

Rules for Superintendence and Management of Jails in the State of Assam

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CHAPTER 1

CLASSIFICATION OF JAILS

Statutory Provision. – “Prison” (with which the word “Jail” is synonymous) is defined in section 3 (1) of the Prisons Act, 1894.

1. Kinds of Jails. -

All jails in the [State]¹ are classified as district jails

¹[The] following jails exist at (a) district and (b) sub divisional head-quarters: -

(a) Sylhet, Silchar, Gauhati, Tezpur, Jorhat, Dibrugarh, Nowgong, Shillong, Dhubri, Kohima, Aizwal, Tura.

-
1. The list of jails given in Rule I is as in 1934. Many changes have taken place during the last 50 years. Some of the jails mentioned in this rule now fall in Bangladesh, Kohima is now in the State of Nagaland, Shillong and Tura in the State of Meghalaya and Aizwal in the Territory of Mizoram. This Rule has, however, not been amended. The list of existing jails in Assam is given below:

District Jail: - Guwahati/Nalbari/Barpeta/Kokrajhar/Dhubri/ Goalpara/
Mangaldoi/Tezpur/Silchar/Hailakandi/
Karimganj/NorthLakhimpur/Dibrugarh/Sibsagar/Jorhat
Golaghat/Nagaon.

Special Jail: - Nagaon, Mahendranagar Open Air Jail, Jorhat

Lock-up- Diphu/Haflong.

**(b) Habileganj, South Sylhet, Karimganj, Sunamganj,
Sibsagar, Golaghat, Mangaldai, North Lakhimpur]**

2. Classes of district jails. -

Allowances are admissible for the combined or separate administrative and medical charges of the jails according to the following scales provided that when the Deputy Commissioner or Sub-divisional Officer, not being a member of the Assam Civil Service, is in administrative charge of a jail, no allowance can be drawn by him for such charge: -

Class.	Daily average of prisoners	Combined charge	Separate charges	
			Administrative	Medical
1 st	500 or more	150	100	50
2 nd	300 to 499	100	60	40
3 rd	150 to 299	75	45	30
4 th	50 to 149	50	30	20
5 th	1 to 49			

12 if held by
Assistant
Surgeon.

10 if held by

Sub-
Assistant
Surgeon.

The class of each jail will be fixed by the Inspector-General of Prisons each year in the month of April on the basis of the daily average number of prisoners in the preceding calendar year, provided that the State Government may for special reasons place a jail in a class other than that in which it would have been placed under this rule.

3. Jails both for criminal and civil prisoners. -

All jails of the State are for the confinement of criminal and civil prisoners.

CHAPTER II

THE INSPECTOR-GENERAL OF PRISONS

Under section 5 of the Prisons Act, 1984, an Inspector-General of Prisons shall be appointed for the territories subject to each State Government, and shall exercise, subject to the order of the State Government, the general control and superintendence of all prisons situated in the territories under such Government.

4. Relations of Magistrates and jail officers with Inspector-General. -

All Magistrates and jail officers shall comply with the orders issued by the Inspector-General in all matters relating to the internal economy, discipline and management of jails.

All changes in the office of Superintendent of a district Jail shall, when necessary, be notified by the Inspector-General in the Official Gazette.

5. Control of expenditure. -

The Inspector-General shall exercise full control over all expenditure in jails, submitting annually to Government, through the Comptroller, a budget of the amount of funds necessary for their maintenance in such manner and at such time as may be required.

6. Audit of bills. -

All monthly and other bills for jail expenses of every description shall be submitted to and audited by him, with the exception.

- (1) charges for Public Works, which are regulated by the Public Works Department;
- (2) charges for stationery supplied by the Stationery Department;
- (3) charges for medical stores supplied by the Medical Store Department

* See also Schedule III to the Delegation of Financial Powers Rules, 1960.

7. Inspector-General's financial powers.

He is empowered to sanction all working expenses, either for manufactory or general purposes, within the limits of the budget grants, and also to regulate all contingent charges, which are authorised to be incurred, without reference to superior authority.

This rule is subject to the following limitations: -

- (a) That the previous sanction of Government is necessary for the purchase or retention in stock of more than 15 months' supply of grains or raw materials for manufactures, and for any such purchase exceeding Rs 5,000 in one item.
- (b) That except in the case of residential buildings projects involving the acquisition of land, he may sanction estimates and expenditure for new works and for additions and alterations to existing buildings borne on the books of the Public Works Department up to Rs. 5,000 for each item within the limit of any allotment placed at his disposal in the Public Works Department budget.
- (c) That he may sanction any other item of expenditure for which provision has been made in the Jail Department budget up to Rs. 2,500 for each item, except in cases where the power of sanction is

amplified or restricted under [“The Rules for the Treatment of Contingent Expenditure” and “The Book of Financial Powers, Assam”]¹

8. Power to sanction contracts. -

No contract, other than a petty contract for supplies not exceeding one month’s requirements, shall be made without the previous sanction of the Inspector-General, and except in the case of contracts with Government departments all contracts shall be duly stamped. Contracts, however, for the supply of articles for use in jails in Assam are exempt from stamp duty.

9. Power to sanction temporary appointments. -

He has authority to sanction in case of necessity and subject to budget provision, temporary appointments on pay not exceeding Rs. 30 a month for periods not exceeding one year, provided that the pay and allowance of any appointment shall not exceed the prescribed rates in cases where such rates have been definitely laid down by a higher authority for any particular class of appointment, and that no appointment shall be created by him in his own office.

1. The powers under Rule 7 should be read with Schedule II to the Delegation of Financial Powers Rules, 1960. “The Book of Financial Powers, Assam” has been since repealed by the aforesaid rules.

10. Power to sanction rewards for escaped prisoners. -

He is empowered to sanction payment of rewards for the recapture of an escaped prisoner up to Rs 300.

- (a) He is empowered to sanction an expenditure (Rupees thirty) only to meet the cost of performance by Prisoners on each occasion.*

* See also Delegation of Financial Powers Rules, 1960

11. *Inspection of jails by Inspector-General. -*

(1) *He shall inspect all departments of every jail at district headquarters and at Shillong * at least once a year and of every jail at sub-divisional headquarters and at Tura *, Kohima and Aijal at least once in two years.*

(2) *During each inspection he shall personally see every prisoner then in confinement in the jail, he shall give every prisoner a reasonable opportunity of making any application or complaint and shall investigate and dispose of such as relate to jail discipline.*

- (3) *He shall inspect the yards, wards, cells, worksheds, and other enclosures, shall examine the garden, enquire into the character of the water-supply, the conservancy arrangements, and the medical administration, shall see the food and ascertain that it is of proper quality and quantity, and generally satisfy himself that the buildings and premises are in proper order.*
- (4) *He shall inspect all journals, registers and books maintained in every department of the jail, and initial or countersign them in token that he is satisfied that they are maintained in accordance with rules. He shall satisfy himself that the orders of Government regarding the arrangement and periodical destruction of records are observed.*
- (5) *He shall inspect the warder establishment, satisfy himself as to its proficiency in drill and musketry, inspect its arms and accoutrements, and test the ability of each jail officer of the upper subordinate establishment to drill the guard.*

12. *Memorandum of inspection to be supplied to Superintendent. -*

Immediately after the inspection the Inspector-General shall furnish the Superintendent with a memorandum embodying his opinion of the manner in

which the jail is administered, the extent to which the officers appear familiar with their duties, together with any suggestions or order for the guidance of the Superintendent.

13. *Special report in certain cases. -*

The Inspector-General shall submit to Government with a memorandum embodying his opinion of the manner in which the jail is administered, the extent to which the officers appear familiar with their duties, together with any suggestions or order for the guidance of the Superintendent.

** Shillong and Tura now fall in Meghalaya, Kohima in Nagaland and Aijal in Mizoram.*

14. *Powers of appointment and punishment. -*

He shall appoint and may transfer or punish or dismiss Jailers and subordinate jail officers, except Sub-Assistant Surgeons.

15. *Powers to order transfer of prisoners.¹ -*

Under section 29 (2) of Act III of 1900, as amended by Act I of 1903 (the Repealing and Amending Act, 1903) he has been vested with the power of ordering the transfer of prisoners from one jail to another within the State or under the general orders issued by the State

Government under section 29 (1) of the Act, to a jail in any other State. He is also authorised without reference to the State Government to sanction the removal of prisoners from the permanent buildings of any jail into temporary quarters during epidemics.

16. *Annual Administration Report.* -

He shall submit to the Government on the 15th April every year, a detailed report on the jail administration of the previous calendar year, giving statistics of the prisoners in such form as may be prescribed by the Government, together with his remarks on every point of jail management.

¹Section 29 of Act II of 1900 has since been repealed and now the transfer of prisoners is governed by the Transfer of Prisoners Act, 1950 (Act 29 of 1950)

17. *Powers as a Magistrate.* -

He shall exercise the powers of a Magistrate of the 1st class within the limits of every prison in his jurisdiction.

18. *Channels of communication.* -

In the absence of any direction to the contrary, the Inspector-General shall be the channel of

communication between the Government and all officers of the Jail Department.

CHAPTER III

VISITORS

19. *Ex-officio visitors.* -

The Chief Engineer, the Director of Public Instruction, the Inspector-General of Police, the Director

of Public Health, the Director of Agriculture and the Director of Industries shall be ex-officio visitors of all jails in the State Commissioners of Divisions and District and Sessions Judges shall be ex-officio visitors of all jails within their respective divisions and circuits. The Civil Surgeon of any district shall be an ex-officio visitor of all jails within his district.

20. *Appointment of Board of Non-official visitors. -*

Board of Visitors shall be appointed by Government for all Jails. These Boards of Visitors shall, in the case of Jails at district headquarters, consist of the District Magistrate as Chairman, the Chief Judicial Magistrate and four non-official members, and in the case of Jails at Sub-divisional headquarters, the sub-divisional Officer who will be the Chairman, the Sub-divisional Judicial Magistrate and two non-official members. The constitution of the Boards and the names of the other visitors, and any changes in the visitors that may be made from time to time shall be published by Government in Part I of Assam Gazette.

Members of the Boards other than Government officers shall be appointed for two years and shall be eligible for re-appointment.

21. *Visits by non-official visitors. -*

The Board of Visitors shall pay a joint visit of inspection to the jail every quarter and individual visitors ordinarily once a fortnight. At each quarterly meeting of the Board the Chairman shall draw up a roster of visits to be paid by each visitor during the next three months. This roster should ordinarily be drawn up so as to provide for fortnightly visits, but if any Board expresses a desire for weekly visits, the Chairman should arrange accordingly. Save in exceptional circumstances, visitors shall not visit the jail on jail holidays, but if considered necessary permission to do so may be accorded at the discretion of the Jail Superintendent.

22. *Powers and duties of visitors. -*

- (1) It is the duty of a visitor to satisfy himself that the law and rules regarding the management of prisons and prisoners are duly carried out in the jail, to visit all parts of the jail and to see all prisoners and to hear and enquire into any complaint that any prisoner may make.*
- (2) A visitor may call for and inspect any book or other record in the jail, provided that the Superintendent may decline to produce any book, paper or record for inspection if, for reasons to be recorded in writing, he considers such production undesirable.*

(3) The Board of Visitors shall meet at the jail, inspect all buildings and prisoners, hear any complaints and petitions that may be preferred, inspect the prisoner's food and see that it is of good quality and properly cooked, examine the punishment book and satisfy themselves that it is up to date and that punishment awarded are in accordance with the rules, and scrutinise any case of long detention of under-trial prisoners.

23. *Record of visitor's remarks. -*

A visitor's book shall be kept in every jail and shall be presented to the Board of Visitors and every individual visitor when the inspection of the jail has been completed. In this book the Board of Visitors as well as individual visitors shall record the date and hour of their visit and any remarks they may desire to make. Such remarks should be limited to a statement and fair criticism of the actual facts which come to their knowledge, and to any suggestions they may wish the Superintendent or the Inspector-General to consider. The Superintendent shall note the action taken by him in the column provided for the purpose and shall forward copies of all such entries in the visitor's book to the Inspector-General shall be communicated to the visitor concerned. Whenever a visitor records remarks concerning the long detention of an under-trial

prisoner, a copy of his remarks relating to such matter shall be forwarded to the District Magistrate. The Inspector-General may, if he thinks necessary, forward a copy of any visitor's remarks for the information of the State Government. When His Excellency the Governor or the Minister visits any jail a copy of his remarks should be submitted in duplicate to the Inspector-General through the District Magistrate. Copies of visitors' remarks on sub-divisional jails need not be forwarded as a matter of routine to the higher authorities as prescribed above unless a visitor expressly makes such a wish in writing in this behalf. The Deputy Commissioner as Chairman of the Board of Visitors shall keep such visitors informed of this act.

24. *Warden escort for visitors. -*

Visitors shall be attended by an escort or at least one warder armed with a baton.

25. *Lady visitors. -*

A lady visitor shall be appointed, if possible, to all jails. Lady visitors shall have the same powers and duties as male visitors except that their functions shall extend only to the female prisoners and the female yard. She shall not enter the male portion of the prison,

unless it is necessary to pass through it in order to reach the female yard.

26. *Visitors not dealt with in the foregoing sections. -*

The Superintendent of Police and all officers of the Public Works Department and their subordinates, who have business to attend to in the jail, shall at all times have free access to the jail, and may be allowed to enter their remarks in the visitors' book with reference to all matters connected with their departments. But, with the exception of the superior officers of Government visiting stations and the visitors, no other person not on duty in the jail shall be admitted into the jail, unless accompanied by or with the written permission of the District Magistrate, or the Superintendent of the Jail, or the Inspector-General and police officers shall not be permitted to examine, or make enquiries of any prisoner, without the permission of the District Magistrate, or in sub-divisions of the Sub-divisional Officer.

(a) In connection with opium and excise cases, the Special Superintendent of Excise or any other officer authorised by the Excise Commissioner in this behalf may be allowed permission to photograph and interrogate any prisoner: such permission should be granted by the District Magistrate or the Sub-divisional Officer of the Sub-

division in which Jail is situated. The interviews shall take place in presence of the Jailer or some other responsible officer of the Jail or as may be authorised by the Superintendent.

27. *Admission of police to recognise old offenders. -*

To afford the police the opportunity of recognising old offenders, they shall be permitted to visit the jail every Sunday and to see all prisoners admitted since their last visit, parade. The Superintendent of the Jail and the Superintendent of Police shall fix the hour for the parade. The police, not more than seven in number, shall assemble at the jail at the appointed time under charge of a responsible officer, and shall be conducted past the files of prisoners by the Jailer or the Assistant Jailer. They shall not be permitted to hold any communication with the prisoners except such as is necessary for the purpose of identification.

28. *Interrogation of prisoners by police officers. -*

A police officer, who is permitted by the Magistrate to examine or make enquiries of prisoners in jail, under this rule, shall be furnished with a written pass addressed to the Superintendent or to the Jailer. As a rule, these passes shall not be given to a police officer below the rank of Sub-Inspector. The interview will take place in the presence of the Jailer or some

other responsible officer of the jail, who, however, will keep at such a distance that he may not hear the conversation that takes place.

Note

Chapter III of the Rules deals with visitors who are an important component of jail management. Rule 20 specially mentions Chief Judicial Magistrate, District Magistrates, Sub-Divisional Magistrates as members of the Board of Visitors. In Sunil Batra (II) v. Delhi Administration (1980) 3 SCC 488, the Supreme Court discussed the importance of the rule of visits of District Magistrates and visitors and gave the following direction:

“We direct, in implementation of the constitutional obligation we have already discussed at length to safeguard prisoners fundamental rights, that the Sessions Judges and District Magistrates or other subordinates nominated by them shall visit jails once a week in their visitorial functions.

The prison authorities shall not, in any manner, obstruct or non-co-operate with reception or enquiry into the complaints. Otherwise, prompt punitive action must follow, the High Court or the Supreme Court must be apprised of the grievance so that habeas corpus may issue after due hearing.”

Instructions for the guidance of Jail-visitors were also issued by the Government vide letter No. Pr. 107-3000 G.J. dt. 11.7.1923. These instructions should be strictly followed by the visitors. The text of the instructions is given as Circular No 1 in Part of IV THIS manual at pp. 604-606 infra

CHAPTER IV

THE DISTRICT MAGISTRATE

29. *District Magistrate ex-officio jail visitor. -*

The District Magistrate is an ex-officio visitor of any prison situated in his district.

30. *General duties of the District Magistrate. -*

(a) The District Magistrate shall visit the district jail at least once in every month during which he is absent he shall depute the Magistrate in charge of headquarters to visit in his stead. The dates of such visits shall be recorded in the visitors' book, together with any orders, remarks or suggestions made: provided that if in any special case the District Magistrate considers it expedient he may communicate separately with the Superintendent on any matter arising out of his visit.

- (b) The power to issue orders respecting the prison conferred on District Magistrate by section 11 of the Prisons Act, 1894 must not be interpreted as empowering Magistrates to interfere unnecessarily with the management of jails, so as to weaken the Superintendent's authority. All orders made by the District Magistrate shall be issued through the Superintendent of the Jail.**
- (c) The District Magistrate shall report to the Inspector-General of Prisons any important step he may consider it necessary to take affecting the discipline and the management of the jail. In any case of outbreak or combined in subordination among the prisoner, or of threat thereof, the District Magistrate shall render immediate aid to the Superintendent.**
- (d) When the Civil Surgeon is not Superintendent of the Jail at the head-quarters of a district, the District Magistrate shall place an Extra Assistant Commissioner in charge of the Jail as Superintendent or assume direct charge himself.**

31. *District Magistrate to appoint religious instructors. -*

The District Magistrate is authorized to appoint teachers in religious and moral subjects who may be

permitted to lecture in the jail once a week, the day and hour being fixed by the Superintendent.

32. *Duties of Sub-divisional Officer. -*

Sub-divisional jails shall be under the control of the Sub-divisional Officers acting as Superintendents under the instructions of the Magistrate of the district who shall visit every such jail twice a year, and record a note as to its condition.

33. *Duties of District Magistrate in the absence of the Superintendent. -*

In the event of the absence of the Superintendent of district Jail on tour, or otherwise, the District Magistrate shall take temporary charge of the Jail, or place a Magistrate in charge. ¹[If the District Jail is unable to make interim arrangement by taking over charge himself or placing a Magistrate in charge, then the Jailer of the District Jail will take temporary charge of the jail for a period not exceeding one week]. Such officer shall exercise all the powers vested in the Superintendent.

Note

The District Magistrate in his capacity as ex-officio visitor is a judicial officer and not an executing

head and must function as such in-dependently of the prison executive To make prisoners' rights in correctional institutions visible, the District Magistrate must inspect the jails in his district once every month, receive complaints from individual prisoners and enquire into them immediately.

If he is too pre-occupied with urgent work, he has the power under Rule 30 to depute a Magistrate subordinate to him to visit and inspect the jail. What is important is that he should meet the prisoners separately if they have grievances. The presence of warders or officials will be inhibitive and must be avoided. He must ensure that his enquiry is confidential although subject to natural justice and does not lead to reprisals by jail officials. Rule 30 speaks of the record of the result of each visit and inspection. This empowers him to enquire and pass orders. All orders issued by him shall be immediately complied. Inform government about such disobedience and advise the prisoners to forward his complaint to the High Court under Article 226 together with a copy of his own report to help the High Court exercise its habeas corpus power. Indeed, it will be practical, if the District Magistrate keeps a grievance box in each ward to which free access shall be afforded to every inmate. It should be kept locked and sealed by him and on his periodical visit, he alone, or his surrogate, should open the box, find out the grievances, investigate their merits and

take remedial action, if justified. [Sunil Batra II v. Delhi Administration (1980) 3 SCC 488].

1. Inserted vide HMJ 16/80/2 dated 7.5.80.

CHAPTER V

THE SUPERINTENDENT

Under section 6 of the Prisons Act, 1894, there shall be Superintendent for every prison. Under section 11 (1) he shall manage the prison in all matters relating to discipline, labour, expenditure, punishment and control, subject to the orders of the Inspector-General. Section 11(2) requires the Superintendent of a district or sub-divisional jail to obey the lawful orders of a District Magistrate respecting the prison. The Superintendent is the officer in charge of a prison within the meaning of section 15 of the prisoners Act, 1900, and other enactments.

34. Duties generally stated. -

The general duties of the Superintendent of a prison are defined in section 11 of the Prisons Act, 1894

The Civil Surgeon of the district, when Superintendent of the Jail at district headquarters, is also the Medical Officer of the Jail.

The duties of the Superintendent in regard to offences and punishments, admissions and release, deaths, executions, accounts, etc., are prescribed in the chapters of this Manual dealing with those subjects.

35. *Duties further defined. –*

(1) Superintendents shall make themselves thoroughly acquainted with the Acts and Regulations relating to the jails and with the rules contained in this Manual and shall be strictly responsible for the due carrying out of all such statutory provisions and rules and for the execution of all sentences on prisoners committed to their charge.

(2) Every order of a Superintendent shall be subject to the revision of the Inspector-General.

36. *Daily visit to the jail. -*

The Superintendent shall visit the jail atleast once on every working day and also on Sundays and holidays whenever special circumstances render it desirable that he should do so. If, from any cause he is prevented from visiting the jail on any day on which he is by the rules required to do so he shall record the fact and the cause of his absence in his order book. At least once a month he shall visit the jail at night and satisfy himself that the guarding is being properly performed and that everything is in order.

37. *Maintenance of order book. -*

- (1) The Superintendent shall maintain in his own handwriting an order book in which he shall enter therein all his orders relating to the management and discipline of the prison and shall satisfy himself that every such order is duly carried into effect. All officials entrusted in any way with the execution of any such order shall sign the book in acknowledgement of having seen and received the order.*
- (2) The Superintendent shall also record in his order book the distribution of duties and registers among his subordinate officers in such a way that responsibility for errors, dereliction of duty and defalcations may be fixed with precision.*

38. *Weekly inspection of prisoners. -*

- (1) *On one morning in every week, which shall usually be Monday, the Superintendent shall hold an inspection parade of all prisoners, at which the Medical Officer shall also be present***
- (2) *At each such parade the Superintendent shall satisfy himself: -***

 - (a) *that every prisoner is properly classified as provided for in the rules on that behalf;***
 - (b) *that every prisoner is provided with proper clothing and bedding;***
 - (c) *that the provisions of the remission rules are understood by the prisoners; and***
 - (d) *generally that the rules and orders applicable to prisoners are being duly carried out.***
- (3) *The Superintendent shall, at every such parade, hear and enquire into any complaints that the prisoners may wish to make. It shall be his duty to listen to complaints and petitions of prisoners in a patient and considerate manner, and to***

afford prisoners reasonable facilities for making such representations.

(4) Nothing in this rule shall debar a prisoner from making a complaint or application to the Superintendent at other times than the weekly parade, and it shall be the duty of every jail official to produce before the Superintendent without delay any prisoner desiring to see him.

39. *Control over receipts and expenditure. -*

The Superintendent shall be responsible for the economical working of his jail; he shall carefully consider the necessary for all expenditure before incurring it and shall satisfy himself that all rates paid are the lowest, compatible with efficiency. He shall be responsible for the satisfactory conduct of the manufacturing department, the punctual execution of orders, the collection of all outstanding, the due credit of all sums collected and generally for the financial administration of the jail. He shall be answerable for all jail property, stores and moneys and shall be held responsible for any defalcations on the part of the jail establishment, if it be shown that such defalcations were rendered possible by negligence on his part.

40. *Maintenance of records. -*

(1) The Superintendent shall be responsible for the correct maintenance of the records prescribed in section 12 of the Prisons Act, 1894, and of such other records as are prescribed by these rules and at least once a month shall examine every such record and shall satisfy himself that it is up to date.

(2) When no provision exists in these rules prescribing the officer by whom any register or record shall be maintained, the Superintendent shall, by order recorded in the order book, from time to time assign the maintenance of every such register or record to a specified subordinate.

41. *Submission reports and returns. -*

The Superintendent shall submit punctually to the Inspector-General such yearly and other returns, statements, bills and vouchers as may be from time to time prescribed. As soon as possible after the close of each year, and not later than the 31st of January annually, he shall furnish the Inspector-General with a report on the administration of the jail. This annual report shall be compiled in such form as the Inspector-General may prescribe.

42. *Procedure regarding civil suits. -*

No civil suit shall be instituted or defended by a Superintendent on behalf of Government without the previous sanction of the Inspector-General. Upon a Superintendent receiving notice of suit under section 80 of the Code of Civil Procedure, he shall immediately forward the notice, with a full statement of the facts of the case, to the Inspector-General.

43. *Report of important occurrences. -*

Any outbreak of epidemic disease or unusual sickness, all serious breaches of jail discipline, escapes, attempts at escape, recaptures, accidents, suicides or deaths from violent or unnatural cause, shall be at once reported by the Superintendent to the Inspector General.

44. *Presence at inspections. -*

The Superintendent shall accompany the Inspector-General of Prisons or by the Inspector-General of Civil Hospitals, the Superintendent may suspend the officer, reporting his action at once to the Inspector-General. All other officers of the jail shall be appointed, and may be suspended, reduced, dismissed, or otherwise punished by the Superintendent as detailed in Chapter XIII.

45. *Report to Government of long detentions of under-*

trials. -

The Superintendent shall report to the Inspector-General all cases of detention of under-trial prisoners which exceed in cases committed to the Court of Session two months, and in the case of offences triable by Magistrates one month.

46. *Superintendent's powers of appointments, suspension and punishment. -*

In the case of serious misconduct on the part of any officer appointed by the Inspector-General of Prisons or by the Inspector-General of Civil Hospitals, the Superintendent may suspend the officer, reporting his action at once to the Inspector-General. All other officers of the jail shall be appointed, and may be suspended, reduced, dismissed, or otherwise punished by the Superintendent as detailed in Chapter XIII.

47. *Prohibition of smoking. -*

The Superintendent shall not himself smoke nor permit any other officer or any visitor to smoke in any part of the jail at any time.

48. *Language qualification required of Superintendent. -*

Every Superintendent of a jail shall be sufficiently well acquainted with the language of the district in which the jail is situated to be able to converse with the prisoners.

49. *Jail business to be transmitted on jail premises. -*

The Superintendent shall, as a rule, transact all business connected with the jail within its precincts. He shall not, except in case of necessity, require the attendance of the Jailer or other subordinate beyond the jail limits.

CHAPTER VI

THE MEDICAL OFFICER

Under section 6 of the Prisons Act, 1894, there shall be a Medical Officer (who may also be the Superintendent) for every prison. Section 13 defines the Medical Officer's duties in general terms, section 14 requires him to report to the Superintendent any case in which he has reason to believe that the mind of a prisoner is likely to be injuriously affected by the treatment to which he is subjected, and section 15 lays down the procedure which the Medical Officer should adopt on the death of a prisoner.

50. *Appointment of Medical Officers. -*

The rules in this chapter apply both to Medical officers separately appointed and to Superintendent who are in addition medical officers of their jails.

51. *Discharge of duties during his absence. -*

During the absence of the Medical Officer his duties shall be performed by the Assistant Surgeon, or where there is no such officer, by the Senior Medical Subordinate.

52. *Control of Medical Officer. -*

The Medical Officer, when not himself the Superintendent, shall, except as regards the medical treatment of the sick, act in immediate subordination to the Superintendent and shall be subject to the general control of the Inspector-General.

53. *Channel of communication. -*

The Medical Officer shall ordinarily correspond with the Inspector-General through the Superintendent. He shall accompany the Inspector-General during his inspection of the jail.

54. *General duties. -*

The duties of the Medical Officer embrace every matter connected with the health of the prisoners, their treatment when sick, and the hygiene of the jail.

55. *Daily visits to the jail. -*

The Medical Officer shall visit the jail and shall see the sick daily, except on Sundays and holidays, and on those days also whenever necessary and shall inspect every part of the jail at least once a week and oftener in times of sickness. If any epidemic or unusual sickness prevails, or when the seriousness of the cases requires it, he shall visit the jail as many times daily as may be necessary.

56. *Attendance at weekly inspection. -*

(1) The Medical Officer shall be present at the Superintendent's weekly inspection, and shall then see every prisoner, and carefully examine each one, paying special attention to any signs of a scorbutic or anaemic tendency, of any falling off in condition, or of skin disease. He shall also examine the prisoners' drainage, ventilation, drinking water, and conservancy arrangements of the jail.

(2) He shall at the same time examine the record of prisoner's weighments, satisfy himself that the weight test is being properly applied, and see that the prisoners losing weight in any material degree are separately paraded.

57. *Attendance on jail officers. -*

(1) The Medical Officer shall attend all subordinate jail officials and their families residing on jail premises, provided that in all slight cases he may depute the Medical Subordinate to do this duty; and their treatment shall be recorded in a prescription book. He shall bring to the notice of the Superintendent any facts respecting the causes of illness that may be of importance in

enabling him to determine as to the fitness or otherwise of the subordinate for continued employment in the jail.

- (2) The Medical Officer shall examine all candidates for employment and all jail officers who may be sent to him by the Superintendent for that purpose, and shall certify in writing regarding their physical capacity and state of health.*

58. *Maintenance of Minute Book. -*

- (1) The Medical Officer shall keep a minute book in Form No. 4 in which he shall record every visit paid to the jail, the hour at which he entered and left the jail daily, the portions of the jail or classes of prisoners visited, the number of sick in hospital and any matter which he considers should be brought to the notice of the Superintendent, especially*

- (a) any defects in the food, clothing or bedding of prisoners, or in the cleanliness, sanitation, water-supply, or other arrangements of the jail which the Medical Officer considers likely to be injurious to health, together with suggestions for the remedy of such defects;*

(b) any occurrence of importance connected with the hospital administration, any marked increase in the number of in or out-patients, and the apparent causes of the same; and

(c) any recommendations regarding individual prisoners.

(2) This book shall be sent daily or more often if necessary to the Superintendent for the immediate issue of such orders as he may see fit to pass.

59. *Submission of returns. -*

The Medical Officer shall submit punctually the prescribed returns, and shall furnish any other information regarding the medical administration of the jail which the Inspector-General may call for.

60. *Maintenance of registers. -*

The Medical Registers and forms shall be kept under the order of the Medical Officer who is responsible for their

Note. - For other rules relating to the Medical Officer's duties, see the following, viz.

Examination of prisoner on admission, etc, Rule 236.

Examination of articles of food. Rules 380, 381.

Examination of prisoners with reference to labour, Rule 411.

General duties in regard to hospital management, Rules 650 to 679.

General duties in regard to sanitation, Rules 701 to 729.

CHAPTER VII

THE MEDICAL SUBORDINATES

Clause (8) of Section 3 of the Prisons Act, 1894, defines "Medical Subordinate" as meaning an Assistant Surgeon, Apothecary or qualified Hospital Assistant (now styled Assistant Surgeon II. Under Section 6 there shall be a Medical Subordinate for every prison.

61. *Appointment. -*

*The appointment of Medical Subordinates for jail work will be made by the [Inspector-General of Civil Hospitals]. **

62. *Pay. -*

Every whole-time Medical Subordinate shall draw the pay of his grade and such special allowance as the State Government has sanctioned for the particular jail to which he is attached. The special monthly allowances sanctioned by State Government are Rs. 15

a month [for the Sylhet Jail, Rs 10 a month] * for the Gauhati Jail and Rs. 10 a month for chlorine solution manufacture at the Tezpur Jail.

**** Sylhet jail is no more in Assam. Now it forms part of Bangladesh.***

correctness. At the Inspector-General's inspection the Medical Officer shall produce before him every register and record connected with the Medical Department of the jail.

63. ***Stoppage of special allowances. -***

The special allowance may be withheld by the Inspector-General or by the Superintendent with the sanction of the Inspector-General, for any month during which, in the opinion of either of these officers, the medical work of the subordinate was unsatisfactory.

64. ***Special rewards for good work. -***

After the close of the year the Inspector-General of Prisons within the limits of the budget grant sanctioned for the purpose may grant to any whole-time Sub-Assistant Surgeon, who in that year during his connection with a jail has done thoroughly good work in all branches of his duties, a special reward in

addition to his regular pay. This special reward will be granted in a single payment after the close of the calendar year and upon the following conditions: -

- 1. These rewards cannot be claimed as a right. They are given only for special merit shown in the preceding calendar year, and the grant of a reward and its amount depend entirely on the discretion of the Inspector-General.*

- 2. The grant of a reward will depend upon the opinion recorded by the Inspector-General at his inspection of the jail, and on the recommendation of the Medical Officer of the Jail who will bring to the notice of the Inspector-General of Prisons the special work carried out during the year by whole-time Medical Subordinates under him. The Inspector-General will base his opinion on the evidence of good work done as seen at his inspection in the general health of the prisoners, in the management of the hospital and the various infirm gangs, in the preparation and cooking of the food, both for ordinary prisoners and for those in hospital, in the general sanitary condition of the jail, in the management of epidemic disease, if any such out-breaks have occurred, in the success achieved in controlling conditions such as malaria, dysentery, etc., and*

last but by no means least in the success achieved in ambulance and first aid training.

3. If there has been in any jail a change of Medical Subordinates during the year the special reward, if sanctioned, shall be divided between the several incumbents, in accordance with the recommendation of the Medical Officer of recorded opinion of the Inspector-General.

4. The decision of the Inspector-General shall be final.

**** Now Director, Health Services, Assam.***

65. Withholding of ordinary monthly jail allowance. -

The Inspector-General, or the Superintendent, with the sanction of the Inspector-General, may withhold the ordinary monthly jail allowance of a Medical Subordinate, whether an Assistant Surgeon II for any month or months during which the medical work of the subordinate in connection with the jail was not satisfactory.

66. Residence of Medical Subordinate and compounder. -

The Medical Subordinate and compounder shall reside in the jail premises if quarters are provided for them. When quarters are not provided they shall reside

near the jail in a place approved of by the Medical Officer.

67. *Private practice. -*

Whole-time Medical Subordinates attached to jails will not be permitted to engage in private practice, except that they may engage in consulting work and may attend emergency cases with the sanction of the Medical Officer. This concession shall not apply to compounders.

68. *Disciplinary control. -*

A Assistant Surgeon II or compounder attached to a jail shall, in matters not connected with his professional duties, be under the control of the Superintendent and the Jailer, and, in the discharge of duties of a professional nature, shall be under the orders of the Medical Officer.

69. *Hours of duty. -*

A whole-time Assistant Surgeon II, shall remain inside the jail throughout the day, except when permitted to absent himself for meals or other sufficient reason. He shall visit the hospital occasionally at night, and may, under the orders of the Medical Officer, be required to remain on duty there, if there are any cases

under treatment that are likely to render his presence necessary.

70. *Duties generally stated. -*

The duties of a Assistant Surgeon II, generally stated, shall be to attend to the health and cleanliness of the prisoners, the treatment of the sick, the sanitation of the jail, the fortnightly weighments, the supervision of the food, and all other matters connected directly or indirectly with the health of the staff and inmates of the jail.

71. *Duties further defined. -*

It shall be the duty of a Assistant Surgeon II -

- (a) to be present at unlocking, attend to any prisoners who complain or appear to be ill, and have them removed to hospital or placed before the Medical Officer, for examination, as each case may require;***
- (b) to inspect the convalescent gang and any prisoners kept under observation every morning; to distribute such medicines as may be necessary and to satisfy himself that the Medical Officer's orders are properly carried out;***

- (c) to visit all prisoners in cells daily, and to report to the Medical Officer all complaints made to him that have any bearing on the health of the inmates;**
- (d) to be responsible that all medicines are properly arranged, labelled, and put away in place of safety, to take proper care of the instruments and appliances in his charge, to see that sick prisoners are clean and tidy, that**
- (e) to perform the clerical work connected with the hospital, such as the upkeep of registers, the preparation of returns, and punctual submission of indents;**
- (f) to satisfy himself that the food for the sick is properly prepared and distributed;**
- (g) to be responsible that order, cleanliness and discipline are maintained in the hospital and its enclosure, that the compounder and attendants perform their duties properly, that any excess or deficiency of attendants is brought to notice, and to report any relaxation or violation of the rules;**
- (h) to visit the kitchen daily, inspect the food supplies, raw and cooked, both in bulk and after distribution, see that the salt, oil and condiments**

are added and thoroughly mixed in his presence, satisfy himself that the food is of good quality and that the quantity of each article is according to the sanctioned scale; also that the kitchen and its surroundings are maintained in a sanitary condition, that the drains are flushed and free from refuse, that the water stored in the cisterns for cooking and washing utensils is changed frequently, and that the utensils in use are clean and in good repair;

- (i) to supervise the milking of the cows for the supply of milk to the hospital, to test the milk in the prescribed manner, to see that it is properly boiled before issue, and to inspect the food supplied to civil and unconvicted criminal prisoners by their friends;*
- (j) to keep a vigilant watch on prisoners suspected of malingering and to report the result of his observation;*
- (k) to be present at the various parades and to separate for examination and treatment any prisoner who appears to be in need of attention, or who is known or suspected of leaving part of his food uneaten;*

- (l) to arrange that the evacuations of prisoners suffering from bowel disease are kept for the inspection of the Medical Officer and that they are suitably protected and subsequently disinfected and disposed of;*
- (m) to bring to the notice of the Medical Officer any female whom he may suspect to be pregnant; and*
- (n) to see to the bathing of prisoners suffering from skin infections, and generally to do everything to ensure that the health of the prisoners is maintained, by reporting all irregularities and making any suggestions for improvement for the consideration of the Medical Officer.*

72. *Examination of prisoners on admission. -*

- (1) The Assistant Surgeon II, shall examine all newly admitted prisoners and under the supervision of the Medical Officer shall record in the admission registers and medical sheet the particulars as regards health, labour and the like.*
- (2) He shall satisfy himself that the persons and private clothing of newly admitted prisoners are properly cleansed, and that the clothing is, if necessary, disinfected before removal to the store room.*

- (3) Under the supervision of the Medical Officer he shall vaccinate newly-admitted prisoners, and, if so directed, infants admitted with their mothers or born in jail.**
- (4) He shall bring promptly to the notice of the Superintendent and Medical Officer any case of suspected cholera or other contagious or infectious disease that may appear amongst the staff or inmates of the jail.**

73. *Duties as regards water-supply and sanitation. -*

It shall be the duty of a Assistant Surgeon II -

- (a) to examine the wells other sources of water-supply, to bring to notice any defects with regard to its quantity or quality, to examine all tanks and vessels daily in which water is stored or conveyed and to prepare samples for analysis when required to do so;***
- (b) to inspect all latrines and urinals daily satisfy himself that they are properly cleaned, that a sufficiency of dry earth is used and in stock, and that excreta and urine are not allowed to remain longer than necessary inside the jail or to pollute the ground, but that they are promptly removed***

and disposed of in a manner calculated to be least offensive or dangerous to health;

(c) at least once a week to inspect the surroundings of the jail and especially the place and manner in which filth and the like are trashed or otherwise disposed of; and

(d) to attend to the ventilation, with due regard to the season, of the hospital, sleeping wards and workshops and to satisfy himself that prisoners are not unnecessarily exposed to draught or to rain.

74. *The weighments of prisoners. -*

The Assistant Surgeon II shall superintend the fortnightly weighments of prisoners, shall record each prisoner's weight in the weight chart, and shall parade as soon afterwards as possible, for inspection by the Medical Officer, all prisoners who are losing weight to any noticeable extent.

75. *Duty of occurrence of death. -*

The Assistant Surgeon II shall forthwith report to the

Note. - When the Subordinate Medical establishment is small as compared with the number of prisoners, or the medical work is heavy, an officer of the executive staff of the jail may be deputed by the Superintendent to assist in recording weight.

Medical Officer every death that occurs in the jail and shall

assist at the post mortem examination and be responsible that the body before removal from the mortuary is suitably prepared for burial.

76. *Medical aid to Officers, and to Assist Medical Officer Generally. -*

Assistant Surgeon II shall, under the direction of Medical Officer, afford medical aid (including free supply of all such medicines as are normally stocked in the Jail store) to all members of the Jail establishment and their families living on the Jail premises. If any medicines not normally stocked in the Jail store are purchased from outside for the treatment of any patient in any case they may be paid for from Government funds on special sanction of Government being obtained on the basis of a certificate of the Civil Surgeon concerned.

(a) overcrowding,

(b) unsuitable, worn out or dirty clothing,

- (c) *neglect of personal cleanliness,*
- (d) *undue exposure to weather,*
- (e) *unpunctuality of meals,*
- (f) *neglect to air, dry, or cleanse clothing and bedding and*
- (g) *unsuitable tasks.*

77. *Duties of compounders. -*

- (1) *The compounder shall obey the lawful orders of the Medical Officer and Assistant Surgeon II in all matters connected with the medical work of the jail and of the Superintendent and Jailer in other matters.*
- (2) *His duties shall be to help the Assistant Surgeon II in the maintenance of the health of the staff and prisoners by compounding and distributing medicines, vaccinating and weighing prisoners, performing clerical work, maintaining order and discipline in the hospital and by carrying out such other duties of a like character as may be imposed on him by the Medical Officer.*

CHAPTER VIII

SUBORDINATE OFFICERS GENERALLY

Under section 22 of the Prisons Act, 1894, officers subordinate to the Jailer shall not be absent from the prison without leave from the Superintendent or from the Jailer. Section 54 renders liable to judicial punishment a jailer or officer subordinate to him who shall be guilty of certain specified offence against discipline.

SECTION 1. - CONSTITUTION AND APPOINTMENT OF THE SUBORDINATE STAFF.

78. *Power to appoint subordinate officers. -*

Appointments to the posts of Jailer and Assistant Jailer will be made by the Inspector General while all Warders will be appointed by the Circle

Superintendents and Superintendents of hill Jails. The minimum requirement of height for subordinate Jail service should be 5 feet 3 inches in respect of Assistant Jailers of both Hill and Plain people.

79. *Subordinate officers to undergo probation. -*

Every subordinate officer, except in any case in which the Inspector-General or Superintendent may otherwise direct, shall be considered to be on probation for six months and his confirmation in his appointment shall be contingent on his proving efficient.

SECTION II. – CONDITION OF SERVICE.

80. *Liability to serve in any jail. -*

Every subordinate officer shall be liable to be employed wherever it seems fit to the Inspector-General to employ him. Whenever a warder is recommended for transfer, the names of the jails in which he has previously served shall be stated.

81. *Grant of leave. -*

- (1) The Fundamental Rules and Assam Subsidiary Rules apply to all jail officers. Leave other than disability leave which requires the sanction of Government under Fundamental Rule 83, will be granted in accordance with the rules, by the Inspector-General in the case of those officers whom he is competent to appoint, and by

the Circle Superintendent concerned in the case of Head and ordinary grade wardens.

(2) The Superintendent may grant any subordinate Officer (other than the Assistant Surgeon II) casual leave subject to the following conditions. Casual leave may not be combined with any other kind of leave and may one calendar year. If casual leave is taken in extension of gazetted holidays, these holidays will be counted as part of the leave. Inspector-General of Prisons, Assam, may in exceptional case allow a departure from this rule or part thereof recording reasons for such relaxations.

(3) The Superintendent may grant casual leave to Chief Head Wardens, Head Wardens and Wardens of Jail Department up to period of 15 days only per calendar year subject to the limit of 15 days only at any one time.

Inspector-General of Prisons in exceptional cases may allow a departure from this rule or a part thereof.

82. *Annual report on Upper Subordinates. -*

Shortly after the close of each calendar year, and not later than the 15th February annually, the

Superintendent shall submit to the Inspector-General confidentially in his own handwriting a report on each jail officer of the Jailer establishment serving in the jail. This report shall deal with the officer's physique, general character, activating, knowledge of drill, power of command, knowledge of vernacular, state of education, steadiness and fitness for promotion.

83. *Supply of rice, vegetables, etc., to jail officers. -*

With the permission of the Superintendent, the Jailer, Assistant Jailer, and other jail subordinates may be allowed a reasonable supply of vegetables for their own consumption from the jail garden free of charge, provided that no such permission shall be given unless the entire supply of vegetables required for jail use is being obtained from the jail garden.

Rice, atta, oil and dal may also be prepared and sold to the Jailers, Assistant Jailers, medical subordinates solely attached to the jails, Head Warders and paid warders at cost price plus the value of jail labour employed in the preparation of the articles; but the supply shall be limited to the requirements of each household and care must be taken that such articles are not disposed of to outsiders. The unauthorised plucking of fruit or vegetables from the jail land or the

appropriation of Government property to their own use shall be treated as a serious offence and may render the offenders liable to criminal prosecution.

SECTION III. -DUTIES OF THE SUBORDINATE STAFF

84. *Knowledge of rules. -*

Every subordinate officer shall make himself fully acquainted with the rules and regulation relating to his office, and no plea of ignorance will be accepted as an excuse for neglect. The rules prescribed by Government regulating the conduct of public officers are applicable to all subordinate officers, and a copy of those rules shall be supplied to every subordinate officer in superior service.

85. *Duties of wards superior officers. -*

Every subordinate officer shall yield prompt and strict obedience to all orders of the superior officers, and shall treat all superior officers at all times with respect.

86. *Not to be absent without permission. -*

No subordinate officer shall be absent during the hours fixed for his attendance without the permission of the Superintendent or Jailer. Any subordinate officer

disabled from the performance of duty by illness shall give or send immediate notice to the Jailer, who shall make such arrangements as may be necessary for the performance of the duty of the disabled officer.

87. *Dress personal appearance. -*

All subordinate officers shall be clean in person and dress, and those for whom a uniform is prescribed shall at all times wear it while on duty, and shall further conform to such regulations concerning their personal appearance as may be established by authority.

88. *No officer to smoke or drink in the jail. -*

No subordinate officer shall smoke or drink while on duty or in any part of the jail, or without authority introduce liquor, tobacco or any other drug into the jail.

89. *Not to receive visitors. -*

No subordinate officer shall receive any visitors within the jail, except with the sanction of the Superintendent.

90. *Conditions as to residence. -*

- (1) Every subordinate officer of a jail for whom residential quarters are provided shall reside therein.**
- (2) When free quarters are not provided the subordinate shall reside in such quarters as may be approved by the Superintendent.**
- (3) A subordinate officer shall not, except with the written permission of the Superintendent, allow any person other than his parents, wife or children to reside with him, either temporarily or permanently, in his quarters on the jail premises.**

91. *Prohibition against quarrelling. -*

All quarrelling between jail officers is strictly prohibited; any disagreement between subordinates relative to their duties shall be referred to the Jailer, or the Superintendent. A complaint by one officer against an equal or superior shall made to the Superintendent. Frivolous or false complaints will be severely punished.

92. *Department within the jail. -*

Subordinate officers 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 performing any special duty.

93. *Officers to prevent escapes and introduction of contraband. -*

Every jail officer shall -

- (1) exert the utmost vigilance to prevent escapes;**
- (2) prevent to the best of his power the introduction into the jail and the giving to any prisoner of any prohibited article; and**
- (3) prevent any communication between prisoners and outsiders except as permitted by rule.**

Under section 43 of the Prisons Act, 1894, any jail officer may arrest any person committing in his presence any offence specified in section 42, and refusing to give his name and address.

94. *Prohibition against entering a ward or cell at night. -*

Except as elsewhere provided, no subordinate officer shall enter a ward or cell at night unless accompanied by another authorised officer, and then only in case of sickness or other emergency; the

Superintendent may by order in writing relax this rule during the presence in the jail of epidemic disease.

95. *Responsibility of warder for charge of gang. -*

No warder shall be deemed to be free of responsibility for the charge of a gang of prisoners until he is relieved by another warder detailed for the duty, in the presence, and under the signature, make at the time of relief, of the Head Warder whose duty it is to conduct such relief.

96. *Duties of officer in charge on gang. -*

Every officer in charge of a gang shall make his prisoners march in file and shall prevent all struggling and disorderly conduct, the holding of unauthorised communication with each other or with any unauthorised person or the procuring of prohibited articles.

97. *Care of keys. -*

No subordinate officer entrusted with jail keys shall remove them from the jail, leave them lying about, or lend them to any person on any pretence whatever, but shall when leaving the jail or going off duty, deliver them to such officer as may be authorized to receive

them. The keys of wards, cells, or outer gates are not on any account to be delivered any prisoner.

98. *Care of Government property. -*

When an officer entrusted with the care of Government property, such as warrants, cash, stores, machinery, etc., is transferred, proceeds on leave (other than casual leave), resigns, is suspended, or discharged, he shall make over all property in his care to the officer appointed to relieve him, and the relieving officer shall compare all articles thus made over with the entries in the prescribed registers and satisfy himself that they are correct, and shall then initial each register in its proper place in token of having correctly received charge of the articles entered therein. Until charge is thus taken and the registers initialed by the relieving officer, the officer relieved shall be wholly responsible for all errors and deficiencies in the property.

99. *Officers to instruct their successors. -*

All officers on being relieved from any particular duty, or transferred to another part of the jail, shall point out to their successors all matters of special importance connected with their charge and explain any directions of any superior officer affecting any particular prisoner or matter.

100. *Prisoners to be treated with good temper. -*

All jail officers shall treat prisoners with good temper, humanity, and strict impartiality, and shall listen patiently and without irritability to any complaint or grievance, while at the same time maintaining strict discipline and enforcing observance of the rules and regulations. It is important that every complaint made by a prisoner should be heard with attention, in order that grievances may be redressed and that no cause for discontent may be allowed to remain.

101. *Prohibition against punishing or abusing prisoners. -*

No jail officers 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 shall be addressed by their proper names or numbers.

102. *Prisoners not to be struck. -*

No jail officer shall on any pretext strike a prisoner except in self-defence or in the repression of

disturbance, and no more force shall then be used than is absolutely necessary.

103. *Immediate report of misconduct to be made. -*

No subordinate officer shall, either through favour or a mistaken notion of kindness, fail to make an immediate report to his superior officer of any misconduct or willful disobedience of the jail regulations.

104. *Familiarity with prisoners forbidden. -*

No jail officer shall unnecessarily converse with a prisoner or treat him with familiarity, or allow any familiarity between a prisoner and any other officer of the jail. Nor shall he discuss matters of discipline, or jail duties or arrangements with or in the hearing of prisoners.

105. *Officers not to have dealings with prisoners or their friends. -*

No jail officer shall lend money to, borrow money from, or incur any obligation in favour of any other jail officer or any prisoner, or, or corresponds with, or have 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 matter concerning the jail.

106. *Not to receive prisoners' property. -*

No jail officer or other person in any way connected with the jail shall receive or use any article belonging of a person who either is, or has been, confined in the jail.

107. *Intercourse with discharged prisoners forbidden. -*

No jail officer shall correspond with or hold any intercourse with any discharged prisoner or with the friends or relatives of such prisoner, or allow any such prisoner, friends or relatives, to visit or remain in his quarters, except with the special permission of the Superintendent.

108. *Officers not to be interested in jail contracts. -*

No jail officer shall, directly or indirectly, be concerned in any contract or agreement for the supply of any article to the jail, nor receive, directly or indirectly, any fee, gratuity, present or loan, from any contractor or person tendering for any contract with the jail, or from any prisoner, prisoner's friends or any person visiting the jail.

109. *Officers not to engage in trade. -*

No jail officer shall, either directly or indirectly, engage in any trade, business or employment other than his legitimate jail duties and no jail officer below the rank of Chief Head Warder shall be permitted to keep cattle or other farm stock within the jail premises.

SECTION IV. – PUNISHMENT OF JAIL OFFICERS

110. *Superintendent to decide when to prosecute. -*

The Superintendent shall decide whether or not a prosecution shall be instituted in respect of any offence punishable under section 54 of the Prisons Act. Whenever a prosecution is determined on, the officer shall be suspended from duty.

111. *Offences to be dealt with judicially. -*

For the following offences a prosecution shall be instituted unless the Inspector-General otherwise orders, in which case the offender shall be punished departmentally: -

- (1) Wilfully or negligently permitting an escape.**
- (2) Committing any offence punishable under section 42 of the Prisons Act. 1894.**
- (3) Immoral conduct with regard to any prisoner.**
- (4) Any offence punishable under Chapter IX of the Penal Code.**

112. *Acquitted officer to be re-instated. -*

A jail officer acquitted of a charge by criminal court shall be re-instated in the service, unless the Inspector-General, for reasons to be recorded in writing, otherwise directs.

113. *Offences ordinarily punishable by dismissal. -*

The following offences shall be punished by dismissal unless the previous character of the offender and the circumstances of the case render a milder punishment sufficient: -

- (1) Appearing on duty in a state of intoxication.***
- (2) Sleeping on duty.***
- (3) Striking a prisoner.***
- (4) Entering or permitting any person to enter the female enclosure without proper authority.***
- (5) Committing or conniving at irregularities in the supply or distribution of food.***
- (6) Being concerned directly, or indirectly in a jail contract or a present from a contractor.***

(7) Having unauthorized dealings with any prisoner or prisoner's friend.

(8) Insubordination towards any superior officer.

114. Power to suspend and fine to be used discretely. -

Suspension as a specific punishment should be avoided and resorted to only in extraordinary circumstances, the practice of inflicting very heavy fines should also be avoided, a small deduction from pay being generally a sufficient deterrent; nor should the frequent infliction of small lines be adopted. An officer against whom a succession of offences is recorded should, after due warning, be reduced or dismissed. Jailers and Assistant Jailers should not be punished by fine except in very special circumstances.

115. Punishment and appeals. -

The Inspector-General of Prisons and Superintendents of Jails are empowered to exercise the powers detailed in the statement below in respect of members of the subordinate establishments under their control specified in column I of the Statement.

STATEMENT

<i>Class of subordinates.</i>	<i>By whom censured or fined.</i>	<i>By whom promotion with held or suspended.</i>	<i>By whom reduced removed, or dismissed.</i>	<i>Appellate authority</i>
<i>I. Jailors and Assistant Jailers.</i>	<i>Inspector-General of Prisons.</i>	<i>Inspector-General of Prisons.</i>	<i>Inspector-General of Prisons.</i>	<i>State Government.</i>

2. Warders and Compounders.	Superintendent of Jail.	*Circle Superintendent and Superintendents of Hill Jails.	*Circle Superintendent and Superintendents of Hill Jails.	Inspector-General of Prisons.
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** Since redesignated as Deputy Inspector General of Prisons (Range).*

116. Procedure prior to inflicting punishment. -

Before inflicting any punishment, except of a petty nature, upon any officer of the jail, the Superintendent shall draw up clearly and briefly in writing a statement of the charges against him. A copy of this statement shall be furnished to the officer affected, who shall be allowed to submit in writing any explanation in regard to the charges that he may desire to offer. The Superintendent shall, after considering this explanation, record in writing his reasons for any decision at which he may arrive on each charge.

Provided that in all cases of offences in which an officer is, liable to dismissal, removal or reduction, the order of dismissal removal, or reduction shall, except when it is based on facts or conclusions established at a judicial trial, or when the officer concerned has absconded with the accusation hanging over him, he preceded by a properly recorded departmental enquiry. At such an enquiry a definite

Note – In investigating charges against jail officers, Superintendents should bear in mind the following principles: -

- 1. The first statement made by complaints, accused and witnesses are the most valuable. They should, therefore invariably be at once written down verbatim. Statements made latter, when there has been time to concoct a story, are comparatively valueless.**
- 2. In grave case, Superintendents, should record statements themselves and not leave the inquiry to filter through the Jailer's Report Book.**
- 3. All statements should be taken down in the exact words of the complainant witness, or accused, and should be read over to him signed and dated.**

charge in writing shall be framed in respect of each offence and explained to the accused; the evidence in support of it and any evidence which he may adduce in his defence shall be recorded in his presence and his defence shall be taken down in writing. Each of the charges framed shall be discussed and a finding shall be recorded on each charge.

117. Record of punishment inflicted. -

Every punishment inflicted on a jail officer shall be recorded in the Defaulter Book in Form No. 20. Admonition is not a punishment, but any formal warning shall be recorded.

118. Officers punished entitled to copy of order. -

Any officer affected by an order of punishment is entitled to have an application a copy of it duly attested by the Superintendent, and in case of suspension, reduction, discharge or dismissal the order shall state clearly the charge, the evidence and the grounds of the decision.

119. *Procedure regarding appeal. -*

(1) Every officer against whom an order of punishment may be passed and who thinks himself wronged thereby shall be entitled to prefer an appeal against the order.

(2) No appeal shall lie against –

(a) the discharge of a person appointed on probation if his discharge is ordered before the termination of his probation.

(b) the dismissal or removal of a person appointed to hold a temporary appointment.

(3) Every Government servant desiring to prefer an appeal shall do so separately.

(4) Appeals from the decision of the Superintendents shall lie to and be disposed of by, the Inspector-General and these from the decision of the

Inspector-General shall lie to the State Government.

- (5) Every appeal preferred under this rule shall be accompanied by a copy of the order appealed against.***

It shall contain all material statements and arguments relied on by the officer preferring the appeal, shall contain no disrespectful or improper language and shall be complete in itself. Every such appeal shall be submitted through the Superintendent of the jail to which the appellant belongs or belonged. The Superintendent shall forward every appeal so submitted with his remarks and any necessary record not furnished by the appellant.

- (6) Every appeal shall be preferred within two months after the date on which the officer preferring the appeal was informed of the orders against which he appeals.***

Provided that the appellate authority may at his discretion for good cause shown extend the period to twelve months.

- (7) The Inspector-General having passed an order on any appeal may not take notice of a second***

petition on the same subject unless it contains some new and important matter.

(8) *An appeal may be withheld -*

(i) *which is an appeal in a case in which under this rule no appeal lies;*

(ii) *which does not comply with one or more of the provisions of clause (5) of this rule;*

(iii) *which does not comply with the provisions of clause (6) of this rule;*

(iv) *which is a further appeal presented after a decision has been given by the appellate authority prescribed in clause (4) of this rule and no new facts or circumstances are adduced which afford grounds for a reconsideration.*

Provided that in every case in which an appeal is withheld the officer preferring the appeal shall be informed of the fact and the reasons for it.

(9) *No appeal shall lie against the withholding of an appeal by a competent authority.*

Provided that an appeal withheld for failure to comply with the conditions stated in clause (5) of this rule shall not be withheld if it is resubmitted in a form, which complies with that rule.

(10) A list of appeals withheld by the Inspector-General under clause (8) of this rule with reasons for withholding them shall be forwarded quarterly to the Government.

120. *Officer to quit the jail on termination of appointment. –*

Every subordinate officer or servant suspended, dismissed, discharged or allowed to resign his appointment at once to quit the jail and the quarters occupied by him, and shall give up any uniform or other property of Government entrusted to him.

121. *Caution to officers under suspension. –*

(1) When a Government servant is suspended he may go where he likes but he must leave his address with the head of his office, and also with the officer, if any, holding an inquiry, into his conduct.

(2) He must obey all orders to attend an inquiry into his conduct, and if he fails to do so, the inquiry may be held in his absence.

122. *Re-employment of dismissed officers. -*

No subordinate officer once dismissed or removed from or who has resigned his appointment in the Department, shall be employed again in any jail without the sanction of the Inspector –General, to whom all the circumstances shall be reported.

123. *Prohibition against employment of convicted person.*

No person who has been convicted and punished with imprisonment or whipping* shall be employed in any jail without the special sanction of the Inspector-General.

***Whipping has been discontinued in Assam-by-Assam Act XII of 1956**

CHAPTER IX

UNIFORM OF JAIL OFFICERS

Note. All officers subordinate to the Superintendent shall, when on duty, always appear in the uniform provided for them.

¹[124. Uniform of Jailers. –

The following uniform is prescribed for Jailers: -

- (A) (i) **Jacket. – Khaki Jacket with roller, shoulder straps of the same material fastened each with a small button, two pockets on each side with pointed flaps and buttons, five buttons bearing the letters ‘Assam Jail’ (in Assamese) of white metal to be used down the front.**
- (ii) **Shoulder badge: - There nickel-plated five pronged plain stars with navy blue ribbon and nickel-plated crest ‘Assam Jail’ (In Assamese) on each of the shoulder straps.**
- (iii) **Lanyard and whistle. – Khaki lanyard with whistle carried in left breast pocket of the jacket.**
- (iv) **Belt. – Same Brown belt with a cross strap.**
- (v) **Head. – Dress Khaki woolen peack cap.**

- (vi) *Head badge. – Nickel-plated head badge with State emblem and wreath and inscription ‘Assam Jail’ (in Assamese) in the middle.*
- (vii) *Shirt. – Khaki shirt with two breasts with pointed flaps and buttons.*
- (viii) *Tie. – Khaki tie.*
- (ix) *Trousers. – Khaki slacks.*
- (x) *Boots. – Brown derby pattern boots khaki socks.*

(B) *Working Dress*

- (i) *Shirt and Belt. – Khaki bush shirt with sleeves rolled up, shoulder strap of the materials fastened each with a small button, two pockets on each side with pointed flaps and button to be used with web belt of the same material with buckle.*
- (ii) *Shoulder badge. – Three nickel plated five pronged plain stars with navy blue ribbon and nickel-plated crest on each of the shoulder straps.*

- (iii) Lanyard and whistle. – Khaki lanyard with whistle carried in left breast pocket.**
- (iv) Head dress. – Khaki woolen peak cap.**
- (v) Head badge. – Nickel-plated head badge with State emblem and wreath and inscription in the middle.**
- (vi) Trousers. – Khaki slacks.**
- (vii) Shoe. – Brown shoes with khaki socks.**
- (viii) Name tab. –Name tab made of block plastic material, engraved with personal name, to be pinned up above right breast pocket].**

1. Rule 124 substituted vide Notification No. MMB 483/82/16 dt. 1.7.83 published in Assam Gazette, Part IIA dt. 20.7.83 p. 927

¹[125.Uniform of Assistant Jailer. -

The uniform of an Asstt. Jailer shall be similar to that of a Jailer with the following exceptions : -

(A) *Ceremonial working dress. -*

Shoulder badge. – Two nickel plated five pronged plain stars with navy blue ribbon and nicked plated crest on each of the shoulder traps.

(B) *Working dress. –*

Shirt and Belt. – Khaki shirt with sleeves rolled up, shoulder straps of the same material fastened each with a small button, two breast pockets with pointed flips and buttons, to be used with brown leather belt (without cross straps) with plate type buckle embossed with state emblem and wreath and inscription in the middle].

*1. Substituted vide Notification No. 483/82/16. dt. 1.7.83
Supra.*

126. *Jailers and Assistant Jailers to provide uniform at their own cost. -*

Jailer and Assistant Jailers shall provide themselves with the uniform prescribed above at their own expense. Swords, Scabbards and slings. Will be provided by Government.

¹*[Note- Jailers are entitled to first kit allowance @ Rs. 225/- and annual kit maintenance allowance @ Rs.100/-; and Assistant*

Jailers are entitle to first kit allowance @ Rs. 200/- and annual kit maintenance allowance @ Rs. 100/-

127. *Uniform of Chief Head Warders and Head Warders. -*

The uniform of a Head Warder shall be : -

Tunic. – Khaki drill piped blue and (for Dibrugarh and hill jails only) Khaki serge in winter, with stand-up collar one inch high one pocket on each breast, shoulder straps with: “Jails” in white metal, five half – ball white metal buttons (inscribed A.J.) down the front two for shoulder straps and two for pockets: and for Head Warders blue chevrons on the right sleeve according to apy, viz., four strips for those on Rs. 35 and above, three strips for those on Rs. 32 to Rs. 34 and two for those below Rs.32.

Shirts. – Khaki drill.

Puttres. - Khaki.

Head – dress. – Khaki beret cap.

Badge. – Provincial device “Assam Jail” with wreath and crown in white metal.

Boots. – As prescribed (To be worn when on duty).

Waist Belt. – Brown leather, 2 inches wide with a silver plated badge with the words “Assam Jails Head Warder” For Head Warders a Sam Browne belt with one cross strap and and without sword attachment.

Great coat. – Khaki serge, police pattern without cape.

Jersey. – Woollen

Baton frogs. – To be slipped on the Waist belt.

¹[The uniform of a Chief Head Warder shall be with the following exceptions from that of a Head Warder : -

(i) Should badge. – One nickel plated five-pronged plain star with navy blue ribbon and nickel-plated crest on each of the shoulder straps.

(ii) Head – dress. – Khaki Woollen peak cap with black peak.

(iii) Head badge. Nickel-plated head badge with state emblem and wreath and inscription in the middle.]

1. Added vide Notification MMB 483/82/16dt. 1.7.83 published in Assam Gazette, Part IIA dt. 20.7.83 p. 927.

128. *Uniform of warders.*

Ordinary Warders shall wear the same uniform as Head Warder, except. that the belts shall have brass badges with the words “Assam Jails Warder” inscribed thereon; cap and shoulder badges and buttons shall be of brass; and there shall be no chevron on the sleeve.

129. *Clothing of Female Welfare. -*

Each female Welfare will be provided at Government expense

With : -

Annually –

(i)	Sarees (White) with red borders (5 yds. *44”)	4 pieces
	Or	
	Makhela and Chaddar (standard size)	4 pieces
(2)	White chemise	2 pieces
(3)	Khaki Bush Shirts with full sleeves and a	2

	cloth belt at waist	pieces
(4)	Khaki Fatigue Cap	1 (one)
(5)	Lady Shoes (Brown)	1 pair
(6)	Socks (ward)	1 pair
(7)	One Wooden baton (round top) 18' long to be hung on the waist	1 (one)

Once in three years. –

(1)	Great Coat (female pattern made in khaki warm cloth)	1 (one)
(2)	One single-sized mosquito net (3'*6^{1/2}'*5') for unmarried and one double-sized mosquito net (5'*6^{1/2}'*5') for married (in malarious districts only, if required).	

Once in five years.

(1) Round Brass Badoe

Standard specification of articles of female warders uniform should be as follows, but supply should be made on individual measurement :-

	<i>Length</i>	<i>Chest</i>	<i>X- Shoulder</i>	<i>Sleeve</i>	<i>Waist</i>	<i>Natural waist</i>	<i>Neek</i>	<i>Cloth required.</i>
Chemize	12"	32"	6^{1/2}"	13"	—	—	—	2^{1/2}

Bush								
Shirt	31"	35"	8¹/₂"	32"	30"	16"	15"	
Great Coat	42"	38"	8¹/₂"	32"	34"	16"	15"	2¹/₂ yds 54"
Fatigure		23"	8¹/₂"					
Cap-All round		23³/₄"	8¹/₂" Size					

130. *Supply of uniform to Warders and Head Warders at Government expense : -*

Each Head Warder and ordinary male warder shall be furnished at Government expense with –

Annually. –

- (1) One pair of boots.***
- (2) One pair of Khaki woollen putties.***
- (3) One beret cap (Khaki).***
- (4) Two suits of Khaki cotton uniform clothing (for hill district jails only).***

(5) Two khaki cotton pants (for plains district jails only).

(6) One pair of woollen socks.

One in eighteen months. –

(1) One woollen jersey (only in Shillong Kohima & Aijal Jail).

(2) Two Khaki cotton coats and two short-sleeved khaki twill shirts with shoulder straps and two breast pockets (for plains district jails only).

Once in two years. –

(1) One set of chevrons for each Head Wader.

(2) One chevron for each Gate keeper.

(3) One woollen jersey (except for Shillong, Kohima & Aijal Jails).

(4) One Khaki cotton trouser [vide PRI. 12/75/31 dated 12/11/76]

Once in three years. –

- (1) One woollen trouser [vide PRI 12/75/25 dated 10/3/76].**
- (2) One woollen tunic (for Chief Head Warders & Head arders only)**
- (3) One full-sleeved khaki cotton shirt with shoulder strains and two breast pockets (for Warders only) [vide PRI.12/75/25 dated 10.3.76**
- (4) One single-sized mosquito net (3''*6¹/₂''*5'') for unmarried Warders and Head Warders and one double-sized mosquito net (5'*6¹/₂'*5') for married Warders and Head Warders (in malarious only, if required**

Once in five years. –

- (i) One set of fourteen (9 Small & Big) buttons.**
- (ii) One Great Coat with cloth lining.**
- (iii) One cap badge and one pair of shoulder badges.**

Once in ten years. –

- (1) One belt and badge ; the badges for the Head Warders may, if necessary, be replaced in interval.**

Once only. –

(1) A Charpoy

(2) A box in which to keep Government uniform.

131. *Extra uniform to be supplied at the cost of warders. -*

Head Warders and ordinary male warders will be required, if the Superintendent considers it necessary, to supply themselves with extra uniform at their own cost.

132. *Warders to have batons and whistles. -*

All warders shall be provided at Government expense with batons similar to those used by the police with thongs attached and whistles.

133. *Provision of waterproof caps for sentries.*

Each jail shall be supplied every three years with waterproof caps for the use of sentries only, according to requirements but not exceeding six for each jail.

134. *Responsibility for uniform supplied by Government. -*

Officers supplied with uniform at Government cost are prohibited from selling it and any unauthorized attempt to dispose of it will render the offender liable to prosecution. All suits and head dress shall be clearly and permanently steamed with the date of issue and this date shall be renewed when necessary. At every kit-inspection, all members of the warder establishment shall produce two complete sets of uniform. If any article is lost, or rendered unfit for use before the date fixed for issue of a new supply, it shall be replaced at the officer's expense.

135. *Indents for uniform of warders.*

Uniform, buttons, leather belts, badges and shoes for both Head Warders and warders will be supplied on indent from Guwahati Jail or from such other firm as the Inspector-General may decide, Indents for Head Warders' and warders' uniform shall be submitted on the 1st of March each year.

136. *Detailed rules about the issue, ownership, custody and care of warder's uniform.*

- (a) *All the uniform, including shoes, supplied by Government to Head Warders and warders, is Government property during the period for which it is issued, and must be accounted for until the next periodical issue of uniform becomes due, but it is issued for the personal use of the officer to whom it is given and will be taken with him when transferred to any other jail. If the uniform is not properly used and becomes unserviceable before next issue becomes due, it will be renewed at the officer's expense; but after it has been in use for the period prescribed in Rule NO. 130 it shall become the absolute property of the officer. This rule does not apply to arms and accoutrements, (i.e. belts, badges, etc.,) mosquito net, the charpoy and the box, all of which shall remain at the jail to which supplied, but any officer losing or damaging these otherwise than by fair wear and tear shall pay the cost of renewal or repair.*
- (b) *When a Head Warder or warder dies, resigns, retires, absconds or is dismissed or discharged, his uniform will be taken over by an authorised jail official, and will be issued, at the discretion of the Superintendent, to the man who fills the vacancy or to a new recruit on the temporary list. The Superintendent shall determine the period for which the uniform should last and shall cause a note of it be entered in the warder's service book.*

Provided that if the uniform has been lost or has grossly deteriorated owing to the fault of a Head Warder who resigns, retires, absconds, or is dismissed or discharged, its value or a part of the value to be determined by the Superintendent may be recovered from the officer at fault.

(c) Recoveries due from a Head Warder or warder under the preceding rule may be made from any pay of from security money due to him at the time of discharge or retirement and from the sale-proceeds of the uniform, and shall be reported to the Superintendent of the district jail of the circle to whom the treasury receipts for them shall be sent. As most of the apprentice warders taken on in consequence of discharge or retirement of Head Warders and warders will receive new uniform at the district jail of the circle, the district jail shall, in its annual account of expenditure, take credit for such recoveries by deducting the total sum recovered from the cost of uniforms.

(d) The Government supply of uniform shall be issued to Head Warders and warders, as it becomes due to them; to newly appointed warders at the time of appointment; to others on any date on which the period prescribed for the use of the last previous issue expires. The date of issue of every

article of uniform shall be recorded in the officer's service book.

- (e) The a Head Warder or warder goes on average pay leave he shall make over his uniform to the care of the (Chief) Head Warder or to any other persons authorised by the Superintendent. During the officer's absence the uniform shall not used by any other Head Warder or warder.*
- (f) If a Head Warder or warder is granted sick leave without pay for a period not exceeding 3 months and a local substitute is appointed, the officer who takes leave shall make over his uniform to his return form leave. Under no circumstances shall this give the officer a claim to a new supply of uniform before it becomes due to him. Hem must bear the risk of improper use of his uniform by his substitute.*
- (g) If a Head Warder or warder is granted sick leave without pay or furlough for a period exceeding three months (in which case the Superintendent of the district jail of the circle will supply a substitute who will take his own uniform with him) the uniform of the officer who takes leave shall be taken in charge of by the (Chief) Head*

Warder or other person authorised by the Superintendent as in the case of an officer on average pay leave, and it shall not be used by any other officer.

Note- Absent Head Warders' or warders' uniform when bundle up and put away may be preserved from the attack of moths and other insects by sprinkling amongst the clothing before tying it up a handful of burnt crude borax known to the Assamese as sohanga.

(h) Whenever the uniform of a Head Warder or warder is not used by an officer acting for him during his absence on leave, the dates on which the next issue of the servant articles of uniform will be due shall be advance by the period during which the uniform is not used.

(i) All Government uniform except shoes issued to the Head Warders shall at the time of issue, be neatly marked with the initials of the officer and year of issue in some place where the mark will not be conspicuous. For marking cotton uniform the extract of Bhelwah (dhobis' nut, Semecarpus Anacardium) may be used; for making woollen clothing a piece of cotton tape should be sewn inside the collar.

(j) Special arrangement may be made in every jail for washing warders' uniforms, and a deduction to meet the actual cost will be made from each warder's pay monthly; this charges shall not exceed three annas. Or warders may make their own arrangements for getting cotton uniform washed by an outsider; but if they do so, neglect of a dhobi to return clothing or to wash it properly will not accepted as an excuse for appearing in dirty or untidy uniform. The Superintendent will decide which system is to be followed. When it is necessary to cleanse the woollen tunics, this shall be done at Government expense. Before washing, the piping must be removed. Leather belting must be kept clean and polished with dubbing, which will be supplied from the jail; and badges must be kept right. Uniform, which has become damaged by fair wear and tear mat be repaired in the jail by convict labour, free of cost.

CHAPTER X

SECURITY DEPOSITS

137. *Officers required to furnish security.*

Every Jailer, Assistant, Jailer and such other officers as may from time to time be ordered to do so, shall, whether holding regular appointments or on probation, furnish security and execute a security bond for the due performance of all duties required of them, and shall be strictly bound by the condition and penalties set forth in the bond.

The amount of security to be furnished by every Jailer and Assistant Jailer shall be Rs. 3,500/- and Rs. 2,000/- respectively [vide HJL. 70/58/2 dated 27-4-59].

The only form of security which shall be accepted from these officers, shall be Government promissory notes, stock certificates, Post Office Savings Bank security deposits, or Post Office 5- year cash certificates. Post Office cash certificates will be accepted at their present i.e., surrender value, provided that the certificates are formally transferred to the pledged in accordance with the rules of the Postal Department.

138. *Method of depositing security.*

Any officer required to furnish security may deposit Government promissory notes, etc., for the full amount or pay the amount in full on appointment. If the amount of security is not at once deposited, it shall be recovered by monthly deduction form the officer's pay at the rate of 10 percent on the minimum pay of the post to which he is appointed. The officer may, however, at any time make a special payment of the balance equivalent to the remaining monthly deductions.

139. *Accounts in Savings Bank for security.*

The deduction made under Rule 138 shall be recorded in a special column in the acquittance roll, and a security register shall be maintained for the purpose of showing how far the required securities have been deposited. The Superintendent shall open in the nearest Government Savings Bank a separate account for each office form whose pay such deduction has been made. The account shall be headed in each case " The Superintendent of the Jail on account of security of (name of officer concerned)", and every officer's monthly deposit shall be punctually paid into the Savings Bank by the Jailer, immediately after it is realised. The amounts realised by the deductions and paid into the Savings Bank shall be respectively debited and credited in the general cashbook on proper dates.

Security deposits lodged in the Post Office Savings Bank should be hypothecated to the Superintendent of the Jail.

140. *Custody of Savings Bank pass books.*

The Savings Bank pass books for security deposits shall be kept by the Jailer in his cash chest, and shall be produced by him to the Superintendent as vouchers whenever there is an entry in his cash book of the deposit of security money.

141. *Procedure on transfer.*

Previous to the transfer of an officer, he shall sign an application to the local Postmaster on the form prescribed by the Postal Department requesting that his deposit account may be transferred to the post office of the district or sub-division to which he is sent. The Superintendent will forward this application with the pass book, a letter authorizing the transfer of account, and a security deposit from the duly filled in by the officer, requesting that the pass book may be transmitted direct to the Superintendent of the Jail to which the officer is being transferred.

142. *Purchase of Government promissory notes.*

When the amount of security money deposited in the Savings Bank reaches the sum of Rs. 100 an application shall, in any case where the depositor so desires, be made by the Superintendent of the Jail to which the depositor is posted to the Deputy Accountant General, Posts and Telegraphs, Calcutta, in accordance with Rule 46, section VI of the Post and Telegraph Guide, for the purchase of Government promissory notes or stock certificates for the full amount deposited, if possible, and the depositor shall pay all charges incident upon the purchase.

143. *Certificates when security is paid in full.*

When the full amount of security payable by a jail officer has been deposited in the Savings Bank, the Superintendent shall furnish the depositor with a certificate to that effect, stating the amount of deposit and shall advise him to send the certificate to his heirs or representatives so that, in case of the depositor's death, his heirs may put in a claim for the return of the security deposit.

144. *Endorsement of promissory notes.*

All Government promissory notes or stock certificates tendered as security or purchased with security money,, shall be endorsed or transferred by the officer who tenders them, to the Inspector-General of Prisons,

Assam, and shall be sent by the Superintendent in a registered cover to the Inspector-General's office.

145. *Procedure on death of an officer.*

In the event of the death of an officer, the Superintendent shall after the lapse of six months from the date of death, if the officer's security is deposited in the Savings Bank, draw the security money from the Bank, or if his security is in Government promissory notes or stock certificate which shall apply to the Inspector General for the notes, or certificates which shall be endorsed or transferred by the Inspector-General for the notes, or certificate which shall be endorsed or transferred by the Inspector-General for payment to the Superintendent and be sent to him. Any money claim the Government may have against the deceased officer, not covered by pay or other allowance due to him, shall then be recovered by the Superintendent from the security deposit money or the value of the Government promissory notes (which the Superintendent may realise, if necessary), as the case may be, and the balance, after settling such claims, shall be paid to the nearest District Judge, to whom the Superintendent shall at the same time furnish an account showing the amount of, or value realised for

the security, any pay or other allowances due to the officer on the date of his death, the Government claims against him which have been adjusted therefrom, and the balance paid in, with particulars of the name and native place of the deceased, the post he held, date of death, and nearest relatives if known. If no Government claim has to be recovered from Government promissory notes held as security, they shall be delivered to the Judge intact, endorsed to him.

146. *Interest on promissory notes.*

Interest on Government promissory notes or stock certificates deposited as security is payable to the officers who own them under the orders of the Controller of Currency. The securities of these officers should be dealt with in accordance with the procedure prescribed in Chapter VIII of the Government Securities Manual.

147. *Payment of interest.*

Interest on security money deposited in the Government Savings Bank may either be credited towards any undeposited portion of the security or be paid to the officer concerned.

148. *Form of security bonds.*

Security bonds shall be executed in the prescribed form as soon after appointment as possible, and must be registered, but are free from stamp duty or registration fee. After registration the bonds of all jail officers shall be sent to the Inspector-General for safe custody

149. *Security deposit in case of sick leave.*

The security deposit of any officer who is granted sick leave under a medical certificate without any leave allowance may be returned to him under the following conditions:-

- (1) If his leave is for six months, he may receive back half his security deposit.**
- (2) If at the end of six months' sick leave, a Civil Surgeon certifies that the officer is still unfit for duty, and that further leave for a six months is necessary, he may receive back the remainder of his security deposit.**

In case where the officer returns to duty, the total amount refunded above will have to be made good in the method prescribed by Rule 138.

150. *Forfeiture of security.*

No officer shall forfeit any part of his security without the sanction and order of the Inspector-General, except

under the circumstances set forth in Rule 151. Whenever a Superintendent is of opinion that an officer should forfeit his security or any part of it, he shall refer to the Inspector-General for orders.

151. *Procedure when officer leaves the service.*

When an officer leaves the service on retirement, resignation or discharge, the Superintendent shall take the same action in respect of the officer's security as prescribed in Rule 145 in the case of the officer's death, except that any balance of security money realized from the bank or on Government promissory notes, after settlement of all Government claims, shall be paid to the officer concerned, or if the security is in Government promissory notes from which no claim has to be realized, they shall be delivered to him, duly endorsed, for payment to him, a receipt being taken from him in either case. But no security be relinquished within six months of the date the officer leaves Government service.

152. *Superintendent's annual scrutiny of the market value.*

Superintendents shall at least once a year, see that the market value of Government paper which their subordinates have furnished as security is sufficient to cover the amount of security required. The valuation should be made with reference to the prices prevailing

on the 1st May previous. Government paper tendered as security to Government should be accepted at its market value at the time of deposit. It is, however, not essential that the officer accepting the deposit should require the tender of more Government paper than is sufficient to meet the needs of the case. Since Government paper is issued in round numbers either in hundreds or in multiples of 250, the amount of Government paper to cover the security required should be fixed having regard to the market value of the amount. In the case of such security appreciating or depreciating no re-adjustment of the value of the Government paper should be made unless the rise or fall of the market value is such as to render it necessary to call upon the depositor to produce further Government paper to the extent of at least Rs. 100 or to enable the officer to return to the depositor Government paper to the extent. Even then no such adjustment should be made unless after such adjustment there is still a reasonable margin between the market value of the Government paper tendered and the amount of the security necessary.

This rule will not apply to those whose security has already been accepted at its face value.

153. *Submission of statement regarding security.*

The Superintendent shall submit to the Inspector-General so as to be received by the 20th of January in each year a statement showing the extent to which security has been deposited by the several subordinates in his jail who are required to furnish security.

CHAPTER XI

THE JAILER

Section 16 of the Prisoner Act, 1894, requires that Jailer shall reside in the prison, unless the Superintendent permits him in writing to reside elsewhere. Under section 19 he shall not be absent from the prison for a night without permission in writing from the Superintendent; but if absent without leave for a night from unavoidable necessity he shall immediately report the fact and the cause of it to the Superintendent.

Under section 17, he must give immediately notice of the death of a prisoner to the Superintendent and Medical Subordinates. Section 18 makes him responsible for the safe custody of records commitment warrants and other documents committed to his care, and for, money and other articles taken from prisoners.

154. *General duties of Jailer.*

The Jailer is the chief executive officer of the jail and is immediately subordinate to the Superintendent. He is generally responsible for the observance of all prescribed rules and orders and for the supervision of the subordinate staff.

155. *Maintenance of discipline.*

The Jailer's first duty is the maintenance of discipline among prisoners and subordinates. For this purpose he must be always present at the jail during the day except when he leaves it for his meals, to attend a Court of Justice, or on permission from the Superintendent.

156. *To be present in the absence of Assistant Jailer.*

The Jailer and Assistant Jailer shall not be absent from the jail at the same time during the day. The hours for meals should be so arranged that either the one or other is present at the jail. When no Assistant Jailer is available the Senior Head Warder must relieve the Jailer.

157. *Daily inspection.*

The Jailer shall visit every part of the jail daily, and shall see every prisoner at least once in every prisoner at least once in every 24 hours.

158. *Attention to persons of prisoners.*

The Jailer shall see that prisoners are clean in their person and clothes, that they have the authorised amount of clothing and bedding and no more, and that those who are liable to be fettered are securely fettered.

159. *Search of prisoners.*

He shall at uncertain times, but at least once a week, cause every prisoner, and all clothing, bedding, workshops, wards and cells to be thoroughly searched.

160. *Labour of prisoners.*

He shall be responsible for the execution of all orders regarding the labour of prisoners, shall assign to each prisoner his work, and see that the prescribed tasks are performed.

161. *Supply of food.*

He shall supervise the cultivation of the garden and be responsible for the adequacy of the supply of vegetable. He shall likewise supervise the jail farm and all the other outside operations. He is, jointly with the Medical Subordinate, responsible for the proper preparation and distribution of the food.

162. *Supervision of guard.*

He shall supervise the cultivation of the garden and be responsible for the adequacy of the supply of vegetable. He shall likewise supervise the jail farm and all the other outside operations. He is, jointly with the Medical Subordinate, responsible for the proper preparation and distribution of the food.

162. *Supervision of guard.*

He shall supervise the working of the warder guard. At least once a week, at uncertain times, he shall visit the jail after 8 P.M. and satisfy himself that the guard is

present, the sentries posted and on the alert, and that the rounds are being properly maintained.

163. *Enforcement of terms of warrants.*

He shall be responsible for the custody of all warrants and for the strict enforcement of their terms; and that no prisoner is on any account released before his time or kept in jail beyond the termination of his sentence. If whipping or solitary confinement is imposed in addition to imprisonment, the Jailer shall see that the prisoner is brought up at the proper time to receive his stripes or to be placed in the cells.

Note. ***Concerning the responsibility of the Jailer in connection with prisoners who have been admitted to jail as “approvers”, see rule 82.***

164. *Check of warrants.*

The Jailer shall once a year, usually in March, go through all the warrants in his possession, compare them with the registers, and satisfy himself that they are correct. He shall enter a certificate to that effect in his Report Book, and a

copy of it shall be submitted to the Inspector-General by the 10th April.

165. *Supervision of the jail office.*

Though the Jailer's main duties relate to the direct control of prisoners and staff, he shall also exercising general supervision of the Jail Office.

166. *Maintenance of Report Book.*

(1) The Jailer shall keep a Report Book, in which he shall duly record.

(a) the hour of unlocking and locking and by what officers they were performed.

(b) the number of prisoners admitted, discharged and locked up;

(c) all reports made against upper subordinates, all serious breaches of discipline on the part of subordinates and prisoners, the offence with which charged, the time of its occurrence and other circumstances connected with it;

- (d) all cases in which he may have found it necessary to use restraint to any prisoners;***
- (e) how far he has omitted any of the duties required by these rules, and the reason thereof;***
- (f) the absence of any subordinate officer from the duty and requests for leave of absence;***
- (g) requests for sanction of unusual expenditure;***
- (h) requests for the employment of prisoners in any special manner;***
- (i) any representations or recommendations he may deem proper to make;***
- (j) any unusual occurrence or matter of importance;***
- (k) any matter on which he may require orders;***

(2) Each day's report shall be dated and a consecutive serial number running through the

calendar year shall be given to the subjects dealt with.

Note. **See also rules 198(4), 823, 832, 836(6) regarding other matters to be recorded in the Jailer's Report Book.**

167. *Superintendent to peruse Report Book.*

The Jailer's Report Book shall be laid daily, and oftener if necessary, before the Superintendent for his perusal and the issue of such orders as may be necessary. If the Superintendent has no remarks to make or orders to give, he shall append his initials with the date.

168. *Executive of Medical Officer's directions.*

The Jailer shall carry out forthwith emergent written directions of the Medical Officer regarding the sick in hospital or regarding sanitary arrangements, entering all such directions and the action taken thereon in his Report Book for the information of the Superintendent.

Note. **See also the following rules:-**

14 and 46. Appointment and punishment.

68. Control of Medical Subordinates.

263 et Seq. Daily routine.

963. Maintenance of Registers

998. Custody of Cash chest.

169. *Jailer's duties on death of a convict.*

When any prisoner dies, the Jailer shall send immediate notice of the death to the Superintendent and the Medical Officer, also to the Medical Subordinate, if he is not already acquainted with the fact. A return of every death of a prisoner or of any person residing on the jail premises shall be furnished by the Jailer to the Chairman of the municipality, or if there be not a municipality, to the Magistrate of the district.

170. *Jailer's responsibility with regard to the warder guard.*

The Jailer shall be held responsible that the warder guard is properly drilled, generally efficient, and a clean and neat in appearance. It shall be his duty to see that a sufficient guard is at all times present at the jail, and properly armed. He shall see that all the warders invariable sleep in the quarters allotted to them. Any neglect or offence committed by a warder or other subordinate officer which comes to his knowledge shall be reported by him to the Superintendent in his Report Book.

171. *Inventory of jail property on transfer, resignation or death of Jailer.*

On the resignation, transfer or discharge of a Jailer or when a Jailer takes leave (other than casual leave) he shall be required, in making over charge to his successor, to give an inventory of all property, stores, etc., in his hands, which will be kept in the jail records, a copy being given to his successor. A copy of such inventory should also be sent to the Inspector-General of Prisons. He shall give vouchers for all credit sales to the relieving officer. The Superintendent shall ascertain that the inventory is correct and complete and the unrealized credit sales are duly voucher for. After full time for all due inquiry, and not less than two months after the Jailer has left the jail, if the Superintendent be satisfied of the correctness of the account, a "no demand" certificate may be granted to him. In case of the Jailer's death, the inventory shall be made by, or under the directions of, the Superintendent and the certificate shall be granted and security given up after reference to the Inspector-General and on the application of the heirs or executors.

172. *Duties of Jailer when a new Superintendent assumes charge.*

When a Superintendent newly assumes charge of a jail it shall be the duty of the Jailer to bring to his notice all special rules and orders relating to that jail.

CHAPTER XII

ASSISTANT JAILER

173. Confirmation of Assistant Jailer.

An Assistant Jailer shall be considered to be on probation for the first six months of his service. He will be confirmed in his appointment when the Superintendent of the Jail certifies that he is a competent officer, and that he is thoroughly qualified to carry on the duties of Assistant Jailer. Promotion from the grade of Assistant to the grade of Jailer will be entirely by merit and will be made by the Inspector-General.

174. His general duties.

The Assistant Jailer is the Jailer's immediate subordinate whose duty is to take his place whenever he is absent and to undertake whatever portions of the Jailer's duties may be delegated to him under proper authority. On every occasion on which he officiates for the Jailer, or in charge of a jail, he shall possess all the powers and responsibilities of that officer. The duties of

the Assistant Jailer should be record by the Superintendent in his order book.

CHAPTER XIII

THE WARDER ESTABLISHMENT

SECTION A- APPOINTMENT

175. *Government to fix permanent strength.*

The permanent strength of the warder establishment in each jail shall be determined from time to time by the Government in accordance with ordinary requirements.

176. *Sanction to temporary additions, generally.*

The Inspector-General may, in respect of any jail, sanction the entertainment of such temporary establishments in addition to permanent establishment provided for in the last preceding rule as may at any time be urgently necessary; provided that all temporary establishments sanctioned otherwise than in accordance with rule 9 shall be so sanctioned subject to the approval of the Government, and that no such

establishment shall be sanctioned in any case in which previous reference to Government can, without danger or inconvenience, be made.

177. *Superintendent's power in emergencies.*

Where the Superintendent considers that it is necessary for any reason to entertain any number of warders in excess of the sanctioned scale, and the matter is so urgent that the previous sanction of the Inspector-General cannot be obtained, he may, subject to immediate reference to the Inspector-General, entertain such number of temporary ordinary grade warders as may be necessary.

178. *Control of Warders by [Circle Superintendent].**

The control of the warder establishments in the jails of Assam shall, subject to such control as may be exercised by the Inspector-General, be vested in the Superintendents of the Gauhati, Jorhat and Silchar Jails respectively , who shall be known as [Circle Superintendents]*. The following are the jails and lock-up in each circle.

*** Now redesignated as Deputy Inspector General of Prisons (Range).**

Gauhati Circle- Gauhati, Tezpur, Mangaldoi, Dhubri. Goalpara, Barpeta, Nalbari jails and Kokrajhar Lock-up.

Jorhat Circle- Jorhat, Golaghat, Sibsagar, North Lakhimpur, Dibrugarh, Nowgong and Special Jail, Nowgong;

Silchar Circle- Silchar, Karimganj jails and Hailakandi lock-up.

179. *Appointment and punishment of Warders by [Circle Superintendents]*.*

The [Circle Superintendent]* alone subject to the prior approval of the Inspector-General of Prisons shall have powers to appoint, promote, suspend, degrade, transfer, remove or dismiss any Head Warder or Warder of his own or of other jails in his circle.

*** Now redesignated as Deputy Inspector-General of Prison (Range)**

180. *Appointment and punishment of Warders by Superintendents of Hill District Jails.*

[Deleted]

181. *Recruitment of Warders.*

All Warders both male and female shall be recruited in a Circle Jail through the Selection Committee constituted for the purpose with the following:-

Inspector-General of Prisons- Chairman:

Special Officer (Jail Reforms)- Members:

[Circle Superintendent]* concerned –Member-Convenor.

All appointments shall however be subjected to medical fitness and verification of character. The warders on recruitment shall be put through a thorough before they are sent to an affiliated Jail.

* ***Now redesignated as Deputy Inspector-General of Prison (Range).***

182. *Service books of warders.*

(1) A service register (Form No. 19) shall be kept at the district jail containing, in respect of every Head Warder and warder, particulars of appointment, promotion, native district, all districts in which service has been passed and in which service, rewards, offence and punishments and leave taken, with date, of each change or occurrence. A similar register shall also be kept at the [Sylhet]* and Gauhati jails to aid in the

verification of warders' service employed within their circles and to enable the Superintendents of these jails to have the record kept complete and up to date. The Superintendents of all jails and lock-ups guarded by jail warders shall furnish them with all necessary details of departure on, or arrival from leave, transfer, deaths, suspension, dismissals, absconders, offences and punishments, with the date of every occurrence. Care must be taken that every entry made in the service register shall also be made in the separate service books and vice versa. Every offence committed shall bear a consecutive number in order of date of occurrence.

(3) The military service of Indian ex-military men employed in the Jail Department will count towards increment of their pay.

183. *Physical qualifications of warders.*

The minimum height for warders shall be 5 feet 3 inches and the minimum girth of chest 32 inches, but men of better physique should, if possible, be obtained.

184. *Quarters for warders.*

Sleeping and cooking accommodation will be provided for warders in the jail premises. Every warder shall live

in the quarters provided for him and shall not leave the jail premises without the permission of the Superintendent, Jailer or Assistant Jailer.

185. *Female warders.*

Female warders shall be employed in every jail in which female prisoners are ordinarily confined. In the absence of a female warder, the care of female prisoners will be entrusted to an old and trust-worthy warder.

SECTION B- DUTIES

186. *duties of Chief Head Warder.*

- (1) The Chief Head Warder, or in jails where there is no Chief Head warder senior in rank, subject to the general control of the Jailer, the head of the warder establishment and responsible for its working and for the due carrying out of all rules relating to it and to the guarding of the jail.***
- (2) He shall assist the Jailer at unlocking and lock-up. He shall visit the guards and sentries frequently by day and at least twice a week at night, and shall make an entry of the hours of these visits, and of any irregularities he may discover, in his report book, which he shall***

maintain in a form similar to that of the Jailer and shall submit it daily to the Superintendent. He shall keep the attendance duty and other rosters and the registers of the warder establishment.

187. *Duties of senior Head Warder.*

The senior Head Warder shall have charge of the whole of the arms, ammunition, uniform and equipment of every description of the warder establishment and of the accounts relating thereto. He shall supervise the drill and practice in musketry of the men, the attendance of the standing guard, the mounting of sentries, reliefs, etc. He shall be responsible for the smartness and cleanliness of the warders and for their being at all times properly dressed.

188. *Training with the police.*

Warders whose training is not up to standard must be sent in suitable batches to attend the daily police parades in the lines. As soon as the initial training in drill and discipline is finished, the Superintendent shall insist on the Jailer and Head Warders attending daily to the drilling of the guard.

189. *Conditions of promotions to Head Warder.*

As a rule no warder shall be promoted to Head Warder unless he satisfies the Superintendent that he promoted to Head Warder unless he satisfies the Superintendent that he possesses a fair knowledge of drill, with ability to put a squad through the manual, firing and bayonet exercise, and unless he is able to read and write one vernacular. Promotion of the Chief Head Warder requires the previous approval of the Inspector-General.

Note.-A manual of drill for jails has been drawn up and supplied to all Superintendents and the drill therein laid down should be strictly adhered to.

190. *Assignment of duty to Warder.*

Every warder shall have a particular duty assigned to him by the Superintendent, Jailer or Head Warder, senior in rank, such as the charge of a particular ward or set of wards, of a particular workshop or set of workshops, or of a particular gang of prisoners inside or outside the jail.

191. *Summary of duties of Warder.*

(a) to see that all convicts sentenced to labour in their charge are steadily at work, and to report to

higher authority all cases of idleness, short work, or breaches of jail rules;

- (b) to prevent all unnecessary talking, all laughing, singing, playing, quarrelling an other unseemly behaviour and to report the offender;*
- (c) to see that the prisoners keep order in moving about, and do not loiter about the jail;*
- (d) to see that no prisoners leaves his own enclosure or communities in any way with any prisoner in a different enclosure, or with any person outside the jail;*
- (e) to abstain from all familiarities and unnecessary communication with prisoners;*
- (f) to see that there is no dirt or litter in any part of the jail of which they are in charge, and that the drains are kept properly clean.*
- (g) to see to the cleanliness of the persons and clothes of the prisoners in their gangs; that the prisoners bathe as often and at such hours as may be ordered; and that the bedding and clothing arte well aired according to order.*

- (h) to bring at once to the notice of the Jailer any signs of sickness or any prisoners complaining of sickness;***
- (i) to prevent any breaking up of the gang of prisoners entrusted to their special charge, except only when necessary; to make over to a convict officer any prisoner desiring to go to the latrine, and to see that he is not too long away from his work and is permitted to go to any place hidden from view whence he may effect his escape; to report any prisoner urinating in or otherwise befouling any drain or any part of the jail not set apart for the purpose;***
- (j) to report any case of willful injury to clothing or materials for work or to other Government property;***
- (k) to prepare the prisoners for morning and evening muster by the Jailer, to report at once to that officer any prisoners who may be absent, to see that each prisoner comes to his proper place in proper order, and behaves well and keep silent during meals;***
- (l) to examine the wards, cells, bedding and clothing directly the prisoners have turned out, and to report at once any prohibited articles found;***

(m) to see that the cooks supply each prisoner with a proper amount of food, and that no food is secreted by the prisoners; to report the cooks whenever they neglect their work.

192. *Duty of warder on relief.*

No warder shall, in any circumstances, leave his post till properly relieved, and his responsibility shall continue till so relieved. A warder relieved by another warder shall explain to his successor his duties and any special orders that may have been given to him by his superior officers. The relieving officer shall satisfy himself that the property or number of prisoners made over to him is correct.

193. *Duty of warder in charge of workshed.*

Warders in charge of worksheds shall be responsible for all tools and property kept in them, and shall see that these are carefully put away or stored on cessation of labour, and that no ropes, bamboos, ladders, or other things likely to facilitate escapes, are left about.

194. *Duty to disclose relations with prisoner.*

If any warder has relations or connections among the prisoners, or has had any pecuniary dealings or close

acquaintance with any of them, it is his duty to inform the Superintendent of Jailer of the fact.

195. *Duties of female warder.*

- (1) Subject to the general control of the Superintendent and Jailer, the Female Warder on duty shall have the entire care and superintendence of the female prisoners.***
- (2) She shall be present at the opening of the wards and mustering of female prisoners every morning. She shall also be present at locking-up and see that every prisoners is present. During the day she shall have the custody of the keys of the wards, cells and yards in which female prisoners are confined, and at night, after locking-up, she shall deliver them to the Jailer.***
- (3) She shall see that the wards are thoroughly cleansed as soon as the prisoners turn out in the morning, at which time also the latrine, bathing places and all other parts of the female prison shall be swept and cleaned.***
- (4) Subject to the control of the Superintendent and Jailer, she shall allot the tasks to the female convicts sentenced to labour, and shall see that they are duly performed.***

- (5) *She shall see that the female prisoners are clean in their persons and clothes; that they have prescribed amount of clothing and no more; that their clothing and bedding are properly aired and folded and arranged in the place assigned to each prisoners.*
- (6) *She shall search all female prisoners on admission and remove prohibited articles found upon them. Money or other property delivered with them, or found on them, shall be dealt with in accordance with rules 231 and 448 et seq. She may search any female prisoners at any time and shall do so when directed by a superior officer. The search shall not be made in the presence of males.*
- (7) *She shall take care that no male prisoners enters the female prison unless accompanied by an authorized jail officer as provided in rule 876.*

THE GATEKEEPER

Under section 21 of the Prisons Act, 1984 the officer acting as Gatekeeper, or any other officer of the prison, may examine anything into or out of the prison, and may stop and search or cause to be searched any person suspected of bringing any prohibited article into prison, and if any such article or property be found, shall give immediate notice thereof to the Jailer.

196. A gatekeeper to be on duty.

A literate Head Warder or warder shall be constantly on duty as Gatekeeper of every jail by day and night.

197. Persons allowed to enter and leave the jail.

(1) The Gatekeeper shall admit or pass out of the jail as the case may be: -

(a) all officials and non-officials visitors, police officers and officers of the Public Works Department on duty;

(b) officers of the jail going on, or coming off, duty inside; and

(c) prisoners duly authorized to enter and leave.

- (2) *With exception of the persons mentioned in clause (1), no person shall be permitted to enter or leave the jail, unless under a written order from or when accompanied by, the Superintendent.*

198. *Power to search person.*

- (1) *All officials and non-officials visitors, casual visitors admitted with or under the orders of the Superintendent, respectable merchants, pleaders and the superior subordinates of other departments visiting the jail on business or on duty and jail officers above the rank of ordinary warder, shall ordinarily be exempt from being searched.*
- (2) *Should the Gatekeeper have reason to suspect that any person, ordinarily exempt from search, is introducing or removing prohibited articles, he shall detain such person between the gates, and send notice to the Jailer, who shall himself if he thinks necessary conduct a search.*
- (3) *Females shall only be searched by a female warder in private, and without the presence of any male officer.*

- (4) The Jailer shall occasionally, and at least once a week, at unexpected times, search some of the officials of the jail, subordinate in rank to himself, and who are ordinarily exempt from search, on their way into or out of, or when inside the jail, and shall report the circumstances that he has done so, with the results, in his report book.**
- (5) The search of all officers above the rank of ordinary warder shall be conducted by the Jailer with as much privacy as possible.**
- (6) Should any person other than a jail officer or prisoners decline to submit to be searched, or decline to deliver up any transferable articles in his possession to the temporary custody of the Gatekeeper, when required to do so, he shall be denied admission.**

Note.-This must be worked with circumstances so as not to offend the feelings of officers and others.

199. *General duties of Gatekeeper.*

- (1) In addition to the duty prescribed for Gatekeepers in section 21 of the Prisons Act, 1984, the**

Gatekeeper shall maintain such registers and enter the therein such particulars as the Inspector-General may from time to time prescribed in that behalf.

- (2) The Gatekeeper shall comply with all rules, regulations directions and orders for the time being in force, regulating the persons who may be permitted ingress to, and egress from, and the articles which may be taken into, and brought out of, the jail.*

200. *Record of persons and things entering and leaving jail.*

- (1) The Gatekeeper shall keep a record, in the prescribed registers (From Nos. 17 and 18), of the name of every person, and a sufficient description of every article of whatever kind, that passes into or out of the jail, with the hour and minute of such passages, and in the case of articles, the name of the persons in whose custody they passed through.*
- (2) He shall require the production of a pass signed by competent authority, by every person not entitled to admission without one, and in respect of every article without exception that he allows into or out of the jail, and shall file all such passes as his authority for action.*

201. *Particulars of record.*

(1) The record of all person who pass into or out of the jail, prescribed by the preceding rule, shall be kept in two separate register in Form NO. 17, namely:-

(a) of all prisoners, with the names of the officers in charge of them, and

(b) of all other persons.

(2) The sufficient description of every articles means the name, number or weight, as the case may be, and such other particulars as may be necessary, of all goods, tools, stores or other articles passed into or out of the jail.

(3) All entries relating to persons or articles shall be made at the time of their passage through the gateway and in consecutive order.

202. *Gatekeeper responsible for condition of main gate.*

The Gatekeeper shall be responsible-

(a) for the cleanliness and tidiness of the passage between the gates and the security of all articles

placed therein, which shall, for the time being be in his charge.

(b) that the gates and wickets of the main gate, except when it is necessary to open them for the purpose of passing any person or thing into or out of the jail, are kept shut and locked; and

(c) for the safety and correctness of the keys entrusted to his charge.

203. *Working of double gate system.*

In jails provided with double gates with or without wickets, the Gatekeeper shall open only one gate or wicket at a time and, before doing so, shall satisfy himself that the other means of entry and exit are secure. Ingress and egress for ordinary purposes shall take place through the wicket doorways.

204. *Method of passing prisoners into or out of jail.*

(1) On passing prisoners out of the jail the Gatekeeper shall first let them through the inner gate or wicket and, having locked it, shall write in full in the register provided for the purpose the names or register numbers of all prisoners, the warders in charge and convict officer (if any)

assisting them. He shall then open the wicket in the outer gate and prisoners as they pass out, to verify the total.

- (2) Every change in the constitution of a gang passed out of the jail must be noted and attested in the gate register by the signature or seal of the officer responsible for making the change, as well as by that of the Gatekeeper, who shall on the first opportunity report the circumstances to the Jailer.*
- (3) On passing prisoners into the jail, the Gatekeeper shall open the outer wicket and admit the gang to the passage between the gates. He shall then lock the outer wicket and call out the name or number of each prisoners, convict officer or warder, as recorded in the register. The gang having been found correct, he shall open the inner gate or wicket, and count the prisoners as they pass into the jail, to verify the total.*
- (4) The Gatekeeper shall be responsible that every prisoners or gang taken out of the jail is in charge of a guard of the proper strength duly authorized for the purpose.*

205. *Delivery of keys at lock-up.*

When the prisoners are locked up for the night, the keys of the gates and wickets shall be locked into the fixed key-almirah at the main gate, referred to in rule 581. Duplicate keys of the lock used on the outer gate or wicket shall be given by the Jailer to the visiting officers for the night, and the duplicate key of the lock used on the inner gate or wicket to the warder detailed to sleep between the gates.

206. *Keys to be kept in bunch.*

The keys of the main gates and wickets of the jail shall be kept in one or two bunches, as may be convenient, and on a chain or ring, for safety and easy attachment to the waist belt.

207. *Bright light at night.*

A light shall be kept burning brightly in the passage between the gates throughout the night.

208. *Articles to be kept between gates.*

In the passage between the main gates shall ordinarily be kept-

A clock;

A weighting machine;

Spare handcuffs in a secure place;

A desk with lock and key for the Gatekeeper's books and writing notice materials; and

Notice boards.

Note.-(1) Entries of ingress or any article entering and leaving between lock-up and unlocking shall be made by the guard officer in his night report for the information of the Gatekeeper, who shall incorporate them next day in the appropriate registers.

(2) A printed copy of these rules shall be posted in the main gateway of every jail close to the Gatekeeper's desk.

CHAPTER XV

CLASSIFICATION AND SEPARATION OF PRISONERS

Under section 27 of the Prison Act, 1894, the following separation of prisoners is requisite, viz:-

- (1) female prisoners shall be separated as to prevent their seeing, conversing or holding any intercourse with male prisoners;**
- (2) male prisoners under 21 years of age shall be separated from male prisoners above that age;**

- (3) among male prisoners under 21 years of age, those who have arrived at the age of puberty shall be separated from those who have not attained puberty;
- (4) convicts shall be kept apart from the unconvicted or under-trial prisoners;
- (5) civil prisoners shall be kept apart from criminal prisoners.

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

209. *A, B. and C Division convicts.*

All convicted prisoners shall be divided into three divisions, viz., A B, and C.

I- "A" DIVISION

I. Convicted prisoners will be eligible for this division, irrespective of their nationality, if-

- (1) *they are non-habitual prisoners of good character;*

- (2) *they by social status, education and habit of life have been accustomed to a superior mode of living;*
- (3) *they have not been convicted of-*
- (a) *offences involving elements of cruelty, moral degradation or personal greed;*
 - (b) *serious or premeditated violence;*
 - (c) *serious offences against property;*
 - (d) *offences relating to the possession of explosive, firearms and other dangerous weapons with the object of committing an offence or of enabling an offence to be committed;*
 - (e) *abetment or incitement of offence falling within these sub-clauses.*

II- "B" DIVISION

- II. *Convicted prisoners will be eligible for this division, irrespective of their nationality, who by social status, education or habit of life have been accustomed to a superior mode of living.*

III- “C” DIVISION

III. This will consist of all prisoners who are not classified in “A” and “B” Divisions.

IV. Classifying Authority-

Classification, which will have effect pending the orders of the State Government, will be made by trial. Recommendations made by magistrates will be forwarded through the office of the District Magistrates. The District Magistrate may modify the proposals of a Magistrate subordinate to him, but a classification in class “A” or “B” made by a Magistrate of the First Class should not ordinarily be modified except under the orders of the State Government.

IV. Prisoners admitted to Divisions “A” and “B” shall have privileges as detailed in Chapter XLIII.

210. Convicts to be separated.–

All convicts shall, as far as requirements of labour and the sell accommodation of the jail will allow, be kept separate from its other both by day and by night.

211. Occupation of vacant sales. -

Whenever, in any jail, all the sales are not occupied by prisoners undergoing separate, cellular or solitary confinement as a jail punishment or solitary confinement on warrant, or by prisoners, under sentence of death, lunatics or lepers, the vacant cells shall ordinarily be occupied in the following order, namely: -

- (a) by juveniles, if there are juveniles in the jail and there are not sufficient means of separating them by night in the juvenile ward;
- (b) by approvers whom, under the orders of a court, or in the opinion of the Superintendent, it is desirable to keep apart;
- (c) by prisoners of any class who, in the opinion of the Superintendent, are of a bad or desperate character or who have escaped or attempted to escape from lawful

custody or whom it is considered desirable for any other reason to keep a part from others;

(d) by prisoners convicted under section 376 or 377 of the Indian Penal Code;

(e) by prisoners of the habitual class; and

(f) by other prisoners.

Note:- Separation under this rule is distinct from solitary and separate confinement and it is a disciplinary measure only and not a punishment, it is to have no irksome conditions attached to it, other than such as are necessary to secure the ends in view.

212. Procedure when separation by day is not feasible.

A convict who would ordinarily come under the operation of the preceding rules relating to the separation of the prisoners, but who cannot, owing to the requirements of labour, be confined in a cell by day, shall be confined in a cell by night.

213. Divisions of convicts into habituals and others (i.e. casuals). –

All convicted prisoners shall be divided into two main divisions, viz., habitual convicts and others (i.e., casuals).

214. Definitions of habituals. –

The following person shall be liable to be classified as “habitual criminals”, namely: -

- (i) any person convicted of an offence punishable under Chapters XII, XVII and XVIII of the Indian Penal Code, whose previous conviction or convictions, taken in conjunction with facts of the present case, show that he is by habit a robber, house-breaker, dacoit, thief or receiver of stolen property or that he habitually commits extortion, cheating, counterfeiting coin, currency notes or stamps or forgery;
- (ii) any person convicted of an offence punishable under Chapter XVI of the Indian Penal Code, whose previous conviction or convictions, taken in conjunction with the facts of the present case, show that he habitually commits offences against the person;
- (iii) any person committed to or detained in prison under 1 [Section 123 (read with section 109 or section 110) of the Code of Criminal;
- (iv) 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 or dacoits, or of thieves or a dealer in slaves or in stolen property;

- (v) any member of a criminal tribe, subject to the discretion of the State Government concerned;
- (vi) any person convicted of an offence and sentenced to imprisonment under the corresponding section of the Indian Penal Code and the Code of Criminal Procedure as applied by order under the Indian (Foreign Jurisdiction) Order in Council, 19092, or by the authority of any Prince or State in India;
- (vii) 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 would 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 purposes of this definition the word “Conviction” shall include an order made under [Section 118, read with section 110 of the Criminal Procedure Code.] 2

1. Read now section 122 of the Criminal Procedure Code, 1973.
2. Read now section 122 of the Criminal Procedure Code, 1973.

215. Classification of convicts as habitual criminals. –

- (1) The classification of a convicted person as a habitual criminal should 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, or, in the absence of an order by the convicting court or District Magistrate, and 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 a habitual criminal may apply for a revision of the order.

- (2) The convicting court or the District Magistrate may, for reasons to be recorded in writing, direct that any convicted person or any person committed to or detained in prison under [Section 123 read with section 109 or section 110 of the Code of Criminal Procedure,] 1 shall not be classed as a habitual criminal and may revise such direction.
- (3) Convicting courts or District Magistrate as the case may be may revise their own classification, and the District Magistrate may alter any classification of a prisoner made by a convicting court or any other authority provided that the alternation is made on the

basis of facts which were not before such court of authority.

Note. – The expression “District Magistrate” wherever it occurs in paragraph (1), (2) and (3) above means the District Magistrate of the district in which the criminal was convicted, committed or detained.

(4) Every habitual criminal shall as far as possible be confined in a special jail in which no prisoner other than habitual criminals shall be kept:

Provided that the Inspector-General of Prisons may transfer to this special jail any prisoner, not being a habitual criminal, whom, for reason to be recorded in writing, he believes to be of so vicious or depraved a character and to exercise, or to be likely to exercise, so evil an influence on his fellow prisoners that he ought not to be confined with other non-habitual prisoners, but a prisoner so transferred shall not otherwise be subject to the special rules affecting habitual criminals.

1. Now section 122 of the Criminals Procedure Code, 1973.

216. Report where sentence on habitual prisoner seems inadequate. –

The Superintendent shall bring at once to the notice of the Deputy Commissioner concerned any case in which the sentence passed upon an habitual offender appears inadequate, so that the Deputy Commissioner may, if he considers it desirable, move Government to file a motion before the High Court for enhancement of the sentence. He shall send to the inspector-General at the same time a copy of any reference made by him to the Deputy Commissioner in order that the case may be reported to Government for information.

217. Description roll to be attached to warrant of every convict. –

- (1) With the warrant of every convict shall be sent his description roll in the following form signed by Magistrate. This roll shall be attached to the prisoners' warrant and shall be returned with it to the court, after the sentence has expired.

		Name		Father's Name		
Address	Character	Previous occupations.	Circumstances under which	Whether sentence appealable or not	Other charges pending against	Classification as A, B or C Division

			convicted		prisoners with law and section	convict
1	2	3	4	5	6	7

Former convictions.

Habitual or casual	Date	By whom convicted.	Offence (Law and section)	Sentence
8	9	10	11	12

(2) In the description roll the Magistrate shall note whether the prisoner has been classed as first class or second class under-trial or, if he has not been classified as an under-trial, whether his previous standard of living was superior to the ordinary.

(3) When the prisoner is sentenced by a court superior to that of a Magistrate, the District Magistrate will arrange for the dispatch of the descriptive roll to the Superintendent of Jail. If the Magistrate omits to send this descriptive roll, the Superintendent shall ask for

it, and if the omission frequently occurs, he shall report the instance to the Inspector General.

218. Duty of Superintendent in regard to classification.

- (1) In order to facilitate the identification of habitual criminals, special care shall be taken in filling the column relating to character in the Convict Register. The Superintendent and Jailer shall, on receipt of a prisoner, endeavor to ascertain from jail subordinates and long-term convicts, as well as from jail records, whether he has more convictions than are recorded against him in the warrant.
- (2) In cases in which there is room for doubt whether a prisoner should be classed as an habitual or not, the Superintendent may refer the case for the orders of the convicting court or of the District Magistrate.
- (3) When the Superintendent discovers that a prisoner has a previous conviction against him which has been recorded, he shall immediately communicate the fact to the court which convicted the prisoner, and to the Superintendent of Police.

219. Separation of habituals. –

Habitual convicts shall, as far as possible, be separated from others. A separate barrack or ward shall be set apart for habitual convicts, and by these means separation at meals, parades, etc., shall be generally effected. If it is impossible to separate the classes entirely during work, Superintendents should do as much as can be done in this direction by locating habitual convicts in a definite part of the work sheds or otherwise.

220. Superintendent to discover and report previous convictions of under trials. –

Superintendents shall examine all under-trial prisoners admitted to their jails, to ascertain whether they have been previously convicted. Whenever a conviction is thus discovered, intimation thereof shall be sent to the Superintendent of Police prior to the prisoner's trial.

221. Star class prisoners. –

(1) Casual offenders shall be divided into two classes viz.:-

(a) The State class, and

(b) Ordinary.

The star class include such prisoners as may be selected by the Superintendent subject to the control of the Inspector-General) on the ground that their previous character has been good, tat their antecedents are not criminal and that their crimes do not indicate grave cruelty or gross moral turpitude, or depravity of mind.

(2) The mere fact that a casual prisoner has been previously convicted once or oftener for petty offences shall not ordinarily be a sufficient reason in itself for excluding him from the Star class; nor shall previous conviction for serious crime be held to debar him from such classification, if it was committed several years before, and during the intervening period he has led generally an honest life.

(3) In determining whether a prisoner is already of so corrupt a mind or disposition as to render it likely that he may containing others and cannot be much further corrupted himself, regard should be had to his age at the time of his last offence and on the dates of any previous convictions; the whole circumstances of the case shall be duly considered and the question of his

classification shall be decided on general ground and not on any hard and fast lines.

- (4) Except when appointed to the rank of convict officer, prisoners of the Star class shall, as far as possible, be separated from others at all times both day and night.
- (5) When a Star class prisoner prefers to be confined in a cell at night, and such accommodation can be provided for him, his wishes shall be complied with; but where only association wards exist in the jail for separation at night members of this class shall be confined together apart from other offenders.
- (6) The clothing of Star Class prisoners shall be distinguished as in Rule 393 (*d*).

Note. – for the special rules relating to the several classes of prisoners, *see infra, viz :-*

Civil Prisoner	Chapter XL.
Under-trial prisoners	” XLII.
Female prisoners	” XLIX.
Juvenile prisoners	” L.

CHAPTER XVI

ADMISSION OF PRISONERS

The power of officers in charge of jails in Assam to give effect to the sentences or orders of Courts is defined in Part V of the Prisoners Act, 1900.

Under section 24 and 25 of the Prisons Act, 1894, a prisoner shall be searched on admission and all weapons and prohibited articles shall be taken from him. Female prisoners shall be searched by the female warder. Every criminal prisoners shall be examined under the orders of the Medical Officer, and a record shall be made of the state of his health and of certain other particulars. The property of a criminal prisoner shall be placed in the custody of the jailer.

“History-ticket” is defined in section 3 (b) of the Act to mean the ticket exhibiting such information as is required in respect of each prisoner by the Act or the rules there under.

222. Proper warrants to accompany each prisoner. –

The Superintendent or Jailer shall receive and detain all prisoners duly committed to his custody by any court or Magistrate according to the exigency of any warrant or order by which such prisoner has been committed. In case no regular warrant or order accompanies the prisoner the Superintendent of Jailer shall immediately apply to the person who forwarded the prisoner for the necessary order and other documents and shall detain the prisoners as laid down in rule 225 until the regular warrant or order signed by an authorized court or Magistrate, has been received.

223. Jailer to question him on arrival. –

Before admitting a prisoner, the Jailer shall question him and ascertain that his name and other particulars correspond those entered in the warrant or order.

224. Time for a limiting prisoners.-

All convicted prisoners shall be admitted irrespective of the time at which they may arrive at a prison. Under trial prisoners shall not be admitted after the jail has been locked up for the night without the written orders of a Magistrate.

225. Custody of prisoners received after lock-up. -

Prisoners received in a jail after it has been locked up shall be confined in separate cells or the under-trail ward for the night or kept at the main gate under proper custody. Barracks shall not be opened at night for this purpose.

226. Procedure if warrant is irregular. –

- (a) As soon as possible after a prisoner's admission his warrant shall be examined by the Superintendent to see that it is in proper order. If a warrant is incorrect or incomplete, and it seems likely that the error or omission is due to a clerical mistake, it may be returned for correction to the issuing court which has power under section 369 of the Criminal Procedure code* to correct such errors even in a judgment and which can always amend the warrant so as to make it correspond with the judgment. In this case a copy shall be retained till the original is returned.

- (b) In case the Superintendent doubts the legality of any warrant sent to him for execution, he should follow the procedure laid down in section 17 of the Prisoners' Act, III of 1990, but the reference therein prescribed shall be made to the State Government through the Inspector-General.

Illustration I. –A warrant which does not specify whether imprisonment is to be simple or rigorous, or which mis-states the prisoner’s name or omits the term of imprisonment shall be returned for correction.

Illustration II. – A warrant purporting to be issued by a Magistrate of the first-class and directing that a prisoner be subjected to rigorous imprisonment for a single offence for a term of seven years should be submitted to Government through the Inspector-General for orders.

(c) The Superintendent shall satisfy himself that a classification statements in the prescribed form filled up and signed by the Magistrate who sentenced the prisoner or committed him to the sessions are attached with the warrant. In case these statements are not received with the warrant, the Superintendent shall at once remind the court concerned and obtain them.

* Section 362 of the Code Criminal Procedure, 1973.

227. Warrant to contain particulars of fine. –

(1) If at the time of commitment, the warrant of a prisoner sentenced to pay a fine contains no information as to whether the fine or any part of it has been paid, a reference shall be made to the court, and the purport of the reply noted on the warrant.

(2) Information received from a court or Magistrate, subsequently to the admission of a prisoner, that a fine has been paid in part or whole on his behalf, shall be endorsed on the warrant, and an acknowledgment sent to the court concerned.

Note. – The court are responsible that the information required by clause (2) is sent to the jail without undue delay.

228. Check of prisoner's property. –

The Jailer shall furnish the officer who delivers a prisoner, which shall be carefully examined and shown to the prisoner at the time of his admission. The prisoner's acknowledgment that he has seen the property and that it is correct shall at the same time be taken in Convict Register.

Note.- For instructions for the grant of receipts to the police when prisoners are received by transfer, see rule 527.

229. Prisoners to wash themselves and their clothing. –

On admission to jail every prisoner shall be required to wash his person and his clothing thoroughly. If epidemic disease exists in the neighborhood from which he comes, his clothing shall also be disinfected by being steeped in a solution of corrosive sublimate or by being boiled. In such cases special

care shall also be taken to cleanse the prisoner's person, especially his hair.

230. Search of prisoners on admission. –

Prisoners after having washed, shall be carefully searched by a jail official. Female prisoners shall be searched and the washing conducted in the female yard. A and B Division prisoners shall wash and be searched in their own yard, or in a cell, and not in presence of other prisoners. Searched of other prisoners. Searches of prisoners conducted under this and other rules of the jail Manual shall be made with due regard to decency and with reasonable privacy.

231. Removal of articles from prisoners.-

At his search every article, whether `clothing, bedding, jewellery, money, documents or otherwise, shall be taken away from prisoners sentenced to rigorous imprisonment, to whom an issue of jail clothing and bedding in accordance with the rules in Chapter XXII shall be made. From prisoners sentenced to simple imprisonment every article shall be taken away except personal clothing; fro under-trial prisoners money and any property other than clothes, bedding personal ornaments, papers and letters shall be taken; while from civil prisoners only dangerous weapons, articles calculated to facilitate escape, and such prohibited articles as spirits, drugs and immoral books shall be taken. The caste threads of Brahmins or other thread-wearing

castes and conch shell or iron wristlet of a married woman shall in no case be removed. All articles removed from a prisoner under this rule shall be dealt with under the rules regarding prisoner's property.

232. Quarantine on admission. –

Every newly admitted prisoner shall be subjected to such period of quarantine as the Superintendent, on the advice of the Medical Officer, shall direct. During the period of quarantine, the prisoner shall be strictly separated, by day and by night from all prisoners not undergoing quarantine. If epidemic disease appears in the quarantine ward, no resident of the ward shall be allowed to mix with other prisoners who are not contracts until the expiry of 14 days from the date of disappearance of the last case of disease.

233. Examination of prisoner with special reference to injuries. –

Every prisoner on arrival at the main gate, and before he is locked in the quarantine enclosure or ward, shall be examined carefully by the medical subordinate in the presence of the jailer or Assistant Jailer on duty. The name of the prisoner, the time of examination and the result of the

examination, with special reference to any injuries, owns, contusions or abrasions detected shall be entered in the Jailer's record book and the entries shall be signed by or Assistant Jailer, as the case may be, and the medical subordinate. The clothing of the all prisoner's shall be carefully examined, and if suspicious stains are found, the district magistrate shall be informed and the clothing stored under lock and key.

234. Superintendent to report certain injuries to the Magistrate. –

The Superintendent shall report at once to the District Magistrate full particulars of any recent injuries, owns, contusions or abrasion found on the person of any prisoner, which appear to be due to violence and which are not explained by the nature of the case in which the prisoner is accused or has been convicted.

235. Clothing for convicts. –

Every prisoners sentenced to rigorous imprisonment shall be provided with jail clothing according to the scale laid down in Chapter XXII.

236. Medical examination and Superintendent's check of entries. –

Every convict shall be brought for examination fully equipped with clothing before the Medical officer, who shall enter in the Admission Register the state of health of the Prisoner, whether good, indifferent or bad, with any other, observations, and, if the prisoner is sentenced to rigorous imprisonment the class of labour for which the prisoner is fit, whether hard, medium or light.

237. Method of calculating sentence.

- (1) The duration of a sentence shall be calculated year or month unless stated in weeks or days.
- (2) When a prisoner's sentence contains a fraction of a month, the date of release shall be calculated by reducing the fraction to days, a whole month being, for this purpose, taken to consist of 30 days.

Illustration – A prisoner is sentenced to one and a half-month's imprisonment on the 2nd February. The date of his release will be the 16th March.

238. Commencement of and break in, imprisonment how reckoned. –

- (1) In calculating the date of expiry of a sentence of imprisonment in a criminal case, the day on which the sentence was passed and the day of release should both be included as days of imprisonment. Similarly, if

a convict is released in bail pending appeal, or if the escapes, the day on which he was released or escaped, and the day on which he was re-admitted or re-captured, shall both be counted as days of imprisonment.

- (2) The period of imprisonment to be undergone shall be reckoned from the date on which the sentence is passed except in cases which fall under section 35(1), 396(3) and 397 of the Criminal Procedure Code, * when the direction of the Court shall be followed.

Illustration 1. – A prisoner sentenced on the 1st January to one month’s imprisonment should be released on the 31st January and not on the 1st February.

Illustration 2.- A prisoner sentenced on the 28th February to one month’s imprisonment should be released on the 27th March.

Illustration 3.- A prisoner sentenced on the 1st January to one month’s imprisonment escapes on the 15th January and is re-captured on the 16th. He will be entitled on the original warrants to release on the 31st January.

Illustration 4. – A prisoner sentenced on the 1st January to one day’s imprisonment should be released the same day. But if he is sentenced to imprisonment for 24 hours he

should be kept in confinement for that period and not released until the 2nd January.

* Section 31, 426 and 427 of the Code of Criminal Procedure, 1973.

239. Imprisonment in default of giving security *plus* a substantive sentence. –

- (1) 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 a sentence of, imprisonment, the period for which such security is required shall commence on the expiry of such sentence. See 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 jail until the expiry of the period for which security is required to be furnished, or until the requisition 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 jail after the expiry of the substantive sentence.

*Section 106 and 117 of the Code of Criminal Procedure.

- (2) If a person, while undergoing imprisonment under an order under section 123, Criminal Procedure Code* , in default of furnishing security, is convicted of an offence committed prior to the making of the order and sentenced to imprisonment, such sentence should expire before the period for which the person is undergoing imprisonment in default of giving security, he shall be detained for the remainder of such period.
- (3) If however, 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, Criminal Procedure Code*, and the 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.

As imprisonment in default of furnishing security is a precaution for the safety of the public and not a punishment for an offence, in the cases mentioned under sub-rules (1) and (3) the Superintendent shall report the case to the Magistrate of the district, for action under section 124* of the Criminal Procedure Code if he thinks fit.

Illustration. – A prisoner while undergoing three month's imprisonment is ordered a competent court to execute a bond under section 106, Criminal Procedure Code, for

keeping the peace for a term of six months in a sum of Rs. 25 and one surety for a like amount, but fails to give security on or before, the date on which the three months' substantive imprisonment expires. He should be detained in jail until he furnishes the required security, or until the term for which such security is to be given is completed, but no formal warrant is necessary for such detention.

* See section 122 of the Cr. P.C., 1973

240. Imprisonment in default of giving security for a period exceeding one year. –

When a prisoner has been ordered by a Magistrate to give security for a period exceeding one year and the prisoner not giving such security is detained in prison pending the orders of the Session Judge, the prisoner shall go under simple or rigorous imprisonment as the Magistrate may direct, until the receipt of a fresh warrant of the Session Judge. The Superintendent shall keep a separate note of such prisoners and remind the court if the Session Judge's order is not received within a reasonable period, and on its receipt return the warrant issued by the Magistrate. Pending the orders of the Session Judge, the period of his detention shall count as imprisonment in default of furnishing security.

241. Date of release when two or more sentences run consecutively. –

When a prisoner is sentenced to two or more periods of imprisonment to be served consecutively, the date of release shall be calculated as through the sum of the terms was awarded in one sentence.

Illustration I.- A prisoner sentenced on the 21st November 1898 to two substantive terms of imprisonment of one year each, should be released on the 20th and not the 19th November 1900.

242. Date of release when there are more sentences of imprisonment than one. –

When there are some more sentences of imprisonment than one to be carried out against the same person, they take effect one after the other in chronological order, each to be completed before the next one commences.

To this rule there are three explanations: -

- (1) A court may, in passing sentences, order that it shall run concurrently with a previous sentence, whether of substantive imprisonment or of imprisonment in default of payment of fine, or of imprisonment in default of furnishing security.
- (2) Where a person undergoing imprisonment by virtue of an order under section 123* of the Code of Criminal

Procedure in default of furnishing security is sentenced to imprisonment for an offence committed before the date of the order, the latter sentence takes effect at once.

- (3) A sentence of imprisonment in default of payment of fine does not take effect until after all outstanding sentences of substantive imprisonment have been carried out.

*New section 122 of Cr. P.C., 1973

243. Effect of annulling the first of two sentences. –

When a prisoner is undergoing more than one sentence and first sentence is annulled on appeal, the second sentence shall take effect from its date.

Illustration 1. - A prisoner is sentenced on 1st July to two periods of six months' imprisonment for two offences. On appeal the first sentence is quashed on 31st August. The prisoner will be entitled to release on 31st December.

Illustration 2. - A prisoner is sentenced on 1st July to six months imprisonment and on 1st August to another period of six months imprisonment. On appeal the first sentence is quashed on 31st August. The prisoner will be entitled to release on 31st January.

244. Calculation of the date of release in cases of recaptured prisoner or prisoners who have been on bail pending disposal of appeal. –

The following method shall be adopted in calculating the date of release of a prisoner who after conviction is released in bail but is afterwards re-committed to jail to serve out his sentence, or who escapes and is subsequently re-captured. Add to the term of his sentence the number of days the prisoner is on bail or at large, exclusive of the day of release and re-arrest. Or of escape and re-captured; the date on which the sum of these periods will elapse, counting from the date of conviction, is the date of expiry of sentence.

This rule will not apply to a prisoner sentenced under section 106, 118 and 123 of the Criminal Procedure Code* to imprisonment in default of furnishing security if the released on bail while serving such sentence, pending the disposal of his against that sentence. The period during which he is on bail count as part of his sentence.

Illustration 2. – A prisoner is sentenced on the 1st January to two months imprisonment and a fine of Rs.20 or in default to one month's alternative imprisonment. If the fine is not paid, he should be released on 31st March, but if the paid, on 28th February. *

* Now see sections 106, 177 and 122 of Cr. P. C., 1973.

245. Date of release of prisoner sentenced for escape. –

If a prisoner receives a sentence for escape, the date of release shall be re-calculated in accordance with section 396 of the Code of Criminal Procedure. *

246. Date of release from imprisonment in default of payment of fine. –

If a 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 be not immediately paid, the dates of release shall be calculated and entered on the prisoner's warrant and ticket and in the registers so as to correspond both with payment and with payment and with non-payment of the fine.

247. Date of release when fine is partially paid. –

If a prisoner who is sentenced to a fine in default to imprisonment pays any portions of the fine, the date of

release shall be proportionately altered. If the imprisonment in default of payment of fine is expressed in calendar months, the reduction of imprisonment to be made in consequence of such payment shall be calculated in calendar months, the not in days. Any fraction of a month obtained by such calculation shall be reduced to days. Any fraction thus obtained is not exactly equal to any number of days, or is less than a single day, the portion of a day which results shall be considered and treated as being equal to a full day.

Illustration 1. – If a prisoner be sentenced on 1st January to six months' imprisonment and to a fine of Rs. 300, and it to 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, the date of release shall be first fixed at 31st October (viz., six months four months the equivalent of the fine unpaid); if he afterwards pays another Rs. 100, the date will be changed to 31st August, and on his paying the whole 30th June.

Illustration 1. - A prisoner is sentenced on 1st January to a fine of Rs. 300, or in default to six months' imprisonment. No part of the fine is realized except a sum of 12 annas. He should be released on the 29th June, though the amount realized is less than the full amount due for a single day.

248. Calculation of sentence awarded to prisoner undergoing imprisonment in default. –

If a prisoner sentenced to imprisonment in default of payment of fine receives another sentence while undergoing such imprisonment, the second sentence shall begin from the date on which the first sentence expires, or if the fine is paid, from the date of payment.

Illustration. – A prisoner is sentenced on the 31st January to a fine of Rs. 300 or in default to two months' rigorous imprisonment, and on the 12th February of the same year he is sentenced on another account to an additional imprisonment for four months. The fine is paid in full on the 28th February. The sentence for four months should begin from the 28th February and not from the 31st January.

Note. – But see section 398 (2) of the Criminal Procedure Code in regard to sentences of imprisonment in default of payment of fine, which are annexed to several substantive sentences of imprisonment or transportation.

249. Calculation of sentence modified on appeal. –

When an Appellate Court simply modifies a sentence passed by a lower court without change of section, or when an Appellate Court passes a new sentence by changing the conviction section of 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.

250. Procedure when sentence is suspended. –

(1) When an Appellate Court directs that the execution of a sentence or order appealed against be suspended, the appellate shall, be treated in all respects as an under-trial prisoner.

(2) Should the appellate be ultimately sentenced to imprisonment, penal servitude or transportation, the period during which the original sentence was suspended, shall-

(a) if passed in jail, be included, and

(b) if passed out of jail, be excluded, in computing the term for which he is sentenced by the Appellate Court.

251. History tickets. –

Every convicted prisoner shall be provided with a history-ticket in the prescribed form. The Superintendent shall cause the full information required by the printed entries at the head of the ticket to be recorded. The Superintendent and the Medical Officer shall record therein the prisoners' health and the labour on which he is to be employed, and the history-ticket throughout the period of imprisonment should be so maintained as to be continuous record of the prisoners' conduct and employment. Entries of weighment

shall be recorded fortnightly and the Superintendent shall record in his own handwriting all entries of punishments. Entries of appeal letters received and sent, interviews, admission to, and discharges from, the hospital and the convalescent and infirm gangs and the employment on out gangs shall be made as occasion requires and initialed by the Superintendent. Entries in regard to issue of clothing and awards of remission shall be made and initialled by the jailer or the Assistant Jailer in charge.

252. Custody of history-tickets. –

The history tickets shall be kept in a proper receptacle in the jail office. The Jailer shall be responsible for their correctness and safe custody but may delegate this duty to an Assistant Jailer. When a prisoner is admitted to hospital, his history-ticket shall be sent with him and the Medical Subordinate shall be responsible for its safe custody. The history-ticket shall be reserved for one year after the release of the prisoner, or in the event of a prisoners' death, by the Medical Subordinate, for two years. When a prisoner is transferred to another jail his history-ticket shall be sent with him.

254. Tickets to be worn by convicts. –

Every "C Division" prisoner, sentenced to rigorous imprisonment who is not convict an officer shall wear a

wooden label on the breast suspended from a button by means of a leather or webbing button-hole. On this shall be stamped the register number of the prisoner, his class and, if he is an habitual, the number of the previous conviction by the side of the letter H, the section under which convicted, the term of sentence, the date of conviction and the date of termination and the date of termination of sentence, this: -

1913		H 2.
	457	
3y.		6m.
	24-1-20	
	23-7-23	

255. Entries in the Admission Register. -

- (1) In the Admission Register shall be recorded a full personal description with the identification marks of the prisoner. His state of education, details of previous convictions complete particulars of the term and nature of the present sentence shall be entered. The letter "P. R" shall be added in the red ink against the name of all police-registered prisoners in the admission and release registers on the prisoners'

warrant and if for any other reason a prisoner is required to be released in the district of his residence, the fact shall be similarly noted.

Note. - For instruction about "P R" prisoners see rules 544 and 565, Chapter XXX (Release of Prisoners).

- (2) In the recording of the full personal description of the prisoner the following rules should be observed in filling up particulars of the age, height, face, color and marks of the prisoner.

Age should be estimated by the Medical Officer and not merely filled up from the warrant of imprisonment. The height of the prisoner should be measured with care. In regard to face an attempt should be made to describe any striking peculiarity of the features, e.g., whether the brows are arched, beetling or otherwise, whether the nose is aquiline, straight, concave, sinuous, long, thick, flat or broad-nose-trilled, whether the mouth is board or protruding, whether the ears are flat, large or projecting and the ear lobe distinct or absent.

The colour should also be carefully noted and marks, such as pockmarks, scars, etc., described minutely.

- (3) The name and address of the nearest relative (or friend if so desired) of every prisoner shall be entered in column 3 of the Admission Register.

256. Superintendent's check of date of release. -

The Superintendent shall satisfy himself that the amount of the prisoners' sentence and date of release, as the case may be, are correctly noted in the admission and release registers, the history-ticket and the warrant cover. The entries in the Registers, the history-ticket and the warrant cover shall be initialed by the Superintendent and the Jailer in token of their having checked and found them correct.

257. Responsibilities of Superintendent for alternation in date of release. -

The Superintendent shall be responsible that necessary alternations are made in the registers and documents noted in the preceding paragraph when a prisoner's sentence is enhanced or reduced on appeal. Similar precautions shall be taken on the receipt of notice of realization of fine. The Superintendent and the Jailer shall initial these alternation's.

258. Superintendent to inform prisoners of any alternation in sentence. -

The Superintendent shall personally inform prisoners of the alternations made in their sentence on appeal or as the result of the amount of fine having been realized in full or in part.

259. When prisoner has been transferred to another jail, Superintendent to send information of alternation of date of release. -

When an order of release or an order modifying a sentence or a notice of payment of fine is received in a jail, the Superintendent shall, if the prisoner has been transferred to another jail, at once forward the order or notice by registered post to the another jail concerned. It will be the duty of the Superintendent to obtain a receipt for the order or notice from the Superintendent of the Jail in which the prisoner is confined.

260. Arrangement and custody of warrant. -

Prisoners warrants shall be arranged according to dates of release and kept in monthly bundles, the warrants of prisoners to be released in a particular month being in placed in one bundle and each bundle being docketed outside with the month and year. They shall be kept on a locked drawer or almirah of which the Jailer shall keep the

key. Copies of judgments, orders of Appellate Courts and orders of Government disposing of prisoner's petition, together with correspondence relating to payment of fine, classification, etc., shall be filed and kept with the warrant of the prisoner to whose case they relate.

(See rule 564 for final of warrants)

261. Rules regarding the cutting of hair. – Exceptions. –

- (1) Every male convict sentenced to rigorous imprisonment for a longer term than one month shall, on final confirmation of the sentence, or expiry of the period of appeal without an appeal having been preferred (provided the unexpired term of such convict's sentence at that time exceeds one month), have his head close shaved, or, if a European or other prisoner so classed, his hair clipped and shall be subsequently shaved or clipped not less seldom than once in every fifteen days. Hindus shall be allowed to retain the chutia or top knot the size of which shall be 6 inches long and 3 inches in diameter as nearly as possible. In the case of European and others so classed the hair shall not be clipped closer than is necessary for purposes of health and cleanliness. The beard and moustaches of all convicts coming under this rule shall be closely trimmed or clipped, the beard of Muhammadans being left an inch in length. In this rule "final confirmation of the sentence" means the

decision of an appeal under Chapter XXXI of the Code of Criminal Procedure.

Note. – See rules as to convict Officers, Chapter XX.

- (2) All prisoners to whom the above proceedings would be justly offensive or degrading shall, at the discretion of the Superintendent, be exempted from them. During the month immediately preceding release, the hair shall be allowed to remain uncut and unshaven.
- (3) No convict sentenced to rigorous imprisonment for a month or less shall be subjected to the operation of head-shaving or hair-cutting except to get rid of vermin or dirt, or when the Medical Officer deems it necessary on the ground of health and cleanliness, and then the hair shall not be cut closer than may be necessary for the purposes in view.

Note. – There is nothing to prevent the cutting, shaving or trimming of the hair of any convict at any time at his own request and under the written orders of the Superintendent, or if necessary on medical grounds and under written directions of the Medical Officer.

Inspector General's Instructions

Sub : Head-shaving/hair-cutting of male convicts.

I am to say that the existing Rule 261 of AJM provides for head-shaving in case of non-European male convicts and hair-clipping in case of their European counterparts. In the context of modern reformatory concept, the above provision appears both discriminatory and derogatory in so far as the head-shaving part is concerned, and is proposed to be suitably amended. Sub-rule (2) of the above Rule, however, provides for exemption of any prisoner from the operation of head -shaving, etc., if the same justly appears offensive or degrading to him. As I understand the practice of head -shaving of convicts has long been obsolete in our Jails. I am only to reiterate hereby that the same may in no case be revived. (Copy of I.G. Prisons' circular No. PRI. 101/75/20 dated 1st December, 1978, addressed to all Superintendent of Jails in Assam).

262. Prisoners to be instructed in the jail rules. –

After prisoners are received inot jail an abstract of the relating to their conduct and treatment shall be read over to them in a language understood by them and explained. A copy of this abstract in the vernacular language of the district shall be hung up in each criminal ward.

CHAPTER XVII

GENERAL DISCIPLINE AND DAILY ROUTINE.

263. Definite responsibility to be fixed for custody of each prisoner by day and by night. –

The Jailer is responsible that every prisoner in Jail shall both by day and by night be in the charge of a jail officer. A record of the name of every prisoner shall be kept in a gang book during the day and in a barrack list during the night. Each barrack, ward and cell should be assigned a district number which should be painted clearly on the wall or other conspicuous position. The gang book and the barracks lists shall be so maintained and the relief of jail officers so carried out and recorded that the responsibility for an escape resulting from negligence can be fixed definitely and beyond all doubt.

The officers under whose immediate charge the prisoners are placed shall carefully watch them in their various movements and employments and use the utmost alacrity and vigilance to prevent escapes.

264. Unlocking wards at daybreak. –

The barracks and cells be unlocked at daybreak throughout the year. Previous to the opening of the wards the convict night watchman on duty shall awake all the prisoners and keep them in readiness to march out in files with their bedding as provided in Rule 266.

265. Jailer to be present. –

The Jailer shall be present at the opening of the wards and cells every morning, and shall personally superintend the locking of a portion of them, that of the remainder being carried out by his subordinates.

266. Treatment of bedding. –

As soon as the wards and cells are unlocked, each prisoner shall take his bedding outside, and shake it well. He shall then fold it and, except on rainy days, leave it outside to air for some hours, when

For which he is unfit or which is likely to be prejudice to his health.

272. Procedure in case if illness. –

If a prisoner in a gang working outside is injured or taken ill, he shall be sent back to the jail in charge of a convict office, or, if necessary, the whole gang may be marched back to the jail with the sick prisoner.

273. Precautions in work shed. –

Where a worksheet is enclosed and provided with a gate, the gate shall be kept locked after prisoners have entered and the key of the gate shall be kept by the officer in charge of the gang.

274. Midday meal and resumption of work. –

- (1) At 10.30 o'clock, the bugle or gong shall be sounded and the gangs marched back to the yards when the prisoners shall be given an opportunity of visiting the latrine, and at 11o'clock, the midday meal shall be issued. A bell shall be rung as the signal for the distribution of this meal and the evening meal.
- (2) Resumption of work in afternoon. –

After the meal the gangs shall be re-formed and marched back to their work, which shall continue till 4-30 p.m. or 5 p.m. in the cold weather, and 5 p.m. or 5-30 p.m. in the warmer weather, vide rule 417. In the height of the hot weather a suitable interval for rest should generally be allowed at some time after the midday meal, and at all seasons a similar rest should be allowed to weakly and infirm prisoners.

275. Procedure on cessation of work for the day. –

Upon cessation of work, the convicts having been taken back to their yards shall proceed first to the latrine, and then to the bathing places where they shall be required to bathe or wash their face and hands. In cases where prisoners have been engaged in especially dirty forms of labour, they shall be required to cleanse themselves thoroughly.

276. Evening meal and lock-up. –

The evening meal shall be then distributed. They shall then be marched to their barrack gates and sit in the file there until counted and locked-up under the personal supervision of the Jailer.

277. Men who work together to sleep together. –

As a general rule, and subject to the rules as to classification in Chapter XV men who together should, as far as possible,

sleep together so as to facilitate the information of gangs, prevent intercommunication among prisoners, etc.

278. Prisoners outside to be brought in for meals. –

Prisoners working extramurally shall be brought in for feeding purposes. Every prisoner shall be searched each time that he leaves or enters the jail. All prisoners shall be counted and searched on return to the yards from labour.

279. Strict discipline to be enforced. –

Every detail of the daily routine shall be carried out systematically the prisoners being marched by word of command. Strict silence shall be maintained and prisoners shall on no account be allowed to wander about the yards unattached.

280. Conduct of gangs. –

Gangs when halted shall ordinarily be required to sit down. At the hour for turning out for work, when the gangs have been formed, the officer in charge shall see that they are properly arranged and (if necessary) equipped with tools, and shall then give the orders “rise” and “march”. At the first

order the gang shall rise, and at the second, move off at a steady pace to their work. The same procedure shall be followed when moving gangs at other times. Care shall be taken to instruct convicts to understand and obey the words of command and to march with regularity.

281. Conduct of gangs when officials or visitors appear. –

On the appearance of the Superintendent or of an official or non-official visit or the senior warder in charge of a gang or, where the gang is subdivided, the senior convict officer, shall order the prisoners under him to stand to attention. On parades, the Head Warder will give the words of command.

282. Search before lock-up. –

Every convicts shall be thoroughly searched before being locked up at night, and every cell and ward shall be searched. The officer making the search shall be responsible that all bolts, bars and fastening are in order, and that no contraband article, or article likely to facilitate escapes, is left with any prisoner or in any ward or cell.

283. Evening recreation.

The time of the evening meal will be fixed so as to allow the prisoners half an hour for recreation between the termination of the meal and lock-up.

284. Provision of sleeping berths. –

Every prisoner, except an epileptic prisoner, shall, in upper as in lower-storied buildings, have a raised berth assigned to him in his proper ward or cell at least 18 inches in height, 6 feet long and 2 feet broad, to make certain that each prisoner sleeps in a separate bed, and does not touch any other prisoner; and the head of one berth shall be opposite the foot of that next to it. The number of berth in each ward shall be, in accordance with its capacity, calculated on the scale prescribed in Chapter XXXVII. No explicit rule can be laid down as to the character of raised berth, as the ward, the nature of the soil and atmosphere, etc., must be considered.

In wards, the berths shall be numbered and to each prisoner shall be allotted a particular berth which he shall not be allowed to change and which he shall not leave without the permission of the night watchman on duty, and then only to use the latrine.

285. Latrine accommodation in wards and cells. –

Every ward and cell which has no latrine attached to it shall be provided with separate receptacles for night-soil and urine, placed on an impervious surface. The night-soil receptacle shall be partly filled with dry earth, and a further supply of dry earth shall be kept at hand and the convict night watchman on duty shall be responsible that prisoners

using the receptacle shall also use dry earth in the proper manner. The urine receptacle shall be partly filled with water.

286. Use of night latrine to be discouraged. –

As prisoners are afforded sufficient opportunities of restoring to the day latrines, the use of the night latrine is to be discouraged, and the night-watchmen shall report any prisoner who makes a practice of using it.

287. Visits to latrine out of hours. –

If during the day any prisoner wishes to visit the latrine out of the usual parade time, he shall be made over to a convict officer. If a prisoner unnecessarily visits the latrine, the convict officer shall report him to the warder in charge. If it appears that a prisoner is suffering from diarrhea or dysentery, a report shall be made to the Jailer, who shall send him to hospital for observation.

288. Size of squads. –

Prisoners should be formed into squads of eight or ten each, each squad to be composed of prisoners belonging to the same mess and occupation so far as practicable; to each

squad will be attach a convict overseer, who will be responsible for keeping the prisoners of his squad together, and should also visit the latrine and bathing place together. The convict overseer of a squad should be of the same class, religion, and employment as the rest of the squad.

289. Prisoner to wash their clothing weekly. –

Every prisoner shall be required to wash his clothing at least once a week, usually on Sunday morning, and at such times as the Superintendent may direct. If necessary, the Superintendent may detail prisoners for the purpose of washing all or any special portion of prison clothing.

For this purpose “*Saji Malti*” should be placed in the washing tubs.

290. Routine on holidays. –

The daily routine prescribed in the foregoing rules shall be observed also on Sundays, Good Friday, Christmas Day, Republic Day, Independence Day, Birth Day of Mahatma Gandhi, Bijoya Dasami, Doljatra, Pawsh Sankranti, Feteha Dawazdaham, the 10th day of Muharam and both the Idd festivals, except that no prisoners shall be required to work on these days otherwise than in performing menial offices and other necessary work, including cleaning up and tidying the Jail premises. The prisoner shall on Sundays be allowed to take exercise in the Yards in gang till 10 A.M. and again

for an hour before the evening parades. In the intermediate time they shall sit down in the file either in their wards, or if whether be cold enough, in the yards. Jews shall not be compelled to work on Saturdays.

291. Matters affecting caste or religion. –

Interference with the religion or caste prejudices of prisoners is prohibited; and in case of complaints of interference, the Superintendent will take means to ascertain whether the complaints are well founded or not. The Superintendent shall grant again facilities to prisoner of all religions for such daily devotions as are required by their religion and the prisoners themselves are desirous of performing. The supply of the sacred thread of Brahmin prisoners who require them may be left to the senior Hindu warder.

Muhammadan prisoners, other than those placed in hospital or in any convalescent or special gang, who may express a desire to be allowed to keep the fast of Ramzan, shall be permitted to do so; provided that the Medical Officer may, in the case of any prisoner, if he is of opinion that the continuance of the fast by such prisoner is likely to be injurious or dangerous to health, direct its discontinuance.

Prisoners shall, while keeping the fast, be given two rations at night and arrangements shall be made to keep a sufficient

supply of water in the wards or cells in which Muhammandan prisoners are kept. They cannot be unlocked at night but they can say Taravi prayer in the ward. The hours of labour by one hour in the afternoon and they shall be allowed to finish their evening bathing and latrine parades before the sunset. If possible, arrangements should be made by which an extra hour's work can be put in earlier in the day in order to make up for the hour lost in the afternoon. Arrangements shall also be made to give such prisoners, in lieu of their early morning meal, for the purpose of breaking their fast just at sunset, a little *sharbat* made of sugar, water and fresh lime juice, and soaked gram with ginger and salt or a piece of bread. The ration for the meal between 2 and 3 A.M. should be lighter than the ordinary evening meal, but an attempt should be made to give some nourishing food. The 'A' Division prisoners may be given bread instead of rice for their second meal at night if they desire. The total cost of dietary for Muhammandan prisoners who fast should not exceed that of the three meals given to the other prisoners.

292. Detailed rules relating to the religious and normal instructions and religious observances. –

- (1) A religion instructions or minister of the Muhamammdan and Hindu religion shall, if suitable persons can be obtained, be appointed to every jail.

In the case of a jail with a population of less than 75 prisoners a religious instructor, either Muhammandan or Hindu. can be appointed only when a suitable person is available and when he is prepared to render his services gratis, even without a conveyances allowance.

- (2) Ordinarily no fees will be paid to the instructions or ministers. If an instructor or minister is put to any expense in journeys to and from the jails and the Deputy Commissioner considers that an honorarium should be given to him, application should be made through the Inspector-General of Prisoners for the sanction of Government.
- (3) (a) Appointments of religion instructors on ministers will be made by the Inspector- General on the recommendation of the Deputy Commissioner should consult the leading gentleman of the religious community concerned. The Deputy Commissioner shall satisfy himself that the nominee is a man of thoroughly sound character and discretion.
- (b) An appointment may be suspended at any time by the Deputy Commissioner and may be cancelled by the Inspector-General.

- (4) No religious instructor or minister shall interfere in jail routine and managements, or make any verbal or written comments upon it, but he may at any time bring to the notice of the Superintendent any suggestion, which in his opinion would help in the moral improvement of prisoners generally. Refectory prisoners may be brought before him during his visit for admonition. He will be expected to interest himself in the moral improvement of individual prisoners and should make a point of sing prisoners who will be released before his next visit and giving them suitable guidance and advice. Except with the sanction of the inspector-General, no religious instructor or minister shall be allowed to interview prisoners not of his own faith.
- (5) A religious instructor or Minister shall not convey communication between prisoners and person outside the jail. He shall be bound to treat his jail visits as confidential proceedings and shall not comment on them either verbally or in writing outside the jail. He shall not bring inot the jail any articles of any description except any religious books and such another articles as may be necessary for the carrying out of his ministrations.
- (6) Religious instructors and Ministers other than those appointed may, if they wish, visit prisoners of their

own pursuance with the previous sanction of the Deputy Commissioner.

- (7) Religious Instructors and Ministers shall give religious discourses only to prisoners of their own pursuance. They may, however, with the permission of the Superintendent, give purely moral or non-sectarian lectures. To other prisoners in the jail but on no account shall thereby any proselytizing. The introduction of politics shall be risibly excluded.
- (8) Attendance of prisoners at religious discourses or moral lectures shall be voluntary.
- (9) A duly appointed religious instructor of minister shall be granted excess at ant time to any prisoners of his pursuance who is seriously ill or is condemned to that, or for any other reason of an urgent nature at the discretion of the Jail Superintendent.
- (10) In large jails and Assistant Jailer and in smaller jails a senior paid warder, shall attendant all lectures and religious discourses. These officials shall if possible, be of the same religious pursuance as the Preacher or Lecturer.
- (11) The Superintendent shall prescribed such conditions as he thinks first regarding the time, place and duration of religious services and lectures allowed

under these rules and shall make suitable arrangements, Sunday is the most convenient day for the giving of religious and moral instruction, but in the case of Mohammandan prisoners religious instructor shall be given on Friday. Religious instruction may also be given on the following festivals, vice, the Falgun, Shivaratri, Pawsh Sankranti (or Magh Bihu), Holi, Sait Sankarnti (or Bahag Bihu) , Janmastami and Dasahera, the Shabe - barat, the Id-ul- Fitre, the Id-uz-Zoha, the Fateha Dawazdaham and the 10th day of Muharrum, but if these festivals fall on any days other than Sundays or recognized Jail Holidays, such religion instructions shall not detained prisoners for more than one hour from their work and the labour tasks shall be reduced to a corresponding extent.

- (12) All prisoner shall be permitted to read the religious books of the pursuance to which they belong. Copies of the Ramayan and Gita, the Koran in Arabics and Urdu, the Grantha and the Bible shall be kept in the Jails Library and supplied to the prisoners requiring be them. Reading will be allowed at any time, on Sundays or Jails holidays and on other days from lock - up in the evening until 9 P.M. A special light may be left burning outside the barrack door or any of the gratings from the hour of lick up until 9P.M. to enable prisoners to read. At 9 P.M. the light shall be extinguished by the patrolling warder. One prisoner

may read allowed to others of his own pursuance who are unable to read.

(13) There shall be no undue interference with the genuine religion or caste prejudices of prisoners, but these principle must not be made the clocks for frivolous complaints or attempts to except from jail labour or discipline.

(14) The following rules apply to Muhammadan prisoners :

(a) All Muhammadan prisoners shall be allowed to retain their hair and beards as laid down in rule 261 of the Jail Manual.

(b) All Muhammadan prisoners shall be allowed to say their prayers five times a day and at special times on Fridays and on the festivals mentioned in Sub-rule (11). They shall also be permitted to keep the first of Ramzan in accordance with the instructions laid down in rule 291 of the Jail Manual . Muhammadans should ordinarily be allowed to say their Jumma prayers collectively, but the Superintendent has full discretion to decide how many prisoners should be allowed to congregate. The Superintendent will make the necessary arrangements regarding the place where prayers should be held. The “Azan”

should be allowed at the time of every Muhammadan prayer. The “Khutba” and the “Qirat” may also be allowed. On days when a religious instructor is not present, a Muslim warder or convict official shall be deputed to perform the “Azan” for Midday prayers.

- (c) Every Muhammadan prisoners shall be provided with the special pattern of long pants sanction for such prisoners.

(15) The following rules apply to Hindu prisoners: -

- (a) The hair and moustache of all Hindu prisoners shall be dealt with as laid down in rule 261 of the jail manual with special reference to the retention of *chutias* or *sikhas*.
- (b) All Hindu prisoners, whose custom it is to wear thread or the *mala*, shall be allowed to retain it. In any case in which the thread has been removed before arrival in jail a new one shall be provided at Government expense, if the prisoner is unable to purchase one for himself.
- (c) All Hindu prisoners shall be permitted to say their prayers as often as is customary and may observe the Hindu festivals mentioned in sub-

rule (11). Hindu prisoners who may express a desire to be allowed to keep fast during the Shivaratri and Janmastami festivals, shall be permitted to do so. They shall, while keeping fast be given a special diet, the cost of which shall not exceed that of the three meals given to other prisoners.

Issue of special diet on Ekasdashies and other days of religious fasting may be allowed to "A" and "B" Division prisoners, who desire to keep fast on these days, provided the costs do not exceed the total daily costs for each prisoner for others days.

- (16) The following rules apply to Sikh prisoners :-
- (a) The hair of Sikh prisoners shall not be cut, they shall be allowed to keep a comb (kanga) and shall be given facility for washing their hair.
 - (b) They shall be permitted to wear a prison gamcha as a head dress to retain the iron bangle (kara).
- (17) Jail Superintendent shall make the best arrangements they can to enable Christian prisoners to follow their religious observances.

- a. It must be thoroughly understood that the observances of religious custom is not to interfere in any way with the carrying on a jail work or the custom is not interfere in any way with the carrying on a jail work or the completion of the task allotted to prisoners except as allowed by sub-rule (11).

293. Use of books by prisoners. –

Every jail shall be provided, according to its size and importance, with a library of approved English and vernacular books and periodicals. Besides religious books, other suitable books may be included which are educative in value or are of historical interest. Books of fiction are not debarred provided they are of good moral standard and do not deal with subjects of present day Indian politics. Books may also be provided that they have been approved by the Superintendent sanctions the indulgence. All prisoners who can read shall be allowed the privilege of reading books on Sundays and jail holidays and, if permitted by the Superintendent, during their spare time on working days. Under-trial and civil prisoners have the same privilege. The privilege is, in all cases, liable to forfeiture for misconduct. Any books introduced otherwise than in accordance with this rule may be destroyed. Reading of newspapers shall not

be permitted, except in special cases by order of the [State Government] who, in such cases, will be approve of the newspaper to be allowed.

As Assistant Jailer shall have charge of the jail library and shall allow the use of the books and journals to literate prisoners subject to such rules as the Superintendent may prescribe.

293A. Subject to good conduct and conveniences prisoners shall under given due facilities to stage dramas, sketches etc. inside the Jail by day under the strict supervision of a responsible Jail Official. Facilities should also be afforded to the A.I.R. authorities to record songs and dramas for broadcasting over All India Radio.

294. Fortnightly wightments. –

Care shall be taken that the fortnightly weightments recorded under section 35(2) of the Prisons Act are made under the same conditions, as regard meal-time and the like, so as to obviate, as far as possible, the variations that naturally take place throughout the day.

Note. – Owing to the suspensions of labour on Sundays, these days will be found most convenient for taking weightments and when the number of prisoners is large, half the jail can be executive on alternate Sundays, and the

assistance, when required, of a member of the executive staff detailed by the Superintendent for the purpose.

295. Record of weightments. –

- (1) The initial weightments before release shall be recorded in the Convict register, and these as well as all the intermediate fortnightly weightments shall be recorded on the prisoner's history-ticket.
- (2) Before recording prisoner's weightments , it shall be ascertained that the scale or weighing machine is accurate.

296. Treatments of prisoners losing weight. –

- (1) All prisoners who have lost more than 3 lb. Since the last fortnightly weightments, or more than 7 lb. since admission to jail, shall be prepared with their history-tickets for the inspection of the Superintendent at the parade next following the day on which the weightments are made.
- (2) Special care shall be taken with regard to prisoners of poor physique on admission, and in whom a small loss of weight may be of serious import.

297. Check by Medical officer. –

The Medical Officer shall, as soon after the fortnightly weightments as possible, check the weights of a dozen or more prisoners taken haphazard, with a view to satisfying himself that they have correctly made, and shall recorded briefly in his minute book the circumstances that he has done so, with any remarks he may consider necessary.

Note. – The body weight to a certain extent from time to time, under normal conditions, so small differences of weight up to a couple of pounds would not necessarily indicate that the weightments were carelessly done.

CHAPTER XVIII.

OFFENCES AND PUNISHMENTS

Section 42 of the Prisons Act, 1894, deals with offences in relation to prisons i.e., by person than prisoners. The acts which constitute offences by prisoners are defined in section 45 of the above Act. Under clause (1) of that section, those acts include such willful disobedience to any regulation of the prison as shall have been declare by rules made under section 59 to be a prison offence. Rule

298 in this chapter comprises the rules made in this behalf by the Government General in Council. Sections 46 et seq. of the Act assign certain powers of punishment to the Superintendent. The combination of more than two punishments for any acts for any acts constituting an offence under the Prisons Act is not permissible under the terms of section 47 of the At. * Sub-section (4) of that section provides that whipping can be cellular or separate confinement or with loss of privileges admissible under the remission system, but not with more than one of such punishments or with any other form of punishments. Further provisions regarding the maintenance of the punishments Book, the medical examination of prisons prior to the infliction of certain punishments, the presence of the Medical Officer or Medical Subordinate during the infliction of whipping and other connected matters are included in section 50.

* Punishment of whipping has been abolished in Assam-by-Assam Act XII of 1956.

298. What are prohibited articles. –

Section 42 of Act IX of 1894 provides for punishment of any person who introduces into, or without authority remove from, any jail, or supplies to any prisoner any prohibited article, or who contrary to rule, communicates with prisoner, or who attempts to commit or abets the commission of, any of these offences. The following articles are prohibited within the meaning of this section: -

- (1) Alcohol or spirituous liquors of any kind.
- (2) Materials for smoking. Chewing or snuffing, such as tobacco, Pipes, chillums, etc.
- (3) Ganja, opium or any other drugs or poisonous article.
- (4) Poisonous materials, materials for making fire, or materials which would cause disfiguration.
- (5) Money, currency notes, valuable securities, jewellery or ornaments
- (6) Books, printed matter, letters or writing materials of any kind .
- (7) Knives, arms, ropes, string, bamboos, ladder, sticks, any articles, likely to facilitate escape or implements of any kind, except those issued for use in the performance of work, and these excepted only during working hours and at such places as they are required for jail work.
- (8) Any article, which has not been issued for the use of prisoners from the jail stores and supplies.

The Superintendent shall affix outside the jail in a conspicuous place a notice setting forth the acts prohibited

under section 42 of Act XI of 1894, and the penalties incurred by their commission.

Note: (1) Rules 300, 302-05, 312, 318-19, have been made by the Government of India in Home Department Resolution (Jails) I, No. 12-Jails-500-510, dated the 31st August 1898 and Nos. 1161-172 (Jails), dated the 25th June 1908.

(2) It is of the greatest importance that the relevant sections of the Prisons Act should be thoroughly situated.

(3) The rules for the punishments of prison offences apply generally to all prisoners including under-trial and civil prisoners but there are certain exceptions e.g. in the case of females, civil and “A” and “B” division prisoners which will be found in the chapters dealing with such prisoners.

Note: With regard to the power of jail officers to arrest any person committing an offence under section 42 of Act IX of 1894, see Rule 93.

299. Prisoner offences under section 45 of the Act. –

the following acts are declared by section 45 of the Prisons Act, IX of 1894, to be prison offences when committed by a prisoner :-

- (1) Such willful disobedience to any regulation of the prison as shall have been declared by rules made under section 59(1) of the Prisons Act to be a prison offence.
- (2) Any assault or use of criminal force.
- (3) The use of insulting or threatening language.
- (4) Immoral or indecent or disorderly behaviour.
- (5) Wilfully disabling himself from labour.
- (6) Contumaciously refusing to work.
- (7) Filing, cutting, alternating or removing handcuffs, fetters or bars without due authority.
- (8) Wilful idleness or negligence at work by any prisoner sentenced to rigorous imprisonment.
- (9) Wilful mismanagement of work by any prisoner sentenced to rigorous imprisonment.
- (10) Wilful damage to prison property.
- (11) Tampering with or defecting history-tickets, records. Or documents.

- (12) Receiving, possessing or transferring any prohibited article.
- (13) Feigning illness.
- (14) Wilfully bringing a false accusation against any officer or prisoner.
- (15) Omitting or refusing to report, as soon as it comes to his knowledge. The occurrences of any fire, any plot or conspiracy, any escape, attempt or preparation to escape, and any attack or preparation for attack, upon any prisoner or prison official.
- (16) Conspiring to escapes, or to assist in escaping, or to commit any other of the offences aforesaid

300. Rules made by Government of India defining the acts which constituted willful disobedience to any regulation of the prison. –

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

- (1) Talking when at file or at unlocking or at latrine, bathing or other parades or at any time when ordered by an officer of the prison to desist, and singing, loud laughing and loud talking at any time.
- (2) Quarrelling with any other prisoner.
- (3) Secreting any article whatever.
- (4) Showing disrespect to any jail officer or visitor.
- (5) Making groundless complaints.
- (6) Answering untruthfully any question put by an officer of the prison or a visitor. Provided that in case of (4), (5) and (6) no prisoner shall be punished for any complaint made, or answer given to a visitor unless with the concurrence of the visitor.
- (7) Holding any communication (in writing, by word of mouth or otherwise) with an outside, with a prisoner of a different class, in disobedience of the regulations of the prison.
- (8) Abetting the commission of any prison offence.
- (9) Omitting to assist in the maintenance of discipline by reporting any prisoner offence, or to give assistance to an officer of the prison when called on to do so.

- (10) Doing any act or using any language calculated to wound or offend the feelings and prejudices of a fellow prisoner.
- (11) Doing any act calculated to create any unnecessary alarm in the minds of the prisoners or officers of the prison.
- (12) Leaving without permission of an officer of the gang to which he is attached, or the part of the prison in which he is confined.
- (13) Leaving without permission of an officer of the prison, the gang to which he is attached, or the part of the prison in which he is confined.
- (14) Loitering about the yard or lingering in the wards when these are open.
- (15) Omitting or refusing to march in file when moving about the prison.
- (16) Visiting the latrines or bathing platforms except at stated hours, or without permission of an officer of the prison, or resorting unnecessarily to the night latrine, or

omitting or refusing to employ dry earth in the manner directed by the prison regulations.

- (17) Refusing to eat the food prescribed by the prison diet scale.
- (18) Eating or appropriating any food not assigned to him, or taking from or adding to the portions assigned to other prisoners.
- (19) Removing without permission of an officer of the prison food from the cook-room or godowns or from the place where meals are served, or disobeying any others as to the issue and distribution of food and drink.
- (20) Wilfully destroying food or throwing it away without orders.
- (21) Introducing into food or drink anything likely to render it unpalatable or unwholesome.
- (22) Omitting or refusing to wear the clothing given to him or exchanging any portion of it for the clothing of other prisoners, or losing, discarding, damaging, or altering any part of it.
- (23) Removing, defacing, or altering any distinctive number, mark or badge attached to or worn on, the clothing or, person.

- (24) Omitting or refusing to keep the person clean, or disobeying any order regulating the cutting of hair or nails.
- (25) Omitting or refusing to keep clean his clothing, blankets, bedding, fetters, iron cups or platters or ticket or other identification token, or disobeying any order as to the arrangements of disposition of such articles.
- (26) Tampering in any way prison locks, lamps or lights or other property with which he has no concern.
- (27) Stealing the prison clothing or any part of the prison kit of any other prisoners.
- (28) Committing a nuisance in any part of the prison.
- (29) Spitting on or otherwise soiling any floor, door, wall, or other part of the prison building or any article in the prison.
- (30) Wilfully befouling the wells, latrines, washing or bathing places.
- (31) Damaging the trees and vegetable in the garden of the jail or maltreating the prison cattle.

- (32) Omitting or refusing to take due care of all prison property entrusted to him.
- (33) Omitting or refusing to take due care of, or injuring, destroying or misappropriating the materials and implements entrusted to him for work.
- (34) Omitting to report at once any loss, breakage or injury which he or accidentally have caused to property or implements.
- (35) Manufacturing any article without the knowledge or permission of an officer of the prison.
- (36) Performing any position of the task allotted to another prisoner, or obtaining the assistance of another prisoners in the performance of his own task.
- (37) Appropriating any portion of the task performed by another prisoners.
- (38) Mixing or adding any foreign substance to the materials issued for work.
- (39) Wilfully causing to himself any illness, injury or disability.
- (40) Causing or omitting to assist in suppressing violence or insubordination of any kind.

(41) Taking part in any attack upon any prisoners or officer of the prison.

(42) Omitting or refusing to help any officer of the prison. Attempted escape or of an attack upon such officer or upon another prisoner.

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

301. Definitions of minor and major offences for purposes of annual returns.

An officer shall be deemed a minor offence when it is dealt with by a minor punishment (see classification of punishments in rules 304), and a serious offences when dealt with by a major punishment; and in the annual returns offences shall be classified as (1) offences dealt with major punishments and (2) offences dealt with by minor punishments.

302. Reference to Magistrate in certain cases. –

When in the opinion of the Superintendent any of the following offences are established against any prisoners, he

shall refer the case to the Magistrate exercising jurisdiction for enquiry in accordance with the Code of Criminal Procedure: -

(1) Offences punishable under section 147, 148 and 152 of the Indian Penal Code, namely:-

Rioting.

Rioting armed with a deadly weapon.

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

(2) Offences punishable under sections 222, 223 and 224 of the Indian Penal Code, namely:-

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

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

(3) Offences punishable under section 304A, 309, 325 and 326 of the Indian Penal Code, namely:-

Causing death by a rash or negligent act.

Attempt to commit suicide.

Voluntarily causing grievous hurt by dangerous weapon or means.

- (4) Any offences triable exclusively by the Court of Sessions.

303. Power of Superintendent on other cases. –

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

* Since repealed and reenacted a Code of Criminal Procedure, 1973.

Note: (1) No prisoner can be punished twice for the same offence,

- (2) a prisoner of necessity removed from a prison office of consequence of judicial conviction for an offence shall not be deemed to have been punished twice.

304. Classification of punishments. –

(a) **Minor.-**

The Superintendent may award the punishments enumerated in section 46 of Act IX of 1894, including those prescribed by the State Government under section 46, clauses (4), (6) and (7) . These are classified into minor and major punishments as follows- The following punishments shall be considered minor punishments.:-

(1) Formal warning;

(2) Change of labour for a stated period to some more irksome or serve form;

(3) Forfeiture of remission earned, not exceeding 4 days;

(4) Forfeiture of class, grade, or prison privileges for a period not exceeding three months;

(5) Temporary reduction from a higher to a lower class or grade;

*(6) Penal diet, with or without cellular confinement not exceeding 48 hours;

*(7) Cellular confinement for not more than 7 days;

(8) Separate confinement for not more than 14 days;

- (9) Imposition of handcuffs otherwise than by handcuffing a prisoner behind or to a staple;
- (10) Imposition of link fetters for not more than 30 days; and
- (11) Substitution of gunny or other coarse clothing for the portion of the ordinary prison dress which is not woolen.

EXECUTIVE INSTRUCTIONS

Copy of Inspector-General of Prison, Assam's Circular No. PRI. 101/75/14 dated 20.6.77 addressed to all Superintendent of Jails/Lock Ups.

Sub:- REFORMATION IN JAILS

I am to say that as a part of our Reformatory Steps in Jails, it is necessary to discontinue all crude forms of penal provisions for breach of jail discipline by the prisoners, because they are no longer congenial to human sentiments and the present day idea of Reformation in Jails.

The following category of punishments for breach of Jail discipline which have already become obsolete should be treated to have been discontinued in our jails.

1. Penal Diets.
2. Solitary Confinements. However, Cellular Confinements which is not within the meaning of Solitary Confinements may continue as a penal provision for serious breach of Jail discipline.
3. Use of Gunny Clothings.

This may please be noted for your guidance.

305. (b) Major. –

The following punishments shall be considered major punishments: -

- (1) Hard labour in the case of prisoners not sentenced to rigorous imprisonment;
- (2) (a) Forfeiture of remission earned, exceeding 4 but not exceeding 12 days;
- (b) Forfeiture of remission earned, in excess of 12 days

(c) Forfeiture of class, grade, or prison privileges for a period exceeding 3 months;

(d) Exclusive from the remission system for a period not exceeding 3 months;

(e) Exclusion from the remission system for a period exceeding 3 months;

(f) Permanent reduction from a higher to a lower class or grade;

(3) Cellular confinement for a period exceeding 7 days;

*(4) Separate confinement for a period exceeding 14 days;

(5) Link-fetters, if imposed for more than 30 days;

(6) Bar-fetters;

(7) Cross-bar fetters;

(8) Handcuffing behind or to a staple;

*(9) Penal diet combined with cellular confinement for more than 48 hours;

*(10) Whipping; and

(11) Any combination of minor punishments admissible under section 47 of the Act.

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

* For Executive Instructions Refer to page 256. Whipping has since been discontinued in Assam.

306. Not more than two punishments can be combined for one offence. –

When a combination of two punishments is inflicted for one offence, each shall be shown in its appropriate column, with this exception that a combination of two minor punishments shall be shown as a major punishment. In case shall more than two punishments be awarded in combination for the same offence.

307. Plurality of punishments. –

Any two punishments may be awarded in combination for the same offence.

- (1) Formal warnings shall not be combined with any other punishment.
- * (2) Penal diet shall not be combined with change of labour, with whipping or with standing handcuffs, nor shall any additional period of penal diet awarded singly be combined with any period of penal diet awarded in combination with cellular confinement.
- * (3) Cellular confinement shall not be combined with separate confinement so as to prolong the total period of seclusion to which the prisoner shall be liable.
- * (4) Whipping shall not be combined with any other form of punishment except cellular or separate confinement or loss of privilege admissible under the remission system.
- (5) No punishment shall be awarded for any prisoner offence as defined in section 45 as so to combine, with the punishment awarded for any other such offence, two of the punishments which may not be awarded in combination.
- (6) The following punishments shall not be carried out in combination even when awarded at different times for different offences :-

- (a) standing handcuffs cross-bar fetters; and (b) cross-bar fetters with bar fetters.

*** EXECUTIVE INSTRUCTIONS**

Copy of Inspector General of Prisons, Assam's Circular No. PRI 101/75/14 dated 20.6.77 addressed to all Superintendent of jails/Lock -Ups. For text Refer to Note Below Rule 304 at page 255 supra.

308- Every infringement of jail rules to be brought to the notice of the Superintendent.-

Every infringement of jail rules shall be brought to the notice of the Superintendent, who shall decide whether the infringement reported was committed in such

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

309. Formal warning. –

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

310. Change of labour. –

“Change of labour” (minor punishment No. 2) can be awarded only to prisoners undergoing rigorous imprisonment and is a punishment suitable for persistent short work or idleness ; but may be given also for other

311. Petty offences suitably punished by loss of remission. –

Petty offences such as short work, etc., are, unless frequently repeated, adequately punished in the case of

prisoners coming under the remission system, by loss of remission. The meaning of this punishment is better understood by prisoners if the number of days of imprisonment corresponding with the remission lost is stated at the time the punishment is awarded. The punishment should be used for minor offences to all other as long as the prisoners have any remission to his credit.

312. Loss of privileges under remission system. –

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

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

Provided that no order directing the forfeiture of remission in excess of twelve days, or the exclusion of a prisoner from the remission system for a period exceeding

three months. Shall take effect without the previous sanction of the Inspector- General.

Whenever application is made to the Inspector – General for sanction to the forfeiture of remission exceeding 12 days or for the exclusion of a prisoner from the remission system for a period exceeding 3 months, full particulars of the offences and of the remission the prisoner has earned, and a brief statement of his previous history, accompanied by his descriptive roll, shall be submitted.

Forfeiture of prison privilege under the remission system includes any of the special privileges allowed to convict warders, convict overseas and convict watchman by the rules in Chapter XX of the Manual. One or more of these privileges may be suspended. When awarding this punishment or reduction of class or grade [minor punishment Nos. 4 and 5 and major punishment no. 2(f) the Superintendent shall record whether it is to be permanent, or for what period.

313. Gunny clothing (minor punishment No. 11)

Since discontinued in Assam.

314. Separate confinement.–

Separate confinement” is confinement in a cell, with or without labour, so as to seclude the prisoner whilst in his cell from communication with, but not form sight of, other

prisoners. The outer batten door of the cell yard in cells built on the standard plan shall be left open, and a prisoner undergoing this punishment shall have been not less than one hour's exercise daily in the common pages in front of the cells or other sufficient space under the eyes of a paid warder, and shall have his meals in association with one or more other prisoners. Superintendents may award separate confinement up to 30 days. If any period in excess of this up to 3 months is deemed necessary, the order of the Inspector-General shall be obtained. When submitting an application for such order the Superintendent shall forward a certificate of the Medical Officer, of the fitness of the prisoner to undergo separate confinement for the period recommended. If the Medical Officer be the Superintendent he shall not be bound to make a separate entry under this rule; it will be assumed that in giving the sentence he has duly considered the prisoner's health.

315. Cellular confinement.

“Cellular confinement” is a confinement in cell, with or without labour, so as to entirely seclude the prisoner from communication with, but not from sight of, other prisoners. The convict cell attends shall have to access to his cell to give the prisoner his food and attend to conservancy, but the prisoner shall have his meals alone, and bathe in his cell yard. Cellular confinement may awarded for not more than fourteen days, and after each period of cellular confinement an interval of not less duration than such period shall

escape before the prisoner is again sentenced to other cellular or separate confinement.

316. Penal diet. –

“Penal Diet” shall consist of one pound flour daily boiled as a porridge, seasoned with chatak of salt, and given in two meals. Prisoners on penal diet shall not receive the early morning meal. Penal diet shall in no case be applied to a prisoner for more than ninety-six consecutive hours, and shall not be repeated except for a fresh offence nor until after an interval of one week. The punishment should be sparingly resorted to, and not at all if the prisoners as a body are unhealthy or deteriorating in health, as shown by fortnightly weightments. Penal diet may be combined with cellular confinement shall be fed quite apart from others. Sunday is a suitable day for awarding prisoners penal diet; in serious cases punishment may be continued for four consecutive Sundays. A medical certificate that the prisoner is fit to undergo the punishment of penal diet must be recorded by the Medical Officer who shall visit daily all prisoners undergoing his punishment and who has authority to direct the discontinuance of the penal diet, whenever he may observe or have reason to apprehend any injurious effects. Light labour only shall be exacted from prisoners on penal diet.

EXECUTIVE INSTRUCTIONS

Punishments of penal diets has been discontinued in Assam by orders of Inspector-General of Prisons, Assam's Circular No. PRI. 101/75/14 dated 20.6.77 addressed to all Superintendents of jails/ Lock-Ups. The circular reads:

Sub: - REFORMATION IN JAILS

I am to say that as a part of our Reformatory Steps in Jails, it is necessary to discontinue all crude forms of Penal provisions for breach of jail discipline by the prisoners, because they are no

longer congenial to human sentiments and the present day of Reformation in Jails.

The following category of punishments for breach of Jail discipline which have already become obsolete should be treated to have been discontinued in our Jails.

1. Penal Diets.
2. Solitary Confinements. However, Cellular Confinements which is not within the meaning of Solitary confinements may continue as a penal provision for serious breach of Jail discipline.
3. Use of Gunny Clothings.

This may please be noted for your guidance.

317. Medical Officer to certify to fitness of prisoner for certain punishments (Section 50 of the Act). –

No punishments of penal diet, either singly or in combination, or of whipping, or of change of labour (minor punishment No.2), or of hard labour in the case of a prisoner sentenced to simple imprisonment (major punishment No. 1) or of standing handcuffs, shall be executed until the prisoner to whom such punishment has been awarded has been examined by the Medical Officer, and has by him been certified to be fit to undergo such punishment. The Medical

Officer considers the prisoner unfit to undergo the punishment, he shall record his opinion in writing and state whether the prisoner is absolutely unfit for punishment of the fine awarded, or whether he considers any modification necessary. In the latter case he shall state what extent of punishment he thinks the prisoner can undergo without injury to his health. If the Medical Officer be the Superintendent, he shall not be bound to make a separate entry under this rule. It will be assumed that in giving the sentence he has duly considered the prisoner's health.

*Punishment of penal diet and whipping have since been discontinued in Assam.

Description of, imposition of handcuffs. – The following rules under section 46, clause (6), govern the imposition of handcuffs: -

- (1) Handcuffs imposed by way of punishment for prison offences shall be iron bar handcuffs weighing with lock, not more than 2 lbs, each or swivel with spring catch handcuffs weighing not more than 1 1/4 lb each, or chain handcuffs weighing not more than 1 lb each
- (2) Handcuffs may be imposed –
 - (a) on the wrists in front by day or night for a period of not more than twelve hours at a time, with

intervals of no less than twelve hours between each period and for not more than four consecutive days or nights;

- (b) on the wrists behind by day only for a period of not more than six hours in any day of twenty-four hours, and for not more than four consecutive days;
- (c) by attaching the handcuffs affixed on the prisoner's wrists to a staple in front of the prisoner by day for not more than four consecutive days and for not more than six hours on each day, with an interval of at least one hour after the handcuffs have been so attached for three hours.

Provided that such staple shall not be higher than the prisoner's shoulder nor lower than his wrist and that no prisoner shall be attached by handcuffs to a staple except in the presence of other prisoners.

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

As in the case of cross-bar fetters (See rule 312) the use of Standing handcuffs is to be restricted to extreme cases of violence and be resorted to as a prevention against assault as for punishment.

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

319. Description of, and period of imposition of fetters. –

The following rules under section 46, clause (7), govern the imposition of fetters :-

- (1) The following classes of fetters may be used in prison-
 - (a) Link-fetters composed of a chain and ankle rings. The total weight of such fetters, including the ankle-rings, shall not exceed 3 lbs. And each chain shall be not less than two feet in length.
 - (b) Bar-fetters composed of two bars joined together by a link and attached to ankle-rings, the total weight of such fetters, including the ankle-rings,

shall not exceed 5 lbs. And each bar shall be not less than twenty inches in length.

- (c) Cross-bar fetters composed of a single bar for the purposes of keeping the legs apart and of ankle-rings. The total weight of such fetters, including ankle-rings, shall not exceed 2 lbs. The length of the bar shall not exceed sixteenth inches in the case of men who are not less than five feet six inches in height, or fourteen inches in the case of men below this height.

The use of cross-bar fetters should be restricted to extreme cases of violence, and be restored to as much as a prevention against assault or for punishment.

The full period allowed for the imposition of this punishment should be awarded only in exceptional cases.

(2) The maximum period for which fetters may be continuously imposed shall be –

- (a) in the case of link-fetters, three months;
- (b) in the case of bar-fetters, three months;
- (c) in the case of cross-bar fetters, two hundred and forty hours.

A period of at least ten days must elapse after fetters of any kind have been imposed as a punishment for a prison offence before they can again be imposed as a punishment for another prison offence, whether of the same kind or not.

320. Care to be taken of fetters. –

Fetters of every description shall always be kept bright and polished and soft leather, blanket or canvas gaiters shall be allowed to prevent abrasion of the skin. Link and bar fetters may be suspended to the waist by a strip of stout cotton tape of the prescribed pattern made in the Sylhet Jail, no string or rope being allowed for the purpose. When fetters become worn or thin in any part, they shall at once be changed. Prisoners shall not be put to work the native oil-mill whilst in fetters; this does not apply to an oil-mill worked by a crank by hand.

- Now a part of Bangladesh.

321. Whipping.

322. Female and civil prisoners exempt from certain punishments. -

No female or civil prisoners shall be liable to any form of handcuffs or fetters as a punishment for a prison offence. Handcuffs shall only be imposed on females as a measure of restraint when there is a likelihood of a woman seriously

injuring herself or others, and then for not more than 72 hours at a time.

323. Punishment must be strictly in accordance with the rules. –

Except by order of a court of justice, no punishment other than the punishments specified in the foregoing rules shall be inflicted upon any prisoner, and no punishment shall be inflicted upon any prisoners otherwise than in accordance with the provisions of these rules.

No officer subordinate to the Superintendent shall have power to award any punishment whatsoever.

324. Reference to District Magistrate by the Superintendent of cases where he cannot inflict adequate punishment. –

Under the provisions of section 52 of Act IX of 1894 if any prisoner is guilty of an offence against jail discipline, which by reason of his having frequently committed such offence, or otherwise, in the opinion of the Superintendent is not adequate punishable by the infliction of any punishment which he has power to award, the Superintendent may forward such prisoner to the court of the District Magistrate or of any Magistrate of the first class having jurisdiction, together with a statement of the circumstances and such Magistrate, or any Magistrate of the first class to whom the District Magistrate may transfer the case, shall thereupon

enquire in to and try the charge so brought against the prisoner, and, upon conviction, may sentence him to imprisonment which may extend to one year, such term to be in addition to any term for which such prisoner was undergoing imprisonment when he committed such offence, or may sentence him to any of the punishments enumerated in the foregoing rules ; provided that no prisoner shall be punished twice for the same offence.

324. Hunger-strike. –

- (A) The following procedure should be observed when prisoner's resort to hunger strike: -
- (1) All cases of hunger- strike should immediately be reported to the Inspector-General of Prison by wire fro communication to Government. A further detailed report stating reasons for the strike should follow as soon as possible.
 - (2) The Deputy Commissioner or the Sub-Divisional Officer, as the case may be, should be kept informed about all hunger- strikes at every stage from beginning to end.

- (3) If the hunger-strike has been undertaken on account of a grievance which the Superintendent considers legitimate, he should nevertheless take no action to remedy the grievance while the strike continues, without the approval of the District Magistrate. He should at once warn the hunger-strikers that the strike must be abandoned before their demands can be dealt. In no case should concessions of any kind be offered to induce them to abandon the strike.
- (4) When the strike has been abandoned the Superintendent should as soon as possible conclude his enquiry into any grievances which may have given rise to the strike and submit a report on the matter to the Inspector General with his recommendations.
- (5) The exact time at which artificial feedings should be begun in each individual case is a matter for the Medical Officer to decide for himself, and this is left to his discretion, subject to the understanding that careful consideration should be given to the advantages of starting artificial feedings at an early stage. I.e., within three days, while the stimulus of hunger is affective, and not delaying it until a prisoner is in imminent danger of collapse.

- (6) After artificial feedings has been undertaken, a daily report about the condition of the strikers should be sent to the Inspector General for immediate submission to Government.
- (7) As soon as a hunger- strike is abandoned, telegraphic intimation there of should be sent to the inspector General of prison for submission to Government.
- (8) The disciplinary action which should be taken in the case of prisoners, on hunger strike is as follows.
 - (A) In the case of individual hunger-strike, the prisoner should be;
 - (a) Isolated from others prisoner and, as far as possible from each others, and
 - (b) Warned that hunger striking is a major offence and that persistence in it will render them liable to any authorized Jail punishment or to prosecution under section 52 of the prisons Act where by, on conviction, they may be sentenced to

imprisonment up to one year or to be whipped. Huger-striker will not be whipped as a Jail penalty without the orders of Government.

(B) In the case of a mass hunger strike, i.e., hunger strike by three or more prisoners;

(a) The ring leaders should be isolated from others, and from each others: -

(b) The striker should be warned that mass huger-striking amounts to mutiny and that they may be, more severely punished on them account then for an individual strike.

(9) The Superintendent has full discretion to impose jail punishment for hunger strike with the exemption of whipping. The implication of whipping is also subject to the provision of rule 322 in regard to certain classes of prisoners.

(10) After a warning has been administered of the Consequence of persisting in the hunger strike, if the strike is not abandoned with a short period, say within 48 hours, the striker should be dealt with as the Superintendent considers fir under the rules.

* Whipping has since been discontinued.

CHAPTER XX

CONVICT OFFICERS

Under section 60, clause (m), of the Prisoner Act, 1894, the State Government is empowered to make rules for the selection and appointment of prisoners as officers of prisons. Under section 23 convict officers shall be deemed to be public servants within the meaning of the Indian Penal Code.

354. General principles. –

The following rules relating to the employment of convicts as convict officers of jails are laid down for the encouragement of good conduct and industry in jails. They apply to all male and female convicts coming under the remission system, provided that female convicts coming under the remission

system, provided that female convicts shall not be eligible for promotion beyond the grade of convict overseer. As convict officers are employed for the convenience of jail administration, such employment can never be claimed as a right and is always conditional on the prisoners being physically fit to perform the duties required of him. If any convict officer becomes permanently incapable of performing those duties he shall be reverted.

In the appointment of convict officer preference should be given to casual convicts sentenced to rigorous imprisonment and to casual convicts sentenced to simple imprisonment who elect to labour throughout the term of their imprisonment.

355. Convict officers not to use to prisoners unless absolutely necessary.

No convict officer shall on any pretext strike a prisoner except self-defence or in defence of a jail officer, or in the suppression of a disturbance (in which case no more force than necessary shall be used), or use any violence except when absolutely necessary. Any convict officer proved to have infringed this rule shall be permanently degraded to the position of an ordinary convict.

356. In what cases, prosecution of convict officers is obligatory. –

Any convict officer detected in introducing or conniving at the introduction of forbidden articles shall be prosecuted before a Magistrate under section 42 of Act IX of 1894; and whenever guilty of willfully or negligently permitting a prisoner to escape he shall invariably be prosecuted under section 222 and 223 of the Indian Penal Code. Convict officers are bound to do all in their power to prevent escapes.

357. Employment of convict officers. –

- (1) The maximum number of convict officers in a jail shall be in no case exceed 10 percent of the daily average population thereof.

For the purpose of this rule, convict night-watchmen employed during the day on ordinary jail labour are not to be classed as convict officers.

- (2) No convict officers shall have independent charge of any file gang or other body of prisoners, nor shall he have independent power to issue orders to prisoners, but there shall always be a paid officer in superior charge under whose control and orders the convict officer shall work.

Provided that within the main walls of the jail a reliable convict officer may temporarily be entrusted with charge of a gang of scavengers or water carriers or compound sweepers.

- (3) Convict officers required for employment in yars or barracks reserved for prisoners sentenced to simple imprisonment shall, as far as possible, be drawn from the ranks of simple imprisonment prisoners.
- (4) Habitual prisoners may be employed as convict night-watchmen on barracks reserved for habitual prisoners, but shall not be promoted to any higher grade without the sanction of the Inspector-General of Prisons.

Provided that no really incorrigible prisoners unfit for responsibility shall be appointed as night-watchman.

- (5) Paid warders only shall be in charge of habitual prisoners gangs and workshops.
- (6) Convict officers of all grades shall be exempted from having their heads shaved and beard clipped, and from wearing fetters, ankle-rings and identification tickets.

358. Appointment, privileges and duties of convict night-watchmen. –

- (a) Convict night watchmen shall be appointed by the Superintendent. No convict shall ordinarily be appointed to the post of convict night-watchman unless-
- (1) he has completed one quarter of his sentence;
 - (2) he has given proof of his good behaviour and industry; and
 - (3) he is physically fit to undertake two hours' night duty in addition to his ordinary day labour.

Preference should be given to prisoners who come under the remission rules, and who have earned a reasonable proportion of the remission possible. If a sufficient number of these are not available short-term casual class prisoners may be selected.

- (b) A convict night-watchmen shall have a band of blue cloth sewn on the right sleeve. If he has carried out his duties thoroughly he shall be granted five days' remission per month under Rule 333 and a gratuity payable on release at the rate of two annas monthly/ A short-term prisoner not entitled to ordinary remission

can be given one days' special remission and a gratuity of annas two per month.

- (c) The duty of convict night-watchmen is to take a watch nightly inside a sleeping ward, maintain order during their watch, prevent all irregulaties, attempts to escape, etc., and bring to the notice of the sentry to other jail officer any matter requiring attention. e.g., that the light in the ward has gone out, the any prisoner is ill or ahs left6 his bed or is misbehaving in any way. They shall be on duty two hours only each night. The first watch shall be from 9 P.M. to 11 P.M. the second from 11 P.M. to 1 A.M. the third from 1 A.M. to 3 A. M. and the last from 3 A.M. to unlocking. The convict overseer in the ward shall be on duty from lock-up to 9 P.M.

359. Appointment and privileges of convict overseers. -

- (a) Convict overseerd shall be appointed by the Superintendent from the grade of convict night-watchmen subject to the following conditions: -
- (1) that they shall have served for three months in the grade of convict night-watchmen;
 - (2) that they shall have served half their sentence, and

(3) that they are of good conduct and health.

The sanction of the Inspector-General is required to the appointment of any prisoners as a convict overseer who does not satisfy the above conditions.

(b) A convict overseer may be exempted from tasked labour if the Superintendent so directs. He shall wear a brass badge, with the description "Overseer". He shall be entitled to six days' ordinary remission per month in case of satisfactory work and a gratuity of four annas per month. He shall be allowed to write and to receive one letter and to have one interview every two months.

360. Duties of convict overseers. –

The duties of an convict overseers shall be: -

- (i) to take a watch nightly inside the ward in the manner prescribed for convict night-watchmen;
- (ii) to maintain order and discipline in his ward, squad and workshop;

- (iii) to supervise the labour of his squad, see that each prisoner does his allotted task, does not waste or steal materials, spoil his work, or injure his tools or machinery and to take care that all tools are properly used and carefully returned inot store;
- (iv) to pay attention to the cleanliness of the persons and clothes of the prisoners, and see that they bathe at such hours as may be orders;
- (v) to report any signs of sickness among prisoners;
- (vi) to escort prisoners about the jail when required;
- (vii) to report the possession of any forbidden article by any convict and to prevent all breaches of jail rules;
- (viii) to maintain order and neatness in the workshops; and
- (ix) to bring all breaches of discipline, short work and misconduct among the prisoners to the notice of the Jailor.

Note. – No convict overseer shall be employed on the duty of guarding prisoners in cells by day or night.

Convict overseers required for employment in yards or barracks reserved for prisoners sentenced to simple imprisonment shall, as far as possible, be drawn from that class.

361. Inspector-General to fix the number of convict warders in each jail –

The strength of convict warder guard for the whole [State] shall exceed the proportion of one to eight paid Head Warders and warders. The number to be attached to each jail shall be fixed by the Inspector-General. The Superintendent will after careful enquiries as to antecedents and place of abode submit a roll of selected candidates to the Inspector General for sanction.

The Superintendent shall have powers subject to the confirmation of the Inspector-General to deprive convict warders of their office.

1. Substituted A.O., 1950 for “Provisions”.

362. Qualification for convict warders.

Convict warders shall be selected from the convict overseers subject to the following conditions :-

- (1) that they have served in the grade of convict overseers for at least one year;

- (2) that they are men of proved merit and intelligence;
- (3) that their residence is fixed and their antecedents are of good repute.

363. Duties of convict warders. –

The duties of a convict warder shall be to assist the paid warders and to relieve them in exceptional circumstances within the main walls of the jail. He shall perform such duties in the matter of guarding and the like as may, at any time, be assigned to him. He shall report all infringements of the jail rules and take up lawful measures to prevent them.

364. Privileges of convict warders. –

Convict warders are permitted the following privileges: -

- (1) to live and sleep apart ordinary prisoners;
- (2) to cook their own food;
- (3) to wear shoes;
- (4) to smoke tobacco provided at their own expense during fixed hours in such places as the Superintendent may appoint;

- (5) to write and receive a letter and to have an interview with friends once a month;
- (6) in case of satisfactory work, to receive 8 days' ordinary remission per month and gratuity of eight annas monthly.

This gratuity shall not be liable to forfeiture as a punishment and may be utilized at the option of the convict as a family remittance, or may be allowed to accumulate till his release or may be expended on any articles which he may wish to purchase at the discretion of the Superintendent.

365. Equipment of convict warders. –

Every convict warder shall be provided with a brass badge marked "Convict Warder" with a brown leather belt, a whistle and chain and a baton.

366. Appointment of unqualified convicts officers. –

If, in any jail, a sufficient number of convicts eligible for employments as convict officers is not available, convicts who are not fully eligible may be so employed, subject to the following conditions-

- (1) Each such case shall be submitted for the sanction of the Inspector-General.

- (2) The convicts who most nearly comply with the conditions laid down in the foregoing rules shall be selected.
- (3) No convict who is not fully eligible shall receive the extra remission admissible to convict officers.
- (4) No convict not on the remission system shall be employed as a convict officer unless and until he has served one-half of his sentence and unless he is of thoroughly good conduct.

367. Female convict officers. –

The rules for convict night- watchmen and convict overseers shall *mutates mutandis* be applicable to female convicts.

See Chapter XXII, for clothing of convict officers.

CHAPTER XXI¹

DIETARY

This chapter deals with the scales of the daily dietary of all criminal prisoners and undertrials. Certain rules concern the preparation and inspection of food. There are separate chapters for the 'Jail Garden' and the Method of procuring rations. The diet of civil prisoners will be dealt with in the chapter on civil prisoners.

368. Diet scales for 'C' division convicts and second-class under trails. –

The following are the diet scales for 'C' division convict and second class under trails.

Note

*Chapter XXI was substituted by Government of Assam vide Notification No. HLJ. 93\60\46 dated 9.2.66.

The existing scales of diet, clothing and bedding for prisoners have further been modified vide Government Notification No. MMB. 198/85/14 dated 13/8/85/ The recised scales of diet were made applicable from 15.8.85 and of clothing and bedding with effect from scales, as such, are given by way of Notes to the relevant rules and the full text of the order has been appended as Appendix.

Articles of diet	Bengal diet For Bengalies, Assamese, Manipuris, Uriyas, Madrasahs (Tamils or Telegus) and Natives of the Chatisgarh division of the Central Provinces	Bihar diet For natives of Bihar, the United Province of Agra and Oudh, the Punjab and the central Provincess (except of Chattisgarh division)		
	Labouring prisoners	Non-labouring prisoners and	Labouring prisoners	Non-labouring prisoners and

		undertrails		undertrails
1	2	3	4	5
For early morning	(Gram)	(Gram)	(Gram)	(Gram)
Meal: -				
Rice	120 boiled	90 boiled	120	90
Or flour	100 made inot a chapatti	60 made in to a chapter	100	60
Or sutto	90 boiled	90 boiled	90	90
With molasses	30	30	30	30
or salt	10	10	10	10
For midday and evening meals:	585	525	350	295
Rice			295	235
*Atta (wheat)				

Articles of diet		Bengal diet		Bihar diet
		For Bengalies Assamese, Manipuris, Uriyas, Madrasis (Tamils or Telegus) Chattisgarh division of the Central Provinces.		For natives of Bihar, the United Provinces of Agra and Oudh, the Punjab and the Central Provinces (Except the Chattisgarh division)
	Labouring	Non-	Labour	Noon-

439. Payment of extramural labour at daily rates. –

In any case in which convict labour cannot be valued at task or piece-work rates, it should be charged for at the rate of 12 annas per diem for skilled labour and 6 annas for unskilled.

Note: These rates relates only to the hire of convicts and labour rates for employment on Jail industries.

440. Mode of payment by Public Works Department and by local bodies.-

The full value of the work done for the public Works Department or for a local board, etc., on other jail work at the rates given in Rule 439 shall be credited to the jail which supplied the labour. If the work is done for, or labour is supplied to, the Public Works Department, or other Department of Government, the account shall be adjusted by book transfer, irrespective of the amount involved in the Comptroller's office' if done local body it shall be tid for in cash. An accurate account of the earnings of prisoners from this source shall be kept, and the total amount so earned during each calendar year shall be reported to the Inspector General for incorporation in his annual accounts.

Note: Rule 437 deals with an exceptional to this rule.

441. Jail industries, general principles of-

According to the orders of the Government, the first object to which jail industries shall be devoted is the supply of jail requirements. When these are satisfied, jail industries shall be adapted as much as possible to meet the requirements of other articles which they require from jails. Provided that they can be supplied by the jail of the same quality and at the same price as they can be obtained in the open market. It is only when those sources of employment are exhausted that jail industries should be devoted to producing articles for general sale, and if any jail industry is proved seriously to injure any local trade, it should be discontinued in favour of some other kind of employment.

442. Jail industries, limitation of. –

The number of industries in jail must be limited as much as possible and no new industry shall be started in any jail without the previous sanction of the Inspector General,

443. Checking of work done. –

The Jailer or other officer in charge of an work gang shall be check every evening the quantity of the work of the convicts and shall see that all convicts perform their allotted tasks, noting on the history-ticket any case of bad or short work.

444. Gratities for expert work.- Convicts who are expert workmen and do specially good work such as carpenters, *muchis*, etc, shall be allowed gratuities, payable on release, at the rate of four annas for each month of such employment

* This is an addition to the daily wage.

445. Purchase of raw materials and sale of finished products.

Rules for the purchase of raw materials, calculation of prices of, and of finished products will be found in Chapter LIX.

446. Jail labour or jail manufactures on credit. - On no account is jail labour to be supplied or jail manufactures issued to any one on credit, except-

- (1) to the Executive Engineer direct, or, on his written responsibility, to s contractor;
- (2) to any municipality or town fund;
- (3) to public officers serving in Assam;
- (4) to well-known and approved customers.

A bill shall be sent for any amount due before the end of the month, and if the account be not paid within two months from the date the debt is incurred further credit

should be stopped and the matter specially reported to the Inspector –General for orders.

447. Employment of prisoners as clerks. –

The employment of prisoners as clerks in the jail office or store rooms is prohibited. A convict orderly, sweeper, or punkhahman may be employed, but care shall be taken that no prisoners is given any form of clerical work or allowed access to any jail papers or records. Prisoners able to read and write English shall not be employed as convict orderlies in the jail office or any of the store rooms.

CHAPTER XXIV
PRISONER'S PROPERTY

Under section 5 of the Prisons Act, 2894, all money or other articles in respect whereof no order of a competent court has been made, and which may with proper authority be brought inot the prison by any criminal prisoner, or sent to the prison for his use, shall be placed in the custody of the Jailer.

448. Disposal of property including sale proceeds sale of good and other maney. –

A list of all property of a prisoner taken from him on admission to the jail or delivered with him, or afterwards received on his account, shall, in the case of a civil or convicted prisoner, the endorsed on his warrant and signed by the Superintendent and Jailer; in the case of an under-trail prisoner, the properties shall be entered in the admission Register of under-trail prisoner in the column provided for the purpose. Such property shall be dealt with by the jailer under the following rules;

- (a) Such prohibited articles as tobacco, opium, ganja, chillum inotxicating liquor, etc, shall be destroyed.
- (b) Perishable articles such as grain or food if any value shall be sold, and the proceeds shall be dealt with under close(g).
- (c) If the Medical Officer considers there are sanitary objections to the retention of the clothing of any prisoner of ,if a prisoner is suffering on admission

from any infectious or contagious disease, the clothing shall under the written order of the Medical Order be destroyed.

- (d) If the clothing of a Prisoner is ragged and absolutely worthless it shall be destroyed, and the Superintendent shall enter his order for destroying it opposite the items of the back of the warrant.
- (e) In the case of every prisoner sentenced to rigorous imprisonment for three years and upwards (not including imprisonment in default of payment of fine) his cloths shall be sold on confirmation of sentence on appeal or on expiration of the time allowed for applying, if the no appeal is made, and the proceeds shall be dealt with under clause (g) . In other cases the clothing of a prisoner sentenced to rigorous imprisonment, shall be tied in a bundle and stored. Lotahs and other non-perishable articles capable of storage shall be labelled with the number and name of the prisoner and date of release. The bundle shall be arranged in the storage go-down according to the month of release for the current year, and according to the year of release for subsequent years.
- (f) Valuable jewelry shall be folded in a separate paper packet for its prisoner, on which shall be inscribed the prisoner's number, name, and date of release, and

shall be kept in a secured box in the Jailer officer under lock and keys.

- (g) Money (including sale- proceeds of any article) shall be kept in a separate bag in the Jailers' case chaste. If the amount accumulated is large, so much as is not required for current payments to prisoners on their release, shall be paid into Treasury by the Superintendent for credit to Revenue Deposit as required by Rule 2 of Article 199(b, Civil Account Code, and Treasury Officer receipt shall be filled in the case books. Whenever the balance in the jail case chaste becomes less than is required to meet current payments, the Superintendent will withdraw so much of deposit as may be required on a Revenue Deposit repayment voucher duly filled in and signed by him. The receipt and deposit of all money belonging to prisoners shall be entered in the case book and the date of entry of receipt shall be noted on prisoner's warrant. A daily note shall be made of the amount of prisoners' case which remains in the hands of the Treasury Officer.

Note: The sale of prisoners' property shall be held at the Magistrates' court by the Nazir and not at the jail gate. Only such property shall be kept as can be conveniently stored. If live-stock or cumbersome articles, such as charpoys, etc., are brought or sent to the jail for a prisoner, they shall be handed over to the prisoners' friends, if he so desire;

otherwise they may be sold and the proceeds dealt with under (g).

449. Record of prisoner's property. –

- (1) An entry shall be made in the proper column of the Convict Register, describing the property delivered with or found on a prisoner at admission, or that may be afterwards received upon his account. Such entry shall specify the nature of the property, the number or quantity, and the approximate value of each item. If any property is sold under Rule 448 the amount of the proceeds shall be entered to the prisoner's credit in the register, the actual money being dealt with under the same rule.
- (2) In addition, Money and jewellery shall be entered in the register of Prisoner's Property. In the case of jewellery particulars should be given as to its weight, size and shape.

450. List of property to be read over to prisoner. –

When a prisoner on admission is brought before the Superintendent for verification, the latter shall see that all money, Jewellery, clothing and property brought with or

found upon the prisoner have been duly entered in the register in the manner above provided. These entries shall be read over to the prisoner in the presence of the Superintendent, and his property shall at the same time be shown to him. If the entries and articles are acknowledge to be correct. The prisoner shall be required to sign or mark the register in token thereof. The jailer shall also initial the entry in token of having received the property inot his charge.

451. Disposal on transfer or release of prisoner.

On the transfer or release of a prisoner all property entered as his in the register shall be shown to him in the presence of the Superintendent and if he admits that it is correct, he shall be required to sign or mark the register in token thereof, and, if he is to be released, the property shall be then and there made over to him, no stamped received being necessary. If he is to be transferred, the Superintendent shall see that the property is correctly described in the list to be sent with the prisoner and , if it includes valuables, the Superintendent shall have it securely sealed up in his presence for delivery to the officer in charge of the escort. On the transfer of a prisoner all his property shall be sent with him.

452. Property may be made over to friend of prisoner.

The superintendent may at his discretion, make over money or property belonging to a prisoner to whomsoever such

prisoner may indicate, provided that no property shall be made over which the prisoner himself will need on release. Whenever property is made over to others at a prisoner request, a receipt for the property shall be taken and the prisoners' signature or marked consenting to the arrangement shall be recorded in the register.

453. Use of private cash.-

Civil prisoner shall be allowed to draw on the money to there credit in the custody of the jailer for purposes approved by the Superintendent.

454. Provision of clothing on release.

Whenever the private clothing of a prisoner has been destroyed or sold, he shall on release, be provided with a cheap cloth (not convicted) , or in the case of European or other male prisoners so classed, with a coat, a pair of trousers, braces, shirt, collar, pair of boots, hat and neck-tie. The value of the outfit supplied shall be deducted for any private money. Other than subsistence allowance, belonging to the prisoner and if he has none, or the amount is insufficient, the coast shall be debited to Government. Any convict who circumstances required it shall be supplied with suitable clothing free of charge.

455. Disposal of property of deceased prisoner.

When a prisoner dies in jail, his property shall be send to the Magistrate of the District to which the deceased belonged, for disposal. The wishes expressed by any dying prisoner about his property shall be communicated to the Magistrate together with full particulars to enable him to trace the relation.

456. Disposal of property found after original search.

- (1) Unauthorised property found on a prisoner on any occasion subsequent to the search to which he is subjected on admission shall be forfeited to government and the money or the sale –proceeds of any articles sold, shall be paid inot the treasury in full under “Miscellaneous jails Receipt” .
- (2) The Superintendent may at his discretion award to the officer discovering the unauthorized property not more than one half of any sum of money so found or realized, drawing the same under, at debiting it to the head “reward etc.”

CHAPTER XXV

**INTERVIEWS AND COMMUNICATION WITH
PRISONERS**

Section 40. Of the Prisons; Act, 1894, requires that due provision shall be made for the admission into a jail of persons with whom civil or under trials prisoners may desire to communicate care being taken that so far as may be consistent with the interest of justice under trial prisoners may see legal adviser without the present of any other person.

Under section 41 the jailer may demand the name and address of any visitor to a prisoner, and may charge any visitor if he has any ground for suspicion. The jailer may deny admission to any visitor who refuses to permit himself to be charged, entering the grounds his action in such record as the local Government may direct.

457. Reasonable facilities to be allowed for interviews and letter. –

- (1) Every newly convicted prisoner shall be allowed reasonable facilities for seeing or communicating with his relatives or friends with a view to the preparation of an appeal or to the procuring of bail and shall also be allowed to have interviews or write letters to his friends once or twice, or oftener if the Superintendent considers it necessary, to enable him to arrange for the management of his property or other family affairs.
- (2) Every prisoner committed to prison in default of payment of a fine or of finding security under Chapter VIII of the Code of Criminal Procedure shall be allowed

to communicate by letter and to have interviews at any reasonable time with his relations or friends for the purpose of arranging for the payment of the fine or the furnishing of security.

- (3) Every prisoner under sentence of transportation and about to be transported shall be allowed to have one or more interviews with his relatives and friends before transfer from to have one or more interviews with his relatives and friends before transfer from the jail to which he was committed when sentenced.
- (4) Every prisoner under sentence of death shall be allowed such interviews and other communications with hi relatives, friends and legal advisers as the Superintendent thinks reasonable.

458. Privileges contingent on good conduct. –

In addition to the privilege granted in the last preceding rule every convicted prisoner in “C” Division shall be allowed to have an interview with his friends and to write and receive a letter once in three months during the term of his imprisonment provided that the exercise of this privilege shall be contingent on good conduct and may be withdrawn or postponed by the Superintendent for bad conduct.

The special privileges accorded to “A” and “B” Division prisons are laid down in Chapter XLIII.

- Note:** (i) A letter merely arranging an interview shall not be conducted as a letter for the purposes of this rule.
- (ii) A prisoner may with the permission of the Superintendent, substitute a letter with reply an interview, or vice versa.
- (iii) As regard convict overseers and warders, see Rules 350 and 364.

459. Superintendent's discretion to grant privileges at shorter intervals.-

The Superintendent may at his discretion grant interviews or allow the dispatch or receipt of letters at shorter intervals than provided in Rule 458 or in spite of the prisoner's misconduct if he considers that special or urgent grounds exist for such concession, as for example, in the event of the prisoner being seriously ill or on the occurrence of the death of a near relative, or if the friends or relatives have come from a distance to see the prisoner and it would inflict an undue hardship on them to refuse an interview, or if the prisoner is nearing release and wishes to secure an employment or for other sufficient causes. Matters of importance such as the death of a relative, may also be communicated at any time by the friends of a prisoner to the

Superintendent who will. If he thinks it expedient, inform the prisoner of the substance of the communication.

In the case of prisoner labouring under dangerous illness and in case of extreme urgency the friends should be called by letter direct.

460. Superintendent's permission for intervals required. -

- (1) No convicted prisoner shall be allowed to have in interview or to receive or write a letter except with the permission of the Superintendent which shall be recorded in writing.

An entry should be made of every interview and the letter with date on the convict's history ticket.

- (2) Applications for interviews with prisoners may be oral or in writing at the discretion of the Superintendent. If the prisoner is not entitled to an interview, the applicant shall be informed at once.

461. Time for interviews. -

The Superintendent shall fix the days and hours at which all interviews shall be allowed and no interview shall be allowed

at any other time except with the special permission of the Superintendent. A notice of the interview hours shall be posted outside the jail.

462. Place of interviews. –

Every interview shall take place in a special part of the jail appointed for the purposes, if possible at or near the main gate. Provided that interviews with female prisoners shall, if practicable, take place in the female enclosure. Provided also that if practicable, take place in the hospital, and a condemned prisoner shall ordinarily be interviewed in his cell. Provided further that the Superintendent may, for special reasons to be recorded in writing, permit an interview to take place in any part of the jail.

463. Interview with convicted prisoners to take place in presence of a jail officer. –

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

464. Termination of interview.–

Any interview may be terminated at any moment if the officer present considers that sufficient cause exists. In every such

case the reasons for terminating the interview shall be reported at once for the orders of the senior officer present in the jail.

465. Duration of interviews. –

The time allowed for an interview shall not ordinarily exceed 20 minutes but may be extended by the Superintendent at his discretion.

466. Search before and after interview.-

Every convicted prisoner and every unconvicted criminal prisoner shall be carefully searched before and after an interview.

467. When Superintendent may refuse interview.-

A Superintendent may refuse to allow any interview to which a prisoner would ordinarily be entitled under these rules but in every such case, if in his opinion it is inexpedient in the public interests to allow any particular person to interview a prisoner or if other sufficient causes exists, he shall record his reasons for such refusal in his minute book.

468. Withholding letters and their disposal. –

(1) No letter shall be delivered to or sent by a convicted prisoner until it has been examined by the Superintendent or by the jailer or other officer under

Superintendent's orders, but no unnecessary delay should be allowed to occur in delivery of dispatch. If a letter is written in a language unknown to the Superintendent, he shall take steps to procure a translation before forwarding the letter. No letter written in cipher shall be allowed. The Superintendent may withhold any letter which seems to him to be in any way improper or objectionable, or may erase any improper or objectionable, or any improper or objectionable passages.

- (2) If an letter is addressed to a prisoner who is not entitled under the rules to receive it, it any unless the Superintendent determines to communicate it under Rule 459, be withheld and kept in the Superintendent's custody until the prisoner is entitled to receive it or is released, when it shall be delivered to him, unless or it is improper or objectionable' or it may be returned to the sender with the intimation that the prisoner is not entitled to receive it.

469. Convict may keep letters if allowed. –

A convict may retain any letter which has been delivered to him with due authority unless the Superintendent otherwise directs, or may ask that it be kept for him.

470. Supply of writing materials and others facilities. –

Writing materials including non-officials postcards shall be supplied in reasonable quantities to any convict who has permission to write a letter and all letters shall be written at such time and place as the Superintendent may appoint. A fixed day of the week, preferable Sunday, shall be set apart for letter writing non –official postage stamps at the public expense shall be provided for prisoner's letters.

471. Exclusive from privileges. –

Any prisoner who abuse any privilege relating to the holding of an interview or the writing of letters or other communication with any person outside the jail be liable to be excluded from such time and may be subject to such further restrictions as the Superintendent may direct.

472. Facilities to be granted to unconvicted criminal prisoners and to civil prisoners in the matter of interviews and letters. –

- (1) Unconvicted criminal prisoners shall be granted all reasonable facilities at proper times and under proper restrictions for interviewing or otherwise communicating either orally or in writing with their relatives, friends and legal advisers.
- (2) Every interview between an unconvicted prisoner and his legal adviser shall take place within sight but out of hearing of a jail official. A similar concession may be allowed by the Superintendent in the case of an interview with any near relative of the unconvicted prisoner.
- (3) When any person desires an interview with an unconvicted criminal prisoner in the capacity of the prisoner's legal adviser he shall apply in writing, giving his name and address and stating to what branch of the legal profession he belongs and he must satisfy the Superintendent that he is the *bona fide* legal adviser of the prisoner with whom he seeks an interview and that he has legitimate business with him.
- (4) Any *bona fide* confidential written communication prepared by an unconvicted criminal prisoner as instructions to his legal adviser may be delivered personally to such legal adviser without being previously examined by the Superintendent. For the purpose of this rule the term legal adviser means a

legal practitioner within the meaning of Act XVIII of 1879.

- (5) Civil prisoner may see their friends and relations at such times and under restrictions as the Superintendent may appoint and the presence of a jail officer shall not be necessary

473. Interviews with approvers.-

The Jailer shall bring to the notice of the Superintendent all interviews of approvers and shall personally conduct such interviews which should be terminated at once if any attempt is made to influence the prisoner to withdraw his confession or alter his evidence.

Notes: *For guidelines given by the Supreme Court in the matter of allowing interviews, refer to Part I pp. 20-21 supra.*

CHAPTER XXVI
APPEALS BY PRISONERS

474. Superintendent to inform prisoner on admission of date when appeal petition must be filed.-

The Superintendent shall inform every convict on first admission to jail of the period within which an appeal from the order under which he has been committed to jail may be filed. If the convict desires to appeal and is entitled to do so, every facility shall be granted to him for the purpose.

475. Period of limitation for filing appeal. -

- (a) The periods within which appeals must be filed are as follows: -
- (1) To the District or the Court of Session.....30 days
 - (2) To the High Court against a sentence of death.....7 days.
 - (3) To the High Court in any case.....60 days.

(4) To the Governor of Assam against a sentence of death.....7 days.

(5) To the Governor of Assam in any other case30 days

(b) The presentation of a petition of appeal by a convict to the Superintendent is, for the purpose of the Indian Limitation Act, 1908, * is equivalent to presentation to the court.

(c) The superintendent shall not detain the appeal of any convict even though it be apparently barred by limitations.]

* Now read Limitations Act, 1953 which has repealed the 1908 Act.

1. See also the relevant provisions of the Code of Criminal Procedure, 1973.

476. Superintendent to apply to court for copy of judgment. –

If a convict without friends, relative or counsel to act for him elects to appeal, the Superintendent shall apply to the court of concerned for a copy of the judgement or order appealed against.

477. Superintendent in case of necessity, to give assistance in writing appeal.

When the copy of judgment has been received, the date of its receipt shall be noted thereon, and the convict shall, if he is able to write, write his own petition of appeal; if not, the Superintendent shall cause his petition to be written by a jail officer and the convicts' case shall, as far as possible, be recorded in his own words.

478. Superintendent to forward appeal. –

The Superintendent shall forward the petition of appeal with the copy of the judgement or order to the Appellate Court. On the petition of appeal shall be noted the following information: -

- (a) The date on which the application for copy of the judgement was dispatched;
- (b) The date on which the copy of the judgement was received;
- (c) The date on which the convict presented the petition of appeal;

479. Copy of judgement may be made over to prisoner's friend or agent.-

If after receipt of the copy of judgement to shall be delivered to him with the prisoner's consent.

480. Agent's powers of attorney to be attested by the jail authorities. – If a relative or agent of the convict undertakes to make an appeal on his behalf, the arrangement must be authorized by power of attorney signed by the prisoner and attested by the Superintendent, or, in his absence, by the Jailer or the Assistant jailer. For this service no fee shall be demanded or accepted.

481. Entries to be made in history-tickets. –

The date on which a convict decides to appeal or not to appeal and his decision shall be entered in the appropriate space in the history-ticket. In case he decides to appeal, subsequent entries relating to the appeal and its result also be recorded thereon.

482. Superintendent's duties in connection with a prisoner sentenced to death.

The Superintendent shall inform every convict under sentence of death that if he wishes to appeal to the High Court he must do so within seven days. If he has elected to

appeal, but the copy of the judgement has not been received, the Superintendent shall, on the seventh day after the date of sentence, forward the petition of appeal to the Registrar of the High Court without waiting for the copy of the judgement. He shall note in the forwarding docket that a copy of the judgement has been applied for but has not been received in time.

483. Superintendent to notify to prisoner date of hearing of appeal.

When notice of hearing has been received, the Superintendent shall communicate the date to the convict, who shall affix his left thumb impression or signature on the notice, which will then be attested by the Superintendent and returned to the court or office from which it was received.

484. Superintendent to inform the date of appeal.

When the order on an appeal has been received, the Superintendent shall himself communicate its purport to the convict concerned, and shall enter on the order a certificate to the effect that it has been so communicated. The copy of the Appellate Court's order and other connected papers shall be filed with the convicts' warrant. In cases where an amended warrant has to be issued, and such amended warrant is not received with the copy of the order, the

Superintendent shall make a report to the court by which such amended warrant is required to be issued.

485. Superintendent to remind court if result of appeal not communicated.-

If the result of an appeal is not communicated to the Superintendent within 15 days, or in the case of the High Court within one month of the date on which the appeal was submitted the Superintendent shall send a reminder to the Sessions Court, or to the Magistrate of the district, as the case may be, enquiring what has been the result of appeal, and thereafter shall repeat the enquiry at reasonable intervals.

486. In case of prisoner transferred, result of appeal to be sent. -

Whenever a convict has been transferred to another jail before the receipt of the copy of the judgement or order on his appeal, the copy of the judgement or orders, as the case may be, shall, on receipt, be forwarded without delay to the Superintendent of the jail in which the prisoner is confined, and an acknowledgement obtained.

[487. In case of a whipping order, sentence not to be carried out till result of appeal nor prisoner to be transferred. –

If a prisoner sentenced to whipping in addition to imprisonment appeals, the sentence of whipping shall not be carried out until the result of the appeal is known; and no prisoner shall be transferred if a sentence of whipping is pending.*

* Consequent to deletion of punishment of whipping. Rule 487 has become redundant.

488. Jail authorities to assist in case of revision petition. –

A prisoner may file an appeal or appeals in the manner and to the extent allowed by the Criminal Procedure Code or any other law for the time being in force. Any appeal or Revision petition filed by a prisoner shall be forwarded by the Superintendent of the jail to the court to which it is addressed.

489. General application of this Chapter to petitions for revision. –

The provisions laid down in this chapter shall, as far as may, apply to petitions for revision of sentences under Chapter XXXII of the code of Criminal Procedure, 1898.*

* Read now Chapter XXX of the Code of Criminal Procedure. 1973 9Act 2 of 1974) which has repealed the Code of Criminal Procedure, 1988.

Note: Regarding the nature of the duty of the Superintendent of jail to assist the prisoner to file appeal etc., See Part I of this Manual pp. 18-20 Supra)

CHAPTER XXVII

PETITIONS TO GOVERNMENT FROM CONVICTS

Note –This chapter does not apply to petition from clemency from condemned prisoners, which are dealt with under Rule 853 et sep.

490. Facilities for preparing petition.

- (1) Every convict shall be provided with writing materials and be given proper facilities to enable him to petition Government for clemency, should he desire to do so.
- (2) The petition may be drafted by the convict himself or by his friends or legal advisers, in the latter case and for this purpose he shall be permitted to communicate by letter or interview with such persons as he may desire to consult.
- (3) If convict cannot write, and has no friends or relatives who are able and willing to help him, the petition shall be drawn up by an officer of the jail, or by another prisoner, at the convict's own dictation and if by an officer of the jail without suggestion on the part of the

writer, or additions to what the prisoner himself desires to state. Convicts sentenced in the same case may adopt a joint petition.

491. Authentication and submission of petition.

- (1) Every petition for clemency drawn up by a jail officer or by another convict shall be read over to and if acknowledged correct, signed by the presence of the Superintendent or Jailer, who shall certify accordingly.
- (2) Every petition whether prepared within or with out the jail (and if in the vernacular, an English translation of it) shall, after countersignature by the Superintendent, be for warded with the descriptive roll and sub other papers as may be necessary, to the Inspector General for transmission to Government.
- (3) Should a petitioner assign his state of health as reason for the exercise of clemency, a report drawn up by the Medical officer as to his conditions shall accompany the petition.
- (4) Prisoners' petitions shall be written half margin foolscap.

492. Copy of judgment to accompany petition.-

Every petition shall be accompanied by a copy of the judgment passed in the case, and if an appeal has been lodged, a copy of judgment of the appellate Court shall also accompany it.

Note:

- (1) Copies of judgments supplied on application to the courts concerned free of charge.
- (2) In the cases of conviction by Sessions Courts, copies of the commitment order the verdict of the jury and the Judge's order will suffice, but Government may call for the leads of the charge, if required.

493. When copy of warrant to accompany.-

Every petition from and Indian military prisoner convicted and sentenced by courts martial shall be accompanied by a copy of the warrant on which the prisoner was committed to jail.

494. Communication of government orders.-

The order passed on every petition to Government shall be communicated to the convict concerned. In the presence of the superintendent or jailer, as soon as practicable after

their receipt, and the purport of them with the date of communication, shall be recorded on the convict's history-ticket and in the prescribed column of the Convict Register.

495. Second petition to be withheld.-

A second petition to Government shall not be forwarded, unless in the opinion of the superintendent further infuriated in available which rendered a reconsideration of the case desirable.

CHAPTER XXVIII

TRANSFERS

The Transfer of Prisoners Act, 1950 (act 29 of 1950) provides for the removal from one state to another of persons confined in the prison. Section 3 of the said Act provides that where any person is confined in a prison in a State (a) under sentence of death, or (b) under or in lieu of, a sentence of imprisonment of transportation, or (c) in default of payment of a fine, or (d) in default of giving security for keeping the pace or for keeping the pace or for maintaining good behavior, the Government of that State may, with the consent of the Government of any other State provided for the removal of the prisoner from that prison to any prison in the other state.

Earlier the provision for transfer of prisoners was contained in section 29 of the Prisoners Act, 1900. The said section was repealed by the aforesaid Act which now governs the removal of prisoners from prison in one State to another .

The various provisions contained in this chapter (Chapter xxviii) should be read in the light of the provisions of the Transfer of Prisoners Act, 1950.

496. Transfer for release of convicts confined in one [State]¹ and resident in another.-

The following rule made by the [State]² Government under section 29(1) of the prisoners Act, 1900 (III of 1900), * as amended by the Repealing and amending Act, 1908 (I of 1908), regulates the transfer for releases of confined in one province and resident in another :-

- I.** Any prisoner belonging to any of the following classes:-
- (a) Members of criminal tribes and police-registered criminals, not being native of the province in which they are undergoing sentence;
 - (b) Ex-military policemen of the Burma Military Police, and prisoners being natives of India, undergoing sentence in Burma, who are or at any time to their trial were subject to the Indian articles of War (act V of 1969);
 - (c) Followers of the Burma Military Police, who have been recruited in India and are under going sentence in Burma;

May be removed by order of Inspector-general of Prisons of the [state]¹ in which he has been undergoing sentence at any time not less than fifteen days and not

exceeding two months prior to his release either to the prison of the district to which he belongs or the prison nearest to his native place.

For the removal of any prisoner confined in a prisons to any prison in any other [state]1 the consent of the [State]2 Government, concerned should be obtained through the Inspector-General of Prisons of that [State]1

Provided that if a [State]1 Government appoints any prison or prisons as receiving depots for prisoners removed from the r[State]1 orders made under this rule shall in each case direct that the prisoner be removed to such prison.

II. Any prisoner whose detention in a prison of the [State]1 in which he in undergoing sentence in deemed inexpedient may be removed with the previous consent of the Inspector – General of prisons of the [state]1 to which its proposed to remove him.

1. Substituted by A. O. 1950 to “ Province”.

2. Substituted by A.O.,1950 for “Provincial”

* Now refer to the Transfer of Prisoners Act, 1950 at pp. 69-70 supra.

¹ [497. Receiving jails in Assam for above.

With reverence to the proviso to rule I in the above rule, the State government has appointed the Jails at Gauhati and Sylhet as the receiving depots for prisoners removed from other provinces, the former for prisoners intended for the district of Goalpara, Kamrup, Darrang, Nowgong, Lakhimpur, Naga Hills, Khasi & Jaintia Hills and Garo Hills, and the latter for those intended for the district of Sylhet, Cachar, the Lushai Hills and the Manipur State.]

1. In practice, this Rule has been substantially modified.

498. Transfer of European ex-military convicts for repatriation. –

The following rule has been made by the state Government under section 29(1) of the Prisoners Act, 1900:

Any European military or ex-military convict undergoing a sentence imposed by a civil court, whom it is intended to remove from India, may be removed by order of the Provincial Government of the province in which he has been undergoing sentence, at any time not more than six months prior to his release, to a prison at the port from which it is proposed that he should embark.

Note: Detailed instructions on the subject of transfer of European exmilitary convicts and their gratuity and outfit are contained in Appendix IV (8) of the Jail Manual.

499. Transfers of prisoners to give evidence or to undergo trial in another [State]¹ –

Superintendents of jails have authority to transfer prisoners required to give evidence or to undergo trial for an offence in another [State]¹ within the local limits of the appellate jurisdiction of the Calcutta High Court in which case Magistrate of the first class before whom the case is pending is competent to make an order for the transfer of such prisoners under section 37 of the Prisoners Act, 1900; but when it is necessary to transfer a prisoner for the above purposes beyond the local limits of the appellate jurisdiction of the [Calcutta High Court,] and order of the [State]² government of this [State]² under section 40 of the said Act is necessary.

1. Substituted by A.O. ,1950 for “Province”
2. Substituted by A.O. , 1950 for “Provincial”.
3. After constructions of the Assam High Court (Now Gauhati High Court), the reference to Calcutta High Court should mean Gauhati High Court.

500. Transfer of P.R./T. Prisoners and other to their native [state] ¹

Whenever the transfer of a prisoner to another r[state]1 is necessary or desirable as in the case of a JP. R. /T prisoner, application for sanction for sanction to transfer shall be made to the Inspector-General three months before the date of the prisoner's release.

1. Substituted by A.O. , 1950 for "Province".

501. Transferring and receiving jails in Assam.-

The following list shows the names of the transferring and receiving jails and the classes of prisoners to be selected for transfer for the purpose of under going their sentences:-

Transferring Jails	Receiving Jails	Classes of prisoners to be selected for transfer
Silchar	Sylhet	All habituals & casuals with sentences of one years and over.
Aizwal	Ditto	Habitual & casuals with sentences of over three months at the discretion of the Superintendent, Lushai Hills.
Karimganj	Ditto	All habituals & casual with sentences of over three months.
Nowgong/Dhubri /Jorhat/ Jorhat /Dibrugarh/ /	Gauhati	All casual with sentence of one years and above.

Shillong /Kohima/ Tura		Habituals & casuals with sentences of over three months at the discretion of the deputy Commissioner.
Nowgong/Dhubri /Jorhat/ /Dibrugarh/ Gauhati.	Tezpur	All habituals with sentences of one year and above.
Mangaldoi	Ditto	All habituals & casuals with sentences of three month and above.
Sibsagar /Golaghat/ Jorhat/ North Lakhimpur	A	All habituals & casuals with sentences of three month and above.
Sibsagar/ Golaghat/ North Lakhimpur	Jorhat	All habituals & casuals with sentences of three month.

Note- This rule has undergone change in practice though it has not been formerly amended Some of the places mentioned above now don't form part of Assam.

502. Definition of "long-term Prisoner".-

The expression "long-term prisoner" in this Manual means a prisoner with a substantive sentence (or an aggregate of substantive sentence) of one year and over.

503. Transfer in which sanction of Inspector-General is not repaired.-

Subject to the provisions of rule 500 the sanction of the Inspector-General is necessary for the transfer of any prisoner from one jail to another within the [State]¹ except-

- (1) Prisoners required to give evidence or to undergo trial on another charge under section 35 to 39 of Act III of 1900.
- (2) Juvenile prisoners to a reformatory school, when a warrant for detention in a reformatory is received.
- (3) P.R./T. Prisoners when their districts are situated within the [state]¹ of Assam.

With regard to the prisoners sent to appear in any court the provisions of Part IX of the Prisoners Act, III of 1900² and the rules framed under section 51 of the Act shall be strictly observed.

1. Substituted by A.O., 1950 of "Province".
2. Since repealed. See now Transfer of Prisoners Act, 1950 (Act 29 of 1950).

504. What transfers shall be made.-

Subject to the Inspector-generals sanction and to the provisions in rule 516 regarding prisoners sentenced in hill districts, the following transfers shall be made:-

- (a) of all Long-term prisoners sentence to a period of imprisonment exceeding one year to the prescribed district jails;
- (b) of prisoners in "A" and "B" Divisions of jails as prescribed in Chapter XLIII;
- (c) of juveniles and female and leper prisoners of jails set apart for their reception;
- (d) to relieve overcrowding;
- (e) of educated prisoners of jails where their services are required;
- (f) of prisoners who have influence in the district in which imprisoned or who are violent or dangerous characters;
- (g) of prisoners to serve as convict officers or servants or to teach any special trade;

- (h) of prisoners convicted of opium smuggling to jails of their districts;
- (i) of prisoners for the benefit of their health to other jails;
- (j) of female prisoners to jails of their native districts for release;
- (k) of P.R. /T prisoners prior to release when their district and situated outside the [State] ¹ or in in any other [State] ¹ and of prisoners for the purpose of giving information to police;
- (l) of prisoners sentenced to death; and
- (m) of incorrigible prisoners of the habitual class other than P.R./T with sentences of not less than a period of one month to the Tazputr and Sylhet² jails.

But transfers under clauses (b) and (m) and under clause (c) in the case of convinced female and juvenile prisoners where there is no separate accommodation for them, shall be made in anticipation of the Inspector-General's form sanction, without waiting for his order; likewise transfers under clause (d) to relive overcrowding and under clauses (j) and (k) in cases where there is not time to obtain sanction before release is due.

1. Substituted by A. O., 1950.
2. Now part of Bangladesh.

505. Steps to be taken by Superintendent in applying to Inspector-General for transfer.

With every application for orders to transfer prisoners, or report of transfer in anticipation of sanction (Which must be made immediately after prisoners have been dispatched) a roll stating the numbers and names of prisoners to be transferred (or who have been transferred), the Medical Officer's report of the state of health of such prisoners, the reason for the transfer, and such other information as the Inspector-General may require, shall be submitted to him, and an office copy shall be kept in the jail office. The order of the Inspector-general sanctioning the transfer shall contain only the serial numbers and names of the prisoners, and shall be sent to the jail in which the prisoners are confined, the roll its self being sent to the jails or jails to which the prisoners are to be transferred.

506. Prisoners convicted in the same case. –

Prisoners convicted in the same case shall, as far as practicable, be confined in different jails and in selecting prisoners for transfer; superintendents shall keep this principal in view.

507. Descriptive rolls to be submitted to Inspector-General –

It shall be the Superintendent's duty to see that descriptive rolls of all prisoners whose transfer is desirable, especially long-term convicts, educated convicts who are convicted Jail officers, and convicts possessing local influence are duly prepared and submitted to the Inspector-General of Prisons. If serious overcrowding be anticipated, the action ordered in rule 704 shall be taken by the Superintendent without delay.

508. Transfer of jail breakers, persons of influence, etc.-

If notorious jail breakers or other violent characters be imprisoned in an unsafe jail, or if any jail officer or servant or any member of the police force of the district, be imprisoned for a period over one month, or if any relation of any jail officer be imprisoned, or any person of general local influence, or any person whose transfer to any other jail may be regarded as expedient, information should at once be given to the Inspector-General of Prisons with a view to such prisoner's transfer.

509. Transfer of opium or cocaine smugglers. –

Prisoners sentenced to imprisonment for smuggling opium or cocaine, whether residents of the [State]¹ of Assam or any other [State]¹ in India, shall be transferred to the Jails of the districts to which they belong, subject to the special provisions of the notes below, at any time not exceeding two

months prior to their release., Descriptive retools, in quadruplicate, of all such prisoners shall be submitted latest 3 months before the date of the release to the Inspector-General, who will sanction their transfer and at the same time inform the Inspector-general of Police and the commissioner of Excise of Assam and the Excise Bureau of the [State]¹ concerned of the transfer, and furnish each with a copy of the descriptive roll. Such prisoners who are residents of any other [State]¹ shall be similarly transferred to the jail of the district which is nearest to such State.

² [Note.-

- (1) Before applying for sanction of transfer of such prisoners the superintendent of jails should verify through the Police department of the [State]¹ where the prisoners will be released, the good faith of the prisoners' statement that they belong to a particular [State]¹ and have permanent home in that [State]¹
- (2) Special rules applicable to particular [States]⁻¹:-
 - (a) *Bombay and Sind* –Prisoners who are resident of the Provinces of Bombay and Sind* should not be transferred earlier than a month before the expiry of their sentences.

- (b) *Madras*-Prisoners for transfer to any jails in Madras* shall be sent to the Central Jail at Rajahamundry.
- (c) *Bihar*- Prisoners who are residents of the districts of Shahabad and Palamau in the [State]¹ of Bihar, shall be transferred to the subsidiary Jails at Arrah and Daltonganj respectively, so as to arrive not earlier than a month before the expiry of their sentences.
- (d) *Orissa*- Prisoners who are resident of the district of Balasore, Angul and Khondmals in the [State]¹ of Orissa, shall be transferred to the subsidiary jails at Balasore. Angul and Phulbani respectively so as to arrive not earlier then a month before the expiry of their sentences.]

- 1. Substituted By A.O., 1950.
- 2. These provisions have since become redundant.

510. Transfer of convict sentenced to whipping. –

Convicts sentenced to whipping in addition to imprisonment shall not be recommended for transfer from a jail until the expiration of the period prescribed by law for the infliction of such punishment, or in cases of appeal , until the sentence of whipping has been inflicted or annulled or commented, as the case may be.

1. This Rules has become redundant consequent to abolition of sentence of whipping.

511. Transfer of convicts in bad health.-

- (a) Convicts in bad health and infirm convicts shall not be transferred without the sanction of the Inspector General of Prisons.
- (b) No prisoner who is in hospital shall be transferred except for the benefit of his health.
- (c) When the Medical officer is of opinion that the transfer of a sick prisoner to another jail is likely to lead to his recovery, or materially to prolong his life, he shall forwarded a brief statement of the case to the superintendent, mentioning the jail to which a transfer is desirable. The superintendent shall submit the case to the Inspector – general for order.

512. Prisoners sentenced to simple imprisonment not ordinarily to be transferred.-

Prisoners sentenced to simple imprisonment will ordinarily be detained in the Jails to which they are in the first instance committed.

513. Time of transfer of habituals and casuals.-

Ordinarily no casual prisoner in any jails shall be transferred (except for the purpose of giving evidence) until the time allowed for appeal has expired, or, if he has appealed, until his appeal has been decided. Incurrible habitual prisoners with sentences of not less than period of one month shall be transferred immediately on conviction to the appointed jails.

514. Jails at headquarters to supply convict overseers, skilled convicts and sweepers to other jails.

As all long-term prisoners are transferred to certain prescribed jails these jails shall supply other jails with convict overseers, blacksmiths, sweepers, etc, when required, Mether prisoners sentenced to rigorous imprisonment, who are no P.R./T. prisoner, who have served half their sentence and have not more than six months of unexposed sentence shall be selected for conservancy work in sub-divisional jails.

515. Transfer prohibited during cholera or other epidemics.-

Prisoners shall not be transferred from one jail to another while cholera, or any other epidemic is prevalent in either the transferring or receiving jail, nor until after the total disappearance of such disease. Care must also be taken not to transfer prisoner along a route where cholera is prevalent without special precautions.

516. Transfer of prisoners from hill jails to plains jails.-

- (i) When persons belong to hill tribes commit offence in British territory* and are sentenced to imprisonment in a hill district from a period not exceeding three months they should be retained in the jail of the Hill district concerned when they are sentenced to more than three months' imprisonment, they may be retained in the jail of the hill district or transferred to the prescribed plains district headquarter jails at the discretion of the Deputy Commissioner without any reference to the Inspector-General of Prisons being required.
- (ii) When persons are sentenced to imprisonment in a hill district they may be transferred to the prescribed district jails at the discretion of the Deputy Commissioner irrespective of the terms of their sentence and without any reference to the Inspector-General of Prisons being required.
- (iii) When the transfer of any prisoner from a jail in a hill district to the prescribed plains district jail is considered necessary, the Deputy Commissioner should ascertain before hand from the superintendent of the latter Jail that accommodation is available.

(iv) Hillmen convicted and sentenced in the plains for periods exceeding one month and not exceeding one year should be transferred to the jail of the hill district to which they belong. The case of prisoners sentenced to terms in excess of one year should be referred to the Commissioner of the division concerned for orders.

Note: The prisoners from the North Cachar should be sent to the Kohima district Jail instead of the Silchar district Jail.

517. Transfer of female prisoners with sentence over one month's imprisonment.

All female prisoners with sentence of over one month's imprisonment from the prisons at Nowgong and Dhubri shall be transferred to the Gauhati jail of confinement, those from the prisons at Golaghat, Sivasagar, Dibrugarh and North Lakhimpur to the Jorhat Jail, those from Mangaldoi to the Tezpur Jail, those from Karimganj to Silchar Jail and those from the remaining prisons in the Surma Valley to the Sylhet Jail.

A female prisoner belonging to hill tribe with a sentence of over one month's imprisonment in any jail in a hill district may either be retained in the local prison or transferred to the prescribed district jail in the plains at the discretion of the Deputy Commissioner.

*Sylhet Jail now falls in Bangladesh . In practice, this rule has under gone many changes.

518. Transfer of military police prisoners. –

Military police sentenced to term of imprisonment exceeding one month should be confined in the following Jails.

1st Battalion, Assam Rifles	.....	Silchar
2nd ,,	.....	Dibrugarh
3rd ,,	.....	Jorhat
4th	(Except Tura Detachment)	Jorhat
5th ,,	(Except Happy Valley Detachment)	Tezpur
Tura Detachment	.....	Dhubri
Happy Valley Detachment	.....	Gauhati

519. Transfer to their own district of prisoners, undergoing imprisonment in default under section 106, Criminal Procedure Code. –

Prisoners who are sentenced to imprisonment of either description on conviction of any of the officers enumerated section 106, Criminal Procedure code, and who under the same section are required to fine security for keeping the peace for a father period after the expiry of their sentences, frequently find an additional difficulty in procuring security when confined in jails in districts not their own. The continued detention of such prisoners in jail on this account

is not only a hardship to them, but is a profitless expense to Government. Necessary arrangement for the transfer of such prisoners to the jails of their own districts should be made, if in the [state]-¹ before the expiry of their substantive imprisonment.

520. Transfer of “A” and “B” division prisoners to receiving jails.-

All prisoners in “A” and “B” divisions confined in a district jail which is not declared to be receiving jail for them should be sent at once to one of the receiving jails: but in cases where the prisoner wishes to appeal, he may be detained for two or three days to permit of his making arrangements with his legal advisers and friends. He is not, however, to be detained until the result of his appeal is known. If this short detention should not be enough, special representation should be made to the Inspector-General at once, on conviction, and he may be kept in the jail pending the receipt of orders.

Note: The receiving Jail for such prisoners are –

‘A’ Division – Tezpur and Sylhet,

‘B’ Division – Tezpur Sylhet, Nowgong and Silchar.

521. Police to escort prisoners. -

The duty of escorting prisoners rests on the police. Superintendents shall endeavour to reduce the calls upon the police as far as possible by transferring prisoners in batches. If the convicts are to travel by rail the Superintendent shall arrange for the necessary accommodation.

522. Application for escort. -

When prisoners are to be transferred, the Superintendent shall apply within a reasonable time – except in cases of emergency not less than 40 hours beforehand – to the Superintendent of Police for the requisite guard, intimating the number prisoners and the date and hour of their intended despatch. It should be noted on the requisition if any specially dangerous or important convicts are included.

523. Intimation of transfer to be given to the receiving jail. –

The Jail Superintendent will advise the Superintendent of the jail to which the prisoner are to be dispatched of the number to be transferred, the date of departure, and probable date of arrival. If a letter cannot arrive in time a telegram should be sent. This will enable the Superintendent of the receiving jail to arrange to send back with the escort any prisoner destined for the transferring jail.

524. Convicts to be medically examined and equipped for the journey. -

- (a) The convicts who are to be transferred shall be paraded inside the prison, and after the Medical Officer or Medical Subordinate has examined them and certified their fitness for the journey, shall be provided with all the necessary clothing in good conditions, bedding and the articles of diet requisite for the entire journey (which will be in the charge of their escort) and such drinking, eating and cooking vessels as the journey may require, and shall be minutely searched in the presence of the Jailer, the search to include clothing, bedding, etc. The Jailer shall satisfy himself that they have sufficient clothing and are properly dressed.
- (b) The convicts should receive a meal of cooked rations before starting and sufficient articles of food for the entire journey, or diet money should be sent with them.
- (c) The question of handcuffing prisoners while on transfer rests with the police escort. In the case of 'A' and 'B' Division prisoners, convict overseers and convict warders handcuffs should be used only if they are necessary and this is a matter for the police to decide. Male prisoners may also be fettered, if required by the

rules of the Police Department, but if this is done gaiters shall be provided from each prisoner to prevent abrasion of the skin.

On the written request of the officer in charge of the police escort a male prisoner shall be fettered before being handed over to the police escort and the fact recorded in the prisoner's history ticket.

525. Cases where a jail officer shall accompany the prisoners and his duties. -

When a gang consists of more than 30 convicts a Jail officer shall accompany it. His duties shall be as follows: -

- (a) to provide the daily rations and arrange for the cooking of the same;
- (b) to preserve carefully the nominal and descriptive rolls, history-tickets, and other papers sent with the gang;
- (c) to receive and return safely to the jail from which the gang was dispatched, the clothing, bedding, irons etc. of the prisoners;
- (d) to be responsible for the safe custody and safe delivery of property belonging to the prisoners sent on transfer;

- (e) to take receipts from the officials of the receiving jail of all prisoners' property made over by the escort;
- (f) to use every endeavour in his power to secure to the prisoners immunity from sickness and injury, e.g., by procuring shelter for them in case of heavy rain, by keeping the gaiters of fettered prisoners well softened with oil etc.

The police officer in command of the escort will aid the Jail officer in carrying out the above duties, and when the gang consists of less than 30 convicts, will himself be responsible for carrying them out.

526. Procedure prior to transfer. –

Every prisoner shall, before being transferred, be produced before the Superintendent, who shall verify all entries regarding him in the manner provided by Rule 546 and shall certify on the back of the warrant the number and date of the order directing the transfer and the date of the transfer.

527. Disposal of prisoner's property. –

On the transfer of a prisoner his property shall be dealt with as required by Rule 451. The Jailer of the dispatching jail shall then make a list, in triplicate, of the property as entered in the Convict Register, and take the receipt of the officer in charge of the escort for the property in the

counterfoil. The duplicate and triplicate forms, the former signed by the Jailer of the dispatching jail together with the property, shall be made over to the officer in charge of the escort for conveyance to the receiving jail, where the duplicate list shall be retained and filed. The triplicate shall be signed by the Jailer of the receiving jail and handed to the officer in charge of the escort.

528. Documents to accompany prisoners. –

The following documents relating to each prisoner transferred shall be given to the officer in charge of the escort to be delivered to the Superintendent of the receiving jail: -

- (1) descriptive roll;
- (2) duplicate and triplicate lists of all private property belonging to the prisoner;
- (3) list of clothing, bedding and other crown property sent with him;
- (4) a sealed packet containing the warrant with an endorsement of the date of transfer and Jail to which transferred, history-tickets carefully brought up to date, remission card written up to date and in the case of P.R. slips of the prisoners;

- (5) a copy of the judgement in the case of prisoners sentenced to transportation.

529. Making over of prisoners to the escort. –

- (1) The convicts shall be again searched before passing out of the main gate in the presence of the officer in command of the escort, who shall satisfy himself that the search is thorough, and shall then receive charge of the convicts and shall be held responsible for their safe custody until they are again made over to the Jail Department.
- (2) The officer in charge of the escort will sign a receipt for the convicts and all property (belonging to [Government]¹ or to the prisoners) and documents make over to him with the convicts.

1.Substutued by A.O., 1950 for “Crown”.

530. Custody of females and juveniles. –

During transit female and juvenile prisoners shall, as far as possible, be separated from adult made prisoners.

When a female prisoner is transferred, a female warder shall ordinarily accompany her. The presence of a female warder does not affect the responsibility fo the police for the safe custody of prisoners in transit.

531. Special means of conveyance. –

Special means of conveyance shall be provided for the conveyance of any prisoner in whose case the Medical Officer certifies that such is necessary. Motor lorry or taxi fare shall be allowed for the conveyance of 'A' and 'B' Division prisoners, but with the previous sanction of the Inspector General prisoners may be transferred by public lorry between Shillong and Gauhati and between Shillong and Sylhet and vice versa. Prisoners may also be transferred by public motor-lorry from one jail to another where the cost of conveyance by public motor lorry is cheaper than that by Railway or Steamer. Prisoners may also be transferred by public motor lorry between Tura and Mankachar and between Aizwal and Silchar & vice versa. Subject to this exception, all able bodied prisoners must travel on tour on any journey by road.

532. Procedure on arrival in the receiving jail. –

(1) On the arrival of the prisoners at the receiving jail, the Jailer shall receive the prisoners with all documents, and all property of [Government]¹ or of the prisoners, he shall give a receipt for the same, and if there is any discrepancy shall, after any enquiry he may think fit to make, note this on the receipt. He shall also ascertain whether the prisoners have been properly dieted and cared for enroute. If he is not satisfied, the Superintendent of the

receiving jail shall inform the Magistrate of his district or sub-division and at the same time report to the Inspector-General.

(2) The returning escort will bring back to the transferring jail any clothing, etc., belonging to that jail, the jail Department paying for any freight or coolly hire.

1. Substituted by A.O., 1950 for "Crown".

533. Expenses of transfer. -

The Superintendent of Police is only liable for the expenses of the escort. All expenses of the fares of prisoners, their food, and any incidental expenses, such as the transport of goods by coolies, must be borne by the Jail Department. The Superintendent shall make over rail warrants or cash required for these purposes to the officer in charge of the escort, who on return will render an account of his disbursements.

CHAPTER XXIX

THE ATTENDANCE OF PRISONERS IN COURTS

The Prisoners (Attendance in Courts) Act, 1955 (Act 32 of 1955) lays down the procedure for securing the attendance of prisoners in Courts. Earlier the law in the subject was contained in Part IX of the Prisoners Act, 1900. The said chapter was repealed by the Prisoners' (Attendance in Courts) Act, 1955. The procedure is now governed by the new Act. IN the new Criminal Procedure Code, 1973 also, a new chapter namely, Chapter XXII, comprising of sic sections (sections 266 of 271) has been introduced for the purpose of securing the attendance of persons confined or detained in prisons, before Criminal Courts. It also lays down the conditions and circumstances under which such persons are to be produced before the Court.

The Rules in Assam Jail Manual in Chapter XXIX (Rules 534 to 543) dealing with the attendance of prisoners in Courts were framed under Chapter IX of the Prisoners Act, 1900 which has since been repealed and replaced by the laws stated above. The Rules, as such, should be read in conformity with the provisions of the Prisoners (Attendance in Courts) Act, 1955 and Chapter XXII of the Criminal Procedure Code, 1973. The text of the aforesaid laws is given in Part II of this Manual.

534. Police to provide escort. -

On receipt of an order issued by a court of competent authority under Part IX of Act III of 1900,* the officer in charge of the jail shall make a requisition on the District Superintendent of Police for an escort, and the District Superintendent shall supply such escort in conformity with the ordinary rules of his Department.

* Since repealed. Now read the Prisoners (Attendance in Courts) Act, 1955.

535. Duties of escort. -

The officer in charge of such escort shall, in like manner, be guided by the rules of the Police Department in the performance in his duty and in the treatment of the prisoner under this charge.

536. Prisoners not to be sent to court in jail clothing. -

A convict sent in custody to a court either as a witness or as an accused person shall wear private clothing. For this purpose the private clothing of the convict retained in jail, under the provisions of Chapter XXIV of the Jail Manual, or rendered by friends or relatives, shall be issued to him before proceeding to, and withdrawn on his return from court daily. When no such clothing is available in stock the

Superintendent shall provide clothing of a kind suitable to the class to which the convict belongs.

537. When court and jail in one station. -

- (1) Whenever the court and the jail are in the same station, the prisoner shall be taken from the jail to the court and back daily, until his attendance is dispensed with. On every day he attends the court he shall receive the full jail ration, and shall be allowed to take his midday meal with him for consumption at any convenient hour.
- (2) The Jailer shall obtain a receipt from the office, in charge of the escort for the under-trails sent to court.

538. When in different station. -

- (1) All prisoners shall be taken to the court before which their appearance is required by the most expeditious route. Prisoners under sentence for criminal offences shall ordinarily travel on foot, but civil prisoners who are desirous of obtaining, and are willing to pay for, the indulgence, may be provided with suitable means of conveyance. When a railway is available, all prisoners shall be conveyed by rail under charge of the police guard.

Note: As far as possible the rules of the Jail Code relating to the transfer of prisoners shall be observed eg., as regards diet and means of conveyance.

- (2) Should there be a jail or lock-up at the place where the court before which the prisoners have to appear is held, the officer in charge of the escort shall deliver the prisoners to the keeper of such jail or lock-up and shall not be responsible for their custody while they are in such jail or lock-up, but shall only be responsible for their custody while escorting them thereto and from such jail or lock-up to the place where the court is held. Officers in charge of jail to which prisoners may be delivered for safe keeping shall likewise comply with the rules of the Jail Code relating to the receipt of prisoners by transfer.

539. Cost of prisoner's journey. -

- (1) The cost of conveyance (if any) and of maintaining prisoners while absent from the jail shall be advanced by the officer in charge of the jail to the officer in charge of the escort. Provided that whenever possible, the escort shall be given articles of diet sufficient for the prisoner's rations during his absence, instead of money. If a prisoner is admitted into any jail he shall be supplied with rations by that jail during the period that he spends there.

- (2) The cost of conveyance of prisoners to and from the court shall be recovered by the officer in charge of the jail from the court before which the prisoners' attendance is required.

Note. - The conveyance and other incidental charge of under-trial prisoners who are sent from Assam to other (States)¹ and vice versa should be borne by the [state]¹ sending the under-trial prisoners.

- (3) The scale of charges for the conveyance and dieting of prisoners required to be produced to give evidence in civil courts shall be as follows :-

(a) All prisoners, civil or criminal, the fares admissible for journeys by rail, both or steamer or road according to the rules of the Jail code relating to the transfer of prisoners.

(b) A subsistence allowance of 8 annas per diem in the case of "A" and "B" Division prisoners, and annas per diem in the case of "C" Division prisoners.

Note. - A reference is invited to section 50 of the Prisoners Act, 1900.

540. Procedure for realising costs from civil court. -

- (1) On the completion of the duty for which the escort was the prisoners was detailed, the District Superintendent supplying it shall if the presence of the prisoners was required in any civil matter, submit a bill to the court form which the requisition proceeded for the cost of the guard and for the actual expenditure incurred by them on account of carriage by land or water, if the journey is not performed entirely on foot, plus 10 per cent for contingences. A separate bill should also be forwarded by the District Superintendent for the diet and travelling expenses of the prisoner or prisoners. To enable him to do so, the officer in charge of the jail from which the prisoners was transferred shall furnish him with an account of the expenses incurred.

- (2) All sums received in payment of these bills shall at once be paid into the treasury of the district from which the escort started to the credit of Government as a receipt either of the Police or Jail Department, according as the amount is paid on account of the escort or the prisoners.

541. Certain prisoners not to be moved. - No State prisoner, or prisoner under sentence of death, shall be removed under Part IX of the Prisoners Act, 1900,* from the jail in which he may be confined without the special sanction of Government, except in the case of a prisoner under sentence of death

whose presence is required by a Sessions or High Court for the purpose of taking additional evidence in the case.

* Now read The Prisoners (Attendance in Courts) Act, 1955.

542. Superintendent to be officer in charge of jail. -

For the purpose of Part IX, the Prisoners Act* and these rules, the Superintendent shall be deemed to be the officer in charges of the Jail.

* Now The Prisoners (Attendance in Courts) Act, 1955.

543. Documents to accompany prisoner. -

When a prisoner is sent form one jail to another under these rules, his original warrant of commitment and descriptive roll shall be sent with him.

CHAPTER XXX

RELEASES

Under section 26(3) of the Prisons Act, 1894, no prisoner shall be discharged against his will from prison, if labouring under any acute or dangerous distemper, nor until, in the opinion of the Medical Officer, such discharge is safe.

544. Superintendent of Police to ask jail to supply release notices and P.R. slips. -

- (1) On the 1st and 16th of every month the Superintendent of Police shall send to the jail for the release notice in the prescribed form 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. With these notices shall be given a list of the prisoners who dies in the proceeding fortnight. 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. If any prisoner is received direct, or by transfer from another jail after submission of these notices, and his release will take place before the date fixed for the submission of the next notice, a supplementary notice should be submitted as soon as possible after his arrival in jail.

- (2) When a PR. Prisoner is released before the expiry of his sentence, and there has been no time to include his name in the fortnightly return a notice of his release should at once be sent to the local Superintendent of Police.

545. Responsibility of Superintendent and Jailer for correct release. -

The Superintendent and Jailer are personally responsible for the correct release of prisoners.

546. Duties of Jailer prior to release. -

Before a convict is released from jail, the Jailer shall :-

- (a) check the condition of sentence given in the warrant and registers and satisfy himself of the title of the prisoners to release;
- (b) compare the marks of identification as given on the warrant and in the jail registers with the convict;
- (c) produce the convict with his clothing and other property, history-ticket, warrant and the jail registers of admission and release before the Superintendent.

547. Superintendent to check warrant and jail registers. -

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

548. Superintendent to satisfy himself as to convict's identity. -

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 and admission registers.

549. Property to be delivered. -

At the time of releasing every prisoner the Superintendent shall deliver or cause to be delivered to him all money and other property (if any) belonging to him, and the convict's signature or left thumb impressions shall be taken in the warrant and in the register of prisoner's property in token of receipt. The Superintendent shall satisfy himself that the convict has received all his private property and shall countersign the property entry in the warrant and in the register of prisoner's property.

550. Convict to be suitably clothed. -

The Superintendent shall supply every convict whose clothing has been sold or destroyed or is insufficient for the purpose of health or decency with such clothing as he considers necessary and suitable.

551. Duties of Medical Officer. -

The Medical Officer shall record the condition of health and weight of every convict on release in the admission register and in the release register.

551A. Procedure of release of prisoner on expiration of sentence if labouring under any notifiable or other infectious dangerous disease. -

Prisoners discharged from jail on expiration of sentence, if labouring under any notifiable or other infectious or dangerous disease, shall ordinarily be removed to the nearest Government, Municipal or Immigration Hospital, where such disease can be suitably treated, until they are in a fit state to be sent home, provided that where they prefer to be treated in some other suitable hospital at their expense they may be removed there. In case removal would endanger life, the prisoner may with own consent be detained in the jail hospital. The death of any prisoner so detained shall not be included in the jail statistics of death.

552. Certificate to be given to convict. -

Every convict on release shall be furnished with a certificate to the effect that he has completed the term of imprisonment.

553. Hour of release. -

Ordinarily prisoners shall be released after the morning meal. If an order directing the release of a prisoner reaches the prison after sunset or after the hours when according to the prison rules the prisoners are shut up for the night, the prisoner shall not be released till the next morning.

554. When release is due on Sunday. -

A convict whose release falls due on Sunday shall be released on Saturday; but a civil prisoner, entitled to his discharge on failure of diet money, must be released on a Sunday if the first of the month falls on that date.

555. Releases to be made only on proper authority. -

The Superintendent shall not release any prisoner on the authority of any informal document. Release orders duly signed by the presiding officer of the court and impressed with the court's seal shall along be acted upon. Such orders shall contain full particulars in regard to the prisoner to be released.

556. Cases when release may be made on a telegraphic order.

No prisoner shall be released on the authority of a telegram, save in the case of telegrams dispatched by a Secretary to Government or the Registrar of the High Court.

557. Gratuities to be paid at time of release. -

The following rules apply to gratuities which be paid at the time of release :-

- (1) Prisoners received from jails of other State are entitled to earn gratuities from the time they are admitted into an Assam Jail.
- (2) Prisoners of 'C' Division sentenced to terms of imprisonment exceeding one year, whose conduct has been good, and who have not received any of the gratuities prescribed for convict officers and expert workmen, on release from jail, be allowed gratuity at the rate of two annas for each month of confinement in jail.
- (3) Convicts of the same class, who, owing to unsatisfactory conduct, have failed to earn any gratuity, shall be allowed, on release, a bonus of Re. 1.

- (4) Sick or elderly indigent prisoners, irrespective of their sentences, shall be allowed a bonus of Rs. 2.

Provided that prisoners under sections (3) and (4) above do not already possess more than Rs. 2 in deposit as their personal cash.

- (5) Neither gratuity nor bonus shall be given to “A” and “B” Division prisoners.
- (6) Convict night-watchmen, convict overseers and convict warders who perform their duties to the satisfaction of the Superintendent, shall be granted gratuities, payable on release, at the rate of annas two, annas four and annas eight, respectively, for each month of such employment.
- (7) A special gratuity not exceeding 4 annas per mensem may be granted to every convict for expert workmanship and for teaching any handicraft.

558. Payment of diet money. -

The following shall be the scale of diet money for “A”, “B” and “C” Division prisoners who have no money besides the gratuities or bonuses granted under the rules :-

- (a) no allowance when the distance to be travelled by road is five miles or under ;

- (b) four annas a day for every fifteen miles or part thereof travelled by road or boat, but “A” and “B” Division prisoners may be granted diet money at the rate of eight annas a day if they are unable to pay for their own diet and if they apply for the same to the Jail Superintendent;
- (c) four annas a day for each day’s journey beyond twenty miles by rail.

Note. - The diet money per day for “A”, “B”, “C” Division prisoners has been increased as stated below vide Government letter No. HJL. 15/53/2 dt. 15.6.54 :_

“A” Division Prisoner	-	Rs. 2.00
“B” Division Prisoner	-	Rs. 1.25
“C” Division Prisoner	-	Rs. 1.00

559. Journey by rail or steamer or boat. -

In addition to the aforesaid diet money, the Superintendent shall give every convict whose house is on or near a line of railway or steamer route and at the distance of more than five miles from the jail from which he is released, a pass on the credit note system to the station nearest to his destination, unless the convict has enough money of his own to pay for his railway or steamer fare. The ticket shall be third class, unless the Superintendent considers that the

status of the convict makes it desirable that he should receive an intermediate class ticket.

Where the journey has to be made by boat, boat hire of 4 annas a day shall be given.

560. Special conveyance by road, in cases of medical unfitness. -

Motor fare in lieu of Railway or Steamer fare may be given in cases in which the journey by public motor service is less expensive than that by Railway or Steamer. Released prisoners who are certified by the Medical Officer to be unfit to travel on foot owing to illness or physical infirmity shall be furnished with cart, motor-lorry or taxi hire for the journey they have to perform by road.

561. Release of military prisoners. -

Military prisoners shall be released from the jail in which they happen to be confined, and provided with third class railway tickets to the stations nearest their homes and subsistence allowance.

562. Release of female prisoners. -

Any female prisoner who is a resident of another district or Sub-division to that in which she is confined shall be

transferred within a week before her release to the jail nearest her home.

When her home is at some distance from this particular jail, a notice shall be sent one month before her release to the Magistrate of the district concerned asking him to intimate to the woman's relatives the date of such release, and request them to receive her at the jail gate. If no relatives appear or if she is under 25 years of age, she should be sent to her home in charge of a female warder or of a respectable woman entertained to escort her.

563. Release of juveniles. -

All juvenile convicts will, on release, be escorted to their homes by the police. Superintendents of jails will send notice of the release of such prisoners to the Superintendent of Police one day previously. The subsistence allowance granted to such prisoners will be made over to the policeman who escort them home.

564. After release warrant to be returned to court. -

(a) The Superintendent shall forthwith, after the execution of every writ, order or warrant by which a person has been committed to prison, other than a warrant of commitment for trial, or after the discharge of the persons committed thereby, return such writ, order or warrant to the court by which the same was issued or

made, together with a certificate endorsed thereon and signed by him, showing how the same has been executed or why the person committed thereby has been discharged from custody before the execution thereof.

- (b) When a convict has to undergo two or more sentence under different warrants each warrant shall be returned to court at the expiry of the sentence to which it relates. The form of endorsement on all but the last warrant will need modification to the effect that the prisoner is being detained on another warrant.
- (c) The warrant of a prisoner who dies in jail shall be returned to the court forthwith an endorsement certifying to the date of cause of death.

565. Rules for release of police-registered convicts. -

The following regulate the release of “police-registered” convicts :-

- (1) A police-registered convict is a convict with a police history-sheet for whom a P.R. slip is prepared and forwarded by the Superintendent of Police to the Superintendent of the Jail in which such convict is confined for attachment to his warrant. Each slip states the jail from which he is to be released. Convicts who are to be transferred before release to the jails of

their native district shall be described in the admission and release registers and on the warrant as P.R./T. convicts. Convicts who are not to be transferred before release will be described as P.R. convicts. Either of those two classes may include prisoners in respect of which the sentencing court may have recorded an order under section 565 of the Criminal Procedure Code*, and such shall be shown in the registers and warrants as P.R./565 or P.T.R./565 prisoners respectively.

- (2) The Jail Superintendent shall, in each case, furnish the Superintendent of Police with a receipt for the P.R. slip.
- (3) The number and names of P.R./T. and P.R.T./565 prisoners should be noted in red ink in the release registers six weeks before the date of probable release, any remission likely to be earned being taken into account.
- (4) Six weeks before the impending release of a P.R./T. prisoner his P.R. slip with the probable date of the transferring jail to the Superintendent of the receiving jail who shall immediately forward it to the Superintendent of Police for information.
- (5) One month before the expiry of their substantive sentence prisoners referred to in the preceding sub-

rule shall be transferred to the jails notified in their P.R. slips.

- (6) In cases in which the original substantive sentence of a P.R./T. prisoner whose district is situated in Assam is less than one month the transfer should be arranged as soon after his admission as possible.
- (7) A P.R./T. prisoner convicted in Assam who is a resident shall be transferred to the jail in British territory nearest his home and this procedure should also be observed in the case of a prisoner sentenced in a Native State and transferred to undergo imprisonment in a jail in Assam.
- (8) If owing to illness or other cause a police-registered convict cannot be transferred as aforesaid the Superintendent of the jail shall send the P.R. slip together with a statement of the fact and reason to the Superintendent of Police of the district in which the convict was to have been released, a copy of the letter being sent to the local Superintendent of Police. If the prisoner subsequently becomes fit for transfer in time to allow of his reaching the jail of his district before his release is due, he shall then be transferred. If when only ten days of the sentence remain to be served, he is still unfit for the transfer, his release notice (rule 544) should be sent to the local police with a note of the fact on it. If such prisoner cannot be transferred he

should be made over to the local police on the date of his release.

- (9) In the case of the death or escape of a police-registered convict, the Superintendent of the jail shall send information thereof to the Superintendent of Police.

- (10) Superintendents of jails shall, not later than the first week of each month, send to the Special Superintendent of Police, in charge of the Criminal Investigation Department, direct.. After filling in the release portions, the duplicate P.R. slips received from the [police and marked in red ink for the Criminal Investigation Department, relating to prisoners who are due for released in the following month, so that on receipt of the intimation the Criminal Investigation Department may arrange for photographic, before their release, all convicts whose criminally extends beyond heir native districts. The rules of the Police Department required duplicate P.R. slip to be issued in the case to persons convicted of offences under sections 395, 396, 397, 1399, 400, 401, 402 and 412 Indian Penal Code, and other inter-district and inter [State]¹ habitual criminals who are likely to revert to crime after release, one being marked in red ink “for the Criminal Investigation Department”.

Note. Reference : Rule 544 of Jail Manual and Rule 132, Part IV, Assam Police Manual, 1931.,

- Now read section 356 of the Code of Criminal Procedure 1973.

1. Substituted by A.O., 1950.

566. Procedure in cases of release where an order has been passed under section 565 of the Criminal Procedure Code¹. -

The following rules have been framed by the [State]¹ Government under section 565, Criminal Procedure Code :-

- I. -** An order passed under section 565 of the Code of Criminal Procedure, 1898 (Act V of 1898),* shall be notified to the Superintendent of the Prison by the attachment of a copy of it to the warrant issued under section 383**.

- II. -** A convict against whom an order has been passed under the Code of Criminal Procedure, 1898 (Act V of 1898), section 565* shall, fourteen days before the date fixed for the release, give to the Superintendent of the Prison, in which he is confined, a true statement of the place in which he intends to take up his residence after his release. Such statements shall be taken down in writing, and shall be read over to the convict and signed by him in the presence of the Superintendent of the Prison, who will countersign it. The three following

rules shall be also clearly explained to the convict before he leaves the prison; he shall be told what period he is required to observe them, and a copy of them in his mother-tongue shall be given to him.

III. - If the convict after release does not within ten days take up his residence in the place mentioned such statement he shall attend in person at the police station or outpost nearest to the place in which he has taken up his residence, and notify to the officer in charge his place of residence.

IV. - If, after residing in any place, the convict desires to change his residence, he shall attend in person at the police station or outpost nearest to his place of his residence for the time being, and there notify to the officer in charge the place to which the change will take place. Such information shall be given not less than two days before his departure, when he is moving to a place within the same police station, not less than five days when he is moving to another police station within the district, and not less than ten days when he is moving to another district. If, for any reason he does not within seven days of the date on which he has notified that his change of residence will begin, take up his residence at the place notified, he shall at once notify, in the manner above set out, the place where he intends to reside.