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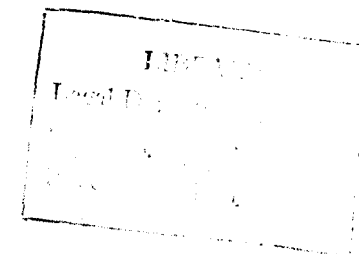
# SUB-JAIL MANUAL

*Containing Rules for the Superintendence and Management of Taluka  
Sub-Jails in the Bombay State*

*(PRESCRIBED BY THE GOVERNMENT OF BOMBAY)*

*Revised by the Inspector-General of Prisons, State of Bombay,  
under the Orders of Government*

*(G. R., H. D., No. 6792/5, dated 24-11-1952)*



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## PREFACE

Before the year 1928 there was no Sub-Jail Manual. The provisions of the Bombay Jail Manual were made applicable to Sub-Jails. This was found to be inconvenient and created difficulties. Provisions of the Jail Manual which were appropriate to Sub-Jails were, therefore, taken out and compiled as the first Sub-Jail Manual in 1928. It applied to all Sub-Jails viz., to the Sub-Jails which are managed by Departmental Jailors under the superintendence of Revenue Officers (usually called Headquarter Sub-Jails) as well as to the Sub-Jails situated at the Headquarters of Taluka & Mahal places (and in a few cases even outside these places) which are entirely under the management of the staff of other Departments (usually the Revenue Department), and which are usually called Taluka Sub-Jails. Most of the Jail Reforms recently introduced are made applicable to the prisoners confined in the Headquarter Sub-Jails, but only a few can be extended to those confined in the Taluka Sub-Jails. A number of corrections have also been made in the Sub-Jail Manual of 1928 from time to time. It was, therefore, thought desirable to prepare a compilation containing the rules applicable only to Taluka Sub-Jails after incorporating therein the corrections made in the 1928 Manual. The provisions of the Jail Manual as they stand will *mutatis mutandis* apply to Headquarter Sub-Jails.

As the sequence and serial numbers of several rules as they stood in the old Sub-Jail Manual have been changed in the revision the corresponding serial numbers in the old Manual have been quoted in column two of the appendix and the G. Rs. or orders which have sanctioned certain rules have also been quoted against them in Appendix V for facility of reference.

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

M. K. DESHPANDE,

I. A. S.,

Inspector General of Prisons,  
State of Bombay.

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ADDENDUM AND CORRIGENDUM

(1)

Delete rule No. 138 and substitute the following as rule 138.

"Rule 138: Every Superintendent of a Sub-Jail shall on the first day of each month submit through the District Magistrate to the Sessions Judge within whose jurisdiction the Sub-Jail is situated, a statement in the prescribed form containing details of cases of all under-trial prisoners pending for more than 3 months in the court of the Judicial Magistrate or Magistrates subordinate to such Sessions Judge."

(2)

Insert the following authority in the prescribed column against rule No. 138 on page 96 of the Manual.

"Government, H. D. Notification No. 2155/7-C, dated 21-4-1954."

(3)

Read "4 Dr." for "6 Drs." condiments; and "4 Drs." for "2 Drs." Tamarind daily from 1st April to 30th September in the diet scale appearing in rule 162 of the Manual.

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## CHAPTER I

### INTRODUCTORY

1. Sub-Jails are established by virtue of Section 3 (1) of the Prisons Act (India Act IX of 1894). Sub-Jails are of two classes (II & III).

2. These rules are applicable only to those class III Sub-Jails which are entirely managed by the staff not belonging to the Jail Department. Sub-Jails are usually established at the Headquarters of Talukas and Mahals. In a few cases the Sub-Jails are located at places other than Taluka or Mahal Headquarters.

3. Under Section 59 (26) of the Prisons Act, 1894, the following Sections of that Act have been extended to third class Sub-Jails in so far as they may be applicable, viz. Sections 6, 24 (1), 25, 31, 32, 33 (1), 40, 41, 42, 43, 44 and 59 (5), (8), (9), (10), (11), (27).

4. Under Section 59 (9) of the Prisons Act, 1894, the following Rules have been made regarding the prisoners who may be confined in third class Sub-Jails subject to the power of the Inspector General of Prisons under Section 29 of the Prisoners Act, 1900, to order the removal of prisoners from one Jail or place of confinement to another:—

(a) Criminal prisoners from the Taluka or Mahal in which the Jail is situated or from any other Talukas or Mahals specified from time to time by the District Magistrate, having a substantive term of imprisonment not exceeding a fortnight or such smaller term as the District Magistrate having regard to the local circumstances, may from time to time prescribe in this behalf. The maximum limit of fortnight does not include sentences in lieu of fine.

(b) Criminal prisoners enroute ~~for any~~ other place of confinement provided that they shall ~~not be confined~~ for more than seven days.

(c) Criminal prisoners awaiting trial before a Magistrate or Judge provided that there is no other place of confinement where, under the rules regulating the same, they might be

## CHAPTER II

## STAFF

5. The Mamlatdar or Mahalkari of the Taluka or Mahal in which the Sub-Jail is situated, or in his absence from Headquarters the Awal Karkun shall be deemed to be the Superintendent, and one of the Junior Karkuns on his Establishment shall be deemed to be the Jailor of the Sub-Jail. These appointments do not entitle the holders to receive any additional pay.

A special pay of Rs. 5 per mensem should be granted to the Revenue Department clerks doing the work of Jailors at any Taluka Head Quarters Sub-Jails at which the daily average population is certified by the Inspector General of Prisons to be six or more.

## CHAPTER III

## THE SUPERINTENDENT

6. The Superintendent shall visit the Sub-Jail daily except on Sundays and holidays when visits should be made as occasion arises. He shall submit a report to the Inspector General of Prisons, through the District Magistrate, when he is not able to do so.

7. He is vested with the executive management of Sub-Jail in all matters subject to the orders of the District Magistrate and the final control of the Inspector General of Prisons.

8. He shall see that all the Jail Registers and records are kept up-to-date and that periodical bills and returns are submitted punctually.

9. He shall every six months in June and December examine all dead stock appertaining to the Sub-Jail, comparing the same with the entries in the Dead Stock Register which he shall sign and make any corrections which may be found necessary. The result of the examination shall be reported to the District Magistrate, and a copy endorsed to the Inspector General of Prisons.

He shall satisfy himself that no prisoner whether undertrial or convicted is detained in the Jail except under the authority of a legal warrant or order.

11. He shall at least once a week inspect the provisions issued to prisoners and shall satisfy himself that the quality is good and the quantity in accordance with the sanctioned scale. An entry about such inspection shall be made and initialled by him in the Register prescribed for this purpose.

12. He shall enforce cleanliness in every part of the Sub-Jail premises.

13. He is held equally responsible with the Jailor for any injudicious distribution of the prisoners which ought obviously to have attracted his attention at the time of his daily visit.

## CHAPTER IV

## THE JAILOR

14. The Jailor shall attend the Sub-Jail daily at such hours as the Superintendent shall direct but should not be expected to visit after the closing hour unless something of an unusual nature should occur such as a fire, riot, escape or death of a prisoner or to attend to any urgent communication relating to the Sub-Jail which may reach him.

15. In the case of a Sub-Jail which is not surrounded by an outer wall within which facilities for bathing and exercise can be given, the Jailor shall invariably be present in the Jail premises when prisoners are being taken out of their cells for morning and evening bathing and exercise.

16. He shall keep all the Jail Registers and attend to correspondence. All periodical returns shall be submitted punctually by him. In the absence of the Medical Officer he may record the marks of identification of newly admitted convicted and under trial prisoners.

17. He shall maintain a Report book in which he shall record all occurrences of importance and which shall be placed daily before the Superintendent. This book may also be used as an order book by the Superintendent.

18. He is responsible for the safe custody and discipline of the prisoners and for the cleanliness and lighting of the Jail premises.

19. He shall see that females are always kept apart from male prisoners and that so far as accommodation allows convicted prisoners, undertrial prisoners, habitual prisoners and juvenile prisoners are separated from each other.

20. He is responsible for the safe custody and methodical arrangement of warrants, of the private property of prisoners and of all Government property on the Sub-Jail premises.

21. He shall count the prisoners morning and evening and shall satisfy himself that no prisoner is detained in the Sub-Jail except under a legal warrant or order.

22. He shall inspect the prisoner's food daily and satisfy himself that the quality and cooking is good and that the quantity is in accordance with sanctioned scale. An entry of such inspection shall be made and initialled by him in the Register prescribed for this purpose.

23. Misconduct on the part of a prisoner shall be reported at once by him to the Superintendent and in the absence of the latter he may handcuff a refractory prisoner.

#### CHAPTER V

##### THE MEDICAL OFFICER

24. The B.M.S. Officer in charge of the local Government Dispensary or the Medical Officer attached to the Local Board or Municipal Dispensary stationed at or nearest to the place where the Sub-Jail is situated is deemed to be Medical Officer for the Sub-Jail. Ordinarily the B.M.S.O. receives no extra pay, but he is entitled to an allowance of Rs. 15 or Rs. 20 per month in which the daily average number of prisoners in the Jail exceeds 40 or 80 respectively. He shall visit the Sub-Jail regularly at least twice a week and also at such other time as he may be sent for to attend cases of serious illness or to examine newly admitted prisoners.

25. He shall maintain a small stock of medicines at the Sub-Jail.

26. He shall in consultation with the Superintendent transfer prisoners requiring indoor treatment to the nearest Civil Hospital or Government or District Local Board or Municipal Dispensary.

27. He shall advise the Superintendent as regards the sanitation of the Sub-Jail premises, health of the prisoners and the steps to be taken to deal with outbreaks of infectious disease.

28. He shall, on his visits to the Sub-Jail examine all under trial prisoners admitted since his last visit. If there are any

marks at all indicative of recent violence the Medical Officer should be summoned to record the same by the Jailor. He should immediately forward a report of such marks to the Magistrate trying the case and to the District Magistrate through the Superintendent. This report should specify the nature of the injuries, their position and his opinion as to their causation.

29. If any prisoner is seriously ill the Medical Officer should at once bring this to the notice of the Superintendent and Jailor who should immediately communicate the news to the prisoner's relatives or friends.

30. In the case of the death of a prisoner the Medical Officer shall furnish a casualty report to the Superintendent who shall forward the same to the District Magistrate. Should the death be due to suicide, violence or other unnatural cause the Superintendent will see that a proper inquest is held.

#### CHAPTER VI

##### THE POLICE GUARD

31. The keys of the cells and barracks shall in the day time be in charge of the Jailor or the Head Constable of the Guard or as the Superintendent may direct. During the night they shall be kept by the Head Constable commanding the Guard.

32. No prisoner shall be formally admitted into or released from the Sub-Jail except during the hours when the Sub-Jail is open. When the Sub-Jail is closed the Head Constable in command of the Guard shall admit into the Sub-Jail any prisoner who may arrive, and make arrangements for his safe custody, and shall also permit any prisoner, regarding whom he has received instructions from the Jailor, to leave the Sub-Jail.

33. The Head Constable in command of the Guard shall, when the Sub-Jail opens, report to the Jailor the name of any prisoner who may have arrived at or left the Sub-Jail during the time the Sub-Jail was closed.

34. The Head Constable in command of the Guard may, in case of necessity and between lock-up and opening time, remove a prisoner from a barrack and place him for safe custody either in a hospital, or in any part of the Sub-Jail Building. When the Sub-Jail is opened the Head Constable

shall take orders from the Jailer before he removes a prisoner from or admits a prisoner to a cell.

35. The property of convicted prisoner arriving at a Sub-Jail between the hours of closing and opening shall be temporarily taken over by the Head Constable in command of the Guard, who shall hand over the same to the Jailer on the arrival of the latter officer at the time of opening the Sub-Jail.

## CHAPTER VII

### VISITORS

36. (1) There shall be a Board of Visitors for each Subsidiary Jail.

A. The Board shall consist of:—

- (a) ex-officio visitors, and
- (b) other visitors appointed under the rules hereinafter appearing.

The Assistant or Deputy Collector in charge of the Division concerned shall be the Chairman of the Board.

B. The following Officers and such other Officers as Government may from time to time appoint in this behalf shall be ex-officio visitors of the Sub-Jails mentioned in Rule 36 (1) (A) within the respective areas under their official charge or within their jurisdiction:—

- (1) District Magistrate of the District.
- (2) The Assistant or Deputy Collectors.
- (3) The Resident Magistrates, if they are not Superintendents of Sub-Jails.
- (4) The Civil Judges.
- (5) The Assistant or Deputy Engineer, Public Works Department.
- (6) Inspector General of Police.
- (7) Deputy Inspector General of Police.
- (8) District Superintendent of Police.
- (9) District Police Inspector.
- (10) Educational Inspectors.
- (11) Surgeon General, Bombay.
- (12) Civil Surgeon.

*Correction slip No. 1 to the revised Sub-Jail Manual of 1954. X*

In rule 36 (1) B of the said rules, after entry (13) the following entry shall be inserted, namely:—

“(13A) District Health Officers and the Medical Officers of Health appointed by Government.”

[G.L., H.D., No. RJM-1455/15015-C dated 7-10-1955.]

and the other a member of the District Local Municipality the Taluka or Mahal in which the Sub-Jail is situated. In areas where there is no Municipality, one person interested in social work and resident in the area and in areas where there is neither a Municipality nor a Local Board, two persons interested in social work and resident in the area shall be appointed as non-official visitors by the District Magistrate.

(2) The appointment of the non-official visitor other than the President of the Municipality or member of the District Local Board shall be made for a term of three years. The appointment of the members of the District Local Board shall be made annually from amongst the members of the Local Board residing in the Taluka or Mahal in which the Sub-Jail is situated. The appointment shall be made by turns to be fixed by such members themselves, failing which the District Magistrate shall fix such turn by drawing lots.

(3) Non-official visitors shall not be granted any travelling, daily or conveyance allowance for their visits to Sub-Jails.

(4) The appointment of the non-official visitors of any Sub-Jail shall be made by the District Magistrate of the District in which the Sub-Jail is situated with the prior approval of Government.

37. There shall be a roster arranged by the Assistant or Deputy Collector for the visits of visitors and visitors shall pay visits to Jail during the allotted period only.

38. The visitors may inspect every part of the premises of the Sub-Jail, interrogate prisoners, and examine warrants, Sub-Jail registers and records. They may, if they deem fit, direct that any representation or petition made to them by a prisoner shall be forwarded to Government.

39. Visitors shall record the dates and hours of their visits in a Visitors' Book and also enter therein any remarks which they may wish to make. A copy of such entries shall be forwarded to the Inspector General of Prisons through the District Magistrate on the 1st day of the following month. Any remarks

made by a visitor requiring special attention shall be submitted likewise to the Inspector General of Prisons, immediately. A copy of the I. Gs.' orders if any should be sent to the visitor concerned.

40. Notwithstanding anything contained in Rule (36) Government may, at any time, terminate the appointment of any person appointed as a non-official visitor of any Sub-Jail before the expiry of the period of his appointment.

41. 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 38.

42. No Police Officer, except an official visitor, shall be permitted to interrogate any prisoner unless he produces written authority signed by the Inspector General of Police, Deputy Inspector General of Police, Commissioner of Police, District Magistrate or District Superintendent of Police.

A Police Officer so authorised shall not ordinarily be below the rank of Inspector.

NOTE.—A letter to the Superintendent or a Jailor, authorising a Police Officer to interrogate or identify a prisoner, signed by an Assistant or Deputy Superintendent of Police 'for the Superintendent of Police' may be accepted as sufficient authority.

43. Except for special reasons, which shall be recorded in the official Visitors' Book, *no visitor shall,*

(a) inspect any Sub-Jail—

(i) on Sundays, or

(ii) between the hours of 6 p. m. and 6 a. m. or

(b) on any occasion other than that of a quarterly committee meeting require the attendance of the Superintendent, or Jailor.

44. The District Magistrate and the Sub-Divisional Magistrates under him shall inspect the Sub-Jails and fill in the prescribed form (Appendix IV) whenever they inspect the Mahal or Taluka offices, and shall send their inspection reports to the Inspector General, a special remark being made therein about the irregularities and defects noticed by them in the course of their inspections, and instructions issued and orders passed by them on the spot to the Superintendent to remove the defects and irregularities.

## CHAPTER VIII

### CONVICTED PRISONERS

45. The power of officers in charge of Sub-Jails to give effect to the sentences of Courts is defined in the Prisoners Act III of 1900.

46. (1) No prisoner shall be admitted into a Sub-Jail unless 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 Jailor shall examine a warrant 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 record the date and time of admission of the prisoner in Register No. B.

(2) Persons sent to a Sub-Jail 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 Sub-Jail Registers.

47. 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 returned. In other cases the Superintendent 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 the warrant referred to.

NOTES 1.—A warrant ordering imprisonment without specifying whether it is to be simple or rigorous imprisonment, an undated, an unsigned or an unsealed warrant shall be returned for correction.

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 and the sentence not carried out pending revision.

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 three months.

4.—The amount of solitary confinement ordered on a warrant is dependent on the term of sentence and shall not be more than is allowed under Section 73 of the Indian Penal Code.

5.—Every warrant should 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 should be attached.

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 fine on the prisoner's warrants the courts shall use a conspicuous rubber stamps containing the words 'Fine Paid' in block Capitals to be impressed at the left hand top corner of the warrant (G. R., H. D., No. 8406/2 dated 9-4-1931).

48. Every warrant should define the period and nature of the imprisonment awarded.

49. Every prisoner on admission into a Sub-Jail shall be thoroughly searched.

50. Every article whether clothing, bedding, money, Jewellery, documents or otherwise shall be taken away from prisoners sentenced to rigorous imprisonment, but if received 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 the 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 the Sub-Jail Godown and issued as required.

Prisoners may be allowed on request to the Superintendent to wear or use in the Sub-Jail the sacred thread, known as Janawa or Janoi or cloth known as 'Sadra' and the thread known as 'Kasti' or a ling wrapped in a piece of cloth or kept in silver box suspended round the neck (provided it is capable of being examined against misuse) scapulars, rosaries and comb, iron bangle and Kirpan 1½" in length (worn by Sikhs) Kumku and bangles, nose rings, Mangalsutras (for female prisoners).

Any prisoner abusing these concessions or whose conduct in the Sub-Jail is unsatisfactory shall be deprived of them for such period as the Superintendent of the Sub-Jail may deem fit.

The articles will in no case be supplied at the expenses of Government, except bangles for female prisoners who may be supplied on request unbreakable bangles of a suitable type not exceeding two for each hand.

51. All prisoners shall be made to wash themselves thoroughly with soap or soap-nuts as soon as practicable after admission. Their private clothing must also be washed and also disinfected if considered necessary by the Medical Officer, before it is stored in the godown.

52. 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. (See Section 35 (1), Criminal Procedure Code).

53. 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.

54. In calculating the date of expiry of a sentence of imprisonment, the day on 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.

NOTE.—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.

55. When a prisoner is sentenced to two or more sentences the date of release shall be calculated as though the sum of the terms was awarded in one sentence.

56. To calculate the date of release of a prisoner who after conviction is released on bail and is afterwards remanded to Jail to serve out his sentence, or who escapes and is at large for a certain period and is then re-captured 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 recapture to the term of his sentence; the date on which the sum of these period 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 Jail 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 provisions 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 Jail.

(d) On the surrender of a prisoner undergoing sentence under a conviction in Indian Union 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. (See 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 undertrial prisoner shall not be reckoned as imprisonment under the original sentence.

57. 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 month's imprisonment on the 2nd February. The date of his release will be the 16th March.

58. 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 the expiry of sentence.

*Example.*—A prisoner sentenced on the 30th or 31st January to one month's imprisonment would be entitled to release on the 28th February (or 29th February in a leap year).

59. If a prisoner escapes and on recapture is awarded any fresh sentence for escape, the date of release shall be re-calculated in accordance with provisions of Section 396 of the Code of Criminal Procedure and the date of release fixed accordingly.

60. 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.

61. 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.

62. Sentence 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.

63. Sentences imposed in default of payment of fines cannot run concurrently.

## CHAPTER IX

### BAIL

64. 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 are bound to obey such orders.

65. Should a Court direct under Section 123 (4) of the Criminal Procedure Code that the Superintendent, or other officer in charge of the Sub-Jail, shall release a prisoner upon his furnishing securities to be approved by the Superintendent, the Superintendent shall call on the prisoner to furnish such securities. The Superintendent, however, is not bound to accept any security that is 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 Executive Magistrate or to any Executive 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.

## CHAPTER X

### FINE

66. In all Sub-Jails, fine statement Book shall be maintained in the prescribed form. Each book will contain one hundred forms and the supplies of the same may be had from the Treasury Officer or the Government Central Press, Bombay.

67. If a fine or a portion of a fine imposed on a prisoner as a sentence or a part of a sentence by a Judicial Magistrate is tendered at the Sub-Jail it shall be received by the Superintendent or a Jailer between the hours of 8 A.M. and 5 P.M. and a receipt issued. On receipt of such fine, the prisoner shall

receive such remission of sentence as the payment made in this behalf will entitle him to, and acknowledgement shall be sent at once by the Jailor to the sentencing Court.

68. When fines inflicted on prisoners are recovered by a Court, intimation of the same will be given by the Court to the Jail authorities in Form (G) at page 208 of the High Court Criminal Manual (1947 Edition).

69. Whenever intimation is sent by a Court to a Superintendent or Jailor that a fine or a portion of a fine has been recovered on behalf of a prisoner, and such prisoner has been transferred to another Prison, the Superintendent or Jailor shall at once forward such intimation by registered letter to the Superintendent or Jailor of the Jail to which such prisoner has been transferred informing the Court at the same time of his action in the matter, and shall be responsible that such intimation is duly acknowledged. This acknowledgement shall be passed on to the Court which forwarded the intimation.

70. On receipt by the Jail authorities of a fine or any portion thereof or on receipt of intimation of its realization by Court, the convict 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 Jailor.

71. 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 which may intimate 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 official, the intimation should be returned to that official with a request that it may be forwarded through the Court that sentenced the prisoner.

72. If a prisoner, who is sentenced to a fine and in default to 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.

A month shall be deemed equivalent to 30 days.

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## CHAPTER XI

## JUDICIAL WHIPPING

73. If a prisoner already 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 during the term of the first sentence.

74. The prisoner must be certified on the warrant by the Medical Officer to be fit to receive the whipping, which shall be administered in the presence of the Superintendent and Medical Officer. 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.

75. All judicial flogging shall be inflicted in private either at a Sub-Jail or in an enclosure near the Court-house.

76. 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 antiseptic solution.

77. 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 (who have not completed their 16th year) a still lighter cane shall be employed.

78. The whipping shall ordinarily be inflicted by one of the Superintendent's peons.

79. After the whipping has been duly inflicted, the Superintendent shall endorse a certificate on the warrant to that effect recording the date of infliction.

## CHAPTER XII

## RELEASE

80. The date on which a prisoner is entitled to be released shall be calculated by the Superintendent and Jailor, and an entry shall be made in the Desk Diary under that date giving the name and Register No. of the prisoner. 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 or escape or on parole, 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. The Superintendent and Jailor shall affix their initials to all these entries and both 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.

NOTE.—The date and hour at which the order to release a prisoner is received and the date and hour at which the prisoner is released shall be certified on the writ or order and in Register No. B.

81. A prisoner shall not be released on the authority of a Telegram, and if the order is received by Telephone the Superintendent shall ring back the authority concerned and get the orders confirmed before taking action on the original Telephone message.

82. Prisoners shall be ordinarily released in the morning and the time of release recorded in Register No. B (Convicted prisoners' Register).

83. Before release the prisoner shall be carefully identified, and the warrant shall be examined to ensure that the sentence has been duly executed. His private property shall be handed over to him and his acknowledgement recorded. The warrant shall be endorsed by the Superintendent and Jailor and returned to the Court which issued it.

84. A prisoner whose date of release falls on a Sunday, Christmas day, Ramzan Id, Bakrid, Zarthosono-Diso, Ramnavmi, Gokul Astami, Diwali, Gudi Padwa, Indian Republic day, Independence day or Mahatma Gandhi's birth day shall be liberated on the preceding day.

85. 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 (either on parole or on furlough or on expiry of the term of his sentence) to enable him to defray his journey expenses and also to help him to a fresh start in life on his release from the Jail. In exceptional case, however, where a prisoner cannot save enough to meet his journey expenses, the discretion to provide him with the necessary travelling allowances under Sub-rule 2 of the next rule should be exercised by the Superintendents of Prisons. The reasons for such exception

forwarded without delay to the Appellate Court with a copy of the judgment or order appealed against.

NOTE.—In submitting prisoner's appeals to the Appellate Court, the number of the case on the Magistrate's files, if quoted on the warrant, shall be stated.

95. Convicts are permitted to prefer petitions to Government for pardon or mitigation of sentence. If written in a regional language they shall be accompanied by a translation in English. They shall be sent direct along with a nominal roll of the prisoner to the Secretary to Government, Home Department, Bombay.

## CHAPTER XIV

### INTERVIEWS AND LETTERS

96. (1) Every newly convicted prisoner shall be allowed reasonable facilities for seeing or communicating with his relatives or friends with a view to the preparation of an appeal or to the procuring of bail and shall also be allowed to have interviews or write letters to his friends once or twice, or often, if the Superintendent considers it necessary to enable him to arrange for the management of his property or other family affairs.

(2) Every prisoner committed to a Sub-Jail in default of payment of a fine or finding security under Chapter VIII of the Code of Criminal Procedure, shall be allowed to communicate by letter and to have interviews at any reasonable time with his relations or friends for the purpose of arranging for the payment of the fine or furnishing security.

97. The number of 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, namely, husband, wife, children, father, mother, brothers, and sisters.

98. Every interview with a convicted prisoner shall take place in the presence of the Jailor who shall be responsible that no irregularity occurs and who shall be able to see and hear what passes and to prevent any article being passed between the parties.

Conversation at the interview shall not be permitted in any language not readily understood by the Jailor.

87. 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 near relatives or for any other sufficient cause. The period spent under Parole shall not count as a part of sentence.

On the prisoners' return from parole his date of release shall be recalculated and fixed after taking into account the period the prisoner was out on parole.

NOTE.—The day on which the prisoner is released on parole and the day on which he surrenders back to Jail shall be counted towards sentence.

88. If the Medical Officer considers that any prisoner is in danger of death from illness other than an acute infectious disease and that the illness will be so aggravated by further imprisonment that the prisoner's release is desirable he shall furnish a certificate in the following form which shall be sent together with a detailed account of the case to the Superintendent.

"I, G. P. hereby certify that convict No. \_\_\_\_\_ Name \_\_\_\_\_, is in my opinion dangerously ill suffering from (name of disease) \_\_\_\_\_. His illness has not been caused or aggravated by an act of the convict in order to procure release and I sincerely declare that in my opinion he will certainly die very shortly if he remains in confinement, but that he will have a possible prospect of recovery if he is released."

"On receipt of the certificate, the Superintendent shall immediately send for 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."

The case shall then be forwarded to the District Magistrate of the District in which the crime was committed or to the Chief Presidency Magistrate in the case of Bombay City for issue of necessary orders. The following documents shall be sent along with the case.

(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) Security Bond signed by prisoners' friends (may be taken at the time of release).

(C) If the unexpired sentence of the prisoner does not exceed six months, the District Magistrate shall order the prisoner's release subject to the subsequent sanction of Government. If the Magistrate dissents the case shall be submitted by him to Government for orders. In the case of Bombay City the Chief Presidency Magistrate, if he dissents from the proposal to release the prisoner, shall refer the matter direct to Government. The Magistrate who orders release in such a case shall forward all the documents to Government. The Superintendent of the prison shall report the circumstances and the date of release of the prisoner to the Inspector General of Prisons.

89. 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 following form:

"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 by any wilful act on the part of the prisoner. In my opinion he will probably die within \_\_\_\_\_ months".

90. If a prisoner detained under a 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

110. The Superintendent of the Jail from which a prisoner has been transferred, shall immediately communicate to the Superintendent of the receiving Jail by registered post any notice which may be received regarding the annulment or modification of sentence on appeal, or on payment of fine.

Any warrant received from a court after correction or for an additional sentence, after the transfer of a prisoner should also be sent by registered post to the Superintendent of the Prison to which the prisoner has been transferred.

111. If a prisoner whose appeal is not decided, or who has been committed to Sub-Jail 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 XVI

### CLASSIFICATION OF PRISONERS

112. There shall be two classes of under trial prisoners viz., I and II based on social status, mode of living education etc. The classifying authority is the Magistrate or Court which commits the prisoner to the Prison and the classification made by the Magistrate is subject to the approval of the District Magistrate.

113. 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.

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.

114. In a Sub-Jail containing female as well as male prisoners the females shall be kept in separate rooms, in such a manner as to prevent their seeing or conversing or holding any intercourse with the male prisoners:

(1) In a Sub-Jail where male prisoners under the age of eighteen are confined, means shall be provided so far as is practicable 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;

should be recorded in the prisoner's History Ticket by the Superintendent.

86. (1) Every prisoner shall, on the morning of his release, be given a full meal before he leaves the Jail premises.

(2) Every prisoner shall on release be provided with travelling allowance on the following scales sufficient to enable him to reach either his home or the place where he was arrested at the discretion of the Superintendent.

(a) By Rail—Class I prisoners Inter Class or if not available II Class.

Class II Prisoners—Lowest class.

(b) By Sea—Class I Prisoners—Upper Class or IInd class.

Class II Prisoners—Lowest class.

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 fraction thereof in the case of Class I prisoners and 4 annas for Class II prisoners.

(c) By Road.....

Actual charges by State Transport Bus wherever such buses are available or allowance at the rate of 9 pies per mile should be paid to prisoners: Provided that no allowance shall be given for a road journey of five miles or less.

(d) A prisoner who is incapacitated by illness or infirmity from walking may be given such conveyance as the Superintendent may consider necessary.

(3) The provisions of this rule also apply to under-trial prisoners released on bail and to ex-military prisoners released on the expiry of Court Martial Sentences.

NOTES 1.—Prisoners convicted for the offence of travelling without a ticket on Railways shall be granted neither travelling nor subsistence allowance on release.

2.—U. T. prisoners accused of ticketless travelling shall also be denied the concession of travelling and subsistence allowance when they are released on bail.

3.—Female prisoners undertrial or convicted for the offence of travelling on Railways without 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 of Prison considers that this is absolutely necessary in the interest of such released female prisoner.

## CHAPTER XV

## TRANSFER OF PRISONERS

99. Convicted prisoners sentenced to terms of imprisonment longer than the maximum which can be served in the Subsidiary Jail shall be treated as enroute and be transferred to the nearest Central, District, Special Prison or II Class Sub-Jails as soon as possible, within seven days of their admission.

100. Convicted prisoners cannot be transferred from one Sub-Jail to another except with the prior sanction of the District Magistrate or the Inspector General of Prisons.

101. An undertrial prisoner may be transferred from one Sub-Jail to another under written orders of the Magistrate who is trying the case or the District Magistrate.

102. Sufficient notice of transfers must be given to the Police so that the necessary escort may be arranged.

103. Prisoners must not be transferred so as to reach their destination on a Sunday or other public holiday.

104. All prisoners prior to transfer shall be carefully searched before being handed over to the officer in charge of the escort. They shall be given a warm meal before starting.

105. Prisoners on transfer shall be provided with travelling allowance on the following scale:—

(a) By rail.....

Class I prisoners—Inter Class or if not available, II class.

Class II prisoners—Lowest Class.

(b) By Sea—Class I Prisoners—Upper Class or II Class.

Class II Prisoners—Lowest class.

(c) By road—

The following instructions in regard to the provision of conveyance for convicted and undertrial prisoners whether in Police or Jail custody should be observed. This includes conveyance of a prisoner from the place of arrest to the Police Station and conveyance to such places as may be necessary for the purposes of the investigation of an offence. It also includes conveyance from Courts to Jails and vice versa.

(1) If the prisoner is willing to supply or pay for a conveyance for himself and his escort, this should ordinarily be permitted.

(2) In the following cases prisoners should ordinarily be conveyed at Government expense:—

(a) If the prisoners are women or juveniles or sick or infirm persons.

(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.

It is open to the Police or Jail authorities to order that prisoners may be conveyed at Government expense in other cases also for special reasons, e.g., because the journey is through crowded streets, or to save time for the escort party.

3. Where Police buses exist, arrangement should be made to make them available generally for the conveyance of prisoners between the Sub-Jails or Police Stations and the Courts, if the distance exceeds one mile in the mofussil and irrespective of distance in Bombay.

4. If the prisoner is being conveyed at Government expense in the mofussil the cheapest and shortest form of conveyance should generally be provided, except that bullock-carts, being very slow, should be excluded. They may, however, be used for women and juveniles or sick or infirm prisoners, if no other conveyance is available. The Police Officers shall select the cheapest and shortest route and the Sub-Jail authorities shall issue railway warrant or bus fares for the prisoners accordingly.

106. Transfers should not be effected if an epidemic disease is present in the despatching or receiving Sub-Jail or enroute.

107. All private property belonging to prisoners and which they brought to the Sub-Jail with them shall be transferred with them.

108. Convicted prisoners transferred to or from Subsidiary Jails shall not ordinarily wear Jail clothing nor fetters unless the Police consider the latter necessary for safety in particular cases.

109. Police Registered Transfer prisoner sent to Subsidiary Jails for release shall not be transferred there until within one week of the date on which release is due. Excepting that where several prisoners are to be sent to a Sub-Jail at about the same time they may be sent together provided that in no case the unexpired period of sentence exceeds a fortnight.

to be detained, commit a breach of the peace or be of bad behaviour as particularized 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 to Government. All such releases shall be reported immediately to the Inspector General and if the prisoner would 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. The Superintendent, subject to the revision of the Inspector-General, shall decide whether it is to be so counted.

91. When a prisoner dies his warrant shall be returned at once to the court which issued it with an endorsement certifying the cause and date of death and a casualty report shall be forwarded to the Inspector General of Prisons. The latter report shall also be sent in the case of undertrial prisoners.

92. The nearest relatives of a prisoner shall be informed as early as practicable 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. The body of a deceased prisoner may be made over to his relatives or shall be buried or burnt or otherwise disposed of according to the religious belief of the deceased. (Rules 91, 185, 249 and 250).

93. The death of any prisoner whose finger prints have been recorded by the Police should be reported to the latter with a view to the removal of the name from their records.

### CHAPTER XIII

#### APPEALS AND PETITIONS

94. 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 Sub-Jail and

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.

NOTE—Rules 47, 49, 50 and 158 are also applicable to undertrial prisoners where they do not conflict with the rules contained in this Section.

### CHAPTER XX

#### LUNATICS

142. The following rules regulating the detention, care and treatment of supposed lunatics under observation under the provisions of 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, lock-up, 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 lunatic by Police officers.

143. 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 authorized period of detention has expired and requesting sanction to release the person detained. If by the end of seven more days the Superintendent has not received the Court's order to release the person detained, he shall report the matter to the Inspector General.

## CHAPTER XIX

## UNDERTRIAL PRISONERS

125. A separate warrant signed by competent authority must accompany each prisoner who is admitted to await trial. Such warrant shall be retained in the sub-jail office on the conviction or discharge of the prisoner. The time of arrival and discharge of under trial prisoner shall be entered in A Register by the Jailor.

126. The children, even if over three years of age of female undertrial prisoners, may be admitted with the mothers if arrangements for taking care of them outside cannot easily be made.

127. (a) Prisoners undertrial for 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 Jail clothing and locked in cells. Special care should be taken to guard against any risk of escape or suicide by these prisoners.

(b) Undertrial prisoners, save as provided in Rule 127 (a) 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 on the back of the warrant. 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 XXVI.

Provided that when the Officer in charge of the Police party has taken possession of and made a list of the property belonging to a prisoner, no list need be endorsed on the back of the warrant; but the Jailor, after comparing the property, for which he is responsible under rule 18 of the rules accompanying Government Resolution No. 2126, dated the 22nd April 1908, with the Police Register, shall take it over, and initial the Police Register, making therein any remarks he may deem necessary regarding discrepancies or the condition of the articles.

(c) The hair of prisoners may be trimmed, but it must not be cut so as to alter their personal appearance.

128. Undertrial prisoners who are unable to supply themselves or who are not supplied by their friends with food, shall receive Sub-Jail rations, and when they have not sufficient clothing or bedding they shall be provided with the same from the Sub-Jail stock. They may be permitted to purchase food, unobjectionable books or news papers from the approved list at their own expense or obtain such from private sources. If receiving Sub-Jail 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 publication shall be allowed. Tobacco may be permitted at the expense of the prisoner.

A reasonable supply of stationery and writing material may be purchased at the prisoner's own expense.

129. When an undertrial prisoner has to be sent to Court he shall 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 Sub-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 lockup.

130. In order that undertrial prisoners may be produced in Courts in time, the Superintendent of a Sub-Jail shall inform the officer in charge of the Police Headquarters on the previous evening of the number of prisoners to be sent to the Courts on the next day, and request him to send an adequate escort.

131. The custody of undertrial prisoners shall 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 jail, should be exercised. Obedience to authority must be enforced.

132. 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 Sub-Jail Rules.

133. Unconvicted criminal prisoners shall be allowed all reasonable facilities, at proper times and under proper restriction, for interviewing or otherwise communicating either orally or in writing with their relatives, friends and legal advisers.

134. Every interview between an unconvicted prisoner and his legal adviser shall take place within the sight, but out of

or cells, for consumption during the night or following morning.

The rations for Muslim who are fasting should be cooked as late in the afternoon as possible so that the food may not be unduly stale when consumed.

(5) No relaxation of the ordinary rules for work will be allowed to prisoners who are keeping Roza.

(6) Muslim prisoners in cells may have an extra pot in which to hold the water for washing before prayers.

151. (i) Unless a public holiday or festival day referred to in clauses (a) to (d) falls on Sunday, Sunday ration shall be issued to—

(a) all prisoners on three public holidays, namely, Republic Day, Independence Day and Mahatma Gandhi's Birthday.

(b) all prisoners on four Muslim holidays, namely, Bakri-Id, Muharram, Id-e-Milad and Ramzan-Id;

(c) all prisoners on four Hindu holidays, namely, Holi, Gudi Padwa, Dassara and Diwali, and

(d) all prisoners on any days, not exceeding four in a year, which are observed generally as festivals by persons professing any religion other than referred to at (b) and (c) above and which the prisoners may be professing.

(ii) When any Sunday ration is issued on any day referred to in sub-rule (i) ordinary ration shall be issued on the Sunday immediately following the public holiday or the festival day, as the case may be.

152. The keys of the safe, box or room containing warrants, jail cash and private property of prisoners shall be kept by the Jailor.

153. Prisoners may be permitted to retain unobjectionable private books and may, at the discretion of the Superintendent, be supplied with writing materials at their own expense.

154. Every male convict sentenced to rigorous imprisonment for any period exceeding one month, shall on final confirmation of the sentence, or if no appeal is made have the hair of his head closely clipped and face shaved after expiry of the appeal period and shall have the operation repeated on him once a fortnight throughout his confinement in the Sub-Jail except during the fortnight immediately proceeding his release.

The hair of convicts sentenced to simple imprisonment and undertrial prisoners shall be trimmed only to such an extent and at such times as may be necessary for the purpose of securing cleanliness and health.

(2) Unconvicted criminal prisoners shall be kept apart from convicted criminal prisoners.

115. Confessing undertrial prisoners shall, so far as possible, be separated from other unconvicted prisoners.

116. Wherever possible, convicts sentenced to simple imprisonment shall be separated from those sentenced to rigorous imprisonment or transportation.

117. Habitual criminals should be kept apart from other prisoners so far as the accommodation of the Jail permits. This especially refers to confinement at night.

118. Under no circumstances whatever shall only two male prisoners be confined in one cell.

## CHAPTER XVII

### FEMALE PRISONERS

119. The search of female prisoners on admission shall be carried out by a woman.

120. The hair of a female prisoner should not be cut except when the Medical Officer deems it requisite on the grounds of health and cleanliness. Widows, who when admitted have their heads shaved on account of widowhood, may have them shaved again should they desire it.

121. Children of not more than three years of age may be admitted with their mothers, if the latter so desire.

## CHAPTER XVIII

### SIMPLE IMPRISONMENT

122. Prisoners sentenced to simple imprisonment should be subjected to the minimum amount of severity consistent with the maintenance of order and discipline.

123. They may not be required to labour but must keep their barracks and cells clean, wash their own clothes and if called upon to do so, cook their own food and fetch their own water.

124. They may use their own clothing, bedding, cooking and feeding utensils.

## CHAPTER XXI

## GENERAL DISCIPLINE &amp; DAILY ROUTINE

144. No prisoner shall be required to perform any labour, save emergent work, or such as may be necessary for the conduct of the internal management and domestic economy of the Sub-Jail (e.g., washing and repairing clothes, cooking, sweeping, cleaning latrines, etc.) on any general jail holiday. When not employed, prisoners shall be locked in the sleeping barracks and cells on holidays.

145. The following days are Jail holidays:—

Sundays, Ramnavmi, Ramzan Id, Zarthost-no-Diso, Bakri-Id, Gokul Ashtami, and Christmas Day and Diwali (the first day of the bright half of Kartik), Gudi Padwa (the first day of the bright half of Chaitra), Republic Day, Independence Day and Mahatma Gandhi birthday.

146. Bedding shall be spread out in the open air daily weather permitting.

147. Prisoners shall be required to keep themselves and their clothing clean.

148. 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 Jailor or the Medical Officer of any of the articles hereinbelow specified are prohibited, that is to say:—

- (a) Alcohol and spirits of every description.
- (b) Bhang, Ganja, opium and other intoxicants.
- (c) Betelnuts and leaves.
- (d) Bank notes, and cash.
- (e) Bamboos, 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) Drugs of every description.
- (i) Food, fruit, sweets, condiments.

(j) Anything whatever for eating and drinking.

(k) Fire-arms, explosive materials, weapons, knives and cutting implements of every kind.

(l) Gold, Silver, copper or any metal in any form.

(m) Letters and writing materials of every description.

(n) Matches and materials for producing fire.

(o) Playing cards or other implements for gambling

(p) Postage stamps.

(q) Rope, string or anything capable of being used to facilitate escape.

(r) Snuff.

(s) Tobacco and appliances for smoking it, and any other article whatsoever not specially permitted by the jail rules.

149. The following days have been fixed as fast days for Hindu prisoners:—

(1) Ramnavami.

(2) Gokulashtami.

(3) Ekadashi (Ashadhi, first).

(4) Ekadashi (Kartiki, first).

(5) Mahashivratri.

Such prisoners as may wish to fast should be given sweet potatoes, dates, groundnuts, etc., within the cost of the existing rations.

150. (1) All Muslim prisoners, 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.

(2) Every prisoner should be allowed to perform his devotions in a quiet and orderly manner during meal hours, the mid-day rest, and after being locked up for the night, and until opening out in the morning. Shouting out or praying in loud tones should not be permitted, either in the day-time or at night.

(3) No gathering together of prisoners for the purpose of performing devotions is permitted in the barracks.

(4) 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

hearing of a jail official. A similar concession may be allowed by the Superintendent in the case of an interview with any near relative of the unconvicted prisoner.

135. When any person desires an interview with an unconvicted criminal prisoner, in the capacity of the prisoner's legal adviser, he shall apply in writing giving his name and address, and stating to what branch of the legal profession he belongs, and he must satisfy the Superintendent that he is the *bona fide* legal adviser of the prisoner, with whom he seeks an interview, and that he has legitimate business with him.

136. Undertrial prisoners may be punished in the same manner as convicted criminal prisoners.

137. Prisoners whose cases are being enquired into by a Magistrate, must be brought before the Magistrate at least once in fifteen days for the purposes of remand. Upon the expiry of each period of remand the prisoner should be again placed before the Court.

138. A statement in the prescribed form shall be submitted through the District Magistrate on the first of each month giving details of delayed cases of all undertrial prisoners over three months in the Court of Judicial Magistrate to the Sessions Judge to whom such Court is subordinate.

139. When an undertrial prisoner, who is not already undergoing a sentence of imprisonment, is being escorted to and from Court by the Police, he should 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 should he appear in Court in fetters, except with the special permission of the Court.

140. Magistrates and Superintendents of Police should intimate to the Jail Authorities the fact of the admission of any undertrial 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 (2), should invariably be confined separately from the accused in the case. The subsistence money and railway fare of undertrial prisoners discharged by trying Courts shall be borne by such Courts.

141. 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

Provided that prisoners who are:—

(a) Sikhs shall not have their hair cut or removed in any way except on purely medical grounds on the written orders of the Medical Officer.

(b) Hindus shall retain the Shendi.

(c) Muslims who object on religious grounds to their beards being closely clipped shall be allowed to have them trimmed to a length of not more than three inches. If, however, the beard is filthy or verminous, or a skin disease is present, it shall be closely clipped. Long moustaches shall not be allowed.

(d) Jews of Yemen and Aden shall be allowed to retain their Zinnar (a lock of hair hanging down in front of the ear) unless its removal is necessary on purely medical grounds.

NOTES (1).—Class I prisoners should be allowed the concession of shaving themselves. For this purpose they can use their own shaving materials except mirror. The mirror should be provided at Government cost and should not be more than 9" x 12" in size and fixed in a frame which again will be fixed to a wall, so as not to be readily moveable.

(2).—Class II prisoners, awarded rigorous or simple imprisonment and undertrials shall not be allowed the concession of shaving themselves, but the services of barber will be utilised for this purpose.

Prisoners desirous of having a face shave or clipping at more frequent intervals than those prescribed above shall be allowed the services of a barber, provided they pay for such services from their private cash or earnings.

NOTE.—(3).—Undertrial prisoners shall not be allowed to crop their hair unnecessarily so as to alter their personal appearance and make it difficult to recognize them, but their hair may be trimmed according to the above stated procedure in Sub-para. (c) of the Rule 127.

## CHAPTER XXII

### OFFENCES AND PUNISHMENTS

155. The following acts are forbidden:—

(1) Talking, laughing or singing after having been ordered to desist.

(2) Quarrelling with any other prisoner.

(3) Being insolent or insubordinate to any official or doing or saying anything calculated to offend or annoy a fellow-prisoner.

(4) Doing an act calculated to create alarm in the minds of the prisoners or officers of the Jail.

157. The Superintendent may handcuff and chain-fetter any male prisoner when necessary for security or any prisoner who is refractory.

159. Prisoners who while confined in Sub-Jails commit offences punishable under the Indian Penal Code or any other criminal law shall be prosecuted before a Magistrate.

## REMISSION

160. When a prisoner is transferred from a Prison or second class Sub-Jail to a third class Sub-Jail for release or any other reason the amount of remission earned by him up to the date of transfer shall be clearly entered in the documents which accompany him and this shall be taken into account when calculating his date of release.

## DIETARY

161. Tender notices in the prescribed form shall be given wide publication on the Notice Boards of the Jail, Local Revenue and Judicial Offices, to obtain competitive rates for the supply of diet for prisoners in the last week of October every year.

The diet rate shall be fixed by the District Magistrate for the year i.e., from January to December subject to the approval of the Inspector General of Prisons.

162. The following is the authorised scale of diet for all prisoners confined in Sub-Jails:—

[illegible]

*Note.*—Avoirdupois scales and weights to be used.

(2) Should any convict be employed on *bona fide* hard labour such as, stone-breaking, etc. up to the full Jail task he will be allowed the above scale with the following alterations:—

Flour—24 ozs. per diem in lieu of 20 ozs.

Vegetables—8 ozs. 2 diem in lieu of 6 ozs.

Oil—10 Drs. from 1st October to 31st March in lieu of 8 drs.  
Onions—4 drs.

"Dhall—

(Vegetarian)—5 ozs. per diem in lieu of 4 ozs. throughout the week, excluding Sunday.

(Non-vegetarian)—5 ozs. per diem in lieu of 4 ozs. on Mondays and Wednesdays and 4 ozs. in lieu of 3 ozs. on every other day of the week, excluding Sunday."

163. Undertrial prisoners may be allowed to be supplied with food by their friends.

164. Children in the Sub-Jail with their mothers may be given such diet as the Medical Officer may order for them.

165. The Medical Officer may at his discretion order extra or special diets for any prisoner but whenever this is done a statement in the following form must be submitted to the Inspector-General of Prisons through the District Magistrate on the 1st day of the month following that in which the extra was issued:—

Name of prisoner.	Whether convict or Undertrial.	Extra issued stating quantity given daily.	Date of first issue.	Date of last issue.	Medical grounds on which issued.

166. The fresh meals should be distributed at the following hours:—

Mornings meal—Between 9:30 and 10-15 a. m.

Evening meal—Between 4:30 and 5 p. m.

167. The grain ration shall be divided into two equal parts, one of which shall be consumed at each of the meals of the day. Rice shall be boiled and the flour made from other grains shall be baked into chapatis.

168. The allowance of vegetables is to be calculated after removal of all hard stalks and other meatable matter and only good succulent vegetables should be issued. Neither rice nor dhall should be classified as a vegetable.

## CHAPTER XXV

### CLOTHING AND BEDDING

169. Every prisoner sentenced to rigorous imprisonment shall wear prison clothing of the prescribed pattern, shall use prison bedding and shall not be allowed to retain any other than those specified by rule.

170. Superintendents of Sub-Jails shall submit on or before the 1st April each year in the following form their annual indents of (i) clothing and bedding and (ii) dead stock articles, separately, in duplicate, to the Inspector-General of Prisons for sanction and shall forward a copy thereof to the District Magistrate. The Inspector-General of Prisons should in the sanction order, state that the articles sanctioned should be obtained from the place specified in that behalf.

### FORM OF INDENT

Name of Sub-Jail.	Authorised accommodation.				Daily average No. of prisoners during the last year.				Names of articles required.	No. of articles on hand				No. required during the year	Rate.	Cost.	Remarks giving reasons for the necessity of the No. of articles
	Convicts.		U. T.		Convict.		U. T.			Serviceable.	Date of purchase or supply.	Un-Serviceable.	Date of purchase or supply.				
	M.	F.	M.	F.	M.	F.	M.	F.									
1	2	3	4	5	6	7	8	9	10	11	12	13	14				

171. No clothing or bedding shall be purchased in the market without the sanction of the Inspector General, and this sanction shall not be accorded except under very special circumstances.

172. Articles of clothing and bedding which have outlived their life as detailed below shall be condemned under the orders of the District Magistrate:

Article.	Life.
(1) Cotton clothing except sheets	... 2 years
(2) Cotton woollen Jackets	... 4 years
(3) Cotton sheets	... 3 years
(4) C. W. Chaddar	... 4 years
(5) Coir Mats	... 7 years

173. The clothing, bedding and equipment of a prisoner shall consist of:—

Articles	Male	Female
Cotton Woollen Chaddar or Cotton Sheet (7' x 4').	According to climate.	
Cotton Sheet (7' x 4') ...	1	1
Loom carpet (6' x 2') ...	1	1
Cotton Shirt ...	2	...
Cotton Woollen Jacket ...	1 (in cold weather.)	1 (in cold weather.)
Cotton trousers or shorts ...	2	...
Lungotee ...	1	2
Cotton Cap ...	1	...
Sarees (18' x 3½') ...	...	2
Cotton Bodice ...	...	2
Towel ...	1	1
Earthen ware or Alluminium mug..	1	1
Earthen ware or Alluminium bowl	1	1
History Ticket ...	1	1
Pillow ...	1	1
Alluminium 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 any Sub-Jail is situate, the authorised allowance for each prisoner being shown in the column provided in the estimate.

174. Casual convicted prisoners shall wear white and habitual prisoners black caps.

175. An undertrial prisoner or a prisoner sentenced to simple imprisonment may be made to use prison clothing and bedding if the Superintendent considers it necessary.

176. So far as is practicable every prisoner in a Sub-Jail shall be supplied with a history ticket in the forms prescribed for under-trial and convicted prisoners.

## CHAPTER XXVI

### PRISONERS' PROPERTY

177. Property delivered with, or found on a prisoner on admission, or afterwards sent to him through the Superintendent or Jailor, shall be dealt with under the following rules.

§ 174. 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.

179. If it consists of perishable articles of an objectionable nature of any value, it may be sold, and the proceeds credited to the Prisoner's account.

180. Insanitary, ragged or worthless clothing may under the written order of the Superintendent or Medical Officer be burnt.

181. A list of all clothing, cash, jewellery or other property belonging to a prisoner and which is not left in his possession shall be entered on his warrant and signed by the Superintendent, Jailor and the Prisoner. Bulky articles which cannot conveniently be stored should not be received but should be handed over to the prisoner's friends or sold and the proceeds credited to him.

182. Jewellery, cash and other valuables shall be made up into a parcel which shall be sealed by the Jailor, endorsed in his handwriting and kept in some safe receptacle. A paper cross band shall be pasted around the parcel and the prisoner allowed to put his signature or thumb impression on the joints of the slip so pasted.

183. When a prisoner is transferred from one prison to another the whole of his property then in the custody of the Jailor shall be sent with him, with a statement of the description and estimated value of each article. This procedure should also be followed in case of enroute and under-trial prisoners when sent from one Sub-Jail to another.

184. All his private property shall be made over to every prisoner without fail at the time of his release by the Superintendent or Jailor and his signature taken in acknowledgement of receipt.

185. In the event of a prisoner dying in prison, his property, if he has not willed it to any person, shall be made over to the officer in charge of the nearest police station, to be dealt with

under Bombay Police Act, and the Superintendent shall forward with the property the prisoner's descriptive roll, to enable the police to trace the relations.

186. The property of an escaped prisoner and the unclaimed property of any other prisoner shall be retained for one year from the date of his escape or absence from the Sub-Jail. If he is not re-captured or the claimant does not claim it within that period, his property shall be sold, and the proceeds, with any cash belonging to the prisoner, shall be paid into the Treasury as unclaimed property, under XXII Jails-Miscellaneous Receipts.

187. Property of any kind found on a prisoner, after he had been once searched on admission, shall be forfeited and the value carried to the credit of Government, a certain proportion, not exceeding one-third, being awarded to the finder by the Superintendent.

## CHAPTER XXVII

### LABOUR

188. Every prisoner sentenced to rigorous imprisonment shall be required to work for not more than nine hours daily.

189. The labour given to convicted prisoners confined in Sub-Jails will vary according to local circumstances but will usually consist of such work as earth digging, chopping wood, gardening, stone breaking, repairing buildings, etc. and menial and domestic duties connected with the Jail.

190. All cash receipts on account of prisoners' labour shall be paid into the Treasury under the heading of Jail manufactures, XXII Jails and Convict Settlements.

191. No Sub-Jail official shall be allowed to make any private use whatever of any prisoner.

192. Under-trial prisoners and prisoners sentenced to simple imprisonment shall not be made to work excepting that they may be required to keep the barracks and Jail yards clean, wash their clothing and bedding, fetch their own water and cook their own food. They may however be permitted to labour, if they so desire. Under-trial prisoners only shall be paid wages at the prescribed rates for the work they do, other than work of the nature mentioned above.

## CHAPTER XXVIII

### GUARDING

193. The Superintendent of each Sub-Jail shall in consultation with the District Superintendent of Police draw up rules for the guidance of the guard to meet local requirements, on the lines set below:—

(1) The Officer in charge of the guard shall send out the prisoners in batches of not more than 8 persons at a time for bathing and exercise. At least two men of the guard shall be on duty with each batch.

(2) The prisoners shall be taken to \_\_\_\_\_ for bathing and to \_\_\_\_\_ for answering calls of nature (where no latrines are provided). They shall not be taken beyond \_\_\_\_\_ for purposes of exercise.

(3) The duration of the exercise which shall ordinarily be half an hour including the time for washing and visiting latrines may be reduced in respect of any batch of prisoners should there be an unusually large number of prisoners in the Sub-Jail.

(4) Dangerous prisoners or prisoners who show tendency to escape shall be taken out separately and shall be properly secured by ropes or other means permissible under the rules.

194. The Officer in charge of the guard shall see that all standing orders regarding the duties of the guard are duly observed, and shall satisfy himself, as soon as the guard is mounted, that all such orders are known to the men and understood by them.

195. In the event of the Officer in charge of the guard or any man on guard duty becoming incapacitated by sickness from remaining at his post, the fact shall be immediately reported to the Sub-Inspector or such Senior Officer as may be near at hand who shall forthwith take measures to relieve the incapacitated officer or man.

196. If detailed to guard prisoners, the sentry shall day and night march up and down in front of the cells and watch the prisoners confined therein.

197. The fire-arms of the guard shall always have the bayonet fixed, and shall remain in the guard-room when not in use.

198. No officer or man on guard duty shall on any account take off his clothing or accoutrements. This rule does not apply to occasions when an officer or man is taking his meals, nor does it prohibit him from taking off his pugri or belt when legitimately lying down to rest during the day and night.

199. 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 Officer in charge. He shall also prevent any man from quitting the guard without leave, which shall be sparingly granted, and only for special purposes and for the shortest possible period.

200. Men, on guard duty, who may be unable to arrange for having their food brought to them, shall be allowed 2 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.

201. The guard shall resist by force all attempts made to break into or out of any part of the Sub-Jail, and shall aid in the suppression of all violence or opposition to authority on the part of the prisoners.

202. In the event of any attempt to break out of the Sub-Jail or any other disturbance occurring the guard shall immediately fall in, load and act in accordance with Rule 201 and the officer of the guard shall at once do his best to communicate with the Jailor and his own superior officer. If, however, the prisoners should assault the Sub-Jail Officers, or attempt to break out of any particular barrack or yard, and the Officer of the guard should consider that it would be dangerous to delay until the arrival of the superior Sub-Jail officials, that officer shall rescue the Sub-Jail Officers and prevent the prisoners from breaking out. The officer 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 officer shall direct his men 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 of the Sub-Jail, or superior Officer of Police, the guard shall act under their 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 of the Sub-Jail 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 has reasonable ground to believe that he cannot otherwise prevent the escape.

(2) Any officer of the Sub-Jail 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 Jail, and may continue to use such weapon so long as such combined outbreak or attempt is being actually prosecuted.

(3) Any officer of the Sub-Jail may use a sword, bayonet, fire-arm or any other weapon against any prisoner using violence to any officer of the Sub-Jail or other person: Provided that such officer has reasonable ground to believe that the officer of the Sub-Jail 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 of the Sub-Jail shall give a warning to the prisoner that he is about to fire on him.

(5) No officer of the Sub-Jail shall, in the presence of the 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.

(Vide Home Department Resolution No. 12-Jails 500-510, dated the 31st August 1896, Appendix 2, Part V, embodied in Government Resolution No. 1841, dated the 6th March 1897.)

203. The guard shall present arms to the Inspector General of Prisons, to the Superintendent of the Jail, the Inspector General of Police, the District Magistrate, the Magistrate in charge of the Sub-Division, the Sessions or Additional Sessions Judge, the Assistant Sessions Judge, the Superintendent of Police and such other officers as may be entitled to that compliment when visiting the Sub-Jail.

204. The strength of the guard to be furnished to a Sub-Jail shall be decided by the Superintendent of the Sub-Jail and the Police authorities, subject to the approval of the Inspector General of Prisons.

205. The 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 2 hours. The latter shall be most particular in observing that the sentry relieved passes the orders of his post to his relief.

206. (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 buckshot cartridges shall be carried by the man who is actually on sentry duty, his pouch being kept open in front for quick loading. 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 Head Constable in command shall be responsible for the correct handing over of his ammunition.

(3) The men on guard duty shall not carry their fire-arms loaded.

207. (1) The sentry 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 call the officer of the guard, who shall, if necessary, relieve him.

(2) The sentry shall hold no communication whatever with any prisoner in the cell, but shall apprise any member of the Sub-Jail 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 and acquaint the Officer of the guard. He shall at the same time take all necessary steps to prevent the prisoner's escape.

208. Sentries shall enforce firmly 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.

209. The officer in charge of the guard 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 officer twice also at separate intervals during the night round the posts.

210. The Officer in charge of the guard shall make his reports to, and receive his instructions from, the Superintendent of the Sub-Jail.

211. The guard is under the immediate orders of the Superintendent in all matters which affect the specific duty for which they are detached. In all matters of discipline a guard furnished by the police is under the orders of their commandant.

212. Whenever an outbreak of any kind occurs in a Sub-Jail in the suppression of which the police are at all concerned, a Court of Inquiry shall be immediately held, when such a measure is practicable, to report upon the circumstances of the case, and the proceedings shall be forwarded to Government through the Inspector General of Police and the Inspector General of Prisons.

213. When a cell or barrack is opened a chain should first be passed round the two halves of the door or round a bar of the door and through a staple so that the door can only be opened sufficiently to allow of the passage of one person at a time. This is a precaution against a rush by the prisoners.

## CHAPTER XXIX

### ESCAPES

214. Escapes through the neglect or connivance of Police guards, are not to be treated as ordinary breaches of jail discipline, but are to be dealt with in accordance with the provisions of the 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.

215. 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, similar information shall be sent to the Police authorities of that district.

216. A full report of every escape from a Sub-Jail shall be sent immediately to the Inspector General of Prisons. The report should detail the circumstances of the escape, the person through whose neglect it occurred and how he has been punished and whether the prisoner has been recaptured. Subsequent recapture must also be intimated. On receipt of the report from the Superintendent, the Inspector General should immediately send a detailed report to Government for information.

217. Every prisoner who escapes, or attempts to escape, shall be prosecuted under Section 224 of the 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.

218. All articles which can be used by prisoners as dangerous weapons, or to aid them in escaping, shall be carefully watched while in use during the day, and counted and safely disposed of during the night.

219. An escaped prisoner who is recaptured may be received back into the Sub-Jail on the original warrant.

220. Any officer of the Sub-Jail 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 jail shall give a warning to the prisoner that he is about to fire on him.

### CHAPTER XXX

#### ACCIDENTS, SUICIDES, ETC.

221. Upon the occurrence of any case of suicide, or of any death from violent or unnatural causes in jail, the Superintendent shall give immediate information thereof to the Coroner, or nearest Magistrate empowered to hold inquest (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 of Prisons after the inquest is over.

222. Prisoners with apparently suicidal tendencies shall be carefully watched and not left alone in a cell.

223. Knives and tools used in the Sub-Jail shall be counted over and locked up by the guard at the close of work. The wells, if any, in a Sub-Jail 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 any thing likely to be used for suicidal purposes are not left about in the Sub-Jail. Poisonous drugs shall on no account be unnecessarily left within the reach of prisoners.

224. Every precaution shall be taken against fire. When the Sub-Jail is being locked up, all fires not actually in use or under supervision shall be extinguished.

### CHAPTER XXXI

#### TREATMENT AND CUSTODY OF SICK PRISONERS

225. All prisoners shall be carefully examined by the Medical Officer as soon as possible and in no case more than 48 hours after admission.

226. Prisoners suffering from trifling ailments shall be treated by the Medical Officer in the Sub-Jail.

227. When the ailment from which any prisoner is suffering is such as to necessitate his being detained in a Civil Hospital or dispensary for treatment, he shall, under the orders of the Civil Surgeon, or Medical Officer be kept there or in some other duly appointed place and a Police guard shall be applied for by the Superintendent of the Sub-Jail. The patients' food shall be supplied by the Hospital authorities unless he is an under-trial prisoner and his relatives arrange to feed him.

228. In case of any under-trial prisoner on admission complaining of being hurt or of having been beaten by the Police before admission into the Sub-Jail such prisoner shall be sent

in charge of an escort without delay before the Civil Surgeon or other Medical Officer for examination.

229. No prisoner, either convicted or undertrial, shall be handcuffed to his bed under any circumstance while under treatment in a Civil Hospital or dispensary.

230. Handcuffs shall not be imposed on any prisoner, convicted or under-trial while under treatment in a Civil Hospital or Dispensary except where the prisoner is known to be refractory, violent, or dangerous. In such cases the handcuffs shall be frequently removed to give relief to the arms.

231. Sick prisoners under treatment in a Civil Hospital or Dispensary shall never be fettered unless absolutely necessary for their safe custody and with the concurrence of the Medical Officer in charge.

232. Rules 230 and 231 do not apply to female prisoners who may, under no circumstances, be handcuffed or fettered.

## CHAPTER XXXII

### SANITATION

233. The area enclosed within a Sub-Jail wall should be not less than 100 square yards per head of the total capacity, except where land is particularly valuable when the minimum may be 75 square yards per prisoner.

234. In every sleeping barrack the minimum space per prisoner shall be 40 square feet and 560 cubic feet.

235. Cells should have a ground area of not less than 96 square feet and a cubic capacity of at least 1,200 cubic feet.

236. Free through ventilation of barracks 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 square feet per head of the sanctioned number of prisoners the barrack is designed to accommodate. In the case of a cell the ventilating area should be at least 24 square feet.

237. The walls and ceilings of all barracks and cells shall be white-washed annually or oftener if necessary, and it is desirable

that the floors should be made of impermeable material. Barracks and cells shall be thoroughly swept and cleaned daily.

238. The Superintendent, the Medical Officer, the Jailor and all subordinates are responsible that proper attention is paid to conservancy.

239. (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 partitions which divide 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.

240. Each partition shall be provided with two separate vessels for urine and foecal matter respectively. The vessels for urine shall be filled about one-third with water.

241. Beneath the urinals and pans there should be a layer of dry earth in diameter about double that of the urinal or pan and in thickness about four inches, and any careless spilling of urine or foecal matter beyond this layer should be punished.

242. The essential conditions for the success of the system of dry earth conservancy are:—

(a) Immediate applications of earth to excreta.

(b) The use of dry shifted earth.

(c) The application of a sufficient quantity of earth to the excreta.

(d) The scrupulous avoidance of mixture of urine or water with the compost of earth and excreta.

243. Plenty of dry earth and small wooden scoopes shall be provided in each latrine, and every prisoner after using the latrine shall be required to throw dry earth over the excreta. Wilful neglect of this rule or using the urinal pan for defoecation should be punished.

244. The latrines and urinals shall be cleaned out morning and evening and also, if necessary, in the middle of the day.

245. Receptacles one-fourth full of water in which prisoners may urinate shall be placed in every cell and sleeping barracks (if a night latrine is not provided) before lockup. The use of these vessels for defecation should be strongly discouraged.

246. 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 shall, therefore, pay constant attention to it.

247. 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.

248. In those Sub-Jails 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. 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.

249. The body of any prisoner dying 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 if there are grounds for supposing that the convict's funeral will be made the occasion for a demonstration.

250. The bodies of prisoners dying in prison 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 Musalamans and Christians would be buried.

251. Clean shrouds must be provided for the bodies of deceased prisoners.

252. (a) The jail area and surrounding grounds 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 area and to prevent the accumulation of water near the Sub-Jail. Open drains should, if possible, be used.

(b) Grass should be grown and trees planted and kept neatly trimmed, in or near the Sub-Jail where practicable.

(c) No kitchen refuse shall be permitted to be thrown promiscuously on the grounds, nor rubbish of any kind to accumulate in or near the Sub-Jail.

## CHAPTER XXXIII

### REGISTERS AND RETURNS

253. The following Registers shall be maintained at Sub-Jails:—

- (1) Form A—Register of undertrial prisoners.
- (2) Form B—Register of convicted prisoners.
- (3) Form C—Register of Daily totals.
- (4) Form E & F—Register of En-route undertrial and convicted prisoners.
- (5) *Diet Register* (prescribed in G.R., H.D., No. 4664/5 dt. 18-5-1953.)
- (6) *Desk Diary*.
- (7) Register No. 13—Jailors' Report Book.
- (8) *Register No. 14—Official Visitors' Book*.
- (9) Register No. 22 (A)—Dead Stock Register.
- (10) Register No. 32—Medical Officer's journal in which the Medical Officer will record his visits, and particulars regarding sick prisoners and issue of extra articles of diet.

NOTES 1.—The age and caste of each convicted prisoner must always be entered in column 2 of Register B.

2.—The word "Railway Police case" shall be entered in Register B in all cases convicted after having been sent up by the Railway police.

3.—The names of female prisoners should be written in red ink.

4.—The time of arrival and discharge of a prisoner shall be entered in A & B Registers.

254. The following returns shall be submitted by the Superintendent of all Sub-Jails:—

#### A Periodical—

(i) Monthly return in Form D on the 1st of each month to be sent to the Inspector General of Prisons.

(ii) Detailed Contingent Bill on the 1st of each month to the Treasury Officer.

(iii) A copy of the medical notes recorded by the Medical Officer to be sent to the Inspector General of Prisons by the Superintendent on 1st and 15th of each month with any remarks the Superintendent has to make on the observations made by the Medical Officer.

(iv) A report about the Dead-Stock verification to be sent in June and December to the District Magistrate and a copy to the I. G. of Prisons.

B. Occasional—

(i) Death Report to be sent to the District Magistrate and a copy to the Inspector General of Prisons immediately a prisoner dies.

(ii) Death Report to be sent to the Chief Operator of the District whether the finger prints of the deceased prisoner have been taken or not.

(iii) Escape Report to be sent to the District Magistrate and a copy to the Inspector General of Prisons immediately a prisoner escapes.

(iv) Recapture Report to the District Magistrate and a copy to the Inspector General of Prisons.

(v) Copy of remarks made by official and non-official visitors to be sent to the Inspector-General through the District Magistrate on the 1st of each month. Any special remarks requiring special attention should be submitted immediately.

255. The following are the instructions for the preservation of Jail Records:—

(a) To be retained as permanent record.

(1) Register of convicted prisoners.

(2) Register of Dead Stock Articles.

(b) To be destroyed after two years from the date of last entry.

(1) Register of undertrial prisoners.

(2) Register showing the daily totals of prisoners.

(3) Monthly Return of prisoners confined in the 3rd Class Jail.

(c) To be destroyed after one year from the date of last entry.

(1) Register of enroute undertrial prisoners.

(2) Register of enroute convicted prisoners.

# APPENDIX No. I

## ACT No. IX OF 1894

*Passed by the Governor General of India-in-Council*

(Received the assent of the Governor General on the 22nd March 1894)

An Act to amend the law relating to Prisons.

WHEREAS it is expedient to amend the law relating to prisons in British India, and to provide rules for the regulation of such prisons; it is hereby enacted as follows:—

## CHAPTER I

### PRELIMINARY

1. (1) This Act may be called the Prisons Act, 1894.

Title, extent and commencement

(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 Presidency 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. (1) On and after the said first day of July 1894, the enactments mentioned in the schedule shall be repealed to the extent specified in the fourth column thereof. Repeal.

(2) But all rules and appointments made, directions given and orders issued under any of those enactments shall, so far as they are consistent with this Act, be deemed to have been respectively made, given and issued under this Act.

(3) Any enactment or document referring to any of those enactments shall, so far as may be, be construed to refer to this Act or to the corresponding portion thereof.

3. In this Act—

Definitions.

(1) "prison" means any jail or place used permanently or temporarily under the general or special orders of a Local 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 Local Government under Section 541 of the Code of Criminal Procedure 1882; or

(c) any place which has been declared by the Local Government, by general or special order, to be a subsidiary jail; X of 1882.

(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;

X of 1882.  
V of 1871.

(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;

(5A) '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 and 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

Accommodation for prisoners.

4. The Local Government shall provide, for the prisoners in the territories under such Government, accommodation in prisons construed and regulated in such manner as to comply with the requisitions 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 Local Government, and shall exercise, subject to the orders of the Local 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 Local Government thinks necessary:

Provided that the Provincial Government of Bombay in Council 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.

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 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 Local 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

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 be 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 or have any money or other business dealings directly or indirectly with any prisoner.

10. No officer of a prison shall, nor shall 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.

#### Superintendent

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.

(2) Subject to such general or special directions as may be given by the Local Government, the Superintendent of a prison other than a central prison or a 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:—

(1) a register of prisoners admitted;

(2) a book showing when each prisoner is to be released.

Records to be kept by Superintendent.

(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

Duties of 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 Local Government under section 59.

Medical officer to report in certain cases.

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.

This report, with the orders of the Superintendent thereon, shall forthwith be sent to the Inspector General for information.

Report on death of prisoner.

15. On the death of any prisoner, the Medical Officer shall forthwith record in a register the following particulars, so as they can be ascertained, namely:

(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. (1) 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.

17. Upon the death of a prisoner, the Jailor shall give immediate notice thereof to the Superintendent and the Medical Subordinate. Jailor to give notice of death of prisoner.

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 confided to his care, and for the money and other articles taken from prisoners. Responsibility of Jailor.

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 necessity, he shall immediately report the fact and the cause of it to the Superintendent. Jailor to be present at night.

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 the duties, and be subject to all the responsibilities, of a Jailor under this Act or any rule thereunder. Powers of Dy. and Assistant Jailors.

#### Subordinate Officers

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 cause 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. Duties of gate-keeper.

22. Officers subordinate to the Jailor shall not be absent from the prison without leave from the Superintendent or from Jailor. Subordinate officers not to be absent without leave.

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. Convict officers XLV of 1860.

### CHAPTER IV

#### ADMISSION, REMOVAL & DISCHARGE OF PRISONERS

24. (1) Whenever a prisoner is admitted into prison, he shall be searched, and all weapons and prohibited articles shall be taken from him. Prisoners to be examined on admission.

(2) Every criminal prisoner shall also, as soon as possible after admission, be examined under the general or special orders of the Medical Officers, 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.

Effects of  
prisoners.

25. All money or other articles in respect whereof no order of a 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.

26. (1) All prisoners, 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

Separation  
of  
prisoners.

27. The requisitions of this Act with respect to the separation of prisoners are as follows:—

(1) in a prison containing female as well as male prisoners, the females 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 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; and

(4) civil prisoners shall be kept apart from criminal prisoners.

Association  
and  
segregation  
of  
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.

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.

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.

(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 & BEDDING OF CIVIL & UNCONVICTED CRIMINAL PRISONERS

31. A civil prisoner or an unconvicted criminal prisoner shall be permitted to maintain himself, and to purchase, or receive from private sources at proper hours, food, clothing, bedding or other necessities, but subject to examination and to such rules as may be approved by the Inspector General.

32. No part of any food, clothing, bedding or other necessities belonging to any civil or unconvicted criminal prisoner shall be given, hired or sold to any other prisoner; and any prisoner transferring 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.

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 person, such person 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 the 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, & 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 prisoners.

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.

Employment of criminal prisoners sentenced to simple imprisonment.

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 by such alteration in the scale of diet as may be established by rules of the prison in the case of neglect of work by such a prisoner.

## CHAPTER VIII

## HEALTH OF PRISONERS

Sick prisoners.

37. (1) 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 prisoner to the Jailor.

(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 Local 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.

39. In every prison an hospital or proper place for the reception of sick prisoners shall be provided.

## 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 that, so far as may be consistent the interest of justice, prisoners under trial may see their duly qualified legal advisors without the presence of any other person.

41. (1) 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.

(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 Local Government may direct.

## CHAPTER X

## OFFENCES IN RELATION TO PRISONS

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, 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, shall be liable to a penalty not exceeding five years imprisonment or for introduction or removal of prohibited articles from prison and communication with prisoners.

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 for offence 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 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 fixed, 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 regulation 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 any officer or 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 or 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 or other material, not being wollen, for a period which shall not exceed three months;

(6) imposition of handcuffs of such pattern & 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;

*Explanation.*—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 more 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 Local 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;

Solitary confinement for any period not exceeding seven days;

Provided that after each period solitary confinement an interval of not less duration than such period must elapse before the prisoner is again sentenced to solitary or cellular confinement;

*Explanation.*—Solitary confinement means such confinement with or without labour as entirely secludes the prisoner both from sight of, and communication with, 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 punishments 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 or separate confinement and loss of privileges admissible under the remission or furlough system.

(5) "No punishment shall be combined with any other punishment in contravention of rules made by the State Government.

47. (2) "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.

(Government of India Act XVII of 1925)

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. Award of punishments under sections 46 and 47.

(2) No officer subordinate to the Superintendent shall have power to award any punishment whatever.

48A. 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 (1) 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.

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, and no punishment shall be inflicted on any prisoner otherwise than in accordance with the provisions of those sections. Punishments to be in accordance with foregoing 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 fitness of prisoner for punishment.

(2) If he considers the prisoner unfit to undergo the punishment, shall, in like manner record his opinion in writing and shall state whether the prisoner is absolutely unfit for punishment.

ment 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.

Entries in  
punish-  
ment book

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.

(2) In the case of every serious prison-offence, the names of the witness 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 witness, 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 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:

Provided that the District Magistrate may transfer the case for inquiry and trial to any Magistrate of the first class; and

Provided also that no person shall be punished twice for the same offence.

Whipping.

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.

(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.

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, 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

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 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. Extramural custody, control and employment of prisoners.

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 Local Government, so confine them. Confinement 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. Confinement of prisoners under sentence of transportation in irons.

(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.

58. No prisoner shall be put in irons or under mechanical restraint by the Jailor on his own authority, except in case of urgent necessity, in which case notice thereof shall be forthwith given to the Superintendent. Prisoners not to be ironed by Jailor except under necessity.

Power to make rules. 59. The State Government may make rules consistent with this Act—

- (1) defining the acts which shall constitute prison offences;
- (2) determining the classifications 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 circumstances 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 ticket.
- (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 of 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. Copies of rules, under Section 59 so far as they affect the Exhibition Government of prisons, shall be exhibited, both in English and of copies in the Vernacular, in some places to which all persons employed of rules within a prison have access.

61. All or any of the powers and duties conferred and Exercise of imposed by this Act on a Superintendent or Medical Officer powers of may in his absence be exercised and performed by such other Superin- tendent and officer as the Local Government may appoint in this behalf Medical Officer. either by name or by his official designation.

## APPENDIX No. II

### 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.

[(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 Prisons.* The (State Government) may appoint officers 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 or penal servitude 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 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 such sentence to the officer in charge of a prison in (the States),

Such officer shall, on receipt of 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.

[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) that 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, if 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 for 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. *Release 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.*

34. *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.

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 an 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 of 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 on 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 1882) 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 a 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).

APPENDIX No. III

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 Prisons, 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. 104/33-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 to 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 for 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 the 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 the 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 to 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 the 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 should 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 feeding 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 that 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 orders 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 Government 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 resort 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 52 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 No. IV

##### LIST OF THE POINTS TO WHICH ATTENTION SHOULD BE PAID BY THE DISTRICT MAGISTRATE AND SUB-DIVISIONAL MAGISTRATES DURING THEIR INSPECTION OF SUB-JAILS UNDER THEIR JURISDICTION

1. Total number of cells in the Sub-Jail.
2. Number of cells used for (i) males and (ii) females.
3. Average number of prisoners (males and females separately) in the Sub-Jail, during the previous 12 months.
4. Capacity of each cell marked as required by paragraph 234 and 235 of the Sub-Jail Manual.
5. Is the floor of the cells paved, if not is it cow-dunged once a week?
6. When were the walls white-washed?
7. Are earthen pots with covers which are kept in each cell to be used by prisoners as urinals at night smeared with crude oil and phenyl, and partially filled with water.
8. Are night latrines provided in the cells?
9. Is dry earth and sand spread under these earthen Kundas?
10. What is the condition of the cells?

11. What is the arrangement for giving bath to prisoners?
12. How is water procured and supplied for this purpose?
13. Are the latrines sufficient and kept clean?
14. What is the arrangement for cleaning latrines?
15. Are prisoners taken out for exercises? If so, when they are taken out and for what period every day, and for what exercises?
16. Is the food supplied to prisoners proper and wholesome?
17. What is the arrangement for storing water?
18. What is the arrangement for supplying drinking water to prisoners?
19. Is there sufficient clothing and bedding for prisoners (both male and female)?
20. Give details of the clothing, bedding and dead-stock articles. Serviceable and unserviceable.  
In the case of unserviceable articles give the date of supply.
21. Are the dead stock articles properly stored?
22. Are the dead stock articles verified periodically and a certificate sent to the Inspector General of Prisons every year. The date of last submission of certificate should be given.
23. Are any books and news-papers supplied to the convicted prisoners at Government cost? If so, give details.
24. Are the A, B, C Registers properly filled in? If not mention the defects.
25. Is the time of arrival and release of prisoners marked, so as to check whether the number of meals has been correctly debited in Register No. 'C'?
26. Are the prisoners sentenced to more than a month kept in the Sub-Jail? If so, give details with reasons.
27. Are the contract rates duly got approved and, if so, is the food being supplied as per the stipulations in the contract?
28. Have the prisoners any complaints to make? If so, what are they and what are the suggestions to remedy them?

## APPENDIX No. V

THE CORRESPONDING OLD RULES AND THE AUTHORITIES IN SUPPORT OF  
RULES OF SUB-JAIL MANUAL

Rule in the revised Sub-Jail Manual.	Corresponding rule in the old Sub-Jail Manual.	Authority.	Remarks.
1	1	...	
2	...	...	New rule.
3	2	...	
4	3	G. R., J. D., No. 5120, dt. 20-7-1899. and G. R., J. D., No. 2126, dt. 22-4-1908, G. R., H. D., No. 410/2, dt. 13-6-1927 and G. R., H. D., No. 982/5-II, dt. 23-1-54.	
5	4	...	
6	8	...	
7	9	...	
8	10	...	
9	11	I. G.'s Circular No. 14386, dt. 13-6-52.	
10	12	...	
11	13	G. R., H. D., No. 4664/5, dt. 18-5-53.	
12	14	G. R., J. D., No. 2126, dt. 22-4-1908.	
13	15	G. R., J. D., No. 3968, dt. 12-6-1916.	
14	16	...	
15	16-A	G. R., H. D., No. 1499/4, dt. 15-5-1941.	
16	19	...	
17	20	...	
18	21	...	
19	22	...	
20	23	...	
21	24	...	
22	25	G. R., H. D., No. 4664/5, dt. 18-5-1953.	
23	26	G. R., J. D., No. 2126, dt. 22-4-1908.	
24 6(a)& 27		G. R., H. D., No. 353-2, dt. 21-12-1926. & G. L., No. 4715/2-C, dt. 20-12-1928.	
25	28	...	
26	29	...	
27	30	...	
28	31	G. R., J. D., No. 4423, dt. 4-7-1916.	
29	...	...	New rule.

Rule in the revised Sub-Jail Manual.	Corresponding rule in the old Sub-Jail Manual.	Authority.	Remarks.
30	32	G. R., J. D., No. 5313, dt. 20-9-1910.	
31	33	...	
32	34	...	
33	35	...	
34	36	...	
35	37	...	
36	57 B.	...	
37	...	G. L., H. D., No. P/177-(iii), dt. 3-5-1941.	New rule.
38	59	...	
39	60	Govt. Home Deptt. Notification No. 9180/3-IV (C), dt. 1-2-1940.	
40	57-A.	...	
41	58	...	
42	61	...	
43	62	...	
44	...	Govt. Home Deptt. Circular No. 4664/5, dt. 29-10-52 & No. 4664/5-I, dt. 6-10-1953.	New rule
45	63	...	
46	64	...	
47	65	G. Rs. J. D., Nos. 4809, dt. 23-9-09, 5837, dt. 16-10-09 and 1386, dt. 6-3-1911 and G. R., H. D., No. 8406/2, dt. 9-4-1931.	
48	66	...	
49	67	...	
50	68	...	
51	69	...	
52	70	...	
53	71	...	
54	72	...	
55	73	...	
56	74	...	
57	75	...	
58	76	...	
59	77	...	
60	78	...	
61	79	...	
62	80	G. R., H. D., No. 7383, dt. 21-4-1925.	
63	81	G. R., H. D., No. 911-2, dt. 26-10-26.	
64	82	...	
65	83	...	

Rule in the revised Sub-Jail Manual.	Corresponding rule in the old Sub-Jail Manual.	Authority.	Remarks.
66	...	...	New rule.
67	...	...	New rule.
68	86	...	
69	87	...	
70	88	...	
71	89	...	
72	90	...	
73	91	...	
74	92	...	
75	93	...	
76	94	...	
77	95	...	
78	96	...	
79	97	...	
80	...	Rule No. 440 B.J.M. part I of 1944 edition.	New rule.
81	100	Rule No. 446, B.J.M. part I, 1944 Edition.	Rule No. 100 suitably amended.
82	98	I. G.'s Circular No. 28875, dt. 25-10-1952.	
83	99	...	
84	101	...	Rule No. 101 amended as per corrections to rule 441 B. J. M. Part I.
85	...	No. GQJ. 1053-C, dt. 12-12-53.	New rule.
86	102	G. R., H. D., No. 6039/2-V dt. 7-10-1940, 19-2-1942 and 22-8-1942, and G. L., H. D., No. GQJ-1053, dt. 14-9-53 and 7-12-1953.	
87	...	G. L., H. D., No. 5410/5-C, dt. 5-9-49.	New rule.
88	...	Rule No. 455 B.J.M. part I 1944 edition.	New rule.
89	...	Rule No. 456 B.J.M. part I 1944 edition.	New rule.
90	...	Rule No. 457 B.J.M. part I 1944 edition.	New rule.
91	103	...	
92	104	...	
93	105	...	
94	106	...	

Rule in the revised Sub-Jail Manual.	Corresponding rule in the old Sub-Jail Manual.	Authority.	Remarks.
95	107	...	
96	108	...	
97	109	G. R., H. D., No. 8211/2, dt. 22-4-1933.	
98	110	...	
99	111	...	
100	112	...	
101	113	...	
102	114	...	
103	115	...	
104	116	...	
105	117	G. R., H. D., No. 6039/2-V, dt. 19-2-42 and 22-8-42 and G. L., H. D., No. O (51748)-D, dt. 2-6-53, addressed to I. G. of Police, S. B. Poona.	
106	118	...	
107	119	...	
108	120	...	
109	121	...	
110	122	...	
111	123	...	
112	...	Rule No. 378, B.J.M. Part I, 1944 edition.	New rule.
113	...	Rule No. 652, B.J.M. Part I, 1944 edition.	New rule.
114	124	...	
115	125	G. R., J. D., No. 2035, dt. 29-3-1917.	
116	126	...	
117	127	...	
118	127-A	G. L., H. D., No. 9296/3, dt. 1-7-37.	
119	128	...	
120	129	G. R., J. D., No. 2159, dt. 8-4-1893, paragraph 10.	
121	130	...	
122	131	...	
123	132	...	
124	133	...	
125	134	...	
126	135	...	
127	136	...	
128	137	...	
129	138	...	
130	138-A	G. L., H. D., No. 9396/4, dt. 12-1-46.	
131	139	...	

Rule in the revised Sub-Jail Manual.	Corresponding rule in the old Sub-Jail Manual.	Authority.	Remarks.
132	139 (a)	G. R., H. D., No. 8370/2, dt. 10-12-30.	
133	140	...	
134	141	...	
135	142	...	
136	143	...	
137	145	...	
138	146*	...	* Rule No. 146 has been suitably amended in view of the separation of Judiciary from Executive.
139	147	...	
140	148	...	
141	149	...	
142	150	...	
143	151	...	
144	154	...	
145	155	G. L., H. D., No. 236/4, dt. 28-11-38.	
146	156	...	
147	157	...	
148	158	G. R., H. D., No. 2806, dt. 23-5-1923.	
149	160	...	
150	160-A.	G. R., H. D., No. 1826, dt. 4-10-1922.	
151	160-B.	G. N., H. D., No. 2741/7, dt. 8-2-54.	
152	161	...	
153	162	...	
154	...	...	
155	163	Govt. of Bombay, Endt. No. 6081/3 dt. 3-5-1935.	New rule.
156	164	G. R., J. D., No. 2126, dt. 22-4-1908.	
157	165	...	
158	166	...	
159	167	...	
160	169	...	
161	170†	...	† Amended.
162	172	G. N., H. D., No. 7735/5, dt. 13-11-52.	
163	173	...	
164	174	...	
165	175	...	
166	176	...	
167	177	G. R., H. D., No. 7036/2, dt. 4-8-1930.	

Rule in the revised Sub-Jail Manual.	Corresponding rule in the old Sub-Jail Manual.	Authority.	Remarks.
168	178	...	
169	179	...	
170	180*	...	* Amended.
171	181	...	
172	...	...	
173	182†	...	New rule. † Amended as per rule 961 B. J. M. Part I, 1944 Edition.
174	183	...	
175	184	...	
176	185	...	
177	186	...	
178	187	...	
179	188	...	
180	189	...	
181	190	...	
182	191	I. G.'s Cir. No. 20367, dt. 29-7-52.	
183	192	...	
184	193	...	
185	194	...	
186	195	...	
187	196	...	
188	197	...	
189	198	...	
190	199	...	
191	201	...	
192	202	...	
193	203	...	
194	204	...	
195	205	...	
196	...	Framed as per rule 305 (i) Bombay Police Manual, Vol. III.	New rule.
197	206	...	
198	207	...	
199	208	...	
200	209	...	
201	210	...	
202	211	...	
203	212	...	
204	213	...	
205	214	...	

Rule in the revised Sub-Jail Manual.	Corresponding rule in the old Sub-Jail Manual.	Auth	Remarks.
206	215	...	
207	216	...	
208	217	...	
209	218	...	
210	219	...	
211	220	...	
212	221	...	
213	222	G. R., J. D., No. 3656, dt. 25-5-1918.	
214	223	...	
215	224	...	
216	225	G. L., H. D., No. EOP-1353-C, 4509-C, dt. 26-10-1953.	
217	226	...	
218	227	...	
219	228	...	
220	229	...	
221	230	...	
222	231	...	
223	232	...	
224	233	...	
225	234	...	
226	235	...	
227	236	G. L., H. D., No. RJS-2153, dt. 15-12-53.	
228	237	...	
229	238	...	
230	239	...	
231	240	...	
232	241	...	
233	242	...	
234	243	...	
235	244	...	
236	245	...	
237	246	...	
238	247	...	
239	248	...	
240	249	...	
241	250	...	
242	251	...	
243	252	...	
244	253	...	
245	254	...	
246	255	G. R., J. D., No. 4708, dt. 30-8-1892.	

Rule in the revised Sub-Jail Manual.	Corresponding rule in the old Sub-Jail Manual.	Authority.	Remarks.
247	256	...	
248	257	...	
249	258	...	
250	259	...	
251	260	...	
252	261	...	
253	262	...	
254	264	...	
255	...	I. G.'s Cir. No. 6521, dt. 13-6-52.	New rule.

NOTE.—Those rules of the old Sub-Jail Manual which do not find place in Col. 2 of the above appendix are redundant and hence deleted.

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Special Pay  
Grant of  
Clerk. Cum  
Taluka Su

Government of Gujar  
Home Department,  
Resolution No. PAA-1  
Sachivalaya, Gandhi  
Dated the 5th Janua

Read :- (1) Legal Department, (1)  
No. PAA-4458.61561-1

(2) Letter No. 43 4-1  
from the Inspector  
Gujarat State, Ahm

RESOLUTION :- According to the of the Sub-Jail Manual (Edition Resolution, Legal Department of a special pay of Rs. 5/- is granted Revenue Department for doing the Jails in addition to their own General of Prisons has recommended rate of this Special Pay which Government is pleased to direct Rs.5/- per month paid to the Clerk doing the work of Taluka Sub-Jail own duties, should be increased per month with effect from 1/1.

2. The expenditure involved of debited to budget head No.42 " grants sanctioned thereunder.

3. This issues with the concurrence vide its note dated 23/12/1971 PAA-1069-4176-J.

By order and in the name of

Under Secretary  
Hos

Special Pay -  
Grant of ..... to  
Clerk. Cum Jailor the  
Taluka Sub-Jail.

Government of Gujarat,  
Home Department,  
Resolution No. PAA-1069-4176  
Sachivalaya, Gandhinagar,  
Dated the 5th January, 1972

- Read :- (1) Legal Department, Government Resolution  
No. PAA-4458.61561-E, dated 1/1/1962.
- (2) Letter No. 43 H-1-5293-1971, dated 15/7/1971  
from the Inspector General Prisons,  
Gujarat State, Ahmedabad.

RESOLUTION :- According to the Provision of rule 5  
of the Sub-Jail Manual (Edition 1954) referred to above,  
Resolution, Legal Department of 17/1/1962, Clerk of  
a special pay of Rs. 5/- is granted to the Jailors of Sub-  
Revenue Department for doing the work of Inspector  
Jails in addition to their own duties. Division of the  
General of Prisons has recommended for sanction before 1955.  
rate of this Special Pay which was sanctioned before 1955.  
Government is pleased to direct that the Special pay of  
Rs. 5/- per month paid to the Clerks of Revenue Department  
doing the work of Taluka Sub-Jail, in addition to their  
own duties, should be increased to Rs. 10/- (Rupees ten only)  
per month with effect from 1/1/72.

2. The expenditure involved on this account should be  
debited to budget head No. 42 "22-Jails" and met from the  
grants sanctioned thereunder.

3. This issues with the concurrence of Finance Department  
vide its note dated 23/12/1971 on this Department file No.  
PAA-1069-4176-J.

By order and in the name of the Governor of Gujarat,

K. D. Chhaya,  
Under Secretary to the Government of Gujarat,  
Department.

To  
The Inspector General of Prisons, Gujarat State, Ahmedabad  
(with 10 copies).  
All District Magistrates (with 10 copies).  
The Accountant General, Gujarat, Ahmedabad/Rajkot.  
The Finance Department, CH Branch.  
Select file 3 copies.

NOTIFICATION.

Home Department,  
Sachivalaya, Gandhinagar,  
Dated the 5/8/76.

Prisons Act, 1894. No. GG/76/276/VVJ-1894-3406-J :- In exercise of the powers conferred by clause (25) of section 53 of the Prisons Act, (IX of 1894), read with Govt. of Bombay Notification No. 9180-S-IV(B), dated the 1st Feb. 1940 and of all other powers enabling it in this behalf, the Government of Gujarat hereby makes the following rules further to amend the rules contained in Sub Jail Manual (Revised edition) 1954, namely :-

(1) These rules may be called the Sub Jail Manual (Revised edition) 1954, (Gujarat Amendment) Rules, 1976.

(2) In the rules contained in the Sub Jail Manual (Revised edition), 1954, for rule 38 the following shall be substituted namely :-

"36 (1) There shall be a Board of visitors for each subsidiary Jail.

(2) The Board shall consist of -

(a) Ex-officio visitors, and

(b) other visitors appointed under the rules hereinafter appearing.

(3) The Assistant or Deputy Collector, or Sub Divisional Magistrate, of the Division concerned shall be the Chairman of the Board.

(4) The following officers and other officers Government may from time to time appoint in this behalf shall be ex-officio visitors of the Sub Jails within the respective areas within their jurisdiction.

(i) District Magistrate.

(ii) The Assistant or Deputy Collector of Sub-Divisional Magistrate.

(iii) The Civil Judges.

(iv) The Inspector General of Police.

(v) Deputy Inspector General of Police.

(vi) District Superintendent of Police.

- (vii) Deputy Superintendent of Police.
- (viii) Police Inspector
- (ix) District Educational Officer.
- (x) Director of Public Health and Asstt. Director of Public Health.
- (xi) District Health Officer and the Medical Officer of Health appointed by Government.
- (xii) Director of Health and Medical Services.
- (xiii) Civil Surgeon.
- (xiv) Superintending Engineer, Public Works Department.
- (xv) Executive or Deputy Engineer, Public Works Department.

(5) In addition to the official visitors mentioned in Sub-rule (4), there shall ordinarily be the following two non-official visitors for each subsidiary Jail, namely :-

- (1) The President of the Taluka Panchayat of the Taluka in which the sub-Jail is situated.
  - (ii)(a) Where the sub Jail is situated in a Municipal borough the President of the Municipality of such borough;
  - (b) Where the sub jail is situated in a nagar, the Chairman of the nagar Panchayat of such nagar.
  - (c) Where the sub-Jail is situated in a gram or is situated at a place which is not in a municipal borough, a nagar or a gram, such person interested in social work and residing in the taluka in which the sub Jail is situated as the District Magistrate may consider fit to be appointed as such non-official visitor.
  - (d) Where the sub-Jail is situated at the District head quarter, the President of the District Panchayat.
- (6) (1) The appointment of non-official visitors other than the president of Municipality or the president of Taluka Panchayat or the President of District Panchayat or the Chairman of Nagar Panchayat, shall be made for a term of 3 years .
- (ii) The appointment of the president of the Municipality or the President of the Taluka Panchayat or the president of the District Panchayat or the Chairman of the Nagar Panchayat, as the case may be as a non official visitor shall be co-extensive with the term of his office as president or Chairman, as the case may be.

(7) Non-official visitors shall not be granted any travelling, daily or conveyance allowance for their visits to sub Jails.

(8) The appointment of the non-official visitors of any Sub Jail shall be made by the District Magistrate of the District in which the sub-Jail is situated with the prior approval of Government.

By order and in the name of the Governor of Gujarat,

A.S. Patwari,  
Under Secretary to Government.

No. NVJ-1874-3406-J,  
Home Department,  
Sachivalaya, Gandhinagar,  
Dated the 5/8/76.

To

The Inspector General of Prisons, Gujarat state, Ahmedabad,  
The Inspector General of Police, Gujarat State, Ahmedabad,  
The Commissioner of Police, Ahmedabad,  
All District Magistrates,  
All Superintendents of all Sub Jails  
The Accountant General, Gujarat State, Ahmedabad/Rajkot,  
The Pay and Accounts Officer, Ahmedabad,  
The Resident Audit Officer, Ahmedabad,  
The Director of Accounts and Treasuries, Ahmedabad,  
The Panchayat and Health Department,  
The Legal Department.  
The Manager, Government Central Press, Gandhinagar,  
with a request kindly to publish the Notification  
in Gujarat Government Gazette part IV and to send  
25 copies of the Notification to this Department.  
All District Superintendent of Police.

A.S. Patwari,  
Under Secretary to the Government of Gujarat,  
Home Department.

CL /7920/275  
c.c. unit.

Home and Civil Supplies Department,  
Sachivalaya, Ahmedabad,  
Dated the 4th June, 1964.

N O T I F I C A T I O N.

Act. No.G.G./105/SBJM.1064/3356-TH:- In exercise of the powers conferred by clause (28) of section 59 of the Prisons Act, 1894 (IX of 1894), in its application the State of Gujarat, read with Government of Bombay Notification, Home Department No.9180/8 IVCB, dated the 1st February 1940, and of all other powers enabling it in this behalf, the Government of Gujarat hereby makes the following rules further to amend the rules contained in the Sub-Jail Manual (Revised Edition) 1954, namely:-

1. These rules may be called the Sub-Jail Manual (Revised Edition) 1954 (Gujarat Second Amendment) Rules, 1964.

2. In the rules contained in the Sub-Jail Manual (Revised Edition) 1954, in rule 141, the words "subject to the approval of the Inspector General of Prisons" shall be deleted.

By order and in the name of the Governor of Gujarat,

M.C. DESAI.  
Deputy Secretary to Government.

No.G.G.105/SBJM.1064/3356-TH,  
Home and Civil Supplies Department,  
Sachivalaya, Ahmedabad,  
Dated the 4th June, 1964.

Copy forwarded with compliments to:-

The Secretary to the Governor of Gujarat, Ahmedabad.  
The Private Secretary to the Chief Minister.  
The Personal Secretary to the All Ministers.  
Personal Assistants to all Deputy Ministers.  
The Registrar, High Court, Gujarat, Ahmedabad (by letter).  
The Secretary, Gujarat Legislature, Ahmedabad (by letter).  
The Inspector General of Police.  
All District Magistrates.  
The Commissioner of Police, Ahmedabad.  
The Inspector General of Prisons, Ahmedabad.  
All Superintendents, Jail and sub-jails (through Inspector General of Prisons, Ahmedabad.)  
The Legal Department.  
The Manager, Government Press, Ahmedabad.  
with a request kindly to publish the Notification in the Gujarat Government Gazette part IV-A and to send 25 printed copies thereof to this Department.

S.C. JADEJA.  
Under Secretary to the Government of Gujarat,  
Home and Civil Supplies Department.

SV/-4062/100 copies.  
c.c. unit.