PREFACE TO THE 1926 EDITION

The Jail Manual was last revised in 1907. A detailed examination of the Manual disclosed the following defects:

(a) Rules under different sections of the Prisons Act and the Prisoners Act, executive instructions and departmental orders were mixed up indiscriminately throughout the Manual.

(b) Extracts from and paraphrases of various laws bearing on prisons and prisoners were included. This added unnecessarily to the bulk of the volume; moreover the separation of sections of a law from their context and the paraphrasing of portions of law were likely to lead to misunderstanding.

2. The above defects have now been removed; this revised edition has been drawn up in a logical order and consists of the following parts:


Part II.—Rules and executive instructions issued by the Government of India under the two Acts.

Part III.—Rules and executive instructions issued by the Local Government under the two Acts.


NOTE.—One special feature of the arrangement in Parts II—IV is that rules have been distinguished from executive instructions by means of black lines drawn against the former.
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OF THE

CENTRAL PROVINCES & BERAR

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[As amended]

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THE PRISONS ACT

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.

(2) It extends to the whole of British India, inclusive of *[Upper Burma] British Baluchistan, the Sonthal Parganas and the Pargana of Spiti.

(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. [Repealed] Repealed by the Repealing Act, 1938 (I of 1938), Section 2 and Schedule.

3. In this Act—

(1) “prison” means any jail or place used permanently or temporarily under the general or special orders of a †[Provincial 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 †[Provincial Government] under section 541 of the Code of Criminal Procedure, 1882; or

(c) any place which has been declared by †[the Provincial Government], by general or special order, to be a subsidiary jail;

(2) “criminal prisoner” means any prisoner duly committed to custody under the writ, warrant, or order of any Court or authority exercising criminal jurisdiction, or by order of a Court-martial;
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MISCELLANEOUS

5. Extramural custody, control and employment of prisoners.
6. Confinement in irons.
7. Confinement of prisoners under sentence of transportation in irons.
8. Prisoners not to be ironed by Jailer except under necessity.
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(c) any place which has been declared by †[the Provincial Government], by general or special order, to be a subsidiary jail;

(2) “criminal prisoner” means any prisoner duly committed to custody under the writ, warrant, or order of any Court or authority exercising criminal jurisdiction, or by order of a Court-martial;

*The words “Upper” Burma repealed by the Burma Laws Act, 1898 (13 of 1898).

†Substituted by the A. O. for “L. G.”.

‡See now the Code of Criminal Procedure, 1898 (Act V of 1898), as modified.
(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 rules for the time being regulating the award of marks to, and the consequent shortening of sentences of, prisoners in jails;
(6) "history-ticket" means the ticket exhibiting such information as is required in respect of each prisoner by this Act, under the rules thereunder;
(7) "Inspector-General" means the Inspector-General of Prisons;
(8) "Medical Subordinate" means an Assistant Surgeon, Apothecary or qualified Hospital Assistant; and
(9) "prohibited article" means an article the introduction or removal of which into or out of a prison is prohibited by any provision of this Act.

CHAPTER II
MAINTENANCE AND OFFICERS OF PRISONS

4. The [Provincial Government] shall provide, for the prisoners in the territories under such Government, accommodation in prisons constructed and regulated in such manner as to conform with the requirements of this Act in respect of the separation of prisoners.
5. An Inspector-General shall be appointed for the territories subject to each [Provincial Government] and shall exercise, subject to the orders of the [Provincial Government], the general control and superintendence of all prisons situated in territories under such Government.
6. For every prison there shall be a Superintendent, a Medical Officer (who may also be the Superintendent), a Medical Subordinate, a Jailer and such other officers as [the Provincial Government] thinks necessary:
Provided that the [Provincial Government of Bombay] shall by order in writing that in any prison specified in an order the office of Jailer 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 it is not convenient to transfer an excess number to some other prison,

Note: The Code of Criminal Procedure, 1898 (Act V of 1898), as modified by
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 *[Provincial 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 Control and Superintendent; all officers subordinate to the Jailer shall perform such duties as may be imposed on them by the Jailer 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 *[Provincial 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.
(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 rules for the time being in force regulating the award of marks to, and the consequent shortening of sentences of, prisoners in jails;
(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;
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CHAPTER II
MAINTENANCE AND OFFICERS OF PRISONS

4. The Provincial Government shall provide, for the prisoners in the territories under such Government, accommodation in prisons constructed and regulated in such manner as to comply with the requisitions of this Act in respect of the separation of prisoners.

5. An Inspector-General shall be appointed for the territories subject to each Provincial Government and shall exercise, subject to the orders of the Provincial Government, the general control and superintendence of all prisons situated in the territories under such Government.

6. For every prison there shall be a Superintendent, a Medical Officer (who may also be the Superintendent), a Medical Subordinate, a Jailer and such other officers as the Provincial Government thinks necessary:
Provided that the Provincial Government of Bombay may declare by order in writing that in any prison specified in the order the office of Jailer 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 it is not convenient to transfer the excess number to some other prison,

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*See now the Code of Criminal Procedure, 1898 (Act V of 1898), as modified by subsequent enactments.
† See now the Prisoners Act, 1900 (III of 1900), as amended by subsequent enactments.
‡ Substituted by the A. O. for "L. G."
§ Substituted by the A. O. for "the Government of Bombay in Council."
¶ The words "with the previous sanction of the Governor-General-in-Council" repealed by the A. O.
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,

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CHAPTER III
DUTIES OF OFFICERS

Generally.

8. All officers of a prison shall obey the directions of the Superintendent; all officers subordinate to the Jailer shall perform such duties as may be imposed on them by the Jailer 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 *(Provincial 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;
(3) a punishment book for the entry of the punishments inflicted on prisoners for prison-offences;

*Substituted by the A.O. for “L. G.”.
†Substituted by the A.O. for “60”.
(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.*

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Medical Officer.

13. Subject to the control of the Superintendent, the
Medical Officer shall have charge of the sanitary administra-
tion of the prison, and shall perform such duties as may be pre-
scribed by rules made by the [Provincial Government] under
section 1{59}.

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.

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

(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.

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Jailer.

16. (1) The Jailer shall reside in the prison, unless the
Superintendent permits him in writing to reside elsewhere.

(2) The Jailer shall not, without the Inspector-General's
sanction in writing, be concerned in any other employment.

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*The words and figures "or S-60" repealed by the A. O.
1 Substituted by the A. O. for "L. G."
1 Substituted by the A. O. for "60".
17. Upon the death of a prisoner, the Jailer shall give immediate notice thereof to the Superintendent and the Medical Subordinate.

18. The Jailer shall be responsible for the safe custody of the records to be kept under section 12, for the commitment of warrants and all other documents confided to his care, and for the money and other articles taken from prisoners.

19. The Jailer shall not be absent from the prison for a night without permission in writing from the Superintendent, but, if absent without leave for a night from unavoidable necessity, he shall immediately report the fact and the cause of it to the Superintendent.

20. Where a Deputy Jailer or Assistant Jailer 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 Jailer under this Act or any rule thereunder.

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 Jailer.

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

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, 1860 (XLV of 1860).

CHAPTE IV

ADMISSION, REMOVAL AND 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.

(2) Every criminal prisoner shall also, as soon as possible after admission, be examined under the general or special orders of the Medical Officer, who shall enter or cause to be entered in a book, to be kept by the Jailer, 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 it to add.

(3) In the case of female prisoners, the search and examination shall be carried out by the matron under the general or special orders of the Medical Officer.
25. All money or other articles in respect whereof no order of 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 Jailer.

26. (1) All prisoners, previously to being removed to any other prison, shall be examined by the Medical Officer.

(2) No prisoner shall be removed from one prison to another unless the Medical Officer certifies that the prisoner is free from any illness rendering him unfit for removal.

(3) No prisoner shall be discharged against his will from prison, if labouring under any acute or dangerous distemper, nor until, in the opinion of the Medical Officer, such discharge is safe.

CHAPTER V

DISCIPLINE OF PRISONERS

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

(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 twenty-one are confined, means shall be provided for separating them altogether from the other prisoners and for separating those of them who have arrived at the age of puberty from those who have not;

(3) unconvicted criminal prisoners shall be kept apart from convicted criminal prisoners; and

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

28. Subject to the requirements of the last foregoing section, convicted criminal prisoners may be confined either in association or individually in cells or partly in one way and partly in the other.

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 Jailer, and all articles shall be taken from

*Substituted by the Prisons (Amendment) Act, 1930 (6 of 1930), section 2, for "eighteen".
him which the Jailer 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 and Bedding of Civil and 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 necessaries, 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 necessaries belonging to any civil or unconvicted criminal prisoner shall be given, hired or sold to any other prisoner; and any prisoner transgressing the provisions of this section shall lose the privilege of purchasing food or receiving it from private sources, for such time as the Superintendent thinks proper.

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

34. (1) Civil prisoners may, with the Superintendent’s permission, work and follow any trade or profession.

(2) Civil prisoners finding their own implements, and not maintained at the expense of the prison, shall be allowed to receive the whole of their earnings; but the earnings of such as are furnished with implements or are maintained at the expense of the prison shall be subject to a deduction, to be determined by the Superintendent, for the use of implements and the cost of maintenance.

35. (1) No criminal prisoner sentenced to labour or employed on labour at his own desire shall, except on an emergency with the sanction in writing of the Superintendent, be kept to labour for more than nine hours in any one day.

(2) The Medical Officer shall from time to time examine the labouring prisoners while they are employed, and shall at least once in every fortnight cause to be recorded upon the
history ticket of each prisoner employed on labour the weight of such prisoner at the time.

(3) When the Medical Officer is of opinion that the health of any prisoner suffers from employment on any kind or class of labour, such prisoner shall not be employed on that labour but shall be placed on such other kind or class of labour as the Medical Officer may consider suited for him.

36. Provision shall be made by the Superintendent for the employment (as long as they so desire) of all criminal prisoners sentenced to simple imprisonment; but no prisoner not sentenced to rigorous imprisonment shall be punished for neglect of work excepting by such alteration in the scale of diet as may be established by the rules of the prison in the case of neglect of work by such a prisoner.

CHAPTER VIII
HEALTH OF 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 prisoners to the Jailer.

(2) The Jailer 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 Provincial Government may by rule direct, and the Jailer 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 Jailer 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 with the interests of justice, prisoners under trial may see their duly qualified legal advisers without the presence of any other person.

*Substituted by the A. O. for “L. G.”*
41. (1) The Jailer may demand the name and address of any visitor to a prisoner, and, when the Jailer 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 Jailer may deny him admission; and the grounds of such proceeding, with the particulars thereof, shall be entered in such record as the Provincial 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, or supplies or attempts to supply to any prisoner outside the limits of a prison, any prohibited article,

and every officer of a prison who, contrary to any such rule, knowingly suffers any such article to be introduced into or removed from any prison, to be possessed by any prisoner, or to be supplied to any prisoner outside the limits of a prison,

and whoever, contrary to any such rule, communicates or attempts to communicate with any prisoner,

and whoever abets any offence made punishable by this section,

shall, on conviction before a Magistrate, be liable to imprisonment for a term not exceeding six months, or to fine not exceeding two hundred rupees, or to both.

43. When any person, in the presence of any officer of a prison, commits any offence specified in the last foregoing section, and refuses on demand of such officer to state his name and residence, or gives a name or residence which such officer knows, or has reason to believe, to be false, such officer may arrest him, and shall without unnecessary delay make him over to a Police-officer, and thereupon such Police-officer shall proceed as if the offence had been committed in his presence.

44. The Superintendent shall cause to be affixed, in a conspicuous place outside the prison, a notice in English and of penalties. the Vernacular setting forth the acts prohibited under section 42 and the penalties incurred by their commission.

CHAPTER XI
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;

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*Substituted by the A. O. for "L. G."
†Substituted by the A. O. for "60"
history ticket of each prisoner employed on labour the weight of such prisoner at the time.

(3) When the Medical Officer is of opinion that the health of any prisoner suffers from employment on any kind or class of labour, such prisoner shall not be employed on that labour but shall be placed on such other kind or class of labour as the Medical Officer may consider suited for him.

36. Provision shall be made by the Superintendent for the employment (as long as they so desire) of all criminal prisoners sentenced to simple imprisonment; but no prisoner not sentenced to rigorous imprisonment shall be punished for neglect of work excepting by such alteration in the scale of diet as may be established by the rules of the prison in the case of neglect of work by such a prisoner.

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HEALTH OF 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 prisoners to the Jailer.

(2) The Jailer 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 Provincial Government may by rule direct, and the Jailer 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 Jailer 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 with the interests of justice, prisoners under trial may see their duly qualified legal advisers without the presence of any other person.

*Substituted by the A. O. for “L. G.”.
41. (1) The Jailer may demand the name and address of any visitor to a prisoner, and, when the Jailer 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 Jailer may deny him admission; and the grounds of such proceeding, with the particulars thereof, shall be entered in such record as the Provincial 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, or supplies or attempts to supply to any prisoner outside the limits of a prison, any prohibited article,

and every officer of a prison who, contrary to any such rule, knowingly suffers any such article to be introduced into or removed from any prison, to be possessed by any prisoner, with prison

and whoever, contrary to any such rule, communicates or attempts to communicate with any prisoner,

and whoever abets any offence made punishable by this section,

shall, on conviction before a Magistrate, be liable to imprisonment for a term not exceeding six months, or to fine not exceeding two hundred rupees, or to both.

43. When any person, in the presence of any officer of a prison, commits any offence specified in the last foregoing section, and refuses on demand of such officer to state his name and residence, or gives a name or residence which such officer knows, or has reason to believe, to be false, such officer may arrest him, and shall without unnecessary delay make him over to a Police-officer, and thereupon such Police-officer shall proceed as if the offence had been committed in his presence.

44. The Superintendent shall cause to be affixed, in a Publication conspicuous place outside the prison, a notice in English and of penalties, the Vernacular setting forth the acts prohibited under section 42 and the penalties incurred by their commission.

CHAPTER XI
PRISON OFFENCES

45. The following acts are declared to be prison offences when committed by a prisoner:

(1) such willful disobedience to any regulation of the prison as shall have been declared by rules made under section 59 to be a prison-offence;

*Substituted by the A. O. for “L. G.”
†Substituted by the A. O. for “69”
(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—

(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 [ Provincial 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 system for the time being in force as may be prescribed by rules made by the [ Provincial Government];

(5) the substitution of gunny or other coarse fabric for clothing of other material, not being woollen, for a period which shall not exceed three months;

*Inserted by S. 2 (a) of the Prisons (Amendment) Act, 1925 (XVII of 1925).
†Substituted by the A. O. for "Governor-General in Council".
(6) imposition of handcuffs of such pattern and weight, in such manner and for such period, as may be prescribed by rules made by the Provincial 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 Provincial 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 Provincial Government:

Provided that such restriction of diet shall in no case be applied to a prisoner for more than ninety-six consecutive hours, and shall not be repeated except for a fresh offence nor until after an interval of one week;

(10) cellular confinement for any period not exceeding fourteen days:

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

Explanation.—Cellular confinement means such confinement with or without labour as entirely secludes a prisoner from communication with, but not from sight of, other prisoners;

(11) penal diet as defined in clause (9) combined with § [cellular] confinement;

(12) whipping, provided that the number of stripes shall not exceed thirty:

Provided that nothing in this section shall render any female or civil prisoner liable to the imposition of any form of handcuffs or fetters, or to whipping.

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;

*Substituted by the A. O. for “the Governor-General in Council”.
†Substituted by S. 2 (b) of Act 17 of 1925 for “six”.
‡Substituted by the A. O. for “L. G.”.
§§Substituted by S. 2 of the Prisons (Amendment) Act 1925, for “solitary”.

Plurality of punishments under section 46.
(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 for loss of privileges admissible under the remission system;

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

(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.

48. (1) The Superintendent shall have power to award any of the punishments enumerated in the two last foregoing sections, subject, in the case of separate confinement for a period exceeding one month, to the previous confirmation of the Inspector-General.

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

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.

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.

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

(3) In the latter case he shall state what extent of punishment he thinks the prisoner can undergo without injury to his health.

51. (1) In the punishment-book prescribed in section 12 there shall be recorded, in respect of every punishment inflicted, the prisoner's name, register number and the class (whether habitual or not) to which he belongs, the prison-offence of which he was guilty, the date on which such prison-offence was committed, the number of previous prison offences recorded against the prisoner, and the date of his last prison-offence, the punishment awarded, and the date of infliction.

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*Substituted by the Prisons (Amendment) Act, 1925 (17 of 1925), S. 3, for the original exception (3).
†Amended by Act 23 of 1914.
‡Inserted by Act 17 of 1925, S. 3.
§Substituted by the A. O. for "Governor-General in Council".
(2) In the case of every serious prison-offence, the names of the witnesses proving the offence shall be recorded, and in the case of offences for which whipping is awarded, the Superintendent shall record the substance of the evidence of the witnesses, the defence of the prisoner, and the finding with the reasons therefor.

(3) Against the entries relating to each punishment, the Jailer 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 Superintendent, is not adequately punishable by the infliction of any punishment which he has power under this Act to award, the Superintendent may forward such prisoner to the Court of the District Magistrate or of any Magistrate of the first class [or Presidency Magistrate] having jurisdiction, together with a statement of the circumstances, and such Magistrate shall thereupon inquire into and try the charge so brought against the prisoner, and, upon conviction, may sentence him to imprisonment which may extend to one year, such term to be in addition to any term for which such prisoner was undergoing imprisonment when he committed such offence, or may sentence him to any of the punishments enumerated in section 46:

†Provided that any such case may be transferred for inquiry Act XIII of and trial by the District Magistrate to any Magistrate of the 1910. first class and by a Chief Presidency Magistrate to any other Presidency Magistrate; and]

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

53. (1) No punishment of whipping shall be inflicted in instalments, or except in the presence of the Superintendent and Medical Officer or Medical Subordinate.

(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 Jailer 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 overstays any leave granted to him, or who shall engage without authority in any employment other than his prison duty, or who shall be guilty of cowardice, shall be liable, on conviction before a Magistrate, to fine not exceeding two hundred rupees, or to imprisonment for a period not exceeding three months, or to both.

No person shall under this section be punished twice for the same offence.

*Inserted the Prisons Amendment Act, 1910 (13 of 1910), S. 2 (1).
†Substituted by S. (2) ibid for the original proviso.
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 in or under the lawful custody or control of a prison officer belonging to such prison, shall be deemed to be in prison and shall be subject to all the same incidents as if he were actually in prison.

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 Provincial Government, so confine them.

57. (1) Prisoners under sentence of transportation may, subject to any rules made under section [59], be confined in fetters for the first three months after admission to prison.

2) Should the Superintendent consider it necessary, either for the safe custody of the prisoner himself or for any other reason, that fetters should be retained on any such prisoner for more than three months, he shall apply to the Inspector-General for sanction to their retention for the period for which he considers their retention necessary, and the Inspector-General may sanction such retention accordingly.

58. No prisoner shall be put in irons or under mechanical restraint by the Jailer of his own authority, except in case of urgent necessity, in which case notice thereof shall be forthwith given to the Superintendent.

59. *[The Provincial Government] may make rules consistent with this Act—

(1) defining the acts which shall constitute prison offences;
(2) determining the classification of prison offences into serious and minor offences;
(3) fixing the punishments admissible under this Act which shall be awardable for commission of prison offences or classes thereof;
(4) declaring the 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 and the shortening of sentences;
(6) regulating the use of arms against any prisoner or body of prisoners in the case of an outbreak or attempt to escape;

*Substituted by the A. O. for "L. G."
†Substituted by the A. O. for " 60 ".
‡Substituted by the A. O for "The Governor-General in Council may for any part in British India and each Local Government with the previous sanction of the Governor-General in Council may for the territories under its administration".
(7) defining the circumstances and regulating the conditions under which prisoners in danger of death may be released;

*[8) for the classification of prisons, and description and construction of wards, cells and other places of detention;]

(9) for the regulation by numbers, length or character of sentences, or otherwise, of the prisoners to be confined in each class of prisons;

(10) for the government of prisons and for the appointment of all officers appointed under this Act;

(11) as to the food, bedding and clothing of criminal prisoners and of civil prisoners maintained otherwise than at their own cost;

(12) for the employment, instruction and control of convicts within or without prisons;

(13) for defining articles the introduction or removal of which into or out of prisons without due authority is prohibited;

(14) for classifying and prescribing the forms of labour and regulating the periods of rest from labour;

(15) for regulating the disposal of the proceeds of the employment of prisoners;

(16) for regulating the confinement in fetters of prisoners sentenced to transportation;

(17) for the classification and the separation of prisoners;

(18) for regulating the confinement of convicted criminal prisoners under section 28;

(19) for the preparation and maintenance of history tickets;

(20) for the selection and appointment of prisoners as officers of prisons;

(21) for rewards for good conduct;

(22) for regulating the transfer of prisoners whose term of transportation or imprisonment is about to expire, subject, however, to the consent of the Provincial Government of any other province 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;

*Substituted by the A. O. for the original clauses (8) and (9).
(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 purposes of this Act.

60. [Power of Local Government to make Rules. Repealed by the A. O.]

61. Copies of rules, under [section 59] so far as they affect the government of prisons, shall be exhibited, both in English and in the Vernacular, in some place to which all persons employed within a prison have access.

62. All or any of the powers and duties conferred and imposed by this Act on a Superintendent or Medical Officer may in his absence, be exercised and performed by such other officer as the [Provincial Government] may appoint in this behalf either by name or by his official designation.

The SCHEDULE.—[Enactments Repealed.] Rep. by the Repealing Act, 1938 (1 of 1938), S. 2 and Sch.

*See now the Code of Criminal Procedure, 1898 (Act V of 1898).
†This section has been incorporated with slight modifications in clauses (8) to (27) of S. 59.
‡Substituted by the A. O. for "Ss. 59 and 60".
§Substituted by the A. O. for "L. G.".
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ACT No. III OF 1900

THE PRISONERS ACT

An Act to consolidate the law relating to Prisoners confined by order of a Court

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

63. (1) This Act may be called the Prisoners Act, 1900.

(2) It extends to the whole of British India, inclusive of British Baluchistan, the Santhal Parganas and the Pargana of Spiti. (Section 1.)

Definitions.

64. 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 *[Provincial Government], by general or special order, to be a subsidiary jail. (Section 2.)

PART II

General

65. 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. (Section 3.)

66. 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. (Section 4.)

*Substituted by the A. O. for "L. G."
PART III

PRISONERS IN THE PRESIDENCY-TOWNS

67. 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. (Section 5.)

68. The Provincial 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”. (Section 6.)

69. 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. (Section 7.)

70. Where any person is sentenced by the High Court in the exercise of its original criminal jurisdiction to transportation or penal servitude, the Court shall cause him to be delivered for intermediate custody to the Superintendent, and the transportation or penal servitude of such person shall be deemed to commence from such delivery. (Section 8.)

71. 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. (Section 9.)

72. 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. (Section 10.)

73. Every person committed by a Magistrate 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 for 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. (Section 11.)

* Substituted by the A.O. for “L.G.”.
† Substituted by the Coramns (A mendment) Act, 1908 (4 of 1908), S. 11, for “Justice of the Peace or Coroner”.
74. The High Court may, pending the hearing, under section 350 of the Code of Civil Procedure, of any application for a declaration of insolvenency, cause the judgment-debtor concerned to be delivered to the Superintendent, subject to the provisions as to release on security of section 319 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. (Section 12.)

75. (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 the 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. (Section 13.)

PART IV
PRISONERS OUTSIDE THE PRESIDENCY-TOWNS

76. 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. (Section 14.)

77. (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 British India, under the general or special authority of Her Majesty, or [of the Central Government, or of the Crown Representative, or of any Provincial Government, or of the Government of Burma]; or

*See new section 24 of the Provincial Insolvency Act, 1920 (Act V of 1920).
†See new section 23 of the Provincial Insolvency Act, 1920 (Act V of 1920).
‡Substituted by the A. O. for “of the Governor-General in Council, or of any Local Government.”
(b) by any Court or tribunal in any Indian State—

(i) if the Presiding Judge, or if the Court or tribunal consists of two or more Judges, at least one of the Judges, is 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 of any person sentenced by any Court or tribunal has been authorized by general or special order by the Provincial Government, or by the Central Government, or by the Crown Representative, and

(c) by any other Court or tribunal in any Indian State, with the previous sanction of the Provincial 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 Provincial Government concerned.

(2) Where a Court or tribunal of such a Ruler or State has passed a sentence which cannot be executed without the concurrence of an officer of the Crown, and such sentence has been considered on the merits and confirmed by any such officer specially authorized 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. (Section 15.)

78. 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. (Section 16.)

79. (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 Provincial Government, by whose order on the case he and all other public officers shall be guided as to the future disposal of the prisoner.
Part I]

...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. (Section 17.)

80. (1) Where a British Court exercising, in or with respect to territory beyond the limits of British India, jurisdiction which the "Crown" 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 British India, has issued its warrant for the execution of such sentence to the officer in charge of a prison in British India,

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 same 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.

(2) The prisons of which the officers in charge are to execute sentences under any such warrants as aforesaid shall in each province be such as the Provincial Government may, by general or special order, direct.

(3) A Court shall be deemed to be a British Court for the purposes of this section if the presiding Judge, or if the Court consists of two or more Judges, at least one of the Judges, is an officer of the "Crown" authorized to act as such Judge by any Indian State or the Ruler thereof or the Central Government or the Crown Representative:

Provided that every warrant issued under this sub-section by any such tribunal shall, if the tribunal consists of more than one Judge, be signed by a Judge who is an officer of the "Crown" authorized as aforesaid. (Section 18.)

PART V

PERSONS UNDER SENTENCE OF PENAL SERVITUDE

81. (1) Every person under sentence of penal servitude may be confined in such prison within the [[Province] as the [Provincial Government], by general order, directs, and may, while so confined, be kept to hard labour and, until he can conveniently be removed to such prison, be imprisoned, with or without hard labour, and dealt with in all other respects as persons under sentence of rigorous imprisonment may, for the time being, by law be dealt with. (Act XXXVIII of 1920.)

*Substituted by the A. O. for "The Governor-General in Council".
†Substituted by the A. O. for "shall be such as the Governor-General in Council or a Local Government authorized by the Governor-General in Council in this behalf".
‡Substituted by the A. O. for "British Government".
§Substituted by the A. O. for "by any Native Prince or State in India or by the Governor-General in Council".
¶Substituted by the Devolution Act, 1920 (38 of 1920), S. 2, and Sch. for "British India".
#Substituted by the A. O. for "L. G.".
(2) The time of such intermediate imprisonment, and the time of removal from one prison to another, shall be taken and reckoned in discharge or part discharge of the term of the sentence. (Section 19.)

82. Every enactment now in force in British India with respect to persons under sentence of transportation, or under sentence of imprisonment with hard labour, shall, so far as is consistent with this Act, be construed to apply to persons under sentence of penal servitude. (Section 20.)

83. (1) The *[Provincial Government] may grant to any person under sentence of penal servitude a licence to be at large within such part of the province and during such portion of his term of penal servitude as may be specified in the licence and upon such conditions as the *[Provincial Government] may by general or special order prescribe. (Act XXXVIII of 1920.)

(2) The *[Provincial Government] may revoke or, subject to such conditions, alter any licence granted under sub-section (1). (Section 21.)

84. So long as any licence granted under section 21, sub-section (1), continues in force and unrevoked, the licensee shall not be liable to imprisonment or penal servitude by reason of his sentence, but shall be allowed to go and remain at large according to the terms of the licence. (Section 22.)

85. In case of the revocation of any such licence as aforesaid, any Secretary to the *[Provincial Government] may, by order in writing, signify to any Justice of the Peace or Magistrate that the licence has been revoked, and require him to issue a warrant for the arrest of the licensee, and such Justice or Magistrate shall issue his warrant accordingly. (Section 23.) (Act XXXVIII of 1920.)

86. A warrant issued under section 23 may be executed by any officer to whom it is directed or delivered for that purpose in any part of British India, and shall have the same force in any place within British India as if it had been originally issued or subsequently endorsed by the Justice of the Peace or Magistrate or other authority having jurisdiction in the place where it is executed. (Section 24.)

87. (1) When the licensee, for whose arrest a warrant has been issued under section 23, is arrested thereunder, he shall be brought, as soon as conveniently may be, before the Justice or Magistrate by whom the warrant was issued, or before some other Justice or Magistrate of the same place, or before a Justice or Magistrate having jurisdiction in the district in which the licensee has been arrested.

*Substituted by the A. O. for “L. G.”.
†Substituted by the A. O. for “Governor-General in Council”.

Licensee when arrested to be brought up for recommitment.
(2) Such Justice or Magistrate as aforesaid shall thereupon make out a warrant under his hand and seal for the recommitment of the licensee to the prison from which he was released under the licence. (Section 25.)

88. When a warrant has been issued under section 25, subsection (2), the licensee shall be recommitted accordingly, and shall thereupon be liable to be kept in penal servitude for such further term as, with the time during which he may have been imprisoned under the original sentence and the time during which he may have been at large under an unrevoked licence, is equal to the term mentioned in the original sentence. (Section 26.)

89. If a licence is granted under section 21 upon any condition specified therein, and the licensee—
(a) violates any condition so specified; or
(b) goes beyond the limits so specified; or
(c) knowing of the revocation of the licence, neglects forthwith to surrender himself, or conceals himself, or endeavours to avoid arrest;
he shall be liable upon conviction to be sentenced to penal servitude for a term not exceeding the full term of penal servitude mentioned in the original sentence. (Section 27.)

PART VI
Removal of Prisoners

90. 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. (Section 28.)

*91. (1) The Provincial 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 Province or with the consent of the Provincial Government concerned, to any prison in any other province.] §[or, with the consent of the Crown Representative to any prison maintained by him or under his authority in any part of India]

(2) [(Subject to the orders, and under the control, of the Provincial Government), the Inspector-General of Prisons may,

*Substituted by the Amending Act, 1903 (II of 1903) S. 3 and Sch. II for the original section.
†Substituted by the A. O. for "Governor-General in Council".
‡Substituted by the A. O. for "British India or to any prison in Berar".
§Substituted by Prisoners (Amendment) Ordinance, 1942 (XV of 1942).
¶Substituted by the A. O. for "The L. G. and (subject to its orders and under its control)".]
in like manner, provide for the removal of any prisoner confined as aforesaid in a prison in the province to any other prison in the province...]. (Section 29). (Act XVII of 1923.)

92. (1) Where it appears to the [Provincial Government] that any person detained or imprisoned under any order or sentence of any Court is of unsound mind, the [Provincial 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 province, there to be kept and treated as the [Provincial Government] directs during 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 [Provincial Government] that the prisoner has become of sound mind, the [Provincial Government] shall, by a warrant directed to the person 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 province, 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, 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 [Provincial 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 province, the [Provincial Government] may order his removal to any such asylum or place within any other province or within §[any Indian State] by agreement with the [Provincial Government] of such other province 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. (Section 30.)

*The words "or in the case of a prisoner so confined in a prison in the Central Provinces for his removal to any other prison in the province or to any prison in Berar" repealed by the A. O.

†Substituted by the A. O. for "L. G.".

‡ See new section 31 of the Indian Lunacy Act, 1912 (IV of 1912).

§§Substituted by the A. O. for "the territories of any Native Prince or State in India";

||Substituted by the A. O. for "such Native Prince or State".
93. Section 31 [Removal of prisoners from territories under one Local Government to territories under another]. Repealed by the Amending Act, 1903 (I of 1903). S. 4 and Sch. III.

PART VI-A*

TEMPORARY RELEASE OF PRISONERS

93-A. (1) The Provincial Government or any authority to which the Provincial Government may delegate its power in this behalf may, subject to such conditions as may be prescribed by rules, release temporarily for a period not exceeding ten days in a year excluding the time required for journeys and the days of departure from, and the arrival at, the prison, any prisoner who has been sentenced to a term of imprisonment of not less than three years.

(2) The provisions of sub-section (1) shall not apply to a prisoner who has been classified as a habitual criminal for the purpose of the rules for the time being in force made under the Prisons Act, 1894 (IX of 1894), or the same Act, as applied to Berar, and who has had more than three previous convictions.

(3) No prisoner shall be released under sub-section (1) unless—

(a) he has, at the time of his release, served one-half of his sentence including remission or a period of not less than two years of his sentence, including remission, whichever is less;

(b) his conduct in prison has been good; and

(c) twelve months have elapsed from the date of the expiry of the period of his previous release, if any, under this section.

(4) The period of release of a prisoner under sub-section (1) shall not count towards the total period of his sentence. (Section 31-A.)

93-B. (1) On the expiry of the period for which a prisoner was released under sub-section (1) of section 31-A he shall surrender himself to the officer in charge of the prison from which he was released.

(2) If a prisoner does not surrender himself as required by sub-section (1), he may be arrested by any Police-officer without a warrant and shall be remanded to undergo the unexpired portion of his sentence. (Section 31-B.)

93-C. Any prisoner who does not surrender himself as required by sub-section (1) of section 31-B shall be liable upon conviction to be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both. (Section 31-C.)

* Introduced by the Central Provinces and Berar Prisons (Amendment) Act, 1939 (IV of 1939).
PART VII
PERSONS UNDER SENTENCE OF TRANSPORTATION

94. (1) The *[Provincial Government] may appoint places within †[the province] to which persons under sentence of transportation shall be sent; and the *[Provincial Government], or some officer duly authorized in this behalf by the *[Provincial 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. (Act XXXVIII of 1920.)

(2) In any case in which the *[Provincial Government] is competent under sub-section (1) to appoint places within the province and to order the removal thereto of persons under sentence of transportation, the *[Provincial Government] may appoint such places in any other province by agreement with the *[Provincial Government] of that province, and may by like agreement give orders or duly authorise some officer to give orders for the removal thereto of such persons. (Section 32.) (Act XXXVIII of 1920.)

PART VIII
DISCHARGE OF PRISONERS

95. ‡[Any Court which is a High Court for the purposes of the Government of India Act, 1935] may, in any case in which it has recommended to Her Majesty the granting of a free pardon to any prisoner, permit him to be at liberty on his own recognizance. (Section 33.)

PART IX
PROVISIONS FOR REQUIRING THE ATTENDANCE OF PRISONERS AND OBTAINING THEIR EVIDENCE

Attendance of Prisoners in Court.

96. 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. (Section 34.)

*Substituted by the A. O. for “L.G.”.
†Substituted by Act 38 of 1920, S. 2 and Sch. I for “British India”.
‡Substituted by the A. O. for “Any Court established under the Indian High Courts Act, 1861”.

References in this part to prisons, etc., to be construed as referring also to Reformatory Schools.
97. 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. (Section 35.)

98. (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 subsection (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. (Section 36.)

99. 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 District Magistrate to whose Court such Criminal Court is subordinate or within the local limits of whose jurisdiction such Criminal Court is situated (Section 37.)

100. 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. (Section 38.)
101. (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 with-
in 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 con-

fined. (Section 39.)

102. 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 writ-
ing to the *[Provincial Government] of the territories within

which the prison is situate, and the *[Provincial Government]

may, if it thinks fit, direct that the person be so removed, subject

to such rules regulating the escort of prisoners as the *[Provi-
cnial Government] may prescribe. (Section 40.)

103. Upon delivery of any order under this Part to the Prisoner to

officer in charge of the prison in which the person named therein

is confined, that officer shall cause him to be taken to the Court

in which his attendance is required, so as to be present in the

Court at the time in such order mentioned, and shall cause him

to be detained in custody in or near the Court until he has

been examined or until the Judge or presiding officer of the

Court authorizes him to be taken back to the prison in which

he was confined. (Section 41.)

104. The *[Provincial 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 noti-

fication 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. (Section 42.) (Act XXXVIII of

1920.)

*Substituted by the A. O. for “L.G.”
†Substituted by the A. O. for “Governor-General in Council”.
‡Substituted by the A. O. for “local official Gazette”.
105. 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 is 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. (Section 43.)

Commissions for Examination of Prisoners.

106. 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, for the examination of the person in the prison in which he is confined. (Section 44.)

107. 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, for the examination of the person in the prison in which he is confined. (Section 45.)

108. 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. (Section 46.)

Service of Process on Prisoners.

109. 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. (Section 47.)

110. (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 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 so sent. (Section 48.)

Miscellaneous.

111. (1) For the purposes of this Part, the Courts of Small Causes established in the Presidency-towns and the Courts 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. (Section 49.)

*[(2) . . . . . . . . . . . . . .]
*[(3) . . . . . . . . . . . . . .]

*Sub-sections (2) and (3) were repealed by the Lower Burma Courts Act, 1900 (VI of 1900), section 48 and Sch. II.
112. 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 and 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 *[Provincial 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. (Section 50.)

113. (1) The *[Provincial 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. (Section 51.)

114. The *[Provincial Government] may declare what officer shall, for the purposes of this Part, be deemed to be the officer in charge of a prison. (Section 52.)

[S. 53. Repeals.] Repealed by the Repealing and Amending Act, 1914 (X of 1914), (S. 3 and Sch. II.)

*Substituted by the A. O. for “Government”.
†Substituted by the A. O. for “L. G.”
‡The words “and in cases arising under, s. 40, the Governor-General in Council” repealed by the A. O.
§Substituted by the A. O. for “Local Official Gazette”.
¶The words “or the Gazette of India, as the case may be” repealed by the A. O.
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 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 day of

A. B.

(Countersigned) C. D.

THE SECOND SCHEDULE
(See section 37.)

Court of
To the officer in charge of the (state name of prison),

You are hereby required to produce , now a prisoner in Court of at on the day 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 day of

A. B.

(Countersigned) C. D.

THE THIRD SCHEDULE
Repealed by the Repealing and Amending Act, 1914 (X of 1914), section 3 and Schedule II.
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CHAPTER III

OFFENCES AND PUNISHMENTS

Rules and executive instructions issued by the Provincial Government under the Prisons Act

115. The following executive instructions have been framed by the Provincial Government with reference to clause (4) of section 46 of the Prisons Act, IX of 1894, regulating the punishment of prison offences by loss of privileges admissible under the remission system:

For a prison offence any of the following punishments involving loss of privileges admissible under the remission system may be awarded:

(a) Forfeiture of remission earned.
(b) Temporary forfeiture of class, grade or prison privileges.
(c) Temporary or permanent reduction from a higher to lower class or grade.
(d) Temporary or permanent exclusion from the remission system:

Provided that no order directing the forfeiture of remission in excess of one month shall take effect without the previous sanction of the Inspector-General.

116. The following rules have been framed by the Provincial Government with reference to clauses (b) and (7) of section 46 of the Prisons Act, IX of 1894, as subsequently amended, regarding the imposition of handcuffs and fetters by way of punishment:

Handcuffs imposed by way of punishment (minor punishment No. 9 and major punishment No. 8) shall be iron bar handcuffs weighing, with lock, not more than 2 pounds each, or swivel with spring-catch handcuffs, weighing not more than 1½ pounds each, or chain handcuffs weighing not more than 1 pound each.

Handcuffs may be imposed:

(a) On the wrists in front, by day or night for a period of not more than 12 hours at a time, with intervals of not less than 12 hours between each period, and for not more than four consecutive days or nights.
(b) On the wrist behind, by day only, for a period of not more than six hours in any day of twenty-four hours, and not more than four consecutive days.
(c) By attaching the handcuffs affixed on the prisoner’s wrists to a staple in front of the prisoner, by day, for not more than four consecutive days and for not more than six hours on each day, with an
interval of at least one hour after the handcuffs have been so attached for three hours:

(1) Provided, that such staple shall not be higher than the prisoner’s shoulder nor lower than his waist, and that no prisoner shall be attached by handcuffs to a staple except in the presence of other prisoners:

(2) Provided further that the punishment referred to in clause (c) shall not be executed until the prisoner to whom the punishment has been awarded has been examined by the medical officer and pronounced to be fit to undergo the punishment:

(3) Provided, also, that this punishment shall be restricted to cases where the prisoner has been guilty of repeated and willful violations of any prison rule, and where, in fact, his conduct is evidently due to contumacy.

A prisoner while undergoing punishment in handcuffs shall be under complete shelter from the sun.

117. The following classes of fetters may be used in jails:

(a) Link fetters composed of a chain and ankle-rings. The total weight of such fetters, including the ankle-rings, shall not exceed 3 pounds, and the chain shall be not less than 2 feet in length.

(b) Bar fetters composed of two bars joined together by a link and attached to ankle-rings. The total weight of such fetters, including the ankle-rings, shall not exceed 5 pounds, and each bar shall be not less than 20 inches in length.

(c) Cross-bar fetters composed of a single bar for the purpose of keeping the legs apart and of ankle-rings. The total weight of such fetters, including ankle-rings, shall not exceed 24 pounds. The length of the bar shall not exceed 16 inches in the case of men who are not less than 5 feet 6 inches in height, or 14 inches in the case of men below this height.

Note.—The use of cross-bar fetters should be restricted to extreme cases of violence, and be resorted to as much as a prevention against assault as for punishment. The full period allowed for the imposition of this punishment should be awarded only in exceptional cases.

118. The maximum period for which fetters may be continuously imposed shall be—

(a) In the case of link-fetters, three months.

(b) In the case of bar-fetters, three months.

(c) In the case of cross-bar fetters, two hundred and forty hours.
A period of at least ten days must elapse after the imposition of any kind of punishment for a prison offence before they can be again imposed as a punishment for another prison offence, whether of the same kind or not.

119. The following rule has been prescribed by the Provincial Government, under section 59 (1) of the Prisons Act, defining the acts which constitute wilful disobedience to any regulation of the prison referred to above:—

The following acts are forbidden, and every prisoner who wilfully commits any of the following acts shall be deemed to have wilfully disobeyed the regulations of the prison and to have committed a prison offence within the meaning of section 45 of the said Act:—

(1) Talking when at file or at unlocking or at latrine, bathing or other parades, or at any time when ordered by an officer of the prison to desist, and singing, loud laughing and loud talking at any time.

(2) Quarrelling with any other prisoner.

(3) Secreting any article whatever.

(4) Showing disrespect to any jail officer or visitor.

(5) Making groundless complaints.

(6) Answering untruthfully any question put by an officer of the prison or a visitor.

(7) Holding any communication (in writing, by word of mouth or otherwise) with an outsider, with a prisoner of the opposite sex, civil or undertrial prisoner or a prisoner of a different class, in disobedience of the regulations of the prison.

(8) Abetting the commission of any prison offence.

(9) Omitting to assist in the maintenance of discipline by reporting any prison offence, or to give assistance to an officer of the prison when called on to do so.

(10) Doing any act or using any language calculated to wound or offend the feelings and prejudices of a fellow-prisoner.

(11) Doing any act calculated to create any unnecessary alarm in the minds of the prisoners or officers of the prison.

(12) Leaving without permission of an officer of the prison the gang to which he is attached, or the part of the prison in which he is confined.

(13) Leaving without permission of an officer of the prison the ward, the yard, the place in file, the seat or berth assigned to him.

(14) Loitering about the yards or lingering in the wards when these are open.

(15) Omitting or refusing to march in file when moving about the prison.
(16) Visiting the latrines or bathing platforms except at stated hours, or without permission of an officer of the prison, or resorting unnecessarily to the night latrine, or omitting or refusing to employ dry earth in the manner directed by the prison regulations.

(17) Refusing to eat food, or the food prescribed by the prison diet scale.

(18) Eating or appropriating any food not assigned to him, or taking from or adding to the portions assigned to other prisoners.

(19) Removing without permission of an officer of the prison food from the cook-room or godowns or from the place where meals are served, or disobeying any order as to the issue and distribution of food and drink.

(20) Wilfully destroying food or throwing it away without orders.

(21) Introducing into food or drink anything likely to render it unpalatable or unwholesome.

(22) Omitting or refusing to wear the clothing given to him or exchanging any portion of it for the clothing of other prisoners, or losing, discarding, damaging, or altering any part of it.

(23) Removing, defacing, or altering any distinctive number, mark or badge attached to, or worn on, the clothing or person.

(24) Omitting or refusing to keep the person clean, or disobeying any order regulating the cutting of hair or nails.

(25) Omitting or refusing to keep clean his clothing, blankets, bedding, fetters, brass tumbler, iron cups or platters or breast ticket or other identification token, or disobeying any order as to the arrangement or disposition of such articles.

(26) Tampering in any way with prison locks, lamps or lights or other property with which he has no concern.

(27) Stealing the prison clothing or any part of the prison kit of any other prisoner.

(28) Committing a nuisance in any part of the prison.

(29) Spitting on or otherwise soiling any floor, door, wall, or other part of the prison building or any article in the prison.

(30) Wilfully befouling the wells, latrines, washing or bathing places.

(31) Damaging the trees and vegetables in the garden of the jail, or maltreating the prison cattle.

(32) Omitting or refusing to take due care of all prison property entrusted to him.

(33) Omitting or refusing to take due care of, or injuring, destroying or misappropriating the materials and implements entrusted to him for work.
(31) Omitting to report at once any loss, brekage or injury which he may accidentally have caused to prison property or implements.

(32) Manufacturing any article without the knowledge or permission of an officer of the prison.

(33) Performing any portion of the task allotted to another prisoner, or obtaining the assistance of another prisoner in the performance of his own task.

(34) Appropriating any portion of the task performed by another prisoner.

(35) Mixing or adding any foreign substance to the materials issued for work.

(36) Doing or omitting to do any act with intent to cause to himself, any illness, injury, or disability.

(37) Causing, or omitting to assist in suppressing violence or insubordination of any kind.

(38) Taking part in any attack upon any prisoner or officer of the prison.

(39) Omitting or refusing to help any officer of the prison in case of an attempted escape or of an attack upon such officer or upon another prisoner.

(40) Disobeying any lawful order of an officer of the prison or omitting or refusing to perform duties in the manner prescribed.

120. The following executive instruction has been framed by the Provincial Government with reference to clause (2) of section 59 of the Prisons Act, IX of 1894, regarding the classification of prison offences into minor and serious offences:—

An offence shall be deemed a minor offence when it is dealt with by a minor punishment (see classification of punishments in rule 121 below), and a serious offence when dealt with by a major punishment; and in the annual returns offences shall be classified as (1) offences dealt with by major punishments, and (2) offences dealt with by minor punishments.

121. The following executive instructions have been framed by the Provincial Government under clause (3) of section 59 of the Prisons Act, IX of 1894, regarding the classification of minor and major punishments enumerated in section 46 of the said Act including those prescribed by the Provincial Government under section 46, clauses (4), (6) and (7):—

Minor punishments—

(1) formal warning;
(2) change of labour for a stated period to some more irksome or severe form;
(3) forfeiture of remission earned, not exceeding 4 days;
(4) forfeiture of class, grade, or prison privileges for a period not exceeding 3 months;
(5) temporary reduction from higher to a lower class or grade;
(6) penal diet with or without cellular confinement not exceeding 48 hours;
(7) cellular confinement for not more than 7 days;
(8) separate confinement for not more than 14 days;
(9) imposition of handcuffs otherwise than by handcuffing a prisoner behind or to a staple;
(10) imposition of link-fetters for not more than 30 days; and
(11) substitution of gunny or other coarse clothing for the portion of the ordinary prison dress which is not woollen.

Major punishments—

(1) hard labour in the case of prisoners not sentenced to rigorous imprisonment;

(2) (a) forfeiture of remission earned, exceeding 4 days but not exceeding one month;
(b) forfeiture of remission earned, in excess of one month;
(c) forfeiture of class, grade, or prison privileges for a period exceeding 3 months;
(d) exclusion from the remission system for a period not exceeding 3 months;
(e) exclusion from the remission system for a period exceeding 3 months;
(f) permanent reduction from a higher to a lower class or grade;
(3) cellular confinement for a period exceeding 7 days;
(4) separate confinement for a period exceeding 14 days;
(5) link-fetters, if imposed for more than 30 days;
(6) bar-fetters;
(7) cross-bar fetters;
(8) handcuffing behind or to a staple;
(9) penal diet combined with cellular confinement for more than 48 hours;
(10) whipping; and
(11) any combination of minor punishments admissible under section 47 of the Act.

Note I.—The major punishment 2 (b) and any combination of the major punishments 2 (b), 2 (c) and 2 (e), shall not be awarded by the Superintendent of a prison without the previous sanction of the Inspector-General of Prisons.

Note II.—The following punishments shall not be carried out in combination even when awarded at different times for different offences: (a) penal diet with whipping, (b) penal diet with standing handcuffs, (c) standing handcuffs with cross-bar fetters, and (d) cross-bar fetters with bar fetters.
122. The following rules have been framed by the Provincial Government under clause (4) of section 59 of the Prisons Act, IX of 1894, 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:

(1) When in the opinion of the Superintendent any of the following offences are established against any prisoner, he shall refer the case to the Magistrate exercising jurisdiction for enquiry in accordance with the Code of Criminal Procedure, 1898:

(i) Offences punishable under sections 147, 148 and 152 of the Indian Penal Code.

(ii) Offences punishable under sections 222, 223 and 224 of the Indian Penal Code.

(iii) Offences punishable under sections 304-A, 309, 325 and 326 of the Indian Penal Code.

(iv) Any offence triable exclusively by the Court of Session.

Note.—The offences referred to in this rule are as follows:

Section 147 of the I. P. C.—Rioting.

... 148 ... ... Rioting armed with a deadly weapon.

... 152 ... ... Assaulting or obstructing or using criminal force to public servant when suppressing riot or threatening or attempting to do so.

... 222 ... ... Intentional omission to apprehend on the part of a public servant or intentionally aiding or suffering to escape any person lawfully committed to custody.

... 223 ... ... Escape negligently suffered by a public servant.

... 224 ... ... Resistance or obstruction to lawful apprehension, or escape or attempt to escape from lawful custody.

... 304-A ... ... Causing death by a rash or negligent act.

... 309 ... ... Attempting to commit suicide.

... 325 ... ... Voluntarily causing grievous hurt.

... 326 ... ... Voluntarily causing grievous hurt by dangerous weapons or means.

(2) It shall be in the discretion of the Superintendent to determine, with respect to any other act which constitutes both a prison offence and an offence under the Indian Penal Code, whether he will use his own powers of punishment or move the Magistrate exercising jurisdiction to enquire into it in accordance with the Code of Criminal Procedure, 1898.

123. The Superintendent of the Jail may use or require to be used such force as may in his opinion be necessary to compel obedience on the part of any male prisoner to any lawful order issued by him.
124. The following rules have been framed by the Provincial Government under section 59 (3) and (4) of the Prisons Act regarding offences and punishments:

Every infringement of jail rules shall be brought to the notice of the Superintendent, who shall decide whether the infringement reported was committed in such circumstances, e.g., wilfully or without excuse, as to constitute an offence. If the Superintendent is of opinion that the infringement of rule was committed through ignorance or excusable carelessness, he shall admonish the prisoner and dismiss the charge without recording it in the punishment register. But if he finds it to be an offence, he shall award some punishment, and have it recorded in the punishment register, giving all details required by the rules.

125. A "formal warning" is deemed to be punishment and shall be personally addressed to the offender by the Superintendent. In all but very exceptional cases the punishment for a first offence should be first "formal warning". A formal warning shall not be combined with any other punishment.

126. "Change of labour" [minor punishment No. (2) referred to in rule 121] can be awarded only to prisoners undergoing rigorous imprisonment, and is a punishment suitable for persistent short work or idleness; but may be given also for other offences. It may be given for a definite time or until good behaviour.

127. Petty offences such as short work, etc., are, unless frequently repeated, adequately punished, in the case of prisoners coming under the remission system, by loss of remission. The meaning of this punishment is better understood by prisoners if the number of days of imprisonment corresponding with the remission lost is stated at the time the punishment is awarded. This punishment should be used for minor offences in preference to all others as long as the prisoner has any remission to his credit.

128. Whenever application is made to the Inspector-General for sanction to the forfeiture of remission exceeding one month, full particulars of the offence and of the remission the prisoner has earned, and a brief statement of his previous history, accompanied by his descriptive roll, shall be submitted.

129. Forfeiture of prison privileges under the remission system includes any of the special privileges allowed to convict-warders, convict-overseers and convict-watchmen by the rules in this Chapter. One or more of these privileges may be suspended. When awarding this punishment or reduction of class or grade [minor punishments Nos. (4) and (5) and major punishment No. (2) (f) referred to in rule 121], the Superintendent shall record whether it is to be permanent, or, for what period.

130. Gunny clothing [minor punishment No. (11)] is a suitable punishment for offences Nos. (20), (22), (24) and (25) referred to in rule 119. This punishment shall not be awarded
for more than three months at a time, and a period of 14 days shall elapse after the completion of any term for which this punishment is awarded before it is again inflicted for a new offence. The male prisoner’s gunny clothing shall consist of a tunic and pair of jangialks. All other clothing, except the blanket coat and a loin-cloth, shall be taken from male prisoners undergoing this punishment, and the gunny clothing shall be worn next the skin. In cold weather the blanket coat shall be worn over the gunny tunic. In the case of females a gunny petticoat shall be worn next the skin, and they shall retain the cotton sari, kurtah, loin-cloth and blanket coat. Prisoners who have gunny clothing shall wash it weekly and keep it clean.

131. Fetters of every description shall always be kept bright and polished, and soft leather, blanket or canvas gaiters shall be allowed to prevent abrasion of the skin. Link and bar fetters may be suspended to the waist by a strip of leather, no string or rope being allowed for the purpose. When fetters become worn or thin in any part, they shall at once be changed. Prisoners shall not be put to work the country oil-mill whilst in fetters.

132. The outer batten door of the cell yard in cells built on the standard plan shall be left open, and a prisoner undergoing the punishment of separate confinement shall have not less than one hour’s exercise daily in the common passage in front of the cells or other sufficient space under the eye of a paid warden, and shall have his meals in association with one or more other prisoners. Superintendents may award separate confinement up to 30 days. If any period in excess of this up to 6 months is deemed necessary, the order of the Inspector-General shall be obtained. When submitting an application for such order the Superintendent shall forward a certificate of the Medical Officer, of the fitness of the prisoner to undergo separate confinement for the period recommended. If the Medical Officer be the Superintendent he shall not be bound to make a separate entry under this rule; it will be assumed that in giving the sentence he has duly considered the prisoner’s health.

133. “Penal diet” shall consist of one pound of flour daily boiled as a porridge, seasoned with $\frac{1}{4}$ chatak of salt, and given in two meals. Prisoners on penal diet shall not receive the early morning meal. Penal 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. This punishment should be sparingly resorted to, and not at all if the prisoners as a body are unhealthy or deteriorating in health, as shown by the fortnightly weighments. Penal diet may be combined with solitary confinement. Prisoners ordered penal diet when not combined with solitary confinement shall be fed quite apart from others. Sunday is a suitable day for awarding prisoners penal diet; in serious cases the punishment may be continued for four consecutive Sundays. All prisoners subjected to the penal diet shall be visited daily by the Medical Officer who has authority to direct the discontinuance of the penal diet, whenever he may observe or have reason to apprehend any injurious effects.
134. Cellular confinement may be awarded for not more than fourteen days, and after each period of cellular confinement an interval of not less duration than such period shall elapse before the prisoner is again sentenced to other cellular or solitary confinement. The convict-cell attendants shall have access to his cell to give the prisoner his food and attend to conservancy, but the prisoner shall have his meals alone, and bathe in his cell yard.

135. The punishment of whipping shall be inflicted only for mutiny or for conduct seriously affecting the discipline of the prison or for incitement thereto, for serious assaults on any public servant or visitor, or, after other punishments have failed, for other offences of a specially grave nature. The number of stripes shall never be less than fifteen and must never exceed thirty. For cases in which the Medical Officer certifies that a prisoner is unable to bear fifteen stripes, some other form of punishment should be adopted.

Note.—In the case of juvenile offenders the number of stripes inflicted shall never exceed fifteen.

136. A special report, based on the record required by section 51 of the Prisons Act, 1894, to be made in the punishment book on every case in which whipping has been inflicted, shall be promptly submitted to the Inspector-General of Prisons by the Superintendent of the Jail.

137. The punishment of whipping shall not be inflicted on “A” and “B” class prisoners, except with the permission of the Provincial Government.

138. No prisoner shall be punished with whipping within a week after any previous infliction of whipping, or until any sores caused by a previous whipping are entirely healed.

Note 1.—To prevent undue laceration of the skin, a piece of thin cloth soaked in time antiseptic—a solution of carbolic acid in water (of the strength of carbolic acid in forty parts of solution)—should be spread over the prisoners buttocks during the operation. All such cloths should be thoroughly washed and afterwards soaked in an antiseptic solution before being again brought into use, so as to obviate the possibility of disease of any kind being conveyed from one prisoner to another.

Note 2.—The “drawing stroke” which is calculated to lacerate the flesh is prohibited.

139. No punishment of penal diet, either singly or in combination, or of whipping, or of change of labour [minor punishment No. (2)] or of hard labour in the case of a prisoner sentenced to simple imprisonment [major punishment No. (1)], shall be executed until the prisoner to whom such punishment has been awarded has been examined by the Medical Officer and has been certified by him to be fit to undergo such punishment. The Medical Officer shall record his certificate in the punishment register. If the Medical Officer considers the prisoner unfit to undergo the punishment, he shall record his opinion in writing and state whether the prisoner is absolutely unfit for punishment of the kind awarded or whether he considers any modification necessary. In the latter case he shall state what extent of punishment he thinks the prisoner can undergo without injury to his health. If the Medical Officer be the Superintendent, he shall
not be bound to make a separate entry under this rule. It will be assumed that in giving the sentence he has duly considered the prisoner's health.

140. Any civil prisoner assaulting or insulting another prisoner or jail officer, or quarrelling or talking loudly and boisterously, or guilty of indecent or immoral conduct, or communicating with outsiders in an unauthorized manner, or bribing or attempting to bribe any jail officer, or gambling, or spitting about and soiling the ward, yerandah or passages or disobeying the orders of, or showing disrespect to, the jail authorities in any way may be punished by minor punishments Nos. 1, 4 and 7, or major punishment No. 4, or may be punished according to any law in force.

141. The rules relating to jail offences and punishments that are applicable to convicted criminal prisoners shall be applicable to under-trial prisoners, prisoners sentenced to simple imprisonment, female convicted prisoners, juvenile and juvenile adult prisoners.

Note.—Before administering whipping to under-trial prisoners the consent of the magistrate of the district shall be obtained.

Exceptions.—(a) Prisoners sentenced to simple imprisonment shall not be punished for neglect of work or short work or refusing to work otherwise than the alteration of their diet from the labouring to the non-labouring scale. The following punishment shall not be applied to such prisoners, namely, minor punishments Nos. (2) to (5) and major punishment No. (2) unless the prisoner is under the remission system.

(b) No female or civil prisoner shall be liable to whipping as a punishment for a prison offence.
CHAPTER IV
REMISSIONS

Rules regulating the shortening of sentences

142. The following rules have been framed by the Provincial Government under section 59 (5) of the Prisons Act, IX of 1894, to regulate the shortening of sentences by the grant of remissions.

143. In these rules—

(a) "Prisoner" includes a person committed to prison in default of furnishing security to keep the peace or be of good behaviour.

(b) "Class I prisoner" means a thug, a robber by administration of poisonous drugs or a professional, hereditary, or specially dangerous criminal convicted of heinous crime, such as dacoity.

(c) "Class II prisoner" means a dacoit or other person convicted of heinous organized crime, not being a professional, hereditary, or specially dangerous criminal.

(d) "Class III prisoner" means a prisoner other than a Class I or Class II prisoner.

(e) "Sentence" means a sentence as finally fixed on appeal, revision or otherwise, and includes an aggregate of more sentences than one and an order of committal to prison in default of furnishing security to keep the peace or of good behaviour.

(f) "Life Convict" means—

(1) a Class I or Class II prisoner whose sentence amounts to twenty-five years' imprisonment, or

(2) a Class III prisoner whose sentence amounts to twenty years' imprisonment.

Note.—The case of life-convicts and of all prisoners sentenced to more than 14 years' imprisonment or transportation or to transportation and imprisonment for terms exceeding in the aggregate 14 years shall, when the term of imprisonment undergone, together with any remission earned under the rules, amounts to 14 years, be submitted for the orders of the Provincial Government in accordance with the instructions contained in the Government of India, Home Department Resolution No. 159-67 (Jails), dated the 6th September 1905.
144. No remission shall be earned in respect of any sentence of transportation or imprisonment under section 2 of the Frontier Murderous Outrages Regulation, 1901 (IV of 1901), passed on a person above the age of fifteen years.

145. No ordinary remission shall be earned in the following cases, namely:

(1) In respect of any sentence of imprisonment amounting, exclusive of any sentence passed in default of payment of fine, to less than six months in the case of habitual prisoners and to less than three months in the case of prisoners other than habituals.

(2) In respect of any sentence of simple imprisonment except for any continuous period not being less than one month during which the prisoner labours voluntarily.

Note 1.—The intention of this rule is that if a sentence or total of sentences of a habitual prisoner is reduced on appeal to less than six months and of a casual prisoner to less than three months, he shall cease to be eligible for ordinary remission under these rules and any remission that he may have earned prior to the reduction of his sentence or sentences shall be forfeited—see in this connection the definition of 'sentence' in rule 143 (e).

Note 2.—No remission shall be earned in the case of a sentence of detention under the Bowal Act if the grant of remission would reduce the period of detention to less than two years.

146. If a prisoner is convicted of an offence committed after admission to jail, under section 147, 148, 152, 224, 302, 304, 304-A, 306, 307, 308, 323, 324, 325, 326, 332, 333, 352, 353 or 377 of the Indian Penal Code, or of an assault committed after admission to jail on a warder or other officer, the remission of whatever kind earned by him under these rules up to date of the said conviction may be cancelled.

Note.—This rule shall be operative notwithstanding anything contained in rule 115 and shall be regarded as an exception to rule 115 in a case where the remission to the credit of the prisoner concerned exceeds one month.

147. The Superintendent may re-admit to the remission system any prisoner who has been removed therefrom under G. I. H. D., No. 161-172, Notfn. No. Jails-F-503-2-22, d. 30-10-23.

Remission admissible to such prisoner shall be calculated in the manner laid down in rule 151.

148. Ordinary remission shall be awarded on the following scale:

(a) Two days per month for thoroughly good conduct and scrupulous attention to all prison regulations;

(b) Two days per month for industry and the due performance of the daily task imposed.

149. A prisoner who is unable to labour through causes beyond his control, by reason of being at court, in transit from one jail to another, or on an invalid gang shall be granted remission under clause (a) of rule 148 on the scale earned by him during the previous month if his conduct prior to and during the period in question has been such as to deserve such grant. He shall also be entitled to the grant of remission under
clause (b) on the scale earned by him during the previous month
if he has been in prison during that term; if not at the rate of
two days per month:

Provided that if his absence from work is due to his own
misconduct in jail no remission under clause (b) of rule 148 shall
be awarded for the period of absence:

Provided also that if he is in hospital or on an invalid gang,
no remission under clause (b) of rule 148 shall be granted
unless the medical officer certifies that the prisoner's absence
from labour is due to causes beyond his control and is in no
way caused by any action of the prisoner himself taken with
a view to escape work or to get into or to remain in hospital.

150. In lieu of the remission allowed under rule 148 convict
warders shall receive eight days' ordinary remission per month,
convict overseers six days per month, and convict night watch-
men five days per month.

151. (1) Remission under rule 148 or 150 shall be calculat-
ed as follows:—

(a) Where the sentence of a prisoner runs from the 1st or
15th of any month, remission shall be calculated
from that date only;

(b) where the sentence of a prisoner runs from any of the
dates from 2nd to 14th (both inclusive) remission
shall be calculated from the 15th of the same month;
and

(c) where the sentence of a prisoner runs from any of the
dates from 16th to the last date of a month, remis-
ion shall be calculated from the 1st of the next
month.

(2) Any prisoner, who has been re-admitted to jail after his
temporary release either on bail or on account of temporary
suspension of his sentence and, who has been re-admitted to
remission system under rule 147, shall earn remission in the
manner laid down in sub-rule (1). The remission, if any, which
had been earned by the prisoner before his release either on bail
or on account of temporary suspension of his sentence, shall be
credited to his account of remission.

152. Prisoners employed on prison services, such as cooks
and sweepers, who work on Sundays or holidays, may be award-
ed three days' ordinary remission per quarter in addition to
any other remission earned under these rules.
Explanations.—One day's remission may be credited to the prisoner at the end of every month during which he has been employed on any prison service.

153. Any prisoner eligible for remission under these rules, who, for a period of one year reckoned from the date from which he was last punished for a prison offence, has committed no prison offence whatever, shall be awarded fifteen days' ordinary remission in addition to any other remission earned under these rules.

Explanations.—For the purposes of this rule prison offences punished only with a warning shall not be taken into account.

154. Ordinary remission shall be awarded by the Superintendent or, subject to his control and supervision and to the provisions of rule 155, by the Deputy Superintendent, Jailor, or any other officer specially empowered in that behalf by him.

155. An officer awarding ordinary remission shall, before making the award, consult the prisoner's history-ticket in which every offence proved against the prisoner must be carefully recorded.

If a prisoner has not been punished during the quarter otherwise than by a formal warning, he shall be awarded the full ordinary remission for that quarter under rule 148, or if he is a convict officer, under rule 150.

If a prisoner has been punished during the quarter otherwise than by a formal warning, the case shall be placed before the Superintendent who, after considering the punishment or punishments awarded, shall decide what amount of remission shall be granted under rule 148, or, if the convict is a convict officer, under rule 150. All remissions recorded on the prisoner's history-ticket shall be entered quarterly on the remission sheet (or card) or if remission sheets (or cards) are not maintained, in a general remission register.

156. The award of ordinary remission shall be made, as nearly as possible, on 1st January, 1st April, 1st July and 1st October, and the amount shall be intimated to the prisoner and recorded on his history-ticket. Remission granted to a prisoner under rule 153 shall be recorded on his history-ticket as soon as possible after it is awarded.

157. A prisoner due to be released on or after the 16th of a month shall be granted ordinary remission for the first fifteen days of that month if he is under the remission system. No such remission shall be granted to him for any period of a month in which he is due to be released on or before the 15th.
158. Special remission may be given to any prisoner whether entitled to ordinary remission or not other than a prisoner undergoing a sentence referred to in rule 144 for special services, as for example—

(1) assisting in detecting or preventing breaches of prison discipline or regulations;

(2) success in teaching handicrafts;

(3) special excellence in, or greatly increased outturn of, work of good quality;

(4) protecting an officer of the prison from attack;

(5) assisting an officer of the prison in the case of outbreak, fire or similar emergency;

(6) economy in wearing clothes.

159. Special remission may be awarded—

(a) by the Superintendent to an amount not exceeding thirty days in one year;

(b) by the Inspector-General or the Provincial Government to an amount not exceeding sixty days in one year.

Explanation.—For the purpose of this rule years shall be reckoned from the date of sentence, and any fraction of a year shall be reckoned as a complete year.

160. An award of special remission shall be entered on the history-ticket of the prisoner as soon as possible after it is made, and the reasons for every award of special remission by a Superintendent shall be briefly recorded.

161. The total remission awarded to a prisoner under all these rules shall not, without the special sanction of the Provincial Government, exceed one-fourth part of his sentence.

162. In calculating the date of release of a prisoner the number of days of remission earned shall be converted into months and days, at the rate of thirty days to each month.

163. When a life-convict who is either—

(a) a Class I prisoner, or

(b) a Class II or Class III prisoner, with more than one sentence, or

(c) a prisoner in whose case the Provincial Government has passed an order forbidding his release without reference to it,

has earned such remission as would entitle him to release but for the provisions of this rule, the Superintendent shall report accordingly to the Provincial Government in order that his case may be considered with reference to section 401 of the Code of Criminal Procedure, 1898.
164. Save as provided by rule 163, when a prisoner has earned such remission as entitles him to release, the Superintendent shall release him.

Note (to rules 163 and 164).—The intention of these rules is (a) that the cases of Class I life-convicts, of Class II or Class III life-convicts, who have more than one sentence for offences committed either before their admission to jail or while in jail, and of any other life-convicts in whose cases the Provincial Government may have deemed it desirable, should be submitted for the special orders of the Provincial Government as to whether release should be granted, and if so, on what conditions (such conditions must, it would be noted, be prescribed by order under section 401, Code of Criminal Procedure); and (b) that all other convicts should, on the expiry of their sentences less the periods for remissions earned, be released unconditionally without any special orders from the Provincial Government.

165. When a prisoner is released under rule 164 the total amount of remission earned by him shall be endorsed on his warrant and the endorsement shall be signed by the Superintendent.

166. When a prisoner is transferred to another jail the total amount of remission earned by him up to the end of the previous month shall be endorsed on his warrant and entered on his history-ticket, these entries being signed by the Superintendent.

The receiving jail shall be responsible that the above information is duly obtained. Each jail at which a prisoner serves a portion of his sentence shall be held responsible for the correct calculation of the remission earned in that jail.

167. Remission sheets (or cards) shall be retained in the office of a jail for a period of one year after the release of the prisoner to whom they relate. When a prisoner is transferred to another jail, his remission sheet (or card) where such are maintained, or where they are not maintained a statement, certified by the Superintendent, of the total remission earned up to the date of transfer, shall be sent with the prisoner.

Note.—An abstract of the above remission system rules translated into Hindi shall be posted up in every barrack and shall be read to the prisoners every Sunday by a paid warder or an educated prisoner.
CHAPTER V
USE OF ARMS AGAINST PRISONERS

Rules under section 59 (6) of the Prisons Act regulating the use of arms against any prisoner or body of prisoners in the case of an outbreak or attempt to escape.

The following rules have been prescribed by the Provincial Government under clause (6) of section 59 of the Prisons Act (IX of 1894), regulating the use of arms against any prisoner or body of prisoners in the case of an outbreak or attempt to escape:

168. Any officer of the prison may use a sword, bayonet, fire-arm or any other weapon against any prisoner escaping or attempting to escape: provided that resort shall not be had to the use of any such weapons unless such officer has reasonable ground to believe that he cannot otherwise prevent the escape.

169. Any officer of the prison may use a sword, bayonet, fire-arm or any other weapon on any prisoner engaged in any combined outbreak, or in any attempt to force or break open the outer gate or enclosure wall of the prison, and may continue to use such weapon so long as such combined outbreak or attempt is being actually prosecuted.

170. Any officer of the prison may use a sword, bayonet, fire-arm or any other weapon against any prisoner using violence to any officer of the prison or other person: provided that such officer has reasonable ground to believe that the officer of the prison or other person is in danger of life or limb, or that other grievous hurt is likely to be caused to him.

171. Before using fire-arms against a prisoner under the authority conveyed in rule 168, the officer of the prison shall give a warning to the prisoner that he is about to fire on him.

172. No officer of the prison shall in the presence of his superior officer use arms of any sort against a prisoner in the case of an outbreak or attempt to escape except under the orders of such superior officer.
CHAPTER VI

RELEASE OF PRISONERS IN DANGER OF DEATH

Rules under section 59 (7) for defining the circumstances and regulating the conditions under which prisoners in danger of death may be released

173. (1) When a convicted prisoner suffering from sickness, not due to infectious disease, is likely to die if detained in jail, but there is a reasonable chance of recovery if he is released, the Superintendent shall report the facts to the Magistrate of the district in which the prisoner's offence was committed, who may sanction the release of the prisoner: provided that—

(a) the prisoner has not more than six months to remain in prison before the expiry of his sentence; and

(b) the Medical Officer of jail recommends the release and certifies that—

(1) the disease is likely to prove fatal, if the prisoner remains in jail;

(2) there is a reasonable chance of recovery, if the prisoner be released;

(3) the disease has not been produced or aggravated by any wilful act on the part of the prisoner.

(2) The prisoner shall be informed before release that his liberation is conditional on the sanction of the Government and that if such sanction be withheld, he will have to return to prison to serve out the remainder of his sentence. The prisoner's friends shall be sent for, and a security bond taken from them, before he is released, that they will surrender him to jail if required to do so. The names and residence of the persons who agree to take charge of the prisoner shall be stated in the application for sanction for his release. In no case shall a prisoner be released and sent to a charitable dispensary or to a hospital for treatment.

(3) If the Magistrate of the district dissents from the Superintendent's recommendation, the Superintendent may request the Magistrate to submit the recommendation to the Commissioner of the Division in which the prisoner's offence was committed, and the Commissioner may either order release, subject to the above conditions, or submit the case for the orders of Government.

174. (1) When a convicted prisoner is in danger of death from sickness, not due to infectious disease, and there appears to be no hope of recovery within or without the jail, and it is considered desirable to allow such prisoner the comfort of dying at home, the Superintendent shall, provided the prisoner has not been sentenced for a period exceeding seven years for any very heinous crime or series of crimes against society, report the facts to the Magistrate of the district.

(2) If the unexpired period of the prisoner's sentence does not exceed six months, the Magistrate is authorized to direct his immediate release, after making personal enquiries into the
case, or, in the event of the prisoner's offence having been committed in another district, after consulting the Magistrate of that district.

(3) In all other cases the Magistrate shall immediately report the facts of the case, with his recommendation thereon, direct for the orders of Government.

(4) No prisoner who has no friends or relatives willing and able to take charge of him shall be released under this rule.

(5) All releases under this rule shall be treated as deaths for the purposes of the statistical records of the jail.

175. In case of complete and incurable blindness not caused by the voluntary act of the prisoner, of decrepitude or other incurable infirmity, such as absolutely incapacitates a prisoner from the commission of further crime on release, and where release would not be attended with mischief or danger, a report shall be submitted by the Superintendent to the Inspector-General of Prisons, who will at his discretion report the case for the orders of Government. Before such report is made, the Magistrate of the district in which the prisoner was convicted shall be asked for his opinion.

Note — All references regarding release on medical grounds should be treated as specially urgent at all stages by the officers concerned.

176. If a prisoner detained solely under a sentence of imprisonment in default of furnishing security to keep the peace or for good behaviour is so seriously ill as to be likely to die, whatever the term of his unexpired sentence, the Superintendent shall refer the case to the Magistrate of the district, who should exercise the discretion allowed to him by section 124 of the Criminal Procedure Code, under which he can release the prisoner without referring to Government.

177. A judgment-debtor who has been committed to jail may be released therefrom by the Provincial Government on the ground of his suffering from any infectious or contagious disease, or by the committing court, or any court to which that court is subordinate, on the ground of his suffering from any serious illness. Whenever a civil debtor is found to be suffering from any serious and probably communicable disease, an immediate report shall be made by the Superintendent to the Inspector-General with a view to Government being moved to release him. If a civil prisoner is found to suffer from any serious illness, likely to cause his death, the case shall be reported by the Superintendent to the committing court.

178. In every case when an under-trial prisoner is seriously ill, the Superintendent shall report the circumstance to the magistrate, or if the prisoner is awaiting trial before the Sessions Court, to the Sessions Judge, in order that if the law permits and the court thinks it proper, the prisoner may be released on bail.
CHAPTER VII
CLASSIFICATION OF PRISONS

Rules under section 59 (8) of the Prisons Act for the classification of prisons, and description and construction of wards, cells and other places of detention

SECTION I.—CLASSIFICATION OF JAILS

179. Jails shall be of three kinds, namely:—

(i) Central Jails intended for the confinement of all classes of prisoners;
(ii) District Jails at the headquarters of districts intended for the confinement of criminal and civil prisoners, and
(iii) Special Jails, declared or established as such, from time to time, by the Provincial Government.

180. The Jails at Nagpur and Jubbulpore are Central Jails.

They are also District Jails for the districts in which they are located.

Note.—One octagon of the Nagpur Central Jail has been set apart for the reception of "Star" class prisoners.

181. District Jails are of four classes, namely, first, second, third and fourth. At present the District Jails in the province belong to the four classes as follows:—

1st class—Raipur, Amraoti, Akola.
2nd class—Narsinghpur (jail for adolescents).
3rd class—Hoshangabad, Saugor.
4th class—Chhindwara, Bilaspur, Betul, Yeoimal.

Note 1.—The ordinary capacity of these four classes of jails is as follows:—

<table>
<thead>
<tr>
<th>Class of District Jail</th>
<th>Mean daily average number of prisoners confined in the jail</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st class</td>
<td>500 or more</td>
</tr>
<tr>
<td>2nd class</td>
<td>Between 300 and 500.</td>
</tr>
<tr>
<td>3rd class</td>
<td>Between 150 and 300.</td>
</tr>
<tr>
<td>4th class</td>
<td>Between 50 and 150.</td>
</tr>
</tbody>
</table>

Note 2.—A portion of the District Jail at Betul has been set apart for the confinement of old and infirm prisoners.

Note 3.—A portion of the District Jail at Chhindwara has been set apart for the confinement of tubercular prisoners.

182. The Narsinghpur District Jail is also declared to be a Special Jail for adolescents.
183. In addition to the three classes of jails mentioned in paragraph 179 there are Subsidiary Jails intended for the confinement of prisoners whose sentences do not exceed three months.

A Subsidiary Jail is not a "prison" within the meaning of section 3, clause (1), of the Prisons Act, 1894.

There are the following Subsidiary Jails in the Province:

Balaghat. Khandwa.
Buldana. Mandla.
Chanda. Seoni.
Bhandara. Wardha.
Damoh. Narsinghpur.

SECTION II.—CONSTRUCTION OF WARDS AND CELLS, ETC.

184. In every sleeping ward a certain amount of superficial area, cubic space and lateral ventilation shall be allowed for each prisoner, and the minimum allowance is stated below:

<table>
<thead>
<tr>
<th></th>
<th>Superficial area</th>
<th>Cubic space</th>
<th>Lateral ventilation</th>
</tr>
</thead>
<tbody>
<tr>
<td>In barracks</td>
<td>36</td>
<td>500</td>
<td>16</td>
</tr>
<tr>
<td>In hospital</td>
<td>54</td>
<td>900</td>
<td>10</td>
</tr>
<tr>
<td>In cells</td>
<td>75</td>
<td>1,000</td>
<td>10</td>
</tr>
</tbody>
</table>

Over the door of every ward there shall be hung up on a board in the following form, a statement showing the details in regard to the accommodation:

<table>
<thead>
<tr>
<th>No.</th>
<th>Barracks.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Measurement</td>
<td>Accommodation.</td>
</tr>
<tr>
<td>1. Length.</td>
<td>7. At sq. ft.</td>
</tr>
<tr>
<td>2. Breadth.</td>
<td>8. At c. ft.</td>
</tr>
<tr>
<td>3. Height to bottom of the beam.</td>
<td>9. At sq. ft. lateral ventilation.</td>
</tr>
<tr>
<td>4. Lateral ventilation area.</td>
<td>10. Number of berths.</td>
</tr>
<tr>
<td>5. Superficial area.</td>
<td></td>
</tr>
<tr>
<td>6. Cubic space.</td>
<td></td>
</tr>
</tbody>
</table>

Superintendent, Jail.

185. Care should be taken that the lock-out register shows the accommodation in each ward so as to enable the Superintendent to judge at a glance whether any particular ward is overcrowded or not.
186. Every ward shall contain a sleeping berth for each prisoner who can be accommodated in the ward.

187. A return in the prescribed form shall be submitted on the first day of each month to the Inspector-General, showing the number of persons who slept in the wards, hospital and cells on the previous night, and the amount of accommodation which is available for the prisoners of each class.

188. When the arrival of excess number is apprehended, the Superintendent shall at once communicate with the Inspector-General, asking to what jail a stated number of the prisoners may be transferred. On receipt of a reply from the Inspector-General the Superintendent shall transfer a sufficient number of prisoners.

189. Thorough ventilation of the barracks is of the greatest importance; the ventilation openings should only be closed when the weather is severe or to prevent rain from beating in. The berths should be arranged, as far as possible, to prevent a direct draught from blowing in on a prisoner. If there are three berths between two ventilation openings, the heads of the prisoners should be placed as indicated in the diagram below:

```
<table>
<thead>
<tr>
<th>Head</th>
<th>Wall</th>
<th>Ventilation opening</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Head</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Head</td>
<td></td>
</tr>
<tr>
<td>Head</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
```

In cold weather it is better to issue extra clothing to the prisoners to keep them warm than to close up the ventilation openings.

190. Every prisoner shall in upper, as in lower-storeyed buildings, have a raised bed assigned to him in his proper ward or cell at least 6 inches in height, 6 feet long and 2 feet broad, to make certain that each prisoner sleeps in a separate bed, and does not touch any other prisoner; and the head of one bed shall be opposite the foot of that next to it. The number of beds in each ward shall be in accordance with its capacity calculated on the scale prescribed in paragraph 184. Ordinarily, they shall be of sun-dried bricks either solid or arched. No beds shall be placed in front of a window or open grating.

191. Cells for separate, cellular, and judicial solitary confinement on the standard plan shall be provided in all jails. Each cell shall have a yard attached to it, where the prisoner...
can have the benefit of fresh air without having the means of communication with any other prisoner. In the outer door of the yard attached to each cell an eye-hole shall be made, so that the prisoner can be seen without seeing any one. Each cell shall be provided with the means of communication required by section 29 of the Prisons Act.

192. In designing jail buildings, the following instructions should be attended to:

1. Fifty square yards should be taken as the standard yard space per prisoner. The area within the inner wall, only deducting that of buildings to which the prisoners are not ordinarily confined, should be taken into account in calculating the amount per prisoner.

2. The minimum distance of any building inside the jail from the outer enclosure wall should be 16 feet.

3. The minimum height of the circumvallation wall round every jail should not be less than 13 feet.

4. The distance between the battens on the tiled roof of jail barracks and generally in all buildings or any portions of buildings in which prisoners are ordinarily confined, should not be more than 6 inches from centre to centre.

193. The main entrance of every jail shall have a double gate with a space between the gates; in each gate there shall be a wicket; all should have secure fastenings that can be easily closed and made fast from between the gates. The inner gate should be a batten door, provided with eye-holes in it to enable the gate-keeper to observe any person who wishes to leave the jail, and to see that there is no large gathering of prisoners inside preparing for a rush to force open the gate. The outer gate shall be an iron-barred gate. All ingress and egress for ordinary purposes shall take place through the wicket doors.

SECTION III.—JAIL BUILDINGS

194. In respect to the agency by, and funds from, which the construction and repairs of jail buildings are to be carried out, the following procedure is to be adopted:

(a) All buildings or works of an engineering class, in the construction of which materials of a permanent character are employed, should be undertaken by the Public Works Department from Public Works Department funds.

(b) All works constructed of what may be termed perishable materials, e.g., buildings of butcha brick in mud mortar, should be carried out by the Jail Department from the jail budget funds.
195. Under class (a) the following works would fall:—

Circumvallation and divisional walls, barracks and all accommodation for prisoners, such as solitary cells, under-trial wards, worksheds, cock-houses, bathing-platforms, etc., accommodation for Superintendents of Jails, Jailors and jail staff, including that for warders and other subordinate staff, wells and water-supply, and also large works of drainage necessitating the employment of trained supervision and skilled labour.

Under class (b) the following would occur, etc.—

Stores required for temporary purposes and constructed of kutcha-pucha or of entirely kutcha materials; making raised sleeping platforms in barracks, etc., mowram or earthen floors in barracks or other buildings and surface drains within and beyond jail boundaries.

196. In respect to “Repairs”, the Public Works Department should carry out all such buildings constructed by, or on the books of, the Public Works Department, and the Jail Department to all other buildings or works.

197. The construction and repairs of jail buildings should be regarded as one of the primary objects to which convict-labour must be devoted. In the case of class (b) works carried out by the jail, the entire construction and repairs must be executed by convict-labour, only a few necessary articles being purchased from jail funds. As regards class (a) works executed under the supervision of the Public Works Department, the construction and repairs should, as far as possible, be carried out by means of the convicts, so as to reduce the cost to Government to the lowest possible limits.

198. In the larger jails it would generally only be necessary for the Public Works Department to supply the materials and some skilled labour, and nearly all class (a) works and repairs should be carried out by the convicts. In the case of small jails, it would sometimes be necessary to carry out large works by contract, but nearly all small works and repairs should be done by the convicts.

199. The works and repairs under the Public Works Department would thus be carried out in one of the three following ways:—

(i) The whole work provided for in the estimate may be executed by convict-labour, only such materials and skilled labour as the Jail Department may require being supplied by the Public Works Department.

(ii) The work provided for in the estimate may be carried out by an outside contractor, labour for carrying materials, etc., in fact all but skilled labour being, as far as possible, supplied by the jail.

(iii) (1) Certain sub-heads only of the estimate may be carried out by the jail as in case (i), e.g., earthwork, concrete, iron-work, wood-work, etc., and

(2) the rest of the estimate (e.g., masonry stone flooring, Allahabad tiling) carried out by an outside contractor only labour being supplied by the jail as in case (ii).
200. In case (i) the estimate will only bear charges on account of materials and skilled labour supplied by the Public Works Department. In case (ii) all payments made to the contractor, exclusive of the value of convict-labour supplied, will be charged to the estimate. In case (iii) (1) charges on account of sub-heads of works carried out by the jail will be treated in the same manner as in case (i), and in case (iii) (2) charges on account of work done by contract treated as in case (ii).

201. No charges should be made to the Public Works Department when convicts are employed on jail works. When prison labour is employed on other public works the full market value of the work performed, as certified to by the Executive Engineer, will be charged to the Public Works Department. The adjustment of such charges should be made according to the general rules for payment by one department to another.

The cost of additional warders entertained by the Jail Department to guard the convicts when employed on jail works executed by the Public Works Department will be borne by the Jail Department.

202. Materials supplied by the jail to the Public Works Department will, as usual, be paid for at the ordinary stock or sale rates of the Jail Department.

203. The Public Works Department in preparing estimate for all jail works and repairs will, in the abstract of the estimate, show opposite each item of work the estimated value of jail labour to be employed, and this value will be deducted from the total cost at normal rates, and the net cost will be the amount of the sanctioned estimate. Care should be taken in drawing up agreements with outside contractors, that all work to be done or labour to be furnished by the Jail Department, is very clearly specified and excluded from the contract.

204. At the end of each calendar year, the Executive Engineer will supply the Superintendent of each jail with a statement showing the value of the work done by convicts during the year, that is, the difference between the value of the work at ordinary contract rates and the cost of the materials and skilled labour paid for by the Public Works Department.

205. Under these rules there should ordinarily be no cash payments or book adjustment between the Jail and Public Works Departments for work executed on account of jail buildings. But in those cases where materials are supplied by the jail to the Public Works Department, such as linseed oil, dosuhi cloth, other articles of manufacture from jail stock, payments or adjustments of such charges should be made according to the general rules for payment by one department to another. Under
the sanction of the Provincial Government necessary works that have not been budgeted for in the Public Works Department may, at the request of the Inspector-General, be undertaken by that department for the Jail Department. The charges on account of such works will be treated as final charges in the Public Works accounts, the necessary funds being provided beforehand by a transfer from the Jail to the Public Works Department budget.

206. Executive Engineers should inspect work in the way of buildings that may be carried out from time to time by Jail Superintendents, even though such buildings have not been designed or estimated for by the Public Works Department, and point out any defects they may notice and give advice. Executive Engineers should also instruct their subordinates who are in charge of jail buildings to bring to notice any bad work that may be going on in connection with Government buildings under construction by Jail Superintendents.

207. In the construction of buildings for which type plans exist, great care should be taken that no change is made in the standard unless there are special orders to the contrary.

SECTION IV.—SANITARY REGULATIONS

CLEANLINESS

208. All parts of the jail shall be kept thoroughly clean, and care should be taken that rubbish and dirt are not allowed to accumulate in any part of it. Special attention shall be given to the cleanliness of drains, cooking utensils, etc. Useless rubbish which is not likely to be converted into manure may be burnt.

CONSERVANCY

209. Each enclosure shall, if possible, have a separate day latrine on the approved plan and shall have a sufficient number of seats to allow the latrine parade to be carried out rapidly. About one seat to 5 prisoners is usually sufficient. Provision must be made for the permanent supply of dry earth in every latrine, and before the commencement of the rains a sufficient quantity should be stored. The earth should be dry and in fine powder.

210. Separate receptacles shall be provided in all latrines for solid and liquid excreta, and the use of them shall be fully explained to all prisoners by the mehtars. The mehtars shall put a layer of dry earth at least 1 inch thick into each receptacle for solid excreta before it is used, and every prisoner after he has used a receptacle shall cover his dejecta with a scoopful of dry earth. Vessels for urine shall be one-third filled with water.
211. The use of water for personal ablation at the seats of latrines is prohibited; but at one side of the latrine, or adjacent to it, there will be a raised platform (draining into a receptacle which can be easily carried away when filled) on which the prisoners can wash themselves according to the custom of Indians. Water will be provided at the ablation platform.

212. While the latrine parade is being carried out, the mehtars attached to each latrine shall be present, and shall call the attention of the convict-overseer to any prisoner who does not cover up his dejecta with dry earth. The mehtars shall empty the contents of the small receptacles into large iron drums and replace the receptacles in the latrine after having cleaned them.

213. The night-soil shall be buried in trenches in the garden. Before taking up the ground for trenching, it shall be efficiently drained so that the surface layers of the soil shall be free from saturation by storm or flood water. The trenches shall be one foot broad and six inches deep (nine inches in the rains) running parallel to each other at intervals of one foot. The bottom of the trench should always be loosened with a pick to admit of rapid absorption of liquids. The night-soil shall be deposited therein to the depth of 3 inches and the dug earth shall then be returned to the trench. The trenches shall be made as straight as possible with the help of a rope, and right across the field to be manured. They may be dug by the garden gang but must be filled in by the mehtars. The trenches should be prepared a day in advance—every day for the next day's excreta.

214. All refuse from the cook-house, if fit for food for cattle, shall be given to the cattle; if unfit for food for the cattle, but likely when decomposed to make a good manure, it shall be thrown into the manure pit; if unlikely to make a good manure and if combustible, it may be burned. In the garden a pit will be dug into which all the leaves and rubbish that are likely to be converted into manure shall be thrown. A tared barrel with a hole in the bottom of it is placed on this rubbish and urine is emptied into the barrel so that it can gradually percolate through the whole contents of the pit. The urine tends to make the mass decompose rapidly and good manure results.

215. A latrine on the dry-earth system with a vessel for urine shall be provided in each sleeping barrack. The use of the night latrine is prohibited except in case of sickness, and any prisoner who uses the night latrine shall be reported by the night watchman on the following morning.

216. Solitary cells shall be provided with smaller vessels, and a box of dry earth shall be placed in one corner.

217. A latrine shall be provided for the paid warders and shall be worked on the dry-earth system.
WATER-SUPPLY

218. Every possible precaution shall be taken to prevent the pollution of the water-supply, either at its source or in distribution. Iron tanks with locked covers shall be provided in sleeping barrack and worksheds in which good drinking water will be stored for the day's use. These will be provided with taps from which water can be drawn and no vessels shall be dipped into these tanks. One tap will be on the outside, so that water can be drawn when the prisoners are taking their food in the verandah, and one will be placed so that prisoners can draw water from the inside of the barracks.

219. When a new water-supply is obtained, or when there is suspicion that the water is impure, samples shall be sent to the Chemical Examiner at Agra for analysis, and when the result of the analysis is unfavourable a report of this fact will be submitted to the Inspector-General.

220. When water from wells is used for drinking purposes special care will be taken that there is no fouling on the area adjacent to the well and the wells should be cleaned every hot weather or oftener if possible. The wells should be covered to prevent pollution by substances being dropped or falling into them.

221. Chains and iron buckets shall be used for drawing water from the wells.

222. If the water contains much mechanical impurities as mud, it may be purified by allowing it to stand for a few hours in tin or iron vessels, and the addition of a small quantity of alum will hasten the clearing process. A lump of alum tied to one end of a string and dipped into the water for about half a minute gives a very good method of removing the mechanical impurities. When there is reason to suspect that the water is contaminated by bacteria, boiling may be resorted to.

223. If the water is not conveyed by pipes to the places in which it is to be used, covered casks with spouts shall be used for carrying it.

224. Every sleeping ward shall be provided with drinking water, and prisoners at work shall be provided with as much drinking water as is necessary. When gangs are working outside the jail special care shall be taken to ensure that they are supplied with good water.

BATHING

225. A bathing-platform on the approved pattern shall be provided in each enclosure in which prisoners are confined. The bathing troughs shall be filled with water thrice daily and all the prisoners (excepting the sick) shall be made to wash themselves thoroughly at these. In the morning and evening they will wash their hands, feet and faces, and at midday they will wash their whole bodies.
CHAPTER VIII

REGULATION OF SENTENCES OF PRISONERS

Rules under section 59 (9) of the Prisons Act for the regulation by numbers, length or character of sentences, or otherwise of the prisoners to be confined in each class of prison

SECTION I.—ADULT MALE CONVICTED CRIMINAL PRISONERS

226. Adult male convicted criminal prisoners shall ordinarily be detained for purposes of undergoing their sentences in the jails to which they are in the first instance committed, subject to the limitations set out below:—

(i) No habitual prisoners with sentences of over six months shall be confined in "district jails in the Central Provinces, all such prisoners being transferred to the Jubbulpore Central Jail.

(ii) All habitual prisoners from the District Jails in Berar, with sentences of over 10 years shall be transferred to the Jubbulpore Central Jail, all other habituals being confined in the Amravati District Jail.

(iii) Casual prisoners with sentences in excess of six months from the Jubbulpore Central Jail shall be transferred to the Nagpur Central Jail. Casuals with sentences in excess of one year from the District Jails in the Central Provinces shall be transferred to either the Nagpur Central Jail or the Raipur District Jail at the Inspector-General of Prisons may direct, with the sanction of the Provincial Government.

(iv) Casual prisoners with sentences in excess of 10 years from the District Jails in Berar shall be transferred to the Nagpur Central Jail, all other casuals being confined in the Akola District Jail.

(v) No adult prisoner, habitual or casual, shall be confined in the Narsinghapur Borstal Institution, which has been set apart for casual adolescent prisoners.

(vi) All adult casual prisoners from the Narsinghapur Borstal Institution shall be transferred to the Nagpur Central Jail and all adult habituals to the Jubbulpore Central Jail.

(vii) Prisoners sentenced to transportation shall be transferred to the Jubbulpore Central Jail or the Nagpur Central Jail according as they are habitual or casual prisoners.

Exception.—Casual prisoners sentenced to transportation by the courts in the Chhattisgarh division and life prisoners repatriated from Andamans may, however, be confined in the Raipur District Jail to undergo their sentence and shall not be transferred to the Nagpur Central Jail, without the sanction of the Inspector-General.

*C Nagpur Central Jail is considered as a District Jail for the transfer of such prisoners.
SECTION II.—SUBSIDIARY JAILS

(viii) No habitual prisoners with sentences of over three months shall be confined in Subsidiary Jails in the Central Provinces, all such prisoners being transferred to the Jubbulpore Central Jail or to the nearest District Jail.

(ix) Habitual prisoners from the Subsidiary Jails in the Central Provinces with sentences of over six months shall be transferred to the Jubbulpore Central Jail.

(x) Habituals with sentences of over three months but not exceeding six months shall be transferred to the nearest District Jail.

(xi) No casual prisoners with sentences exceeding one year shall be confined in Subsidiary Jails in the Central Provinces, all such prisoners being transferred to the Nagpur Central Jail.

227. Prisoners convicted in Khamgaon and Jalgaon tahals of the Buldana district and those convicted in Pusad tahsil of the Yeotmal district shall be taken direct to the Akola Jail instead of to the Buldana and Yeotmal Jails, respectively.

228. Prisoners sentenced to be whipped in addition to imprisonment shall not be recommended for transfer until the expiration of the period prescribed by law for the infliction of such punishments and until the sentence of whipping has been inflicted, or annulled, or commuted, as the case may be:

Provided that nothing in this rule shall be deemed to prevent the transfer of habitual and casual adolescents immediately on conviction to the appointed jails as required by rule 229.

229. Ordinarily no casual convicted prisoner shall be transferred to other appointed jails to serve sentence until the time allowed for appeal has expired or until the appeal is filed whichever is the shorter period. Habituals with sentences of over six months and casual adolescents sentenced to four months and upwards shall be transferred immediately on conviction to the appointed Jails.

SECTION III.—FEMALE CRIMINAL PRISONERS

230. Up to the limit of accommodation in the female ward of each jail, all female convicts (both habituals and casuals) sentenced to imprisonment for less than a year shall be retained in the jail of the district or sub-division to which they belong. Female convicts sentenced to imprisonment for one year or more shall, if of the casual class, be transferred to the Nagpur Central Jail and, if of the habitual class, to the Jubbulpore Central Jail.

*Nagpur Central Jail is considered as a District Jail for admission of habituals shown in sub-rule (x).*
SECTION IV.—“A” AND “B” CLASS PRISONERS

231. Those prisoners who follow a superior mode of living will be classed as “A” or “B” class prisoners (for definition, see the rules under section 59 (17) of the Prisons Act, paragraphs 746 and 747, Jail Manual), prisoners of these classes who follow the western mode of living shall be, as far as possible, kept separate from those who follow the eastern mode of living. Prisoners who follow the western mode of living shall be imprisoned in the Nagpur and Jubbulpore Central Jails, and, if committed to jails other than these two jails, shall at once be transferred to either the Nagpur or Jubbulpore Jail, according to whether they are casual or habitual criminals. Europeans, Americans, Anglo-Indians, Africans, Jews or other persons of foreign extraction, whose families come from countries where the western mode of living is generally adopted, will normally be treated as following the western mode of living unless the classifying authority has recorded a definite finding to the contrary. In the rare cases where the trying Judge or Magistrate has omitted to classify a prisoner belonging to one of the categories mentioned in the preceding sentence, it is open to the Superintendent of the Jail to which he is committed to place him temporarily in the “B” class, and to refer his case to the District Magistrate for further orders. A prisoner so treated should not be transferred to Nagpur or Jubbulpore without the approval of the District Magistrate, before the final orders of the Provincial Government as to his classification are received.

232. Notwithstanding anything contained in paragraph 226 to 229, adult prisoners of the “A” and “B” classes accustomed to the eastern mode of living shall be imprisoned in the Central Jails at Nagpur and Jubbulpore, in the District Jails at Amraoti, Akola and Raipur and in such other jail or jails as may be allotted to them from time to time.

SECTION V.—YOUTHFUL PRISONERS

233. (1) When on conviction, an order for the confinement of a juvenile prisoner in a reformatory is substituted for a sentence of imprisonment, the Superintendent of the jail shall ascertain from the Superintendent of the reformatory at Jubbulpore whether accommodation is immediately available and the juvenile prisoner can be received.

(2) If the reply is in the affirmative, the prisoner shall at once be sent to the reformatory.

(3) If the reply is in the negative, he shall be transferred at once to the Narsinghpur Borstal Institution and remain there until such time as accommodation is available in the reformatory. While at the Narsinghpur Borstal Institution, he shall sleep apart from the juvenile adult prisoners confined there.

234. If on conviction no order for detention in the reformatory is passed, the case shall be brought without delay to the notice of the District Magistrate who has the power under section 10 of the Reformatory Schools Act to order the transfer of
the prisoner for a suitable term to the reformatory, and the juvenile prisoner shall be detained in the local jail until orders regarding him are received. If the District Magistrate orders transfer to the reformatory, the Superintendent of the jail shall follow the procedure laid down in the preceding rule.

If no such order is passed, the prisoner will be dealt with in accordance with the following rules.

235. A juvenile or juvenile adult prisoner of the casual class who has to undergo a sentence of imprisonment of less than four months will serve such sentence in the jail of the district in which he was convicted. The Superintendent of the jail shall, without delay, bring all such cases to the notice of the District Magistrate.

236. If his sentence is not less than four months and he is of the casual class, a juvenile or juvenile adult will at once be transferred to the Narsinghpur Borstal Institution.

Notes.—(a) A prisoner who has been previously convicted and released under section 562, Criminal Procedure Code, or punished with whipping only or fine need not be considered as habitual unless there is definite evidence that he has taken to crime as means of livelihood.

(b) It is the duty of sentencing magistrates to make recommendations to the Superintendent of the Jail as to the classification of prisoners as adolescents and in particular to bring to notice any information which may have come to light in the trial in regard to convictions for rape, unnatural offences, or gross indecency.

(c) Prisoners transferred to the Narsinghpur Borstal Institution shall be treated according to the special rules in force at the time for the management of that institution.

237. If his sentence is over two months and he is of the habitual class, a juvenile or juvenile adult prisoner shall at once be transferred to the Jubbulpore Central Jail.

238. If, after admission to the Narsinghpur Borstal Institution, any prisoner's conduct is such that as a result of his remaining in that institution there is fear of his contaminating other prisoners, his case shall be brought at the next quarterly meeting of the Board of Visitors, who may recommend to the Inspector-General of Prisons the transfer of the prisoner from the Narsinghpur Borstal Institution.

SECTION VI.—GOOD CONDUCT ADOLESCENT PRISONERS

239. Good conduct adolescent prisoners of the Narsinghpur Borstal Institution who have completed half their sentence may, at any time during the last two years of their sentence, be allowed by licence or apprentice to take employment or practice a trade outside the jail premises. If such prisoners are marked P. R. T. the requirements of the P. R. T. slips need not be given effect to provided their conduct and work have been reported as
good throughout the period of their licencehip or apprenticeship. The District Superintendents of Police concerned should be informed of all cases in which P. R. T. requirements have not been given effect to.

Note.—The rules and forms of licence with conditions for licensing or apprenticing such prisoners are laid down in Part IV of this Manual.

SECTION VII.—JUVENILE FEMALE PRISONERS

240. The above rules apply only to juvenile and juvenile adult males. If girls are imprisoned they shall be confined in the female ward. The cases of such girls should be immediately brought to the notice of the District Magistrate.

SECTION VIII.—DISCRETION OF THE INSPECTOR-GENERAL OF PRISONS

241. Notwithstanding anything contained in the foregoing rules, the Inspector-General of Prisons may, for sufficient reason, by general or special order, direct that any class or classes of prisoners shall be confined in or transferred to any jail or class of jails. But he shall report every such case to the Provincial Government for information.