

Note.—(2) Temporary warders desirous of continuing in jail service should be brought on the permanent establishment as vacancies occur, provided they have given satisfaction and possess the necessary qualifications for enlistment.

**(C)—Head Warders**

Appointment of  
Head Warders.

211. Head Warders shall be appointed by promotion from the most deserving warders who are qualified for such appointment. These appointments are made by the Superintendent of the headquarters jail. It must be distinctly understood that such promotions will be made by merit and by seniority, and not by seniority alone.

Duties of Head  
Warders.

212. It shall be the special duty of every head warder to:—

- (a) superintend the warders subordinate to him in the discharge of their duties;
- (b) assist in every possible way in the management of the jail, the prevention of escape and the maintenance of order and discipline generally, amongst his subordinate warders and prisoners;
- (c) comply with the requirements of all laws, rules, regulations, directions and orders for the time being in force as to the duties which he is to perform and the manner in which he is to perform them;
- (d) obey the orders of all officers superior to him in rank;
- (e) assist the Jailor in all routine duties;
- (f) open, in the presence of the jailor, the sleeping wards, cells and other compartments each morning and count the prisoners;
- (g) distribute the prisoners who are liable to labour to their respective work gangs;
- (h) cause the name of every prisoner placed in charge of any paid warder and convict overseers to be entered in the proper gang-book;
- (i) issue all necessary tools, implements, raw materials, and other articles required for the day's work and to make a record of all articles so issued;
- (j) collect all such articles, together with the produce, if any, of the prisoner's labour, after the period prescribed for work is over each evening;



- (k) satisfy himself that all articles issued have been duly returned to him or accounted for;
- (l) measure or check the task (if any) performed by each prisoner and note the same in the prescribed task record;
- (m) superintend the use of the latrines and all bathing and feeding parades;
- (n) issue rations to the cooks and see that no part of the food, especially the oil, is misappropriated;
- (o) check the prisoners at each change of guard during the day and night;
- (p) cause all gratings, doors and the like to be secured and satisfy himself from time to time that they are secure;
- (q) cause all bomboos, scantlings, poles, ladders, ropes, well gear and other articles likely to be used for or to facilitate the escape of any prisoner to be removed and placed beyond the reach of the prisoners in the places prescribed for storing or keeping the same;
- (r) keep constantly moving about, during his hours of duty, amongst the prisoners, supervising the work and discipline of the jail and keeping the warders and convict officer on the alert;
- (s) in the presence of the Jailor, to count, search and lock the prisoners up in their respective wards, cells, and other compartments, at the prescribed time, each evening.

213. Each head warder, previous to coming on duty, shall collect the warders of the relieving guard at least ten minutes before the time for changing guard, he shall march the warders, in double file to their respective posts and see that every warder relieved at once falls in at the rear of the file and marches with the rest until the relief is completed, when the whole relieved guard shall be marched back to their barracks.

Duties as regards  
relieving Head-  
Warders.

214. Each head warder on day duty shall likewise see that the day gate sentries and gate keepers are changed every three or every six hours, according to instructions. At Central Jails the gate sentry shall be changed by the reserve head warder or first grade warder of the reserve.

Head Warders to see  
that gate sentries  
and gatekeepers are  
relieved according  
to instructions.



Responsibility for appearance and discipline of warders.

215. Head Warders shall be responsible for the appearance and discipline of their warders. Any warder found to be improperly dressed whilst on duty must be reported by the Head Warder.

Responsibility for cleanliness of jail.

216. Head Warders shall see that no dirt or litter is allowed to lie about the jail and that the drains are kept clean, that the wards are cleaned and ventilated during the day time, and that the bedding is properly folded and arranged.

To report breach of discipline to Superintendent or Jailor.

217. Head Warders shall exact strict compliance on the part of both warders and convicts with all the rules of the department, and shall report every breach of them that comes within their knowledge to the Superintendent or Jailor. Should it be proved that any Head Warder had wilfully neglected to report a breach of discipline of which he is cognizant, he shall be liable to severe punishment.

Responsibility regards escapes.

218. In event of an escape taking place, the Head Warders shall be held primarily responsible unless they can satisfactorily prove that the escape was due to no laxity of duty on their part.

Duties as regards attendance and drill.

219. Each Head Warder shall be on duty in the jail for half the day and for one watch at night. Every Head Warder shall also be on duty at the opening and locking up of the wards, and shall attend drill once a day until he himself becomes qualified to drill the warders. On a Head Warder becoming qualified in drill, it will be sufficient for him to attend drill twice a week.

Head Warders to be present at every change of guard.

220. The periods of duty shall be so arranged that a Head Warder shall be present at every change of warders during the day and of patrolling warders at night.

Procedure in relieving guard over female prisoners.

221. At each change of watch the relieved and relieving Head Warder or gate keeper on duty shall without entering the female ward enclosure, ascertain by calling out to the convict watch woman whether all the female prisoners are in safe custody.

Custody of keys.

222. The key of the key cupboard at the main gate shall be kept by the Senior Head Warder on duty during the day time and be delivered to the Jailor after lock-up at night. Any keys he may have to carry about his person whilst on duty shall be attached to a stout chain.



**(D)—Gate Keepers**

223. Two Head Warders ordinarily in Central Jails, and two Senior Warders, in District and subsidiary jails, shall, if qualified, perform the duties of gate-keeper. No warder who cannot read the entries in a gate-register, who cannot write his own language clearly, neatly and with ease, and who has not some knowledge of arithmetic, shall be appointed as gate-keeper or be promoted to the rank of head warden. Great care should be exercised by Superintendent in selecting the best men and in testing their competence to perform this responsible duty. A certificate of fitness to keep the gate register shall be entered in every literate warder's service book and signed by the Superintendent and Jailor.

Head warders to perform the duties of gate keepers.

224. The gate-keeper of the first watch shall come on duty at the opening of the jail and each gate-keeper shall remain between the gates until duly relieved. For these officers the day may be divided into either two or four watches, as deemed expedient. At each change of gate-keeper and entry of the hour of change shall be made in the gate-keeper's registers (referred to in the following rules) by both the relieved and relieving officers.

Duties of gate keeper.

225. The gate-keeper shall keep two gate registers, in one he shall record the names of all prisoners or persons who pass out of or into the jail, and in the other he shall make notes of all goods, tools, or stores, passed either into the jail or out of it through the gate. He shall, to the best of his ability, prevent the improper removal of any property from within the jail or the introduction into it of any forbidden articles. In Central Jails and in large District Jails a convict able to read Hindi and to write in it and selected under the 658 for the appointment of convict writer, may be employed to assist the gate-keepers to keep these books with the Inspector General's sanction. A convict allowed to assist the gate-keeper, shall on no consideration be entrusted with keys.

Gate registers.

226. The gate-keeper shall open only one gate at a time and shall never under any circumstances have both gates open at once. Whether the person who has to pass through the gates is a high official or a prisoner, the first gate through which he passes shall invariably be both carefully bolted and securely locked before the second gate is opened. Neglect of this rule shall render the offending gate-keeper liable for the first offence to a fine of half a month's pay and for the second offence to dismissal. The Jailor shall also be held responsible for seeing that this rule is strictly observed.

Only one gate to be opened at a time.



Custody of main  
gate keys.

227. The main gate keys shall be kept in a bunch with eight others some what similar to, though not exactly resembling them, and shall be attached by a stout chain to the wrist of the gate-keeper. This will add materially to the security of the jail by making it difficult for prisoners to obtain the keys and to ascertain, which of them will fit the locks of the gate.

Procedure when  
prisoners are received or passed out of  
jails.

228. When prisoners have to be passed out of or to the jail, the following procedure shall invariably be followed:—

The gate-keeper shall first let them pass through the inner gate, and having done so he shall lock it, he shall then take his gate register and write in full in it the name of every prisoner of a gang leaving the jail, the name of the paid warder who is in-charge, and the name of the convict overseer who is assisting him. These entries having been carefully made, he shall open the outer gate and count the prisoners out one by one in order to see that there is no mistake in the total number entered in his note-book. The list of the gang having once been made in the gate register need not be rewritten on each occasion of the passage of these prisoners through the main gate; but every change in the gang must be noted. On the prisoners of the gang returning he shall open the outer-gate the inner one being carefully locked first and admit them to the passage between the gates. He shall then lock the outer gate, take his note book and call out the name of each prisoner, the convict overseer and the paid warder, each man answering as his name is called out. The gang having been found correct, he shall open the inner gate and count each man into the jail one by one to see that there is no mistake in the total number. The gate-keeper shall carefully compare the names of the warder, convict officers and prisoners entered in the gang book with those given him at the time of the exit of the gang from or entry into, the jail should be detect any discrepancy he will detain the gang between the gates and apprise the Jailor of the fact. Under no circumstances whatever shall this procedure be departed from, and no prisoner shall be allowed to leave the jail unless he is in-charge of a paid official.

Other general  
duties.

229. The gate-keeper shall note in the gate register the hours at which the different jail officials pass into and out of the jail, but he shall not allow any subordinate jail official to pass out the jail, during such official's tour on duty, without the written order of the Jailor; he shall help the Assistant Jailor to receive new prisoners, and shall also assist in effecting petty sales at the gate, recording, in regard to each item the article sold, quantity, rate, value received, and name and residence of purchaser. At the end of his turn of duty he shall enter in writing the total of sums of money, received by



him and shall sign his name thereto, or if nothing has been received shall make an entry to that effect; the relieving gate keeper shall receive and verify the amount and also sign the entry. The Jailor on receiving from the gate warder cash for articles sold at the gate shall enter in red ink at the end of the gate-keeper's entries, the amount received, with initials and date. The gate-keeper shall be responsible for the cleanliness of the main gates and the passages between them and all fetters and other articles placed thereunder his charge, and may employ prisoners awaiting release in keeping everything perfectly clean.

230. (1) In the passage between the main gates should be kept the following articles:—

Maintenance of article in the passage between the main gate.

- (a) The jail clock.
- (b) A locked key cupboard fixed to the wall.
- (c) Measuring rod.
- (d) Fetters and hand cuffs on the wall ready for use.
- (e) A standing desk for the gate-keeper's books and writing materials.

(2) In Central Jails the measuring rod can be kept at the central tower if more convenient.

231. The gate-keeper shall be furnished with a list of the officials and visitors who are entitled to enter the jail, and on presenting themselves at the gate shall at once admit them; but shall not admit outsiders without a pass from the Superintendent.

Admission of official visitors and outsiders.

232. The gate-keeper is authorised to search all persons passing into or out of the jail, except those whose names are included in the list of officials and appointed visitors with which he is furnished or such persons as may be exempted by the special order of the Superintendent or Jailor. All officials and appointed visitors, casual visitors admitted by special order of the Superintendent, and the higher officers of the jail including head warders, shall ordinarily be exempt from being searched. Should he have reason to suspect that any person exempted from search is introducing or removing articles which ought not to be taken into or out of the jail, he may detain the persons between the gates, and must give immediate notice to the Jailor who will himself search the person. A copy of these orders shall be hung up in the passage between the main gates for general information.

Power to stop and search prisoners.



He shall search all the prisoners who pass through the gates. When the number of prisoners passing through the gates is large, the Jailor may specially depute other warders to assist him at times when prisoners are going or coming back from extra mural work. If on searching an officer or outsider any article is found, which ought not to be taken into, or out of the jail, he shall send immediate notice to the Jailor, if on a prisoner he shall report it at the first opportunity.

To report cases of prisoners taken out of the jail contrary to rule.

233. Prisoners who are allowed to go outside the jail gate shall be specially selected by the Jailor with the sanction of the Superintendent. Should it come to the knowledge of the gate-keeper that any prisoners are being taken out of the jail contrary to rule, he shall make a note of the fact in his book, report to the Jailor at once, and subsequently to the Superintendent on the first opportunity. All prisoners, employed in the offices or about the main gates shall be placed under the special charge of the gate keeper and in case of offices are situated outside the main gate at a distance such prisoners shall be in charge of a separate paid warder.

Disposal of gate keys at time of lock up.

234. The gate-keeper shall not allow the keys of the inner and outer main-gates to pass out of his personal custody until the lock-up is completed in the evening. The gate-keeper shall then, in the presence of the Jailor, make over the key of the large folding doors of the inner gate to the Chief Head Warder who shall lock it up with other keys not required for the night in the gate key cupboard. The sentry shall only be in possession of the keys of the wicket gates of inner and outer main gates.

A light to be kept between gates.

235. A hurricane lantern shall always be kept burning between the gates at night.

### (E) Warders

General duties of Warders.

236. (1) Each warder shall have a particular duty assigned to him by the Superintendent or Jailor, such as charge of a particular ward or set of wards, charge of particular workshop or set of workshops, charge of a particular gang of prisoners inside or outside the jail.

The posts and duties of warders shall be frequently exchanged so as to prevent the warders from forming permanent relations with any of the prisoners.

(2) Warders in-charge of work-shops will be responsible for all tools and property kept in them.



(3) It shall be the duty of all warders not merely to prevent escape but also to aid their superior officers in seeing that prisoners carry out the rules of the jail, that they industriously apply themselves to their work and complete their tasks; also.—

- (a) to count the prisoner made over to them, and to declare the number to the head warder;
- (b) to stand or patrol whilst on duty on no consideration may a warder take off his belt and lie or sit down whilst on duty;
- (c) to know the number of prisoners in their charge, to count their prisoners frequently during their turn of duty; and to satisfy themselves that they have in their custody the correct number; are made over to them likewise before they give;
- (d) to search all prisoners of their gangs at the time they over charge of them to any other person and at such other times during their watch as may be necessary and to report the discovery of any forbidden articles upon any of the prisoners in their charge;
- (e) in the case of convicts sentenced to labour, to report all cases of idleness and short work;
- (f) to prevent all loud talking or laughing, singing, playing or quarreling and other unseemly behaviour;
- (g) to prevent to the unauthorised use or possession of tobacco or smoking implements or of any drugs or of money or unsanctioned articles of food. They will see that prisoners do not steal or eat grain, vegetables, berries or fruit and drink no water, except that prepared and supplied for their use;
- (h) to see that the prisoners march two by two when moving from one place to another, and that they do not leave their proper places or loiter about the jail. In the event of a prisoner being found separated from his gang, the warder in charge will be punished;
- (i) to see that no prisoner leaves his own enclosure, without authority or communicates with any prisoner with whom he has no proper concern or with a prisoner of another class;



- (j) to see that no dirt or litter is allowed to lie about the jail, and that the drains are kept clean and to report mehtars or sweepers who neglect their work;
- (k) to report prisoners urinating or defecating into the drains or in any place other than the places provided for the purpose, and to bring to the notice of the Jailor any prisoner who goes to the latrine in work time ;
- (l) to see that any prisoner who has to go to the latrine at unauthorised times is made over to the charge of a responsible officer whilst away from his gang ;
- (m) to see to the cleanliness of the clothes, bedding, rings fetters, brass tumblers, plates and cups of the prisoners in their gargs and proper arrangement of their kits, that the prisoners bath only at the bathing parades and that bedding is aired according to order ;
- (n) to bring to the notice of the Jailor any sign of sickness or any prisoner complaining of sickness;
- (o) to report any plots against the jail authorities for the purpose of escaping or of assault, or outbreak, or of obtaining forbidden articles, and every breach of jail rules ;
- (p) to report any case of wilful injury to clothing or Jail property ;
- (q) to prepare prisoners for muster and for parades and to see that each prisoner comes to his proper place in proper order, behaves well and keep silent ;
- (r) to blow his whistle at once if any prisoner be missing ;
- (s) to see that no food is secreted by the prisoner that every prisoners gets his proper allowance of food, and that no prisoner gives his food to another, to report any cook who gives a short allowance, or favours a prisoner by giving too much;



- (t) to keep his arms and accoutrements clean and in good order and fit for immediate use.
- (u) on being relieved of any particular duty to carefully explain to his successor any special points connected therewith.

**Note.**—Any warder, breaking any of these rules, or disobeying any order of the Superintendent or Jailor, or insubordinate to any superior official is liable to the penalties, set forth in rules 277, 278, 279 and 280.

237. Every warder shall be provided with uniform in accordance with the scale laid down in appendix. He shall at all times, as directed in rule 271, whilst on duty, be properly and cleanly dressed in his uniform, and shall wear his belt and carry a baton.

Uniform to  
Warders.

#### (F) Reserve Guard

238. In all Central and District Jails and the Borstal Institution a certain proportion of the guard shall be detailed to act as reserve guard. This guard will be detailed under the orders of the Superintendent and shall consist of men who know their drill and are efficient in the use of fire arms. It shall be under the charge of a special head warder, who, if possible, should be retired soldier of the Indian Army competent to give the warders thorough military training.

Reserve Guard.

239. The duties of the reserve head warder shall be:—

General duties of  
reserve head warders.

- (a) to drill all warders once a day, giving each warder atleast half an hour's drill, unless the warders are drilled at the Police lines with the police, in which case he shall himself attend drill at the Police lines;
- (b) to drill in extra time and for the time ordered any warder punished with extra drill;
- (c) to report every warder who absents himself from drill;
- (d) to see that no warder absents himself from the jail premises without due authority, and to report every warder who offends in this respect the period of absence;



- (e) to inspect daily all arms and accoutrements and to see that they are kept clean, in good order, and fit for immediate use. Each warder shall have his own particular musket and accoutrements, and the head warder of the reserve shall keep a list of the warders and numbers of the arms, etc. given into their respective charges;
- (f) to have charge of the armoury and ammunition, magazine, the spare belts, the pouches, keeping the key on his person, to see that the ammunition is kept dry and in good order (and that in Central Jails 20 rounds of ball ammunition are always kept on the rifle rack by the side of each rifle, and in District Jails 50 rounds);

**NOTE.**—In subsidiary Jails, where there is no reserve guard, the senior head warder shall see that 20 rounds of ball ammunition are always kept in a cloth bag hanging in the armoury for immediate use ;

- (g) to see that all warders when on duty are always properly dressed, and to report every man who is not so, and also to see that rule 243 and 245 are strictly complied with ;
- (h) to take one turn of watch at night ;
- (i) to see that the guard room is kept clean and neat and the beds properly arranged ;
- (j) to keep an account of ammunition in stock, received and expended ;
- (k) to be present at every change of sentry and personally see that the arms and ammunition are correctly made over by the changing sentry ;
- (l) on the arrival daily of the Superintendent at the jail gate, to present himself and make report on the following points :—

**First.**—Whether during the preceding 24 hours the reserve guard was at any time below its full strength and if it was, the cause ;

**Second.**—Whether any visiting official of the jail visited the jail at night, or whether any other matter of importance was reported to him by the gate sentries.



**Third.**—Whether the arms and ammunition in the magazine are ready for immediate use ;

**Fourth.**—Any irregularities or misconduct committed by warders, and warders absent without leave.

240. The jailor as well as the reserve head warder shall be held responsible for seeing that the number of men in the reserve available for immediate action is never less than that fixed. In the event of permission being given to leave the jail premises, or of leave of absence being granted to any of the reserve guard, the Jailor shall arrange to provide substitutes from the general body of warders, and whilst these substitutes serve on the reserve guard, they must strictly comply in every respect with the rules for the reserve.

Reserve Head  
Warder responsible  
that guard is ready  
for immediate  
action.

241. The reserve guard shall be ready at all times at a moment's notice to turn out fully armed and equipped, should their services be required to quell any outbreak or to prevent any combined attempt to escape. The man shall be armed with breach loading muskets and cartridges loaded with ball. The muskets for each man of the reserve guard shall be kept in the guard room. The remaining muskets and the ball ammunition, arranged as laid down above, are to be kept in the magazine the key of which will be in charge of the reserve head warder or his substitute when he is absent. In the magazine all reserve ammunition of ball other than that mentioned above is to be kept in a separate chest or cupboard, the key of which shall be with the Jailor.

Reserve guard to  
assist in out breaks  
and escapes.

242. It is likewise their duty to furnish one sentry at the main gate, both day and night, the turn of duty may be 2 or 3 hours according to the number of men available. The day sentry at the main gate shall be posted immediately outside the iron barred gate and shall carry his rifle with bayonet fixed. The sentry on duty shall be provided with not more than 5 or less than 3 rounds of ball ammunition loose and ready. In case of any attempt of prisoners to break through the gate he is required to give immediate alarm to the rest of the reserve guard, and to act under the instructions contained in rules regarding escapes and outbreaks. The Superintendent is empowered :—

Reserve guard to  
furnish sentries.

- (a) to increase the number or rounds to not more than ten should he consider it necessary owing to local existing circumstances ;



- (b) to decrease the number of 3-5 rounds of ball or even to substitute these by the issue of blank cartridges should he consider this advisable for any reason ;

An order in both cases must be recorded by the Superintendent in his order book and a copy must be sent to the Inspector-General reporting the necessity of such an alteration.

Superintendent to inspect reserve guard daily.

243. The reserve guard shall be inspected daily by the Superintendent and on his arrival at the jail shall turn out in full force properly equipped, and shall present arms the same procedure shall be followed in case of the visit of an official or non-official visitor before 9 a. m. After this hour one half of the guard shall turn out in uniform.

To escort official and non-official visitors.

244. Escorts for official and non-official visitors shall be furnished by the reserve guards. The escort shall consist of two warders, armed with batons.

The reserve guard have to be always at full strength.

245. The reserve guard shall assist in watching at night to the extent provided in the rules on the subject. Whilst any of the reserve guard are on watch inside the jail, and equal number of warders of the general staff shall remain in the reserve guard house to complete the full strength of the reserve guard. They shall ordinarily be selected from those who will go on the next watch or those who have come off the previous watch, the most efficient being taken. Whilst the regular reserve head warder is on night watch, one of the other head warders to be selected by the Superintendent, in rotation, shall be in charge of reserve guard.

## SECTION XII—ALL JAIL OFFICERS

No Prisoner to be punished without Superintendent's order improper language to be avoided.

246. No jail officer shall in any circumstances punish any prisoner except under the Superintendent's order or threaten any prisoner with punishment or use violent, abusive or insulting language to any prisoner. All conduct intended merely to irritate or annoy any prisoner shall be avoided.

Prisoners to be treated with humanity and strict impartiality.

247. All jail officers shall treat prisoners with good temper, humanity, and strict impartiality and listen patiently and without irritability to any complaint or grievances while at the same time maintain strict discipline and enforcing the observance of all rules and regulations.

Prisoners not to be struck and use of force regulated.

248. No officer shall on any pretext strike a prisoner, except in self-defence or in the repression of a disturbance in which case no more than necessary force shall be used.



249. No jail officers shall, save as authorized by any provision of any rule herein contained in that behalf at any time employ any prisoner on his own private work or for his own gain or profit nor shall any such officer at any time employ any prisoner otherwise than for the profit and advantage of the Government, and in strict accordance with the provisions of the Act, and the rules made thereunder relating to the employment of prisoners.

Prisoner not to be employed on private work.

250. It shall be the duty of every officer of the jail subordinate to or under the orders of the Superintendent, to make an immediate report to that officer of any misconduct, act of wilful disobedience or breach of the provisions of any law rules or regulations for the time being in force on the part of any other officer or any prisoner which shall at any time come to his knowledge or be committed in his presence, sight or hearing.

Immediate report to be made of any misconduct or breach of law.

251. No officer of a jail shall at any time enter any ward, cell or other compartment occupied by any prisoner from the hour such ward, cell or compartment has been locked up for the night, till sunrise the following morning unless he is accompanied by at least one other officer and then only in case of sickness or other emergency.

No officer to enter any ward or cell alone from lock up to sunrise.

252. All Jails officers are bound—

Duties of all officers to prevent escape and report breaches of discipline.

- (1) (a) to exert the utmost vigilance in the prevention of escapes; to this end the Jailor and his subordinates shall see that all ladders, ropes, bamboos, privy vessels and other articles which may facilitate escape are not left in any place from which they may be taken by a prisoner;
- (b) to prevent, to the best of their powers, the introduction into the jail and the giving to any prisoner of any unauthorized tobacco, opium, ganja, or other prohibited articles;
- (c) to prevent and report any attempt at communication between prisoners and outsider, except as permitted by rule and shall report the fact when any suspicious persons are observed loitering about the jail. Every person arrested under section 43 of the Act shall be at once sent to the nearest police station in the custody of jail warder who shall take from the officer in-charge of the police station an acknowledgment of delivery to him of the arrested person.



Jail officer to be acquainted with the rules relating to their duties.

253. Every officer shall make himself acquainted with the rules and orders regulating his duties. Every officer appointed to a special post in the jail shall be provided with a book detailing his duties. Every fresh order must be entered in the book at the time order is given. On a change of officer the relieving officer shall take over the book and make himself acquainted with the orders contained in it. To enable him to do this, orders in Hindi shall be written on one page and translations of them in English on the other. The officer relieved shall point out to his successor all matters of special importance connected with the duties of his post and explain any directions of the Superintendent, Medical Officer or other superior officer affecting any particular prisoner or matter. Jailors and Assistant Jailors shall each carry with them a note book in which they shall enter at the time any verbal order given to them by the Superintendent.

Disputes between jail officers strictly forbidden.

254. All wrangling or disputes between officers or servants of the jail are strictly forbidden, and any disagreement between subordinate officer as to any matter connected with their duties must be referred to the Jailor, or, if necessary to the Superintendent. All complaints must be made in writing to the Superintendent or the Jailor within twenty-four hours of the occurrence of the cause of complaint. Officers making frivolous or false complaints will be liable to punishment.

No officer to enter into pecuniary obligation with subordinates.

255. No officer shall take a loan of money from or lay himself open to any pecuniary obligation to any officer subordinate to him.

### SECTION XIII—SUBORDINATE OFFICERS

Application of the rules relating to subordinate officers.

256. Unless there is something inconsistent with anything contained in any rule relating to any officer or class of officers or repugnant to the subject or context, the rules relating to subordinate officers generally hereinafter following shall be deemed to apply also to the Jailor, the Medical Subordinate and all persons serving under the orders of the Medical Subordinate. These rules relating to the appointment of persons in subordinate jail service shall be applicable to every member of such service without prejudice to the generality of provisions contained in the Madhya Pradesh Civil Services (Classification, Control and appeal) Rules, 1966.

Sources of recruitment.

257. The sources of recruitment to all posts in subordinate jail service will be employment exchange and open market. Departmental personnel fulfilling conditions may



also be considered as eligible for being appointed to the various posts in the department.

258. (1) A candidate for employment in the subordinate jail service must have attained the age of 18 and not attained the age of 25 on the first day of the January next following the date of recruitment. Age.

(2) The upper age limit shall be relaxable up to a maximum of five years if a candidate belongs to a Scheduled Caste or a Scheduled Tribe.

**Explanation.**—For the purposes of this sub-rule the terms “Scheduled Castes and Scheduled Tribes” shall have the meanings assigned to them by clause (24) and (25) respectively of Article 366 of the Constitution of India.

259. (1) Every subordinate officer directly recruited, shall be appointed on probation for a period of one year. Probation.

(2) A person already in Government service appointed to the subordinate jail service by promotion or transfer shall be appointed in an officiating capacity for a period of one year to ascertain his suitability for the service.

260. (1) All subordinate officers on entering the jail service, whether temporarily or permanently shall read or have read to them sections 42 and 54 of the Act and shall acknowledge by signature or mark that this has been done. The acknowledgment shall be attached to each officer's service book. Subordinate officers to be made acquainted with the terms of section 42 and 54 of the Act.

(2) Every person appointed to be a warder in a jail shall enter into an agreement with the appointing authority not to resign his appointment within two years of the date of his appointment permanently.

261. (1) It shall be deemed to be a condition of the employment of every subordinate officer appointed to any jail, that he shall be liable, in the discretion of the Inspector-General from time to time to serve in any other jail to which he may at any time be transferred or appointed, whether in the same or any other suitable capacity. Condition of employment of subordinate officer appointed to any jail.

(2) When orders are issued for the transfer of officials, the movement must be made as early as possible. Joining time according to the provisions of the supplementary rules may ordinarily be taken by officials under orders of transfer, but it should be understood that in all cases of emergency and when so ordered by the Inspector-General, joining time is not to be taken.



(3) No subordinate officer, shall after he has been confirmed in his appointment, be, without the sanction of the Inspector-General permitted to serve in any jail or place situated within the limits of the district in which his permanent home is situated.

(4) No person shall, without the previous sanction of the Inspector-General at any time be employed as a subordinate officer in any jail in which any relation or connection of his is confined as a prisoner or employed as a subordinate officer.

Officers to inform Superintendent when any relative or acquaintance is admitted or confined in the jail.

262. (1) It shall be the duty of every candidate for employment as a subordinate officer, and of every subordinate officer of every jail to forthwith inform the Superintendent or Jailor if, at any time, there is confined in the jail for which he is a candidate for employment, or in which he is a candidate for employment, or in which he is for the time being employed, as the case may be, any prisoner—

(a) with whom he is in any way related or connected; or

(b) with whom he has or has had any pecuniary dealings or close acquaintanceship of any kind.

(2) If at any time a subordinate officer in a jail has any relationship of any kind with any other subordinate officer employed in the same jail, it shall be his duty forthwith to inform the Superintendent or the Jailor of the fact of the existence of such relationship.

Jail employees must be persons of respectable character.

263. All persons employed in a jail must be persons of respectable character; disreputable conduct, even outside the jail, will render an officer or servant liable to dismissal.

Persons serving in the jail department not to communicate to other Government servant.

264. All persons serving in the jail department are strictly prohibited from communicating directly or indirectly to Government servant belonging to other departments or to non-official persons, or to the press any document or information which may come into their possession in the performance of their public duties or has been prepared or collected by them in the course of their duties whether from official sources or otherwise. Any officer or servant found guilty of a breach of these orders is liable to be prosecuted under section 5 of the Indian Official Secrets Act, 1923 (Act XIX of 1923), or under any other analogous law or rules in force and there shall be no hesitation about departmental enquiry or prosecution in this matter.



265. Before any person is, whether temporarily or permanently, appointed to be an officer in any jail, he shall be required to make a declaration that he has not any time been dismissed from the public service or convicted of of any offence and punishment with imprisonment:

Declaration to be taken before entertaining an officer in jail service.

Provided that if any person has been so dismissed or convicted and punished, he may, instead of making a declaration as aforesaid make a full disclosure of the circumstance attending such dismissal or conviction and punishment for the information and orders of the proper authority.

266. Every subordinate officer for whom quarters are provided by the Government, shall live in those quarters and those for whom no quarters are provided shall live within such distance of the jail as may be fixed by the Superintendent, except in the case of Assistant Medical Officers holding dual appointments. Quarters on the jail premises shall be provided for Jailors and Assistant Jailors, Assistant Medical Officers (not holding dual appointments), Compounders and the Warders establishment; and for such other officers as the Inspector-General may deem necessary.

All subordinate officers to reside in jail quarters.

267. The quarters occupied by subordinate officers shall at all times be open to the inspection of the Superintendent or other officers deputed by him, also to the Medical Officer. These inspections shall, however, invariably be carried out in the company of the subordinate occupying the quarters.

Quarters to be open to inspection by Superintendent or Medical Officer.

268. All subordinate officers or servants dismissed or discharged shall be required, on leaving service, to quit their quarters in the jail at once, and shall not be allowed to enter the jail premises. An officer under suspension pending decision of a case against him may remain at his quarters, provided his behaviour is satisfactory and provided no substitute is appointed to act for him. An officer under suspension shall not enter the jail or jail offices or hold any communication with prisoners.

When quarters should be vacated.

269. An officer on leave may occupy jail quarters on payment of rent provided no substitute is appointed in his place, and with the permission of the Inspector-General.

Occupation of quarters while on leave.

270. No Subordinate officer shall absent himself from the jail premises either by day or night, or from duty during the hour fixed for his attendance without

Absence from jail premises or from duty not permitted without sanction.



the permission of the Superintendent or (if subordinate to the Jailor) of the Jailor, except when summoned by a Court of Justice. Any subordinate officer disabled from the performance of duty by illness, or summoned by a Court of Justice, shall at once give notice to the Jailor, who shall enter the information in his report book and shall make such arrangements as may be necessary for the performance of the duty of the officer during his absence.

Uniform to be worn on duty and no combination allowed when off duty.

271. Subordinate officers shall pay strict attention to cleanliness of person and dress; and those for whom a uniform is ordered shall at all times wear it while on duty. When off duty on the jail premises or in any public place, they must either appear altogether in private clothes or in complete uniforms; no combination of the two shall be allowed.

Lounging about jail not permitted.

272. Subordinate officers and servants shall not lounge about the jail. They shall confine themselves to their respective posts, except when ordered by a superior officer to go elsewhere, or when going upon duty.

No liquor or tobacco singing or loud talking allowed in jail.

273. No subordinate officer or servant shall smoke, or drink, or sing or talk loudly, while on duty, without authority introduce liquor, tobacco or any drug into the jail.

Admission of visitors not permissible in the interior of the Jail.

274. No subordinate officer or servant shall be permitted to receive any visitors in the interior of the jail.

Officers not to have unauthorized communication with prisoners or their relatives, etc.

275. No subordinate officer shall correspond with or hold any intercourse with the friends or relatives of any prisoner or have any unauthorized communication with any prisoner or with any person whatever as to matters concerning the jail; nor shall he correspond with or hold any intercourse with any discharged prisoners, or with the friends or relatives of such prisoners or allow any such prisoner, or his friend or relative, to visit or remain in his quarters, except with the special permission of the Superintendent.

Subordinate officers not to converse with prisoners.

276. No subordinate officer shall converse unnecessarily with any prisoner or treat him with familiarity or discuss matters connected with the discipline or regulation of the jail with him or within his hearing.

Responsibility in regard to jail keys.

277. No subordinate officer or servant entrusted with keys shall take them out of the jail, leave them lying about, or deliver them to any other person, except when on leaving the jail or going off duty, he delivers them to such officer as may be authorized to receive them and he shall not leave his



post or the jail without making them over as above directed. The keys of wards, cells, outer gates or godowns are not on any pretext whatever to be made over to any prisoner.

278. Subordinate officers shall not use the jail lanterns for private purposes. An unlighted lantern, or two, if necessary shall be kept at the main gate for use if required in the office or for the night visit to the jail of the Jailor or Assistant Jailor, but these lamps shall not be removed to the private quarters of these officers. Subordinate officers are prohibited from using naked kerosene lamps or unprotected native chirags in kutcha or thatched dwelling houses belonging to the jail.

Jail lanterns not to be used for private purposes nor naked lights to be used in Kutcha building.

#### SECTION XIV—PUNISHMENTS AND APPEAL

279. Subordinate officers who commit any of the following offences shall ordinarily be punished by dismissal, or in serious cases, when there is sufficient evidence to obtain conviction, shall be prosecuted under sub-section (1) of section 54 of the Act.—

Offences for which dismissal or prosecution should follow.

- (a) Appearing on duty in a state of intoxication from liquor or any drug.
- (b) Sleeping whilst on guard.
- (c) Striking a prisoner, except in self defence, or to suppress an outbreak, or unlawfully punishing any prisoner.
- (d) Improperly entering or permitting any person to enter the female enclosures having any improper communication with a female prisoner.
- (e) Committing or conniving at irregularities in the supply or distribution of food, clothes or other articles, to or amongst any prisoner.
- (f) Employing a prisoner for private puposes contrary to rule.
- (g) Insubordination or insolence to the Jailor or any officer superior to him.
- (h) Any jail official, warder, or convict officer wilfully or negligently allowing a prisoner to communicate with a prisoner of another class, or to enter any enclosure set apart for another class, shall be liable to punishment, and a convict overseer repeatedly offending against this rule must be degraded:



Provided that where there are extenuating circumstances or when the previous good service and character of an offender render leniency expedient, some lighter punishment than dismissal may be awarded.

Prosecution of jail officers.

280. For the following offences, if committed by any jail officer, a prosecution shall be instituted against the offender, provided the evidence is such as to make conviction probable, if the evidence is not sufficient for this, but is sufficient to produce reasonable belief of the guilt of the officer in the mind of the Superintendent, he shall hold a departmental enquiry:—

- (a) Negligently or voluntarily permitting an escape.
- (b) Any offence under section 42 of the Act relating to the introduction of or supply to prisoners of forbidden articles, unauthorised communication with prisoners and abetment of such offences.
- (c) Being concerned directly or indirectly with any contract for supplies for the jail for receiving any present from a supplier.
- (d) Any serious offence punishable under the Indian Penal Code or other criminal law. But wilfully permitting escape of a prisoner and serious offences under the Penal Code or other criminal law must invariably be prosecuted, and the enquiry or prosecution should ordinarily be conducted by the police. Any subordinate officer who is sentenced to imprisonment by a criminal court shall be dismissed from the service, except when retention is authorised by the Inspector-General on account of long service, good character and the petty nature of the offence for which convicted. The question of dismissal, etc., of a convicted officer shall be considered as soon as orders of his conviction are passed by the first court, but no substantive promotions or arrangements shall be made in the vacancy so caused until—
  - (i) if no appeal is preferred, the date on which the period allowed for appeal expires or
  - (ii) if any appeal is preferred, the date of orders of the highest appellate authority.

NOTE.—A copy of the judgment in the case of every subordinate officer prosecuted shall be forwarded to the Inspector General.



281. Every subordinate officer who shall at any time be found to have been guilty of any breach of any law, regulation, direction or order for the time being in force in regard to the duties, or any of the duties which he is required to perform or the manner in which he is required to perform them, or any of them, shall be liable to be punished by any one or more of the punishments specified in rule 9 of the Madhya Pradesh Civil Services, (Classification, Control and Appeal) Rules, 1966.

Punishment to subordinate officers for breach of any regulations.

282. (1) Without prejudice to the provisions of any laws, rule or order for the time being in force and applicable to any jail officer, the Madhya Pradesh Civil Services, (Classification, Control and Appeal) Rules, 1966 are applicable to punishment and appeal shall be followed by the competent authorities.

Procedure relating to punishment and appeal.

(2) In the case of any such officer who is subject to discipline in the nature of military discipline-extra drill, upto a maximum period of one hour a day for not more than seven consecutive days, confinement to barracks for a period of not exceeding fifteen days may also be imposed by the Superintendents for petty carelessness, unpunctuality, idleness or similar misconduct of minor nature and these penalties shall be treated as a summary punishment and no appeal will lie against it.

NOTE.—The Superintendent of District and Sub-Jails and also Superintendent, Borstal Institute, Narsimhapur and Superintendent, Jail Training Centre, Jabalpur are not subordinate to the Superintendents of Central Jails for the purposes of the provisions relating to punishment and appeal.

(3) A monthly return of punishments imposed on subordinate jail officers shall be submitted not later than the 5th of every month by each Superintendent to the Inspector-General in the prescribed form.

Monthly returns of punishment.

283. The establishment allotted to jails is liable to redistribution by the Inspector-General as circumstances may require, subject to the condition that the scale sanctioned is not exceeded in the aggregate. Particulars of any redistribution of establishment ordered under this rule should be communicated to the Accountant General, Madhya Pradesh for purposes of audit.

Redistribution of establishment by Inspector-General.



**PART IV—ADMISSION, CUSTODY, EMPLOYMENT,  
DIETING, TREATMENT AND RELEASE OF  
PRISONERS**

**SECTION I—THE ADMISSION OF PRISONERS**

284. The term "warrant" in this part means any order of a court directing the detention or otherwise of any person.

Prisoners not to be  
admitted after lock-  
up exceptions.

285. (1) The Jailor shall ordinarily admit new prisoners into the jail at any time after the opening of the jail up to the hour of lock-up, which takes place at sunset. After lock-up he shall not receive any locally convicted prisoner except on the special written order of the Sessions Judge or the District Magistrate or the Subordinate Magistrate in-charge of the District Magistrate's office during his absence from headquarters or of the Magistrate trying the case in which such prisoner may be concerned.

(2) Ordinarily the Jailor shall not admit any prisoner received on transfer after lock-up, he shall, however, in special cases, on the order of the Superintendent of jail admit such prisoners at any hour.

(3) No newly convicted prisoner or a prisoner received on transfer shall be admitted into the convict wards after lock-up. In the case of convicted prisoner brought to the jail after lock-up; he shall be kept for the night in the undertrial ward.

(4) A prisoner condemned to death must be relegated to a cell used for the purpose, irrespective of the time of his admission.

Prisoners not to be  
admitted without  
warrant.

286. No prisoner shall be admitted into any jail except on a warrant signed by competent authority. All warrants should be drawn up in accordance with the orders of the High Court on the subject. There should be a separate warrant for every prisoner, even though two or more prisoners have been jointly charged or convicted. If a prisoner is brought to a jail without a warrant, the Jailor shall refuse to admit the prisoner and shall report the matter to the Superintendent at his next visit. Before admitting a prisoner the Jailor shall question him and ascertain that his name and other particulars correspond with those entered in the warrant.

Prompt disposal of  
the case of juvenile  
or juvenile adult  
undertrial prisoners.

287. When a juvenile or juvenile adult is admitted as an undertrial prisoner and the trial of his case appears to the Superintendent of the jail to have been unduly prolonged,



he shall report such delay to the District Magistrate, with a view to expedite the trial.

288. All warrants shall be examined to ascertain whether they conform to the orders of the High Court. If a warrant is incorrect, a copy thereof may, in the case of minor irregularities, be sent to the office who issued it, with a request that a revised one be forwarded, and, on receipt of it, the discrepant warrant should be returned to the court. Blank forms of warrants should be kept in jail for this purpose. The receipt of the revised warrant shall be acknowledged by the jail authorities by special letter and until such letter is received, the Court issuing the warrant will be held responsible by Government for any mistake that may occur in consequence of the irregularity (if any), in the original warrant. The Superintendent shall examine the warrant of every convicted prisoner and satisfy himself:—

Warrant to be examined on admission of prisoners.

- (a) that there is a separate warrant for every convict;
- (b) that the warrant bears the date on which the sentence was passed, that the impression of the court's seal is clear and distinct and that the signature of the presiding officer of the Court is legible and in full;
- (c) that the parentage, caste, residence and occupation of the convict are duly set forth in the warrant;
- (d) that the period of imprisonment to which the convict has been sentenced is if written in English, clearly written in words in block letters as well as in figures, and if written in Hindi or Urdu, is clearly legible and is written in distinct letters as well as figures and not in 'shikast';
- (e) that the nature of imprisonment, e. g., simple or rigorous, is clearly set forth in the warrant;
- (f) that the orders of the court are clearly stated in the warrant e.g., (i) in the case of a convict already undergoing a sentence, whether the sentence or sentences passed subsequently shall take effect at once or after the expiry of the current sentence and (ii) in the case of two or more sentences awarded on the same date whether the sentences shall run concurrently or consecutively;
- (g) that full particulars of any further sentence of imprisonment to be undergone in default of payment of fine are recorded;



- (h) that in the case of persons previously convicted a statement of their previous convictions giving the date, the nature of offence and the term of the sentence in the case of each convict is duly recorded.

Procedure when doubts arise regarding legality of warrant.

289. In case the Superintendent doubts the legality of any warrant sent to him for execution, he shall follow the procedure laid down in section 17 of the Prisoners' Act, III of 1900, but the reference therein prescribed shall be made to the State Government through the Inspector-General.

Sequence of sentences when they include both rigorous imprisonment and imprisonment for life.

290. If a warrant directs that any person shall undergo two or more sentences on separate charges, such sentences, when consisting of imprisonment or imprisonment for life shall commence the one after expiration of the other, in such orders, as the Court may direct, unless the court directs that such punishment, shall run concurrently (section 35 Criminal Procedure Code). When any person already undergoing sentence of imprisonment, penal servitude, or imprisonment for life is sentenced to imprisonment, penal servitude, or imprisonment for life, the sentences shall be served, the one after the expiration of the other, in order of award unless the Court awarding sentences of imprisonment for life directs that such sentences of imprisonment for life shall take effect immediately (Criminal Procedure Code, 1896, Section 397), or unless the prisoner is an escaped convict, in which case the provisions of section 396 of the Code of Criminal Procedure, 1898 will apply.

Warrant of under-trial prisoners.

291. (1) On the date entered in the original warrant, or on the date fixed by any subsequent orders, under-trial prisoners shall be placed in the custody of the police to be taken to Court. If an under-trial prisoner has any remand warrants for his production in a Court other than that before which he is to be produced that day, these warrants shall be tagged together and they shall all be sent with the prisoner to the Court before which he is being produced.

(2) The warrants shall be handed over to the officer in-charge of the police escort, from whom a receipt shall be taken which shall specify the name of the prisoner and the number of remand warrants handed over; at the same time a memorandum shall be attached to the warrant under which the prisoner is being produced in Court that day, stating that he has to be produced in another Court on a particular date for the hearing of certain other charges against him. All property belonging to each under-trial prisoner except cash (which shall, if the prisoner be released in Court, be deli-



vered to him at the jail gate on his application) shall also be made over to the officer in-charge of the police escort, from whom a receipt shall be taken.

(3) On receipt of a warrant or order of revision, directing the release of an undertrial prisoner, he shall be at once released (unless the order be received after the wards are locked-up for the night, in which case he shall be released immediately after the wards are opened next morning), and the warrant of detention and order of release shall be returned to the Court which issued them, with an endorsement by the Jail Superintendent certifying that the order of release has been carried out. Any property which has been taken possession of under rule 302 shall be made over to the prisoner.

292. In case of doubt in regard to the order in which sentences shall take effect under rule 290 the instructions of the court imposing the latest sentences shall be taken. In whatever order the sentences are served, a prisoner is liable to serve the aggregate terms of the whole of his sentences, provided that under no circumstances shall a prisoner be detained in jail beyond the period indicated by the terms of the warrant of commitment.

293. (1) When a prisoner is undergoing more than one sentence and the first sentence is annulled on appeal the second sentence shall take effect from its own date.

Sentences how and when to take effect.

(2) When separate sentences have been passed in separate trials and the sentences run consecutively under section 307 of the Code of Criminal Procedure the operation of the second sentence will, in the event of the first sentence being set aside on appeal, commence from the date of conviction in the second case.

(3) If however, an appeal is also filed in the second case, it will be competent to the court hearing the second appeal to direct that credit shall be given for such period as is covered between the date of the second conviction and the date on which the first appeal was accepted.

(4) No credit can be given in the second case, however, for any period passed in prison under the first sentence prior to the date of the conviction in the second case by the court of original jurisdiction.

(5) When an appellate court annuls a sentence and directs that the prisoners shall be retired and a warrant for the pri-



soner's release on bail is not received, the prisoner shall be remanded to the undertrial yard (unless he be undergoing some other sentence), and the Superintendent shall apply to the committing court for a warrant for his custody pending trial if such warrant is not at the same time furnished. Such warrant should set forth the court by which he is to be produced before the court.

Sentences how and when to take effect.

294. When the appellate court simply modifies sentence passed by a lower court without change of section or when the appellate court passes a new sentence by changing the conviction sentence or the punishment section or otherwise the sentence finally passed shall count, unless otherwise specially directed, from the first day of imprisonment under the original sentence:—

(i) When an appellate court directs that the execution of a sentence or order appealed against be suspended, the appellant shall if detained in prison pending the further order of such Appellate Court, be treated in all respects as an undertial prisoner.

(ii) Should the appellant be ultimately sentenced to imprisonment or imprisonment for life, the period during which the original sentences was suspended shall, if passed in prison, be included unless specifically mentioned otherwise and if passed out of prison be excluded in computing the term for which he is sentenced by the Appellate Court ;

(iii) If a convicted prisoner is to be handed over to Police for the purpose of investigations, Government order suspending his sentence are necessary.

Action after realizing fines.

295. When a fine or portion of a fine in default of which an offender is undergoing imprisonment is realized the Court which imposed the fine will send intimation to the Superintendent of the jail in order to ensure the due release of the offender. The intimation will be by the prescribed intimation and receipt coupons, the latter of which will be signed and returned to the court by the Superintendent. When in addition to imprisonment, a person is sentenced to fine and alternative imprisonment, and the fine is realized before the prisoner is despatched to the jail, the intimation of realization will be attached to the warrant by the court and the receipt coupon will be detached and returned to the court after signature by the Superintendent.



**NOTE.**—If the fine is paid before the transfer of a prisoner from the Subsidiary Jail in which he was first confined to another Jail, the fine realization statement should be sent to the Subsidiary Jail.

296. The Superintendent (or in his absence the Jailor) is authorized to receive fines offered at the Jail and shall certify to the court from which the warrant issued all payment of fines and shall remit to the nearest treasury all sums received, in payment of fines. When by the terms of the warrant under which a prisoner is confined, non-payment of a fine entails detention beyond the date on which he would be otherwise released and no intimation of the recovery of the fine has been received, the Superintendent of the Jail shall, one month before the date of release above referred to, cause enquiry to be made of the District Magistrate as to whether the fine has been paid or not in whole or in part. Disposal of fines.

297. In the case of a prisoner sentenced to imprisonment in lieu of fine being transferred from one Jail to another, when intimation of the realization of the fine or a portion of it is received from the Court, it will be the duty of the Superintendent of the Jail receiving the intimation to forward the intimation coupon and the receipt coupon (for the acknowledgment of the intimation) to the Superintendent of the jail to which the prisoner has been transferred under a registered cover. This should be done under a covering docket in which the date of the transfer of the prisoner should be specified in order to ensure proper identification. The Superintendent of the latter jail will then, by return post, acknowledge receipt of the intimation to the original jail and forward the receipt coupon to the Magistrate by whom it was issued, retaining the intimation coupon in his own jail. Receipt of realization of fine.

298. If a prisoner sentenced to a term of imprisonment in default of payment of fine is also either at the same time or subsequently sentenced to another term or to other terms of imprisonment, imprisonment, in default of payment of fine shall be kept in abeyance till the expiration of all the absolute sentences of imprisonment, and shall be annulled wholly or partially by the payment of the fine in whole or in part, before that period or so long as imprisonment continues— Imprisonment in default of payment of fine exceptions.

*Illustration.*—A prisoner is sentenced on the 9th June 1895 to two years rigorous imprisonment and a fine of Rs. 5, or in default six months' rigorous imprisonment; on the 17th July of the same year he is sentenced on another count to an addi-



tional imprisonment for 18 months and on the 6th October, 1896 he is sentenced on another charge to an additional imprisonment for two years. The sentence of six months' imprisonment in default of the payment of fine of Rs. 5 should begin from the 9th December, 1900 (the date of expiration of all the absolute sentences of imprisonment being the 8th December) and shall be annulled wholly or partially by the payment of the fine, in whole or in part, before that period, or so long as the imprisonment continues.

NOTE.—(1) This rule covers the case of prisoner whose first sentence of imprisonment is only in default of payment of fine. The substantive sentence of imprisonment subsequently passed shall count from the date of the first sentence, and the imprisonment in default of payment of fine shall take effect last, although a portion of it may have been already served when the substantive sentences were awarded, unless the imprisonment is of a different denomination to that of the substantive sentences, in which case the imprisonment in default of payment of the fine shall be completed before the substantive sentence of imprisonment shall take effect.

(2) If a fine or a portion of a fine imposed on a prisoner as a sentence or part of sentence by a Magistrate is tendered at the prison, it shall be received by the prison officers on duty between the hours of 8 A. M. and 5 P. M. except on Sundays and prison holidays, provided the prisoner is due for immediate release.

(3) No action shall be taken on fine intimations which do not bear the seal of the court, but returned to the court for the seal being affixed, nor on telegrams intimating the recovery of a fine or any portion of a fine. When intimation of payment of the fine of prisoners is received from a Police Officer, it shall be returned to that officer with a request that it may be forwarded through the sentencing court.

Sentence in default of furnishing security.

299. If a prisoner is sentenced to imprisonment in default of furnishing security for good behaviour under section 118 and 123 of the Code of Criminal Procedure, 1898 and is also sentenced to imprisonment for an offence, the sentence in default of furnishing security shall be served last. As imprisonment in default of furnishing security for



good behaviour is a precaution for the safety of the public and not a punishment for an offence, such cases should be brought by the Superintendent to the notice of the Magistrate of the district in order that if he sees fit he may take action under section 124 of the Criminal Procedure Code for the discharge of the prisoner in respect of such imprisonment.—

- (i) Detention for failure to give security is not a substantive sentence of imprisonment within the meaning of section 397 of the Code of Criminal Procedure, 1898;
- (ii) If a prisoner who is detained until such time as he may furnish security under the provisions of Chapter VIII of the Code of Criminal Procedure, 1898 is later sentenced to a further term of imprisonment for any other offence committed prior to the date of order under section 123 of the Code of Criminal Procedure, 1898 the sentence of imprisonment awarded in default of furnishing security shall run concurrently with the subsequent sentence of imprisonment or conviction;
- (iii) Sentences awarded under section 52 of the Act, commence on the expiry of imprisonment in default of furnishing security or from the date of receipt at the prison of an intimation that the security has been furnished;
- (iv) If a person while undergoing imprisonment in default of furnishing security is convicted of an offence committed after the making of the order under section 123 of the Code of Criminal Procedure, 1898 and sentenced to imprisonment such sentence shall commence at the expiration of the imprisonment for failure to furnish security unless the court directs that such sentence shall run concurrently with the imprisonment for failure to furnish security;
- (v) Where a prisoner who is already undergoing a substantive sentence of imprisonment has been ordered to undergo a further sentence in default of furnishing security for keeping peace or good behaviour under Chapter VIII of the Code of Criminal Procedure, 1898, then :—
  - (a) If such order has been passed by a Judicial Magistrate the order should be brought to the notice of the Sessions Judge to whom such Judicial Magistrate is subordinate; and



(b) If such order has been passed by an Executive Magistrate, the order should be brought to the notice of the District Magistrate to whom such Executive Magistrate is subordinate for such action as the Sessions Judge or the District Magistrate, as the case may deem necessary under section 435 or 124 of the said Code;

(vi) When a person in respect of whom an order requiring security is made under section 106 or 118 of the Code of Criminal Procedure is, at the time such order is made, sentenced to or undergoing sentence of imprisonment, the period for which such security is required shall commence on the expiry of such sentence (vide section 120, Code of Criminal Procedure). If such a person fails to give security on or before the date of expiry of his substantive sentence, he shall be detained in prison until the expiry of the period for which security is required to be furnished until the requisite security is given. It is not necessary in such cases that a formal warrant should be issued by the Magistrate for the detention of such person in the prison after the expiry of the substantive sentence.

(vii) The period mentioned in the provision to section 123 (2), Criminal Procedure Code, must be counted from the date of the order of the Sessions Judge or High Court unless the latter specifically directs in the warrant that it is to be counted from some other date. In such date, the direction of the superior court must be complied with.

Additional sentence on escaped convict.

300. When an additional sentence of imprisonment penal servitude or imprisonment for life is passed on an escaped convict who has been re-captured, such sentence shall take effect according to the following rules :—

If the new sentence is severe in its quality than the sentence such convict was undergoing when he escaped the new sentence shall take effect immediately, and the unexpired portion of the sentence he was undergoing when he escaped shall be served subsequently. When the new sentence is not severe, it shall take effect after he has served the portion of his original sentence which at the time of his escape remained unexpired.



*Explanation.*—(a) A sentence of life imprisonment or penal servitude is more severe than one of imprisonment.

(b) A sentence of imprisonment with solitary confinement is more severe than imprisonment without solitary confinement.

(c) A sentence of rigorous imprisonment is more severe than one of simple imprisonment with or without solitary confinement.

The date of release of a prisoner in such case shall be calculated in accordance with rules 341 and 342.

301. The date of a prisoner's admission into a jail and the serial number given him shall be endorsed on his warrant and signed by the Jailor; the warrants shall be arranged according to the date of release and put together in the monthly bundles docketed outside with the month and year, all the warrants of prisoners to be released in the one month being placed in the same bundle. They shall be kept in a locked chest, the key of which shall be kept by the Jailor. In all jail records and documents both the name of the crime and the section of the Penal Code, or other enactment shall invariably be given.

Entries in warrant and its arrangement.

302. (1) On admission into a jail all prisoners shall be thoroughly searched. From Prisoners sentenced to rigorous imprisonment every article, whether clothing, money, jewellery documents, or otherwise, shall be taken (but if received late or after lock-up their clothing shall be left with them until next morning). From simple imprisonment prisoners, money, personal ornaments, papers and letters, and any other property other than clothes, shall be taken from undertrial prisoners the same articles shall be taken as from simple imprisonment prisoners, except bedding which, they may retain. From civil prisoners only dangerous weapons, articles likely to facilitate escape, drugs and immoral books shall be taken. The caste threads of Brahmins or other thread wearings castes shall in no case be removed. Civil prisoners, shall not be searched in the presence of any other prisoners, and prisoners of the "A" and "B" classes shall be searched only in the presence of the Jailor. The search of female prisoners shall be made by the matron or female warder, and only in the presence of females. All property taken from prisoners shall be dealt with as ordered in Part XIX, section II of this Manual, The search must be thoroughly and carefully done as prisoners frequently conceal article in their hair and beards and in other parts of their person.

Search of prisoners on admission and disposal of articles in their possession.



All newly admitted prisoners shall be examined for marks of injury on their body, if any. Prisoners on whose body marks of injury are found shall be immediately produced before the Medical Officer for examination and a report in the prescribed form shall be forwarded to the concerned court. Copies of this report should be endorsed to the District Magistrate and the Superintendent of Police:—

- (i) Each institution should have a Reception Unit where new arrivals will be admitted. A trained and experience officer should be in-charge of this unit;
- (ii) Prisoners suspected to be suffering from contagious diseases like tuberculosis, leprosy, etc., shall be immediately segregated in specially earmarked areas. So also prisoners suspected to be suffering from mental disorders shall be segregated;
- (iii) Newly admitted prisoners shall be kept in the Reception Unit for ten days. Where necessary the Superintendent may suitably extend this period to facilitate detailed study of the inmates.

Medical Examination of prisoners on admission.

303. All prisoners shall be seen immediately after admission by the Medical Subordinate, who shall send any who are sick to the hospital for treatment. If there is an observation ward for new admissions, the new arrivals shall be located there until the Medical Officer directs that they shall be placed with other prisoners. If any epidemic is prevalent and accommodation for new admission is provided outside the jail, prisoners shall not be admitted within the jail till orders have been given by the Medical Officer, or in his absence, by the Assistant Medical Officer for their admission. They shall at once be provided with necessary bedding and protection from cold.

Prisoners to wash themselves and their clothing.

304. Immediately after admission (or, in the case of prisoners received late or after lock-up early next morning) all prisoners shall be made to wash themselves thoroughly, also their clothing; and convicted prisoners shall each be furnished with the jail equipment prescribed in rules 583 to 588 and 592. Such of the private clothing received with convicted prisoners as can be boiled without damage shall be boiled before it is stored.

Recording age, health, etc., in admission register of newly admitted prisoners.

305. (1) (i) All newly admitted prisoners shall be brought before the Medical Officer on the morning following their admission, and he shall then make, or cause to be made, in the appropriate registers and prisoner's history ticket, a record in respect of each prisoner, of his or her age, health on admis-



sion with such particulars or previous illness as may be known to him, weight on admission, any marks of wounds on the person, and (in the case of prisoners sentenced to rigorous imprisonment) the class of labour for which the prisoner is fit, with any other observations he may find necessary etc.

(ii) It is the duty of the jail authorities to ascertain what labour is appropriate to a prisoner's strength to put him to that only.

(iii) In describing a prisoner's health, if he is in bad or indifferent health, he should enter the general cause, such as enlarged spleen, anaemia, etc. The Medical Officer shall also record whether the prisoner has been vaccinated or inoculated or has had small pox. Subject to the provisions laid down in rule 827 all prisoners shall be vaccinated as soon as convenient after arrival in the jail.

(2) The following registers shall be produced with all newly admitted prisoners before the Superintendent on the morning following their admission :—

- (a) Admission Register and Warrant.
- (b) Release Register.
- (c) Property Register.
- (d) Length of Time Census Register.
- (e) Remission Register (if the convict is eligible for remission of sentence under the remission system).
- (f) History Ticket.

(3) If the prisoner's warrant shows that a fine has been inflicted in default of which imprisonment has been awarded, the Superintendent shall intimate to the court concerned the approximate value (if any) of the articles (other than wearing apparel) found in possession of the prisoner at the time of his admission.

306. Every prisoner shall receive a serial number corresponding with the entry relating to him in the admission register ; and this register number shall be his distinguishing mark whilst in the jail. The series shall run from 1 to 10,000 in Central jails and from 1 to 2,000 in District and Subsidiary jails. The prisoner's number and the letter "H" signifying his category, if he is classed as an "habitual" criminal, shall invariably precede his name when he is referred to in any official communication. Thus Rup Ram, an "Habitual"

Prisoner's serial  
number in admis-  
sion register.



criminal, would be described as "Prisoner No. 606 H, Rup Ram", while Bagh Khan, a non-habitual prisoner, would be described as "Prisoner No. 666 Bagh Khan". If a prisoner belongs to the "A" or "B" class, the fact should be indicated by placing his class after his name. Thus, if Bagh Khan and Rup Ram in the examples given above were "A" and "B" class prisoners, respectively, they would be described as "Prisoner No. 666, Bagh Khan, 'A' class" and "Prisoner No. 606-H, Rup Ram 'B' class". In descriptive rolls, the father's name shall invariably be added. A prisoner's descriptive roll shall always be sent to the Inspector-General with any reference concerning him.

Wooden label for prisoners.

307. Every male prisoner, sentenced to rigorous imprisonment, shall wear a wooden label suspended from a button on the left breast. If he is a convict officer he shall wear the wooden label on the right breast. On the wooden label shall be stamped the register number of the prisoner, his class and in case of a habitual offender the number of previous convictions, dates of admission and release, the term of sentence, and all sections of the Act under which sentenced. The wooden label shall be made of dry mango wood, 0.1016 metre long, 0.0508 metre broad, and 0.0127 metre thick.

Admission register to contain full description of every prisoner.

308. In the admission register shall be recorded, for the purpose of identification, a full personal description of every prisoner, giving a general account of his physiognomy, complexion and habit of body, and a note of any special marks on his person. If there is no such record, the personal description shall be entered by the Medical Subordinate or at Central Jails by an Assistant Jailor. Any police officer deputed to take a prisoner's finger impressions shall be allowed to do so.

Classification of police registered prisoners.

309. Police registered prisoners are divided into two classes. The first class consists of prisoners who shall, within one month of their release, be transferred to the jail of the district in which their respective homes are situated, provided that no habitual prisoner shall be so transferred with more than ten days of his sentence to run. This class will be described in the admission and release diaries as  $\frac{P}{T} R$ -prisoners. The letters P. R. stand for "police registered", and the letter T signifies "transfer". Six weeks before the impending release of a P. R. T. prisoner, his P. R. T. slip with the probable date of release shall be sent by the Superintendent of the transferring jail to the Superintendent of the receiving jail, who shall immediately forward it to the Superintendent of Police for information. The second class is comprised of prisoners who shall not be so transferred, but shall be released from the



jails in which they are confined at the time of the expiry of their sentence. This class shall be described in the admission register and release diaries as P.R. prisoners. If any prisoner known to be a habitual offender is not police registered, the case shall be brought to the notice of the Superintendent of Police. When intimation respecting a prisoner's police registration is received from the police after his name has found entry in the admission and release diaries, the letter P.R.—P.R./T as the case may be, shall be added in red ink. The police P.R. form intimating the fact that a prisoner is on the police register shall be attached to his warrant, and sent with him to any jail to which he may be transferred. On the death or escape of a P.R. prisoner of either class, the police P.R. form attached to his warrant shall be returned to the Superintendent of Police of his district with an endorsement showing the date of his death or escape. All other P.R. slips shall be sent to the Superintendent of Police of the district a fortnight before release is due, as directed in rule 338.

NOTE 1.—For orders regarding P.R.T. adolescent prisoners of the casual class, see rule 444.

NOTE 2.—The numbers and name of P.R./T prisoners should be noted in red ink in the release diary 1½ months before the probable date of release, counting remission they are likely to earn, see rule 790.

310. The state of every prisoner's education shall be ascertained on admission and be entered in the admission register.

Entry in admission register of prisoner's education.

311. An abstract of the rules relating to the conduct of prisoners shall be read over to all newly admitted prisoners and a copy of the abstract in the language of the district shall be hung-up in every ward.

Rules regarding conduct of prisoners to be read over to newly admitted prisoners.

312. On completion of the necessary entries in the admission registers and release diaries, and of the procedure ordered in the forgoing rules, which must ordinarily be effected within the day following the admission of the prisoners, the Jailor shall bring these registers and the prisoners with their warrant before the Superintendent, who shall satisfy himself that the entries (which he shall initial) are correct and that the rules have been carried out. The list of every prisoner's property on his warrant shall be read over to him in the Superintendent's presence and if the prisoner acknowledges it to be correct the Superintendent shall initial the entry. The Superintendent shall also at the same time write any special order regarding the treatment of any prisoner that may be necessary in his history ticket.

Admission register, release diaries and warrants to be checked by Superintendent.



Prisoners having influence in district to be transferred to another district.

313. The Superintendent shall submit to the Inspector General the descriptive roll of any prisoner having influence in the district or who is a convicted jail officer whose transfer to another district is expedient.

## SECTION II—THE SAFE CUSTODY OF PRISONERS

### A—The Guarding of Prisoners

Guarding of prisoners.

314. The main principle to be observed in guarding a jail is that every prisoner shall at all times, both by day and night, be in-charge of some responsible officer whose responsibility for an escape resulting from negligence can be proved in a criminal court. To effect this, it shall be strict rule that a record of the names of the prisoners made over to each officer shall be kept in a gang book, and that every subsequent change of a prisoners from one gang to another shall be recorded therein; also that at every change of guard a head warder shall be present to witness and verify the number of prisoners made over to the relieving officer.

Procedure for guarding of prisoners.

315. The following procedure shall be observed:—

- (a) For day work the whole of the Head Warders and Warders on the establishment, excluding the reserve guard and gate warders, shall ordinarily be divided into two squads. The first squad shall come on duty at the opening of the wards.
- (b) Immediately before the opening of the wards the Jailor and Assistant Jailors and all the Head Warders with the Warders who are to be on duty in the morning shall enter the jail together.
- (c) The Jailor (or in Central Jails The Chief Head Warder) shall then let out of their ward the watchmen who are to watch the jail walls during the first turn of duty (these watchmen should be locked-up in one ward, not scattered over several). One of the Head Warders shall take these convict watchmen to the latrine and then shall post them round the jail walls.
- (d) When the Head Warder has reported that the wall guards are posted, the wards shall be opened, and the prisoners counted out in pairs in the presence of the warders of the last watch respectively responsible for the wards and of the relieving day warders who are to take charge of the prisoners during the morning parades. The number counted out shall be



carefully verified by the Jailor by comparison with the lock-up note-book. When this is done the relieved warders of the fifth watch will be marched out of the jail.

- (e) When the morning parades are completed the prisoners shall be distributed into their respective gangs, and a responsible officer shall be placed in-charge of each gang. The responsibility of a gang shall never be divided between two or more officers. The strength of a gang working outside the jail walls but within jail precincts shall not exceed 20 prisoners; any gang working beyond jail precincts shall not exceed 15 prisoners. Each paid warder in-charge of a gang working outside the jail shall have with him as assistants one or more convict warders or overseers and also if possible one or more convict watchmen in the gang. The same system shall be followed in regard to gangs inside the jail.
- (f) The first squad of warders and convict warders shall be relieved at noon by the second squad, which shall be brought in by the Head Warders for the second turn of day duty, and shall remain in-charge until all prisoners are counted into the wards and locked up at night, at which time the night patrol shall come on duty.
- (g) When the warders and convict officers are posted to their gangs in the morning the names of prisoners in each gang shall be called from the gang roll in presence of the officer who is to take charge of them, and as each prisoner is called he shall answer "hazir" (In the case of outside gangs this may be done at the main gate). Each gang shall also be counted in the presence of the warder or officer receiving charge of it, whose name shall then be recorded in the gang book. At each subsequent change of guard during the day the same procedure shall be followed, whether the change is made in the ordinary course or on account of sickness or other cause. The rolls of gangs inside the jail made over to the independent charge of convict warders or overseers need not be called at noon if these officers are not changed during the day; but their gangs should be counted and verified at the time the warder



guard is changed. In Central Jails there should be several gang books for different sections of the jail, so that the rolls may be called simultaneously by the several Head Warders to save time and convict writers will be allowed to assist in writing up the gang books. In these jails in the cold season, when only one hour is allowed for mid day stoppage of work and parades there is not sufficient time to call the roll at the mid day change of guard, the gangs, therefore, shall then only be counted.

- (h) In the evening when work is stopped the gang shall be collected for the parades, and shall then again be counted and verified.
- (i) Warders in independent charge, and convict overseers in subordinate charge, of extramural gangs must be specially careful to keep their prisoners as much together as possible, and should be warned that they are on no account to let the prisoners wander about or go out of their sight on any pretext whatever. Any prisoner temporarily detached from such a gang for special purpose shall be under the charge of a convict warder or overseer of the gang. The paid warders shall always accompany any of the prisoners (mehtars for instance) when they go outside the jail leaving the prisoners remaining inside in the charge of the convict overseers. The mehtars who are to go outside should be distinctly specified in the gang book.
- (j) After completion of the afternoon parades the first night patrol shall be brought in by the reserve Head Warder, and the Jailor (and, in Central Jails, Octagon Officers and their assistants and Head Warders) shall count the prisoners into their wards respectively in the presence of the warder or convict officer who is to take charge of each ward for the first watch. When all are locked-up except the convict warders and overseer night guards who are to take part in the first watch, the total number of prisoners shall be verified.
- (k) After locking up the keys of the wards and all other buildings with the exception of those of the cells shall be collected in District and subsidiary jails by the Jailor, and in Central Jails by the Officer in-charge of the lock-up in each section, who shall send them to the Jailor, who shall give a receipt



for the number received. The keys then shall be placed each on its labelled hook in the key cupboard at the main gate, the key of which shall be kept by the Jailor. The numbers of prisoners locked-up and the numbers of keys retained in each section of the jail shall be noted in the lock-up note book, so that the officer in-charge of each watch may satisfy himself that he receives the correct number of both.

### GUARDING BY NIGHT

- (l) The night shall be divided into five watches, viz., from 6 p. m. to 9 p. m., 9 p. m. to 11 p. m., 11 p. m. to 1 a. m., 1 a. m. to 3 a. m., 3 a. m. to 6 a. m.
- (m) The following disposition may be taken as rough guide for the Superintendents.

Watches	Men to be on watch	Patrolling officer	Men to form reserve guard at night
(1)	(2)	(3)	(4)

#### Central Jails

6 p. m. to 9 p. m. ...	4 ordinary warders and 3 reserve warders.	Reserve Head Warders	When 10 of the reserve are on duty for 5th watch, the rest of the reserve and the 10 men of the 4th watch will form the reserve. The sentry at the main gate will be furnished by the reserve and changed at the same time as the other men on watch.
9 p. m. to 11 p. m. ...	10 ordinary warders	A Head Warder	
11 p. m. to 1 a. m. ...	Do.	Do.	
1 a. m. to 3 a. m. ...	Do.	Do.	
3 a. m. to 6 a. m. ...	10 Reserve warders	Do.	

#### First Class District Jails

6 p. m. to 9 p. m. ...	4 ordinary warders	Reserve Head Warder	When 4 of the reserve are on duty for the 5th watch, the rest of the reserve and the 4 warders of duty will form the reserve. The sentry at the main gate will be furnished by the reserve and changed at the same time as the other on watch.
9 p. m. to 11 p. m.	Do.	A Gate Keeper	
11 p. m. to 1 a. m.	Do.	A Head Warder	
1 a. m. to 3 a. m.	Do.	A Gate Keeper	
3 a. m. to 6 a. m. ...	4 Reserve warders	A Head Warder	



### Second Class District Jails

- (n) The same as above except that there will be three men in each watch.
- (o) The strength and disposition of the night guards for subsidiary jails are left to the discretion of the jail Superintendent concerned, who will so arrange matters as to ensure the utmost safety in the guarding of the prisoners. The above recommendations may be taken as a rough guide.
- (p) The above distribution accounts for the whole of the paid warders. When any of them are on leave the convict warders shall take their places, but they shall be distributed over all the watches, and shall not all be on duty during one watch when as in Central Jails, there are more wards to be guarded than there are warders, the spare convict warders and overseer night guards shall be employed in guarding those buildings for which there are no paid warders available; but they must be so distributed that every convict night guard shall be under the eye of a paid warder, who shall be held responsible for seeing that he patrols properly. Convict officers shall not be employed to guard prisoners condemned to death, or prisoners in huts outside the jail walls, except in cholera camps.
- (q) Warder staff should be allowed to go back to their homes after they finish their turn of duty, retaining only such number of warders as required to complete the reserve guard as required by rule 245.

Warder, convict  
warder or convict  
overseer to be  
in independent  
charge of gang.

316. No warder, convict warder, or convict overseer in independent charge of a gang shall leave his gang on any account whatever without first being relieved by a Head Warder, who in case such officer's presence is required by the Superintendent or other superior officer, or in case of sickness, shall place some other warder or officer in-charge. No prisoner shall on any account be allowed to leave his work or place without permission; and if he has to be sent to any other part of the jail he shall be accompanied by a convict overseer or other responsible officer.



317. When more than 40 prisoners are taken beyond jail precincts two of the reserve guard armed with breech loading muskets and ball cartridges shall be told off to follow the gangs and station themselves in a suitable position for rendering assistance if it is required.

Use of reserve guard armed with breech loading muskets and ball cartridges.

318. During the night the watch must patrol round the outside of the barracks of which they respectively have charge, at a smart pace and shall on no account sit down or quit their beat. They shall be always on the alert. Each shall have his great-coat and a bamboo umbrella in wet weather and no warder shall seek other shelter from the weather either by day or night. No sentry boxes shall be allowed. They shall each be armed with a baton and carry a lighted lantern; they should frequently examine the gratings and doors and see that they have not been tampered with. They should look inside the wards, if possible, to see that prisoners are in their proper places and that the convict watchmen are alert, not sitting down, or should frequently challenge them and make them report the number of prisoners if they cannot see them.

Patrol of watch during night.

319. A roster showing the turns of duty of each warder and convict warder shall be prepared every week by the Jailor (or in Central Jails by the Octagon Officer) or under his orders, and posted up in the guard-room. If it should be necessary to change any warder's turn of duty in the course of the week, the change must be noted on the roster. Each warder's beat should be changed every night and no warder should be informed before hand to what beat he will be put. A record shall be kept in the octagon lock-up note book of the officers put on each beat in each watch. Of the warders off duty half shall always be on the jail premises ready for any emergent duty. Any warder not present during his turn of duty shall be liable to punishment. Head warders and warders on night duty shall, if possible, be provided with watchmen's control clock.

Roster showing turn of duty of warder and convict warder.

320. (1) Superintendent shall fix the control clock stations at such points as he considers most important in the beat of a head warder or warder who is to carry the clock. They shall be so arranged that proceeding from one post to another the head warder or warder cannot avoid visiting the places he is required to visit. Keys should be placed at the end of the cell passage on the furthest end of the cell blocks.

Rules for watchmen's control clock.

(2) At each of these stations a small iron box shall be sunk in the wall of a barrack or other building. Each box shall have a lock and one key should open all boxes belonging



to one clock. Inside the box the control key of the station shall be fixed, first by screwing the chain of the key to the box and then by placing a seal over the head of the screw.

(3) The Superintendent shall fix the number of rounds to be made by the head warder in one hour. Ordinarily the posts shall be so arranged that a head warder or warder may make not more than two rounds in one hour.

(4) The Jailor shall time the control clock by the jail clock and adjust it every evening at five o'clock. Rounds shall commence at the locking-up and cease at the un-locking. The clocks have a double case so that the mechanism is fully protected and can go out of order only by ill usage or wilful damage, for which the warder shall be held responsible.

These clocks should be handled very carefully and over-winding must be avoided.

(5) To avoid the possibility of control clocks being tampered with, the Jailor shall wind a tape round them and seal them every evening before issue to warders and shall report in his report book every morning that he found the seals intact.

(6) As the control clocks are timed by the jail clock, it is imperative that the jail clock must give correct time. The Jailors should check these clocks with the railway or post office time at least once a week, reporting this fact in their report book and noting any corrections in time made by them in the gate keeper's book.

(7) On reaching a station the head warder or warder carrying the clock shall open the box, take out the key, apply it to the key hole and turn it half round. The key will impress on the record paper inside the clock the station number. The impressions should run from the centre to the circumference as the good working of the clock to some extent depends on centrifugal force.

(8) When one round is completed the impressions for the next round should commence on the next five minute line. If the warder has continued his round properly no gaps should appear between the end marking of one round and the first marking of the next round.

(9) On relief, the relieving warder shall satisfy himself that the clock is going and is in proper order.



(10) Every morning the Jailor shall open the clocks minutely examine the records and paste them in the control clock register. He shall record in his report book the condition in which the clocks were made over to him. In case of damage the officer at fault may be required by the Superintendent to pay all charges for repairs.

(11) The Superintendent shall scrutinize and sign the watchmen control records daily.

(12) The deputy Superintendent in Central Jails and Jailors in District Jails shall satisfy themselves that the control watch stations have been fixed at the most suitable places. They shall visit each station personally once a week and report in their report books that they have examined the control boxes and that the keys and chains at each station were found securely fixed and had not been tampered with.

(13) On receipt from the head office each control clock should be entered on a separate page of the register of control clocks.

(14) (a) Watchmen's control clocks shall not be repaired locally, but shall be sent for repairs to the office of the Inspector General.

(b) All jails have one or more spare clocks. Extra clocks should, therefore, be asked for only when more than one clock is out of order and has been sent to the head office for repairs. When any clock is sent for repairs the defect should always be clearly stated to facilitate repairs.

(c) When a clock is returned a second time for repairs the number and date of the correspondence in connection with the previous repairs should always be quoted.

(15) When returning to head office the clocks received from it on loan, Superintendent shall satisfy themselves that they are in working order. The defects, if any, should be fully described.

(16) Superintendents shall satisfy themselves that the orders contained in this rule are duly carried out in their jails. All warders should be warned that they shall be liable to severe punishment if any damage to the clocks is caused by any carelessness or mishandling on their part or if they are found tampering with the clocks, station-keys, etc., in any way.



(17) Superintendent shall submit on April 1st each year a report on the prescribed form regarding control watches in their charge.

Special system of watch by convict overseers and watchmen.

321. There shall be a special system of watch by convict overseers and watchmen in each ward, the charges of watch will be at 8, 10, 12, 2 and 4. In cases where the wards require exceptional precautions, or are of unusual length there shall be two or more watchmen on duty at one time. These convict officers whilst on watch shall keep moving inside the wards, and shall prevent any prisoner leaving his place or committing any breach of prison discipline, and also satisfy themselves, by counting, that all the prisoners in their charge are safe. On change of watch both relieving and relieved convict officer shall report to the patrol or other duly authorised officer the number of prisoners made over. In case of any important occurrence the convict officer on watch shall give immediate notice to the patrol, who shall summon the Head Warder in order that he may make enquiry into the matter and take such action as he considers necessary.

amps in wards.

322. One or more lamps according to size of ward suspended from an iron rod 2.4384 metres or 2.7432 metres from the ground shall be kept burning in every sleeping ward. The lamp shall be placed in position by means of a hook attached to the end of a bamboo. This bamboo rod shall be kept outside the ward in the charge of the warder guard, and shall only be passed into the ward to the convict watchman inside when the lamp requires to be taken down to be trimmed or re-lighted. The use of naked light is prohibited.

Duty of patrolling officer and of warder and convict watch.

323. It is the duty of the patrolling officer and of both the warder and convict watch to see that all the night lamps kept burning brightly. Any prisoner wishing to visit the night latrine must obtain the permission of the convict watchman, who will next morning report any prisoner who uses the latrine for defecation. In case of apparently serious sickness the matter should be at once reported to the warder patrol and to the Head Warder on duty.

Movement of patrolling officer at night.

324. The patrolling officer at night shall move about inside the jail visiting the patrolling warders, convict-right guards, and convict-watchmen during the whole time of his watch. He shall keep the lock-up note book with him and both on taking over and giving over charge shall see that the wards and cells are secure, and that the correct number of prisoners is reported to be in custody in each ward. It follows, therefore, that when charging guard at night both the relieving patrolling officer and the one to be relieved



shall verify the numbers, see to the security of the wards and change of the guards, in company. The patrolling officer shall keep the key of the cells attached to his person by a chain. In case of serious sickness he shall give notice at once to the Assistant Medical Officer and if he orders the prisoner's removal to hospital shall immediately send for the Jailer. Should any irregularity either on the part of warders or prisoners occur, he shall at once enter the circumstances in the lock-up note book for report to the Superintendent or Jailer next morning. Immediate notice to the Jailer shall be given of any occurrence requiring prompt action on the part of higher authority, such as attempt at escape, riot, fire or serious sickness. A quarter of an hour before the expiry of his term of watch he shall go to the gate sentry and order him to awaken the patrolling officer who is to relieve him and having done so, shall at once return to his duty, inside the jail. He shall see that the main gate sentry is standing at his post between the gates that he is on the alert, and that both gates are kept closed. Punctually at the hour for change of watch the patrolling officer who is to take the next watch shall bring in the relieving warders. The patrolling officer shall frequently search the warders between the gates on entering and leaving the jail. In Central Jails the Superintendent may arrange that the patrolling officer shall be assisted in performing the charge of guard by first grade warder.

NOTE.—Officers visiting the jail at night should occasionally do so shortly before the time for change of watch to ascertain that the patrolling Head Warder does not leave the jail sooner, and remain out longer, than is necessary, on pretence of going to wake up the next watch.

325. When it is necessary to let out some of the cooks before dawn to prepare the early morning meal, the Head Warder of the 5th watch shall let out the necessary number and put them in charge of a paid or convict warder. Only prisoners with short unexpired sentences should be selected for this work.

Cooks for early morning meal.

326. In Central Jails there shall be two locks on the wickets of the outer and inner main gates. The night sentry posted between the gates shall keep in possession the key of one lock on each gate. The key of the second lock on the outer main gate wicket shall be in the possession of the reserve Head Warder or officer in-charge of the gate guard, and the key of the second lock on the inner main gate wicket shall be in the possession of the Head Warder who remains between the gates at night. In District Jails there shall be one lock on the inner main gate wicket, the key of which

Locks and keys of outer and inner main gates.



shall be in the possession of the night sentry posted between the gates, there shall be two locks attached to the outer main gate wicket, and the key of one lock shall be in the possession of the night sentry and the key of the second lock in the possession of the reserve Head warder. In subsidiary jails in which no night sentries are posted between the gates the keys of the inner and outer main gate wickets shall be kept by the Head Warder who remains at night between the gates. The night sentry or in subsidiary jails the Head Warder shall not permit any person to enter or leave the jail until he has satisfied himself by examination with his lantern that the person is an official duly authorised to visit or leave the jail at night and he shall not permit any warder to enter or leave the jail except in company with the Head Warder on duty. The officers authorized to visit the Jail at night are the Magistrate, official and non-official visitors, Superintendent, Deputy Superintendent, Jailor, Assistant Jailor, Head Warders on duty and the patrolling warder in the charge of the Head Warders; also the Medical Officer and his subordinates. He shall not loudly challenge any person presenting himself at the main gate, or give notice to the Head Warder or Warders within the approach of any visiting officer; being posted behind a barred gate he can ascertain in safety whether the person has any business at the jail or not.

Night sentry to be armed with breech-loading, musket and ammunition.

327. The night sentry shall be armed with a breech loading musket and not more than five or less than three rounds of ball ammunition loose and ready, and is authorised, in accordance with rules, to use the weapon against any person attempting forcibly to break through the main gate either from within or without. He shall inform the reserve Head Warder whenever any officer of the jail visits the jail at night or of any unusual occurrence of importance during his time of sentry duty, and this Head Warder shall report the fact to the Superintendent next morning when making his daily report.

**NOTE.**—The Superintendent is empowered :—

- (1) To increase the number of rounds to not more than 10 should he consider it necessary owing to local existing circumstances.
- (2) To decrease the number of 5 to 3 rounds of ball or even to substitute these by the issue of blank cartridges should he consider this advisable for any reason.
- (3) An order in both cases must be recorded by the Superintendent in his order book and a copy must be sent to the Inspector-General reporting the necessity of such an alteration.



328. Superintendents of Central Jails shall visit their jails at night after lock-up at least once a fortnight, and Subsidiary Jails at least once a month, between the hours of 10 p. m. and 3. a. m. The Jailor and Assistant Jailors shall visit the jail in turn at uncertain hours in accordance with detailed orders to be recorded by the Superintendent in his order book, and shall record the result of their visits in the Jailors report book.

Visits of Jails at night by Superintendent of jails, Jailor and Assistant Jailor.

An Officer on night rounds shall—

- (1) Visit all parts of the jail and all posts and sentries;
- (2) Demand reports from all sentries regarding the condition of gratings, bolts and locks and the counts of prisoners and shall satisfy himself that all lamps are burning brightly;
- (3) Check some of the prisoners on their berths from the barrack lists;
- (4) Check a few control watch keys and report in the night duty book the number of keys checked and whether they were found intact;
- (5) Check the discs in the disc register of the gatekeeper and the convict overseers on main wall duty and report in the night duty book whether he found them correct;
- (6) Check the discs in the disc register of the gate report in the night duty book stating the actual time of commencement and termination of the round and stating that he has carried out these duties and noting down any untoward occurrence or irregularity that may have come to his notice.

329. (a) Should it be necessary to open a ward at night to take out or admit a prisoner, previous to unlocking the gate or door, a chain should be so attached to the doors, or to the door and door-post, as to prevent the admission and exit of more than one person at a time; this procedure will render futile any combined attempt to break out through the doorway when the door is opened.

Opening of wards at night.

(b) ~~excepting~~ in the case of the cells and then only in cases of very grave emergency, no buildings in which prisoners are confined shall be opened at night except in the presence of the Jailor.



**B.—Escape and outbreaks and alarm parades.**

Guarding, escapes  
and disturbances.

330. (1) All locks used for securing wards, cells and the main gates shall be such as have been authorised by the Inspector-General for use and should be thoroughly examined daily by the Head Warder, detailed for the purpose by the Superintendent of the Jail, to ascertain that they are in good working order. Any lock out of order shall forthwith be brought to the Superintendent of the jail for his personal inspection.

(2) All locks that have become unserviceable but are repairable shall be sent to the dealers, with whom arrangements have been made by the Inspector-General for supplies.

(3) Unauthorised locks should only be used in places of no importance, such as the securing of the lids of water drums or the locking of barrack lanterns and the like. Any locks that are condemned as being beyond repairs shall be sent by train freight paid to the Inspector-General for disposal.

(4) In the event of a key being lost or mislaid the lock shall at once be condemned and replaced at the cost of the official responsible. The said lock shall be sent to the Inspector-General. There must be no master key or duplicate\* key.

(5) A register should be maintained of all locks in the jail whether in use or not in the prescribed form and a report should be submitted to the office of the Inspector-General on 20th April and 20th October of every year to the effect that all locks are correct and that none have been replaced by country locks. This report should be made on the half yearly stock-taking reports at present submitted to the Inspector-General under rule 106. All entries in the original register should be signed by the Superintendent and the Jailor. Entries pertaining to the lost or the condemned locks should be scored out in red ink and intitialled by the Superintendent.

(6) Lever locks must not be oiled with vegetable oil, as it causes the levers to stick together and this renders the lock easy to pick.

(7) The keys of wards, cells, godowns or any other place of which the security must be assured shall not be put in the hands of a convict officer or of any prisoner. If convict officers are allowed to have common pad-locks and keys for temporarily locking up tools or materials in their charge during the day time the keys shall be taken from them before lock-up.

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\*A duplicate key of the aroury should be kept as provided in rule 6. The appendix.



(8) In order to relieve paid warders, as far as possible, convict warders and overseers may, by day, be placed in charge of the keys of the circle gates, but these keys must be taken from them before lock-up.

331. (1) All jail officials and convict officers should be frequently warned by the Superintendent and Jailer of the penalties they incur under rule 280 and 493 for negligently or wilfully permitting an escape. Any paid officer dismissed for this offence shall not again be employed in the jail service without the sanction of the Inspector-General. All prisoners shall also be held responsible for the prevention of escapes, and any prisoner who appears to have been instrumental in aiding an escape, or to have been privy to it in any way, shall be punished.

Warning to Jail Officials of penalties permitting an escape of prisoner.

(2) Every prisoner who escapes, or attempts to escape shall be prosecuted judicially. Every officer who negligently or voluntarily permits a prisoner to escape shall be prosecuted as provided in rule 280. On no pretext shall these offences be treated as breaches of jail rules.

Prosecution of prisoner who escapes or attempts to escape.

(3) A civil prisoner by escaping commits an offence under section 225-B of the Indian Penal Code and can be arrested by the police without warrant, under clause 5, section 54 of Act X of 1882. On the occurrence of an escape of a civil prisoner, intimation shall be given to the judgement creditor who may if he be able to ascertain the whereabouts of the prisoner, assist the jail authorities and the police in recapturing him. On recapture after escape, or on the occurrence of an attempt to escape the prisoner shall be prosecuted before a criminal court under section 225-B, Indian Penal Code.

Prosecution of civil prisoner for escaping.

(4) An undertrial prisoner attempting to escape shall be brought before the Magistrate for trial under section 224, Indian Penal Code, without delay.

Undertrial prisoners attempting to escape.

(5) All cases where prisoners prevent an escape or give such information as may lead to the prevention of escape shall be brought to the notice of the Inspector-General; and if the prisoner comes under the remission rules extra remission may be given or recommended as the case may be.

(6) Broken glass must not be fixed on the top of the outer walls of a jail, as it affords a hold for a blanket or for cloth thrown on to the wall, and thus facilitates escapes; and there shall be no cornice or projection on the top of a wall, which should be rounded or sloped to an edge. At every junction of a partition wall with the outer wall of a jail, there shall be a semi circular addition to the outer wall of sufficient dimensions to prevent a prisoner from scaling it when standing on the partition wall.

Broken glasses not to be fixed on top of outer wall of jail.



Signal of occurrence of escape or alarm parade.

332. (1) There shall be a signal of the occurrence of an escape or outbreak (or for an alarm parade) which signal may be the beat of a drum placed near the reserve guard sentry outside the main gate, or the ringing of a bell or gong in a prominent part of the jail, or some other preconcerted arrangement. If a bell or gong is used for the alarm it should be rung or struck rapidly. When the alarm is given all warders in charge of prisoners shall march them to the nearest ward or secure place and lock them up.

(2) Immediately a prisoner is found to be missing the officer making the discovery, no matter what his rank, will blow his whistle. If the prisoner is working in an out-gang at such a distance from the jail, that the sound of the whistle cannot be heard at the jail, the gang as well as other gangs working there shall be marched back at once to the jail gate, the whistle being sounded on the way until the alarm is taken up at the jail gate. If however, the prisoner escapes from an outgang working within jail grounds or within hearing distance of the jail gate, the whistle shall be blown at once by the warder in-charge.

(3) In every case of escape from an outgang as soon as the alarm has been taken up all the prisoners of that gang as well as prisoners of all other gangs shall be collected and marched back at once to jail.

(4) If the prisoner escaped over the wall or from near the jail and may be lurking in the vicinity, the Jailor shall despatch as many of the warders who are off duty as can be spared to search for him, and shall at the same time send notice to the nearest police thana, to the District Magistrate, and to the Superintendent of Police with full descriptive rolls of the missing prisoner sufficient for his identification, and stating his usual place of residence.

(5) If the prisoner is missed from a ward at night, or after all the gangs are inside the jail, the alarm should be at once sounded, the walls shall be guarded as in alarm parade and the Jailor shall then take in the reserve guard and spare warders unarmed to search for the prisoner.

(6) If it appears probable that the prisoner is still lurking within the jail walls, the convict warder and night guards of duty shall also be taken out and posted round the outer walls inside. They should be furnished with lighted torches and be ordered to give notice if any prisoner approaches the walls (Torches ready for use should be kept in stock).

(7) If it is suspected that the prisoner has scaled the wall and got away, notice to the Police and Magistrate should be sent without delay, as ordered above.



(8) If the escaped prisoner belongs to any district other than the one in which he was confined a report be made to the Magistrate of the district in which the prisoner resides, and to the Magistrates of all districts which he is likely to traverse on his way to his own district, and a report shall also be furnished to the Superintendents of Railway Police, if the prisoner is likely to avail himself of the railway. If it is expedient, information shall be sent by telegraph to the police of other districts. If the Superintendent is absent from the Jail, the Jailor shall send immediate notice of any escape or attempted escape to him.

(9) On recapture, intimation of the fact shall be given to all officers who have been addressed under the preceding rule. An escaped prisoner who is recaptured may be received back into jail on his original warrant. The time he is at large does not count as sentence served; the date of expiration of sentence shall be calculated as prescribed in rules 338, 339 and 421.

(10) A separate report of the escape and recapture of each prisoner shall be submitted to the Inspector General, who will, in turn, report the same to the State Government. In the case of escapes that do not arise from mere negligence but from some defect in the building or in the jail rules, such defect shall in all cases be pointed out.

Report of escape and recapture of prisoner to Inspector General.

(11) The Superintendent shall himself make an investigation into the circumstances of escape occurring outside the Jail and send complete report to the Inspector General with such recommendations as he may think fit to make in regard to the Jail officers concerned and other matters:

Investigation in case of an escape.

Provided that in the case of escape from inside the Jail, immediately after receiving intimation of an escape, the District Magistrate or in his absence, the Executive Magistrate in-charge of Headquarters, shall himself make an investigation into circumstances of escape or depute an Executive Magistrate for the purpose and send report to the Inspector General, with such recommendations as he may think fit to make in regard to the Jail Officers concerned and other matters.

(12) When the report of the District Magistrate or the Executive Magistrate, as the case may be, and the Superintendent indicate that the escape has been due to the negligence of Jail Officers, the Inspector General shall decide whether the officer shall be dealt with in accordance with the provisions of the Indian Penal Code (45 of 1860) or as a breach of Jail regulations. All cases of escape shall be reported by the Inspector General to the State Government.

Negligence of Jail Officers in cases of escape.



Rewards for apprehension of escaped prisoner.

333. (1) Superintendent with the concurrence of the District Magistrate may offer and pay rewards for the apprehension of escaped prisoners up to a limit of Rs. 25.00 taking into consideration the circumstances of the escape and recapture, the degree of exertion taken or danger run by the person recapturing the prisoner, the physique of the prisoner and the degree of resistance he offered and similar considerations. No rewards for the apprehension of prisoners who escape from the custody of the police shall be paid from the Jail Department Budget.

(2) Whenever peculiar circumstances may render it advisable to offer a large reward that is authorized by the above rule, a special application shall be made to the Inspector General, who is empowered to dispose of all such cases and to sanction rewards upto Rs. 250.00 in each case. Should he consider a higher reward necessary, he shall refer the case for the orders of Government. For the re-apprehension of an escaped undertrial prisoner the amount of the reward shall be regulated by the importance of the case.

Entry in the cover of the current release diary of escape of prisoner not recaptured.

334. (1) The name, register number and date of escape of every prisoner who has escaped and has not been recaptured shall be entered inside the cover of the current release diary of each year. When a prisoner is recaptured, the name should be marked off and the date of recapture noted by this means every new Superintendent and Jailor can ascertain what escaped prisoners remain at large.

Action on occurrence of outbreak.

(2) In the event of any attempt to break out of the jail or on any other disturbance occurring, the whole jail guard shall immediately be placed under arms with loaded muskets by the officer on duty, who shall at once despatch a messenger to the Superintendent and the Jailor. But in such cases the guard shall not act until the arrival of the Superintendent or the Jailor, unless to rescue or save the life of any jail official towards whom the prisoners are actually committing violence, or to drive back the prisoners in the event of their forcing or attempting to force the gate.

(3) If, however, the prisoners shall actually assault the jail officers, or attempt to break out of any particular ward or yard, the Jailor or, in his absence, the Assistant Jailor, if he considers that delay would be dangerous, shall order the guard to act. The Head Warder of the reserve guard, on arriving at the scene of disturbance, shall, in a loud tone of voice, give notice to the prisoners that if they do not immediately submit they will be fired upon. If circumstances admit of the delay, his warning shall be repeated thrice, and then, if there appear no other means of quelling the disturbance, he may open fire upon the refractory prisoners; but he shall be careful to stop it the moment they fly



or submit. On the arrival of the Superintendent or other superior officer of the jail the guard shall act under his orders.

(4) When an outbreak occurs, the gate sentry having given the alarm shall with his musket defend the gate. As it is necessary that the forcing of the outer gate should be prevented at all risk, the sentry may, under the orders of a superior officer if present, or if there be no superior officer present, and matters are urgent, on his own responsibility, fire upon any prisoner or prisoners attacking the gate-keeper between the gates or attempting to force the outer gate, and provided that he shall not fire upon any prisoner who is neither actually using violence to the gate-keeper between the gates nor attempting to force the outer gate and provided also that he shall not fire upon any prisoner till he has warned him at least once, that unless the prisoner desists and submits, he will fire.

(5) On the alarm being sounded, two warders of the reserve guard armed with their muskets and 20 rounds of ball should be posted on the roof of the main gate buildings observe the movements of prisoner and to warn prisoners who may be near the inner gate that they will be fired on if they do not disperse. Should they consider it necessary to save the life of any jail official who is being attacked, they shall open fire on the prisoners without awaiting orders.

(6) On hearing the alarm every jail official who is not on duty at the time in charge of prisoners, the reserve guard and all warders off duty shall at once attend at the armoury. In Central Jails each warder will take his musket and accoutrements from the armoury and the packet of ball ammunition lying along side his musket and will fall in outside the jail gate. The reserve Head Warder will then lead the guard at the double to the scene of action. In District and Subsidiary Jail each warder shall take his musket and accoutrements from the armoury and fall in outside the jail gate, and the reserve Head Warder will carry slung across his shoulder the bag of ball ammunition referred to in rule 239 (f) and lead the guard at the double to the scene of action, and will there distribute the rounds to the guard if called upon to do so.

(7) When the guard has entered the outer gate of the jail it shall be locked, and the inner gate shall not be opened unless the sentries on the main gate buildings report it is clear. These sentries will then join the guard proceeding to the scene of action. The guard shall act under the orders of the Superintendent, or in his absence the Jailor, or in his absence the senior officer present, who will take such measures to deal with the disturbance, or escape as he may think necessary.

335. In order to train all jail officials in their respective duties, which they will have to perform in the case of an outbreak, an alarm parade shall be held at unexpected hours, once

Alarm parades to train jail officials to perform duties in case of an outbreak.



a fortnight in Central Jails and once a month in District and Subsidiary Jails. In carrying out this parade the procedure ordered in 332 (1) (5) (6) (7) and 336 shall be strictly followed, except that warders who will have to fire shall have blank cartridge served to them instead of ball cartridge. After the guard has been marched into the jail they should be ordered to fire one or two volleys with blank cartridges and then be marched out and dismissed. At these parades the Jailor shall make a note of the time at which each jail official appears ready for duty after the alarm has been sounded. The date and hour at which each parade is held shall be reported by the Jailor in his report book, likewise the time taken by the reserve guard to come to the main gate, the time taken by his subordinates and other warders to muster and proceed to their posts, the names of any who were late or absent and the time taken to complete the parade. If the parade was not carried out correctly he shall state what the defect was and who was in fault. The opportunity should be taken at these parades to instruct the jail officials as to their duty in regard to the use of fire arms or other weapons, in the sense of the order contained in rules 54 to 57. These orders should be fully explained to the officials at least once a month. The Jailor and Assistant Jailor should occasionally give the words of command at these parades, so that the warders will understand their orders in cases of emergency.

Police assistance  
in connection with  
out break.

336. Where the police lines are sufficiently near a jail for the alarm signal to be heard there the constables stationed at the police lines shall take part in alarm parades and if there is an outbreak they shall march to the jail to assist to quell it. The Superintendent shall make with the Superintendent of Police such arrangements as seem advisable for a concerted plan of action in the case of an outbreak.

Report to Inspector  
General of serious  
assault by prisoners.

337. A detailed report after full enquiry shall be submitted to the Inspector-General by the Superintendent of any serious assault committed by any prisoner upon a paid or convict officer or of any combined outbreak amongst prisoners. Convicts of a sulky, more so, or violent temperament shall on no account be allowed to have in their possession a knife or other instrument which might be used as weapon of offence.

### SECTION III—RELEASE OF PRISONERS

(NOTE:—For the method of calculating the date of release, see Part IV, section I, on the admission of prisoners).

Notices of anticipated  
release of  
prisoners.

338. On the 1st and 16th of every month the Superintendent of Police shall be furnished with notices of the anticipated release of all prisoners convicted in cognizable cases who are to be released during the second half of the month, and the first half of the following month



respectively. At the same time he shall be furnished with notices of the deaths of any prisoners who died during the preceding fortnight. In the case of prisoners who are not police registered, these notices shall be in the prescribed form, a separate notice for each prisoner, but in the case of police registered prisoners it will be sufficient to fill in on the police register slips such additional information as is therein provided for, and deliver them. The Superintendent of Police shall send a police officer to the Jail for these notices and slips. When a prisoner convicted in a cognizable case is received after the preparation of the fortnightly notices, and his release will take place before the next notices are due, or if such a prisoner is released before the expiry of his original sentence and there has been no time to include his name in the fortnightly notices, a notice of the release shall be sent at once to the Superintendent of Police.—

- (a) On the admission to jail of a convict with a substantive sentence of less than three months his name shall be entered in the release register under the date on which his sentence will expire. If special remission is awarded subsequently, the date shall be altered accordingly.
- (b) The names of convicts whose substantive sentences are of three months or more shall not be entered in the release register at the time of admission. For every such convict a date called the "check date" shall be fixed. This date shall be the date on which the convict will complete two thirds of his sentence. The check date shall be entered in the release check register on the page allotted to the month within which the check date falls, and shall also be recorded on the history ticket, warrant or warrant cover and remission card, and all entries shall be signed by the Superintendent and the Jailer.
- (c) The check date of convict who has been sentenced to imprisonment for life or for a term of more than fourteen years or to rigorous imprisonment for a term exceeding in the aggregate fourteen years, shall be fixed as if he had been given a sentence of fourteen years imprisonment. This date shall be revised later in accordance with the orders of the State Government on the nominal roll submitted under the fourteen year rule.
- (d) The Superintendent shall cause a fresh check date to be fixed whenever;
  - (i) a convict's sentence is enhanced or reduced;



- (ii) a convict's fine or fines are paid in whole or in part;
- (iii) a convict receives or forfeits extensive remission;
- (iv) the orders of the State Government under the fourteen years rule are received.

(e) In the first week of every month, the Jailor or other officer entrusted with this duty by the Superintendent shall examine the warrant, history ticket and the remission card of every convict whose name is entered in the release check register under the month next following, and fix the final date of release after crediting the convict with the remission already entered and those which he is likely to earn in the interval. After the date has been checked and approved by the Superintendent the convict's name shall be entered in the release register under the date finally fixed and an entry shall also be made on the remission card.

Provided that if the release does not fall due within the succeeding three months, the Jailor or the officer entrusted with this duty shall by estimation fix a fresh check date which shall be not more than three months antecedent to the anticipated date of release, as far as it can be ascertained from the information available at the time.

The Superintendent and the Jailor or the officer entrusted with this duty shall initial the entry and all similar entries made in the warrant or warrant cover, remission card and history ticket.

(f) On or before the 25th day of every month, all convicts to be released in the succeeding month shall be paraded before the Superintendent and informed of the dates on which they will be released.

(g) The Superintendent shall before the end of every month send to the local After Care Society intimation regarding the dates of release of all convicts due for release, irrespective of their places of residence in the third month from the month in which such intimation is sent. The intimation shall contain particulars of the industry, if any, learnt by the convict in jail.

The Secretary and the members of any sub-committee appointed by the After Care Association



to interview prisoner will be given all reasonable facilities to interview the convict due for release for the purpose of ascertaining their needs and deciding the nature of assistance to be given to them after release. If a Probation/Welfare Officer has been appointed he will also be allowed reasonable facilities to visit the jail and talk to prisoners in the course of his duties. The above persons shall not, however, be allowed to visit other parts of the jail on such occasions.

339. When the sentence of prisoner expires, the Jailor shall see that he is brought before the Superintendent, together with his warrant and he shall be released in the presence of the Superintendent and at the jail gate. If by noon of the day on which his sentence expires, the Superintendent shall not have visited the jail, the Jailor shall direct the prisoner's release, and shall sign all endorsements and registers "for Superintendent not present"; otherwise all orders for the final discharge of prisoners are to be signed by the Superintendent of the Jail. In cases of release on appeal, payment of fine, furnishing security, giving bail, etc., in which the power of legal detention ceases as soon as the order of the court is delivered at the jail, the Jailor shall release the prisoner on his own responsibility, provided always that an immediate reference to the Superintendent is from the distance of the Jail or other causes, impracticable. The warrants of a prisoner released by the Jailor shall be signed by the Superintendent as if the prisoner was released before himself. On receipt of a warrant for the release of prisoner who has been transferred to another jail it shall at once be forwarded under a registered cover to the jail in which the prisoner is confined.

Procedure regarding release of prisoners.

**NOTE.**—The signature of the jail Superintendent on warrants and other legal documents should be distinctly legible, and as the mere signing of an officer's name without any addition, showing the office held, is not a complete official signature, it should include at least an abbreviation of the officer's official title.

340. The date on which a prisoner is entitled to be released shall be calculated by the Superintendent and Jailor, and an entry shall be made in the release diary under that date, giving the name and serial number of the prisoner. It is not the duty of the committing officer to note the date of release on the warrant. If the date of release is stated on the warrant incorrectly or omitted the warrant shall not be returned for correction on that account. The entry in the release diary

Calculation of the date of release.



shall be made by the Jailor personally in a District Jail and in Central Jail by such officer as the Superintendent shall depute by written order; but such entries will be checked and initialled by Jailor. In case the term of imprisonment be changed, either by judicial imposition of additional imprisonment, or by remission of any part of the sentence, or by absence from the jail on bail or as a result of escape, the entry shall be scored through with red ink and a reference made to the date of release under the new order, under which date a new entry shall be made. The Superintendent shall himself check each entry in the release diaries and admission register, and shall be personally responsible for the correctness of such entries, and for any illegal detention of a prisoner or failure to execute a sentence due to neglect of this rule.

Ordinary calculation of date of release.

341. (1) The duration of prisoner's sentence shall be calculated by the calendar year or month, unless stated in days. The day on which the sentence is passed and the day of release, shall both be included and considered as days imprisonment.

(2) A prisoner sentenced to one year's imprisonment on the 15th January, 1895 shall be released on the 14th January 1896.

(3) A prisoner sentenced on 1st January to one month's imprisonment shall be released on the 31st January and not on the 1st February following;

(4) A prisoner who is punished till the rising of the court only, shall be released from the court and shall not be admitted in the prison;

(5) In case a prisoner who is punished till the rising of the court and is awarded another sentence on the same day, the later sentence shall start from date on which the sentence is awarded;

(6) A prisoner sentenced to one day's imprisonment shall be admitted in the prison and released on the same day;

(7) If a prisoner is sentenced to imprisonment for 24 hours, he must be kept in imprisonment for that period, that is in term of hours. In such cases the warrant shall state the hour at which he was sentenced. The sentence shall be deemed to have commenced from the hour of sentence as indicated in the warrant.

Method of calculating release on bail or escape.

342. (1) The following method shall be adopted in calculating the date of release of prisoner who after conviction is released on bail pending the hearing of his appeal, and is after-



wards remanded to jail to serve out his sentence, or who escapes and is at large for a certain period; add the period the prisoner has been on bail or at large, in years, calendar months, and days, to the term of his sentence the date on which the sum of these period will elapse, counting from the date of conviction, is the date of expiration of sentence. The court to which a prisoner surrenders after being at large on bail should note in the prisoner's warrant the date on which the prisoner was released on bail and the date of his recommitment to jail.

(2) This rule will not apply to a prisoner sentenced under section 118 or 123 of the Code of Criminal Procedure, 1898 to imprisonment in default of furnishing security, if the prisoner is released on bail whilst serving such sentence, pending the disposal of his appeal against the sentence. The period during which he is on bail will count as part of his sentence.

NOTE.—1. A prisoner released on bail in court on the day he is sentenced without having been sent to jail shall not be deemed to have served any part of his sentence.

NOTE.—2. When the execution of a sentence is suspended pending an appeal but the prisoner is not released on bail, the period of suspension should not be added to the term of the sentence. The suspension of the execution of a sentence means suspension of penal labour and the period of suspension should be reckoned on as part of the sentence awarded, or upheld by the revisional court whether the court orders the prisoner to be detained as undertrial or not suspension of the execution of a sentence when the prisoner is not released on bail does not mean that the prisoner should also be allowed the facilities and privileges of undertrial prisoners referred to in rule 692, 693, 695, 628 and 11 of the rules made by the Inspector General regarding food, clothes, smokes and interviews.

NOTE.—3. When a retrial is ordered and the accused is again convicted the second or revised sentence should be executed in absolute disregard of the period previously spent by him in jail, under original sentence.

Illustration (1) A retrial is ordered and the accused (released on bail) is subsequently sentenced; the period passed by him in jail, before his release on bail, will not count in calculating his release, as part of the revised sentence.

Illustration (2) A retrial is ordered and the prisoner is not released on bail but ordered by the court to



be treated as undertrial, the periods of his stay in jail both as apart sentence undergone and as an undertrial prisoner are not to be reckoned as part of the sentence awarded him on reconviction.

- (i) The date of going out of prison and the date of readmission in prison shall be taken as days of sentence undergone;
- (ii) A prisoner released on bail on a day subsequent to that on which he was committed to prison but who is again committed to undergo sentence in the same case shall be entitled to count every day of admission and every day of release as days of imprisonment in respect of such sentence;
- (iii) In cases where there are more than one out periods, the aggregate total of all out period should be added to the substantive sentence in years, months and days. The date on which the sum of these period elapses counting from the date of conviction is the date of expiration of sentence. If the prisoner has any fine sentence, the date of his release should be governed by the appropriate rule.

Calculation of date of release when there are two or more sentences.

343. When a prisoner is sentenced, either on the same day or on following dates, to two or more sentences to be served consecutively, the date of release shall be calculated as if the sum of the terms was awarded in one sentence.

Illustration.—A prisoner sentenced on the 21st June 1895 to one year's imprisonment is, for another offence subsequently sentenced to a further term of one year, the period to commence from the expiration of the first sentence; he will be released on the 20th June, 1897 not on 19th June, 1897.

Entries to be made in release diary when sentence includes fine.

344. If the prisoner be sentenced to imprisonment of which the whole or any portion is in default of the payment of any fine, and if the fine or a portion of it be not immediately paid, the date of release shall be fixed and entered in the release diaries on such dates as shall correspond to payment as well as non-payment of the fine. When any portion of the fine is subsequently paid, the date of release shall be altered accordingly.

Illustration.—If a prisoner be sentenced on the 1st January, to six month's imprisonment and to fine of Rs. 300.00 and it be ordered that if the fine be



not paid he be imprisoned for a further period of six months, then, supposing that the prisoner, immediately on conviction, pays Rs. 100.00 the date of release shall be first fixed at 31st October (viz 6 months plus 4 months the equivalent of the fine unpaid), and entries shall be made in the release diary on the 30th June and 31st October; if he afterwards pays another Rs. 100, the later date will be changed to 31st August; and on his paying the whole the fact shall be noted opposite the entry on the 30th June.

345. If a prisoner who is sentenced to a fine and in default to imprisonment for a certain number of months, pays any part of his fine, the remission for the payment shall be calculated in calendar months, and not in days. Any fraction of a month obtained by such calculation shall be reduced to days. A fraction of a day shall not be counted.

Calculation of date of release in part-payment of fine.

Illustration—(1) If a prisoner be sentenced on the 15th July to six months' imprisonment and to pay a fine of Rs. 300.00 or in default of payment to serve six months' further imprisonment, and he pays Rs. 63, the calculation shall be made as follows:—

$$\text{Rs } 63/300 \times 6 \text{ months} = 378/300 = 1 \frac{26}{100} \text{ months.}$$

The date of release, deducting one month, would fall on the 14th June. As the month preceding June has 31 days the 26/100 of a month will be calculated on 31 days.

$$26/100 \times 31 = 806/100 = 8 \frac{6}{100} \text{ days. Here the}$$

remission for payment of Rs. 63.00 is one month and eight days. If the prisoner has been sentenced on the 15th June instead of 15th July, the calculation of the 26/100 of a month would have to be made on a 30 days' month because from any date in April to the same date in May is 30 days' as follows:—

$$26/100 \times 30 = 78/10 = 7 \frac{8}{10} \text{ days,}$$

so that in that case the remission would be only 1 month and 7 days.

345. (A) If a prisoner is sentenced to two or more sentences of fine at the same trial and is ordered to undergo imprisonment in default of payment, the sentences of fine and imprisonment in default in such a case shall not to be tagged together but each such sentence shall be executed separately.



Illustration.—(2)(i) A prisoner is sentenced to a fine of Rs. 40,000 and in default to eighteen months rigorous imprisonment for an offence under section 120-B Indian Penal Code. He is also sentenced at the same trial to a fine of Rs. 6,000,00 and in default to eighteen months rigorous imprisonment for an offence under section 420, Indian Penal Code. If, while the prisoner is undergoing imprisonment in default under the first sentence, he pays up the fine of Rs. 6,000 imposed under the second sentence, he shall be entitled to release as soon as the period of imprisonment under the first sentence expired and not merely to a proportionate remission of the total imprisonment in default under both the sentences.

(ii) If, in the above case, the prisoner pays Rs. 10,000.00 in respect of the fine imposed under the first sentence, he shall be entitled to a proportionate remission of the imprisonment in default under first sentence. Thus the term of imprisonment in default under the first sentence shall be reduced by  $10,000/40,000$  of 18 months. The imprisonment in default under the second sentence shall remain unaffected.

Note.—Whenever two or more sentences of fine and imprisonment in default are awarded at the same trial, and the warrant of commitment does not state which of the terms of imprisonment shall commence first, the sentence shall be executed in the order in which they are mentioned in the warrant of commitment.

Examination of certain registers before release of prisoners.

346. The Superintendent and the office Jailer of a Central Jail and the Superintendent and Jailer in-charge of a District and Sub-Jail are personally responsible for the correct release of prisoners.

Before a convict is released from jail the Jailer shall:—

(a) check the conditions of sentence given in the warrant and registers and satisfy himself of the title of the prisoner to release.

(b) Compare the marks of identification as given on the warrant and in the jail registers with the convict and take his thumb impression or at the discretion of the Superintendent, in the case of a literate prisoner, his signature and compare it with that taken on the day of his admission so as to ensure beyond all doubt the convict's identity; and



- (c) Produce the convict with his clothing and other property, history ticket, warrant and the jail registers of admission and release before the Superintendent.

The Superintendent shall check the warrant and jail registers and satisfy himself that the sentence of the convict has been completed or, if modified, that he has received due and sufficient authority for such modification.

The Superintendent shall cause the descriptive roll of the convict to be read out and shall satisfy himself beyond all doubt of the convict's identity. He shall then endorse the order of release on the back of the convict's warrant and initial the entries of the date of release in the release and admission registers.

The following registers shall be produced before the Superintendent when a prisoner is released—

- (a) Admission Register.
- (b) Release Register and Warrant.
- (c) Property Register.
- (d) Remission Register (if the convict has earned remission).
- (e) Length of Time Census Register.
- (f) History Ticket.
- (g) Release Certificate.

347. No prisoner shall on any account be released after lock-up. Ordinarily prisoners shall be released after they have part-taken of their morning meal, and as soon after sunrise as possible. All prisoners shall, before they are released be required to bring to the office and deliver up their jail kits. All the articles of the kit shall be clean and ready for storing in the clothing godown. Any prisoner who gives up his kit in a dirty state shall be made to wash and clean it before he is released. A convict about to be released shall present himself before the Superintendent in his private cloths and carry in his hand for inspection the kit given him on his admission to jail or at the last issue of clothing.

Time for release of prisoners and return of jail kits.

348. If the date of release falls on a Sunday, or on any of the jail holidays referred to in rule 645 the prisoner shall be released on the preceding day; but a civil prisoner entitled to his discharge on failure of diet-money must be released on Sunday or any jail holiday, if the 1st of the month falls on these days.

Release of prisoner on Sunday and jail holidays.



Release of prisoner on telegrams.

349. No prisoner shall be released on the authority of a telegram. Release orders and bail bonds will be sent through the post or through the peon of the court. If any private person brings such documents the same should not be accepted at the prison office.

Certificate for completion of sentence.

350. Every prisoner sentenced to imprisonment for 12 months or upwards shall, on release, be furnished with a certificate signed by the Superintendent to the effect that he has completed his term of imprisonment. In case any remission of sentence has been granted, the period be stated.

Delivery of prisoner's property on release.

351. On releasing a prisoner, the Superintendent or the Jailor, as the case may be, shall deliver to him any property of which he may have been in possession and which is entered on his warrant, or the value of such property if it has been sold. An acknowledgement of the receipt of the property will be taken from the prisoner on the warrant, if he can write. In any case the prisoner shall be called upon to declare, in presence of a witness, if he has received his property in full, or to claim at the time any thing not delivered to him. If any part of a prisoner's property is not found and delivered to him, a note of it shall be made opposite the item in the warrant, and the Superintendent shall decide what compensation is to be given to the prisoner and what officer is to be held responsible.

Release of prisoner in private or jail clothing.

352. Prisoners will ordinarily be released in the clothing in which they came to jail; but if this has been destroyed or sold or appears insufficient for decency, a piece of clothing and in cold weather an old jail blanket may be given to them and little plain cloth should be kept in store for this purpose. Ordinarily any prisoner with over Rs. 2 to his credit should pay for the cloth supplied; but with some prisoners cases may still arise when the question whether to deduct the cost of the cloth supplied must be left to the discretion of the Superintendent of a jail. In the case of prisoners who have to their credit less than Rs. 2 the cloth will ordinarily be supplied free of cost. Care should be taken to see that no prisoner takes away any jail property with him.

Note:—Prisoners who are rich or in tolerably good circumstances and whose relatives and friends come with clothing to receive them at the jail gate on the day of release shall not be supplied with a piece of cloth.



353. Prisoners whose homes are situated 8 Kms. or more from the jail from which they are released shall, if their journey home is performed by road, be supplied on release, with a subsistence allowance of 50 paisa a day. 24 Kilometres shall be considered a day's journey by road. Prisoners whose homes are on or near a line of railway shall be supplied with a railway ticket (which should be obtained from the Station Master on the usual form of railway warrant) for the lowest class to their destination, and in addition shall receive a subsistence allowance of 50 paisa a day according to the time necessary for the journey. Prisoners whose homes are situated less than 8 kilometres from the jail shall be granted no subsistence allowance, but they shall not be set at liberty until they have been supplied with the early morning meal. A list shall be prepared for every jail showing the several thanas of the district in which the jail is situated and their distance from the jail. The distance of each thana from the jail shall be taken as the distance of every village within the thana jurisdiction unless the Superintendent of the jail considers (for reasons to be recorded in his order book) that in any particular instance the amount of the subsistence allowance should be calculated on the actual distance to the village in which the prisoner's home is, in which case the Superintendent will be held responsible for the accuracy of the distance as charged for. No prisoner whose home is more than 8 kilometers from the jail shall however be refused subsistence allowance by reason of the thana within the jurisdiction of which it is situated being within 8 kilometres of the jail. The list of distances referred to above should be prepared by the Superintendent in consultation with the District Magistrate. Released prisoners who are certified by the Medical Officer to be unfit to travel on feet owing to illness or physical infirmity, shall be furnished with cart-hire for the journey they will have to perform by road. This rule shall not apply to the cases of male prisoners who are residents of other State, unless they have been transferred, or unless they are in bad health, or owing to age or infirmity are unable to work their way home. Such prisoners shall be furnished with subsistence allowance and railway tickets (if necessary) to the places where they were respectively convicted and sentenced, or to their homes whichever is nearer, or if they do not desire to return to such places, they may be granted three days subsistence allowance in order that they may not be left entirely destitute. The allowances granted by this and rules below shall be given in presence of the Superintendent when the prisoner is released by him.

Subsistence allowance to prisoners on release. See rule 780 regarding payment of allowance to released female prisoners.



Note 1.—In the case of prisoner convicted under section 112 and 113 of the Indian Railway Act, a railway warrant shall be granted, on release to take him to his home or to the place where he was arrested, whichever is less costly.

Note 2.—In the case of prisoners released from the jail whose homes are situated on or near a line of railway, motor fare for the road journey between the jail and the neighbouring railway station shall be granted according to the prevailing rate in addition to the railway fare and subsistence allowance admissible under the rules.

354. Omitted.

Police escort for released juvenile convicts.

355. All juvenile convicts shall, on release be escorted to their homes by the police, Superintendent of jails shall send notice of the release of such prisoners to the Superintendent of Police at least three days previously. The subsistence allowance granted to such convicts shall be made over to the policemen who escort them home in the presence of the convicts.

Release of prisoner on his own recognizance.

356. If the warrant of an appellate court directs that a prisoner shall be released on his own recognizance, the Superintendent shall cause a bond to be prepared in proper form and after prisoner shall have signed it in his presence, shall release him. If the warrant requires the recognizance of any other person the Superintendent shall not release the prisoner until he receives from the Magistrate a warrant setting forth that such recognizance has been given and ordering the prisoner's discharge. On release of the prisoner, the release warrant shall be returned to the appellate court, together with the original warrant of imprisonment, with an endorsement thereon, certifying that it has been duly executed, and with the prisoner's recognizance bond, if any.

(2) If a prisoner refuses to execute a bond as directed by an appellate court, the Superintendent of the jail shall report the matter forthwith to the court concerned, and that in case of failure to execute such a bond with surety, immediately after the expiry of time if any, fixed and shown in the supersession warrant for the execution of the bond, and if there be no such time fixed then after the expiry of ten days from the receipt of the warrant in jail so that the court concerned may take any steps which appear proper.



357. On release of prisoner on expiry of sentence, or, on bail, his warrant shall be returned to the court of issue, and not to the officer (by name) who issued it, with an endorsement showing the date and cause of release and the date on which the warrant was returned. The warrants of prisoners, who die in jail shall in like manner be sent to the Magistrate of the district in which they are convicted if prisoner has served two or more sentences under separate warrants, each warrant shall be returned as above indicated.

Return of prisoner's warrant to court of issue on his release.

Note :—In the case of an escaped prisoner who remains at large, the warrant of commitment shall be returned to the convicting court on the lapse of ten years from the date of escape, with an endorsement showing the date of escape and the cause of return of the warrant.

358. (1) When a prisoner has been sentenced to imprisonment for life whether or not he has also been sentenced to a term of imprisonment, or when he has been sentenced to a term or term of imprisonment exceeding 14 years, he shall be considered for release as soon as the term already undergone (together with any remission earned under the rules) and such other special remission if any as have been granted by the Government in celebration of any public event amounts to fourteen years. His case shall be reported to the State Government through the Inspector-General with full information regarding the character of his crime, his conduct in prison and the probability of his reverting after release to criminal habits or instigating others to commit crime, in order to enable the State Government to decide whether he should be released and if so, whether he should be subjected to police supervision or other suitable conditions. If the State Government decides that he should not be released, then after two years from the State Government's order his case shall be reported again for further consideration.

Release of prisoners under 14 years rule.

(2) The Superintendent of the Jail in which the prisoner is undergoing his sentence shall be primarily responsible for submitting the report under sub-rule (1).

359. There shall be four Advisory Boards for the jails in Madhya Pradesh located at Jabalpur, Raipur, Gwalior and Indore :—

Advisory Boards.

(1) The Boards shall consist of 5 members namely—

(a) Inspector General of Prisons, Madhya Pradesh, Chairman.



- (b) Deputy Inspector General of Police of the ranges of Jabalpur, Raipur, Gwalior and Indore for respective Boards.
  - (c) District Magistrates of the Districts of Jabalpur, Raipur, Gwalior and Indore for respective Boards.
  - (d) The Session Judges stationed at Jabalpur, Raipur, Indore and Gwalior for respective Boards, and
  - (e) One non-official member for each Board from residents of one of the districts covered by the Board located at the respective headquarters appointed by the State Government.
- (2) The Superintendents of the Central Jails of Jabalpur, Raipur, Gwalior and Indore shall be Ex-officio Secretaries of the respective Boards.
- (3) A non-official member shall hold office for a term of three years from the date of his appointment. Such appointment shall be notified in the official Gazette.
- (a) The State Government may if it thinks fit without assigning any reasons, remove a non-official member before the expiry of his term of office such removal shall be notified in the official Gazette and intimation thereof shall be given to the Inspector General of Prisons, Madhya Pradesh and the Superintendent of the Jail concerned.
  - (b) The State Government may re-appoint a non-official member after the expiry of his term of office.
- (4) The function of the Advisory Board shall be to make recommendations regarding the revision of sentences of imprisonment passed by the criminal courts.
- (5) The jurisdiction of the 4 Boards shall be as below:—
- (a) Advisory Board at Jabalpur—All the jails and sub-jails situated in the districts of Jabalpur, Sagar, Damoh, Mandla, Balaghat, Narsinghpur, Chhindwara, Seoni, Chhatarpur, Panna, Rewa, Sidhi, Satna and Shahdol.



- (b) **Advisory Board at Raipur**—All the jails and sub-jails situated in the districts of Raipur, Jagdalpur, Bilaspur, Raigarh, Sarguja and Durg.
- (c) **Advisory Board at Gwalior**—All the jails and sub-jails situated in the districts of Gwalior, Datia, Tikamgarh, Bhind, Morena, Shivpuri and Guna.
- (d) **Advisory Board at Indore**—All the jails and sub-jails situated in the districts of Indore, Dewas, Ujjain, Dhar, Ratlam, Jhabua, Mandasaur, Khargone, Khandwa, Hoshangabad, Betul, Raisen, Sehore Raigarh, Shajapur and Vidisha.
- (6) Each Board shall meet twice a year in February and August at the place of its headquarters on such date and at such time as may be fixed from time to time by the Inspector General.
- (7) In these rules a "long term prisoner" means a prisoner sentenced to three years' imprisonment or more or to imprisonment for life.
- (8) The sentence of every casual long term prisoner who has served half his sentence, and of every habitual long term prisoner with not more than three previous convictions who has served two-thirds of his sentence shall be reviewed. The remission earned by the prisoner's conduct and diligence, excluding that granted in celebration of public events, shall be included in the period of sentence undergone.
- (9) (i) No sentence shall come up for revision until a period of  $2\frac{1}{2}$  years, including remission earned has been served.

But in cases in which prisoner charged with an offence under section 302, 303, 304, 396 or 397 of the Indian Penal Code is convicted of a lesser offence and is sentenced to four year's rigorous imprisonment or more, his case shall not come up for revision before the Board until he shall have served a period of four years inclusive of remission earned.

- (ii) Sentences in default of the payment of fine when the fine has not been paid, shall be included when calculating revision board dates.



- (iii) (a) For the purpose of calculating the date on which the case of a convict with two or more life sentences would be considered by the Revising Board, such sentences shall be treated as concurrent and his case shall be due for consideration by the Board when he has served half of the sentence if he is a casual or two-thirds if he is an habitual convict.
- (b) The case of a convict with a life sentence and a sentence for a definite term whether the two sentences are concurrent or consecutive, shall be considered by the Revising Board when he has served half of the life sentence if he is casual or two-thirds, if he is an habitual convict.
- (c) In case of several sentences of imprisonment for definite terms, if the sentences are concurrent, they shall be treated as one sentence for the period of the longest of such sentences. But if the sentences are consecutive, the total of all such sentences shall be taken into consideration for fixing the date for the Revising Board subject to the condition that if the total period which a term convict has to serve in respect of two or more consecutive sentences, exceeds 20 years the case of a casual convict shall be referred to the Revising Board after he has served ten years and that of an habitual convict after he has served thirteen years and four months.
- (10) (a) The Superintendent of the jail where the prisoners are confined whose cases have become due for consideration by the Advisory Board, shall obtain for the information of the board from the District Magistrate of the district in which the prisoner was residing before his conviction all material information bearing on the case, and in particular a report regarding the prisoner's conduct and character before conviction and the local conditions under which the prisoner would live in the event of release. This information shall be obtained in the form prescribed for the purpose. Before sending of the form to the District Magis-



trate the Superintendent shall enter in column (5) of that form particulars of the prisoner's conduct in jail, an opinion about his release and in case where release is desirable on medical grounds, the best available medical opinion regarding the physical and mental condition of the prisoner. The District Magistrate shall be given two months notice of a meeting of the Board so that he can collect the information in time.

- (b) The District Magistrate shall give his opinion as to the effect of the prisoners' release upon law and order in the district, and shall give his reasons in brief if he opposes release on the ground that it will effect law and order adversely. His opinion on the wider question as to whether in particular case of, say, rape or murder, the prisoner was rightly convicted and adequately sentenced in the first instance would be irrelevant and even if of some relevance the question should be left by the District Magistrate to the Advisory Board and Government.
- (11) The District Magistrate shall also supply for the information of the Board the following documents concerning the prisoners ;
- (a) particulars of the convict in the form appended to these rules,
  - (b) history ticket,
  - (c) a copy of the judgment.
- (12) (a) The Board after a full consideration of the case shall make a recommendation to the State Government either to postpone the question of the grant of remission for a period not exceeding two years or to release the prisoner prematurely with or without conditions. Good conduct in jail shall be indispensable condition for recommendation by the Advisory Board for premature release in all cases except when the recommendation is made on urgent medical grounds. Where the members of a Board are not unanimous, its recommendations shall be in accordance with the opinions of



the majority of its members. Where a board makes a recommendation which is in opposition to the opinion of the District Magistrate of the district in which the prisoner was residing before his conviction it shall state the reasons in detail for such recommendations.

- (b) If the State Government decides that the prisoner should not be released, then after an interval of two years from the State Government's orders, the prisoner's case shall be reported again for reconsideration.
- (13) (a) The Board may consider in the manner laid down above cases of long term prisoners convicted by courts within the jurisdiction of another State Government. In such cases the report of the District Magistrate referred to in sub-rule (12) will be called for three months before the meeting of the Board.
- (b) Recommendations in such cases will be forwarded to the State Government for transmission to Government within whose jurisdiction the convicting court lies.
- (14) (a) The Board may consider the cases of persons convicted by Courts-Martial in the manner laid down in rules (2) to (12). Superintendents of Jails will obtain information regarding their antecedents and character, together with a statement of the offence direct from the Adjutant General in India. The antecedents of such persons at the time of enlistment may be presumed to be satisfactory, and for the purpose of reviewing their sentence, there is no practical necessity to inquire further into their past. It should be noted that Court-Martial do not record judgments. The Advisory Board will meet and make inquiries in the jail regarding the behaviour of such persons.
- (b) Recommendations in such cases will be forwarded to the State Government for transmission to the Government of India.



The form referred in rule (11)

Particulars of convict No.....confined in jail who is eligible for remission.

Serial No.	Name with father's or husband's name and occupation	Class	Previous conviction with dates of offences, sentences and place of each
(1)	(2)	(3)	(4)

  

Age on admission	Previous occupation	Residence	Offence with section
(5)	(6)	(7)	(8)

  

Current sentence		Court	Date of expiry
Date	Period and kind		
(9)	(10)	(11)	(12)

  

Period already expired	Remission already earned	Total of columns (13) & (14)	Character in jail	Remarks of Superintendent
(3)	(14)	(15)	(16)	(17)

- (15) When a case has been postponed for reconsideration a fresh date for consideration shall be fixed on the date on which the case is due for consideration the Superintendent shall endorse fresh remarks as to conduct etc., on slips to be pasted on the margin of the revision sheet but a fresh report need not be called for from the District Magistrate.
- (16) The Jailer shall maintain a Revising Board Register in which he shall enter the dates of revision of all convicts at the time of their admission. A sufficient number of pages shall be set apart for each half year and the name and number of each convict with date of revision shall be entered in its appropriate half year.
- (17) The Superintendent shall record his opinion on the revision sheet as to the convict's fitness for release and his physical and mental condition, before his case is forwarded to the District Magistrate.



Note.—1. A convict's occupation shall be given in words e.g., Barhai, Nai, etc.

Note.—2. In the case of convicts sentenced in more cases than one, full particulars of each case such as the name of the sentencing officer, case number, crime section, sentence and date of sentence shall be entered on the revision sheet.

Note.—3. Convicts whose cases are about to be put up before revising board for consideration shall not be transferred to other jails unless their transfers are absolutely necessary, or in the case of convicts confined in district jails other than district jails at the divisional headquarters where their cases are due to be considered, their transfer to the district jail at such divisional headquarters is required by the chairman of the Revising Board. When a convict has been so transferred the Superintendent of the receiving jail shall see that the revision sheet of the convict is put up before the board with a note indicating that the convict has been so transferred.

(18) Revising Boards should scrutinize cases of professional dacoits, i.e., dacoits with more than one conviction, with special care and should not recommend the premature release of such prisoners unless they are satisfied that there is no likelihood of the prisoners resuming their previous criminal activities.

(19) (a) The revision sheets of all convicts recommended for release by a Revising Board shall be forwarded by the Secretary to the Board, to the State Government through the Chairman of the Board. The revision sheets in other cases shall be attached to the conviction warrants of the convicts concerned and in the case of convicts confined in other jails shall be forwarded to those jails to be so attached to their conviction warrants.

(b) If in the case of a life convict the Revising Board decides not to recommend premature release and the case is one to which the provision of rule next following applies, the revision sheet of the convict shall be forwarded for consideration to the State Government with the decision of the Revising Board recorded thereon.



- (20) (a) When the case of any convict is received under the fourteen year rule by the State Government before it has been considered by the Revising Board, the State Government may defer the determination of the period to be served till the case has been so considered by the Government. To ensure proper working of this rule, the Superintendent shall make a note of the fact on the convict's roll and also bring it to the notice of the State Government. When submitting the Revising Board's recommendation, that the determination of the period to be served by the convict had been deferred by the Government at the same time quoting the number and date of the Government order.
- (b) On receipt of the case of a life convict on the recommendation of the Revising Board, the State Government may pass one of the following orders;
- (i) That the convict shall be released immediately conditionally or un-conditionally;
  - (ii) That the convict shall be released conditionally or un-conditionally after serving a stated period of sentence inclusive of remission; or
  - (iii) That the case shall be reconsidered after a stated period or after the convict has served a specified period of sentence inclusive of remissions.

In the second case when the release is to be un-conditional the convict shall be released without further reference to the State Government when he has served the period specified in the order. If the order is that the release shall be conditional Superintendent shall resubmit the case to Government for orders at least two months before the expiry of the specified period of sentence. In such case and also when an order has been passed by the Government as at (iii) above, the resubmission of the case should be initiated by the Jail at least two months before the date fixed for its resubmission in order to avoid any possible delay in the receipt of the case by Government.

- (21) A note of the recommendation of the Revising Board and the orders of the State Government in each case shall be made in the Revising Board Register.



(22) In the case of every convict released under the provisions of this chapter, the convict's revision sheet shall be attached to the commitment warrant or warrant which shall, after proper endorsement be returned to the court concerned.

(23) The Board may also consider the cases of adolescent prisoners confined in the Borstal Institute, Narsimhapur in the manner laid down in rules (2) to (12) before they are transferred to the adult jail on attaining the age of 21 years.

Temporary Release.

360. No prisoner shall be temporarily released under sub-section (1) of Section 31-A of the Prisoners Act, 1900 unless.—

(i) he has not committed a jail offence between the date of application for release and the receipt of the order of such release;

(ii) the releasing authority is satisfied that the release may be granted without public detriment;

(iii) he gives in writing to the releasing authority the place or places which he intends to visit during the period of his release, and undertakes not to visit any other place during such period without obtaining prior permission of the releasing authority in that behalf; and

(iv) he furnishes security to the satisfaction of the releasing authority, if such security is demanded by the releasing authority.

(1) Request from prisoners for temporary release, under the provisions of section 31-A of the Prisoners Act, shall be made either orally or in writing to the Superintendent of the Jail at the parade on Mondays.

(2) The Superintendent shall personally examine the records of the prisoner making the request for temporary release and satisfy himself that the prisoner satisfies the conditions prescribed in sub-section (3) of section 31-A.

(3) A prisoner, who has become entitled to the full ordinary remission under Remission Rules in force for the 12 months previous to the date of the request for temporary release, shall be



deemed to have satisfied the requirements of clause (b) of Section 31-A (3).

- (4) If the examination of the records of the prisoner referred to in rule 2 above shows that the prisoner is eligible for temporary release, the Superintendent of the jail shall report the request of the prisoner to the District Magistrate of the district where the prisoner resided before conviction.
- (5) If the District Magistrate, after making such enquiry as he may consider necessary, is satisfied that the request can be granted without detriment to the public interest, he shall issue to the Superintendent of the Jail a duly signed and sealed warrant in the prescribed form (vide schedule below) for the temporary release of the prisoner. The District Magistrate shall enter in the warrant the number of days that will be required for the journeys by the shortest practicable route to and from the place at which during his temporary release the prisoner proposes to reside or if he proposes to visit more than one place the farthest place from the jail which he proposes to visit.

Note.—The District Magistrate is responsible for the proper carrying out of these instructions. He may, of course, consult the District Superintendent of Police on the advisability of the release, but the responsibility for the action is his. He should use his discretion and should refuse to release only in cases in which he is satisfied that release is fraught with danger to the public safety. Security should be demanded only when it is really necessary, for example, when there is reasonable apprehension that the prisoner will break parole. When security is required, the District Magistrate of the place where the surety resides should be asked by the releasing District Magistrate to accept the surety and not call the surety to his own headquarters.

- (6) If the District Magistrate considers that the temporary release of the prisoner is undesirable in the public interest, he shall intimate



his opinion to the Superintendent of the jail who shall inform the prisoner that his request has been rejected.

- (7) The examination of the request of a prisoner for temporary release shall be treated as urgent at all stages and orders on the request shall be communicated to the prisoner as expeditiously as possible.
- (8) On receipt of the temporary release warrant, the Superintendent shall fix in consultation with the prisoner, the date of his release which shall not be later than 10 days from the date of receipt of the warrant. In the case of a female prisoner, the date of release shall be so fixed as to allow time for her transfer to the jail from which she is to be released. If a prisoner in respect of whom a temporary release warrant has been received is ill, the Superintendent may postpone the date of his release for such time as he considers to be necessary for the prisoner's recovery from his illness.
- (9) At the time of his temporary release the prisoner shall be paid the gratuity earned by him in jail up to the date of his release and shall also be given railway warrants to and from his place of residence during his temporary release and diet money for the days of his absence from jail as if he were a "C" class prisoner.
- (10) A prisoner, who has no private clothing and bedding and is unable to purchase them, shall be supplied on loan with a blanket and unmarked prison clothing which shall consist of a kurta, a cap and a pair of payjamas for a male prisoner, and a saree and kurta for a female prisoner.
- (11) The prisoner shall also be given release certificate in Hindi containing the date of his release, the date on which he has to return to the jail, the full address or addresses of the place or places which he has been allowed to visit during his temporary release, a description of three prominent marks of identification of the prisoner and his left hand thumb-impres-sion. A duplicate copy of the release certificates shall be kept in the jail records.



- (12) Before the prisoner leaves the Jail, he shall be informed in the presence of the Superintendent, of the date on which he has to return to jail and that if he fails to do so, he could be arrested without warrant by any police officer and that besides being committed to jail to undergo the unexpired portion of his sentence could, on conviction, be sentenced to imprisonment of either description which may extend to two years or fine or both (Vide Section 31-B (2) and 31-C of the Prisoners Act).
- (13) A prisoner, who does not return to the jail before the evening lock-up of the date fixed for his return, shall be deemed to have escaped and intimation of such escape, with a descriptive roll of the prisoner, information regarding his usual address and the addresses which he intended to visit during the temporary release and such other available information as will facilitate his capture, shall be given by the Superintendent immediately to the District Magistrate and the District Superintendent of Police of the district in which the jail is situated and the District Magistrate and the District Superintendent of Police shall be requested to arrest the prisoner. If the prisoner belongs to a district other than the one in which the jail is situated, a similar intimation shall also be given to the District Magistrate and the District Superintendent of Police of that district.
- (14) If the prisoner returns to the jail of his own accord after the date fixed for his return he shall be admitted to the jail and the prisoner's return and the reasons for the delay shall be reported immediately to the District Magistrate of the district in which the jail is situated, for his orders whether the prisoner should be prosecuted.
- (15) A female prisoner to be temporarily released shall be admitted to the jail and the prisoner's to the place which she intends to visit during her temporary release. She shall be released from jail and shall return to that jail. If she so desires, the Superintendent of the jail from which she is transferred shall intimate to such



relative or friend as she may nominate, the date of her release and the jail from which she is to be released.

- (16) The period of a prisoner's temporary release shall not count for ordinary remission. For the portion of the month, before and after his temporary release, that the prisoner remains in jail remission shall be calculated in the manner prescribed in Jail Manual.

### SCHEDULE

#### Warrant for the temporary release of prisoners under section 31-A of the Prisoners Act, 1900 ( III of 1900 )

To

The Superintendent of the

.....Jail

Whereas.....(name and description of the prisoner) at present confined in the.....jail..... under warrant, dated the.....day of.....19 signed by.....has applied for his/her temporary release ;

And whereas, I, the District Magistrate being the releasing authority, am duly satisfied that the application can be granted without detriment to public interest.

Now, Therefore, I.....the District Magistrate..... hereby authorise and require you to release temporarily the said prisoner from custody for a period of..... days subject to the conditions specified below:—

- (i) The prisoner shall during the period of his/her temporary release reside at (village or town) ..... tahsil.....District. He/she may also during the said period visit.....\*and shall not without obtaining the prior permission of the District Magistrate, visit any other place during the said period.
- (ii) The prisoner shall on the expiry of the said period report to the Superintendent of the jail.
- (iii) The prisoner shall furnish security as described below before his/her release †(details of security).

\*Here specify the places, if any, the prisoner is allowed to visit.

†This should be scored out, if no security is to be demanded.



2.....Number of days required for the journeys by the shortest practicable route to and from the place at which the prisoner proposes to reside or which he/she proposes to visit during his/her temporary release.

(to be entered by the District Magistrate) Given under my hand and the seal of the Court, this.....day of 19 .

Seal

*Signature*  
District Magistrate  
and Releasing Authority

No.....Dated the.....19 .

Returned to the District Magistrate.....with the intimation that the said prisoner was released from the.....jail on the.....and that he/she returned to the jail on the.....

.....  
Superintendent of the Jail

361. Whenever a Medical Officer of the prison is of opinion that a convicted prisoner suffering from sickness not due to infectious disease,— Release of Prisoners in danger of death.

(1) is likely to die if continued to be detained in the jail, but

(2) there is reasonable chance of his recovery if he is released,

(3) he shall report the fact supported by a certificate to the Superintendent who shall cause immediate release of such prisoner provided that the sickness has not been caused or aggravated by any wilful act on the part of the prisoner.

(2) Before causing such release the Superintendent Jail shall send for the prisoner's friends and relatives and get the necessary security bond executed in adequate amount from them to the effect that they undertake to return the prisoner to jail custody in case this is necessitated if the Superintendent's order is not ultimately confirmed.

(3) The Superintendent will also make it clear to the prisoner as well as the surety that the release is conditional on his order being confirmed by the appropriate authority.



(4) simultaneously with the issue of the release order, the Superintendent shall report the case to the Magistrate of the district in which the prisoner's offence was committed. The District Magistrate may confirm the Superintendent's order in case the prisoner has not to undergo more than six months term of his imprisonment.

(5) In all other cases, and in the event of the District Magistrate not agreeing with the Superintendent's action, even where the term of prisoner's imprisonment that is still to expire is less than six months, he shall forward the case to the State Government through the Inspector General along with his recommendation.

(6) The State Government may pass such orders as may be deemed necessary and in case the Superintendent's order of release is not confirmed, the Superintendent shall forthwith cause the prisoner to be readmitted to the prison the period between the date of release by the Superintendent and re-admission to the prison necessitated under the aforesaid circumstances being treated as a part of his term served in the prison.

362. (1) When the Medical Officer of a prison is of the opinion that the convicted prisoner is in danger of death from sickness not due to infectious disease and that there is no hope of recovery whether the prisoner is released from jail or not and the Medical Officer considers it desirable to release the prisoner for the sake of comfort of dying at home, he shall report the matter supported by necessary certificate to the Superintendent jail, who shall forthwith cause the release of the prisoner, in all cases except in the case of prisoners who have been sentenced to a period exceeding 7 years for a heinous crime or who are convicted of a series of crimes against society.

(2) In cases where the Superintendent jail causes immediate release of the prisoner he will first send for the friends and relatives of the prisoner to give the security bond executed in appropriate amount for the return of the prisoner to jail in case it is necessitated.

(3) Simultaneously with the order of release, whenever the Superintendent passes such an order he shall forthwith report the matter to the District Magistrate of the District in which the crime of the prisoner was committed. Where the unexpired term of the sentence does not exceed 6 months the District Magistrate may pass an order confirming the action of the Superintendent. In case the District-



Magistrate does not agree with the Superintendent and in all other cases where he is not competent to pass such an order, he shall refer the matter to the State Government, through the Inspector General after recording his opinion.

(4) Period between the date of release of such a prisoner and date of re-admission in case it is necessitated shall be treated as part of the term served in a prison in the jail.

363. (1) Where the Medical Officer of the prison is of the opinion that the convicted prisoner has gone completely and incurably blind not as a result of any voluntary act of the prisoner or that a convict prisoner has become completely decrepit or has become disabled on account of incurable physical infirmity which incapacitated him from the commission of further crime on his release and as such where the release of such a prisoner is not likely to be attended with mischief or danger, he shall report the case of the prisoner to the Superintendent.

(2) On receipt of such a report the Superintendent shall request the District Medical Officer for the constitution of the District Medical Board before whom the case of the prisoner will be placed for a certificate to the effect that the prisoner has gone absolutely and incurably blind or that he has been so completely physically incapacitated that he is incapable of committing any crime on his release and his release is not likely to be attended with any mischief and danger.

(3) On receipt of the report of the Medical Board the Superintendent shall refer the case to the District Magistrate of the District in which the prisoner's offence was committed stating all the facts and obtaining his opinion. After the receipt of the District Magistrate's opinion the Superintendent shall forward the case to Inspector General who shall submit it for Government's order in case the report of the Medical Officer is corroborated by the Medical Board and the release of the prisoner is recommended. In all cases the papers would be filed by him.

364. 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 District Magistrate, who shall exercise the discretion allowed to him by section 124 of the Code of Criminal Procedure, 1898 under which he can release the prisoner without referring to Government.

Release of prisoners under sentence of imprisonment in default of furnishing security to keep the peace or for good behaviour, if in danger of death.



Release of Civil  
prisoner suffering  
from serious dis-  
ease.

365. A judgment debtor who has been committed to jail may be released therefrom by the 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, the case shall be reported by the Superintendent to the committing court.

Release of under-  
trial prisoner seri-  
ously ill.

366. In every case when an undertrial 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 court thinks it proper, the prisoner may be released on bail.



**PART V—CLASSIFICATION OF PRISONERS****SECTION I—CLASSIFICATION AND SEPARATION OF PRISONERS**

367. (1) A prisoner confined in jail may be—

Classification of prisoners.

(i) a criminal prisoner, which term includes—

(a) a convicted prisoner, including a prisoner committed to or detained in prison under section 123 of the Code of Criminal Procedure, 1898 on his failure to give security when ordered to do so under section 118 of the said Code.

(b) an unconvicted or undertrial prisoner;

(c) a prisoner detained without trial under any law relating to the detention of such prisoners; and

(ii) a civil prisoner which term includes—

(a) a judgment debtor confined under a warrant in execution of a decree of a Civil Court;

(b) a revenue defaulter; and

(c) generally any other prisoner other than a criminal prisoner;

(2) Undertrial prisoners shall be divided into two classes:—

(a) Special Class and (b) Ordinary Class.

368. Omitted.

369. The trying Court, may admit to the special class an undertrial prisoner who, in its opinion, has by social status and educational or habit of life been accustomed to a superior mode of living. Unless otherwise directed by the State Government or the District Magistrate, the jail authorities shall observe the aforesaid classification.

Undertrial prisoners to be admitted in special class.

370. Omitted.

371. Omitted.

372. Omitted.

373. Omitted.

374. Omitted.



Categories of prisoners to be kept separate.

375. In every jail, prisoners of each of the following categories shall be kept separate from those of the other categories:—

- (i) Civil prisoners.
- (ii) Undertrial prisoners.
- (iii) Female prisoners.
- (iv) Male prisoners under 18 years of age who have arrived at the age of puberty.
- (v) Male prisoners who have not arrived at the age of puberty.
- (vi) Other male "habitual" prisoners.
- (vii) Other male "non-habitual" prisoners.

Members of parliament and members of legislative Assembly to be kept in a special or superior class.

376. Members of Parliament and member of Legislative Assembly should be placed in special class irrespective of the offence committed by them if they are unconvicted prisoners. If however, they are admitted as convicted prisoners they should normally be treated likely other convicted prisoners.

Separation of prisoners sentenced to simple imprisonment.

377. Prisoners sentenced to simple imprisonment shall remain during the day time in the part of the jail assigned to them, and shall not enter the labour yards or communicate with the labouring prisoners unless they elect to work, in which case they must remain with the gang to which allotted.

Seclusion of female prisoners from male prisoners, etc.

378. Female prisoners shall be rigidly secluded from the male prisoners, and the undertrial women shall be kept apart from the convicts. As far as possible, female adolescents must be kept away from older prisoners, habituals from non-habituals, and prostitutes and procurers from women who have hitherto lived a respectable life, the female ward shall be so situated as not to be overlooked by any part of the male jail; and there shall be a separate hospital for sick female prisoners within or directly adjoining the female enclosure.

Female prisoner under sentence of death to be kept in female yard.

379. Female prisoners under sentence of death shall be kept in the female yard and guarded by female warders.

Classification of youthful offenders.

380. Youthful offenders shall be divided into two classes namely, juveniles, or boys below 15 years of age and juvenile adults, or youths of 15 to 21 years of age.

Juvenile and juvenile adults to be kept from adult prisoners and juveniles from juvenile adults.

381. Juvenile and juvenile adults, when confined either as undertrials or after conviction, shall at all times be kept apart from adult prisoners and juvenile shall invariably sleep apart from juvenile adult prisoners.



382. Every prisoner sentenced to death shall from the date of his sentence, and without waiting for the sentence to be confirmed by the High Court, be confined in some place, a cell if possible within the jail, apart from all other prisoners.

Confinement in cell of prisoner sentenced to death.

383. Under clause (4) of section 3 of the Act any prisoner who is not a "Criminal prisoner" is a "Civil prisoner". Every civil prisoner shall be confined in the civil ward or jail and shall not be allowed to hold communication or be associated with criminal prisoners. The law provides that civil prisoners shall be kept separate from criminal prisoners. Any part of a jail may be set apart for civil prisoners provided that it admits of the complete isolation of civil from criminal prisoners.

Confinement of civil prisoners.

## SECTION I—CIVIL PRISONERS

384. If there be a separate civil jail the Superintendent of the criminal jail shall be Superintendent of the civil jail also; and the Inspector-General, District Magistrate, official and non-official visitors and Medical Officer, Jailor and other subordinate jail officials shall have the same powers as regards both civil and criminal prisoners except where distinction is made in these rules. Civil prisoners include three classes, namely:—

Classes of civil prisoners.

- (1) Civil debtors confined under a warrant in execution of a decree of civil court.
- (2) Revenue defaulters under the Madhya Pradesh Land Revenue Code, 1959 (20 of 1959).
- (3) Persons sentenced to confinement in civil jail under section 318, 332 or 514 of the Criminal Procedure Code or otherwise than as in clause 1 and 2.

385. The following scales of maximum daily allowance payable for the subsistence of judgment debtors are prescribed by the Government under section 57 of Code of Civil Procedure, Class I persons who by social status, education and habit of life are accustomed to a superior mode of living, Rs. 2.00 per diem, Class II all other persons not included in Class I, Rs. 1.00 per diem.

Scales of daily subsistence allowance of judgment debtors.

- (1) In case of sickness, or for other special reason, daily allowances at a rate not exceeding double the above rate may be fixed.



- (2) Under rule 39, Order XXI, First Schedule of the Code of Civil Procedure, 1908, civil debtors shall be dieted at the expense of the judgment creditor. In the case of revenue defaulters who are fed at the cost of Government diet money will be recovered from the District Magistrate. Civil prisoner of Class II shall be allowed diet on the ordinary non-labouring scale (see rule 530 and 546), at the expense of Government. If specially so ordered by the committing officer, civil prisoners of both classes I and II shall receive the diet sanctioned for 1st class misdemeanants in rule 547.

Note.—The classification of judgment debtors for the purpose of fixing their subsistence allowance is made by the court. It is, however, open to the jail Superintendent to make representation to the civil court concerned if the allowance appears insufficient in case of sickness, or for other special reasons.

Monthly payment of diet money in advance by decree holders.

386. Under rule 39, Order XXI, First Schedule of the Code of Civil Procedure, 1908, the first payment of diet money shall be made to the proper officer of the court for such portion of the current month as remains unexpired before the Judgment-debtor is committed to jail, and such officer shall send the amount paid with the civil prisoner to the Jailor. No civil debtor shall be received into the jail unless the proper amount of diet money is received with him. Subsequent payments (if any become due) shall be made to the Jailor by the decree holder by monthly payments in advance to the full amount due for the ensuing month before the first day of each month. Should the decree holder omit to pay the allowance as above, the Superintendent shall, without reference to the Court, release the judgment debtor. The release shall be made on the morning of the day for which no allowance has been paid. A receipt from a counterfoil book shall be given to the decree holder for subsistence money paid into the jail, the amount received being credited in the contingent cash book. All receipts and disbursements on account of diet-money shall be recorded at the time of receipts, or payment, in the Register of Civil and Revenue Prisoners (Register No. 8) and the daily totals of receipts and expenditure shall be carried forward, from this register, into the cash book.

Discharge of judgment debtor.

387. Under section 58 of Act V of 1908 (Civil Procedure Code), and Act IX of 1894, Section 33 (2), the judgment debtor shall be discharged from jail:—



- (a) on the amount mentioned on the warrant of commitment being paid to the officer in-charge of the jail;
- (b) on the decree being otherwise fully satisfied;
- (c) at the request of the person on whose application he has been imprisoned;
- (d) on such person omitting to pay the allowance as directed;
- (e) if the judgment debtor be declared an insolvent;
- (f) when he has fulfilled the term of his imprisonment;
- (g) in the case of civil debtors, in default of payment by the decree holder of the cost of clothing and bedding supplied by the Superintendent of the Jail under section 33 (2), Act IX of 1894.

388. In cases of (b), and (c) above, the judgment debtors shall not be discharged without the order of the court. Such order shall be in the form prescribed by the High Court. With regard to case (f), section 58 of the Civil Procedure Code directs that no person shall be imprisoned in execution of a decree for a longer period than six months or for a longer period than six weeks if the decree be for the payment of a sum of money not exceeding fifty rupees.

Certain judgment debtors not to be discharged without order of the court.

**Note.**—But the Legal Remembrancer has ruled, in a case where prisoner was committed by the Small Cause Court, Calcutta, to the civil jail for three months under a decree for a debt, and subsequently the same prisoner after he had served half this term was ordered by the High Court to be confined in the civil jails under another decree for a sum-exceeding Rs., 1,200.00 without any term of imprisonment being mentioned, that the second warrant should have full effect, therefore, if a civil prisoner is ordered to be confined in a civil jail under more than one warrant each warrant shall have full effect from the date thereof, although the prisoner may thus be detained beyond six months.

389. After a civil prisoner has been released, if there is any balance of diet money in the Jailor's hands it shall, if received from a civil court officer, be returned to the court, but if received from the decree holder, it shall be repaid to the decree holder on his applying for it. If such balance remains unclaimed for more than two months, it shall be remitted to the treasury to the credit of Government. For

Balance of diet money after release of civil prisoner.



every such refund of diet money receipt shall be taken and pasted into the admission register opposite the account to which it relates.

Disposal of articles  
supplied by decree  
holders.

390. All articles such as utensils, clothing, etc., supplied by, or at the cost of the decree holder, for the use of the Judgment debtor while detained in jail, shall, in the event of the decree holder failing to take back on the judgment debtor's release from jail, be sent to the principal local civil court for disposal.

The jail Superintendent should certify with each lot of property who paid for it, and why it is sent to the civil court.

Applications for  
insolvency.

391. (1) A copy of the rules relating to insolvency (Act III of 1907 as amended by Act V of 1920) shall be kept up in the civil ward of every jail, and Superintendents of jails shall assist civil debtors and revenue defaulters who wish to be declared to be insolvents in making the necessary application under the Code. These applications may be written by a warder or other official, and such paper and writing materials as are necessary may be supplied. The search and examination of civil prisoners shall not be conducted in the presence of any other prisoners.

(2) If a civil prisoner commits any prison offence he shall be liable to one of the following punishments:—

(a) formal warning;

(b) cellular confinement not exceeding 7 days; and

(c) separate confinement not exceeding 14 days; or with the sanction of the Inspector General not exceeding 2 months.

(3) Civil prisoners shall be allowed to use books from the jail library and to obtain from outside at their own expense such books, periodicals and newspapers as may be approved by the Superintendent. Civil prisoners shall also be allowed to engage in such indoor games as cards, chess or carom and to occupy themselves in such manner as the Superintendent considers unobjectionable.

(4) When the Superintendent is of opinion that the release of a civil prisoner is desirable on the ground of existence of any infectious or contagious disease, he shall submit the case to the State Government through the Inspector General for orders under section 59 (3) (a) of the Code of Civil Procedure, 1908.



392. There shall be separate accommodation for prisoners undertrial both male and female and arrangements shall be made, where male undertrial prisoners under the age of 18 are confined, for separating them altogether from other prisoners, and for separating those of them, who have arrived at the age of puberty from those who have not. The undertrial wards shall be strictly segregated from the rest of the jail.

Separation of undertrial prisoners.

393. If possible undertrial prisoners who are known to be habitual criminals shall be kept separate from those who are not.

Habitual undertrial prisoners.

394. When practicable, undertrial prisoners who are accused of heinous offences should not be confined with those who are accused of offences less heinous. Any undertrial prisoner who is accused of committing a crime in concert shall be kept separate from others concerned in the same case. When there are separate compartments in the undertrial ward these should be utilized for the purpose. If there is no separate compartment, such prisoners may be kept in separate cells by day and in separate wards by night, but care must be taken that they are not kept in solitary confinement. As far as practicable a confessing undertrial prisoner shall be separated from all other prisoners. If a cell is used for segregating a confessing undertrial prisoner he shall be allowed the free use of the yard in front of the cell.

Separation of undertrial prisoners accused of Heinous offences.

Note.—A Confessing undertrial prisoner is one who is certified as such by Magistrate.

### UNDERTRIAL PRISONERS

395. (1) Save as otherwise expressly provided in these rules, 185, 285, 286, 289, 302 to 306, 308, 312, 913 to 919, 346, 347, 349, 351, 353, 356 and 357 relating to the admission, search, release, and property of prisoners, shall apply to prisoners undertrial. If any wound or mark of recent injury is observed at the medical inspection on admission the prisoner shall be questioned regarding it, and if he attributes it, to violent treatment while under arrest, the matter shall be immediately reported to the District Magistrate or, in his absence, to the senior Magistrate present at headquarters. Except in the case of prisoners committed to the Sessions, on every warrant should be stated the day on which the prisoner is to be brought up before the Magistrate or other officer issuing the warrant. In Sessions cases when the date is fixed for the production of a prisoner it should be endorsed on the warrant by the Jailor. The

Admission, search, release and property, etc. of undertrial prisoners.



number and name of every undertrial prisoner should be entered in the release diary at the top of the page relating to the date each is to be produced in court.

Identification marks.

(2) The Superintendent shall satisfy himself that a careful record of the identification marks, the left thumb-impression or, in the case of a literate prisoner, the signature, and the condition of the hair and beard of every undertrial prisoner is made in the appropriate register. If considered necessary, a note should be made whether the prisoner is clean shaven or partially shaven.

Cutting of hair.

(3) An undertrial prisoner shall not be allowed to cut his hair or to shave in a way that would alter his personal appearance so as to make it difficult to recognize him. Prisoners who have been more than a month in jail may, if they so desired, have their hair cut to the length it was at the time of their admission. The hair of an undertrial prisoner may, however, be cut when the Medical Officer considers it necessary, but it shall not be cut shorter than is necessary for the purpose of health and cleanliness.

Special direction by Magistrate.

(4) (i) The Superintendent shall carry out any special directions as to the separation of an undertrial prisoner given by a Magistrate. Such separation shall not be accompanied by any irksome conditions beyond those necessary to secure the object in view, namely, to prevent such prisoner from communicating directly or indirectly with other prisoners concerned in the same case or other cases.

(ii) Undertrial prisoners reported by the court to be approvers or confessing accused person, shall be kept separate and prevented from communicating with all other undertrial prisoners. They may, however, be allowed to mix among themselves during the day. But care shall be taken to see that confessing accused persons and approvers in the same case are kept separate.

Separate confinement for approvers.

(5) (i) In all cases where after a confession has been recorded and no intimation has been received from the Magistrate that separate confinement is no longer necessary, the Superintendent shall, after waiting for a week, seek the orders of the District Magistrate as to the approvers separate confinement.

(ii) When an undertrial prisoner has been in prison in separate confinement for a fortnight fresh orders may, if considered necessary, be obtained from the Magistrate concerned, as to his continued separated confinement.



(6) The Magistrate shall inform the Superintendent in writing accordingly when even an undertrial prisoner, for whose custody special precautions are necessary, is committed to jail.

Magistrate to give notice of special precautions.

(7) The Superintendent may take such special measures for the safe custody of any undertrial prisoner as he thinks fit on his own initiative, and shall do so when warned by the Magistrate. For this purpose he may, with the sanction of the Inspector-General entertain extra paid warder, if considered necessary.

Special watch and ward.

(8) An undertrial prisoner shall be subject to the following conditions :—

General rules for undertrial prisoners.

- (a) He shall receive the non-labouring diet of the jail as prescribed in Part IX.
- (b) He may be permitted to cook his own food if permitted by the Superintendent.
- (c) He may be allowed to smoke or chew tobacco at his own expense under such restrictions as may be imposed by the Superintendent.
- (d) He shall be permitted to wear his own clothes the details of which shall be recorded in the register of undertrial prisoners and read out to the prisoner in the presence of the Superintendent. The entries in the registers shall be countersigned by the Superintendent.
- (e) He shall not normally be required to labour, but shall be required to keep himself, his clothing and bedding clean and may also be required to keep his cell or other compartment occupied by him clean.
- (f) Superior class undertrial prisoners may be allowed to sleep in the open during the summer between May 1 and September 30. Provided that the Superintendent shall be responsible for making adequate arrangements for proper guard and if this can be done, out of the permanent strength of staff.

(9) (a) When an undertrial prisoner who may have to be subsequently put up for identification by witnesses is admitted to jail, the Superintendent of Police or some

Procedure in the case of undertrial prisoners who have to be subsequently identified.



Police Officer not below the rank of an Inspector shall inform the jail in writing at the time of admission, or as soon thereafter as possible, that the prisoner will be put up for identification.

(b) When such intimation has been received the Superintendent of jail shall issue instructions with a view to prevent the prisoner from disguising himself or changing his appearance in such a way as to make recognition difficult.

(c) At the time of identification parade the prisoner shall wear the same clothing as he was wearing at the time of admission. If he cannot wear his own clothes he shall wear clothes of a similar kind, *e. g.*, if he is a field labour he should not be dressed in the white clothes of a city man or vice versa. In all cases of doubt the orders of the Magistrate conducting the identification should be taken. Before the proceedings begin, the prosecuting Inspector and Counsel for the defence, who shall be permitted to be present, may satisfy themselves that all the rules in this paragraph have been fully observed. The proceedings shall also be attended by a jail officer who shall carry out any order given to him by the Magistrate conducting the identification.

(d) The prisoner to be identified shall be placed among a number of prisoners as similar to him as possible in dress, stature and appearance and shall not be allowed to conceal his face or stature so as to impede recognition.

(e) When a prisoner who is wearing fetters is to be identified the prisoners paraded with him should be selected from among those who are wearing fetters. Conversely, if the prisoner to be identified is not wearing fetters none of those paraded with him should be wearing fetters. Where this is impracticable the method of covering up all prisoners in the parade, whether wearing fetters or not, up to the waist with blankets may be adopted.

Undertrial prisoners unfit to attend court owing to sickness.

(10) In the event of an undertrial prisoner being unfit by reason of sickness to attend court on the appointed date, the Superintendent shall send on the said date a report, to the effect to the court along with the opinion of the Medical Officer as to the inability of the undertrial in attending the court and as to when he is likely to be fit to do so.

Serious illness.

(11) When an undertrial prisoner is seriously ill and is likely to die if continued to be detained in jail the Superintendent shall send a report of the case accompanied by the Medical



report of the Medical Officer of the jail with a copy thereof to the District Magistrate and Superintendent of Police of the district where the offence was committed the court concerned for considering the possibility of release of the prisoner.

(12) When an undertrial prisoner dies in jail the Superintendent shall at once report the occurrence to the District Magistrate and the Prosecuting Inspector. The latter shall give immediate information to the court concerned.

Death.

396. It is the duty of the jail authorities to endeavour by all the means in their power to ascertain whether an undertrial prisoner has been previously convicted. Information on this point shall invariably be reported to the police.

Information regarding previously convicted undertrial prisoner.

397. The undertrial ward shall be under the charge of a paid warder and shall at the regular hours be visited by the gangs employed in sweeping, supplying water and giving food, under custody of a paid jail official who shall prevent them in holding communication with any of the prisoners undertrial. Except for this, no convicted prisoner should be allowed to enter the ward.

Undertrial ward to be in the charge of paid warder.

398. If an undertrial prisoner be discharged in open court, or released on bail while attending the court, by the Magistrate or Sessions Judge, a notification of the fact under the signature of the officer so discharging or releasing him shall be sent on the same day to the jail.

Discharge or release on bail of undertrial prisoner.

399. The weight of every undertrial prisoner on release shall be recorded in the undertrial register. In the case of undertrial prisoners who are released from court the last weight recorded on the history ticket prior to release shall be taken to be the weight on release.

Weight of undertrial prisoner on release.

400. Every case of an undertrial prisoner pending before a court for over a month shall be brought to the notice of the court concerned and any official visitor at the time of his visit to the jail. Detentions of undertrial prisoners for over 3 months shall be reported direct to the District Magistrate, Additional District Magistrate, Judicial and Sessions Judge concerned, as the case may be. These reports of long detentions shall be sent on the 1st of every month. Detentions in excess of six months shall be specially reported to the Inspector General direct with a view to the matter being brought to the notice of the Government.

Excessive detention of undertrial prisoners.



## FEMALE PRISONERS

Separate cell for female undertrial prisoners.

401. In the female division of every jail there shall be a block of cells in sufficient number for use as punishment cells and to afford separate accommodation for female undertrial prisoners.

Female prisoner not to remain alone in female ward.

402. When, however, there is only one female prisoner in the female ward, and there is no female warder or overseer, and the prisoner is likely to be there for more than seven days, the Superintendent shall arrange before hand for another female prisoner from the nearest jail to be sent to keep her company, or to send the prisoner to an adjacent jail. In extraordinary circumstances the Superintendent may appoint a female warder for the period of detention of a female prisoner until she is transferred to an appointed jail or released whichever is earlier.

Child with mother.

403. A child under the age of four years, the offspring of a female prisoner, whether a convict or undertrial, shall, if it has not been weaned or if it has been weaned and no friends or relative can be found to take charge of it, be admitted to jail with its mother. A child born in jail may be permitted to remain with its mother. Any female prisoner may be allowed to retain her child with her until it is four or with the approval of the Superintendent even up to six years of age, if she so desired. As soon as any child admitted or born in jail attains the age of four or six years, as the case may be, the Superintendent shall communicate to the Magistrate of the district of which the mother is or was a resident, with a view to arrangements being made for the custody of such child. For the diet-scale for children, see rule 535. Female convicts who have children with them in jail (except prisoners sentenced to life imprisonment) shall not be transferred to Central Jails until the children have been made over to their friends or have otherwise been taken charge of.

Birth of child in jail.

404. On the occurrence of a birth in jail a statement in the prescribed form will be sent to the Superintendent of Police.

Pregnancy of female prisoner.

405. When a female prisoner (convict or undertrial admitted in jail is certified by the Medical Officer to be pregnant the fact shall invariably be reported to the Inspector-General with particulars as to date of admission, term of sentence and duration of pregnancy. The date of



confinement (if the prisoner is confined in the jail) or the date of release before confinement should also be reported to the Inspector-General.

406. As far as possible a child birth in jail shall be avoided, but if this be not possible, the services of a qualified midwife shall be requisitioned, if the matron is not trained in midwifery, or when she requires additional help, in districts where there is a Maternity and Child Welfare Centre the authorities in-charge of such Centre shall be requested to depute a midwife to attend any case of confinement in the female ward. She will be paid as per scale prescribed by Government.

Child birth in Jail.

407. The female division of a jail shall invariably be in-charge of a matron or female warder. A female convict of the casual class of good character who has served at least one third of her sentence, may be employed in this capacity.

Female warder to be in-charge of female prisoner.

408. A brass padlock must be used to secure the outer door of the female ward and the key must remain in possession of the paid Matron, or if there is no Matron, with the Jailor, or Assistant Jailor while in-charge of the jail. The key shall on no account be entrusted to any officer below the rank of Assistant Jailor. No duplicate keys of these locks shall be maintained save in the case of female ward of the Central Jail, the main gate of which is locked from the outside. One of the keys of this brass padlock will be in the possession of the Matron and the duplicate key will be in the possession of the Senior Jailor. Duplicate keys will also be kept in the Central jail to two locks of the hospital octagon gates, to enable the Round Officer to move inside freely, the second key being kept by the warder on duty. In the Central Jail and in the District Jails Class I where the female ward door is locked from the inside by the Matron or the female warder, there shall be a second door the lock of which shall be placed on the outside and the key of which shall be kept by the Jailor so that immediate assistance may be rendered to the Matron or the female warder in case of sudden emergency. The same rules apply to the custody of the keys of the barracks and cells inside the enclosure but though the locks must be different from those in use in other parts of the jail they need not be brass padlocks. After the opening out in the morning, and the feeding and latrine parades are finished, the women shall be locked up for work in the workshed, in charge of a female convict of the casual class, who shall remain inside the workshed,

Keys of Female ward.



and be provided with a bell to ring in case anything is required. The Matron, or where there is no Matron, the Jailor is primarily responsible for the female ward. The Matron in Central Jail or the Jailor in District or subsidiary jail must be present when the warder in-charge of the male sweepers admits them into the ward for conveyance.

Restriction of male officers, entrance in female ward.

409. No male officer shall on any pretext enter the female prisoner's enclosure without the paid Matron or, if there be no Matron without the Jailor, and the two shall not separate whilst in the enclosure. Should it be necessary to enter the female's enclosure at night, the head Warder on duty shall call the Jailor, and these two officers together shall enter the enclosure. Warders acting as escorts to official visitors must remain outside the enclosure while it is being inspected, etc.

Female prisoner not to quit female enclosure of jail.

410. No female prisoner shall be allowed on any consideration to leave the female enclosure of the jail.

Habitual and non-habitual criminals.

411. All convicted criminal prisoners shall be classified and placed in one or other of the following categories, namely :—

- (a) Habitual Criminals.
- (b) Non-habitual Criminals.

Note.—For convenience of reference, prisoners falling in the first of the above categories are referred to as "habituals" and those falling in the second category are described as "non-habituals" or "casuals".

The following persons shall be liable to be classified as habitual criminals—

- (i) Any person convicted of an offence whose previous conviction, or convictions under Chapters XII, XVI, XVII or XVIII of the Indian Penal Code taken by themselves or with the facts of present case show that he habitually commits an offence or offences punishable under any or all of those Chapters;
- (ii) Any person committed to or detained in prison under section 123 (read with section 109 or section 110) of the Code of Criminal Procedure;



- (iii) Any person convicted of any of the offences specified in (i) above when it appears from the facts of the case. Even although no previous conviction has been proved that he is by habit a member of a gang of decoits, or of thieves or a dealer in slaves or in stolen property.
- (iv) Any member of denotified tribe subject to the discretion of the State Government concerned.
- (v) Any person convicted by a Court or tribunal acting outside India under the general or special authority of the Government of India of an offence which should have rendered him liable to be classified as a habitual criminal if he had been convicted in a court established in India.

*Explanation.*—For the purpose of these definition the word “conviction” shall include an order made under section 118 read with section 110 of the Criminal Procedure Code.

Classification into  
habitual and non-  
habitual.

412. (1) The classification of convicted person as a habitual or non-habitual shall ordinarily be made by the convicting court, but if the convicting court omits to do so, such classification may be made by the District Magistrate of the district in which the criminal was convicted or in the absence of an order by the convicting court or District Magistrate pending the result of a reference to the District Magistrate by the officer in-charge of the jail, where such convicted person is confined;

Provided that any person classed as habitual criminal may apply for a revision of the order.

(2) The convicting court or the District Magistrate may, for the reasons to be recorded in writing, direct that any convicted person shall not be classed as a habitual criminal and may revise such direction.

(3) Convicting court or District Magistrate, as the case may be, may revise their own classifications, and the District Magistrate may alter any classification of a prisoner made by a convicting court or any other authority provided that the alteration is made on the basis of facts which were not before such court or authority.