	Do.	—
1336	481, 593 and 622	—
1337	645	—
1338	665	—
1339	665	—
1340	665	—
1341	80	—

Revised rule	Corresponding old rule	Authority.
1342	144	—
1343	482	—
1344	489-A	—
1345	489	—
1346	—	G.L.,H.D., No. RJM-1054/C-504-C, dt. 22-2-1954.
1347	—	Do.
1348	485	—
1349	485, 486, 479 and 487	I.G.'s Cir. No. 5, dt. 2-5-1939.
1350	Do.	Do.
1351	488	—
1352	491	G.R.,H.D., No. 2256, dt. 28-7-1922.
1353	491-A	G.N.,H.D., No. 6367/4, dt. 21-1-1943.
1354	490	I.G.'s No. 1455, dt. 11-10-1937.
1355	740	G.L.,H.D., No. 9377/3, dt. 12-4-1933 and 20-9-1940; and Govt. Confi. letter No. 6957/4-C dt. 10-9-1953.
1356	739	G.L.,H.D., No. 9685/2-II, dt. 27-8-1934 and G.L.,H.D., No. 5413/5-C, dt. 2-2-1952.
1357	Do.	Do.
1358	Do.	Do.
1359	619	—
1360	660	—
1361	644	G.L.,H.D., No. 195-III-D, dt. 7-12-1922.
1362	644	Do.
1363	1021-A	G.L.,H.D., No. 5410/5-C, dt. 5-9-1949; G.L., H.D., No. 7396/5-C, dt. 18-1-1950; G.L.,H.D., No. 4790/7-C, dt. 31-7-1953 and G.L.,H.D., No. 4790/7-C, 13-2-1954.
1364	—	G.L.,H.D., No. GQJ-1053-C, dt. 9-11-1953.
1365	955-B	G.L.,H.D., No. 4790/7-C, dt. 31-7-1953 and 13-2-1954.
1365-A	—	G.L.,H.D., No. CIJ/1654/23180-C, dt. 13-5-1954.
1366	—	G.L.,H.D., No. GQJ-1153-C, dt. 16-10-1953.
1367	—	Do.
1368	—	G.L.,H.D., Confi. No. 3418/5-C, dt. 27-4-1953 and 6-8-1953.
1369	—	G.L.,H.D., No. 1247/7-C, dt. 14-11-1952 and 8-4-1953.
1370	—	Do.
1371	—	G.L.,H.D., No. 1194/7-C, dt. 22-9-1952 and Govt P. & S.D. Cir. No. TRS 1654, dt. 23-10-1954.
1372	—	G.L.,H.D., No. AFP-1853/57533 C, dt. 20-9-1953.
1373	—	G.R.,H.D., No. FEP-1653, dt. 28-12-1953.

Revised rule.	Corresponding old rule.	Authority.
1374	—	G.L., H.D., No. 4666/6-II-(89134)-C, dt. 8-3-1951.
1375	—	Director of Publicity Cir. No. DP/1200, dt. 14-1-1952.
1376	—	I. G.'s Cir. No. B/14384, dt. 12-6-1952.
1377	—	Do.
1378	—	Do.
1379	777	G.L., H.D., No. 5410/5-C, dt. 5-9-1949.
1380	660	—
1381	660	—
1382	663	—
1383	544	I. G.'s No. 1404, dt. 23-1-1941.
1384	545	Govt. Notification H. D. No. 8665/6, dt. 21-5-1952; I. G.'s No. 16178, dt. 28-10-1930; G.L., H.D., No. 2091/3, dt. 27-1-1933 and G.L., H.D., No. 7378/2-C, 21-11-1930.
1385	552	—
1386	553	I. G.'s No. 12405, dt. 5-8-1939.
1387	554	—
1388	555	—
1389	591	—
1390	593	—
1391	—	G.L., H.D., No. 4766/7-C, dt. 20-7-1953.
1392	466	Govt. H.D. (Confl.) and No. PFP-2153-II-C, dt. 24-9-54 and dt. 11-11-1954.
1393	469	—
1394	467	G.R., J.D., No. 778, dt. 7-2-1917.
1395	471	—
1396	470	—
1397	594	G.R., H.D., No. 9005/3-II, dt. 30-4-1941 and G.L., H.D., No. 1408/7-C, dt. 15-9-1952.
1398	595	—
1399	596	G.R., H.D., No. 9005/3-II, dt. 24-6-1940.
1400	—	Supplementary Criminal Cir. No. 66 to the High Court Criminal Manual.
1401	—	Do.
1402	—	Do.
1403	—	Do.
1404	—	Govt. H.D. No. 7850/6-C, dt. 10-3-1953 and 15-3-1954.
1405	—	Do.
1406	—	Do.
1407	—	Do.
1408	—	G.L., H.D., No. 1408/7-C, dt. 15-9-1952.
1409	—	Do.
1410	598	—
1411	601 (e)	—
1412	601 (f)	G.R., H.D., No. 8872/2, dt. 17-3-1931.

Revised rule.	Corresponding old rule.	Authority
1413	461	G.R., J.D., No. 3187, dt. 4-5-1898.
1414	462	—
1415	463	—
1416	465-A	Govt. Notification H.D., No. 7850/6-C, dt. 17-1-1953.
1417	464	—
1418	465	G.R., H.D., No. 4284/3, dt. 30-8-1934.
1419	755	G.L., H.D., No. 5401/5-C, dt. 19-11-1948.
1420	—	G.L., H.D., No. RTP 1054/15242-C, dt. 24-3-1954.
1421	762	—
1422	758-A	G.L., H.D., No. 9440/4, dt. 31-10-1945.
1423	—	G.L., H.D., No. GQJ-1153-C, dt. 16-10-1935.
1424	763	G.N., H.D., No. 5503/4, dt. 11-5-1942, and G.L., H.D., No. RTP-1054/15242-C, dt. 5-10-1954.
1425	Do.	Do.
1426	Do.	Do.
1427	767	—
1428	765	—
1429	766	—
1430	766	—
1431	772	—
1432	761	G.L., H.D., No. 5419/5-C, dt. 24-11-1948.
1433	768	G.L., H.D., No. 5503/4, dt. 11-5-1942.
1434	769	G.L., H.D., No. RTP-1053-C, dt. 2-12-1953.
1434-A	—	I. G.'s Cir. No. ADM-218, dt. 17-6-1954.
1435	—	G.L., H.D. No. 1469/7-C, dt. 22-10-1952.
1436	—	Do.
1437	770	—
1438	771	—
1439	775	—
1440	775-A	Govt. Notification, H.D., No. 8879/6-C, dt. 5-12-1951.
1441	775-B	Do.
1442	773	—
1443	774	—
1444	781	—
1445	780	—
1446	782	G.R., J.D., No. 3046, dt. 20-4-1899 and I. G.'s Cir No. D-II/8475, dt. 28-2-1953.
1447	782	G.R., J.D., No. 3046, dt. 20-4-1899 and I. G.'s Cir. No. D-II/8475, dt. 28-2-1953 and Govt. H.D., Notification No. 5724/6, dt. 2-12-1952.
1448	783 and 784	G.R., H.D., No. 432, dt. 27-11-1923.
1449	Do.	G.L., H.D., No. 658/5, dt. 21-8-1946 and 10-10-1946.

Revised rule.	Corresponding old rule.	Authority.
1450	785	G.L.,H.D., No. 5401/5-C, dt. 10-8-1951.
1451	Do.	Do.
1452	786	
1453	787	G.L.,H.D., No. PAB/353/6442-C, dt. 9-11-1953.
1454	789	G.R.,H.D., No. 432-II dt. 29-7-1926, G.R.,H.D., No. 3935/4, dt. 16-12-1940 and G.L.,H.D., No. 5488/6-C, dt. 4-12-1951.
1455	797	I.G.'s Cir. No. 2, dt. 1-3-1929.
1456	798	G.R.,H.D., No. 432 II, 21-1-1930.
1457	794	I.G.'s Cir. No. 1628, dt. 5-2-1926.
1458	790	—
1459	795	I.G.'s No. 3555, dt. 20-3-1926.
1460	796	G.R.,H.D., No. 432, dt. 27-11-1923, 11-12-1925 and 29-7-1926.
1461	792	G.C.,H.D., No. 7595/3-II-C, dt. 29-10-1938.
1462	793	G.L.,H.D., No. 432-II-12294-C, dt. 10-9-1926.
1463	791	G.R.,H.D., No. 432-II, dt. 29-7-1926.
1464	791	Do.
1465	803	I.G.'s Cir. No. 18610, dt. 21-12-1938.
1466	804	G.L.,H.D., No. 5401/5-C, dt. 19-11-1948.
1467	804	Do.
1468	805	Do.
1469	788	G.R.,H.D., No. 432-XLII, dt. 15-8-1939.
1470	799	—
1471	800	—
1472	801	G.O.,H.D., No. 432, dt. 25-10-1924.
1473	806	G.L.,H.D., No. 1812/4, dt. 19-7-1939.
1474	802-A	G.L.,H.D., No. 658/5, dt. 10-10-1946.
1475	—	G.R.,H.D., No. 6486/3, dt. 2-8-1935.
1476	—	Do.
1477	—	Do.
1478	—	Do.
1479	—	G.R.,H.D., No. 6486/3, dt. 2-8-1935.
1480	—	Do.
1481	802	G.R.,H.D., No. 3935/4, dt. 16-12-1940.
1482	455	G.N.,H.D., No. 6815/6, dt. 2-6-1952.
1483	—	G.L.,H.D., No. 571/2078-C, dt. 8-1-1952.
1484	455	G.N.,H.D., No. 6815/6, dt. 2-6-1952.
1485	456	—
1486	457	—
1487	541 and 542	G.R.,H.D., No. 108/4, dt. 9-3-1939 and G.R.,H.D., No. 633/4, dt. 2-12-1940 and I.G.'s Cir. No. 12190 dt. 15-8-1938.
1488	Do.	Do.
1489	—	G.R.,H.D., No. 5405/5, dt. 12-11-1951.
1490	563	—
1491	564	—

Revised rule.	Corresponding old rule.	Authority.
1492	565	G.L.,H.D., No. 5417/5-C, dt.11-11-1948.
1495	566	Govt. H.D. Notification No. JUP 1153, dated 11-6-1954.
1494	—	G.L.,H.D., No. 4780/5-C, dt. 14-5-1949.
1495	—	Do.
1496	—	Do.
1497	—	Govt. H.D. Notification No. 6696/5, dt. 31-10-1950.
1498	—	Do.
1499	—	Do.
1500	812-A	Govt. H.D. Notification No. 232/7, dt. 11-11-1953.
1500-A	—	G.L.,H.D., No. FUR-2554/66311-C, dt. 20-10-54.
1500-B	—	G.L.,H.D., No. FUR 2554/64303-C, dt. 12-11-1954.
1500-C	—	Do.
1501	—	G.L.,H.D., No. 232/7-C, dt. 5-3-1954.
1502	—	G.L.,H.D., No. 232/7-C, dt. 5-3-1954 and H.D. No. FUR-1453/69920-C, dt. 17-4-1954.
1503	812-B	Govt. H.D. Notification No. 232/7, dt. 11-11-1953.
1504	812-C and 812-D	Govt. H.D. Notification No. 232/7, dt. 11-11-1953 and PAR-2554-C, dt. 16-9-1954 and I.G.'s Cir. No. ADM-370, dt. 4-10-1954.
1505	812-E	Govt. H.D. Notification No. 232/7, dt. 11-11-1953.
1506	812-F	Do.
1507	—	G.L.,H.D., No. PAR-2554-C, dt 16-9-1954.
1508	—	G.L.,H.D., No. RJM-1053/16439-C, dt. 9-10-1954.
1509	812-G	Govt. H.D. Notification No. 232/7-C, dt. 11-11-1953.
1510	454-A	G.L.,H.D., No. 5410/5-C, dt. 5-9-1949.
1511	—	G.R.,H.D., No. 4428/6, dt. 25-9-1950.
1512	—	G.L.,H.D., No. RJM-1053/16439-C, dt. 9-10-1954.
1513	—	G.R.,H.D., No. 4428/6, dt. 25-9-1950.
1514	—	G.L.,H.D., No. 4786/7-C, dt. 14-7-1954.

APPENDIX VII

[NOTE AT THE END OF CHAPTER NO. II, B.J.M.]

*The Statement showing the present pay scales of the posts in
Bombay Jail Department*

POSTS	SCALES
1. Inspector-General of Prisons	... Rs. 1600-100-1800.
2. Personal Assistant to the Inspector-General of Prisons.	.. 350-30-500.
3. Superintendent of Jail Industries	... .. 220-15-400-E. B.-20-500-E. B.-25-650.
4. Superintendent of a Central Prison.	.. 740-45-1010.
5. Superintendent of District Prison, (1) Governor, Borstal School, Dharwar, Dy. Superintendent of Central Prison. (2) Superintendent, Bijapur District Prison, House of Correction, Byculla and Karwar Special Prison.	.. 470-30-650-45-740. .. 400-20-500.
6. Jailor, Group-I.	... .. 270-10-300-15-390.
7. Jailor, Group-II and Deputy Governor, Borstal School, Dharwar.	.. 120-8-200-10/2-220.
8. Jailor, Group-III.	... .. 70-3-85-4-125-5-130. Graduate Rs. 76. Hons. Graduate Rs. 85.
9. Physical Training Instructor.	... .. 270-10-300-15-390.
10. Office Superintendent, Inspector-General of Prisons' Office.	.. 200-10-300.
11. Auditor, Inspector-General of Prisons' Office.	.. Do.
12. Superintendents of Branches Inspector-General of Prisons' Office.	.. 150-10-200.
13. Stewards at Jails.	... .. Do.
14. Head Clerks.	... .. 100-8-140-10-160.
15. Senior Clerks and Store Keepers	... .. 100-8-140.
16. Junior Clerks and Store Keepers	... .. 46-3-85-E.B.-4-125-5-130.
17. Stenographer	... .. 100-5-125-6-185-8-225.
18. Compounder	... .. 55-3-85-E.B.-4-125-5-130.
19. Teacher	... .. 40-1-50-E.B.-1 $\frac{1}{2}$ -65-E. B.-2 $\frac{1}{2}$ -75.
20. School Master (Yeravda Central Prison).	.. 61-3-85-4-125-5-130.
21. Weaving Assistant.	... .. 140-5-170.
22. House-Master at Borstal School, Dharwar.	.. 55-3-85-4-125-5-130.
23. Carpentry Instructor	... .. 75-5-100-8-140.
24. Leather Instructor	... .. 72-4-100.
25. Tailor Master	... .. 80-5-120.

26.	Assistant Tailor Master	...	Rs. 61-3-85.
27.	Assistant Weaving Instructor	...	Do.
28.	Agricultural Officers	...	80-5-100-8-140-E.B.- 10-200 for Graduates.
29.	Assistant Agriculture Instructor	...	61-3-85.
30.	Field Kamgars	...	55-3-85.
31.	Paper Instructor	...	45-2-75.
32.	Wireman Driver	...	50-2-60-3-75.
33.	Senior Subhedar	...	75-3-90.
34.	Junior Subhedar	...	70-3-85.
35.	Jamadar	...	60-1-65.
36.	Quarter Master Havildar	...	55 fixed.
37.	Havildar	...	50 "
38.	Lance Havildar	...	48 "
39.	Naik	...	45 "
40.	Lance Naik	...	42 "
41.	Sepoy.	...	35- $\frac{1}{2}$ -40.
42.	Senior Matron	...	55-1-65.
43.	Junior Matron	...	40-1-50.
44.	Chief Supervisor, at B. S. Dharwar	...	61-3-85.
45.	Senior Supervisor,	Do.	55 fixed.
46.	Do.	Do.	50 "
47.	Do.	Do.	45 "
48.	Junior Supervisors.	Do.	42 "
49.	Mali	Do.	35-1-45.

(RULE 132, B. J. M.)

Rules for the Examination in Accounts and Service Rules of Gazetted Officers and non-Gazetted staff of the Jail Department.

1. Every person in the Jail Department appointed to the posts mentioned below shall be required to pass an examination in accordance with these rules within two years from the date of appointment or the coming into force of these rules, whichever is later:

(1) Superintendent of Central and District Prisons and Superintendent of Jail Industries.

(2) Jailor Group I.
Jailor, Group II.
Jailor, Group III.

(3) Heads of Branches in the Office of the Inspector-General of Prisons Stewards, Head Clerks and Senior Clerks.

(4) Weaving Assistants, Agricultural Officer and other technical instructors.

(5) Clerks not included in category (3) above:

Provided that persons in permanent service in the Jail Department who have attained the age of fifty years or completed 30 years service in the Department on the date of the coming into force of these rules shall not be required to appear for the examination;

Provided further that a person who fails to pass the examination within the prescribed period may, at the discretion of the Inspector-General of Prisons, be allowed to appear at the examination held immediately next after the expiry of the prescribed period.

2. (1) No Gazetted or non-Gazetted Government servant in the Jail Department who is required to pass the examination under these rules shall be confirmed in his post until he passes the examination.

(2) Failure to pass the examination within the prescribed period shall, in the case of candidates appointed by nomination after the coming into operation of these rules, entail loss of the appointment and, in the case of officers appointed by promotion who have not been confirmed entail reversion to the lower post held substantively.

(3) In cases not covered by Sub-rule (2) failure to pass the examination within the prescribed period shall entail withholding of further increments, until exempted from passing the examination by Government, in the case of Gazetted Officers, and the Inspector-General of Prisons, in the case of others, or the attainment of the age of 50 whichever is earlier.

3. After the date of the coming into force of these rules no Junior Clerk shall be promoted as Senior Clerk and no Jailor Grade III shall be promoted as Jailor Grade II unless he has passed an examination under these rules.

4. No officer who has passed an examination held by Bombay Public Service Commission under these rules shall be required to pass it again on promotion to a higher grade or service.

5. The examination will be held in January and July every year for Superintendents, Jailor Group I, and II. Superintendent of Jail Industries, Heads of Branches in Inspector-General's office. Stewards, Head Clerks and Senior Clerks by the Public Service Commission at Bombay and for Jailor Grade III,

Junior Clerks, Weaving Assistant, Agricultural Officers and other Technical Instructors, by the Inspector-General of Prisons, Poona. The dates of examinations will be fixed by the Commission and the Inspector-General and should be notified in the Bombay Government Gazette. The question papers may be answered with the aid of books.

6. (a) Fifty percent of the maximum marks in each paper will be required to pass the examination.

(b) A candidate who obtains at least 75 per cent of the aggregate marks obtainable will be considered to have passed the examination with credit except in the case of a candidate who has secured an exemption under Rule 7 below.

7. An unsuccessful candidate who has obtained 60 percent or more of the marks obtainable in a paper will be exempted from appearing again in that paper provided that the candidate must, in order to have the benefit of the exemption, appear and pass in the remaining paper of papers not later than at the next ensuing examination.

8. The following subjects and books are prescribed:—

Group I		Marks 100
(1) Financial Rules (Financial Publication No. I).	... Chapters	1, 2, 4, 13 and 15 in full. " 3 except rules 42 and 44. " 5 except rules 60 to 67. " 6 except Section II. " 7 except Section IX. " 8 rules 107, 111-B and 111-C. " 9 except Section III. " 10 except Sections II & III. " 11 except rule 273. Appendices Nos. 1, 2, 9, 16, 18, 18-A in full. " " 1-A to 1-G. " " 15. Forms 1, 2, 3-A, 4, 5 and 26.
(2) Financial Powers (Financial Publication No. VII).	...	Portions relating to Bombay Jail Department.
(3) Manual of Contingent Expenditure (Financial Publication No. IX).	...	Sections I to XI, XII-A to XXII, Rules 86, 87, 92-94, 96-98 and 104 in Section XXII and Sections XXIV to XXVI, and XXX and XXXI and Appendices I to V.
(4) Bombay Budget Man- (Financial Publication No. X).	...	All except Chapters IV, XII-XIV. Appendices 1 to 6.
(5) An Introduction to India Government Accounts and Audit—Second Edition — Reprint 1950—	...	Chapters 1, 2, 4, 5, 6, 7, 8, 10, 12, 14, 15, 16, 19, 20, 24, 25, 26, 27 and 28.

Group II

Marks 50

- (1) The Bombay Civil Services Rules Manual Vol. I (Financial) Publication No. V). ... Chapters, I, II, III, IV, V, VII, VIII, IX, X, XI, XII (Part IV and V), XIV and XV.
- (2) The Bombay Civil Services Rules Manual Vol. II (Financial) Publication No. V). ... Appendices I to XIX, XXIII to XXVI, XXIX, XXX, XXXII, XXXIII, XXXV, XXXVI, to XXXVIII, XL, XLII to XLIV and XLIV A, LI A to LVII.
- (3) Bombay Civil Services conduct Discipline and Appeal Rules (Financial Publication No. VIII). ... Full.
- (4) Bombay Civil Services Classification and Recruitment Rules. ... General Rules and Portions of the appendice pertaining to the Jail Department.
- (5) The Bombay G.P.F. Rules. ... Full.

Group III

Marks 100

Departmental Accounts

- (1) Jail Manual Part I, Sub-Jail Manual. ... Full.
- (2) Jail Account Manual ... Full.

**A Key to growing up of common
(A) Solid Vegetables, i. e., Fruit, Root, and**

English Name.	Vernacular Name.	Scientific Name.	Family	Lay out.
1	2	3	4	5
Beet Root ...	H—Chakandar ...	Beta Vulgaris ...	Chepodiceae..	Ridges & furrows.
Sweet Potatos	H—Mithalu M—Ratalu ..	Ipomea Batatas.	Convolvuleceae	Do. ...
Cabbage ...	H—Gobi ... M—Kobi ..	Brassica Oleracca Capitatas.	Crufiereceae...	Flat beds
Cauli Flower ...	H—Phool Gobi.	Brassica Oleracca Borytys.	Do. ..	Do.
Knowl Kol ...	H—Ganth-Gobi.	Brassica Oleracca Caulorapa.	Do. ..	Ridges and furrows.
Radish ...	H—Moolee ...	R a p h a n a s Sativas.	Do. ..	Do.
Furuip ...	H—Gelgam ...	Brassica Rapa ..	Do. ..	Ridges & furrows or flat beds.
Cucumber ...	H&M—Khira ..	Cucumis Sativas.	Cucurbitaceae.	Rings & Bassin spacing. 5' x 5'
Cucumber ...	Kakari ...	Cu-melo Utilissimus.	Do. ...	Do. ..
Bitter Gourd ...	H—Karla M—Karli ...	Momordica charantia.	Do. ..	Do.
Bottle Gourd or Doodkee.	H—Alkoddu ...	Leagenaria culgaris.	Do.	Do. of 8' x 8'
Snake Gourd ...	M—H—Padwal.	Trichosanthus anguina.	Do. ..	10' x 10'
Sponge Gourd...	M—Dodke .. H—Zinga Turi ...	Luffo Aclltangala.	Do. ...	6' x 6'
Red-Pumpkin ..	H—Kaddu M—Kashiphal Bhopala.	C u c e r b i t a maxima.	Do. ..	8' x 8'
Smooth Gourd...	H—Ghio turi M—Ghosali K—Tuppa—Hirekai.	Luffa Acgyptia ...	Do. ...	8' x 8'

IX

vegetable crops in Plains

Pod Vegetables (families arranged alphabetically).

Seed rate per acre. 6	Suitable sowing. time. 7	Average life- period from sowing. 8	Average yield per acre. 9	Remarks. 10
3 Lbs.	July to Novem- ber.	3 Months	6000 Lbs. ...	Mangal Warzal and Swisschard belong to Beet root group only.
50000 sets	April to July and November to December.	5 Months ...	12000 Lbs. ...	Seeds are sown in the nursery on raised beds at 6" apart. Seeding become rea- dy for transplanting after 5 to 6 weeks.
8 ozs.	August to Decem- ber.	3 $\frac{1}{2}$ Months ...	70000 Lbs. ...	Do.
8 ozs.	Do. ...	3 Months ...	6000 Lbs. ...	Do.
1 Lbs.	Do. ...	2 Months ...	6000 Lbs. ...	Do.
3 $\frac{1}{2}$ Lbs.	January to July.	1 $\frac{1}{4}$ Months	4000 Lbs. ...	Dibbled at a distance of 6" to 9".
2 Lbs.	September to December.	3 Months ...	6000 Lbs. ...	Do.
2 Lbs.	March to July ...	3 Months ...	4000 Lbs. ...	
2 Lbs.	September to December.	3 Months ...	4000 Lbs. ...	
2 Lbs.	March to July ...	4 Months ...	2500 Lbs. ...	
2 Lbs.	Throughout the year except the rainy Season.	5 $\frac{1}{2}$ Months ...	10000 Lbs. ...	
2 Lbs.	March to July ...	4 $\frac{1}{2}$ Months ...	5000 Lbs. ...	
1 $\frac{1}{4}$ Lbs.	April to July ..	$\frac{1}{2}$ Months ...	3000 Lbs. ...	
1 $\frac{1}{4}$ Lbs.	April to July ...	5 $\frac{1}{2}$ Months .	10000 Lbs. ...	
7 Lbs.	March to July ...	7 Months ...	5000 Lbs. ...	

English Name. 1	Vernacular Name. 2	Scientific Name. 3	Family. 4	Lay out. 5
Tapioka ...	K—Mara gensa.	Manilt Utilissi- ma Varcassai.	Euferpiaceae.	Ridge & furrows.
French Beans ...	H—Chosam ... M—Shravan Ghevda.	Phacolus vulgoris Bushy Variety.	Legumino- seae.	Do. ...
Lima Beans ...	H—Awariyi ... M—Ghewada...	Phalceolus lunatus.	Do. ...	Flat Beds ...
Clustered Beaus.	M—Gowari ...	Cyamopsis psoraliodes.	Do. ...	Ridges & Furrows.
Onion ...	H—Piaz K—Niruti. M—Kānde ...	Allium—cepa ...	Liliaceae ...	do. Or flat beds...
Lady's fingers...	H & M—Bhendi. K—Bhandikayi.	Hibicus Esculentus ...	Malvaceae...	Ridges & furrows.
Brinjal or Egg plant.	H—Baingan ... M—Wangi ...	Soleum Melon- geus variety Esculantium.	Solanceae ...	Do. ...
Tomato ...	.....	Solamum Lyeopea Sicum ...	Do. ...	Do. ...
Potato ...	M—Batata ...	Solamum Tuberosum.	Do. ...	Do. ...
Carrot ...	H—M—Gajar ...	Dancus Carvta...	Umolli fer- ceae.	Flat bed ...

IX—(contd.)

Seed rate per acre.	Suitable sowing time.	Average life- period from sowing.	Average yield per acre.	Remarks.
6	7	8	9	10
25000 cuttings.	June ...	9-12 Months.	12000 Lbs	
20 Lbs.	May to June ...	2½ Months...	4000 Lbs....	9" Stern cutting planted @ 9"x18" dibbled @ 6"x18".
8 Lbs.	May to June ...	7 Months ...	8000 Lbs....	Dibbled @4'x3', trial on poles.
10 Lbs.	May to June and November to December.	4 Months ...	4000 Lbs....	Dibbled @15"x24".
12 Lbs. for bulds.	June and September to December.	5 Months ...	2000 Lbs.	Plant seeding @9"x4" to 6"x4".
15 Lbs.	February to May	3 Months ...	6000 Lbs....	
1 Lbs.	August to January.	6-7 Months.	14000 Lbs...	
½ Lbs.	June to October.	4 to 5 Months.	10000 Lbs....	Boney Best Variety recommended.
1000 Lbs. Potatos.	July to November.	3½ Months...	10000 Lbs.	For seed Potatos Consult Agril Department.
15 Lbs.	July to November.	4½ Months ..	10000 Lbs.	Indian Variety, English varieties come early.

APPENDIX

Leafy

English Name.	VernacularName.	Scientific Name.	Family.	Lay out.
1	2	3	4	5
Amaranthus Red and white.	M—Raj-gira ..	Amaranthus Gagenticus.	Amarantaceae	Flat beds ..
Chavalee ...	M—Chavalli ...	A—polygamus..	Do. ...	Do. ...
Math ...	M—Math ...	A—soleraceus...	Do. ...	Do. ...
Pokale ...	M—Pokala ...	A—Tristis ...	Do. ...	Do. ...
Spinach ...	M—Palak ...	Spinecia Olev- cea.	Chenopodiceae	Do. ...
Chak-Wat ...	M—Chakwat...	Chinopodium Viride	Do.	Do. ..
Chandan Batva ...	M—Chandan Batva.	Chinopodium rubrum.	Do. ...	Do. ...
Fommi-Greak...	M—Methi ...	Trigonella foacumgracum.	Do. ...	Do. ...
Ambadi ...	M—Ambadi ...	Hibiscus Canna binus.	Malveeace	Do. ...
Dill ...	M—Shop ...	Peucedanum graveolens.	Umbellifarceae	Do. ..
Sarrel ...	M—Chuka ...	Rummen Acetis	Polygonacear	Do. ...

N, B.—Yield given in column 9 for species of medium type, under general due to :—

- (1) Botanical :—As each species of plant have varieties (early, medium, ingly, i. e., more life period more is the yield.
- (2) Environmental :—As the climate differs in each place, the yield will
- (3) Soil Condition :—In each place and garden, the soil varies, so the

IX—(contd)

Vegetables.

Seed rate per acre.	Suitable sowing time	Average life period from sowing	Average yield per acre	Remarks.
6	7	8	9	10
5 Lbs.	Through out the year	5 to 6 weeks.	4000 Lbs. ...	Lesser seed rates even be seed if properly broadcasted.
6 Lbs.	Do. ...	6 "	4000 Lbs. ...	
4 Lbs.	Do. ...	6 "	4000 Lbs. ...	
4 Lbs.	Do. ...	6 "	4000 Lbs. ...	
12 Lbs.	except in hot weather.	6 to 8 "	5000 Lbs. ...	
5 Lbs.	Through out the year except hot weather.	6 "	4080 Lbs. ...	
5 Lbs.	Through out the year.	6 "	2000 Lbs. ...	
40 Lbs.	Through out the year except.	5 to 6 "	4000 Lbs. ...	
15 to 20 Lbs.	All over the year	5 to 6 "	4 000 Lbs. ...	
5 Lbs.	Do. ...	6 to 8 "	3000 Lbs. ...	
5 Lbs.	Do. ...	6 "	2000 Lbs. ...	

desired garden soil and under favourable condition, to the guilt may change and late) the life period change and hence generally yield also changes accordingly. By attack of pests and diseases, the yield may go down. yield will vary.

APPENDIX No. X

TREATMENT OF PRISONERS ON HUNGER-STRIKE

Prisoners

Treatment of—on hunger strike.

GOVERNMENT OF BOMBAY

HOME DEPARTMENT

RESOLUTION No. 4845/3

Bombay Castle, 30th January, 1935.

Letter from the Government of India, Home Department, No. F. 104/33-Jails, dated the 9th May 1934.

Letter to the Inspector General of Prison, No. 4845/3, dated the 23rd May 1934.

Letter from the Inspector General of Prisons, No. 175, dated the 1st June 1934.

Letter to the Government of India No. 4845/3, dated the 18th July 1934.

Letter from the Government of India, Home Department No. F. 194/33-Jails (Conf.), dated the 29th November 1934 (printed as an accompaniment to this Government Resolution).

Read Government No. 4945/3, dated the 22nd December 1934.

Letter from the Inspector General of Prisons, No. 19, dated the 9th January 1935;—

"With reference to Home Department, Confidential letter, No. 4845/3-C, dated 22nd December 1934, I have the honour to forward herewith, as required in paragraph 4 of the letter above quoted, a copy of the instructions I propose issue to all concerned.

"I consider that these instructions should be issued as an Appendix to the Bombay Jail and Sub-Jail Manuals."

RESOLUTION.—The accompanying letter from the Government of India, Home Department, No. F. 104/33-Jails (Conf.); dated the 29th November 1934, shall be communicated to the officer concerned for information and guidance.

2. The Governor in Council is pleased to approve the accompanying instructions framed by the Inspector General of Prisons the treatment of prisoners on hunger-strike.

3. The Inspector General of Prisons should be requested to take steps to embody these instructions as an Appendix to the Bombay Jail Manual and the Sub-Jail Manual.

By order of the Governor-in-Council
J. C. BOLTON,

Under Secretary to the Government of
Bombay, Home Department.

To
The Inspector General of Prisons, Bombay Presidency,
The Surgeon General with Government of Bombay,
All District Magistrates,
All Medical officers of Prisons,
All Superintendents of Prisons,
The General Department,
The Government of India (by letter).

ACCOMPANIMENTS TO GOVERNMENT RESOLUTION, HOME
DEPARTMENT, No. 4845/33, DATED THE 30TH JANUARY 1935

Letter from the Government of India, Home Department No. F. 104/33-Jails
(Conf.), dated 29th November 1934:

I am directed to refer to the correspondence ending with your letter No. 4845/3, dated the 18th July 1934, on the subject of the action to be taken when prisoners resort to hunger-strike and communicate to you the conclusions reached by the Government of India after careful consideration of the views submitted to them on the various matters dealt with in the Home Department No. F. 104/33-Jails, dated May 9, 1934.

2. The Government of India are pleased to find that all local Governments and Administrations recognize the soundness of the first of the two main principles enunciated by them, namely, that no concession should be given to prisoners on hunger-strike in order to induce them to abandon a strike. The Government of the United Provinces have made two suggestions in this connection. These are (i) that prisoners should be warned that no concession, not even to remedy a legitimate grievance will be given as long as they continue on strike, and (ii) that no enquiry into grievances should be made until the strike is over. The Government of India readily accept the first of these suggestions which indeed does not go beyond their own proposal that strikers should be warned that no redress can be given in any circumstances so long as they continue on strike. If this proposal is given effect to, then the exact time at which enquiry should be begun is a matter of detail which the Government of India think may well be left to local Governments. The Government of Assam have expressed the view that the redress of grievances while a hunger-strike is maintained is not a matter of real substance because "if a grievance is proved the striker would naturally be told that the grievance would be redressed." The Government of India find it difficult to reconcile that view with the acceptance of the principle enunciated by them. They hold most strongly that no concession should be made to induce a hunger-striker to abandon his strike and that to inform such a striker that Government propose to grant a concession would clearly be to use the concession as an inducement to give up the strike, which is exactly what they consider should in no circumstances be done.

3. The second main principle, viz., that it is the duty of the jail authorities to do what they reasonably can to keep the prisoners in their charge in health and to save them from death, has also received general acceptance, and there is much less difference of opinion as to the best method of its practical application than might have been expected. The Government of Madras consider that the time to begin artificial feeding should be left entirely to the discretion of the Medical officer. The Government of Bombay suggest that in view of differences of temperament and constitution among prisoners discretion must be left to the medical officer and no definite rule should be laid down except that artificial feeding should not be delayed till a stage when the collapse of the prisoner is imminent. The Government of Bengal also take view that discretion must be left to the medical officer. The Government of

the United Provinces agree that it is preferable to begin artificial feeding early rather than to wait till there is a danger of collapse, but they too desire that full discretion should be left to medical officers. The Government of the Punjab also favour the grant of full discretion to medical officers. The Government of Burma take the same view and suggest that since sustenance in drink can to a large extent take the place of food, and since no prisoner can for long abstain from liquid, it might be laid down as an instruction to medical officers that any liquid given to a hunger-striking prisoner contain nourishment. The Government of Bihar and Orissa apparently take the view that hunger-strikers should be supplied with nothing but drinking water containing 10 per cent. glucose and 2 per cent. bicarbonate of soda. The Government of the Central Provinces are in favour of artificial feeding at an early stage and say that the officers of the Jail Department would welcome orders on this point. The Government of Assam also favour early artificial feeding and see no objection to the issue of general instructions to assist medical officers, though in individual cases the actual decision of when to start artificial feeding must be left to the medical officer. The Government of the North-West Frontier Province consider that there would be great advantage in a definite statement in favour of the early start of artificial feeding which would serve as a guide to medical officers. The Chief Commissioner of Delhi also feels that the average medical officer would welcome definite guidance as to when to begin artificial feeding. The Government of India accept the view taken by a majority of local Governments that the exact time at which artificial should be begun in each individual case should be left to the discretion of the medical officer. They are impressed by the weight of opinion in favour of the view that artificial feeding should be begun early rather than late, but they feel this is essentially a professional medical question rather than an administrative one and that guidance to medical officers as to the exercise of their discretion can more suitably be given by the Inspector General in a professional form rather than by the issue of executive instructions.

4. In paragraph 5 of their letter No. F. 104/33-Jails, dated May 9, 1934, the Government of India provisionally expressed the view that it would be a mistake to have recourse to whipping as a jail punishment for hunger-striking and suggested that the proper course would be for a prisoner to be warned in the sense proposed by the Inspector General, and if he does not abandon the strike within a short period, say 3 days, he should be prosecuted under section 52 of the Prisons Act. After careful consideration of the views of the local Governments the Government of India have decided that it would be inadvisable to issue an order prohibiting the infliction of whipping as a jail punishment in these cases. Only three local Governments are in favour of such orders and even two of these Governments recognize that exceptional cases might arise in which whipping was desirable. Furthermore, it appears that whipping—and even a warning that whipping will be inflicted—has in actual experience been proved to be a powerful deterrent. The Government of India, while themselves retaining a preference for a prompt recourse to prosecution under section 52 of the Prisons Act after a warning has been given and disregarded have no desire to fetter the discretion of local Governments in the choice of methods of dealing with hunger-strikes and they do not propose to issue any detailed orders on this point. The conclusions which they themselves have reached in regard to disciplinary action which can suitably be taken in the case of prisoners on hunger strike are as follows:—

(i) The prisoners should be immediately isolated from other prisoners and also, to the extent possible, from one another. It is of special importance to isolate the leaders from others.

(ii) Prisoners should be warned—

(a) that hunger-striking is a major jail offence and mass hunger-striking amounts to mutiny, and they should be told of the punishments to which they become liable if they go on hunger-strike;

(b) that by going on hunger-strike they become liable to prosecution under section 52 of the Prisons Act and in the case of conviction may be sentenced to a period of imprisonment up to one year or to be whipped;

(c) that no redress of grievances will in any circumstances be given so long as they continue on hunger-strike.

(iii) The Jail authorities should have discretion to impose jail punishments, subject, in the case of whipping to such general orders as the Government of India have issued in regard to the whipping of certain classes of prisoners, or to institute proceedings under section 52 of the Prisons Act.

(iv) As little publicity as possible should be given to the hunger-strike and where prosecutions under section 52 of the Prisons Act are instituted the proceedings should be held within the jail and should be begun and completed with as little delay as possible.

5. The Government of India have nothing to add to what they said in their previous letter on the subject of the liability of medical officers. In order to make this letter so far as possible self-contained they consider it desirable to repeat what they previously said, which was that the view taken by the Government of India is that no criminal prosecution or civil action would be sustainable against a medical officer either for administering or not administering food artificially at any stage provided the medical officer is of the honest opinion, reached with due care and attention, that the treatment given is in the best interest of the prisoner's health.

6. The Governor of/You will probably issue order on this subject for the guidance of officers subordinate to them/ you, and I am to say that the Government of India will be glad to receive a copy of these orders in due course.

INSTRUCTIONS FOR THE TREATMENT OF PRISONERS ON HUNGER-STRIKE

The following instructions are to be followed when prisoners report to hunger-strike:—

1. The first principle to be followed is that in no circumstance will any concession be granted a prisoner in order to induce him to abandon a strike. This will apply to all prisoners whether under-trial or convicted and will apply to all classes, including State Prisoners unless specific orders to the contrary are issued by Government.

(a) Prisoners on strike should be warned that no concession in any circumstances, not even to remedy a legitimate grievance, will be given so long as they continue on strike.

If the strike was caused by what might be a legitimate grievance— and when the prisoner or prisoners have definitely abandoned the strike, by partaking of the ordinary prison diet, as issued, under orders in force at the time for their particular class—then, and then only, should the Superintendent concerned hold an enquiry into the cause of the strike, and promptly remove any genuine grievance if such is found to exist, and it is within his power to rectify the same. A detailed report of any such enquiry, with the action taken by the Superintendent should be forwarded to the Inspector General of Prisons.

Such enquiry should be held within 24 hours of the strike being abandoned by the prisoner or prisoners—and the report to the Inspector-General of Prisons should be forwarded by the first post after the conclusion of the enquiry.

2. The second principle is that it is the duty of the jail authorities to do what they reasonably can to keep the prisoners in their charge in health and to save them from death.

In the case of prisoners on hunger-strike the medical officer in charge of the prisoner will be the sole judge as to the exact time when artificial feeding should be begun; however as a matter of general principle it is suggested that artificial feeding should be started early rather than late—when there is a danger of prisoner being in imminent danger of collapse.

In this connection it is important that all officers concerned should be acquainted with the view taken by the Government of India, namely, that no criminal or civil action would be sustainable against a medical officer either for administering or not administering food artificially at any stage, provided the medical officer is of the honest opinion, reached with due care and attention, that the treatment given is in the best interest of the prisoner's health.

This is of the utmost importance and should materially assist medical officers in deciding when artificial feeding should be begun.

3. Disciplinary action that should be taken will ordinarily be on the following lines.—

(i) The prisoners should be immediately isolated from other prisoners and also, to the extent possible, from one another. It is of special importance to isolate the leaders from others.

(ii) Prisoners should be warned—

(a) that hunger-striking is a major jail offence and mass hunger-striking amounts to mutiny, and that as such prisoners committing these breaches of jail rules are liable to:—

(A) be whipped,

(B) forfeit all earned remission,

(C) be removed from the Remission Register,

(D) any other punishment considered suitable under Rule 703, Bombay Jail Manual, which punishment or punishments will be awarded by the Superintendent;

(b) that by going on hunger-strike they become liable to prosecution under section 52 of the Prisons Act, and in case of conviction may be sentenced to a period of imprisonment up to one year or to be whipped;

(c) that no redress of grievances will in any circumstances be given so long as they continue to hunger-strike.

(iii) The Jail authorities shall have full discretion to impose Jail punishments, subject, in the case of whipping, to such general orders as the Government of India have issued in regard to whipping of certain classes of prisoners, or to institute proceedings under section 52 of the Prisons Act.

(iv) As little publicity as possible shall be given to the hunger strike and where prosecutions under section 53 of the Prisons Act are instituted the proceedings shall be held within the Jail and shall be begun and completed with as little delay as possible.

All reports to higher authority by the Prison Superintendent will be strictly Confidential.

(v) A prisoner on hunger strike will not be permitted to have any interviews, provided that if the prisoner's life is seriously endangered the Superintendent may permit an interview after warning the prisoner and the visitors not to give any publicity to the details of the interview on behalf of the prisoner after it is over.

A prisoner on hunger strike will not be permitted to write any letters nor receive any letters.

The attention of all officers concerned is directed to the following communication on the subject:—

Government of India, Home Department, Confidential letter No. F. 104/33-Jails, dated the 29th November 1934—copy accompanies the orders issued above, (G. R., H. D., No. 4845/3, dated 30th January 1935).

APPENDIX XI

Statement showing the Financial Powers of various Officers of Jail Department

S. No.	Authority.	Power.	officer empowered	Remarks.
1	S. No. 1. F. P. No. VII.	To sanction permanent advance not exceeding Rs. 250.	I. G. P., Poona.	The advance is to be fixed according to the requirements of each Jail in consultation with the Accountant-General, Bombay.
2	S. No. 2. F. P. No. VII.	Power to direct the Accountant-General to investigate claims to arrears of pay or allowances or to increments which have been allowed to remain in abeyance for a period exceeding a year but not exceeding 3 years.	Do.	
3	S. No. 4. F. P. No. VII & G. R., H. D., No. 4140/6, dated 4-9-53.	To offer and sanction rewards in Jail Department not exceeding Rs. 10 per individual for meritorious acts of exceptional nature.	Do.	Subject to the condition that sanction of Government be obtained whenever the total amount of the rewards in a particular case exceeds Rs. 50 and that the maximum limit of Rs. 1,500 is not exceeded in a year.
4	S. No. 7. F. P. No. VII.	Powers to sanction expenditure on account of conservancy arrangements in Jails.	Do.	Subject to budget provision under Sanitation charges, Contingency.
5	S. No. 12. F. P. No. VII.	Power to sanction recurring contingent expenditure upto Rs. 10 per mensem and to 6 months duration.	Do.	

6	Do.	Do.	Supdts. of Prisons.	Earthen-ware pots for storing water in Jails can be purchased by Superintendent <i>vide</i> Rule 52 (c) of the Manual of Contingent Expenditure.
7	S. No. 18. F. P. No. VII. & Rule 262. Bombay Jail Manual.	Power to sanction certain items of capital expenditure such as Stores, Tools & Plants.	I. G. P., Poona.	Power exercised for factory tools and cattle for dairy and garden and other dead stock required by Jails, the cost of which exceeds Rs. 50.
8	S. No. 19. F. P. No. VII. & Rule 446, Bombay Jail Manual.	Power to sanction certain items of capital expenditure such as stores, tools and plants.	Supdts. of Prisons.	In cases in which the expenditure does exceed to Rs. 50.
9	S. No. 22. F. P. No. VII.	Power to accord administrative approval. (Buildings). (I) Provincial Civil Works (other than those in connection with residential buildings etc.) which follow without material deviation the type plans approved by Government, the cost of which does not exceed Rs. 25,000. (II) Provincial Civil Works (other than those in connection with residential buildings, etc.) excluding those referred to in (I) above and subsidiary services such as sanitary, water supply but not electric instalation provided therein, the cost of which does not exceed Rs. 5,000.	I. G. P., Poona.	

APPENDIX XI

Statement showing the Financial Powers of various Officers of Jail Department—(contd.)

S.No.	Authority.	Power.	Officer empowered.	Remarks.
10	S. No. 22A, F. P. No. VII.	(iii) Original electric installations, whether they are in the nature of new works or additions and alterations to the existing installations in residential and non-residential buildings.	Dg.	<p>Provided that the cost does not exceed Rs. 200 in each case and subject to the conditions:—</p> <p>(i) that the scale of fittings does not exceed that laid down in Paragraph 40 of the P. W. D. Manual, Vol. I (1940 Edition),</p> <p>(ii) that in the case of residential buildings the standard rates calculated according to fundamental Rule 45-A does not exceed of the the average monthly emoluments of Jail subordinates or Officers for whom residence is intended and,</p> <p>(iii) that the contingent grant of the Jail concerned does not require to be increased as a result of the installation</p>
11	S. No. 24, F. P. No. VII.	<p>Power to execute deeds contracts and other instruments:—</p> <p>Contracts for the supply of articles of any description for the use of Jails or regarding the sale of articles manufactured or produced in Jails,</p>	I. G. P., Poona. and Supdts. of Prisons.	If a contract is given for the sale of garden produce etc. the contract deed should invariably be executed,

12	S. No. 26. F. P. No. VII.	Power to allot funds for minor works under the head 50-Civil Works "State" upto a limit of Rs. 20,000 in each case from the discretionary grant placed by the P. W. D. at the disposal of the I. G. Prisons after the works are administratively approved and plans and estimates thereaftet are technically sanctioned by the Competent authority.	I. G. P., Poona.	
13	S. No. 36. F. P. No. VII.	(i) Power to sanction advance for the purchase of conveyances other than motor car, motor boat, or Motor Cycle. (ii) Power to sanction advance of T. A. on tour to Gazetted Officers. (iii) Power to sanction advance of pay and T. A. other than G. P. Fund Advance. Do.	I. G. P., Poona. Do. Do. Supdts. of Prisons.	Subject to the condition that the Accountant-General certifies that the funds are available. Subject to the condition that the travelling expenses for the particular journey are likely to be less than Rs. 300. To the members of the staff of I. G.'s office. To the members of the staff under him.
14	S. No. 37. F. P. No. VII.	Power to write off irrecoverable value of Stores, losses of Public money etc.	I. G. P., Poona.	Subject to the condition that the irrecoverable value of stores or losses of Public money do not exceed Rs. 500 in each case and subject to the following conditions:— (i) that the exercise of power does not disclose a defect of system the amendment of which requires the orders of Government.

APPENDIX XI—(contd.)

Statement showing the Financial Powers of various Officers of Jail Department—(contd.)

Sr.No.	Authority	Power	Officer empowered.	Remarks.
				<p>(ii) that there has not been any serious negligence on the part of some individual officer or officers which might possibly call for disciplinary action.</p> <p>(iii) that the loss is not due to theft or embezzlement or fraud and</p> <p>(iv) that write off is within the powers of Government of Bombay.</p>
15	S. No. 38. F. P. No. VII.	Power to write off unserviceable articles of Dead-stock. Do.	I.G.P., Poona. Supdts. of Prisons.	Upto a limit of Rs. 50.
16	S. No. 42. F. P. No. VII.	To sanction expenditure and transfer of allotment for petty constructions and repairs.	I.G.P., Poona.	Upto Rs. 2,500.
17	S. No. 43-A. F. P. No. VII.	To sanction expenditure on hot weather fittings in their own offices and in the offices of their subordinates.	Do.	Upto a limit of Rs. 100 per annum provided the cost is met from the budget provision under the primary contingencies under the control of respective Officers.
18	S. No. 44. F. P. No. VII.	To sanction peon's clothing on temporary Establishment on the same scale as permanent peons.	Do.	

19	S. No. 45. F. P. No. VII.	To purchase books and publications, newspapers for their own use and sanction such purchase for the use of Officers sub-ordinate to them, subject to the provisions of Rule 106 of Manual of Contingent Expenditure (Second Edition).	Do.	Provided the cost is met from the budget provision under the primary unit "Contingencies" under the control of the respective Officers.
20	S. No. 45. F. P. No. VII.	To purchase books and publications and news papers for the use of prisoners.	Supdts. of Prisons.	Provided the cost is met from the budget provision under the primary unit "Contingencies" under the control of respective Officers.
21	S. No. 51. F. P. No. VII.	Power to sanction refund of:— (1) Advance diet money of Civil debtors. (2) Advances for factory articles received from customers. (3) Earnest money on the termination or non-acceptance of contracts. (4) Fines on contractors and subordinates.	I. G. P., Poona. I. G. P., Poona. and Supdts. of Prisons.	
22	S. No. 57. F. P. No. VII.	Power to permit the remittance of salaries and allowances by money order at Government expense.	I. G. P., Poona.	Provided the cost of remittance by money order is less than T. A. which would otherwise be incurred.
23	S. No. 58. F. P. No. VII.	To sanction the sale of intestate property.	Do.	
24	S. No. 62. F. P. No. VII.	Power regarding sale of Jail produce.	Do.	

APPENDIX XI—(contd.)

Statement showing the Financial Powers of various Officers of Jail Department—(contd.)

S. No.	Authority.	Power.	Officer empowered.	Remarks.
25	S. No. 64. F. P. No. VII.	Power to sanction miscellaneous expenditure	I. G. P., Poona.	Authorised to sanction non-recurring expenditure not exceeding Rs. 600 per annum in any single case on the engagement of temporary employees in an emergency.
26	S. No. 68. F. No. VII.	To sanction temporary advances from General Provident Fund.	Do.	(i) To the members of the staff of I. G.'s Office and to the Superintendents of Prisons. If such advance is one for the grant of which special reasons are required it should be sanctioned by Government in Home Department. (ii) To the members of the staff working at Jails if special reasons are required.
	S. No. 68. F. No. VII.	To sanction temporary advances from General Provident Fund.	Supts. of Prisons.	To the staff working under him, If special reasons are not required, He cannot sanction an advance from the Fund to himself.

27	S. No. 69 F. P. No. VII.	Powers regarding appropriation.	I. G. P., Poona.	<p>Authorised to make transfer of funds between detailed heads within the same primary unit of appropriation under a minor head provided such transfers do not involve recurring expenditure and provided that funds are not appropriated to meet any item of expenditure which has not been sanctioned by an authority empowered to sanction it. Such transfers need not be reported to the A. G., Bombay.</p>
28	S. No. 70 F. P. No. VII.	Powers regarding reappropriation of funds.	Do.	<p>Subject to the following conditions without the sanction of Finance Department.</p> <p>(a) An authority may not meet by reappropriation expenditure which it is not empowered to meet by appropriation;</p> <p>(b) No reappropriation may be made to meet expenditure which is likely to involve further outlay in a future financial year;</p> <p>(c) No reappropriation may be made from the primary units 'Pay of Officers' and 'Pay of Establishment' to any other unit but reappropriations may be made, provided they are made in accordance with other conditions specified herein, between the primary units 'Pay of Officers' and 'Pay of Establishment' under the same sub-head or between such primary units under different sub-heads.</p> <p>(d) No reappropriation may be made from the savings in other grants to supplement a contract grant;</p>

APPENDIX XI—(contd.)

Statement showing the Financial Powers of various Officers of Jail Department—(contd.)

S. No.	Authority.	Power.	Officer empowered.	Remarks.
29	S. No. 71. F. P. No. VII.	Powers to vary details of temporary establishment.	I.G.P., Poona.	<p>(e) No reappropriation from a grant for recurring expenditure is permissible in order to provide for additional recurring expenditure.</p> <p>Powers are delegated subject to the following condition is :—</p> <p>(1) That the cost of the establishment shall not be raised beyond the total amount sanctioned for the establishment by authority which sanctions its employment.</p> <p>(2) That where the authority sanctioning the employment of the establishment is Government, the pay of no post of the establishment shall be raised above Rs. 50 per mensem subject to any special orders that may be passed by Government when sanctioning the establishment.</p> <p>(3) That in other cases, the pay of no post shall be raised above the limits of sanction enjoyed by the authority which sanctioned the employment of the temporary establishment.</p>

30 S. No. 74. F. P. To reappoint dismissed Government servant. I. G. P., Poona.

31 S. No. 79. F. P. (a) Power to sanction temporary ministerial and non-ministerial establishment. Do.

(b) Temporary inferior establishment. I. G. P., Poona.

32 S. No. 85. F. P. To sanction commission not exceeding $6\frac{1}{4}$ per cent on all Jair made articles. Do.

33 Note to Rule 59 of F. P. No. IX. To sanction the printing of Notices, Lists, forms etc., at Government press. Do.

(4) That it should be subject to Budget provision under the same minor head and on the condition that the pay does not exceed the minimum pay prescribed from time to time by Government for the recruitment of Government servants according to their qualifications and location of the posts.

Inspector-General exercises this power on the scale of pay given below for a period not exceeding one year subject to the existence of budget provision.

	Rs.
Qualified candidate	... 55.
Non-qualified candidate	... 46.
A Graduate	70 or 64.
Starting pay in Bombay	... 75.

The power is delegated subject to the existence of sufficient budget provision or if he can meet the charge by reappropriation.

Subject to the concurrence of the Director of Government, Printing & Stationery Department, Bombay.

APPENDIX XI--(concl'd.)

Statement showing the Financial Powers of various Officers of Jail Department--(concl'd.)

S. No.	Authority.	Power.	Officer empowered.	Remarks.
34	Rule 202 of the Bombay Stationery and Printing Manual.	To incur expenditure for petty repairs to bicycles.	I. G. P., Poona.	Provided the parts and accessories required for carrying out such repairs are obtained from the Stationery Officer, Bombay.
35	Do.	Do.	Supdts. of Prisons.	With prior approval of the Inspector-General of Prisons.
36	Rule No. 117 of the Bombay Stationery and Printing Manual.	To incur expenditure over the petty repairs to Typewriters.	I. G. P., Poona.	The date and amount spent on repairs to be communicated to the Director, Government Printing & Stationery, Bombay.
37	Do.	Do.	Supdts. of Prisons.	With prior sanction of the Inspector-General the date and amount spent for repairs to be communicated to the Director, Government Printing & Stationery, Bombay.
38	Rule No. 72 (b) (c) (d) of F. P. No. IX.	Power to purchase articles of furniture.	I. G. P., Poona. and Supdts. of Prisons.	Subject to the provisions of the rule quoted in column 2.
39	G. R. H. D., No. 6217/4-10225 dt. 15-7-1943.	To sanction fees not exceeding Rs. 6 on each occasion to a Mou'vi holding Id-Prayers at Jails.	I. G. P., Poona.	

40	G. L., H. D., No. 1247/7, dt. 14-11-1952 & 8-4-1953.	To incur out of the Jail canteen proffits, expenditure upto Rs. 1,000 per annum on the provision of amenities of various forms to prisoners.	Do.	Subject to the condition that the profits of the canteen at the part/cular Jail have been as high as Rs. 1,000 per annum
41	G. R., H. D., No. 6216/3, dt. 29-4-1938 & B. J. M. Rule No. 933.	To sanction execution charges at a higher rate than Rs. 5 but not exceeding Rs. 15 in special cases.	Do.	
42	Do. Rule 932 B. J. M.	To pay execution charges at a rate of Rs. 5 for execution of one man.	Supdts. of Prisons.	
43	G. R., H. D., No. 4576/5, dt. 6-7-1948 & B. J. M. Rule No. 961.	To incur an expenditure subject to a maximum of Rs. 10 per head for performing the last rites of prisoners who die in Jails and whose bodies are unclaimed.	Do.	
44	G. L., H. D., No. 4766/7-C, dt. 20-7-53 and B. J. M. Rule No. 1391.	To incur expenditure upto Rs. 15 per deserving condemned prisoner for amenities including expenditure on securing the presence of his relatives to visit him.	Do.	

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