

The West Bengal Jail Code

Volume I (Part I)

RULES FOR THE SUPERINTENDENCE AND MANAGEMENT OF JAILS IN WEST BENGAL

(PUBLISHED UNDER THE AUTHORITY OF GOVERNMENT)

CHAPTER I—Introductory

1. The following Acts regulate the establishment and management of Jails, the confinement and treatment of persons therein, and the maintenance of discipline amongst them.

- (1) The Prisons Act, 1894 (9 of 1894), as amended by the Prisons (West Bengal Amendment) Act, 1957 (W. B. Act XII of 1957).
- (2) The Prisoners Act, 1900 (3 of 1900), as amended by the Prisoners (West Bengal Amendment) Act, 1955 (W. B. Act XIII of 1955).
- (3) The Indian Lunacy Act, 1912 (4 of 1912).
- (4) The West Bengal Children Act, 1959 (W. B. Act XXX of 1959).
- (5) The Factories Act, 1948 (63 of 1948).
- (6) The Transfer of Prisoners Act, 1950 (29 of 1950).
- (7) The Prisoners (Attendance in Courts) Act, 1955 (32 of 1955).

Those provisions of the Civil Procedure Code, 1908 (5 of 1908), the Criminal Procedure Code, 1898 (5 of 1898) and the Indian Penal Code (45 of 1860) which relate to the confinement of prisoners, the execution of sentences, appeals, lunatics and the like, must also be complied with in connection with the prison administration.

NOTE.—All the above Acts, except the codes of Civil and Criminal Procedure, and the Indian Penal Code, are printed in Volume II of this Code.

CHAPTER II

2. The different jails in the State are classified as follows :—

**Classification of
Jails.**

- (i) Central Jails for the confinement of prisoners sentenced to rigorous imprisonment for periods of one year and upwards.
- (i) District Jails at the headquarters of districts for the confinement of criminal and civil prisoners.

iii) Special Jails for the confinement of such class or classes of prisoners as Government may decide.

(iv) A Circle Jail is a Central Jail to which certain Jails and Subsidiary Jails ~~attached~~ ^{affiliated} for the purpose of control of warder establishments of such jails.

NOTE.—In the subdivisions as also at the head quarters of certain districts where there are no District Jails there are Subsidiary Jails for the confinement of criminal prisoners.

3. The undermentioned jails are hereby declared by Government to be Central Jails :

- (1) Presidency
- (2) Alipore,
- (3) Midnapore,
- (4) Dum Dum and
- (5) Berhampore.

All the above Central Jails function as District Jails as well and, therefore, receive prisoners of all classes.

4. District Jails will be divided into four classes according to the daily average number of prisoners under confinement during the previous year, viz., :

First Class District Jails : Those which had during the previous year a daily average of 500 or more prisoners.

Second Class District Jails : Those which had during the previous year a daily average of not less than 250 and not more than 499 prisoners.

Third Class District Jails : Those which had during the previous year a daily average of not less than 150 and not more than 249 prisoners.

Fourth Class District Jails : Those which had during the previous year a daily average of not less than 100 prisoners.

The class of each District Jail will be determined every year in the month of April by the Inspector-General in accordance with the average of the preceding calendar year. Whenever the status of a District Jail is changed under this rule from a lower to a higher class, the Inspector-General will have power to sanction the entertainment of the additional staff of warders necessitated by such change, provided that the financial grant under the head "Establishment" is not there by exceeds;

5. Deleted

6. Deleted.

Central Jails
G. O. No. 1964-PJ.
dt. 8-6-1929.
G.O. No. 3683.HJ. dt
16-9-37.
G. O. No. 1261-HJ.
dt. 20-5-49.

Classification of
District Jails. G.O.
No. 6514 P
dt. 16-12-12.

G. of I No. 217
dt. 29-9-1908.
G. of I No. 174
dt. 2-6-1909.

7. Civil prisoners shall be kept separate from criminal prisoners. Any part of a jail may be set apart for civil prisoners, provided that it admits of the complete isolation of civil from criminal prisoners.

Segregation of Civil and Criminal prisoners.

8. Deleted.

9. For every prison there shall be a Superintendent, a Medical Officer (who may also be the Superintendent), a Medical Subordinate, a Jailor and such other officers as the State Government thinks necessary.

Officers of prison, Section 6, Act of IX 1894.

10. Deleted.

11. Deleted.

12. Deleted.

13. Deleted.

14. Deleted.

15. Deleted.

16. Deleted.

17. No permanent post shall be created without the sanction of Government. Nor is the creation of any temporary post permissible without the order of Government, except as provided in rule 28.

Sanction required to entertain establishment, temporary or permanent.

Extra Establishment

18. Whenever, for any sufficient reason, the Superintendent of any jail considers it necessary to entertain any establishment in excess of the sanctioned scale, he shall submit an application to the Inspector-General in West Bengal Jail Return No. 15 giving full, sanctioned particulars of all extra establishments already sanctioned and details of the establishment on leave or otherwise not available. As a general rule, except at fourth class district jails, the employment of extra warders for guarding condemned prisoners under rule 983 or for keeping company with undertrial prisoners under rule 912 will not, unless for very strong reasons fully stated, be permitted. In no case may the extra establishment be entertained without fresh sanction after the period for which sanction was given has expired.

Superintendent apply for entertaining establishment in excess of the sanctioned scale.

Jail Circular No. 38 of 1898 and No. 18 of 1907.

Rule 1355.

W.B.F. No. 5152.

In case of serious illness of a prisoner requiring his immediate removal to an outside hospital for treatment, when the previous sanction of the Inspector-General cannot be obtained, the Superintendent may, subject to immediate reference to the Inspector-General, entertain in anticipation of sanction such number of extra warders as he may consider necessary.

G.O.No.3626-PJ. of 14-12 36.

Appointment of
extra warders.

19. Extra warders sanctioned for short periods not exceeding three months may be appointed by the Superintendent of the jail at which their services are needed; but if required for longer than three months, they shall be supplied by the Superintendent of the Circle Jail. The names of extra warders so supplied shall be included in the circle list and service register, and when their services are no longer required, they shall be retransferred to the Circle Jail, where they shall take their places in the warder grades, according to seniority of services (unless found in the mean time to be inefficient), and the least efficient of the warders shall be discharged. (See rule 447 regarding allotment of duty to extra warders).

Appointment of
extra staff
without prior
sanction to be
reported.
Rule 18.

20. The appointment of extra staff under rules 912, 948, 983 and 1258 in anticipation of the Inspector-General's sanction must invariably be reported to the Inspector-General at the time with a full explanation of the necessity for this action.

CHAPTER III—GENERAL SUPERVISION

Section I—The Inspector-General

Inspector-
General of
Prisons,
Section 5,
Act IX, 1894.

21. An Inspector- General shall be appointed for the State of West Bengal. He shall exercise, subject to the orders of the State Government, general control and superintendence of all prisons situated within the State.

Control and
superintendence
of jails by
Inspector-
General.
Rule 72.
Rules 44, 50.

22. The general control and superintendence of jails in this State are vested in the Inspector-General, and all Magistrates and jail officers shall obey the orders issued by him in all matters relating to the internal economy discipline, and management of jails. He shall ascertain that all rules and regulations relating to jails are strictly enforced. Any infringement on the part of Magistrate or Superintendents of jails of the rules or of the orders of the Inspector-General, if continued after attention has been called to it, shall be brought by the Inspector-General to the notice of Government.

Control of
Inspector-
General over
expenditure in jails.

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

All Jail
expenses to be
submitted to
Inspector-
General for audit.

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

(a) charges for public works which are regulated by the Public Works Department ;

(b) charges for registers and forms supplied by the Forms Department ; and

(c) charges for medical stores supplied by the Central Medical Stores and District Reserve Stores under the Directorate of Health Services.

25. The Inspector-General has authority to sanction all ordinary working expenses, either for manufactory or for general purposes, within the limits of the budget grants except that in respect of purchase of grain (including pulses) for diet of prisoners or of materials for manufactures, the purchase of more than 15 months requirements (including the stock in hand) shall not be made without the authority of Government. His powers of sanction in connection with Public Works are defined in Rules 1300 to 1302 and 1309.

Inspector General's power to sanction expenditure.

He may also sanction any other item of expenditure for which provision has been made in the budget, to an amount not exceeding Rs. 2,500 for every such item. Subject to the provision of the Civil Accounts Code, West Bengal Financial Rules and of any special order of Government, he shall regulate the accounts of all contingent charges which may be incurred by such restrictions as may, from time to time, appear necessary for him to impose.

G.O.No. 3575-HJ., dt. 9-9-37.

He shall arrange for purchase of articles required by jails, except petty purchases referred to in rule 27, by calling for tenders or quotations and making contracts, whenever practicable and advantageous. Where the total value of an article to be purchased is likely to exceed Rs. 20,000, tenders shall be invited by advertisement in the Press. There shall be Advisory Committees for examining the tenders and making recommendations to the Inspector-General (see Appendix 30) but the authority for final disposal of all tenders or quotations shall vest in him. Purchases through the Central Government or from any department of the State Government may, however, be made at his discretion.

G. O. No. 4854-PJ. of 28-12-35.

26. The Inspector-General is, without reference to Government, empowered to write off finally the irrecoverable value of stores or public money lost by fraud, or negligence of individuals, or for other causes, subject to the conditions that—

Power to I.G. to write off irrecoverable value of stores or public money. See Art. 227, C. A. Code, and G. of B. Cir. No. 28F. of 29-7-10. G. O. No. 5198-PJ. of 9-11-32.

- (1) the loss in any specific case does not exceed Rs.1,000, and
- (2) the loss does not disclose a defect of system, the amendment of which requires the orders of Government, and
- (3) that there has not been any serious negligence on the part, of some individual officer or officers which might possibly call for disciplinary action.

Rule 1378(3).

Prior sanction of I.G. necessary for purchase made by any officer of Jail except in cases of Petty purchase.

Power of Inspector-General to make temporary appointment and grant rewards. G.O. No. 606 HJ. dated 3-4-51 and No. 4854 PJ. of 22-11-35. G.O. No.1065-PJ. of 31-3-30

G.O.No.98-PJ. of 14-1-35.

G.O. No.1057-HJ. of 5-4-55.

Removal of prisoners from one Jail to another. Rules 843, 840.

Section 7 of Act IX of 1894.

I.G.'s power to release prisoners temporarily. G.O. No. 2138-HJ/2R-17-55 of 4-8-56.

Inspection of Jails by the Inspector-Genl. Rule 77. G.O. No. 955-HJ. of 3-4-56.

27. No purchase other than a petty purchase shall be made by any officer without the sanction, previously obtained, of the Inspector-General. A petty purchase shall be deemed to be any purchase when the total value of the articles to be purchased does not exceed Rs. 250 in case of food supplies and Rs. 50 in all other cases.

28. The Inspector-General has authority to sanction in case of necessity, and subject to budget provision, temporary appointments, on pay not exceeding Rs. 125 a month for periods not exceeding one year. This does not however authorise him to create temporary posts in his own office or to create temporary posts on a pay higher than the minimum of the scales of pay fixed for similar permanent posts.

He is also empowered, subject to budget provision, to grant rewards up to an amount not exceeding Rs. 500 in each case to an officer of the Jail Department for special work of an occasional character when the work is, in the opinion of the Inspector-General, either so laborious or of such special merit as to justify a special reward.

NOTE.—He may also authorise, by general or special orders, Superintendents of jails and subjails to employ temporary female warders to escort or keep company of convicted or undertrial female prisoners on pay not exceeding Rs. 80 per month for periods not exceeding one month at a time, provided that necessary provision has been made in the budget.

29. Deleted.

30. Under section 29(2) of the Prisoners Act, 1900 (3 of 1900), the Inspector-General has been vested with the powers of ordering the transfer of any prisoner from any jail in West Bengal to any other jail within the State. He is also authorised to sanction the removal of prisoners from the permanent buildings of any jail into temporary quarters during epidemics. All such removal should be reported to Government immediately.

30A. Under sub-section (1) of section 31A of the Prisoners Act, 1900 (3 of 1900), the Inspector-General has been vested with the powers of releasing prisoners temporarily under that section.

31. He shall inspect every Central and district Jail at least once a year, and oftener, if necessary. During each inspection he shall see the yards, wards cells and other enclosures; he shall see every prisoner in the jail at the time of his inspection, and give every prisoner an opportunity of making any application or complaint he may wish to make and shall enquire into and determine all such as relate to jail discipline. He shall also satisfy himself that all accounts, registers, and records are maintained

according to the rules in force, and that proper arrangements are made for the safe custody of all records. He shall also inspect each year some of the subsidiary jails.

32. After the inspection of each jail he shall record in the Visitors' Book of the jail or in a separate memorandum his opinion about the state in which he found the jail, the manner in which it is administered, and make any suggestions or orders to the Superintendent he may deem necessary. If the jail is in an unsatisfactory state a copy of his memorandum, with any explanation the Superintendent and the District Magistrate (if the jail is not a Central Jail) may have to give, shall be submitted for the information and orders of Government.

33. He shall submit to the Government annually, as soon after the commencement of the official year as possible, and not later than the 30th April, a detailed report of the jail administration for the previous calendar year, giving statistics of the prisoners in such forms as may be prescribed by the Government, together with any necessary comments thereon and his remarks on every point of jail management. In his annual report the Inspector-General shall briefly state what inspections he made in the course of the year, and what was the general result of such inspections.

34. Deleted.

35. He shall be an ex-officio visitor of all mental hospitals under the Government of West Bengal.

36. Section 30(1) of the Indian Lunacy Act, 1912 (IV of 1912), provides that the Inspector-General shall at least once in six months inspect and submit a report upon every person confined in a jail under the provisions of section 466 or section 471 of the Criminal Procedure Code; and sections 473 and 474 of the Criminal Procedure Code empower the Inspector-General to grant certificates in certain cases. Under section 471(2) of the Criminal Procedure Code and section 30(2) of the Indian Lunacy Act, 1912, the State Government can empower the Superintendent of the jail to perform any or all of these functions. This authority has been so conveyed.

37. The Inspector-General shall be the medium of communication between Government and every officer of the Department, and, except in cases specially excepted, every communication from any officer of the Department, intended for the perusal of Government, shall be submitted through him.

Telegraphic address
of the Inspector-
General.

38. The telegraphic address of the Inspector-General is "Prisons, West Bengal" to which must be added the name of the place or station.

Section II—The Deputy Inspector-General

Ex-officio Dy.-
Inspector-General.
G.O. No. 1270-
HJ of 12-7-51.

39. Of the Superintendents of the Presidency Jail, the Alipore Central Jail and the Dum Dum Central Jail, whoever may for the time being be the seniormost Officer, shall be the ex-officio Deputy Inspector-General.

Functions of the
ex-officio
Dy. Inspector
General.

40. In the absence of the Inspector-General from Kolkata he shall, in all emergent cases, carry on the routine duties of the Inspector-General excluding exercise of statutory powers vested in him. The Inspector-General's office shall be under his supervision.

Section III —The Personal Assistant to the Inspector-General

Duties of the
P. A. to I.G.

41. The Personal Assistant shall be placed in immediate charge of the Inspector-General's office in all its branches, and shall conduct all routine work, signing letters, bills, etc., which are in regular order.

Section IV—The Manager of the Jail Depot

The depot at Kolkata
to be
under the charge
of the
Manager.

42. The established depot in Kolkata for the sale of articles of jail manufacture, and if necessary the supply of materials, etc., to jails, shall be under his charge, and he will be held responsible for all pecuniary transactions connected with it, and for the safe-keeping, and proper disposal of its stores.

Jail Depot Accounts.

43. In regard to all money transactions and to the keeping of accounts, the jail depot shall be conducted in accordance with the rules relating to jail manufacturers.

Section IVA—The Travelling Auditor

Duties of the
Travelling Auditor. G.
O. No. 1540-HJ, dt.
15-6-54.

43A. For purposes of internal audit, the Prisons Directorate may have a Travelling Auditor. The duties of the Travelling Auditor will be to visit jails, sub-jails and other institutions under the administrative control of the Directorate, as often as necessary in order to verify stores of all descriptions, cash and valuable properties of the prisoners and to audit relevant accounts and check any records, as may be necessary.

I. G. may assign
other duties to the
Travelling Auditor.
G.O. No.1540-
HJ of 15-6-54.

43B. Under specific orders of the Inspector-General he shall as and when necessary, undertake any duty other than statutory duty imposed upon anyone by statute, including an enquiry into matters other than administrative.

Section V—The Magistrate of the District

44. The Magistrate of the district shall have general control over a District Jail which is not also a Central Jail, and can take into his own hands the complete control of the jail, should he consider it necessary to do so, reporting his reasons at once to the Inspector-General. The Superintendent shall have control of all details of management but shall obey all orders of the District Magistrate which are not inconsistent with Act IX of 1894, or with rules made under it. The Superintendent will correspond direct with the Inspector-General who will communicate his orders without reference to the Magistrate. In the case of a Central Jail which is also a District Jail the control of the District Magistrate shall as regards prisoners belonging to his district, convicted or undertrial, be the same as in an ordinary District Jail.

45. The order passed under section 11 (2) of Act IX of 1894, should, except in emergent cases in which immediate action is, in the opinion of the Magistrate, necessary, be so expressed that the Superintendent may have time to refer (if he thinks necessary) to the Inspector-General before taking action thereon.

46. The District Magistrate shall not address any communication or order to any officer of any jail other than the Superintendent. All orders issued by the District Magistrate shall be in writing and shall ordinarily be issued in the form of an entry in the Visitors' Book (West Bengal Form No. 4980).

47. The District Magistrate is not required to interfere in matters of detail affecting the management of a jail. He should avoid action having a tendency to weaken the authority of the Superintendent over subordinate officers and prisoners.

48. The Magistrate of the district shall visit the District Jail (if not also a Central Jail) once a week; if from any cause he is unable to visit the jail personally, he may depute the Additional District Magistrate, or the Senior Deputy Magistrate to visit the jail. The date of the Magistrate's order of deputation shall be quoted by the officer so deputed in the remarks made by him in the Visitors' Minute Book. These visits, if paid by Magistrates other than the District Magistrate, shall be in addition to such visits as the official visitors are bound to make.

49. When the Magistrate of the district is absent on tour from headquarters, the officer in charge of the station for the time being, shall perform the duties of the Magistrate with regard to the jail, subject to any instructions which the Magistrate may give. Such officer shall append to his signature in the Visitors' Minute Book the words "in charge of the station during the absence of the Magistrate."

Magistrate to be subject to control of IG, Prisons in matters of Jail discipline.
Rule 22.

Arrangement during temporary absence of Superintendent.

50. The Magistrate shall, in all matters affecting the discipline of jails, be subject to the control of the Inspector-General, and shall report to him all important steps which he thinks proper to take.

51. If the duties of the Superintendent necessitate his absence from the station, or if for a short period of time he is unable to discharge his duties on account of illness, or for any other reasons, the Magistrate of the district shall take, temporary charge of the jail himself, or shall place in charge of it the Chief Medical Officer or District Medical Officer or if there be no Chief Medical Officer or District Medical Officer, one of his own subordinates ordinarily not below the rank of a Deputy Magistrate, and shall report the fact and the reasons for it to the Inspector-General. The officer so placed in charge during the temporary absence of the Superintendent shall exercise all the powers vested in the Superintendent.

G. O. No. 1066-HJ of 6-4-55.

The Magistrate of the district shall make similar arrangements for the discharge of the duties of the Superintendent during his temporary absence in a Central jail, which is also a district jail, in which there is no Deputy Superintendent.

52. Deleted.

C. P., Kolkata to perform the D. M.'s function in regard to prisoners in Presidency Jail.

53. The Commissioner of Police, Kolkata, will exercise the functions of a District Magistrate in respect of prisoners in the Presidency Jail.

Medical Officer to perform the duties of Superintendent in certain circumstances.
G. O. No. 321-TR of 19-9-1922.

54. The Medical Officer when placed in temporary charge of a jail in accordance with the above rules, shall perform the duties of the Superintendent in addition to his own duties.

CHAPTER IV—VISITORS

Ex-officio visitors of Jails and Subjails.

55. The following officers and such other officers as Government may, from time to time, appoint in this behalf, shall be ex-officio visitors:—

(1) Of all jails and subsidiary jails in this State—
The Director of Health Services, West Bengal.

(2) Of all jails and subsidiary jails within the respective areas under their official charge or within their jurisdiction—

(a) The Commissioner of a Division.

(b) The Magistrate or Deputy Commissioner of a district, Additional District Magistrate and the senior Deputy Magistrate at headquarters.

(c) The District Judge.

G. O. No. 2462-HJ dated 21-9-54.

- (d) The Subdivisional Magistrate.
- (e) The Chief Medical Officer of Health, if not also a Jail ficer. Of
- (f) The Subdivisional Health Officer.
- (g) The District or Assistant Inspector of Schools.

G. O. No.1230-HJ.
of 20-4-59.

(3) Of the Presidency Jail—

- (a) The Commissioner of Police, Kolkata.
- (b) The Sheriff of Kolkata.
- (c) The Chief Presidency Magistrate, Kolkata.
- (d) The Additional Chief Presidency Magistrate, Kolkata.
- (e) The Professor of Medical Jurisprudence, Medical College, Kolkata.
- (f) The Deputy Commissioner of Police, at Head quarters, Kolkata.
- (g) The District Inspector of Schools for the 24-Parganas.

NOTE—The Assistant Director of Health Services (Leprosy) and the Assistant Director of Health Services (Tuberculosis) shall be ex-officio visitors of the Midnapore Central Jail and the Suri Jail respectively.

56. (1) Members of the West Bengal Legislature shall be appointed as non-official visitors, three for each Central Jail, two for each District Jail, and one for each subsidiary jail of their constituencies or within the districts in which they ordinarily reside. If the number of members exceeds the number thus required as many members as possible, shall be appointed in rotation for one year. The appointment shall be made by the State Government ordinarily in consultation with the Commissioners of Divisions and in the case of the Presidency Jail, ordinarily, in consultation with the Commissioner of Police, Kolkata. When any such visitor ceases to be a member of the West Bengal Legislature, he shall automatically cease to be a visitor.

**Appointment of
non official
visitors.
Notification
No. 1755-H.J.
of 22.7.1965.**

(2) The State Government may also appoint as non-official visitors of any jail and subsidiary jail other gentlemen and ladies of position in the locality who are likely to take an interest in the welfare of the prisoners and are willing to accept this duty. But the number of non-official visitors to be so appointed shall be limited to a maximum of eight gentlemen and four ladies for a Central Jail, five gentlemen and two ladies for a District Jail and three gentlemen and one lady for a subsidiary jail. In the case of the Presidency Jail, appointment under this clause shall be made in consultation with the Commissioner of Police, Kolkata, and in the case of the other jails and subsidiary jails appointments under this clause shall be made in consultation with the Divisional Commissioner concerned.

A visitor shall be appointed under this clause for a period of two years and shall, unless his appointment has been cancelled, be eligible for re-appointment on the expiry of each term so long as he is fit and willing to serve.

(3) The State Government may, in its discretion, include members of the West Bengal Legislature among persons selected for appointment under clause (2) above.

(4) The State Government may, on the recommendations of the Commissioners of Divisions or otherwise, appoint extra visitors for the specific purpose of interviewing prisoners with a view arranging after-care in suitable cases. For the Presidency Jail such appointments may be made by the State Government on the recommendations of the Commissioner of Police, Kolkata, or otherwise. In making recommendations for such appointments the authorities concerned shall consult and give due weight to the views of any recognized Association or Society, if any, which carries on After-Care work.

(5) All appointments made under clause (1) or clause (2) above shall be notified in the "Calcutta Gazette".

NOTE—The discretion vested by clause (3) of this rule should be exercised having due regard to the claims of persons who are not members of the Legislature, but may be utilised to enable members of the Legislature, desirous of doing so, to serve as non-official visitors of jails of their constituencies for at least one year during the normal term of their membership of the Council or the Assembly.

57. The appointment of any non-official visitor may be cancelled by the authority appointing him within the period of his term for failure to visit the jail for a continuous period of three months or non-attendance at two consecutive quarterly meetings of the Board of Visitors or for other sufficient reasons.

58. The resident officers among the official visitors and the non-official visitors of each jail shall constitute a Board of which the District or the Subdivisional Magistrate, as the case may be, shall be ex-officio Chairman. It shall be the duty of the Chairman to arrange the roster for weekly visit to the jail so as to give each resident official visitor and each non-official visitor his due turn and to send out a notice by post card, intimating whose turn it is to visit the jail in the coming week. A separate roster for lady visitors shall also be arranged by the Chairman. There should not be a fixed day of the week for these visits, but they should be paid on varying days. There should also be a quarterly meeting of the Board of Visitors on such day as the Chairman may determine. The Board should meet at the Jail, inspect all buildings and prisoners, hear any complaints and petitions that may be preferred, inspect the prisoners' food and see that it is of good quality and properly cooked, and examine the punishment book and satisfy themselves that it is kept up to date. After making their inspection, the Board shall record the proceedings of their quarterly meeting in the Visitors' Minute Book before leaving the jail and the Superintendent after noting his explanations and recommendations thereon shall forward a copy of the minutes

Cancellation of appointment of non-official visitors.

Constitution of the Board of Visitors and its functions.

G. O. No. 92-PJ. of 9-1-30.

G. O. No. 552-TR. of 14-9-25.

to the Inspector-General who will submit it to Government with such observations as he may find necessary to make. Besides making visits in accordance with the roster, a visitor of the jail is authorised to visit it at any other time.

NOTES—(1) The Chief Presidency Magistrate, Kolkata, may depute a Presidency Magistrate to represent him at the meetings of the Board of Visitors for the Presidency Jail.

G. O. No. 3496-HJ of 17-11-55.

(2) The proceedings of the Board in respect of Subsidiary Jails need not be submitted to Government unless the Inspector-General considers this necessary.

G. O. No. 1114-PJ. of 7-4-34.

59. All visitors shall sign their names in the Gate Register (No. 46) both on entering and leaving the jail. A list of visitors shall be hung up inside the entrance gate of each jail.

Visitors to sign in the Gate-Register.
West Bengal Form No. 6023.

60. Visitors may call for all books, papers and records of every department of the jail, but the Superintendent may decline to produce any book, paper or record for the inspection of a non-official visitors, if for reasons to be recorded in writing he considers its production undesirable. Visitors should, if possible, visit every yard, ward, workshop and cell, except those in which detenus are confined, see every prisoner except detenus, and in every case of complaint made to them should enquire what the rules in force are, and whether these are observed or not; and they should ascertain generally whether rules and orders are adhered to. They should examine the Punishment Register and see that suitable punishments have been awarded, and that they are properly recorded.

Functions of visitors.

61. A Visitors' Minute Book (in Register No. 1) shall be kept in every jail and shall be presented to every official or non-official visitor when he has completed his visit. In this book every visitor shall record the date and hour of his visit and any remarks he may desire to make. Such remarks should be limited to a statement and fair criticism of the actual facts which come to his knowledge, and to any suggestions he may wish the Superintendent or the Inspector-General to consider. The entries shall be made on the left-hand page. The Superintendent shall note the action taken by him in the column provided for the purpose and shall forward copies in half margin of all such entries in the Visitors' Book (in West Bengal Jail Form No. 84) to the Inspector-General for such further orders as may be required; and when explanation is necessary, such explanation shall invariably accompany the copy. Whenever a visitor records the long detention of an undertrial prisoner, a copy of his remarks relating to such matter shall be forwarded to the Magistrate of the district, and, if the prisoner be under trial in the Court of Session, shall also be forwarded to the District Judge. The Inspector-General may, if necessary, forward a copy of any visitor's remarks to Government.

Visitors' Minute Book. W.B.F. No. 4980 and W.B.F. No. 5120, and G. O. No. 180-TR. of 12-5-26.

Functions of a
Lady visitor.
G.O.No. 1974-HJ of
1-7-55.

62. A lady visitor shall normally visit the female prisoners and the female yard only, but she may pass through the male yard if it is necessary to do so to reach the female yard. If, however, she so desires, she may visit the male prisoners and the male yard.

Access to jail of
officers of other
departments of
Govt.

63. The Superintending Engineer of the circle, the Executive Engineer of the division and the local Assistant Engineer and their employees actually engaged in executing public works in jails, as also the Inspector of Factories, if there is a factory in the jail shall have free access to the jail to such an extent as may be necessary for purposes connected with the discharge of their official duties, but not otherwise. Officers of the Agricultural Department shall be allowed to inspect jail dairies.

Interrogation of
prisoners and
taking of their
photographs.

Rule 913.
Rule 670.

64. The regulations relating to the routine visits of police officers to jails are contained in rule 624, but, except as provided therein, no police officer or other person shall be permitted to interrogate a prisoner without the special permission of the Inspector-General or of the Magistrate of the district or, if the prisoner be confined in the Presidency Jail, of the Commissioner of Police. This permission shall be given in the form of a written order addressed to the Superintendent or Jailor. As a rule, the police officer deputed to interrogate a prisoner should not be below the rank of a Sub-Inspector. The interview shall take place in presence of the Jailor or some other responsible officer of the jail who, however, will keep such a distance that he may not hear the conversation. In connection with opium and excise cases and also cases under the Dangerous Drugs Act (Act 2 of 1939), officers of the Excise Department, of rank not below that of Sub-Inspector, may be allowed permission to interrogate any prisoner; such permission should, in Kolkata or Alipore be granted by the Superintendent of Excise or any higher officer in the Excise Department; in the case of jails outside Kolkata, such permission, can only be granted by the Collector of the district.

NOTES— (1) The Inspector attached to the Excise Intelligence Bureau, West Bengal, is permitted to enter any jail to interrogate prisoners committed under the Opium, Excise and Dangerous Drugs Acts. An assistant, for whom the Inspector of Excise will be responsible, may accompany him to help him in interrogating the prisoners.

G. O. No. 4482-HJ.
of 9-12-38.

(2) The photographer of the Criminal Investigation Department, West Bengal, is permitted to enter any jail outside Kolkata and Alipore, to photograph prisoners committed under the Opium, Excise and Dangerous Drugs Acts on the authority of the Deputy Commissioner, Excise Intelligence Bureau, West Bengal.

(3) The photographer of the Detective Department, Kolkata Police, may be allowed into the Presidency and the Alipore Central Jails to take photographs of prisoners committed to those jails for offences under the Opium, Excise and Dangerous Drugs Acts. Entry of the photographers should be on the authority of the Deputy Commissioner of Police, Detective Department, Kolkata. The Superintendent of Excise or any higher officer of the Excise Department may write to the Deputy Commissioner of Police, Detective Department, Kolkata, for taking the photographs of prisoners committed to those jails for offences under these Acts.

65. Except as provided for in these rules no person other than such officers of Government as may be specified in this behalf, shall be admitted into any jail unless he is accompanied by, or has obtained the written permission of, the Superintendent of the jail, or the Inspector-General or, in the case of a district jail, the Magistrate.

No admittance in to the jail except with a written permission.

NOTE—A superior officer of Government, should be an officer not below the rank of Assistant Secretary of the Home (Jails) Department.

G.O. No. 711-H.J. 10R-4/52(F), dated 28-3-61.

66. Casual visitors to jails are forbidden to speak to, or communicate in any way with, any prisoner, and jail officers are forbidden to point out prisoners to such visitors or to refer to them or their crimes. Casual visitors are also forbidden to make any sketch, or plan or any photograph of any prison or part thereof, or to take the photograph of any prisoner without the previous permission of Government.

Casual visitors.

67. Escorts for visitors shall, in central and first, second and third class district jails, be furnished by the reserve guard. At Central Jails the escort shall consist of four warders, and at other jails of two warders, armed with batons. At fourth class district jails the escort shall consist of one warder of the general warder staff accompanied by the head warder on duty. The escort and the officer accompanying a visitor shall withdraw out of hearing if required to do so by the visitor when he is questioning a prisoner. But no visitor, official or non-official, shall be allowed to go into the jail without an escort.

Escorts for visitors.
G. O. No. 1252-RJ. of 29-1-26.

68. The Superintendent shall be present at the quarterly meeting of the Board of Visitors and shall accompany them during their inspection of the jail.

Superintendent to attend quarterly meeting of the Board of Visitors.

The Jailer, if he can be spared, or the Deputy Jailer shall accompany all other visitors in order to furnish them with any information they may require.

69. A reprint of the rules contained in this chapter shall be supplied to each official visitor and to each non-official visitor on appointment. A copy of the pamphlet containing this reprint shall be kept at the jail gate for ready reference by the official and non-official visitors.

Supply of copies of rules to visitors.

CHAPTER V—JAIL OFFICERS

Section I—Superintendent

69A. The Superintendent holds a key position in jail administration. Custody and guarding of the prisoners in his charge constitute part of his principal duties. But his responsibilities extend much further. The present day aim of jail administration is the reclamation of the criminal so that he may return to society as a reformed person, ready to take his share in its affairs. This objective should guide the Superintendent in the discharge of his duties, which will require imagination, tact, good temper

The position of the Superintendent.

and a sympathetic approach to the problems of the prisoners in his charge as well as knowledge of the day-to-day administration of the jail. His conduct should be such as to inspire the subordinate jail staff to work in the same spirit.

Appointment of
Superintendents of
Central and District
Jails.
G.O. No. 2428-HJ. of
11-12-39.

70. Superintendents of Central Jails and of District Jails shall be appointed by Government. The Chief Medical Officer of Health or the District Medical Officer may also be appointed as part-time Superintendent of District Jail.

NOTE—When an officer of another department is appointed part-time Superintendent of a District Jail, concurrence of the department concerned should be obtained by the Home (Jails) Department.

Training of
Superintendent.
G. O. No. 365-TR.
of 23-9-22.

71. An officer who has not had previous service in the Jail Department shall, before he is placed in charge of a District or Central Jail as a whole-time Superintendent, undergo for a period of 6 months a course of training prescribed by the Inspector-General with the approval of Government. The period of training may, however, be reduced to 3 months in any individual case by Government on the recommendation of the Inspector-General.

Duties of the
Superintendent.
Rule 493, Section 11,
Act IX of 1894.
Rule 22, Rule 44.

72. (1) Subject to the orders of the Inspector-General, the Superintendent shall manage the prison in all matters relating to discipline, labour, expenditure, punishment and control.

(2) Subject to such general or special directions as may be given by Government, the Superintendent of a prison other than a Central Jail or a prison situated in the Presidency town of Kolkata shall obey all orders not inconsistent with the Prisons Act, 1894 or any rule thereunder which may be given respecting the prison by the District Magistrate, and shall report to the Inspector-General all such orders and the action taken thereon.

(3) The Superintendent shall be responsible for the due carrying out of the rules of the Jail Code and the observance of the provisions of legislative enactments relating to prisons and prisoners and the execution of all sentences of prisoners committed to his charge.

Order by the
Superintendent.
Rules 78, 82, 385,
462, 784, 1114.
W.B.F.No.4980.

73. The Superintendent shall maintain a minute-book in Register No. 1 in which all orders or minutes made by him, other than orders on reports of the Deputy Superintendent or Jailor, shall be entered on the left-hand page. On the right-hand page the Jailor or other officer to whom such orders have been given, shall report how they have been carried out.

74. A Superintendent of a Circle Jail may appoint or dismiss the Head Warders and Warders of his circle or any subordinate of his jail whose appointment does not rest with Government or the Inspector-General or the Director of Health Services. The Superintendent of any jail may suspend any subordinate officer in case of serious misconduct, and, if necessary, appoint any person temporarily to perform the duties of any such officer or of any officer who from illness or any other cause is unable to perform them. Subject to the procedure laid down in Rule 194 all such proceedings shall, except where the Superintendent is himself the appointing authority of the officer, be at once reported through the Inspector-General to the authority in whom the power of appointment of the officer is vested.

Appointment of Warders and Head Warders. Rules 294, 106, 199.

75. The Superintendent of every jail shall hold an enquiry touching every offence reported to have been committed by a prisoner, and award punishment where necessary in accordance with the provisions of the rules in Chapter XIX of his Code. He shall record with his own hand all orders for punishment, and shall see that the punishment is carried into effect, provided that, when required by these rules, the Medical Officer shall have previously certified that the prisoner to be punished is fit to undergo it.

Punishment awarded by the Superintendent to prisoners. Rules 706, 709, 552.

76. In respect of every punishment inflicted (including formal warning), entries shall be made in the Punishment Register No. 19 furnishing all particulars required by section 51(1) of Act IX of 1894. In the case of every serious jail offence the names of the witnesses proving the offence shall be recorded. All orders for punishment for any offence shall be entered by the Superintendent in the prisoner's history ticket; but the entries may be copied by a subordinate from the prisoner's history ticket into the Punishment Register. Against the entries in the Punishment Register relating to each punishment the Superintendent and the Jailor shall affix their initials as evidence of the correctness of the entries.

Entries in the Punishment Register. Rule 734. W.B.F. No. 4997.

The Punishment Register (Register No. 19) shall be maintained in two parts, part I for convict and part II for under-trial prisoners.

G.O. No. 3362-HJ. of 17.9.52.

77. The Superintendent shall accompany the Inspector-General and the Board of Visitors on their Inspection of the jail and also, when desired to do so, the Magistrate of the district (or any officer acting on his behalf).

Superintendent to accompany I.G., and Board of Visitors at the time of their jail visit. G.O. No. 8493-RJ. of 16.9.22.

78. He shall visit the jail daily, as soon after sunrise as possible when his first duty shall be to release time-expired prisoners with due observance of the rules regarding return of their private property and the grant of subsistence allowance for the journey to their homes (see Rules 570 to

Superintendent to visit the jail daily. Rules 462, 73, 1189, 742.

580). A whole-time Superintendent shall also visit the jail in the afternoon. If a Superintendent is unable for sickness or any other cause to visit the jail on any week day, he shall record the fact of his absence and the cause thereof in his minute book on the date of his next visit to the jail. He shall inspect the whole jail premises at least once a week. He shall see every prisoner confined in a cell daily.

Parade of Prisoners.

79. At least once a week, he shall hold a parade of all the prisoners in accordance with the instructions in Rule 646.

Maintenance of records by Superintendent. Section 12, Act IX of 1894. Rules 542, 734. Rules 61, 543.

80. The Superintendent shall keep, or cause to be kept, the following records :

- (1) a register of prisoners admitted;
- (2) a book showing when each prisoner is to be released;
- (3) a punishment book for the entry of the punishments inflicted on prisoners for prison offences;
- (4) a visitors' book for the entry of any observations made by the visitors touching any matters connected with the administration of the prison ;
- (5) a record of the money and other articles taken from prisoners; and all such other records as may be prescribed by rules under section 59 of Act IX of 1894.

Employment of Warders as Orderlies by Superintendents.

81. He shall, as a rule, transact jail business on the jail premises, and shall not, except in cases of necessity, require the attendance of the Jailer, Deputy Jailer or Jail Clerk at any place beyond jail precincts.

G.O. No. 11907- R.J. of 19~11-26. G.O.No. 1608-HJ. of 15-5-41.

Whole-time Superintendents of Central Jails may appoint two warders to be their orderlies and whole-time Superintendents of District Jails one. In Central and District Jails a warder may be deputed by the written order of the Superintendent to work as a Jail messenger, but such warder shall not be employed at the house of any officer.

G.O. No. 3356-HJ. of 7-11-55.

No Warder shall remain on orderly duty for more than two years.

Superintendent to prescribe division of labour for each subordinate. Rules 73, 274, 281, 262, 1313.

82. The Superintendent shall prescribe in writing (or see that this has been done) in his minute-book the division of labour allotted to each of his subordinates, especially to those employed in the jail office, so that the responsibility for errors in the jail records, and for any other dereliction of duty, may be fixed with precision and without dispute. In district jails it should be specifically stated what office work the Jailer, the Deputy Jailer and the Jail Clerk shall respectively perform; but no such order shall relieve a

Jailor of the responsibility of ensuring that the work in the jail office whether done by himself or by his assistants, is properly and punctually conducted.

83. The Superintendent shall submit punctually to the Inspector-General all such yearly and other returns, statements, bills and vouchers as, from time to time, may be prescribed. As soon as possible after the close of each year, and not later than the 31st January, he shall furnish the Inspector-General with a report, in which all matters of importance relating to jail statistics and administration for the year shall be noticed. He shall be generally responsible for the due carrying out of all rules relating to account books and records of all kinds. The annual report, in the case of a district jail, shall be submitted through the Magistrate, who shall forward it to the Inspector-General with such observations as he may consider necessary.

Submission of returns and annual report by the Superintendent.

84. He shall forthwith report to the Inspector-General, all serious breaches of jail discipline, escapes, recaptures, suicides, deaths or serious injury to prisoners from accidental causes, and any outbreak of epidemic disease or unusual sickness and the measures taken to prevent the spread of the disease.

Superintendent to report to the I.G. serious breaches of discipline, escape of prisoners, etc. Rules 492, 806.

84A. The death of a prisoner of foreign nationality, with details of his parentage and previous residence, if known, shall be reported by the Superintendent of the Jail to the Magistrate of the district or, in the case of the Presidency Jail to the Commissioner of Police. A similar report shall also be submitted to Government for communication to the High Commissioner or the Council, as the case may be, of the country to which the deceased foreign national belonged. Report of death in jail or British soldiers convicted by Civil Courts in India shall be sent to the Government of India, Ministry of External Affairs, for communication to the High Commissioner for the United Kingdom in India. Deaths occurring in jails of ex-Army, ex-Naval and ex-Air Force personnel shall be reported to the authorities mentioned below :

Death of ex-Military prisoners of foreign nationality to be reported. Rules 99, 259. Government of India, Ministry of Ext. Affairs, letter No. D. 66-38-GII-49 of 28-11-49.

Ex-Army Personnel : Adjutant-General, Army Head Quarters, New Delhi.

Government of India, Ministry of Defence letters No. 49016-AG-PS-I-362-S-D6(a) New Delhi. 27-9-49 and No. 4732-D (N-II) of 22/24-8-55.

Ex-Naval Personnel Officers : Staff Officer, (Naval appointments), Naval Head Quarters, New Delhi.

Ratings : Captain, Indian Naval Barracks, Bombay.

Ex-Air Force Personnel :

Officers : Director of Personnel, Air Head Quarters, New Delhi.

(b) Air Men : I.A.F. Records Office, New Delhi.

Security of cash registers and verification of cash balances by the Superintendent.

85. He shall keep a constant and careful watch over jail receipts and expenditure; he shall promote all possible economy in every department and carefully examine all demands and indents before sanctioning, or submitting them for sanction; he shall frequently satisfy himself that the registers and books are written up; that cash balances correspond with those entered in the books ; that daily entries are made in the day-books and that outstanding dues are not allowed to remain unrealised.

G. O. No. 2446-PJ. of 23-6-31.

G.O. No. 853-HJ. of 17-3-41.

He shall see that the cash book is closed and balanced each day and verify the balance of each column with the balance of cash in hand at the end of the month. On the last working day of the month after the cash account is closed or on the first working day of the following month before any disbursement is made he shall count the cash in hand record in the cash book a certificate of verification over his signature showing therein the date of such verification and the amount (in words) found. He 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 neglect on his part of this or any other rule laid down for his guidance.

Annual purchase and storage of grains required for prisoners' consumption.
Rule 1121.

86. He shall see that at the proper season, when grain is cheapest, a sufficient quantity of each kind of grain required for prisoners' consumption is stored for use until the next season for annual storage and for three months after, so that it shall not be necessary to issue new grain; that proper arrangements are made for storage and preservation of the grain; that the grain so stored is of good and wholesome quality and obtained in the cheapest market. He shall also satisfy himself by frequent inspection of the accounts and of the prisoners' food before and after cooking, and by weighment of the food after distribution, that the prisoners obtained their full rations properly cooked.

Superintendent to make annual and half-yearly verification of stock and plant.
Rule 1380.
G.O. No. 290-PJ. of 29-1-30 &
G. O. No. 775-PJ. of 14-3-30
and No. 1959-HJ. of 29-7-54.

87. He shall every six months, as soon as possible after the 15th June and 15th December of each year, examine all stores, machinery, plant, tools, raw materials, manufactured articles, live and dead stock appertaining to the jail and satisfy himself that he has on the premises stock and plant equivalent to the balances shown in the accounts on those dates. At the close of the year this examination shall include counting, measurement, or weighment of all stock such susceptible of such action. On the first July and 31st December he shall submit to the Inspector-General certificates in Returns Nos. 5 and 6, showing the result of his examination.

Before arranging for fresh stock of any kind he shall scrutinise the existing stock and consider the future needs in order to prevent overstocking. His half-yearly examination shall accordingly include also a definite enquiry whether there is a surplus stock under any head. Should there be such surplus stock which is not likely to be

consumed before deteriorating, it shall be disposed of without undue delay. He shall also see at his half-yearly examination whether there are any unserviceable articles and arrange for their disposal or write-off. In submitting such cases for the requisite sanction of the Inspector-General, the Superintendent shall forward a statement showing details of the surplus or unserviceable stock with their value. He shall also frequently inspect all stock and other property of Government in the jail. He shall record a certificate in the sub-joined form in the relevant stock account books furnishing the results of physical verification of stocks carried out by him or by the Travelling Auditor.

Form of Certificate

Certified that the stock(s) of the article(s) was/were physically verified by.....and the discrepancy/ies in stock(s) vis-a-vis the book balance(s) has/have been/are being adjusted under proper sanction in the stock account(s) as indicated below.

Article	Actual quantity in stock.	Book balance	Excess or deficit	Value of excess or deficit.	Reference to sanction for adjustment.
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Superintendent.

87A. Superintendents shall encourage participation by warders in athletic sports and games so as to promote physical fitness and *esprit de corps*.

Superintendent to encourage warders to take part in sports and games.
G.O. No. 1684-HJ. of 24-8-48.

88. On change of Superintendents, the relieving officer shall, before taking over charge, satisfy himself that the cash balances, permanent advance, and accounts are correct; also as far as possible, that all stock (both general and manufactory), machinery, plant and tools shown by the accounts to be in stock, are forthcoming; that the registers have been written up to date; and that sanction has been obtained for all the establishment employed; and shall report to the Inspector-General that he has done so. The responsibility of the relieved officer shall not cease till this is done.

Duties of relieved and relieving Superintendents.
W.B.J.F. No. 83.

88A. On requisition in writing by the Medical Officer, the Superintendent may purchase medicines from the local market up to a limit of Rs. 100 in each case. Before sending the requisition the Medical Officer shall record in his Minute Book that the medicines are actually required and are not available in the Stores of the Directorate of

Local purchase of medicines.
G.O.No.1680-HJ. of 19-9-56.

G.O. No 2505-H.J. of
29-8-58.

Health Services. He shall also certify to this effect on the body of the bill and voucher or cash memo. relating to the purchase. As far as possible, local purchases shall be made from the manufacturers or their agents. But the total purchase of medicine from the local market must not exceed Rs. 500 in a month without the specific sanction of the Inspector-General, West Bengal.

Vouchers signed by the Medical Officer for medicines purchased locally, shall be submitted with the contingent bill.

Section II—The Medical Officer

Medical Officer to be
in-charge of sanitary
administration of the
Jail.

Sec. 13, Act. IX of
1894.

89. Subject to the control of the Superintendent in all matters except the medical treatment of the sick, the Medical Officer shall have charge of the sanitary administration of the prison, and shall perform such duties as are detailed in this Code or as are prescribed from time to time by proper authority. His duties shall embrace every matter affecting the health of the prisoners and the general hygiene of the jail. The Medical Officer shall be under the general control of the Inspector-General of Prisons.

G.O. No. Medl. 1014
of 8-2-55,
and G.O. No.
1922-H.J.
of 23-6-55.

In a jail where there is an Assistant Medical Officer, he shall exercise generally the powers and functions of the Medical Officer subject to the control of the latter.

Superintendent,
if also a Medical
Officer, to be Medical
Officer of the jail.

90. The Superintendent of a jail shall, if also a Medical Officer, be the Medical Officer of the jail. If he be not a Medical Officer, the District Medical Officer of Health of the district in which the jail is situated shall be the Medical Officer of such jail.

Senior Medl.
Subordinate to act as
M.O. during the
latter's absence. See
62, Act IX of 1894.

91. Whenever the Medical Officer of a district jail is temporarily absent from the station, his duties shall be performed by the senior Medical Subordinate of the station.

Medical Officer to
maintain Minute
Book.

92. When the Medical Officer is not also the Superintendent he shall maintain a Minute Book in Register No. 1, in which he shall enter on the left-hand page the date of his visit, any observations, recommendations, or orders he may wish to make; and on the right-hand the Jailor shall report, in the case of an order, how the order has been carried out, and the Superintendent shall endorse the recommendations made, or state his objections thereto, if any. If the Superintendent is unable, or is of opinion that it is impossible or inexpedient, to comply with any recommendation made by the Medical Officer, he shall submit a copy of the minute to the Inspector-General and state his reasons for not carrying out the recommendation. See Rules 109 and 258.

All matters concerning the medical staff and the medical administration of a jail including its sanitary aspect should be disposed of by the Superintendent in consultation with the Medical Officer who will record his observations whenever necessary in his Minute Book. If there is a difference of opinion between the Superintendent and the Medical Officer, a reference should invariably be made to the Inspector-General for final orders.

Co-operation
between the Supdt.
and the
M.O.

Jail Cir. Letter No.
76(13)
of 6-1-49.

93. He shall visit the jail once a day (except on Sundays and on that day also, if necessary) and more frequently, if necessary. He shall at least once in every week inspect every part of the jail and its precincts, and shall satisfy himself that nothing exists therein which is likely to be injurious to the health of the prisoners, that the drainage is satisfactory, that the water supplied is pure and not liable to pollution, that due precautions against overcrowding are taken, and that the ventilation and cleanliness of the barracks, workshops, cells, yards, etc., are provided for and properly attended to. He shall also frequently inspect the kitchens and pantries and attend feeding parades, and shall test the weight, and quality of the rations both before and after cooking.

Duties of the
Medical Officer.
Rules 341,1181
1113.

94. He shall visit the patients in hospital daily as soon after sunrise as he can conveniently do so. This duty shall not be delegated to any subordinate. He shall also examine prisoners complaining of illness, and admit them, if necessary into hospital. In case of malingering by prisoner he shall at once report the guilty party to the Superintendent for punishment, or, if he is himself the Superintendent, punish the malingeringer.

Medical Officer
to visit the patients,
viz.,
the hospital
every day.
Rules 1231,119
1225.

95. He shall inspect all the prisoners once a week at a general parade and shall from time to time examine the labouring prisoners while they are employed; he shall at least once a fortnight cause to be recorded upon the history ticket of each prisoner employed on labour the weight of such prisoner at the time, and shall cause prisoners losing weight to be paraded apart for the special attention both of himself and of the Superintendent. When the Medical Officer is of opinion that the health of any prisoner suffers from employment in any kind or class of labour, he shall record such opinion in the prisoner's history ticket and such prisoner shall not be employed in that work, but shall be placed on such other kind or class of labour as the Medical Officer may consider suited for him.

Medical examina-
tion of labouring
prisoners.
Sec. 35, Act. IX of
1894. Rules
646,1217. Rules
507, 553, 784.

96. Whenever the Medical Officer shall have reason to believe that either the mind or the body of a prisoner is likely to be injuriously affected by the discipline or treatment observed in the prison he shall, after careful scrutiny (as convicts are prone to feign insanity), report the case in writing to the Superintendent, accompanied by such suggestions as he may think the case requires.

Alteration or
suspension of
ordinary rules of
discipline and
treatment to
prevent injury to
prisoner's health or
mind.

G. O. No. 5810-RJ.
of 22-4-27.

The Superintendent shall thereupon, submit his recommendations to the Inspector-General, suggesting the manner in which he proposes to alter or suspend the ordinary rules of discipline and treatment with regard to the prisoner. The Inspector-General shall then pass the necessary orders on the Superintendent's recommendations. A report on every such case with sufficient detail shall forthwith be submitted to Government for information.

In case of extreme urgency, the Superintendent may in anticipation of the Inspector-General's sanction, take all such remedial measures as have been recommended by him.

NOTE—Under the powers conferred by this rule it will be possible whenever in the opinion of the Medical Officer the usual diet scale in force in a prison or the usual scale of clothing or bedding is so unsuitable to a prisoner as to impair or likely to impair his health, to recommend the issue of such special dietary or such special clothing or bedding as may seem best suited to meet the needs of the case. Similarly in regard to labour, if any form of labour is found to be injuriously affecting a prisoner it should be changed.

Medical Officer to exercise general supervision over the diet of prisoners. Rules 1106, 1103 1238.

97. He shall exercise a general supervision over the supplies and preparation of food and shall reject any article that he considers unfit for consumption. He shall from time to time vary the general diet in the manner prescribed in Chapter XXXVI. He may order any addition to or alteration of diet for the sick, special gangs, convalescents, the aged and infants.

Medical Officer to hold post-mortem examination in case of unnatural death or where the cause of death is unknown.

98. In the event of the death of a prisoner in the jail, if death is suspected to have been due to causes other than natural causes, or if the cause of death is not known, he shall make a complete post-mortem examination of the body. In other cases, he shall see the body and shall satisfy himself as to the cause of death; if he is also the Superintendent of the Jail, he shall then pass orders for disposing of the body in accordance with the religion or custom of the community or caste to which the deceased prisoner belonged; if he is not the Superintendent he shall report the cause of death to the Superintendent, who shall then pass orders for disposing of the body.

G.O. No. 3179-HJ.
of 29-3-24.

N. B.—In all cases, whether a post-mortem examination is or is not made, the reason for the action taken should be explained in the monthly sick return No. 29.

Particulars to be recorded in the Hospital Register on death of a prisoner. Sec. 15, Act IX of 1894. Rules 558, 84A.

99. On the death of any prisoner, the Medical Officer shall forthwith record in Hospital Register No. 27 the following particulars, so far as these can be ascertained, namely :

- (1) the day on which the deceased first complained of illness or was observed to be ill;
- (2) the labour, if any, on which he was engaged on that day ;

- (3) the scale of his diet on that day ;
- (4) the day on which he was admitted into hospital ;
- (5) the day on which the Medical Officer was first informed of the illness ;
- (6) the nature of the disease ;
- (7) when the deceased was last seen before his death by the Medical Subordinate ;
- (8) when the prisoner died ; and
- (9) (in cases where a post-mortem examination is made) an account of the appearances after death ;

together with any special remarks that appear to the Medical Officer to be required. The prisoner's history ticket and hospital bed-head ticket (with temperature chart, if any) shall be kept for two years.

100. Deleted.

101. Whenever the mortality in a jail during any month exceeds one per cent., the Medical Officer shall record in the monthly return his opinion as to the cause to which the excess is to be attributed and any observations he may have to offer on the subject. If there is very unusual mortality he shall make a special report to the Inspector-General for transmission to Government.

Unusual mortality to be reported.

102. All prisoners prior to being removed to any other prison shall be examined by the Medical Officer. No prisoner shall be removed from one prison to another unless the Medical Officer certifies that the prisoner is free from any illness rendering him unfit for removal. 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 to himself and the general community. The death of any prisoner so detained shall not be included in the jail statistics of deaths.

Examination of prisoner before removal to other prison. Section 26, Act IX of 1894. Rules 843, 862.

103. The Medical Officer shall attend all members of the jail staff and their families who reside on the jail premises. He may, however, depute the Medical Subordinate to attend all slight cases among the subordinate staff. Medicines required for the treatment of members of the jail staff and their families shall be supplied from jail stores on the prescription of the Medical Officer or the Medical Subordinate. Medicines which are (i) expensive proprietary preparations for which cheaper substitutes of equal therapeutic effect are available and (ii) preparations including tonics which are primarily foods, toilets, disinfectants, appliances, dressing etc., should not, however, be supplied to the member of the jail staff and their families.

Medical Officer to attend members of the Jail staff.

Rule 133.

Director-General of Health Services letter No.S-II/53 M II, of 5254. G. O. No. 197-HJ. of 17-1-55.

The Medical Officer 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 a subordinate for continued employment in the jail service.

104. The Medical Officer shall—

- (a) submit for the sanction of the Inspector-General, the quarterly indents, in D.H.S., West Bengal Form No. 30 (outer) and No. 31 (inner), for medicines and medical stores for his jail in due time for supply from the stores of the Directorate of Health Services under the State Government ;
- (b) keep or cause to be kept a proper account including daily expenditure of medicines, instruments and appliances; showing therein, if any article is missing, whether it has been broken by accident or carelessness or whether it has been lost and the name of the Medical Subordinate responsible for it ;
- (c) satisfy himself that poisons are kept separate from other medicines properly labelled and under lock and key ;
- (d) cause a list of scheduled poisons (W.B.J. Form No.113) to be hung up in the dispensary ;
- (e) cause a copy of Poisons and Antidotes (W.B.J. Form No. 112) to be hung up in every dispensary ;
- (f) from time to time examine the medicines in store to assure himself that they are in a fit condition for use ;
- (g) regularly check the amount of medicines purchased locally ;
- (h) be responsible that all medicines, instruments, appliances and other medical stores charged in the jail accounts, are faithfully and solely expended in the service of the jail ;
- (i) satisfy himself that all hospital and other records of sick and convalescent gang prisoners are duly kept up to date by the Medical Subordinate ; and
- (j) specify in his Minute Book the duties allotted to each of his subordinate, so that responsibility for mistakes and dereliction of duty may be fixed with certainty.

Medical Officer to keep proper account of medicines and other stores. Administrative Offices (Stores). Health Services No. 3724-ST of 12-6-48.

105. He shall ordinarily correspond with the Inspector-General through the Superintendent, on any matter connected with the jail or prisoners.

Section III—The Medical Subordinate

106. The Medical Subordinates should be selected from the Department of Health for service in jails. Medical Subordinates during the period of their deputation to the Jail Department, which exclusive of leave, will ordinarily be limited to three years, shall be formally placed at the disposal of the Inspector-General and shall not be liable to be withdrawn by the Department of Health without his consent.

Selection of
Medical
Subordinates.

106A. In case any disciplinary action is considered necessary against a Medical Subordinate deputed to the Jail Department, proceedings should be drawn up in the usual way and action taken in terms of rule 10 of the Bengal Subordinate Services (Discipline and Appeal) Rules, 1936. In accordance with these rules, the borrowing department shall consult the leading authority before imposing any penalty other than removal or dismissal (except suspension). In case of suspension, a report shall forthwith be made to the lending department stating the circumstances leading to the imposition of the penalty. In cases where it is considered that the punishment of removal or dismissal should be inflicted, the borrowing department should complete the enquiry and revert the officer concerned to the lending department for such action as the latter may consider necessary to take subject to the provision of Article 311 of the Constitution of India.

Disciplinary
action against
Medical
Subordinate.

107. Medical Subordinates shall not be permitted to engage in private practice. They will draw in addition to their pay a non-practising allowance according to the scale prescribed in West Bengal Health Service (Cadre, Pay and Allowance) Rules, 1958 and West Bengal Health Service (Pay, Allowance and Promotion of Non-Gazetted Medical Officers) Rules, 1959.

Compensatory
allowance to
Medical
Subordinates
for loss of private
practice.

108. (1) After the close of each year, the Inspector-General may grant a special reward in addition to his regular pay to any Medical Subordinate, who in that year during his connection with a jail has done thoroughly good work in all branches of his duties and is recommended by the Medical Officer. This special reward will be granted in a single payment after the close of the calendar year, and must be within the limits of the sanctioned lump allotment in the budget.

Award of Special
reward to medical
subordinates
for meritorious
work.
G.O. No. 6322-
RJ of 7-8-22.

(2) The grant of a reward will normally depend upon the opinion formed by the Inspector-General at his inspection of the Jail and on the recommendation of the Medical Officer of the Jail. 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; and in the management of epidemic diseases, if any such outbreak have occurred.

(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 and the opinion formed by the Inspector-General.

Relation between
the Medical
Subordinate and
other Jail officials.

109. (1) In all matters relating to, or connected with the feeding, clothing and medical treatment of hospital patients and other professional duties, the Medical Subordinate shall obey the orders of, and discharge such duties as may, from time to time be lawfully assigned to him by the Medical Officer. In matters relating to or connected with, the maintenance of order and discipline in, and the general management of the jail, he shall obey the orders of the Superintendent and the Jailor.

W.B.F. No. 4980.

(2) The Medical Subordinate shall record in his report book (Register No. 1) and report to the Medical Officer all orders given to him by the Superintendent or Jailor.

Hours of duty of
Medical Subordi-
nate.

110. In Jails where there are more than one Medical Subordinate they shall be on duty in such manner and for such hours as the Medical Officer may direct. At least one of them should always be in the jail premises, available on call. In jails where there are more than two Medical Subordinates, one of them shall always remain present in the jail hospital. In jails where there are one such officer and a Compounder, their hours of attendance should be so distributed between them by the Medical Officer that one or the other shall always be present in jail. The Medical Subordinates is provided with quarters within jail premises and should always be available on call. In Central Jails one of the Medical Subordinate and in District Jails in which necessary accommodation is available, either the Medical Subordinate or the Compounder, in turn, shall be required to sleep in the hospital from 10 p.m. until unlocking of the jail next day. The Medical Subordinate and the Compounder shall be present in the jail while the Medical Officer is attending the sick and also at such times as he considers necessary.

In a jail where there is only one whole-time Medical Subordinate he shall be present in the jail throughout the day except when allowed to be absent for meal or for other sufficient reasons. Where the Medical Subordinate is attached to a neighbouring institution he shall visit the jail early in the morning before attending to other duties and again in the evening before lock up time. In any case of serious disease the Medical Subordinate should visit the hospital frequently at night and see that the prescribed medicines and food have been distributed, and must be prepared at all times, to attend when his services are called for.

111. At the opening of the wards the Medical Subordinate shall at once see any prisoners complaining of sickness. If necessary he will send them immediately to hospital, but if he thinks this unnecessary he will bring them to the notice of the Medical Officer on his arrival. He shall keep in book form a register or list of all prisoners kept under medical observation from day to day. He shall also see that medicines are distributed to prisoners of the extramural gangs who need them, and shall then go round the hospital visiting each patient and doing whatever is needful for him at the same time making notes of the condition or progress of the cases on the bed-head tickets for the information of the Medical Officer.

Duties and responsibilities of Medical Subordinate.

Rules, 634, 1234.

112. He shall every morning visit the "convalescent" and "Special" gangs and prisoners kept under observation and see that medicines are distributed to those requiring them, and that they get the special food, clothing, bedding, and rest ordered for them. If any prisoner is removed from the "convalescent" or "special" gangs without the authority of the Medical Officer, he shall report the matter to the Medical Officer.

113. He shall visit all prisoners confined in cells daily, and report to the Medical Officer any complaints that may have been made to him.

114. He shall see that all medicines are correctly prepared, that the medicine almirah is kept locked up and all poisons are kept separate. He shall write up the hospital diet books and make the necessary indents on the proper jail officers. He shall also see that the food is properly prepared and distributed to the sick.

Rule 807.

115. He shall keep all the hospital registers written up to date, shall punctually prepare and submit to the Medical Officer monthly and other returns, and be generally responsible for the hospital records.

Rule 104.

116. He shall see that the surgical instruments are kept in good order, and ensure the safe keeping and cleanliness of clothing, bedding, blankets, etc., issued for use in the hospital. Any deficiency in stock should be reported to the Medical Officer.

117. He shall be responsible for the maintenance of cleanliness, order and discipline in the hospital, and for the strict observance of all jail rules. He shall see that the Compounder and hospital attendants do their duty and that any want of, or excess of hospital attendants is brought to notice.

Rule 1235.

Rule 109.

Rules 789, 793.

118. When any prisoner is so seriously ill as to need the services of a special sick-attendant, the Medical Subordinate shall take the orders of the Medical Officer, who shall apply to the Superintendent for the services of a convicted prisoner for this duty. If the Medical Officer is himself

Appointment of convicted prisoner as sick attendant.
Rule 793.

the Superintendent, he shall select and appoint a convict for this duty, and shall cause the fact to be entered in the convict's history ticket.

No sick-attendant should be changed without the written order of the Superintendent. The names of convicted prisoners who are selected as general hospital or sick-attendants shall be recorded, and the fact of such duty entered on their history tickets, and they shall not be changed without the written order of the Superintendent.

NOTE — For detailed rules regarding Nursing Hospital Orderlies see Appendix 31;

Examination of
prisoners
suspected to be
insane.
Rules 94, 740,
1225, 736.

119. The Medical Subordinate shall carefully watch all prisoners who may possibly be malingering, and bring such cases to the notice of the Medical Officer. All prisoners who are suspected to be insane shall be examined by him daily, and a report of their mental condition submitted to the Medical Officer.

Medical
Subordinate to
attend parades.

120. He shall be present at the Superintendent's weekly inspection parade., He should also frequently attend the various other parades, and separate for treatment any prisoner whose appearance or manner denotes that he is not in his usual health.

Cases of bowel
complaint to be
treated in a
separate word.

Rules 1242,1201.

121. He shall arrange that all patients suffering from bowel complaint are treated in a separate ward and that the evacuations of such patients are laid out for the Medical Officer's inspection in such a way as to leave no doubt as to the identity of the patient who passed them severally. After examination by the Medical Officer he shall see that such evacuations are properly disinfected and disposed of.

When the Medical Officer visits the jail, the Medical Subordinate shall accompany him on his round and take notes of any orders given by him regarding the treatment of the sick or the sanitation of the Jail.

Examination and
record of
particulars in cases
of new
admissions.
Rules 505, 507.

Rules 506, 544.

122. He shall carefully examined all new admissions to the jail, and under the Medical Officer's supervision record in the Admission Register their state of health, weight, personal marks, including marks of wounds, vaccination or inoculation. Undertrial prisoners should be specially examined for marks of wounds, bruises, etc., and any other thing which may be useful to the Courts, the result being reported to the Medical Officer and duly recorded. If a prisoner is received from the police bearing marks of injury not mentioned in the police report, he shall at once bring the fact to the notice of the Superintendent who shall forthwith send a report to the District Magistrate. He will see that the entries required by rules 553 and 554 are noted on the history tickets. He will satisfy himself that the private clothing of newly admitted prisoners is cleansed and disinfected, if necessary, before removal to the godown.

123. Under instructions of the Medical Officer, he shall see that all the prisoners and infants are vaccinated as soon as possible after admission into the jail.

Vaccination of prisoners after admission. Rule 508.

124. If he has reason to believe that any female prisoner is pregnant, he shall report the circumstance to the Medical Officer.

Report of suspected pregnancy of female prisoners. Rules 994, 995.

125. He shall at once bring to the notice both of the Medical Officer and the Superintendent any case of infectious disease. In case of serious injury from accident, communicate with the Medical Officer; and every factory accident or serious injury to a prisoner from any accident shall at once be reported to the Superintendent.

Reports of infectious diseases and accidents to Superintendent and Medical Officer. Rules 811, 812.

126. He shall inspect the food godowns and kitchens daily, see that these, and all vessels for cooking or distributing food are clean and that all food materials, vegetables, etc., are of good quality, properly husked, washed and prepared and sufficient in quantity. He shall keep samples of anything he considers to be unwholesome for the Medical Officer's inspection. Should he consider the quality or quantity of food to be unsatisfactory, he should immediately report the fact to the Medical Officer. He should inspect all meat, fish and milk supplied for the prisoners from whatever source, and report at once, for rejection, anything unfit for food. He will see that milk is properly boiled before issue to the prisoners; and also inspect the food supplied to civil prisoners or to undertrial prisoners by their friends.

Daily inspection of food godowns and kitchens.

G. O. No. 7322-RJ. of 7-8-22.

Rules 901, 925, 1136.

127. He shall examine all food before it is distributed; He shall see that it is properly cooked, and that the proper quantity of oil, salt and antiscorbutics have been added to each ration. He should bring to the notice of the Medical Officer any prisoner who frequently leaves a considerable portion of the food supplied to him, especially cases in which it appears that this is caused by failing health or is purposely done in order to cause reduction of weight on the day of weighing.

Examination of food before distribution. Rule 119.

128. He shall periodically examine the wells, tanks or other sources of water-supply and should bring to notice any deficiency of supply or likelihood of the water being polluted. He shall daily examine the filters, and all vessels in which water for drinking or cooking is stored or conveyed, and see that they are clean and in good working order.

Periodical examination of wells, tanks or other sources of water supply.

Rule 1203.

129. He shall daily inspect all latrines and urinals, and see that they are kept clean, that the conservancy rules are carried out, and that a sufficient quantity of dry earth is used and stored. He should also see that the orders about ventilation of hospital wards, sleeping barracks, and workshops are properly attended to according to the season of

Inspection of latrines and urinals. Rule 1191.

the year; that the prisoners while sleeping are not exposed to direct draughts or the fall of rain and that all the batten doors are freely opened during the day.

Daily inspection of jail dairy and record of quantity of milk obtained and its expenditure.

Rules 1128, 1137.

130. The sheds in which milch cows are kept shall be examined by him daily. He shall see that these places are kept clean and free from smell ; and that the vessels for boiling and holding milk are clean and fit for use. He shall keep a daily record of the quantity of milk obtained from the jail cows, and of its use, and shall report to the Superintendent any instance in which it is not all used for the benefit of the sick or for improving the diet of the prisoners.

Medical Subordinate to record weight of every prisoner in his history ticket. Rules 1216, 1219, 554.

131. The fortnightly weighment of all prisoners as well as the weekly weighment of those who are infirm or losing weight, shall be made under the immediate superintendence of the Medical Subordinate, who shall record with his own hand the weight of each prisoner in his history ticket. In Central jails he may be assisted by another Medical Subordinate (if there is one, or by the Compounder or by a Jail Clerk) deputed by the Superintendent. All prisoners steadily losing weight shall be reported to the Medical Officer not later than the day after weighment.

Medical Subordinate to report death of prisoner to Jailor and Medical Officer and assist in post-mortem examination. Rules 259, 98.

132. He shall report all deaths at once to the Jailor and the Medical Officer; see that a dead body is decently removed to the dead-house; make the necessary preparations for post-mortem examination; assist the Medical Officer in making such examination, and be responsible that the body is afterwards properly stitched and covered.

Medical aid to jail staff. Rule 103.

133. He shall afford medical aid to all the jail staff, warders, guards, and others living in the jail premises. In cases of difficulty he should consult the Medical Officer.

Assistance to Medical Officer.

134. In addition to his own proper duties as detailed above he shall render the Medical Officer every assistance, exercising general vigilance over all matters which can in any way affect the health of any of the inmates of the jail, and reporting to the Medical Officer any instance in which he believes that rules touching the health of the prisoners have been infringed; as for example, in such matters as the following :

- (a) Overcrowding of wards, workshops, or other spaces.
- (b) Incorrect weighment or distribution of food.
- (c) Unseasonable, worn-out, or dirty clothing.
- (d) Neglect of personal cleanliness.
- (e) Undue exposure of prisoners to rain or sun.
- (f) Unpunctuality or curtailment of meals.
- (g) Neglect to air, dry or clean bedding.

- (h) Unsuitable tasks, especially in the case of weak men.
- (i) The use of workshops as dormitories or vice versa.
- (j) Deficient or incorrect use of important articles of diet, such as salt, spices, oils and antiscorbutics.

135. Deleted.

136. Deleted.

Section IV—Compounders

137. Compounders of jails shall be duly qualified compounders who have passed the tests prescribed by the Department of Health.

Appointment of Compounders.

A compensatory jail allowance of Rs. 5 per mensem is, sanctioned for the compounders, which they shall draw in addition to their scale pay.

G. O. No. 2922-HJ. of 26-12-51.

138. Deleted.

139. Rule 109 in so far as is applicable, and the rules in section VII of this chapter, relating to subordinate officers, shall apply to the compounders.

Duties of Compounder.

The Medical Officer shall specify in his Minute Book the hours during which the compounder shall attend the jail and what duties he shall perform. His duties shall generally be to help the Medical Subordinate in the maintenance of the health of the staff and prisoners by compounding and distributing medicines, vaccinating and weighing prisoners, performing clerical work, maintaining cleanliness, order and discipline in the hospital and by carrying out such other duties as may be allotted to him by the Medical Officer. He may further be required to sleep in the hospital in turn with the Medical Subordinate and perform such duties as the Medical Officer may instruct him to do.

Rule 110.

140. Compounders shall obey any orders of the Medical subordinate which are not inconsistent with the Medical Officer's instructions and with the rules in this Code.

Compounders to obey the lawful orders of the Medical Subordinate.

Section V—Chaplains

141 to 150. Deleted.

Section VI—The Deputy Superintendent

Superintendence of
Manufactory
Department of
Central Jail.

151. Every Central Jail carrying on a special industry shall have a skilled manufacturer qualified to superintend the manufactory department in all its branches.

Rank of Deputy
Superintendent of
Central Jail.

152. This officer shall be styled Deputy Superintendent. In rank he shall be superior to the Jailer, who will be bound to carry out any orders he may give relating to his own department, provided they be in accordance with the jail rules and the Superintendent's instructions.

Duties of the
Deputy Superinten-
dent.

153. He shall, as an officer of the jail, make himself thoroughly acquainted with all the Jail rules, with which he shall strictly comply, and shall assist the Superintendent and other jail officials to maintain order and discipline. In cases of emergency he shall be expected to render assistance at any time. He shall carry on the routine duties of the Superintendent during the temporary absence of the latter due to illness or for any other reasons.

G.O. No. 1066 HJ of
6-4-55.

Deputy Superinten-
dent to do utmost
to conduct jail
manufactures to
the best advantage.

154. He shall do his utmost to conduct the jail manufactures to the best advantage, subject to the control of the Superintendent, whose orders he must obey.

Deputy Superinten-
dent shall be
responsible for
manufacture,
department stores
and accounts.
Rule 803.

155. All the manufacture department stores, both of raw materials and finished goods, together with the accounts, shall be under his supervision, and he shall be held responsible for their correct keeping.

Deputy Superinten-
dent to enter in a
register matters
requiring
Superintendent's
orders.

156. He shall be provided with a report or order book (Register No. 1) in which he shall make written entries of any matters which require the Superintendent's orders, such as requisitions for prisoners, materials, tools or plant, manufacture, sale and despatch of goods and recommendations of any kind relating to his branch of jail management. He shall also enter any important instructions connected with his department he may have to give to the Jailer or any of his subordinates. On the right hand page the Superintendent will record his orders, or the subordinate officer concerned will note what action he has taken on instructions given. Any orders relating to manufactures passed by the Superintendent shall likewise be entered in this book.

Deputy Superinten-
dent to be familiar
with character of
every prisoner.

157. He shall make himself acquainted, as far as possible, with the character and industry of every prisoner working under him, and assist the Superintendent in allotting remission and granting rewards for good work. He shall report to the Superintendent, for punishment, all prisoners guilty of idleness, or of breaches of jail discipline which come within his cognizance.

158. Free quarters shall be provided for him on the jail permises, in which he must reside. He shall not absent himself from his duties without the permission of the Superintendent, unless he is sick, in which case he will produce a certificate of sickness from the Medical Officer.

Deputy Superintendent shall reside in jail premises.

159. Deleted.

Section VII—Rules relating to Subordinate Officers particularly and in some cases to Jail Officers generally.

160. (a) In this Chapter “Subordinate Officer” means non-Gazetted officer appointed to a prison under the Prisons Act, 1894 (IX of 1894), but does not include a convict officer.

Subordinate Officers liable to be employed in any jail.

(b) The Inspector-General shall appoint all subordinate officers except those who may be appointed by the State Government or whose appointment is entrusted to some other authority. Rules for recruitment of subordinate officers as are not specifically provided for in any of the rules of this Code may be found in Appendix 34.

Their appointing authority.

(c) Every subordinate officer appointed against a substantive vacancy shall be on probation and his confirmation shall be contingent on his proving efficient. Every subordinate officer, on appointment, will be liable to be employed in any jail within the State.

(d) The period of probation for such an officer shall be as follows :

Rule 12 of the West Bengal Services (Revision of Pay and Allowance) Rules, 1961.

- (i) In the case of a person directly appointed to a post-2 years.
- (ii) In the case of a person appointed on promotion to a post—Such period up to a maximum of 2 years as the appointing authority may decide.

161. A subordinate officer who intends to resign his office shall give notice in writing of his intention at least two months prior to the date of intended resignation unless permitted by his appointing authority to leave at a shorter notice.

Written notice necessary for resignation from jail service. Rule 193. See. 54 of Act. IX of 1894.

161A. Discharge of subordinate officers holding temporary posts, except for misconduct or unsuitability, shall be governed by the following rules :

Discharge from service.

- (i) A month's notice or salary in lieu of notice shall be given when the temporary appointments are made untill further orders and / or are terminable without notice ;
- (ii) A month's notice or salary in lieu of notice shall be given in cases of discharge of persons employed temporarily when in their appointment orders it is not specified that their services are liable to be terminated with notice of a specified period or that the services are liable to be terminated without any notice ;
- (iii) Where the temporary appointment is for a specified term no notice or salary in lieu of such

Finance Department memo's No. 2301F, dated 4-5-53 and No. 4133F, dated 4-11-54.

notice, is required to be given when a temporary employee is discharged on the expiration of the term of his appointment ; and

- (iv) When in a particular appointment there is provision for notice, for any specified period exceeding or less than a month, such notice shall be given before discharging the employee, or salary for such period be paid if the employee is to be retrenched forthwith.

For the purpose of this rule salary means pay and allowances of which the employee was in receipt immediately before discharge or service of notice upon him.

Discharge of a probationer from service.

161B. A probationer may be discharged from service by the appointing authority, if considered by that authority to be unsuitable for the service or post to which he is appointed ; but the order of discharge (except when passed by the Government) shall not be given effect to till it has been submitted to and confirmed by the next higher authority. When it is proposed to terminate the employment of a probationer, whether during or at the end of the period of probation, on account of unsuitability for the service, the probationer shall be given a month's notice and then his service should be terminated.

Discharge of a permanent officer on abolition of his post.

161C. In case of abolition of appointment, three months' notice shall be given to an officer in permanent employment and his services terminated unless on the date on which his service is dispensed with the officer is provided with some other employment acceptable to him.

Jail officers must be persons of respectable character. Rule 482.

162. All persons employed in a jail must be persons of respectable character. Disreputable conduct, even outside the jail, will render an officer liable to dismissal. No person who has been punished for any offence with imprisonment shall be employed in any jail without the previous permission of the Inspector-General.

NOTE.—The rules prescribed by Government regulating the conduct of Government servants are applicable to all Jail Officers.

Candidates for employment in Jails shall produce documents of previous service, if any.

163. Every candidate for employment in the Jail Department shall state in writing whether he has been previously employed in any post under Government or any local authority, and, if so, shall produce his service book or other record of service or a certified copy thereof. No Government servant who has been dismissed shall be readmitted to service without the sanction of the State Government.

Subordinate officers to report relationship or pecuniary dealings with prisoners. Rule 858.

164. Every subordinate officer shall inform the Superintendent or Jailor if he is related to or connected with any prisoner of the Jail to which he is posted or has had any pecuniary dealing or close acquaintance with any of them.

165. Prior to appointment all candidates for employment as subordinate officers at any jail shall be examined by a Presidency Surgeon, Chief Medical Officer of Health or a Medical Officer of similar rank. Candidates shall not be appointed unless the Medical Officer who examines them certifies that they possess the necessary requirement as to height, health, and strength, and the capacity to perform the duties required of them. Every candidate must consent to vaccination, and if considered necessary, revaccination at any time during his service. In the case of a female candidate, the Head of the Department may accept a certificate signed by any registered female medical practitioner.

Medical examination prior to appointment. Rule 297.

166. Candidates before appointment to the jail service shall read or have read to them section 54 of the Prisons Act (IX of 1894) and shall acknowledge by signature or left thumb-impression that this has been done. The acknowledgement shall be attached to each officer's service book. They must also understand that they may be employed wherever it seems fit to the Inspector-General to employ them. No candidate shall be appointed until he has signed the declaration contained in W.B.J. Form No. 89.

Declaration by candidates for appointment. Rule 215.

NOTE.—For the warder establishment this form is printed in page 1 of the Service Record—W. B. J. Form No. 96.

167. Every subordinate officer shall make himself acquainted with the rules and orders regulating his duties. Every officer on being relieved, shall point out to his successor all matters of special importance connected with the duties of his post, and explain any directions of the Superintendent, Medical Officer, or other superior officer relating to any particular prisoner or matter. Jailors and Deputy Jailors shall carry with them note-books in which they shall enter at the time any verbal order given to them by the Superintendent.

Subordinate Officers to make themselves acquainted with rules and orders regulating their duties.

168. Neither the Jailor nor any officer subordinate to him shall engage in any employment or trade, other than his jail duty. No Jail Officer, on leave, may engage in any trade or undertake any employment, other than his public duties, except with the previous sanction of the State Government, as laid down in rule 17 of the West Bengal Government Servants' Conduct Rules, 1959.

Jail officers shall not engage in trade or private service.

169. No officer shall take a loan of money from, or lay himself open to any pecuniary obligation to, any officer subordinate to him. Any officer who is appointed or transferred to a post in which he will be in a position to exercise official influence or authority over any person to whom he is under any pecuniary obligation, shall be bound to declare, without delay, the circumstance to the officer to whom he is immediately subordinate for report to the Government and failing to do so shall be subject to the same penalty as if the obligation were incurred after his appointment or transfer.

Jail officers shall not borrow money from subordinate.

Jail officers to co-operate with each other.

169A. All jail officers must discharge their respective duties in perfect harmony and co-operation with one another. No officer shall, either directly or indirectly, obstruct others in performing their duties in accordance with the rules and orders in force.

Wrangling between officers or subordinates forbidden.

170. All wranglings or disputes between officers or subordinates of the jail are strictly forbidden, and any disagreement between subordinate officers as to any matter connected with their duties must be referred to the Jailor or if necessary, to the Superintendent. All complaints must be made to the Superintendent or Jailor within twentyfour hours of the occurrence of the cause of complaint. Officers making frivolous or false complaints will be liable to punishment.

Representation to the Government to be through proper channels.

171A. Representations made to Government by Jail Officers through channels other than formal official channels, will render them liable to disciplinary action. (See also rules 21 and 22 of the West Bengal Government Servants' Conduct Rules, 1959).

Meetings of Jail Officers in prison.

171B. The previous permission of the Inspector-General of Prisons shall be obtained for meetings of officers in any prison to discuss any matter of interest to the service.

Quarters for Jail Officers.
Rule 314.

172. Every subordinate officer for whom free quarters are provided by Government shall live in those quarters and those for whom no quarters are provided shall live as far as practicable within such a distance of the jail as may be fixed by the Superintendent, except in the case of medical subordinates holding dual appointments. Quarters on the jail premises shall be provided for Jailors, Deputy Jailors and Medical Subordinates (not holding dual appointments), compounders and the warder establishment. Subject to the approval of Government, the Inspector-General of Prisons may provide free quarters to such other officers as he may deem necessary. Subordinate officers shall not take in lodgers in Government quarters.

Jail officers to sign their names in the Gate Register.
Rules 59, 334.
W.B.F. No. 5023.

173. All Jail Officers above the rank of Head Warder shall sign their names in the Gate Register (No. 46) both on entering and leaving the jail.

No admittance of visitors to subordinate officers inside the jail, and of females in warders' barracks, etc.

174. No subordinate officer shall be permitted to receive any visitors in the interior of the jail. No female shall, under any circumstances, be allowed to enter the warders' barracks, guard-room or kitchen; all outsiders of loose or evil character must be excluded from the jail precincts.

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

Subordinate officers to confine themselves to their posts.

176. No subordinate officer shall absent himself from the jail premises either by day or night or from duty during the hours fixed for his attendance, without the permission of the Superintendent or (if subordinate to the Jailor) of the Jailor, except when summoned by a Court of Justice. Any subordinate officer disabled from the performance of duty by illness, or summoned by a Court of justice shall at once send notice to the Jailor, who shall make such arrangements as may be necessary for the performance of the duty of the officer during his absence. Every subordinate officer to whom any leave has been granted shall, immediately on his return therefrom, personally report the fact of his return to the jailor.

Subordinate officers shall not absent themselves from jail premises or duty without permission.

Rule 244. Rule 350. Rule 90 of the Criminal Rules and Orders of High Court, Vol. I.

177. Subordinate officers shall pay strict attention to cleanliness of person and dress; and those for whom a uniform is prescribed shall at all times wear it while on duty, but relaxation of this rule may be allowed when a jail official on account of religious rites is unable to wear uniform during the period of mourning. When off duty on the jail premises or in any public place, they must either appear altogether in private clothes or in complete uniform, no combination of the two shall be allowed.

Cleanliness of person and dress of jail officers.

178. No jail officer or subordinate shall smoke or drink or sing or talk loudly while on duty, or in any way or at any time conduct himself in an unseemly or disorderly manner, or introduce liquor, tobacco or any drug into the jail.

Conduct of jail officers on duty.

179. No officer of a jail, nor any person in trust for, or employed by him shall have any interest, direct or indirect in any contract for the supply of any jail articles; nor shall he derive any benefit directly or indirectly, from the sale or purchase of any article on behalf of the jail or belonging to a prisoner: nor shall he receive, directly or indirectly, any fee or gratuity or present from any person tendering or furnishing supplies for the jail, or from any person visiting the jail.

Jail Officers shall not have any interest or derive benefit from jail contracts. Section 10 of the Prisons Act, IX of 1894.

NOTE.—Jail officers and Warders may, with the permission of the Superintendent, bid at a sale by auction, of Government property or prisoners' property. The Superintendent shall not grant permission to bid to an officer or warder who has any duty to perform in connection with the sale.

G.O.No.350-PJ dated 8-2-36.

180. No officer of a jail shall sell or let, nor shall any person in trust for, or employed by him sell or let or derive any benefit from selling or letting any article to any prisoner or have any money or other business dealings, directly or indirectly with any prisoners or prisoners' friends.

Jail officers to have no business dealings with prisoners. Section 9 of the Prisons Act, IX of 1894.

Unauthorised communication about jail prohibited.

181. No. subordinate officer shall have unauthorised communication with any person whatsoever concerning the jail or regarding administrative matters; nor shall he allow any discharged prisoner to visit or remain in his quarters, except with the special permission of the Superintendent.

Unnecessary communication with prisoners prohibited.

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

Employment of prisoners for private purpose.

183. No jail officer shall employ any prisoner on his own private work except as provided in rules 796 to 798 or for his own private benefit or gain, or on any private account, except within the jail for the profit of Government.

Prisoners to be treated with consideration.

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

No Jail officer to punish any prisoner except Superintendent's order.
Rule 708.

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

Violence to any prisoner except in self-defence or repression of a disturbance prohibited.

Rule 399.

186. No officer, shall on any pretext strike a prisoner, except in self-defence or in the repression of a disturbance (in which case no more force than necessary shall be used). For rules as to the circumstances in which jail officers may fire upon prisoners, see chapter VIII. In the event of any riot, violent attempt to break out of the jail, or assault by the prisoners, or any of them upon the jail officers, the Jailor and his subordinates shall be strictly guided by these rules.

Misconduct or disobedience of Jail rules to be reported.

Rule 253.

187. No officer on any pretence whatever through favour or from a mistaken notion of kindness, shall fail to make an immediate report to the Superintendent, or other superior officer of any misconduct or wilful disobedience of the Jail Rules, whether on the part of a prisoner or of another officer.

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

Subordinate officers not to use jail lanterns for private purpose.

NOTE. — Head Warders and Warders who are given Katcha or thatched family quarters may be provided with hurricane lanterns but must supply their own oil such lanterns must not be provided more often than once in two years for each set of quarters.

G.O. No. 642
TR. dated 5-10-25.

189. No jail officer or subordinate entrusted with keys shall leave them lying about, or deliver them to any other person, except when, on leaving the jail or going off duty, he delivers them to such officer as may be authorised to receive them, and he shall not leave his post or the jail without making them over as above directed. The keys of wards, cells, outer gates or workshops are not on any pretext whatever to be taken out of the Jail or made over to any prisoner. If a key is lost the lock or locks to which it belongs must be put out of use, as they will be no longer secure, and the officer responsible shall be liable to replace them at his own expense.

Keys shall not be taken out of jail or made over to any prisoner.

Rule 249.

Rules 448A, 738.

190. No officer shall on any account enter a ward or a prisoner's cell at night, unless accompanied by another officer, and then only in case of sickness or other emergency.

Entry of officers in a ward or a cell at night.
Rules 456, 741.

190A. Every subordinate officer shall submit himself to be searched in the prison if called upon to do so by the Superintendent or the Jailor or by an officer authorised by either. Such search shall be made with due regard for privacy, but not search should be made unless there is reasonable ground to believe that the subordinate officer is in unauthorised possession of a prohibited article.

Search of subordinate officer in the prison.

191. All jail officers are bound—

- (1) to exert the utmost vigilance in the prevention of escapes : to this end the Jailor and his subordinates shall see that all ladders, ropes, bamboos, privy vessels and other articles which may facilitate escape are not left in any place from which they may be taken by a prisoner ;
- (2) to prevent to the best of their power the introduction into the jail and the giving to any prisoner of any tobacco, opium, ganja, or other prohibited article enumerated in Rule 660 or any article not permitted by rule ; and
- (3) to prevent and report any attempt at communication between prisoners and outsiders except as permitted by rule; and shall report the fact when any suspicious persons are observed loitering about the jail.

Vigilance and alertness on the part of jail officers.
Rules 318(r), 325, 417, 475.

Rule 675.

Rules 657, 658.

Duties of
subordinate
officers.

192. Subordinate officers are bound—

- (1) to render all assistance in their power in the management of the jail, the maintenance of order and discipline amongst both officers and prisoners, and the guarding and defending of the jail and all persons and property kept therein or belonging thereto against the use of criminal force by any person ;
- (2) to render prompt and strict obedience to all lawful orders of their superior officers and to treat all superior officers and visitors with respect ;
- (3) to comply with the requirements of all law, rules, regulations, directions and orders for the time being in force regulating the duties which they are to perform and the manner in which they are to perform them ; and
- (4) to take proper care of all property of whatever kind at any time entrusted to them and duly to account for the same whenever called upon so to do.

Rule 22.

Offences by
Prison
Subordinates.

See section 54
Act IX of 1894.

Rule 199.

193. Every Jailor or officer of a prison subordinate to him who shall be guilty of any violation of duty or wilful breach or neglect of any rule or regulation or lawful order made by competent authority, or who shall withdraw from the duties of his office without permission, or without having given previous notice in writing of his intention for the period of two months, or who shall wilfully overstay any leave granted to him, or who shall engage without authority in any employment other than his prison duty, or who shall be guilty of cowardice, shall be liable, on conviction before a Magistrate, to a fine not exceeding two hundred rupees, or to imprisonment for a period not exceeding three months, or to both.

Undue harshness
in awarding
punishment to be
avoided.

193A. In awarding punishment to subordinate officers undue harshness should be avoided and careful distinction made between serious offences and offences of a trifling nature. Every effort shall be made to maintain discipline and to correct the minor faults of jail officers by instruction and by warning without resorting to more severe punishments. The general character of the offender and the nature of his past service shall be duly taken into consideration in deciding on a punishment. But no false notion of kindness should be allowed to influence the decision.

Discipline and
Appeal rules of
subordinate
officers.

194. (1) The following penalties may, for good and sufficient reasons be imposed as hereinafter provided upon a subordinate officer, namely :

- (1) extra drill up to a maximum period of one hour a day for not more than seven days (applies to the warders of the warden establishment only) ;

Notification No.
1817HJ/10R-11/52
dated the 16th June
1960. [Calcutta
Gazette, Extraordi-
nary dated 21-6-
1960 Pt. I pages
1481-1485.]

- (2) formal reprimand ;
- (3) fine not exceeding half a month's pay (applicable to f only) ; warder staf
- (4) suspension for any period not exceeding six months ;
- (5) withholding of increment due ;
- (6) reduction in a rank or emoluments or both ;
- (7) removal from office and emoluments ;
- (8) dismissal ;
- (9) any combination of the above :

Provided that no person shall be punished in one month with fine exceeding in the aggregate half a month's pay.

Explanation I.—The discharge—

- (a) of a person appointed on probation, during the period of probation ; or
- (b) of a person appointed otherwise than under contract to hold a temporary appointment, on the expiration of the period of his appointment ; or
- (c) of a person engaged under contract in accordance with the terms of his contract ; or
- (d) of a person appointed until further orders, when his services are terminated ;

does not amount to removal or dismissal within the meaning of this rule.

Explanation II.—An order of suspension, preliminary to or pending a formal departmental enquiry or prosecution before a Court is not a penalty.

NOTES.—(1)—A fine expressed as pay for a certain number of days, shall be calculated on the pay of the officer plus any local allowance granted to him. Fines shall be deducted in the pay bill from the next pay due.

(2)—Departmental penalty is altogether distinct from punishment under the criminal law and may be inflicted apart from any action taken under the latter.

(3)—Dismissal precludes re-employment in Government service, but removal does not.

(2) No penalty of reduction in rank, removal or dismissal shall be imposed on any subordinate officer by an authority subordinate to that by which he was appointed.

(3) Subject to sub-rule (2), the Inspector-General of Prisons and the appointing authority of a subordinate officer shall, save as otherwise provided in sub-rules (4) and (5), be the only authorities empowered to impose upon the subordinate officer any one or more of the penalties specified in sub-rules (1) and (8).

(4) The Superintendent of every jail may formally reprimand all subordinate officers of such jail and may also impose one or more of the penalties specified in clauses (1), (2) and (3) of sub-rule (1) upon any Head Warder or Warder.

(5) The Superintendent of a Circle Jail may impose upon any Head Warder or Warder of his circle any penalty specified in sub-rule (1).

(6) The Superintendent of a Circle Jail has no power to revise or modify any penalty imposed by a Superintendent of any other jail but if, in any case, he is of opinion that a Head Warder or Warder has been too leniently or too heavily penalised or that the penalty imposed upon him, exceeds the power granted by these rules, he shall report the matter to the Inspector-General of Prisons.

(7) Every subordinate officer who shall at any time be convicted of any serious offence by a Criminal Court shall, without prejudice to any other penalties to which he may be liable or subjected, be liable to be dismissed from service on the ground of conduct which led to his conviction on a criminal charge without any formal departmental enquiry being held ;

Provided that the subordinate officer may be retained in service with the sanction of the Inspector-General of Prisons, if after considering the facts and circumstances of the case, he is of opinion that the punishment of dismissal would not be justifiable in the case.

(8) A subordinate officer who commits any of the following offences shall be liable to dismissal and may also, if he is subordinate to a Jailer, be liable to prosecution under section 54(1) of the Prisons Act, 1894 (Act IX of 1894), namely :

- (1) appearing on duty in a state of intoxication from liquor or any drug ;
- (2) sleeping whilst on guard ;
- (3) striking a prisoner, except in self-defence or for suppressing an outbreak, or unlawfully punishing any prisoner ;
- (4) improperly entering or permitting any person to enter the female enclosure or having any improper communication with a female prisoner ;
- (5) committing or conniving at irregularities in the supply or distribution of food ;
- (6) employing a prisoner for private purposes contrary to rule 183 of this Code ; and
- (7) insubordination or insolence to the Jailer or any officer superior to him.

(9) In enquiring into and passing orders upon charges of a minor kind against a subordinate officer, when the penalty imposed is a penalty specified in clause (1), clause (2) or clause (3) of sub-rule (1), it shall be sufficient for the Superintendent of the Jail to record in the Service Book or Service Roll of the subordinate officer concerned, the nature of the offence and the penalty imposed and it shall not be necessary to hold any formal departmental enquiry.

(10) (1) When any subordinate officer is accused of an offence deserving any penalty other than those specified in clauses (1), (2) and (3) of sub-rule (1), the Superintendent of the Jail shall hold a formal departmental enquiry.

(2) The proceedings of every formal departmental enquiry shall be recorded in accordance with the provisions or sub-rule (12), and conducted in accordance with the following procedure, that is to say :

- (a) The specific charge or charges against the subordinate officer shall be framed in writing indicating the steps, proposed to be taken against and the penalty, if any, proposed to be imposed upon the subordinate officer and he shall be furnished with a copy of the said writing. He shall there upon be asked to show cause within such reasonable time as may be mentioned, why such steps should not be taken or such penalty imposed.
- (b) Witnesses may be produced either on behalf of the Government or on behalf of the subordinate officer. Where any witnesses are examined, the subordinate officer shall be given an opportunity of being present at the time when the witnesses are examined and of putting questions. A memorandum of the evidence of the witnesses shall be kept. No pleader or agent shall be allowed to appear on behalf of the Government or the subordinate officer, except with special permission to be given on sufficient cause shown to the satisfaction of the authority conducting the enquiry.
- (c) A reasonable opportunity shall be given to the accused of adducing his evidence which shall be reduced to writing. If he submits any written statement, it shall be filed with the record. A memorandum shall be made of the evidence of any witnesses examined by the subordinate officer charged in so far as such evidence is relevant to the charge.
- (d) A recital shall be made of the subordinate officer's previous character as recorded in his Service Book or office record indicating the date of his appointment, punishments and rewards.
- (e) A clear and definite finding upon each of the charges framed against the subordinate officer shall be recorded.
- (f) A clear and definite finding as to the penalty to be imposed, except when the officer conducting the enquiry has not the power to punish, shall be recorded.

(3) After the enquiry has been completed and after the punishing authority has arrived at provisional conclusion in regard to the penalty to be imposed, the subordinate officer shall, if the proposed penalty be dismissal, removal

or reduction, be supplied with a copy of the report of the authority conducting the enquiry and be called upon to show cause, within a reasonable time not ordinarily exceeding one month, against the particular penalty proposed to be imposed. Any representation in this behalf shall be duly taken into consideration before final orders are passed.

(4) When orders imposing a penalty are passed by an authority other than the authority conducting the enquiry, it will be sufficient if the authority passing orders definitely records his agreement or disagreement with the authority by whom the enquiry was conducted after perusing the report of such authority and the representation, if any, made by the subordinate officer under clause (3).

(5) The record is to be prepared by the authority conducting the enquiry, as the enquiry is proceeded with ; it shall not be written by a clerk after the enquiry has been completed.

(6) When any orders imposing a penalty have been passed, the subordinate officer punished shall be entitled to receive a copy of the same free of cost and shall be allowed to take a copy of the rest of the record, either paying for the copy at the usual rates or by providing paper and a copyist at his discretion.

(7) In order to preserve the confidential character of correspondences which in the public interest, it is not desirable to disclose, and in order that copies of the whole of the proceedings may without objection be supplied under clause (6) the authority conducting the enquiry shall not base his findings on facts which are of confidential character and which cannot be embodied in the record.

(8) (a) The above instructions shall not apply in the case of subordinate officers who are convicted of a criminal offence by a Court of Law and are dismissed or otherwise punished on the ground of conduct which has led to the conviction ;

(b) Where the subordinate officer is absent during the proceedings or any part thereof, although he has been given an opportunity to be present, the authority conducting the enquiry shall record the fact in writing and proceed *ex parte* in accordance with the above instructions.

(11) **Instructions for drawing up proceedings.**—In recording proceedings against a subordinate officer, the following particulars shall be stated, namely :

- (1) Name, rank, and grade of officer proceeded against.
- (2) *Charges.*—(Charges shall be specific. Each charge shall be drawn up and separately numbered and shall indicate the date, occasion and nature of the offence committed.)
- (3) Memorandum of Evidence.

- (4) *Defence*.—If the officer charged can write, he shall be given opportunity to submit his defence in writing. In cases of illiterate men, the Superintendent shall record the defence, if any.
- (5) *Remarks*.—(There shall be an analysis of the evidence against and in favour of the officer proceeded against and also the comments of the enquiring officer.)
- (6) *Character*.—(Date of appointment, punishment and rewards be noted.)
- (7) *Order*.—(Shall be recorded in the form prescribed.)

(12) The proceedings shall be forwarded to the authority competent to appoint or dismiss the subordinate officer ; but if the enquiry is held by the Superintendent of a Central Jail or Circle Jail and concerns a subordinate officer whose appointment or dismissal is within his competency, he shall himself pass orders recording them in writing.

(13) The enquiry held by a Superintendent of jail under sub-rule (10) and final order passed by him, if any, shall be subject to the control and revision by the Inspector-General of Prisons, who, either on his own motion or on an appeal by any person who considers himself aggrieved, may call for the record of the case and after giving the appellant an opportunity of being heard, pass such orders as may appear to him to be just and necessary.

(14) Appeals from the decisions of Superintendents of Jails shall lie to, and be disposed of by, the Inspector-General. Appeals from Jail officers still in the service shall be made in writing and be forwarded through their Superintendent ; and to every petition of appeal shall be attached a copy of the Superintendent's order attested by him.

(15) An appeal shall be preferred within the period of two months from the date of communication of the order to the appellant. The Inspector-General of Prisons after having once passed an order on any appeal shall not entertain a further petition of appeal on the same subject unless it contains some new or important matter.

(16) The following rules shall regulate the presentation of appeals by subordinate officers :

- (1) Save as otherwise provided in sub-rule (13) a subordinate officer on whom any penalty other than extra drill is imposed may prefer an appeal against the order imposing the penalty to the authority immediately superior to the officer who passed the order of punishment.
- (2) No subordinate officer of the inferior service shall have the right of preferring a second appeal.
- (3) Subordinate officers in superior service for whom the Inspector-General of Prisons is the appointing

authority and against whom the Inspector-General of Prisons passed the original order imposing any of the penalties referred to in clauses (4), (5), (6), (7), and (8) of sub-rule (1) may prefer appeals to the Secretary to the State Government in the Home (Jails) Department.

- (4) No pleader or agent shall be allowed to appear on behalf of the Government or the subordinate officer except with the special permission to be given on sufficient cause shown to the satisfaction of the appellate authority.

(17) Every appeal preferred under these rules shall contain all material statements and arguments relied on by the appellant and shall contain no disrespectful or improper language.

(18) The State Government shall have the power to revise any order passed under these rules, whether it is appealable or not, or whether an appeal has been actually preferred or not, where in the opinion of the State Government and order in revision is required in order to deal fairly with the case.

195. Deleted.

196. Deleted.

197. Deleted.

198. Deleted.

Procedure to be followed in cases which cannot be dealt with departmentally.

Rules 74,193.

199. When any subordinate officer is accused of, or suspected to have committed, an offence, and the Superintendent is of opinion that a prima facie case against such an officer has been made out but the case can not be adequately dealt with departmentally, he shall institute a criminal prosecution against that officer. All such cases and cases of suspension, if any, shall at once be reported to the Inspector-General. Where the Superintendent is in doubt whether to deal with a case departmentally or to institute a criminal prosecution, he should promptly report it to the Inspector-General for orders.

Offences in which prosecution should be instituted.

Rules 325, 906.

Rule 387.

200. Without prejudice to any other action that may be taken departmentally under sub-rule (10) of rule 194 a prosecution in respect of the following offences, if committed by any jail officer, shall be instituted provided the evidence is such as to make conviction provable, namely :

(i) Wilfully or negligently permitting an escape ;

(ii) Any offence under section 42 of the Prisons Act, 1894, relating to the introduction or supply to prisoners, of forbidden articles, unauthorised communication with prisoners, and abetment of such offences ;

(iii) being concerned directly or indirectly with any contract for supplies for the jail or receiving any present from a supplier ; Rule 179.

(iv) any serious offence punishable under the Indian Penal Code or other criminal law.

Any case in which criminal prosecution is not instituted shall be reported to the Inspector-General.

201. Deleted.

202. Deleted.

203. Deleted.

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207. All subordinate officers who are dismissed or discharged, shall be required to quit their quarters in the jail at once, and shall not be allowed to re-enter the jail premises. An officer under suspension pending decision of a case against him may remain at his quarters, provided no substitute is appointed to act for him but if suspended for a definite period as a punishment, he shall forthwith quit the jail premises. An officer under suspension shall not enter the jail or jail offices or hold any communication with prisoners. Occupation of quarters by jail officer suspended, discharged or dismissed.

Rule 172.

208. Claims by subordinate officers to pay and allowances during any period for which they may have been under suspension shall be determined according to the rules 71 and 72 of the West Bengal Service Rules, Part I. Pay and allowances during period of suspension.

209. Deleted.

210. Deleted.

211. Deleted.

212. Deleted.

212A. Deleted.

212B. Deleted.

213. (1) Upon appointment every non-gazetted officer shall be furnished with a service book. This will be the record on which the grant of pension will depend and will contain details of every stage of his official life. In it will be entered particulars of his appointment and changes of appointment, transfers, leave, changes of pay, offences and Service Book. Rule 234 and App. 8. (Rules 37-46 of the W.B.S.R. Part I.)

punishments (serially numbered) with brief details of the reasons for punishments awarded.

Appendix 8.
Rule 41 of the
W.B.S.R.—Part I.
Rule 217.

No estimate of an officer's character or of his merits and demerits and no periodical assessment of his work will be recorded in his service book, but entries will be made of any commendation or reward officially conveyed or awarded by or through the Inspector-General of Prisons.

Rules 303 and 304.

(2) Every entry in the service book will be made over the full signature of the Superintendent and, in case of warder establishment, will also be simultaneously made in the service register maintained for them.

W.B.J. Form No. 97.

(3) The service book will be kept in the custody of the Jailor or, in the case of the manufactory establishment, of the Deputy Superintendent in the office of the Jail to which the officer is attached. On transfer of an officer his service book after all necessary entries have been made in it and after comparison with the service register maintained under rule 303 and the correction of any discrepancies between the two records and any omissions in either will be sent under registered cover within seven days to the Superintendent of the jail to which he is transferred.

G.O. No. 2956
H.J. of 3-9-41.

NOTE—Service rolls instead of service books should be maintained for all inferior servants.

Verification of
service.
Rules 217, 303,
304.
Rule 220.

214. It is most important that every service book or service roll should be carefully and accurately kept up and that every erasure should be properly attested, otherwise difficulties may arise as to verification of service when the officer applies for pension.

NOTE—The detailed instructions regarding the annual verification of services as laid down in rule 9 of Appendix 8 of the West Bengal Service Rules, Part 1, should be carefully followed.

Service Record.

215. Every non-gazetted officer shall also be furnished with a service record (in W.B.J. Form No. 96) which shall be securely attached to his service book. This book when complete shall contain—

- (1) the "Declaration Form"—W.B.J. Form No. 89, see rule 166 ;
- (2) the "Verification Roll"—W.B.J. Form No. 95, see rule 300 ;
- (3) the "Record of Issue of Uniform"—See rule 365 ;
- (4) the "Verification of Service"—See rules 214 and 216 ;
- (5) the "Results of Examination"—See rule 380 ; and
- (6) the "Security Bond"—W.B.J. Form No. 90, see rule 237.

N.B.—The Jailor shall carefully note the instructions printed on the cover.

216. The Superintendent shall cause the services of every subordinate officer to be entered in detail in his service record (W.B.J. Form No. 96) and shall verify under his signature every such entry from the Pay List and Acquittance Roll. The Jailor shall see that under no circumstances the service-roll and service record of a warder are transferred or despatched until every entry required by this rule and by rule 214 has been duly made.

Verification of service to be entered in the Service Record. Jail Cir. No.35 of 1896.
W.B.F. No. 5126.
W.B.F. No. 2435.

217. (1) For every officer of the superior service except warder establishment there shall be maintained in the office of the Inspector-General a character roll in the form of a personal file in which shall be incorporated the confidential reports periodically submitted by Superintendents and the remarks recorded by the Inspector-General. There shall be attached to the character roll a statement showing all particulars regarding rewards, punishments transfers, leave and promotion.

Character roll and confidential reports of jail officers.

(2) Confidential reports in W.B.J. Form No. 121 for all executive officers above the rank of a Chief Head Warder and W.B.J. Form No. 122 for all Head Clerks, Clerks, Head Masters, Teachers, Compounders, members of technical staff, etc., both in the General and Manufactory Departments shall be submitted by Superintendents for incorporation in the character rolls maintained in the Inspector-General's office.

(3) Confidential reports shall be submitted by Superintendents (a) annually in the month of April covering the preceding financial year and (b) upon transfer of either a Superintendent or an officer, should the Superintendent then desire to record any remarks.

(4) The Superintendent shall personally record his remarks in the confidential reports after careful consideration so that the character roll maintained in the office of the Inspector-General may be a genuine appraisal of the merits and work of the officer concerned during the period under report.

(5) The Inspector-General shall record his own opinion upon the confidential reports at his annual inspections.

(6) All unfavourable remarks or defects recorded shall be communicated to the officer reported upon in writing. This communication shall be made direct in the case of unfavourable remarks or defects recorded by the officer preparing the confidential report and he shall furnish to the Inspector-General together with the report a copy of the communication initialled by the officer reported upon. Such unfavourable remarks or defects recorded by the Inspector-General shall be communicated through the Superintendent under whom the officer reported upon is then serving and a copy of the communication initialled as above shall be returned to the Inspector-General.

217A. The Service Register (W.B.J. Register No. 4) in respect of every Chief Head Warder, Head Warder and Warder of a Circle (including Matron and Female Warder) shall be kept in the office of the Circle Jail.

Service Register of Warder Staff. G.O. No. 2956-HJ. of 3-9-41.

Classified list of
Jail officers.

218. A classified list of Jailors, Deputy Jailors, Head Clerks and Jail Clerks and Discipline Officers and Manufactory Staff and a similar list of the Head Warders and Warders of each circle shall be published annually on the 1st July of each year, and maintained in each Jail.

Principles to be
followed in making
promotions.

219. Promotions in the different grades and appointments will be made on grounds of merit and not of seniority. Seniority should be taken into account only when it is impossible to choose between two or more persons on grounds of merit alone. In making promotions, the principles laid down in Chief Minister's Department (Establishment) Circular No. 1355-Estbts., dated the 17th April 1946 should be borne in mind.

Pension.

G.O. B. No.4084-PJ.,
dated 28-11-19.

Jail Circular No. 77
of 1913.

220. The pension rules in the Civil Service Regulations apply to all jail officers. Services of warders count for pension on the superior scale. Applications for pension or gratuity on retirement in prescribed form shall be submitted to the Inspector-General with the service book or service roll of the officer on whose behalf the application is made, after necessary verification of service, by the Superintendent of the jail in which the officer is serving at the time, not more than one year before the date on which the officer is to leave the service, so that his claim to pension may be verified before he actually quits the service. Attention is invited to chapter XLVII, Civil Service Regulations, the provisions of which must be strictly complied with.

Leave.

G.O. No. 204 HJ.
dated 28-1-50.

Finance Deptt.
Memos. 2355-F.,
dated 17-12-48.
694-F., dated
1-4-49 and 584-F.,
dated 21-3-49.

221. Leave (except casual leave) will be granted in accordance with the provisions of the West Bengal Service Rules by the Inspector-General in cases of all subordinate jail officers (including Chief Head Warders) except Head Warders, Warders, and petty officers and by the Superintendent of Central Jail in the cases of Head Warders and Warders. The Superintendent may grant any subordinate jail officer casual leave, not exceeding fifteen days in any one year, but in the case of warders and Head Warders (including Chief Head Warders) who are inhabitants of (a) Bihar and Assam and (b) States west of Bihar such leave may be extended to sixteen and eighteen days respectively. The total amount of casual leave may be given at one time at the discretion of the Superintendent. Particulars of all casual leave granted shall be entered in the Register of Casual Leave (West Bengal Form No. 107).

The Inspector-General of Prisons is empowered to grant casual leave to all whole-time Superintendents and other gazetted officers under the Prisons Directorate up to a limit of fifteen days in a calendar year.

221A. Chief Head Warders, Head Warders and Warders of jails, when granted leave other than casual leave, are allowed free railway and steamer passes to and from their homes once in 4 years. Issue of these passes is subject to the conditions set out in rule 130 of the West Bengal Service Rules, Part II.

Free railway and steamer passes for journey home to certain classes of officers when granted leave or invalidated or discharged on medical grounds.
G.O. No. 4443-HJ., dated 5-12-38.

Members of the ranks mentioned above are also allowed free single passes from the jails to which they are attached to their homes when they are invalidated out of the service or summarily discharged on medical grounds as unfit for service. This concession is in addition to the concession allowed under rule 130 of the West Bengal Service Rules, Part II.

222. Applications for the grant of leave other than casual leave from Jailors, Deputy Jailors or Jail Clerks should be submitted to the Inspector-General in West Bengal Form No. 40 in sufficient time and normally not less than one month before the date from which the leave is wanted. No leave will be granted, except in case of sickness or urgent necessity, during the months of December and January when the preparation of the annual statistics and report is in hand, or until these are submitted, or when there is much sickness amongst the jail staff except to those sick.

Authority to whom application for leave is to be submitted.
G.O. B. No. 408-Ad., dated 5-5-1916.

G.O. No. 2368-PJ., dated 11-6-1931.

223. The Superintendent of a District Jail is empowered to grant such leave as may be permissible under the rules applicable to any warder of his jail or affiliated subjail, provided that (1) the period of leave granted shall not exceed four months, and (2) local arrangements can be made, when necessary, for carrying on the work of the absentee: when local arrangements cannot be made, or when the period of leave applied for is longer than four months the sanction of the Superintendent of the Circle Jail, who has to provide a substitute, must be obtained. No Head Warder shall be granted any leave other than casual leave except by the Superintendent of the Circle Jail. In forwarding applications for leave of Head Warders and warders the Superintendent shall state whether he recommends the request. Applications for leave based on medical grounds shall be accompanied by an expression of opinion from the Medical Officer.

Authority competent to grant leave.

G.O. No. 2368-PJ., dated 11-6-31.

224. In arranging for the leave other than casual leave of Warders in subsidiary jails, it will be necessary to despatch a Warder from the district jail, and to insist on the subsidiary jail Head Warder and Warders taking their leave in turn. The officiating warder will then pass on to another subsidiary jail, and remain there until the Warders of that jail have had leave in turn.

Subsidiary Jail Head Warder and warders to take leave in turn so far as possible.

225. The Superintendent shall have the power of stopping all leave, and of recalling those who have availed themselves, of it during the prevalence of unusual sickness in the jail, or on the occurrence of any circumstance requiring the presence of the full strength of the jail guard.

Superintendent may stop all leave.

Jail staff to be permitted off days in a cyclic order.

225A. Subject to the exigencies of service in individual jails and if it does not lead to any disorganisation of work in jails, the jail staff shall be permitted, in a cyclic order, off days, to the maximum possible extent, at suitable intervals and under conditions, as indicated below. It should be clear that this concession cannot be claimed as of right.

Jail Cir. letter No. 8905(25) dated 24-6-40.

G.O. No. 202-HJD., dated 25-10-40.

(1) All executive and clerical staff is to be granted one full day's or two half days' off in a fortnight, to be availed only on Saturdays and Sundays. This concession will not absolve any jail officer of his responsibility for proper discharge of his duties as specified in the Jail Code rules and standing orders. In making the roster of off duties, the Superintendent shall make proper arrangements for carrying on the duties of the absentee officers and should see that the Jailor and the Deputy Jailor (or the senior-most Deputy Jailor in jails where there are more than one Deputy Jailor) are not allowed to be absent on the same day. When the Deputy Jailor functions for Jailor under this rule, he shall possess all his powers and responsibilities, as laid down in Jail Code Rule 275.

G.O. No. 1679-HJ., dated 30-8-46 and No. 2116-HJ., dated 9-11-48.

(2) All permanent members of the warder staff including the Chief Head Warders, Head Warders and Warders are to be granted one full day and night off each in a week.

Section VIII—Security Bonds

226. Deleted.

227. The following Jail Officers shall furnish security of the amount mentioned against each of them and execute Security Bond (see rule 237) for the due performance of all duties required of them.

Security to be
furnished by Jail
Officers.

Pensioners of the Indian Army employed as Warders are not required to furnish security.

	Rs.
Jailor	2,500
Deputy Jailor and Head Clerk	750
Jail Clerk	500
Chief Discipline Officer	1,000
Discipline Officer	750
Matron, Presidency Jail	750
Assistant Matron, Presidency Jail	500
Matron	125
Chief Head Warder	250
Head Warder	200
Warder (including female Warder)	125

Security may be offered in Government Promissory Notes, Post Office Cash Certificates, Defence Savings Certificates, National Savings Certificates, National Plan Savings Certificates, 10-Year National Plan Certificates, 12-Year National Defence Certificates, 10-Year Defence Deposit Certificates, 10-Year Treasury Savings Deposit Certificates and such other forms of Security as may be approved by Government from time to time.

NOTE.—Other officers, as may, from time to time, be ordered to do so shall also furnish security and execute Security Bond.

227A. When a Jail Officer who has furnished security takes leave or is deputed to some other duty for not more than six months and another officer is appointed to act for him, security should be taken as laid down in rule 23 of the West Bengal Financial Rules, Volume I. Security to the full amount should always be taken when the acting appointment is made for more than six months.

A Jail Officer
acting in place of
another tempo-
rarily also to
furnish security.

228. Any officer required to furnish security may deposit the full amount in any of the forms mentioned in rule 227, or pay the amount in full on appointment, or may at any time make up the full amount by one or more special payments. If the amount of security is not at once deposited,

Procedure for
payment of
security deposit.
G.O. No. 4330-H.J.,
dated 22-3-1927.

it shall be recovered by monthly deductions from the officer's pay at the following rates :—

	Rs.
Jailors (drawing more than Rs. 250 per month) ..	40
Jailors (drawing Rs. 250 per month or less) ..	25
Dy. Jailors and Head Clerks	10
Jail Clerks	5
Chief Discipline Officer	10
Discipline Officer	10
Matron, Presidency Jail	10
Assistant Matron, Presidency Jail	5
Chief Head Warders	2
Head Warders	
Warders, including female Warders and Matrons (every alternate month) ..	1

G. O. No. 2343-HJ., dated 5-9-1940.

NOTE—New Postal Savings Bank account shall be opened after a sum of Rs. 5 has been accumulated. So long as the amount of deposit remains below Rs. 5 it shall be kept with the Jailor and he shall be solely responsible for the safe custody of the money.

Deductions on account of security to be deposited in Savings Bank account.

229. The deductions made under rule 228 shall be recorded in column 17 in the office copy of the pay bill (West Bengal Form No. 2435). The Security Register (No. 38), will show how far the required securities have been deposited. The Superintendent shall open in the nearest Government Savings Bank a separate account for each officer from 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 Jailor, immediately after it is realised. The amounts realised by these deductions and paid to the Savings Bank shall be respectively debited and credited in the general cash-book on the proper dates.

Savings Bank books for security deposit to be kept in custody of Jailor. Rule 238.

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

Transfer of the Security Deposit Accounts of the Jails staff on transfer.

231. Previous to the transfer of an officer or warder, the Superintendent of the Jail shall see that the following documents are prepared :

- (1) an application in proper form to the local Post Master signed by the officer or warder concerned for transferring the postal security deposit account to the Superintendent of the Jail to which he is being transferred ;
- (2) a Security Deposit Form signed by the officer or warder concerned ; and

(3) two specimen signatures.

He shall then forward these documents along with the relevant Security Deposit Pass Book and a letter authorising the transfer of the account to the local Post Master requesting that the Pass Book may be transmitted direct to the Superintendent of the Jail to which the officer or the order is being transferred.

232. When, in the case of any officer, the amount of security money deposited in the Post Office Savings Bank reaches Rs. 500, the Superintendent of the jail to which the depositing officer may be attached, shall ascertain from the depositor whether he desires to invest the amount in Government Promissory Notes or in any of the certificate mentioned in rule 227. If Government Promissory Notes are to be purchased, an application shall be made by the Superintendent to the Deputy Accountant-General, Posts and Telegraphs, Calcutta, in accordance with Note 2 under rule 110 of the Government Securities Manual and Rule 46 of section VI of the Post and Telegraph Guide, for making such purchase for the full amount deposited, if possible, and the depositor shall pay all charges incidental to the purchase. All Government Promissory Notes tendered as security or purchased with the security money of the Jail Officers, shall be endorsed by the Officer who tenders them to the Inspector-General and shall be sent by the Superintendent in a registered cover to the Inspector-General's Office. These shall then be lodged for safe custody with the Reserve Bank of India.

Mode of Investment
of Security money.

Post Office National Savings Certificates and other certificates may be purchased in the name of the officer who wishes to deposit them as security and may be accepted as such at their purchase or surrender value. The certificates shall then be formally transferred to the Governor of West Bengal, in accordance with the relevant rules and sent to the Inspector-General for safe custody.

233. When the full amount of security payable by any officer has been deposited in the Savings Bank, the Superintendent shall furnish the depositor with a certificate (in W.B.J. Form No. 91) to that effect, stating the amount of deposit. The Superintendent shall also furnish the depositor with the particular of the Government Promissory Note or Certificates that may be held by him as security.

Certificate of
payment of
Security money.

234. In the event of the death of a subordinate officer the Superintendent shall ascertain if Government has any claim against him and if so, recover it from his outstanding pay and allowances.

Disposal of the
security money on
the death of a
subordinate officer
who furnished
security.

If he has furnished security, than after the lapse of six months (or earlier if the Inspector-General shall, under exceptional circumstances, so direct) the Superintendent

G.O. No. 2047-H.J.,
dt. 27-7-1951.

shall dispose of the security money of the deceased as follows :

- (a) **If the Security is in Government Promissory Notes or Post Office Cash Certificates**, the Superintendent shall apply to the Inspector-General for the notes, which shall be endorsed for payment to the Superintendent and be sent to him. In case of Postal Cash Certificates the certificate may, with the permission of the Head Post Master, be transferred by the Inspector-General to the Superintendent of Jail. Any money claim of Government remaining unsatisfied shall be recover by the Superintendent, who may realise the notes, if necessary, and the balance shall be paid to the legal heir or heirs producing the legal authority. In exceptional cases where it is considered that undue delay and hardship would be caused by insisting on production of legal authority, the balance to the extent of Rs. 500 may be paid to the person or persons claiming as legal heir or heirs of the deceased officer after such enquiry into the rights and title of the claimants as may be deemed sufficient on his or there executing an indemnity bond. If the balance to be refunded exceeds Rs. 500 the same procedure may be adopted after obtaining orders of Government on execution of an indemnity bond with such sureties as may be deemed necessary.
- (b) **If the Security is in Savings Bank**, the Superintendent shall withdraw sufficient money to satisfy any Government claim against the deceased, and the balance shall be paid to the person or persons claiming as legal heir or heirs in the manner as in the case of relinquishment of the Government Promissory Notes or Post Office Cash Certificates. In cases of Head Warders and Warders, however, the Superintendent shall apply to the Post Master General for the withdrawal of the whole amount and dispose of it, less any Government claim against the deceased, in accordance with the terms of the declaration in West Bengal Jail Form No. 117, which all Head Warders and Warders should sign on entering service and revise whenever necessary.
- (c) **If the security is in any other form**, the Superintendent shall dispose of the same and recover any money claim of the Government against the deceased in the manner prescribed by Government.

Interest on G. P.
Notes deposited as
security.

235. Interest on Government Promissory Notes, deposited as security is payable to the officers who own the notes, on receipts in the usual form countersigned by the Inspector-General.

236. 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.

Interest on security money deposited in Government Savings Bank.

237. Security Bonds shall be in W.B.J. Form No. 90. They shall be executed as soon after appointments as possible and must be registered, but are free from stamp duty or registration fee. After registration the bonds of Jailors, Deputy Jailors, Head Clerks, Jail Clerks and Sub-Jail Clerks and Discipline Officers shall be sent to the Inspector-General for safe custody. The bonds and declarations in West Bengal Jail Form No. 117 of all Head Warders and Warders shall be pasted into their Service Records—W.B.J. Form No. 96.

Security Bonds
W. B. Form No. 5123.
Rules 215, 227.
W.B.F. No. 5146.
Rule 234(b).
W.B.F. No. 5126.

238. Deleted.

239. 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 the following rule. 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.

No forfeiture of the security unless sanctioned by the I.G.

240. 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 234 in the case of an officer's death, except that the balance, if any, of security money after settlement of all Government claims, shall be paid to the officer concerned. If the security is in Government Promissory Note or in Certificates referred to above from which no claim has to be realised, these shall be delivered to him, duly endorsed for payment to him, a receipt being taken from him in either case. But no security shall be released within six months of the officer leaving Government service, and the return of security shall not be deferred much longer than six months.

Return of the security money in case of final quitting of Government service.

Section IX—The Jailor

241. Any rule in this Code referring to a Jailor shall apply to any Deputy Jailor, Discipline Officer or any other person performing the duties of a Jailor.

Rule 275.

242. The Jailor shall be the chief executive officer of jail and shall control the whole subordinate jail establishment under the orders of the Superintendent and shall assist the Superintendent on all occasions, and see that his instructions are carried into effect. He shall be responsible for the strict carrying out of all the rules in this Code relating to the management of the jail and prisoners. He should therefore make himself thoroughly acquainted with the rules and with circulars issued by the Inspector-General.

Position and duties of the Jailor.

243. All officers subordinate to the Jailor shall be under his immediate control and shall implicitly obey his orders. (See rule 109 regarding medical subordinate.)

Subordinate officers to obey the jailor.

Jailor competent to grant leave to his subordinates for four hours.

Rules 176, 350.

Jailor to reside in the prison.
See section 16, Act IX of 1894.

Rule 1338.

244. The Jailor may grant leave of absence from the jail to any subordinate officer without the sanction of the Superintendent ; but this leave shall not extend beyond four hours, and during the subordinate officer's absence the Jailor shall be held personally responsible for the due performance of the absentee's duties.

245. The Jailor shall reside in the jail premises, unless the Superintendent permits him in writing to reside elsewhere. He must always be present in the jail or jail grounds except when he has to attend a Court of Justice, or on permission from the Superintendent. The Jailor shall, before leaving the jail precincts for any purpose whatsoever, make over charge of the jail to the next senior officer in rank present, and shall record the fact that he has done so in his report book. The officer receiving charge shall thereupon countersign such entry.

The Jailor and the Deputy Jailor shall not be absent from the Jail at the same time during the day from unlock to lock-up. The hours for meals and rest should be so arranged that either the one or the other is present at the jail.

Jailor to accompany certain jail visitor.

246. He shall, if required, accompany the Magistrate, Medical Officer, Inspecting Officers, and Official and Non Official Visitors on their visits to the jail. He shall always accompany the Superintendent on his visits to the jail.

Jailor's Report Book.

Rules 245, 260, 462, 472.

247. The Jailor shall keep a report book, in Register No. 1, in which he shall record daily on the left hand page the state of the Jail and all occurrences of importance, and make reports and representations.

In this book he shall enter daily—

- (a) the hour at which the wards were opened ;
- (b) what members of the jail staff were present ;
- (c) the hour when prisoners began work ;
- (d) the number of prisoners who used the night latrine (in small jails, the number and names of the prisoners) ;
- (e) in jails in which a Cell Register is not kept, the names of prisoners who slept in cells on the previous night ;
- (f) the hour at which prisoners stopped work at midday, and at which work was recommenced ; and
- (g) the hour at which work was stopped for the day, and at which the prisoners were locked up.

He shall also record all cases in which he may have found it necessary to use, restraint to any prisoner, any violent outbreak or serious offence, accident, death, outbreak of epidemic disease or any occurrence out of the ordinary routine or his visits to the female ward on the previous night with the reasons and hours thereof. In default of performing such daily visits or duties as are required by these rules he shall state how far he has omitted them, and the reason. He shall report any neglect of or offence committed by or the absence from duty of, any subordinate officer, or application for leave requiring the Superintendent's order; also enter requests for sanction for unusual expenditure or for the employment of prisoners in any special manner, or any matters upon which he may require orders. This book shall be laid daily (or oftener if necessary) before the Superintendent, who shall endorse his orders upon each entry, or, if no order or comment is required, append his initials, on the right hand page. On Monday mornings, the Jailor in District Jails and in Central Jails, such official as the Superintendent may nominate for the purpose, will certify in the Jailor's report book that he has carefully examined the entries made in the several registers since the preceding Monday, and that they have been found correct and up to date.

Rule 253.
Rule 950.

248. His chief duties are to secure the safe custody of prisoners, to enforce discipline among prisoners and his subordinates, to ensure that prisoners sentenced to rigorous imprisonment do the work assigned to them, and to maintain a high standard of health among them so far as this can be secured by strict compliance with the rules and orders made with this object. The sedulous attention to all matters which can improve the health of the prisoners will be considered one of the highest qualifications for the post of Jailor. He shall visit every part of the jail daily, including cells and hospital, and see every prisoner at least once in every 24 hours.

Duties of the
Jailor.
Rules 647, 742.

249. It shall be his duty to be always present when the prisoners are locked up at night and taken out of the wards in the morning, and this duty cannot be delegated except by permission of the Superintendent, unless the Jailor is sick and unfit for duty. When it is so delegated a note of the same must be made in the Jailor's report book. In large jails a part of the unlocking and locking up must be performed by the Deputy Jailor, or Head Warders, who shall be responsible for the proper performance of their portion of the work, but the Jailor must ascertain from these officers that everything is correct and that every prisoner is present. He shall also see that all keys are counted and properly disposed of every night as required by rules 324, 333 and 448.

Jailor to be present
at lock-up and
unlocking hours.
Rules 436, 446.

Jailor to be responsible for safe custody of prisoners' property.

Rules 499, 501.

Rules 543, 544.

250. It shall be his duty, on the admission of a prisoner, to satisfy himself that the writs, warrants or orders are in order, to take from the prisoner all money, jewellery, and other articles found upon him, and all clothing not required in jail, and to see that the same are properly entered in the property statement (West Bengal Form No. 5158) and other relevant registers (W. B. J. Registers Nos. 48 and 48A). When the property consists of money, the amount shall be entered in the contingent cash-book. He is responsible for the safe custody of prisoner's property. He shall produce the prisoners as soon as possible before the Superintendent and the Medical Officer, as required by rules 507 and 514.

Jailor responsible for enforcement of the terms of warrants.

Rules 503, 542(3), 523, 769.

Rule 562.

251. The Jailor is responsible for the safe custody of all warrants and the strict enforcement of their terms ; he shall see that the name of every prisoner is on his arrival entered in the Release Diary under the date on which he is to be released ; that in case of the prisoner's obtaining a remission of sentence, or receiving any additional sentence while in jail, the entry in the Release Diary is transferred to the correct date ; and that no prisoner is on any account either released before his time or (except under the provisions of rule 102) kept in jail beyond the termination of his sentence or beyond the date on which under the remission system he is entitled to be released. If a prisoner is sentenced to solitary confinement, he shall see that the prisoner is placed in a cell at proper intervals for the prescribed periods.

Jailor to assign work to each prisoner.

Rules 555, 636, 786.

Rule 1225.

252. The Jailor shall assign to each prisoner his work subject to the control of the Superintendent, and shall see that the task is properly entered on the history ticket, and that all changes of labour are so entered. In the distribution of labour he shall invariably consult the result of the fortnightly weighments, and see that no prisoner who is losing weight is placed on any labour which is likely to injure his health. This duty cannot be delegated to any subordinate without the permission of the Superintendent. In Central Jails, however, if the Superintendent considers it expedient, he may entrust it to the Deputy Superintendent.

Breach of jail rules to be noted in prisoner's history ticket.

Rules 186, 187, 202, 247, 556, 730, 981.

253. The Jailor shall not every breach of jail rules in the prisoner's history ticket, and shall bring the offender before the Superintendent, but is strictly prohibited from punishing any prisoner. In case of absolute necessity, he may place handcuffs or link fetters for restraint upon a prisoner if he becomes violent or lock him in a cell, but in such a case he shall bring the matter to the Superintendent's notice with the least possible delay.

Weekly search of prisoners, wards, etc.

Rule 274(10).

254. With a view to preventing the secreting or possession of prohibited articles in the jail, he shall occasionally, at uncertain times, but at least once a week, cause every prisoner and all clothing, bedding, wards, workshops and cells to be thoroughly searched.

255. The jailor shall be strictly guided by the rules in chapter XVII of this Code regarding prisoners' interviews and communications with their relatives, friends or outsiders. He shall not permit any stranger or person not authorised to visit the jail under chapter IV of this Code to enter the jail without the written order of the Superintendent.

Jailor not to permit unauthorised visits. Rules 65, 66.

256. He shall be held responsible for the proper weighment and issue to the cooks of prisoners' rations, and for seeing that they are properly cooked and distributed so that every prisoners receives his proper quantity ; but, subject to such responsibility he may with the permission of the Superintendent, delegate these duties to the Deputy Jailor or any other officer.

Distribution of ration to prisoners.

Rule 1115.

Rule 274.

257. The Jailor shall arrange that every prisoner who the desirous of seeing the Medical Subordinate, or who is ill, or whose state of mind or of body appears to require medical attention, is shown to the Medical Subordinate without delay ; and he shall record the circumstance on every such prisoner's history ticket.

Prisoners requiring medical attention.

Rule 555.

258. All directions entered by the Medical Officer or Medical Subordinate on a prisoner's history ticket relative to the treatment of such prisoner shall be complied with by the Jailor, unless they are contrary to any provision of these rules or unless the Jailor has not the means or power to carry them out. In every case the Jailor shall record on the prisoner's history ticket, in respect of every direction, what action he has taken, or why he has not taken action ; and in any case when he considers it improper to comply with any direction, or is unable to do so, he shall show the history ticket to the Superintendent at his next visit and obtain his orders thereon. He shall carry out forthwith emergent written orders of the Medical Officer regarding the sick in hospital.

Jailor to comply with directions of Medical Officer or Medical Subordinate.

Rule 555.

259. (1) When any prisoner dies, the Jailor shall send immediate notice of the death to the Superintendent and the Medical Officer, and 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 Jailor to the Chairman of the municipality, or, if there be no municipality, to the Magistrate of the district.

Jailor to report the death of a prisoner.

Rules 132, 548.

Rules 541, 567.

Rule 84A.

(2) The following procedure should be strictly followed in regard to the sending of intimation of the death of a prisoner to his relations :

G.O. No. 3872-H.J. dated 19-12-1952.

(a) When a prisoner dies in jail, the Superintendent shall send intimation of the death direct to his next of kin either by special messenger or by telegram according as he resides within or outside the limits of the town in which the jail is situated. The dead body shall be retained for not more than twenty-four hours at the discretion of the Superintendent.

Rule 703.

- (b) When a prisoner dies while being removed from the court to the jail for admission for the first time, the Court Inspector or Sub-Inspector of Police shall send the intimation of death direct to the next of kin in the same manner as indicated in (a) above.
- (c) When a prisoner after being admitted in to jail dies under police custody during transit to or from court or elsewhere, the Court Inspector or Sub-Inspector of Police or the Police Officer-in-charge of the escort party, as the case may be, shall send immediate intimation of death to the Superintendent of the jail from which delivery of the prisoner was taken and the Superintendent of the jail shall then send the intimation direct to the next of kin in the same manner as indicated in (a) above. The said Police Officer shall also furnish to the Superintendent of the jail following details along with the intimation of death :
 - (i) the circumstances under which the death occurred ;
 - (ii) the place where the dead body is preserved ;
 - (iii) the time and hour up to which the dead body will be preserved ;
 - (iv) whether or not the dead body will be delivered to the relatives on demand ; and
 - (v) if so, from whom delivery of the body is to be taken.

(3) In very exceptional circumstances when the address of any relative of a deceased prisoner is not known to the jail authorities, the Superintendent of the jail shall send the intimation of death to the Officer-in-charge of the police-station as mentioned in the admission register with the request to transmit the same to the next of kin of the deceased. The Officer-in-charge of the police station will then take action as indicated in (a) above.

(4) If a prisoner sentenced in another State, for whose maintenance in a West Bengal Jail, the said State is charged, dies in the jail, information of his death shall be communicated to the Government of such State through the Inspector-General.

Inspection of
prisoners.

Rule 247.

260. Every Sunday morning the Jailor shall hold a parade of all the prisoners for the time being confined in the jail and shall, with the Medical Subordinate,—

- (a) carefully inspect every prisoner ;
- (b) examined the clothing and bedding of every prisoner ;
- (c) check the gang-books and satisfy himself that every prisoner is present or accounted for ; and satisfy himself in generally that everything is in proper order.

He shall enter a report of his inspection in his Report Book, noting therein the state of the clothing, cleanliness, numerical strength and other matters of importance relating to the prisoner.

261. The Jailor shall be responsible for the warder guard being properly drilled, generally efficient and clean and neat in appearance. It shall be his duty to see that the reserve guard is at all times present at the jail in full force, and properly armed. He shall see that all the warders invariably sleep in the quarters allotted to them and he shall occasionally, at least once a fortnight, visit the warders quarters at night, and ascertain that none of the warders, have left the jail premises without permission.

Jailor shall be generally responsible for efficiency of the warder-guard.
Rule 349.

Rule 314.

262. The Jailor shall be responsible for the safe custody of all important documents and for the registers and records, prescribed by these rules. He shall exercise general supervision over the work of the office. The delegation of the preparation of returns, entries in registers, or any other duty of the Jailor to any authorised subordinate, shall in no way relieve the former of the responsibility of ensuring that these are correctly and punctually performed, but his main duties are the direct control of the prisoners and the management of the jail. The cash book shall be maintained by the Deputy Jailor or a clerk or an accountant at the discretion of the Superintendent. The Jailor shall see that the cash balances correspond with those shown in the cash-book, initial the latter if correct, and present them daily to the Superintendent for inspection. In a jail with a Deputy Superintendent, these duties, in so far as they relate to the manufactory department, shall devolve on that officer, the cash book being maintained by the Accountant.

Jailor responsible for safe custody and maintenance of documents, registers and records.

Rule 1313.

Rule 82.
G.O.No. 2626-PJ.,
dated 5-9-29.

263. The Jailor is prohibited from making advances from private funds for jail purposes. In all financial transactions he shall strictly follow the procedure prescribed in chapter XLII of this Code and in the Civil Account Code.

Jailor not to take any advance from private funds for jail purposes.
Rule 1346.

264. The Jailor shall be responsible for all stores, machinery etc., in his charge, and shall render an account, on his removal or transfer, of all manufactured goods, raw material, tools, plant, money etc., for which he may have been made responsible. He shall see that all store-rooms are kept clean and neatly arranged, and protected as far as possible from vermin, birds, insects and damp. The Jailor of a central jail to which a Deputy Superintendent has been appointed shall be responsible for all stores, etc., not appertaining to the manufactory department, and shall similarly render an account of them. The responsibility of the Jailor for stores, etc., may be delegated to the Deputy Jailor and the Store-keeper by written order which shall be submitted for approval to the Inspector-General. This, however, will not

Responsibility of Jailor for stores, machinery, etc.

Rule 801.

Rule 1122.

Rules 274, 279.

G.O. No. 709-PJ.
dated 9-12-27.

relieve the Jailor of his general responsibility for the safe custody and correctness of stores in the jail. The keys of store godowns shall always remain with the officer placed in charge of the godowns, the duplicate keys being kept in a sealed envelope under the initial of the Superintendent in the jail cash safe.

Jailor to give inventory of property on being relieved.

Jail Cir. Letter No.3537-67 dated 19-2-1935.

Rule 234.

265. When a Jailor is discharged or suspended, resigns, takes leave (other than casual leave), or is transferred, he shall be required, on making over charge to his successor, to give an inventory (in W.B.J. Form No. 87) of all property, stores, etc., in his hands, which will be kept in the jail records, a copy being given to his successor. Whenever the responsibility of the Jailor for stores, etc., is delegated to the Deputy Jailor or jail clerk under rule 264, the relieving Jailor shall simply inspect the stores, etc., and check some of the items and get a certificate from the officer-in-charge that the stores are correct. A detailed check of stores, etc., is not necessary as the officer-in-charge is responsible for the correctness of actual stock in the jail. The relieving Jailor shall however take over personally such articles as were in the charge of the relieved Jailor. He shall give vouchers for all credit sales to the relieving officer. The Superintendent shall ascertain that the inventory is correct and complete, and that the unrealized credit sales are duly vouched for. After full time for all due enquiry within one month, if the Superintendent be satisfied of the correctness of the accounts, a "no demand" certificate (in W.B.J Form No. 88) shall be granted to him and a duplicate copy forwarded to the Inspector-General. In case of the Jailor'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 of the deceased. This rule may be suspended in the case of a Jailor who takes privilege leave or leave on average pay for not more than six weeks, but in that case the Jailor who takes leave shall be pecuniarily responsible for the stores, etc., during his absence, and the burden of proving the responsibility of his *locum tenens* for any loss shall lie with him.

Jailor to inform a newly arrived Superintendent about all special rules and orders relating to the jail.

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

Any omission or neglect on the part of the Jailor will make him liable for disciplinary action.

Section X—Discipline Officers

Duties of the Chief Discipline Officer.

267. In addition to the duties prescribed for Discipline Officers in clauses 1 to 7 of rule 271, a Chief Discipline Officer shall—

- (1) draw up duty roster of Discipline Officers and supervise their work.
- (2) go on occasional surprise rounds inside the Jail to ensure proper and effective guarding by the warder

staff and observance of rules by the prisoners without in any way slackening the security and discipline at the gate.

- (3) do such other duties as may be specially assigned by his superior officers.

268. Deleted.

269. Deleted.

270. Deleted.

271. In addition to the duties elsewhere prescribed, a Discipline Officer shall—

Duties of the Discipline Officer.

- (1) assist the Jailor in the maintenance of security and discipline in the jail, specially in-between the gates,
- (2) supervise the work of the Gate-Keeper,
- (3) receive prisoners from different courts, jails and other places of detention with the requisite writs, warrants, or orders along with the prisoners' personal cash and other properties and pass the prisoners out of the jail gate on due authority,
- (4) prevent smuggling of any prohibited or unauthorised article,
- (5) check with reference to chalans and Gate Passes, all articles coming into or passing out of the jail, and keep an account of these articles in Gate Register of Articles (No. 25).
- (6) search all prisoners passing into or out of the jail gate. He may also search Head Warders, Warders and the menial staff amongst the jail employees and all other persons passing into or out of the jail gate except official and non-official visitors and casual visitors who may be exempted from search by the Superintendent,

N.B.—If he has reason to suspect that any person exempted from search is carrying unauthorised articles he may detain the person between the gates and refer the matter to the Jailor for necessary search.

- (7) receive official and non-official visitors with due courtesy at the gate,
- (8) attend the Superintendent's weekly inspection and other ceremonial parades,
- (9) go on surprise rounds inside the jail to ensure observance of the rules by the prisoners and search wards, cells and other places inside jail for prohibited articles without in any way slackening the security at the gate,
- (10) do such other duties as may be allotted by the Jailor with the approval of the Superintendent.

Section XI—The Deputy Jailor

272. There shall be at least two Deputy Jailors for every Central Jail and one for each District Jail.

Each Jail to have Deputy Jailor.

Position of a
Deputy Jailor.

273. The Deputy Jailor is the Jailor's immediate subordinate and assistant, whose duty it is to take his place whenever he is absent and to undertake whatever portions of the Jailor's duties are assigned to him by proper authority.

Duties of the
Deputy Jailor.

Rule 82.

274. It shall be clearly understood that a fair share of the duties imposed by these rules on the Jailor shall be assigned to the Deputy Jailor, who shall perform the duties allotted to him under the general supervision of the Jailor as required by rule 273. The work he is to do must be clearly prescribed by the Superintendent in his Minute Book, and should from time to time be changed so that he may undergo a thorough training for the appointment of Jailor. Among the duties which may ordinarily be allotted to the Deputy Jailor the following may be specified :

- (1) The superintendence of the admission and search of newly received prisoners, the inspection and custody of their warrants.
- (2) The placing of newly admitted prisoners in quarantine.
- (3) The superintendence of the release and transfer of prisoners and search of their person and property.
- (4) The correct production of undertrial prisoners at the courts.
- (5) The supervision of prisoners' interviews dealing with prisoners' letters, petitions and other communications and appeals.
- (6) The supervision of the lock-up and unlock of the jail.
- (7) The supervision of the execution of various forms of jail punishment and judicial solitary confinement, awarded to prisoners.
- (8) The custody of prisoners' private property (except cash and ornaments). See rules 250, 543 and 544.
- (9) The charge of the clothing store, the issue of jail clothing, bedding, etc., and the maintenance of clothing register.
- (10) The examination, weighment and storing of all grain and other rations stored, and the care of the grain and ration godowns.
- (11) The supervision of the proper husking and cleaning of grain and vegetables.
- (12) The weighment and issue to the cooks of rations the examination of cooked food and its distribution.
- (13) The maintenance of cash books, ration accounts and store register in prescribed forms.

Rule 1178.

Rule 256.

Rule 262. G.O.
No. 2626-P.J.,
dated 5-9-1929.
Rule 1105.

(14) The supervision and drilling of the warder guard.

(15) The keeping of the warder's circle list, service registers and service books.

(16) The weekly search throughout the jail for prohibited articles. Rule 254.

275. Whenever the Deputy Jailor officiates for the Jailor during the temporary absence of the latter, he shall possess all the powers and responsibility of that officer.

Deputy Jailor to have all powers of the Jailor when officiating for him. Rule 241.

276. In addition to the duties specified in rule 274, the Superintendent may, by an order to be recorded in the Minute Book, allot to the Deputy Jailor any specified portions of the Jailor's duties other than those referred to in rules 242, 247, 248, 251 and 262.

Superintendent may allot to the Deputy Jailor some of the duties of Jailor.

The Deputy Jailor shall share the Jailor's responsibility for the carrying out of rules and for the maintenance of discipline. He shall not be absent from his quarters at night without the permission of the Jailor.

G. O. No. 709-PJ., dated 9-12-1927.

CHAPTER V

Section XII—Clerical Staff

(The sub-heading, the Note as well as the reference to the Government order in the margin is deleted from this chapter).

277. Deleted.

278. In each jail there shall be such number of clerks (including a Head Clerk in the case of a Central Jail) as Government may from time to time sanction.

Appointment of Jail Clerks.

279. In a Central Jail the duties of the several clerks of the General and the Manufactory Departments shall be assigned by the Superintendent by written order which shall be submitted for approval to the Inspector-General. In assigning duties the Superintendent shall be guided by the following principles :

Allotment of duties to Jail Clerks.

The duties of a Head Clerk shall relate to the General Department. He shall be responsible for the maintenance of cash books and the contingent register and for the accounts, returns and general correspondence, preparation of budget estimates and of forecast of annual requirement of foodgrains and other necessary commodities, arrangement for timely invitation of tenders and quotations for these articles. He shall also be responsible for due checking of the bills of contractors and other suppliers, preparation of abstract contingent bills and arranging for their drawal from Treasury and payment in time. Ordinarily, senior

clerks shall be placed in charge of General and Manufactory department stores and they shall be known as Store-Keepers. Other clerks will be allotted as assistants to Deputy Jailors and to the Head Clerk and be named as Admission Clerk, Release Clerk, Establishment Clerk, Assistant Store-Keeper and so on according to the branch to which they are attached for the time being.

Ordinarily same person to work as Store-keeper and Head Clerk in District Jails.

280. In District Jails the duties of the Store-Keeper and Head Clerk as enumerated in rule 279, will be assigned to the same person unless there be more than one clerk attached to the jail concerned in which case the Superintendent will assign the duties to the clerks by written order which shall be submitted for approval to the Inspector-General.

Jails clerks subordinate to Jailor and Deputy Jailor.

281. Clerks shall be subordinate to the Jailor and the Deputy Jailor and shall carry out their orders. They will be responsible for seeing that all books, papers and documents are kept properly arranged in their places in the jail office and that the office is kept clean and in proper order.

Superintendents shall see that the clerks in Central Jails are transferred from one section to another to enable them to gain sufficient experience in all the branches.

Section XIII—The Matron and Female Warders

Appointment of Matron.

G.O. No. 3221-HJ., dated 3-12-1957.

282. In such Central Jails or District Jails, as the Inspector-General may determine, there shall be a Matron or a female warder who shall perform the duties of Matron. If necessary, one or more female warders may be entertained.

283. Deleted.

Matron to exercise superintendence over female convicts.

284. Subject to the general control of the Superintendent and Jailor, the Matron shall have the entire care and superintendence of the female prisoners.

Duties of female warder.

Rule 870.

285. Female warders have the same duties in respect of the female prisoners as male warders have in regard to male prisoners. Besides, the female warders shall invariably be required to escort female prisoners when they are sent out under custody.

The female warder, if there is one, is the Matron's immediate subordinate and assistant. She shall take the Matron's place and perform her duties when she is absent, and under the Matron's control, undertake whatever portions of the Matron's duties may be delegated to her. If there is only a female warder and no Matron, she shall discharge all the duties required of Matrons by the rules.

Search of female prisoners.

Rules 504, 543.

286. The Matron shall search all female prisoners on admission into the jail and remove all prohibited articles found upon them. She shall also examine such prisoners, under the orders of the Medical Officer, for the record of any

wounds or marks on the person. Money or other property delivered with them or found on them shall be made over to the Jailor. She shall also daily search the convicted prisoners in confinement to prevent the retention of forbidden articles, or when ordered to do so by a superior officer. The search or examination of a female shall be made only in the presence of females.

287. The Matron shall be present at the opening of the wards and mustering of the female prisoners in the morning of each day. She shall likewise be present at locking up at night, and shall see that every prisoner 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 Jailor for safe custody, unless any female prisoners are confined in the cells, for which see rule 954.

Matron shall attend opening and locking up of wards.

Rule 953.

287A. The Matron shall report to the Jailor unusual occurrences in the female ward. She shall also report to the Medical Officer or the Medical Subordinate and also to the Jailor the case of any female prisoners showing signs of sickness or any irregularity in the supply of medicine or sick diet.

Matron to report unusual occurrence or sickness.

288. The Matron shall see that the wards are thoroughly cleansed and purified as soon as the prisoners turn out in the morning, at which time also the latrines, bathing places, cells, worksheds, and all other parts of the female jail shall be swept and cleaned.

Female wards to be thoroughly cleansed.

Rule 955.

289. The Jailor shall allot tasks to female convicts sentenced to labour according to the class of labour for which is passed by the Medical Officer. The Jailor shall see that the task as also any change of labour is entered in the history ticket. The Matron shall see that the task of each is duly performed and report any convict who does not perform her task.

Allotments of tasks to female convicts sentenced to labour.

Rule 252.

290. The Matron shall see that the female prisoners are clean in their persons and clothes ; that they have the prescribed amount of clothing ; that there clothing not in use and bedding are properly aired and folded and arranged in the place assigned to each prisoner.

Female prisoners to be clean in their persons and clothes and to have prescribed clothing.

Rule 1159.

For the purpose the Matron shall regularly search and inspect persons, clothes and bedding of the female prisoners. Any deficiency in the supply of clothing or other equipments or articles to which the female prisoners may be entitled, shall be reported to the Jailor.

G.O. No. 6474-HJ., dated 26-10-1942.

Distribution of food.

291. The Matron shall carefully supervise the distribution of food to the female prisoners, and see that each receives her proper rations. She shall report to the Superintendent any instance in which the food is bad, or badly cooked, or is insufficient in quantity.

Entry of male prisoner and unauthorised Jail officer into the female ward.

292. The Matron shall take care that no male prisoner enters the female wards unless accompanied by an authorised jail officer. She shall report to the Superintendent any jail officer who, without having authority to enter the female ward or who, having no business therein, enters or attempts to enter such ward.

Watch on female prisoner detained in a cell.

293. When a female prisoner is detained in a cell in the female enclosure, the Matron or female warder shall always be present in the enclosure with the cell keys in her possession, to attend to the prisoner's wants and to prevent suicide. If a female prisoner is confined in a cell at night, the Matron and female warder shall be present on alternate nights near the cell in a suitable place of shelter.

Section XIV—Warder Establishment.

The Circle System

Control of Warder Establishments to vest in Superintendents of Circle Jails.

294. To ensure the greatest possible efficiency in the warder establishments, the control of such establishments shall be vested subject to the supervision of the Inspector-General, in the Superintendent of the Circle Jail in respect of his own jail or of the district and subsidiary jails affiliated to his Circle Jail and forming his circle.

Correspondence relating to warder guard to be made with the Superintendent of Circle Jail.

295. In all matters relating to the warder guard the Superintendent of a District Jail shall correspond with the Superintendent of the Circle Jail. With every reference to a Head Warder or warder, his "circle number" must always be quoted. Every petition of a Head Warder or warder relating to his position in the service, transfer, or promotion shall be addressed to the Superintendent of the Circle Jail, and be forwarded to him through the petitioner's Superintendent.

Rule 305.

Constitution of Circle Jails.

296. The District and Subsidiary Jails forming the Circle of each Circle Jail shall be as follows :

G.O. No. 201-HJ., dated 2-2-1951.

Circle Jails.		District Jails in each Circle.		Subsidiary Jails in each Circle.
1. Alipore Central	...	Alipore	...	Bongaon. Barrackpore. Basirhat. Barasat.
		Burdwan	...	Katwa. Kalna.
2. Presidency Central	...	Hooghly	...	Serampore. Arambagh. Chandernagore.
		Howrah	...	Uluberia.
		Calcutta	...	Diamond Harbour.

G.O. No. 2818-HJ., of 4-11-54.

Circle Jails.	District Jails in each Circle.	Subsidiary Jails in each Circle.
3. Dum Dum Central	... Krishnagar	{ Ranaghat. Malda. Balurghat. Raigunj. Islampur.
4. Midnapore Central	... { Midnapore Purulia Suri	{ Tamluk. Ghatal. Contai Jhargram. Bankura. Vishnupur. ... Rampurhat.
5. Berhampore Central	{ Berhampore Darjeeling Jalpaiguri Cooch Bihar	{ Lalbagh. Kandi. Jangipur. Kurseong. Kalimpong. Siliguri Alipurduar. Tufangunj. Mekligunj. Mathabhanga. Dinhata.

Note.—Alipore and Asansol Special Jails are included in the circles of Presidency Jail and Alipore Central Jail respectively.

G.O. No. 2699 HJ.,
dated 25-8-1955.

297. Candidates for posts of warders shall be selected by a committee consisting of the Inspector-General (President), a representative of the District Magistrate, not lower in rank than a Deputy Magistrate, the District Commandant of the National Volunteer Force of the district in which the Central Jail concerned is located and the Superintendent of the Central Jail concerned (Member-Secretary).

Recruitment to
warder guard.
G.O. No. 3920-
H.J., dated
29-11-1956.

In making recruitment to such posts first preference shall be given to the members of the West Bengal National Volunteer Force, then to the Reservists and ex-members of the Indian Armed Forces. The candidates should be able to read and write. They should be between 18 and 25 years in age, but in the case of members of the West Bengal National Volunteer Force and reservists and ex-members of the Indian Armed Forces the maximum age limit shall be 30 years and 35 years respectively. The standards of minimum height, chest measurement and weight shall be as follows :

G.O.No. 1680HJ.
dated 25-7-1957.

Class.	Height.	Chest measurement.	Weight.
1. Bangalees	1.65 Mets.	79 Mets. and expansion 5 cen. met.	52.16 Kgs.
2. Gurkhas, Rajbansis and Scheduled Tribes.	1.60 Mets.	83 Mets. and expansion 5 cen. met.	49.9 Kgs.
3. Others	1.70 Mets.	81 Mets. and expansion 5 cen. met.	54.43Kgs.

Candidates who are below the prescribed physical standards shall not ordinarily be appointed ; in exceptional cases, however, the Selection Committee may recommend their appointment, but the Superintendent shall not appoint them without the approval of the Inspector-General.

Release of
reservists of the
Indian Armed
Forces employed
as warders on
issue of mobiliza-
tion order.
G.O. No. 1680-HJ.,
dated 25-6-1957.

298. Reservists of the Indian Armed Forces recruited as warders shall be released from their employment, immediately after mobilization is ordered, to enable them to join the Colours. While serving in the Jail Department they are exempted from undergoing military training.

299. Deleted.

Training of
Warders.

Jail Circular No.
11, dated
10-9-1937.

299A. The training of all warders, after recruitment, shall consist of intensive instruction in drill and use of fire-arms and in the duties of a jail warder. The Head Warder of the reserve and the Drill Instructors shall impart the military training. The Deputy Jailors, or other suitable officers, as may be selected by the Superintendent, shall hold regular classes, at least three times a week, to give lectures to the men on the rules of the Jail Code, especially those relating to the duties and responsibilities of warders. Confirmed warders also shall be required to attend drill and the classes. No recruit warder should be put on any responsible duty unless he is fully trained up in drill and use of fire-arms and in his duties. No warder shall be confirmed in his appointment until he has been found, on examination by the Superintendent, to be efficient in drill and all aspects of his duties.

To keep the warder-guard in efficient trim, periodical examination of every warder and Head Warder in drill, rules and duties, after every three years, shall also be held, the results along with the marks gained in musketry, being noted in the Service Record. A warder or Head Warder who fails at these examinations, will have suitable action taken against him. Head Warders found inefficient will be liable to be reduced temporarily or permanently. All orders in this connexion shall be endorsed in the Service Book under initials of the Superintendent.

Police verification.
Rule 215.

W.B.F. No. 5125.

W.B.F. No. 5126.

300. Before appointing a candidate to the post of warder his antecedents should be verified according to orders that may be issued by Government on the subject from time to time. The police verification roll in West Bengal Form No. 95 in respect of a warder shall be pasted by the Jailor at page 2 of the Warder's Service Record in West Bengal Form No. 96 as soon as his Service Book is opened.

Vaccination.

301. All warders shall be vaccinated as soon after enlistment as possible.

- 302.** Every warder shall remain on probation for a period of two years from the date of his appointment in a substantive vacancy. If a warder is found unsuitable for the post during this period, he may be discharged, as per provision of rule 161 B. No warder shall be confirmed in his appointment until he becomes efficient in military drill, and every warder who is not efficient in this or other branches of his duties shall be passed over for promotion, although his name may head the list. Frequent misconduct shall also defer promotion either in the case of warders or Head Warders.
- 303.** A service register (No. 4) shall be kept at the circle jail containing, in respect of every Chief Head Warder, Head Warder and warder of the circle, particulars of appointment, promotion, native district, all districts in which service has been passed and in which serving, rewards, offences and punishments, and leave taken, with date of each change or occurrence. Every offence committed shall bear a consecutive number in order of date of occurrence.
- 304.** To enable the Superintendent of the Circle Jail to have the record kept complete and up to date, the Superintendent of every District Jail shall send to him every month a return (No. 28) giving all necessary details for the preceding month, in respect both of his own jail and of the Subsidiary Jails of his district of departure on or arrival from leave, transfers from or to the jail or subsidiary jail, deaths, suspensions, dismissals, abscondence, offences and punishments, with the date of every occurrence.
- 305.** The Superintendent of the Circle Jail shall publish on the 1st of July of each year a "Circle List" containing the names, "Circle numbers" and other particulars of every Head Warder and warder of the circle arranged in order of seniority. Superintendents should scrutinise this list with respect to the warder establishment of their jails and affiliated subsidiary jails, and should draw the attention of the Superintendent of the Central Jails to any inaccuracy that may be discovered. Two copies of this list shall be sent to the Inspector-General.
- 306.** Whenever for any reason the appointment of a Head Warder in any Jail or Subsidiary Jail is necessary in his Circle, the Superintendent of the Circle Jail shall promote to the vacancy a warder of his circle who has qualified in the Head Wardership Examination according to the instructions issued by the Inspector-General in this regard.
- 307.** No warder shall be promoted to the grade of Head Warder unless he qualifies himself in the Head Wardership Examination, which shall be conducted according to the instructions of the Inspector-General issued in this regard.

Probation.

Rules 160, 218.

G.O. No. 934 P.J.,
dated 31-3-1937.

Service Register.

W.B.F. No. 4981.

Rule 213.
G.O. No. 2956
H.J., dated
3-9-1941.Monthly return
regarding
warders.

W.B.F.No. 5047.

Circle List.

Rule 218.

G. O. No. 2956 H.J.,
dated 3-9-1941.Substantive
appointment of a
Head warder.
G.O. No. 3504 H.J.,
dated 18-11-1955.
Jail Cir.No.8 of
1946.

Rule 294.

Promotion of a
warder.
G.O. No. 3504 H.J.,
dated 18-11-1955.

Period of stay of warders in different classes of jails.

Rule 160.

308. No Head Warder or warder shall remain at a Central Jail longer than five years, at a first, second or third class district jail longer than three years, at a fourth class district jail longer than two years or at subsidiary jail longer than one year. The Superintendents of District Jails shall be responsible for seeing that this rule is complied with in regard to subsidiary jails of their districts and the Superintendent of the Circle Jail shall be responsible in the case of Central and District Jails. The officers concerned shall arrange transfers necessary to give effect to this rule. The Superintendents of jails shall furnish to the Inspector-General, during his annual inspection, a list of warders and Head Warders who have been in their respective jails for more than the scheduled period, stating against each the reason therefor. This information regarding a subsidiary jail shall be included in the list of the District Jail to which it may be affiliated.

Promotion of a Head Warder.

308A. No Head Warder shall be promoted to the rank of Chief Head Warder unless he passes the Chief Head Wardership Examination, which shall be conducted according to the instructions issued by the Inspector-General in this regard.

Important orders to be entered in Order Book.

Rule 194.

W.B.F. Nos. 5127, 5128, 5129. Jail Cir. No. 15672(90), dated 28-10-1946.

309. All orders of major importance affecting the Warder Guard, e. g., transfer, leave, promotion, degradation, etc., shall be entered by the Superintendent in the Order Book (West Bengal Form No. 46). Copies of such orders in W.B.J. Form No. 98, 98A or 98B shall be forwarded to the Superintendent of the jail concerned. A copy of orders in Form 98A or 98B shall be given to every warder or Head Warder transferred or granted leave, as also the Last Pay Certificate in case of transfer.

310. Deleted.

Entries to be made in the Warder's Service Book and Service Record on transfer. Rules 213, 215, 217, 303.

311. The Superintendent shall cause all necessary entries to be made in the Warders' Service Book or Roll and Service Record (W.B.J. Form No. 96) and shall cause the two books to be forwarded together with Form No. 97 complete in all particulars to the jail to which the officer has been transferred within seven days of his departure.

Date of starting to join the new station to be fixed when transfer orders of warders are passed.

Jail Cir. No. 64 of 1907.

312. (1) Whenever a simultaneous transfer of Head Warders or warders is ordered by the Superintendent of the Circle Jail, he shall fix a date on which the officers transferred shall start for their destination, allowing sufficient time for his instructions to be received and acted upon, and the Superintendents of the jails concerned shall punctually despatch the Head Warders or warders, as the case may be, on the date fixed, unless they are unable to do so on account of sickness or other cause, in which case timely intimation shall be given to the Superintendent of the Circle Jail to enable him to make other arrangements or fix some other date, if necessary. No casual or other leave shall be granted to a Head Warder or warder whose transfer is ordered, so as to have effect after the date fixed

for his despatch; but, in order to prevent unnecessary delay, such officers shall be struck off duty not later than noon of the day preceding the date fixed for transfer.

(2) In order that there may be no difficulty or delay on the part of a Head Warder or warder under orders of transfer in proceeding to the jail to which he is transferred, such Head Warder or warder may, if necessary, be granted an advance under rule 320 of the West Bengal Financial Rules, Volume I, to an amount not exceeding one month's substantive pay plus the travelling allowance to which he may be entitled under the rules in consequence of the transfer. Advance under this rule should be drawn on bills to be presented at the treasury or sub-treasury for payment and should on no account be met from the permanent advance; and they should be recovered from the salary of the officer in three equal instalments. In the case of subsidiary jails, the Superintendent of the sub-jail is competent to sanction the advance. (Vide Appendix 17 to West Bengal Financial Rules, Volume II.)

Grant of advance pay and travelling allowance to a Head Warder or warder on transfer.

313. Deleted.

314. A substantial proportion of the Head Warders and warders should be provided with quarters for themselves and their families. Those who cannot be so provided shall be given sleeping and cooking accommodation in the jail premises. These must be quite separate, and at some distance from the guard room.

Quarters for Head Warders and warders.

315. At any jail where there is difficulty in getting atta or dal at reasonable rates these articles may be prepared in the jail and supplied to the warder establishment at cost price, without charging for jail labour employed in the preparation; they as well as Jail Officers may also be allowed to purchase mustard oil manufactured at the jail at six paise per kilogram less than the price at which the oil is sold to the public; and if there are vegetables to spare these may be given to the warders at the main gate; but the supply to each individual shall not exceed his personal needs, and care must be taken that such articles are not disposed of to outsiders. Unauthorised plucking of fruits or vegetables from the jail land or appropriation of Government property to his own use by any member of the jail staff shall be treated as a serious offence, and shall render the offender liable to prosecution.

Vegetables and foodgrains for Jail Officers.
Jail Cir. No. 5 of 1911.

Rule 1157.

316. Where separate hospitals are not provided for the warder guard, sick Chief Head Warders, Head Warders and warders treated as in-patients in jail hospitals shall be dieted at Government expense.

Medical treatment.

In exceptional cases where the Medical Officer attached to the jail or sub-jail certifies that treatment in a hospital other than the Jail Hospital, is necessary and unavoidable, these officers shall be treated in the hospital nearest to the place of duty where the necessary treatment can be provided. Any hospital fees for treatment on this account

G.O. No. 1215 HJ.,
dated 22-4-1937.

shall be met by Government, subject to the recovery of the cost of diet charged by the hospital. Similarly in the case of these officers, the cost of X'ray and bacteriological examinations or any special treatment that may be considered necessary on the recommendations of the Medical Officer attached to the jail shall also be borne by Government.

The sanction of the Inspector-General shall be obtained in each case before payment is made.

Chief Head Warders.

Chief Head Warders.

317. (a) There shall be at least two Chief Head Warders for every Central Jail, one for the Reserve Guard and the other for duty inside the jail.

(b) The Chief Head Warder detailed for inside duty shall, subject to the control of the Jailor, supervise all details of the internal administration of the jail and maintain discipline therein. He is responsible for the due observance of all rules of the Code by Head Warders, warders and prisoners and it is his duty promptly to bring to the notice of the Jailor or the Superintendent any infringement of rule by any person inside the jail. He shall go round the jail on different nights and at different hours at least twice a week.

Senior Head Warder to supervise the details of internal administration of the Jail.

Rule 437.

317A. In a district jail the seniormost Head Warder shall, subject to the general control of the Jailor, supervise all districts of the internal administration of the jail. He is not, except in fourth class district jails, concerned with the administration of the warder guard or its discipline except in matters affecting the internal economy of the jail.

Duties of Head Warder.

318. In addition to the duties elsewhere prescribed in this Code, it shall be the duty of every Head Warder to—

- (a) superintend the warders subordinate to him in the discharge of their duties ;
- (b) be responsible for their appearance and discipline. Any warder found to be improperly dressed whilst on duty shall be reported by the Head Warder ;
- (c) enforce strict compliance on the part of both warders and prisoners with all the rules of the department, and report every breach thereof that comes to his knowledge to the Superintendent or Jailor. Should it be proved that any Head Warder has wilfully neglected to report a breach of discipline of which he is cognizant, he shall be liable to severe punishment ;
- (d) especially comply with rule 191,192 and 463 ;
- (e) assist the Jailor in all routine duties ;

- (f) open, in the presence of the Jailor, the sleeping wards, cells, and other compartments each morning and count the prisoners ; Rule 438.
- (g) distribute the prisoners who are liable to labour each morning to their respective work gangs ;
- (h) cause the name and prison number of every prisoner placed in charge of any warder to be entered in the proper gang-book ;
- (i) issue all necessary tools, implements, raw materials and other articles required for the day's work and to make a record of all articles so issued ;
- (j) collect every evening all such articles together with the produce (if any) of the prisoners' labour after the period prescribed for work is over ;
- (k) satisfy himself that all articles issued have been duly returned to him and accounted for ;
- (l) measure or check the task (if any) performed by each prisoner and note the same in the prescribed task record ;
- (m) superintend the use of the latrines and all bathing and feeding parades ;
- (n) check the prisoners at each change of guard and report promptly to the Jailor in case of any discrepancy ; Rule 319.
- (o) see that no dirt or litter is allowed to be about the jail, and that the drains are kept clean ;
- (p) see that the wards are cleaned and ventilated during the day time, that the beddings are properly folded and arranged in them and that the beddings and clothings are well aired according to instructions ; Rule 1183.
- (q) cause all gratings, doors and the like to be secured and satisfy himself from time to time that they are secure ;
- (r) cause all bamboos, scantlings, poles, ladders, ropes, well gear and other articles likely to be used for, or to facilitate the escape of any prisoner, to be removed and placed beyond the reach of the prisoners and kept in the places prescribed for storing and keeping the same ; Rule 191.
- (s) keep constantly moving about amongst the prisoners while on day duty supervising the work, security and discipline of the jail ; similarly, visit every part of the jail while on night duty and also visit frequently both by day and night the prisoners in condemned and other cells, so that the warders and convict officers are always kept on the alert ; and Rules 739, 986.

- (t) count, in the presence of the Jailor, search and lock up the prisoners in their respective wards, cells and other compartments at the prescribed time each evening.

Change of guards.

319. (1) The Head Warder of the relieving guard shall, at least ten minutes before the hour fixed for relieving the guard on duty collect the warders of the relieving guard at the main gate of the jail. At the proper time he shall march the relieving guard of warders to their respective posts and remove the guard to be relieved.

Rule 417.

W.B.J. Form No. 38.

(2) When relieving the warders of gangs working outside the jail walls the Head Warders of the relieving guard shall, before removing the warders then in charge and about to be relieved, muster the prisoners and satisfy himself that the gang is complete and is made up in the manner recorded in the gang-book. (West Bengal Form No. 5099).

Relieving warders to be posted in presence of relieved and relieving head warders.

320. Warders, whether going on or off duty, shall be marched in double file. Each warder shall be posted in the presence of both the relieving and relieved Head Warders, the relieving warders being taken from the front and the relieved warder falling in at the rear of the squad. When the relief is complete the relieved head warder shall march the relieved warders outside the jail and then dismiss them.

Head warder to see to the change of day gate sentries and gate keepers. Rule 327.

321. The Head Warder on duty shall likewise see that the day gate sentries and gate-keepers are changed according to instructions. At Central Jails the gate sentry shall be changed by the Head Warder in charge or the senior warder of the reserve.

Period of duty of Head Warder.

Rule 318.

322. (1) Every Head Warder shall ordinarily be on duty for half the day and for one watch at night, and also at the opening of wards, cells, and other compartments in the morning and the locking up of prisoners at night.

(2) The periods of duty shall be so arranged that a head warder shall be present at every relief of warders from duty of any kind throughout the day and night.

The relieved and relieving Head Warder or gate keeper to inquire about the safe custody of female prisoners at each change of watch. Rules 950, 953.

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

Custody of keys.

Rules 249, 333.

324. (1) The keys of the jail shall, when not in use or in the personal custody of any officer of the jail, be kept in the key box at the main gate and the key of such receptacle shall by day be retained by the Senior Head Warder on duty and by night by the patrolling officer for the time being on duty.

(2) Any keys which any officer may have to carry about his person while on duty shall be attached to his person by means of a stout chain.

Rule 332.

(3) Duplicate keys of all locks of wards, cells, gates, etc., shall be properly labelled and kept in a separate almirah in the custody of the Jailor. Duplicate keys of safes shall be kept in the local treasury. For duplicate keys of store godowns and of armoury, see rules 264, 344 and 371.

Custody of duplicate keys.
G.O. No. 983 P.J.,
dated 26-3-1936.
Jail Cir. No. 9 of
1932.

325. In the event of an escape taking place, the Head Warders shall be held primarily responsible unless they can satisfactorily prove that the escape was due to no laxity of duty on their part ; see rules 191 and 200.

Responsibility of Head Warders for escapes.
Rules 239, 417,
482.

Section XIV—Warder Establishment

Gate-keepers

326. Two senior warders shall perform the duties of gate-keeper, but when the senior warders are acting for absent Head Warders or are themselves absent, and at fourth-class district jails, the most efficient warders may be posted to this duty. Superintendents of Central Jails shall exercise great care in selecting the best men for this responsible duty.

Selection of gate-keeper.

W.B.J. Form No. 100.

Rule 218.

In a Central Jail a Deputy Jailor or a Discipline Officer or any other superior officer of any rank as may be available may be posted for gate-duty. When such a superior officer is posted at the gate, he shall be responsible for seeing that the gate-keeper does his duties, as prescribed in the Jail Code, properly.

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

Change of gate-keepers.

Rule 321.

328. The gate-keeper shall keep two gate registers (Nos. 24 and 25); in one he shall record the names of all jail officers, prisoners and other persons who pass out of or into the Jail, and in the other he shall make notes of all goods, tools, or stores passed either into the jail or out of it through the gate. He shall record the hour and minute of the entry and exit of every persons and thing as they actually occur and in consecutive order. He shall, to the best of his ability, prevent the improper removal of any property from within the jail or the introduction into it of any prohibited articles.

Duties of the gate-keeper.

W.B.F. Nos. 4999
and 5000.

He shall also assist in effecting petty sales at the gate, recording, in regard to each item, the article sold, quantity,

rate, value received, and name and residence of purchaser. At the end of his turn of duty he shall enter in writing the total of sums of money received by him and shall sign his name thereto, or if nothing has been received shall make an entry to that effect ; the relieving gate-keeper shall receive and verify the amount, also sign the entry. The Jailor on receiving from the gate warder cash for articles sold at the gate shall enter in red ink at the end of the gate-keeper's entries, the amount received, with initials and date. In Central Jails and in large district jails a convict able to read the vernacular and to write in it, and selected under rule 799 for the appointment of convict writers, may be employed to assist the gate-keeper in his work of keeping these books with the Inspector-General's sanction but he shall not be allowed to make any entries in the gate registers.

Duties of
gate-keeper.

329. He shall also help the Jailor or officer deputed for the purpose to receive new prisoners. He shall be responsible for the cleanliness of the main gates and the passage between them, and all fetters and other articles placed there under his charge, and may employ prisoners awaiting release in keeping everything perfectly clean. All prisoners employed in the offices or about the main gate shall be placed under his special charge. He shall see that there are not too many prisoners or outsiders at the gate at any one time ; if there are, he shall bring the fact to the notice of the Jailor or other responsible officer without delay.

Jails to have
double gate at the
main entrance.

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

Only one gate to be
opened at a time.

331. The gate-keeper shall open only one gate at a time, and shall never under any circumstances have both gates open at once. Whether the person who has to pass through the gates is a high official or a prisoner, the first gate through which he passes shall invariably be both carefully bolted and securely locked before the second gate is opened. Neglect of this rule shall render the offending gate-keeper liable for the first offence to a fine of half a month's pay, and for the second offence to dismissal. The Jailor shall also be held responsible if this rule is not strictly observed.

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

Custody of gate-keys.

Rule 324.

333. The gate-keeper shall not allow the keys of the inner and outer main gates to pass out of his personal custody until the lock-up is completed in the evening. After completion of the lock-up a second padlock shall be put upon the wicket of the inner gate. The gate-keeper shall then in the presence of the Jailor make over the key of the large folding doors of the inner gate to the senior Head Warder, who shall lock it up with other keys not required for the night in the gate key-box. The gate-keeper shall (also in the Jailor's presence) make over one of the keys of the inner wicket to the Head Warder who is to patrol inside the jail, and the other key of the inner wicket, together with the keys of the outer gate, to the night gate-sentry.

Gate keys to be kept in personal custody of the gate keeper.

Rule 249.

334. In the passage between the main gates the following articles shall be kept :

Articles which should be kept in the passage between the main gate.

The Jail clock.

Rules 59, 173.

A locked key box fixed to the wall.

Fetters and handcuffs hung on the wall ready for use.

G. O. No. 1998 HJ., dated, of 18-7-58.
W.B.F. No. 5023.
W.B.F. No. 5142.
W.B.J.F. No. 115.

A standing desk for the Gate Register (No. 46) and writing materials.

Weighting scale.

Rule 69.

Notice Board.

Fire Extinguishing Apparatus. Reprint of the duties of gate-keepers and gate-sentries.

A reprint of Chapter IV for the use of visitors (W.B.J. Form No. 155.)

335. When prisoners have to be passed out of or into the jail the following procedure shall invariably be followed :

Procedure during entrance and exit of prisoners.

The gate-keeper shall first let them in through the inner gate, and having done so he shall lock it ; he shall then write in full in the gate register the name of every prisoner of a gang leaving the jail, the name of the warder who is in-charge, and the name of the convict overseer who is assisting him and shall obtain under these entries the signature of the warder concerned. These entries having been carefully made he shall open the outer gate and count the prisoners out one by one in order to see that there is no mistake in the total number entered in his register. The list of the gang having once been made in the gate register

Rule 328.

Jail Cir. No. 5,
dated 17-6-48.

need not be re-written on each occasion of the passage of these prisoners through the main gate, but every change in the gang must be noted. On the prisoners of the gang returning he shall open the outer gate, the inner one being carefully locked first, and admit them to the passage between the gates. He shall then lock the outer gate, and call out the name of each prisoner, the convict overseer, and the warder, each man answering as his name is called out. The gang having been found correct, he shall open the inner gate and count each man into the jail one by one, to see that there is no mistake in the total number. Under no circumstances whatever shall this procedure be departed from, and no prisoner shall be allowed to leave the jail unless he is in charge of a paid official.

Prisoners passing out of jail be specially selected.

336. Prisoners who are allowed to go outside the jail gate shall be specially selected by the Jailor with the sanction of the Superintendent. Should it come to the knowledge of the gate-keeper that any prisoner is being or has been taken out of the jail contrary to rule, he shall make a note of the fact in his book, report it to the Jailor at once, and subsequently to the Superintendent at the first opportunity.

Gate-keeper to be furnished with a list of officials and visitors entitled to enter the jail.
Rules 55, 65.

337. The gate-keeper, shall be furnished with a list of all official and non-official visitors who are entitled to enter the jail. On their presenting themselves at the gate he shall at once admit them but shall not admit outsiders without a pass from the Superintendent.

Search of persons passing into or out of the jail.
Rule 675.

338. He is authorised to search all persons passing into or out of the jail, except those whose names are included in the list of official and non-official visitors with which he is furnished, or such persons as may be exempted by the special order of the Superintendent. All official and non-official visitors, casual visitors admitted by special order of the Superintendent, and the higher officers of the jail, including Head Warders, shall ordinarily be exempted from being searched. Should he have reason to suspect that any person exempted from search is introducing or removing articles which ought not to be taken into or out of the jail, he may detain the person between the gates and must give immediate notice to the Jailor who will himself search the person, but this search shall not be made in the presence of any prisoner or of another visitor. He shall search all prisoners who pass through the gates. When the number of prisoners passing through the gates is large, the Jailor may specially depute one or more warders to assist him. If on searching an officer or outsider any article is found which ought not to be taken into or out of the jail he shall send immediate notice to the Jailor. If such article is found with a prisoner he shall report it to the Jailor at the first opportunity.

Rule 346(d).

The search of a female shall be conducted only by a female ; it shall be done in private inside a room and without the presence of a male person.

Note.—The search should be conducted with tact and prudence so as not to offend unnecessarily the feelings of the person searched.

Rules 286, 504
981.

339. No dog shall be allowed within the inner gate of a jail. This prohibition is absolute, and applies to the dogs of official and non-official visitors, as well as those of jail officers.

Dogs not to be
allowed within the
inner gate.

[Note.—An abstract of duties of gate-keepers in West Bengal Jail Form No. 100 shall be hung up in the passage between the main gates.]

Gate Sentries

340. The reserve guard shall, except at fourth class district jails, furnish one sentry at the main gate both by day and by night ; the turn of duty may be 2 or 3 hours according to the number of men available. The day sentry at the main gate shall be posted immediately outside the iron-barred gate, and shall carry his rifle with bayonet fixed.

Gate-sentry.

Rule 355.

341. The night sentry at the main gate shall be posted between the gates as a precaution against surprise either from within or without, and he shall keep in his possession the key of the second lock on the inner gate wicket as well as those of the outer gate. He shall not permit any person to enter or leave the jail until he has satisfied himself by examination with his lantern that the person is an official duly authorised to visit or leave the jail at night, and he shall not permit any warder to enter or leave the jail except in company with the Head Warder on duty. The Officers authorised to visit the jail at night are the Superintendent, Magistrate, Official and non-official visitors, Deputy Superintendent, Jailors, Deputy Jailors, Discipline Officers, Head Warders on duty, and the patrolling warders in the charge of the Head Warders ; also the Medical Officer and his subordinates. He shall not loudly challenge any person presenting himself at the main gate, or give notice to the Head Warder or warders within of the approach of any visiting officer ; being posted behind a barred gate he can ascertain in safety whether the person has any business at the jail or not ; a duplicate key of the inner gate wicket shall be kept by the Head Warder in charge of the reserve guard for the use of any inspecting officer at night.

Duties of the gate
sentry at night.

Rules 333, 459.

Rules 58, 188, 462.

Rules 93, 1181.

342. The night sentry shall inform the Head Warder on duty whenever any officer of the jail visits the jail at night, or of any unusual occurrence of importance during his time of sentry duty, and this Head Warder shall report the fact to the Head Warder of the reserve for the information of the Superintendent next morning when making his daily report.

Night sentry to
inform the Head
Warder on duty of
jail visit of any
official at night.

Rule 354.

Light to be kept burning between the gates at night.

343. A hurricane lantern or other light shall always be kept burning between the gates at night.

Arms for the gate-sentry.

344. The gate-sentry shall be provided with a rifle and 20 rounds of buckshot ammunition. In the event of an outbreak or alarm he shall sound the alarm and defend the gates as prescribed in rule 466. He shall be furnished with a duplicate key of the armoury.

Rule 371.

Note.—A special bandolier holding 20 rounds of buckshot ammunition should be kept ready at the gate for the use of each gate-sentry in turn and put on by each man on duty. (Jail Circular No. 5 of 1915.)

Warders

Assignment of duty to warders.

345. Each warder shall have a particular duty assigned to him by the Superintendent or Jailor ; such as charge of a particular ward or set of wards ; a particular workshop or set of workshops ; or a particular gang of prisoners inside or outside the jail. The posts and duties of warders shall be frequently exchanged, so as to prevent the warders from forming permanent relations with any of the prisoners. Warders in charge of work-sheds will be responsible for all tools and property kept in them.

Duties of warders.

346. In addition to the duties elsewhere prescribed in this Code it shall be the duty of all warders to—

Rule 358.

- (a) count the prisoners made over to them, and to declare the number to the Head Warder ;
- (b) stand or patrol whilst on duty. On no consideration may a warder take off his belt and lie or sit down whilst on duty ;
- (c) know the number of prisoners in their charge ; to count their prisoners frequently during their turn of duty ; and to satisfy themselves that they have in their custody the correct number ;
- (d) search all prisoners of their gangs at the time they are made over to them, and before they give over charge of them to any other person, and at such other times during their watch as may be necessary, and to report the discovery of any prohibited articles upon any of the prisoners in their charge ;
- (e) prevent the use of any drugs, or possession of smoking implements or of money or unsanctioned articles of food. They will see that prisoners do not steal or eat grain, vegetables, berries or fruit, and drink no water except that prepared and supplied for their use ;
- (f) see that all convicts sentenced to labour in thier charge are steadily at work and report all cases of idleness short-work or breaches of jail rules ;

- (g) prevent all loud talking or laughing, and also singing or playing except in authorised manner at stated hours ; also prevent quarrelling and other unseemly behaviour ;
- (h) see that the prisoners march two by two when moving from one place to another, and that they do not leave their proper places, or loiter about the jail ; (in the event of a prisoner being found separated from his gang, the warder in charge will be punished) ;
- (i) see that no prisoner leaves his own enclosure or gang without authority or communicates with any prisoner with whom he has no proper concern or with a prisoner of another class or gang or with any outsider ;
- (j) see that no dirt or litter is allowed to lie about the jail, and that the drains are kept clean ; and to report methars or sweepers who neglect their work ;
- (k) report prisoners urinating or defecating into the drains or any place other than the places provided for the purpose, and to bring to the notice of the Jailor any prisoner who goes to the latrine in work time ;
- (l) see that any prisoner who has to go to the latrine at unauthorised times is made over to a responsible officer whilst away from his gang ; Rule 641.
- (m) specially to comply with rules 191,192 and 463 ;
- (n) see to the cleanliness of the persons, clothes, bedding, ankle rings, fetters, plates and cups of the prisoners in their gangs, and proper arrangement of their kits, that the prisoners bathe only at the bathing parades, and that the bedding is aired according to order ; Rule 642.
Rule 1173.
- (o) bring to the notice of the Jailor any sign of sickness or any prisoner complaining of sickness ;
- (p) report any plots against the jail authorities for the purpose of escaping or of assault or outbreak, or of obtaining forbidden articles, and every breach of jail rules ;
- (q) report any case of wilful damage to clothing or any jail property ;
- (r) prepare prisoners for muster and for parades, and to see that each prisoner comes to his proper place in proper order, behaves well, and keeps silent ;
- (s) report at once to the Jailor or other responsible officer, the fact of any prisoner being missing ;
- (t) see that no food is secreted by the prisoners, that every prisoner gets his proper allowance of food,

and that no prisoner gives his food to another ; report any cook who gives a short allowance or favours a prisoner by giving too much ;

Rule 372.

(u) keep their arms and accoutrements clean and in good order and fit for immediate use ; and

(v) remain fully and constantly alert while on duty.

Warder on duty to be in uniform.
Rule 177.
G.O. No. 3823
P.J., dated 17-8-35.
Rules 358, 457.

347. Every warder shall, at all times, whilst on duty, be properly and cleanly dressed in his uniform, and shall wear his belt and carry a baton or lathi when considered necessary by the Superintendent. The baton should be slung on the belt with a loop and button easily detachable, or by means of a spring clip.

Warder not to leave his post till relieved.

Rule 475.

347A. No warder shall, in any circumstances, leave his post till properly relieved, and his responsibility shall continue till so relieve : provided that he may leave his beat to prevent and escape or any serious injury being done to any one in jail or to assist in subduing a disturbance taking place within his sight. If he be at the time in charge of prisoners, he shall make over charge of his gang to another warder or to the senior convict officer of his gang.

A warder relieved by another warder shall explain to his successor his duties and any special order that may have been given to him by his superior officers. The relieving officer shall satisfy himself that the property or the number of prisoners made over to him is correct.

Reserve Guard

Scale of reserve guards in jails.

348. In all jails except fourth class district jails and subsidiary jails, there shall be a reserve warder guard in accordance with the following scale :

	Chief Head Warders	Head Warders	Warders
Presidency Jail	1	3	24
Other Central Jails ...	1	2	15
1st and 2nd class District Jails	...	1	6
3rd class District Jail	...	1	5

The warders of the reserve guard shall be men specially selected for their efficiency in drill and in the use of firearms.

Reserve guard to be always ready to turn out fully armed and equipped.

Rules 261, 373.

349. The reserve guard shall be ready at all times at a moment's notice to turn out fully armed and equipped, should their services be required to quell any outbreak or to prevent any combined attempt to escape. The men shall be armed with breech-loading muskets and catridges loaded with buckshot.

350. In a Central Jail the Jailor as well as the Chief Head Warder of the reserve guard and in a district jail the jailor as well as the Head Warder of the reserve guard shall be responsible for seeing that the number of men in the reserve available for immediate action is never less than that fixed by rule 348. In the event of permission being given to leave the jail premises or of leave of absence being granted to any of the reserve guard, the Jailor shall arrange to provide substitutes from the general body of warders, and whilst these substitutes serve on the reserve guard, they must strictly comply in every respect with the rules for the reserve.

Number of men in the reserve not to be depleted.

Rules 176, 244.

351. In a Central Jail the reserve guard shall be under the charge of a Chief Head Warder and in a district jail of a Head Warder who shall be competent to give the warders a thorough military training.

Reserve guard to be under the chief of a special Head Warder.

352. In addition to the duties elsewhere prescribed in this Cole, the Chief Head Warder or the Head Warder in charge of the reserve guard shall—

Duties of the Reserve Head Warder.

- (a) make all necessary arrangements, subject to the authority of the Jailor and Superintendent for the safety of the jail and the safe custody of the prisoners ;
- (b) detail men for the several watches, pickets, sentries, and convict night guards ;
- (c) have charge of the armoury and contents thereof, and see that the regulations relating thereto and to the care, custody, cleanliness and readiness for immediate use of all arms, etc., are strictly complied with ;
- (d) keep an account of ammunition in stock, received and expended ;
- (e) maintain the military efficiency of the warder guard ;
- (f) drill all warders once every week day, giving each warder at least half an hour's drill ;
- (g) report every warder who absents himself from drill ;
- (h) give effect to any punishment drill ordered by the Superintendent ;
- (i) see that no warder absents himself from the jail premises without due authority, and report every warder who offends in this respect, stating the period of absence ;
- (j) see that all warders when on duty are always properly dressed, and to report every warder who is not so dressed ; see that rules 353 and 357 are strictly complied with ;
- (k) take one turn of watch at night ;

Rule 372.

Rule 374.

Rule 379.

(l) see that the guard-room is kept neat and clean, and the beds properly arranged, and that the lights are kept burning and that any defect is at once reported to the Jailer ;

(m) satisfy himself that every sentry knows and understands the orders for his post.

N.B.—The Chief Warder shall not, however, be required to take one turn of watch at night as prescribed in clause (k) above. But he shall go round the jail on different nights and at different hours at least twice a week.

Daily inspection of
reserve guard by
the Superintendent.

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

Daily report by the
head warder.

354. Every day on the arrival of the Superintendent at the Jail gate, the Chief Head Warder or the Head Warder in charge of the reserve shall present himself and make reports on the following points :

1st—Whether during the preceding 24 hours the reserve guard was at any time below its full strength, and, if it was, the cause.

2nd—Whether any visiting officer of the jail visited the jail at night or any matter of importance came to his knowledge during the night.

3rd—Whether the arms and ammunition in pouches are ready for immediate use.

4th—Whether any warder committed any irregularities or misconduct or absented himself without leave.

Reserve guard to
furnish escorts for
visitors.

355. The reserve guard shall furnish escorts for visitors as prescribed in rule 67. It shall furnish a gate sentry as prescribed in rule 340, and in central jails another sentry in some position from which he can command a view of the interior of the jail, and shall have access to a bell or signal by means of which he can raise an alarm and call out the rest of the reserve guard.

Duties of Sentry.

356. The ordinary duties of a sentry are—

(a) to mount guard with fixed bayonet, move briskly on his post with his rifle at the “slope,” and not to “order arms” nor “stand at ease” for more than fifteen minutes in every two hours ;

(b) not to enter into conversation with any one except when questioned by a superior officer ;

(c) not to interfere unnecessarily with any prisoner or jail officer ;

- (d) not to leave his post without regular relief upon any pretence whatever ;
- (e) should anyone approach his post between the hours of sunset and sunrise, the sentry must challenge such person and order him to halt. Should he fail to get a reply, he will bring his musket to the "Ready" and load it, but at the same time shall call out Head Warder in charge and the guard to turn out. Should the intruder fail to obey the order to halt and at the same time persist in approaching the sentry's post, the sentry must threaten him with the bayonet. Should the intruder then attempt force, or show that he is armed, the sentry may use his bayonet or as a last resort fire. Should there be more than one intruder and should they disobey the orders of the sentry at night and attempt to rush any part of the jail, he should not hesitate to open fire ;
- (f) not to allow persons to crowd round him ;
- (g) if he sees a prisoner attempting to escape to call on him to stand, and if he refuses to do so and there is no superior officer present, to fire on the prisoner, provided he cannot otherwise prevent the escape ;
- (h) if he is beyond call and has to alarm the guard, to fire a shot in the air as the signal of alarm ; also to sound his whistle as laid down in rule 465 ;
- (i) if he sees any article in or near the jail likely to facilitate escape or if any unusual incident comes under his observation, to at once report the matter to the Head Warder in charge ; and
- (j) to enforce his orders firmly and without distinction of persons.

G.O. No. 3297 PJ.,
dated 16-9-1931.

Rule 361.

357. The reserve guard shall assist in watching at night to the extent prescribed in Chapter VII. Whilst any of the reserve guard are on escort duty or on watch inside the jail an equal number of warders of the general staff shall remain in the reserve guard-house to complete the full strength of the reserve guard. They shall ordinarily be selected from those who will go on the next watch or those who have come off the previous watch. Whilst the Head Warder of the reserve is on night watch, one of the other Head Warders, or a senior warder, shall be in charge of the reserve guard.

Reserve guard to
assist in watching
at night.

Rule 450.

Section XV. Uniforms Accoutrements.

Armoury, Arms, etc.

Uniforms

358. Uniforms : The uniforms prescribed for Jail Officers in this Chapter shall be supplied at Government cost from the Midnapore Central Jail or from such other Jail as the Inspector-General may decide.

Uniforms for Jail
Officers.
Rule 177.

Particulars of the measurements of uniforms shall accompany all indents for uniforms.

G.O. No. 4001-HJ.,
dated 28-8-1959.

Jailors and Deputy Jailors may have their uniforms made from outside if they so desire at Government expense not exceeding the following limits :

				Initial	Renewal per annum
				Rs.	Rs. P.
Jailors	..	..	...	148	98 .62
Deputy Jailors..	..	..	...	152	96 .31

1. (a) The Uniforms of a Jailor shall be as follows :—

		Number	Life
Khaki Coat	...	One	Two years
Khaki Half Shirts	...	Two	One year.
Khaki Full Shirts	...	Two	One year.
Khaki Tie	...	Two	One year.
Khaki Trousers	...	Two	One and half years.
Khaki Shorts	...	One	One and half years.
Khaki Half Putties	...	One pair	One year.
Boots	...	One pair	One year.
Woollen Stockings	...	Two pairs	One year
Sam Browne Belt	...	One	Five years.
Helmet	...	One	Five years.
Helmet Badge	...	One	Ten years.
Shoulder Badge with stars		Two	Ten years.
Monogram		Two	Ten years.
W. B. J. Buttons		Ten	Ten years.

(b) A Jailor shall wear—

Summer and Winter

Coat—Khaki drill with four pockets, roll collar, shoulder straps with W.B.J. monogram in half wreath surmounted by the emblem Three Lions and Ashok Chakra and fastening with button, four white metal half ball buttons with inscription W.B.J. down front. One white metal half ball button with inscription W.B.J. down front on each pocket.

Shirts—Khaki with Khaki tie.

Trousers—Long.

Head dress—Khaki helmet with Khaki pugree with a vertical blue stripe, 2.5 centimetre wide at the centre of the pugree on the left.

Boots—Brown.

Sam Browne belt.

Note.—In the hot weather with the Superintendent's permission the Jailor may wear Khaki shorts and khaki putties instead of khaki coats and trousers. Khaki Bus Coats and khaki forage caps may also be worn by Jailors as working dress.

2(a) The uniforms of a Deputy Jailor shall be as follows :

		Number.	Life.
Khaki Coat	...	One	Two years.
Khaki Full Shirts	...	Two	Oneyear.
Khaki Half Shirts	..	Two	One year.
Khaki Tie	...	Two	One year.
Khaki Shorts	...	Two	One and half years.
Khaki Trousers	...	One	One and half years.
Khaki Half Putties	...	One pair	One year.
Boots	...	One pair	One year.
Woollen Stockings	...	Two pairs	One year.
Sam Browne Belt	...	One	Five years.
Helmet	...	One	Five years.
Blue Cap with Peak...		One	Five years.
Blue Cap Badge	...	One	Ten years.
Helmet Badge	...	One	Ten years.
Shoulder Badge	...	Two	Ten years.
Monogram	...	Two	Ten years.
W. B. J. Buttons	...	Ten	Ten years.

(b) A Deputy Jailor shall wear—

During Summer—Khaki Shirts, Military pattern Khaki Shorts, Khaki Putties, Khaki Helmet with Khaki Pugree with a vertical blue stripe, 2.54 cm. wide at the centre on the left. Blue Cap with peak and khaki covers. Sam Browne belt.

During Winter—As above with khaki Drill coat with roll collars. Khaki tie to be worn with coat.

Boots—Black.

His shoulder straps shall have the monogram "W.B.J." in half wreath only and he shall have the words "Deputy Jailor" on the collar of the coat in white metal on each side.

3. A Discipline Officer shall wear the same uniforms as a Deputy Jailor except that the letters "D.O." shall be worn on the collar and the shoulder straps shall have the monogram " W.B.J." only. He shall wear a baton attached to a waist belt underneath a coat.

A Discipline Officer shall be supplied with uniform on the same scale as prescribed for Deputy Jailors in Clause 2(a) above .

G.O. No. 358-HJ.,
dated 16th
February 1959.

- 3(a). Deputy Jailors and Discipline Officers (including Chief Discipline Officer) may wear long Khaki trousers in lieu of shorts while on duty during night hours throughout the year and during day time in rains and winter only. These Officers will be in shorts while in Inspection Parades.

4. A Chief Head Warder shall wear—

Coat—Khaki drill, closed stand up collar.

Boots—Brown leather, a slightly superior quality to those supplied to Head Warder.

Head dress—Beret, Police pattern, colour—Blue. For Sikhs only—Khaki pugree, one end red with golden fringe. A brass badge containing the State Emblem with a wreath to be worn in front.

Belts—Sam Browne belts.

Sword—Scabbard, staff sergeant's pattern, 1897.

He should be allowed to wear trousers or shorts, khaki twill half-sleeved shirts, caps, ankle putties, great coats and jersey as prescribed for Head Warders in Clause (4A) of the rule.

4. (A). A Head Warder shall wear—

Jumper—Khaki drill, Police pattern, viz., with yoke, opening half way down, without collar. Two pockets with flap held down by W.B.J., brass buttons, three W.B.J. brass buttons down front, shoulder straps of same material, fastened with small W.B.J. buttons and brass W.B.J. letters at base of shoulder straps and 1.89 cm. from sleeve seam. Brass hook on the left side to support the belt. Chevrons shall be worn on the right sleeve according to pay.

Half-sleeved shirts—Khaki twill with Shakespeare Collar two breast pockets and shoulder straps.

Shorts—Khaki drill.

Trousers—Khaki drill.

Putties—Khaki.

Boots—Brown lace.

Head Dress—Beret, Blue serge, Police pattern. For Sikhs only—
Khaki Pugree, one and red with white fringe. A brass badge
with the State Emblem shall be worn in front of Beret or pugree
as the case may be.

Caps—Khaki drill, Police pattern.

Belts—Brown leather with silver plated badge.

Great coat—West Bengal Jail pattern.

Jersey—Woollen, for wear beneath jacket.

5. Warders shall wear the same uniform as Head Warders, except
that the small brass badge with the State Emblem shall not be
worn in front ; belts shall have brass badges.

They shall carry a baton or lathi when considered necessary by the
Superintendent.

Head Warders and Warders of the Reserve Guard shall wear the
letter “R” in brass 1.27 cm. deep on each side of the collar.

6. The following uniforms should be supplied to each Matron and
female warder :

Senior Matron and Matron, Presidency Jail

For the first year, i. e., on appointment—

Number required.

Coat frocks (made of white long-cloth)...	12
Belts (made of white long-cloth) ...	12
Veils (Muslin)	6
Shoes (Black)	2 pairs.
Short navy blue blazer	1

For each succeeding year—

Coat frocks	6
Belts	6
Veils	6
Shoes	2 pairs

(Blazer should be replaced every two years)

Junior Matrons and Female Warders

Skirts (white Drill)	..	..	..	4 annually
Jacket (white drill) with long sleeves			..	4 annually
Chaddars (of markin cloth)	..		..	2 annually
Shoes	..	..	..	1 pair annually
Sari (to be allowed to female warders only)				1 pair annually
Khaki Serge Skirts	..	..	..	1 every two years
Khaki Serge Jackets	..	..	..	1 every two years

Note.—Female warders attached to Darjeeling Jail and Kurseong and Kalimpong sub-jails shall be provided with a complete Khaki serge suit (viz., one skirt and one jacket) annually and a woollen jersey once in eighteen months and an additional Khaki serge suit every alternate year.

Chevrons.

359. Chevrons shall be worn as follows :

Head Warders of the Reserve—according to pay as Head Warder.

Head Warders drawing pay of—

	Number of bars		
Rs. 110—126	2
Rs. 130—146	3
Rs. 154—170	4

Rules 177, 318(b).

The wearing of shawls or other wrappers over uniform is prohibited.

Chief Head Warders in Central Jails shall wear a State Emblem on the right coat sleeve 20.32 cm. from the lower edge. Ex-Commissioned Officers may wear their badges of Military rank on shoulder strap.

Indents for uniforms and other accessories for warder staff.
Rules 358, 373.
W.B.J. Form No. 62.

360. Khaki uniform and buttons for Head Warders and warders will be supplied on indent from the Midnapore Central Jail or from such other Jails as the Inspector-General may decide, and leather belts, badges, iron cots and boxes from the Presidency Jail. Swords, as prescribed, will be provided in the jail armoury. Indents for Head Warders and warders' uniform shall be submitted on the 1st March of each year, in order that the clothing may be despatched by the supplying jail with that for convicts. Uniforms are made in four sizes as follows :—

No. I, for tall men, from 1.75 to 1.82 Metres.

No. II, for men of medium size, from 1.70 to 1.75 Metres.

No. III, for short men, from 1.65 to 1.70 Metres.

361. Each Chief Head Warder and warder will be provided at Government expense with—

Scale of uniform
for warder staff.

Annually

Khaki Pugree—One.

Khaki Drill Cap—One [Sikh warders will be provided with a second pugree (Khaki) in lieu of one Khaki Drill Cap].

Khaki Shorts*—Two.

Khaki Twill half-sleeved Shirts*—Two.

Black Boots*—One pair.

Dhuties—One pair (for warders only except temporary warders who have not completed one year's service).

G.O. No. 890-HJ.,
dated 6th April
1949.

Once in two years

Blue Serge Berets—Two (for Non-Sikhs only).

Khaki Drill Jumpers*—Two.

Khaki Drill Trousers—Two pairs.

Woollen Jersey*—One.

Khaki Serge Ankle-putties with hose-tops—Two pairs.

Chevron for Head Warders—One set.

Chevrons for senior grade warders, acting as Gate Warders—One set.

Once in three years

One Great Coat.*

One Mosquito Net.

*Head Warders and warders of the Darjeeling Jail and Kurseong and Kalimpong Sub-Jails shall be provided with one complete serge suit annually, and an additional suit every alternate year (a complete suit means one coat, one pant, and a pair of putties). Head Warders and warders of the Darjeeling Jail and Kurseong and Kalimpong Sub-Jails shall be provided with one Jersey each once in eighteen months and one Great Coat each once in two years. The warder of the Darjeeling Jail who will be on orderly duty shall be provided with two pairs of boots annually.

G.O. No. 1293-H.J.,
dated 13th June
1939.

Once in five years

One set of buttons. One Lanyard.

Once in ten years

One set of sword slings for each Chief Head Warder. One Belt and Badge; the badge may, if necessary, be replaced in the interval.

Once for all

An iron cot or other bed and a box in which to keep Government uniform.

One whistle. All permanent and acting warders shall be so provided. When on duty the whistle, attached by lanyard to the second button, shall be carried in the left hand breast pocket of the jacket. The whistle may, if necessary, be replaced at intervals of not less than ten years.

Uniform to be accounted for until next issue becomes due.
W.B.F. No. 5148.
G. O. No. 441-RJ.,
dated 11th January 1926.

362. A record of the receipts and issues of warders' uniform shall be kept in West Bengal Jail Register No. 47. All the uniform, including boots, 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 the 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 361, it shall become the absolute property of the officer. This rule does not apply to arms and accoutrements (i.e., batons, belts, badges, sword slings, bayonet frogs, and ammunition pouches) and the charpoy, and 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.

Disposal of warders' uniform on death, resignation, dismissal, etc.
G.O. No. 7715 RJ.,
dated 16th July 1926.

363. 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 to 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 or 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.

Adjustment of recoveries on account of uniforms.

364. Recoveries due from a Head Warder or warder under Rule 363 may be made from any pay, or from security money due to him at the time of discharge or retirement, and from the sale proceeds of the uniform, and shall be paid into the local treasury. All such recoveries shall be reported to the Superintendent of the circle jail to whom the treasury receipts for them shall be sent. As most of the warders taken on in consequence of discharge or retirement of Head Warders and warders will receive new uniform at the circle jail, the circle jail shall, in its annual account of expenditure, take credit for such recoveries by deducting the total sum recovered from the cost of uniforms.

Supply of uniforms.
Rule 216.

365. 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 record (W.B.J. Form No. 96).

366. When a Head Warder or warder goes on leave other than casual leave he shall make over his uniform to the care of the Head Warder of the reserve or to any other person authorised by the Superintendent. During the officer's absence his uniform shall not be used by any other Head Warder or warder.

Care of uniform of Warder on leave.

Note.—Absent Head Warder's or warders uniform when bundled up and put away may be preserved from the attack of moths and other insects by naphthaline or by sprinkling amongst the clothing before tying it up a handful of burnt crude borax commonly known as 'sohaga'.

367. Whenever a Head Warder or warder is granted leave of absence other than casual leave, or is suspended from duty, the dates on which the next issue of the several articles of uniform will be due shall be advanced by the period during which the uniform is not used.

Date of next issue of uniform to be advanced by the period spent on leave or suspension.

For example : If a warder to whom cotton uniform was issued on the 1st March 1959 takes three months' earned leave in the course of the ensuing 12 months, the date on which the next issue of cotton uniform will be due, shall be advanced to the 1st June 1960 instead of the 1st March 1960.

368. All Government uniform, except boots, issued to Head Warders and warders, shall, at the time of issue, be neatly marked with the first letter of the Circle Jail, Circle number of the officer and the date of issue. A small arrow mark shall also be stamped on Government kits. For marking cotton uniform, the extract of Bhelwah (Dhobis' nut—*semecarpus anacardium*) may be used ; for marking woollen clothing a piece of cotton tape should be sewn inside the collar. To ensure uniformity, the marking may be done only on the parts of the articles as indicated below against each—

Marking of uniforms.
Appendix No. 26.
I.G.'s Cir. No. 4,
dated 18th March 1940.

1. Shirt, Jumper, Jersey and Great Coat—Inside, on back, 2.54 cm. below collar.
2. Shorts—In front, inside, 2.54 cm. above the seam of the right leg.
3. Putties—Inside, 2.54 cm. from attachment of tape.
4. Caps—Inside, on left.
5. Pugrees—Inside, 15.24 cm. from the edge.

368A. At the weekly kit inspection parade which shall be held under the supervision of the Superintendent, the warders shall place their uniform neatly folded in their front in the following order :

Weekly kit inspection.

Great Coat, Shirt, Jumper, Cap, Pugree, Short, Putties, Mosquito Net, Belt, Jersey.

Jail Cir. No. 4,
dated 18th March
1940 and No. 21,
dated 23rd
January 1941.

They shall display each item by holding it up as its name is called out by the Reserve Head Warder and then turning it, also at his word of command, so that both the front and the back may be examined by the officer-in-charge. The officer-in-charge shall make notes of the repairs or replacement necessary against each individual's name and pass them on to the officer-in-charge of the Establishment Branch, who shall be responsible for taking immediate action. If the number of warders on parade is large, they shall be divided into convenient sections, each section being in charge of the Jailor or a Deputy Jailor. To facilitate check, every Head Warder and warder should be handed over his Service Record for exhibition at the kit inspection. The Service Record should be received back after the inspection. At the inspection and other parades, and also on duty, the Head Warders and warders shall be dressed alike. The Superintendent should decide the period of the year when the warders should be allowed to wear half shirts. It should be seen that the half shirts are worn with their lower ends pushed inside the shorts.

Washing of
uniforms.

369. Special arrangements may be made in every jail for washing warders' uniforms, and deduction at the rate as may be fixed by the Inspector-General from time to time to meet the actual cost, will be made from each warder's pay monthly. 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 be accepted as an excuse for appearing in dirty or untidy uniform. The Superintendent shall decide which system is to be followed. Leather belts and boots must be kept clean and polished with boot polish which will be purchased and supplied to Head Warders and warders from jail, and the badges must be kept bright. Uniform which has become damaged by fair wear and tear may be repaired in the jail by convict labour free of cost.

Note.—The warders will be charged at the rate fixed for other subordinate jail officers for washing private clothing and extra articles of uniform which have become their absolute property under rule 362.

Armoury Arms. etc.

Arms and
ammunition to be
kept in the
Armoury.
Rule 352.

370. (1) A special room near the main gate, to be called the Armoury, shall be set apart for storing arms, ammunition, etc.; it shall be furnished with proper racks for the muskets and for hanging up the accoutrements.

(2) In case of emergency the Superintendent with the written permission of the District Magistrate may allow arms and ammunition to be kept in the guard-room or a sleeping barrack at night.

The muskets and ammunition shall be kept on an arms rack and shall be in charge of a sentry, who shall be changed at intervals under the orders of a Head Warder, who shall satisfy himself that all is in order at change of guard. The Superintendent shall give written orders as to the number of muskets and amount of ammunition to be kept in the guard-room or barrack and shall report to the Inspector-General his action for the information of Government.

G. O. No. 3297
P.J. of 16-9-31.

371. The key of the armoury shall be kept by the Chief Head Warder or the Head Warder in charge of the reserve guard, as the case may be, in a Central or District Jail except a fourth class District Jail and a duplicate key shall be kept by the gate sentry. At fourth class district jails the keys shall be kept by the Head Warder off duty and the gate-keeper, and at night by the Head Warder off duty and the Jailor. In order to diminish the possibility of improper access to the Armoury, the duplicate key shall be enclosed in a cover of stout cloth sealed in such a way that the key cannot be used without breaking the seal.

Custody of the key
of the armoury.
Rule 344.

372. The Chief Head Warder of the reserve in a Central Jail, the Head Warder of the reserve in a District Jail other than a fourth class District Jail and the senior Head Warder in a fourth class District Jail shall be in charge of the armoury and shall be held responsible for the safe custody of all arms, ammunitions, accoutrements, etc. All arms, when not in use, shall be kept in racks and ammunition in suitable locked wooden boxes in the armoury. The boxes shall be kept well raised off the floor to prevent damp or dry rot and for prompt detection of the presence of white ants. No smoking or open lights shall be allowed inside or near the armoury and no oil, cotton rags and waste and articles liable to spontaneous ignition shall be taken into the armoury. The head warder in-charge shall see that all arms, etc., are kept clean, in good order, properly arranged and ready for immediate use and that the articles issued from and received into store are properly and quickly brought to account. He shall inspect the arms, ammunitions, accoutrements and uniform daily, and the Superintendent and the Jailor shall each inspect them once a week. He shall also examine the arms, etc., when returned to his care and bring to the Jailor's notice any deficiency or damage. Officers to whom arms, etc., are issued shall be responsible for them until they are returned to the armoury. Any warder whose musket, uniform or accoutrements are found to be dirty will be liable to punishment.

Charge of the
armoury and its
care.

Care shall be taken to see that no unauthorised person is admitted at any time into the armoury or gets access to, or opportunity to handle, any arms and ammunition kept elsewhere in the jail.

Use of arms and accoutrements by warders.

Rules 358, 360.

373. (1) A musket and accessories with bayonet, bayonet scabbard and frog, and a belt with two ammunition pouches, shall be provided for every warder both of the reserve and general guards.

(2) Every firearm is numbered. Every arm shall have a special place assigned to it in the armoury, and shall be placed in the special care of an officer who will be responsible for seeing that such arm and its accoutrements are always kept clean and in a serviceable condition. A list showing the number and name of each officer, the number of his firearms, and the various arms and accoutrements for which he is responsible, shall be kept by the Head Warder of the reserve and posted up in each armoury.

Rule 349.

(3) The bayonets and ammunition pouches shall be slung on the belts and together with the muskets to which they belong, shall, when not in use, be kept each in its special place in the armoury ready for immediate use. The muskets of the reserve guard shall, during the day, be kept in a rack in the reserve guard-room with the bayonet and ammunition pouches on the belts ready for immediate use.

(4) Of the pouches prescribed in clause (1) the back pouch shall always contain five rounds of buckshot ammunition and the front pouch not less than five rounds of blank ammunition.

G.O. No. 3133-P.J. of 9-6-32.

(5) Buckshot cartridges, when carried loose in pouches, quickly become unserviceable, and must be changed frequently. If they fit loosely in the pouch, a piece of soft dry cloth should be inserted to prevent the pellets being shaken out.

Scale of ammunition for warder staff.

374. The following scale of ammunition is sanctioned annually for the use of warders:

For service—50 rounds per weapon.

For practice and training—75 rounds per capita per annum.

G.O. I. letter No. 10-19- 50 Police, dated 17-1-52.

NOTES—(1) Blank ammunition for Muskets will be supplied up to the extent of 10 rounds per weapon per annum for service and 10 rounds per capita per annum for practice/training.

(2) The quantities indicated above are both Ball and Buckshot ammunition and the proportion in which they should be issued shall be decided for each jail by the Inspector-General.

Rule 352.
W.B.F. No. 5016.

A record of the receipt and expenditure of ammunition shall be kept by the Jailor in Register No. 39, Register of receipt and expenditure of ammunition. This account shall be opened with the balance of each kind of ammunition in hand. The receipts and issues shall be entered in order of date as they occur. The account should be balanced every month, and the balance carried forward. A similar account shall be kept by the Head Warders of the reserve.

375. Separate single indents for arms, ammunition for service and ammunition for practice and training required during a financial year shall be prepared in quadruplicate in the form prescribed by the Government of India (West Bengal Form No.63A) taking into account the requirements of all the units in the Jail Department and then sent to the Government of India, Ministry of Home Affairs, through the State Government furnishing full consignment instruction in respect of every indent. Where issues of arms and ammunition in accordance with the prescribed scales are regarded as inadequate, a case should be made out justifying a higher demand.

Indents for arms and ammunition. G. of I., Ministry of Home Affairs letter No. 10-19-50 Police(I) dated 17-1-52.

To enable the Inspector-General to prepare the consolidated indents, the Superintendents shall submit the indents for arms and ammunitions to the Inspector-General by the 30th April every year. The average yearly expenditure for the proceedings five years should be stated while submitting indents.

The Superintendents shall submit detailed explanations of the loss of every metal cartridge to the Inspector-General.

375A. On receipt of ammunition or stores from the arsenal, the boxes shall be carefully examined to see that they have not been damaged in any way in transit, but they shall not be opened until required for immediate use. Boxes of ammunition, the seals of which are intact, shall not be opened for the purpose of counting the contents only, as the boxes cannot be soldered up again satisfactorily and if left open, the contents are likely to deteriorate. The quantity in the invoice from the arsenal may be accepted as correct.

Boxes containing ammunition not to be opened until required for immediate use.

376. (1) If more than one per cent of cartridges of the same date and place of manufacture misfire or burst, by which latter term is meant a rupture of the metal in the body of the case and not a split at the mouth, which is of no importance, the defective cartridges, each in its original wrapper, and a report on I.A.F.O. 1453, shall be at once sent to the Ammunition Depot, Panagarh.

Defective cartridges and their disposal.

(2) Service ammunition which shows signs of deterioration (i.e., has a green appearance round the caps and rust on the base discs) shall be returned to the Arsenal. Buckshots carried in pouches or kept in reserve stock should be examined by test during annual target practice and the period for which they are to be kept on charge should be decided on these tests. These periods will naturally vary with the climatic conditions in different districts.

G. O. No. 3133-PJ. of 9-6-32.

(3) Empty paper cartridge cases shall not be returned to the Arsenal, but shall be burnt in the presence of the Superintendent who shall certify on the delivery voucher the number so destroyed.

(4) Before returning empty cartridge cases, Superintendent shall cause every package to be most carefully examined, and all loaded cartridges, whether halled or plant

which may be discovered, removed prior to their despatch to any Arsenal or depot. The precaution is never, under any circumstance to be dispensed with.

Procedure of
returning arms,
ammunition, etc.,
to the Arsenal.

377. When returning arms, ammunition or empty fired cases to the Arsenal, the following procedure shall be observed:

- (1) The articles shall be packed securely in a strong box.
- (2) Each box shall be clearly sealed, the seal being counter-sunk to avoid being broken in transit.
- (3) The gross weight shall be marked on each box.
- (4) The address of the Arsenal shall be clearly marked on each box.
- (5) The name of the jail of despatch shall be marked on each box.
- (6) The voucher number shall be marked on each box.
- (7) A packing note shall be enclosed in each box.
- (8) The voucher number shall be entered on the railway receipt or bill of lading .
- (9) A facsimile of the seal used shall be furnished to the Arsenal except when boxes with the original seal of the Arsenal intact are despatched.
- (10) Two delivery and two receipt vouchers shall be furnished.
- (11) A letter of advice enclosing the railway receipt (freight pre-paid), facsimile of seals and the 4 vouchers shall be forwarded.

Note — Under no circumstances shall loaded cartridges (including misfires) be enclosed with empty fired cases.

Repair of arms.
P.R.B. Rule
1003B(b).

378. All arms belonging to the Jail Department shall be repaired by the Police armourers on the understanding that the necessary component parts are supplied by that department.

Training in drill and
use of arms. Rule
352.

379. All Jailors, Deputy Jailors, and warders shall be required to become efficient in drill and to maintain that efficiency; for this purpose they shall undergo a thorough military training in squad drill and in the use of arms. Warders shall be drilled at the jail by the Head Warder of the reserve for half an hour once every week day in the morning or evening.

G. O. No. 4087-RJ
of 25-3 -27.
Rule 221.

A course of annual musketry practice shall be conducted in each jail in the month of January each year so that the warders may be able to use their muskets with precision and confidence. The practice may be held, if necessary at the Police butts, if there are butts within a suitable distance of the jail. Riot drill shall also form a part of their

training. Detailed rules will be found in Appendix No. 5 appended to Jail Code, Volume II. It must be fully understood by all officers that no leave, except leave on medical certificate, shall be granted to any subordinate officer until he has qualified himself in drill.

380. The Superintendent shall hold a weekly parade at which the reserve guard and the whole warder staff not on duty, together with Head Warders and superior officers, shall be inspected by, and drilled before, him. Practice with blank cartridges shall ordinarily take place at these inspections, at least once a month. The Superintendent shall take this opportunity of testing by examination or re-examination the efficiency of individual officers, and shall record the results of his examination on page 9 of the Officers' Service Record. He shall examine the arms and accoutrements closely and satisfy himself that they are clean and in good order, that the pouches contain the prescribed ammunition, that the men are properly turned out, clean in their persons and clothing, and that no buttons or other articles are missing. When Jailors and Deputy Jailors have acquired a knowledge of drill, and are found to be qualified to drill the warders, they will be only required to attend the Superintendent's weekly parade.

Superintendent to hold weekly parade of warder staff.

Rules 215, 372.

381. The following general instructions in regard to saluting superior officers shall be observed:

Instructions in regard to saluting superior officers.

Jailors and Deputy Jailors

	When on parade with warders and when not on parade with warders.	If drilling with warders in the ranks.
To Inspector-General, Superintendent, Official and Non-official visitors and superior officers of Government.	Shall stand at attention and salute with hand as instructed in Infantry Training, Volume I, 1932.	Shall salute with warders at word of command.

Deputy Jailors, Discipline Officers and Head Warders shall salute an officer superior to them in rank but subordinate to those above indicated, with hand.

Note.—A superior officer of Government, should be an officer not below the rank of Assistant Secretary of the Home (Jails) Department.

G.O.No.711-HJ.
10R-4/52 (F) dated
28-3-61.

Chief Head Warders and the Reserve Head Warder in District or Special Jail.

	When on parade with warder and when not on parade with warders armed with sword.
To Inspector-General, Superintendent, Official and Non-official visitors and superior officers of Government.	Shall salute with sword as instructed in Infantry Training, Volume I, 1932.

Warders.

When on parade armed.	When passing armed with musket.	When passing unarmed.
To Inspector-General, Superintendent, Official and non-official visitors and superior officers of Government.	Shall be halted and present arms at word of command.	Shall slope arms and salute by carrying the right hand smartly to the small of the butt and turn his head towards the person saluted. if marching in squad shall slope arms and receive the command 'Eyes right' from the squad Commander.
To Jailor and Deputy Jailors.	Shall slope arms at word of command.	Shall slope arms. If marching in squad shall do so at word of command.
To Head Warders.	Nil.	Shall slope arms, but not if marching in squad.

Shall salute with the hand as instructed in Infantry Training, Volume I, 1932.

Ditto.

Ditto.

The gate sentry shall present arms to the Jailor or any officer superior to the Jailor or to official and non-official visitors. A Head Warder or warder sitting shall, when any such officer approaches, rise, stand at attention and salute with the hand; when addressing an officer he will halt two paces from him and salute as above; he will also salute when withdrawing. If two or more men are sitting or standing about, the senior warder present will call the whole to attention and will alone salute.

Entry into the Jail with arms.

382. Swords, bayonets, and firearms shall only be taken inside the Jail at "alarms", in which case the armed officers and warders shall march into the jail in a body. Any officer or warder or warder carrying his sword, bayonet or musket inside the jail, when on ordinary duty, will be liable to punishment.

CHAPTER VI.—CONVICT OFFICERS.

Grades of convict officers. Section 23 of Prisons Act 1894.

383. There shall be two grades of convict officers, namely, convict watchmen and convict overseers. Prisoners who have been appointed as convict officers are public servants within the meaning of the Indian Penal Code.

Employment of prisoners as Convict Officers.

384. (1) No prisoner shall be employed as a convict officer who—

(a) has been convicted of drugging, unnatural offence, kidnapping or abduction for immoral purposes

(b) is physically unfit to perform the duties of the office; and (c) if on the remission system, has not earned or maintained three-fourths of the possible (ordinary) remission.

(1A) The maximum number of convict officers in a jail shall in no case exceed ten per cent of the daily average population there of.

(2) Convict officers required for employment in yards or barracks reserved for prisoners sentenced to simple imprisonment shall, as far as possible, be drawn from the ranks of simple imprisonment prisoners.

In case it is not possible to recruit convict officers for such employment from the ranks of simple imprisonment prisoners, they may be recruited from the "A" (or non-habitual) class of prisoners sentenced to rigorous imprisonment.

(2A) Prisoners sentenced to a term of simple imprisonment are not eligible for appointment as convict officers unless they elect to labour throughout their terms of imprisonment.

(3) Except in the case of a non-habitual prisoner/first offender of means and status, who has been sentenced to imprisonment for a serious crime against the person committed in a passion and who but for this lapse was respectable member of society and who through his position of authority over habituals is not likely to be contaminated, no non-habitual prisoner/first offender shall be employed as a convict officer in charge of habitual prisoners.

(4) Convict overseers recruited from the habitual class of prisoners may be associated with the warders in watch and ward duty over the habitual gangs during the day time.

Note.—The employment of B Class convicts as instructors of A class convicts is strictly prohibited. **Rule 618(V).**

385. Every order appointing a prisoner a convict officer shall be written by the Superintendent on the prisoner's history ticket and shall also be entered in the Superintendent's minute books. This order shall be invariably quoted in all official references to such a prisoner in the following manner :

Order appointing convict officer should be recorded in prisoner's history ticket. Rule 73.

250A Ramdeo Kurmi, C.W.M./C.O./C.N.G.*
26-12—62.

*Strike out the letters not required. C.W.M., C.O. and C.N.G., denote Convict Watchman, Convict Overseer and Convict Night-Guard respectively.

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

Convict officers prohibited from striking prisoners. Rule 186.

Circumstances in which convict officers are liable to be prosecuted.

Rule 482.

Removal from office of convict officer on being permanently incapacitated.

Convict overseer on degradation to be retransferred to the jail where appointed
Rule 402.

Eligibility for appointment as convict watchman.

G.O. No. 2276 H.J.
dated 6-8-1958.

G.O. No. 6489-R.J.
dated 25-7-1924.

Maximum number of convict watchmen.

387. Any convict officer detected in introducing or conniving at the introduction of prohibited articles is liable to be prosecuted before a Magistrate under section 42 of Act IX of 1894: and whenever guilty of wilfully or negligently permitting a prisoner to escape, he shall invariably be prosecuted under sections 222 and 223 of the Indian Penal Code. Convict officers are bound to do all in their power to prevent escapes.

388. Should any convict officer become permanently incapacitated to perform all or any of the duties required of him, the Superintendent may reduce or remove him from office.

389. Whenever a convict overseer received from any jail is permanently degraded for serious offence, he shall be retransferred to the jail at which he was appointed.

Convict Watchman

390. Any prisoner eligible under rule 384 may be appointed by the Superintendent to be a convict watchman provided:

(a) that he has been sentenced to not less than 3 months imprisonment (6 months in case of habitual prisoners); and

(b) that he has completed one-fourth of his sentence (exclusive of remission).

Prisoners sentenced to less than a year's imprisonment should be appointed only if a sufficient number of prisoners with longer terms are not available.

Habitual prisoners may be employed as convict night watchmen in barracks reserved for habitual prisoners, but shall not be promoted to any higher grade without the sanction of the Inspector-General.

Provided that no habitual prisoner with more than two convictions shall be appointed as night watchman in the habitual barracks.

NOTE—(1) Habitual prisoners with more than two convictions may be appointed as Night Watchman provided their conduct in Jail has been uniformly good.

NOTE—(2) For the purpose only of calculating the eligibility of a prisoner for appointment as a convict watchman, a sentence of imprisonment for life should be interpreted as one of 14 years' rigorous imprisonment.

391. The number of convict watchmen shall be limited to the number actually required in addition to the convict overseers for guarding all the sleeping wards of the jail.

392. In addition to the duties elsewhere prescribed in this Code, it shall be the duty of every convict Watchman—

Duties of convict watchman.

- (a) to comply with rules 191, 192 and 463;
- (b) to patrol the inside of wards and maintain or assist in maintaining discipline and order at night;
- (c) to prevent prisoners leaving their berths except with permission and for a necessary purpose;
- (d) to count the prisoners in his charge frequently, satisfy himself that all are present, and reply when challenged by the outside patrol;
- (e) to prevent as far as lies in his power, any breach of jail rules by any prisoner in his charge and to report the same;
- (f) to assist in quelling any disturbance and, in case of necessity, defend any official;
- (g) to report cases of sickness and use of the latrine otherwise than at times specified in that behalf;
- (h) to perform such task as may be allotted to him during the day and render all proper assistance to the warder or convict officer in charge of his gang;
- (i) when so required, to act as a messenger within the jail walls and escort prisoners from one part of the jail to another;
- (j) to watch the jail walls and prevent prisoners from lurking near them;
- (k) to take charge, if necessary, of part of a gang inside the jail; and
- (l) to take charge of his gang in the absence of his convict overseer.

Rules 394, 427.

Rule 452.

NOTE.—Clauses (h) to (l) are not applicable to convict night watchmen recruited from habitual prisoners.

G.O.No. 6489-
R.J. dated 25-7-24

393. Before the prisoners are locked up for the night the jailor shall, with the assistance of the Head Warder, arrange for the hours of watch for each convict watchman noting the hours in the lock-up report book for the information of all patrolling officers during the night; or the turn of watch for each ward may ordinarily be fixed every week. The night duties of the convict watchmen are set forth in Chapter VII.

Hours of work for each convict watchman to be fixed.

Rule 453.

394. Convict watchmen shall wear kurtas with sleeves and shall have a band of blue cloth sewn on to the right sleeves. Those appointed as messengers should have a red band to distinguish them from others. They are exempted from wearing ankle rings. They shall not be put to hard labour except as a punishment, but shall otherwise be in the position of ordinary prisoners as regards labour and discipline by day and shall for any irregularities or short

Privileges allowed to convict night watchmen.

Rules 392, 402.

work be punished in accordance with the rules in Chapter XIX. They shall receive remission as laid down in rule 757, if they have carried out their duties thoroughly well. For offences committed while on duty as watchmen they shall be liable to the same punishments as convict overseers.

Convict Overseers

Appointment of
convict overseers.

395. A convict watchman may be promoted by the Superintendent to be a convict overseer, provided—

- (a) that he is literate or has become so by attending the Jail School ;
- (b) that he has served as a convict watchman for three months; and
- (c) that he has served half of his sentence or seven years (exclusive of remission) whichever shall be less.

G.O. No. 568 H.J.
dated 18-2-55.

NOTE—For the purpose only of calculating the eligibility of a prisoner for promotion to the rank of convict overseer, a sentence of imprisonment for life should be interpreted as one of 14 years' rigorous imprisonment.

No appointment of
overseer against
rules without
Inspector-General's
sanction.

396. No prisoner shall be appointed as overseer, permanently or temporarily, in contravention of the above rules, without the sanction of the Inspector-General.

397. Deleted.

Percentage of
convict overseers
in jail.

398. The number of convict overseers shall not exceed 5 per cent of the jail population, but care should be taken to see that the proportion is never lower than 4 per cent. If for any reason a larger number of overseers is required the special sanction of the Inspector-General must be obtained for employment.

Duties of convict
overseers.

399. In addition to the duties elsewhere prescribed in this Code, it shall be the duty of convict overseers—

- (a) specially to comply with rules 191, 192 and 463;
- (b) to obey the Superintendent, Deputy Superintendent, Jailor, or any jail official, or officer of the Public Works Department under whom they may be placed, unless they are ordered to do anything contrary to jail rules, in which case they shall report at the earliest opportunity to the Superintendent or Jailor ;
- (c) to assist the warders of their gangs in superintending the prisoners at work, conducting them to parades, maintaining discipline and silence and keeping them in safe custody ;
- (d) to share with the watchmen the duty of guarding the wards by inside patrol at night, and to be responsible for the efficiency of the watch, the safe custody of the prisoners, and the maintenance of discipline in the ward at night ;

- (e) to escort individual prisoners about the jail, and to take them to the hospital when necessary;
- (f) to keep the history tickets of the prisoners of their gangs; Rule 557.
- (g) to count frequently the prisoners made over to them, to see that the number is correct and to search them and to prevent their receiving or retaining prohibited articles. In the event of prohibited articles being found upon any prisoner, the convict overseer in charge of the gang to which such prisoner belongs, shall, unless he has reported the fact, be punished;
- (h) to give notice of any breaches of jail rules, plots, or conspiracies that may come to their knowledge, whether amongst prisoners of their own or of other gangs; Rule 650.
- (i) to see that the prisoners under them diligently perform their tasks, do not leave their proper places or communicate with each other in an irregular manner, and that they keep in file when moving from place to place;
- (j) to report every prisoner who uses the latrine (except for the purpose of urinating) out of regular hours; and to report all cases of diarrhoea and other sickness, especially during the prevalence of epidemics;
- (k) to see that every prisoner properly folds up and arranges his bedding in the morning before the wards are opened; Rule 633.
- (l) to see that the prisoners in their charge wash themselves and their clothes and keep their leg-irons clean and bright, and that they do not barter, alter, or damage their clothing;
- (m) to assist in quelling any outbreak, and to defend any jail official in case of assault; and Rule 186.
- (n) to take charge, if necessary, of a gang or part of a gang of prisoners inside the jail.

400. Convict overseers will be supplied with a special uniform consisting of one cotton coat, one woollen coat, one kurta, one pair of trousers, one junglehat, one cap, one gumcha, a pair of shoes and a leather belt with a brass badge. The cotton clothing and shoes should last a year, and the woollen coat three years. The badges shall be engraved with the words "Convict Overseer" and be serially numbered from 1 upwards, and shall be worn by overseers in their order of merit, the badge bearing the No. 1 being given to the most deserving man. They shall not

Uniform of convict overseer.

Rules 1164, 1165.

carry any cane or weapon. When required to do duty in any position exposing them to sun or rain, they shall be provided with an umbrella.

G.O. No. 3048 H.J.,
dated 15-11-56.

NOTE—Kurtas and coats of convict overseers should have a red chevron with each bar of 38 mm in length and 6 mm in width printed on the left arm.

Privileges of
convict overseers.

401. The privileges of overseers, besides their freedom from hard labour, consist in the power of earning remission of sentence as laid down in rule 757; exemption from wearing ankle rings; wearing distinctive clothing, and having shoes.

Punishment of
convict overseer.

402. Minor offences or negligence on the part of the convict overseers may be punished by loss of privileges, reduction of standing with change of number of badge or any other minor punishment mentioned in rule 708. For serious offences, the convict overseers should be treated at par with other prisoners for purposes of punishment. When a major punishment, as mentioned in rule 708, is awarded and the offence is grave the convict overseer should be reduced to the rank of a convict night watchman or an ordinary prisoner.

Convict Night Guards

Employment of
convict overseers
as night guards.

403. Convict overseers may with the special sanction of the Inspector-General, be employed as night guards in a jail where, owing to the arrangement of the buildings or the number of wards to be guarded, the number of warders is insufficient for the proper guarding of the jail.

Qualifications for
eligibility of a
convict overseer
for appointment as
a night guard.

404. A convict overseer may be appointed to be a night guard provided—

- (a) that he has served as a convict overseer for three months;
- (b) that he does not belong to any class that may have a strong natural tendency to escape, such as men of wandering tribes and those whose homes are outside India; and
- (c) that his antecedents have been verified through the Superintendent of Police.

Rolls of convict
overseers to be
appointed night
guard to be
submitted to the
Inspector-General.
West Bengal Form
No 5070.

405. Rolls of convict overseers proposed for employment as night guards shall be submitted to the Inspector-General in W.B.J. Form No. 9.

Duties of night
guards.

406. The duties of night guards shall be to assist the warders at night in patrolling round the wards in which prisoners are located, as laid down in Chapter VII. In the day time they shall perform the ordinary duties of convict overseers.

Rules 434, 446, 425
and 476.

407. They shall have the same uniform as convict overseers, with the addition of a blanket greatcoat for night work, and shall have the same privileges except that they may be granted seven days' remission per month instead of six.

Uniform and privileges of a night guard.

Rule 757.

408 to 416. Deleted.

CHAPTER VII—GUARDING

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

Charge of prisoners.

Rules 325, 319.
W.B.J. Form Nos.
37, 38. (W.B.F. Nos.
5098, 5099.)

418. The prisoners of every jail shall be divided into gangs. Every prisoner shall, throughout the whole period of his imprisonment, be a member of one or other of these gangs, and no prisoner shall, except under the orders of the competent authority, be changed from one gang to another, and no prisoner shall, except for release, be removed from his gang unless he is formally transferred to another gang and his name is entered in the gang-book of the other gang under the initial of the competent authority.

Division of prisoners into gangs.

Rule 452.

419. Gangs shall be divided into two main classes—

Division of gangs.

(1) extramural or those employed outside the jail walls; and

Rule 431.

(2) intramural or those employed inside the jail walls.

420. The strength of a gang including convict officers shall not exceed—

Strength of gangs of prisoners.

(1) if extramural and employed—

(a) beyond the jail precincts—21 prisoners

(b) within the jail precincts— 25 prisoners

(2) if intramural—42 prisoners

421. An extramural gang shall invariably be in the charge of a warden, assisted by a convict overseer and watchmen in the proportion of one watchman to every ten prisoners. An intramural gang may be in the charge of a convict overseer or under certain circumstances (see rule 426) of a convict watchman.

Charge of extramural and intramural gangs.

Rule 447.

Entry of names, numbers, etc. of prisoners in the gang-book.
W.B.F. No.5099.

422. The convict overseer of every gang shall be provided with a gang-book (W.B.J. Form No. 38), in which the names, numbers, and dates of joining of all the prisoners of the gang shall be entered under the orders and initials of the Head Warder on duty.

Responsibility of the officer in charge of a gang.

423. The Officer-in-charge of a gang shall be solely responsible for his gang throughout the day and shall be prepared to account for the number of men placed in his charge when required. When, however, warders are also required to take charge of gangs, in addition to convict overseers, they shall be put in charge over the convict overseers and the responsibility for the charge of a gang shall never be divided between two or more officers.

Members of a gang to remain together.

rule 428.

424. The members of each gang shall, except as hereinafter provided, always remain together; they shall sleep in the same yard and shall eat and work in specially allotted places. The convict overseer should not remain with his gang at night.

Convict overseer to be in charge of his gang till locking up.

Rule 399.

425. The convict overseer shall be present before unlocking at the door of the ward in which his gang has passed the night and shall take over his gang from the Head Warder on unlocking duty. He shall remain with his gang throughout the day and shall not leave it except as hereinafter provided. He shall maintain discipline and shall observe the other rules of this Code, and his responsibility shall not cease until he has made over his gang to the locking-up Head Warder or until he has been otherwise relieved of his charge by competent authority.

Warder or convict overseer to make over charge of the gang to a relieving officer even during temporary absence.

Rule 423.

426. If it be necessary for the warder or convict overseer to leave (even temporarily) his gang, he shall under the orders and supervision of a Head Warder, make it over to a warder or convict overseer or to the senior convict watchman of the gang. The relieving officer shall verify the number of prisoners made over to him and shall be held responsible for them during the absence of the officer originally in charge.

Charge of prisoner detached from the gang.

Rules 430, 392(i).

427. If for any reason it be necessary temporarily to detach one or more prisoners from an intramural gang, e.g., for latrine purposes or to go to hospital, the senior convict watchman (who shall be also a messenger), shall with the permission of the Head Warder be detailed to take charge of the prisoner or prisoners so detached and shall remain with them until they are again made over to the Officer-in-charge of the same or some other gang.

Watch over extramural gangs.

Rules 476, 424, 426.

428. Warders in charge of, and convict overseers attached to, extramural gangs must be specially careful to keep the prisoners as much together as possible, and should be warned that they are on no account to let the prisoners wander about or go out of their sight on any pretence whatever. Any prisoner temporarily detached from such a gang for a special purpose shall be under the

charge of a convict overseer of the gang. When prisoners are kept working all day at any distance from the jail a temporary latrine shall be provided, the entrance to which shall be distinctly visible to the warder, and the convict overseer shall take charge of prisoners who have to go there. Warders shall always accompany any of the prisoners (methors for instance) when they go outside the jail leaving the convict overseers in charge of the prisoner left inside. The methors who are to go outside should be distinctly specified in the gang-book.

429. When more than 42 prisoners are taken beyond jail precincts two of the reserve guard armed with muskets and buckshot cartridges shall be told off to follow the gangs and station themselves in a suitable position for rendering assistance, if required.

Precautionary measures for extramural gangs.

430. When any portion of a gang is for any reason separated at night from the rest of the gang, a convict overseer or the senior convict watchman shall be detailed by the Head Warder on duty to march the prisoners so detached to or from their several destinations. The names of prisoners so detached shall be recorded on slips or note-books. The receiving officer shall initial the slip or note-book and return it to the issuing officer (see also rule 438).

Charge of prisoner separated from the gang at night.

Rule 427.

431. Gangs may conveniently be divided as follows :

Division of extramural and intramural gangs.

(1) Extramural gangs, see rules 794 to 796—

Rule 419.

(a) Garden.

(b) Jail Servants.

(c) Employed under the Public Works Department.

(2) Intramural gangs—

(a) Civil prisoners.

(b) Undertrial prisoners.

(c) Segregation.

(d) Simple imprisonment.

(e) Hospital.

(f) Wall guards.

(g) Door-keepers and other isolated prisoners.

(h) Jail servants.

(i) Manufactory.

(j) Employed under Public Works Department.

432. Deleted.

433. It is expedient during the day time, when prisoners are moving about the jail, to have the outer walls of the jail watched by convict officers patrolling inside.

Outer walls of the jail to be watched. Rules 392(J), 437.

Roster for
guarding staff.
W.B.J. Form No. 99
(W.B.F. No. 5130).

Rules 453, 393.
W.B.F. Nos. 5082
and 5095.
(W.B.J. Form Nos.
24 and 35.)
G.O. No. 1831PJ.
of 20-5-1930.

For day work
warders to be
divided into two
squads.

Rule 633.

Jailor with warders
on morning duty to
enter the jail
together before
wards are opened.
Rule 249.

Convict overseers
and watchmen to
be let out of wards
first.

Rule 317.

Opening of wards.

Rules 318 (f),
322, 430.

Holding of morning
latrine, bathing and
feeding parades.

Rules 634—636.

434. A roster showing the turns of duty of each Head Warder, warder and convict night guard shall be prepared every week by the Jailor, or under his orders, and posted up in the guard room. If it should be necessary to change any warder's turn of duty in the course of the week, the change must be noted in the roster. Each warder's beat should be changed every night, and no warder should be informed beforehand to what beat he will be put. A record shall be kept in the lock-up report book of the officer put on each beat in each watch. A roster of day and night duties of warders and convict officers shall be kept in West Bengal Form No. 5095. Of the warders off duty at least half shall always be in the jail premises ready for any emergent duty. Any warder not present during his turn of duty shall be liable to fine or dismissal.

435. For day work all the Head Warders and warders on the establishment, excluding the reserve guard and gate warders, shall ordinarily be divided into two squads. The first squad shall be on duty at the opening of the wards.

436. Immediately before the opening of the wards the Jailor (and Deputy Jailors, if necessary) and all the Head Warders with the warders who are to be on duty in the morning shall enter the jail together.

437. The Jailor (or in circle jails the Chief Head Warder) shall then let out of their wards the convict overseers and the gang of watchmen who are to watch the jail walls during the first turn of duty. One of the Head Warders shall take these convict watchmen to the latrine and then post them round the jail walls.

438. When the Head Warder has reported that the wall guards have been posted, the ward shall be opened and the prisoners counted out in pairs in the presence of the warders and convict watchmen of the last watch and of the relieving day warders and day convict overseers. The prisoners who under rule 427, were on the previous evening escorted by messengers to different parts of the jail, shall now be escorted back to their day-gangs, the slip or note-book on which their names were recorded at lock-up on the previous evening being again used for checking their return to the day-gang. After the total number of prisoners locked up the previous evening has been found correct, the prisoners shall be made over to the convict overseers of the day-gangs in which they shall remain throughout the day. When this is done, the relieved warders of the fifth watch shall be marched out of the jail.

439. The usual morning latrine, bathing and feeding parades shall then be carried out, the gangs remaining in charge of the same warder or convict overseer who received them on leaving the sleeping wards at the opening of the jail.

440. When the morning parades are completed the Head Warders shall send the several gangs in pairs to their respective places of work, after calling out the names of the prisoners from the rolls, in order to make sure that all prisoners who should be present in each gang are actually present, the convict overseers placed in charge of the gangs at the opening of the jail continuing to be responsible for the whole day.

Roll call of prisoners.

Rules 637,425.

441. Each gang shall be counted in the presence of the warder or convict officer receiving charge of it, whose name shall then be recorded in the gang-book. At each subsequent change of guard during the day the same procedure shall be followed, whether the change is made in the ordinary course or on account of sickness or other cause. The rolls of gangs made over to the independent charge of convict overseers need not be called at noon, if these officers are not changed during the day ; but these gangs shall be counted and verified at the time the warder guard is changed. In Central Jails there shall be several gang books for different sections of the jails, so that the rolls may be called simultaneously by the several Head Warders to save time, and convict writers will be allowed to assist in writing up the gang books. In Central Jails in the cold season, when only one hour is allowed for the mid-day stopage of work and parades, there is no sufficient time to call the roll at the mid-day change of guard ; the gangs, therefore, shall then only be counted.

Counting of the gangs.

Rule 642.

442. The convict watchmen who watch the walls shall also be changed at noon by a Head Warder, who shall at the same time examine the walls and report if he finds any marks or indication of a prisoner having escaped or tried to escape over the wall. Arrangements shall be made temporarily to relieve the watchmen who guard the walls to enable them to have their meals, etc.

Change of wall guards.

Rule 433.

443. In the evening when the bell is sounded to stop work, each gang with the warder or convict overseer in charge shall, after being checked, proceed to the spot where the usual bathing, feeding and latrine parades are carried out, and the officer in charge shall remain in charge till all prisoners have been locked up in their respective wards.

In the evening after the bell is sounded each gang to proceed to the allotted place for bathing, feeding, etc. Chapter XVI.

444. At the conclusion of the parades the gangs shall be marched to and filed in front of their sleeping wards by the respective warders or convict officers.

After the parade gang to be filed in front of its sleeping ward.

445. The prisoners shall then be locked up (their names being recorded in and called from the gang-book) and placed in charge of the first night-watchman of the watch inside the Ward and Subsequently made over to each succeeding night-watchman, the numbers in the ward being carefully verified by counting at each change of night-watchmen.

Locking up prisoners during night.
WBJ Form No. 37
(WBF No. 5098).

Rule 45.

Cells, sleeping barracks and prisoners to be searched before lock-up.

Rules 254, 318 (q) and (r), 191.

Prisoners to be counted before lock-up.

Rules 249, 406, 643.

Extra warders.

Rules 423, 421.

Collection and counting of keys after lock up.

Rule 249.
WBF No. 5082.

Daily checking of locks and keys of wards, cells, etc.

Rules 738, 189.

445A. Before the prisoners are locked-up for the night, the cells and sleeping barracks shall be thoroughly searched ; every prisoner shall also be searched before lock-up. The officer making the search shall see that all bolts, bars and fastenings are in order, and that no contraband article likely to facilitate escape, is left in any barrack or cell or with any prisoner.

446. After completion of the afternoon parades, the first night patrol shall be brought in by the Head Warder of the reserve, and the Jailor (in central jails, Deputy Jailors and Head Warders) shall count the prisoners into their wards, in the presence of the warder or convict officer who is to take charge of each ward for the first watch. When all are locked up except the convict watchmen at the walls and convict night-guards who are to take part in the first watch, the total number of prisoners shall be verified. If found correct, a Head Warder shall then collect the convict watchmen from the wall, take them to the latrine and ablution platform, and then count and lock them up, after seeing that the number is correct.

447. When extra warders are entertained, unless required for night duty, they shall be on duty both morning and afternoon during work hours. They shall receive charge of their gangs at the same time as other warders in the early morning and after the midday parades and rest, but after stopping work in the morning and afternoon they shall deliver up their gangs in the presence of the senior Head Warder inside the jail, and shall then be allowed to go off duty. The convict overseers will remain in independent charge of these gangs inside the jail. Extra warders shall not be required to do night duty except in case of emergency, such as overcrowding, sickness, epidemics, escape or outbreak. Selected warders of the permanent establishment should be put to guard the outside gangs in two shifts as prescribed above and the extra men should be put to other less important work.

448. After lock up, the keys of the wards shall be collected and counted in the presence of the Jailor; the numbers of prisoners and of keys shall be noted in the lock-up report (W.B.J. Form No. 24), so that the officer in charge of each watch may satisfy himself that he receives the correct number of both. See rules 333, 953 and 954 regarding the custody of the keys of the female ward and of the main gate.

448A. All locks used for securing wards, cells and the main gates shall be thoroughly examined daily by the senior Head Warder in district jails and in Central Jails by the Head Warders responsible for the different sections of the jail under the supervision of the inside Chief Head Warder. Any lock which is out of order shall forthwith be brought to the Jailor. Lever locks must not be oiled with vegetable oil, as it causes the levers to stick together and

thus renders the lock easy to pick. The keys of wards, cells, godowns or any other place of which the security must be assured shall not be put into the hands of a convict officer or of any prisoner. If convict officers are allowed to have common padlocks and keys for temporarily locking up tools or materials in their charge during the daytime the keys shall be taken from them before the lock-up.

449. After the wards are locked up the total number of prisoners confined in each separate place shall be recorded in the Lock-up Register No. 12. This register is intended to show whether the wards are overcrowded or not. There shall be a page for every month and a line for every day. On the headline shall be shown the number or designation of each ward, as "female ward", "juvenile ward", "convict ward, No. 1", etc., and the class of prisoners, A or B, for which each convict ward is set apart and below this the capacity of each ward at the sanctioned superficial and cubical allowance of space per prisoner, or in the hospital ward the number of beds. The Head Warder or other officer shall take a note of the number in each ward at lock-up time, and the Deputy Jailor or Jail Clerk shall afterwards enter the numbers in the book.

Record of prisoners locked-up in each ward.
W.B.F. No. 4991.
Rules 1179, 1182.

450. The strength and disposition of the night guards vary with the size and construction of the jail, and with the number and class of prisoners confined. Instructions detailing for each jail all necessary particulars in this connection shall, from time to time, be issued by the Inspector-General. One copy of these instructions shall be hung up in the office and another in the reserve guard house. No deviation from the scheme so prescribed shall be permitted, except with the sanction of the Inspector-General.

Night Guards.

451. When it is necessary to appoint convict night guards, they shall be employed in guarding those buildings for which there are no warders available, but they must be so distributed that every convict night guard shall be under the eye of a warder, who shall be held responsible for seeing that he patrols properly. Convict Officers shall not be employed to guard prisoners condemned to death, or prisoners in huts outside the jail walls. There should be at least two warders for every convict officer on night guard duty.

Employment of convict night guards.

Rule 403.

452. The wall guard gang of watchman shall invariably be locked up in one ward and not scattered over several. Convict night guards when not on duty at night should be locked up together in a separate ward. They shall be let out before and locked up after, their turn of duty by both the relieving Head Warder and the Head Warder to be relieved, except in fourth class District Jails, where the night patrolling Head Warder must do it alone.

Convict night guards to be locked up in separate wards.

Rules 392(J), 433, 437.

Watch by
convict
watchmen.

Rules 393, 445
645.

453. There shall be a special system of watch by convict watchmen in each ward, the changes of which to correspond with the change of the warder watch. In wards which require exceptional precautions, or are of unusual length, there shall be two or more watchmen on duty at one time. These convict officers whilst on watch shall keep moving inside the wards, and shall prevent any prisoner from leaving his place or committing any breach of prison discipline, and also satisfy themselves, by counting, that all the prisoners in their charge are there. On change of watch both the relieving and the relieved convict officer shall report to the patrol or other duly authorised official the number of prisoners made over, and the name of any prisoner who has used the night latrine or who has been removed to hospital. In case of any important occurrence the convict officer on watch shall give immediate notice to the patrol, who shall summon the Head Warder in order that he may make inquiry into the matter and take such action as he considers necessary.

Lighting
arrangement
inside the wards
and cells of the
jail.
G.O. No.3997-
R.J. of 15424.

454. Where jails are not lighted by electricity a lamp should be provided for every 7.62 metres of length of ward and the ceiling or roof should be white-washed. One or more kerosene hurricane lamps or other lights suspended from an iron rod, 2.5 or 2.75 metres from the ground, shall be kept burning in every sleeping ward. The quantity of oil allowed for each lamp will be from 90 ml. to 115 ml. The lamps shall be placed in position by means of a hook attached to the end of a bamboo. This bamboo rod shall be kept outside the ward in the charge of the warder guard, and shall only be passed into the convict watchman inside when the lamp requires to be taken down to be trimmed or relighted. The lamp shall be handed to the warder to do this. All warders shall be instructed in the proper management of the lamps in use. The use of naked lights with ordinary oil is prohibited. Cells shall be lighted by lights placed at suitable intervals outside. The yards and the perimeter wall as the front of the jail gate shall also be suitably lighted.

Night lamps to
be kept burning
brightly.

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

Precautionary
measures in
opening the ward
at night.

Rule 190.

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

457. During the night the watch shall patrol round the outside of the barrack or barracks of which they respectively have charge at a smart pace and shall on no account sit down or quit their beat. They shall always be on the alert. In wet weather, warders on exposed duties shall each have a water-proof complete with hood, and no warder shall seek any other shelter from the weather either by day or night; warders on other duties may, at the discretion of the Superintendent, be allowed to have with them their own umbrellas during the rainy season. (No sentry boxes shall be allowed inside the jail.) They shall each be armed with a baton or lathi when considered necessary by the Superintendent and carry a lighted lantern; they shall frequently examine the gratings and doors and see that they have not been tampered with. They shall look inside the wards, if possible, to see that prisoners are in their proper places and that the convict watchmen are alert, not sitting down, and shall frequently challenge them and make them report the number of prisoners.

Patrols at night.
G.O. No. 2321-HJ
of 13-11-1950.

Rules 347, 358,
740.

G.O. No. 3823-P J.
of 17-8-35.

458. In Central Jails where there is a central tower, five selected warders may be posted therein, each to take a watch in turn, to observe all the patrolling warders and night-guards. They are of use as a means of communication between the watch and the patrolling Head Warder, who may be in some distant part of the jail, also to sound an alarm to bring in the rest of the warder force in case prisoners break out at night. A code of signals can be arranged by striking a gong in the tower, by which the Head Warder can be called to attend to whatever is required. When any of the watch is seen not to be properly patrolling, or his lantern is not seen for any length of time, the central tower watchman should call the attention of the patrolling Head Warder to the matter.

Observation from
the Central tower.

459. The Head Warder, or senior warder on patrol duty at night, shall move about inside the jail visiting the patrolling warders, convict night-guards, and convict watchmen during the wholetime of his watch. He shall keep the lock-up report book with him, and both on taking over and giving over charge shall see that the wards and cells are secure, and that the correct number of prisoners is reported to be in custody in each ward. It follows, therefore, that when changing guard at night both the relieving Head Warder and the one to be relieved (or senior warder, as the case may be) shall verify the numbers, see to the security of the wards and change the guards in company. He shall keep the key of the wards and of one of the locks of the inner main gate wicket attached to his person by a chain. In case of serious sickness he shall give notice at once to the Medical Subordinate and if ordered by him to do so, shall remove the sick prisoner to hospital. Should any irregularity either on the part of warders or of prisoners occur, he shall at once enter the circumstances in the lock-up report book

Duty of Head
Warder on patrol
duty at night.

Rules 322, 334.

for report to the Superintendent or Jailor next morning. Immediate notice to the Jailor shall be given of any occurrence requiring prompt action on the part of a higher authority, such as attempt at escape, riot, fire, or serious sickness. A quarter of an hour before the expiry of his term of watch he shall go to the guard house and awaken the Head Warder who is to relieve him, and having done so shall at once return to his duty inside the jail. He shall see that the main gate sentry is standing at his post between the gates, that he is on the alert, and that both gates are kept closed. Punctually at the hour for change of watch the Head Warder who is to take the next watch shall bring in the relieving warders. The Head Warders on duty shall frequently search the warders between the gates on entering and leaving the jail. (With regard to the keys of the cells, see rule 738.) In Central Jails the Superintendent may arrange that the Head Warders shall be assisted in performing the change of guard by senior warders, the Head Warders taking one half of the jail and the senior warders the other half; but in every such case two warders—the relieving and the one to be relieved—shall go round together and shall verify the number of prisoners and see to the security of the wards.

Head Warder to let out the prisoner cook before dawn for preparation of morning meal.

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

Padlocks of approved pattern to be used.

461. Only padlocks of approved pattern shall be used, such locks will be supplied on indent by the Inspector-General. 7.5 cm. padlocks are best for main gates and 6.26 cm. for wards and cells.

Night visits by Jail Officers.

Rules 188, 341, 247, 78, 73.

462. The jailor, and Deputy Jailors at Central Jails shall go round the jail on different nights and at different hours at least once a week, and at district jails twice a week, each on different nights and at different hours, and see that convict watchmen and guards are on the alert, that the patrol is properly maintained and that the prisoners are quiet. The night and hour of visit should not be known beforehand, but should be subsequently recorded in the Jailor's report book. The Superintendent at Central Jails shall also visit the jail after lock-up at least twice a month (of district jails once a month) to see that these rules are carried out, and shall note the visit in the Superintendent's minute-book.

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

CHAPTER VIII.—ALARMS OUTBREAKS AND ESCAPES

463. The following rules regulate the use of arms against any prisoners, body of prisoners or other persons in the case of an outbreak, attempt to escape or attack from within or without :

- (1) Any officer of the prison may use a sword, bayonet, fire-arm or any other weapon against any prisoner escaping or attempting to escape :

Provided that resort shall not be had to the use of any such weapon unless such officer has reasonable ground to believe that he cannot otherwise prevent the escape.

- (2) Any officer of the prison may use a sword, bayonet, fire-arm or any other weapon on any prisoner or other person engaged in any combined outbreak or in any attempt to force or break open the outer gate or enclosure wall of the prison from within or without and may continue to use such weapon so long as such combined outbreak or attempt is being actually prosecuted.

- (3) Any officer of the prison may use a sword, bayonet, firearm or any other weapon against any prisoner using violence to any officer of the prisoner or other person :

Provided that such officer has reasonable grounds to believe that the officer of the prison or other person is in danger of life or limb, or that other grievous hurt is likely to be caused to him.

- (4) Before using fire-arms against a prisoner under the authority conveyed in sub-rule (i) the officer of the prison shall give a warning to the prisoner that he is about to fire on him.

- (5) No officer of the prison shall, in the presence of his superior officer, use arms of any sort against a prisoner in the case of an outbreak or attempt to escape, except under the orders of such superior officer.

NOTE—(1) See also chapter V, Criminal Procedure Code, on “Arrest, Escape and Re-taking” and section 99, I. P. Code, on the right of private defence.

NOTE—(2) In case of an attack on the jail from outside, the senior jail officer present shall make arrangements for defence against outsiders, as he would do for defence against a rising inside the jail. Provisions of Jail Code Rules 463, 467, 468 and 470 should be followed in such cases until the arrival of a superior authority.

464. In every jail there shall be a pre-arranged signal to be known as “The Alarm” by means of which information may be conveyed to all officers of the jail and to the police of the occurrence of an outbreak, escape, or other untoward event. This signal should, as a rule, be the continued ringing of one or more bells or gongs at the main gate building or other prominent part of the jail, or the beat of a drum placed near the gate sentry, or the blowing of a steam whistle or sounding of electric or hand siren. If a

Rules to regulate the use of arms against prisoners in case of outbreaks.
—G.I. Resn. No. 12 jails-500-510 of 31-8-96.
Rules 470, 186 1281. G.O. No. 3297- P.J. dated 19-9-31.

The alarm. Rule 355.

bell or gong is used it shall be of a different tone to that used for conducting parades, so that there may be no doubt as to its meaning. When more than one bell or gong is provided, the ringing of the second bell or gong shall be started by the sentry in charge immediately on his hearing the sound of the first alarm and both signals shall, if possible, be continued until an order to cease is given by the senior officer present.

Signal for help
or alarm.
Rule 361.

465. In the event of any serious emergency one long blast on the warder's whistle signifies that "help is needed"; three short blasts signify "sound the Alarm".

Gate sentry to load
musket at alarm.
Rule 344.

466. At the alarm the gate sentry shall load his musket with buckshot. If posted outside he shall not enter within the two gates. He shall at all risk and subject to the provisions of rule 463 prevent the outer gate from being forced and the gate-keeper or other persons from being attacked.

Reserve guard to
fall in fully armed.

467. The reserve guard shall fall in fully armed and shall assist the gate sentry to defend the outer gate; two warders with loaded muskets shall be posted on the roof of the main gate to observe the movement of the prisoners and to order any prisoner who may be about the inner gate to disperse. Should they consider it necessary in order to save the life of any person, they shall open fire as provided in rule 463.

Jail officers to be
armed and to fall in
at the main gate.

468. Every jail officer belonging to the executive rank or the cadre of warder guards (not in immediate charge of prisoners), whether in uniform or not, shall proceed immediately to the armoury, arm himself, fix his bayonet and fall in at the main gate under the orders of the senior officer present. He shall not load without direct orders. Information shall be sent to the Superintendent; two squads of men shall be despatched to the opposite angles of the jail enclosure outside the walls with a view to preventing any attempt on the part of the prisoners to scale the walls. A shot (fired in the air) shall be the signal that assistance is needed or that prisoners are breaking over the wall in the direction whence the sound came. When this signal is heard the senior Head Warder shall run with the rest of the guard to the spot indicated and shall act as circumstances require subject to the provisions of rule 463.

G.O. No. 3823-PJ.
dated 17.8.35.

Note—A certain number of warders shall be armed with lathis instead of muskets, the proportion being fixed by the Superintendent.

Prisoners to be
locked-up during
emergency.

469. At the alarm, warders in charge of extramural gangs shall collect their prisoners and shall cause them to sit down in file at some spot not in the immediate vicinity of the main gate. Such prisoners shall not be passed into the jail without the orders of the senior officer present, until the disturbance has subsided. All prisoners inside the jail shall, with the exception of convict overseers, be locked into the nearest and most convenient ward, workshop,

or other building. The convict overseers may be employed to guard the walls, patrol outside the barracks, or in such other ways, as they may be directed. The other convict officers, namely, convict watchmen, who are locked with the prisoners shall be required to maintain order in the building in which they happen to be confined.

470. After the sentries are posted and the jail staff and warder guards are assembled, the Superintendent or, in his absence, the Jailor or other most senior officer present, shall with the whole available staff enter within the two gates. The outer gate shall then be locked and the inner gate, if clear, opened, and the guard passed into the jail to act as circumstances may necessitate, subject always to the provisions of rule 463. The senior officer present, or the Head Warder of the reserve guard, on arriving at the scene of disturbance, shall, in a loud tone of voice, give notice to the prisoners that if they do not immediately submit they will be fired upon. If circumstances permit, this warning shall be repeated thrice, and then, if there appears to be no other means of quelling the disturbance, he may open fire upon the refractory prisoners but he shall be careful to stop it the moment they fly or submit. On the arrival of the superintendent or other superior officer of the jail the guard shall act under his orders. Warders shall not fire upon a prisoner attempting to escape by stealth without using or attempting to use criminal force, nor shall they fire unless threatened, or actual violence on the part of the prisoners, renders the use of fire-arms absolutely necessary, or unless they are called upon to fire in the case of general outbreak.

Firing on prisoners to quell disturbances.

Rule 382.

471. The procedure to be followed must necessarily depend on the character of the occurrence. Absolute silence shall be preserved and the proceedings shall be carried out in an orderly and systematic manner. Every officer shall be instructed about his duties beforehand so that he may know exactly what to do and where to go. When the alarm sounds, a number of handcuffs should be taken by the guard for securing refractory prisoners.

Procedure to be followed during quelling of disturbances.

472. In order to train all jail officials in the respective duties which they will have to perform in the case of an outbreak, an alarm parade shall be held once a month at unexpected hours. In carrying out this parade the procedure detailed above shall be strictly followed except that warders will fire blank instead of buckshot cartridge. At these parades the Jailor shall make a note of the time at which each jail official appears ready for duty after the alarm has been sounded. The Jailor shall enter in his Report Book the date and hour at which each parade is held; the time taken by the reserve guard to come to the main gate, the time taken by his subordinates and the other warders to muster and proceed to their posts, the names of those who were late or absent, and the time taken to complete the parade. If the parade was not carried out correctly he shall note what defect was and who was at fault.

Alarm parade.
Rule 247.

Alarm Parade
Plan. Rule 474.

472A. For each jail the Superintendent shall prepare a plan of alarm parade. It shall include action to be taken in case of explosions, conflagrations and accidents. Such plan shall also mention the procedure to be followed in requesting for assistance from police or fire-brigade, as the case may be, when circumstances warrant such a request. The plan which must be as thorough as possible, shall be described in writing and a copy shall be forwarded to the Inspector-General for his approval.

Details to be
followed whether
alarm is real or
false.

473. Whether an alarm is real or false all the details from the preliminary signal to the conclusion of the search for the missing prisoner, or the suppression of the disturbance, as the case may be, should be carried out.

Police help during
outbreaks in Jail.
G.O.No. 3141-H.J.
of 4-10-58.

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

G.O. No. 2385-RJ.
of 7-3-1923 and
No.320-T.R.
of 5-1- 23.

NOTE.—In view of the fact that the Superintendent of Police is specially trained in the duties connected with the quelling of disturbances, this rule should be interpreted to mean that in the event of an outbreak in a jail the Superintendent of the jail should ordinarily ask the Superintendent of Police to take charge of the operations. The Superintendent of the Jail will continue to remain in charge of the jail. The Commissioner of Police, Calcutta (or, in his absence, the Deputy Commissioner of Police in charge) will exercise the functions of the Superintendent of Police in this respect in the cases of the Presidency and the Alipore Central Jails.

Every jail officer to
arrest a prisoner
trying to escape.
Rules 191, 347A.

475. It is the duty of every jail officer to arrest any prisoner detected in the act of escaping or attempting to escape. Should such officer be a warder in charge of a gang he shall make over the charge of his gang to another warder or to the senior convict officer of his gang and shall pursue the prisoner who is escaping or attempting to escape.

Action to be taken
when a prisoner is
found to be
missing.
Rule 428.

476. When a prisoner is found to be missing, immediate notice shall be sent to the Jailor and by him to the Superintendent. If the prisoner is missing from a gang working beyond jail precincts all the gangs working in the same place shall at once be collected by the warder, in charge and marched back to the jail gate, and if there are reserve warders with them one shall proceed with all speed, in advance, to inform the Jailor. The same procedure shall be followed if the prisoner missing is one of an outside gang working within the jail precincts, but in this case a convict overseer should be sent in advance to the jail gate. If the prisoner escaped over the wall or from near the jail and appears to be lurking in the vicinity, the Jailor shall despatch as many of the warders off duty as can be spared to search for him and shall at the same time send notice to the

nearest police-station, to the District Magistrate, and to the Superintendent of Police with full descriptive rolls of the missing prisoner sufficient for the identification, and stating his usual place of residence. If the prisoner is found missing from a ward at night, or after all the gangs are inside the jail, the alarm should at once be sounded, the walls shall be guarded as in an alarm parade, and the Jailor shall then take in the reserve guard and spare warders unarmed to search for the prisoner. If it appears probable that the prisoner is still lurking within the jail walls, the convict night guards off duty shall also be taken out and posted round the outer walls inside. They should be furnished with lighted torches and be ordered to give notice if any prisoner approaches the walls. (Torches ready for use should be kept in stock.) If it is found that the prisoner has scaled the wall and got away, notice to the Police and Magistrate should be sent without delay, as stated above. If the prisoner belongs to district other than the one in which he was confined, a report in the same form shall be made to the Magistrate of the district in which the prisoner resides, and to the Magistrates of all districts which he is likely to traverse on his way to his own district and a report shall also be furnished to the Superintendent of Railway Police, if the prisoner is likely to travel by train. In regard to Calcutta such a report shall be addressed to the Commissioner of Police. If it appears expedient, information shall be sent by telegraph or by radiogram to the police of other districts.

477. On recapture, intimation of the fact shall be given to all officers who have been addressed under the preceding rule. An escaped prisoner who is recaptured may be received back into jail on his original warrant. The time he is at large does not count as sentence served; the date of expiration of sentence shall be calculated as prescribed in rules 520, 524 and 525.

Recapture of
escaped prisoner.

478. A separate report of the escape and recapture of each prisoner shall be submitted in the prescribed form Nos. 25 and 26 to the Inspector-General. In the case of escapes that do not arise from mere negligence, but from some defect in the building or in the jail rules, such defect shall in all cases be pointed out. Whenever a prisoner escapes from any District or Subsidiary Jail, a copy of the escape report shall be sent to the Superintendent of the Circle Jail. The report shall show to what extent any Head Warder or Warder has been at fault in connection with the escape, what action has been taken against the offender, and the punishment awarded, if any.

Report of the
escape and
recapture of
prisoner. Rule 84.
W.B.F. Nos. 5083
and 5084.

479. Superintendents of Jails may advertise rewards for the apprehension of escaped prisoners and pay rewards up to a maximum of Rs. 100 in each case according to the circumstances of the escape and recapture, the degree of exertion made or danger run by the person recapturing the prisoner, the physique of the prisoner and the degree of resistance he offered and similar considerations. No

Reward for the
apprehension of
escaped prisoners.
G.O.No.1307
R.J. of 7-2-24.

rewards for the apprehension of prisoners who escape from the custody of the police shall be paid from the jail budget.

Whenever peculiar circumstances may render it advisable to offer a larger reward than is authorised by the above rules, a special application shall be made to the Inspector-General, who is empowered to sanction rewards up to Rs. 250. Should he consider a higher reward necessary, he shall refer the case for the order of Government.

Particulars of escaped prisoner to be entered in the Release Diary. Rule 542(3).

G.O.No.672-P. J. of 23-2-35.

480. The name, register number, and date of escape of every prisoner who has escaped and has not been recaptured shall be entered inside the cover of the current Release Diary of each year. When a prisoner is recaptured, the name should be marked off and the date of recapture noted. By this means every new Superintendent and Jailor can ascertain what escaped prisoners remain at large. For the procedure to be observed if a prisoner escapes in course of transfer, see rules 884 and 885 and for disposal of warrants of escaped prisoners see rule 583.

Prosecution for escape. Rules 706, 885, 906.

481. Every prisoner who escapes, or attempts to escape, shall be prosecuted. On no pretext shall these offences be treated as breaches of jail rules.

Penalties for permitting an escape. Rules 325, 417.

482. All jail officials and convict officers should be frequently warned by the Superintendent and the Jailor of the penalties they incur under rules 200 and 387 for negligently or wilfully permitting an escape. Any paid officer dismissed for this offence shall not again be employed in the jail service. It is the duty of all prisoners to prevent escapes, and any prisoner who appears to have been instrumental in aiding an escape, or to have been privy to it in any way, shall be punished.

Extra remission for preventing an escape. Rule 765.

483. All cases where prisoners prevent an escape or apprehend a prisoner in the act of escaping, or give such information as may lead to the prevention of an escape or to the apprehension of a prisoner attempting to escape, shall be brought to the notice of the Inspector-General; and if the prisoner comes under the remission rules, extra remission may be given or recommended, as the case may be.

Imposition of fetters.

484. Prisoners who escaped from jail or while in transit from one jail to another, or attempted or conspired to escape may be placed in fetters under section 56 of Act IX of 1894 with the sanction of the Inspector-General. No prisoner inside a jail, other than a camp jail or temporary jail, shall be fettered as a means of restraint except on the ground that the prisoner is violent, or dangerous, or unless he has escaped or has attempted to escape or has made preparation to escape. Immediately on the imposition of fetters a detailed report shall be submitted to the Inspector-General for his sanction. Reports shall thereafter be submitted to the Inspector-General

every fortnight until the fetters are removed. Fetters shall be removed as soon as it is safe to do so.

485. Every prisoner who escaped or attempted to escape from jail or who escaped from the police shall be distinguished from all other prisoners by a red cap. The Superintendent may, with the previous sanction of the Inspector-General, allow an escaped prisoner to use an ordinary cap when by good behaviour he has shown himself deserving of consideration. Prisoners who had escaped from jail or while in transit from one jail to another may, with the sanction of the Inspector-General forfeit all remissions they have earned up to the date of conviction under section 224 of the Indian Penal Code but a prisoner who escapes from police custody before conviction should not be debarred from privileges which are earned by actual conduct while in jail.

Forfeiture of remission.

486. Deleted.

487. (a) The fetters of prisoners fettered for safe custody under rule 484 should be examined daily by the senior Head Warder and once a week by the Jailer, who should certify in his report book that he has complied with this rule on each occasion. Leather gaiter shall be provided for and worn by each prisoner wearing fetters.

Periodical checking of fetters. Rules 1174, 721.

(b) Fetters and rivets should be obtained from the Presidency Jail. Care should be taken that the fetter rings fit the ankles, so that the feet cannot be withdrawn, and that the rivets fit the holes and have sufficient head on each side; also to see that the rivet heads are not rubbed off.

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

Broken glass not to be fixed on top of outer walls. Rules 442, 1182.

489. Deleted.

490. A jail garden or permanent brick-field shall always be enclosed either by a thick hedge, preferably of aloes or cactus, planted in several rows on a bank with a ditch on either side, or a mud wall protected by tiles, so that the prisoners may not be able to see outsiders or be seen by them. No gaps should be allowed, and the hedge or wall should be impassable to thieves or cattle. The number of openings should be strictly limited to those absolutely necessary for purposes of ingress and egress and should be provided with efficient gates or doors.

Jail garden to be enclosed. Rule 1153.

491. Deleted.

Assault by prisoners to be reported to I. G. Rule 84.

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

CHAPTER IX—THE ADMISSION OF PRISONERS.

Warrant.

492A. The terms “warrant” in this chapter means any order of a court directing the detention of, or containing any other direction in respect of, any person.

Superintendent's power to give effect to sentences and orders of Courts.

493. The power of Superintendents of Jails to give effect to sentences and orders of Courts for imprisonment is contained in the Prisoners Act, 1900 (Act III of 1900).

494. and 495. Deleted.

Except on the written order of a court, the Jailor to admit new prisoners into the Jail only after the opening of the Jail and up to the hour of lock-up. Rule 889.

496. The Jailor shall ordinarily admit new prisoners into the jail at any time after the opening of the jail up to the hour of lock-up, which takes place at sunset. After lock-up he shall not receive any prisoner except on the special written order (in addition to the warrant) of a Judge or a Magistrate, and in the case of the Presidency Jail also of an officer of the High Court acting under the direction of a Judge of that Court. No newly convicted prisoner shall be admitted into the convict wards after lock-up. A prisoner brought to the Jail upon conviction after lock-up shall be confined in a cell for the night or in the undertrial ward.

Information regarding desperate character. See Rule 483. W.B. Police Regulations. Rule 858.

497. It is the duty of the Court Police Officer to inform the Jailor when any prisoner sent to jail is a desperate character, or is accused of a very heinous offence. This information should always be given in writing. It should not be endorsed on the jail warrant but should be given in a slip addressed to the Jailor by the court officer.

G. O. No. 2050-HJ. of 7-9-53.

The trying court shall intimate to the Jail Superintendent the nationality of a foreigner committed to a jail.

Note below Rule 497 of the revised Jail Code.

NOTE—When it is known that a prisoner belongs to a foreign nationality action as envisaged in rule 688B should be taken.

Jailor to verify identity of prisoner before admission.

498. Before admitting a prisoner, the Jailor shall question him and ascertain that his name and other particulars correspond with those entered in his warrant. In the event of a prisoner refusing to answer to the name or denying the accuracy of the particulars entered on the warrant, the Jailor shall request the officer in charge of the police escort to identify the prisoner as the person named in the warrant. If the police officer can not do this the Jailor shall refuse to admit the prisoner.

499. No prisoner shall be admitted into any jail except on a writ, warrant or order signed by competent authority. All warrants shall be examined to ascertain whether they are apparently correct and complete. There should be a separate writ, warrant or order for every prisoner, even if two or more prisoners have been jointly charged or convicted. If a prisoner is brought to jail without a writ, warrant or order the Jailor shall refuse to admit the prisoner, and shall report the matter to the Superintendent at his next visit.

Prisoners to be admitted only on warrant of court. Rule 250.

500. The following are the powers of Criminal Courts and Union Benches :—

Powers of criminal courts and union benches. See sections 31, 32 and 34, Cr.P.C.

High Court.—Any sentence authorised by law.

Court of Session.—A Sessions Judge or Additional Sessions Judge may pass any sentence authorised by law; but any sentence of death passed by any such Judge is subject to confirmation by the High Court. An Assistant Sessions Judge may pass any sentence authorised by law, except a sentence of death or of imprisonment for life or of imprisonment for a term exceeding ten years.

Court of Magistrate empowered under section 30 of the Criminal Procedure Code.—Any sentence authorised by law except a sentence of death or imprisonment for life or imprisonment for a term exceeding seven years.

Court of Presidency Magistrate and First Class Magistrate.—Imprisonment not exceeding two years including such solitary confinement as is authorised by law, fine not exceeding two thousand rupees.

Court of Second Class Magistrate.—Imprisonment not exceeding six months including such solitary confinement as is authorised by law, and fine not exceeding five hundred rupees.

Court of Third Class Magistrate.—Imprisonment not exceeding one month and fine not exceeding one hundred rupees.

NOTE—See also Chapter III, Code of Criminal Procedure, and sections 64-66, Indian Penal Code.

Union Bench.—Fine not exceeding twenty-five rupees or in default, imprisonment not exceeding seven days. The State Government may, however, by notification, empower any Union Bench to sentence an offender to a fine not exceeding fifty rupees or in default, to imprisonment not exceeding fourteen days. The Union Bench can deal with only the offences specified in Schedule IV of the Bengal Village Self-Government Act, 1919.

Section 72 and schedule IV of Bengal Act V of 1919.

Procedure for dealing with warrants which appear to be defective. See section 17, Act III, 1900. Rule 250.

501. (1) Where an officer in charge of a prison (outside Calcutta) doubts the legality of a writ, warrant or order sent to him for execution or the competency of the person whose official seal or signature is affixed thereto to pass the sentence and issue the writ, warrant or order, he shall refer the matter, through the Inspector-General to the State Government, by whose order on the case he and all other public officers shall be guided as to the future disposal of the prisoner.

(2) Pending a reference made under sub-rule (1) the prisoner shall be detained in such manner and with such restrictions or mitigations as may be specified in the writ, warrant or order.

Rule 523.

(3) If any error or omission, which is, in the opinion of the Superintendent, due to mere oversight or mistake, is found in any writ, warrant or order of commitment or, if the sentence or order passed, though within the competency of the tribunal or authority which passed it, is in any way defective in form or otherwise irregular, he may receive the prisoner subject to reference to such tribunal or authority, as the case may be, for orders.

Rule 530.

(4) Any case of importance in which the Superintendent's representations have not been attended to, or any case of neglect to furnish a fine realization statement, or of serious mistake in such statement, shall be reported by the Superintendent to the Inspector-General who may refer it to Government, if necessary.

NOTES.—(1) A warrant ordering imprisonment without specifying whether it is to be simple or rigorous, or a warrant which is undated, or unsealed, or a warrant signed in pencil shall be returned for correction. (And unsigned warrant should not be accepted).

(2) If a warrant purporting to have been issued by a Magistrate of the Third Class directs that a prisoner be subjected to rigorous imprisonment for a single offence for over one month, the case should be referred.

Rule 559.

(3) The period of solitary confinement ordered on a warrant is dependent on the term of sentence and should not be more than what is permissible under section 73 of the Indian Penal Code.

(4) High Court Criminal Process Form No. (P) 42 (West Bengal Form No. 3964) should be attached to every warrant of commitment.

(5) The Superintendent of the Presidency Jail should, as a matter of practice, also follow the procedure laid down in the above rule.

G. of B. letter No. 930-J.D. of 9-6-1908.

Copy of warrant sent for correction to be kept.

502. When a warrant is returned for correction, a copy shall be retained in the appropriate place in the warrant almirah until the original is returned. The receipt of the corrected warrant shall be acknowledged by the jail authorities by a special letter.

Warrants to be arranged according to dates of release. Rule 251.

503. The date of a prisoner's admission into jail and the serial number given him shall be endorsed on his warrant and signed by the Jailor; the warrants shall be arranged according to the date of release and put together in the monthly bundles, docketed outside with the month and year; all the warrants of prisoners to be released in

the same month being placed in the same bundle. Each bundle shall occupy a separate receptacle or pigeon-hole in the warrant almirah which shall be kept locked, and of which the Jailer or Deputy Jailer shall keep the key. In any subsequent reference to a prisoner the spelling of his name shall be that given in the committal warrant, even if the spelling be incorrect. In all jail records and documents both the name of the crime and the section of the Code shall invariably be given.

504. Either the Jailer or a Deputy Jailer shall invariably be present at the time of reception of a prisoner in the prison. On admission into jail all prisoners shall be thoroughly searched for prohibited articles. The search shall be made with due regard to decency and self-respect so far as is consistent with the necessity of discovering articles which may be kept concealed. All private properties shall be taken charge of and be properly brought into account. If prisoners are received late or after lock-up their clothing should be left with them until next morning. Prisoners sentenced to simple imprisonment shall be allowed to retain their clothes. Under-trial prisoners and the civil prisoners should be allowed to retain their clothes, beddings and shoes. The cast threads of Brahmins or other thread-wearing castes shall in no case be removed. The civil prisoners shall not be searched in the presence of other prisoners. The search of female prisoners, shall be made by the matron or female warder and only in the presence of females. All properties taken from prisoners shall be dealt with as provided in Chapter X.

Search of prisoners on admission. Rules 938, 922, 897.

505. All prisoners shall be seen immediately after admission by the Medical Subordinate, who shall send those who are sick to the hospital for treatment. If there is an observation or segregation ward for new admissions the new arrivals shall be located there until the Medical Officer directs that they may be placed with other prisoners. If any epidemic is prevalent and accommodation for new admissions is provided outside the jail, prisoners shall not be admitted within the jail till orders have been given by the Medical Officer, or, in his absence, by the medical Subordinate, for their admission. They shall at once be provided with necessary bedding and protection from cold. Prisoners on first admission to jail shall at the discretion of the Medical Officer, be kept in quarantine for such period as may, in his opinion, be necessary.

Medical examination. Rules 122, 1214, 736, 1246.

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

Prisoners to wash on admission. Rule 122.

Production of
prisoners before
Medical Officer.
Rules 122, 250, 933,
784, 1212, 553.

507. All newly-admitted prisoners shall be brought before the Medical Officer usually on the morning following their admission, and he shall then make, or cause to be made, in the admission register and prisoner's history ticket, a record in respect of each prisoner, of his or her age, health on admission, with such particulars of previous illness as may be known to him, weight on admission, marks of wounds if any on the person, and (in the case of a prisoner sentenced to rigorous imprisonment) the class of labour for which the prisoner is fit, with any other observations he may think necessary. If a prisoner is in bad or indifferent health, the Medical Officer should enter the general cause, such as enlarged spleen, anaemia, etc. He shall also record whether a prisoner has been vaccinated or inoculated or has had small-pox.

Juvenile undertrial
prisoners to be
sent back to court.
G.O. No. 1110-H.J.
of 7-4-55.

507A. When in any jail a newly admitted under-trial prisoner, received from a court which exercises jurisdiction in any area in which the West Bengal Children Act, 1959 (West Bengal Act XXX of 1959), is in force, is found after medical examination to be under eighteen years of age, he shall be sent back to the trying court along with the commitment warrant and the Medical Officer's report about his age for necessary orders of the Court remanding him to a Reception Home, instead of to the Jail.

Vaccination of
prisoners.
Rule 123.

508. Every prisoner should be vaccinated against small-pox and inoculated against cholera and typhoid immediately after admission. Inoculation against cholera should be repeated after every six months and against typhoid once a year and vaccination should be repeated at least once in 5 years of successful vaccination or revaccination. The Medical Officer may, however, dispense with such vaccination or inoculation in any case for sufficient reason which must be immediately entered in the history ticket of the prisoner concerned under the initial of the Medical Officer.

509. Deleted.

Every prisoner to
have a number.
Rules 542(1), 844.

510. Every prisoner shall receive a serial number corresponding with the entry relating to him in the admission register; and this register number shall be his distinguishing mark whilst in the Jail. The series in each jail shall run from 1 to 10,000. The prisoner's number and a letter signifying his class shall invariably precede his name when he is referred to in any official communication thus: "Prisoner No. 236A, Rup Ram". In descriptive rolls the father's name shall invariably be added. A prisoner's descriptive roll shall always be sent to the Inspector-General with any reference concerning him.

Particulars to be
recorded in the
Admission
Register.
Rules 507, 542(1),
933.

511. In the admission register shall be recorded, for the purpose of identification, a full personal description of every prisoner, giving a general account of his physiognomy, complexion and habit of body, and a note of any special marks on his person. The personal description shall be

entered by the Medical Subordinate or, at Central Jails, by a Deputy Jailor, when a Medical Subordinate cannot be spared for this duty.

512. The extent of every prisoner's literacy shall be ascertained on admission, and entries in the admission register shall be made in this form:

Entry regarding prisoner's state of education.
Rule 857.

- (1) Can read and write (State language) well.
- (2) Can read and write (State language) a little.
- (3) Illiterate ;

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

Conduct Rules to be read over to newly admitted prisoners.
Rule 775, W.B.J. Form Nos. 116A. and B. (W.B.F. Nos. 5143, 5144).

514. (1) On completion of the necessary entries in the Admission Registers and Release Diaries, and of the procedure laid down in the foregoing rules, which must ordinarily be effected within the day following the admission of the prisoners, the Jailor shall bring these registers and the prisoners with their warrants before the Superintendent, who shall satisfy himself that the entries (which he shall initial) are correct and that the rules have been carried out.

Superintendent to initial the entries in the Admission Register, Release diary and Property Statement.
Rules 250, 543, 577.

(2) The list of every prisoner's property noted in the property statement (West Bengal Form No. 5158) and other relevant registers (W.B.J. Register Nos. 48 and 48A) shall be read over to him in the Superintendent's presence, and if the prisoner acknowledges it to be correct, the Superintendent shall initial the entry. The Superintendent shall at the same time write in the prisoner's history ticket any special order regarding the treatment of the prisoner that may be necessary.

Rule 552.

515. (1) When a person is sentenced at one trial to several punishments for two or more distinct offences. Such punishments, when consisting, of imprisonment shall commence the one after the expiry of the other in such order as the court may direct, unless the court directs that such punishments shall run concurrently.

Procedure when a person is sentenced to more than one punishment.
See section 35(1) Cr. P.C.
Sec. 397 Cr. P.C.

(2) When a person already undergoing a sentence of imprisonment is sentenced on a subsequent conviction, to imprisonment for life, the sentences shall be served consecutively unless the court directs that such punishments shall run concurrently.

When a person already undergoing a sentence of imprisonment for life is sentenced to imprisonment or imprisonment for life the subsequent sentence shall run concurrently with the previous sentence.

(3) In case of doubt as to the order in which sentences shall take effect, the instructions of the Court imposing the latest sentence shall be taken.

NOTE—In the case of a youthful offender detained in a reformatory school such sentences run concurrently [see section 32 of the Reformatory Schools Act, 1897 (8 of 1897).]

516. Under no circumstances shall a prisoner be detained in jail beyond the period indicated by the terms of the warrant of commitment; but see rule 102.

517. (1) If any person who is sentenced to, or is undergoing a sentence of, imprisonment is imprisoned in default of furnishing security under section 123 of the Criminal Procedure Code, the term of such imprisonment for which such security is required shall commence on the expiry of the substantive sentence, unless the court directs that it shall run concurrently with such sentence.

As imprisonment in default of furnishing security for good behaviour is a precaution for the safety of the public, and not a punishment for an offence, the case of a prisoner who is detained after the expiration of a substantive sentence in order to undergo such imprisonment should be brought by the Superintendent to the notice of the Magistrate of the district in order that, if he thinks fit, he may take action under section 124 of the Criminal Procedure Code for the discharge of the prisoner.

(2) If any person who is undergoing imprisonment in default of furnishing security under section 123 of the Code of Criminal Procedure is sentenced to imprisonment for a substantive offence committed prior to the making of the order under section 123, such imprisonment shall take effect from the date of such sentence and the two periods of imprisonment shall run concurrently.

518. The High Court has issued the following order with regard to cases in which detention for a period exceeding one year has been ordered in default of furnishing security under section 123, Criminal Procedure Code:

(1) When a Magistrate passes an order to give security under section 123, Criminal Procedure Code, for a period exceeding one year, and such security is not given on or before the date on which the period for which such security is to be given commences, he shall issue a warrant directing the person against whom the order is made to be detained in prison until the orders of the superior Court are received, making the necessary modification in Forms XIII and XIV, Schedule V, Criminal Procedure Code. When he receives the order of the superior court, he shall, if the order is one to detain the person in jail issue a revised warrant in terms of that order. The warrant will not, in such a case, be issued by the superior court, but by the Magistrate before whom the proceedings were instituted.

No prisoner shall be detained in Jail beyond the period indicated in his warrant.

Imprisonment in default of furnishing security. See section 120, Cr.P.C. Rule 852. G.O. No. 8073-RJ. of 27-7-1926.

Proviso to section 397 (1), Cr.P.C.

Procedure in case of detention under section 123, Cr.P.C., for a period exceeding one year.

Rule 14, High Court Criminal Rules and Orders 1950. West Bengal Form Nos. 3930 and 3931.

(2) Where, however, a superior court, on a reference being made to it under section 123(2), Criminal Procedure Code, directs the release of the person detained, the warrant for release shall as in the case of an appeal, be issued by the superior court in Form No. XV, Schedule V of the Code of Criminal Procedure.

It is the duty of the Superintendent to see that the warrant of the superior court is duly received, and he must be guided in the issue of reminders by the instruction given in rule 609 as if the superior court were a Court of Appeal.

W.B.F. No. 3932.

519. A prisoner detained in prison under the terms of an order passed under the provisions of section 123 of the Code of Criminal Procedure cannot legally be detained under such order after the expiration of the period specified therein, however short a portion of such period he may actually have spent in prison. Under sections 120(2) and 123(1) and (3) of the Code of Criminal Procedure the period may not commence on the date of the order, but on a later date if fixed by the Magistrate or the Sessions Judge. If such a later date is fixed, the warrant should clearly show it; the accused cannot be detained beyond the expiry of the period counting from the date of commencement so fixed, even though he may have been on bail or have escaped during the period. In the absence of any specific order the period shall commence from the date of the order demanding security.

Persons imprisoned under section 123, Cr.P.C., cannot be detained beyond the term specified in the order. G.O. No. 4312P.J. of 24-9-1935.

520. When an additional sentence is passed on an escaped convict, such sentence shall take effect as follows :

Procedure when an additional sentence is passed on an escaped convict. See section 396, Cr. P.C.

- (1) if the new sentence is one of death, imprisonment for life or fine, it shall take effect immediately, subject to the provisions relating to these punishments ;
- (2) if the new sentence is one of imprisonment, it shall, if severer in its kind, than that which the convict was undergoing when he escaped, take effect immediately and the unexpired portion of the sentence he was undergoing when he escaped shall be served subsequently; and
- (3) if the new sentence is not more severe in its kind, it shall take effect after he has served the period of his original sentence which at the time of his escape remained unexpired.

Explanation : (a) A sentence of imprisonment with solitary confinement is severer than imprisonment of the same kind without solitary confinement.

(b) A sentence of rigorous imprisonment is severer than one of simple imprisonment with or without solitary confinement.

The date of release of a prisoner in such a case shall be calculated in accordance with rules 477, 524, 525 and 528.

Commencement of the second of two sentences, the first having been remitted on appeal. Rule 16. High Court Criminal Rules and Orders, 1950.

521. When a prisoner has been committed to jail under two separate warrants, the sentence in the one to take effect from the expiry of the sentence in the other, the date of such second sentence shall, in the event of the first sentence being remitted on appeal, be presumed to take effect from the date on which he was committed to jail under the first or original sentence.

Date from which a sentence of Imprisonment should be deemed to run.

522. (1) The term of imprisonment or imprisonment for life to which an accused person is sentenced under the original sentence of the court below, or under any sentence or substituted sentence of the Appellate or Revisional Court, shall, unless that court otherwise orders, be deemed to run, if the accused is not in custody, from the day on which he is received into prison under the sentence.

(2) If the accused is in custody, the sentence shall, unless the court otherwise orders, be deemed to run in a reference under section 307, Criminal Procedure Code, from the day on which the reference is determined by the High Court, and in other cases from the first day of imprisonment under the original sentence.

The Superintendent shall personally check entries in the release diary and admission register. Rules 542(3) 501, 542(3), 251.

523. The date on which a prisoner is entitled to be released shall be calculated by the Superintendent and Jailor, and an entry shall be made in the Release Diary under that date, giving the name and serial number of the prisoner. It is not the duty of the committing officer to note the date of release on the warrant. If the date of release is stated on the warrant incorrectly or omitted, the warrant shall not be returned for correction on that account. The entry in the Release Diary shall be made either by the Jailor personally or by the Deputy Jailor; in case the term of imprisonment be changed, either by the judicial imposition of additional imprisonment, or by remission of any part of the sentence, or by absence from the Jail on bail or after escape, the fact shall be noted opposite such entry and a reference made to the date of release under the new order, under which date a new entry shall be made. The Superintendent shall himself check each entry in the Release Diaries and Admission Register, and shall be personally responsible for the correctness of such entries, and for any illegal detention of a prisoner or failure to execute a sentence due to neglect of this rule.

NOTE—With regard to prisoners sentenced to judicial solitary confinement, see Chapter XII.

Method of calculating duration of prisoner's sentence. Rule 893.

524. The duration of a prisoner's sentence shall be calculated by the calendar year or month, unless stated in weeks or days. When a prisoner's sentence contains a fraction of a month, the date of his release shall be calculated by reducing the fraction to days, the whole month being, for this purpose, taken to consist of 30 days. The day on which the sentence is passed and the day of release shall both be included and considered as days of

imprisonment. For example, a prisoner sentenced to one year's imprisonment on the 15th January 1962 shall be released on the 14th January 1963; a prisoner sentenced on the 1st January to one month's imprisonment shall be released on the 31st January, and not on the 1st February following; a prisoner sentenced to one day's imprisonment must be released on the same day; but if he be sentenced to imprisonment for 24 hours he shall be kept in confinement for that period. In such a case, however, the committing court should be required to specify the hour from which the sentence should begin. If the month in which the sentence expires has no date corresponding to the date of sentence, then the last day of the said month must be taken to be the date of expiration of sentence. This rule shall also apply to civil prisoners.

Illustration.—A and B are sentenced respectively to one month's imprisonment on the 30th and 31st January, 1962; both sentence will expire on the morning of the last day of February, and the prisoners will be released accordingly.

525. The following method shall be adopted in calculating the date of release of a prisoner who after conviction is released on bail pending the hearing of his appeal, and is afterwards remanded to jail to serve out his sentence, or who escapes and is at large for a certain period. Add the period the prisoner has been on bail or at large, in years, calendar months, and days, to the term of his sentence; the date on which the sum of these periods will elapse, counting from the date of conviction, is the date of expiration of sentence. The Court to which a prisoner surrenders after being at large on bail should note in the prisoner's warrant the date on which the prisoner was released on bail and the date of his re-commitment to jail.

NOTES—(I) A prisoner released on bail in Court on the day he is sentenced without having been sent to jail shall not be deemed to have served any part of his sentence.

(II) For release of prisoners detained under section 123 of the Code of Criminal Procedure, see rule 519.

526. In a case where the conditional release granted to a prisoner under section 401, Criminal Procedure Code, is revoked and the prisoner ordered back to jail to serve out the original sentence, he shall be sent to a jail accompanied by the original warrant, copy of the order of the State Government, and an endorsement in the warrant.

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

Calculation of the date of release of prisoner released on bail and afterwards remanded to serve out his sentence or who escapes and is at large and finally surrenders.

Rule 43, Proviso 1, clause (6), High Court Criminal Rules and Orders.

Warrant accompanied by copy of the order of the State Government to be sent along with the prisoner when his conditional release under section 401 Cr.P.C., is revoked.

Calculation of date of release of a prisoner sentenced to two or more sentences.

Illustration.—A prisoner sentenced on the 21st June 1962 to one year's imprisonment is, for another offence, subsequently sentenced to a further term of one year, the period to commence from the expiration of the first sentence; he will be released on the 20th June, 1964, not on 19th June, 1964.

Imprisonment in default of payment of fine.

528. 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 date of release shall be fixed and entered in the Release Diaries on such dates as shall correspond to the date of release (a) if the fine is subsequently paid, (b) if the fine is not paid. When any portion of the fine is paid, the date of release shall be altered accordingly.

Illustration.—If a prisoner be sentenced on 1st January to six months' imprisonment and to a fine of Rs. 300, and it be ordered that if the fine be not paid he be imprisoned for a further period of six months, than, supposing that the prisoner, immediately on conviction, pays Rs.100, the date of release shall be fixed at 31st October (viz., 6 months + 4 months, the equivalent of the fine unpaid), and entries shall be made in the Release Diary on the 30th June and 31st October; if he afterwards pays another Rs.100, the latter date will be changed to 31st August; and on his paying the whole, the fact shall be noted opposite the entry on the 30th June.

Calculation of the remission of Imprisonment on part payment of fine.

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

Illustration : If a prisoner be sentenced on the 15th July to six months' imprisonment and to pay a fine of Rs. 300 or in default of payment to serve six months' further imprisonment and he pays Rs. 63, the calculation shall be made as follows :

$\text{Rs. } \frac{63}{300} \times 6 \text{ months} = \frac{126}{100} = 1\frac{26}{100} \text{ months.}$ The date of release deducting one month, would fall on the 14th June.
As the month preceding June has 31 days, $\frac{26}{100}$ of a month will be calculated on 31 days:

$\frac{26}{100} \times 31 = \frac{806}{100} = 8\frac{6}{100} \text{ days.}$ Here the remission for payment of Rs. 63 is one month and eight days.

If the prisoner had been sentenced on the 15th June instead of 15th July, the calculation of the $\frac{26}{100}$ of a month would have to be made on a 30 days' month, because from any date in April to the day preceding the same date in May is 30 days, as follows :

$\frac{26}{100} \times 30 = \frac{78}{10} = 7 \frac{8}{10}$ days, so that in that case the remission would be only one month and 7 days.

530. If such fine or any portion of it be paid immediately on conviction, the Magistrate issuing the warrant shall endorse upon the warrant the fact of such payment. If payment be made afterwards, the Court receiving the fine shall, unless it has already received back the prisoner's warrant with an endorsement showing that he has been released, draw up fine realisation statements in the prescribed form and send them in duplicate direct (and not through any other Court) to the District Jail in which the prisoner was first confined after conviction, the original being sent by the first available opportunity, and the duplicate on the following day : provided that if the fine is paid to the Magistrate of the district in which the prisoner is confined, not being the district in which he was convicted, the Magistrate shall also send intimation direct to the jail in which the prisoner is. The responsibility of the Court shall not cease until it has received back the duplicate statement, with an acknowledgement from the Jail in which the prisoner is confined, showing that the necessary corrections have made in the Release Diary. The original fine realization statement shall be filed with the warrant and returned with it after the sentence has been carried out. If a fine realization statement of a prisoner be received at a jail after he has been discharged on bail, the jailor shall, before returning the statement to the issuing Court, make an entry in the Admission Register opposite the prisoner's name recording the fact that payment of the fine has been made.

Procedure when fine or any portion of fine is paid.

Rule 501(4).

Rules 8 and 10 in Appendix 4 to High Court Criminal Rules and Orders, 1950.

531. When a prisoner whose sentence includes an order of imprisonment in default of payment of fine, is received in any jail by transfer from some other jail, intimation shall forthwith be given by the receiving jail to the jail where he was first confined after conviction. A record of receipt of every such intimation of transfer shall be made in red ink in the convicts' Admission Register in the place where the prisoner's admission is entered. The Superintendent of the District Jail in which a prisoner was first confined after conviction shall be held personally responsible for seeing that duplicates of the fine realization statements are forwarded on the day succeeding that on which the originals were despatched to the jail in which the prisoner is confined at the time, and his responsibility in

Procedure when any prisoner transferred from one jail to another pays any portion of the fine.

this matter shall not cease until he receives an acknowledgement on the duplicate statement from the Superintendent to whom the statement has been forwarded. This acknowledgement he shall pass on to the Court issuing the fine realization statement.

Imprisonment in default of payment of fine. See section 398, Cr. P.C.

532. If a prisoner sentenced to a term of imprisonment in default of payment of fine is also, either at the same time or subsequently sentenced to another term or to other terms of imprisonment, the imprisonment in default of payment of fine shall be kept in abeyance till the expiration of all the substantive sentences of imprisonment and shall be annulled wholly or partially by the payment of the fine, in whole or in part before the completion of the imprisonment in default.

Illustration.—A prisoner is sentenced on the 9th June 1962 to two years' rigorous imprisonment and a fine of Rs. 100, or in default six months' rigorous imprisonment; on the 17th July of the same year he is sentenced for another offence to an additional imprisonment for 18 months; and on the 6th October 1963 he is sentenced on another charge to an additional imprisonment for two years. The sentence of six months' imprisonment in default of the payment of fine of Rs. 100 should begin from the 9th December 1967 (the date of expiration of all the substantive sentences of imprisonment being the 8th December), and shall be annulled wholly or partially by the payment of the fine, in whole or in part before the completion of imprisonment in default.

NOTE—This rule covers the case of a prisoner whose first sentence of imprisonment is only in default of payment of fine. The substantive sentences of imprisonment subsequently passed shall count from the date of the first substantive sentence, and the imprisonment in default of payment of fine shall take effect last, although a portion of it may have already been served when the substantive sentences were awarded; unless the imprisonment in default of payment of fine is severer in kind than the substantive sentences, in which case the imprisonment in default of payment of fine shall be completed before the substantive sentence of imprisonment shall take effect. Whether the sentence is severer in kind or not will be determined by the test laid down in the "Explanation" to section 396 of the Code of Criminal Procedure, 1898.

Jail officers not authorised to receive fines. See High Court Criminal Rules and Orders, Vol. 1, App. IV. Rule 35.

533. The Superintendent or Jailor is not authorised to receive fines offered at the jail, and will refer any persons tendering them to the Court which imposed the fine; or, in sessions cases, to the Magistrate of the district where the fine was imposed.

534 to 540. Deleted.

541. Police-registered prisoners are divided into two classes.

Police registered prisoners.

The first class consists of prisoners who are to be transferred before release to the jails of the districts in which their homes are situated. This class shall be described in the Admission Registers and Release Diaries as $\frac{P.R.}{T}$ prisoners the letters P. R. standing for "police registered" and the letter T. signifying "transfer".

Rules 632, 840 G. of B. No. 4512P of 31-3-1915.
Rules 848-853.

The second class consists of prisoners who are not to be transferred, but are to be released from the jails in which they are confined at the time of the expiry of their sentences. This class shall be described in the Admission Registers and Release Diaries as P. R. ('Police-registered') prisoners.

All prisoners in respect of whom the sentencing Court may have recorded an order under section 565, Criminal Procedure Code, shall be described in the Admission Registers and Release Diaries as $\frac{P.R.T.}{565}$ and released from the jails of the districts in which their homes are situated.

Rule 563.

When intimation respecting a prisoner's police registration is received from the police after his name has been entered in the Admission Registers and Release Diaries, the letters P.R., $\frac{P.R.}{T}$ and $\frac{P.R.T.}{565}$ as the case may be, shall be added in red ink. Entries on the back of the P.R. form relating to finger impression, viz., "F.I. taken" or "Tested" shall be similarly added. The police P.R. form intimating the fact that a prisoner is on the police register shall be attached to, and kept with, the warrant, and sent with him to the jail to which he may be transferred. On the death or escape of a P.R. prisoner of either class, the police P.R. form attached to his warrant shall be returned to the Superintendent of Police of his district with an endorsement showing the date of his death or escape. All other P. R. slips shall be sent to the Superintendent of Police of the district, a fortnight before the release is due, as directed by rule 567.

Jail Cir. No. 44 of 1903.

Rule 567.

Note.—The number and names of P.R./T and P.R.T./565 prisoners should be noted in red ink in the Release Diaries three months before the date of probable release, any remission likely to be earned (see rule 585) being taken into account.

542. The following registers shall be maintained in respect of the newly admitted convicted prisoners in any jail:

Registers to be maintained in respect of newly admitted convicted prisoners. Rule 512. W.B.F. No. 4983.

(1) No. 6.—**Register of Convicts Admitted.**—The entries in all the columns, except 16, 22, 24 and 25 shall be made on the reception of the convict. The entry of age, column 4, "personal appearance and peculiarities," column 3, health on admission, etc., column 21, and health and

weight on discharge, column 22, shall be made as directed in rules 122, 507 and 511. If the prisoner is received from the undertrial ward, the entries giving detail of personal appearance wounds or marks and health shall be copied from the undertrial register.

Rules 621, 622,
625.

- (a) The entries in column 20 shall be made, in respect of previous character, on the admission of the convict or at any time during his imprisonment, when any particulars regarding previous convictions or previous character shall have been ascertained either from the Magistrate trying the case or from the Police; that of character in jail should be entered at the time of his discharge.

Rule 553.

- (b) Height shall be measured by means of an upright bar graded in metres from one to two and a half (metres) with a small horizontal bar sliding on it.
- (c) Every sentence of imprisonment awarded to a prisoner and every period ordered in default of payment of fine, shall be entered separately in columns 13 and 14. A single entry showing the sum total of several sentences is not sufficient.

Rules 510, 844.

- (d) In the descriptive rolls of prisoners submitted to the Inspector-General extracts of the entries in this register referring to such prisoners shall be made. On receipt of a prisoner in another jail, the entries contained in the descriptive roll shall, after verification, be copied into the register of the new jail, in which the prisoner shall receive a new serial number.
- (e) In case of prisoners received into a jail in course of transfer from some other jail to a third jail, entries shall not be made in this register; but entries shall invariably be made in respect of prisoners received on conviction, although it is the intention of the authorities to transfer them immediately.

Rule 510.

- (f) When a prisoner escapes or is transferred or is released on bail and is re-captured or re-transferred or remanded to the jail during the same calendar year, he shall not have a new serial number or a new entry in the register; but if he be re-captured or re-transferred or remanded in a different calendar year, he shall have a new number, and be entered again in the register as a new admission. In such cases a reference to the new number shall be made in the old register.

- (g) In case of a further conviction during any sentence the prisoner shall not have a new number or page of the register, but on every such conviction an entry shall be inserted containing the particulars relating to the new sentence. Rule 625.

(2) No. 7.—**Alphabetical Index of Convicted Prisoners—**

The register should be subdivided alphabetically, a large number of pages being set apart for letters with which the largest proportion of names commence. If the pages set apart for any letter become filled up, new pages may be opened for names beginning with this letter further on in the book, or in a new book; but at the end of the filled section a reference should be made to the page of the same or other book in which the list of names commencing with that letter is continued. The index should be arranged, if possible, to last for ten years.

- (a) The family names or surnames shall precede the personal names in all cases and determine the position in the index, viz., Sen, Kali Prosanna, Smith, John, Saikh Burhan, etc. Except as directed above, the names need not be arranged alphabetically according to the letters succeeding the initial letters, but should be inserted in order of admission.
- (b) A new entry need not be made in the case of a prisoner who is known to have been in jail before, and whose name is found in the index. The index should be posted up regularly as prisoners are received.
- (c) All aliases shall also be entered in this register.

(3) No. 10.—**Release Diary.**—A page shall be set apart for every day. As a rule volumes for 10 years in advance should be kept up. Names of prisoners to be released after ten years should be entered on the last page of the last volume, and when new volumes are opened, their names should be carefully transferred to the proper place in them. The particulars of uncaptured escaped prisoners shall be entered inside the cover of the current diary. See rule 480.

W.B.F. Nos. 4987, 4988 and 4989.

Rules 251, 523.

- (a) On conviction, a prisoner's name shall be entered on the page devoted to the day on which he is to be released: thus, if he is sentenced on 4th August 1962 to a year's imprisonment, his name shall be entered on the page headed 3rd August 1963.

- (b) If a prisoner be entitled to be released before the expiration of his sentence, the fact should be noted opposite the original entry, and a reference made to the day on which he is to be released, under which day a new entry shall be made. The same procedure shall be followed when a prisoner receives a further sentence.

Rules 523, 542(1).

- (c) If a prisoner receives a sentence of imprisonment and also of fine, with additional imprisonment in default of payment, entries shall be made in the Release Diary in accordance with the instructions in rule 528 and the illustration there given.

Rule 893.

- (d) The names of civil prisoners shall be entered on the day on which they are to be released.
- (e) The last columns of the Release Diary are to be used to give the information relating to prisoners on their discharge. Whenever cash is given to a prisoner as subsistence allowance or to pay his way on his journey to his home, the amount shall be entered in the column provided for the purpose. When a prisoner is transferred or dies before the expiry of his sentence, full particulars shall be entered regarding him under the date on which he died or was transferred.

W.B.F. Nos. 4993,
5029.

(4) No. 14.—**Daily Abstract.**—This record is an abstract of the statistics of registers Nos. 6, 8, 9 and 10 and includes particulars of all classes of prisoners. Parts I (A and B), VI and VII of Quarterly Return No. I are compiled from this register. The daily abstract shall always be written up on the morning after the day to which it refers. Non-criminal lunatics sent to the jail for observation, recovered criminal lunatics detained during the pleasure of Government, and female prisoners' children should be entered separately below in the lines reserved for statistics regarding them. The number of simple imprisonment prisoners should be shown separately, but will also be included in the figures relating to convicts generally.

CHAPTER X.—Prisoners' Property

Custody and
record of
prisoners'
property.

G.O. No. 826-H.J.,
dated 4th May
1943.

543. All money or other articles in respect whereof no order of a competent Court has been made, and which may with proper authority be brought into the prison by any prisoner or sent to the prison for his use, shall be placed in the custody of the Jailor. A list of all property of a prisoner taken from him under rule 504 or delivered with him, or afterwards received on his account, shall in the case of civil prisoner be endorsed on his warrant and in the case of a convicted or undertrial prisoner in the Property Statement (West Bengal Form No. 5158) and signed by the Superintendent and the Jailor. These statements should be maintained in the form of personal ledger accounts in bound volumes, class by class, serially according to the date of admission with an alphabetical index in each for facility of reference.

It will be advantageous for Central and District Jails to open two such registers for convicts according to the length of sentence, viz., one for those with sentence up to one year and the other for those with sentence for more than a year.

A record of all private properties except cash of a prisoner shall also be kept in W.B.J. Register Nos. 48 and 48A (West Bengal Form Nos. 5156 and 5157). There shall be two separate registers, one for valuable property and the other for ordinary property in every Jail. The entries in these registers should tally with those in the Property Statements maintained in bound volumes. Any property or money belonging to a prisoner may at any time during his imprisonment be delivered to his relatives or friends, with the approval of the Superintendent under an authority signed by the prisoner; but no prisoner shall be allowed to make over any of his clothing, if he will thereby on his discharge leave himself with insufficient clothing; and no prisoner shall be permitted to make over any of his property to any other prisoner, either during imprisonment or on release.

544. Subject to the provisions of rule 543, prisoners' property shall be dealt with by the Jailor as follows :

Procedure for
dealing with
prisoners'
property.

- (a) Prohibited articles such as opium, ganja, narcotics intoxicating drugs, liquor, etc., the unauthorised possession of which is an offence under the law should be taken charge of and appropriate action under the law started against the prisoner. The article should be disposed of according to the orders of the court. If the article is of trifling value and it is decided not to take any legal action in respect of its possession, it may be destroyed under the orders of the Superintendent. If there is reason to believe that the article is stolen property, information should be sent to the Police authorities.
- (b) Perishable articles such as grain or food, if of any value, shall be sold and the proceeds shall be dealt with under clause (g).
- (c) If the Medical Officer considers that there are sanitary objections to the retention of the clothing of any prisoner, or if a prisoner is suffering on admission from any infectious or contagious disease, the clothing shall, under the written order of the Medical Officer, 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 item on the back of the warrant.
- (e) In the case of every prisoner sentenced to rigorous imprisonment for two years and upwards (not including imprisonment in default of payment of

fine) his clothes shall be sold on confirmation of sentence on appeal, or on expiration of the time allowed for appealing if no appeal is made, and the proceeds shall be dealt with under clause (g). This shall invariably be done before the prisoner is transferred to a Central Jail if sentence has been confirmed. In other cases the clothing of a prisoner sentenced to rigorous imprisonment shall, after being cleansed, etc., be tied in a bundle and stored. *Lotahs* and other non-perishable articles capable of storage shall be included in the clothing bundle. Every such bundle shall be labelled with the number and name of the prisoner and date of release. The bundles shall be arranged in the storage godown according to the month of release for the current year and according to the year of release for subsequent years.

Rules 122, 506.

(f) Valuable jewellery shall be folded in a separate paper packet for each prisoner, on which shall be inscribed the prisoner's number, name, and date of release, and it should be sealed either by the Jailor or the Deputy Jailor in presence of the Superintendent. The packet shall be kept in a secure box in the Jailor's office under lock and key.

G. O. No. 3954-P.J.,
dated 9th
November 1933.

(g) Cash belonging to prisoners (including sale proceeds of their articles) shall be kept in the Jailor's cash chests. Should, however, any prisoner desire to invest his money in any of the small savings securities issued by the Government of India or other Government securities, he shall be permitted to do so. The small savings securities shall be treated as prisoners' property and dealt with by the Jailor under clause (f). Government securities in the case of a prisoner whose period of detention exceeds 5 years shall be deposited for safe custody with the Manager, Reserve Bank of India, Securities Department, Calcutta [vide paragraph 101 (b) (ii) of the Government Securities Manual] and in the case of a prisoner whose period of detention is less than 5 years these shall be sent to the Treasury Officer of the nearest Treasury for safe custody [vide paragraphs 107(a) and 108(a) *ibid*]. After such investment, the amount kept in hand by the Superintendent for payment to prisoners shall not exceed Rs. 1,500 in a Central Jail (Rs. 1,000 in Berhampore Central Jail) and Rs. 300 in a District Jail. The excess amount, if any, shall be kept in a Personal Ledger Account at the Treasury in the name of the Superintendent who shall keep a record of the amounts deposited and withdrawn on the first page of the Cash Book and maintain a detailed account of the money belonging to each prisoner in the Prisoners' Private

G.O. No. 2780 P.J.,
dated 22nd August
1936.

Cash Statements. Withdrawals may be made from the Personal Ledger Account according to requirements.

Any money meant for a prisoner shall be acknowledged by him by putting his signature or thumb impression on the back of the Money Order Form or on the formal receipt, according as the money is received by a Postal Money Order or by other means, and his signature or thumb impression shall be attested by a Deputy Jailor or other superior officer. The receipt and disposal of all such money shall be recorded in the Gate Register, Cash Book and the Private Cash Statement of the prisoner and also noted in his History Ticket under the initials of the Superintendent.

544A. The Jailor shall, during the first week of January and of July every year, verify the valuable properties of prisoners held by him with those as recorded in the Valuable Property Register. He shall also once every year in the month of April compare the amount of private cash of prisoners held in cash and in the Personal Ledger Account in the Treasury, with the amount which should be held according to the warrants or cash statements. A certificate showing the result of the verification of valuable properties shall be entered in the Valuable Property Register and that relating to the verification of private cash in the first page of the Cash Book. Any discrepancy should be at once reported to the Superintendent who shall, in case of a deficit, take steps for fixing responsibility and recovering it from the officer responsible.

Varification of prisoners' property.

Jail Circulars No. 1, dated 9th January 1937 and No. 13., dated 16th September 1943.

In case of any excess, steps should be taken to return the prisoners' property and cash which may not have been taken by them on release.

544B. If a prisoner's property is sold under the above rules he shall promptly be told how much money was realised by the sale and the fact that this has been done shall be noted in his history ticket. Purchase of a prisoner's property at such sales by the Jail staff either directly or indirectly is strictly forbidden.

Prisoner to be informed about the price realised in case of sale of any of his properties.

545. Only such property shall be kept as can be stored in the jail godowns other than food godowns. If live-stock or cumbrous articles, such as large boxes, charpoys, etc., are received with or for a prisoner, they shall be handed over to his friends, if he so desires, or shall be sold and the proceeds dealt with under rule 544(g). At the Presidency Jail only cash, valuables and sufficient clothes for the prisoner's use on release should be taken charge of by the Jail Department : other articles of a bulky nature, such as boxes, trunks, beds, etc., should, in accordance with the wishes of each prisoner,

Kind of property that can be kept in Jail for prisoners. B. G. letter No. 3218, dated 20th January 1870.

be either sold or made over to his friends by the police, the proceeds in case of sale being paid to the Superintendent of the jail to hold as deposit on the prisoner's account.

Prisoner convicted in a criminal case found after admission in possession of money or any prohibited article guilty of prison offence.

545A. If a prisoner, other than a civil prisoner, after being searched on admission, is found in possession of any money or other prohibited article he should be deemed to have committed a prison offence under rule 704(12) and dealt with accordingly. The money or article which is the subject-matter of the offence shall be disposed of as provided under rule 544.

Prisoners' property to be sent with him on transfer to another jail.
Rules 872.
G.O. B.No. 1924-PD., dated 16th June 1913.

546. On transfer of a prisoner from one jail to another all his property shall be sent with him.

Disposal of unclaimed properties of released prisoner.
G. O. No. 2780-PJ, dated 22nd August 1936.
G.O.No.1126HJ/4A-20/59, dated 9th May 1980.

547. On the release of a prisoner his property shall be delivered to him as provided in rules 577 and 578.

Any unclaimed property of a released prisoner shall be retained in the jail for one year from the date of his release. If no claim is put forward within that period, the property shall be sold and proceeds shall be paid into the treasury as unclaimed prisoners' property. With the exception of currency notes and coins, unserviceable articles, which fail to attract any customer through auction should be disposed of according to the discretion of the Inspector- General.

Disposal of properties of deceased, escaped or released prisoner.
Rule 259.

548. In the event of a prisoner dying in a jail his property shall be made over to the Officer in charge of the nearest police-station (in Calcutta to the Commissioner of Police) and the Superintendent shall forward, with the property, the prisoner's descriptive roll, and a certified copy of the record relating to the prisoner's property. The wishes of any dying prisoner about his property should be mentioned to the police in the letter. The Jailor is responsible that, on the prisoner's leaving the jail or dying, the property made over to him or sent with him, or made over to the police, as the case may be, corresponds with the record of what has been taken charge of. The property of an escaped prisoner shall be retained for one year from the date of his escape. If he is not recaptured within that period, his property shall be sold and the proceeds with any cash belonging to the prisoner shall be paid into the Treasury as unclaimed prisoner's property.

CHAPTER XI—PRISONERS' HISTORY TICKETS

549. Every prisoner shall immediately on his reception in jail be provided with a "History Ticket" (W.B.J. Form No. 20, 21 or 22) in which, besides the information required by the heading, shall be recorded at the time, and in chronological sequence every occurrence of importance in the jail life of such prisoner, and every order specially relating to him.

Every prisoner shall be provided with a history ticket.
Rule 930. W.B.F. Nos. 5076, 5077 and 5078.

550. The duty of providing, preparing and maintaining history tickets correctly shall devolve on the Jailer (or other officer specially deputed by the Superintendent) who shall be responsible for seeing that all entries, other than those to be made by the Superintendent and medical authorities, are duly and correctly made under the initial of the entering officer. The Jailer shall bring to the notice of the officer concerned any irregularity or omission of any entry on any ticket and shall, if necessary, report the matter to the Superintendent.

Jailer responsible for history tickets.

551. No convict shall make any entry in any ticket; a convict whose employment as a writer has been specially sanctioned may, however, make entries in the heading of a ticket under the immediate instructions and supervision of the officer specially deputed to prepare such ticket, who shall be personally responsible for the correctness of every entry so made.

No convict to make any entry in any history ticket. Rule 799.

Every entry in every ticket shall be made at the time of or as soon as possible after, the occurrence of the event to which it relates and shall be dated and initialled by the officer making the entry.

552. The Superintendent shall record or certify on a prisoner's history ticket—

Superintendent to record special orders in history ticket.

- (a) any special order he may have to give as to the treatment of the prisoner, e.g., location in juvenile ward, separation at night in cubicles or cells, any particular work or duty, etc: see rule 514 ;
- (b) the award of any punishment (including formal warning), or an admonition: see rules 75 and 710 ;
- (c) sanction for extramural employment: see rule 795 ;
- (d) promotion to the grade of convict watchman, overseer, or night guard: see rule 385 ; and
- (e) the award of special remission : see rule 767.

553. The Medical Officer shall record, or cause to be recorded in the heading of the history ticket of each prisoner, the prisoner's age, height, and weight on admission, his state of health, the class of labour for which the prisoner is fit if sentenced to rigorous imprisonment, and whether he has been protected by vaccination, inoculation, or small-pox, see rule 507. He shall also subsequently enter or cause to be entered on the ticket the fact of

Entries by the Medical Officer in the history ticket. Rule 122. Rules 95, 507, 1223.

vaccination having been performed in jail and the result, admission into and discharge from hospital on every occasion, with the disease for which admitted and any special instructions for the treatment of the prisoner, change of work or food, etc., other than matters for which either he himself or his Medical Subordinate is solely responsible, see rule 93. On discharge of a prisoner from hospital or the convalescent or special gangs he shall invariably enter on the ticket whether the prisoner may revert to his original work and task, or whether some other work and task should be allotted him, see rule 1223. He shall also see that the fortnightly weighments are duly recorded on the history tickets. He shall record the existence of leprosy and the necessity or otherwise for segregation, see rule 1046; the physical fitness for labour of every simple imprisonment prisoner who volunteers to labour, see rule 942; the physical fitness for punishment of any prisoner awarded a punishment requiring a preliminary medical certificate; fitness for judicial solitary confinement; fitness for transfer; every order for cutting the hair of any female or other prisoner on account of vermin or disease, etc., see rule 652.

Entries to be
recorded by
Medical
Subordinate.

554. The Medical Subordinate shall, in addition to any entries made by him under rule 553, record every visit to, and detention under observation in hospital of any prisoner, together with the nature of the complaint and the fact of the administration of medicine. He shall also enter in a prisoner's ticket any special recommendation regarding his treatment he may have to make, but unless the matter is urgent, he shall submit it to the Medical Officer for confirmation. He shall, together with the Jail Clerk or Compounder if deputed to assist him in weighing the prisoners, enter the fortnightly weighment of every prisoner in his history ticket, see rule 131 and 1216.

Entries by Jailor.

555. The Jailor [or the Deputy Superintendent, if ordered as regards (a) and (b)] shall record on every prisoner's history ticket—

- (a) the particular work and task in weight, number or measurement to which the prisoner is put, see rules 252, 636 and 786;
- (b) every subsequent change of work or task, see rule 252;
- (c) the action taken to carry out any direction of the Medical Officer or recommendation of the Medical Subordinate relative to the prisoner, or reason why such order cannot be carried out, see rule 258 ;
- (d) the fact of a prisoner requiring medical attention, see rule 257 ;
- (e) any recommendation specially relating to the prisoner;
- (f) action taken on any order entered by the Superintendent;

- (g) location of class B prisoners in cells by day or night, see rule 627 ;
- (h) every breach of jail rules, see rule 253 ;
- (i) any order for the imposition of hand- cuffs or fetters on a prisoner or for his confinement in a cell for restraint pending action by the Superintendent, see rule 253 ; and
- (j) imposition of fetters for safe custody under rule 484.

556. The Deputy Superintendent (in a Central Jail) or the Jailer, the Deputy Jailors or Discipline Officers, as the rules, or orders given by the Superintendent thereunder, require, shall enter in the ticket the following particulars ;

Particulars to be recorded in history ticket.

- (a) the date of admission into the jail ;
- (b) the name and address of the nearest relative (or friend, if he has no relative) of every prisoner, as ascertained from him on admission ;
- (c) the issue of clothing and kit on admission and subsequently, see rule 506 and chapter XXXVIII;
- (d) any complaint made by the prisoner of sickness or report of his sickness ;
- (e) application for copy of judgement if the prisoner wants to appeal, see rule 603 ;
- (f) receipt of copy of judgment, see rule 603 ;
- (g) despatch of appeal, see rule 603 ;
- (h) substance of order of Appellate Court, see rule 609 ;
- (i) the fact of appeal not being made before expiration of the time allowed for appeal, see rule 599 ;
- (j) the fact that a prisoner does not wish to appeal, see rule 606 ;
- (k) the amount of remission awarded, see rule 763 ;
- (l) the total remission in days earned up to the end of each quarter ;
- (m) any offence committed, including omission to perform tasks ;
- (n) any interviews allowed and the receipt or despatch of private letters, see rule 664 ;
- (o) Inspector-General's sanction for employment as convict night guard, see rule 405 ;

- (p) despatch to a Court, or transfer, discharge, or death;
- (q) the use of the latrine out of hours;
- (r) the word “unidentified” in respect of every prisoner notified under rule 623;
- (s) the weight of ankle-ring or fetters if imposed; see rule 1216;
- (t) any order for the repair of clothing, see rule 800.

Custody and
production of the
history ticket.
Rule 399 (f).

Rule 648.

557. The history ticket of each prisoner shall be kept in a proper receptacle by the warder or the convict officer in whose charge he is placed, to be produced by him whenever required. It shall go with the prisoner whenever he is changed to another gang or work or sent to hospital. At the weekly parades each prisoner shall hold his ticket in his left hand for the Superintendent's inspection; and it shall invariably be produced with the prisoner when he is reported for an offence or brought before the Superintendent or Medical Officer for any reason, or when remission is awarded.

Period of
preservation of
history ticket of a
prisoner.

558. The history tickets of prisoners who died in jail shall be kept for two years after death; those of prisoners released, for one or two years at the discretion of the Superintendent. When a prisoner is transferred to another jail, his history ticket shall be sent with him.

CHAPTER XII.— JUDICIAL SOLITARY CONFINEMENT

Sentence of solitary
confinement.

558A. A sentence of solitary confinement shall be executed as if it were a sentence of confinement, with or without hard labour, as entirely secludes a prisoner from communication with, but not from sight of, other prisoners.

NOTE.—For the Judicial Solitary Confinement of females, see rule 954.

Maximum period
of solitary
confinement
permissible.
See section 73, I.P.
Code.

559. (I) The period of solitary confinement that can be ordered by a Court shall not exceed—

- (a) one month, if the term of imprisonment does not exceed six months ;
- (b) two months, if the term of imprisonment exceeds six months, but does not exceed one year ; and
- (c) three months, if the term exceeds one year.

NOTES—(i) The maximum period of solitary confinement permissible with a sentence of one month is 14 days, [see section 74 of the Indian Penal Code].

(ii) For the purpose of solitary confinement a month signifies a period equal to the average duration of a calendar month, that is (disregarding fractions), 30 days.

(iii) There may be cases where the sentence of solitary confinement passed by a court may be legal but its execution for the full term ordered may not be feasible.

560. In executing a sentence of solitary confinement, such confinement shall in no case exceed fourteen days at a time, with intervals between the periods of solitary confinement of not less duration than such periods; and when the imprisonment awarded shall exceed three months, the solitary confinement shall not exceed seven days in any one month of the whole imprisonment awarded, with intervals between the periods of solitary confinement of not less duration than such periods.

Execution of sentence of solitary confinement. Section 74, I.P.C.

561. If any warrant contains an order relating to solitary confinement, which is contrary to section 73 or 74 of the Indian Penal Code, the matter shall be referred to the Inspector-General, or the Tribunal or the authority passing the sentence, as the case may be, in accordance with rule 501. For example, such action will be necessary if a prisoner sentenced to seven months' imprisonment be ordered two months' solitary confinement.

Reference in case of irregularity in the order of solitary confinement.

562. (1) No prisoner shall be placed in solitary confinement until the Medical Officer certifies that he is fit to undergo it.

Procedure for execution of judicial sentence of solitary confinement.

(2) Prisoners sentenced to solitary confinement should ordinarily be divided into four gangs; each gang should be placed in cells for a week at a time, so as to utilize the cells to the fullest extent and at the same time comply with the requirements of sections 73 and 74 of the Indian Penal Code. It will be convenient to fix the 1st, 8th, 15th and 22nd of each month as days on which to commit batches to solitary confinement.

Rule 743.

(3) A prisoner, who is unfit at the time he would ordinarily be confined, should be placed in a cell at a subsequent date if the conditions imposed by section 74 of the Indian Penal Code allow.

(4) The execution of a sentence of solitary confinement need not be postponed on account of an appeal.

(5) Every prisoner undergoing solitary confinement shall be visited daily by the Medical Officer or Medical Subordinate and the Jailor.

Section 29, Act IX of 1894.

Rules 741, 96.

(6) If prior to any period of solitary confinement a prisoner is declared by the Medical Officer to be unfit to undergo such confinement, or if during any period of solitary confinement it becomes necessary, under the Medical Officer's orders, to remove a prisoner on the ground of injury to mind or body, the fact shall be reported to the Inspector-General and to the court by which the sentence was passed.

(7) If a prisoner sentenced to solitary confinement be declared by the Medical Officer to be permanently unfit to undergo such confinement, the matter shall be reported to the court which awarded the sentence and the order of solitary confinement shall not be carried out.

Prisoners in solitary confinement may take open air exercise.

562A. Prisoners in solitary confinement shall be permitted to take such exercise in the open air as the Medical Officer may consider to be necessary for their health.

Time when solitary confinement can be given effect to if a prisoner is undergoing sentence on more than one warrant.

563. If a prisoner is sentenced under two or more separate warrants, any period of solitary confinement awarded can only be given effect to during the time the sentence of which it forms a part, is being executed.

Record of solitary confinement.

563A. On each occasion on which a prisoner undergoes solitary confinement, the Jailor shall note on the history ticket of the prisoner the date on which the prisoner was placed in the cell, the date on which he was removed and the number of days passed in such confinement. The entries shall be initialled by the Jailor and the Superintendent.

When a convict who has partially served a sentence of solitary confinement in a jail is transferred to another jail, the period of solitary confinement undergone by him up to the date of his transfer, shall be entered on the back of his warrant under the signature of the Superintendent.

Endorsement on warrant on expiration of sentence.
Rule 583.

564. On the expiration of the sentence of every prisoner awarded solitary confinement, the endorsement on the warrant by the Superintendent, certifying to the execution of the sentence shall state in weeks or days or partly in weeks and partly in days the total period of solitary confinement the prisoner has undergone ; and if any portion of such sentence has not been duly executed, the reason shall be explained.

565. No prisoner who has undergone a period of solitary confinement shall be punished with separate or cellular confinement for a jail offence within a period equal to the period of solitary confinement he has undergone after the expiration of such confinement.

Restriction of all punishment of cellular confinement to a prisoner undergoing solitary confinement.

CHAPTER XIII—RELEASE OF PRISONERS

NOTE.—For the method of calculating the date of release, see Chapter IX on the admission of prisoners.

566. The warrants of all convicts whose release becomes due in any month shall be examined on the 25th day of the month preceding to ascertain their correctness.

Check of warrants of convicts due for release.

567. On the 1st and 3rd Saturdays of every month the Police register slips of Police registered prisoners who are to be released during the ensuing fortnights shall be delivered to the Police Officer who is deputed by the Superintendent of Police of the district in which the jail is located to prepare the jail parade report. At the same time the Police Officer shall be furnished with the Police register slips of any Police registered prisoners who died during the preceding fortnight.

Police register slip to be returned before release.

When a Police registered prisoner is received after the submission of the last set of Police register slips and his release will take place before the next set is due, or when a Police registered prisoner is released before the expiry of the term of his sentence and it is found that his Police register slip was not included in the last set submitted, his Police register slip shall be sent immediately to the Superintendent of Police direct. Police register slips of all Police registered prisoners released on bail shall be sent by the Superintendent of Jail to the Superintendent of Police who shall return them to the jail if a prisoner is again incarcerated. For rules regarding the release of P.R.T. prisoners, see rule 848.

Duplicate P.R. Slips shall be issued by the Police Department in the case of persons convicted of offences under section 395, 396, 397, 399, 400, 401, 402 and 412, Indian Penal Code, and for all non-Asiatic convicts one being marked in red ink "for Criminal Investigation Department". Superintendents of Jails shall, not later than the second week of each month, send to the Deputy Inspector-General of Police, Criminal Investigation Department, direct, after filling in the release portions, all the duplicate P.R. Slips of such prisoners who are due for release in the following month.

568. In every case when a court records an order under section 565, Criminal Procedure Code, an entry shall be made by the Jailor in the Release Diary on the date falling one month before the probable date of the prisoner's release if his home district is in West Bengal and in other

Notification of residence after release of prisoners. G.O. No. 1508-HJ of 4-6-56.

G.O. No. 2306-PJ,
of 24-7-1929.

W. B. Form Nos.
5089, 5090 and
5091.

cases on the date falling two months before the probable date of his release, to have the prisoner brought before the Superintendent for action under rule 2 of the rules issued by the Government under sub-section (3) of section 565, Code of Criminal Procedure, reproduced below. The statement of the prisoner as to his intended residence referred to in rule 2 below shall also be recorded in the release note and shall be sent (in triplicate) with it to the local Superintendent of Police. A copy of the statement shall also be entered in the High Court form attached to the prisoner's warrant. A translation in W.B.J. Form Nos. 32, 32A and 32B of the Rules (3), (4), (5) and (6) in the language known to the prisoner or in his district shall be given to him at the time of his release and shall be read and explained to him, and he must be informed for what period he is required to comply with them.

Rules made by the Governor of Bengal under section 565, sub-section (3), of the Code of Criminal Procedure, 1898 (Act V of 1898).

G.O. No. 4733-
HJ, of 7942.

(1) These rules shall apply only to convicts against whom an order has been made under section 565 of the Code of Criminal Procedure, 1898, relating to notification of residence or change of or absence from residence after release.

(2) Before release a convict shall, upon being required to do so by the Superintendent of the jail in which he is confined or by any person authorised in this behalf by the Superintendent notify in West Bengal Form No. 5093 to the Superintendent or person authorised by him, as the case may be, the village and the homestead in that village in which he intends to reside after his release.

(3) If, after the seventh day following his release, a convict is residing in any homestead other than that notified by him in accordance with rule (2), he shall, within nine days after the date of his release, attend in person at the thana or outpost within the local limits of which he is residing and notify to the officer-in-charge of the village, and the homestead in that village, in which he is now residing.

(4) If, after taking up his residence as notified in accordance with any of these rules, a convict intends to change his residence, he shall, if the homestead to which he intends to change his residence is situated within the local limits of the thana or outpost within which he is at the time residing, at least three, and, in any other case, at least seven days before he intends to leave his notified residence, attend in person at such thana or outpost and notify to the officer in charge, his homestead and the

village to which he intends to change his residence and the date on which he intends to leave his present notified residence.

(5) If, after the seventh day following the day notified in accordance with rule (4), a convict is residing in any homestead (including his last notified residence) other than that notified by him in accordance with rule (4), as his intended residences, he shall, within nine days after the date so notified, attend in person at the thana or outpost within the local limits of which he is for the time being residing, and shall notify to the officer in charge thereof the village, and the homestead within that village, at which he is for the time being residing.

(6) If a convict intends to absent himself temporarily for one or more nights or for any part of a night from his notified residence, he shall, if he does not intend to leave the local limits of the thana or outpost within which he is at the time residing, not later than the first, and in any other case, not later than the third day before his departure from his notified residence, attend in person at such thana or outpost and notify to the officer-in-charge his intention to absent himself together with the village and the particular place to which he intends to proceed and the probable dates of his arrival thereat and departure therefrom respectively.

NOTE.—If orders under section 565, Cr. P.C., are passed on a convict in more than one case the bond should be taken for the period which will keep the convict for the longest period under obligation to notify his residence, change thereof or absence therefrom, after release from jail taking the orders in all the judgments into consideration. For instance, a man is convicted in three different cases and orders under section 565, Cr. P.C., are passed in all of them. The due date of release from the first term of imprisonment is on 1 4th March 1954 and orders under section 565, Cr. P.C., is for three years. The date of release in the next case is 1st September 1954 and orders under section 565, Cr. P.C., is for five years. The date of release in the last case is 10th August 1955 and orders under section 565, Cr. P.C., is for four years. The bond should be taken in the second case where the date of release is 1st September 1954 as it will be effective for the longest period in this case.

569. Deleted.

570. When the sentence of a prisoner expires, the Jailor shall bring him before the Superintendent, together with his warrant and he shall be released in the presence of the Superintendent and at the jail gate. All orders for the final discharge of prisoners are to be signed by the Superintendent of the jail. In cases of release on appeal, payment of fine, furnishing security, giving bail, etc., in which the power of legal detention ceases as soon as the order of the Court is delivered at the jail, the Jailor shall release the prisoner on his own responsibility, provided always that an immediate reference to the Superintendent is, from the distance of the jail or other causes, impracticable. The warrant of a prisoner released by the Jailor shall be signed by the Superintendent as if the prisoner was released before himself. The warrant for the release of a prisoner who has been transferred to another jail shall immediately on receipt be forwarded under a registered cover to the jail in which the prisoner is confined.

Superintendent to sign orders for final discharge of prisoners.

Rule 78.

Section 26 of the
Prisons Act
(Act IX), 1894.
Rule 102.

Verification of
personal
description of
prisoner before
release.
Rule 771.

Jail from which a
prisoner is to be
released.

No prisoner to be
released after
lock-up.
Rule 22, High Court
Criminal
Rules and Orders,
Volume I.

Rules 651, 1173,
1177.

Day of release of
prisoner.
G.O. NO. 267, dated
12th January 1866.

Telegram,
radiogram, or
telephone message
no authority for
release of Prisoner.
G.O. No. 1900 H.J.
dated 11th July 1956.

Certificate on
completion of
terms of
imprisonment.
G.O. No. 1650 P.J.,
dt. 20th April 1931
W.B.F. No. 5088

570A. No prisoner shall be discharged against his will from prison if labouring under any acute or dangerous distemper, or until, in the opinion of the Medical Officer, such discharge is safe.

571. The identity of each prisoner shall, before being released, be carefully examined with reference to his personal description in the Admission Register, and the Superintendent or Jailor, as the case may be, shall satisfy himself that the proper prisoner has been brought forward and that his sentence has been duly executed taking into consideration the remission earned under the remission rules.

The Medical Officer shall record or cause to be recorded, the health and weight of every prisoner on release, in the Admission Register, Release Diary and History Ticket.

572. Prisoners shall ordinarily be released from the jail in which they are confined at the time of release; but the Inspector-General may give special orders directing that prisoners confined in any jail shall be transferred to the jail of the district in which their homes are situated and released from there.

573. No prisoner shall on any account be released after lock-up. Warrants for release should not be despatched by a Court after sunset, or, if so despatched, should be endorsed with instructions for release as early as possible next morning. Ordinarily prisoners shall be released after they have partaken of their morning meal, and as soon after sunrise as possible (see rule 78). All prisoners shall, before they are released, be required to bring to the office and deliver up their jail kits. All the articles of the kits shall be clean and fit for use. Any prisoner who gives up his kits in dirty state shall be made to wash and clean it before he is released. The clothing and bedding of released prisoners shall be immediately washed again by prison dhobies, after which they shall be stored in the clothing godown for re-issue in turn; the passing on of kits from released to newly admitted prisoners is prohibited.

574. If the date of release falls on a Sunday, the prisoner shall be released on the preceding Saturday; but a judgment-debtor entitled to his discharge on the omission by the person, on whose application he has been detained, to pay subsistence allowance must be released on a Sunday if the 1st of the month falls on that day.

575. No prisoner shall be released on the authority of a telegram, radiogram or a telephonic message.

576. Every prisoner sentenced to imprisonment for 6 months or upwards shall, on release, be furnished with a certificate (W.B.J. Form No. 31) signed by the Superintendent to the effect that he has completed his term of imprisonment. In case any remission of sentence has been granted the amount should be stated.

577. On releasing a prisoner the Superintendent or the Jailor, as the case may be, shall deliver to him any property of which he may have been in possession and which is entered in the property statement and in other relevant register (vide Jail Code Rule 543), or the value of such property if it has been sold (but see rule 578). An acknowledgement of the receipt of the property will be taken from the prisoner on the property statement and in other registers as necessary. In any case the prisoner shall be called upon to declare, in presence of a witness, if he has received his property in full, or to claim at the time anything not delivered to him. If any part of a prisoner's property is not found and delivered to him, a note of it shall be made opposite the item in the warrant, and also in the property statement and the relevant registers and the Superintendent shall decide what compensation is to be given to the prisoner and what officer is to be held responsible provided that no prisoner shall be entitled to receive any compensation other than the sale-proceeds (if any) in respect of any property at any time destroyed or sold in accordance with the provisions of rule 544.

Delivery of prisoners property on release.
Rule 514.

G.O. No. 1587 H.J.,
dated 19th April
1938.

G.O. No. 1826 H.J.,
dated 4th May
1948.

578. Prisoners will ordinarily be released in the clothing in which they came to jail; but if this has been destroyed or sold, or appears insufficient for decency the following clothings, which should be kept in store for this purpose, and fully washed, if old, may be given to Division III prisoners:

Clothings to be given to a prisoner on release.

G.O. No. 4151 H.J.,
dated 24th Decm.
1956.

(i) Those with sentences of less than two months—A plain cloth.

(ii) Others—One piece of *dhuti* 4.11 metres in length and one *nima* or one piece of *sari* 4.57 metres in length and one blouse, according as the prisoner is a male or a female one.

In addition, an old blanket may be given to such prisoner in cold weather. For Divisions I and II prisoners, see rule 1087(1). When prisoners have, in accordance with rule 544 been credited with the sale-proceeds of their own clothing, the cost of the new clothing given them on release shall, to such extent as funds are available be met from the sums so credited. All prisoners should be carefully searched immediately before release. Care should be taken to see that no prisoner takes away any jail property with him.

Juvenile and adolescent prisoners on release should be supplied with the following outfit of clothes :

- (1) A piece of *dhuti* 4.57 metres in length and a coloured border 6 mm. wide.
- (2) One pair of khaki shorts (old),
- (3) One khaki jacket (old).
- (4) One gamcha or towel (old).
- (5) One belt.

Diet and travelling allowance to prisoners on release.

Rule 1087 (1) G.O. 64PJ., dated 6th January 1934.

579. (1) Every convict being a resident of this State whose home is situated more than 8.05 Km. from the jail from which he is to be released, and who is not in possession of more than three rupees, shall at the time of his release be provided with subsistence allowance for every 24.14 Km. or part thereof to be travelled by road, and also in respect of every day's or part of a day's journey by rail, motor bus, steamer or boat, to his home at the following rates:

Division I—Re. 1.87 p.

Division II—Re. 1.12 p.

Division III—Re. 0.75 p.

Rule 1369.

G.O. No. 2668 H.J., dated 24th August 1955

G.O. No. 3189 H.J., dated 10th Oct. 1955

G.O. No. 3142 H.J./1J-1/58, dated 6th Oct. 1958.

(2) Every prisoner whose home is on or near any railway or steamer line shall be supplied with a free pass of the lowest class on the Credit Note System to the station nearest to his destination. In other cases he shall be paid necessary motor bus fare for journey to the place nearest to his destination, provided there is a bus service on the route. Free Railway pass on the Credit Note System may, also be issued in respect of the child above the age of 3 and up to the age of 6 at half 3rd class or 2nd class rate, as the case may be, in the event of a female prisoner being released or transferred from jail along with such a child.

Subsistence allowance for such children, at half rate may be provided for.

(3) Released prisoners sent to their home by boat shall be provided with necessary boat-hire.

(4) Prisoners whose homes are situated less than 8.05 Km. from the jail shall usually be granted no subsistence allowance. A copy of the Official Manual of Distances in West Bengal shall be kept in every jail. The distance of each thana from the jail shall be taken as the distance of every village within the thana jurisdiction. No prisoner whose home is more than 8.05 Km. from the jail shall, however, be refused subsistence allowance by reason of the thana within the jurisdiction of which it is situated being within 8.05 Km. of the jail.

G.O. No. 1882 H.J., dated 26th May 1930.

(5) 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 gharry or motor omnibus hire for the journey they will have to perform by road.

(6) This rule shall not apply to the cases of male prisoners who are residents of other States, unless they have been transferred from such States, or unless they are in bad health, or, owing to age or infirmity, are unable to work their way home. Such prisoners shall be furnished with subsistence allowance and railway passes (if necessary) to the places where they were respectively convicted and sentenced, or to their homes whichever may be nearer, or if they do not desire to return to such places, they may be granted three days' subsistence allowance in order that they may not be, left entirely destitute.

(7) Any female prisoner who is a resident of another district than that in which she is confined, shall be transferred, a least six weeks before her release is due, to the jail of her own district for release. When the home of a female prisoner, about to be released, is at a distance of more than 8.05 Km. from the jail, a notice will be sent one month before her release to the Magistrate of the district in which her home lies asking him to intimate to the woman's relatives the date of such release and to urge them to come and receive her, at the jail gate; and when this distance is 8.05 Km. or less, the intimation of release shall be sent to the woman's relatives by the Superintendent of the Jail. In the event of no relative appearing to receive her, and if she be under 25 years of age or likely to be led astray, she should be sent to her home in charge of the female warder, if there is one attached to the jail, or of a respectable woman entertained to escort her. If this escort is not considered necessary, the prisoner shall be given a railway pass (if she can travel by rail) and full and liberal means of subsistence to enable her to reach her home in comfort.

Rules 585, 843.

(8) Clauses (1) and (2) of this rule shall not apply to undertrial prisoners released on bail, or to prisoners sentenced to less than one month's imprisonment under the Indian Railways Act. The latter class of prisoners should be treated in the same way as prisoners from other States.

—See clause (6).

(9) The allowances granted by this and the next rule shall be given in presence of the Superintendent when the prisoner is released by him. Receipt of the allowances shall be acknowledged by the prisoner in the Release Diary under his signature or thumb impression.

G.O. No. 2069 H.J.,
dated 9th Aug.
1954.

580. Any juvenile prisoner who is a resident of a district other than that in which he is confined shall be transferred except when his term of imprisonment is less than three months, at least one month before his release is due to the jail of his own district for release. At least two weeks before the due date of release of a juvenile prisoner the Superintendent shall inform the parent or the guardian of the juvenile convict and ask him to meet and receive the prisoner at the jail gate. If a parent or any other relation about whose relationship with the prisoner the Superintendent is satisfied comes to the jail gate to receive him the prisoner shall be made over to him. If nobody appears or the Superintendent has doubts he shall contact the police authorities and arrange to hand-over the prisoner to the police for escorting him to his home. The subsistence allowance granted to the convict shall be made over to the policemen who escort him home.

Release of
Juvenile
prisoners.

NOTE.—For purpose of this rule a juvenile convict means a convict under 18 years of age.

Grant from the
Claude Martin
Fund.

581. On the release of prisoners of either sex from the Presidency Jail the Visiting Justices of the Presidency Jail may supply from the "General Claude Martin Fund" such prisoners, if considered deserving of assistance, with clothing and other necessaries, put them in the way of finding employment, or help to defray the cost of their conveyance to some place where there is reason to expect that they may be able to gain an honest livelihood. This fund is distributed by the Commissioner of Police. The Superintendent, Presidency Jail, may recommend suitable released prisoners to the Commissioner of Police, Calcutta, for granting relief from this fund.

582. Deleted.

Warrant of
imprisonment to be
returned to the
issuing court on
death or release of
a prisoner and ten
years after the date
of escape or expiry
of sentence of a
fugitive prisoner
not recaptured.

583. On the death of a prisoner or his release upon the expiry, of his sentence or on bail, his warrant of imprisonment shall be immediately returned to the Court which (and not by name to the officer who) issued it, with an endorsement showing the date of death, or date and cause of release, and the date on which the warrant is returned.

Warrants issued by courts mentioned in column 1 below should be returned to courts indicated in column 2 for transmission to the issuing court.

G.O. No. 1459 R.J.,
dated 9th Feb.
1925.

Column 1.

Column 2.

Presidency Magistrate.

Chief Presidency Magistrate.

G.O. No. 672 P.J.,
dated 23rd Feb.
1935.

Magistrates at Headquarters of a district.

District Magistrate.

Magistrates at out-lying subdivisions.

Subdivisional Magistrate.

G.O. No. 2988 P.J.,
dated 28th June,
1935.

If any prisoner is required to undergo two or more sentences under separate warrants, such warrants, shall be returned when the combined sentences have been executed.

The warrant of every prisoner who has escaped and has not been recaptured shall be returned to the Court of issue after a period of ten years from the date of escape or after expiry of the period of sentence as indicated in the warrant, whichever is later.

Release on
prisoner's own
recognizance.

G.O.No.1439 R J.,
dated 9th Feb.
1925.

584. If a warrant is received from a Court directing that a prisoner shall be released on his own recognizance, the Superintendent shall cause a bond to be prepared in proper form and after the prisoner signs it in his presence, shall release him. If the warrant requires the recognizance of any other person, the Superintendent shall not release the prisoner until he receives from the Magistrate a warrant setting forth that such recognizance has been given and ordering the prisoner's discharge. Immediately on release of the prisoner the release warrant shall be returned to the Court which issued it with an endorsement thereon that it has been duly executed, and with the prisoner's recognizance bond, if any. The warrant of imprisonment shall be returned to the court which issued it with an

endorsement stating the fact and date of release, the name of the Court which issued the order of release and the date of such order.

585. Care must be taken in regard to all prisoners who have to be transferred to other districts for release, likewise, in the submission of police register slips to the police under rule 567 that full allowance is made for all remission of sentence such prisoners are likely to earn under the remission rules.

586. Deleted.

587. Deleted.

588. (1) Whenever the Superintendent has reason to believe that any person in his custody for any offence is a member of the Defence Services liable to serve the President on the expiration of his imprisonment he shall notify the facts of the case to the nearest military authorities.

(2) The Superintendent shall notify to the military authorities at least three days previously the day and hour on which any military prisoner is to be released in order that they may arrange to receive him on release.

589. Deleted.

590. Deleted.

591. The following rules govern the shortening of sentences and premature release of prisoners, namely :

I—Release under 14 years' Rule

(1) Every case in which a convict has undergone in a Jail or Jails a period of continued detention amounting together with remission earned, if any, to fourteen years shall be submitted within a month of completion of such period by the Superintendent of the jail in which the convict is for the time being detained, through the Inspector-General, for the orders of the State Government for his release.

(2) The case of a convict repatriated from the Andamans shall be similarly submitted to the State Government for consideration of his release when two-thirds of the actual period spent by him in the Andamans, including remissions, together with the period spent to Jail elsewhere in India, including remission, amounts to fourteen years.

(3) For the purpose of sub-rules (1) and (2), the Commissioner of Police in Kolkata or the Superintendent of Police elsewhere shall, on requisition from the Superintendent of the Jail immediately after the admission of a convict into the jail, furnish him with a copy of the judgment of the case or a copy of the Judge's charge to the jury, if any, and of his final order and the antecedents of the convict, which shall be submitted to the State Government in due course along with the case under the aforesaid sub-rules.

NOTE—Remissions granted on the occasion of public rejoicings, for example, in connection with the Independence Day, the Republic Day, etc., shall be taken into account in calculating the period of fourteen years under the aforesaid sub-rules.

Rules 541, 567.

Military authorities to be notified regarding release of military prisoner.

Notification No. 3140 H.J., dated 23rd October 1963, published in the Calcutta Gazette (Extra Ordinary) dated 23rd October 1963, Part I pages 3657-3660.

(4) In considering the cases of prisoners submitted to it under sub-rules (1) and (2), the State Government shall take into consideration—(i) the circumstances in each case, (ii) the character of the convict's crime, (iii) his conduct in prison and (iv) the probability of his reverting to criminal habits or instigating others to commit crime. If the State Government is satisfied that the prisoner can be released without any danger to the society or to the public it may take steps for issue of orders for his release under section 401 of the Code of Criminal Procedure, 1898.

II—Release in case of danger of death

(5) When a convicted prisoner is in danger of death from sickness, not due to infectious disease, and the Medical Officer of the Jail certifies that there is no hope of recovery within or without the jail, and it is considered desirable to allow such prisoner the comfort of dying a free man at home, the Superintendent of the Jail shall forthwith report the facts with his recommendation to the Magistrate of the district or in the case of a prisoner confined in the Presidency Jail, to the Chief Presidency Magistrate, Calcutta.

(6) If in a case reported under sub-rule (5) the prisoner has not been sentenced for a period exceeding seven years or for any heinous crime or series of crimes against society and if the unexpired period of the prisoner's sentence does not exceed six months, the Magistrate of the district or the Chief Presidency Magistrate, Calcutta, as the case may be, may direct his immediate release after making such enquiry as he considers necessary.

(7) In all other cases reported under sub-rule (5) the Magistrate of the district or the Chief Presidency Magistrate, Calcutta, as the case may be, shall immediately report the facts of the case, with his recommendation thereon, direct to the State Government for necessary orders.

(8) When a convict prisoner suffering from sickness, not due to infectious disease, is likely to die if detained in jail but there is a reasonable chance of recovery if he is released, the Superintendent of the Jail, shall report the facts with his recommendation to the Magistrate of the district or in the case of a prisoner confined in the Presidency Jail, to the Chief Presidency Magistrate, Calcutta, who may sanction the release of the prisoner :

Provided that—

- (a) the prisoner has not more than six months to remain in prison before the expiry of his sentence ; and
- (b) the Medical Officer of the Jail recommends the release and certifies that—
 - (i) the disease is likely to prove fatal if the prisoner remains in jail ;

- (ii) there is a reasonable chance of recovery, if the prisoner be released; and
- (iii) the disease has not been produced or aggravated by any wilful act on the part of the prisoner.

[NOTE—Cases of leprosy, in the infective stage and open cases of tuberculosis shall be included under the expression “infectious disease” mentioned in sub-rule (5) and this sub-rule.]

(9) No prisoner who has no friends or relatives willing and able to take charge of him shall be released under sub-rule (6), sub-rule (8), sub-rule (10) or sub-rule (11). In no case shall a prisoner be released and sent to a charitable dispensary or to a charitable hospital for treatment.

(10) If the Magistrate of the district or the Chief Presidency Magistrate, Calcutta, as the case may be, dissents from the recommendation of the Superintendent of the Jail, the Superintendent may request the Magistrate or the Chief Presidency Magistrate, Calcutta, to submit the recommendation to the Commissioner of the Division and the Divisional Commissioner may either order release, or submit the case for the orders of the State Government.

(11) In cases of complete and incurable blindness, of decrepitude or other incurable infirmity, such as absolutely incapacitates a prisoner from the commission of further crime on released and where release would not be attended with mischief or danger, a report shall be submitted by the Superintendent of the Jail to the Inspector-General who may at his discretion report the case for the orders of the State Government as to the release of the prisoner. Before such report is made, the Magistrate of the district in which the prisoner was convicted, and in case of prisoners convicted in Calcutta, the Commissioner of Police, Calcutta, shall be asked for his opinion.

(12) Every case of release under sub-rules (6), (8) and (10) shall immediately be reported to the State Government through the Inspector-General. When a case is referred to the State Government under sub-rule (7) or sub-rule (10) it may, if it is satisfied that such release will not endanger the security of the community, order release of the prisoner, and, in a case referred to it under sub-rule (11), may take steps for issue of orders for his release under section 401 of the Code of Criminal Procedure, 1898.

(13) Nothing in sub-rules (5) to (12) shall apply to a prisoner who has been convicted of any offence against any law relating to a matter to which the executive power of the Union extends or to a prisoner convicted by a court outside West Bengal. When any such prisoner fulfils the conditions specified in sub-rules (5), (8) or (11) above, his case shall be reported to the Inspector-General

by the Superintendent of the Jail in which the prisoner is confined with his recommendation, and the Inspector-General may at his discretion forward the report with his recommendation to the State Government, and the State Government may, after making such enquiry as it considers necessary, report the facts to the Government concerned for necessary orders.

III—Release on the recommendation of an Advisory Board

(14) With a view to the release of a number of reformed prisoners who can be liberated without any danger to the community after serving a sufficiently deterrent period of their sentence, an Advisory Board hereinafter referred to as the Board shall be appointed by the State Government for each Central Jail to investigate and report to the State Government on the sentences of certain classes of prisoners. For this purpose the Board shall sit at least twice a year in each of the Central Jails on dates to be fixed for the purpose by the Inspector-General.

(15) The Board shall be constituted as follows :—

Chairman—The Inspector-General.

Vice-Chairman—The Sessions Judge of the district concerned or in the case of the Presidency Jail, the Chief Presidency Magistrate, Calcutta.

Members—The District Magistrate of the District concerned or in the case of the Presidency Jail, the Commissioner of Police, Kolkata, and two non-official members, to be selected by the chairman from the Visitors of the Jail.

Secretary—The Superintendent of Central Jail concerned.

(16) When a prisoner other than a habitual criminal undergoing a sentence of three years and over has completed two years' imprisonment or half of his sentence, whichever is greater, including the period of remission or when a prisoner being a habitual criminal has served two and a half years of his sentence, including the period of remission, or has served two-thirds of his sentence including the period of remission, whichever is greater, his case shall, save as otherwise provided in sub-rules (18) and (19), be put up before the Board for consideration of remitting the remainder of his sentence.

(17) For the purpose of calculating under sub-rule (16) the period of two years' imprisonment, or half of the sentence, in the case of a prisoner other than a habitual criminal, and two and a half years' imprisonment, or two-thirds of the sentence, in the case of a prisoner being habitual criminal, the Superintendent of the Jail shall, when examining cases for submission to the Board, take into account the remission actually earned and not remission granted in celebration of public events, for example, the

Independence Day, the Republic Day, etc., The period of imprisonment shall include sentences in default of payment of fine, if it is not paid.

(18) Prisoners convicted of rape, forgery, dacoity or any offence against the State involving violence shall not be put up before the Board. For this purpose, and offence punishable under section 466, section 467, section 468, section 469, section 471, section 472, section 473 or section 474 of the Indian Penal Code shall be deemed to be a variation of the offence of forgery and an offence punishable under section 396, section 397, section 398, section 399, section 400, section 401 or section 402 of the Indian Penal Code shall be deemed to be a variation of the offence of dacoity and prisoners convicted of these offences, as also those convicted of offences punishable under section 366, section 366A, section 366B, section 372, section 373, section 489A, section 489B, section 489C or section 489D of the Indian Penal Code, shall also be excluded from reference to the Board.

(19) Prisoners who are habitual criminals and are homeless or prisoners with three or more convictions, all of which were of such a nature as to justify their classification as "habitual criminals", shall be excluded from the purview of the Board.

(20) Cases of prisoners sentenced to imprisonment for life shall be brought before the Board when they satisfy the conditions laid down in sub-rule (16).

Explanation.—For the purposes of calculating the total period of sentence with a view to determining the eligibility of cases for examination by the Board, a sentence of imprisonment for life shall be taken as equivalent to imprisonment for twenty years.

(21) Long-term sentences of prisoners sentenced by Courts-Martial shall also be reviewed by the Board and, so far as is practicable, the procedure followed in dealing with such sentences of persons convicted by Courts-Martial shall be similar to that followed in dealing with persons sentenced by ordinary criminal courts.

(22) The cases of prisoners suffering from infectious diseases such as leprosy, tuberculosis, etc., shall also be considered by the Board. But the fact of the prisoner suffering from any such disease shall not be taken into account as a ground for recommending his premature release.

[NOTES.—(a) In the case of a leper convict the Medical Officer shall previously report whether the disease is likely to be dangerous to other persons, and if it is, a condition of his release shall be that unless he has relatives or friends willing to take proper care of him, he shall reside in a

leper home. Otherwise, he may be released on such conditions as may appear to the Board to be fit and proper in view of the Medical Report.

(b) This principle shall also be followed in cases of other infectious diseases.]

(23) (a) In examining the case of a prisoner, the Board shall consider not only the character of the offence but also the character and previous history of the prisoner, his conduct in jail and the result of the imprisonment already undergone by him and whether he can be released with safety to the community.

(b) Prisoners who are habitual criminals of the Goonda class shall not be recommended for premature release.

(c) In the case of a prisoner convicted by Courts-Martial the prisoner's antecedents need not ordinarily be inquired into; it shall be sufficient if his behaviour in jail is taken into consideration.

(24) The Secretary to the Advisory Board of the Central Jail concerned shall collect and place before the board—

(a) the judgment of the convicting court ;

(b) details of the prisoner's previous history and character, which shall, where possible, be obtained by him from the Magistrate of the district in which the prisoner was resident or from the Commissioner of Police, if the prisoner was resident in a Presidency Town; and

(c) the prisoner's prison record, which shall, if possible, be supplemented by the opinion, to be obtained by him, of the Magistrate and the Superintendent of Police of the district in which the prisoner was convicted and was resident or of the Commissioner of Police, if the prisoner was convicted and was resident in a Presidency Town as to whether there is any objection to the prisoner's premature release.

(25) The Superintendent and the Medical Officer-in-charge of the jail concerned shall furnish to the Secretary to the Board for submission to the Board other relevant information regarding the physical and mental condition of the prisoners and their fitness for release. The Secretary to the Board may also consult the Discharged Prisoners' Aid Society, the West Bengal After-Care Association or any other suitable recognised charitable organisation with special reference to such arrangements as may be necessary for the prisoners to be released.

[NOTE—(1) In order to facilitate the recording of a considered opinion and reaching of a quick decision in each case, the Secretary

to the Board shall prepare from relevant passages in the judgment a brief statement showing the facts of each case and circulate it to all members of the Board before each meeting.

[NOTE.—(2) As regards prisoners convicted by Courts-Martial, the Secretary to the Board is authorised to obtain, if necessary, information relating to their antecedents and character, together with brief statements of their offences, direct from the Adjutant-General in India.]

(26) The Superintendents of affiliated District and Subsidiary Jails shall bring to the notice of the Superintendent of the Central Jail the cases of prisoners confined in the District and Subsidiary Jails respectively which are fit for consideration by the Board according to the preceding rules. The Superintendent of the Central Jail shall then inform such District and Subsidiary Jails when the next meeting of the Board is likely to be held and obtain from them a list of the prisoners whose cases should be considered.

(27) The Secretary to the Board shall record proceedings of meetings of the Board and forward them with the descriptive rolls of the prisoners recommended for premature release and other important relevant papers, to the Inspector-General for submission to the State Government for necessary orders under section 401 of the Code of Criminal Procedure, 1898.

(28) On receipt of the proceedings of the meetings of the Board, and other relevant papers the State Government shall order release in cases in which having regard to all the circumstances of the case, it considers that the prisoner may be released without any danger to the society. In case of prisoners sentenced by Courts Martial or sentenced for any offence against any law relating to a matter to which the executive power of the Union extends the State Government shall forward its recommendation to the Government of India for necessary orders. And in cases of prisoners who were convicted in courts outside West Bengal, the State Government shall forward its recommendation to the Government concerned for necessary orders.

IV—Release on completion of 20 years' imprisonment including remission.

(29) Every case in which a convict, who has not received the benefit of any of the foregoing rules, is about to complete a period of 20 years of continued detention including remission earned, if any, shall be submitted three months before such completion by the Superintendent of the Jail in which the convict is for the time being detained, through the Inspector-General, for orders of the State Government. If the convict's jail records during the last three years of his detentions are found to be satisfactory the State Government may remit the remainder of his sentence.

(30) In these sub-rules,—

- (1) “remission” means remission granted to a prisoner under the rules for the time being in force, made under the Prisons Act, 1894 (IX of 1894);
- (2) “habitual criminal” means a person liable to be classified as such under the rules for the time being in force made under the Prisons Act, 1894 (IX of 1894).

Release under sub-rules (5), (8) and (11) of rule 591 to be reported.
G.O.No.454-HJ.
of 19-2-57.

591A. Every case of release under sub-rule (5), (8) or (11) of rule 591 shall be reported in West Bengal Jail Form No.105 or 106 as the case may be.

592. Deleted.

Release on medical grounds of prisoner detained in default of furnishing security.

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

594. Deleted.

595. Deleted.

Sick prisoner may be transferred for release from the Jail of the district in which his friends or relatives live.

596. In the event of the friends or relatives of a sick or dying prisoner, whose release has been sanctioned under sub-rule (6), (8) or (12) of rule 591, expressing their inability to meet the expenses of journey to the jail in which such prisoner is confined, the prisoner may be transferred, if fit to travel, in anticipation of sanction to the jail of the district in which such friends or relatives reside, provided that no prisoner shall be so transferred to any district beyond the jurisdiction of the Government of West Bengal without the special sanction of the Government concerned.

Rule 843.

Rule 1241.

In the event of such prisoner dying before he can be released, the death shall be recorded in the statistics of the jail from which he was transferred.

597. Deleted.

598. Deleted.

NOTE.—For temporary release of prisoners under sub-section (1) of section 31A of the Prisoners Act, 1900 (III of 1900) see Appendix 3B.

CHAPTER XIII.—ADVISORY BOARDS FOR PREMATURE RELEASE OF PRISONERS.

598A to 598L. Deleted.

CHAPTER XIV—APPEALS AND PETITIONS

NOTE—Attention is invited to Chapter XXXI—Criminal Procedure Code— Of Appeals.

599. A convict desiring to appeal, and entitled to do so, shall be granted every reasonable facility for the purpose, and his request shall be promptly attended to, whether the appeal can reach the appellate court within the period specified or not. In cases where a petition for appeal is made so late as to render it unlikely or impossible for it to reach the appellate court within the allotted time, the officer-in-charge shall endorse on the appeal the convict's reason for not submitting it earlier, together with his own views (if any) on the reason so given.

All facilities should be given to prisoners desiring to appeal.

Rules 647, 556.

600. (1) The period within which appeals must reach the various appellate courts in order to prevent their being time-barred, are, counting from the date of the sentence or order appealed against as follows :

Period of appeal.
Act IX of 1908.
Art. 150, 155 and
154 of the
First Schedule.

Appeal to the High Court against a sentence of death—7 days.

Appeal to the High Court in cases other than a sentence of death—60 days.

Appeal to any other Court—30 days.

(2) Appeal to the Supreme Court shall be lodged within 30 days from the date of certificate granted by the High Court under article 132, clause (1) of the Constitution that the case involves a substantial question of law as to the interpretation of the Constitution or under article 134, clause (1)(e) that the case is a fit one for appeal to the Supreme Court; in other cases from the date of the judgment, final order or sentence appealed from.

Order XXI, rule
12 of the
Supreme Court
Rules, 1950.

(3) A petition for special leave to appeal (to the Supreme Court) shall be lodged within 60 days from the date of the refusal of a certificate by the High Court or within ninety days from the date of the judgment, final order or sentence sought to be appealed from as the case may be, whichever is longer, but in a case involving a sentence of death, the petition for special leave to appeal shall be lodged within thirty days from the date of the refusal of a certificate by the High Court or within thirty days from the date of the judgment, final order or sentence sought to be appealed from as the case may be, whichever is longer.

Sub-rule (1) of
Rule 1 of Order
XXI of the
Supreme Court
Rules, 1950.

Interview for
preparation of
appeal.

Rule 663.

601. (1) Every convict shall be allowed reasonable opportunity of personally interviewing his relatives, friends and legal advisers for the purpose of preparing his appeal; provided that every such interview shall be held within sight, but out of the hearing of the jail official in whose charge the prisoner is placed for the purpose of such interview.

(2) The convict shall be allowed to sign a power-of-attorney authorising any one to act for him; the power must bear the proper stamp under the Indian Stamp Act of 1899 and the prisoner's signature must be attested by the Jailor or Deputy Jailor.

Previous
permission of the
Superintendent
necessary to write
out appeal by a jail
officer on behalf of
a prisoner.

602. No prisoner or officer of the jail shall prepare, write out or submit any appeal or petition on behalf of any prisoner without the previous permission in writing of the Superintendent.

Preparation and
presentation of
appeal by convict.
Rule 556 (e).
W.B.F. No. 5085.

603. (1) If a prisoner desires to appeal and declares that he has no relative, friend or agent who is willing to make an appeal for him, the Superintendent shall forthwith apply (W.B.J. Form No. 27) for a copy of the judgment or order relating to such prisoner from which he desires to appeal.

Rule 556 (f).

(2) On receipt of the copy of judgment or order, the prisoner shall if he is able to write, be allowed to write his own appeal. If the prisoner is not able to write, the Superintendent shall cause his appeal to be written for him by another prisoner or by a jail official.

(3) If the copy of the judgment is not received within seven days the Superintendent shall send a reminder for it and if there is any excessive delay, shall report the matter to the Inspector-General.

(4) A prisoner, or official deputed to write an appeal, shall do so at the appellant's dictation and shall neither make any suggestions to the prisoner as to what should be stated, nor add anything to what the prisoner himself desires to have stated in the appeal.

Rule 900.

(5) The Superintendent shall forward the appeal without delay, with the copy of the judgment or order appealed from to the appellate court.

(6) If after the receipt of the copy of the judgment or order a relative, friend or agent of the prisoner undertakes to make the appeal on his behalf and the prisoner consents to that course, the copy of the judgment shall be delivered to such relative, friend or agent, as the case may be.

Jail Circular No. 33
of 1905.

(7) If several prisoners sentenced in the same case petition at one time to the same Court one copy of judgment will suffice for all. But it must be noted that orders

issued on the appeal of one prisoner do not necessarily apply to others who were sentenced in the same case and who appealed along with such prisoner.

(8) If a convict has been transferred to another jail before the receipt of the copy of the judgment, the copy of the judgment shall, on receipt, be forwarded without delay to the Superintendent of the jail in which the prisoner is confined and an acknowledgment obtained.

G. O. No. 3642-P.J.,
of 20-6-1932.

(9) Appeals from military prisoners against sentences passed on them by court-martial must be forwarded with a copy of the warrant, to the General Officer Commanding the district in which the jail is situated for transmission to Command Headquarters.

NOTE—See Rules 990 and 991 regarding appeals and petitions for mercy of prisoners condemned to death.

604. Every appeal shall be made in the form of a petition [High Court Criminal Form (M)12] in writing, and if the appellant is in jail such petition is exempt from stamp duty. Care shall be taken to see that the appeal has been duly signed by the appellant. The signature shall be witnessed and attested by the Jailor or Deputy Jailor. All petitions of appeal shall be endorsed and forwarded by the Superintendent, High Court Criminal Form No. M.19 being used in the case of appeal to the High Court. Prisoners convicted in the same case may appeal or apply for revision either jointly in one petition or separately.

Form of petition
of appeal.
W.B.F. Nos. 3877-
79.

Rule 612.

W.B.F. No. 3888.

605. Whenever a prisoner appeals from jail to the High Court, the Superintendent shall inform the Sessions Judge of such appeal, by sending to him a copy of the Superintendent's letter to the Registrar of the High Court, forwarding the petition of appeal.

Superintendent
inform the Session
Judge when appeal
to High Court
preferred a
prisoner.
W.B.F. No. 3889.

605A. If a prisoner desires to appeal to the Supreme Court or wants to file a petition for special leave to appeal to the Supreme Court, he may present his petition of appeal or petition for special leave to appeal and the accompanying documents to the Officer-in-charge of the jail who shall forward them forthwith to the Registrar of the Supreme Court.

Appeal by a
prisoner to the
Supreme Court.

605B. (1) A petition for special leave to appeal shall be drawn up in the proper form and should be accompanied by the following documents :

Form of appeal to
the Supreme Court
and documents to
accompany the
same.

(i) a certified copy of the judgment of the Court appealed from ;

(ii) an affidavit in support of the petition as required by rule 4 of Order XVII of the Supreme Court Rules, 1950 ;

iii) an application praying for condonation of delay in filing the petition, if it is presented after the expiry of the period of limitation prescribed by rule 1 of Order XXI of the Supreme Court Rules, 1950; and

(iv) certified copies of the judgments of the lower courts if the petitioner wishes to rely upon the same.

(2) Petition in a language other than English must be accompanied by their English translation, duly authenticated. Petition for appeal or special leave to appeal should on no account be withheld even if the period of limitation has expired.

Superintendent to explain the procedure for petition for special leave to appeal to the Supreme Court.

605C. Before forwarding petitions for special leave to appeal to the Supreme Court, the Superintendent shall explain to the intending convict-petitioners the procedure governing the presentation of such petitions detailed in rule 605B and afford them all facilities that the jail rules permit.

History ticket to show prisoner's wishes in regard to appeal.
Rule 558(i).

606. If any prisoner states that he desires or does not desire to appeal, the fact shall be recorded on his history ticket.

No transfer of a prisoner until time for appeal or hearing of appeal is over.

607. (1) Except in the case of prisoners in Divisions I and II transferred under rule 1068 or in the case of prisoners transferred to give evidence or undergo trial on another charge under the Prisoners (Attendance in Courts) Act, 1955, and except in cases exempted from the operation of this rule by rule 843, no convicted prisoner shall ordinarily be transferred from the jail to which he is committed until the time allowed for preferring an appeal has expired without his having filed any appeal or until his appeal, if any, has been rejected.

Transfer of Juvenile and Adolescent convicts.

(2) Juvenile and adolescent convicts sentenced to imprisonment for more than one month shall be transferred at once to Berhampore Central Jail, if casuals and, to Presidency Jail, if habituals, without waiting for the result of appeal. The Superintendent shall, however, enquire from the prisoner before transfer whether he desires to appeal from jail. If the prisoner so desires, the Superintendent shall take action under rule 603(1) and 603(8). If the prisoner informs the Superintendent that he will appeal from outside, then he shall not be transferred until the period allowed for filing an appeal has expired.

G.O. No. 211-R.J.
of 9-1-23.

NOTE.—When for any reason it becomes necessary to transfer prisoners before the expiry of the period allowed for filing an appeal, the groups (i.e., of prisoners convicted in the same case) should be kept unbroken as far as possible. If the groups have to be broken up, the appeals of the men should be sent separately from the different jails in which they are confined.

608. When prisoners who have not, to the knowledge of the jail authorities, preferred an appeal, are transferred to other jails before the expiry of the period allowed for filing an appeal, a notice of the transfer shall invariably be sent to the last convicting court. When an order to release a prisoner who has been transferred, or a revised warrant or any communication relating to his appeal, is received from the Appellate Court by the Superintendent of a jail, he shall forward it immediately by post to the Superintendent of the jail to which the prisoner has been transferred.

Notice of transfer of convict to a different Jail to be sent to the convicting court in certain cases.

609. 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 (in W. B. J. Form No. 29) to the Court of Session or to the Magistrate of the district, or, in Calcutta, to the Chief Presidency Magistrate, as the case may be, enquiring what has been the result of appeal, and thereafter shall repeat the enquiry at reasonable intervals. Action under this rule in the case of a transfer should also be taken by the Superintendent to whose jail the prisoner has been transferred. The result of appeal when received, shall be communicated to the prisoner concerned and entered in his history ticket.

Regular reminder should be sent for result of appeal.

Rules 518, 556(g).

G.O. No. 211 R.J. of 9-1-23.

610. (1) In every case in which a sentence is reversed, the appellate court shall fill in the prescribed form of warrant of release on appeal, and shall send the same direct to the Officer-in-charge of the jail in which the appellant is confined. In every case in which the sentence is modified on appeal, the appellate court shall prepare a fresh warrant in the form prescribed in accordance with the terms of the orders passed, and shall send the same direct to the Superintendent of the jail in which the appellant is confined. The appellate court shall at the same time, when the release warrant or fresh warrant is issued, recall and cancel the original warrant of commitment which shall be attached to the record of the Original Court and returned to it therewith. When the release warrant or the fresh warrant is returned with an endorsement of execution, the appellate court shall forward it to the court from the decision of which the appeal was preferred to be attached to the original record. Provided that if an appellant has been released on bail pending the hearing of his appeal, the appellate court shall, on the disposal of the appeal, take action in accordance with the provisions of the provisos to rule 43 of the High Court Criminal Rules and Orders, 1950, Vol. I.

Appellate Court to notify the Superintendent the result of appeal.

Rule 39 of the High Court Criminal Rules and Orders, 1950.

2) In every case in which a sentence is confirmed on appeal, the jail authorities shall receive information to this effect by means of the form prescribed. Irrespective of the procedure prescribed above, the appellate court shall, for the information of the appellant, notify to the Superintendent of the jail in which such appellant is confined the

See Rules 42 and 43 of High Court Criminal Rules and Orders, Vol. I.

made in the prescribed form, is intended solely for the communication of the result of the appeal to the appellant, and in no way relieves judicial officers from the duty of issuing revised warrants when such are necessary.

(3) This rule does not apply to cases in which a sentence passed by a court is commuted by order of the Governor. In such a case the order of Government, or a certified copy thereof, shall be attached to the prisoner's warrant, on which a note setting forth the alteration of sentence, and the number and date of the government order, shall be made and attested by the Superintendent.

(4) The procedure prescribed in this rule does not apply to the cases decided in appeal or revision by the High Court. The procedure applicable in these cases is laid down in sections 425 and 442 of the Code of Criminal procedure, 1898 which lay down that in such cases the High Court shall certify its judgment or order to the Court by which the finding sentence or order appealed against or revised was recorded or passed. The Court to which the High Court certified its judgment or order shall thereupon in conformity with such judgment or order issue a warrant of release or modification of sentence, as the case may be and in doing so, shall be guided as far as possible by the procedure mentioned in this rule.

611. When an appellate court annuls a sentence and directs that the prisoner shall be retired, and a warrant for the prisoner's release on bail is not received, the prisoner shall be remanded to the undertrial ward (unless he be undergoing some other sentence), and the Superintendent shall apply to the trial court for a warrant for his custody pending trial if such warrant is not at the same time furnished. Such warrant should set forth the Court by which the prisoner is to be tried and the date on which he is to be produced before the Court.

NOTE.—See rule 584 regarding release of prisoners on recognisance by order of an appellate court.

612. (1) Petitions of appeal from prisoners shall not be forwarded to the High Court in cases in which sentences or orders have already been passed by an Appellate Court on appeal (as for example, by a Court of Session on an appeal from a conviction before a Magistrate), such sentences or order being final under the Code of Criminal Procedure.

(2) If the prisoner wishes to move a higher court for the revision of the proceedings in his case, where no appeal lies, or where an appeal lies and has failed, all facilities for the purpose shall be given to him by the jail authorities. The Superintendent shall forward the prisoner's application for revision to the court concerned for orders.

Where the application is addressed to the High Court the Superintendent shall forward it to the Registrar, Appellate Side, for orders of the High Court.

See Rule 54 of the High Court Criminal Rules and Orders, Vol. I.

Custody of prisoner when re-trial is ordered.

Rules 521, 909.

Appeal petitions to High Court by a prisoner from the judgement of an appellate court not to be forwarded.

Procedure to be adopted where the prisoner wishes to move a revision application from jail.

(3) In the case of a petition for special leave to appeal or of a petition of appeal to be presented by a prisoner to the Supreme Court in pursuance of the provisions of the Constitution, the Superintendent of the jail shall forward the same to the Registrar of the Supreme Court in accordance with rule 8 and 14 respectively, of Order XXI of the Supreme Court Rules, 1950.

Procedure for dealing with prisoner's petition of appeal to the Supreme Court.

613. (1) A prisoner whose appeal has been rejected by the High Court or who has been sentenced by the High Court may make a petition to the Governor for pardon or remission of sentence within three months from the date of the order of the High Court.

Submission of petition to the Governor for mercy. Notification No. 3171-J, dated 11-4-1932, published in the 'Calcutta Gazette' of 1932, Part I, page 804.

(2) Petitions which are not made in accordance with sub-rule (1) shall be withheld unless they are based on some ground arising subsequent to the trial of the prisoner.

(3) Petitions based on the ground of family distress or on the health or good conduct of the prisoner shall ordinarily be withheld.

(4) Any petition which would ordinarily be withheld under sub-rule (3) may be forwarded if an official visitor thinks it advisable. To enable an official visitor to form an opinion in the matter copies of the petition and of the order thereon shall be kept in the jail office and shall be shown to the visitor, when required.

NOTES.—(1) Prisoners condemned to death shall be allowed to appeal for mercy under the conditions specified in rule 991 of this Code.

(2) Recommendations for remission on the ground of ill-health or good conduct of a prisoner may be made by the jail authorities but shall not originate in a petition by the prisoner to the Governor.

613A. Every convicted prisoner sentenced to punishment other than death may submit a memorial or a petition to the President of India praying for pardon of sentence subject to the instructions as contained in the Appendix which are based on Government of India, Ministry of Home Affairs Notification No. 40/30/51-Judicial, dated the 16th January, 1952, published in the *Gazette of India*, dated 26th January, 1952, Part I—see page 21.

Prisoner's memorial to the President.

Appendix

(1) A memorial or petition may be either in manuscript or in print.

(2) Every memorial or petition shall be authenticated by the signature of the memorialist or the petitioner, or when the memorialists or petitioners are numerous, by the signatures of one or more of them.

(3) Every memorial or petition, and the documents accompanying it, shall if possible, be in English.

(4) Every memorial or petition, shall—

(a) contain all material statements and arguments relied upon by the memorialist or petitioner ;

- (b) be complete in itself;
- (c) be accompanied by copies of the Judgments of the courts;
- and
- (d) end with a specific prayer.

(5) Every memorial or petition shall be submitted through the State Government concerned and shall be accompanied by a letter requesting the Chief Secretary to the State Government concerned to transmit the memorial or petition to the President.

(6) The State Government may withhold a memorial or petition when—

- (a) the memorialist or the petitioner has not complied in full with the provisions as mentioned above ;
- (b) the memorial or petition is illegible or unintelligible, or contains language which is, in the opinion of the State Government, disloyal, disrespectful or improper ;
- (c) a previous memorial or petition from the memorialist or petitioner on the same subject has been disposed of by the President, and the memorial or petition, in the opinion of the State Government, discloses no new facts or circumstances which afford grounds for a reconsideration of the subject ; or
- (d) the memorial or petition contains a prayer concerning a sentence or punishment (not being a sentence of death) for an offence in relation to a matter to which the executive power of the Central Government does not extend.

(7) When a memorial or petition is withheld under instruction 6 above, the State Government shall inform the memorialist or petitioner of the fact of such withholding along with the reason or reasons therefor.

(8) The State Government shall send a quarterly return to the Secretary to the Government of India in the Ministry of Home Affairs specifying the brief details of all memorials or petitions withheld under instruction 6 and the reasons for withholding them.

(9) (i) The State Government shall transmit to the Secretary to the Government of India in the Ministry of Home Affairs all memorials or petitions not withheld under instruction 6 together with a concise statement of facts relevant thereto and an expression of the opinion of the State Government on the grounds urged in the memorials or petitions.

(ii) Where the memorial, petition or any document accompanying them is not in English, the State Government shall when transmitting it under this instruction, also forward an English translation thereof duly authenticated under the authority of the State Government.

614. (1) Prisoner's petitions shall be written in half margin foolscap, and, if drawn up in any language other than Bengali or English, a translation shall accompany them. The prisoner's signature or mark shall be attested by an officer of the jail. The petitions shall be countersigned by the Superintendent and forwarded by him, in the case of petitions for mercy from prisoners condemned to death, direct to the Secretary to the Government of West Bengal, Judicial Department, in other cases to the Inspector-General. If the petition relates to the alleged bad health of the prisoner who makes the petition, it shall be accompanied by an expression of the Medical Officer's opinion on the point.

(2) Should a petition prepared on behalf of a prisoner be presented to the Superintendent with a view to his obtaining the prisoner's signature or mark thereon, it shall not, after compliance be handed back to the person or persons who presented the petition, but shall be duly forwarded by the Superintendent of the jail to the Inspector-General or to the State Government, as the case may be.

615. (1) In the event of any convict desiring to make a petition to the District Magistrate, or his late official superior or employers in matters of urgency relating to family affairs, civil suits, property and the like, the superintendent, after due consideration, may at his discretion permit such petition and shall then countersign and forward it direct to its destination, provided that in no case shall any petition of this nature be forwarded direct to the High Court or the State Government.

(2) Convicts who are not Indian citizens may be allowed to make petitions to the Diplomatic and Consular representatives of their respective countries. The Superintendent shall forward such petitions to the Inspector-General who will transmit them to the State Government for disposal. In case of urgency the Superintendent may send such petitions direct to the State Government.

Procedure for submitting prisoners' petitions. G.O. No. 875-JD of 6-6-08. Rules 602, 991.

Convict's petition to the District Magistrate or his erstwhile employer or official superior. W.B.J. F. No. 27A. (W.B.F. No. 5086).

CHAPTER XV — CLASSIFICATION

Segregation of prisoners.
See Sections 4 and 27, Act IX of 1894.

Rules 7, 886.

616. In every jail each of the following classes of prisoners shall be kept entirely separate from others :—

- (1) Civil Prisoners.
- (2) Undertrial Prisoners.
- (3) Female Prisoners.
- (4) Male Prisoners under twenty-one years of age.
- (5) Male Prisoners who have not arrived at the age of puberty.
- (6) Other Male Convicted Prisoners.

For further instructions regarding undertrial prisoners, female prisoners and juvenile prisoners, see Chapters XXVII, XXIX and XXX.

Classification of Convicts.
Notification No. 2545 H.J., dated 10-9-56 published in the 'Calcutta Gazette' dated 20-9-56, pt. I, pp. 3546-3547.

617. All convicted prisoners shall be divided into three divisions, viz., Division I, Division II and Division III :—

- (1) Convicted prisoners will be eligible for Division I, irrespective of their nationality, if—
 - (i) they are non-habitual prisoners of good character ; and
 - (ii) they, by social status, education and habit of life, have been accustomed to a superior mode of living ; and
 - (iii) they have not been convicted of—
 - (a) offences involving elements of cruelty or moral degradation ; or
 - (b) offences involving serious or premeditated violence; or
 - (c) serious offences against property ; or
 - (d) offences relating to the possession of explosives, firearms and other dangerous weapons with the object of committing an offence or of enabling an offence to be committed ; or
 - (e) offences involving the illegal acquisition, storage or movement of an essential commodity, or other acts which impede, delay or restrict, except in furtherance of an industrial dispute as defined in the Industrial Disputes Act, 1947—
 - (i) any work or operation, or
 - (ii) any means of transport or locomotion, necessary for the production, procurement, supply or distribution of any essential commodity.

Explanation.—In this rule 'Essential commodity' has the same meaning as defined in section 2(1) of the West Bengal Security Act, 1950.

G.O. No. 824 H.J., dated 26-3-1957.

- (f) Offences involving acts which injuriously affect whether by impairing the efficiency or impeding the working of anything or in any other manner whatsoever or cause damage to—
 - (i) any building, vehicle, machinery, apparatus or other property used or intended to be used, for the purpose of Government or any local authority ;
 - (ii) any railway, rolling stock of a railway or tramway or any vessel or aircraft ;
 - (iii) any building or other property used in connection with the production, distribution or supply of any essential commodity, any sewage works, mine or factory.
- (ff) Offences relating to contempt of court.
- (g) offences involving abetment or incitement of offences falling within the paragraphs (a), (b), (c), (d), (e), (f) or (ff) above.
- (2) Subject to the provisions of clause (1),—
 - (a) Convicted prisoners shall be eligible for Division II irrespective of their nationality, who by social status, education and habit of life have been accustomed to a superior mode of living ;
 - (b) persons who have been convicted of offences in connection with political or democratic (including working class and peasant) movements shall also be eligible for Division II provided that they have not been convicted of any of the offences referred to in sub-clause (iii) of clause (1).

Habitual convicted prisoners shall not necessarily be excluded from Division II. The classifying authority shall be allowed discretion in suggesting their inclusion in this Division on grounds of character and antecedents, subject to confirmation by the State Government.

- (3) Division III shall consist of convicted prisoners who are not classed in Divisions I and II.
- (4) The High Court, Sessions Judges, District Magistrates, Stipendiary Presidency Magistrates, Sub-divisional Magistrates and Magistrates of the first class (the two latter through the District Magistrate) shall make the initial recommendations for classification in Division I or II to the State Government in the Home (Jails) Department by whom these recommendations will be confirmed or reviewed.
- (5) Pending the orders of the State Government on each case referred to them, convicted prisoners whose previous standard of living has been declared to be superior to the ordinary or who, while under trial,

Notification No.
3189 H.J., dated
14th October
1958 published in
the "Calcutta
Gazette", dated 6th
November
1958, Pt. I. P. 3504.

have been classed as Division I undertrial shall, if they are non-habituals of good character and have not been convicted of any of the offences referred to in sub-clause (iii) of clause (1), be treated as Division I convicts, but otherwise as Division II convicts.

Subject to the provisions of the foregoing paragraph of this clause and pending such orders of the State Government as have been referred to in that paragraph, persons who have been convicted of offences in connection with political or democratic (including working class and peasant) movements shall be treated as Division II convicts; provided that no person shall be so treated, if he has been convicted of any of the offences referred to in sub-clause (iii) of clause (1).

Subject to the provisions of the two foregoing paragraphs of this clause, convicted prisoners who had previously been classed as Division II undertrial shall be treated as Division III convicts.

(5A) Notwithstanding anything contained in this rule the State Government shall have power to order of their own motion the classification of any convicted prisoner in Division I or Division II in accordance with the provisions of clauses (1) and (2), even though no initial recommendation in that behalf has been made by any of the courts specified in clause (4).

(6) Prisoners admitted to Divisions I and II shall, where possible, be segregated in the manner indicated in Chapter XXXV, rule 1068(3).

NOTE.—For further instructions regarding Divisions I and II prisoners, see Chapter XXXV.

617A. Recommendations for classification of prisoners convicted by Courts-Martial and committed to any jail of this State for serving out their sentences will be made to the State Government by the appropriate authority in the warrants of commitment of the prisoners. In confirming or revising the classification so recommended, the State Government shall have due regard to the principles laid down in the preceding rule for classification of convicts.

Pending issue of orders by the State Government the prisoners shall be treated in jail as belonging to the class recommended by the appropriate authority.

Explanation :—In this rule, the expression “appropriate authority” means in cases of persons convicted by a General, Summary General or District Court Martial, the *confirming officer*, and in cases of persons convicted by a Summary Court-Martial or a Court Martial, the Court concerned.

NOTE.—A recommendation of the appropriate authority to place a prisoner in Division A, Division B or Division C shall be treated as a recommendation for placing him in Division I, Division II or Division III.

Notification No.
1213 H.J., dated
the 4th May 1964.

Classification of
prisoners
convicted by
Court Martial.

G, of I, letter No.
3-2-64 P, IV dated
22nd July 1963.

617B. Undertrial prisoners shall be divided into two Divisions, viz., Division I undertrial and Division II undertrial. Division I undertrial shall include all undertrial prisoners who by social status, education and habit of life have been accustomed to a superior mode of living. Division I undertrial shall also include persons who have been arrested for offences in connection with political or democratic (including working class or peasant) movements provided that they have not been arrested for—

- (a) offences involving elements of cruelty or moral degradation ; or
- (b) offences involving serious or premeditated violence; or
- (c) serious offences against property; or
- (d) offences relating to the possession of explosives, firearms and other dangerous weapons with the object of committing and offence or of enabling an offence to be committed; or
- (e) offences involving the illegal acquisition, storage or movement of an essential commodity, or other acts which impede, delay or restrict, except in furtherance of an industrial dispute as defined in the Industrial Disputes Act, 1947—
 - (i) any work or operation, or
 - (ii) any means of transport or locomotion, necessary for the production, procurement, supply or distribution of any essential commodity.

Explanation.—In this rule “Essential Commodity” has the same meaning as defined in section 2(1) of the West Bengal Security Act, 1950.

- (f) Offences involving acts which injuriously affect whether by impairing the efficiency or impeding the working of anything or in any other manner whatsoever or cause damage to—
 - (i) any building, vehicle, machinery, apparatus or other property used or intended to be used, for the purpose of Government or any local authority;
 - (ii) any railway, rolling stock of a railway or tramway or any vessel or aircraft ;
 - (iii) any building or other property used in connection with the production, distribution or supply of any essential commodity, any sewage works, mine or factory :
- (ff) Offences relating to contempt of court ;
- (g) Offences involving abetment or incitement of offences falling within paragraphs (a), (b), (c), (d), (e), (f) or (ff) above.

All other undertrial prisoners shall be included in Division II undertrial.

Classification of undertrial prisoners. Notification No. 2546 H.J., dated 10th September 1956, published in, 'Calcutta Gazette' dated 20th September 1956, Pt. I, pp. 3547-3548.

G.O. No. 823 H.J., dated 26-3-1957.

Notification No. 3188 H.J., dated 14th October 1958, published in the 'Calcutta Gazette' dated 6th November 1958, Pt. I, p. 3504.

Subject to any general or special order of the State Government, the classification of undertrial prisoners shall be done by trying courts with the approval—

(i) in Calcutta, of the Chief Presidency Magistrate;

(ii) elsewhere, of the District Magistrate.

Such approval will not be necessary when orders on classification are passed by the High Court or Courts of Session.

618. I. The following persons shall be liable to be classified as habitual criminals, namely :—

(i) any person convicted of an offence punishable under Chapters XII, XVI, XVII, and XVIII of the Indian Penal Code or under the Suppression of Immoral Traffic in Women and Girls Act whose previous conviction or convictions taken in conjunction with the facts of the present case show that he habitually commits an offence or offences referred to above; or against whom and order had previously been passed under section 118 read with section 109 or 110 of the Criminal Procedure Code ;

(ii) any person committed to or detained in prison under section 123 (read with section 109 or section 110) of the Code of Criminal Procedure ;

(iii) any person convicted of any of the offences specified in clause (i) above when it appears from the facts of the case, even though no previous conviction has been proved, that he is by habit a cheat, a member of a gang of dacoits or of thieves or a dealer in stolen property or a trafficker in women or children for immoral purposes.

II. 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 the 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 classified as a habitual criminal may apply for a revision of the order.

III. Convicting courts or District Magistrates, as the case may be, may revise their own classifications, and the District Magistrate may alter any classification of a prisoner made by a

convicting court or any other authority provided that the alteration is made on the basis of facts which were not before such court or authority.

NOTE.—The expression “District Magistrate” whenever it occurs in paragraphs II and III above means the District Magistrate of the district in which the criminal was convicted, committed or detained. The expression includes a Presidency Magistrate.

IV. Habitual criminals shall, as far as possible, be confined in a special jail in which no prisoner other than habitual criminals shall normally be kept.

Provided that the Inspector-General may transfer to this special jail any prisoner, not classified as a habitual criminal whom, for reasons to be recorded in writing, he believes to be of so vicious or depraved a character and so likely to exercise evil 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.

V. All prisoners classified as habitual criminals under this rule shall be termed as ‘B’ class prisoners.

‘B’ class prisoner.
G.O.No. 5566 H.J.
dated 3rd October
1942.

VI. The expression “District Magistrate” in sub-rules II and III shall be deemed to include an Additional District Magistrate.

619. A casual prisoner means a convicted prisoner who has not been classified as a habitual criminal. He is termed as ‘A’ class prisoner.

Star class and
ordinary prisoner.
G.O. No. 712-R.J.
dated 21st January
1925.

Casual prisoners in Division III shall be divided into two classes, viz.:—

(a) ‘Star’ class, and

(b) ‘Ordinary’ class.

The ‘star’ class consists of 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, their antecedents are not criminal, and their crime does not indicate grave cruelty or gross moral turpitude or depravity of mind.

One or more previous convictions would not exclude a prisoner from the ‘Star’ class if these were for petty offences. Even a conviction for serious crime should not be regarded as a bar, if it was committed several years before and if, during the intervening period, the prisoner has led generally an honest life.

The age of the offender on the date of any previous conviction and on the date of his present offence should, of course, be taken into account ; all the circumstances of the case should be considered with a view to determining whether the prisoner is already of so corrupt a mind or

disposition that he may contaminate others and cannot be much further corrupted himself.

‘Star’ class prisoner, except when appointed as convict officers, should, as far as possible, be segregated from ‘ordinary’ class prisoners at night parades and at work. When separate cells can be provided and the prisoner who is placed in the ‘Star’ class prefers to be thus separated, his wishes should, if possible, be complied with. Where only association wards exist every endeavour should be made to keep ‘Star’ class prisoner segregated from others.

620. (1) With the warrant of every convict shall be sent his descriptive roll in High Court Criminal Form No. (P)42 signed by the convicting court. This roll shall be attached to the prisoner’s warrant, and shall be returned with it to the Court after the sentence has expired.

(2) In the descriptive roll the convicting court shall note whether the prisoner was classed as Division I or Division II undertrial and if he was not classified as an undertrial, whether his previous standard of living was superior to the ordinary.

(3) Unless the prisoner is recommended for classification as a Division I convict, the convicting court shall also note whether the prisoner is to be classed A or B and if he is not eligible for classification as a Division I or a Division II convict but is to be classed A in Division III whether he is recommended for admission to the Star Class.

(4) When the prisoner is sentenced by a Court superior to that of a Magistrate, the District Magistrate will arrange for the despatch of the descriptive roll to the Superintendent of the jail. If the Magistrate omits to send the roll, the Superintendent shall ask for it ; and if the omission occurs frequently he shall report the instances to the Inspector-General.

621. In ascertaining a prisoner’s character the Superintendent shall be guided by any particulars regarding the nature and circumstances of the crime, or the previous character of the prisoner, furnished to him by the convicting court in the High Court Form. If such particulars be insufficient he may place himself in communication with the police officers of the district. It is of great importance that the Superintendent should know as much as possible about the previous careers of his prisoners.

622. Previous convictions, if any, will generally appear in the warrant or in the High Court Form. The Superintendent should not be content with this information, but should endeavour to ascertain from the jail officers, and long-term convicts, as well as from the records of his jail, if the prisoner has been previously convicted. As the Conviction Register laid down in the West Bengal Police Regulations and kept in the Magistrate’s Court contains only the names of persons convicted of certain specified offences, it is not to be expected that all the offences of which a prisoner has been previously convicted will be shown in the High Court Form.

Descriptive roll to be sent with warrant. See Rules 207 and 208 of the High Court Criminal Rules and Orders 1950. W.B.F. No. 3964. G.O. No. 1882-PJ., dated 26th May 1930.

Previous character of prisoner to be ascertained. Rules 542(1), 914.

Previous conviction, if any, to be ascertained.

623. The Superintendent of Police will notify to the Superintendent the name of any prisoner committed to jail under Chapter XII or XVII, Indian Penal Code, or section 123, Criminal Procedure Code, whose identity he has been unable to ascertain. The Jailor shall write in red ink or cause to be written or stamped at the head of each sheet of the history ticket of such prisoner and also in the Admission Register the word 'Unidentified'. He shall also note the names and addresses of the correspondents and visitors of such prisoner and the Superintendent shall send such information, in a confidential cover, to the Superintendent of Police.

Unidentified prisoners. Jail Circular Nos. 46 and 55 of 1904.

624. To afford the police the opportunity of recognizing old offenders the Superintendent shall permit a police officer deputed by the Superintendent of Police (or in Calcutta by the Inspector-General of Police or the Commissioner of Police) on the day preceding the weekly parade of prisoners, to have access to the Admission Registers and Release Diary. From these the police officers will prepare lists of prisoners admitted during the preceding week, of prisoners who will be discharged in the following week, and of any unidentified prisoners still under police enquiry, whom the police will have to inspect on parade. The prisoners named in these lists shall be paraded next morning at 8 a.m. separately from others, at the general parade, and the police (not more than 20 in number), who shall be conducted by the Deputy Jailor, shall be permitted to inspect all these prisoners. They shall not be permitted to hold any communication with a prisoner except such communication as is necessary for the purpose of identification. The Superintendent shall inform the Superintendent of Police (or in Calcutta, the Assistant Inspector-General of Police and the Deputy Commissioner of Police) on what day the weekly parade of prisoners will be held and at what hour the Police Officer can have access to the Jail Office. Only prisoners convicted under Chapters XII and XVII of the Indian Penal Code of offences punishable with three years, or attempts at the same, under sections 328, 363, to 369, persons bound down under sections 109 and 110 of the Criminal Procedure Code, and undertrial prisoners need be paraded for the inspection of the police. Any police officer duly deputed to photograph, or measure a prisoner, or to take his finger-impressions or footprints shall be allowed to do so.

Police to be permitted to see the Admission Registers and Release Diary and prepare lists and to attend weekly parade of prisoners convicted of certain offences.

Rules 64, 951.

Prisoners should be photographed in ordinary everyday attire and not in prison dress. In the case of prisoners impersonating others the dress to be worn by them when being photographed should be the usual attire of the persons or class of persons impersonated.

G.O. No. 11161-R.J., dated 6th November 1925.

NOTE.—Unidentified undertrial prisoners who are required to be placed in Test Identification Parade for identification by Police Officer should not be put to weekly parade until the Test Identification Parade is over.

Record of the convictions of prisoners. Rule 542(I), Rule 914.

625. Particulars of all re-convictions shall be recorded in column 20 of the Admission Register of convicted criminal prisoners. When the particulars noted in this column are obtained from jail records or from the admissions of the prisoner and do not appear in the High Court Form, the circumstances should be brought to the notice of the Magistrate in W.B.J. Form No. 23.

Casuals to be kept separate from habituels. G.O. No. 2981-H.J./4D-7/54, dated 19th September 1955.

626. Male prisoners of A class in Division III shall be distinguished from such prisoners in B class by the letter "C" enclosed in a red circle with a diameter of 5 centimetres printed on the left side of the chest of kurtas of A class prisoners only, the width of the lines of the letter and the circle being about 4 millimetres. The distinction in the clothing of A and B class female prisoners is laid down in rule 1159. Each of these classes shall have, wherever possible, a separate sleeping ward or wards, and during the day shall be kept separate as much as possible. If there are no separate feeding platforms, latrines, and bathing platforms for each class, suitable arrangements shall be made to prevent the mixing of the two classes at the different parades. No squad of prisoners working together or employed upon any one machine, such as a dhenki, shall on any account include prisoners of both the classes.

See Chapter XVI Rule 555.

'B' class prisoners to occupy vacant cells.

Rule 743.

627. If all the cells of a jail are not in use for purposes of punishments or otherwise, the vacant cells shall be occupied by prisoners of the 'B' class as far as the circumstances of the jail will permit. But care should be taken that the prisoners who occupy the cells in this way and not as a punishment for breach of jail rules are not kept in solitary confinement. They should be allowed to take their meals, baths etc., with the rest of their class and they must be able to communicate at any time with an officer of the jail. This system shall be applied in rotation to all the habitual convicts. Where there are cubicles in the adult prisoners' wards the same principle shall be followed in selecting prisoners to occupy them at night.

628. Deleted.

Class system to be explained to prisoners.

Rule 650.

629. The class system shall be explained to all prisoners on admission and they shall be cautioned that they will be liable to punishment if they converse with a prisoner of a class different from that in which they are put (specially a male adult convict associating or holding communication with any female, juvenile, civil or undertrial prisoner), or if they are found in any part of the jail set apart for the prisoners of some other class.

Punishment for allowing a prisoner to communicate with a prisoner of another class.

630. Any jail official or convict officer wilfully or negligently allowing a prisoner to communicate with a prisoner of another class, or to enter any enclosure set apart for another class, shall be liable to punishment, and a convict officer repeatedly offending under this rule must be degraded.

631. Classification cannot in its entirety be applied in all jails to female prisoners, but every female prisoner shall be classified, and, whenever practicable, prisoners of the A class shall be kept separate from prisoners of the B class.

Classification of female prisoners.

632. Prisoners of the B class shall under no circumstances be transferred to the A class. With reference to Rule 541, the fact of a prisoner being police-registered shall make no difference in his classification or treatment in a jail.

B class prisoners not to be transferred to A Class.

CHAPTER XVI

Discipline and Daily Routine.

633. The barracks and cells shall be unlocked at dawn throughout the year. Twenty minutes before the opening of the barracks and cells the rising bell or gong shall be sounded, and the watchmen shall then rouse the prisoners and make them shake out and fold up their beddings neatly. The watchmen of gangs shall see that the beddings are properly folded and arranged in line on the beds. Thereafter Division III prisoners in gangs shall sit in file down the centre of the barracks, the leading pair sitting at the gate. Prisoners in cells shall arrange their beddings and clothing similarly and shall then stand at attention in front of the cell gate till the opening of the cell. At the same time the convict officers will ascertain if any prisoner is sick or wishes to see the Medical Subordinate.

Opening of barracks.
Rule 1076. (G. O. No. 2899-PJ., dated 10th September 1936).

Rule 399(k).

Rule 1226.

634. After the barracks have been opened and the prisoners counted out, they shall be marched to the latrine and be made to sit in file at a short distance therefrom, and those who wish to do so should be allowed to visit the latrine in turn. During this parade prisoners who are sick shall be made to sit a little apart from the rest, and shall be inspected by the Medical Subordinate, who shall see that they get such treatment as is necessary; but if any prisoner appears to be seriously ill he shall be sent to the Medical Subordinate at once.

Latrine Parade.

Rule 439.

Rule 111.

635. Deleted.

636. On completion of the latrine parade, the prisoners shall be marched to the bathing platform where tooth-sticks or suitable dentifrice shall be given for the purpose of cleansing their teeth. Then they shall wash their faces and hands. After the washing parade the early morning meal shall be distributed. At this time the Jailor shall arrange any alterations of the gangs that may be necessary, noting any change of work he may order in the prisoners' history

Alteration of gang and change of work.

Rule 418.

Rule 555.

tickets, or causing such entries to be made under his initials, and having the alterations entered in the gang books. (See Rule 784 regarding allotment of tasks).

Roll Call

Rule 440.

637. On completion of the early morning meal the prisoners shall be allowed to wash their hands and feeding utensils, after which the rolls shall be called, and the gangs shall be marched to their working places.

Call to attention
during the rounds
of higher officers.

638. Whenever prisoners in Division III are marched from one part of the jail to another, or are sitting or standing in gangs except when actually taking meals or at work, or when paraded for inspection, they shall be arranged in files of pairs, and shall rise, move forward, stop or sit down at the word of command or signal. This method shall be followed in carrying out the parades prescribed in the following rules. At these parades the signal shall usually be the stroke of a bell or gong. At Central Jails the parades can be carried out simultaneously in all divisions by signal from the central tower or some central place. Whenever a Jailor or any officer of a rank superior to him visits a gang of prisoners, the prisoners shall carry out the words of command as follows:—

G. O. No. 2899-P.J.,
dated 10th
September 1936.

“SQUAD, ATTENTION”—If prisoners are marching, they shall stand still at attention, with their feet together and arms hanging down by their sides with the fingers extended, the palms facing inwards: if they are working, they shall stop work and remain in their places; if otherwise, they shall stand up.

“AS YOU WERE”—They shall resume work or continue marching, or sit.

The word of command will be given by the officer in charge of the gang. To drill the prisoners, it shall be practised daily, at lock-up and unlock parades.

A Division III prisoner when brought before the Superintendent for report or verification or petition or when addressing or addressed by a jail officer or by a visitor shall stand to attention in the position described above, and will salute or pay proper compliments as is the custom of his community.

If a prisoner's history ticket is required to be examined, it shall be held open in the prisoner's left hand.

Prisoner to carry
his kit always.

Rule 1080.

639. Every prisoner shall at all times carry with him his complete kit (except bedding and blankets not in use). At the working places each prisoner's clothing not in use shall be carefully folded and arranged in line with that of others, the blanket Kurta being placed below the other articles. If the prisoners are allowed under Rule 1226 to use blankets to protect them from the cold during the morning parades, each of them shall carry a blanket with him; it shall not be used after the morning parades are completed,

but shall be folded up neatly and kept with the clothing being placed under the blanket KURTA when the kit is arranged in line. In front of each pile of clothing shall be placed the prisoner's aluminium plate, cup and mug, all of which must at all times be clean and bright. The Head Warder shall be held responsible if any articles, except the beddings and blankets not in use, are found in the wards after the prisoners have left.

640. Where a workshed 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, or, if there is more than one gang, with one such officer, who shall see that no prisoner passes into or out of the workshed without permission or proper cause.

Gates of worksheds to be kept locked after prisoners have entered.

Rule 189.

641. A unrial shall be placed in each workshed or other place where the prisoners work. A prisoner going frequently to the latrine out of hours shall be reported to the Medical Subordinate and may be placed under medical observation in a segregation ward or cell and given such diet as the Medical Officer may direct.

A unrial to be placed in each workshed.

642. When the bell for the midday meal rings the gangs shall stop work. The prisoners shall then be taken to the respective yards and those who so desire should be allowed to use the latrine. The prisoners shall thereafter have their bath. When the bath is finished they shall be marched to their feeding places. The midday meals shall then be served. If any prisoner makes any complaint regarding the food the Head Warder on duty shall immediately attend to it. When the meal is finished the prisoners shall stand up together, form double file and march to the bathing platform, at the end of which shall be placed two tubs into which each prisoner shall throw any refuse food left in his plate, separating rice or *chappaties* from curried food. On the platform they shall wash their plates and mouth. When the process is completed the warder-guards will be changed.

Midday meal.

Waste food, when not required for other purposes, is to be disposed of by inviting tenders for their purchase on an annual basis.

642A. All classes of prisoners shall be allowed 7.25 grammes of mustard oil per head per day from 1st October to 31st March, and 3.63 grammes from 1 st April to 30th September for inunction. Females, Sikhs and others who are allowed under Rule 652 to keep long hair shall also in addition be given 8 grammes of cocoanut oil per head per day and 1/4th cake of soap or soap-nut of suitable quantity, whichever they prefer, per head per week.

Prisoners to be supplied with mustard oil. G.O. No. 313-H.J., dated 23rd February, 1953, and No. 104-H.J., dated 30th Jaunary 1964.

643. When the bell or gong is sounded for resuming work in the afternoon the gangs shall be marched to their places of work. The work shall be resumed and continued until the evening bell rings for cessation of work. The gangs shall then be marched back to their respective wards or appointed places where they shall be counted and the number

Afternoon work.

Rule 443.

compared with the gang books. They shall then be allowed to use the latrine and to wash after which the evening meals shall be served. The prisoners shall only wash their faces and hands. But, if prisoners are put to exceptionally dirty work, such as carrying earth in the hot weather, cleaning wool, etc., they may be allowed to have full bath. If necessary, the gangs shall then be broken up and the prisoners should be arranged according to their location in the sleeping barracks. But, as far as possible, prisoners who work together shall sleep together. They shall then be marched to their barrack gates and sit in file there until counted in and locked up.

Outside bathing
and feeding
prohibited.

644. The bathing and feeding of prisoners outside the jail is prohibited. All prisoners working in gangs outside the jail shall be brought inside for the purpose.

Use of night latrine.
Rules 1179, 1199

Rule 453.

Rule 1230.

645. A night latrine shall be provided for each ward, and shall be screened off for the sake of decency. Prisoners shall use the night latrine for defaecation only when actually necessary, and, as a rule, it should only be used in cases of sickness. Any prisoner who uses the latrine at night shall be reported by the watchman and dealt with as provided in Rule 641. If he is found to be sick, he shall immediately be placed under medical observation.

Superintendent to
hold weekly parade
of prisoners.

Rule 79.

Rules 95, 1217.

(G.O. No. 2899-PJ.
dated 10th
September 1936.)

Rule 626.

Rule 1172.

646. The Superintendent shall hold a parade of all the prisoners on one morning in the week, when all prisoners will have the opportunity of making any complaint to him. In the winter months, this parade may be held in the open air in the sun, but in the hot weather and the rainy season the prisoners shall be paraded under shelter. At this parade the prisoners shall be arranged in line, each class in its own division. Before each prisoner shall be spread in neat order his tat bed, blankets, blanket coat and spare clothing, cup, plate, aluminium mug and history ticket. All prisoners losing weight shall be paraded separately for the inspection of the Superintendent and the Medical Officer. On arrival of the Superintendent, at the word of command all prisoners shall stand up, take off their caps, take up their history tickets in the left hand and keep the right hand at the side of the body with fingers extended, palms facing inwards. The Superintendent shall then pass down the line, listen to complaints and requests of every description and pass orders thereon; satisfy himself that remission has been duly awarded and communicated to the prisoners, and that the prisoners know what remission they have earned; see that the classification rules are carried out; note that history tickets are supplied to all prisoners and written up; that weighments have been duly made and recorded on the tickets; that the weighments are carefully considered by his subordinates in the distribution of labour, and that prisoners losing weight are duly set apart for medical inspection; see that prisoners' clothing, bedding and kit are duly provided in full and are clean and in good order, properly marked with prisoners' numbers, see that the prisoners are cleanly

in person and pick out any sickly-looking prisoners who he thinks should be placed under observation. Petitions regarding the removal of fetters, letters-writing, etc., should as a rule be made at the Superintendent's parade.

647. No prisoner shall leave his work or his line to make any representation to the Superintendent or Jailor. The Jailor shall at least once in the day visit all the prisoners and give them the opportunity of making representations and complaints on any urgent matter, such as appeal, assault or ill treatment. Any prisoner wishing to appeal or complaining of assault or ill-treatment, shall be brought by the Jailor before the Superintendent, but minor complaints and petitions should, as a rule, await the Superintendent's general parade.

No prisoner to leave his work or line to make complaint.

Rules 248, 742.

Rule 599.

648. Deleted.

649. Silence shall be maintained at all times except for any enquiry or instructions relating to work. Loud talking or quarrelling in the wards at night, as well as all talking after 9 p.m., is prohibited. No prisoner shall leave his bed for any purpose without first obtaining the permission of the watchman or sit or lie on any other prisoner's bed.

Silence to be observed.

The singing of non-denominational or patriotic songs chosen by the Superintendent may be authorized by him every evening for a short period to be fixed by him. Joining in these songs will be optional.

650. As soon as possible after admission prisoners shall be told by a responsible Jail Officer that the object of the jail administration is to help them to get rehabilitated in society as useful citizens and for this purpose they should co-operate in all possible ways with the jail administration. The acts or omissions which constitute prison offences, the punishments which may be awarded for such offences and the advantages to be secured by good behaviour shall also be explained to them.

Instructions to be given to prisoners on admission into Jails.

Rule 513.

651. All prisoners shall wash their own clothing at the bathing parade on the day preceding the Superintendent's weekly parade. For this purpose in each division in the jail, at the bathing place a tub shall be placed filled with a solution of washing soda and soap of sufficient strength. Into this solution the Division III prisoners, as well as the undertrials in Division II as they pass in file, shall dip their clothes so as to saturate them. Dry soap or soda shall not be given to the prisoners. The washing should be carried out before the midday meal. A prisoner washerman may be employed in washing the clothes and bedding of those sick in hospital. Blanket Kurtas and bedding shall be washed as prescribed in Rule 1173.

Washing of prisoner's clothes.

Rule 573.

NOTE.—The solution of washing soda shall be mixed with washing soap in the scale of 29 grammes of soap and 29 grammes of soda per prisoner per week.

(G. O. No. 2695-HJ., dated 25-8-1955.)

Trimming of hair
and nails.

Rule 960.

652. (1) Every prisoner in Division III including convict officers shall have that hair of the head cut only to such an extent and at such times as may be necessary for the purpose of securing health and cleanliness and shall be allowed the use of comb. The hair of the face shall be shaved and nails of the fingers and toes closely trimmed once a fortnight provided that—

- (i) the Superintendent shall, at his discretion exempt from the operation of this rule those who object to it on the ground of caste, community or religious practice or belief and those to whom the proceedings may justly be considered to be offensive or degrading ;
- (ii) females shall not have the hair cut or removed in any way except when the Medical Officer considers it necessary on account of any disease ;
- (iii) if on account of vermin, dirt or disease the Medical Officer deems it necessary to clip the hair or shave the head of any prisoner, this shall be done on his written order entered on the prisoner's history ticket.

(G. O. No. 2812-PJ.,
dated 14-11-1929
and Jail Cir. No. 27
dated 30-11-1929.)

NOTE.—Except under the orders of the Medical Officer no convict shall have his hair shaved.

(2) Under-trial prisoners shall not be allowed to crop their hair or in any way alter their personal appearance, so as to make it difficult to recognise them. To prevent this, scissors and similar implements shall not be allowed in the ward. Prisoners who have been more than a month in the jail shall have their hair cut to the length it was when they were admitted into the jail and kept at this length as far as possible in order to maintain their original appearance. When the Medical Officer deems it necessary on the ground of dirt, vermin or disease, the hair of an under-trial prisoner shall be cut, but it shall not be cut closer than is necessary for the purpose of health and cleanliness.

(G. O. No. 1213-HJ.,
dated 26-05-1939.)

(3) A barber's shop shall be established in each Central and District Jail for use of prisoners. The benefits of the shop shall be confined to convict officers and under-trial prisoners and convicts used to a daily shave. The privilege may be extended to other well-behaved prisoners at the discretion of the Superintendent. The razors, clippers and nail-cutters shall be taken over by the Jailor every evening and the midday rest hour.

Sundays and jail
holidays. (G. O. No.
661-RJ., dated
22-01-1923.)

653. The daily routine prescribed in the foregoing rules shall be observed also on Sundays and on gazetted holidays observed in jails except that no prisoner shall be required to work on those days otherwise than in performing menial offices and other necessary work, including cleaning up and tidying the jail premises. The prisoners in Division III shall on Sunday be allowed to take exercise in the yards in gangs till 10 a.m., and again for an hour before the evening parades. Jews shall not be compelled to work on Saturdays provided they work on Sundays.

654. (1) Well-behaved literate prisoners in Division III may be allowed books normally not exceeding two at a time to read on Sundays, Jail holidays or during rest hours from the Jail Library in accordance with the rules in Appendix 31-A to this Code (Volume II). The Superintendent may, at his discretion, allow Division III prisoners to purchase from time to time approved magazines, periodicals and newspapers at their own cost.

Issue of books to prisoners (G.O. No. 4112-HJ., dated 20-12-1956.)

(2) One exercise book per month may be allowed to well-behaved Division III prisoners at their own cost. No pencils shall be allowed but pens and ink shall be supplied by the jail. The exercise books shall be ordinary school exercise books and the pages shall be numbered and periodically inspected to see that none is missing. The pages shall on no account be used for writing letters.

(3) Subject to the rules of the University or other authorities holding the examinations, facilities may, with the previous sanction in writing of the Inspector-General, be given to well-behaved convicted or under-trial prisoners to appear at University or other examinations recognised by the State Government which do not include practical tests provided that there is no extra expenditure on the part of the State Government on account of purchase of books or examination or other fees and the examination is held inside the jail.

654A. In every Central or District Jail voluntary squads of prisoners shall be formed for physical drill and Bratachari dance in the morning before the morning meal is served. The exercises should take place in selected open spaces in jails, prisoners being arranged in groups according to convenience, under trained Head warder or warders or any other officers considered suitable for the purpose by the Superintendent. Provided that prisoners of one Division do not associate with prisoners of another Division, facilities for these exercises may be thrown open to prisoners of all Divisions at the discretion of the Superintendent. Participation in these exercises should be encouraged but regarded as voluntary.

Voluntary physical exercises by prisoners for a short time every day to be encouraged in every Central and District Jail.

(G.O. No. 2546-HJ., dated 5-11-1940)

654B. Facilities for participation in the following games should also be given to all prisoner :—

Facilities for games to be provided.

- (1) Basket Ball.
- (2) Tenni Koit.
- (3) Kabadi.
- (4) Dariabaddha.

In Central Jails where sufficient open space is available, facilities should also be provided for playing football by prisoners.

This is subject to the condition that prisoners of one Division should not be allowed to associate with those of

another. The Superintendent may impose such restrictions as he thinks fit in the matter of selection of any or all of the above games and players. The games should be played in selected areas inside the jails on Sundays and holidays only under proper supervision.

Certain classes of prisoners to take regular class room lessons. (G.O. No. 1913-HJ., dated 26-7-1954.)

654C. Prisoners sentenced to rigorous imprisonment for three months and above and not over 50 years of age will be required to take regular class-room lessons. Those who are physically or mentally incapacitated or debarred for any other reason and those who already have an education above the standard of what is imparted by the jail will be excluded from these classes. Other prisoners, whether convicts or under-trials, shall be permitted to volunteer for these classes. The period of each class should be 45 minutes every day except Sundays and holidays and the strength shall not normally exceed 30 pupils. Monthly examinations should be held by the Jail Teacher and a final examination shall be held by the Superintendent at the end of each quarter in the presence of the District Inspector of Schools or an officer deputed by him. A literacy certificate will be awarded to prisoners who will come out successful at the final examination.

The class-room education in jails should be supplemented by the audiovisual method of education through exhibition of educational and documentary films where specifically authorised by Government.

Every prisoner to be allowed to execute power of attorney for bonafide management of his property or family affairs.

654D. Every prisoner whether convicted or under-trial shall be allowed to sign a power of attorney or other documents in connection with the case against him or the management of his property or family affairs and his signature shall be attested by the Jailor or a Deputy Jailor unless such officer has reasons to suspect that the transaction is malafide, illegal or contrary to any order of a court of Law.

Prisoners may be allowed to make purchases of some articles from their own funds.

655. Subject to the discretion of the Superintendent, prisoners in Division III may purchase out of their private cash or 50 per cent, of their wages, their reasonable requirements in respect of the following articles:—

Rule 788A.

- (a) Soap, both washing and toilet,
- (b) Tooth paste,
- (c) Tooth powder,
- (d) Tooth brush,
- (e) Shaving soap,
- (f) Comb,
- (g) Toilet powder (for female prisoners only),
- (h) Tea leaves,
- (i) Loaf,
- (j) Biscuits,

- (k) Bidis or cigarettes,
- (l) Sweets,
- (m) Newspapers.

NOTE.—Only adult prisoners will be allowed to smoke. No prisoner shall be allowed to smoke more than ten bidis or five cigarettes a day.

656. On the last day of each month a census shall be taken of the convict population of each jail, in order to ascertain the number of convicts present on that day according to the time served in jail.

Census of convict population.

657. Except as provided in this Code—

(1) no person shall introduce or remove or attempt by any means whatever to introduce or remove into or from any prison, or supply or attempt to supply to any prisoner outside the limits of a prison, any prohibited article;

Introduction or removal of prohibited articles forbidden. See Sec. 42, Act IX, 1894. Rules 178, 200 387, 902 (G.O. No. 7037. R.J., dated 25-6-1922.)

(2) no officer of a prison shall allow any such article to be introduced into or removed from any prison, or to be possessed by any prisoner, or to be supplied to any prisoner outside the limits of a prison; and

(3) no person shall communicate or attempt to communicate with any prisoner.

N.B.—The commission of these acts or abetment thereof amounts to an offence under section 42 of the Prisons Act (Act IX of 1894) punishable with imprisonment for a term not exceeding six months, or to fine not exceeding two hundred rupees, or to both.

658. When any person, in the presence of any officer of a prison, commits any offence specified in Rule 657 and refuses on demand of such officer to state his name and residence, or gives a name or residence which such officer knows, or has reason to believe, to be false, such officer may arrest him, and shall without unnecessary delay make him over to a police officer, and thereupon such police officer shall proceed as if the offence had been committed in his presence.

Any person found contravening any of the provisions of Rule 657 may in certain circumstances be arrested by any prison officer. Sec. 43, Act IX, 1894.

659. The Superintendent shall cause to be affixed, in a conspicuous place outside the prison, a notice in English and the Vernacular setting forth the acts prohibited under section 42, Act IX of 1894, and the penalties incurred by their commission. (See W.B.J. Form No. 114.)

Written notice of acts prohibited to be affixed in a conspicuous place outside the prison. Sec. 44, Act IX 1894. W.B.F. No. 5141.

660. The articles specified or included in the list below shall be deemed to be prohibited articles within the meaning of sections 42 and 45 (12) of Act IX of 1894, unless any such article be—

Prohibited article.

- (a) introduced into or removed from any jail,

- (b) received, possessed or transferred by any prisoner, with the permission of the Superintendent or other officers empowered by him in this behalf.

List of Prohibited Articles.

- (1) Alcohol or spirituous liquors of any kind.
- (2) Tobacco for chewing or snuffing.
- (3) Ganja, opium or any other drug, or poisonous article.
- (4) Poisonous materials, materials for making fire, or materials which would cause disfiguration.
- (5) Bullion, metal, money, currency notes, valuable securities, jewellery or ornaments of any kind, and articles of value of every description.
- (6) Books, printed matter, letters or writing materials of any kind not authorised by the Superintendent.
- (7) Knives, arms, ropes, string, bamboos, ladders, sticks, any article likely to facilitate escape or implements of any kind, except those issued for use in the performance of work 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.

Article deemed to be prohibited articles within the meaning of Sec. 42 and Cl. (12) of Sec. 45 of the Prisons Act, 1894.

661. Every article of whatever description shall be deemed to be a prohibited article within the meaning of section 42 and clause (12) of section 45 of the Prisons Act, 1894, in the case of—

- (1) a prisoner—if introduced into or removed from any jail or received, possessed, or transferred by such prisoner and such article has—
 - (a) not been issued for his personal use from jail stores or supplies, under proper authority ;
 - (b) been so issued, if possessed or used at a time or place other than such as is authorised ; or
 - (c) not been placed in his possession for introduction, removal or use, as the case may be, by proper authority :
- (2) a jail official—if introduced into or removed from any jail or supplied to any prisoner and such article—
 - (a) has not been issued or sanctioned for his personal use by proper authority ;
 - (b) is not an article of clothing necessary for his personal wear; or
 - (c) has not been placed in his possession by proper authority for introduction into or removal from the jail or for the purpose of being supplied to any prisoner ;

- (3) a visitor—if introduced into or removed from any jail or supplied to any prisoner and such article—
- (a) is not required for his personal use while within the jail and has not been declared by him before entering the jail, and the introduction into or removal from the jail or possession of which while in the jail has not been permitted by proper authority ;
 - (b) is introduced with or without authority and is not retained in his possession until he has left the jail premises ; or
 - (c) comes into his possession while within the jail, and is subsequently removed by him from the jail ;
- 4) any other person—if introduced into or removed from any jail or supplied to any prisoner whether within or without the jail.

662. Deleted.

CHAPTER XVII.—INTERVIEWS AND COMMUNICATIONS

[**NOTE**—Interviews and communications with persons detained under the Preventive Detention Act, 1950 (IV of 1950) are not governed by the rules contained in this chapter but by the provisions of the West Bengal Preventive Detention Order 1951.]

General Rules

Interviews for preparation of appeal or arranging family affairs.

G. O. No. 252-R.J.
Dated 11-9-1923.

663. (1) Every newly convicted prisoner shall be allowed reasonable facilities for seeing or communicating with his relatives, friends or legal adviser with a view to the preparation of an appeal or to the procuring of bail and shall also be allowed to have interviews with or write letters to his relatives or 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 fine or the furnishing of security.

(3) Every prisoner under sentence of death shall be allowed such interviews and other communications with his relatives, friends and legal advisers as the Superintendent thinks reasonable.

Notice to be given and purpose of interview stated by the legal advisor seeking interview with convicted criminal prisoner.

663A. If a legal adviser seeks an interview with a convicted criminal prisoner, he shall state definitely the purpose of the interview. The Superintendent's orders must always be taken. If the interview is allowed, the rules relating to interviews with unconvicted criminal prisoner shall apply.

Additional privileges regarding letters and interviews.

664. (j) In addition to the privileges referred to in rule 663, convicted prisoners in Division I or II may have interviews with their relatives and friends and write letters to them once a fortnight, and convicted prisoners in Division III may have interviews with their relatives and friends and write letters to them once a month.

(ii) Letters addressed to prisoners shall be made over to them as and when received provided that on being censored they are not found objectionable.

(iii) All prisoners who have been sentenced to imprisonment for not less than 10 years and who have actually spent a continuous total period of not less than 7 years in jail (including remission, if any, and any period spent as undertrial prisoners) and have clean records of good behaviour for the last two years of that period, may have one more interview with their relatives and friends and also write one more letter to them than what they are entitled to under clause (i).

(iv) The foregoing privileges are contingent on good conduct and may be withdrawn or postponed by the Superintendent for a period not exceeding one month for any specific case of bad conduct.

665. The Superintendent may at his discretion grant interviews or allow the despatch of letters at shorter intervals than provided for in rule 664 or inspite 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 occurance of the death of a near relative, or if the friends or relatives have come from a distance to see the prisoner and it would inflict an undue hardship on them to refuse an interview, or if the prisoner is nearing release and wishes to secure employment, or for other sufficient cause. In similar circumstances the Superintendent may allow a prisoner to receive letters in spite of misconduct. Matters of importance, such as the death of a relative, may also be communicated at any time by the relatives or friends of a prisoner to the Superintendent who will, if he thinks it expedient, infrom the prisoner of the substance of the communication.

Facilities of Interviews and communications in special cases.

G.O.No.859-H.J.
dated 21-3-1956.

Before his transfer to another jail, a prisoner who desires to notify his relations about his impending transfer from the jail, may be allowed the privilege of writing a special letter, unless there are special reasons to the contrary, which shall be recorded in the history ticket of the prisoner. At the Superintendent's discretion, and if there is sufficient time, a prisoner under order of transfer from the jail of his home district may also be allowed a special interview.

Prisoners may be allowed, once in a calender year, the privilege of writing one extra letter of greetings on the occasion of Durga Puja, Christmas or Id-ul-Fiter, or, at the discretion of the Superintendent, on any other important occasion of religious festivity when it is customary to send such greetings to relatives or friends.

666. No convicted prisoner shall be allowed to have an interview or to receive or write a letter except with the permission of the Superintendent, which shall be recorded in writing.

Convict not to be allowed to interview or write or receive letter without permission.

666A. Except as provided for in rule 663 in respect of legal advisers, grant of interviews shall be restricted to friends and relations, the primary purpose being discussion of family and on domestic matters and social contact with friends and relatives. No one who has taken a prominent part in any political agitation in which the prisoner was concerned or whose object is suspected to be to obtain an opportunity of publishing distorted accounts of grievances in the press will be allowed to interview a prisoner.

Grant of interview to be restricted ordinarily to friends and relations.

667. 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. The particulars of interviews actually held shall be entered in a register which shall

Application for interview may be oral or in writing.

contain the names of the prisoners, names and addresses of the interviewing friends and relatives and the dates of the interviews.

Date and hour of
interview to be
fixed.

668. The Superintendent shall fix the days and hours at which all interviews shall be allowed and no interviews shall be allowed at any other time except with the special permission of the Superintendent. A notice of the interview hours shall be posted outside the jail.

Place for interview.

G.O. No. 2034-P.J.
dated 10-10-1928.

669. Every interview shall take place in a special part of the jail appointed for the purpose, if possible at or near the main gate. Unless there are a large number of interviews fixed for one day, only one interview shall take place in the same room at the same time. Interviews with female prisoners shall, if practicable, take place in the female enclosures. If a prisoner is seriously ill, the Superintendent may permit the interview to take place in the hospital. A condemned prisoner shall ordinarily be interviewed in his cell. The Superintendent may, for special reasons to be recorded in writing, permit an interview to take place in any part of the jail.

Interviews to take
place in presence
of Jail Officer.

G.O. No. 716 T.R.
dated 17-9-1926.

670. Every interview with a convicted prisoner shall take place in case of a Division I or Division II prisoner in the presence of the Jailor or a Deputy Jailor to be deputed by the Superintendent and in other cases in the presence of a Jail officer to be deputed by order of the Jailor in writing. This officer shall see that no irregularity occurs and shall be so placed as to be able to see and hear what passes and to prevent any article being passed between the parties. A Police Officer may be permitted by the Superintendent to interview a convicted prisoner without a Jail Officer being present at the interview.

Termination of
interview for
breach of rule.

671. An interview may be terminated at any moment if the officer present considers that sufficient cause exists. In every such case the reason for terminating the interview shall be reported at once for the orders of the senior officer present in the jail.

Political matters
not to be discussed
during interviews.

671A. Discussion of political matters during interviews is prohibited. If matters discussed at interviews or the substance of letters received from prisoners is published, the Superintendent shall report to the Government, who will then decide if the privilege of interviews and communications shall be withdrawn or not in the case of the prisoner concerned.

Time allowed for
interview.

672. The time allowed for an interview shall not ordinarily exceed 20 minutes but may be extended by the Superintendent at his discretion.

Prisoner to be
searched before
and after interview.

673. Every convicted prisoner and every unconvicted criminal prisoner shall ordinarily be carefully searched before and after an interview. A Head Warder shall be specially deputed for this purpose by the Jailor by an order in writing. In case of prisoners in Division I and

Division II the search shall be made at the discretion of the Superintendent.

674. Deleted.

675. The Jailor may demand the name and address of any visitor to a prisoner, and, if he has good grounds for suspecting that any visitor is taking prohibited articles to a prisoner, he may search the visitor or cause him or her to be searched before he or she is allowed to enter the jail or see a prisoner, but the search shall not be made in the presence of any prisoner, or of any other visitor. If the visitor is a female, the search shall be made only by a female. If the visitor, refuses to be searched, the Jailor may disallow the interview. In any case when a visitor is searched or an interview with an undertrial prisoner is disallowed, the Jailor shall at once report the circumstance and the grounds for his action in his report book, and submit his report to the Superintendent at his next visit to the jail.

Search of visitors to prisoners before interviewing prisoner.

676. (1) No letter shall be delivered to or sent by a convicted prisoner until it has been examined and initialed by the Superintendent or by the Jailor or other officer under the Superintendent's orders, but no unnecessary delay should be allowed to occur in delivery or despatch. If a letter is written in a language unknown to the Superintendent, he shall take steps to procure a translation before forwarding it. No letter written in cipher shall be allowed. The subject matter of all letters must be limited to private affairs and there must be no reference to jail administration and discipline to other prisoners or to politics. 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 passage.

Censorship of letters.

(2) If the Superintendent has any doubts regarding any letter of a convicted prisoner he may forward it to the Deputy Commissioner of Police, Special Branch, Calcutta or the Deputy Inspector-General of Police, Intelligence Branch West Bengal, as the case may be for scrutiny. Similarly those officers may call for the letter of any such prisoner for examination. The Superintendent is authorised to pay the postal charges on unstamped or insufficiently stamped letters addressed to prisoners who have no cash to their credit under the head "Prisoners' property".

677. Deleted.

678. 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.

Convict may retain a letter duly delivered to him.

679. Writing materials including service 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 convict's letter will be written on W.B.J. Form No. 41 and the writing shall be restricted to one side of the form, and to the lines ruled thereon. A fixed day of

Supply of writing materials to prisoners.
W.B.F. No. 5102.
G.O. No. 4389-P.J.
dated 30-9 1935.

the week, preferably Sunday, shall be set apart for letter writing. Service postage stamps at the public expense shall be provided for prisoners' letters.

680. Deleted.

681. Deleted.

Special Rules relating to undertrial and CIVIL Prisoners

Unconvicted criminal prisoners and civil prisoners to be given facilities for interviews.

682. Unconvicted criminal prisoners and civil 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.

Interview between an unconvicted prisoner and his legal advisor or near relative.

683. 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.

Legal adviser seeking interview with an unconvicted criminal prisoner to apply in writing.

684. 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. If the interview is allowed the name of the legal adviser shall be entered on the prisoner's history ticket and a record kept on the ticket of all interviews that take place.

Reference to Magistrates.

G.O. No. 1090 P.J.
dated 23-3-1935.

685. (1) The Superintendent may, in his discretion, refer for orders any application for an interview made under rule 684, to the District of Subdivisional Magistrate, or, in the case of the Presidency Jail, the Chief Presidency or Additional Chief Presidency Magistrate, and shall do so if so required in writing by the Superintendent or Additional Superintendent of Police, or in the case of the Presidency Jail, the Deputy Commissioner of Police, Special Branch, Calcutta.

(2) It shall be lawful for such Magistrate, while allowing the application, to direct that the interview shall take place subject to such conditions as may be imposed, provided that the prisoner is afforded reasonable opportunity for full consultation with the legal practitioner of his choice and that if any Police or Jail official or other person be allowed to be present at the interview, such official or person must remain at a distance, so that, though within sight, he may not hear the conversation. The Superintendent shall carry out the directions so given.

686. When the application of a legal adviser for an interview with an unconvicted prisoner is granted, the interview shall be arranged as soon as possible.

Interview of a legal adviser with unconvicted criminal prisoner to be arranged quickly.

687. Any *bona fide* confidential written communication prepared by an unconvicted criminal prisoner as instructions to his legal adviser may be delivered personally to term 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 the Legal Practitioners Act. 1879 (18 of 1879) or the Advocates Act., 1961 (25 of 1961).

Such prisoner to be allowed to give confidential written instructions to his legal adviser.

688. Civil prisoner may see their friends and relations at such times and under such restrictions as the Superintendents may decide and the presence of a jail officer shall not be necessary.

Civil prisoners permitted to see friends and relations.

Special Rule Relating to Criminal Prisoners.

688A. In a case not coming within any of the foregoing rules, the District Magistrate may, in his discretion and subject to such conditions as he may impose, allow any person to interview a criminal prisoner in a jail situated in his district. The aforesaid powers of the District Magistrate shall, in the case of an interview with a prisoner confined in the Presidency Jail, be exercised by the Commissioner of Police, Calcutta.

District Magistrate's power to allow interview with a prisoner.

688B. (a) As soon as a prisoner of a foreign nationality is admitted into a jail, the Superintendent of the jail shall send a report of such admission together with a descriptive roll of the prisoner to the State Government and copies thereof to the Inspector-General for intimation of the fact of imprisonment of the foreign national to the consular representative of his State.

Special rule relating to prisoners of foreign nationality. G I Ministry of Home Affairs Letter No. F2-3-64 PIV dt. 28-7-1964.

(b) The interviews with and communications of or to a prisoner of a foreign nationality shall be governed, without prejudice to his being a foreign national, by the relevant rules of this code.

NOTE :—For the purpose of this rule the consular officers of a prisoner's own State shall be deemed to be his friends who shall have the right of interview with the prisoner. But this right of interview does not include the right of private interview i.e., interview out of the hearing of a Police or Jail officer nor the right to inspect the accommodation of the prisoner.

CHAPTER XVIII.—RELIGIOUS OBSERVANCES.

689. (1) The following gazetted holidays in addition to Sundays shall be allowed to all prisoners except Jewish prisoners:

Jail-holidays.

(1) Netaji's Birth Day (23rd January),

(2) Republic Day (26th January),

- (3) Saraswati Puja, (4) Dol Jatra,
- (5) Good Friday, (6) Id-ul-Fitre,
- (7) Id-uz-Zoha, (8) Muharram,
- (9) Independence Day (15th August),
- (10) Gandhiji's Birth Day (2nd October),
- (11) 2nd Day of Durga Puja (Mahastami),
- (12) Shyama Puja (Dewali),
- (13) Christmas Day (25th December),
- (14) Bengali New Year's Day (1st Baisakh).
- (15) Poet Rabindranaths Birthday (25th Baisakh),

G.O. No. 1083-HJ.,
dated 7-5-86.

(2) In addition to the above, the following sectional holidays shall be allowed to prisoners of the communities as specified :—

G.O. No. 2413-HJ.,
dt. 5-7-86.

Sikh prisoners—Birthday of Guru Nanak, Birthday of Guru Govind Singh, Sikh New Year's day.

Chinese prisoners—The Chinese New Year's day (Half holiday).

Muslim prisoners—Fateh-Duaz-Daham.

Christian prisoners—New Year's Day (1st January).

G.O. No. 883-HJ.,
dt. 3-4-39.

(3) Jewish prisoners shall be permitted to observe Saturdays (in lieu of Sundays) and the following days as their holidays:—

G.O. No. 9/1-HJD,
dt. 5-10-39.

- (1) Netaji's Birthday (23rd January),
- (2) Republic Day (26th January),
- (3) Independence Day (15th August),
- (4) Gandhiji's Birthdays (2nd October),
- (5) The Jewish New Year (two days in September),
- (6) Tabernacle (two days in September and two days in October).
- (7) Passover (four days, viz. 1st, 2nd, 7th and 8th days of the festival).
- (8) Pentecost (two days in May).

(4) The holidays specified above, shall be known as "Jail holidays".

(5) In the month of December every year, the next year's dates, of the different festivals treated as jail holidays, shall be communicated to all jails and sub-jails by the Inspector-General.

[Amended by G.O. No. 1083-HJ, dt. 7-5-86.]

Extra food on
holidays.

690. Prisoners may, on festival days, have fruits and uncooked food including milk, and also cakes and sweets, such as sandesh, rasogolla and halua at their own cost or from their relatives and friends. The Superintendents shall allow extra food to all prisoners on the Id-ul-Fitre and the second day of Durga Puja and Bengali New year's day at an extra cost per diet not exceeding One rupee and fifty paise per head.

G.O. No. 485-HJ
dt. 8-3-61.
G. O. No. 2232-HJ,
dt. 16-9-65.

691. Hindu prisoners who so desire may be allowed to fast on the 2nd day of the Durga Puja, the Janmastami day, the SivaChaturdashi, the Ramnavami, the Sayana Ekadasi, the Parsva Ekadasi, the Utthan Ekadasi and the Bhima Ekadasi. Prisoners employed on hard labour should be given medium labour and those who are put on medium labour should be given light labour during the period of fast. The prisoners may be provided either with special diet, such as milk, fruits, dahi, sweets or allowed extra food on conclusion of the fast. When the fast lasts for two successive days, light food should be allowed in the evening.

Fast on religious grounds.

The total cost of dietary during and at the conclusion of a fast should not exceed that of the meals given to other prisoners.

692. Muslim prisoners who so desire may be allowed to fast during the Ramjam. Such prisoners should be given :

Fast during Ramjan.

(1) in lieu of their early morning meal some sherbet and some light food (soaked gram or a piece of bread) at sun set.

Jail Cir No. 39 of 1935.

(2) two rations at night, one to be taken between 2 and 3 a.m. which should be lighter than the ordinary ration.

The total cost of the dietary should not exceed that of the meals given to the other prisoners. Prisoners employed on hard labour should be given medium labour and those who are put on medium labour should be given light duties during the period of fast. The hours of labour should be extended by half an hour in the morning and curtailed by half an hour in the afternoon so as to allow them time to finish their evening bathing and latrine parades before sun-set. The hours of labour thus modified will apply, however, to all classes of prisoners. Arrangements should also be made to keep a sufficient supply of water in the wards or cells in which Muslim prisoners are confined.

The cells or wards cannot be unlocked at night, but the prisoners can say the Taravi prayer in the wards.

693. The Medical Officer may prescribe discontinuance of fast by a prisoner if he is of opinion that the continuance of the fast by such prisoner is likely to be injurious or dangerous to health.

Medical Officer may prescribe discontinuance of Ramjan fast for reason of health.

694. (a) Interference with genuine religious practices or caste prejudices of prisoners should be avoided. But no relaxation of the working rules shall be allowed. Prisoners shall be permitted to perform their devotions at suitable times and in suitable places. Care should be taken to see that this principle is not made the cloak for frivolous complaints or for attempts to escape from jail labour or discipline. If the Superintendent feels any doubt as to the validity of any plea advanced by a prisoner on the grounds of caste or religion he should refer the matter for the orders of the Inspector-General whose decision shall be final.

Non-interference with religious practices or caste prejudices.

Facilities for
prayers.

694. Reasonable facilities should be allowed to all classes of prisoners for the performance of their prayers but all prayers will be voluntary. Muslims 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. No religious cries shall be allowed. Muslim prisoners may provide their own slippers, but a few mats should be kept in the jails for their use at prayers; they should be supplied with water for ablution at each prayer time.

G.O. No. 3805-PJ.
dt. 27-10-33.

NOTE—Azan said in a low voice by one person before Jumma prayer is not considered a 'religious cry' and may be allowed on Jumma days and other important religious occasions.

695. Deleted.

Facilities for
religious
ministration to
prisoners may be
allowed by
Superintendent.

696. On the application of a prisoner a Minister of his own persuasion may be admitted to the jail at the discretion of the Superintendent for religious ministration to such prisoners on Sundays and other jail holidays or any other day appointed for the purpose. The religious ministration shall be subject to such conditions as to time place, duration, etc., as the Superintendent considers necessary.

697. (1) A Christian Minister may be allowed to visit a Christian prisoner on any day other than those specified in the preceding rule, if such prisoner is dangerously ill or is under sentence of death and desires to see such Minister but not otherwise.

(2) On such desire being expressed, the Superintendent shall, if possible, arrange for a Christian Minister to visit the prisoner.

NOTE—For the baptism of children born of Christian mothers, see rule 958.

Appointment of
Chaplain by
Government in
Presidency and
Alipore Central
Jails.

697A. Government may arrange for the services of a Church of England Chaplain, a Roman Catholic Chaplain, or a Minister of any other denomination, being made available to the Alipore Central Jail and the Presidency Jail, Calcutta, for religious ministration to Christian prisoners on days on which such ministration may be required by such prisoners.

Honorary Religious
Teachers.

G.O. No. 317-PJ.,
dt. 5-2-30.

698. In each Central or District Jail two honorary teachers one Hindu and one Muslim should be appointed if available. One honorary Christian teacher if available, should also be appointed for Alipore Central Jail and Presidency Jail. The appointments will be made by Commissioners of Divisions (except in the case of the Presidency Jail where the appointment will be made by the Commissioner of Police, Calcutta), and will be notified in the "Calcutta Gazette". These teachers are to be appointed for the purpose of imparting moral instruction to prisoners.

When a vacancy exists or occurs the Superintendent of the Jail should report it to the District Magistrate who should report it to the Commissioner making at the same time a recommendation as to the appointment of a suitable honorary teacher to fill the vacancy. (In the case of the Presidency Jail the occurrence of a vacancy should be reported to the Commissioner of Police, Calcutta, who will select a suitable person to fill the vacancy.) Such teachers shall be appointed for a period of two years and shall, unless their appointment has been cancelled under rule 699, be eligible for reappointment on the expiry of such terms so long as they are fit and willing to serve. In making the selection effect should, as far as practicable, be given to nomination by representatives of the different communities and associations recognized by Government. Instructions shall be given at such times and places as the Superintendent may direct on Sundays and on Jail holidays and also in the case of Muslims, on Fridays. Approved religious books should be supplied to the Jail Libraries.

Honorary teachers and lady teachers may similarly be appointed in Central and District Jails for prisoners of other faiths and female prisoners, respectively when the number of such prisoners is four or more.

G. O. No. 156-HJ
of 30-1-39.

699. The appointment of an honorary teacher under the preceding rule shall ordinarily be cancelled by the authority making the appointment if the honorary teacher fails to impart moral instruction to prisoners for a continuous period of three months.

Circumstances in which the appointment of an honorary teacher may be terminated.
G.O. No. 317-PJ
of 5-2 30.

700. No Minister, priest or other religious teacher should be allowed to have access to any prisoner who does not belong to his own denomination unless the prisoner voluntarily and spontaneously expresses a wish to see such a religious teacher for the purpose of receiving religious ministration in which case the matter should be reported to the Inspector-General for orders.

Restriction on a religious teacher's access to prisoners.

Rule 973.

701. Sikh prisoners shall be allowed a pagri of suitable size, kachh (short drawers) to reach to the knees if possible instead of jangiahs and trousers and, if they so desire a miniature kirpan (dagger) made of steel, 2.5 cm. in length. They should also be allowed to retain the kara (iron bangle). Jhatka meat should whenever possible be provided for those that require meat.

Sikh Prisoners.

702. Brahmins and other prisoners of thread-wearing castes shall be allowed to wear their sacred thread. Long trousers reaching to within ten centimetres above the ankle should be supplied to all Muslim male convicts instead of shorts for facility in offering prayers.

Prisoners of threads wearing castes.

Procedure in case
of death of a
prisoner.

G.O. No. 102-PJ
of 11-1-29.

703. In the event of the death of a prisoner in the jail the Superintendent shall pass orders for disposing of the body in accordance with the religion or custom of the community or caste to which the deceased prisoner belonged. Bodies of Muslim prisoners unless made over to the relatives or friends of the deceased should be made over to the Muslim Burial Associations and where there is no such association arrangement for the burial of such prisoners should be made with the heads of mosques, Muslim Associations or other responsible Muslims who may be willing to undertake the duty. In the case of non-Muslim Indian prisoners dying in jail, their bodies, unless made over to the relatives or friends of the deceased, should be made over for funeral to the local religious or social organisations which may be willing to undertake the duty. A list of such organisation of the different religious communities should be prepared in every jail in consultation with the District Magistrate of the place in which the Jail is situated and in case of the Presidency Jail, with the Commissioner of Police, Calcutta, and kept in the jail office. If necessary a sum not exceeding Rs. 20 or any amount as may be decided by Government for each dead body of any community should be paid for the cost of the funeral. The expenditure is debitable to head "Miscellaneous services and supplies" in the "22—Jails" budget. (See also rules 98 and 259.)

CHAPTER XIX

Offences and Punishments

704. Under section 45 of the Prisons Act, 1894, the following acts have been declared to be prison offences when committed by a prisoner:—

Prison offences.
Section 45 of Act IX
of 1894.

- (1) Such wilful 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, altering or removing handcuffs, fetters, or bars without due authority.
- (8) Wilful idleness or negligence at work by any prisoner sentenced to rigorous imprisonment.
- (9) Wilful mismanagement of work by any prisoner sentenced to rigorous imprisonment.
- (10) Wilful damage to prison property.
- (11) Tampering with or defacing history tickets, records or documents.
- (12) Receiving possessing or transferring any prohibited article.
- (13) Feigning illness.
- (14) Wilfully bringing a false accusation against any officer or prisoner.
- (15) Omitting or refusing to report, as soon as it comes to his knowledge the occurrence of any fire, any plot or conspiracy, any escape, attempt or preparation to escape, and any attack, or preparation for attack, upon any prisoner or prison official.
- (16) Conspiring to escape, or to assist in escaping, or to commit any other of the offences aforesaid.

Rules 399(h),
650(d).

705. Under section 59(1) of the Prisons Act, 1894, the following acts have been defined as constituting prison offences :—

Forbidden Acts.

- (1) All acts of indiscipline, that is to say, acts or omissions which a prisoner is, under the rules of this Code, enjoined on not to do or not to omit to do, e.g., unauthorised singing, quarrelling,

loitering about the yards, doing any act calculated to create unnecessary alarm in the minds of the prisoners or officers of the prison, spreading false news, etc.

- (2) Any act offending against rules of this Code in regard to sanitation and cleanliness in respect of places of ablution, clothings, persons, wards latrines feeding places, bathing platforms and kitchens.
- (3) Secreting any article whatsoever.
- (4) Unauthorised communication with an outsider or with a prisoner of the opposite sex or of a different class.
- (5) 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.
- (6) Refusing to eat food or the food prescribed by the prison diet scale.
- (7) Wilfully destroying food or throwing it away without orders.
- (8) Tampering in any way with prison locks, lamps, or lights or other property with which he has no concern.
- (9) Disobeying any lawful order of an officer of the prison or omitting or refusing to perform duties in the manner prescribed.
- (10) Damaging prison property and omitting to take due care of prison property entrusted to him.
- (11) Omitting to report at once any loss, breakage or injury which he may accidently have caused to prison property or implements.
- (12) Manufacturing any article without the knowledge or permission of an officer of the prison.
- (13) Performing any portion of the task allotted to another prisoner, or obtaining the assistance of another prisoner in the performance of his own task.
- (14) Mixing or adding any foreign substance to the materials issued for work.
- (15) Insubordination.
- (16) Taking part in any attack upon any prisoner or officer of the prison.
- (17) Omitting or refusing to help any officer of the prison in case of an attempted escape or of an attack upon such officer or upon another prisoner.
- (18) Abetting the commission of any prison offence.

706. Where the Superintendent has reason to believe that a prisoner, has committed any of the following offences he shall refer the case to the Magistrate exercising jurisdiction for enquiry in accordance with the Code of Criminal Procedure:—

Superintendent to refer to Magistrate for enquiry certain offences under the Indian Penal Code. Ibid.

- (1) Offences punishable under sections 148 and 152 of the Indian Penal Code namely,—

Rule 75.

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 and 224 of the Indian Penal Code, namely,—

Rules 387, 481.

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

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

- (3) Offences punishable under sections 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;

Voluntarily causing grievous hurt by dangerous weapons or means.

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

It shall be in the discretion of the Superintendent to determine, with respect to any other act which constitutes both a prison offence and an offence under the Indian Penal Code, whether he will use his own powers of punishment or move the Magistrate exercising jurisdiction to enquire into it in accordance with the Code of Criminal Procedure; but no prisoner shall be punished twice for the same offence.

NOTE.—A prisoner removed from a prison office on the ground of judicial conviction for an offence shall not be deemed to have been punished twice.

707. 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 adequately punishable by the jurisdiction of any punishment which he has power to award, the Superintendent may forward such prisoner to the

Procedure on committal of heinous offence. Jail Circular No. 10 of 1898.-

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 into and try the charge so brought against the prisoner, and upon conviction, may sentence him to imprisonment which may extend to one year, such term to be in addition to any term for which such prisoner was undergoing imprisonment when he committed such offence, or may sentence him to any of the punishments enumerated in section 46 of the Prisons Act, 1894 (Act 9 of 1894); provided that no prisoner shall be punished twice for the same offence.

Classification of punishments which the Superintendent is competent to award.

703. 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:—

Minor punishments
Section 46 of Act 9
of 1894.

(A) The following punishments shall be considered to be minor punishments:—

- (1) Formal warning;
- (2) Change of labour for a period not exceeding one month to some more irksome or severe form;
- (3) Forfeiture of remission earned, not exceeding 4 days;
- (4) Forfeiture of prison privileges admissible under the remission system for a period not exceeding three months;
- (5) Separate confinement for not more than 14 days;
- (6) Imposition of handcuffs otherwise than by handcuffing a prisoner behind his back; and
- (7) Imposition of link fetters for not more than 15 days.

Major punishments.

(B) The following punishments shall be considered to be major punishments :—

- (1) Hard labour, in the case of prisoners not sentenced to rigorous imprisonment;
- (1A) Change of labour to some more irksome or severe form for a period exceeding one month.
- (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 prison privileges admissible under the remission system for a period exceeding three months;
- (d) Exclusion from the remission system for a period not exceeding three months ;
- (e) Exclusion from the remission system for a period exceeding three months ;
- (3) Separate confinement for a period exceeding 14 days;
- (4) Link fetters, if imposed for more than 15 days ;
- (5) Bar-fetters ;
- (6) Hand-cuffing behind ; and
- (7) Any combinations of minor punishments admissible under section 47 of the Act.

NOTE 1.—The major punishments (2)(b) and (2)(e) and any combination of the major punishments (2)(b), (2)(c) and (2)(e) shall not be awarded by the Superintendent of a prison without the previous sanction of the Inspector-General.

NOTE 2.—Minor punishments (2), (3), (4) and major punishments (1), (1A) and (2) are not applicable to under-trial prisoners. **Rule 927.**

NOTE 3.—Only minor punishments (1) and (5) and major punishment, (3) are applicable to civil prisoners. **Rule 905.**

NOTE 4.—Under section 46(3) of the Prisons Act, hard labour can be awarded to convicted criminal prisoners not sentenced to rigorous imprisonment but must not exceed 7 days.

NOTE 5.—Dismissal of a convict officer from his office, or his reduction from a higher to a lower post, e.g., reduction of a convict night guard to the position of a convict overseer or a convict watchman, or reduction of a convict overseer to the position of a convict watchman, etc., will amount to loss of privilege admissible under the remission system.

708A. No officer subordinate to the Superintendent has the power to punish a prisoner.

Officers subordinate to Superintendent cannot awarded punishment. Section 48 (2) of Act IX of 1894.

708B. In case of urgent necessity a Jailer may place a prisoner under mechanical restraint. In such a case he shall bring the matter to the Superintendent's notice with the least possible delay.

In urgent cases Jailer may place a prisoner under mechanical restraint. Rule 253.

709. Every infringement of jail rules shall be brought to the notice of the Superintendent, who shall decide whether the infringement was committed in such circumstances, e.g., wilfully or without excuse, as to constitute an offence. If the Superintendent is of opinion that the infringement of rule was committed through ignorance or

Punishments to be recorded.

excusable carelessness, he shall admonish the prisoner and dismiss the charge without recording it in the Punishment Register. But if, after communicating to the prisoner concerned the facts alleged against him and giving him an opportunity to state his defence, the Superintendent finds it to be an offence, he shall award some punishment and have it recorded in the punishment Register (W.B.J. Register No. 19) giving all details required by Rule 76 and likewise on the prisoner's history ticket. [See also Rule 734(2) regarding the keeping of a diary of the expiration of terms of punishment awarded.]

W.B.F. No. 4997.

Formal warning.
Rules 75, 552, 762.

710. A "formal warning" is deemed to be a punishment, and shall be personally addressed to the offender by the Superintendent. The punishment for a first offence should ordinarily be a "formal warning". A formal warning shall not be combined with any other punishment.

Change of labour.

711. "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 offences.

Forfeiture of
remission for petty
offences.

Rule 402.

712. 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. This punishment should be used for minor offences in preference to all others as long as the prisoner has any remission to his credit.

Particulars to be
supplied to the
Inspector-General
G.O. No 438-PJ.,
dated 9-2-1931.

713. 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 offence and of the remission the prisoner has earned, and a brief statement of his previous history, accompanied by his descriptive roll, shall be submitted.

Suspension of
prison privileges to
be recorded.

714. Forfeiture of prison privileges includes any of the special privileges allowed to convict overseers (including night guards), and convict watchmen by the rules in Chapter VI of this Code. One or more of these privilege may be suspended. When awarding this punishment, the Superintendent shall record whether it is to be permanent or for a definite period.

715. Deleted.

Handcuff.
Government of
India Resolution
No. 12/500/510
of 31-8-1896.

716. Handcuffs imposed by way of punishments [minor punishments No. (6) and major punishment No. (6)] shall be iron bar handcuffs weighing, with lock, not more than 91 Kg. each, or swivel, with spring-catch handcuffs weighing not more than 57 Kg. each or chain handcuffs weighing not more than 45 Kg. each.

717. Handcuffs may be imposed—

Imposition of
handcuffs and
Ibid.

- (a) On the wrists in front, by day or night, for a period of not more than 12 hours at a time, with intervals of not less than 12 hours between each period and for not more than four consecutive days or nights.
- (b) On the 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. No slings or fastenings other than the ordinary fastenings of the handcuffs shall be used in applying this punishment.

The punishments prescribed in clauses (a) and (b) above shall not be combined in alternative intervals.

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

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

Fetters.

(a) Link fetters, composed of a chain and ankle-rings. The total weight of such fetters, including the ankle-rings, shall not exceed 1.36 Kg. and the chain shall be not less than .61 Metre 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 2.27 Kg. and each bar shall be not less than .51 Metre in length.

719. The maximum period for which fetters may be continuously imposed is thirty days. If the Superintendent finds it necessary to impose fetters for a period exceeding 15 days, he shall obtain previous sanction of the Inspector-General.

Thirty days to be
maximum period
for continuous
imposition of
fetters.

720. 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 be again imposed as a punishment for another prison offence, whether of the same kind or not.

Ten days must
elapse after
imposition of
fetters and before
their reimposition.

721. Fetters of every description shall always be kept bright and polished, and soft leather, blanket or canvas gaiters shall be allowed to prevent abrasion of the skin. Link and bar fetters may be suspended to the waist by a strip of leather, no string or rope being allowed for the purpose. When fetters become worn or thin in any part, they shall at once be changed. Fetters imposed as a jail punishment shall invariably be removed before a prisoner is produced in Court; fetters for safe custody should only be imposed on dangerous prisoners when appearing in Court.

Use of fetters.
Rules 487, 871.

722. Deleted.

723. Deleted.

Separate
confinement.

Rule 735.

Rule 708.

G.O. No. 3285-R.J.,
dated 31-3-1924.

724. "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 from 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 not less than one hour's exercise daily in the common passage in front of the cells or other sufficient space under the eye of a 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, or for any other period the Medical Officer may consider the prisoner fit to undergo.

A minimum period of 15 days should intervene between two punishments of separate confinement.

725. Deleted.

726. Deleted.

727. Deleted.

728. Deleted.

729. Deleted.

Female, juvenile or
civil prisoner
debarred from
handcuffing or
imposition of
fetters.

730. No female, juvenile or civil prisoner shall be liable to any form of handcuffs or fetters as a punishment for prison offence. Handcuffs shall only be imposed on a female as a measure of restraint when there is a likelihood of the woman seriously injuring herself or others, and then for not more than 48 hours at a time.

Combination of
punishments.
Section 47 of Act
IX of 1894.

731. Any two of the punishments enumerated in Rule 708 may be awarded in combination for any one prison offence with the exception that formal warning shall not be combined with any other punishment except the loss of privileges under item (4) of the minor punishments and item 2(c) of the major punishments enumerated in that rule.

NOTE.—No combination of more than two punishments is legal.

732. No punishment of change of labour [minor punishment No. (2)], or of hard labour in the case of a prisoner sentenced to simple imprisonment [major punishment No. (1)], shall be executed until the prisoner to whom such punishment has been awarded has been examined by the Medical Officer and has been certified by him to be fit to undergo such punishment. The Medical Officer shall record his certificate in the Punishment Register. If the Medical Officer considers the prisoner unfit to undergo the punishment, he shall record his opinion in writing and state whether the prisoner is absolutely unfit for punishment of the kind awarded, or whether he considers any modification necessary. In the latter case he shall state what extent of punishment he thinks the prisoner can undergo without injury to his health.

Certificate by
Medical Officer.
Section 50, Act IX
of 1894.

733. Except by order of a Court, 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 prisoner otherwise than in accordance with the provisions of these rules.

No punishment
other than these
specified in the
foregoing rules can
be inflicted except
by a court.

734. The following registers shall be maintained in respect of the punishments inflicted on prisoners in any jail:—

Registers.

- (1) No. 19.—Punishment Register.—In keeping this register the instructions given in Rule 76 shall be strictly complied with. If the prisoner punished is a convict officer his grade shall be stated under his name. The classification of every punishment as major or minor should be carefully recorded in the column set apart for the purpose. If the entry to be made in the column, headed "Evidence of the offence" is a long one, it need not to be restricted to that column, but may be written across the book, provided space is left for necessary entries in relation to the case in the other columns. Entries of judicial sentences for an offence committed in jail should be entered in red ink, in order that they may be readily distinguished. At the end of each month an abstract of offences and punishments according to the headings in Part V of the Quarterly Return No. I shall be entered in this register for the convenience of authorised visitors. At the end of each month a record shall also be made in this register of—

W.B.F. No. 4997.
Rule 60.

Rule 708.

- (a) the total number of punishments inflicted ;
- (b) the daily average strength of convicts (A Class and B Class).
- (c) the percentage of A class prisoners punished ;
- (d) the percentage of B class prisoners punished ;
- (e) the percentage of minor punishments inflicted on B Class prisoners.

Jail Circular No. 77
of 1894.

This information shall also be incorporated in the Annual Report.

W.B.F. No. 4998.

- (2) No. 20—Diary of Termination of Jail Punishments.—It is of great importance that prisoners shall not continue to undergo punishment for longer periods than those ordered by the Superintendent. On the day an order for any punishment which will continue for a specified term is given effect to, the date of expiry of the term of such punishment shall be calculated and the name of the prisoner and particulars of the punishment shall be entered in this diary under the date on which it will terminate. The diary shall be examined by the Jailer every day and orders shall be given on the prisoners' history tickets for the discontinuance of every punishment which terminates on that day.

NOTE.—With regard to the application of these rules to under-trial prisoners, to prisoners sentenced to simple imprisonment and to civil prisoners, see Rules 927, 944 and 905. With regard to the use of handcuffs or fetters for restraint, see Rules 253 and 730.

CHAPTER XX

Relating to the Treatment of Prisoners in Cells

735. Cells for separate and solitary confinement shall, if possible, be provided in all jails. If such cells are not in accordance with the standard plan, the Inspector-General shall examine them and certify that they are fit for the purpose. Each cell shall have a yard attached to it, where the prisoner can have the benefit of fresh air without having the means of communication with any other prisoner. There shall be a general yard in connection with the cells constructed for cellular confinement, in which each prisoner confined in them can be bathed, fed, and exercised at the regular hours. In the outer door of the separate yard attached to each cell an eye-hole shall be made so that the prisoner can be seen without seeing any one.

Provision of cells in
Jails.
Rule 1180.

Rule 724.

(G.O. No. 2070-HJ.,
dated 12-7-1955/
2P- 53/54.)

Well-behaved prisoners confined in cells, may be allowed to keep with them photographs of their very near relations such as parents, wives and children and the pictures of deities, at the discretion of the Superintendent, who may withdraw such concession in individual cases on grounds of discipline. The size of the photographs or the pictures shall not be bigger than that of a Post Card.

736. The cells may be used for—

Use of the cells.
(G. O. No. 3285-HJ.,
dated 31-3-1924.)

- (a) carrying out sentences of solitary confinement under sections 73 and 74 of the Indian Penal Code;
- (b) the separate confinement of prisoners under section 46(8) of Act IX of 1894;
- (c) the separation of habituals under Rule 627;
- (d) the separation of juveniles at night—see Rule 965;
- (e) the separation of confessing under-trial prisoners—see Rule 912;
- (f) purposes of restraint—see Rule 253;
- (g) the medical observation of lunatics—see Rule 1038;
- (h) medical observation and separation of prisoners supposed to be suffering from bowel-complaints or other sickness, or to be causing sickness or sores by the use of deleterious substances or who are suffering from contagious affection;
- (i) the confinement of prisoners condemned to death— see Rule 980;
- (j) quarantine —see Rules 505 and 1246.

737. Every cell shall be provided with a surahi or covered receptacle containing drinking water, vessels with close fitting covers for the reception of excreta, both solid and liquid, and a receptacle containing dry earth.

Equipments in a
cell.
Rules 1199, 1200.

Custody of the keys of cells.

Rule 287.

Rule 189.

Rule 448A.

738. Only permanent warders shall be placed in charge of cells. The keys of cells shall, during the day, remain ordinarily in the custody of the permanent warder in charge. At night the keys shall remain in the custody of the patrolling, Head Warder except in the cases of cells containing prisoners under medical observation. The keys of such cells may, at the discretion of the Medical Officer, remain with the warder in charge.

The keys of cells shall never be entrusted to convicts.

The lock of every cell shall be examined daily by the Head Warder responsible and frequently by the jailor.

Prisoner in cell to be in charge of permanent warder.

See Sec. 29.

Act IX of 1894.

739. Every prisoner confined in a cell shall, invariably, be in the immediate charge of a permanent warder assisted, if necessary, by specially selected convict officers. Both by day and by night the guards shall be so posted and arranged that all prisoners in cells shall at all times have the means of communicating with a jail officer. Every prisoner so confined shall be visited by a Head Warder once every two hours during the day and night. The relieving and relieved Head Warders, warders and convict guards shall visit the cells together at every change of guard to see that the correct number is confined in them, and that all is well.

Watch on prisoners in cells.

Rule 119.

740. A strict watch shall be kept over all prisoners confined in cells to prevent them from committing suicide or injuring themselves. Every lunatic, suspected lunatic or prisoner suspected of suicidal tendencies under medical observation in cell shall be carefully watched both by day and night. Specially selected convict officers may be detailed for this purpose during day time outside the cells in the proportion of not more than one convict officer to every three adjacent cells. Such convict officers shall be placed under the immediate orders of the warder in charge; they shall be instructed as to the character and possible tendencies of their charges and shall be warned to give immediate information to the warder in charge of any symptom of a suspicious nature exhibited by the prisoners under their observation.

Rule 641.

A prisoner sent to a cell for medical observation shall be frequently visited by the warder on duty, who shall send information to the Medical Subordinate of any change which may take place in the prisoner's condition. During the time that the prisoner is under observation, he shall receive such food as the Medical Officer may consider necessary.

Sickness in cell.

Rule 562.

Rule 190.

Rule 982.

741. In case of sickness immediate notice shall be given by the guard to the Head Warder on duty by passing the ward from sentry to sentry. The Head Warder shall at once report the case to the Medical Subordinate, who shall visit the cell, and, if necessary, remove the prisoner to hospital, and inform the Superintendent, Medical Officer and Jailor of the circumstance at their next visit. Two prisoners shall,

under no circumstances whatever, be confined in one cell except in the case of female prisoners condemned to death. If male condemned prisoners or dangerous lunatics have to be watched by convicts, they must remain outside the grated door of the cell. Convict sweepers, cooks and watermen may enter the cells when necessary, accompanied by a warder. Food shall be cooked and carried to the cells by prisoner-cooks of suitable caste, under the superintendence of a jail officer.

742. Every prisoner confined in a cell for more than 24 hours shall be visited daily by the Superintendent and also by the Medical Officer or Medical Subordinate. The Jailer shall visit the cells and see every prisoner confined therein daily.

Visit of prisoners in cells by Jail Officers.
Rule 78.
Rule 248.

743. The warder in charge of the cells shall receive no prisoner for separate or cellular confinement without a written order from the Superintendent, which shall generally be given on the prisoner's ticket and shall be produced when called for by any inspecting officer or visitor, and shall receive no prisoner for separation by day or night under rule 627 without an order from the Superintendent or Jailer.

No separate or cellular confinement without written order of Superintendent.

No person shall be placed in judicial solitary confinement until he has been certified by the Medical Officer as fit for such confinement.

Rule 562.

744. A ticket shall be suspended over the cell, or cell yard door of every prisoner undergoing confinement in such cell, showing the period of confinement ordered and the date from which such confinement commenced.

Ticket to be suspended over the cell or its yard door.

745. A register shall be kept in the vernacular by the warder in charge of the cells, showing the date on which each prisoner is admitted and discharged, the nature of the confinement ordered, and the amount of task work done daily.

Register showing particulars of prisoner in cell.
Rule 247.

746. Before being put in a cell each prisoner shall be very carefully searched, and all implements and appliances likely to facilitate escape or suicide shall be taken away: and every cell and every prisoner therein shall be carefully searched daily at lock-up time, and oftener if necessary.

Daily search of prisoner in cell.

747. The bedding of prisoners in cells, except that of prisoners under observation for sickness or insanity, shall be withdrawn from the cell during the day, and exposed to the sun and air when the weather permits. The inmate of a cell shall at all times be compelled to keep it scrupulously clean.

Bedding of cell prisoner to be exposed to the sun and air at day time.

748. Labouring prisoners in solitary confinement shall be supplied, according to their capacity with suitable work which can conveniently be done in the cell.

Work for labouring prisoner in cell.

Strict silence to be observed by cell prisoners.

749. Strict silence must be maintained by all prisoners in confinement in cells.

NOTE.—For the treatment of condemned prisoners in cells, see Chapter XXXI.

Rules of this Chapter not to apply to female prisoners in cells in certain cases.

749A. The foregoing rules of this Chapter shall not apply to the confinement of female prisoners in cells when they are at variance with Rules 293, 947, 950, 982 and 983 of this Code.

CHAPTER XXI - REMISSION

750. Deleted.

751. In these rules,—

Definition.

- (a) “Prisoner” includes a person committed to prison in default of furnishing security to keep the peace or be of good behaviour;
- (b) “sentence” means a sentence finally fixed on appeal, revision or otherwise, and includes an aggregate of more sentences than one and an order of committal to prison in default of furnishing security to keep the peace or be of good behaviour;
- (c) “life-convict” means a prisoner sentenced to transportation or imprisonment for life and for purposes of remission the period of detention or imprisonment should be treated as equivalent to twenty years.

752. Deleted.

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

Cases not eligible for ordinary remission.

- (1) in respect of any sentence of imprisonment amounting, exclusive of any sentence passed in default of payment of fine, to less than four months; and
- (2) in respect of any sentence of simple imprisonment except for any continuous period not being less than one month during which the prisoner labours voluntarily.

753A. If a prisoner’s sentence or total of sentences is reduced on appeal to less than four months he shall cease to be eligible for ordinary remission under these rules, and any remission that he may have earned prior to the reduction of his sentence or sentences shall be forfeited.

Ordinary remission forfeited and not admissible if sentence reduced to less than four months on appeal.

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

Cancellation of remission for offences committed in jail.
G.O. No. 11236-RJ.
of 10-12-23.

Re-admission of a prisoner to the remission system.

755. The Superintendent may, with the previous sanction of the Inspector-General, re-admit to the remission system any prisoner who has been removed therefrom under Rule 708. Such a prisoner shall earn remission under these rules from the commencement of the month following such re-admission.

Scale of remission.

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

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

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

G.O. No. 11236-RJ. of 10-12-23.

Explanations.—(1) A prisoner who is unable to labour through any cause beyond his control, for example by reason of being at Court, in transit from one jail to another, in hospital or on an invalid gang, shall be granted remission under clause (a) of this rule on the scale earned by him during the previous month if his conduct prior to and during the period in question has been such as to deserve such grant.

G.O. No. 925-HJ. of 30-3-59.

(2) For the purposes of this rule a prisoner shall be entitled to one day's remission for any fraction of a month consisting of 15 days or more.

Remission for convict officers. Rule 407. Rule 394.

757. In lieu of the remission allowed under rule 756, convict night guards shall receive seven days' remission per month, convict overseers six days' per month and convict night watchmen five days' per month.

Calculation of remission.

758. Subject to the provisions of Rule 755, remission under Rule 756 shall be calculated from the first day of the calendar month next following the date of the prisoner's sentence. Any prisoner who, after having been released on bail or because his sentence has been temporarily suspended, is afterwards re-admitted to jail shall be brought under the remission system on the first day of the calendar month next following his re-admission, but shall be credited on his return to jail with any remission which he may have earned previous to his release on bail or the suspension of his sentence. Remission under Rule 757 shall be calculated from the first day of the next calendar month following the appointment of the prisoner as convict night guard, convict overseer or convict night watchman.

Extra remission for prison services.

759. Prisoners employed on prison services, such as cooks and sweepers, who work on Sundays and holidays, may be awarded one day's ordinary remission per month in addition to any other remission earned under these rules.

760. Any prisoner eligible for remission under these rules who for a period of one year reckoned from the first day of the month following the date of his sentence or the date on which he was at punished for a prison offence, has committed no prison offence whatever, shall be awarded fifteen days' ordinary remission in addition to any other remission earned under these rules.

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

761. Ordinary remission shall be awarded by the Superintendent or, subject to his control and supervision and to the provisions of Rule 762 by the Deputy Superintendent or Jailor.

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

If a prisoner has not been punished during the quarter otherwise than by a formal warning, he shall be awarded the full ordinary remission for that quarter under Rule 756, or if he is a convict officer under Rule 757.

If a prisoner has been punished during the quarter otherwise than by a formal warning, the case shall be placed before the Superintendent, who after considering the punishment or punishments awarded, shall decide what amount of remission shall be granted under Rule 756, or, if the convict is a convict officer, under Rule 757. All remission recorded on the prisoner's history ticket shall be entered quarterly on the Remission Card (W.B.J. Register No. 18).

763. The award of ordinary remission shall be made, as nearly as possible, on 1st January, 1st April, 1st July and 1st October, and the amount shall be intimated to the prisoner and recorded on his history ticket. Remission granted to a prisoner under Rule 760 shall be recorded on his history ticket as soon as possible after it is awarded.

764. Deleted.

765. Special remission may be given to any prisoner whether entitled to ordinary remission or not, for special services, as for example—

- (1) assisting in detecting or preventing breaches of prison discipline or regulations ;
- (2) success in teaching handicrafts ;
- (3) special excellence in, or greatly increased outturn of, work of good quality ;
- (4) protecting an officer of the prison from attack ;
- (5) assisting an officer of the prison in the case of outbreak, fire or similar emergency ;

- (6) scrupulous attention to Jail Regulations and freedom from any jail punishments on his ticket, except warning for three consecutive years; and
- (7) proficiency as a teacher or pupil in the Jail School.

766. Special remission may be awarded—

- (a) by the Superintendent to an amount not exceeding thirty days in one year ;
- (b) by the Inspector-General or the State Government to an amount not exceeding sixty days in one year.

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

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

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

768A. A special remission of twenty days shall be awarded to prisoners who donate blood for the first time; for each subsequent donation, this remission should be two days in addition to that awarded for the immediately preceding donation, i.e., the remission for the second donation will be 22 days, for the third 24 days and so on, subject to the following conditions:

- (1) that no prisoner with a sentence not exceeding two months shall be entitled to any such remission;
- (2) that no prisoner with a sentence exceeding two months but not exceeding 3 months shall be permitted to reduce his sentence to less than 2 months by such remission;
- (3) that no prisoner with a sentence exceeding 3 months shall be permitted to reduce his sentence by more than 30 per centum by such remission ; and
- (4) that the restriction mentioned in Rule 768 shall not apply to remission earned under this rule .

NOTE.—The following instructions may be observed for allowing prisoners to donate blood :

- (1) No prisoner should be allowed to donate blood again before the expiry of 2 months from the date of last donation. Under no circumstances should this instruction be relaxed.
- (2) The weight of the donor must not be less than 42 kg. and the donor must be physically fit to donate blood. The Medical Officer should note that the intending donor has not suffered from any serious illness within two years nor does he suffer from Anaemia, Hookworm, Pleurisy, Tuberculosis, Diabetes, or any organic condition of the heart ; he must not also have undergone any serious operation within six months.

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

770. Deleted.

771. Save as provided by sub-rule (1) of Rule 591, when prisoner has earned such remission as entitles him to release, the Superintendent shall release him.

772. When a prisoner is released under Rule 771 the total amount of remission earned by him shall be endorsed on his warrant and the endorsedment shall be signed by the Superintendent.

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

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

774. Remission Cards (W.B.J. Register No. 18) shall be retained in the office of a jail for a period of one year after the release of the prisoner to whom they relate. When a prisoner is transferred to another jail his remission card showing remission earned up to date of his transfer shall be sent with the prisoner.

775. An abstract of the above remission rules (in W. B. J. F. No. 36), in the language of the State shall be posted up in every barrack.

776. The appointment of convicts to the posts of convict watchman and convict overseer, authorised by Chapter VI shall be dependent upon the number of days' remission earned. These posts and the privileges they carry are therefore "privileges under the remission system" with reference to section 46(4) of Act IX of 1894. See Rule 714.

777. Deleted.

778. Deleted.

Method of
recording the
award of remission.

779. When recording the award of ordinary remission as prescribed in Rule 763 the officer concerned shall at the same time bring forward in the prisoner's history ticket the total of all remissions previously earned in the following manner:—

Remission (in days) to end of			Quarter 19.....	
Brt. Forwd.*	Ordinary †	Special †	Forfeited ‡	Total §
+	+	-	=	
* i.e. from last quarter.			† Awarded for the quarter.	
‡ During the quarter.			§ Grand total up to end of the quarter.	

Remission Card.
W.B.F. No. 4996.

780. REMISSION CARDS (W. B. J. Register No. 18).

(1) On the admission of any prisoner entitled to the grant of ordinary remission under these rules, the Jailor shall prepare, or cause to be prepared a "Remission Card" in respect of such prisoner. All the entries on this card shall be made with great care; the register number of the prisoner must be entered in the appropriate space in bold figures. No knife erasures shall be permitted, but clerical inaccuracies shall be crossed through and the corrections shall be initialled by the Jailor personally. Prisoners who, though not entitled to the award of ordinary remission, have been granted special remission, shall similarly be provided with remission cards whenever necessary.

(2) Before the end of the first week of every quarter, the award or forfeiture of remission shall be copied into this card from the prisoner's history ticket, under the initials of the officer making the entry who shall, at the same time, verify the accuracy of the various entries in the prisoner's history ticket, relating to remission awarded, or forfeited during the past quarter. Any extraordinary remission of sentence (such as Independence Day remission) that may have been granted by Government, independent of the remission system, shall be entered in red ink in the column for special remission.

(3) During the last year of imprisonment, the date of release (after deducting the remission actually earned) shall be entered in the appropriate column, as a guide to the preparation of the Monthly Remission Roll (W. B. J. Form No. 34).

W.B.F. No. 5094.

(4) The officer whose initial is appended to any entry in the remission card shall be held responsible for any undue detention or premature release of any prisoner resulting from the inaccuracy of any such entry.

(5) Remission Card shall be kept in a special locked box, or almirah, divided into compartments.

(6) Cards shall be arranged in each compartment serially according to the register number of the prisoners, or in bundles according to the months of release.

(7) No prisoner shall, under any circumstances, be allowed access to any Remission Card.

(8) Remission Cards of released prisoners shall be preserved for one year after the release of such prisoners.

781. In the first week of each month the officer in charge of the Remission Cards shall prepare the Remission Roll (W. B. J. Form No. 34) showing the names of all those prisoners who, on the supposition that they will earn their full ordinary remission during the current month, will be entitled to release in the course of the month next ensuing. He shall, at the same time compare the Remission Card and History Tickets of such prisoners and after verifying the accuracy of the entries, shall enter the "Probable date of release" of each prisoner in the Remission Roll and History Ticket. Remission Roll.

The Remission Roll shall be submitted to the Superintendent signed by him and filed in the office.

781A. (a) The benefit of remission admissible under the foregoing rules of this chapter shall be available to a transferred prisoner. But except as otherwise provided, nothing contained in Rule 591 of the Jail Code shall apply to such a transferred prisoner.

(b) When it is considered desirable to release a transferred prisoner before he completes his term of sentence (including remission earned) and sanction under section 401, Criminal procedure Code, is required, e.g., under the 14 years, rule, or for any reason mentioned in sub-rule (5), (8) or (11) of Rule 591 of the Jail Code or on the recommendation of the Advisory Board as enumerated in Rule 591 of the said Code, the Superintendent of the jail in which such prisoner is confined shall, except as otherwise provided in sub-rule (13) of Rule 591 of the said Code, forward his case together with necessary documents including recommendation, if any, of the Advisory Board, through the Inspector-General to the State Government which shall forward the case with its recommendation to the Government of the State where the prisoner was convicted for obtaining orders of that State Government. In the case of Court-Martial prisoners or such transferred prisoners as have been convicted for offences against laws in respect of matters to which the executive power of the Union extends, orders of the Central Government shall be obtained in such cases.

(c) Remission granted on the occasion of public rejoicing, e.g., in connection with Independence Day, Republic Day, etc., granted to prisoners convicted in West Bengal shall not be allowed to a transferred prisoner unless the Government of the State in which such prisoner was convicted so orders. And on every such occasion the Superintendent of the jail in which such transferred prisoner is confined shall move the Inspector-General who shall move the State Government for obtaining the orders of Government of the State concerned and await orders as to whether any special remission on such occasion should be granted.

Explanation.—The expression “transferred prisoner” in this rule shall mean a prisoner convicted in a Court in a State outside West Bengal, and received in a jail in West Bengal and confined there.

NOTE.—“Necessary documents” means the judgment of the convicting court, the report of the District Magistrate or the Commissioner of Police about the previous history and character of the prisoner, the opinion of the District Magistrate and the Superintendent of Police as to whether there is any objection to the prisoner’s premature release, etc. In the case of a transferred prisoner the Superintendent of the jail shall move the Inspector-General for securing the aforesaid materials from the State concerned and making them available to him.

CHAPTER XXII

Labour and Jail Industries

782. No prisoner sentenced to labour or employed on labour at his own desire, shall, except on an emergency, and by the written order of the Superintendent entered in his minute-book or the prisoner's history ticket, be kept to labour for more than nine hours in any one day. No work, except menial and necessary work, shall be done on Sundays and jail holidays.

Hours of labour for a prisoner.
See section 35(1), Act IX of 1894.
Rules 73, 942.
Rule 653.

783. Prisoners shall commence work as soon as the morning parades and distribution of prisoners into gangs shall have been completed. Ordinarily, this should be within one hour after the opening of the wards.

Hour to commence work and the periods of labour.

The periods of labour shall be as follows:—

Labour Time Table

Season			Time.			
			A.M.		P.M.	
From		To	Begin work.	Stop work.	Begin work.	Stop work.
16th March	..	30th April	About one hour after dawn	10-30	1-0	4-30
1st May	..	31st August		10-30	1-0	5-00
1st September	..	15th October		10-30	1-0	4-30
16th October	..	15th March		11-15	12-30	4-00
			(12-45 on Fridays)			

G.O.No. 661-RJ.,
dated 22-1-1923.

But the "Special" gangs shall not resume work in the afternoon until 1-30 p.m., between 16th October and 15th March, and until 2 p.m., during the remainder of the year. During rest time, prisoners shall be locked in their sleeping wards.

Rules 1218, 1220.

784. All labour shall be classified as "hard," "medium" or "light", according to the amount of physical exertion required for the performance of a fixed task, and maximum tasks to be performed by prisoners shall be fixed. The tasks or proportion of a task or special labour which each prisoner is physically fit to perform is determined by the Medical Officer, and no prisoner shall be made to perform any harder labour than that fixed by the Medical Officer and entered from time to time on each prisoner's history ticket.

Classification of labour. Prisoner to perform task allotted to him.
Rule 507
Rules 95, 507, 553.

The task to be performed by any adult female or juvenile convict, shall not in any case exceed two-thirds of the maximum task for hard and medium labour respectively prescribed in respect of adult male convicts.

785. Every jail shall be provided with apparatus for hard labour sufficient for the number of prisoners who are likely under the rules to be employed on such labour.

Reasonable time to be allowed to prisoner to acquire skill.
 Rules 252, 636.
 Rules 555, 556.

786. Every convict on being first put to any kind of work shall be allowed a reasonable time in which to acquire the skill necessary for the performance of the prescribed task, and if during this time he shows due diligence and makes satisfactory progress he shall be allowed the remission for industry. The time necessary for working up to a full task will depend upon the nature of the work and care must be taken to make due allowance, in estimating a convict's progress, for differences of mental and physical capacity. In every case when allotting to a prisoner new work (whether on admission or subsequently) the Superintendent, or, subject to his control, the Deputy Superintendent or Jailer, shall note on the prisoner's history ticket the exact task he is to begin with, and subsequently every increase required, up to the full task.

Frequent change of work, except on medical grounds, should be avoided, but the harder forms of labour, should not be continued indefinitely without variation, and sedentary work should occasionally be changed for work involving more general movement. It is expected that every Superintendent shall be acquainted with the tasks to be performed by his prisoners. No general reduction of the tasks fixed in rule 789 shall be allowed in any jail without the sanction of the Inspector-General. In allotting labour to a prisoner and fixing his task the Deputy Superintendent or Jailer must be guided by the record of fortnightly weighments in his ticket.

Completion of work with material which admits of weighment or measurement.

787. Whenever the material given to a prisoner to work upon admits of weighment or measurement, the task he is to perform in the course of the day shall be weighed or measured out to him before he commences the work, in order that both the prisoner and the warder in charge of him may see how the work progresses as the day advances.

Measurement of work done by the prisoners.
 Rule 799.

788. Before the prisoners leave their worksheds or places of work on stoppage of work in the afternoon, the Jailer and Head Warders or Task-takers, if any, shall go round and measure the work done, at the same time carefully noting it in the Task-ticket of the prisoner concerned. In large jails an educated prisoner may be employed to assist in keeping this task ticket. Every prisoner who has done less than the task allotted to him shall also have it recorded on his history ticket and shall be brought before the Superintendent. In respect of prisoners working at industries requiring skilled Workmanship the task may be taken and recorded every second or third day as found expedient.

Payment to convicts for work done in Jails.
 (G.O. No.1336-HJ., dated 29-4-55.)

788A. All prisoners with sentences of rigorous imprisonment for more than three months shall be paid wages for the work done in jails where the system of payment of wages to convicts is operative provided that no payment will be made to a convict for he first three months and no payment will be made when the output of work falls short of the prescribed task.

The rate of payment will be as follows:—

- (i) hard labour—37 P. per head per day;
- (ii) medium or light labour—25 P. per head per day;
- (iii) bonus of 12 P. per head per day for additional work in excess of the prescribed task to the extent of 25 per cent. or more.

Out of his wages, a prisoner may buy the articles enumerated in Rule 655, at the discretion of the Superintendent, or remit to the members of his family or dependants, up to an amount not exceeding half the sum at his credit. The balance shall be paid to him at the time of release, either in cash or in the shape of tools for the craft in which he has been trained in jail.

789. Subject to such alterations regarding kind of work or industries and their classification as may be made from time to time with the sanction of the State Government, the various industries and kinds of work carried on in the Jails of West Bengal may be classified as shown in the following statement, in which also the maximum tasks to be exacted are indicated where the work admits of an uniform task being fixed :—

1 Manufacture or service.	2 Description of work.	Classification and task.			Remarks 6
		3 Hard labour.	4 Medium labour.	5 Light labour.	
Bamboo and cane work	Splitting and dressing cane	...	.91 metre x .46 metre	Task according to thickness and length.	
	Floor matting (Bamboo)	...	...	1.83 metres x .91 metres.	Per man.
	Privy baskets (Bamboo)	...	8 ...	4 ..	..
	Scoops Bamboo	...	3 ...	1½ ..	..
	Tokas Bamboo	...	2 ...	1 ..	..
	Umbrellas (Bamboo)	...	1 ...	½ ..	..
	Cane baskets (coolies)	...	2 ...	1 ..	..
	Cane chairs	...	1/4 to 1/5	..	..

Classification
of prison labour.

Manufacture or service.	Description of work.	Classification and task.			Remarks.
		Hard labour. 3	Medium labour. 4	Light labour. 5	
1	2	3	4	5	6
	Plaiting sinnet ...	...	27.43 Metres	...	Per man.
	Plaiting sinnet double ...	...	9.14 Metres	...	
	Weaving brushmat (fine) ...	...	.19 sq. Metre	...	
	Weaving brushmat (fine- thickly woven)	...	.61 Metre X.08 Metre	...	
	Weaving brushmat (thickly woven) (Coarse).	...	.56 sq. Metre	...	
	Weaving Matting, .91 Metre wide.	4.57 Metres in length	....	...
Cooking ..	Hard or medium labour	1 cook to 30 prisoners.	1 cook to 30 prisoners.	Cannot be tasked.	
Convict-overseer, clerical work, compounder's assistant.	Light work	...	...	...
Cotton ..	Bowing cotton with dhanuk	3 Kg. and 730 Gm.	1Kg. and 870 Gm.	...	Per man.
	Spinning by Hand (coarse) 10s.	...	175 Gm.	87 Gm.	
	Twisting cotton yarn, see "Carpets"	...	...	...
	Twisting cotton yarn, No. 6 for cotton and threads.	...	...	4 Kg. and 670 Gm.	
	Weaving dusters, .76 Metre wide, with fly shuttle loom.	18.29 Metres	9.14 Metres	...	
	Weaving prison clothing, .66 Metre wide, with fly shuttle loom.	18.29 Metres	9.14 Metres	...	
	Ditto, Country handloom	10.97 Metres	5.49 Metres	...	
	Weaving cloth by power-driven looms.	27.43 Metres	18.29 Metres	...	
	Weaving durries ...	...	.61 Metre x.61Metre	.30 Metre x .61 Metre	
	Ditto, newar .05 Metre	...	13.72 Metres	...	
Dyeing ..	Medium or light special task	...	...	...

Manufacture or service. 1	Description of work. 2	Classification and task.			Remarks. 6
		Hard labour. 3	Medium labour. 4	Light labour. 5	
Gardening	...				
	Digging with Kodali. 3 Metre deep dry hard soil.	7.08 cu. Metres	3.53 cu. Metres	...	Per man.
	Digging with Kodali. 3 Metre deep moist soil.	11.33 cu. Metres	5.66 cu. Metres	...	
	Ploughing	568.55 sq. Metres	...	10.97 Metres x 2.74 Metres.	
	Weeding	...	...	...
	Repaing paddy	166.12 sq. Metres	...	...
Grain handling and husking for jail use.	Water drawing by oxen pulling mote.	To tend and empty mote, one man.	To drive bullock, one man.	...	
	Water drawing by hand or pump hard.	Task according to lift.	...	...
	Storing and weighing grain, hard.	Task according to work to be done.			
	Cleaning grain before grinding	...	299 Kg.	149 Kg.	
	Ditto bazar rice in ukli	...	75 Kg.	37 Kg.	
	Dhan husking with dhenki	37 Kg.	23 Kg. and 330 Gm.	...	
	Grinding wheat fine sifted with gauze sifter 30 per 2.5 cm.	11 Kg. and 200 Gm. grain.	6 Kg. and 530 Gm. grain.	...	
	Ditto for atta, coarse with perforated zinc sifter 12 holes per 2.5 cm.	18 Kg. and 660 Gm. grain.	9 Kg. and 330 Gm. grain.	...	Per man.
	Grinding Makai (Coarse)	14 Kg. grain.	7 Kg. and 460 Gm. grain.	...	
	Ditto dal for husking and winnowing.	...	37 Kg.	...	
	Winnowing and cleaning dal	...	...	187 Kg.	

Manufacture or service.	Description of work.	Classification and task.			Remarks.
		Hard labour.	Medium labour.	Light labour.	
1	2	3	4	5	6
Hair cutting	Sifting wheat flour, fine...	...	112 Kg.	55 Kg. and 660 Gm.	Per man.
	Ditto Coarse	...	224 Kg.	112Kg. ...	
	Ditto Suji	...	18 Kg. 660 Gm.	9 Kg. and 330 Gm.	
	Light labour	...	...	To cut hair of 50 prisoners a day.
Hospital attendants	Light labour	1 attendant to 10 patients.	Per man.
Masonry and building work	Mason's work up to .91 Metres.	.57 Cu. Metre	.42 Cu. Metre	...	
	Ditto above .91 Metre	.42 to .57 Cu. Metre	.28 to .42 Cu. Metre	...	
	Attendants	...	1 to each mason	...	
	Digging and excavating four-	2.83 Cu. Metres	1.52 Cu. Metres	...	
Money bag	For Rs.1,000	1 bag	Per man.
Oil Pressing	For small change	...	...	1/2 bag
	Cleaning mustard seed	...	299 Kg. per man	149 Kg. per man	
	Pressing mustard seed by power-driven mills.	Special task at Presidency Jail for working the mills and other miscellaneous works.	...	...
Printing	Hard, medium and light	Task according to work.	...	Cannot be tasked.	May be done by Special gang".
Punkha-Pulling	Light work	...	...	...
Scavenging	Removing night-soil, cleaning latrines.	1 methar to 50 prisoners.	1 methar to 30 prisoners.	...	
Sweeping and weeding roads	Light labour	...	"	May be done by Special gang".	
Tailoring	Special task in Central Jails,	may be either medium or light.	Task according to work.	...	May be done by Special gang".
Tin-work	Various medium labour	...	...	...
Washerman for hospital or warders.	Medium labour	...	Cannot be tasked	...	
	

In any case when the work is such as can be tasked, and a task is not specified in the above statement or when any work not entered therein is performed, the Superintendent shall, in consultation with the Medical Officer, fix a task for each description of work done, and shall report it to the Inspector-General for approval.

Object to be kept in view in selecting prison labour. Some main industries adapted to meet the needs of the Jail Department and of other departments of Government to be carried on in large jails. G.O. No. 1003 / TR., dated 4-9-1923.

790. In the selection of prison labour the main object to be kept in view should be the reformation of the criminal. Nonproductive labour should be avoided. Short term prisoners must necessarily be employed mainly on unskilled labour. But if a short-term prisoner has previous knowledge of any trade, he should, if possible, be put on that trade. The prisoner derives greater benefit by getting the best available instruction in up-to-date methods of labour and this also fits him for free living under modern conditions. To ensure this one or two main industries should be carried on in the larger jails. Jail industries should be adapted to meet the needs, firstly, of the Jail Department and, secondly, of other consuming departments of Government. In Central Jails power-driven machinery may be employed for the main industries. This is conditional on consultation and co-ordination between the jail and the Industries Department, including consultation of the latter by the former on the prices to be fixed for jail products.

Sanction of I.G. required in introducing new industry.

Government Departments to purchase jail made goods when available.

G.O. No. 1487/PJ., dated 25-4-30.

790A. No new industry shall be introduced in any jail without the sanction of the Inspector-General.

791. A complete and detailed catalogue of the articles manufactured in jails shall ordinarily be published at the beginning of every year and distributed to the departments of the Government of West Bengal. Prices of the articles shall be fixed as far as possible for a period of one year. All articles mentioned in the catalogue and required by Government Departments must normally be obtained from jails or the Jail Depot at Writers' Buildings and may only be purchased from private firms if the cost of buying articles in this way is materially less than that of obtaining them from jails or the Jail Depot after taking the cost of transport into account, or if the jail or the Jail Depot intimates its inability to supply the articles within the time specified. This rule does not however apply to any Government Department, institution or concern which is in a position to produce its own articles of manufacture and nothing in this rule shall be held to debar a Government Department from purchasing articles from any other manufacturing Department or institution under the Government of West Bengal, e.g., Department of Industries, Orphanages, and industrial institutions under the Education Department, etc., when it is cheaper or more convenient for it to do so. This rule has the concurrence of all Departments of Government

Selection of jail industries.

792. In deciding upon the work to be done, the Superintendent must exert himself, in conjunction with the Deputy Superintendent, if there is one, and the Jailer and

also the Manager, Jail, Depot, to ascertain what are the branches of labour which will meet the requirements—firstly, of the jail service; secondly, of the other consuming Departments of Government; and thirdly, the Statutory Local Bodies. After these means of employment are exhausted he must make himself acquainted with the state of the market and ascertain what other industries are likely to be most profitable and how articles can be best disposed of. At the same time in deciding on the nature of industries he must consider whether the work is useful and profitable and whether training in the particular branch of work will be helpful in the ultimate rehabilitation of the prisoner after discharge from jail.

The Superintendent will be held responsible for the pecuniary success of the jail.

793. The total number of prisoners employed regularly in essential jail services as cooks, barbers, water-carriers, sweepers, etc., shall not exceed 10 per cent. of the whole number of prisoners in Central and 1st or 2nd class District jails and 12 percent. in 3rd class District jails. (For the proportion of cooks, sweepers and hospital attendants to the number of prisoners to be attended to, see Rule 789.) The appointment of cooks is regulated by Rule 1117. The barber should belong to the A class. Sweepers should be chosen from the Methur or Hari caste, also from the Chandal or other castes, if by the custom of the district they perform similar work when free, or from any caste if the prisoner volunteers to do the work. Hospital attendants should be selected from prisoners passed for light work or those who have completed at least half their sentences. Hospital attendants shall wear a plain square red badge, 5 cm. x 5 cm., on the left breast of the kurta. Prisoners in the “convalescent and infirm” gang may be put to this duty under the Medical Officer’s orders. If there is a large number of serious cases in hospital, the proportion of one attendant to 10 patients may be temporarily exceeded; with this exception, Superintendents must see that no more than the authorised percentage of prisoners is employed as jail servants or as convict officers. If any convict employed in an essential jail service has not enough work to occupy his whole time, he should be placed upon some other work for the remainder of his time.

Percentage of prisoners employed as jail servants.

G.O. No. 821/RJ.,
dated 21-1-1926.

Rule 1306.

794. Jail labour may be utilized—

- (1) for the preparation of building materials within the jail premises;
- (2) for the construction of large works under the Public Works Department, such works being either within the jail premises, or so close to them as to render the provision of separate accommodation for the prisoners unnecessary. Otherwise, the employment of prisoners beyond the jail is prohibited, except with the previous sanction of Government provided that—
 - (i) climatic conditions are favourable ;

Utilisation of jail labour.

G.O. No. 1003 / TR.,
dated 4-9-1923.

- (ii) proper accommodation is arranged;
- (iii) sanitation is satisfactory; and
- (iv) habitual convicts are separated from casual convicts.

Jail labour shall be utilized to the fullest possible extent in the erection and repair of all buildings connected with jails.

Eligibility of prisoner for extramural labour. G. O. No. 467/ HJ., dated 21-3-1947.

Rules 336, 552.

795. All prisoners sentenced to eighteen months' imprisonment or less are eligible for extramural labour. Those sentenced to a longer period become so eligible after serving at least one-third of their sentence. The Superintendent's sanction recorded on the history ticket is necessary for passing out a prisoner for extramural work but no eligible prisoner who has more than one year's sentence to run can be employed on extramural work without the sanction of the Inspector-General. This rule applies to both A class and B class prisoners, but the two classes shall not work together. It also applies to work either on jail land or beyond the jail precincts. No prisoner shall be passed out of the jail for extramural work without the sanction of the Superintendent recorded on his history ticket.

Prisoners who escaped or attempted to escape or appear to have a tendency to escape should not be passed for extramural work. Prisoners against whom any charge is pending in court or who would have to undergo a period of police surveillance after expiry of their sentence should not be passed for extramural work.

Non-employment of female prisoner outside the female enclosure.

795 A. No female convict shall be employed outside the female enclosure of any jail.

Prisoners employed in the garden.

Rule 1151.

796. Prisoners employed in the garden shall ordinarily be of the A class with short unexpired sentences, and shall be specially passed for such work by the Superintendent's order recorded on the history ticket; and no prisoner passed for hard or medium labour shall be put to the lighter forms of gardening or agricultural work, which shall be reserved for those passed for light labour or specially ordered such work by the Medical Officer on medical grounds. A gang of five prisoners with a convict overseer may be employed in the garden of a Superintendent of a Central Jail when that officer resides on the jail premises in quarters provided by Government. If the Deputy Superintendent or Jailor is allowed to keep a garden, the work of such garden shall be done by the regular garden gang, and not by a detachment of it.

Employment of sweepers and water-carriers in jail quarters. Rule 183.

797. Small detachments of the sweeper and water-carrier gangs shall, under the charge of warders, visit all the quarters occupied by jail officials, except the Superintendent's house twice a day ; each house shall in turn be cleaned and supplied with water by the gang, which shall

then be marched to the next house. No prisoner of these gangs shall be left about a house. The employment of prisoners by the Superintendent or any other official in or about private dwellings is absolutely forbidden, except under the foregoing rules.

798. Jail officers are permitted at the discretion of the Superintendent to have small articles made or petty jobs done in the jail workshop either of the jail to which they belong or of any other jail in the State at certain concession rates provided that such articles or jobs are *bona fide* for the personal wants of such staff and that previous sanction of the Superintendent has been obtained in writing. The power of exercising this discretion about articles intended for Superintendents or Deputy Superintendents shall, however, rest with the Inspector-General. Every application under this rule to Inspector-General should furnish full descriptions of the articles to be made or jobs done together with their actual cost, market value and estimated concession rate. But except as specified in rules 796 and 797 the employment of prisoners by, or on behalf of, any private person, or any jail officer, on private work, except such as is done inside the jail, as an ordinary jail industry, and with the knowledge and permission of the Superintendent is strictly prohibited; and any work done inside the jail, except that referred to in this rule and in rules 315 and 362 shall be charged for at full market value. All officials are prohibited from employing prisoners to take care of animals which do not belong to Government.

NOTE—Concession rate under this rule should include full actual cost plus half the difference between the actual cost and the market value of the articles in question as shown in ledger of manufactured articles. The selling of manufactured articles from the godown at concession rate is not ordinarily permitted.

799. The employment of prisoners for clerical work in jail offices is strictly forbidden. But the Superintendent may, when there is special necessity for it, sanction the employment of educated prisoners in the copying of letters, preparing of rolls, writing of registers, which have no connection with warrants, remission, or money transactions. The Jailor will be held responsible for seeing that a prisoner so employed is provided with a place for writing inside or near the main gate quite apart from the jail office and under the eye of a warder. These prisoners are forbidden to enter the jail office on any excuse whatever unless called before the Superintendent or an inspecting officer.

800. No unauthorised work shall be done either in or out of the jail workshops, and no job either of manufacture or repair shall be put in hand until the order for its execution has been duly entered in the Jailor's report book or in the Superintendent's or Deputy Superintendent's minute book or in any special book kept for such purpose, under the initial of the Deputy Superintendent or other officer deputed

Concession rate for articles done for jail officers.

G.O. No. 3771/PJ., dated 23-10-1933.

Rule 1376(2).

Rule 183.

Employment of prisoners for clerical work.

Rules 328, 551.

Rule 441.

Rule 788.

No unauthorised work to be done in jail workshop.

Rule 556.

to be in charge of the workshops, or, in the case of repairs to a prisoner's clothes until the order of the Jailer has been recorded in the history ticket of such prisoner.

Custody of and
responsibility for
raw materials.

Rules 155, 264.

801. The raw materials for manufactures shall be under the charge of a paid jail servant, who shall give out each morning what is required for the day's work, and shall receive into store again in the evening the material which has not been used up. He shall also examine the day's work and satisfy himself that the material reported as used up has really been used; but this shall not relieve the Deputy Superintendent or Jailer, as the case may be, of his general responsibility for the safe custody and proper expenditure or disposal of the manufactory stores.

Supply of raw
material.

802. For supply of raw material the best practicable arrangements shall be made. If contracts have to be entered into, the procedure laid down in rule 25 shall be followed. The Superintendent shall satisfy himself that no corrupt arrangement is made between the contractor and the Jail Officers.

Account of
manufacture to be
kept by a paid jail
official.
Rule 155.

803. All accounts regarding manufactures shall be kept by a paid jail servant, under the supervision of the Jailer or Deputy Superintendent, who shall be responsible for the correctness of the accounts.

Disposal of prize
obtained at a public
exhibition.

804. When at a public exhibition a prize of money is obtained by any jail for the excellence of its manufactured goods, such money may be awarded with the approval of the Inspector-General to the deserving officers of the staff of the successful jail.

Labour distribution
Register.

W.B.F. No. 4982.

805. The following register shall be maintained in respect of the distribution of all convicted prisoners:—

No. 5.—*Distribution Register*.—This register shall be written up early on the day following that to which the entries relate. Prisoners admitted or released on any day and not working shall be entered as exempted from labour. On Sundays and holidays all prisoners, except the sweepers, cooks, overseers, etc., who work every day, are exempted from labour. In making up averages from this table, Sundays and holidays shall always be excluded. If non-labouring prisoners work of their own choice, they shall be included with labouring convicts in the details of distribution of work, and a note of the number so included and the description of work done should be made at the bottom of the page to explain the discrepancy between the total of the distribution list and the number of labouring convicts.

CHAPTER XXIII

Accidents and Suicides

805A. Whenever a sudden or violent death or death from suicide has taken place in a jail, immediate notice shall be sent to the Jailor and the Medical Officer, and the body shall be left in the position in which it was found, pending inspection by these officers and also the Superintendent. The body shall be kept also for the inspection and orders of the officer holding the inquest.

Procedure in case of suicide or unnatural death.

Should there be any uncertainty as to whether death has occurred, measures shall at once be taken to restore animation and for this purpose, the body may be removed, immediately on its discovery, from the position in which it was found.

[**NOTE.**—In the case of a prisoner found suspended, if there is reason to suppose that life is not extinct, or the point is doubtful, the body shall at once be raised to relieve pressure, pending the cutting or untying of the rope, and laid gently on the ground; all measures should be taken to restore consciousness, without waiting for assistance which, however, should be called for without delay. If the place of occurrence is a cell, its door shall be opened on the arrival of assistance or before it if the circumstances so require, and such measures taken as may be necessary.]

Rule 984.

806. In all cases of sudden or violent death, or of death due to an accident or of supposed suicide, an inquest by the proper officer shall be held on the body. Except at the Presidency Jail, the proper officer to hold the inquest is the Magistrate of the district, or an officer deputed by him. At the Presidency Jail, the Coroner of Calcutta will hold an inquest respecting every death which occurs in that jail, except when the death occurs from cholera or other epidemic disease, or is the result of an execution. A careful enquiry shall be made into the circumstances of every case, and except in the case of the Presidency Jail, a full report shall be submitted by the investigating officer without delay to the Inspector-General. This report shall contain a distinct and formal finding in addition to the depositions of the witnesses examined. The Inspector-General need not submit this report to Government unless it is of special importance, or indicates some defect in the existing system of Jail Administration to which the attention of Government should be specially invited. In all other cases these reports may be withheld at his discretion. A full report of the circumstances attending every case of sudden or violent death shall likewise be submitted by the Superintendent to the Inspector-General. In the case of the Presidency Jail this report shall be accompanied with a copy of the Coroner's finding. (For post-mortem examination of the body of the deceased prisoner see Rule 98).

Inquest.

Rule 84.

G.O. of B.No.1306/JD., dated 30-6-1910.

807. For rules relating to prisoners suspected of suicidal tendencies, see rules 740 and 746. Knives, pieces of broken glass, ropes, etc., shall not be allowed to lie about: knives and other tools used in the workshops and barbers' and tailors' implements shall be counted over and locked up by the warder's at the close of work. Poisonous drugs shall on

Precaution for preventing suicide.
Rule 293.
Rules 104, 114,
Appendix No. 19.

no account be left within reach of prisoners. They must be kept locked up in a safe box or cupboard in the dispensary, the key of which must be kept by the Medical Subordinate and on no account entrusted to a prisoner.

Precaution relating to wells.

Rules 1205, 1207.

808. Wells in jails shall be covered by strong water-tight wooden or iron covers sloping from the centre, or by other means, to prevent prisoners from throwing themselves into the wells or dirt or soiled water finding their way into them. When these well-covers have trap-doors they shall always be kept properly and securely locked, and in the special charge of a warder, who shall keep the key and shall always be present while the prisoners are drawing water, and shall close and lock the trap-door before he leaves the well. Ordinarily, there should be only a small hole, not exceeding 20.32 centimetres in diameter, through which water may be drawn by means of a pump or bucket. Well ropes shall be locked up when not in use but chains rivetted to the covers need not be removed. A rope-ladder capable of bearing the weight of three men shall be kept in the guard-house of every jail to be at hand in case of accidents in wells.

Employment of prisoner in work of dangerous character.

Rule 95.

809. All warders and convict overseers shall be specially warned to prevent prisoners from under-cutting when digging or moving earth. The sides of pits formed when digging kunkur, brickmaking, etc., must be sloped at such an angle that the earth may not fall on the workmen. Superintendents and Jailors shall frequently inspect such places and strictly enforce this rule. No prisoner shall be employed underground in sinking wells or on any work of a dangerous character, unless he volunteers to do so and then only with the sanction of the Inspector-General. All staircases and verandahs higher than 91 Metre from the ground shall have protecting walls or balustrades of sufficient height.

Chapter IV and sections 88 and 89 of the Factories Act, 1948, to apply to Jails using mechanical power for manufacturing process.

810. Chapter IV (relating to 'Safety') and sections 88 and 89 (relating to notice of certain accidents and of certain diseases) of the Factories Act, 1948 (LXIII of 1948) shall apply to any jail in which mechanical power is used for manufacturing processes.

Notices of fatal or serious accidents to be given forthwith and of minor accidents within 72 hours of occurrences in prescribed forms.

811. (1) Under sections 88 and 89 of the Factories Act, 1948 and rules 95, 96, 97, 99 and 100 of the Rules framed by the State Government in accordance therewith, notices of all accidents resulting in—

(a) death, or

(b) such injury that there is no reasonable prospect that the injured will be able to resume his employment in the factory within 20 days.

shall forthwith be given by telephone, telegram or special messenger to—

(i) the Inspector notified for this purpose,

- (ii) the District Magistrate or, if the District Magistrate by order so directs, the Subdivisional Officer. In the case of the Presidency Jail, the notice shall be sent to the Commissioner of Police, Calcutta.
- (iii) in the case of fatal accidents only, the Officer-in-charge of the police-station within the local limits of which the factory is located.

All such accidents shall be called in all prescribed communications fatal or serious as the case may be.

Reports by special messenger shall be in Factory Form No. 18 and those sent by telephone or telegram shall be confirmed within 48 hours by a written report in that Form.

(2) When there occurs in any factory an accident to any worker less serious than those described in sub-rule (1) but which prevents or is likely to prevent him from resuming his employment in the factory within 48 hours after the accident occurred, the report shall be sent in Factory Form No. 18 as soon as practicable, but in any case within 72 hours of its occurrence, to the authorities mentioned in clauses (i) and (ii) of sub-rule (1). Such accidents shall be called in all prescribed communications minor accidents.

(3) When an accident which has been reported as minor is afterwards proved to be serious or fatal or when one reported as serious is afterwards proved to be minor or fatal necessary correction shall be made in a supplementary report which shall be sent forthwith to the proper authorities, as mentioned above.

(4) When there occurs any explosion, fire, collapse of buildings, or serious accident to the machinery or plant, whether or not attended by personal injury or disablement, such occurrence shall be reported by the Superintendent within five hours of its occurrence to the authorities mentioned in clauses (i) and (ii) of sub-rule (1) above. Such reports shall be in Factory Form No. 19.

(5) The Superintendent shall send forthwith a notice in Factory Form No. 20 both to the Chief Inspector and to the Certifying Surgeon, when there occurs a case of lead, phosphorous, mercury, manganese, arsenic, carbon bisulphide or benzene poisoning; or poisoning by nitrous fumes, or by halogens or halogen derivatives of the hydrocarbons of the aliphatic series; or of chrome ulceration, anthras, silicosis, toxic anaemia, toxic jaundice, primary epitheliomatous cancer of the skin, or pathological manifestations due to radium or other radio-active substances or X-rays.

(6) If a fatal or serious accident happens to a paid employee of the jail engaged in the process of manufacture a notice as mentioned in sub-rule (1) shall also be given to the Commissioner for Workmen's Compensation appointed under Section 20 of the Workmen's Compensation Act, 1923.

Report of accidents
to I.G., Prisons.

812. Every factory accident, which, under the foregoing rule, has to be reported to the Magistrate or the Commissioner of Police, Calcutta, shall likewise be reported to the Inspector-General, and such report shall be accompanied with a copy of the proceedings and finding of the Magistrate or the Commissioner of Police, Calcutta, at his enquiry. In cases where the injury is reported by the Medical Officer to be severe, this report, with the proceedings and findings shall be forwarded by the Inspector-General to Government.

CHAPTER XXIV

Transportation

Rules **813** to **839** deleted.

CHAPTER XXV

The Transfer of Prisoners

840. For implementation of the provisions of the Transfer of Prisoners Act, 1950, the following procedure which is based on Instructions issued by the Government of India should be followed:

Transfer of prisoners.

- (i) Prisoners (ex-military and others) convicted by Civil Courts of Criminal jurisdiction should be transferred to the States of their origin with the prior sanction of the Inspector-General of Prisons of the States concerned, to enable them to be as near as possible to their homes so that they may have a more congenial atmosphere from the point of view of food, climate, interviews and visits of relations and friends, associations, reformatory treatment, etc. The transferring State will bear the cost of transfer, and the States of their origin, the cost of their maintenance from the date on which they are received in the jails in the States of origin. In the case of displaced persons, who originally belonged to a province in Pakistan and who are now settled elsewhere in India, the State of their adoption should be treated as the State of their origin. Short term prisoners sentenced to 3 months or less (excepting P.R.T. prisoners) should not be transferred to the States of their origin.

G. of I. No.3-5-55- police (iv), dated 21-7-56. Transfer of prisoners convicted by civil courts of criminal jurisdiction.

[NOTE : This procedure, which has been adopted on a reciprocal basis among the various States, does not apply to the States of Himachal Pradesh, Manipur and Tripura.]

If a prisoner does not wish to be transferred to his home State for legitimate reasons of his own, due regard should be paid to his wishes before transferring him to his home State, unless there are adequate reasons against it.

- (ii) Ex-military prisoners convicted by Courts-martial held outside India and repatriated to this country for custody should be transferred, unless there are security (or, other) reasons against such transfer, to the jails in the States of their origin for the same reasons as specified in the case of prisoners specified in clause (i). The cost of their transfer from the port of landing in India to the State Jail will be borne by the Defence Department. Escort should be provided by the transferring State Government according to the procedure laid down in the Police Manuals. The maintenance charges of the prisoners will be a charge on the State of their origin with effect from the actual date of transfer to that State.
- (iii) Ex-military prisoners convicted by Courts-martial in India should be committed to jails in the State of their origin, escort being provided by the State Governments according to the procedure

Transfer of ex-military prisoners convicted by courts-martial held outside India.

Transfer of ex-military prisoners convicted by courts-martial in India.

laid down in the Police Manuals. If escort is not readily available the prisoners should be committed to the nearest jail where they should have been committed by the Courts-martial. The maintenance charges of the prisoners for the period they remain in the custody of such State Governments should be met by those State Governments. The States of origin will be responsible for such charges only with effect from the date of their actual transfer. The transfer charges of such prisoners will, however, be borne by the Defence Department.

Transfer of displaced non-muslim ex-military prisoner convicted by Courts-martial.

(iv) In the case of displaced persons, the non-Muslim exmilitary prisoners belonging to Pakistan and convicted by Courts-martial overseas or in India should be transferred to the States of their adoption in India, on the condition that maintenance charges should be borne by their States of adoption and their transfer charges by the Central Government from the Defence Services Estimates.

No transfer of ex-military prisoners sentenced to 3 months or less by Courts-martial. Transfer of P.R.T. prisoner.

(V) Short term ex-military prisoners convicted by court-martial sentenced to 3 months or less (excepting P.R.T. prisoners) should not be transferred to the States of their origin.

(vi) P.R.T. prisoners even though sentenced for less than 3 months should be transferred, at any time not exceeding 2 months prior to their release, to a jail in (or nearest to) their home State, where their antecedents are known and where a closer watch could be kept upon their movements after release than would otherwise be possible. The transferring State will bear the cost of transfer and the State of origin the cost of maintenance. The transfer of a P.R.T. prisoner sentenced to a longer term than 3 months will be governed by the procedure mentioned in clause (i) but if he is unwilling to be transferred to his home State, he may not be transferred until 2 months prior to release, unless there are adequate reasons for his transfer earlier. The question of the unwillingness of the P.R.T. prisoner to his transfer 2 months before release need not be considered.

Verification of the particulars of prisoners proposed to be transferred.

(vii) The residential and other particulars of the prisoners proposed to be transferred should be verified by the Inspector-General of the receiving State before accepting the transfer.

Criterion for determining their place of transfer.

(viii) The criterion for determining the place of transfer should not merely be the place of birth of the prisoner. Other circumstances such as his domicile, the place where his relations live, etc., should also be taken into consideration. In the case of a prisoner who has ceased to have any link

with the State of his birth and is domiciled in the State where he is imprisoned and / or where his relatives might have also settled down, his transfer to the State of his birth would be prejudicial to the essential object of such transfer.

840A. P.R.T. prisoners belonging to the States of Jammu and Kashmir, Nepal, Sikkim and Bhutan should be transferred to the jails in India nearest to their native place, at any time not exceeding two months prior to their release. Intimation regarding release of P.R.T. prisoners belonging to Jammu and Kashmir should be sent direct to Jammu and Kashmir Government. In case of P.R.T. prisoners belonging to Sikkim, Bhutan and Nepal, such intimation should be sent to the Governments of these States through India's Political Officers or the Indian Embassy, as the case may be. The jails to which the prisoners belonging to the different States may be transferred are given below :—

Transfer of P.R.T. prisoners belonging to Jammu, Kashmir, Nepal, Sikkim and Bhutan.

State to which prisoners belong.	Jails to which prisoners should be transferred.
Jammu and Kashmir	... District Jail, Gurdaspur (Punjab).
Bhutan and Sikkim ..	... District Jail, Darjeeling (West Bengal).
Nepal .. ..	... District Jail, Darjeeling (West Bengal).
	District Jail, Darbhanga/Motihar/Purnea. Central Jail Muzaffarpur (Bihar).
	District Jail, Almora/Nainital/Haldwani / Pilibhit/ Kheri/ Bahraich / Basti / Gonda / Gorakhpur/ Deoria (Uttar Pradesh).

841. Deleted.

842. The previous sanction of the Inspector-General is necessary for the transfer of any prisoner from one jail to another within the State except—

- (a) prisoners required to give evidence or to undergo trial for an offence in respect of whom an order under section 3 of the Prisoners (Attendance in Courts) Act, 1955. has been received ;

Transfer within the State.

NOTE : With regard to the prisoners the provisions of rules framed under section 9 of the Prisoners (Attendance in Courts) Act. 1955, should be strictly observed. And with regard to prisoners under sentence of death the direction of the State Government, issued under sub-section (1) of section 4 of the aforesaid Act, shall be strictly followed and such prisoners shall not be removed from the prisons in which they may be confined (*vide* Notification No. 346H.J., dated the 7th February, 1957).

- (b) youthful offenders transferred to a reformatory school when a warrant for detention in a reformatory school is received ;
- (c) adolescents sentenced to the Borstal School ;
- (d) P.R.T. prisoners within the State.

Rule 964.

Subject to the sanction of the Inspector-General, the following transfers shall be made :—

843.
When transfer
must be made.

(See rule 30)

Class of Prisoner.	Purpose of transfer.	Jail to which the transfer is to be made.	Period prior to expiry of sentence at which transfer is to be made.	Reference to J.C. Rule.
1	2	3	4	5
1. Long-term prisoners	For incarceration	Central Jails	...	847, 859
2. A class prisoners in Divisions I & II	Ditto	Alipore Central Jail	...	1068
3. Educated prisoners	Ditto	Ditto	...	847, 857
4. Female prisoners	Ditto	To jails having special accommodation.	...	854, 947
5. Juvenile prisoners	Ditto	Ditto	...	855, 966
6. Leper prisoners	Ditto	Ditto	...	1047
7. Civil prisoners	Ditto	Ditto	...	...
8. Influential, violent or dangerous prisoners.	Ditto	As ordered	...	847, 858
9. Prisoners convicted of Opium smuggling.	Ditto	Jail of district to which they belong.	2 months	853
10. Prisoners ordered to furnish security to keep the peace or in default to undergo a further term of imprisonment.	To enable them to arrange for the required security with a view to release.	Ditto	*2 months	852
11. Female prisoners	For release	Ditto	6 weeks	579(7)
12. P.R.T. prisoners	Ditto	Ditto	1 month	848

Class of Prisoner.	Purpose of transfer.	Jail to which the transfer is to be made.	Period prior to expiry of sentence at which transfer is to be made.	Reference to J.C. Rule.
1	2	3	4	5
13. Sick or dying convicts	...	Jail of district in which the relatives or friends reside.	...	596
14. Prisoners	...	As ordered	...	847, 1185
15. Ditto	...	Ditto	...	...
16. Ditto	...	Ditto	...	...
17. Prisoners	...	As convict officers, servants or instructors.	...	860
18. Ditto	...	Ditto	...	861
19. Prisoners sentenced to death	For execution	Ditto	...	999

*Prior to expiry of substantive sentence.

Provided that no prisoner shall be transferred—

- (a) until he has been certified by the Medical Officer as physically fit to undertake the journey ;
- (b) until he has completed his term of appeal without appealing or until his appeal has been preferred ;
- (c) while plague or other dangerous epidemic disease is prevalent in either the transferring or receiving institution or until the Medical Officers of these institutions are mutually satisfied that transfers can be effected without danger (see also rule 1250, regarding the existence of sporadic cases of infectious disease).

Transfers under clauses 2, 7 and 13 shall be made in anticipation of the Inspector-General's formal sanction; likewise transfer under clause 4 in the case of convicted female prisoners committed to the Alipore Central Jail, and juvenile prisoners, when there is no separate accommodation for them see rule 965; under clause 14 to relieve overcrowding, when intimation is received from the Inspector-General's Office of the jail to which excess prisoners can be sent; and transfers under clauses 11 and 12 in cases where there is no time to obtain sanction before release is due.

Descriptive roll is accompany application for transfer.

Rules 510, 542(1).

844. With every application for transfer of prisoners or report of transfer of prisoners in anticipation of sanction (which must be made immediately after prisoners have been despatched with the exception allowed in rule 855), a "descriptive roll" in W. B. J. Form No. 8 (West Bengal Form No. 5069), stating the numbers and names of prisoners to be transferred (or who have been transferred), shall be submitted to the Inspector-General. This roll shall contain detailed information of each prisoner as required by the column headings to be extracted from Register No. 6. Columns 15 and 16 should be filled in with due consideration to the average character of convicts as exhibited by the annual statistics of the State in Statement VI. The report of the Medical Officer in column 17 is of paramount importance as it is one of the biggest factors in determining whether the prisoner shall or shall not be transferred; great care should, therefore, be exercised in compiling this report which should be sufficiently detailed so as to give a correct idea of the health and physical fitness of each prisoner. Full reason for the transfer should be given in column 12.

NOTE : The fact of a prisoner being P. R./ T. should always be entered in the descriptive roll.

Superintendent of the transferring Jail to be consulted before transfer of prisoners until to be transferred immediately.

845. Should any delay occur in transferring a prisoner the sanction for whose transfer depends on his condition of health and capacity to perform hard labour, he shall not be transferred until the Superintendent of the jail to which he is under orders of transfer has been consulted and informed of the fact of the delay and the prisoner's present state of health; should the latter then see any objection to the transfer he shall refer the matter to the Inspector-General for orders.

Contents of I.G.'s order for transfer.

846. 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 itself being sent to the jail or jails to which the prisoners are to be transferred. A duplicate copy shall be kept in the jail office.

Descriptive rolls of prisoners liable to be transferred to be submitted to I.G. G.O. No. 1150 HJ., dated 16th May 1945.

847. 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, and convicts possessing local influence, are duly prepared and submitted to the Inspector-General for orders. If overcrowding be anticipated, the action provided for in Rule 1185 shall be taken by the Superintendent without delay. The Jailor shall on receipt of any educated prisoner, or prisoner of local influence, or of a dangerous character, specially bring him to the notice of the Superintendent for his transfer.

Rules 843, 858.

Time of transfer of P.R./T. prisoners of the First Class who are natives of West Bengal.

848. All P. R. (Police Registered) prisoners of the First Class (rule 541) against whose names the letter "T" appears on the admission registers and release diaries who are native of West Bengal shall be transferred one month

before the date of expiry of their sentences. Regarding P.R.T. prisoners of other States, see rule 840.

NOTE : Alipore/Howrah/Dum Dum is shown as the jail of release in the P. R. Slips of prisoners to be released from the Howrah Jail; they may be released from any of these jails.

849. Deleted.

850. Deleted.

851. If a P.R./ T. prisoner is unfit, by reason of sickness, for transfer two months before his release, the fact should be communicated to the Superintendent of Police of the district to which the prisoner belongs and also 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 a fortnight of his sentence remains to be served, he is still unfit for transfer his P.R. slip should be sent to the local police with a note of the fact on it, and, on the day of his release, he should be discharged at the jail gate without further action being taken. Leper prisoners marked P.R./T. located in jails set apart for prisoners so diseased, shall not be transferred to their native districts until only sufficient time is left for them to reach the jail from which they are to be released on the morning of their release, or the day before release. The P.R. slips of such prisoners shall be sent to the Superintendent of Police of their districts by the Superintendent of the Leper Jails.

P.R./ T Prisoner
unfit for transfer
due to sickness.
Rule 567.

852. Prisoners who, in addition to a substantive sentence, are ordered to furnish security to keep the peace, or in default to undergo further imprisonment, shall be transferred to the jail of their district two months before the substantive sentence expires, to enable them, if possible, to arrange for furnishing the required security.

Transfer of
prisoners ordered
to furnish security
Rule 517.

853. Prisoners sentenced to imprisonment for a term of six months or over for offences under the Opium Act, 1878 (Act of 1878), or the Dangerous Drugs Act, 1930 (Act 2 of 1930), who are residents of West Bengal, shall be transferred to the jails of the district to which they belong at any time not exceeding two months prior to their release, Descriptive rolls in triplicate of all such prisoners shall be submitted in good time to the Inspector-General who will sanction the transfer and at the same time inform the Excise Intelligence Bureau.

Transfer of
prisoners
convicted for
opium or cocaine
smuggling.

854. The rolls of female prisoners for whom there is not sufficient accommodation in any jail shall be sent to the Inspector-General. If any female prisoner is committed to any jail under a sentence of imprisonment for more than three months she should be transferred to Berhampore Central Jail after obtaining the sanction of the Inspector-General.

Transfer of female
prisoners.

Transfer of juvenile prisoners.

855. In the case of jails where there are no juvenile wards, as required by section 27(2) of the Prisons Act, 1894 (Act IX of 1894), the instructions contained in Rule 966 shall be complied with. Juvenile prisoners and prisoners up to the age of 21 committed under sentence of imprisonment transferred to the Presidency or Alipore Central Jails under Rule 856, may be re-transferred, when required for production in Court, in anticipation of the Inspector-General's sanction. In regard to transfers between the Presidency and Alipore Jails under Rules 854, 855 and 856, it will be sufficient for the Superintendent to submit quarterly, to the Inspector-General, a list of the numbers and names of the prisoners for his formal sanction to their transfer.

Transfer of prisoners from Alipore Central Jail to Presidency Jail and vice versa.

856. All habitual convicts committed to Alipore Central Jail shall be transferred to the Presidency Jail and likewise, all casuals committed to Presidency Jail shall be transferred to Alipore Central Jail or may be re-transferred, when required for production in Court, in anticipation of the Inspector-General's sanction.

Prisoners suitable for employment in the Jail Press.

Rule 607.

857. The roll of every prisoner who is considered suitable for employment in the Jail Press, sentenced to labour for six months and more, shall be forwarded to the Inspector-General through the Superintendent of the Alipore Central Jail. A specimen of the prisoner's handwriting should accompany the roll, in which the degree of education attained by the prisoner and the state of the prisoner's eye-sight should be reported. A note in the remark column of the roll, whether the prisoner is qualified to undertake the duties of convict writer in English, should also be made. A prisoner who cannot see with spectacles up to + or - 3D is unfit for work in the Alipore Central Jail Press. Even if orders for transfer are received, the prisoner shall not be transferred before the result of his appeal is known or the period of appeal has expired.

Prisoners of certain classes e.g., prisoners of influence, notorious, jail breakers, etc.

Rule 497.

858. (1) If notorious, jail-breakers or other violent characters be imprisoned in an unsafe jail, or if any jail officer or servant be imprisoned for a period of over one month, or if any relation of any jail officer, or any person of great local influence, or any person whose transfer to any other jail may be regarded as expedient, be imprisoned, the descriptive rolls of all such prisoners shall at once be sent to the Inspector-General, with a view to their transfer.

(2) When a prisoner, who is likely to attract public attention, cause stir etc., is under order of transfer to another jail, the Superintendent of the receiving jail shall be informed in advance. The Magistrate of the district from where the prisoner is transferred as well as the Magistrate of the receiving district shall also be informed beforehand.

Transfer of long term prisoners.

859. Only prisoners sentenced to six month's rigorous imprisonment and upwards, who are in good health and fit for hard or medium labour, and are not over 45 years of age, shall ordinarily be transferred from District Jails to the Central Jails to which they are respectively affiliated.

860. In order to discharge the duties of convict officers, sweepers, trade instructors, etc., in jails where, owing to the short terms of sentence, prisoners locally confined are ineligible for such duties, qualified prisoners shall be imported from the nearest Central Jail. All applications for convicts required for these purposes shall be addressed to the Inspector-General. Only methar prisoners sentenced to rigorous imprisonment, who are not P.R./T. prisoners who have served half their sentences or have not more than six months of unexpired sentence, shall be selected for conservancy work in Subsidiary Jails.

Transfer of qualified prisoners from Central Jail to jails where they are not available to work as convict Officers, sweepers, etc.

861. Transfer for the benefit of health should be recommended only in cases of prisoners in indifferent health, who are not suffering from active or marked disease when a change to a healthier climate will probably effect restoration to a normal condition of health. No prisoner should be transferred who is in a bad state of health. As to the transfer of lepers, see Chapter XXXIV.

Transfer on grounds of health. Rule 1241.

862. No prisoner shall be removed from one jail to another unless on the day of transfer the Medical Officer certifies in W.B.J. Form No. that the prisoner is in a fit condition to travel. Aged and weak prisoners shall not be normally transferred in unhealthy seasons. No prisoner, who is incapable of manual labour on account of age, sickness or infirmity or who has been exempted from labour by his sentence, shall be recommended to the Inspector-General for transfer (except for special reasons which should be stated in each case).

No prisoner to be transferred without certificate of Medical Officer. Rules 102, 843. W.B.F. No. 5071. Rule 874.

863. Every convict in Division III and every undertrial prisoner shall during transit be allowed to wear his own clothing and shall be provided with eating and drinking vessels. If the prisoner has no suitable clothing, he shall be provided by the jail with clothing as stated below:

Belongings of prisoner in transit.

- (i) Division III convict and Division II undertrial—1 cotton kurta, 2 cotton Jangeahs, 1 gamcha and in cold season one blanket-coat.
- (ii) Division I undertrial—1 half shirt, 2 dhuties or pajamas, 1 gamcha or towel and in cold season one cotton chadder.

If the journey is made during night, a prisoner who has no suitable bedding shall be given a jute durrie or tat-bed and a blanket (two in the cold season).

For supply of clothing and bedding to Division I and Division II convicts during transit see rules 1053 and 1062.

864. In cases of journeys on transfer, a money allowance at the rate of Rs. 1.12 P. a day for Division I undertrial prisoner and at the rate of .75 P. for a Division II undertrial prisoner or a Division III convict shall be given to the officer-in-charge of the escort for purchasing necessary food for them during transit.

Money allowance on journeys on transfer of prisoners.

When, however, the journey is likely to be completed on the same day, Division III convicts and Division II undertrial prisoners may be provided from the jail, if they are so willing, with cooked food within the cost mentioned above.

In the case of under-trial prisoners the charges as mentioned above are recoverable from the District Magistrate.

For the rates of money allowance payable to Division I and Division II convicts, see rules 1053 and 1062.

865. Deleted.

Escort of prisoners.

866. For rules regulating the escort of prisoners whose attendance is required in Court, see Appendix No. 4.

Requisition for escort.

867. The Superintendent shall send a separate written requisition in West Bengal Form No. 5344 to the Superintendent of Police for every escort required to guard prisoners on transfer from one jail to another or who have to be sent to a Court (including under-trial prisoners). Such requisitions should state the number of prisoners to be guarded, their nationality, division, and sex, and whether there are any insane, violent or dangerous characters amongst them, and should be delivered at least 48 hours (exclusive of Sundays and holidays) before the escort is required. If however the escort is required to proceed beyond the limits of West Bengal a notice of 72 hours (exclusive of Sundays and holidays) shall be given.

On receipt of the requisition the Superintendent of Police shall arrange the escort. Intimation of the proposed transfer shall be sent (in W.B.J. Form No. 12) by the first post to the jail which is to receive the prisoners. This will enable the receiving jail to take full advantage of the return escort in transferring any police-registered or other prisoners to the jail from which the escort started, or to any intervening jail on the line of railway, and thus effect a considerable saving to Government.

Scale for escort for prisoners.
Rule 704 P.R.B.

868. The scale prescribed for escort for prisoners by road, country boats, rail and steamer, are given below :

(i) Prisoners by road and country boat—

		Sub-Inspector.	Head Constables.	Constables.
1 to 3 prisoners	„	..	..	2
4 to 10 prisoners	..	..	1	4
11 to 15 prisoners	..	..	1	5
16 to 25 prisoners	..	..	1	8
26 to 50 prisoners	..	..	2	12
51 to 75 prisoners	..	1	2	20
76 to 100 prisoners	..	1	2	30

(ii) Prisoners by rail and steamer—

	Head Constable.	Constables.
1 prisoner	..	2
2 to 5 prisoners	1	2
6 to 10 prisoners	1	4

11 prisoners and upwards—In the proportion of four constables to every six prisoners and one Head constable to every eight constables.

(iii) Under-trial prisoners to and from courts—

	Head Constable.	Constables.
1 prisoner	..	2
2 to 6 prisoners	..	4
7 to 10 prisoners	1	4

11 prisoners and upwards—Same scale as for escort of prisoners by road.

(iv) Female prisoners when escorted singly should be accompanied by two constables, who should be selected for their age and respectability of character. A female warder will also accompany the party when the prisoner travels on transfer.

J. C. Rule 870.

Note 1: It will be seen that the larger the gang transferred, the smaller comparatively is the escort. It is of extreme importance in transferring prisoners that escorts should, whenever possible, be utilised to the utmost. The great economy in arranging for a maximum number of prisoners for each gang according to the scale is obvious.

Note 2: Superintendents of jails should, when escorts are leaving satisfy themselves that full advantage is in every case taken to transfer all qualified prisoners.

Note 3: Transfers of prisoners between the Presidency and Alipore Jails may be made under the escort of jail warders.

869. All prisoners to be transferred shall be carefully searched before they are made over to the police escort to see that they do not take any prohibited article with them, especially files, weapons, string, silk, or any article calculated to facilitate escape.

Search of prisoners to be transferred.

870. While in transit, female and juvenile prisoners shall be separated as far as possible from adult male prisoners.

Female and juvenile prisoners in transit to be separated from adult male prisoners.

Female prisoners whether convicted or under-trial shall invariably be accompanied by a female warder.

871. Male prisoners on the march (except convict overseers) shall be handcuffed in couples, the right wrist of one prisoner being attached to the left wrist of the other. If there is any old prisoner left out, he shall be secured by handcuffs separately, his load being divided amongst other

Safe custody of prisoners during transit.

prisoners. Dangerous prisoners on transit may, in addition, be secured by rope, care being taken to see that not more than four prisoners are tied by one piece of rope. Handcuffs and ropes will be supplied by the Police Department. No female prisoner shall be handcuffed and no prisoner, male or female, shall be fettered during transit.

Documents to accompany prisoner on transfer. W.B.F. No.5073. Rule 1369.

872. When delivering prisoners for transfer into the custody of the escort, the Jailor shall make over to the officer in charge of the escort a sum of money sufficient to meet all expenses admissible under the foregoing rules, a warrant credit note (W.B.J. Form No. 18) for the number of fares to be paid under Rule 877, the Government and prisoners' property to accompany the prisoners and the following documents :

Rule 620.

- (a) The original warrants, with High Court Form No. (P)42 of all the convicts. Upon the warrant shall be endorsed the date of transfer and jail to which transferred (see also Rule 773 regarding remission).
- (b) Copies of the orders of the Court requiring the attendance of prisoners.

Rules 544(c), 548.

- (c) A list of all Government property, clothing, bedding, utensils, etc., prisoners' private clothing and other property to be taken with the prisoners, for delivery of all of which at the jail to which the prisoners are to go, the officer is responsible (W.B.J. Form No. 13). If any prisoner is of dangerous character the fact should be noted on this list.
- (d) The prisoners' history tickets.
- (e) The prisoners' remission cards (W.B.J. Register No. 18).
- (f) The Medical Officer's Certificate.
- (g) P.R. Slips, if any.
- (h) Descriptive rolls in W.B.J. Form No. 8.

A receipt shall be taken from the officer in charge of the escort for the number of prisoners and all Government and prisoners' property delivered to him, on a duplicate copy of the list referred to in clause (c).

Conveyance of prisoners. G.O. No. 1075-PJ., dated 25th March 1931.

873. As a general rule where there is rail or water carriage or other means of public transport, prisoners shall be conveyed by these means, except when the distance to be travelled is short.

Conveyance to be provided in certain cases. G.O. No. 889-PJ., dated 17th March 1928.

874. Special means of conveyance shall be provided for the carriage of any prisoner in whose case the Medical Officer certifies that a conveyance is necessary. Suitable conveyance shall also be provided for prisoners who are dangerous when passing through the streets of Calcutta or

Howrah. The class of conveyance to be used shall ordinarily be hackney carriage or motor omnibus in Calcutta and Howrah, and bullock cart, hackney carriage or motor omnibus in other places. The officer in charge of the escort shall be instructed that conveyance is to be provided in the above cases.

Rule 862.

875. Prisoners shall not be sent by mail trains except when, for special reasons, their conveyance by such trains may be necessary, in which case the higher fares chargeable for journeys, by mail train must be paid. At least 48 hours notice must be given by the jail (in W.B.J. Form No. 17) to the station master of the station whence prisoners will start, of the number of reserved compartments which will be required.

Prisoners to travel ordinarily by trains other than mail trains.

876. (1) The Superintendents of transferring jails shall so arrange that prisoners transferred may reach their destination before lock-up, if possible.

Time for despatch of prisoners from transferring jail.

(2) All prisoners sent to Calcutta by railway should be despatched, if possible, by a train which arrives at Howrah, or Sealdah as the case may be, in the early morning—to allow of the prisoners being sent on to their destination without detention.

877. No insane, violent or dangerous prisoner and no party of prisoners and guards, when their aggregate number exceeds eight, shall be despatched by rail, except in reserved compartments. The number of persons carried in a reserved compartment must in no case be in excess of the number which the compartment is designed to hold. Payment is to be made according to the number of compartments required for the carriage of the whole party of guards and prisoners, irrespective of the number carried in the compartment and should not be less than the marked maximum carrying capacity of the compartment, e.g., supposing a party to consist of 31 persons and each compartment to be adapted for the carriage of 10 persons, payment should be made for four compartments, i.e., 40 fares. Prisoners and guards, when the party, inclusive of guards, does not exceed eight in number, and reserved accommodation is not needed, must be paid for at the ordinary rates in force on the line. The police will pay the fares of the escort and the balance of the number of fares for each party will be paid by the Accountant-General, West Bengal, on the credit note system (vide Rule 1369).

Use of reserved compartment.
Rule 1031.

G.O. No. 10996 RG.,
dated 18th
December 1922.

NOTE : Arrangements for the conveyance of under-trial prisoners shall be made by the police, the cost of warrant (credit notes) issued for the transport of prisoners being debited to the head "22 Jail-Charges for Police Custody" out of the allotments placed at the disposal of the Magistrate.

Rule 1339. G.O. No. 4535-PJ., dated 1st September 1930.
G.O. No. 132-HJ., dated 27th January 1940.

878. The officer in charge of the escort shall, on reaching his destination, render a detailed account of the funds entrusted to him to the Jailor of the receiving jail, who, after examining it, shall take over any balance that may be due and remit it into treasury. The Superintendent shall

Officer in charge of escort to account for the fund entrusted to him.

finally send the account to the transmitting officer with such remarks as he may consider necessary.

Procedure on
arrival of prisoners.

879. On arrival of the prisoners at the receiving jail, the Jailor of that jail shall proceed as follows:

- (1) He shall receive from the officer in charge of the escort all the documents mentioned in Rule 87 and the account mentioned in Rule 878, with a balance of the money advanced that may be unexpended.
- (2) He shall see that he receives the correct number of prisoners. If any prisoner is missing, he will ascertain the cause from the officer in charge of the escort and record the fact on the receipt to be given to the officer in charge of the escort; he will also report it to the Superintendent.
- (3) He shall see that he receives all Government and prisoners' property according to the lists from the despatching jail. If anything is missing, he shall note the fact upon the receipt to be given to the officer in charge of the escort and opposite the particular item in the lists. These lists shall be sent by post to the despatching jail, whence the Superintendent shall report any loss to the Superintendent of Police and claim the value of the property. Should the property have been lost through the carelessness or connivance of the escort, the cost of replacing it shall be recovered from those at fault. If any Government or prisoners' property is found to be missing, the explanation of the officer in charge of the escort shall be obtained on the spot and recorded on the receipt.
- (4) He shall question the prisoners as to their treatment on the road, the halts made, and whether they received their meals as provided in Rule 864. Any statement to the contrary, or complaints made, shall be noted on the receipt to be given to the officer in charge of the escort, and reported to the Superintendent in the Jailor's report book.
- (5) Before dismissing the escort he shall see whether any prisoners in his jail have to be transferred to the jail of the district whence it came or to any other jail *en route*, and if there are, he shall deliver to the escort with all necessary documents and according to the procedure prescribed in the above rules so many of the prisoners as the strength of the escort is sufficient to guard.
- (6) When dismissing the escort he shall deliver to the officer in charge thereof a certificate in W.B. Form No. 10 (Command Certificate).

880. The Superintendent shall see that the clothing, blankets and bedding supplied to the prisoners from the despatching jail are serviceable ; if they are not, he shall port the fact to the Inspector-General. If any prisoner complains that he was ill-treated on the road, or that he did not get his meals, the Superintendent shall personally enquire into the matter, and report the circumstances to the Magistrate of the district, at the same time sending a copy of his report to the Inspector-General.

Equipments
supplied to
prisoners by the
despatching jail to
be serviceable.

881. Prisoners who fall sick in transit shall not be attached to any other prisoners, but shall be allowed, while they remain sick, to travel separately. When a prisoner becomes seriously ill on the road so as to be unfit for travelling, he shall be left at the next police-station or outpost, to be taken, as soon as he can be moved, to the nearest jail or subsidiary jail, and shall there be treated by the Medical Officer, and a report of the circumstances shall be made to the Superintendent of the despatching jail and of the jail to which the prisoner was travelling.

Prisoner falling sick
on transit.

882. The Superintendent of the jail or subsidiary jail to which a sick prisoner on transit is taken shall receive and detain him, until well enough to proceed to his destination. The warrant and all papers connected with the prisoner should be made over to the Superintendent of the jail at which he is detained, and a note of the circumstances of detention shall be made upon his history ticket. On recovery he shall be forwarded to his destination with his papers, and a report of the despatch of the prisoner shall be sent to the jail to which he is to be consigned and to the Inspector-General.

Prisoners falling
sick on transit to be
received in Jail or
Sub-jail lying
en route .

883. When a prisoner in course of transfer dies, the Magistrate of the district of subdivision in which such prisoner died or any Magistrate empowered to hold inquests deputed by him shall hold an enquiry into the circumstances attending such death, and the Magistrate of the district or the subdivision, as the case may be, shall report the result of the investigation without delay to the Inspector-General. This report shall contain a full and formal finding in addition to the statements of witnesses examined. The fact and date of death shall be noted on the warrant, which, with other papers, and the property belonging to the prisoner, shall be returned to the jail from which the prisoner came. Death of convicts in course of transfer shall not be included in individual jail statistics unless specially directed by the Inspector-General; they shall however be shown in State statistics.

Death of a prisoner
on transit.

884. If an escape occur *en route*, intimation shall at once be given to the authorities of the locality, who shall take prompt steps for the prisoner's re-capture. The Superintendent of the jail to which the convict was being transferred and the Superintendent of the jail from which the prisoner came, shall also be informed of the escape ; and the latter, in conjunction with the authorities of his district, will take the

Escape of prisoner
on transit.

usual measures to secure the prisoner's re-capture. If he is not immediately re-captured, the warrant and the other documents relating to the prisoner, and the prisoner's property, shall be returned to the jail from which he was despatched.

Transfer of
prisoner, convicted
of escaping, to
Central Jail. Jail
Cir. No. 23 of 1904
Rule 481.

885. The rolls of all prisoners who have been convicted of escaping from lawful custody shall be submitted, by the Superintendents of District Jails, to the Inspector-General for sanction to their transfer to Central Jails. An entry, in red ink, under the name of each prisoner shall be made as follows: Escaped from Police, or Escaped from Jail, as the case may be.

Note.—So far as they are applicable, the rules of this chapter shall apply to prisoners travelling by water or air.

CHAPTER XXVI—CIVIL PRISONERS

886. Every civil prisoner shall be confined in the civil and of the jail and shall not be allowed to hold communication or be associated with criminal prisoners.

Place of confinement of civil prisoners.

Rule 7.

887. Deleted.

888. Civil prisoners include six classes, namely,—

Classes of civil prisoners.

- (1) Persons committed to the civil prison by order of a Civil Court under section 32(d) of the Code of Civil Procedure, 1908.
- (2) Defendants committed to the civil prison after arrest before judgment.
- (3) Judgment-debtors detained under an order of a Civil Court in execution of a decree.
- (4) Judgment-debtors detained under order of Certificate Officer under the Public Demands Recovery Act, 1913.
- (5) Persons imprisoned under order of a Criminal Court under sections 318, 332, or 514 of the Code of Criminal Procedure.
- (6) Persons detained in the civil prison under any other law for the time being in force.

Bengal Act III of 1913.

889. No civil prisoner shall be admitted into jail after the prisoners have been locked up at sunset for the night, except in the case of the Presidency Jail, where admission shall be granted on the written order or an officer of the High Court acting under the instructions of a judge of that Court or of a judge of the Small Cause Court, Calcutta. (With regard to the search of civil prisoners on admission and their property, see Rules 504 and 543.)

Admission of civil prisoner.
Rule 496.

890. Under rule No. 39, Order XXI, first schedule of the Civil Procedure Code, judgment-debtors shall be dieted at the expense of the degree-holders. In the case of judgment-debtors under the Public Demands Recovery Act, 1913, the Certificate Officer may either forward diet-money with the prisoner, or order that he shall be fed on the non-labouring scale at the expense of Government. Civil prisoners of class (5) and class (6) shall be allowed the diet of undertrial prisoners, at the expense of Government.

Expenses of diet of civil prisoners.

Bengal Act III of 1913.

A civil prisoner who is required to be maintained at Government cost shall be allowed the diet of Division II non-labouring undertrial prisoners. But if specially ordered by the committing authority, he shall be given the diet of Division I non-labouring undertrial prisoners (see rules 1095 and 1100).

Subsistence allowance of civil prisoners.

Rule 574.

W.B.F. No. 5116.

891. Where a judgement-debtor is committed civil prison in execution of a decree, the court shall fix the monthly allowance for his subsistence. The first payment shall be made to the proper officer of the court for such portion of the current month as remains unexpired before the judgement-debtor is committed to the civil prison, and such officer shall send the amount paid with the civil prisoner to the Jailor. No debtor shall be received into the jail unless the proper amount of subsistence allowance is received with him. Subsequent payment (if any become due) shall be made to the Jailor by monthly payments in advance to the full amount due for the ensuing month before the first day of each month. Should the decree-holder omit to pay the allowance as above, the Superintendent shall, without reference to the Court, release the judgement-debtor. The release shall be made on the morning of the day for which no allowance has been paid. A receipt from counterfoil book (W.B.J. Form No. 78), shall be given to the decree holder for subsistence money paid into the jail, the amount received being credited in the contingent cash-book. (See rule 1351, regarding the record of receipt and disbursement of civil prisoner's diet money).

892. Deleted.

Date of release of a civil prisoner to be entered in the Release Diary.

893. (1) The date of release of a civil prisoner in anticipation of his having to complete the whole term of his imprisonment shall be calculated according to rule 524, and his name shall be entered in the Release Diary under that date.

Rule 542(3).

(2) If a civil prisoner is ordered to be detained in a civil jail under more than one warrant, each warrant shall have full effect from the date thereof, although the prisoner may thus be detained beyond six months.

Period of detention.

See section 58(1)
Civil Procedure
Code.

894. Every person detained in the civil prison in execution of a decree shall be so detained—

- (a) Where the decree is for the payment of a sum of money exceeding fifty rupees, for a period of six months, and
- (b) in any other case, for a period of six weeks :

Provided that he shall be released from such detention before the expiration of the said period of six months or six weeks, as the case may be,—

- (i) on the amount mentioned in the warrant for his detention being paid to the officer in charge of the civil prison, or
- (ii) on the decree against him being otherwise fully satisfied,
or

- (iii) on the request of the person on whose application he has been so detained, or
- (iv) on the omission by the person, on whose application he has been so detained, to pay subsistence allowance, or
- (v) on the omission of the person (being a private person) on whose application he has been so detained, to pay to the Superintendent the cost of the clothing and bedding supplied by him :

See section 33(2)g
Act IX of 1894.

Provided, also that he shall not be released from such detention under clause (ii) or clause (iii) without the order of the court.

The provisions of this rule shall apply as far as possible to judgment-debtors detained in a civil prison under an order from a Certificate-officer under the Public Demands Recovery Act (Bengal Act III of 1913). The period of detention in such cases may, however, be less than six months or six weeks, as the case may be, at the discretion of the Certificate-Officer.

G. O. No. 3862-PJ.
of 6-12-34.

895. (1) A judgment-debtor may be released from the civil prison—

Release on
grounds of illness.

- (a) by the State Government on the ground of the existence of any infectious or contagious disease, or
- (b) by the committing Court, or any Court to which that Court is subordinate, on the ground of his suffering from any serious illness.

See section 59(3)
Civil Procedure
Code.

Rule 1049.

(2) A certificate debtor detained in civil prison may be released by the Collector on the ground mentioned in sub-rule (1) (a) above, and by the Collector or Certificate Officer on the ground mentioned in sub-rule (1) (b) above.

896. After a civil prisoner has been released, if there is any balance of diet-money in the Jailor's hands, it shall be returned to the court. For every such refund of diet-money a receipt shall be taken and pasted into the cash-book opposite the entry to which it relates.

Balance of diet
money, if any, to be
refunded to the
court.

897. Civil prisoners shall be allowed to use their own clothes, bedding and cooking utensils and to purchase or receive from private sources food, clothing and bedding or other necessities. If a civil prisoner is unable to provide himself with sufficient clothing and bedding, the Superintendent shall supply such clothing and bedding as may, in his opinion, be necessary.

Civil prisoners
may maintain
themselves.

Rule 904.

Superintendent to demand from the judgement creditor cost of clothing or bedding of the judgement-debtor civil prisoner.

See section 33(2), Act IX of 1894.

898. Whenever clothing or bedding is so supplied to civil prisoner who has been committed to jail in execution of a decree in favour of a private person, the Superintendent shall furnish to such person an account of the case of the clothing or bedding with a demand in writing of payment of the cost, and if payment is not made within 48 hours of receipt of this demand, the Superintendent shall release the civil prisoner in respect of whom the demand was made. The name and address of the judgment-creditor shall be ascertained from the civil court which issued the decree. The demand shall be despatched by registered letter to the address of the judgment-creditor and after sufficient time for delivery thereof has elapsed shall be deemed to have been duly received. When the time allowed by law has elapsed, if payment has not been made, the Jailor shall bring the civil prisoner before the Superintendent for release. Before releasing the prisoner the Superintendent shall satisfy himself, first, that the demand was duly sent, and that sufficient time, as required by law, for delivery of the demand and for payment has been given; secondly, that payment has not been tendered or made.

Disposal etc. Clothing and bedding Supplied by decree-holder

899. If clothing and bedding have been supplied at the expense of the decree-holder, there shall, at the time of the release of the judgment-debtor, be issued by registered letter to the decree-holder a notice informing him that if the clothing and bedding are not claimed by him on or before a certain date they will be sold at his risk. The clothing and bedding may be sold accordingly and the proceeds deposited with the Court.

Supply of food and medicine, if any, to civil prisoner.

Rule 1116.

900. Civil prisoners may be supplied with food by their friends through the Jailor at such hours as the Superintendent may fix, in which case the subsistence allowance deposited by the detaining creditor may be made over to such friends ; but in other cases it shall be credited to the jail, and the Jailor shall supply the prisoners with good and wholesome food according to their own choice provided that the daily cost does not exceed the amount deposited by the detaining creditor. Civil prisoners supplied with food at Government expense under rule 890 shall have their food cooked by convicts in the convicts' kitchen and supplied by convict cooks. Other civil prisoners shall cook their own food. If any extra articles of diet are ordered by the Medical Officer for civil prisoners of medical grounds, any excess of cost beyond the daily diet-money shall be paid by Government. Medicines required for treatment of minor ailments, if any, of civil prisoners shall be supplied from the jail stock. In case of serious illness of such prisoners, they should be given such medical treatment at the cost of Government as may be essentially required before release, until their friends and relatives bear the same.

Purchase for civil prisoners.

Rule 126.

901. Civil prisoners may be allowed to smoke, but not to use intoxicating drugs or liquors unless prescribed by the Medical Officer. All purchases or supplies of food, clothing bedding or other necessities shall be made through the

Jailor subject to the Superintendent's sanction, and shall be examined by the Jailor before delivery to a civil prisoner. Food shall be examined by the Medical Subordinate and shall not be delivered if it contains any intoxicating drugs or liquor or is unwholesome. The Superintendent may refuse to allow the purchase or delivery of anything which he considers to be unnecessary or unsuitable.

902. (a) No part of any food, clothing, bedding or other articles belonging to or delivered to any civil prisoner shall be given, hired or sold to any other prisoner. Any civil prisoner transgressing this rule shall lose the privilege of purchasing food or receiving it from private sources for such time as the Superintendent thinks proper.

Civil prisoners not to give his food, clothing or other articles to any other prisoner.

(b) Any civil prisoner committing an offence punishable under section 42 of the Prisons Act, 1894 (Act 9 of 1894) shall be prosecuted before a Magistrate.

903. Benefactions or donations of money or other articles, except intoxicating drugs or liquors, may be distributed to civil prisoners according to the desire of the donor, if not contrary to these rules. They may be allowed books from the jail library, and they may be permitted to obtain, at their own expense, any books and newspapers of an unobjectionable kind as may be approved by the Superintendent. They should also be allowed harmless indoor games. No visitor shall be allowed to take within the civil jail any sweetmeats or other articles of consumption without the permission of the Superintendent.

Donation to civil prisoner

G.O.No. 301 TR. of 19-9-22.

904. Civil prisoners shall be permitted to maintain themselves. They should be encouraged to work at such trade or calling as they like, subject to the approval of the Superintendent and should be allowed to receive the profits thereupon ; but if jail implements be supplied to them a reasonable deduction for the hire of the implements shall be made from the profits, and, in the case of those maintained at Government expense, also deduction for maintenance. No civil prisoner shall be compelled to work against his will, but cleanliness of person and clothing shall be enforced.

Civil prisoners should be encouraged to work.

G.O.No. 301 TR. of 19-9-22.

905. Civil prisoners must be clean and properly dressed when leaving their rooms or wards during the day; they must stand up when any inspecting officer or authorised visitors visit the civil ward, must answer any questions put to them by such officers or visitors in the discharge of their duty, and otherwise treat them with respect ; and they must comply with the regulations of the jail and the Superintendent's orders. If a civil prisoner commits any prison offence, he may be punished by minor punishments Nos. 1 and 5 or major punishment No. 3, as enumerated in rule 708, or may be punished according to any law in force.

Punishment for prison offences.

Escape of civil prisoner.

Rule 200.

Rule 475.

Rules 481, 706.

Rule 885.

906. Any jail officer who intentionally or negligently, suffers a civil prisoner to escape is liable to be punished under section 222 or 223 of the Indian Penal Code, as the case may be. The civil prisoner by escaping commits an offence under section 225B of the Penal Code. On the occurrence of an escape of a civil prisoner intimation shall be given to the judgment-creditor who may, if he be able to ascertain the whereabouts of the prisoner, assist the jail authorities and the police in recapturing him. On recapture after escape, or on the occurrence of an attempt to escape, the prisoner shall be prosecuted before a Criminal Court under section 225B of the Penal Code.

Insolvency of civil prisoners.

907. A notice shall be posted up in the civil ward of every jail to the effect that all information and assistance will be furnished by the Superintendent to those civil prisoners who may wish to be declared insolvents. Petitions of insolvency may be written by a jail official, and such paper and writing materials as are necessary may be supplied.

NOTE—The Provincial Insolvency Act No. V of 1920 does not apply to persons detained under the order of a Court exercising jurisdiction within the Presidency Town of Calcutta.

Register for civil prisoners. W.B.F. No. 4983.

908. The following register shall be maintained in respect of the civil prisoners detained in any jail:

No. 9.—REGISTER OF CIVIL PRISONERS.

Column 8.—In describing a prisoner, complexion, distinguishing marks, and other peculiarities sufficient to identify him, shall be recorded.

Column 13.—To show cause of release whether on account of satisfaction of decree or completion of period of imprisonment, on furnishing security, by escape, or death, etc.

Column 15.—Should record whether in sound health or sick on admission and discharge; if sick, the class, order, and specific disease, with physical condition and previous ailments, as far as can be ascertained, shall be entered.

Column 16.—Is to furnish an account of the receipts and disbursement of diet-money. All receipts of diet-money from detaining creditors and daily payments of diet-money to civil prisoners shall be entered in the Cash Book, Register No. 31, at the time of receipt and payment. Amounts received shall also be entered at the time of receipts in the receipt side of the account in column 16, and at the end of each month, and on discharge of a prisoner, the total of the daily payments recorded in the Cash Book shall be entered on the disbursement side of the column. If on discharge of a civil prisoner, any balance of diet-money remains unexpended, it shall be dealt with as directed in rule 896.

NOTE—With regard to interviews and communications, see rules 682 and 688.

CHAPTER XXVII.—UNDERTRIAL PRISONERS.

909. A court may order an accused person to be detained in, or remanded to custody in jail. Provided that except in case of persons committed for trial in a Court of Session, no person shall be ordered to be detained in or remanded to jail for a period exceeding 15 days at a time, and provided that every such order made by a Court other than a High Court shall be in writing signed by the presiding Judge or Magistrate.

Remand of an accused to jail custody pending trial.
See Secs. 167 and 344, Cr. P.C. Rule 611.

Note.—Accused persons so confined in jail are referred to in this Code as undertrial prisoners.

910. (1) Division I undertrial prisoners shall be kept separate from Division II undertrial prisoners.

Segregation of undertrial prisoners.

(2) Undertrial prisoners, both male and female, shall be strictly segregated from convicted prisoners, and arrangements shall be made, where male undertrial prisoners under the age of 21 are confined, for separating them altogether from other prisoners and for separating those of them who have arrived at the age of puberty from those who have not.

911. Rules relating to the admission, search, release, and property of prisoners also apply to undertrial prisoners. Except in the case of prisoners committed for trial to the Court of Session, on every warrant should be stated the day on which the prisoner is to be brought up before the Magistrate or other officer issuing the warrant. In Sessions cases when the date is fixed for the production of a prisoner it should be endorsed by the Jailor on the warrant and prisoner's history ticket; the prisoner shall be duly informed of the date fixed for holding of the Sessions so that he may make all needful arrangements for the conduct of his defence. The number and name of every undertrial prisoner may be entered in the Release Diary at the top of the page relating to the date on which each is to be produced in Court, but in Central Jails where large numbers are kept under detention, it will be more convenient to keep the warrants in a special almirah having a pigeon-hole for each day of the month.

Date of production to court to be endorsed on the warrant. Undertrial prisoners subject to the same rules as convicts in matters of search admission release, etc.

If a prisoner who is already undergoing a sentence of imprisonment is produced before court to answer another charge or on summons there should be a note in red ink in the custody or the production warrant to the effect "Convict not to be released from court". This is in addition to provision of Jail Code Rule 918.

912. Any undertrial prisoner whom the trying Magistrate or the Police notify to be a confessing prisoner shall be kept separate from others concerned in the same case. When there are separate cells or compartments in the undertrial ward these should be utilised for the purpose but care must be taken that he is not kept in solitary confinement. A confessing undertrial prisoner shall have the

Segregation of confessing prisoners.

company of other undertrial prisoners not connected with his case or if this cannot be arranged, a warder should be detained to keep him company. If a cell is used for segregating a confessing undertrial prisoner he shall be allowed the use of the yard in front of the cell. Any special directions as to the separation of an unconvicted criminal prisoner given by the Magistrate shall be carried out. Such separation should be unaccompanied by any irksome conditions beyond those necessary to secure the object in view, namely, to prevent him from communicating directly or indirectly with other prisoners concerned in the same case.

Test Identification parade.
G.O. No. 2277-H.J.,
dated 6th August
1958.

913. Test Identification Parade shall, whenever circumstances permit, be held inside the jail. Men on bail shall not be mixed up with undertrial prisoners. In the case of confessing accused, separate test identification parade shall be held unless the Magistrate insists that it is essential to mix confessing with nonconfessing accused and to hold the test identification parade simultaneously. In subsidiary jails the accused shall, if necessary, be mixed up with outsiders for holding the test identification therein as very few undertrial prisoners of similar nature and of the same social status are available there for the purpose.

Information about previous conviction
Rule 621 Rule 625
G.O. No. 11637.
R.J., dated 19th
December 1923.
Rule 618.

914. It is the duty of the jail authorities to endeavour by all the means in their power to ascertain whether an undertrial prisoner has been previously convicted. Information on this point shall invariably be supplied to the Superintendent of Police in W.B.J. Form No. 23. This form will also be submitted to the Magistrate when subsequent to conviction it is discovered that a prisoner has been previously convicted. If possible, undertrial prisoners who are known to be habitual criminals shall be kept separate from those who are not. Juvenile undertrial prisoners shall be segregated from adults, and prisoners committed to the Court of Session for trial from those charged with minor offences, as far as possible.

Cases of long detention to be brought to the notice of Magistrates.
W.B.F. No. 5046.
Rule 61.
G.O. No. 1225-H.J.,
dated 4th July 1951.

915. Superintendents shall submit to the Magistrate in Return No. 27 fortnightly reminders regarding all cases in which prisoners have been detained under trial for more than 14 days. Cases awaiting trial at the next Sessions shall not be referred to in these remainders. A return of all prisoners who have been detained in jail for more than three months shall also be submitted to the Inspector-General in West Bengal Jail Return No. 27 in the first week of each month. The Inspector-General shall there upon call attention of the District Magistrate or the Chief Presidency Magistrate, as the case may be, to the cases of long detention for early action, sending a copy of the return.

916. On the date entered in the original warrant, or on the date fixed by any subsequent orders, undertrial prisoners shall be placed in the custody of the police to be taken to Court. If any prisoner wishes that cash belonging to him in the hands of the Jailor shall be returned to him when sent to Court to enable him to pay for legal assistance, this may be done, and a receipt shall be taken from the prisoner, otherwise such money shall be retained by the Jailor and shall, if the prisoner be released in Court, be delivered to him at the jail gate together with his private property on his application.

Undertrial prisoners to be placed in police custody for escort to Court on the dates endorsed on warrants.

Rule 544.

NOTE—For unclaimed property, see Rule 547.

917. The names of all prisoners to be produced each day before the Magistrate must be entered in the Hajut Register (West Bengal Form No. 3831) by the Court Officer, whose duty it is to ensure the punctual attendance of prisoners at Court on the day fixed. The officer commanding the Court Officer's guard will produce the register to the Jailor who will, make over, under written acknowledgment, for production before the Magistrate those prisoners, together with their warrants, whose production has been duly ordered and whose names are entered therein. The Jailor shall also initial in column 4 of this register the entry of the name of every prisoner received from Court either on remand or conviction. Whenever possible prisoners shall be conveyed to and from the Court in a prison-van.

Attendance of prisoner at Court.

Rule 538-PRB.

918. If an undertrial prisoner has more than one case pending against him in the same or different court, a cross reference on the back of each warrant for intermediate custody shall be made in red ink under a dated initial of the Superintendent in the following form—

Cross-reference when prisoner has more than one case
G.O. No. 4200P.J.,
dated 24th
November 1933.

“Another case pending. Not to be released from court.”

A notice of discharge as required by Jail Code Rule 920 will be sent by Court to the jail when an undertrial prisoner is discharged from the case in which he had appeared before the court, so that necessary corrections in other intermediate custody warrants may be made by the jail.

918A. Undertrial prisoners may be allowed all reasonable facilities at their own cost for preparing notes and collecting papers in connection with their defence and to take these with them to the courts at the time of their production. Ordinarily such notes and papers should not be examined by the Superintendent. But if he has reason to suppose that these contain matters not relating to their cases he may inspect them for the purpose of verifying whether it is so. For confidential instructions of undertrial prisoners to their legal advisers, see Rule 687.

Prisoners may take to Court papers for defence.

Release of
undertrial
prisoners.

919. On receipt of a warrant or order of revision directing the release of an undertrial prisoner, he shall be at once released (unless the order be received after the wards are locked up for the night, in which case he shall be released immediately after the wards are opened next morning), and the warrant of detention and order of release shall be returned to the Court which issued them, with an endorsement by the Superintendent certifying that the order of release has been carried out. Any property which has been taken possession of under Rule 504 shall be made over to the prisoner. For procedure when a sentence is annulled and a retrial ordered, see Rule 611.

Release from Court.

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

Weight on release
to be recorded.

921. The weight of every undertrial prisoner on release shall be recorded in the Undertrial Register. In the case of undertrial prisoners who are released from Court the last weighment recorded on the history ticket prior to release shall be taken to be weight on release.

Work for undertrial
prisoners.

922. (1) An unconvicted criminal prisoner shall be subjected to as little interference as is consistent with the maintenance of order and discipline in the jail and with his safe custody; but he shall keep himself and his clothing and bedding clean. He shall be allowed to change his clothes, provided that his appearance is not thereby materially altered. He shall also be allowed to retain his shoes.

G.O. No. 11637-R.J.,
dated 19th
December 1923.

(2) He should be encouraged to work at such trade or calling as he likes, subject to the approval of the Superintendent and should be allowed to receive the profits therefrom. But if jail implements be supplied to him, a reasonable deduction for the hire of the implements shall be made from the profits, and if maintained at Government expense, deduction for maintenance should also be made. He may be required to keep the ward, cell or other compartment occupied by him clean, if accustomed to do similar work in his own home.

(3) He shall be compelled to take walking exercise for not more than one hour in the morning and one hour in the evening, if the Superintendent and the Medical Officer consider it advisable.

G.O. No.2083-H.J.,
dated 27th
September 1950.

(4) No work of a degrading character shall be exacted from any unconvicted criminal prisoner, and in no case he shall be employed extramurally.

(5) An undertrial prisoner who volunteers to work shall be allowed and encouraged to do so provided that he is certified by the Medical Officer to be physically fit to work. For his work he will receive labouring prisoner's

diet of the division to which he belongs and such cash allowance as Government may by order, for the time being, decide. The payment will be credited to the prisoner's private cash account. He may be given suitable work by the Jailor provided that the provisions of Rule 910(2) are not transgressed. He will be allowed to work only as long as there is work for him, his work and conduct are satisfactory and he works willingly.

Rules 1092, 1100.

Rules 252, 790.

923. An undertrial prisoner may obtain his food as well as clothing, bedding and other necessities at proper hours at his own expense or from his friends and relations subject to examination and to such rules as may be approved by the Inspector-General. The food so obtained shall be simple in character and in a form in which it can be taken without further preparation. If the prisoner elects to obtain the entire food from outside, no food shall be supplied to him from jail.

Undertrial prisoner may receive food etc. from outside. Conditions subject to which the supply may be made.

An undertrial prisoner may be allowed books from the Jail Library. He may also be allowed to procure from outside at his own expense books, newspapers, stationery and writing materials subject to the approval of the Superintendent. Facilities for harmless indoor games may also be provided at the cost of the prisoner.

Subject to the sanction of the Superintendent, purchases of all articles of food, clothing, bedding or other necessities by an undertrial prisoner or supplies thereof by his friends and relations shall be made through the Jailor who shall examine them before delivery to the prisoner. Nothing deleterious to health and no drugs or intoxicants shall be allowed to a prisoner. Food supplied from private sources shall be examined by the Medical Subordinate who shall report to the Superintendent if it contains anything prohibited or deleterious to health. If any prohibited article as specified in Rule 660 is found concealed in any food or other thing supplied to an undertrial prisoner, such food or thing shall be confiscated to Government and the prisoner supplied with diet from the jail according to the scale prescribed for prisoners of his division. The prisoner shall be allowed to procure at his own cost or at the cost of his friends and relations betel-nuts as well as tobacco for smoking in quantities which the Superintendent considers to be reasonable. The Superintendent may refuse to allow the purchase for or deliver to an undertrial prisoner of anything which he considers to be unnecessary or unsuitable.

924. No part of any food, clothing, bedding or other necessities belonging to any unconvicted criminal prisoner shall be given, hired or sold to any other prisoner ; and any prisoner transgressing the provisions of this rule shall lose the privilege of purchasing food or receiving it from private sources, for such time as the Superintendent thinks proper.

Undertrial prisoner not allowed to give any part of his food bedding, clothing and other necessities to any other prisoner. See Sec. 32, Act. IX, 1894.

Supply of clothing, bedding etc. to undertrial prisoners who need it.

See Sec. 33, Act IX, 1894.

925. Every unconvicted criminal prisoner who is inadequately clad or is unable to obtain clothing and bedding from outside should be provided with bedding and clothing which shall not be clothing meant for convicts, according to the scale and description specified below :—

G. O. No. 2122 H.J.,
I.J. 10-53,
Dated 12th January
1957.

DIVISION I PRISONER.

Male.			Female.		
Dhuti or Pijama	..	..	2 Saree	...	2
Gamcha or towel	..	..	1 Gamcha or towel	..	1
Half-shirt	..	..	1 Chemise	..	1
Cotton Chaddar (for winter season only).	..	..	1 Cotton Chaddar (for winter season only).	..	1
Iron or wooden cot (if and when available).	..	..	1 Iron or wooden cot (if and when available).	..	1
Mattress	..	..	1 Mattress	..	1
Blankets	..	..	2 Blankets	..	2
Bed-sheet	..	..	1 Bed-sheet	..	1
Mosquito net	..	..	1 Mosquito net	..	1
Pillow with cover	..	..	1 Pillow with cover	..	1
Extra Blanket (for winter season only).	..	..	1 Extra Blanket (for winter season only).	..	1

DIVISION II PRISONERS.

Male.			Female.		
Paijama (2 in exceptional cases)	1	..	Saree (2 in exceptional cases)	1	..
Gamcha	..	..	1 Gamcha	..	1
Kurta	..	..	1 Chemise or kurta	..	1
Chaddar (for winter season only).	..	..	1 Chaddar (for winter season only).	..	1
Blankets	..	..	2 Blankets	..	2
Bed-sheet	..	..	1 Bed-sheet	..	1
Extra Blanket (for winter season only).	..	..	1 Extra Blanket (for winter season only).	..	1

Diet of undertrial prisoners.

Rule 1117.

926. Undertrial prisoners shall be dieted according to the scale prescribed in Chapter XXXVI. Division I undertrial prisoners shall be given the diets prescribed for Divisions I and II convicts, and Division II undertrials the diets prescribed for Division III convicts. They shall have their food cooked in the prison kitchen by convicts. In special circumstances, arrangements may be made to allow undertrial prisoners to cook for themselves.

927. Subject to the exceptions therein contained, the rules in Chapter XIX relating to jail offences and punishments are applicable to undertrial prisoners.

Undertrial prisoners subject to rules relating to jail offences and punishments therefor.
Rule 708.

928. An undertrial prisoner attempting to escape should be brought before the Magistrate for trial under section 24, Indian Penal Code, without delay.

Steps against an undertrial prisoner attempting to escape.

929. The undertrial ward shall at the regular hours be visited by the gangs employed in sweeping, supplying water, and giving food, under the charge of a paid jail official, who shall prevent their holding communication with any of the prisoners undertrial.

Visit to undertrial wards by gangs employed in sweeping etc.

Rule 424.

930. Particulars of all undertrial prisoners, together with particulars of property brought to jail, shall be entered in the Undertrial Admission Register No. 8, (see Rule 933). Every undertrial prisoner shall be furnished with a history ticket showing his name, date when first placed on trial, date of admission to the jail, crime of which accused, previous convictions, if any are known, Court in which the case is pending, whether he is a confessing prisoner or not, dates to which his trial has been remanded, weight on admission and weight subsequently once a fortnight. Any marks of wounds, bruises, etc., shall be carefully recorded on the history ticket, together with the prisoner's statement concerning them. This ticket shall always be shown to an inspecting officer.

History ticket.

Rule 549.

Rule 122.

Rule 507.

931. (1) In every case when an undertrial prisoner is so seriously ill as to be likely to die, the Superintendent shall report the circumstance to the Magistrate, or, if the prisoner is awaiting trial before the Court of Session, to the Session Judge, in order that, if the law permits, and the Court thinks it proper, the prisoner may be released on bail. In the event of bail being refused, the Superintendent, if he considers it necessary, may remove the prisoner to the local hospital for better treatment and in such cases the instructions contained in clauses (i) and (ii) to rule 1245A should be followed.

Illness of undertrial prisoners.

(2) In the event of an undertrial prisoner being too ill to attend Court on the appointed date, the Superintendent shall report the circumstance to the Court and shall ask for authority to further detain the prisoner in custody. This report must be sent as soon as it is clear that the prisoner will not be able to appear, and must in any case be sent (by telegram, if necessary), so as to reach the Court on the morning of the day fixed for the trial.

G. of B. No. 160-P.J., dated 14th January 1918.

The report should contain the following particulars :

G.O. No. 1261-P.J., dated 17th April 1934.

(i) when the undertrial prisoner was taken ill,

(ii) what illness he is suffering from,

(iii) what his present condition is, and

(iv) when, in the opinion of the Medical Officer, the prisoner is likely to be able to attend the Court.

If in the meantime the prisoner recovers or his illness seems likely to be prolonged another report should at once be sent to the Court.

Report of death of
undertrial
prisoners.

Rule 583.

932. A notice of the death of any undertrial prisoner shall be sent, as soon as possible, by the Superintendent of the jail to the Court or other authority under whose warrants or order such undertrial prisoner was detained.

Register for
undertrial
prisoners.

933. The following register shall be maintained in respect of undertrial prisoners :

W.B.F. No. 4985.

No. 8—Register of prisoners undertrial.—The following explanations are given for filling in this register :

Particulars as to age, wounds or marks on the persons, health and weight on admission and discharge required in columns 4, 7 and 12 shall be entered by, or under the direction of, the Medical Officer (see Rules 122 and 507) ; other entries in column 7 shall be made as directed in Rule 511.

Column 5.—For Nationality and Religion—If Christian, the denomination to be mentioned ; if Muslim, the sect; if Hindu the caste, i.e., whether scheduled or non-scheduled caste.

Column 9.—In this column should be shown the cause of detention; if for trial, the crime with which the accused is charged shall be noted; whether re-captured having escaped while previously undertrial ; whether convicted of offences in connection with political or democratic movements; or detained pending enquiry. The crime, whether the same or any other that may be established after trial, should be entered in the "Register of Convicted Prisoners," No. 6.

Column 10.—If there be two warrants of commitment, at first by a magisterial officer for enquiry and secondly after enquiry, for trial before a Court of Session, both shall be entered.

Column 11.—In this column every date to which the prisoner's production in Court is remanded shall be entered.

Column 12.—Shall show whether in good health or sick; if sick, the class, order, and specific disease, with physical condition and ailments previous to admission as far as can be ascertained from the prisoner himself; or, if received by transfer, from the jail whence received as shown by his history ticket. If the prisoner is discharged in Court, the last previous weighment shall be taken as the weight on discharge.

Column 13.—Full details of the reasons for discharge shall be given, i.e., whether acquitted, charge abandoned, released on bail, transferred to convicted prisoners' department on conviction, transferred a another jail for trial, transferred to another jail on recapture, etc.

Column 15.—Shall show the duration of imprisonment in the undertrial ward from date of first imprisonment to date of transfer to convicted prisoners' department, or of release from any cause.

Column 17.—All property brought with each prisoner, or received from him afterwards should be here entered, and a note should be made against such items of clothing, bedding or other necessities as he is allowed to take inside the jail for use, recording the fact.

Columns 19 and 20.—Weekly examination and attestation shall suffice.

NOTE.—With regard to interviews and communications with legal advisers and friends, see Chapter XVII. For rules relating to hair of undertrial prisoners, see Rule 652. The Rules in Chapter XXV relating to transfers apply to undertrial prisoners transferred. The rules in Chapter VII relating to night-guarding apply in the undertrial yard.

CHAPTER XXVIII—PRISONERS UNDERGOING SAMPLE IMPRISONMENT

Separation of
prisoners
sentenced to
simple
imprisonment.

934. Prisoners sentenced to simple imprisonment should be kept separate from those sentenced to rigorous imprisonment. But those who elect to work shall be allowed to work with A Class labouring convicts during the prescribed hours.

935. Deleted.

936. Deleted.

Prisoners
sentenced to
simple
imprisonment to
remain during the
day times in their
own ward.

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

Clothing of
prisoners
sentenced to
simple
imprisonment.
G.O. No. 83-HJ/
10R-51/52(I) of
16-1-59.
Rule 925.
G.O. No. 175-PJD of
10-9-30.

938. They shall be subjected to a minimum of restrictions consistent with the maintenance of order and discipline in the jails. They shall be allowed to wear their own clothes. In case their private clothing is insufficient for decency or warmth they shall be given the same clothing as undertrial prisoners in Division II to make up the deficiency.

NOTE—Military prisoners sentenced to simple imprisonment shall not be permitted to wear their uniform in jail. They shall, however, be permitted to wear their own civil clothing. Any prisoner who is unable to obtain clothing from outside shall be provided with suitable clothing by the Superintendent of the jail.

Supply of
equipments such
as blankets, etc., to
prisoners
sentenced to
simple
imprisonment.
Rule 1158.

939. Blankets and bedding, cup and plate, shall be supplied to simple imprisonment prisoners on the same scale as to labouring convicts, and when not in use, the former shall be kept neatly folded, and the latter clean and arranged in an orderly manner, as required by Rule 639.

Simple
imprisonment
prisoners to keep
their own clothings
and yards clean.

940. Simple imprisonment prisoners shall keep their clothing clean and in good order, and their yard clean, provide they belong to a class of society the members of which would in their own houses perform such duties. They shall not be compelled to do any other work or to perform any menial duties for other or to do any work of a degrading character, such as scavenger work.

Simple
imprisonment
prisoners may
converse together.

941. They will be allowed to converse together in their ward or place in a quiet and orderly manner except at parades and at exercise.

942. Any simple imprisonment prisoner who volunteers to work shall be allowed to choose such work as is available in the jail and shall be put to such work, provided the Medical Officer certifies in his history ticket that he is physically fit to perform it. If he does a reasonable amount of work he shall be supplied with the diet of a labouring convict of the division to which he belongs. Should he fail to do so, the Superintendent may alter his diet from the labouring to the non-labouring scale. In case the prisoner wishes to cease working, and to return to his original position, he shall be allowed to do so. With regard to the award of remission to prisoners of this class who work, *see* Rule 753.

Work for simple imprisonment prisoner.
See Section 36 Act IX of 1894.
Rule 1092.

943. Non-labouring prisoners shall be compelled to take walking exercise for not more than an hour in the morning and an hour in the evening, if the Superintendent and Medical Officer consider it advisable.

Non-labouring prisoners to take walking exercises.

944. Except where exception is allowed by the rules in this chapter and in the chapter relating to diet, all the rules in this Code, applicable to convicted criminal prisoners, shall be applicable to prisoners sentenced to simple imprisonment; provided that the following punishments shall not be applied to such prisoners, namely, minor punishments Nos. 2 to 4 and major punishment No. 2 unless the prisoner is under the remission system and major punishments Nos. 1 and 1A.

Rules applicable to convicted criminal prisoners to apply generally to simple imprisonment prisoners.
G.O. No. 1273-PJ.
of 11-7-28.

CHAPTER XXIX—FEMALE PRISONERS AND CHILDREN

945. Female prisoners shall be rigidly secluded from the male prisoners, and undertrial female prisoners shall as far as possible be kept apart from female convicts. The female ward shall be so situated as not to be visible from any part of the male wards; and there shall be a separate hospital for sick female prisoners within or directly adjoining the female enclosure. Female prisoners shall not be required to attend at the jail office. All enquiries and verification of their warrants shall be conducted by the Jailor in the female enclosure.

Seclusion of female prisoners.
Rule 616, 910(2).

945A. As far as possible, female adolescent prisoners shall be kept separate from older prisoners, habituals from non-habituals and prostitutes, procuresses and sex offenders from other women offenders.

Segregation of female prisoners—habituals from non-habituals etc.

946. In the female enclosure of every jail there shall be a block of cells sufficient in number for use as punishment cells and to afford separate accommodation for female under-trial prisoners. A female under-trial prisoner may, at the discretion of the Superintendent, if cell accommodation is available, be allowed to occupy a cell in the female enclosure instead of being confined in the under-trial prisoners' ward: provided that the arrangements prescribed in Rule 954 regarding the guarding of cells in the female ward and the custody of the keys of these cells can be made.

Cellular accommodation for female prisoners.
Rule 735.

Transfer of
longterm female
prisoners.

947. Up to the limit of accommodation in the female ward of each jail all female convicts sentenced to imprisonment for a term of less than three months shall be retained in the jail of the district to which they belong. Female convicts who have been sentenced to a term of three months or more shall preferably be transferred to the Berhampore Central Jail where special arrangements exist for their accommodation.

Entertainment of
extra female
warder.
Rules 20, 28.

948. When there is only one female prisoner in the female ward and there is no female warder, the Superintendent shall entertain an extra-temporary female warder to keep her company, in anticipation of the Inspector-General's sanction.

Female prisoners
not to leave female
enclosure.

949. No female prisoner shall, on any consideration, be allowed to leave the female enclosure of the jail, except for release, transfer or attendance at Court, or under the orders of the Superintendent for any special purpose. A female prisoner authorised under this rule to leave the female enclosure, shall invariably be accompanied by the matron or a female warder from the time she leaves the enclosure till she returns to it or quits the jail premises.

Male Officers shall
not enter female
enclosure alone.
Rules 323, 194(10).
Rule 247.

950. No male officer of the jail shall on any pretext enter the female prisoners' enclosure alone and unless he has a duty to attend to there. If a male officer has to attend to any duty in the female enclosure and there is a matron or female warder, he may enter the female enclosure in her company, and shall be accompanied by her to whatever part of the female enclosure he may have to go. Should it be necessary to enter the female enclosure at night, the Head Warder on duty shall call the Jailor and these two officers together shall enter the enclosure. Warders acting as escort to official visitors must remain outside the enclosure while it is being inspected.

Police Officer
visiting female
prisoner.
Rules 64, 624.
G.O. No. 1161-RJ
of 6-11-25.

951. When a police officer is required to take the finger impressions or footprints of a female prisoner or to photograph or measure her, she shall not be brought outside the enclosure for females, but the police officer, in company with a Deputy Jailor or a Head Warder, shall be allowed to go to the female enclosure, and shall there take the finger impressions, footprints, photograph or measurement in the presence of the matron (where such exits) or of the female warder or of the convict overseer on duty. The Deputy Jailor or Head Warder shall remain with the police officer till his work has been finished and shall then accompany him out of the female enclosure.

Custody of keys of
the female ward.

952. The keys of the female enclosure of a jail shall be kept by the matron or female warder during the day, and after the wards and enclosure have been locked up at night shall, except those of any occupied female cells, be made over to the Jailor, and shall remain in his custody until required next morning for the opening of the female wards. With regard to the keys of cells occupied at night, see Rules 287 and 954.

953. The locks of the female yard, cells and wards shall be different from those in use in other parts of the jail, and the same key shall not unlock locks used both in the male and female wards of the jail. If there be no matron or female warder, the keys of the female ward shall, during the day-time, be kept by the Head Warder on duty, but he shall not enter the female ward except to accompany the Superintendent, or visitors, or the Jailer, or Deputy Jailer (one of whom shall open and lock up the female ward) or the warder placed in charge of the sweepers who have to enter the ward to attend to conservancy. The warder told off for this duty shall be an old and trustworthy officer.

Female enclosure should have different locks.
Rules 738, 323.

954. When cells in the female enclosure are occupied, arrangements shall be made that, at night a female officer, and in the day-time, such an officer or a female convict officer shall always be within hearing of the occupants. The key of the cells shall always be at hand and in the custody of a female officer. If there are not two female officers, so that one shall always be present in the female enclosure with the keys of the cells throughout the day and night, continuous confinement in the female prisoners' cells cannot be allowed; no female shall be locked in a cell at any time during which a female warder is not present. As this precludes the execution of a judicial sentence of solitary confinement in any jail which has not two female warders, whenever a female prisoner is so judicially sentenced, her descriptive roll shall be submitted to the Inspector-General for transfer to any jail for which the necessary establishment has been sanctioned.

Guarding of occupied cells in female enclosures.
Rule 293.

955. Female prisoners, except Hindu widows when they so desire, shall not be allowed to cook for themselves. Cooked food shall be brought to them by a convict cook, accompanied by the warder in charge, and shall be placed outside the enclosure gate. The menial duties connected with the female wards shall, if possible, be carried out by the female prisoners themselves, and all refuse matter, etc., shall be placed at stated times outside the enclosure to be carried away by male convicts. If there are no suitable female prisoners for conservancy work, two or three specially selected male convict sweepers or paid sweepers may be taken into the enclosure by a warder under the conditions prescribed in Rule 950, but shall be kept together and shall not be allowed to go out of the warder's sight or to hold any communication with the females.

Female prisoners except Hindu widows to take cooked food. Some menial duties to be performed by female prisoners.
Rule 1117.

956. At the weekly parade held by the Superintendent under Rule 646 female prisoners shall be paraded with their faces uncovered but may be permitted to wear their sarees over their heads.

Weekly parade of female prisoners.
G.O. No. 6474-HJ of 26-10-42.

957. Female prisoners may retain their children up to the age of 4, or with the Superintendent's approval up to the age of 6. They shall be allowed such diet as the Medical Officer may order for them and shall be provided with clothing at the following scale :

Female prisoners may retain children.
G.O. No. 942-TR of 20-6-23.

(a) For the hot weather*(1) Babies.*

Male.		Female.	
Half shirt or frocks (thin white long cloth of medium quality).	2	Frocks (thin white long cloth of medium quality).	2
ljars (Hosiery) ...	2	ljars (Hosiery) ...	2

(2) Child

Khaki half pants (khaki drill.)	2	ljars (half pants) (white drill.)	2
Khaki half shirts (khaki drill.)	2	Frocks (white long cloth)	2

(b) For the cold weather*(1) Babies.*

Mixed flannel half shirts or frocks	2	Mixed flannel frock	2
ljars (thin long cloth of medium quality).	2	ljars (thin long cloth of medium quality).	2

(2) Child

Full pants (woollen)	2	Pajamas (woollen)	2
Full shirts (woollen)	2	Full sleeved frocks (woollen).	2

Birth in jail to be registered.

958. (a) Every birth in a jail shall forthwith be registered at the Local Birth Registration Office. The address of the jail premises, but not the name of the jail in which the child is born, shall be stated as the birth place of the child for record in the Birth Register.

NOTE—If any jail bears no number and name of any street the holding number of the Municipality or of the Union Board or Anchal Panchayat as the case may be, in respect of the jail should be given as the address.

Notice of birth of a child of a Christian mother to be sent to a clergyman.

(b) In the event of a child being born of a Christian mother notice of birth should also be given to a clergyman, who should, if the mother so desires, be permitted to baptise the child either within or outside the jail.

Notice to be given to the District Magistrate and in Calcutta to the Commissioner of Police when a child attains the fixed age limit or when a child survives after death of a convict mother for taking custody and making necessary arrangement.

959. When a child in jail attains the age of 4, or at the discretion of the Superintendent 6 years, or when a female prisoner dies in jail and leaves a child, notice shall at once be sent to the Magistrate of the district or the Commissioner of Police, Calcutta, as the case may be, who shall make arrangements for the care of such child. Should no relation or friends be found willing to take care of the child, the Magistrate or the Commissioner of Police, Calcutta, as the case may be, shall inform the Director of Social Welfare, West Bengal, who will arrange for suitable accommodation and maintenance of the child for such period as may be considered necessary by the State Government in the R. and S. W. (Social Welfare) Department, the charge therefore being met from that Department budget.

10R-38/52(F).

NOTE—The Medical Officer shall determine the age of the children not born in jail.

960. The hair of a female prisoners shall not be cut except by order of the Medical Officer entered in her history ticket in any case where he considers this necessary on account of disease. A comb and suitable sanitary cloth or absorbent cotton wool as required shall form part of every female prisoner's outfit and she shall be provided with a reasonable supply of oil for dressing her hair and bath soap at 1/4th of a cake per head per week. Female prisoners shall also be allowed the use of a looking glass, one in each cell and one or two in each ward being provided for the purpose. Married female prisoners shall be allowed to use vermilion which should be supplied to them for the purpose.

Female prisoner's hair not to be cut except on medical grounds.
Supply of comb and toilet to female prisoners.
Rule 652 (3),
G.O. No. 444-HJ.
of 28-2-40.

961. The rules regarding labour in Chapter XXII, shall be applicable to female convicted prisoners. Likewise all other rules in this Code, including those relating to remission (Chapter XXI), to classification (Chapter XV), to appointments as convict officers (Chapter VI) and offences and punishment (Chapter XIX), when not at variance with the rules in this Chapter, shall apply to them. See Rule 730 exempting from fetters as a punishment, and also from handcuffs except for restraint when necessary.

Rules regarding labour, punishment, remission, etc, of the code generally to apply to female prisoners.
G.O. No.2006-RJ.
of 28-2-24.

It is desirable to encourage among female prisoners the arts of sewing, knitting, weaving, spinning, needlework, and other domestic pursuits subject to local conditions. Arrangements should therefore be made for giving efficient instructions to the female prisoners in this matter as far as circumstances permit.

NOTE—With regard to the release of female prisoners, see Rule 579, and for rules relating to the pregnancy of females sentenced to death, see Rules 994 and 995. For rules relating to the transfer of female lunatics, see Rule 1033, and Appendix No. 15.

CHAPTER XXX

Juvenile Prisoners

Segregation of juvenile and adolescent prisoners.

962. A prisoner up to the age of 21 is considered a juvenile or adolescent. Under section 27 of the Prisons Act, 1894 (Act 9 of 1894), male prisoners under the age of 21 years shall be kept altogether separate from other prisoners, and, of the former, those who have not arrived at puberty shall be separated from others. This applies both to convicted prisoners and to prisoners under trial. Therefore in every jail in which male juvenile prisoners are detained, means must be provided for separating those four classes. Arrangements must also be made to separate adolescents guilty of grave crime from other adolescents. Female adolescents may be kept in the female ward allotted to A class prisoners, but separation from adults should be arranged. Juvenile prisoners belonging to class B must be kept apart from other juvenile prisoners.

In appropriate cases the Superintendent to move the authorities for transfer of a juvenile offender Borstal or Reformatory School.

963. As the confinement in a jail of juvenile or adolescent offenders is objectionable in many ways, whenever such an offender is committed to jail to undergo imprisonment, the Superintendent shall ascertain the full facts of the case. In appropriate cases he shall take action under section 10 of the Reformatory Schools Act 1897 or submit a full report to the Inspector-General with a copy of judgment in the case for taking action under section 10 of the Bengal Borstal Schools Act, 1928.

Transfer of prisoner to Reformatory or Borstal Schools.

Rules 842, 874.
G.O. No. 329-PD.,
dated 27-4-1911.

964. (1) When a warrant for the detention of a youthful offender in a reformatory school is received, the Superintendent before transferring such prisoner to the Hazaribagh Reformatory School, shall ascertain by telegram whether there is accommodation available, and shall not transfer such prisoner until he receives intimation that there is accommodation for him, but shall transfer him, if fit to travel, as soon as he receives such intimation. If a youthful offender, whose detention in a reformatory school has been ordered, cannot be transferred to a reformatory school before the expiration of any sentence or sentences of imprisonment awarded to him, he shall be released on the expiration of such sentence or sentences. Removal to a reformatory school should not be postponed pending the filing or decision of an appeal.

(Bengal Govt. Genl. Dep'tt. No. 4244,
dated 18-11-1909.)

(2) When any boy has been sentenced to detention in a reformatory school, he should be detained in the undertrial ward pending removal to the reformatory.

(3) The boys under orders of detention in a reformatory school shall be allowed to wear their own clothing if sufficient and suitable while under transfer from jails to the reformatory school.

(B.G. No. 329-PD.,
dated 27-4-1911.)
Jail Circular No.47
of 1911.

(4) All youthful offenders should be protected from all contact with other criminals. All youthful offenders under orders of detention in a reformatory who are admitted to a subsidiary jail should be transferred to the Reformatory School at Hazaribagh direct instead of to the District Jail without waiting for the result of appeal, if any.

(5) All adolescents sentenced to detention in the Borstal School should be transferred to Berhampore Borstal School at once without waiting for the result of appeal. All such transfers should be made without waiting for Inspector-General's sanction.

(G.O. No. 3642 P.J.,
dated 20-6-1932.)

965. In jails which have separate wards for juvenile prisoners, such wards shall be fitted with cubicles for the separation on such prisoners at night. If there is not a sufficient number of cubicles for all, those who have arrived at the age of puberty should be kept in the cubicles in preference to those who have not.

Confinement of
juvenile prisoners
in cubicles at night.

In jails where there is no separate juvenile ward, juvenile prisoners sentenced to a month's imprisonment or less, or whilst awaiting transfer, shall be confined at night in cubicles or separate sleeping places, and during the day time shall be kept rigorously under the eye of an elderly and reliable warder, whose duty it shall be to prevent any familiarity between them and the adult convicts.

966. All juvenile prisoners sentenced to more than one month shall, if fit to travel, ordinarily be transferred to the Berhampore Central Jail if casuals and to the Presidency Jail if habituals. In exceptional cases 'B' Class adolescents having not more than two previous convictions may, with the previous sanction of the Inspector-General, be transferred to and confined in the Berhampore Central Jail.

Juvenile prisoners
sentenced to
imprisonment for
more than a month
to be transferred to
Berhampore
Central or
Presidency Jail.

967. Deleted.

968. Deleted.

969. Deleted.

970. Deleted.

971. Juvenile prisoners shall be exempt from full hard labour; they shall be taught and be employed on some simple handicraft, which they are likely to carry on as a trade after they leave the jail.

Juvenile prisoners
exempt from full
hard labour.
Rule 784.

972. The diet of juvenile prisoners shall be regulated according to their age and apparent physical requirements. Boys over the age of 16 shall receive the diet of an adult.

Diet of juvenile
prisoners to be
regulated.

973. All juveniles who are mentally fit, shall be taught reading, writing and arithmetic in accordance with a syllabus approved by the Director of Public Instruction. They shall be taught for an hour in the morning and an hour in the afternoon. In addition to paid teachers, suitable elderly prisoners, if available, may be employed to teach the boys under proper supervision, with the permission of the Inspector-General, and may be granted special remission if they perform their duty satisfactorily. Teachers and

Teaching of
Juveniles.

warders who are allowed to enter the juvenile ward should be persons of irreproachable character. Books and writing materials shall be supplied at Government cost.

974. Deleted.

Superintendent to take personal interest in juvenile offenders' progress in learning.

975. In Central Jails at least half an hour a day should in the progress of the juvenile offenders under his charge. He shall visit the classes occasionally and examine the progress of the students once every month.

Physical exercise.

976. In central jails at least half an hour a day should be devoted to the exercise of juvenile prisoners either in marching or by drill or gymnastics.

977. Deleted.

Male prisoners of ages between 18 and 21 years to sleep in separate ward.

978. Male prisoner aged between 18 and 21 years of each class (A and B) whom it may be desirable to separate shall, if possible, sleep in wards separated from other male prisoners. If there are cubicles in the adult male wards, such prisoners shall be located in them at night.

NOTE.—Regarding the release of juvenile prisoners, see Rule 580.

CHAPTER XXXI.

Prisoners Condemned to Death

979. When a prisoner is sentenced to death, the police officer who attends the trial shall at once inform in writing the Superintendent of the jail in which the prisoner is confined of the sentence that has been passed by the Court. If the sentence is passed by a Sessions Judge that officer will issue a warrant of commitment (vide Form No. XXXIV of Schedule V of the Code of Criminal Procedure, 1898) pending confirmation of the sentence by the High Court. When the sentence has been confirmed by the High Court or is passed by the said Court in an appeal against the judgment of the Sessions Judge a warrant for the execution of the sentence will be transmitted by the Sessions judge. But if the sentence is passed by the High Court in its original criminal jurisdiction or in exercise of its jurisdiction in appeal from its original criminal jurisdiction, a warrant for the execution of the sentence will be transmitted by an officer of the High Court. In either case, the warrant for execution of the sentence will be transmitted to the Superintendent of the jail in which the condemned prisoner is confined.

In case of a death sentence passed by a Special Court or Tribunal the warrant of execution shall be sent by the Special Court or Tribunal after the sentence has been confirmed by the High Court, and in the event of such a court becoming *functus officio*, by the successor-in-office as nominated by Government in each case.

980. Every prisoner sentenced to death shall, from the date of his sentence, and without *waiting* for the sentence to be confirmed by the High Court, be confined in some safe place, namely a cell, within the jail, apart from all other prisoners. The cell or room in which a convict condemned to death is confined shall, before he is placed in it, be invariably examined by the Jailor, who shall satisfy himself of its fitness and safety, and shall record the result of the examination in his report book.

981. Immediately on his arrival in the prison, if the prisoner is a male, the Jailor shall have him stripped and searched in his presence, shall take every article of private clothing or other property from him and shall give him a suit of jail clothing, the usual bedding and the utensils and in addition a pillow, even though he is a Division III prisoner. If the prisoner is a female, she shall be searched in private by the matron or female warder who shall take the same action as the Jailor in the case of a male prisoner. A prisoner shall not be put in fetters or handcuffs unless danger to the guard or to the prisoner himself is reasonably apprehended from the prisoner's violence. If it is deemed necessary to put on fetters or handcuffs, the circumstance and the reasons therefor shall be promptly reported to the Inspector-General. Female prisoners shall not be put in fetters.

Intimation of death sentence to be sent to jail at once and issue of warrant of execution by the Court or Tribunal. (Sec. 374 Cr. P.C. G.O. No. 1968-HJ., dated 11th September 1950).

Confinement of a condemned prisoner. See Sec. 30(2), Act IX, 1894. Rule 736.

Search of condemned prisoner. See Sec. 30(1) Act IX, 1894. Rule 253.

New articles of clothing to be given to a condemned prisoner.
G. O. No. 3152-PJ,
dated 2nd
September 1931.

A condemned prisoner who was classified in Division I undertrial, shall be given one of each of the articles of clothing mentioned in Rule 1165, except that pyjamas will be issued instead of dhuty and cap in place of a pugri ; and a change of clothing will be kept by the guard-in-charge.

Separate guard to be placed.
G. O. No. 4181-HJ,
dated 8th
December 1938.

The Superintendent may also at his discretion issue to such a prisoner an iron cot, one mattress, one pillow, a pillow case, a bed sheet, a mosquito net, a chair and a table. A separate guard shall be placed over each cell in which such a prisoner is confined even if the cells happen to be contiguous.

Confinement of a condemned female prisoner.
G.O. No. 517-TR.,
dated 28th May
1923.

982. A female prisoner condemned to death shall be kept in a cell in the female yard and shall be guarded by female warders.

Guarding of condemned prisoners.
Rule 18.

983. From the time the prisoner is received from Court after sentence he or she shall be placed under the constant charge and observation of a warder, both day and night. Convict officers shall not be employed on this duty. As a rule, the ordinary warder guard of a jail ought to be sufficient for the occasional guarding of a condemned prisoner. If, however, the permanent staff is not sufficient extra warders may be entertained, in anticipation of the sanction of the Inspector-General. The responsible duty of guarding condemned prisoner shall always be given to the most trustworthy permanent warders, the extra warders who may be entertained being placed on less responsible duties.

Warder on duty to have key of the cell lock.

984. The warder shall be armed with a regulation baton, and shall, wherever possible, be placed outside the grated door of the cell. The key of the cell lock shall be kept with the warder or matron on duty so as to be immediately available in case of an emergency. The lock must be one which cannot be opened by any other key in use in the jail. Under all circumstances it is essential that the warder shall have a complete view of the prisoner and of all parts of the cell in which he or she is confined ; during the night, therefore, a lantern shall be so placed as to throw a good light on the prisoner. In the case of a male prisoner, unless the prisoner is attempting to commit suicide the door of his cell should be opened only when there are three persons present to restrain him if he should attempt violence.

Guarding arrangement for more than one condemned prisoners.

985. When two or more prisoners sentenced to death are confined at the same time in cells situated at some distance from one another, a separate guard shall be placed over each cell ; but if the cells are contiguous one warder shall be posted to guard every three cells. For any number of cells in excess of three, an extra guard shall be posted. (See Rule 981 regarding guarding of condemned prisoners classified as Division I undertrial.)

986. The Head Warder on duty shall frequently visit the sentries placed over such prisoners at uncertain hours during both day and night, and shall at once report to the Jailor for communication to the Superintendent any suspicious conduct on the part of any of the prisoners or any fault committed by the warders on guard.

Supervision by
Head Warder.

987. Every morning and evening, the Jailor shall carefully search every male prisoner condemned to death with his own hands and examine his cell and assure himself that the prisoner has no weapon or other means of effecting his escape or suicide. This duty shall under no circumstances be delegated. Female prisoners shall similarly be searched by the Matron in private, but their cells shall be examined by the Jailor.

Daily search by
Jailor.

988. A prisoner under sentence of death shall be allowed the ordinary diet of a labouring prisoner, if previously classed as Division II under-trial, but if previously classed as Division I under-trial, the diet prescribed in Rule 1100 shall be given. His food shall invariably be examined by the Medical Officer or a Medical Subordinate before it is delivered to him and shall be given to him in the presence of the Jailor or a Deputy Jailor.

Diet of condemned
prisoner.
G.O. No. 3152-PJ,
dated 2nd
September 1931.

989. A prisoner condemned to death may be visited by his relatives, friends, and legal advisers, on an order in writing by the Superintendent of the jail. All visitors shall in such cases be conducted to the prisoner's cell by the jailor, Deputy Jailor or Discipline Officer, who shall be present during the interview and see that nothing is passed to the prisoner. No other person shall have access to such prisoner except the Superintendent of the jail, the Medical Officer, and his Medical Subordinate, the Jailor, official and non-official visitors, prisoners who have to bring food and attend to conservancy, and, if the prisoner so desires, a priest or minister of the religion to which he belongs. A condemned prisoner who can read may be supplied with suitable reading material, either books or periodicals which have been passed for his use by the Superintendent, and may be supplied with copies of daily or weekly newspapers, which have been approved for prisoners classified in Division II, and subject to the restrictions laid down in Rule 1074. An exercise book and pencil may be allowed subject to the restrictions laid down in Rule 1056. A condemned prisoner who smokes may be supplied with cigarettes or tobacco.

Facilities for
condemned
prisoner.

G.O. No. 3152-PJ,
dated 2nd
September 1931.

990. When intimation of a sentence of death passed by a Sessions Judge of a Special Court or Tribunal is received, the Jailor shall enquire of the condemned prisoner whether he wishes to appeal and to have his appeal forwarded by the jail authorities. If he desires to do so, the Jailor shall at once have his appeal prepared for him as far as possible in his own words and shall forward it under registered cover to the Registrar of the High Court. It is not necessary to obtain and forward a copy of the judgment in such cases.

Appeal.

Appeal to Supreme Court and petitions for mercy.

G.O. No.299-H.J.,
dated 12th
February, 1952.

991. Every prisoner condemned to death shall have the privilege of petitioning for mercy. The following instructions shall be observed by the Superintendents of jails in connection with the petitions to the Governor or to the President of India by convicts under sentence of death, or in connection with appeals to the Supreme Court or application for special leave to appeal to that Court, by or on behalf of the condemned prisoners :

Rule 600.

- I. Immediately on receipt of a warrant of execution consequent on confirmation by the High Court of the sentence of death, the Jail Superintendent shall inform the convict concerned that if he wishes to appeal to the Supreme Court or to make an application for special leave to appeal to the Supreme Court under any of the relevant provisions of the Constitution of India, he should do so within the period prescribed in the Supreme Court Rules, 1950.
- II. On receipt of the intimation of the dismissal by the Supreme Court of the appeal or the application for special leave to appeal to it, lodged by or on behalf of the convict, in case the convict concerned has made no previous petition for mercy, the Jail Superintendent shall forthwith inform him (the convict) that if he desires to submit a petition for mercy it should be submitted in writing within seven days of the date of such intimation.

NOTE : In cases where no appeal to the Supreme Court or no application for special leave to it, has been lodged by or on behalf of the convict, the said period of seven days shall be counted from the date next after the date on which the time allowed for an appeal to the Supreme Court or for lodging an application for special leave to appeal to it, expires. On expiry of such time, if the convict has made no previous petition for mercy, it shall be the duty of the Jail Superintendent to inform the convict concerned that if he desires to submit a petition for mercy he should do so in writing within seven days of the date of such intimation.

- III. If the convict submits a petition within the period of seven days prescribed by instruction II, it should be addressed to both the Governor of the State and the President of India. The Superintendent of the Jail shall forthwith despatch it to the Secretary to the State Government in the Judicial Department, together with a covering letter reporting the date fixed for the execution and shall certify that the execution has been stayed pending receipt of the orders of the Government on the petition. If no reply is received within 15 days

from the date of the despatch of the petition the Superintendent shall telegraph to the Secretary to the State Government drawing attention to the fact, but he shall, in no case, carry out the execution before receipt of the State Government's reply.

- IV. If the convict submits a petition after the period prescribed by instruction II, the Superintendent of the Jail shall at once forward it to the State Government, and at the same time telegraph the substance of it, requesting orders whether the execution should be postponed and stating that, pending a reply the sentence will not be carried out. If, however, a petition is received by the Superintendent later than the noon on the day proceeding that fixed for the execution he shall at once forward it to the State Government and at the same time telegraph the substance of it, giving the date of execution, and stating that the sentence will be carried out unless orders to the contrary are received.
- V. A petition submitted by a convict shall be withheld by the State Government, if a petition containing a similar prayer has already been submitted to the President. When a petition is so withheld the petitioner shall be informed of the fact and of the reason for withholding it through the Superintendent of the jail.
- VI. Petition for mercy submitted on behalf of a convict under sentence of death shall be dealt with, *mutatis mutandis*, in the manner provided by these instructions for dealing with a petition from the convict himself. The petitioner on behalf of a condemned convict shall be informed of the orders passed in the case. If the petition is signed by more than one person, it shall be sufficient to inform the first signatory. The convict himself shall also be informed of the submission of any petition on his behalf and of the orders passed thereon, through the Superintendent of the jail.
- VII. If intimation is received by the Superintendent of the jail from or on behalf of the convict that it is intended to appeal to or to apply for special leave to appeal to the Supreme Court, the Superintendent of the jail shall forthwith despatch the intimation to the Secretary to the State Government in the Judicial Department together with a covering letter reporting the date fixed for the execution, and if possible, the name and address of the advocate acting for the prisoner and shall certify that the execution has been stayed, pending receipt of the order of the State Government on the intimation. If no reply is received within fifteen days from the date of despatch of the intimation, the Superintendent shall telegraph to the Secretary to the State

Government in the (Judicial) Department, drawing attention to the fact, but shall, in no case, carry out the execution before the receipt of the State Government's reply.

NOTE : If sentence of death has been passed on more than one person in the same case, and if intimation is received from or on behalf of, only one or more but not all of them of an intimation to apply for leave to appeal to the Supreme Court, the execution of the sentence shall be postponed not only in the case of person or persons from whom, or on whose behalf such intimation has been received but also in the case of the other person or persons from whom, or on whose behalf, no such intimation has been received.

VIII. If an appeal or an application for special leave to appeal has been lodged in the Supreme Court on behalf of the convict, the Solicitor of the Government of India will intimate the fact to the State Government which, in its turn, will inform the Jail Superintendent about it. The Solicitor will also communicate to the State Government the result of the appeal or the application for special leave to appeal by an express letter and also supply to the State Government a certified copy of the judgment of the Supreme Court. As soon as the intimation is received by the Government of the rejection by the Supreme Court of an application for special leave to appeal or of the dismissal of an appeal, the District Magistrate and the Superintendent of the jail will be informed by telegram and the Superintendent of the jail will be authorised to fix the date of execution not less than twenty-one days or more than twenty-eight days ahead of the date on which he received such intimation. He will at the same time be instructed to stay the execution pending receipt by him of the post copy of the telegram, and of the certified copy of the judgment of the Supreme Court. The execution shall not also be carried out until an intimation has been received by the Jail Superintendent about the rejection by the President of the Union of the petition for mercy, if any submitted, by or on behalf of the convict.

IX. In the event of its coming to the knowledge of the Superintendent at any time before the execution of the sentence that altogether exceptional circumstances have arisen which plainly demand a reconsideration of the sentence, he is at liberty, anything in the foregoing rules notwithstanding, to report the circumstances by telegraph to the State Government and ask for its orders, and to defer execution till they are received.

- X. The Superintendent shall at once repeat back to the Secretary to the State Government in the Judicial Department all telegrams communicating orders to him regarding petitions for mercy, by way of acknowledgment of thier receipt.

992. (1) A distinctive red envelope with the words "Death Sentence Case" and "Immediate" marked on the top left and right hand corners, respectively, has been prescribed by Government for use in death sentence cases. All Jail Superintendents shall make special arrangements to ensure that communications in these distinctive envelopes are received in the jail at any time of the day or night either by the Jailor or in his absence by the Deputy Jailor in charge who—

Communications regarding death sentence cases to be attended to promptly at all hours of the day and night. G.O. No. 1588-PJ., dated 16th May 1934.

- (a) shall note the time and date of receipt in the receipt register, and
- (b) shall immediately place the communication before the Superintendent for orders.

(2) The Jail Superintendent shall see that prompt replies and acknowledgments are furnished where these are required and that in the case of orders staying execution acknowledgments are promptly sent to Government by special messenger or telegram, and well in advance of the time fixed for execution of the sentence.

993. If any prisoner awaiting sentence of death shows signs of insanity which, in the opinion of the Medical Officer, are not feigned, or requires observation to determine whether they are feigned or not, the circumstances shall at once be reported to the Secretary to the Government of West Bengal in the Judicial Department, and execution of the sentence shall be deferred pending receipt of the orders of Government. The Medical Officer shall keep the prisoner under observation and, as soon as he can form an opinion, which should be within thirty days after the date when the symptoms of insanity are first reported to him, shall certify whether the prisoner is insane or not. His certificate shall immediately be forwarded to the Secretary to the Government in the Judicial Department, in a registered cover. On receipt of the orders of Government, the Superintendent shall give effect to them. If they direct that the sentence of

Condemned prisoner showing signs of insanity. Sec. 16, Act IV of 1912.

Rules 740, 1029.

death shall be carried out, the Superintendent shall at once fix a fresh date for the execution of the sentence which shall be not less than a week nor more than a fortnight after receipt of the orders of the Government. The postponement of the execution of sentence under this rule with the reason therefor, the final order of Government and the new date fixed for the execution of the death sentence, if it is to be carried out, shall be reported to the Court which sentenced the prisoner, and also to the Magistrate of the district.

Treatment of condemned female prisoner found to be pregnant.

994. When a female prisoner sentenced to death is certified by the Medical Officer to be pregnant, the fact shall invariably be noted on the warrant, which shall be returned by the Superintendent of the jail to the Sessions Judge for endorsement thereon of an order for the suspension of execution until the orders of the High Court have been taken under section 382, Criminal Procedure Code, 1898.

Treatment of condemned female prisoner who declares herself to be pregnant.

995. When a female prisoner sentenced to death declares herself to be pregnant, and the Medical Officer is unable to certify to the truth or otherwise of the statement, he shall state the fact in writing, and also the interval of time necessary to enable him to satisfy himself on the point, and the statement shall be attached to the warrant and forwarded therewith to the Session Judge for the procedure specified in the last preceding rule.

Rule 124.

Express order of Government to be obtained for execution of death sentence of a female prisoner execution of whose sentence has been suspended for pregnancy.

996. When execution of a death sentence on a female convict has been suspended under either of the last two preceding rules, it shall not afterwards be carried into execution without the express orders of Government, for which the Superintendent shall apply through the Inspector-General.

Unusual delay in execution to be reported.
G.O. No. 1546 PJ.,
dated 9th
May 1936.

997. Should any extraordinary or unavoidable delay occur in carrying a death sentence into execution, from any cause other than the submission, under Rule 991, of a petition for mercy or an appeal or application for special leave to appeal to the Supreme Court, the Superintendent of the jail shall immediately report the circumstances to the Sessions Judge, returning the original warrant either for the issue of a fresh warrant, or for the endorsement upon the same warrant of an order containing a definite date for carrying the postponed sentence into effect.

NOTE 1 : This rule based is on section 381, Criminal Procedure Code, and does not apply to warrants for execution issued by the High Court. If for any reason a death sentence is not carried into execution on the date fixed in such warrants, execution should be carried out on receipt of instructions from the Government.

NOTE 2 : When the Superintendent is acting under Rule 991 in relation to petitions for mercy and petitions for leave to appeal to the Supreme Court, he should, in postponing execution in accordance therewith, himself fix dates from time to time as necessary, the warrant remaining unaltered.

997A. Notice of the death of a condemned prisoner shall be sent immediately to the District Magistrate and the Sessions Judge of the district in which he was convicted. The Legal Remembrancer and the High Court should also be informed if the appeal of the deceased prisoner is pending. If the date fixed for the hearing of the appeal is very close to the date of the death, a telegraphic intimation or an intimation by a special messenger from jails in or near Calcutta should be sent. Notice of transfer of a condemned prisoner shall likewise be sent by the transferring jail to all officers mentioned above. The Inspector-General shall also be informed immediately about the date of transfer to other jail and date of death of a condemned prisoner.

Notice of death of
condemned
prisoner.
G.O. No. 2762-HJ.,
dated 27th June
1938.

998. When the evidence of a convict under sentence of death is required, the Court shall proceed to the jail for the purpose and shall not require the convict's attendance in Court.

Evidence of convict
under sentence of
death.
G.O. No. 346HJ.,
dated 7th February
1957.

999. Unless specially directed in the warrant, or the condemned prisoner is transferred to another jail under the orders of the Inspector-General (Rule 843), the execution shall take place at the headquarters of the district in which the prisoner is confined at the time the sentence of death has been passed. The Superintendent of the jail shall, on receiving a warrant of death sentence, communicate the fact at once to the Magistrate of the district. He shall be solely responsible for the execution being properly carried out, and shall make timely arrangements to engage the services of a hang-man, to have the gallows in order, and the rope, cap, and pinioning straps ready. A Manila rope, 25.4 mm. in diameter, shall be used for executions, and two such ropes should be available. The rope need not be new, but must be capable of standing the strain of the drop from a height as indicated in Rule 1000 of a sack of sand or earth, one and-a half times the weight of the prisoner. The ropes shall be tested at least a week before the date fixed for the execution, so that other ropes may be procured in good time, if necessary, and subjected to the same test. After being tested the ropes should be locked up in a safe place. On the evening before the execution, the Superintendent shall have the gallows, if a temporary structure, erected in his presence, as far as possible near the condemned cell but not visible from it, and shall examine the ropes to satisfy himself that they have not been impaired in any way since the test. When a condemned prisoner is transferred from one jail to another, the Superintendents of the receiving and despatching jails shall report the fact to the Magistrate of their respective districts.

Responsibility of
the Superintendent.

NOTE : Ropes of the authorised pattern may be ordered from the Presidency Jail by telegraph, if necessary.

Owing to the liability of these ropes to deteriorate indents should not be submitted until the appeal has been rejected.

Information to
relations.

999A. When the date of execution has been finally fixed, the nearest relations of the condemned prisoner shall be informed by post, and also through the District Magistrate. The time that will be normally required for a letter to reach the relatives and for the latter to make the journey to the place where the jail is situated, shall be taken into consideration in fixing the final date.

Scale of drop.

1000. The following scale of drop, proportioned to the weight of the prisoner, is given for general guidance, but the Superintendent must use his discretion according to the physical condition of the prisoner, and should consult the Medical Officer on the subject, if he be not the Medical Officer:—

For a prisoner weighing under 44.45 Kilograms—1.98 Metres.

For a prisoner weighing 44.45 Kilograms or more but under 57.15 Kilograms—1.83 Metres.

For a prisoner weighing 57.15 Kilograms and more but under 69.85 Kilograms—1.68 Metres.

For a prisoner weighing 69.85 Kilograms and over—1.52 Metres.

Note : The actual length of rope required necessarily varies in individual cases; the situation of the knots has no precise relation to the drop. The following formula may be used to ascertain the length of rope required:

Let A be the distance from the top of the knot clamp to the platform.

Let B be the height of the condemned person to the angle of the jaw (this is approximately 165.1 mm. less than total height).

Let C be the prescribed drop.

Let D be the difference between A and B.

Then $D+C$ = the length of rope required, i.e., from the top of the knot clamp to the ring of the loop drawn to the size of the circumference of the neck.

Persons who may
witness execution.

1001. All executions shall take place in an enclosure within the jail walls in the early morning; but, in order to prevent anything of a private character being given to the proceedings, adult male relatives of the prisoner and other respectable male adults, not exceeding twelve in all, shall be allowed to witness the execution. The names and addresses of these spectators shall be recorded in the gate-register, so that they may afterwards be called as witnesses, if necessary. No such person shall be admitted within the jail without the special permission of the Superintendent. Discretion is reserved to the Superintendent to refuse admission altogether, or to particular individuals, in cases in which the

circumstances justify such a course. In doubtful cases the Superintendent shall consult the District Magistrate. The prisoners in the jail shall not be made to attend, and should, as a rule, be kept locked up in their sleeping wards until the execution has taken place.

1002. A guard of not less than 12 men armed with muskets, and with buckshot cartridges in their pouches, shall be mustered in front of the gallows, to repulse any attempt at rescue. In Central Jails this guard shall be furnished by the reserve warder guard. For District Jail the Superintendent of Police should be requested to furnish the guard and necessary officers.

Guard.

1003. The Superintendent of the jail and Medical Officer shall be present at every execution, and likewise the Magistrate of the district, or an officer of magisterial rank deputed by him. At the Presidency Jail, the Commissioner of Police, Calcutta, or a Deputy Commissioner shall be present at every execution.

Superintendent and Medical Officer to be present.

1004. Before the condemned prisoner leaves his cell, the Superintendent shall read out the warrant to him. If it is in a language not understood by the prisoner, the Superintendent or the Jailor or some other official shall read out a translation of it in a language known to the prisoner. The Superintendent and the Jailor shall then identify the prisoner as the individual named in the warrant and make him over to the hangman.

Warrant to be read out.

1005. On reaching the gallows the executioner shall :—

Duty of the executioner.

- (1) Place the convict exactly under the part of the beam to which the rope is attached.
- (2) Strap the convict's legs tightly.
- (3) Put on cotton cap with flap over the convict's face.
- (4) Put the rope round the convict's neck quite tightly, the knot or metal eye being just in front of and below the angle of the jaw, so as to run up behind the ear when the convict falls and receives the jerk. Care must be taken to adjust the rope so that the part to which the metal eye belongs shall pass in front of the throat. The noose should be kept tight as adjusted, by means of a stiff leather washer on the rope. The flap of the cap should hang in front free from the rope.
- (5) Go quickly to the lever and at a signal from the Superintendent let down the trap door.

1006. The body shall hang for half an hour and shall not be taken down till the Medical Officer declares life to be extinct. A post-mortem examination of the body shall be made. The warrant of execution shall be returned with an endorsement by the Superintendent to the effect that the sentence has been carried out.

Post-mortem examination. See sec. 368, Cr. P.C.

Disposal of the body of the executed criminal.

1007. Unless the removal of the body of an executed criminal is likely to be made the occasion of a public demonstration, such body—

- (1) may, at the request of the friends or relatives of the deceased, be made over to such friends or relatives, or
- (2) if not made over to the friends or relatives, under clause (1), may be disposed of under municipal or other local arrangements.

Ibid.

1008. In the event of the District Magistrate or the Magistrate in charge considering it undesirable that the body of an executed criminal should be made over to the relatives or friends of the deceased, such body shall, under the written order of the Magistrate, be burnt or buried within the jail in consonance, as far as possible, with the racial or religious customs of the community to which the deceased belonged. Friends or relatives of the deceased, not exceeding four in number, may, at the discretion of the Magistrate, and under such conditions as he may impose, be admitted to the funeral ceremony and allowed to perform any customary rites. In the absence of any friends or relatives of the deceased, the ceremony shall be performed under the direction of the senior Hindu, Muslim or Christian official of the jail, as the case may be, by engaging, if necessary and available, a priest of the religious denomination to which the prisoner belonged.

Charges for execution.

1009. All charges incurred in connection with an execution shall be paid by the Jail Department.

Disposal of petition for mercy from military prisoners convicted by Court Martial and execution of the sentence of death.
Jail Cir. No. 5534(25), Dated 30th May, 1945.

1009A. The following procedure shall be observed for disposal of petitions for mercy, and for the execution of sentence of death by hanging passed by a General Court-Martial on a soldier of the Indian Army, who under rule 169 of the Army Rules 1954 may be committed to jail by the Commanding Officer of such person, for safe custody, pending carrying out of the sentence :

- (1) The condemned ex-military prisoners shall be allowed, to submit mercy petitions as soon as possible after their sentence has been confirmed by the appropriate Military authority. On receipt of a mercy petition, it shall be forthwith forwarded by the Superintendent to the Adjutant-General in India, General Head-quarters, Simla, for disposal, accompanied by a forwarding memo, in which shall be stated the date fixed for execution of the prisoner concerned. A telegraphic intimation of the fact of the despatch of the petition shall also be sent to him. The Military authority that issued the death warrant shall also be intimated of this fact, by a telegram or a special messenger, according as that authority is situated in a different or the same place, so that the execution may be postponed till the receipt of orders on the mercy petition,

with a request to acknowledge receipt by wire of the telegram and the mercy petition.

- (2) The Army authorities will apply to the State Government for permission to execute the sentence of death by hanging passed on the ex-military prisoner in the jail and for making use of the gallows in it unless they arrange the execution of the prisoner outside the jail. Permission for use of the gallows, when applied for by the Military authorities, shall be given and the services of a hangman with all requisities, and such other assistance as the Military Officer-in-Charge of the execution may ask for, shall be promptly rendered, even if the grant of the State Government's permission has not been communicated by them to the Superintendent.
- (3) For the purpose of carrying out the sentence of death, the condemned man shall be delivered by the Superintendent to Military Custody on production of a warrant in Form I (vide Appendix V, Army Rules, 1954). Every precaution shall be taken to ensure utmost privacy throughout the proceedings.
- (4) Admission to witness the executions, when carried out, in jail, shall only be granted by permission of the Superintendent of the jail or other superior authority, such permission being restricted to adult male relatives of the condemned man or other respectable male adults, up to a maximum of four. The condemned man shall be conveyed to the gallows under the escort of a party of his own regiment. A staff officer of the regiment shall also be present, and he shall read aloud to the condemned man, in front of or near the scaffold, the charge, finding and sentence, and confirmation of the court-martial, as also the warrant. A Medical Officer shall also be in attendance for the purpose of reporting when the death has taken place.
- (5) After execution, a part of the escort shall be left with the Superintendent for the disposal of the body. Unless the removal of the body is likely to be made the occasion of a public demonstration, such body—
 - (i) may at the request of friends or relatives of the deceased be made over to such friends or relatives; or
 - (ii) if not made over to them, may be disposed of under municipal or other local arrangements.

The burial in jail shall be under order of Magistrate.

In the event of the officer commanding the station considering it undesirable that the body should be made over to the relatives or friends of the deceased, such body of a condemned man executed in jail, shall be burnt or buried, as the case may be, within the jail, or where this is impracticable, at such other place as may be decided upon by the local military and the jail authorities, following the procedure laid down in Rule 1008.

Jail Cir. Memo No.
5534(25), dated
30th May 1945.

G/I. Letter No.
115/44 Jails,
dated 24th August
1944.

G/I. Home Deptt.
letter No. 95/45-
Jails, dated 23rd
March 1945.

G/l. letter No. 115/
44-Jails, dated 24th
August, 1944.

NOTE : A hangman with all requisities may be supplied to the military authorities for execution of ex-military prisoners held outside the jail, if they apply for it. When a convict hangman is supplied, he will be sent in charge of a minor jail official (and adequate escort) who will be responsible for the presence of the man and for his behaviour at the place of execution. The requisition of a hangman for this purpose shall be made by the Military authority telegraphically immediately on receipt of the confirmation of the death sentence, stating clearly the station at which the execution is to take place.

CHAPTER XXXII

State Prisoners

Rules 1010 to 1023.—Deleted.

CHAPTER XXXIII

LUNATICS

1024. Persons who are supposed, or are known, to be of unsound mind may be detained in jails and may be divided into six classes:—

Classification of lunatics detained in jails.

- (1) Persons who have not committed any crime and who are supposed to be lunatics placed under medical observation under the provisions of the Indian Lunacy Act (IV of 1912).
- (2) Persons who have not committed any crime and are detained temporarily in jail under the orders of the Magistrate under section 23 of the Indian Lunacy Act, 1912 (IV of 1912) pending their removal to an asylum.
- (3) Persons accused of a crime and supposed to be of unsound mind placed under the observation of the Chief Medical Officer of Health (or, in Calcutta, of the Professor of Medical Jurisprudence, Medical College, Calcutta) under section 464 of the Criminal Procedure Code, 1898.
- (4) Persons accused of a crime and found incapable of making their defence owing to unsoundness of mind, and detained under section 466 of the Criminal Procedure Code, 1898, pending the orders of Government.
- (5) Persons who have committed a crime and have been acquitted on the ground of having been insane when the crime was committed, but detained under section 471 of the Criminal Procedure Code, 1898, pending the orders of, or at the pleasure of Government.
- (6) Prisoners who have become insane after their conviction and admission into jail.

G.O.No. 1404-H.J.,
dated 30th June,
1939.

Persons of classes (1) and (2) are non-criminal lunatics. All others are denominated criminal lunatics.

1025. When the Medical Officer, who is required by a Magistrate to report on the state of mind of a supposed lunatic sent to jail for observation, is not also the Superintendent of the jail, the Magistrate shall send to the Superintendent of the jail a copy of any orders he may address to the Medical Officer regarding the supposed lunatic and the Superintendent shall ascertain from the Medical Officer whether, in his opinion, it is necessary to take any special precautions to prevent the supposed lunatic from doing injury to himself or to others, and he shall see that suitable precautions are taken, if necessary.

Superintendent to ascertain if any precaution is to be taken in respect of a lunatic confined in jail for observation by a Medical Officer.

Steps to be taken by the Superintendent when the period of medical observation of a lunatic detained in jail is over.

1026. Under section 16 of the Indian Lunacy Act, 1912 (Act IV of 1912), the detention of a non-criminal supposed lunatic under medical observation may be authorised for a period not exceeding ten days; if, however, the Medical Officer certifies that further detention is necessary to enable him to form an opinion as required by the Act, the Magistrate or Commissioner of Police may authorise such further detention up to a maximum period of thirty days from the date of the first order of detention.

Seven days before the expiry of this maximum period, the Superintendent shall address the Magistrate or the officer under whose writ, warrant or order the prisoner is detained pointing out that the maximum period of detention authorised by the Act will expire in seven days, and that unless an order for the transfer of the prisoner to a Mental Hospital be furnished in the meantime the prisoner shall be released on the expiry of the period.

Report of death of a lunatic.

1026A. A notice of the death of a lunatic or a suspected lunatic shall be sent as soon as possible, by the Superintendent of the jail, to the Court or other authority under whose warrant or order such person was detained.

Cost of maintenance of non-criminal lunatics to be recovered from the Court.

1027. Non-criminal lunatics shall be entirely excluded from all statistical returns relating to jails, and the cost of their maintenance and clothing (if supplied) and transfer to a Mental Hospital shall be recovered from the Court under whose warrant they are received.

Report of the Inspector-General when a criminal lunatic is detained for more than a month.

1028. When a criminal lunatic remanded to jail for medical observation by order of a Magistrate under section 464 of the Criminal Procedure Code is detained in jail for more than a month, the case shall be reported to the Inspector-General.

Report to the Court when a criminal lunatic recovers his sanity.

1028A. When a criminal lunatic detained under section 466 of the Criminal Procedure Code recovers his sanity, a report shall be submitted by the Superintendent to the Court immediately.

Procedure to be taken when a prisoner shows signs of insanity. Rule 119.

1029. (1) In the event of any prisoner confined in any jail exhibiting signs of insanity which in the opinion of the Medical Officer are not feigned, the Superintendent shall cause such prisoner to be kept under medical observation in a cell in the manner prescribed in Rule 740 or Rule 993.

(2) If the supposed lunatic be—

(a) an accused person under trial the Superintendent shall report the circumstances to the trying or committing Magistrate for necessary action under section 464, Criminal Procedure Code, 1898 ;

(b) a prisoner awaiting sentence of death, the Superintendent shall proceed as prescribed in Rule 993 ;

(c) a person detained or imprisoned under any order or sentence of any Court, the Superintendent shall apply to the Magistrate of the district in which such order or sentence was passed, for a Descriptive Roll in the prescribed form.

NOTE—The Descriptive Roll should ordinarily be received within fourteen days.

1030. If any prisoner becomes insane after his admission to a jail, a report regarding his case shall immediately be submitted by the Superintendent to the Inspector-General, with the object of obtaining the orders of Government for his removal to a Mental Hospital. With this report shall be forwarded in duplicate—

Report to Inspector General on a prisoner becoming insane after admission to jail and documents which are to be sent along with such report. (Sec. 30, Act III of 1900.)

- (1) a Descriptive Roll in Form C (West Bengal Form No. 216);
- (2) a certificate, signed by the Medical Officer of the prisoner's insanity, in West Bengal Form No. 215;
- (3) a certificate of the prisoner's fitness for transfer in West Bengal Jail Form No. 119 (in manuscript);
- (4) a Descriptive Roll in W. B. J. Form No. 8 (West Bengal Form No. 5069).

NOTE—When lunatics are certified to be violent, dangerous, suicidal, etc., a statement of actual facts should be entered in the certificate.

1031. On receipt of a writ, warrant or order for removal of a lunatic to a Mental Hospital, the Superintendent shall forward him to the Mental Hospital specified, with a copy of the order, a copy of the History sheet, and a duplicate of the Medical Officer's certificate of fitness for transfer and also, if the lunatic is a convicted prisoner, with his original warrant of imprisonment, and other documents prescribed in Rule 872. No. lunatic shall be transferred to a Mental Hospital unless the Medical Officer certifies immediately before despatch that he is fit, both mentally and physically, to travel with safety, and the original of this certificate shall be sent to the Superintendent of the Mental Hospital by post. Every precaution shall be taken to secure that the lunatic is properly cared for whilst in transit to the Mental Hospital; he shall be sent in charge of a police escort, and proper arrangements shall be made regarding his property clothing, bedding, and food, as directed in the rules relating to transfer (Chapter XXV), except that two complete suits of clothing and an extra blanket, shall be provided, and, if the lunatic is non-criminal, the clothing shall be ordinary clothing, not jail clothing. (See Rule 1027). Fetters shall not be used unless absolutely necessary.

Transfer of lunatics to the mental Hospital. Rule 877.

G.O. No. 11143-RJ.,
dated 12-7-1927.

NOTE—Intimation of the despatch of mental patients, both criminal and non-criminal, for admission to Indian Mental Hospital at Kanke, with details about the date and hour of arrival at the Ranchi Railway Station, should invariably be sent beforehand to the Superintendent of the Hospital by wire, if necessary. Before despatch to Ranchi of non-criminal lunatics enquiry must always be made of the Superintendent of the Hospital whether accommodation is available.

Procedure to be adopted when a lunatic cannot be transferred to the mental Hospital for lack of accommodation.
G.O. No. 1525 Medl,
dated 15-4-1937.

1031A. If for lack of accommodation in the Mental Hospital a lunatic has to remain confined in a jail, the Superintendent of the jail should move the Inspector-General, for the transfer of the lunatic to a Central Jail. As soon as the permission from the Inspector-General, for the removal of the lunatic to a Central Jail, is received, the precautions, and order contained in Rule 1031 should be adopted and carried out as far as applicable to such cases.

G.O. No. 1762Medl,
dated 4-5-1937.

In all cases previous information regarding the date and hour of arrival of the lunatic at the receiving jail should be sent by telegram so that there is some responsible officer ready to receive the lunatic.

A short medical history outlining the salient features of the case should also be sent in advance and if the lunatic is dangerous and violent or has suicidal and homicidal tendencies this should be distinctly stated.

In all dangerous and violent cases showing homicidal or suicidal tendencies the Medical Officer of the transferring jail should carefully weigh the subject of applying suitable restraint to the prisoner for the period he or she is in transit. He should keep in mind the chances of the lunatic causing injury to his or her own person or to the escort or other persons.

On arrival at the jail, the lunatic must be admitted by the Jailer or a Deputy Jailer, who will carefully scrutinise the medical history of the prisoner, before sending him or her inside the jail. He should ordinarily inform the Medical Officer, or his medical assistants, who will examine the prisoner and the prisoner's papers at the jail gate and issue orders as to the disposal and safe-guarding of the lunatic before the latter is permitted to enter the jail.

G.O. No. 1334-HJ.,
dated 17-6-1939.

Lunatic prisoners with violent tendencies should at all times be under adequate escort when being admitted into or moving about the Jail and where necessary steps should be taken to keep other prisoners out of their way.

Intimation to Police of P.R. Convict, sent to mental hospital.
G.O. No. 551-TR,
dated 21-10-1922.
G.O. No. 1761-RJ,
dated 21-2-1923.
G.O. No. 1141-TR,
dated 21-9-1923.

1032. Whenever a Police Registered convict is sent to a Mental Hospital from a jail, the Superintendent shall communicate the fact fifteen days before the transfer of the convict to the Finger Print Bureaus of the State within which the man was convicted and of the State of which he is a native. In the cases of convicts who have not been made, "P.R." intimation should be given to the Superintendent of Police of the district in which the jail is situated.

1033. Female lunatics when transferred to or from a jail, or forwarded for release to the custody of relations or friends, shall invariably be accompanied by a female warder or attendant (*vide* Appendix No. 15.)

Female lunatics when transferred from a jail to be accompanied by a female attendant. G. of B. letter no. 1355 Medl. dated 13-12-1907.

1034. In urgent and special cases (e.g., if the lunatic is noisy, filthy or dangerous) Superintendents are authorised to transfer insane convicted prisoners from jails to Mental Hospitals in anticipation of Government sanction; the necessary documents shall in such cases accompany the prisoner.

Superintendent's power of transferring an insane convict in certain cases.

1035. When certifying to the fitness for transfer of any insane person, the Medical Officer shall be careful to record minutely the existence of any disability or marks of violence exhibited by such person.

Medical Officer's duty while certifying to the fitness for transfer of a lunatic.

1036. The Medical Officer or the Medical Subordinate shall invariably be present when an insane prisoner is made over by the Jailor to the police escort. He shall acquaint the officer in command of the escort with the exact mental and physical condition of such prisoner and shall bring to his notice such disability or marks of violence as may exist. He shall ask him to satisfy himself that the condition of the prisoner is as stated. The Jailor shall note in his report book the fact of this rule having been complied with.

Medical Officer to be present when insane prisoner is made over to police escort.

1037. When a criminal lunatic of class (6) cannot be transferred under a Government order, so as to reach the Mental Hospital before his sentence expires he shall be detained until the expiration of his sentence, and then be treated as a non-criminal lunatic. The Superintendent shall apply to the Magistrate for the reception order stating the facts of the case together with an up to date report of the Medical Officer on the mental condition of the prisoner.

Criminal lunatic, if not transferred to a Mental Hospital before expiry of sentence, be treated in jail as a non criminal after expiry of sentence.

1038. Whenever a lunatic is found to be dangerous, noisy, or filthy in habits, he shall be confined in a cell; otherwise lunatics of classes (1) to (5) inclusive may be detained either in the jail hospital or in the undertrial prisoners' ward at the discretion of the Medical Officer. Every lunatic confined in a cell shall at all times be watched in the manner prescribed in Rule 740.

Detention of lunatics in jail hospital or undertrial prisoner's ward. Rules 736, 1239.

1039. Every lunatic shall receive the ordinary jail dietary, unless the Medical Officer otherwise directs, but persons coming under classes (1) and (2) may be supplied with food from outside the jail under the same conditions as are prescribed in the case of undertrial prisoners in Rules 923 to 925.

Diet for lunatics.

1040. When it appears to the Government that any convicted prisoner of class (6) has become of sound mind, and a warrant has been issued for the remand of the prisoner to the jail from which he was removed, the Superintendent of the jail shall reckon the time during which the prisoner has been confined in the Mental Hospital as part of his term of sentence.

The period a prisoner has been confined in a Mental Hospital be reckoned as part of his term of sentence.

Treatment of
criminal lunatics of
class (5) in Jails.

1041. Rules issued by Government relative to the treatment of criminal lunatics of class (5) will be found in Appendix No.14. If for want of accommodation any such lunatic cannot be kept in a Mental Hospital, the Superintendent of the Jail in which such a lunatic is confined shall, if of opinion that the lunatic may be released without danger of his doing injury to himself or to any other person, issue a certificate to that effect; and the same shall be sent through the Inspector-General to the State Government for necessary orders. These lunatics as also those recovered criminal lunatics who may be transferred from mental hospitals to jails shall be treated strictly in accordance with the orders of Government passed in each case. Such recovered criminal lunatics will ordinarily be required to undergo a term of probation in jail.

A brief note of the case of every recovered criminal lunatic confined in a jail should be brought to the notice of the Inspector-General at his inspection.

Explanation.—A recovered criminal lunatic is a criminal lunatic in respect of whom, if confined in a jail, the Inspector-General or, if confined in a Mental Hospital, visitors thereto certify that he may be released without danger of his doing injury to himself or to any other person.

1042. Deleted.

Relapse to insanity.

1043. Whenever a recovered criminal lunatic has a relapse of insanity, he should be immediately returned to the Mental Hospital from which he came, with a certificate in Form 3 in Schedule I to the Indian Lunacy Act, 1912, and the case should be reported to Government through the Inspector-General. With every lunatic transferred either from Mental Hospital to a jail, or vice versa, full details of his medical history up to date shall be forwarded.

Superintendent
authorised to
discharge the
functions of the I.G.
in certain cases.

Sec. 474, Cr.P.C.

Rules 36,1244.

Procedure where
lunatic prisoner is
reported capable of
making his
defence. Sec. 473,
Cr. P.C.

1044. Under section 471 (2) of the Criminal Procedure Code, 1898 and section 30(2) of the Indian Lunacy Act, 1912, the Government has empowered Superintendents to discharge all the functions imposed on the Inspector-General by section 30(1) of the Indian Lunacy Act, 1912, and section 473 and 474 of the Criminal Procedure Code, 1898, in respect of persons confined in jail under section 466 or 471 of that Code. (See Rule 36).

1044A. If a person detained under section 466 of the Criminal Procedure Code recovers and is certified by the Inspector-General to be capable of making his defence he shall be taken before the Magistrate or the Court, as the case may be, at such time as the Magistrate or the Court appoints for action under section 468 of the Criminal Procedure Code.

Superintendent in
report to the I.G.
when he finds that
a lunatic may be
released without
danger. Sec. 474,
Cr. P.C.

1044B. If the Superintendent finds that a person detained under the provisions of section 466 (or section 471) of the Criminal Procedure Code, 1898, may, in his judgement, be released without danger of his doing injury to himself or to any other person he shall certify to that effect and send a report to the Inspector-General for submission to the State Government.

1045. On the 15th February and 15th August, Superintendents shall forward in Return No. 9 to the Inspector-General, in respect of each lunatic in his custody, a report showing the physical and mental state of health of the lunatic at the time, and during the intervals since the previous report was submitted. It is essential that the details of this information should be such as would enable the Inspector-General to appraise the relative urgency of the individual cases, so that the vacancies in the Mental Hospital, which are generally limited in number, can be filled up by sending the most urgent cases.

Half-yearly
return.

CHAPTER XXXIV

Lepers

Medical Officer's duty when he finds any convict suffering from leprosy.

1046. When any convicted prisoner is found to be suffering from leprosy, the Medical Officer shall record the fact on his history ticket and also state therein whether the prisoner should be segregated.

Leper convict to be segregated and Superintendent to report to the I.G. for his transfer.

1047. Whenever the Medical Officer records that a convicted prisoner is suffering from leprosy he should at once be separated from other prisoners and the Superintendent shall submit his descriptive roll to the Inspector-General for orders for the prisoner's transfer, and the Inspector-General shall order his transfer to a jail in which lepers are specially confined, subject to the provisions of the rules in Chapter XXV.

G.O. No. 4300-RJ., dated 12th May 1923.

Leper prisoners who are inhabitants of West Bengal, to be transferred to Midnapore Central Jail.
G.O. No. 4278-RJ., dated 4th April 1925.

1048. As a general rule, leper prisoners who are residents of West Bengal will be sent to the Midnapore Central Jail, but every death from leprosy in the Midnapore Central Jail shall be debited to the jail from which the patient came whatever length of time may have elapsed since his transfer.

Leper prisoner to be confined in cell pending transfer or release.

1049. An undertrial prisoner suffering from leprosy whose segregation the Medical Officer recommends, or a leper convict, whose transfer to a leper jail has been recommended, or a leper convict received for release, shall, pending transfer or release, be confined in a cell, but such confinement must not be solitary. The prisoner should be allowed to see and converse with other prisoners. A cell or building occupied by a leper prisoner shall be thoroughly disinfected, the walls scraped and white-washed and the floor, if of earth, renewed before it is used for any other purpose. Clothing and bedding that have been used by a leper shall never be reissued, except to another leper prisoner, and shall be thoroughly disinfected and washed before re-issue. The case of any civil prisoner admitted with ulcerative leprosy shall at once be reported to the Inspector-General with a view to obtaining the orders of Government for his release. On the day before the release of a leper whose segregation has been ordered, intimation to that effect shall be given to the police, in order that they may, if necessary, take action under section 7 of the Lepers Act, 1898 (Act III of 1898).

G.O. No. 4303-RJ., dated 13th May 1923.

Rule 895.

For procedure regarding the release of P.R.T. leper prisoners, see Rule 851.

CHAPTER XXXV.

RULES FOR THE TREATMENT OF CONVICTED PRISONERS IN DIVISIONS I AND II**Section I—Division I—convicted prisoners.**

1050. Deleted.

1051. Accommodation.—Prisoners in Division I shall, whenever possible, be accommodated in cells, but except when imposed as a jail punishment, their imprisonment shall in no case involve anything in the nature of separate confinement.

1052. Furniture and Equipment.—The cell allotted to a Division I prisoner shall contain as its normal equipment a chair and a table; a light for use at night until 10 p.m., aluminium feeding utensils, an iron cot, a thin mattress, two pillows, four pillow cases, two sheets, one or two blankets as may be required, a mosquito net, and a small hand mirror and comb. Each prisoner in this Division shall also be given a tooth brush, if required, and in addition may provide at his own expense, such other furniture, bedding, utensils and hair oil, etc., as the Superintendent may approve as consistent with his ordinary habits and the accommodation of the jail.

1053. Travel in custody.—When it is necessary for prisoners in Division I to travel in custody by train they shall be provided with Class II accommodation. If they are accompanied by a Police Officer who is entitled to travel by the first class they shall also travel by that class. If the journey involves a night in the train prisoners shall be allowed to take with them their bedding and personal kit. In the case of prisoners who are considered to be dangerous a reserved compartment may be engaged. The subsistence allowance for Division I prisoners shall be Re. 1. 87 P. per diem.

G.O. No. 64-PJ
dt. 6-1-1934.

1054. (a) Clothing.—A prisoner may wear his own clothing, provided that it is sufficient, fit for use and not objectionable. Additional clothing may, with the approval of the Superintendent, be obtained from time to time at the expense of the prisoner. The wearing of political symbols is not however permissible. If the prisoner desires to have clothing at Government expense, he shall be provided with the clothing and equipment prescribed for Division II convicts in Rule 1165. Soap shall be provided to enable the prisoners to wash their clothes, but if they are not accustomed to wash their own clothes, the Superintendent will make arrangements for the regular washing of clothes without any cost to the prisoners.

G.O. No. 362-HJ
dt. 16-2-1939.

(b) Three cakes of toilet soap of ordinary quality of a cost not exceeding rupee one and twelve paise per month or in lieu thereof 12 grams of mustard or coconut

oil daily and one cake of toilet soap, per month at the option of the prisoner shall be issued to every prisoner in Division I to keep his person clean.

G.O. No. 175-PJ.
dt.10-9-1930.

Note.—A Military prisoner who is entitled to wear his own clothing, but has nothing but uniform, should be provided with the clothing prescribed in Rule 1165. He should not be allowed to wear his uniform in jail.

1055. Deleted.

Writing Materials.

1056. (a) The use of exercise books and pencils, or pen and ink, may be allowed, in addition to the books, magazines and papers provided for in Rule 1074. The exercise books should be ordinary school exercise books and the pages must be numbered; they should be periodically inspected to see that no pages are missing. The pages must not be used for writing letters.

(b) The privilege mentioned in sub-rule (a) above, as well as those mentioned in sub-rules (1) and (3) of Rule 1074 is contingent on the prisoner's good conduct and may be withheld or postponed for a period not exceeding one month by the Superintendent for any specific case of bad conduct.

Cropping of hair.

1057. The hair of a Division I prisoner shall be trimmed only to such extent and at such times as may be necessary for the purpose of securing health and cleanliness. If the Medical Officer deems it necessary to clip the hair or shave the head of any prisoner, this shall be done on his written order entered in the prisoner history ticket.

Diet of a prisoner of
Division I.

1058. A prisoner in Division I shall receive the diet prescribed in Rule 1100. He may, however, obtain either his entire food or extra food at his own expense or from his friends and relations at the discretion of the Superintendent subject to such examination as has been prescribed in Rule 923 and to such instructions as may be issued from time to time by the Inspector-General. The food so obtained shall be simple in character and in a form in which it can be taken without further preparation. If the prisoner elects to obtain his entire food from private sources, no food shall be supplied to him from the jail. Cigarette or tobacco in quantities which the Superintendent considers to be reasonable may also be allowed at the prisoner's expense.

The Superintendent will regard the scale prescribed in Rule 1100 as a guide and will vary the diet as much as possible within the sanctioned scales.

Prohibition against
transfer of food etc.
by a prisoner of
Division I.

1058A. No part of any food, clothing, bedding or other necessities belonging to a Division I prisoner shall be given, hired or sold to any other prisoner or to any jail officer. A prisoner transgressing the provisions of this rule shall lose the privilege of purchasing food or receiving it from private sources, for such times as the Superintendent thinks proper.

1058B. If any prohibited article is found concealed in any food or other thing supplied to a Division I prisoner, such food or thing shall be confiscated to Government and the privilege of making purchases or receiving supplies from outside shall be withdrawn. In case of confiscation, however, the prisoner shall be supplied from jail with diet prescribed in Rule 1100.

Penalty of introduction of prohibited article with food supplied from outside.

Section II.—Division II prisoners.

1059. Deleted.

1060. Accommodation.—Prisoners in Division II shall be given accommodation in cells, if possible, under the same conditions as are applicable to prisoners in Division I, but otherwise in association with prisoners of the same division, at the discretion of the Superintendent.

1061. Furniture.—A prisoner in Division II shall be provided with a thin mattress, one pillow, two bed-sheets, two pillow cases, a mosquito net and one or two blankets as may be required and one hand fan. He shall be given a stool or chair, a small table or shelf and a light in his cell or ward until 10 p.m.

Furniture and fittings.
G.O. No. 5041-P.J.,
dated 2-11-1932.

1062. Travel in custody.—When it is necessary for prisoners in Division II to travel in custody by train they shall be provided with Class II accommodation. If they are accompanied by a Police Officer who is entitled to travel by the first class, they shall also travel by that class. If the journey involves a night in the train prisoners shall be allowed to take with them their bedding and personal kits. In the case of prisoners who are considered to be dangerous a reserved compartment may be engaged. The subsistence allowance of Division II prisoners shall be Re. 1.55 P. per diem.

1063. Clothing.—(1) Prisoners in Division II shall be furnished with the clothing and equipment prescribed in Rule 1165.

(2) Prisoners in Division II employed as convict overseers shall be provided with suits of plain cotton drill instead of dosuti cloth. They shall have one cotton drill coat in the hot weather in addition to their usual clothing.

(3) Prisoners in Division II of the A and B classes shall wear distinguishing badges of size 5.08 cm. x 5.08 cm. on the right breast the distinguishing colour of the badges being green for "A" class and red for "B" class.

1064. Cleaning of cells, etc.—(a) Prisoners in Division II shall keep their cells or wards, utensils, clothing, and bedding clean and neatly arranged, and shall be allowed soap for washing their clothes. The Superintendent may,

G.O. No. 2764-HJ.,
dated 30-11-1940.

however, arrange for the cleansing of utensils and washing of clothes of such prisoners as, in his opinion, are not accustomed to perform these services for themselves.

G.O. No. 362-HJ.,
dated 16-2-1939.

(b) They shall also be provided with three cakes of toilet soap at a cost not exceeding rupee one and twelve paise per month or in lieu thereof at their option 12 grams of mustard or coconut oil daily and one cake of toilet soap per month to keep their persons clean.

Writing materials
for Division II
prisoners.

1065. Writing materials.—The privilege allowed to Division I prisoners by Rule 1056 will be admissible to prisoners in Division II.

1066. Cropping of hair.—Prisoners in Division II shall, subject to the provisions of Rule 652, have their hair cropped and their beards, whiskers and moustaches shaved.

1067. Diet.—Prisoners in Division II shall receive the diet prescribed in Rule 1100. The Superintendent of the jail will regard the scale prescribed as a guide, and will vary the diet as much as possible within the sanctioned scale. They may also be allowed, at their own cost, cigarettes or tobacco in quantities considered reasonable by the Superintendent.

SECTION III—GENERAL.

(G.O. No. 5041-PJ.,
dated 2-11-1932.)

1068. Jails and accommodation.—(1) Prisoners in Division I shall be confined in Central Jails or in Special Jails specifically used for this class of prisoners. Prisoners in Division II shall ordinarily be Confined in Central Jails but may be confined in any other jail, as ordered by the Inspector-General, provided that the jails where such prisoners are transferred have the necessary arrangements for such prisoners.

(G.O. No. 5041-PJ.,
dated 2-11-1932.)

Rule 607.

(2) When a prisoner is admitted to Division I or II the Superintendent will send his descriptive roll to the Inspector-General for orders as to his place of confinement; if he wishes to appeal, he may be detained for two or three days to admit of his making arrangements with his legal advisers and friends. He shall not, however, be detained until the result of his appeal is known.

(3) Prisoners in Divisions I and II shall be kept in separate wards from those occupied by prisoners in Division III, and prisoners sentenced to simple imprisonment should be kept apart from those sentenced to rigorous imprisonment, and short term prisoners from those sentenced to long terms. These arrangements should be made as far as accommodation admits.

(G.O. No. 5041-PJ.,
dated 2-11-1932.)

1069. Tasks.—The Superintendent shall see that the tasks allotted to prisoners in Divisions I and II are assigned after due consideration on medical grounds and with careful regard to the capacity, character, previous mode of life, and antecedents of the prisoners. Prisoners shall complete their full tasks as allotted, before being allowed any time for study or recreation.

1070. Articles supplied to prisoners.—No article shall be passed for the use of a prisoner unless it has been noted in his ticket, and passed by the Superintendent.

1071. Separate cooking.—The diet of prisoners in Divisions I and II shall be cooked separately from that of prisoners in Division III.

1072. Deleted.

1073. Deleted.

1074. Books and newspapers.—(1) Prisoners in Divisions I and II may be allowed to have a maximum of two books at a time either from the jail library in accordance with the rules in Appendix 31A to this Code (Vol. II). or from outside and may also be allowed periodicals and magazines from outside subject to the approval of the Superintendent. If the Superintendent has any doubt as to the property of any book or magazine, he may refer the question to the District Magistrate concerned and in the case of the Presidency Jail, to the Commissioner of Police, Calcutta. Periodical news may be published in English or Bengali in the form of jail newspaper at the expense of Government and supplied to literate prisoners in both Divisions I and II. If no jail newspaper is published or it is not possible to undertake its production, prisoners in Divisions I and II may be supplied with a few copies of daily and weekly newspapers from a list of newspapers to be approved by Government and subject to censorship when necessary by the Jail Superintendent as regards the matter contained in any particular issues published.

(G.O. No. 33-HJ.,
dated 10-5-1940).

(2) Every Christian prisoner in Division I or II shall be allowed to keep a copy of the Bible and of the Prayer Book of the denomination to which he belongs, and every prisoner of other religions shall be allowed to keep with him such religious books as may be approved by Government. These religious books shall be in addition to the two books referred to in paragraph (1) above.

(3) One weekly and one monthly magazine may be purchased by each jail for issue to Division I and Division II prisoners from the list of magazines approved by Government.

(G.O. No. 1770-HJ.,
dated 7-8-1953).

NOTE.—In the case of any detenu or persons convicted of political offences, who are members of the National Library or any other Public Library, all requisitions for books from the Library concerned should be sent through the Deputy Commissioner of Police, Special Branch, Calcutta, in the case of Presidency Jail and through the Deputy Inspector-General of Police, Intelligence Branch, Criminal Investigation Department, West Bengal, in the case of other jails.

(G.O. No. 733-HJ.,
dated 23-2-1942).

1075. Exercise.—All prisoners shall take such exercise daily in the open air as the Medical Officer considers necessary and under such regulations as the Superintendent shall prescribe.

(G.O. No. 2899-PJ.,
dt. 10-9-1936.)

1076. Opening of barracks.—The barracks and cells shall, subject to Rule 1226, be unlocked at dawn throughout the year. Twenty minutes before the opening of the barracks and cells the rising bell or gong shall be sounded, and the watchmen shall then rouse the prisoners. Every prisoner shall fold up his bedding neatly and shall stand at attention in a row at the centre of the ward for the purpose of being counted before being taken out of the ward. Prisoners in cells shall stand at attention at the cell gate facing outwards. The convict officers will ascertain if any prisoner is sick or wishes to see the Medical Officer or the Medical Subordinate. Sick prisoners shall be seen by the Medical Officer or his medical assistant in the ward.

1077. Latrine arrangements.—(a) Separate latrine accommodation shall, if possible, be allotted to prisoners in Divisions I and II. Prisoners may, however, provide a chamber and a commode at their own expense subject to the approval of the Superintendent.

(b) After the ward has been opened, prisoners shall be allowed to go to the latrine in batches according to the accommodation in the latrine. Prisoners while not in the latrine will remain together in the ward.

Rule 642.

1078. Bathing and washing arrangements.—(a) Separate bathing places shall be provided for prisoners in Divisions I and II. After the latrine parade, the prisoners shall go to the bathing places where they shall wash their hands and faces, and prisoners in Division I may also take their baths. The time allowed to Division I prisoners for bathing shall be such as to allow every prisoner ten minutes for bathing; if necessary the prisoners will go in batches.

(b) After washing or bathing, the early morning meal shall be distributed. At this time the Jailor shall arrange any alterations of the gangs that may be necessary, noting any change of work he may order in the prisoners' history tickets, or causing such entries to be made under his initials, and having the alterations entered in the gang books (See Rule 784 regarding allotment of tasks.)

(c) On completion of the early morning meal the prisoners shall be allowed to wash their hands, after which the rolls shall be called, and the prisoners shall go to their working places.

1079. Orderly behaviour.—Prisoners in Divisions I and II shall at all times behave in an orderly way, but shall not be required to salute officers and visitors or to move in files. They shall, however, stand at attention in the presence of the Superintendent, the Jailor, the Deputy Jailor, the Medical Officer or a visitor. They shall not be required to sit in files at meals. If there are no convict officers of Divisions I and II, the Superintendent shall appoint reliable convict officers of A (non-habitual) class

of prisoners in Division III to carry out the duties of convict officers for this class of prisoners but, as far as possible, the prisoners shall be guarded by warders.

1080. Disposal of kit.—Prisoners shall not be required to carry their kit with them. At working time the kit shall be left in the ward or cells in charge of a convict officer.

1081. Midday meal and washing arrangements, etc.—Prisoners shall be given their meals in sheds or other suitable shelter. When the bell for the midday parade rings, the prisoners shall go to their bathing places and have their baths unless exempted from medical grounds. After bathing they shall go to the feeding sheds or other allotted places for taking their meal and the meal shall be distributed under the superintendence of a convict officer. They shall wash their own feeding utensils but the Superintendent may arrange for this service to be performed by Division III prisoners in respect of such prisoners as, in his opinion, are not accustomed to perform this service for themselves. Prisoners in Divisions I and II cannot however be allowed to use other prisoners as their personal servants. Complaints about food shall be reported at once to the Jailer as provided in Rule 642.

After the meal prisoners shall be allowed to go to the latrine. They shall then return to their ward or cells.

1082. Resumption and cessation of work.—Prisoners will resume work in the afternoon on the sound of a bell or gong and cease work when the gong is again sounded in the evening and go through the same procedure as in the morning. In hot weather Division II prisoners will also be allowed to have a bath like Division I prisoners at the discretion of the Superintendent, provided sufficient water is available for the purpose in the jail.

1083. Night latrine arrangements.—A night latrine shall be provided for each ward, and shall be screened off for purposes of decency. Prisoners shall use the night latrine for defaecation only when actually necessary, and as a rule, it should only be used in cases of sickness. Any prisoner who uses the latrine at night shall be reported by the watchmen and dealt with as provided in Rule 641. If he is found to be sick, he shall immediately be placed under medical observation apart from other patients.

Each cell should be provided with two baskets but these should not ordinarily be used except for the purpose of urination. If otherwise used the fact should be brought to the notice of the Medical Officer.

1084. Complaints.—Parades will be held on Monday morning to hear complaints, but this does not preclude any prisoner from interviewing the Superintendent at other times with legitimate complaints.

1085. Silence during work.—Silence shall be maintained during work except when any enquiry or instructions relating to work are necessary. All loud talking, signing or quarrelling is prohibited, but outside working hours prisoners shall be permitted to converse quietly. Between lock-up and 10 p. m. prisoners may also read aloud from books issued to them.

1086. Deleted.

Rule 579.

1087. Clothing, etc., on release.—(1) Prisoners in Divisions I and II shall be subject to the provisions of Rules 578 and 579 but if a prisoner has no decent clothings of his own, he shall be supplied either with a shirt, dhuti and cap or pagri, or a coat, pair of trousers and hat, according to choice, and subsistence allowance shall be Re. 1.87 P. per diem in the case of a Division I prisoner and Re. 1.12 P. in the case of a Division II prisoner.

A prisoner who has no serviceable sandals or shoes deposited in jail shall also be supplied with a pair of sandals or shoes (preferably at those pairs used by the prisoners in jail).

(2) When released prisoners in Divisions I and II have to travel to their homes by rail, they shall be provided on the Railway Credit Note system with class II accommodation.

1088. Weighment.—Prisoners in Divisions I and II shall be subject to the provisions of Rule 1216, and shall be weighed in shirt, trousers or dhuties and socks. All other clothing shall be discarded at the time of weighment.

(G.O. No. 5041-PJ.,
dated 2-11-1932.)

1089. Prisoners subject to Jail Code in other respects.—In all other respects prisoners in Divisions I and II are, unless otherwise provided, subject to the ordinary rules of the Jail Code. The Superintendent has no power to modify, relax or change any of the rules at his discretion.

1090. Abstract of rules to be hung up in cells and wards.—The Superintendent shall cause an abstract of the rules relating to discipline and conduct, rewards and punishments affecting prisoners in Divisions I and II to be placed in each cell or ward.

1091. Deleted.

CHAPTER XXXVI

Food

SECTION I—DIET.

1092. For the purposes of diet prisoners shall be classified as follows :—

Classification for purposes of diet.
G.O. No. 1882/PJ.,
dated 26-5-1930.

Class I—

- (1) All labouring adult male convicts in Division III.
- (2) All adult male undertrial prisoners in Division II who volunteer to work.

Class II—

- (1) All convicts under the age of 16 years in Division III.
- (2) All female convicts in Division III.
- (3) All non-labouring convicts in Division III.
- (4) All Division II undertrial prisoners both male and female.

1093. All prisoners shall have three meals a day—the early morning meal before the hour of labour, a mid-day meal, and an evening meal before they are locked up for the night (see Rules 636, 642 and 643).

Number of meals
for prisoners.

1094. The regular diet scale for Division III convicts and Division II undertrial prisoners shall be either the West Bengal or the Bihar scale, according as the prisoner is a native or resident of West Bengal or of Bihar (and the Western States); but he shall, on first admission, be allowed to choose either of these scales and shall be warned at the time that subsequent change cannot be allowed. The diet scale he chooses shall be recorded in his history ticket, and no subsequent change shall be allowed unless recommended by the Medical Officer. The Superintendent may, however, in his discretion, allow a subsequent change from the West Bengal scale to the Bihar scale on the express desire of a prisoner for such a change.

Choice of diet-scale
by prisoners.
G.O. No. 1882/PJ.,
dated 26-5-1930.

Scale of diet for
Division III
convicts and
Division II
undertrials.

1095. The following are the scales of diet sanctioned for Division III convicts and Division II undertrials :—

Articles of diet.			West Bengal diet.		Bihar diet.	
			For Bengalees and Uryas.		For natives of Bihar.	
			Class I	Class II	Class I	Class II
			1	2	3	4	5
			Gram.	Gram.	Gram.	Gram.
*For early morning meal—						
Rice	...	...	117	87	117	87
Salt	...	...	3.63	3.63	3.63	3.63
For other meals—						
Rice	...	...	583	496	292	262
Atta	...	...	...	...	292	233
Dal	...	...	146	146	146	146
Vegetables...	...	...	233	233	233	233
Oil	...	...	18.125	18.125	18.125	18.125
			mg.	mg.	mg.	mg.
Salt	...	...	25.375	25.375	25.375	25.375
Condiments	...	...	7.25	7.25	7.25	7.25
Antiscorbutics			As per Rule 1099.			
For whole day—						
For Central, and 1 st,	Coal or		292	292	292	292
2nd and 3rd class						
District Jails.	Fire -Wood.		583	583	583	583
For 4th class District Jails	Coal or		350	350	350	350
.	Fire-Wood.		700	700	700	700

NOTE 1.—Prisoners who are natives of the Punjab and the Uttar Pradesh and choose to take atta in both mid-day and evening meals, should be given 642 grams and 525 grams of atta according as they belong to class I and class II. They should get 58 grams or 87 grams of atta and 29 grams of gur for the early morning meal.

G.O. No. 4005/PJ.,
dated 30-11-1931.

NOTE 2.— In Darjeeling Jail the scale of coal will be 525 gms. per head per diem and the scale of fire-wood will be 1397 gms. per diem with a minimum limit of 112 Kg. a day. Fire-wood should be used only in case of failure to obtain coal.

G.O. No. 603/HJ.,
dated 21-1-1944.

NOTE 3.—Hindu widows who are not accustomed to take boiled rice and Musur or Maskalai Dal may be allowed an equivalent quantity of Atap rice and Mung Dal respectively as substitutes.

G.O. No. 2318/HJ.
IJ.-1/56,
dated 22-8-1956.

***NOTE 4.**—Early morning meal (West Bengal diet) of Division III convicts and Division II undertrials may consist of 87 gms. of rice and 29 gms. of dal made into "Khichuri" or "Ghugni" within the existing scale of ration. "Khichuri" may be served on 5 days in the week and "Ghugni" on 2 other days.

1096. In the case of the early meal of prisoners of class I, 58 gms. or less of dal may, if the Medical Officer deems it necessary, be added to the rice allowed in the scale of diet for early morning meal and then cooked together and served in the form of "khichuri" seasoned with salt, condiments and oil, but in this case, the dal, oil and condiments must be deducted from the allowance for the midday and evening meals, see Rule 1097. When there is loss of weight among prisoners and a tendency to scurvy, molasses or fresh gur shall be given in preference to salt. When possible, and especially if there is any tendency to loss of weight, the early meal of all prisoners may be supplemented by issue of sweet potatoes (*Batatus edulis*) or other vegetable food grown in the jail garden. It shall be the duty of the Jailor to give as much variety as possible to this morning meal and its issue in the form of muri or similar commodities in use in Indian homes should be encouraged.

Introduction of varieties in the early morning meal of prisoners.
G.O. No. 2672/ HJ., dated 20-7-1938.

1097. The articles of diet provided for the midday and evening meals shall be equally divided between such meals; except in the case of Bihar diet, in which the whole of the atta shall be given at one meal, and the whole of the rice at the other.

Division of articles of diet between midday and evening meals.

1098. In all jails a ration of fish or meat at the rate of 29 gms. per head shall be given on alternate days at one or other of the daily meals. If preferred by the Medical Officer, this quantity of fish or meat can be doubled and 29 gms. of dal per head deducted in lieu of the increased quantity of fish or meat. For vegetarians the Superintendent, in consultation with the Medical Officer, may provide substitutes within the amount sanctioned for fish.

Issue of fish or meat to prisoners. Rule 1127.
G.O.No. 5509/ RJ., dated 22nd May, 1926.
G.O. No. 4843/HJ., dated 10-9-42.

NOTE.—The quantity of fish or meat authorised under this rule may be issued on alternate days or accumulated and issued either once or twice a week or on every fourth day according to the discretion of the Superintendent of Jail.

G.O.No. 2984/ PJ., dated 17-9-36.

1099. One or other of the following antiscorbutics shall be issued daily with the midday and evening meals in the quantity per prisoner mentioned opposite each kind :

Antiscorbutics for prisoners. Rules 1110, 1154.

						Per prisoner.
Lime juice	..	..	..	..	..	29 ml.
Amchur	..	..	..	..	..	4.83 grms.
Tamarind pulp (free of husk, fibre and seed)	..				..	7.25 grms.

This shall be in addition to the allowance of condiments which shall consist of the following articles in the proportions stated:—

						Grams per prisoner.
G.O. No. 5509/RJ., dated 22-5-1926.	Jeera or Tejpatha	..	..	..	..	.45
	Turmeric	..	..	..	..	.90
	Chillies	..	..	..	..	1.81
	Onion or garlic or both	..	..	..	..	4.08
	Corriander	..	..	..	..	.45
Total						<hr/> 7.69 <hr/>

Gur at 14.5 gms. per prisoner per diem shall also be issued for chutney or in the early morning meal or for use in any other way at the discretion of the Superintendent.

(See Rule 1107 and Appendix No. 26 regarding preparation of chutneys.)

In districts, where the consumption of chillies amongst the free population is large, a large proportion of this item may be allowed and given with the early morning or other meals. The allowance of chillies and also of fresh vegetables may be increased on the order of the Medical Officer to any reasonable extent that can be supplied from the jail gardens. The allowance of salt may be temporarily increased by the order of the Medical Officer. Similarly the scale of oil may be increased when there is unusual sickness and tendency to loss of weight amongst the prisoners, specially in the cold weather. The antiscorbutics should be varied from day to day. It should be mixed with the food, and not put separately on prisoners' plates so as to insure that it is consumed. During the rainy season, from June to October inclusive, the scale of antiscorbutics shall be increased by one-half of the quantities prescribed above. At the discretion of the Superintendent extra spices or condiments may be issued for prisoners' diet on fish or meat days and necessary quantity of dal deducted so that no extra expenditure is incurred on that account.

G.O. No. 76/ PJD,
dated 16-9-32.

G.O. No. 603/ HJ.,
dated 21-1-1944.

NOTE 1.—Hindu widows who are not accustomed to take onion or garlic may be allowed ginger at 4.5/64 grams per head in lieu hereof.

1100. The scale of diet for labouring convicts in divisions I and II shall be as follows :—

Diet scale for prisoners.
G.O. No. 270/PJ,
dated 25-1-1933.

Diet Scales

A Diet.

Items of diet.	Quantity.
	Gms.
For early morning meal.	
Bread or atta or rice or Suji ..	117
Tea or cocoa or coffee ..	14.5
Sugar	58
Butter	21.75
or ghee	14.5
Milk	58ml.

B Diet.

Items of diet.	Quantity.
	Gms.
For early morning meal.	
Bread	117
Tea or cocoa or coffee ..	14.5
Sugar	58
Butter	21.75
Milk	58 ml.

For other meals.

Fine rice	467
or	
Atta	583
Dal	117
Vegetables	233
Potatoes	117
146	
Meat or fish	117
(or milk .35 lit. or vegetables 467 Gms. or eggs 2, in lieu of meat or fish)	
Condiments	10.86
Tamarind or lime	3.63
Salt	29
Gur	14.5
Mustard oil	29 c.c.
Ghee 14.5 Gms. or mustard oil	43.5 c.c.
Dahi 117 Gms. or fruits (or Jam and Jelly to the equivalent value of 117 Gms. of Dahi.)	
Coal	930

For other meals.

Bread	350
Atta	58
Fine rice	175
Dal	87
Vegetables ... ..	..
Potatoes	117
Meat or fish (or eggs 2, in lieu of 117 Gms. of meat.)	292
Condiments	7.25
Tamarind or lime	3.63
Salt	29
Jam or Jelly, or fruit at equivalent value of Jam and Jelly	14.5
Mustard oil	14.5 c.c.
Suet 29 Gms. or ghee	14.5
or mustard oil	43.5 c.c.
Onion	43.5
C	930

G.O. No. 310/HJ,
dated 18-2-1946.

G. O. No. 5141/ P.J,
dated 23-12-1935.

The scale of diet for non-labouring convicts in Divisions I and II and for Division I undertrials, shall be the same as that prescribed for labouring convicts in Divisions I and II, subject to the following modifications:—

<i>A Diet.</i>				<i>B Diet.</i>			
<i>For early morning meal.</i>							
Gms.							
Bread or Atta or Rice or Suji			87	Bread	..	..
<i>For other meals</i>							
Fine rice	..	..	408	Bread	..	..	292
or Atta	..	..	467	Fine rice	..	..	146
Meat or fish	..	..	58	Meat or fish	..	..	175
(or milk 233 ml. or egg				(or eggs 2 in lieu of 117			
1 or vegetables 350 Gms.				Gms. of meat).			
in lieu of meat or fish).							

N.B.—The total cost of A or B diet should not exceed Rs. 2.00 or Rs. 2.50 P. respectively for labouring convicts, and Rs. 1.80 P. or Rs. 2.00 respectively for non-labouring convicts and Division I undertrials.

NOTE 1.—Prisoners on first admission will be allowed to take either A or B diet and no subsequent change will be allowed. The Superintendent shall issue a menu in accordance with the quantities authorised and shall use his discretion in allowing substitutes but the cost of the diet shall not exceed the monetary limit. The issue of atta or rice can be made in any proportion required, any alterations of diet considered necessary which are not authorised should be reported to the Inspector-General in accordance with Jail Code Rule 96.

G. O. No. 603/ HJ,
dated 21-1-41.

NOTE 2.—Hindu widows who are not accustomed to take boiled rice and Musur or Muskalai-Dals may be allowed an equivalent quantity of Atap rice and Mung Dal respectively as substitutes. Those who do not take onion or garlic may be allowed ginger at 43.5 Gms. per head as a substitute.

NOTE 3.—When the number of classified prisoners messing together is five or less coal should be issued according to the following scale :

No. of Prisoners.			Coal.
1	..	..	3 Kg. 267 Gms.
2	..	..	3 Kg. 730 Gms.
3	..	..	4 Kg. 197 Gms.
4	..	..	4 Kg. 670 Gms.
5	..	..	5 Kg. 137 Gms.

Economy in fuel.

1101. No reduction from, or alteration of, these diet scales shall be made otherwise than under the circumstances prescribed in Rules 97, 942, 1102 to 1104, 1221 and 1224. But when there are less than five prisoners in a mess, the firewood may be increased to 700 Gms. or even to 930 Gms. per man ; the expenditure for fuel should be economised as much as possible by using prepared cowdung, or twigs, branches and dried jungle from the garden which should be stacked for this purpose during the dry season. Civil prisoners shall be provided for in accordance with Rule 890. With regard to hospital diet, see Rule 1238.

1102. Every convict, and every unconvicted or civil prisoner who does not maintain himself shall, when not placed on special diet on medical grounds, daily receive the scale of diet provided for prisoners of the class to which he belongs, provided that :

Variation of diet in special cases.

- (1) in jails where a large number of the prisoners belong to hill tribes or to aboriginal tribes the Medical Officer shall, with the sanction of the Inspector- General, draw up a special diet scale for such prisoners;
- (2) in times of scarcity or famine the Medical Officer shall pay special attention to the diatery of newly admitted prisoners. All such prisoners as may be weakly should be placed in either the convalescent or special gangs, or the Medical Officer may, in his discretion, and with the previous sanction of the Inspector-General, devise a special scale of diet for such prisoners who should only gradually be permitted to be put upon the ordinary jail diet;
- (3) Prisoners sentenced to rigorous imprisonment shall, when undergoing punishment involving a cessation from labour, received diet according to scale II of Rule 1095 in the case of Division III convicts;
- (4) Nursing mothers shall be allowed 117 Gms. of rice or wheat atta and 29 c.c. of mustard oil in excess of the ordinary labouring ration.

1103. Children admitted to jail with their mothers, or born there, shall be given the following diet, per head per diem; the Medical Officer may vary or add to the diet in his discretion.

Diet of child staying in jail with mother.

- (a) For children under 12 months—when the milk of the nursing mother is scanty, it may be supplemented with cow's milk suitably mixed with water, at the discretion of the Medical Officer. An aluminium *bati* and *jhinuk* may be supplied for each such child.
- (b) For children between 12 and 18 months—35 litre. of milk, 117 Gms. of rice and 29 Gms. of *dal*.
- (c) For children between 18 and 24 months—233 ml. of milk, 233 Gms. of rice and 29 Gms. of *dal*.
- (d) For all children up to 24 months—29 Gms. of sugar.

G.O. No. 1979/HJ., dated 31-7-57.

NOTE.—Diet may be issued to children above two years age at the discretion of the Medical Officer.

1104. It is of great importance that the dietary shall be varried as much as possible. Subject to the prescribed diet scales in respect of quantity and items of food, such variation as the occasional issue of animal food, and

Variety in diets. Rule 1224.

Appendix No. 26.

issue of different kinds of pulses, vegetables, and antiscorbutics, should be made. In the rainy season a welcome change can be effected by issuing with the vegetables 29 Gms. of dal in the form of "bori" the "bori" dal and the ordinary dal of the meal in which "bori" is issued being of different varieties.

Rule 97.

Whenever the Medical Officer considers it desirable, 58 or 117 Gms. of meat or fish, or a nutritive equivalent of dahi shall be given two to four times a week, in lieu of 29 or 58 Gms. of dal. The dahi should be prepared or obtained the day before it is required for issue. The solid curd should be obtained by straining the dahi through a muslin bag, and should be issued in full weight according to the allowance ordered. The whey should be added to the curd after its distribution at the feeding platform, and be issued as an extra on account of its wholesome properties. Under the following circumstances, however, no option will be allowed in regard to issuing animal food of which 117 Gms. or such quantity as is of fully equivalent nutritive value must be substituted for 58 Gms. of dal four times a week :—

- (a) If the fortnightly weighments indicate that an unusual proportion of the healthy prisoners have lost weight.
- (b) If there is any general tendency to scurvy with ulceration of the gums.
- (c) If the number of admissions into hospital from dysentery is on the increase and the disease is of a severe or scorbutic type.

Registers for issue
of Food.
Rule 274. W.B.F.
Nos. 5012 and 5013.

1105. The following registers shall be maintained in respect of the issue of food:—

W.B.F. No. 5008.

Nos. 36A and 36B. Diet Rolls for ordinary prisoners (Rule 1095) and Divisions I and II convicts and Division I undertrials. The careful keeping up of these rolls is very necessary. Many prisoners who are released during the day, or come into jail in the afternoon, can take respectively only either the morning or the evening meal. A detailed account of the number of prisoners fed at each meal is necessary to afford a correct check upon the issue of food in full quantity according to scale—a matter of great importance in maintaining their health; it is also necessary for checking over-issue or peculation. The Superintendent should compare this calculation with the actual issues recorded in the Stock Book No. 33.

SECTION II.—PREPARATION OF FOOD.

Weekly inspection
of Food.
Rule 97.

1106. Due attention should be given to the quality, proper preparation, and cooking of the food and its issue in full quantity. The Superintendent and the Medical Officer shall therefore exercise the utmost vigilance in the

supervision of food supplies. When the food is cooked and ready for issue, and also after distribution into the prisoners' plates, it shall at least once a week, be inspected without previous notice, by the Superintendent and by the Medical Officer, to see that it is properly cooked and distributed. At this inspection the weight of the food given to a number of prisoners should be tested.

1107. All items of the dietary shall be weighed out to the cooks in a fully prepared state, or if this is impossible, with full allowance for any loss which must occur in preparation by the cooks. All food shall be issued within one hour of its being cooked.

Instructions to be followed in issue of foodgrains for preparation of meal.

The following instructions must be strictly observed:—

- (1) No rice less than three months old shall be issued.
- (2) The rice when weighed out to the cooks must be free from husks, dust, or any foreign matter and broken rice.
- (3) Of broken rice separated from the whole rice the half-grains may be used, without admixture with whole rice, for the early morning meal.
- (4) The smaller particles of broken rice and other refuse shall on no account be issued for prisoners' food.
- (5) The weight and bulk of cooked rice from a given weight of uncooked grain will vary according to the age of the grain and the season. The weight of 350 Gms. of raw rice when cooked may vary between 930 Gms. and 1047 Gms. The proper weight of the cooked ration should therefore be frequently ascertained by experiment.
- (6) Wheat shall be thoroughly freed from dirt, unsound grain, and other substances before it is ground into atta. The flour shall be sifted through a perforated zinc sifter (No.6 gauge), 12 holes per 2.5 cm. or fine wire gauge, 20 holes per 2.5 cm.

1108. Two hundred ninety-two Gms. of atta corresponds nearly with 437 of dough and 379 of chappati. Each chappati shall be weighed as dough, which shall be slowly and thoroughly kneaded and then be rolled to a uniform thickness on a table by a rolling pin, not patted by hand; the cooking must be done slowly on a gently heated plate, so as not to burn the outside whilst the inner part remains uncooked. Chappatis shall be made of two sizes, i.e. large, containing 117 Gms. of atta, and small, containing 58 Gms. The following table shows the

Quantity of flour in chapatis to be given to prisoners.

weight of atta and number and size of chappatis, that can be issued to each prisoner:—

Class.	Weight of atta in Gms.	Number of chappatis	
		Made from 117 Gms. of atta.	Made from 58 Gms. of atta.
Prisoner of Class I ...	292	2	1
Prisoner of Class II ...	204	1	1½

Use of
preparation of dal.

Rule 1107.

1109. No dal shall be cooked until it has been thoroughly husked and until unhusked grains have been carefully picked out. Kalai and Mung dals cannot be thoroughly husked before they pass into the cook's hands as they have to be soaked and rubbed to get the husk off. When these are issued, an excess of 10 per centum beyond the scale allowance shall be given to compensate for subsequent loss of weight in husking; and care must be taken that when the cooks husk these dals they do not wash away and waste the grain. The use of Khesari dal is prohibited; and dals of different kinds or dals and other grain must not be cooked together. The use of Kalai dal should be limited to the hotter months of the year. The consistency and bulk of the cooked ration should be frequently tested as ordered in regard to rice. Some dals become hard by storage; such dals should be steeped for a considerable time and be cooked very slowly.

Use of
antiscorbutics.

Rule 1099.

1110. Antiscorbutics must be used in full weight of the edible parts, Proper allowance being made for the husk, seeds and fibre. Each supply should be tested by separating the edible part from that which is not edible, of a given weight, and finding the proportion of one to the other. The rate of issue in accordance with the prescribed scale should then be fixed in that proportion. Putwa must include only the edible calyces of the fruit, and with amchur, allowance must be made for the dried skin. Limes, and unripe mangoes may be preserved by pickling or in the form of chutney. Such preparations, if carefully made with a sufficiency of different condiments form a valuable variation to the condiments and antiscorbutics issued at those seasons when the appetite of the prisoners shows signs of failing. Instructions are given in Appendix No. 26 for making such preparations. The Jailor should prepare in proper seasons an ample supply of tasty pickles and see to their proper preservation for use when required.

Use of vegetables.
Rule 1220.

1111. Only succulent vegetables shall be issued. These shall be freed from stalks, fibrous portions and rotten leaves or parts, and shall be cut up, ready for the pot before being weighed out to the cooks. Light labour or special gang prisoners may prepare the vegetables. Arrangements must be made to ensure a sufficient supply during the hot weather and rains of succulent, nutritious

and antiscorbutic vegetables; sags should be given only at intervals, and when young and tender; successive crops of country radish should be ready at this time, and cabbage should be largely cultivated. Brinjals, melons, cucumbers and sags are of little nutritive or antiscorbutic value. Onions, yams, kutchu, sukkarkand and potatoes should be specially grown and stored for issue at this season. Potatoes and onions when issued may be spiced with oil and chillies and given in the form of "bhurta". The vegetables should be examined daily by the Medical Officer or Medical Subordinate.

1112. An allowance of 25 per cent. extra shall be given for heads, tails, fins, scales and entrails when whole fish is issued and for bone when meat or mutton is issued.

Issue of fish and meat.
G.O.No. 1549/ HJ,
dated 7-6-56.

1113. All articles issued for rations shall be frequently inspected by the Medical Officer, and any defect of quality noted by him shall be reported at once to the Superintendent by the Jailor.

Inspection of ration
by Medical Officer.

1114. Correct and well-made beam scales and weights shall be used in every jail, both for weighing supplies in bulk and for weighing the food after distribution, and shall frequently be tested by the Superintendent. The scales should be kept properly adjusted. Proper tin measures carefully and frequently tested shall be kept for the distribution of all food that has to be given out by measure. All complaints of prisoners respecting the quantity, quality, or cooking of the rations shall be at once brought to the notice of the Superintendent and promptly enquired into, and if the complaint be found true and the irregularity is due to the fault of any jail official, the Superintendent shall record his orders in his minute-book.

Prompt enquiry to
be made into
complaint
regarding ration.

Rule 642.

1115. The uncooked food shall be weighed out to the cooks by the Jailor, Deputy Jailor, clerk or Head Warder specially appointed to keep the godown. The Jailor shall, however, be always held responsible for seeing that the full quantity is issued. Mustard oil shall not be issued until it is required to be put into the cooking pot. The oil shall be put into the cooking pot in the presence of a Head Warder.

Jailor responsible
for issue of full
quantity of ration.

Rules 256, 274.

In jails where the Panchayet System exists the Panchayets shall be present at the time of weighing of the uncooked food. They shall also be present at the time of distribution of the cooked food to the prisoners.

1116. There shall be one cook-shed in each jail for criminal prisoners in Division III. There should also be a separate cook-shed for civil prisoners, and one in the hospital.

Cook sheds in jail.
Rule 1238.

1117. The cooks shall be of the A class except at the Presidency Jail where well-behaved B class prisoners may be employed as such. Any prisoner in a jail who is of

Selection of cooks.

Rules 793, 955.

so high a caste that he cannot eat food cooked by the existing cooks shall be appointed a cook and be made to cook for the full complement of men. Individual convicted prisoners shall under no circumstances be allowed to cook for themselves exception being made in the cases of Hindu widows who, if they desire it, may be allowed, at the discretion of the Superintendent, to cook for themselves if it does not interfere with their work and discipline.

Cleanliness in the cook house.

1118. The cooks shall perform all preparations and processes necessary after issue of the daily supplies to them and shall cook the food with due care and attention. Iron cooking pots shall be used. All cooking utensils must be kept scrupulously clean and bright, and the cook-house and feeding places as clean and tidy as it is possible to make them. All food shall be carefully protected from flies and dust. Any breach of this rule shall render the cooks liable to punishment.

G.O. No. 2324/ HJ, dated 26-3-57.

The cooks employed both in the general and hospital kitchens of the jail should be medically examined at least once a month so as to ensure that no prisoners who is suffering from any disease is employed in the kitchen for preparation and supply of food to the prisoners.

Dining place to be sheltered from sun and rain and protected from dust.

1119. Places at which prisoners take their mid-day meal in the hot weather or any meal when it rains should be sheltered from the sun and rain. If there are no roofs over the ordinary feeding platforms the prisoners must sit at this meal in verandahs or, if necessary, in the worksheds or wards, or wherever shelter can be found. Dining places should be free from dust.

SECTION III.—PROCURING AND STORING FOOD SUPPLIES

Grain to be stored at the cheapest season.

1120. The Superintendent and the Jailor shall make arrangements in due time for storing at the cheapest season grain of such kinds as are required in sufficient quantity to last (with what may at the time be in stock) until the following year's crop can safely be used. Rice shall be only of the winter crop, which is not fit for use until the end of March. If this, for instance, is stored in January 1963 a sufficient quantity must be laid in store to last with what remains in stock from previous supplies, until the end of March, 1964.

NOTE.—Regarding purchase of foodgrain and other articles by calling for tenders see Rule 25.

Instructions for proper storage of articles. Jail Cir. No. 2 dated 17-3-48.

1120A. The following instructions shall be observed for the proper storage of all articles in jail, so that their physical verification by the Superintendent and other officers who may have to undertake such work periodically, may be done expeditiously whenever necessary. The Jailor and the store-keeper or other officer under whose custody the articles are stored, shall be held personally responsible in case of non-compliance with these instructions :—

- (i) Articles of any particular class or group shall be kept together properly arranged.

- (ii) Storage should be in suitable receptacles, bags or containers.
- (iii) The receptacles, bags or containers should invariably be marked with their weight (tare) so that their net contents may easily be determined on weighment.
- (iv) The bags, receptacles, bundles, etc., as the case may be, relating to the same articles, shall contain a uniform quantity of such articles, except the one under immediate use. Bags of rice and grain shall each contain 75 kgs. of the relevant articles, and the suppliers should be required to deliver their supplies in such manner.

1121. Deleted.

1122. The Jailor shall be responsible for the weighment of all supplies and their safe keeping after delivery, but the Superintendent shall examine a portion of every delivery of grain brought into jail and satisfy himself that it is of good quality, corresponds to approved sample and is suitable for its purpose before it is stored. There should be no delay between delivery and weighment, and payment must be made at once after weighment and approval by the Superintendent. Unless prompt payment is made, it cannot be expected that dealers will give the most favourable terms.

Responsibility of
Jailor and
Superintendent.
Rule 1347.

1123. Grain should not be finally stored until it is thoroughly dry; if very new and damp, it should be spread out to dry in the sun for two or three days before it is stored. During this time it should be frequently turned over by light labour prisoners. It must not be left lying in the open air at night. While in store it should be protected from the depredation of birds and vermin, and as far as possible be inaccessible to prisoners other than those employed in its preparation. Grain should be stored in bags and not loose in bulk.

Storing of grains.

1124. Deleted.

1125. Deleted

1126. As far as possible, articles of diet required for feeding prisoners shall be raised on jail land and be prepared by the jail labour. All pulses required for consumption in a jail shall invariably be husked by prisoners and both in regard to these and the manufacture of flour and mustard oil for food, the Superintendent should frequently compare the amount of the outturn with the grain issued and see that a full return is obtained.

As far as possible
articles of diet to be
raised on jail land
and to be prepared
by jail labour.

1127. Tanks within the jail should, whenever possible, be periodically stocked with fish fry of the Roho, Mirgal and Cutla varieties, so that the mature fish may be used for

Preservation and
breeding of fish.

feeding the prisoners. Tanks outside the preimeter wall may preferably be leased out with the previous approval of the Inspector-General. Every Jailor should study the subject of fish breeding, and be able to distinguish the full-grown fish and the fry of the above species of fish, and also fry of carnivorous fish which should be excluded from tanks. Instructions regarding fish-breeding may be seen in Appendix 25. The theft of fish from a fish tank by a prisoner shall be punished as a jail offence, and if committed by a jail employee, will render him liable to dismissal. All the fish raised from a jail tank shall be used for feeding prisoners only; its utilisation in any other way is strictly prohibited.

For correct evaluation of the comparative progress in fish rearing in jails in successive years, the Superintendent shall mention in the Annual Administration Report of the Jail the total quantity and the estimated value of fish raised from the jail tanks for use in the jail and the total expenditure incurred on purchases of fish during the year under report as well as the preceding two years.

SECTION IV—THE DAIRY.

Cow shed in the jail to be properly built and arrangement made for keeping it clean. Rule 130. G.O. No. 1060/ H.J. dated 16-6-55.

1128. When a jail has a dairy well-roofed and ventilated sheds shall be provided. The floor should be of well-burnt brick-on-edge or other good material pointed with cement. To prevent slipping the slope of the floor should be slight, just sufficient to carry off the urine and washings to a masonry drain emptying through a spout into iron receptacles removable by hand and not into the surface drains of the jail. The vital necessity of cleanliness must always be borne in mind. The floor of the cow-shed must be scrubbed and washed daily and afterwards thoroughly dried. Sand and straw should be thrown on the floor to prevent the cows slipping. The presence of flies in the cow-house is a sure sign of neglect. A separate shed or a separate portion of a shed should be provided for weaned calves. The keeping of private cattle on jail premises is strictly prohibited.

Selection of cows for Jail dairies.

1129. Care should be taken to select the best breed of cows that can be obtained either locally or by purchase in other districts; as a rule it will be found in West Bengal that the best cows locally obtainable do better than cows imported from distant parts. The improvement of the breed should always be kept in view. Wellbred bulls when available will be supplied by the Agricultural Department of Government; these shall be maintained at the jail, and the use of them by raiyats, gowalas, and cattle-breeders in the neighbourhood shall be allowed on payment of the usual local charge. If a good bull is not in stock the service of the best procurable in the neighbourhood should be obtained. Too much inter-breeding should be avoided.

1130. Dry cows, calves, bulls and bullocks should be allowed to graze outside the jail, and they should be housed outside the jail-walls. Cows actually in milk should be stall-fed and may be kept inside the jail enclosure, a sufficiently large shed in two parts being made for them and for their calves.

Dry cows, bulls and bullocks to be housed outside the jail walls and milch cows to be kept inside.

1131. Care should be taken to ensure sufficient milk being available for prisoners. To provide for this, cows should be covered, so that they calve at periodic intervals throughout the year, bearing in mind that more milk is required during the autumnal fever season. At the same time a cow should be sent to the bull whenever, after calving, she shows desire. Generally this will not be before three months. Where fodder is cheap, female calves and a sufficient number of male calves of good bred for use as bulls and bullocks should be reared.

Arrangements to ensure regular supply of milk. G.O. No. 3786/ PJ, dated 20-11-1919.

1132. Registered numbers shall be given to every head of cattle; these numbers shall be inscribed on a wooden or metal ticket suspended from the neck of each animal. In the case of calves the ticket shall bear in addition the registered numbers of the mothers.

Registered numbers for cattle.

1133. As laid down in Rule 642, food not eaten by prisoners shall be carefully separated into two buckets—one for the rice or chappaties, the other for curried refuse food. Only the former should be given to cattle; the latter should be used for feeding fish or be buried as manure. All rice water, rice washings, dal husks, and any other refuse which may be wholesome for cattle, oil-cake from the manufacture of mustard oil and grass from jail lands should be used as cattle food and should be supplemented with such purchased or other food as is necessary.

Cattle food.

Rule 642.

1134. In the hot weather cattle should be washed thoroughly in the sun daily, care being taken to dry them well. In the cold weather they should be rubbed down and brushed.

Cattle to be washed in hot weather and rubbed down and brushed in cold weather.

1135. The full quantity of milk (or any article made from it) shall be used in the jail for Government purposes only, and none shall be sold to jail officials or outsiders. The milk (or its produce) yielded by the dairy shall first be utilised to meet the needs of the sick in hospital (especially those suffering from bowel diseases) and of prisoners in the convalescent and special gangs. After the requirements of these and of old and weakly prisoners have been fully satisfied the surplus milk, if any, shall be issued as food for ordinary prisoners, see Rule 1104.

Milk to be used for Govt. purposes only.

1136. The manufacture of butter or ghee (except for prisoners' diet, vide Rule 1100, under the conditions specified in Rule 1135) is prohibited. Milk should be issued to prisoners either boiled or as dahi, and in no other form. Boiling should be done in the hospital enclosure under the

Medical Subordinate to be responsible for disposal of milk. Rule 126.

supervision of the Medical Subordinate, who shall be responsible for the proper disposal of the milk from the time it is obtained from the cow to its final distribution. In preparing dahi no water should be mixed with the milk before boiling.

Vessels for keeping milk to be kept clean.
Rule 130.

1137. Great care should be taken that all vessels in which milk is manipulated are kept perfectly clean. For unboiled milk the vessels should be made of tin. An iron karahi may be used for boiling milk; but earthen-ware vessels should be used for setting dahi ; if glazed vessels are procurable they should be used. All vessels should be scaled and washed with boiling water immediately after use. They must not be allowed to stand in a dirty condition. A properly secured and well-ventilated place should be provided in which the milk should be stored as soon as possible after milking and until it is issued.

Use of manure detained from the dairy. Rule 1149.
Rule 1101.

1138. The manure from the dairy should be used for improving the jail garden and lands. In jails which have a sufficient supply of manure from other sources the cowdung should be utilised as fuel. Cakes composed of one-fourth paddy husks and three-fourth cowdung mixed with coal dust make good fuel for the kitchen.

Bulls for breeding and their use.

1139. Bulls under three and over eight years of age should not be used for breeding. No bull should be allowed to serve more than two cows a week. Bulls should be kept apart from the cows.

Castration by cutting should be done between the ages of two and six months—by crushing between eighteen months and two years. If no jail officer or warder is competent to perform this operation, the services of the local veterinary officer should be asked for.

Isolation of animal suffering from infectious disease.

1140. Animals suffering from infectious disease, e.g., rinderpest, foot and mouth disease, anthrax, etc., should at once be isolated under a tree in the jail garden. It is advisable also to isolate any animal suffering from fever until the nature of the disease is apparent.

Requisitioning the services of veterinary assistants. Jail Cir. No. 1-D. of 1920.

1141. Arrangements should be made with the local veterinary assistants for attendance on jail cattle in terms of Government Order No. 562T.R., dated the 20th May 1920.

Disposal of useless cattle.

1141A. Useless cattle and poor milkers shall be disposed of and replaced, where necessary, by cattle of better breed. Bulls and fully weaned bull-calves, which may be deemed as excess after taking into consideration the future needs of the dairy and agriculture, shall also be disposed of. All such disposals shall be effected regularly with the sanction of the Inspector-General, by public auction or otherwise as he may direct.

1142. Deleted.

1143. Jail dairies shall be open to inspection by officers of the Agricultural Department, who will see that the bulls are well cared for and utilised for the public benefit.

Inspection of jail dairies.

1144. The Jailor or Deputy Jailor and the Medical Subordinate shall visit the dairy daily and the Superintendent shall inspect all cattle once a week.

Jailor and Medical Subordinate to visit the dairy daily.

1145. In the first week of January every year the dairy live-stock shall be revalued by the Superintendent in consultation with the local veterinary and other officers; the prevailing local prices shall be entered as if it were a bonafide valuation for sale.

Annual revaluation of live-stock.

1146. A careful record of dairy stock and transactions shall be kept in Register No. 35, Dairy Accounts and Cattle Register. This register is in three parts.

Registers to be kept for the dairy.
W.B.F. No. 5010.

Part I.—Monthly statement of receipt and disposal of live-stock. A record of the number of cattle of each kind, and of purchase or receipt and disposal of them. This is in the form of a monthly abstract account, and needs no explanation. Opposite every item of purchase or sale of cattle the actual price given or received shall be entered, and in the column of remarks the number and date of the abstract bill by which funds were drawn to pay for a purchase or the date of entry in the cash-book of receipt of sale proceeds shall be shown. The number of draught bullocks should likewise be stated.

Part II.—Particulars of purchase of fodder and other miscellaneous cash expenditure and daily disbursement. This is a condensed form of Register No. 33, Stock-book of provisions, etc., allowing the accounts of five different kinds of fodder besides miscellaneous items to be kept in one page. Not only fodder purchased should be entered here but also the issue to cattle of bye-products of provisions purchased for the prisoners, such as bhusi, oil-cake, etc.; the expenditure on working bullocks calculated as in Rule 1147 need not be recorded here but must be taken into account when estimating the financial results of the dairy in the Monthly Return No. 17A. In Monthly Return No. 17A value of cow-dung manure used for agricultural purpose or fuel should be also credited as this has a market value as bye-product of dairy.

W.B.F. No. 5008.

Part III.—An account of the receipt and issue of milk and of dahi made from any portion of it. Individual milk record for each cow shall also be maintained in Director of Agriculture's nonstandard Form No. 50.

W.B.F. No. 5150.
Rule 130.

G.O. No. 862- PJ,
dated 28-2-29.

A record of the history and pedigree of each cow shall be maintained in Director of Agriculture's Form No. 36 (new). It is very important that entries should be made immediately each event occurs; the Jailor will be held responsible for this. From these accounts shall be prepared and furnished in Monthly Return No. 17A an abstract showing on the one side all expenditure incurred for the dairy, including issue of bye-products as recorded in the Stock Register No. 33, and all entries in the Dairy Register of loss or depreciation of stock and on the other, the value of milk and sale of any of the spare stock; with the loss or profit made.

G.O. No. 328-HJ,
dated 20-2-1939.

Specific sanction of the Inspector-General, shall be obtained to the write-off of the net residual value of live-stock lost, sold or rendered unserviceable.

Method of
calculation of
expenditure on the
maintenance of
working bullocks.

1147. Expenditure on the maintenance of working bullocks shall be calculated as follows : Count every two calves as equal to one head of cattle; divide the total quarterly expenditure for maintenance of the dairy by the total head of cattle and multiply the result by the number of working bullocks.

CHAPTER XXXVII

Jail Gardens and Agriculture

1148. A sufficient area of land outside a jail, not less than that within the enclosing wall of the jail, should be provided for the garden and land should also be reserved for providing quarters for the warders and the superior staff. The Superintendent and Medical Officer shall visit and supervise the jail garden, and see that adequate arrangements are made in due season for the plentiful supply throughout the year of fresh vegetables, condiments, and antiscorbutic fruits. The Medical Officer may recommend weak or convalescent prisoners for work in the garden. District Agricultural Officers shall inspect the jail garden regularly and advise the Jail Department on improvements which can be introduced and, if necessary, start demonstrations in the jail grounds. Superior officers of the Agriculture Department shall inspect jail gardens in all districts as opportunity occurs in course of their tours.

Supervision of the Jail Garden. G.O. No. 3997-RJ., dated the 15th April 1924.

G.O. No. 11350-RJ., dated 11th December 1923.

1149. The jail garden shall be kept neat and clean, free from weeds and undergrowth. Night-soil and cow-dung from the dairy, if any, shall be used in the garden as manure. In the rainy season succulent weeds should be dug into the soil, but fibrous and woody vegetable refuse should be put into manure pits as far as possible from the jail and allowed to rot until they are in a condition suitable for manuring the land. For instructions regarding trenching, see Rule 1195.

Jail garden to be kept clean and properly manured. Rule 1138.

1150. Care shall be taken that all available sources of water supply in gardens are utilised as far as possible. Irrigation channels should be of pucca masonry or burnt earthenware in mortar, and leakages should be promptly repaired.

Arrangement for water supply to the garden.

1151. The number of prisoners employed in the jail garden for the production of vegetables, condiments and antiscorbutics should not ordinarily exceed 6 per cent. of the strength of the prisoners confined in the jail. The Superintendent may employ a larger number of prisoners in the garden, if necessary, but must report the fact of his having done so to the Inspector-General and give his reason in details. Prisoners employed in the garden shall be selected in accordance with Rules 795 and 796, and special care must be taken in guarding them as directed in Chapter VII. The warder in charge of the garden should be a man who thoroughly understands gardening and, if possible, he should be exempted from night duty. When this is the case, he shall have charge of the garden gang for the whole day, and sleep in the garden at night in a hut provided for him.

Percentage of prisoners to be employed extra murally.

G.O. No. 1284-HJ., dated 30th April 1937.

1152. The Jailor shall be responsible for ensuring that full supply of vegetables required for prisoners' consumption is as far as possible, grown in the jail garden, and that when vegetables are bought an explanation of the failure to obtain the supply from the garden shall be furnished by the Superintendent to the Inspector-General.

Vegetables required for prisoners' consumption to be wholly grown in the jail garden.

Jailor to see that in all seasons vegetables are grown in the Jail garden.

Rule 490.

1153. The Jailor shall see that the garden contains at all seasons a sufficient quantity of good succulent vegetables, condiments and antiscorbutics for jail use, and that the whole of the jail land outside the jail walls available for cultivation is cultivated to the best advantage. A garden of sufficient size to supply all vegetables and condiments required should be laid out and surrounded by a hedge and ditch, and no warders or other subordinate officers should be permitted to go into the garden except when on duty there. Another plot of land should be set apart for a lime orchard, which should contain one full bearing lime bush of the kaghzi variety for every prisoner the jail can contain. Both the vegetable garden and lime orchard should be situated near the source of a good supply of water. After the garden and orchard have been provided for, any spare land that may be available shall ordinarily be utilised for raising crops suitable for the prisoners' food; but wet cultivation shall not be allowed close to the jail.

Distribution of fruits grown in the Jail garden.

Rule 1099.

1154. In addition to the lime orchard a good supply of antiscorbutic fruits should be provided for by planting tamarind (*Tamarindus Indica*), bael (*Aegle marmelos*), amrah (*Spondias mangifera*), and mango (*Mangifera Indica*) trees along the margins of roads, the boundaries of the jail land and in other available places, so as not to interfere with cultivation more than can be avoided. Such trees give agreeable shade if grown within the jail walls in spaces available, but must not be allowed to interfere with the ventilation of the wards or workshops. There shall be at least one tamarind tree to 50 prisoners and one bael tree to 30 prisoners of the maximum capacity of the jail. The Jailor shall be held responsible for the number of these trees and for seeing that they are kept in a healthy condition.

Rule 1099.

All fruits grown in the jails and left over after issue as antiscorbutic according to the authorised scale, may be issued to the ordinary prisoners as an additional item of diet, in quantities considered to be wholesome. If any surplus is left, it may be distributed among the staff.

Seeds for growing vegetables to be purchased or grown in Jail garden.

1155. Indian vegetable seeds suitable for cultivation in the hot weather and monsoons should be purchased or specially grown. Supplies of suitable seed for cold-weather crops shall be obtained on indent through the Inspector-General. Indents should be submitted on the 1st April in each year. The jail garden is primarily intended to grow vegetables for prisoners, and therefore only such seeds should be obtained as are most useful for jail purposes. In the proper seasons crops of potatoes, mangle-wurzel, onions, radish, turnip, sweet potato, kutchu, Roman or China cabbage, and such as will be available for use in the hot weather or can be stored for issue in the rainy season should be grown to the fullest extent of probable requirements. Radishes should be available for issue to prisoners early in August.

1156. Jailors shall see that crops grown on jail land are reaped at the proper time that no unnecessary delay occurs between reaping them and bringing them into store; that proper precautions are taken against speculation or loss by vermin; that the bye-products are properly disposed of for Government purposes only; and that the value of everything is duly accounted for in the jail accounts. Every opportunity must be taken of effecting economy by utilising every product of the jail land and all products suitable for fodder must be appropriated for consumption in the dairy. An annual statement shall be submitted to the Inspector-General of the value of vegetables and other products of the jail land and farms used to supplement supplies purchased for the maintenance of the jail.

Responsibility of Jailor.
Rule 1382.

1157. Vegetables from the jail garden may be allowed daily free of charge to Jailors, Deputy Jailors, Clerks, Teachers, Manufactory Department staff and Medical Sub-ordinates sufficient for the requirements of each household, provided that the requirements of the jail shall have been in the first place fully supplied. Free supply of vegetables from jail garden to the staff is to be strictly limited to those varieties which are of immediately perishable nature, and it shall cease if any vegetables have to be purchased for the jail. The allowance of vegetables for each officer shall be inspected by the Superintendent daily on his arrival at the jail. If there are vegetables or fruit to spare they may be given to Head Warders and warders to the extent of their personal needs only.

Free supply of vegetables from the Jail garden.
G.O. No. 2375-HJ., dated 29th August 1957.

1157A. No trees on jail lands shall be cut down or their branches lopped off or otherwise removed, without prior sanction of the Inspector-General, unless immediate danger is threatened to security or to buildings, etc., in which case, such sanction may be obtained afterwards. The products and the parts of the trees felled, shall be fully accounted for, the fruits being disposed of as provided for in Rule 1154, and logs and branches being either utilised for the purpose of the jail or sold by auction, according as the Inspector-General may direct.

Cutting down of trees grown on Jail lands.

NOTE : For further instructions regarding the cultivation of the Jail garden, see Appendix No. 23, Jail Code, Volume II.

CHAPTER XXXVIII.

Clothing, Bedding and Jail Equipment

1158. The supply of clothing and bedding to civil and under-trial prisoners, and of clothing to prisoners sentenced to simple imprisonment, is regulated by Rules 897, 923-925 and 938. Any bedding supplied to under-trial prisoners or clothing supplied to simple imprisonment prisoners from jail stores under those rules, shall be of the same pattern as that supplied to labouring convicts,

Supply of clothing and bedding to civil, under trial and simple imprisonment prisoners.

when, however, it is necessary to wash or disinfect the clothing of civil, undertrial or simple imprisonment prisoners, long-sleeved kurtas and dhotis made of plain cotton cloth, without any distinctive marks, shall be supplied to such prisoners until their own clothing is returned to them, provided that if any such prisoner is in possession of spare clothing he shall be allowed to wear it at such times. Under-trial prisoners shall be supplied with an aluminium plate and cup, and simple imprisonment prisoners with these and with blankets and bedding as provided in Rule 939.

G.O. No. 2987-HJ.,
dated 6th
November 1957.

Division II undertrial prisoners shall be supplied with an aluminium mug each.

Equipments to be
supplied to
Division III
prisoners
sentenced to R.I.
Rules 394, 400.

1159. All prisoners in Division III sentenced to rigorous imprisonment shall be furnished, on admission, with the following jail equipment :

Males

Females

2 cotton kurtas
1 cotton trouser (pair)

2 cotton chemises or kurtas
2 sarees, each 4'57 Met. x 1'06
Met.

1 cotton jangeah (pair)
2 cotton gumchas

2 gumchas
1 blanket kurta
1 tatputtee for bedding

1 cotton cap
1 blanket kurta
1 tatputtee for bedding

1 cotton bedsheet
2 blankets

1 cotton bedsheet
2 blankets

1 aluminium cup
1 aluminium plate

1 aluminium cup
1 aluminium plate

1 aluminium mug
A square (60'96 cm. x 60'96 cm.)
of coarse gunny or matting.

1 aluminium mug
A square (60'96 cm. x 60'96
cm.) of coarse gunny or
matting.

1 comb

G.O. No. 1610-HJ.,
dated 3rd August,
1940.

G.O. No. 1605-HJ.,
dated 24th June
1954.

G.O. No. 6508-RJ.,
dated 16th August
1923.

NOTE 1 : Every male Muslim convict shall be provided with long trousers reaching to within 10'16 centimetres above the ankle instead of jungeahs. Regarding supply of *pugree* and *Kuchh* to Sikh prisoners, see rule 701.

G.O. No. 1695-PJ.,
dated 4th May 1933.

NOTE 2 : Married and unmarried female prisoners of "A" class shall be supplied with 2'54 cm. blue bordered plain white sarees and "B" class with 2'54 cm. blue bordered striped sarees. Widow prisoners shall be provided with

plain white sarees without coloured borders. Female prisoners of both "A" and "B" classes shall be provided with chemise or kurta made of plain Eksuti cloth manufactured in jail.

NOTE 3 : In addition to the articles allowed under this rule, every Chinese and Japanese prisoner shall be supplied with a Gurkha hat, 1 spoon, a pair of sandals, 1 long trouser, 1 short sleeved kurta and an aluminium mug in lieu of cup. If deemed necessary under Rule 96, Anglo-Indian prisoners in Division III may also be provided with these, with the sanction of the Inspector-General.

NOTE 4 : Division III convicts may be allowed to wear shoes or sandals either supplied by their friends or relatives, or purchased at their own cost at the discretion of the Superintendent, provided that they are well-behaved. Besides, Division III convicts in jails situated in hill stations (the Darjeeling District Jails and the Sub-jails at Kalimpong and Kurseong) shall be supplied with one pair of jail-made leather sandals, once a year at Government cost.

G.O. No. 2342-HJ.,
dated 12th August,
1958.

NOTE 5 : One comb shall be supplied for every ten convicts sentenced to imprisonment for more than one month.

G.O. No. 475-HJ.,
dated 12th
February, 1955.

1160. All these articles shall be of standard pattern determined by the Inspector-General, and, except blankets and beddings, shall remain with the prisoners at all times and seasons. The kurtas of male "A" class prisoners shall have the letter "C" enclosed in a red circle with a diameter of 5·08 centimetres printed on the left chest, so as to distinguish them from "B" class prisoners. The width of the lines of the letter and the circle shall be about 42 centimetre so that the mark can be seen from a considerable distance. The pattern of clothing of female "A" and "B" class prisoners is laid down in Rule 1159. The tatputtee for bedding shall be 1·82 metres in length and ·71 metre in breadth. If bamboo or iron cots are used, or if the masonry beds show any indication of dampness, a bamboo or grass mat of the size of the bed shall be supplied in addition to other bedding. Blanket kurtas should have sleeves lined with cloth.

Jail equipment
shall be of standard
pattern.

Rule 639. G.O. No.
2981-HJ., dated
19th September
1955

Rule 1233.

G.O. No. 1610/HJ.,
dated 3rd August,
1940.

1161. Prisoners who had escaped shall wear red caps and prisoners who are excluded as a punishment from the benefits of the remission system shall wear blue caps, instead of those of the ordinary pattern. Only jail clothing shall be worn by prisoners sentenced to rigorous imprisonment; the use or possession by them of private clothing, or by any criminal prisoners of lotas, mugs, or other articles not issued from the jail stores, or not specially allowed to them, or ornaments, except the Brahmanical thread or articles allowed under Rules 701 and 702 is strictly prohibited. No prisoners shall be allowed to wear their blankets while at work but prisoners may use blankets at the early morning

Dress of prisoners.

Rule 484.

Rule 504.

parades in accordance with Rules 639 and 1226. A prisoner shall always wear his jail cap during the day. The wearing of gamchas and other clothes about the head is absolutely forbidden. No restriction shall be placed on the wearing of blanket kurtas by prisoners at any time of the day or night except on medical grounds.

Marking of jail clothing.
Rule 510. Appx. No. 26.

1162. All articles of jail clothing of every prisoner shall be marked with his or her jail number in figures at least 2'54 cm. long and the class letter A or B. For marking jail clothing the extract of dhobis' nut (*semecarpus anacardium*) should be used, and care must be taken that the irritant properties of this dye are neutralised by the application of fresh lime-water before the clothing is worn. Woollen clothing should be stamped with white paint. Whenever the marking fades, or is obliterated, it should be renewed. The year of supply of blanket kurtas and blankets to prisoners should be stamped with white paint.

Life of jail clothing.

1163. The cotton clothing prescribed in Rule 1159, supplemented during the year with an additional jungleah, cap and gumcha, should ordinarily last for 12 months, the blanket kurta should last at least two years, and the tat bedding, gunny square, and blankets three years.

Equipment issued shall be recorded in history ticket.
G.O. No. 1671/RJ., dated 13th February 1925.
Rule 556(c).

1164. Prisoners sentenced to imprisonment for one year and upwards shall ordinarily be supplied with new cotton clothing, unless there is an accumulation of old clothing in stock. Used clothing in serviceable condition shall be issued to prisoners with shorter terms. Convict overseers shall be provided with the uniform and clothing prescribed in Rule 400 but shall have the same bedding, blankets, cup, mug and plates as ordinary labouring convicts; the cost of their sandals shall not exceed three rupees and fifty paise per pair. All issues of clothing, bedding or other articles of jail equipment shall be recorded on the prisoners' history tickets, and whenever used clothing or bedding is issued, the fact shall likewise be so recorded.

Jail equipments for Division II convicts.
Rule 957.

1165. Convicted prisoners in Division II sentenced to rigorous imprisonment shall be furnished with the following jail equipment:

(a) During the Hot Weather

Males

Accustomed to European mode of living.			Accustomed to Indian mode of living.		
Working suit	...	1	Dhuties or pajamas	...	3
Ordinary suit	...	1	Trouser (pair)	...	1
Cotton shirt	...	1	Kurtas or half-shirts	...	2
Cotton vests	...	2	Cotton shirts	...	2
Cotton socks (pair)...	...	2	Cotton socks (pair)	...	2
Cap	...	1	Cap or Pagri	...	1

Females

Accustomed to European
mode of living.Accustomed to Indian
mode of living.

Cotton skirts	...	2	Sarees (pair)	...	3
Cotton blouses	...	2	Cotton blouses	...	2
Cotton shirts	...	2	Chemise or shirt	...	2
Cotton drawers (pair)		2	Drawers (pair)	...	2
Cotton stockings (pair)		2			
Garters (pair)	...	1			
Leather belt	...	1			
Cap	...	1			

(b) During the Cold Weather and Rains

Males

Accustomed to European
mode of living.Accustomed to Indian
mode of living.

			In addition to the		
Working suit	...	1	scale for hot weather one		
Woollen suit	...	1	woollen coat and two flannel		
Flannel shirts	...	2	shirts will be allowed.		
Cotton drawers (pair)		2			
Garters (pair)	...	1			
Cap	...	1			

Females

Accustomed to European
mode of living.Accustomed to Indian
mode of living.

Cotton shirt	...	2	Sarees (pair)	...	3
Cotton blouse	...	1	Cotton blouse	...	1
Woollenshirt	...	1	Wollon blouse	...	1
Woolen blouse	...	1	Flannel shirts or		
Flannel skirts	...	2	chemise	...	2
Cotton drawers (pair)		2	Cotton drawer (pair)		2
Cotton stockings (pair)		2	Stockings (pair)	...	2
Leather belt	...	1	Garters (pair)	...	1
Garters (pair)	...	1			
Cap	...	1			
Sola topi	...	1			

(c) For both Sexes at all seasons

Towels	...	2	Spoon	...	...	1
Boots or shoes (pair)		1	Aluminium plate	...		1
Comb	...	1	Aluminium cups	...		2
Blankets	...	2	Small hand mirror	...		1
Aluminium mug	...	1	Toothbrush	...	...	1

Plain dosuti cloth without blue stripes shall be used for making suits.

NOTE 1: Articles of clothing solely for the use of female convicts need not be kept in stock, but may be ordered as necessity arises. Pending issues females shall retain their private clothing.

NOTE 2: Married and unmarried female prisoners accustomed to Indian mode of living shall be provided with plain white sarees with coloured borders. Widow prisoners shall be provided with plain white sarees without coloured borders.

All clothing shall as far as possible be manufactured in the jail and a standard shall be selected for all jails.

Supply of hand.
fans to prisoners.
G.O. No. 1904/ HJ.,
dated 11th
February, 1956.
Rules 1164, 1178.

1165A. Prisoners in all the Divisions including under-trials, confined in jails and sub-jails of the State, excepting those in the Darjeeling Jail and the Kalimpong and the Kurseong Sub-jails, shall be supplied with hand-fans at the rate of one fan per head per annum at Government cost for their use during the period from the middle of March to the middle of September or with variations in the period at the discretion of the Superintendent according to the local conditions.

Prisoners' dress
while attending
Court.
Jail Cir. No. 46 of
1913.

1166. Prisoners while attending Court after conviction to give evidence or to appear in any other case should not wear clothing meant for convicts, but should be provided with decent clothing from the jail suitable to their station in life.

Hospital clothing
for prisoners.
Rule 1233.
G.O. No. 3048/ HJ.,
dated 15th
November, 1956.

1167. Special cotton clothing blankets, dosuti, bed-sheets (2'13 metres in length and 1'22 metres in width), and tat puttee bedding of the regulation size, shall be supplied for hospital use. The letter 'H' shall be printed in red on the left arm of hospital kits and in one corner of hospital bed-sheets. Blankets and tat puttee shall also be marked with the letter 'H'. All clothing and bedding set apart for the use of patients suffering from tuberculosis shall be marked with a "T" and for the patients suffering from Dysentery and Diarrhoea with a "D". The hospital clothing shall be kept under the charge of the Medical Subordinate. On admission of a prisoner into hospital, the Medical Subordinate shall take from him his clothing, blankets and bedding, and place them, after they have been washed by the hospital dhobi, in the hospital store-room, and shall issue to the

prisoner a suit of hospital clothing, as many blankets as the case requires, a bed sheet, and a tat puttee. On discharge of a prisoner from hospital, his own jail clothing and bedding shall be returned to him.

1168. The Medical Officer may order the issue of extra cotton or warm clothing or bedding to any prisoner who needs them on medical grounds. A pair of woollen jungeahs, a blanket cap and an extra blanket may be issued to each prisoner aged 50 years of more and to each prisoner of the "convalescent" and "special" gangs. At the discretion of the Medical Officer an extra blanket may be given to a prisoner in the Darjeeling Jail at any time. This extra clothing and bedding should be taken away from every prisoner when discharged from the convalescent or special gangs, or when the Medical Officer declares that they are no longer necessary.

Extra clothing on medical ground.
Rule 1218.

1169. Prisoners who work in the open shall in the rainy season be supplied each with an extra blanket kurta (old), which they shall take with them to their work, leaving their own blanket kurtas behind in charge of a Head Warder. On return from work they shall put on their own blanket kurtas, and give up the others to a Head Warder to be dried if necessary. If their cotton clothing becomes wet, it shall be taken from them to be dried and other clothing shall be given to them to wear in their wards, until their own clothes are returned to them dry, when the extra clothing shall be given up. All extra cotton and woollen clothing reserved for this purpose shall have a distinctive mark and shall be kept together when not in use and entirely separate from the prisoners' ordinary clothing. Such prisoners shall also in the hot weather and rainy season be supplied with tokas or sun-hats. The Jailor shall at all times have in store a stock of extra clothing sufficient to meet all requirements under this and the preceding rules.

Supply of extra blanket kurtahs to prisoners.

1170. Prisoners who are employed on work which specially soils their clothes may be supplied with an extra pair of jungeahs or a cotton apron.

Extra clothing to prisoners employed on work which soils clothes.

1171. Any prisoner who, wilfully, or through want of care, loses or renders any article of his clothing or equipment unserviceable before he is entitled to a new issue, shall be liable to punishment. The possession of extra clothing or portions of clothing not authorised by these rules, or of other articles of jail equipment, or exchange of any articles of clothing or equipment, the making of pockets, langoti or extra sleeves, and the altering or erasing of the numbers on clothing are prohibited.

Negligent use and unauthorised possession of articles of clothing by prisoners.

1172. The cotton clothings prescribed in Rule 1165 should last for six months and the warm clothings for three seasons except flannel shirts or chemise which should last for two seasons. Leather belts and boots or shoes are to last for one year. Blankets, mosquito nets and mattresses should

Life of jail clothing.
Rule 705(2)
Rule 1177.

Rule 646.

last for three years. Prisoner's clothing and equipment shall, however, be renewed from time to time as necessity arises; prisoners should not be allowed to remain in tattered and unserviceable clothing. The Superintendent should pay attention to this matter at his weekly parades and see that repairs are effected when damage or signs or wear appear. One or more light-labour prisoners, according to the size of the jail, shall be kept constantly employed in repairing clothing which should be taken up gang by gang under the supervision of a Head Warder. These are matters to which the Jailor must give special attention at all times.

Washing of
prisoners' clothes.
Rule 747.

1173. Blanket kurtas and bedding shall be boiled and washed once in three months, and hospital clothing and bedding at short intervals, by a gang of men specially set apart for this work. In order that this may be done systematically and thoroughly, it should be done ward by ward. Spare kurtas and bedding should be temporarily issued while the soiled articles are being dried, repaired or renewed. When practicable, the soiled blankets should be replaced by a fresh issue and after being changed and thoroughly overhauled, be taken into the godown for re-issue in exchange for the soiled blankets of the next batch or ward. Each jail should if possible be provided with a boiler and wringing machine for boiling and washing blankets and blankets kurtas, clothing of newly admitted prisoners and also the clothing of hospital patients. The boiling must be done thoroughly ; there should be no vermin in the clothing. At least once a week, when the weather is fine, the bedding and blankets shall be aired in the sun for not less than three hours. This should ordinarily be done after the mid-day meal, and the bedding left out until the prisoners return from work in the evening.

Indent for Jail
supplies. W.B.F.
Nos. 5103, 5104
and 5105. Rule
1359.

1174. The manufacture of clothing, bedding and other articles of jail equipment shall be concentrated in manufacturing jails. Indents for annual requirements of clothing, bedding and uniform (in W.B.J. Forms Nos. 61, 61 A and 62) shall be submitted through the Inspector-General to the supplying jails on the 1st March of each year. Supplementary indents should be avoided. Manufacturing jails shall despatch clothing and bedding so that they may arrive at their destination before the 1st October, i.e., before the cold weather sets in. Indents for aluminium cups, plates, etc., shall be submitted to the Presidency Jail through the Inspector-General as occasion demands. Superintendents of manufacturing jails may take such supplies of their own manufacture as they require from their manufactory stock, but shall see that the transactions are duly recorded by transfer in account from the manufactory to the general stock books. Superintendents and Jailors will be held responsible for any excessive expenditure of clothing shown in the annual accounts and for seeing that unnecessarily large stocks of clothing, etc., are not kept.

1175. Each subsidiary jail shall, if possible, be supplied by the Central or District jail to which it is affiliated with sufficient serviceable used clothing, blankets and bedding for the use of prisoners in the subsidiary jail and during transfer. An indent shall be submitted for new clothing, blankets and bedding if the Central or District jail cannot supply serviceable articles.

Supply of clothing, bedding etc., to subsidiary jails.

1176. The clothing godown shall be in charge of a Deputy Jailor, who shall be responsible for the stock of clothes. In a Central Jail he shall be assisted by one Head Warder and in a District Jail by one warder, who will be placed exclusively on duty in the clothing godown. The godown should be dry and well ventilated, and shall be fitted with proper shelves or bamboo machans. The blankets and clothing shall be arranged in these shelves either separately or in complete kits ready for issue.

Charge of the clothing godown.

1177. The Officer in charge of the godown and the assisting Head Warder or senior warder, if any, on taking over the kit of a released prisoner, shall see that all the articles have been carefully washed and dried and shall on no account store blankets and clothes in a dirty or damp state; all clothing taken back from prisoners shall be carefully examined, and any that may be fit for further use shall be mended and kept in store for re-issue to newly-admitted prisoners. The blankets and clothing in store shall be aired in the sun at least once a month, and if possible, on Sundays.

Kits of a released prisoner to be washed and dried before they are kept in the store. Rule 573.

1178. A careful record of the receipt and issue of all clothing and bedding shall be kept by the Deputy Jailor or Jail clerk under the supervision of the Jailor in Register No. 34, Clothing Account Book. A separate account shall be opened for each item of clothing and bedding, both new and old, and the entries of receipt and issue shall be made daily. An account shall also be kept in this book of aluminium cups and plates, leather gaiters and straps, etc. In every jail a separate account book shall be opened for hospital clothing. The accounts shall be checked at the end of every month and the balances in the godown or with the prisoners carried forward. The officer in charge of the clothing godown shall each month verify by actual counting some or all of the balances shown as remaining. Clothing considered to be unserviceable shall be brought at least once a month before the Superintendent who shall, if necessary, condemn such clothing and shall cause it to be written off under his initial in the Account Book. Condemned clothing shall be disposed of by inviting tenders in the manner prescribed by the Inspector-General, for such quantity as would remain surplus every year after meeting the requirement for cleaning and other purposes of jail.

Clothing Account Book. Rule 274(9). W.B.F. No. 5009.

CHAPTER XXXIX

Sanitary Regulations

SECTION I.—RELATING TO BARRACKS AND BUILDINGS.

Accommodation of
prisoners.

1179. (1) In every sleeping ward, superficial and cubical space shall be allowed for each prisoner, as stated below, according to the conditions specified:—

	Superfi- cial area per pri- soner. Square. metre.	Cubic space per prisoner. Cubic metre.
In wards in which the prisoners sleep in two rows ..	4.18	16.99
In wards in which the prisoners sleep in four rows ..	4.65	21.24
In wards in which the prisoners sleep in more than .. four rows.	9.29	35.4

PWD Circular No.
17B of 7-9-1905.

G.O. No. 3997/ R.J.,
dated 15-4-1925.

When barracks or wards are fitted with cubicles 4.18 square metres per head shall be allowed. Each cubicle should measure 2.13 metres x 1.52 metres, and a 1.22 metres central passage between two rows of cubicles is required. Each cubicle should have half a window; therefore for 24 prisoners a ward should be 5.49 metres x 18.29 metres with 12 windows, 6 on either side. Whether calculated on the superficial area or the cubical space of the ward, the smaller number obtained by such calculation shall be the maximum number of prisoners the ward can accommodate. No ward should contain more than forty prisoners.

(2) If the barrack is flat-roofed, there should be ceiling ventilation, i.e., openings at intervals close to the junction of wall and ceiling (size .30 metre x .13 metre). If the barrack is gableroofed, there should be a ridge ventilator.

(3) The roofs or ceilings need not be more, but should not be less, than 3.96 metres high from the floor.

(4) All grated windows should have wooden shutters opening in four leaves, but not reaching more than .51 metre from the top of the grated window, i.e., the top .51 metre should be permanently open for ventilation.

(5) All new barracks should have two rows of berths only.

(6) In long barracks (i.e., more than one ward) there should be a full-sized iron-grated door in the partition wall, so that night watchmen can move along the whole length of the barrack.

(7) All barracks should, if possible, be provided with verandahs 2.43 metres deep, of masonry if double-storied; of corrugated iron (or tiled) if single storied. (These verandahs also serve as feeding platforms.)

(8) Masonry berth—one for each prisoner—on ground floor to be 1.82 metres X 91 metre X .46 metre high. In upper stories, the berths need only be .15 metre above the floor. Iron beds may be supplied in lieu of berths, at the discretion of the Inspector-General.

(9) In all sleeping barracks and iron-grated latrine or grilled latrine separated from the ward, should, if possible, be provided.

1180. In Jail hospitals the floor space should be not less than 6.50 square metres per head, i. e., for a hospital ward of 20 sick, the size should be 6.1 metres X 21.34 metres. Not less than 25.49 cubic metres shall be allowed to each prisoner in hospital. All new cells for the separate or solitary confinement of prisoners shall have a superficial area of not less than 29.26 superficial metres and a cubical capacity of not less than 304.8 metres. There shall be thorough ventilation in every cell which, at the back of the cell, may be by a clerestory window. The Medical Officer shall inspect all new cells, wards or compartments, which shall not be occupied until he certifies that they are in all respects fit for occupation.

Floor space in hospitals and cells.
Rule 735.

Rule 735.

1181. Thorough ventilation of the sleeping barracks is of the greatest importance; at least .93 square metre of ventilation area per prisoner should be provided. Prisoners shall not be permitted at their pleasure to close the windows and ventilation openings with shutters or purdahs, if these are provided, so as to prevent necessary perflation of air, except temporarily to prevent rain from beating in. In new barracks the ventilating area per head shall be half a window; as the standard grated window is 2.13 metresX1.07 metres half a window will equal 1.11 square metres. The ventilation must, however, be controlled according to season; otherwise the barracks will be too cold and draughty in cold and damp weather. The condition of the atmosphere in which the prisoners sleep at night may be judged of by visiting the sleeping wards several hours after the prisoners have been locked up and noting the condition of the air in the barracks; and this should be done at uncertain intervals by the Superintendent of the jail and the Medical Officer. Whenever it appears that a barrack is either insufficiently or over ventilated, necessary steps must be taken to remedy the defect. Whatever arrangements are made, all shutters or other means of closing the windows which are not fixture (i. e., brick-work) must be kept open during the day-time to the fullest extent possible, and catches shall be provided for the purpose. See Rule 1179 regarding the airing of blankets and bedding.

Ventilation in barracks.
Rule 129.

1182. Over the door of every ward there shall be an inscription, either in letters painted on the wall or on a tablet of wood or metal, showing the class of prisoners for which it is intended, the number of cubic and superficial metre it contains, and the number of prisoners which it is

Wards to have inscription showing accommodation.
Rule 449.
Rule 1179.

capable of accommodating. Every ward should contain a bed for each prisoner; the number of beds to be exactly according to its capacity. Temporary accommodation shall be provided for any prisoners in excess of this number. Care shall be taken to see that the lock-up Register (No. 12) shows the accommodation available in each ward, so as to enable the Superintendent to judge at a glance whether any particular ward is overcrowded or not.

Thorough
cleaning of
barracks.

1183. When the prisoners have left the barracks, the sweepers shall thoroughly sweep every part thereof, and subsequently rub down all window sills, doors, shutters, and gratings on which dust and dirt must not be allowed to accumulate. They shall then sweep the enclosures and remove all litter. Walls inside should be frequently rubbed down with cocoanut husk and lime-washed once a year, or oftener if necessary. The inside walls of hospitals shall be rubbed down and lime-washed once in every three months, not clay-washed, but the wards for dysentery and infections diseases shall be lime-washed once in every month, whilst they are occupied by patients suffering from such diseases and immediately after they are vacated. If the sleeping wards are infested with bags, insecticides like D.D.T., Gammexane, etc. shall be liberally applied.

Temporary
accommodation
outside the
wards.

Rules 1160,
1179.

1184. If, from unavoidable causes, prisoners have temporarily to sleep in workshops, or verandahs of other buildings not arranged for their accommodation at night, an iron cot and mat, bamboo machan or some sort of raised bed shall be provided for every prisoner, and arrangements must be made for protection from the weather by the use of jhamps, matting or purdahs. Every prisoner sleeping temporarily in such places shall have an extra blanket. Whenever floors are liable to become damp, they should be coated with a mixture of tar and ashes, or some equivalent substance; and if raised masonry beds are used, this coating should intervene between the beds and the floor.

Transfer of
prisoners to
avoid
overcrowding.
Rule 847.
W.B.J. Form No. 10.

1185. Timely arrangements shall be made to avoid the confinement of prisoners in excess of the sanctioned number. When the arrival of excess numbers is apprehended, the Superintendent shall at once communicate with the Inspector-General's office by letter or, if urgent, by telegraph, asking to what jail a stated number of prisoners may be transferred. Descriptive rolls of this number shall at the same time be prepared and submitted as soon as possible, but the reference to the Inspector-General's office is not to be deferred for the completion of these descriptive rolls. On receipt of a reply from the Inspector-General's office, if there is any urgency the Superintendent shall, under Rule 843, transfer a sufficient number of prisoners in anticipation of formal sanction.

Population
statement.

1186. Return No. 2 shall be submitted punctually on the 7th, 14th, 21st and 28th of every month to the Inspector-General, showing the number of prisoners who slept in the

wards, cells and hospital on the previous night, together with the number for whom the wards are adapted. In the case of overcrowding or anticipated overcrowding it shall be stated whether the overcrowding is likely to continue, and what measures are proposed for its relief.

1187. The walls and roofs of worksheds shall be sweep down once a week, and the walls shall be lime-washed at least once a year. The floor of every workshop should be swept daily immediately after prisoners stop work and every part including manufacturing appliances should be kept clean and free of dust and refuse.

Cleaning of worksheds and manufacturing appliances.

1188. The area within the four walls of a jail should not be less than 62.71 square metres per head of total capacity. Where land is cheap not less than 83.61 square metres per head of total accommodation should be the minimum or 12.14 Hectares for a full-sized Central Jail. The height of the main or outer jail-wall should be 4.27 metres. All corners should be rounded. Partition walls round female wards should be 3.35 metres high; in other cases 1.52 to 2.44 metres. No building should be nearest than 4.88 metres to a main wall. In the case of double storied buildings, the distance from the outer wall should be equal or nearly equal to the height of the building. No inside building, latrine, shed, etc., should be built against an outer wall and all such buildings should be 4.88 metres away from the wall (or never less than 3.66 metres).

The area inside the jail-walls, the height of the outer walls and the arrangements of buildings. PWD Circular No. 17B, dated 7-9-1905. G.O. No. 3997/RJ., dated 15-4-1925. Rules 488, 442.

SECTION II.—CONSERVANCY

1189. The Superintendent, Medical Officer, Jailor, and all subordinate officers are responsible for any want of attention paid to conservancy; it is the duty of official visitors and Magistrates to satisfy themselves that conservancy is properly carried out. The Superintendent and Jailor should give attention not only to the more important subject of disposal of night-soil and refuse matter, but also to every detail connected with the cleanliness and neatness of the jail and its surroundings. The following matters are specially referred to :—

Attention to conservancy.

- (1) Grass plots, paths and open spaces should be kept free from fallen leaves, weeds and rubbish, Accumulation of broken bricks, manufactory rubbish, etc., should not be allowed. The whole of the jail premises must be cleaned daily. Grass plots should be kept cut and the edges trimmed, and paths should be picked up once or twice a year and relaid with a dressing of surkhi siftings.
- (2) Drains and latrines must be kept scrupulously clean. Cesspools of any kind or description are prohibited within jail precincts and no sewage matter shall be permitted to find its

way into the drains of the jail. The use of sunk reservoirs for refuse water is to be avoided. Rubbish and manure pits are not to be allowed within or near the jail walls. No irrigation or manuring is to be allowed within jail walls; any prisoners found polluting the drains shall be reported for punishment, likewise any convict or other officer who permits such a nuisance.

- (3) Rules 651, 1118, and 1183 relating to the cleanliness of the persons and clothing of prisoners, of cooking utensils, workshops, wards, doors and gratings should be strictly enforced.
- (4) The inner aspect of the walls of the jail and outer walls or wards should, after the rains have ceased when they are weather-stained, be rubbed down and lime-washed.
- (5) Cleanliness and order should be observed in the offices in respect of ceilings, floors, walls, furniture, etc., and at the main gate.
- (6) The hospital should receive special attention. Godowns must be kept clean, well arranged, and well ventilated, their contents should be aired as often as possible.

Arrangement for latrine. G.O. No. 6485/ R.J., dated 16-8-1923.

1190. Each enclosure shall, if possible, have separate day latrine, on the approved type plan, and there shall be a sufficient number of seats to allow the latrine parade to be carried out rapidly. The number of seats shall be sufficient to complete the latrine parade in half an hour, allowing each prisoner 5 minutes, and more if necessary. When overcrowding occurs additional temporary latrines must be promptly provided.

Supply of dry earth in latrine. Rule 129.

1191. Provision shall be made for the permanent supply of dry earth in every latrine. A sufficient quantity should be pounded and stored during the dry season for use during the rains. The mehters shall daily place in each latrine a sufficient quantity of earth for use during the day, and between or in front of every two seats there shall be a box containing dry earth, furnished with a wooden or iron scoop of sufficient dimensions. The earth should be garden mould and be dry and sifted so as not to be coarser than ordinary surkhi for mortar.

Receptacles to be provided in a latrine.

1192. Separate receptacles shall be provided in all latrines for solid and liquid excreta, and the use of them shall be fully explained by the mehters to all prisoners. The mehters shall put a layer of dry earth at least 2.5 cm. thick into each receptacle for solid excreta before it is used, and every prisoner after he has used a receptacle shall cover his dejecta with a scoop-full of dry earth.

NOTE.—These rules for use of dry earth do not apply to those jails where the night soil is removed and dumped into underground sewers.

1193. Vessels for urine shall be one-third filled with water. Besides those in the latrine, a vessel shall be placed in each workshed and ward. Iron vessels should be thoroughly washed out daily and frequently tarred.

Vessels for urine.
Rule 641.

1194. Each latrine seat should have washing arrangement in it. Where however, this arrangement does not exist, a special well-raised platform draining into a receptacle which can be removed and carried away when filled, shall be provided outside each latrine for personal ablution, and shall be properly screened off from public view with partitions similar to those in the latrines. In the latter case, the number of partitions shall be, at least, in the proportion of one-fourth the number of latrine seats ; the use of water for personal ablution inside any such latrine is absolutely prohibited.

Latrine seat to have washing arrangement.

1195. When the latrine parade is being carried out, the mehters attached to each latrine shall be present, and shall call the convict overseer's attention to any prisoner who does not use dry earth as provided for in Rule 1192. Immediately after each latrine parade the mehter gang shall cover up all the solid excreta with a thick layer of dry earth and remove it and the soiled vessels to the garden, where it shall be buried in trenches. The removal of all solid and liquid excreta from the jail shall be done in covered iron receptacles by means of an ejector and not through the main gate. Having cleaned the vessels, the mehters shall bring them back and replace them in the latrines ready for the next parade. The cleaning of all vessels connected with conservancy shall be done outside the jail walls. Before taking up ground for trenching it shall be efficiently drained so that the surface layers of the soil shall be free from saturation by storm or flood water. The trenches shall be .3 metre broad, .3 metre deep, running parallel to each other at intervals of .46 metre. The night-soil shall be deposited therein to the depth of .08 metre and the earth dug out shall then be returned to the trench. The trenches shall be made as straight as possible with the help of a rope, and right across the field to be manured, and may be dug by the garden gang, but must be filled in by the mehters. The trenches should be prepared a day in advance every day for the next day's excreta. The urine and latrine ablution water should be buried in separate trenches some distance removed from the night-soil trenches. The warder in charge of the mehter gang shall be punished for permitting neglect of these orders. The opening and the locking up of the ejector shall be done strictly under the supervision of a Head Warder.

Disposal of excreta.

1196. The earth with which night-soil trenches are refilled should be tightly rammed and if flies are numerous in any jail the Superintendent should at once personally take steps to ascertain whether they are coming from these trenches by, if necessary, netting them with muslin for a few days. If it is found that flies are coming from that source, it is clear

Precaution against flies in night soil trenches.
G.O.No. 6485/RJ.,
dated 16-8-1923.

that more attention needs to be paid to the carrying out of the night-soil system. As a further prevention against flies, the plan may be tried of fastening sheets of oiled sacking tightly down over recently closed treanches and covered with a layer of earth.

Disposal of refuse
from the
Cook-house.

1197. All refuse from the cook-house not fit for food for cattle shall be disposed of in the same way as night-soil but sweepings and dry vegetable refuse should be thrown into a manure pit on jail land as far from the jail as possible.

Latrine for jail
warders.

1198. A latrine shall be provided for the warders, and shall be worked on the same principles as are prescribed for the prisoners' latrines. Any warder found defecating about the jail or on jail land should be punished.

Arrangements in
sleeping wards for
answering call of
nature
Rules 1179, 1193.

1199. Every sleeping ward shall be provided with a vessel for urine, a night latrine, an earth reservoir with a wooden or iron scoop. The latrine for the sake of decency shall have a screen .91 metre high in front of it. The watchmen should be warned to carefully watch any prisoner who goes to the night latrine and report his name in the morning to the Head Warder on duty, who shall report to the Jailor. Solitary cells shall be provided with smaller vessels with close fitting covers which shall be placed in a corner of the cells with a box of dry earth. At daybreak the vessels shall be removed, and shall, after they have been emptied, be well cleaned and scrubbed with dry earth. (For orders regarding the use of night latrines, see Rule 645.)

Vessels for excreta
at working places
to be surrounded
by thick layer of dry
earth and covered
by a roof.

1200. All vessels for excreta, both solid and liquid, including urine tubs at working places, etc., also receptacles for refuse food shall be placed in, and surrounded by, a thick layer of dry sifted earth; and such as are not located in buildings shall be covered by a roof. Tubs for urine and refuse shall be of iron and of a size readily removable by hand.

Steps to be taken
for disinfecting
when any prisoner
is attacked with
cholera during
night.
Rules 1263, 121.

1201. When any prisoner is attacked during the night with cholera, or with violent diarrhoea and vomiting, in a sleeping ward, the earth on which the patient has vomited shall be dug up and the contents of the vessels into which he has vomited or voided his stools shall be treated with some strong disinfectant and shall be then burnt.

Drainage of land
round the jail.
Rule 89.

1202. The drainage of the land round the jail shall be carefully attended to, and drainage channels should be made where necessary. All low or hollow ground and stagnant pools shall be filled up with clean earth. It is the duty of the Medical Officer to bring to notice any defects of drainage within the jail area or its vicinity. The construction of public latrines, sewage drains, or any insanitary condition in the neighbourhood of the jail likely to affect the health of the prisoners shall be reported to the Inspector General.

1202A. Care shall be taken that night-soil and urine are not deposited where they can be a danger to the drinking water supply. The disposal of night-soil and urine must always be strictly controlled and should be placed under the supervision of a responsible officer.

Precautions to be taken in disposing of night-soil and urine.

SECTION III.—WATER-SUPPLY

1203. Wherever a municipal water-supply has been introduced, the jail should be connected with it, if this is advantageous. In other cases water shall be obtained from the purest water-supply in the neighbourhood whence it can be obtained in sufficient quantity. Before deciding upon the source from which water shall be taken, samples shall be sent to the Public Analyst for Food and Water, West Bengal Public Health Laboratories, under the administrative control of Director of Health Services, West Bengal, for examination. Every possible precaution shall be taken to prevent the pollution of the water-supply either at its source or in distribution; every officer of the jail shall exercise the utmost vigilance to this end.

Arrangement for water-supply in jail.
G.O.No. 6485/ RJ.,
dated 16-8-1923.

Rule 128.

1204. When obtained from rivers it should be drawn from the main current and not from any back channel or stagnant water, or from shallow places near the bank. In shallow rivers with gradually sloping banks, if there is a good current near the bank, a boarded foot-way shall be built out, from which the supply may be drawn at a sufficient depth. If from the proximity of villages or other causes of pollution, the water near the shore is likely to be impure, it should be drawn from a boat placed in midstream.

Method of obtaining water from river.

1205. If a well is selected, the masonry cylinder shall be water tight so as not to admit of percolation from the upper strata, and the well shall be surrounded with masonry platform and drain connected with the surface drainage system of the jail to carry off spill water and prevent it from soaking into the ground. On no account shall night-soil or any other refuse be buried within such distance of wells used for drinking or bathing purposes as will permit of sewage or other organic matter percolating into them. The selected wells shall be so covered as to prevent pollution by substances being dropped or falling into them. It is better to employ one large well in the service of the jail than to use several wells. If the supply from one well is insufficient, the well should, if possible, be enlarged, and deepened to such extent as is necessary.

Construction of well.

1206. Every well, the water of which is used for drinking, cooking, or bathing shall be carefully cleaned out and silt removed every hot weather, before the rains set in, and oftener if the depth of water permit. Wells which have been cleansed should be disinfected with chlorine or permanganate of potassium before the water is used. A

Periodical cleaning and disinfecting of wells.
Jail Circular No.3
of 1903.

record of the dates on which these are done shall be kept by the Medical Officer. The Jailor shall be responsible that this is done.

Raising of water
from well.

1207. The raising and distribution of water shall preferably be effected by means of a pump and pipes. If a bucket and winch be used for raising water, mechanical means shall be provided for emptying the bucket at a sufficient height above the well.

Filters to be
provided.

1208. Wherever necessary, jails shall be provided with filters. Arrangements shall be made for chlorinating the drinking water and that used at the cook-house and in the preparation of food. The filter should be at such a height from the ground that the water may be distributed from it by pipes to places where it is required for use. For the distribution of drinking water at meal times covered cans with short spouts shall be used; and the water-carriers shall be prevented from touching the water with their hands. Two glasses shall be provided at the filter to compare the unfiltered and filtered water.

Supply of drinking
water.
Rule 737.

1209. Every sleeping ward and cell shall be provided with drinking water, and prisoners at work shall be supplied with as much drinking water as is necessary. The receptacles used for holding or conveying drinking water shall be covered and shall be thoroughly cleaned out daily. They shall be used for no other purpose. The water should be kept as cool as possible.

Analysis of water
for drinking and
culinary purposes.
G of B. Munpl.
Deptt. No. 944,
dated 21-9-1910.

1210. Water used for drinking and culinary purposes shall be analysed every year and a bacteriological examination shall be made when required. The examination of these waters will be carried out by the Public Analyst for Food and Water. West Bengal Public Health Laboratories, under the administrative control of Director of Health Services. West Bengal and special instruction as to the collection of samples will be duly notified by Circular from time to time.

Bathing platform.

1211. A bathing platform on an approved plan shall be provided in each enclosure of the jail in which prisoners are confined. These bathing platforms shall be filled with water every morning and afternoon, and shall be visited by the prisoners in gangs in the manner laid down in Chapter XVI. In the hot weather the supply of bathing water should be increased in quantity. Bathing in tanks is forbidden.

CHAPTER XL.

MEDICAL ADMINISTRATION.

SECTION I.—GENERAL MATTERS.

1212. The health of every prisoner shall be described as either “good”, “bad” or “indifferent”. Prisoners who on admission to jail appear to be in normal health, are free from organic disease and are well up to average weight shall be recorded as in good health. Prisoners, who on admission to jail are found to be suffering from serious malnutrition, or disease (other than trivial or temporary ailments), such as necessitates immediate medical treatment, shall be recorded as in bad health. The same standard of health shall be adopted throughout the State.

Record of
prisoner's health.
Rules 507, 784.

1213. There is no direct relation between the health of a prisoner as recorded by the Medical Officer, and the task to be exacted from him. The latter necessarily varies with the physical capability of the individual. The Medical Officer is to see that no labour is allotted to any prisoner that is not consistent with his physical condition, e.g., a prisoner with only one arm may be in good health but is certainly incapable of hard labour, whereas a skilled printer in indifferent health may be capable of giving a full task at composing.

Task to be
consistent with
physical condition
of prisoner.
Rules 95, 507, 553,
784.

NOTE.—Instructions in regard to the Medical Officer's duties on the admission of prisoners and the preparation of descriptive rolls are given in Rules 507 and 844, respectively.

1214. One of the important duties of the Medical Officer is to keep under his immediate supervision those prisoners who are below the normal standard of health or whose physical condition of previous history appears to indicate a predisposition to disease. The aged and infirm, the anaemic, those with large spleens or livers, or with spongy gums or stomatitis of any degree and those whose appearance of physical condition seems to indicate malnutrition should be sought for and selected, specially during the unhealthy months of the year. Prisoners who, with no apparent organic disease, come frequently to hospital for irregular fever, obscure chest pain or looseness of the bowels, however mild or short in duration the symptoms may be, should be kept under supervision.

Supervision of
prisoners below the
normal standard of
health.
Rule 1102.
Rule 1232.

1215. Variation in weight is one of the most valuable means for estimating the condition of health of individuals. The ratio of body weight to height is fairly constant, and though, especially in India where racial peculiarity and environment are predominant factors it is obviously impossible to lay down any hard and fast rule concerning this ratio, yet it is possible to obtain decided help from the statistics of large numbers.

Relation of weight
to height in adult
male persons.

Jail Cir. No. 19 of
1895.

Rule 542 (1).

The following formula, may be accepted as an approximate standard of the relation of weight to height in adult male Bengalees and Beharis between the ages of 25 and 45. "Taking 45.36 kilograms to be the approximate standard weight for a man of 1.52 metres height, add 1.36 kilograms for each 2.54 centimetres above that height up to 1.70 metres. For 1.73 metres and over, add 1.81 kilograms per 2.54 centimetres, e.g.,—A man of 1.57 metres should weigh about 48.08 kilograms. Man of 1.68 metres should weigh about 53.52 kilograms. Man of 1.73 metres should weight about 56.70 kilograms".

Prisoners to be
weighed every
fortnight.

Rule 131.
Rule 556(8).

1216. Every prisoner shall be weighed once a fortnight, on Sunday, and his weight shall be recorded on his history ticket. The Medical Subordinates shall carry out this duty with assistance, if necessary. Properly adjusted beam scales or reliable spring balances shall be used. When a prisoner is put in fetters, the weight of the fetters shall be entered in the history ticket at the time they are put on; likewise the weight of the ankle-ring in the cases of prisoners who work outside the jail walls, so that the exact deduction of the weight of the fetters, or ankle-ring, may be made from the gross weight before the fortnightly weighment is recorded. Prisoners in Division III shall be weighed only in their jungeahs and with ankle-ring and fetters if they have them.

(G.O. No. 1882-PJ.,
dated 26-5-1930.)

NOTE.—Special sets of weights for the weighment of prisoners are supplied by the Presidency Jail.

Record of gain or
loss in weight of
prisoners.

1217. An abstract of the results of each weighment shall be furnished to the Superintendent and Medical Officer on the following day, showing—

- (1) the number who gained weight ;
- (2) the number whose weight remained stationary ;
- (3) the number who during the last three successive weighments have lost under 1.36 kilograms ;
- (4) the number who during the last three successive weighments have lost 1.36 to 2.27 kilograms ;
- (5) the number who during the last three successive weighments have lost above 2.27 kilograms ;
- (6) the number who have lost more than 3.18 kilograms since admission ;
- (7) the percentage to the total number weighed of those who gained weight and lost weight, respectively.

W.B.F. No. 5134.

All prisoners who have lost weight to the extent indicated in items (4), (5) and (6) shall be separately paraded for the inspection of the Superintendent and Medical Officer.

A weight chart (W.B.J. Form No. 103) shall be maintained for each prisoner with sentence of imprisonment for one year and above and also for every prisoner below the standard referred to in Rule 1215.

1218. A system of "gangs" should be adopted for the special observation and treatment of those prisoners not actually in hospital whom the Medical Officer desires to keep under his special supervision. It should, however, be remembered that a high rate of sick in hospital with a low gang rate is, as a rule, better for the general health than the opposite conditions.

Hospital gang.

Prisoners who, from age or infirmity, are permanently unfit to work, and convalescents recently discharged from hospital who are temporarily unfit to work, shall be placed in the Convalescent and Infirm Gang (referred to as the "Convalescent Gang"). Other weakly prisoners who, though requiring special consideration, are able to perform, light tasked labour, shall be placed in the "Special Gang". Prisoners who, without exhibiting any particular debility, are losing weight should be placed in a "Losing Weight Gang" for more particular observation and weekly weighment. Whenever the prisoners in the convalescent or special gangs exceed 10 per cent, of the number under lock-up, a report should be sent to the Inspector-General, giving the reasons for the increase. The number for whom special diet is sanctioned under Jail Code Rule 1221 should also be reported.

All hospital gangs shall be subdivided into A and B classes and the classes shall be kept as separate as possible.

1219. Prisoners in "special" and "convalescent" gangs, shall always remain in their respective gangs and not be mixed up with other gangs. They shall be weighed every week instead of every fortnight, on such days as the Medical Officer may fix, and the progressive weekly weighments shall be recorded in a special register (No. 29) to be shown to the Medical Officer. A separate record shall be kept of the numbers in these gangs daily, and the daily average the numbers in these gangs daily, and the daily average number in each shall be furnished in the monthly returns.

Weekly weighment of special and convalescent gangs.

W.B.F. No. 5005.

1220. The labour on which the "special" gangs are employed shall be light work suitable to their condition, and, if necessary, under cover. The "convalescent and infirm gang" shall be seen every day by the Medical Officer, under whose orders some light work, without task, such as sorting wool, winding yarn, attending the sick, etc., may be given to them, or the Medical Officer may recommend any weak or convalescent prisoner for un-tasked work in the garden. The "special" gang shall be seen daily by Medical Subordinate. The midday rest prescribed in Rule 783 shall throughout the year be allowed to them in their wards.

Employment of special gangs. Rule 1240.

1221. The Medical Officer shall devise a special diet scale for each of these gangs, or order any special diet necessary in particular cases. They may be given a better quality of rice than ordinary prisoners and may be allowed oil for inunction daily before bath. Meat, fish, milk, dahi, goor, potatoes, or extra vegetables may be allowed. Meat, fish, milk or dahi may be given in lieu of quantities of dal of equal nutritive value, to be deducted from the regular

Special diet scale for special gang. Rule 97.

ration or, if the Medical Officer considers it advisable, may be given in excess of the regular scale.

Special gangs to be accommodated in upper wards at night.

1222. These gangs should, if possible, be accommodated in upper floor wards at night. Prisoners of these gangs should all have the extra clothing and bedding provided for in Rule 1168.

Special and convalescent gangs to be frequently examined by Medical Officer. Rule 553.

1223. Both these gangs shall be carefully and frequently examined by the Medical Officer with a view to early detection of sickness and removing from them every prisoner who has recovered health and no longer requires special attention. A register (No. 29) showing for each gang separately the name, register number, date of attachment to the gang, and date of discharge of each prisoner, shall be kept, and no prisoner shall be placed in, or discharged from these gangs except by order of the Medical Officer.

Enquiry into the cause of a prisoner's losing weight.

1224. Whenever there is an unusual proportion of the prisoners who have lost weight, or there is a general tendency to scurvy or to ulceration of the gums, or anaemia, or an increase of admissions to hospital from dysentery or other bowel complaints the Medical Officer shall make careful enquiry to ascertain the cause. The diet of all the prisoners shall be varied by the liberal issue of animal food in lieu of dal etc., as provided in Rule 1104, and potatoes, onions, and radishes may be added to the vegetables. Both the Superintendent and the Medical Officer shall occasionally visit the prisoners while at their meals to ascertain if there are any complaints regarding the food, and note if much of it is left uneaten. If the food appears to be unpalatable owing to want of variety, this should be remedied as far as possible.

Tasks to be regulated. Prisoners found to be continually losing weight not to be placed on hard labour. Rule 252. Rules 94, 119, 127.

1225. If the loss of weight is more marked amongst prisoners on one form of labour than on another, the tasks should be carefully regulated, and the prisoners employed on that particular work should be changed if the tendency to lose weight continues. Prisoners who at three successive weighments are found to be losing weight, or in whom the loss of weight at any weighment is found to be great, shall not be placed on hard labour.

Seasonal hygienic treatment of prisoners by Medical Officer. Rules 633, 639.

1226. Medical Officers should carefully regulate the hygienic treatment of the general body of prisoners according to season. The Medical Officer shall, therefore, exercise his discretion as to the time at which the prisoners shall be taken out of their wards in the early morning, and he may direct that at the early morning parades before prisoners march to their work, they shall be allowed to have with them, and cover themselves with, one of the blankets supplied to them as bedding. He should see that the provision of Rule 1169, the object of which is to ensure that prisoners shall have dry clothing when they return to their wards after their work, is carried out; that prisoners are not unnecessarily exposed to the weather either whilst at work or in their wards, and, if he is not the Superintendent, bring any neglect of these rules to the Superintendent's notice.

Rule 1181.

1227. The prophylaxis and treatment of Malaria in jails are matters requiring the constant attention of the medical staff. Kerosene oil, malariol, waste engine oil or such other larvicides, and tar may be used for the destruction of mosquito larvae. As an anti-mosquito measure, spraying is to be carried out with either a 5 per cent oily, solution or 2 per cent, watery suspension of D.D.T. during the Malaria season at intervals of 6 to 8 weeks (say end of July, middle of September and beginning of November) so as to obtain in each spraying a dose of at least 50 mg. D.D.T. per .092 square metre on the walls to a height of at least 3.05 metres. These actions should be accompanied by systematic drainage or filling up of stagnant pools, holes and other places that may become the breeding ground for the Anopheles; empty tins and other vessels should not be allowed to lie about.

Precaution against infection of Malaria and its treatment in Jail.

Quinine as a prophylactic should not be issued to all prisoners and warders as a routine measure. It should be given for this purpose only to those prisoners or warders as have entered hyperendemic area during a severe epidemic and the issue continued for a period not exceeding one month. It has been found that six grains of quinine given on two successive days (preferably Saturdays and Sundays) a week would be quite enough; alternately Paludrine 0.3 gm. may be used weekly. All infected persons should, however, be thoroughly treated.

1228. Prisoners outside Calcutta who have been bitten by rabid animals should be treated at the local Sadar or Subdivisional State Hospital. In Calcutta they should be treated at the Pasteur Institute, Calcutta.

Treatment of prisoner bitten by rabid animals.

1229. Measures to be taken for the prevention of plague in jails are to be found in Circular No. 46, dated 17th September, 1907, reproduced in Appendix No. 21.

Prevention of plague in jails.

Section II.—Hospital Management.

1230. It is the duty of every jail servant promptly to bring to the notice of the Medical Subordinate any circumstances from which the sickness of any prisoner may be inferred. If a prisoner be observed to visit the latrine oftener than usual, he shall be removed to a segregation ward for observation.

Every jail servant to report to the Medical Subordinate any circumstances from which sickness of a prisoner may be inferred.
Rule 641.

1231. In every jail, separate hospitals shall be provided for male and female prisoners. All prisoners complaining of illness shall be brought before the Medical Officer and shall be examined by him, and he shall determine whether they shall be placed under medical observation or treated as out-patients or admitted to hospital; or if he thinks necessary he shall take any other action he is empowered to take by these rules.

Separate hospitals for male and female prisoners.

Rule 94.

1232. (1) Any prisoner may be detained in the hospital for 48 hours, but not longer, under medical observation, without being brought on the hospital register. Every prisoner who is under medical observation or treatment for more than 48 hours, and is not in the "convalescent" or

Detention of prisoners in hospital.
Rule 1214. W.B.F.
No. 5135.

"special" gang, or a supposed lunatic, shall be entered in the hospital register and be included in the hospital statistics.

(2) The names of prisoners detained under observations shall be entered in the "Morning State of Sick" (W.B.J. Form No.104) or in a special register, and their disposal either by admission to hospital, further detention, or discharge, shall be entered therein daily by the Medical Officer or under his supervision by the Medical Subordinate.

Bed for every patient in jail hospital.
Rules 1167, 1160.
G.O. No. 5872-RJ., dated 3-8-1923.
G.O. No. 4896-RJ., dated 5-7-1923.

1233. Every patient in hospital shall be provided with a bed which shall be furnished with a strong bamboo or straw mat, a proper mattress, a pillow and white sheets. He shall also be provided with as many blankets as the Medical Officer deems necessary.

If an epileptic is placed in a cell, there should be no bedstead or raised masonry berth in it, but he should be provided with a mat of a thicker pattern and should sleep on the floor.

Bed-head ticket.
Rule 111.
W.B. F. No. 5132.
W.B.F. No. 5133.

1234. Over every occupied bed in hospital shall be placed a ticket in W.B.J. Form No. 101, wherein shall be recorded full particulars of the previous history, progress of the case and its treatment. In the case of dysentery it should be noted whether the prisoner had suffered from the disease in his own home or had previously acquired it in the jail. In every case of fever a temperature chart, in W.B.J. Form No.102, recording the patient's temperature shall be attached to the "bed-head ticket." Suitable clasp frames for holding these tickets should be provided.

Hospitals to be kept clean and well ventilated.
Rules 117, 1181.
Rule 1173.

1235. Hospitals shall be kept scrupulously clean and well ventilated, the yard of a hospital shall be turfed and flower beds may be kept up in it. The Medical Officer shall take such steps as will secure the strictest cleanliness in the bedding and clothing.

Arrangement for providing fresh air to patients.
G.O. No. 4896-RJ., dated 5-7-1923.

1236. Where the Medical Officer considers it desirable, the cots of sick prisoners should be carried out with the patients on them and placed in the hospital yard under the shade either of trees or buildings at least for part of the day so that they may get more fresh air than in the hospital.

Disinfecting hospital clothings and sheets.
Rule 651.

1237. A proper place for washing and boiling the soiled hospital or other clothing and sheets shall be provided, and the blankets and blanket clothing, shall frequently be boiled. Prisoners in hospital who are not very ill shall bathe daily at such time as the Medical Officer may direct.

Hospital diet.
Rule 641.

1238. The diet of prisoners in hospital is entirely under the Medical Officer's control, and he may order in each individual case such diet as he considers necessary, and may fix the hours at which the food shall be distributed but as a rule,

all sick prisoners in hospital should receive four meals a day, and oftener if necessary. In large jails there shall be a separate cookshed in the hospital for the preparation of food for the sick, and a special convict cook, or cooks, shall be appointed. Utensils of suitable size and capacity shall be provided specially for the hospital; and arrangements should be made for the frequent feeding of the sick, and for having sago and other forms of invalid food constantly ready.

Rule 1117.

1239. Dangerous, noisy or filthy lunatics shall not be kept in the hospital, but in separate cells (see Rules 740 and 1038.)

Dangerous lunatics not to be kept in the hospital.

1240. In some cases it will be well for prisoners actually in hospital to have some employment. Easy work should therefore be provided for these prisoners, but not task should be exacted.

Hospital prisoners may be given light work.
Rule 1220.

1241. No prisoner shall be transferred for the benefit of his health without the previous sanction of the Inspector-General. If any prisoner, transferred for the benefit of his health, dies, within three months after his arrival, of the disease on account of which he was transferred, his death shall be borne on the returns of the transferring jail; but if he die of a different disease or after the lapse of three months from the date of his transfer, the death shall be included in the returns of the jail at which he died. In the former case, his admission shall not be included in the statistics of the receiving jail, or his transfer in the statistics of transfer of the despatching jail.

No prisoner to be transferred on grounds of health without sanction of I.G.
Rules 596, 861.

1242. All cases of dysentery and diarrhoea should be treated in a separate ward all loose stools from such patients should be disinfected and destroyed by fire; and all wards, beds, bedding, clothes and latrine vessels used by them should be thoroughly disinfected. Prisoners suffering from venereal disease should also be segregated as far as practicable.

Treatment of prisoners suffering from Dysentery, Tuberculosis or Malarial fever.

All cases of pulmonary tuberculosis should, as far as practicable, be segregated in special wards. The cases which are fit for removal should be transferred to Suri Jail but every death at this jail shall be debited to the jail from which the patient came, whatever length of time may have elapsed since his transfer.

Rule 1227.

All cases of malarial fever should be provided with mosquito nets.

1243. The following registers shall be maintained by the Medical Officer and the Medical Subordinate :—

Registers to be maintained by Medical Officer.
W.B.F. No. 4980.
W.B.F. No. 5001-3 and 5004.

(a) No. 1, Medical Officer's minute-book, see Rule 92.

(b) Post-Mortem Register No. 26 (in Central and District Jails).

(c and d) Registers Nos. 27 and 28.—Hospital Register and Hospital Roll of sick diet, medicines locally purchased etc., and other hospital records shall be kept under the direction of the Medical Officer, who is responsible for their correctness. The instructions in Rule 99 must be carefully complied with, and all the information required by the column headings filled in.

W.B.F. No. 5005.

(e) No. 29, Register of Convalescent and Special gangs.—

This register should be divided into four parts:—

(1) The “Convalescent and Infirm” gang, A class.

(2) The “Convalescent and Infirm” gang, B class.

(3) The “Special” gang, A class.

(4) The “Special” gang, B class.

The name of every prisoner ordered by the Medical Officer to be placed in either of these gangs shall be entered according to the gang and according to the class, as also any special diet or any special treatment ordered in individual cases. When a prisoner is discharged from the gang, his name shall be scored through. At the beginning of every three months a new list should be made out of every gang.

(f) No. 30, Register of weekly weighments of prisoners losing weight.—For instructions regarding this register, see Rule 1219.

Reports and
returns to be
submitted by
Medical Officer.
W.B.F. No. 5048.

1244. The following returns and reports shall be submitted by the Medical Officer:—

(a) Return No. 29 (Table A).—Monthly return of sick prisoners shall show the number of admission and deaths amongst prisoners of all classes from the chief diseases.

(b) Return No. 9.—Half-yearly Report of health and mental condition of criminal lunatics (see Rules 36 and 1045).

W.B.F. No. 5060.

(c) Annual Return No. 9 (Table B).—Annual Return of sick prisoners. These Returns shall be prepared by or under the orders of the Medical Officer, and when the Inspector-General is not a Medical Officer, duplicates shall be submitted to the Director of Health Services, Government of West Bengal. The Medical Officer shall also forward duplicates of his annual report and of his monthly and annual returns to the Director of Health Services, Government of West Bengal through the Superintendent of the jail, when the Inspector-General is not a Medical Officer. He shall also keep, or cause to be kept all such records as may be prescribed.

(d) Annual Returns NOS. 7 and 8.

(e) W.B.J. Form NO. 108.—Report of the occurrence of grave infectious disease.

W.B.F. Nos. 5058 and 5059.

(f) M.S.D. 135.—Annual Indent for medicines and stores [see Rule 104(a)].

W.B.F. No. 5138.

1245. Prisoners who are dangerously ill, or moribund may be permitted to see their relations. Intimation of the condition of a prisoner who is dangerously ill shall promptly be given to the Magistrate and also direct to the relations of the prisoner either by special messenger or by telegram according as they reside within or outside the limit of the town in which the jail is situated. As to searching visitors, see Rule 677.

Intimation to relatives of prisoners who are dangerously ill.

Rules 591, 665.

NOTE.—For the disposal of a sick prisoner whose sentence has expired, see Rule 102 ; for procedure to be followed on the death of a prisoner, see Rules 98 and 99; and for the procedure relating to the release of prisoners on account of serious sickness, see Rule 591.

1245A. (i) If in the opinion of the Superintendent a prisoner requires medical treatment or surgical operation which cannot be adequately given or safely performed in the Jail Hospital, he shall arrange for the transfer of the prisoner to a jail where the treatment can be given or the operation performed.

Procedure to be adopted when a prisoner requires medical treatment or surgical operation which can not be adequately given or performed in the Jail Hospital.

(ii) If it is not possible to send the prisoner to a Jail Hospital the Superintendent shall send the prisoner to the local hospital for treatment or operation escorted by a guard of warders which shall be in charge of the prisoner until he is brought back to the jail.

Before a prisoner is removed to an outside hospital the sanction of the Inspector-General should be obtained through the District Magistrate. In cases of extreme urgency when it is not possible to obtain the previous sanction of the Inspector-General, the Superintendent should send the prisoner to the local hospital in anticipation of the sanction of the Inspector-General, which should be applied for through the District Magistrate simultaneously with the removal of the prisoner.

The proposal for removal of a prisoner to an outside hospital should be accompanied by a medical history of the case and a statement under the signature of the Medical Officer explaining if the treatment that was possible in the jail hospital had been properly rendered to the prisoner without relief, and why the recommended treatment or operation could not be done in the Jail Hospital. Only those sick prisoners whose health will be seriously affected if not removed to an outside hospital should be recommended for such removal. If extra warders are necessary for guarding prisoners sent to an outside hospital, application for their entertainment in the proper form shall be submitted to the Inspector-General along with the case, stating the expected period of their employment.

(iii) The Superintendent of the jail concerned will be responsible for making adequate arrangements for the guarding of a prisoner in an outside hospital by a warder guard. In the case of a desperate or dangerous prisoner, he should ask the local Superintendent of Police or in Calcutta, the Deputy Commissioner of Police, Head Quarters, Calcutta, for a police guard to reinforce the jail guard.

(iv) The Medical Officer of the outside hospital will be responsible for the prisoner's medical treatment, retention in and discharge from hospital. The control of the prisoner in hospital as regards hospital discipline will rest with the hospital authorities. In other respects (e.g., letters, interviews and other privileges) the prisoner will be under the control of the jail authorities for which purpose the Superintendent of the jail shall arrange in consultation with the hospital authorities for occasional visits by Jail Officers at fixed hours.

Before discharging a prisoner-patient from the hospital, the Medical Officer of the hospital shall inform the Jail Superintendent and make over the prisoner to the escorts deputed by the Superintendent.

(G.O. No. 347-HJ.,
dated 19-2-1940.)

NOTE—Prisoners removed to hospital will be entitled to remission under rule 756 and the periods spent by them in hospital will count towards their sentences.

Police to be
consulted when the
political prisoner or
a detenu is to be
transferred to a
hospital outside the
jail.

1245B. In the case of a detenu or a person convicted or arrested for a political offence, the Superintendent of the jail, except where immediate removal to hospital is necessary in order to save the prisoner's life, shall, before transferring the prisoner to an outside State Hospital, consult the Superintendent of Police or Additional Superintendent of Police, D.I.B. whether any special guard is necessary. The Deputy Inspector-General of Police, I.B., C.I.D. should also be informed of such action forthwith.

Quarantine for
newly admitted
prisoners.

Rule 505.

1246. When any epidemic disease exists in the vicinity of a jail, communication with infected locality shall, as far as possible, be prevented. Newly admitted prisoners shall be kept in quarantine, as far as the structural arrangements of the jail permit, for seven days or such longer period as may be necessary to cover the incubation period of the disease to be guarded against.

Measures to
prevent spread of
epidemic diseases
in jails.

1247. The Medical Officer shall in the event of the appearance of epidemic disease of any kind among the prisoners or officers of the jail, be responsible for seeing that all measures and precautions which may be necessary or expedient to meet the emergency and prevent the spread of the disease are promptly taken and that the rules, and orders regulating such matters are fully enforced.

When a case of epidemic disease, viz., Small Pox, Cholera or Enteric Fever occurs either in the jail or in its vicinity, the Medical Officer shall at once arrange for

vaccination or inoculation, as the case may be, of all prisoners and of all prison personnel together with the members of their families.

NOTE.—Vaccine lymphs can be obtained from the West Bengal Vaccine Institute, 2. Convent Lane, Calcutta. Other vaccines can be obtained either from the Central Medical Store or from the District Medical Store as the case may be.

1248. Immediately upon the appearance of any case of infectious disease or any disease which is likely to assume an epidemic form in the jail the Medical Officer shall report the fact to the Superintendent for the information of the Inspector-General, together with any recommendations he may think fit to make with a view to preventing the spread of the disease and otherwise dealing with it.

Medical Officer to report to the Superintendent for information of the Inspector-General when signs of an infectious disease or out break of an epidemic are visible.
Jail Cir. No. 8 of 1912.

1249. On the occurrence of any grave infectious disease, e.g., plague, cholera or small-pox, the Superintendent shall daily report to the Inspector-General in W.B.J. Form No. 108. He shall also, along with this report send brief note regarding the progress of the epidemic, the measures he is taking to arrest it and any other information he may consider of importance in this connection.

Superintendent to furnish daily report to the I.G. on the occurrence of any grave infectious disease.

On receipt of the report, if the Inspector-General consider that an epidemiological enquiry is desirable, he shall ask the Superintendent of the jail or any other Medical Officer, who may be trained in epidemiology, to hold an enquiry and to report the result to him and should send a copy of such report to the Director-General of Health Services, New Delhi.

The steps to be taken by I.G. on receipt of such reports.
(G.O. No. 11554-RJ., dated 17-12-1923.)

A report of the occurrence of epidemic diseases shall also be sent to the Director of Health Services, West Bengal stating the numbers of attacks and deaths with their dates occurrence weekly by the Superintendents of those jails only in which such diseases take place. No report or return need be submitted by those jails which have had no such occurrence during the week. Such returns shall be posted by the Saturday of the week to which they relate.

Report of epidemic diseases to Director of Health Services.

1250. The existence of sporadic cases, of infectious disease (other than plague) is, in these days of careful segregation, no reason for the absolute prohibition of the transfer of prisoners to or from the infected jail. The Medical Officer should use his discretion and, if considered advisable, the Superintendent may notify other jails that transfers either to or from his jail are stopped. In the case of a transfer from an infected jail, the Superintendent shall, invariably, notify the existence of the disease to the Superintendent of the jail to which the prisoner is transferred. Prisoners transferred from a jail in which small-pox

Transfer to and from infected Jail.

Rule 843.

has existed during the previous fifteen days should, if necessary, be re-vaccinated before transfer. No transfers should be made from a jail in which plague has occurred until ten days have elapsed since the date of the last case of the disease inside the jail.

Quick disposal of infected corpse.

1251. The body of any prisoner, who has died from any grave infectious disease, shall at once be enveloped in a sheet saturated with solution of corrosive sublimate (1 in 1000) or some other strong disinfectant and shall be disposed of with the least possible delay; if not burnt, it should be buried with an ample supply of quicklime.

1252. Deleted.

Steps to be taken in hospital to meet an outbreak of any epidemic disease.

1253. The hospital shall be lime-washed, and especial care be taken that all hospital arrangements to meet an outbreak of epidemic disease are complete.

Precautionary steps on an outbreak of cholera.

1254. In the event of an outbreak or threatened outbreak of cholera the drinking water, if tank of well water, shall, if possible, be changed to some other source of wholesome supply. Wells and reservoirs shall be disinfected. In every case the water must be chlorinated. Food should be constantly inspected to ensure that it is of good quality, cleanly prepared, well-cooked and easy of digestion. No work shall be done until the prisoners have had the early morning meal. Attention should be paid to regularity of meals, so that long fasts are avoided; and prisoners shall be encouraged not to drink water between meals or on an empty stomach. The food supplies and water should be carefully guarded against contamination. The possibility of spread of cholera by insect life (flies) should not be overlooked. Special provision should be made to obviate this source of danger. The purity of milk and of milk vessels should receive special attention. All milk should be boiled before use.

1255. Deleted.

All prisoners to be interrogated and every man having the slightest diarrhoea shall be reported to the Medical Subordinate.

1256. All the prisoners should be individually questioned as to the condition of their bowels, and every prisoner who has the slightest diarrhoea shall be immediately brought to the notice of the Medical Subordinate. In a large jail this will require the co-operation of all ranks. The earlier a patient is treated the greater is the chance of his recovering. During the night and early morning enquiries as to the health of the inmates of each barrack shall be made by the sentries, and any man attacked by premonitory symptoms shall be at once removed for treatment.

Disinfection of barracks and prisoners' belongings. (G.O. No. 132/HJ dated 13-1-1954.)

1257. The bedding and clothing shall be boiled for 20 minutes or disinfected by steam if a disinfectant is available. The ward shall at once be disinfected by a solution of perchloride of mercury (1-500) being sprayed or dashed over the floor, walls, rafters and the ceiling of the ward. The walls when dry should be thoroughly scraped and the scrapings from the walls removed and burnt. The

buildings shall be lime-washed and thoroughly ventilated before the prisoners are allowed to occupy them. The numbers confined in the barracks at night should be reduced as much as possible by providing short-term prisoners with temporary accommodation elsewhere. Articles used by prisoners suffering from tuberculosis, leprosy or from any other infectious disease, should, according as the Medical Officer directs, be thoroughly disinfected or destroyed by burning.

1258. The strictest attention shall be paid to all sanitary regulations, especially to the dry-earth system of conservancy, care being taken to see that the earth is really dry and well sifted, and not sand, and that it is applied immediately and in proper quantity. It will also be found of advantage to have dry-earth spread near patients suffering from cholera so as to receive any sudden discharges which would otherwise fall on the floor. The number of sweepers shall be increased. If sufficient prisoners are not available for conservancy work, the extra number required for the purpose should be engaged from outside the jail, in anticipation of the sanction of the Inspector-General, if necessary.

Sanitary regulations in regard to conservancy to be strictly observed.

1259. As soon as a Cholera case is detected, the prisoner should immediately be removed to an outside hospital. His excreta should be collected separately and carefully disinfected before removal. Other preventive measures against spread of the disease should be taken promptly.

Cholera patient to be removed to an outside hospital.

1260. Deleted.

1261. Sulphurous acid can be produced by melting common sulphur in a metal vessel over a fire, and then setting fire to the sulphur, which should be allowed to burn out. Whilst the sulphurous acid is thus given off as a vapour, all doors, windows and other apertures must be closed as thoroughly as possible. The fumigation should be continued for at least 3 hours.

Disinfecting with sulphurous acid.

1262. Deleted.

1263. The dejecta should be received in earthen vessels containing some strong disinfectant and, with all hospital refuse, immediately transferred to the incinerator with which each jail should be provided. The earthen vessel will then be destroyed and burnt. A vomit or stool-pan used by a cholera patient shall on no account be used by anyone else. The disinfection and purity of the persons and clothing of attendants on cholera patients should be strictly enforced, and they should not be allowed to eat food or drink water which have remained in the vicinity of cholera patients or their dejecta. Any part of an iron cot soiled by vomit or excreta should be strongly heated over a fire, and then painted with tar ; clothing or bedding and blankets, and straw so soiled, whether of patients, attendants or jail officer, should be burnt.

The cholera patient's dejects to be collected in earthen vessels which should be destroyed and burnt.

Patients' clothings and bedding to be burnt.

1264. On the recovery or death of a patient from any grave infectious disease, his bedding and clothing shall be immediately burnt.

Removal of prisoner to outside hospital.

1265. If the circumstances of the jail should render the segregation of a case of grave infectious disease impossible, the Superintendent shall, with the consent of the Magistrate of the district and in anticipation of the sanction of the Inspector-General which should be applied for through the Magistrate, remove the prisoner to any hospital which has been set aside for the accommodation of such patients. The prisoners, on recovery, and when the risk of infection has passed, shall be brought back to jail, the period passed by him in the hospital being treated as part of the sentence served.

Minor infectious diseases not to be neglected.

1266. Minor infectious diseases such as mumps, measles, chicken-pox, etc., must on no account be neglected. Segregation for the full period must be enforced. These diseases, if allowed to spread, may seriously interfere with the industries of a jail. The value of oil inunction in the exfoliative stage of infectious exanthematous diseases should be remembered. Cases of scabies need not, as a rule, be admitted to hospital, but segregation should be enforced.

1267 to 1296. Deleted.

CHAPTER XLI

PUBLIC WORKS IN JAILS.

Public Works in Jails. Para. 127, P.W.D. Code. G. of B., P.W.D. Resn. No. 3815/3933A., dated the 17-9-1921 and Jail Cir. No. 72, dated 17/12/21. (G.O. No. 4336(55) FB., dated 5-5-1941).

1297. (a) Public Works in jails come under the following heads:

- A.—Original Works—Major, costing over Rs.10,000, Minor, costing Rs.10,000 or under. Petty, costing Rs. 5,000.
- B.—Repairs—Special, Periodical and Occasional and Petty.

Para 128, P.W.D. Code.

- (b) Class A—includes all new construction, whether of entirely new works or of additions and alterations to existing works, except as hereinafter provided; also all repairs to newly purchased or previously abandoned buildings required for bringing them into use.

When a portion of an existing structure of other work is to be replaced or remodelled, whether or not the change involves any dismantlement, and the cost of the change represents a genuine increase in the permanent value of the property as an asset, the work of replacement or remodelling, as the case may be, should be classed as "Original work", the cost of the portion replaced or remodelled being credited to the estimate for "original work" and debited to "repairs." In all other cases, the whole cost of the

now work should be charged to "repairs". It also includes works of a temporary or petty nature which can be executed by the Jail Department without the intervention of the Public Works Department.

(c) Class B.—Special repairs are those of an extensive nature which are not classed as periodical such as the complete renewal of a roof or floor. Special repair estimates do not lapse with the official year, but remain current till the completion of the work, in the same way as estimates for original works.

Para 160,
P.W.D. Code.

Periodical repairs are such as are included in annual quadrennial estimates and comprise not only such work as painting and white-washing, but also such miscellaneous repairs as it may be convenient to carry out at the same time.

Para 154,
P.W.D. Code.

Occasional and petty repairs are such as become necessary from time to time and which may have to be carried out between the times of periodical repairs.

1298. Deleted.

1299. All outlay in connection with constructions of additions to, or improvements of, residential buildings occupied by officers, whatever the estimated cost may be, require the sanction of the State Government.

Government sanction necessary for outlay in residential buildings. (G. of B.No. 4906-P., dated 18-8-1911.)

1300. The Inspector-General is authorised to accord administrative approval to expenditure on original works, other than in connection with residences, up to Rs. 10,000.

Power of Inspector General. (G. of B., P.W.D. Resn. Nos. 3815/3933A., dated 17-9-1921.)

1301. The following procedure shall be followed in the case of new works or additions the cost of which is not likely to exceed Rs. 10,000.

Procedure for new works not exceeding Rs. 10,000. (G. of B., P.W.D. Resn. Nos. 3815/3933A., dated 17-9-1921.)

On the requisition of the Inspector-General or the Jail Superintendent, the Executive Engineer will prepare plans and estimates in detail, provided the Executive Engineer is satisfied that the work is likely to be sanctioned on the lines proposed and that the work is one which is likely to be financed in the near future. The Executive Engineer will send the plans and estimates direct to the Inspector-General for administrative approval in case the requisition was received from him; but if it was received from the Jail Superintendent, to the latter officer for submission to the Inspector-General for such approval.

In no case should the Jail Superintendent call on the Executive Engineer to prepare estimates for works without the previous orders of the Inspector-General.

If the estimate is in connection with a residential building, the administrative approval of Government is necessary and the Inspector-General will submit such estimates to the State Government in his department, but projects for additions and alterations to existing residences amounting to not more than Rs. 200 should be submitted to Government in the Public Works Department for administrative approval.

Procedure for
Works exceeding
Rs. 10,000.

1302. If the work is likely to cost more than Rs.10,000 the administrative approval of the State Government is required before detailed plans and estimates are prepared. The following procedure should be adopted :—

- (1) The Inspector-General should furnish the Superintending Engineer with particulars as to the reasons for which the building is required and as to the accommodation which has to be provided ; and
- (2) The Executive Engineer will furnish a rough plan for, and approximate estimate of the cost of, the work proposed. These will in all cases be sent to the Inspector-General through the Superintending Engineer who should state if he considers that the amount provided in the approximate estimate is fair for a work of the class proposed.

On receipt of the rough plan and approximate estimate from the Superintending Engineer, the Inspector-General will submit them to the State Government in his Department. When administrative approval has been accorded orders will issue in the Public Works Department to the Superintending Engineer for the preparation of detailed plans and estimates.

Action in regard to
repairs other than
those referred to in
Rule 1304 to be
taken by the
Executive
Engineer.

1303. The Executive Engineer will take all necessary action in regard to repairs other than those referred to in Rule 1304 in consultation with the Superintendent. When necessary the Superintendent should call the attention of the Executive Engineer to any repairs that may be required.

Superintendent
responsible for
petty repairs.

1304. The Superintendent will be responsible for all petty repairs of doors and windows, including the replacement of broken glass. He should make the Jailor or some other officer answerable for the general condition of the building, including the glass in each room, and fixtures, also for keeping a watch on the attacks of white ants. The same person should also pay strict attention to the cleanliness of the interior and the neatness of the exterior of the building and of its surroundings, etc., and keep the rain water down-pipes and surface drains free from all obstructions. Charges for such items shall be made by the Superintendent in his contingent bill. In case the rain-water pipes get choked, the work of cleaning those pipes should be carried out through the Public Works Directorate and, the cost thereof met from the repairs grant of the building concerned.

(B.G. Cir. No. 1A.,
dated 30-1-1935.)

Repairs to Government residential buildings borne in the books of the Public Works Department, and those in connection with sanitary, water-supply and electric installation, should be executed through the agency of the Public Works Department.

Para. 209, Works and Buildings Code.

1305. (a) Nothing in this chapter is to be construed as permission to any officer to carry out in portions any system of works or alterations of which the cost in the aggregate would exceed what he is empowered to sanction.

General provisions regarding works. Para. 134, P.W.D. Code.

(b) No buildings on the books of the Public Works Department shall be added to, altered or dismantled, and no fresh detached structures shall be erected on land attached to such buildings, without the sanction of the Public Works Department.

(G. of B. Resn. Nos. 24B of 25-10-1906 and 22B of 18-6-1895.)

(c) The deposit of religious relics or symbols and the erection in jail of shrines or place of worship on Government lands are forbidden; the Jailor shall at once report to the Superintendent any new encroachment or extension of encroachment within the jail precincts.

(G. of B. Cir. No. 11-B of 26-5-1905.)

(d) No new buildings with roof composed of thatch or other inflammable material shall be constructed within a minimum radius of 45.72 metres of a building constructed of permanent materials.

Para 189, P.W.D. Code.

(e) No work shall be commenced till sanction to it has been accorded, allotment of funds made and orders for its commencement issued by competent authority. In emergent cases of danger or inconvenience suddenly arising, a definite written request must be made to the Executive Engineer, who will act on his own responsibility.

(f) Contractors shall not be allowed to store materials in a jail for more than seven days before or after they are actually required.

(g) Executive Engineers shall see that there is no undue delay in the execution of any work.

(h) Executive Engineers are responsible for ensuring that proper measures are taken to preserve buildings and works in their divisions and to prevent encroachment on Government lands.

1306. In the execution of every jail work convict labour shall be utilized to the fullest extent possible, and in the preparation of estimates for works this shall be taken into account. A note should be made in the estimate of the reduction which can be effected by the use of convict labour for making bricks and tiles, preparing surkhi, broken stone or khoa, or other work on which mazdoors would ordinarily be employed, for all items of work which the jail can carry out; and, if the jail can supply skilled labour, the reduction in cost on this account should also be noted. If necessary, some of the less useful forms of ordinary industry may be temporarily suspended.

Use of convict labour in the execution of jail work and preparation of estimate of cost.

Para. 143. P. W.D. Code. Rule 794.

Jail Cir. No. 30 of 1907.

Considerations of profit shall not be allowed to interfere with the free use of convicts for all Public Works Department works within the jail precincts.

1307. Deleted.

1308. Deleted.

1309. The Inspector-General may direct that any minor original work, in addition or alteration, not exceeding Rs. 5,000, sanctioned by him under Rule 1301, shall be carried out by the jail establishment.

Inspector-General's power to order minor original work to be carried out by the jail establishment.

The procedure to be followed in such cases.

(G. of B. P.W.D. Reson. Nos. 2587-2625-P., dated 30-8-1932 and G.O.No. 1305- P.J., dated 4-4-1933.)

(G. O. No. 4336(55)/ F.B. dated 5-5-41.)

(G. of B. Resn. No. 768A of 7-8-1878.)

(G. O. No. 4161/ HJ. dated 6-12-1941.)

In such cases the following rules shall be complied with:—

- (a) No work shall be carried out under these rules unless the estimate has been previously sanctioned by the Inspector-General, and unless the work has been approved of by the Public Works Department Officer under Rule 1301.
- (b) If the work is not of a simple and ordinary nature, the Inspector-General shall consult the officer of the Public Works Department whose duty it is to advise in such cases.
- (c) The estimate shall invariably state distinctly the purpose of the proposed work and its probable cost.
- (d) Regular Public Works estimates are not required; but if the amount is above Rs. 200 as full detail as may be practicable shall be given.
- (e) The forms of estimate, W. B. J. Form No. 59, shall be used. The work to be done shall be charged at the full value, including convict labour and materials, which will represent the total cost of the work, and must not exceed Rs. 5,000. A deduction shall then be made for the value of convict labour to be employed and the old materials to be used, and the balance will be the amount of the estimate to be sanctioned.
- (f) Estimate shall be sanctioned in accordance with the orders in Bengal Government, Communications and Works Department, Resolution No. 3815-3933A., dated the 17th September, 1921, and forwarded to the Superintending Engineer.
- (g) No buildings on the books of the Public Works Department are to be dismantled without the authority of Government in the Public Works Department.
- (h) If radical or extensive alterations are desired the orders of Government must be taken.

(i) The Superintending Engineer, if he considers it necessary to make any remarks regarding the work for the information and guidance of the jail authorities, shall then do so, sending a copy of the remarks to the Superintendent of the jail, to whom, if the work is to be executed by the Jail establishment, he will likewise forward the estimate.

(j) The Jail Department may have old materials from the dismantled buildings borne on the books of the Public Works Department on payment of their depreciated value according to the condition of the materials, provided that they are not required by the latter Department for any specific work connected with the jail. All jail buildings including minor works borne on the books of the Public Works Department should be treated as the property of that Department.

(G.O. No. 1379-HJ.,
dated 27-6-1930.)

(G.O. No. 1708-HJ.
dated 16-3-1940.)

(k) The Superintendent of the jail shall obtain funds from, and submit accounts to, the Accountant-General, West Bengal, as provided in Rule 147 of the West Bengal Financial Rules, Volume I.

1309A. A record of all jail buildings departmentally constructed, shall be maintained in a manuscript Register, showing the following particulars in respect of every such building:—

Record of buildings
constructed by the
Jail Department.

(1) Serial number, (2) location in the jail premises, (3) description of the building, including the area covered, (4) purpose for which used, (5) date of construction, and dates of later additions and alterations, if any, (6) original cost of construction, and costs of later additions and alterations, if any, (7) remarks.

A tablet shall be fixed to a prominent place in every such building showing its serial number, year of construction and letters "J.D." inscribed on it.

1310. All repairs to jail buildings and other public works, not borne in the books of the Public Works Department will be carried out by the Jail Department and will be paid for from the grant in the Jail Budget, according to the prescribed procedure. Professional advice, as and when required, should, however, be obtained from the Public Works Department.

Maintenance of jail
buildings not borne
in the books of the
Public Works
Department.

1311. No allotment shall, as a rule, be made to any particular jail for "petty constructions" and "repairs"; any works that are necessary will be sanctioned by the Inspector-General on receipt of estimates from the grant under his control and may be commenced only when the funds are allotted.

Each item of petty
construction and
repair in jail to be
sanctioned by the
Inspector-General.
Procedure to be
followed for such
petty constructions
and repairs.

Jail Cir. No. 23.
dated 22-12-1936.

With every application for sanction of an allotment of funds from the petty construction and repairs grant for a departmental project, a detailed estimate showing the quantities of different materials with value, as far as possible, a rough site plan and a plan of the project itself, and the Public Works Department's approval, where necessary, shall be submitted to the Inspector-General. All the necessary materials which are to be purchased, should be bought by making regular contracts through the Inspector-General. A revised estimate may be submitted if during the execution of the work it is found necessary to depart from the details of the original estimate, but on no account, shall money allotted on one item of work be spent on another. The projects are to be exhibited in the General Department's accounts. Separate accounts shall be kept for each project on a page in the Stock Book of Provisions and all articles received should be entered in it.

A completion report in respect of every project should be submitted as soon as the work is completed, and in every case, before the middle of February at the latest, so that savings, if any, may be properly utilised. All works done by a jail since the last inspection of the Inspector-General shall be shown to him during his next inspection.

Payment of
municipal rates
and taxes.

1311A. The instructions contained in Rule 22 of Appendix 11 of the West Bengal Financial Rules, Volume II, shall be followed in payment of municipal rates and taxes, including occupier's share of taxes for buildings belonging to or hired by Government and used as residences of officers.

CHAPTER XLII

Office Procedure and Accounts, Registers, Forms, etc.*SECTION I—General Rules*

1312. None but duly authorised persons shall have access to jail records and official correspondence, which must be considered to be confidential, except so much as may be published for general or particular guidance by order of the Superintendent. Subordinate officers are forbidden to communicate, without authority, information concerning jail matters to outsiders, or to gossip about the affairs of the jail or its inmates.

Jail records to be treated as confidential.

1313. Rules concerning the responsibility of the Jailor for the custody of documents, the correctness and punctual submission of returns and the general supervision of the jail office are to be found in rule 262.

Rule 262 deals with duties of the Jailor and his responsibility.

1314. A "Responsibility List" shall be pasted inside the cover of each register (except Register Nos. 1 and 2 combined West Bengal Form No. 4980) in which shall be entered the name of the officer deputed to maintain it, together with the dates of commencement and termination of the duty. Errors, omissions and carelessness of any sort in maintaining a jail register may be visited on the officer whose name, entered in this list, shows him to be responsible, no matter how long a period may have elapsed. He must also see that any register under his charge, showing signs of deterioration, is attached or bound or otherwise attended to, as needed, in proper time. Should there be no name entered in the list, the Jailor in charge at the time the carelessness, etc., occurred, shall be held personally responsible.

Responsibility for maintaining Jail Registers.
Rule 1384.

The responsibility for maintaining any jail register shall not be entrusted to a convict.

1315. All jail registers, returns, letters and records of every description shall, for the purpose of preservation or destruction, be classified under four heads—(A) Those to be preserved permanently; subject to destruction under the personal supervision of the Superintendent and the sanction of the Inspector-General where entirely illegible or useless from age, worms or other causes as laid down in rule 230 of the Bengal Records Manual, 1943. (B) those to be kept for 12 years; (C) those to be kept for 5 years; (D) those to be kept for 2 years. For rules regarding the destruction of Account records in offices rendering accounts to Audit offices, see F.R. Appendix 5 of the West Bengal Financial Rules.

Periods for which records to be preserved.
Rule 1388.

G.O. No. 2813/HJ.,
dated 5-12-1940.

G.O. No. 1593/PJ.,
dated 16-5-1934.

Separate cases or receptacles shall be provided for each of the four classes of records, and the records in them so arranged as to make it easy to select those which have to be destroyed.

A register of records classified A which are destroyed, shall be maintained.

Responsibility for
insertion of
correction slips in
the Jail Code.

1315A. The Head Clerks (or Accountants, in the Manufactory Department) in the Central Jails, and the Deputy Jailors in the District Jails shall be responsible for the insertion, without undue delay, of the correction slips in all copies of the Jail Code and other publications in the respective jails, and for entering the date of posting and other particulars regarding such correction slips on the page allotted for such entry at the end of each volume.

SECTION II.—*Correspondences.*

Disposal of
correspondences
received or issued.

1316. Correspondence shall on no account be allowed to fall into arrears. No unreasonable delay in replying to official letters shall be permitted. When replies are not received within a reasonable time, reminders should be sent. In matters of ordinary routine, reminders may be sent as follows:—

To High Court after one month ;

To Inspector-General after ten days ;

To other jails, etc., after seven days ;

but special cases should be considered on the urgency demanded and dealt with accordingly.

On every Monday, the Despatch Clerk shall put up before the Superintendent the 'Receipt Register' drawing his attention to letters remaining unattended.

1317. Two different subjects must not be dealt with in a single communication. Where paragraphs occur they shall be numbered. In manuscript correspondence, proper names of places or persons which are not familiarly known or commonly used, shall invariably be written in block letters. If there be more than one enclosure to any letter or report, the enclosures shall be serially numbered or lettered.

1318. Care should be taken not to use larger covers than are necessary for the despatch of official correspondence and Economy Slips should be pasted over covers as far as possible. In franking a cover, the subordinate who franks it must enter his own official designation. Signing for other officers is not authorised.

1319. All contracts and agreements shall be in the prescribed form where such form exists. Officer copies of all letters, returns and invoices shall be kept. When forwarding petitions submitted by subordinates, they should be duly endorsed and should be accompanied by such information as will help the Inspector-General to dispose of the matter without recourse to avoidable correspondence.

1320. When printed forms are used they should be carefully and neatly filled in, in accordance with instructions, and no unauthorised headings should be added nor should existing headings be struck out or erased.

1321. Demurrage charges due to carelessness in forwarding railway receipts shall be debited to the officer at fault.

1321A. All covers shall be opened and letters therein stamped with the date of receipt by or in the presence of the Superintendent or the officer to whom he may delegate this duty. The date shall then be initialled by the Superintendent or the officer deputed. Envelopes marked "Secret" or "Confidential", and addressed by name to the Superintendent, shall not be opened by any officer other than the Superintendent. After the letters are opened and initialled, they shall be handed over to the Correspondence Clerk or in case of "Secret" or "Confidential" communications, to the officer in charge of such correspondence. The letters shall then be docketed and entered in the Receipt Register, and submitted along with connected papers, if any, on the same day, or if received in the afternoon and if not urgent, on the following day, to the Superintendent for orders. Papers requiring immediate action, such as release orders, bail orders, production warrants, railway receipts, etc., shall not be left over on any account, but immediately acted on by the officers concerned according to the prescribed rules and procedure.

1322. (1) Covers containing official correspondence, which is not of a confidential nature, should be addressed to the officer for whom they are intended by his official designation only and without the addition of his name.

(2) Confidential communications should be placed in double covers, the inner cover being marked "confidential" and superscribed with the name only of the addressee, the outer cover being addressed in the manner prescribed in sub-rule (1) above.

(3) Important communications relating to the condemned prisoners should be addressed to the officers for whom they are intended in red envelope marked 'Death Sentence Case' (West Bengal Form No. 77).

Rule 992.

1323. The Superintendent shall exercise his discretion as to the classification of letters and correspondence, except in regard to documents bearing on the following subjects, which shall be permanently preserved: All letters and documents relating to standing orders, important public works and manufactures, orders of Government sanctioning establishment, the release of prisoners before expiry of sentence, the acquisition and renting of land, pensions, and any permanent charges upon Government, and correspondence regarding escapes when the prisoner is not recaptured. The files to be permanently preserved should be marked with a coloured slip of paper, and at the close of each year be placed in the receptacle for permanent records.

Superintendent's
discretion in the
classification of
letters.

1324. *Registers of letters received and issued.*—The following rules for recording correspondence shall be carefully followed:—

(a) The following registers shall be maintained:—

Register of letters received (West Bengal Form No. 16).
Registers of letters despatched (West Bengal Form No. 19).

- (b) All letters received on all subjects shall be entered in a single consecutive series in W. B. Form No. 16. All the letters despatched shall, likewise, be entered in one consecutive series in W. B. Form No. 19, with the proviso that when a letter or endorsement is issued to more than one officer or private person, it shall be given one serial number, the number of officers or private persons to whom it is issued, being indicated against it in brackets. The series shall be conterminous with the calendar year. Letter despatched by hand shall be recorded also in the "Peon Book" (W.B. Form No. 47) in which receipts shall be taken.
- (c) In respect of every letter despatched by post, the value of postage stamps affixed to it shall be entered in the remarks column of Register of letters issued. The entries for postage in the value of stamp column shall be totalled and the totals carried forward until each supply of stamps is exhausted. Before ordering the purchase of another supply of stamps, the Superintendent shall compare the total in this column and the stamps in hand with the amount of the last purchase and see that the stamps are duly accounted for.

1325. (a) All correspondence shall be arranged in the correspondence almirah (each year's correspondence separately) according to the subject. The classification of subjects shall be fixed by the Superintendent, and a statement showing the classification to be adopted shall be entered on the inner side of the front board of Register of letters received. The following classification is suggested, but may be modified by the Superintendent of any jail to suit the work of his office:—

- (1) Accidents, assaults or outbreaks.
- (2) Accoutrements, arms, uniform, and ammunition and indents therefore, alarm parades, and military training.
- (3) Admission and release of prisoners, including correspondence regarding warrants, fines and fine realisation statements, remission of sentence release of moribund prisoners.
- (4) Annual reports and returns.
- (5) Appeals.
- (6) Bills and accounts, general maintenance and manufactory, including budget.
- (7) Civil prisoners.
- (8) Classification, separation of classes, including correspondence about habituals and previous convictions.
- (9) Convict officers, their appointment, punishments, etc.

- (10) Discipline, offences and punishments of convicts, rules and regulations.
- (11) Epidemics and outbreak of infectious disease.
- (12) Escapes and re-captures, guarding, watch and ward.
- (13) Establishment, appointment and dismissal, offences and punishment of jail officers, security and bonds, leave and transfer of officers, pay and travelling allowances.
- (14) Executions, obtaining hangmen and necessary appliances.
- (15) Garden, dairy, and fish tanks.
- (16) General registers and returns.
- (17) Indents for clothing, blankets, bedding, stationery forms, and other supplies.
- (18) Labour and employment of prisoners.
- (19) Lunatics.
- (20) Police-Registered prisoners, finger-impressions, etc.
- (21) Prisoners' property and petitions.
- (22) Public works, original works, petty additions and alterations and repairs and estimates therefor.
- (23) Sickness and mortality, and matters connected with sanitation, conservancy or medical administration.
- (24) Storing grain and purchase of supplies, including contracts.
- (25) Transfers including over-crowding, escorts, railway passes.
- (26) Visitors' remarks and inspection.
- (27) Miscellaneous.

The above 27 "collections" should be kept entirely separate in the almirah. Each "collection" is comprised of "files" which relate to distinct subjects under correspondence.

Jail Circular
No. 6 of 1913.

The following rules need to be observed :—

- (i) A letter on being received should be bundled separately with red tape, and should bear its distinguishing consecutive "file" number; thus if there are 25 letters in one file the bottom one or first will bear the number 1, and the top or last letter the number 25.
- (ii) Every letter issued should bear three numbers, thus:—
 1. The consecutive number in the Register of letters issued.
 2. The collection number.

3. The file number.

Of these numbers only the first will change in any subsequent communication.

(b) The letters comprising each separate correspondence shall be tied together into one file arranged in order of date and each such file shall be assigned a title indicating its subject. These files shall then be grouped together to form collections according to the classification adopted under the preceding paragraph, and in each collection the separate files of correspondence shall be serially numbered. At the bottom of each collection shall be placed a cardboard slip of one-eighth the size of a foolscap sheet, bearing on the side turned outwards a copy of the subject heading according to the classification adopted, with its number and the year. Both the file number and the collection number shall be shown in column 6 of Register of letter received, and in column 5 of Register of letters issued, against entries made therein. When not in use the collections shall be arranged on a shelf in the correspondence almirah with the cardboard slips uppermost in order of collection numbers.

(c) No file shall be kept in any official's desk or anywhere but in its place in the collection of the year to which it belongs unless it be in actual use. Whenever a file is taken out of its place in the collection to which it belongs, a long slip of paper shall be substituted, signed by the official who takes away the files who shall remain responsible for it until it is restored to its place.

(d) Under this system there ought not to be the slightest difficulty in finding any letter at any time. When once it has been found in Register of letters received or issued, the number of its file will be known, and it may be produced at once from its proper place on the shelf.

1326. All letters sent by Government officers in their official capacity, in reply to communications of any kind received from private individuals or associations, shall be despatched "service paid".

1327. Stamps of as high denomination as possible should always be used to pay the necessary postal charges, e.g., one fifty paise stamp should be used rather than ten five paise stamps. An account of service postage stamps shall be kept in the Register (West Bengal Form No. 42) prescribed for the purpose.

SECTION III.—ACCOUNTS.

1328. The business transactions of a jail are divided between two entirely separate departments—the Manufactory and General each of which is self-contained and independent of the other. The system of accounts in each department is similar, though the various forms and records used are, for the most part, different. Every article which enters, or leaves, or is produced, or consumed in a jail, must be checked and accounted for in one or other of these departments. The Manufactory Department deals with raw materials, manufactured articles, dead and live stock used in the Manufactory. The General Department deals with everything else.

Division of Jail into two departments for transaction of business.

1329. The daily books and ledgers shall be examined every day, and shall not, on any account, be allowed to fall into arrears.

Daily examination of ledgers and Books.

1330. No erasures or overwritings shall be permitted in any documents, registers or accounts relating to money or stock. If any correction be necessary, the incorrect entry should be cancelled neatly in red ink and the correct entry inserted and each correction shall be initialled and dated by the officer who signs the documents concerned. Before submitting accounts or bills to the office of the Inspector-General, the Superintendent shall satisfy himself that no erasures or overwritings appear upon them and he shall reject any documents with such erasures or overwritings and have new ones prepared.

Erasures or overwritings in documents prohibited.

1331. A certificate of completion of monthly accounts in Return No. 4 shall be forwarded to the Inspector-General as soon as possible after the close of the month but not later than the 15th of the succeeding month. With regard to the half-yearly certificate of correctness of stock (W.B.J. Returns Nos. 5 and 6), see rule 87. Before submitting these certificates, the Superintendent shall initial each separate account in the respective stock books including day books and ledger.

Certificates of correctness of stocks and accounts.

1332. The Superintendent shall furnish the Inspector-General by the 31st July every year, with a budget estimate in Return No. 18 (West Bengal Form No. 5041), and the Inspector-General shall make due provision in his budget for all sums necessary for the maintenance of each jail and the purchase for raw materials for manufactures, work-sheds, machinery, etc.

Preparation of budget estimates.

Rule 23.

For the preparation of the revised estimate which is compiled along with the budget estimate for the ensuing year the Superintendent must keep himself informed as to the progress of revenue and expenditure for the corresponding period of the previous year and prepare as accurate a forecast as it is possible to make at the time of preparing the budget that is, in July.

The budget estimate of revenue should be prepared from the registers of demands as well as on the basis of any outstandings of previous years that are likely to be realised during the ensuing year. The budget estimate of expenditure should provide for (a) fixed charges, viz., pay of gazetted officers and subordinate staff, etc.; (b) new charges which have been finally sanctioned for introduction in the ensuing year; and (c) fluctuating charges, such as, travelling allowances, and contingencies. For fixed charges, the estimate under the detailed budget heads under "Pay of Officers" and "Pay of Establishment" should show the full amount of sanctioned scale, permanent or temporary, with numbers and rates of pay for officers and establishments with increments falling due during the ensuing year in the case of progressive of time-scale pay and any extra expenditure due to officiating pay as far as can be foreseen. For fluctuating charges, such as, travelling allowances contingent charges and the like, the estimate should be based on the actual expenditure of the three previous years which should be shown in the appropriate columns of the budget form with an explanation in the remarks column for any allowance for increase or decrease in the ensuing year. The classification of expenditure should be based on the Schedule to rule 1339. A memorandum should be attached to the budget estimate clearly explaining the variations in the figures and repetition or omission of any special item.

Audit of jail
accounts and
duties of Travelling
Auditor.

1333. The accounts of the General and the Manufactory Department of all Central and District Jails, and those of the Jail Depot. shall be systematically and periodically audited by the Outside Audit Department of the Accountant-General, West Bengal.

These accounts will also be audited, as often as necessary by the Travelling Auditor of the Prisons Directorate, see rule 43A.

See G. A. Code,
Art. I.

1334. With the exception of Civil debtors' subsistence and money received for expenses in connection with summonses, etc. in Civil, Revenue and Criminal cases no sums of money paid into a jail, on behalf of Government shall be utilised for making payments.

Disposit of sale-
proceeds into
treasury.
W.B.F. No. 5117.

1335. Money realised from cash sales and credit sales shall always be paid into the Treasury, whenever the sum is Rs. 50 in case of a District Jail and Rs. 100 in case of a Central jail, and also (irrespective of the amount) on the last working day of every month. Treasury receipt for the amounts [in "Treasury Remittance Voucher" (Form No. 80) of the Manufactory or "Treasury Chalan" (West Bengal Form No. 2381) for the General Department, signed by the Treasury Officer] shall be attached to the monthly Statement of Receipts, submitted to the Inspector-General's office.

1336. When submitting tenders the intending tenderers shall deposit the earnest money as fixed in the tender notice and when signing contract deeds the tenderers whose tenders have been accepted, shall deposit the security money as required under the rules (see Appx. 30). The earnest money or the security money may be deposited either in the form of Treasury Challans or in the form of G. P. Notes, Postal Cash Certificates, National Savings Certificates, 10-Year Treasury Savings Deposit Certificates, 10-Year National Plan Certificates, Defence Savings Certificates, National Plan Savings Certificates, 12-Year National Defence Certificates or 10-Year Defence Deposit Certificates. In case of Treasury Challans, the required amount shall be deposited direct into the Treasury for credit under the head "Revenue Deposit" and for earnest money of tenders, in favour of the Inspector-General or the Superintendent of the jail who invites the tender and for security money of contracts, only in favour of the Inspector-General. G. P. Notes or Postal Cash Certificates or National Savings Certificates, etc. shall be duly endorsed in favour of the officer concerned as in the case of Treasury Challans. The original Treasury Challans or the G. P. Notes or other papers referred to above, showing the credit as required, shall be submitted along with the tender or the contract deed as the case may be.

Deposit of earnest money and security money by tenderers and contractors respectively.

All the above-mentioned papers showing the deposit of earnest money or security money shall, after proper scrutiny, be kept for safe custody either in the office of the Inspector-General or in the office of the Jail Superintendent, as the case may be, till their disposal. But in cases where these papers, except the Treasury Challans, are not required to be returned to the depositors within six months from the date of deposit, they shall be lodged for safe custody with the Manager, Reserve Bank of India where there are offices of that Bank and with the District Treasury in other places. No entry need be made in respect of all these papers in the cash book but a separate account should be kept in West Bengal Form No. 5015A (Register No. 38A).

Note 1.—Cheques or Bonds or liquid cash shall on no account be accepted as earnest money or security money.

Note 2.—Earnest money or security money deposits cannot be refunded except under the authority of an order endorsed upon the original deposit receipt by the departmental officer in whose favour the deposit was made.

1336A. Money meant for the General Department of a jail shall be received and acknowledged by the Jailor, and in his absence, by the Deputy Jailor in charge. In a District Jail money meant for the Manufactory Department should also be similarly received and acknowledged. In a Central Jail where there is a Deputy Superintendent in charge of the Manufactory Department, money meant for the department shall be received and acknowledged by him,

Receipt of money to be acknowledged and accounted for in Gate Register and Cash Book.

and in his absence, by the Accountant of that Department ; and in other Central Jails, such money shall be received and acknowledged by the Deputy Jailor in charge of the Manufactory Department, and in his absence, by the Accountant of that Department. All money received in a jail shall be accounted for in the Gate Register and also in the Cash Book of the General or Manufactory Department, as the case may be .

NOTE.—Regarding prisoners' private cash, see rule 544(g).

Permanent
advances.
See Rule 88(b) of
W.B.F.R. Rule 1346.

1337. In order to meet emergent petty charges of all kinds, separate permanent advances for General and Manufactory Department are allowed. They may be renewed in each department as often as necessary during the month by presenting and abstract bill in detail for the amounts paid out of them up to date. The permanent advance for each department of a jail shall be sanctioned by the Inspector-General up to the amount advised by the Accountant-General as appropriate. If there is any difference of opinion between the Accountant-General and the Inspector-General with regard to the appropriate amount of the advance, the matter shall be referred for the order of Government.

On the 15th April of each year the Accountant-General, West Bengal, shall be furnished with an acknowledgment that the full amounts of the permanent advances are in the hands of the Superintendent. In case of transfer of charge, a similar acknowledgment shall be furnished by the relieving Superintendent.

Responsibility for
cash.

1338. The Jailor shall be responsible for all cash; but in the case of a Central Jail, where there is a Deputy Superintendent in charge of the Manufactory Department, he shall be responsible for the cash of that Department. All cash shall be kept in a cash chest or chests which should be placed at or near the main gateway and the keys thereof shall be kept in the custody of the officer responsible for cash. The Jailor or the Deputy Superintendent, as the case may be, may, during his temporary absence, with the permission of the Superintendent, make over the key or keys of the chest to the next senior officer on duty, who shall give a proper receipt for the same and the contents of the chest or chests shall be noted in the Report Book of the Jailor or the Deputy Superintendent. If the absence of the Jailor or the Deputy Superintendent, as the case may be, is of a short duration, he may, instead of handing over the keys to the next senior officer, make over to that officer such sum of money as is likely to be necessary to meet urgent petty payments, and the latter shall render and account of the money on the return of the officer.

The Superintendent shall report immediately to the Inspector-General every case of defalcation, embezzlement or loss of public money. Such report shall be followed by a fuller report as soon as possible.

1339. Expenditure shall be classified as soon in the following schedule. This classification is based on the following principles; first, that each item shall be classified according to its main purpose; secondly, that ordinary current expenses shall be shown separately from extraordinary expenditure on tools, dead or live stock which remain in use for long periods and are purchased at long intervals. Extraordinary expenditure on plant, tools and stock is defined as expenditure upon such articles as may be expected to last with fair wear and tear for three years or more and upon live stock; but exception is made to this rule in the case of office furniture which shall be included under "Contingencies".

Schedule for items of expenditure.

Schedule showing items of expenditure classified according to the classification adopted in the Jails Budget.

G. O. No. 3478/ P.J., dated 20-9-1933.

JAILS—GENERAL DEPARTMENT

Heads adopted in the State Budget.	Sub-heads required for administrative purposes.	Classification of items.
1	2	3
Pay of Officers—		
1. Superintendent, Deputy Superintendent.		Pay of Superintendent and Deputy Superintendent is adjusted under this head in the State accounts. No distribution allotment is necessary.
2. Medical Officer.	..	Pay of Medical Officer is adjusted under this head. No distribution of allotment is necessary.
3. Jailor.	...	Pay of Jailor is adjusted under this head. No distribution of allotment is necessary.
Pay of Establishment—		
4. Welfare Officer and Deputy Jailor.	...	The nomenclature of these heads shows how expenditure is adjusted in the State accounts on account of pay of various subordinate staff in the General Department of Jails and Sub-jails. No allotment is necessary under these heads except for "Temporay servants" and "Temporary Watch and Ward". Pay of temporary staff should also be adjusted under the respective heads except the pay of temporary warder guard.
5. Clerical, educational and mechanical establishments.	...	
6. Assistant and Sub-Assistant Surgeons.	...	
7. Compounders and dressers.	...	
8. Permanent Watch and Ward.	...	
9. Permanent servants.	...	
10. Temporary servants.		

Heads adopted in the State Budget.	Sub-heads required for administrative purposes.	Classification of Items.
1	2	3
11. Temporary Watch and Ward.	...	Pay of temporary warder guard only is adjusted under the head "Temporary Watch and Ward".
Allowances, honoraria, etc.—	...	
12. Travelling allowance.	...	Travelling and conveyance allowances are adjusted under this head.
13. House-rent and other allowance.	...	This sub-head includes expenditure on house-rent allowances and compensatory allowances including jail allowance of Sub-Assistant Surgeons and compounders, fees to Veterinary Assistants and rewards to Sub-Assistant Surgeons or to any other officer for meritorious work (see head 21D.)
14. Cost of Railway warrants.	...	The cost of credit notes issued for free railway passes to warders going home on leave as well as for the return journey is adjustable under this head in the State accounts. No distribution of allotment is necessary.
Contingencies—		
15. Dietary charges	A.—Rations	This Sub-head should include cost of provisions and fuel for prisoners except hospital diets and extras ordered by the Medical Officer. No charges shall be made for vegetables, condiments, cereals, firewood or fish obtained from the jail premises.
	B.—Miscellaneous charges.	This Sub-head should include ordinary recurring expenditure on such items as earthen pots, jars for pickle, sacks for grain, sifters, tawas, sups, grain baskets, tinning cooking utensils, repairing grind-stones or any culinary utensils or receptacles for provisions, diet of children in jail with their mothers, fish fry for stocking jail tanks, articles of fishing or expenses in getting fish from jail tanks, cartage of provisions to the jails ;also the cost of metal pots and plates and wooden platters, and paddy mills and dhenkies-if these articles are not likely to last three years, but if they are, the cost should be included in column 22B (Dietary dead-stock).

Heads adopted in the State Budget.	Sub-heads required for administrative purposes.	Classification of items.
1	2	3
C.—Garden or agricultural expenses.	This Sub-head should include ordinary recurring expenditure on such items as seeds, manure, country ploughs "mots" and ropes for irrigation garden baskets or bamboo or cane for making them tokas or sun-hats, nets for fruit trees, kodolies or phaoras (hoos) and daus or knives not likely to last three years.	
D.—Proportion of dairy expenses.	The working expenses of the dairy should be divided between this head and "Hospital charges" in the proportion in which the produce of the dairy is used for the general dieting of the prisoners or for the sick and infirm. Such items as fodder, straw, medicines, fuel, rope, bamboos, attendants (if not on the regular establishment) should be included here, but not expenditure for live-stock plant, or appliances likely to last for three years or upwards. No charge for dairy produce shall be made but only the actual expenses incurred on account of maintenance of the dairy.	
16. Hospital charges.	A.—Sick diet and extras for patients.	This sub-head is for food and fuel only.
	B.—Cost of extra or special diet, etc., for prisoners who are in weak health, but who are not in hospital.	No remarks.
	C.—Medicines and hospital equipment.	This sub-head will show the cost of medicines whether purchased locally or supplied by the Medical Store Department. Hospital equipment will include such articles as hospital blankets, clothing and bedding, splints, hospital bed pans and urinals (if not coming under the definition of extraordinary expenditure), expenses for repairing such articles, cloth for bandages sajjimatti or soap for hospifai use, etc.
	D.—Proportion of dairy expenses.	See above, "Dietary charges" (D).

Heads adopted in the State Budget.	Sub-heads required for administrative purposes.	Classification of items.
1	2	3
17. Clothing and bedding of prisoners.	...	Not only the cost of new clothing and bedding, but all charges for repairs (needles, thread, cloth, etc.) should be included under this head. The cost of new bedsteads (wood or iron) should be included under "Extraordinary charges", heading No. 22(j).
18. Sanitation charges.	A.—Conservancy, washing and purifying.	Under this sub-head should be included all municipal charges for special conservancy work done, expenditure for brooms, tar or pitch, privy and dry earth baskets, or bamboo for making such baskets, rope for mehtars or jute for making it: kodalies or boes for conservancy soap or sajjimatti for washing prisoners' clothes; shell lime for white-washing (if not treated as a Public Works charge); earthen pots and vessels for conservancy; repairing conservancy, utensils, carts, etc., disinfectants, sulphur for fumigation, and other conservancy items not coming under the definition of "Extraordinary Expenditure".
	B.—Charges for water supply.	Water-tax or rate paid to municipality will be an exception to the rules that municipal taxes shall be included under the head of "Contingencies". It should be included here (unless no service is rendered for it). Likewise such charges as ropes for drawing water for service of the jail, mashaks, mots and other appliances for this purpose; glasses for examination of water, and expenses in connection with water analysis, repairs of pumps, pipes, reservoirs or tanks, water receptacles, carts or other appliances for distributing water, and renewal of parts; coal or firewood for boiling drinking water, "Extraordinary expenditure" being excluded.
	C.—Extraordinary charges.	This sub-head should contain the cost of measures taken in emergencies to preserve health which will include cost of temporary shelter and other charges strictly due to these measures. The cost of extra

Heads adopted in the State Budget.	Sub-heads required for administrative purposes.	Classification of items.
1	2	3
		guards (but not of those deputed from the ordinary establishment) the need for which may arise from such measures will be included under this head in annual Financial Statement No. IX but is not to be included in the detailed contingent bill submitted to the Inspector-General. Such expenditure must be shown separately in the establishment bills.
19. Freight charges	..	This head includes the charges on account of credit notes issued for freight on goods purchased for the General Department of jails.
20. Customs duty on imported stores.	..	The expenditure on account of customs duty on stores of foreign origin required for the General Department of jails is adjusted under this head.
21. Miscellaneous services and supplies.	A.—Lighting.	This head should include such items as gas rates provided the gas is used (this rate will also be an exception to the rule that municipal rates shall be charged to contingencies, if the gas works are under a municipality) kerosene or other lamp oil, wicks, renewal of lamp glasses, repairing gas-pipes, lamps, etc., oil pumps. "Extraordinary charges" are to be excluded.
	B.—Disciplinary charges.	This head should include such items as materials for repairing ankle-rings, wrist-rings or fetters; iron for rivets, smithy coal, leather or canvas for gaiters, bhela nut for marking clothes, etc., combs for females, shaving or hair-cutting charges; repairing locks and keys. "Extraordinary charges" excluded.
	C.—Uniform and equipment of warders.	This head should include such items as uniforms, shoes, great coats, umbrellas for warders, ammunition (when paid or charged for); repairs to arms, accoutrements or uniform ; oil for arms. "Extraordinary charges" for new arms accoutrements arm-racks are to be excluded.

Heads adopted in the State Budget.	Sub-heads required for administrative purposes.	Classification of items.
1	2	3
	D.—Money payments as rewards for recapture and service.	This head should include such items as rewards for recapturing prisoners; payments to prisoners for work done in the General Department, allowances to recovered lunatics, rewards for meritorious service. Rewards paid to private person only should proceed against this head, but rewards to Government servants should be met from head "13-House rent and other allowances."
	E.—Execution charges.	This head should include such items (if paid by the Jail Department) as the cost of temporary gibbets, execution ropes, cap, pay of executioner and <i>domes</i> , cremation or burial. Expenditure for permanent plant should be included under "Extraordinary charges", Miscellaneous No. 22(J).
	F.—Other miscellaneous services and supplies.	This head should include such items as hand-fans for prisoners, oil for unction for all classes of prisoners, cooliehire carriage and freight packing, umbrellas for convict overseers paper, pen, pencil and slates for education, brass wire, wire-netting (unless required for the garden), dyes, camphor, packing charges, paint and paint brushes, linseed oil, saws, enamel solder, burial and cremation charges, purdahs for ward windows, mats for closing windows or for prisoners to sit upon, bamboos for making these, chalk, glue, fodder, straw and medicines for draught cattle, shoeing of bullocks. "Extraordinary charges" should be excluded.
22. Extraordinary charges for live- stock, tools and plant.	A.—Conservancy & water-supply, dead-stock.	This sub-head should include such items as night-soil ejectors, iron urine tubs conservancy pans, etc., iron blanket boilers, water-pumps pipes or reservoirs, water carts, iron water-tanks or drums, iron or brass taps, iron or wooden buckets, water boilers (if of a lasting kind).

Heads adopted in the State Budget.	Sub-heads required for administrative purposes.	Classification of items.
1	2	3
		NOTE —Where these articles are supplied by Public Works Department Workshops, the Jail Department should be debited and the Public Works Department credited with their value (Expenditure by the Public Works Department on buildings, however, is recorded in the accounts of the Public Works Department and should be excluded from the accounts of the Jail Department).
	B.—Dietary dead stock.	To include cooking ranges, grain carts, wheat mills, seales and weights for grain godowns or cooks, if of metal iron or copper, for cooking utensils ovens, if of iron or lasting material; aluminium or brass cups or plates, axes and the like.
	C.—Hospital dead stock.	To include cost of iron beds, covered iron pans, iron urinals or metal bed-pans, excreta incinerators and similar lasting appliances.
	D.—Garden and agricultural plant.	To include iron ploughs, fencing pumps for irrigation wells (if not treated as Public Works charges) or other lasting plant.
	E.—Lighting dead-stock.	Here should be shown the cost of laying down gas-pipes or of new kerosene or other lamps of a substantial kind likely to last for three years or upwards, iron oil-tanks, and such like lasting plant.
	F.—Disciplinary stock.	To include the cost of weighing machines or scales for weighing prisoners, measuring rods, or instruments for anthropometry, iron for fetters and wrist-rings, black smiths' implements for making fetters, etc. (if likely to last three years), new locks, handcuffs, removable fetters, hair-clippers, scissors or razors (if lasting for three years and upwards), and similar lasting stock.
	G.—Arms and accountrements	To include original cost of arms (if charged for), belt, badges, pouches and bayonet scabbards, batons, arm-racks, snap caps, alarm rattles, etc.

Heads adopted in the State Budget.	Sub-heads required for administrative purposes.	Classification of items.
1	2	3
	H.—Dairy live stock and plant.	To include cost of cows, iron or metal milk pails, receptacles, lactometers, metal or wooden churns, cow-sheds (if they are not erected by the Public Works Department) and other lasting plant. Maintenance charges to be included under "Dietary Charges" (D) and "Hospital" (D).
	I.—Draught Cattle.	To include the cost of bullocks horses, ponies and sheds for sheltering them (if not charged to Public Works). Maintenance charges to be included under "Miscellaneous Services" (F).
	J.—Other miscellaneous dead stock not coming under the above heads.	To include iron cots or beds (except when intended for the hospital), permanent gibbets, ladders and other stock which cannot be classified under above heads.
23. Petty construction and repairs.	A.—Petty construction.	All expenditure for temporary buildings, kutcha erection or minor works and the repair of buildings not belonging to the Manufactory Department, or not on the books of the Public Works Department, or petty repairs of doors, white-washing, etc., of such as are on the books of the Public Works Department, i.e., such works as come under the head of "Petty construction and repairs." Charges under "A—Petty construction" must be shown separately from "B—Petty repairs".
	B.—Petty repairs.	Petty construction and repairs may be executed by the Superintendents of jails departmentally when the expenditure on any one project does not exceed Rs.5,000 in amount.
24. Rents, rates and taxes.	A.—Rents.	This head should include rents on buildings or land whether payable to municipalities or private landlords.
	B.—Rates and taxes.	All kinds of rates and taxes except water rates and gas rates are to be included under this head. Water rates should be included under head

Heads adopted in the State Budget.	Sub-heads required for administrative purposes.	Classification of items.
1	2	3
		"18—B" and gas rates under "21-A". Water rates and lighting and conservancy taxes may, however, be included under this head, if no service is rendered and the payments are simply made as taxation, the water supply, etc. being otherwise arranged for.
25. Other contingent charges.	A.—Current office expenses	To include such items as country stationery, book binding, gharry hire to officers (if allowed), dusters, matches, oil for punkha wheels, cost of hanging and removing punkhas, punkha rope, repairing and polishing furniture, portorage for carrying, office materials, supply of drinking water in office, news papers and similar charges.
	B.—Office furniture and dead-stock.	To include cost of almirahs, racks, shelves, tables, desks, chairs, stools, mats, floors matting, durries or carpets, purdahs, punkha fringes, clocks, gongs, letters scales and weights, iron safe, type-writers, and duplicators required for office. This is an exception to the rule that "Extraordinary expenditure" is to be shown separately.
	C.—Service postage and telegram charges.	To include cost of postage stamps and telegrams.
	D.—Rent of telephone connection.	...
	E.—Pay of menials.	Pay of sweepers and other menials who are non pensionable should be included under this head.
	F.—Livery of office peons and menials.	...
26. Purchase of books.	Books and publications.	Purchase of books and publications required for office and prisoners should be included under this head.
Grants-in-aid, contribution, etc.—		
27. Contributions for passages of officers transferred from other Governments, Departments, etc.	...	This head relates to inter-State adjustment on account of contribution for passages. No allotment is necessary under this head.

Heads adopted in the State Budget.	Sub-heads required for administrative purposes.	Classification of items.
1	2	3
28. Charges for moving Prisoners by railway warrants.	...	The cost of credit notes issued for transport of prisoners either on transfer from one jail to another or on release is adjustable under this head in the State accounts. No distribution of allotment is necessary.
29. Charges for moving prisoners.	A.—Transfer charges and road subsistence for convicts.	This sub-head should include all cash payments on account of transfer or release of prisoners such as carriage hire and subsistence and other expenses for dieting prisoners in transit; Railway fares and carriage when necessary of released convicts; subsistence allowance or gratuities given to convicts on release if granted for subsistence on the journey home, but not if granted as rewards; clothes for released convicts; transfer charges for lunatics sent to asylum. No distribution of allotment is necessary.

Jail Manufactures (Manufactory Department).

Pay of officers—

1. Manager, Jail Depot.	...	This head includes pay and commission of the Manager, Jail Depot.
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Pay of Establishment—

2. Skilled labour	}	...	The nomenclature of these heads shows how expenditure is adjusted in the State accounts on account of pay of the various subordinate staff in the Manufactory Department of Jails and the Jail Depot. Commission earned by the Jail Depot establishment is also adjusted as pay under these heads. No allotment is required under these heads.
3. Clerks			
4. Servants			
5. Temporary Establishment.	....		Pay of staff except menial staff entertained in the Manufactory Department of Jails as a temporary measure is adjusted under this head. Allotment is required under this head.

Heads adopted in the State Budget.	Sub-heads required for administrative purposes.	Classification of items.
1	2	3
Allowances honoraria, etc.—		
6 . Travelling allowance.	...	Travelling or conveyance allowances drawn by the Manufactory Department and the Jail Depot staff and adjustable under this head.
7. House rent and other allowances.	House rent and other compensatory allowances drawn by the above staff are included under this head.
Contingencies—		
8. Freight charges.		Freight on all articles of the Manufactory Department of jails is adjusted under this head.
9. Purchase of tools and plant.	...	Expenditure on tools and plant including sewing machine, oil mill, grinding stone, etc., is adjusted under this head.
10. Purchase of raw materials.	...	Gross expenditure on raw materials required in the Manufactory Department of jails and sub-jails is entirely debitable to this head. The value of supplies made to the General Department of the same jail or sub-jail or to other jails or sub-jails should be included under head "15" below separately.
11. Cost price of Jail Depot articles supplied for sale.	...	Cost prices of articles obtained by the Jail Depot from jails for sale to the public or to other departments is included under this head.
12. Rent, rates and taxes.	...	Rent of buildings or land and municipal taxes are debitable to this head.
13. Other contingent charges.	...	To include such items required for the Manufactory Department of jails, sub-jails, and the Jail Depot as shown against head "25" under "Jails" (General Department) and payment to prisoners for work done in the Manufactory Department. The expenditure on account of rent, rates and taxes should however, be adjusted by the Jail Depot under the separate head "Rent, rates and taxes".

	Heads adopted in the State Budget.	Sub-heads required for administrative purposes.	Classification of items.
	1	2	3
G. O. No. 574/P.J., dated 6-3-37.	14. Establishment charges recoverable from other Governments, Departments, etc.	...	Under "Other contingent charges" should also be recorded the expenditure on such items as coal, electric energy and any other item which cannot be included under any of the above heads.
	15. <i>Deduct</i> —Reco- veries on account of supplies to jails.	...	Recoveries by book adjustment of the actual cost of supplies made by the Manufactory Department to the General Department of the same jail or sub-jails or to other jails or sub- jails are shown under this head in the State accounts. The figures under this head should be the same as those shown in Return No. 22.

If expenditure is incurred on any item not included in the above list, the Superintendent will be guided in classifying it by the principles enunciated above; it is not intended that the classification shall be minute and elaborate beyond any useful measure; the object is to reduce to a minimum the chance of such an inaccuracy as would have a serious effect in comparing the financial results of different jails.

1340. Charges of the following description require the special sanction of the Inspector-General, which shall be obtained previously to incurring the expenditure, but when there is extreme urgency, expenditure may be incurred in anticipation of sanction, which shall be applied for without delay :—

Expenditure requiring special sanction of I.G.

Charges for extra establishment, construction and repairs either of ordinary jail buildings or manufactory sheds ; new office furniture; expensive iron vessels for conservancy purposes or for carrying water, costing more than Rs. 50 ; medicines purchased from the local market costing more than Rs. 100 ; ground-rent and other items, such as hospital beds, handcuffs, locks, etc., which are not ordinarily recurring monthly charges ; expenditure for storing provisions or materials, for plant for manufactory purposes, and large purchases of tools ; and in any case when the budget grant is not sufficient to cover the proposed expenditure.

Rule 136.

Rules 25,1360.

1341. (1) In all applications for sanction to proposals involving expenditure it should be distinctly stated whether the proposed charge can be met from the budget grant under appropriate head, and if it cannot be so met, whether it can be found by re-appropriation from savings under other heads.

No. expenditure to be incurred in excess of the sanctioned grant. W.B.F.R. 386.

(2) No disbursing officer may, without previously obtaining an extra grant, incur expenditure in excess of the grant placed at his disposal under the head concerned, and when a disbursing officer exceeds the annual grant, he may, under orders of Government be held responsible for the excess. In rare cases however when expenditure in excess of the grant is urgent and inevitable, this may be incurred, but the officer incurring it does so on his own responsibility and must immediately report the fact to the Inspector-General with the request that an additional grant may be sanctioned to cover the excess and at the same time explain why it was not possible to foresee the necessity for the extra grant.

W.B.F.R. 387.

(3) All charges incurred must be paid and drawn at once and under no circumstances may they be allowed to stand over to be paid from the grant of another year.

W.B.F.R. 389.

1342. A register of contingent expenditure shall be maintained both in the General and Manufactory Departments. In the register of the General Department (W.B.J. Register No. 32) the column headings are assigned in accordance with the schedule given in Rule 1339. In the register of the Manufactory Department (T.R. Form No. 32—W.B.J. Form No. 2401) also the column headings shall be indicated in accordance with the headings in that Schedule. Details of budget grants shall be entered in the appropriate columns. Details of payment, whether made from the Permanent Advance or by Abstract Bill, together with the date, serial number and name of the payee, etc., shall be entered in

Register of contingent expenditure. See C.A. Code, Art. 94, et. seq. W.B.F. No. 5007.G.O. No. 538/P.J., dated 6-2-1932.

appropriate column immediately after each transaction is effected. A yearly serial number should be given against every item of each expenditure irrespective of the amount, and a separate monthly serial number should be given in addition to the yearly serial number to receipt obtained from vendors and entered in the column for number of voucher. The Superintendent shall enter his initial against the payment of each item. Inter-departmental transfer shall be similarly entered in red ink.

At the end of each month the following totals shall be made under head :—

- (a) Cash Expenditure.
- (b) Inter-departmental transfer (i.e., by book transfer).
- (c) Total of (a) and (b).
- (d) Progress of all expenditure incurred since the beginning of the financial year ; this total should be carried forward to the beginning of the next month.

How service and supplies obtained and accounts settled.

1343. (1) Service and supplies are obtained and disposed of—

- (a) by cash transactions ;
 - (b) by inter or inter-departmental supply.
- (2) Accounts are settled—
- (a) by bills on the treasury ;
 - (b) inter or inter-departmental transfer (i.e., by book transfer).

Method of obtaining or disposing of supplies.
W.B.F. No. 5107.
W.B.F. Nos. 5155 and 5115.

1344. (1) Supplies obtained by cash purchase shall be ordered either on the "Store Order" (W.B.J. Form No. 64) or on the Contract Forms (W.B.J. Forms Nos. 73 and 74). Orders in the form of "chits" or letter are prohibited.

(2) Supplies obtained inter-departmentally shall be ordered on the "Store Order" except where special forms of indent are prescribed.

W.B.F. No. 5108.
W.B.F. No. 5109.
W.B.F. No. 5000.
W.B.F. No. 5110.
G.O.No. 1732/
P.J., dated
28-8-1928.
G.O.No. 2069/HJ.,
dated
9-8-1954.

(3) Supplies disposed of for cash or credit shall be delivered out of the jail godown on "Store Delivery Voucher" (W.B.J. No. 65) and shall be allowed to pass out of the gate on a "Gate-keeper's Pass" (W.B.J. Form No. 66), an entry beginning made in the Gate-keeper's Register of Articles (W.B.J. Register No. 25). If the articles are supplied on cash payment, a "Cash Bill" (W.B. J. Form No.67) shall be given to the purchaser ; if supplied on credit the purchaser shall sign a receipt on a "Credit Bill" (W.B.J. Form No. 68) and payment shall be applied for in W.B.J. Form No. 69, (Bill for articles supplied to the public) and when the payment is received in whole or in part, a Cash Bill (Receipt) shall invariably be issued to the purchaser.

(4) Supplies disposed of inter-departmentally shall be dealt with as prescribed in Rule 1362(2).

W.B.F. No. 5111.
W.B.F. No. 5112.

1345. In regulating the price of jail-manufactured articles whether offered for sale to the public or to consuming departments of Government, the prevailing market-rates for similar articles should be followed as closely as possible ; when such market rates do not exist or cannot be ascertained the following procedure should be adopted, care being taken that, in estimating the price to be assigned to jail products, due allowance is made for the admitted inferiority of convict labour to free labour.

Costing of Jail
manufactures. G.O.
I. Resn. No. 20/
1400/19 of 22-9-
1882.

The price of jail manufactures supplied to the public and to Government departments should include—

- (a) Cost of raw materials ;
- (b) wages of jail labour rated according to schedules fixed by the Inspector-General and calculated on piece-rate basis as per standard task tables framed for the purpose, having regard to the varying conditions of industries ;
- (c) depreciation charges calculated on the basis of the cost, estimated serviceable life and normal rated capacity of tools, plants, machinery and other accessories, and expressed per unit of out-put ; and
- (d) $12\frac{1}{2}$ per cent. profit on (a), (b) and (c) above.

G.O. No. 3275/HJ.,
dated
3-11-1958.

Provided that—

- (i) in respect of supplies to the Prisons Directorate and offices subordinate to it, the cost of raw materials only shall be debited to the consuming office ; and
- (ii) in respect of supplies to the Government departments or in bulk to an outsider, a discount of $2\frac{1}{2}$ per cent. on total price (a) to (d) above shall be allowed.

NOTE.—The provisions of clause (i) of the proviso above shall not apply to the Press and Forms Department, West Bengal, vide Jail Code Rule 1362.

1346. No officer of the jail is permitted to make advances from his own pocket. Petty sums shall be paid in cash out of the Permanent Advance. For payment of a large sum, the Superintendent shall draw upon the Treasury by an abstract bill subject to due submission of the detailed bills along with the supported sub-vouchers etc., as usual in support of the abstract bill to the Controlling Officer for onward transmission to the Accountant-General, West Bengal, within one month of the drawal

Method of payment.
Rule 263.
Rule 1337.

of the Abstract Bill. The money when received from the Treasury shall be paid at once to the person to whom it is due and shall not be kept in hand more than 48 hours. No money shall be drawn from the Treasury before it is required for disbursement. There should, therefore, seldom be a balance against the jail, except the Permanent Advance, Prisoners' Private Cash, diet money, proceeds of manufactures sold, and possibly petty refunds.

Payment when purchase is made through contractors. Rules. 1122.

1347. If purchases are made through a contractor, he shall ordinarily be expected to act without an advance of money, as there is no fund from which such an advance can be made ; but he should be settled with as often as possible, and in every case before the 25th day of the month, and the expenses from the 25th to the end of the month shall be paid by the 10th of the following month.

Payment to tradesmen. G.O. No. 1681/PJ., dated 28-5-1934.

1348. Remittances to tradesmen of sums exceeding Rs. 25 shall be made by Remittance Transfer Receipts and not by money-orders, and those not exceeding Rs. 25, by money-orders. No charge for a money-order for the remitting any sum exceeding Rs. 25 shall be passed. Remittance Transfer Receipts shall be applied for in W.B.J. Form No. 77.

Receipts to be taken for payment to vendors.

1349. (1) A receipt shall be taken from the vendor for any disbursement of more than Rs. 10, and as far as possible for payments of from one to ten rupees. The receipts shall be in the language known by the payee, and he shall state in words the amount he has received. Receipts should ordinarily be taken on the "Voucher for Cash Payments" (West Bengal Form No. 54).

(2) Separate receipts shall be obtained from the vendors for payments under each head of charge, and before sending the bill to the office of the Inspector-General, the receipts in support of each shall be sorted together, fastened in bundles at the corners, and labelled in large letters "Dietary Charges", "Hospital", "Clothing", "Sanitation", etc., according to the description of charges they support. A vendor receiving payment exceeding Rs. 20 for supplies charged for under more than one head shall note the sums of the several receipts and the total amount received on the back of one receipt, to which a receipt stamp shall be affixed.

G.O. No. 538/PJ., dated 5-2-1932.

(3) Every item of cash payment, irrespective of the amount shall bear a yearly serial number and item for which receipts signed by the payee are obtained as prescribed in clause (1) above shall be given in addition to the yearly number a separate monthly serial number. The yearly serial number in respect of each payment and the monthly serial number in cases where receipts are obtained should be noted in the Contingent Register and the Cash Book in the columns provided for the purpose. Each receipt should bear both the yearly and monthly serial number and should be headed distinctly "No. for the month of January" or any other month for which it may be.

1350. Two Cash Books (W.B.J. Register No. 31) shall be maintained one for the General Department and the other for the Manufactory. They shall be kept quite distinct, and the whole of the money coming into or passing from the jail shall be represented by entries in either of the Cash Books, in the General Cash Book all receipts and payments for maintenance and establishment, also of prisoners' cash property, civil prisoners' diet money and officers' security money, in the Manufacture Cash Book all receipts and payments relating to manufactures and manufactory establishment, and the sale of manufactured goods. In addition to the General Cash Book, a subsidiary cash book shall be maintained in the General Department exclusively for prisoners' private cash. The cash books of both the General Department and the Manufactory Department shall be examined and verified by the Jailor with the cash in hand daily except in the case of a Central Jail where there is a whole-time Deputy Superintendent on whom the responsibility for such examination and verification in respect of the Manufactory Department Cash Book shall devolve. The Jailor or the Deputy Superintendent, as the case may be, shall note the words "verified and found correct" above his initial in the Cash book. The Superintendent shall, however, see that the cash books are closed and balanced each day and verify the balance of each column within the balance of cash in hand at the end of each month as required under rule 85.

The prisoners' private cash in hand and at Treasury shall, on the 1st April each year, be verified by the Jailor with the private cash statements of prisoners and the discrepancies, if any, reconciled under orders of the Inspector-General.

1351. (1) The Cash Books of the General Department shall contain under each day's heading a statement of all the transactions relating to that day. The entries shall be made immediately after each transaction is effected ; on the receipt side shall be entered sums received to make up the Permanent Advance, sums received from the Treasury on bills for special purposes, sums received on account of prisoners' property or diet money, etc. The items of cash received from Government on abstract bills need not be entered in detail on the receipt side. The bill shall be quoted by its serial number, and its general character may be stated, as bill for diet, for salary, etc. All receipts shall be compared by the Superintendent with entries in the Cash Book, and each receipt shall be countersigned (or cancelled as the case may be) by him after he has satisfied himself that it is genuine. He shall at the same time compare the entries in the Treasury Pass Book with those in his Cash Book relating to all payments to, and receipts from, the Treasury, including payments on abstract bills endorsed as permitted by S.R. 242 under the Treasury Rules and see that the books agree. Subsistence allowance to released prisoners may be entered in a lump sum daily from the Release Diary [see Rule 542(3)(e)]. Receipts and disbursements on account of civil prisoners' diet shall be entered daily, the amount paid

Cash Books and verification of cash.
W.B.F. No. 5006.

G.O. No. 546/HJ.,
dated
1-3-1957.

Rule 581.

G.O. No. 1941/HJ.,
dated
26-6-1937.

G.O. No. 4345/HJ.,
dated
25-11-1938.
Rules 262, 1351(3).

G.O. No. 833/HJ.,
dated
14-3-1941.

Method of
maintenance of
cash book.

Rule 891.

on account of each prisoner being shown separately : In checking these entries reference shall be made to column No. 16 of the civil prisoners' admission register showing the daily allowance granted and to the counterfoil of the receipt book for diet money.

When prisoners' private cash is received, it shall be immediately entered detail on the receipt side of the Subsidiary Cash Book wherein the prisoners' register numbers as well as their names, shall also be entered and the total of each day's receipts as per Subsidiary Cash Book of date shall only be shown in the General Cash Book.

(2) On the disbursement said contingent expenditures need not be shown in detail. Details of expenditure either from Permanent Advance or on account of contractors' bills appear in the Contingent Register and the total of each day's transaction with the serial numbers of payments shall only be shown in the Cash Book. Similarly, the total of each day's disbursements on account of pay bills, travelling allowance bills etc., shall only be shown in the Cash Book. All other payments, such as sums disbursed on account of prisoners' diet money, etc., sale-proceeds or refunds deposited in the Treasury shall be entered in detail immediately on the disbursement side.

All disbursements of prisoners' private cash shall be entered in detail immediately on the disbursement side of the Subsidiary Cash Book and the total of each day's disbursements as per Subsidiary Cash Book of date shall only be entered in the General Cash Book.

(3) A daily balance shall be struck, and this balance shall correspond with the actual amount of cash in hand, which the Jailer shall daily ascertain before initialling the balance in the books. Below each day's account a memorandum shall be given in the General Cash Book showing of what funds the balance consists.

A daily note shall also be made of the amount of prisoners' cash which remains in deposit with the Treasury, in accordance with rule 544(g).

1352. The Manufactory Cash Book (W.B.J. Register No. 31) shall be kept on principles similar to that in the General Department. The receipt side shall include sums received from Government on bills for raw materials, machinery, etc., as well as sums received from purchasers ; the expenditure side shall include the disbursement on raw materials, etc., and payments into the Treasury of the proceeds of manufactures. Sales for which cash has been received on the day of sale need not be separately entered ; it will be sufficient to enter "Cash Sales as per Sale Book." All moneys received in the Manufactory Department for deposit in the custody of Government shall without undue delay be paid in full into the Treasury and shall not be appropriated to meet departmental expenditure. The daily balance struck in this Cash Book shall correspond with the actual amount of Manufactory Department cash in hand,

G.O. No. 538/P.J.,
dated
5-2-32.

Method of
maintenance of
Manufactory Cash
Book.

which the Jailor or the Deputy Superintendent, as the case may be, shall daily ascertain before initialling the balance in the Cash Book. Below each day's account in this Cash Book a memorandum shall be given showing of what funds the balance consists.

1353. The Treasury Pass Book (West Bengal Form No. 2510) is an account prescribed by the Accountant-General in which shall be entered by the Treasury Officer every money transaction between the jail and the Treasury. The entries thereon will be made by the Treasury clerks only, and will be attested by the Treasury Officer's initials. No jail officer is to make any entry or alteration therein. The Superintendent shall verify the entries in the Treasury Pass Books very frequently, if not daily and whenever he discovers any discrepancy between the Treasury Pass Book and the Jail Cash Book, either in the omission of, or the amount of, an entry or any other irregularity, he shall at once bring the matter to the notice of the Treasury Officer and ascertain the cause. If the irregularity is not corrected it shall be reported to the Inspector-General. The rules for conducting business with the Treasury require that the Pass Book shall be sent to the Treasury whenever money has either to be drawn or paid in.

Treasury Pass Book.

1354. (1) When it is necessary to draw money from the Treasury to recoup the Permanent Advance, or for payment of sums in excess of the Permanent Advance to the persons to whom payment may be due, "Abstract Bills" in West Bengal Form No. 2478 for the General, of West Bengal Form No. 2453 for the Manufactory Department shall be prepared. In these Bills such details shall be furnished as will suffice for the proper classification of the charges, i.e., the number of the vouchers (when payment has already been made), the detailed head of charge according to prescribed classification (Rule 1339); the authority for charges requiring special sanction and the amount under each head.

Bills for encashment at the Treasury. C.A. Code. Art. 97, et. seq.

The first abstract bill (both for general and manufactory expenditure) presented at the Treasury for payment after the 10th of each month shall be accompanied by a certificate that "The detailed bill for the previous month has been submitted to the Inspector-General." Without this certificate the Treasury Officer will not pay the bill. Except to recoup the Permanent Advance no money shall be withdrawn from the Treasury unless it is required for immediate disbursement.

(2) Three copies of each abstract bill shall be prepared and the Superintendent should see that every duplicate and triplicate copy is distinctly marked "Duplicate," "Triplicate" or "Office Copy", as the case may be, and "not payable". The original copy only shall be forwarded to the Treasury, the duplicate to the Inspector-General to support the detailed bill in which the amount is accounted for, and the triplicate, or office copy, shall be pasted into a guard book and filed in the jail office.

The date of payment by the Treasury of each abstract bill shall invariably be noted upon the duplicate and triplicate copies. The abstract bill forms should always be kept locked up in an almirah, the key of which is to remain in charge of the Jailor or of the officer whose duty it is to prepare abstract bills. A record should also be maintained of receipts and issues of these forms.

Pay of
Establishment. See
C.A. Code
Art. 64.

1355. (1) The pay of establishments shall be drawn on the forms prescribed by the Account General. Each section of establishment should be drawn separately, i.e., Executive Staff, Warder Establishment, menials ; and charges for manufactory and extra establishment shall be drawn on separate bills. The pay of menials should be drawn on contingent bill forms, and should be treated as a recurring contingent charge. Undisbursed pay must be refunded by short drawal in the next bill ; it can be redrawn, when necessary, on an arrear bill.

G.O. No. 5257/PJ.,
dated
16-12-1932.

(2) All pay whether of fixed or extra establishment, including those of the Manufactory department, shall be entered in the "Office copy of the combined Pay Bill and Acquittance Roll" (West Bengal Form No. 2435). Every officer receiving more than twenty rupees a month shall give a receipt stamp, which shall be affixed to this form, and the signature of the officer shall be written across it. The names of all officers attached to the jail shall be given in this form, whether their pay is drawn separately or not, and whether they are on leave or present ; the amount of salary drawn for those present shall be entered, and opposite the names of those who are on leave, and whose pay is not drawn, the leave granted and date from which it runs shall be noted for guidance in drawing up supplementary pay-bills subsequently. Before the pay of any officer who has to furnish security, and has not made up the full amount of security required, is paid to him, the deduction required by Rule 228 shall be made, and only the balance shall be paid to him. Deduction for security deposit may be shown in column 17 made out in manuscript in the office copy of the pay bill and another signature of the payee taken against each deduction shown.

G.O. No. 1857/HJ.,
dated
28-8-39.

W.B.F. No. 5015.

(3) Register of Security Deposits of Officers, W.B.J. No. 38—All instalments of security deducted in accordance with the above rule and rule 228 shall be entered in this Register, likewise the dates on which they are paid into the Savings Bank. The Superintendent shall examine this register every month and ascertain that the rules relating to security are complied with ; he shall compare the entries with the Cash book and Savings Bank Pass Books. The name of every officer who has to furnish security shall be entered in this register. In cases when the full amount of security in Government Promissory Notes or in forms of security other than Government Promissory Notes has been given, a note to this effect should be made in the column for remarks, the number and date of the acknowledgement of receipt of the security by the Inspector-General being stated.

(4) Not later than the 15th May each year, a detailed statement in duplicate of the permanent establishment existing on the 1st April shall be prepared in West Bengal Form No. 2440 and transmitted to the Accountant-General ; that portion of the statement which refers exclusively to the warder establishment shall be forwarded by District Jails through the Central Jail of the circle. This statement shall be carefully checked with the service books, as it will be the chief authority by which pension claims will be tested hereafter.

See G.A. Code Art. 62.

1356. Travelling allowances shall likewise be drawn separate from other charges on West Bengal Form No. 2445 or 2446 ; the bills other than those for the travelling allowance of warders shall be submitted to the Inspector-General in duplicate for his counter-signature before they are presented for payment.

Drawing of T.A. Bills.
G.O. No. 19067/RJ.,
dated
22-12-1925.

1357. (1) The total expenditure of each month (except for establishment and travelling allowance), whether by cash or inter-departmental transactions, shall be accounted for in detailed bills to be submitted to the Inspector-General on the 5th and 10th of each succeeding month by District and Central Jails, respectively.

Detailed Bills. Jail
Cir. No. 75 of 1913.

(2) There are two forms of detailed bills—the “General Contingent Bill” (W.B.J. Return No. 10) and the “Detailed Bill for Manufactory Contingent Charges” (W.B.J. Return No. 20).

W.B.F. No. 5033.
W.B.F. No. 5042.

(3) The General Contingent Bill shall account for all charges for administration except those for establishment and travelling allowances.

(4) The Detailed Manufactory Bill shall account only for expenditure strictly connected with manufactures, and the charges for material and plant shall be arranged and classified according to the manufacture for which they were respectively incurred. Expenditure for third class Public Works shall be shown separately at the end of the bill. With regard to establishment solely employed for the Manufactory Department, see Rule 1355.

(5) In the detailed bills the expenditure of all money drawn from the Treasury, other than salary and travelling allowance, shall be accounted for, and no money received from the Treasury on encashment of an abstract bill during any one month is to be included in the bill for any other month. The numbers and dates of payment of the abstract bills, the amounts of which are accounted for in each bill, shall be noted at the top of the bill. Full particulars of the quantities and prices of the different articles charged for in receipts below Rs. 200 shall be given, but details of sub-vouchers above Rs. 200 need not be repeated in the Detailed Contingent Bill. Whenever unusual charges requiring sanction are incurred, the number and date of the sanctioning

G.O. No. 4164/PJ.,
dated
23-7-1932.

letter of the Inspector-General or, in the case of rewards, of the proper authority (see Rule 479) shall be noted. When rewards are paid, a copy of the authority for payment shall accompany the bill. Particulars should also be given of charges for railway freight, cartage, or portorage, for exemple, "Railway freight of clothing from Midnapore or Berhampore", "portorage for ditto from stations." Charges for subsistence to released prisoners should be verified by the Superintendent by reference to the Release Diary.

(6) In support of each item in a detailed bill exceeding Rs. 50, and of any charge for service lables or State telegrams, the Superintendent shall submit to the office of the Inspector-General a voucher signed by the person to whom the payment was made, prepared and arranged in accordance with instructions given in Rule 1349. No receipts signed by any subordinate Government servants, except for their own salaries, or for carriage-hire, shall be accepted as vouchers in support of charges in the bills.

(7) Copies of countersigned invoices for the value of articles purchased by inter-departmental transfer shall be attached to the detailed bills.

(8) The Superintendent shall also submit a certificate in the following form after he shall have personally satisfied himself that all payments of from one to fifty rupees and all charges for service postage stamps and State telegrams (other than those paid for by service postage stamps) are duly supported by vouchers, that all items in the bill have been really paid, and that the payments were necessary :—

G.O. No. 1975/HJ.,
dated
27-7-1937.

- (i) I certify that the expenditure charged in this bill could not, with due regard to the interests of the public service, be avoided. I certify that to the best of my knowledge and belief, the payments entered in this bill have been duly made to the parties entitled to receive them. Vouchers for all sums above Rs. 50 (fifty) in amount are attached to this bill. I have, as far as possible, obtained vouchers for other sums and am responsible that they have been destroyed or so defaced or mutilated that they cannot be used again.
- (ii) Certified that all the articles detailed in the vouchers attached to the bill and in those retained in my office have been accounted for in the Stock Register.
- (iii) Certified that the purchases billed for have been received in good order, that their quantities correct, and their quality good, that the rates paid for are not in excess of the accepted and the market rates and that suitable notes of payments have been recorded against the indents and invoices concerned to prevent double payments.

(iv) Certified that—

(a) The expenditure on conveyance hire charged in this bill in terms of rule 3 of Appendix 11 to the West Bengal Financial Rules, Volume II, was actually incurred, was unavoidable, and is within the scheduled scale of charges for the conveyance used, and

(b) The Government servant concerned is not entitled to draw travelling allowance under the ordinary rules for the journey, and that he is not granted any compensatory leave and does not and will not otherwise receive any special remuneration for the performance of the duty which necessitated the journey.

(v) Certified that all inferior servants whose pay has been charged in this bill were actually entertained in Government service during the period concerned."

1358. The rules which regulate the conditions under which one department, or branch of a department (e.g., Manufactory Department of a Jail), or the public service may charge another department, or branch of a department (e.g., General Department of a jail) for services rendered or articles supplied to it, and the procedure to be observed are contained in Articles 110 and 111 of the Civil Account Code.

Inter-
departmental
Transfers.

1359. Indents for jail supplies shall be submitted in prescribed forms on the dates and to the officers mentioned below :

Submission of
Indents for Jail
supplies.
G.O.No.282PJ.,
dated 9-9-1927.

1. Indent on Press and Forms Manager, West Bengal, for West Bengal Jail and Sub-jail Forms.	To the Inspector-General.	..	On the 1st January.
2. Indent on Press and Forms Manager, West Bengal, for West Bengal Executive Forms.	Ditto	..	On the 15th March.
3. Indent on Press and Forms Manager, West Bengal, for Civil Medical Forms.	Ditto	..	On the 1st April.
4. Indent on Press and Forms Manager, West Bengal, for A. G., W.B. Forms.	Ditto	..	On the 1st August.
5. Indent on Press and Forms Manager, West Bengal, for Vaccination Forms.	Ditto	..	On the 1st September.
6. Indent on Press and Forms Manager, West Bengal, for High Court Civil Process and Proceedings Forms.	Ditto	..	On the 1st October.
7. Indent on Press and Forms Manager, West Bengal, for High Court Civil Miscellaneous Forms.	Ditto	..	On the 1st November.

Jail Clr. No.15 of 1913.	8. Indent on Press and Forms Manager, West Bengal, for High Court, Criminal Forms.	To the Inspector-General ..	On the 1st December.
	9. Indent on Press and Forms Manager, West Bengal, for West Bengal Police Forms.	Ditto ..	Ditto
	10. Indent on Press and Forms Manager, West Bengal, for Office Routine and Envelopes.	Ditto ..	On the 15th February.
	11. Indent on Controller of Stationery for Stationery.	Ditto ..	On the 1st July.
	12. Indent for ammunition.	Ditto ..	On the 1st March.
	13. Indent on the Central (in the case of Calcutta and Dum Dum Jails) or the District Reserve Stores (in the case of the other jails) of the Directorate of Health Services, for medicines and medical stores.	To the Administrative Officer, Stores (in the case of Calcutta and Dum Dum Jails) or the Chief Medical Officer of Health (in the case of other jails) through the Inspector-General.	Quarterly (in the first week of the month previous to the supplying month).
	14. Indent for Stores of foreign manufacture.	To the Inspector-General.	On the 1st July.
	15. Indent for warders' woollen uniform, and convicts' blankets and woollen clothing.	Ditto ..	On the 1st March.
	16. Indent for warders' cotton uniform, and convicts' cotton clothing.	Ditto ..	On the 1st March.
	17. Indent for prisoners' cups, plates, etc.	To the Superintendent, Presidency Jail, Calcutta.	Ditto
	18. Indent on the Superintendent, Presidency Jail, for iron cooking vessels, Urine tubs, appliances for distributing food, etc.	To the Inspector-General. ..	When necessary.
	19. Indent for tat patties (coir).	.. Ditto ..	On the 1st July.

Rule 1174.

Jail Clr. No. 111
of 1911.G.O. No. 5500/
PJ., dated
6-12-1932.

Account of receipts and issues of stationery articles shall be maintained in West Bengal Form No. 402 (vide Finance Department Memorandum No. 61T-Mis., dated the 14th May, 1926). The receipt and issuer of stationery articles will put their initials in the columns provided for the purposes at the time of receipt and issue of stationery. At the same time the issuer will cancel the blank columns. The opening and closing balances will be struck monthly by the clerk in charge of stationery articles. The stock of stationery will be verified half-yearly by a gazetted officer, and a certificate to this effect, together with any remarks as to the defects which may have been disclosed, will be submitted to the Head of the office concerned.

An account of receipts and issues of all printed forms received from the Forms Department shall also be maintained in West Bengal Form No. 108 in the manner laid down in rule 146 of the West Bengal Forms Manual, 1957.

1360. The rules for the supply of articles for the Public service are contained in Appendix No. 28. In the matter of petty purchases the power of the Superintendent is restricted to the limits laid down in Rule 27.

Purchase of articles for Public Service. Rules 25, 27, 1340.

1361. Annually on the 1st April the Superintendents of those jails which use stores of foreign manufacture, shall submit to the Inspector-General the following returns in respect of such stores :—

Submission of annual returns by Superintendents of jails which use stores of foreign manufacture.

(a) West Bengal Form No. 105.—An abstract of the annual expenditure on the purchase of stores imported into or produced in India, and not obtained through the Government of India.

(b) W.B.J. Return No. 26.—An estimate of probable quantity, and value of stores required to be imported from foreign countries during the ensuing financial year.

1362. (1) The cost of supplies or services rendered by the Manufactory Department of a jail to the General Department of the same jail or to other jails or departments of Government shall be adjusted by book transfer, except when such procedure is unsuited to the business methods of the receiving department concerned, as for instance, dairy farms, when remittances shall be made in cash. The supplies made to the Manufactory Department by the General Department of a jail shall not be adjusted by book transfer but shall be accounted for as laid down in rule 1366(1). The supply of convict labour by the General Department to the Manufactory Department of a jail shall not also be charged. The General Department will however charge other departments including the Press and Forms Department for supply of articles or convict labour at full market value. When any stores are supplied by the General Department of a jail to that of another within the State such supplies shall be accounted for simply as transfer of stock from one jail to another, short explanatory notes being recorded in the relevant registers of the supplying and the receiving jail accordingly.

Adjustment of cost of supplies. See C.A. Code, Arts. 110 and 111. G.O. No. 3987/PJ., dated 20-11-1931. G.O. No. 1794/PJ., dated 5-6-1936.

(2) When adjustment has to be made by book transfer the Superintendent of the supplying jail, or the officer in charge of the supplying department, shall prepare an invoice of the quantity and price of the work done, and forward it in triplicate on the day the goods are despatched to the officer supplied who, on approving the invoice will countersign all, and return one copy to the supplying officer ; another he will file in his own office : and the third he will attach to his detailed bill for the current month. The amount charged in the invoice should be noted in the statement of account of the officer supplied so as to work out the available balance of his grant.

Jail Cir. No. 19, dated 3-8-1931.

The invoice for articles supplied during financial year should be accepted as a debit to the budget grant of the receiving officer for that year, irrespective of whether the invoice is countersigned during that year or the next. The indenting officer should therefore carefully examine his budget and obtain an additional allotment, if necessary, while sending indents for supplies.

W.B.F. No. 5114.

(3) When goods are supplied by jails, the invoices referred to are in W.B.J. Form No. 70 in the case of goods supplied to other jails, and in West Bengal Form No. 51 for goods supplied to other departments. The former invoices shall show both the market value and the actual cost of articles supplied.

Jail Cir. No. 43, of 1911.

(4) It is more important that countersigned invoices relating to the supplies to other departments (West Bengal Form No. 51) should reach the Accountant-General with the utmost despatch. If, therefore, any unusual delay should occur in the receipt of these documents from the department supplied, the fact must be reported to the Inspector-General. Such countersigned invoices should be submitted to the Inspector-General by jails every month, accompanied by W.B.J. Return No. 14.

W.B.F. No. 1515.

Supplies by jails

Charge for Intra-departmental supplies of jail-made goods.

1363. (1) When manufactured articles are used for the ordinary purposes of the jail in which they are produced or are supplied to other jails within the State, the actual cost of materials shall be charged against the receiving jail, but the market value shall be credited in the manufactory accounts of the producing jail.

(2) When such articles are supplied to other departments or to jails in the other States or to Centrally administered areas, the aggregate recoverable cost shall be calculated as in Rule 1345.

NOTE—Supplies of such articles to the Prisons Directorate and other offices subordinate to it except the Press and Forms Department, shall be treated as supplies to jails within the State, for the purpose of this rule.

Returns for supplies from the Manufactory Department.

1364. (1) Supplies from Manufactory to the General Department of the same jail shall be reported monthly to the Inspector-General in W.B.J. Return No. 22.

G.O. No. 4178/PJ., dated 22-12-1933. W.B.F. No. 5044. W.B.J. Form No. 70.

(2) Supplies to other jails within the State shall be reported monthly in W.B.J. Return No. 22 supported by Countersigned invoices (West Bengal Form No. 5114).

G.O. No. 102/PJ., dated 8-9-1930. Jail Cir. letter No. 18785-18872, dated 23-6-1932.

(3) The value (actual cost) of supplies from the Manufactory to the General Departments of the same jail and other jails as well as to the Manufactory Department of the other jails, shall be shown under a separate head, viz., "Deduct Recoveries on account of Supplies to Jails" subordinate to

the primary unit "Deduct—Establishment charges recoverable from other Governments, Departments etc"., under the minor head "Jail Manufactures" in the Budget Estimate (W.B.F. No. 5041).

(4) Supplies to other departments and jails in other States and centrally administered areas shall be reported in W.B.J. Return No. 14 supported by countersigned invoice (West Bengal Form No.51) as prescribed in Rule 1362 and in monthly statement of receipts.

NOTE.—Supplies of such articles to the Prisons Directorate and other offices subordinate to it except the Press and Forms Department, shall be treated as supplies to jails within the State, for the purpose of this rule.

1365. Supplies from the Manufactory Departments of jails shall be entered in the jail registers in the same manner as cash purchases, but the entries in the Stock Book and the Contingent Register shall be made in red ink.

Supplies to Jails.

1366. (1) Supplies made from the General Department to the Manufactory Department of the jail shall not be deducted from the expenditure in the monthly detailed contingent bills of the General Department and added to the manufactory accounts. Such supplies shall be accounted for simply as transfer of stock from one department to another, short explanatory notes being recorded in the relevant registers of the General Department and Manufactory Department accordingly. For administrative purposes the total value of such supplies made during the year may, however, be shown in the Annual Financial Statement No. IX (West Bengal Jail Annual Return No. 4).

How supplies from the General Department to its Manufactory Department to be accounted for.

W.B.F. No.5055.

(2) Supplies from the Manufactory Department of other Jails both to the Manufactory Department and General Department shall be charged to the Manufactory or General Department as the case may be and added to the monthly detailed bill supported by copies of countersigned invoice. (West Bengal Form No. 5114), the expenditure being accounted for in the Contingent Register.

(3) Supplies from other departments and jails outside the State shall be treated as items of expenditure and shall be shown in the appropriate place in the detailed bills as well as in the Contingent Register. Such expenditure shall then be included with the other items in the detailed bill and other relevant accounts so as to work out the available balance of the budget grant under the appropriate head in the same manner as case drawn from the Treasury.

1367. When uniforms are supplied to jail subordinates at their own cost, the Superintendent of the receiving jail shall countersign and return to the supplying jail an invoice for the cost. An account of them shall be opened in the ledger of manufactured articles, W. B. J. Register No. 44,

Supply of uniform to jail subordinates at their own cost, how to be accounted for. W.B.F. No.5021.

from which they shall be sold to the officers requiring them, in the usual way. The cost shall then be realised in the usual course and paid into the Treasury with other sale-proceeds.

1368. Deleted.

Railway Credit Note System

Detailed check in
Railway or Steamer
warrants issued.

1369. Money for payment of railway fares for conveyance of prisoners on transfer or on returning to their homes after release shall not be advanced either to guards or prisoners, or be drawn from the Treasury. The Railway Credit Note system shall be adopted and regulated by the following rules :

W.B.F. No. 5073.

(1) When a prisoner or prisoners have to be transferred from one jail to another by rail, the officer in charge of the escort shall be given a railway warrant in W.B.J. Form No. 18 for the number of 3rd class fares which, under Rule 877, the Jail Department will have to pay.

(2) When a released prisoner will have to travel to his home by rail, he shall be given a Railway Warrant for a single 3rd class ticket to the station nearest to his village. For prisoners in Division I and II see Rule 1687(2).

G.O. No.11/PJ.,
dated 3-1-1935.

(3) These Credit Notes must be signed by the Superintendent or, in his absence, by the Deputy Superintendent or the officer acting for the Superintendent. In emergent cases during the temporary absence of the Superintendent and the Deputy Superintendent, the Jailor may sign the credit notes, but the initial of the Superintendent should be obtained on the duplicate copy when he next visits the jail. The form is bound in a counterfoil book with duplicates. Full details must be given of the number of prisoners and escort, number of tickets required, and the amounts to be paid by the police and by the Accountant-General. The duplicate is to be given to the party for whom the tickets are required, and will be presented to the station-master. The original will remain in the bound cover as the jail record.

W.B.F. No. 5075.
G.O. No. 9772/RJ.,
dated
1-12-1924.

(4) On the first working day of every month the Superintendent shall furnish to the Accountant-General in W.B.J. Form No. 19, a statement giving details of all warrants issued during the preceding month, and amounts payable thereon, and note the amount in red ink in his contingent register under the proper heads of charges. The amounts chargeable for fares must be correctly stated in both copies of the warrant and in the statement ; any error or discrepancy will cause delay in the adjustment of the account. Every jail should have a correct list of fares in the office.

G. of B. Genl. Dept.
Cir. No.
10, dated
5-3-1910.

(5) Similarly, payment of railway freight on goods received or despatched by Central Jails, District Jails and Jail Depot, are made by means of Credit Notes, the charges being adjusted in the Exchange Accounts of the Railway

concerned with the Accountant-General, West Bengal. With a view to obviating the difficulty experienced in adjusting under-charges due to errors in the invoiced weight or in the charges on consignments booked under Credit Notes, the consignee should grant to the destination station a certificate for the amount of such under-charges to serve as a voucher in support of the additional claim by the despatching railway.

(6) Warrants (West Bengal Form Nos. 360 and 360A) for free passages by rail and steamer for warder staff to and from their homes on leave or while proceeding home when invalided out of the service or summarily discharged on medical grounds as unfit for service, should be dealt with as laid down in clause (3) above.

Rule 224A. G.O. No. 4443/H.J., dated 5-12-1938. G.O. No. 4147/H.J., dt. 23-11-38 and G.O.No. 192/HJ. dt. 2-2-1939.

(7) The Jailor or the Sub-Jailor, as the case may be, shall be personally responsible for the safe keeping of the blank books of Railway Credit Notes for prisoners and warders. The receipts, issues and the safe custody of these books should be checked by the Superintendent every month and the entries in the register of Forms (West Bengal Forms No.108) initialled and dated by him in token of his check.

G.O. No.4749/ HJ., dated 23-2- 1938.

Rule 1359.

(8) For a detailed check of the railway or steamer debits on account of warrants and Credit Notes issued by the Jail Department, the vouchers, that is the warrant and Credit Notes, received with a bill, shall, after a preliminary check be forwarded by the Inspector-General to the jails concerned, where they shall be verified with their original records. If found correct, the vouchers shall be returned to the Inspector-General, each being duly accepted and signed by the Superintendent on the reverse. The bill with the accepted vouchers shall then be returned to the Accountant-General by the Inspector-General with a letter recording formal acceptance of the debits. If any discrepancy is detected by the Superintendent, the relevant voucher shall be returned to the Inspector-General unsigned with a note clearly indicating the nature of the anomaly. The vouchers shall be returned by the Superintendents to the Inspector-General after scrutiny within a week of the receipt of the same.

REGISTERS AND RETURNS.

1370. The following registers are prescribed for use in the Manufactory Department :-

Registers used in Manufactory Department.

No. 31—Cash Book	...	See Rule	1352	W.B.F. No. 5006.
No. 41—Day Book	...	„	1371	W.B.F. No. 5018.
No. 42—Store and Sale Book	...	„	1374	W.B.F. No. 5019.
No. 40—Dead Stock	...	„	1373	W.B.F. No. 5017.
No. 43—Ledger of Raw Materials	...	„	1372	W.B.F. No. 5020.
No. 44—Ledger of Manufactured articles	...	„	1375	W.B.F. No. 5021.
No. 45—Credit Ledger	...	„	1376	W.B.F. No. 5022.
T.R. Form No. 32—Contingent Register	...	„	1342	
T.R. Form No. 32—Treasury Pass Book	...	„	1353	W.B.F. No. 2510.

Entry in the Day Book.

1371. Day Book of Raw Materials, Dead and Live Stock, belonging to the Manufactory Department (W. B. J. Register No. 41) —

W.B.F. No. 5107.
W.B.F. Nos.
5155. and 5115.
W.B.F. No. 5108.
W.B.F. No. 5000.

(1) This book referred to for convenience as the Day Book is an account book or diary in which all raw materials or articles of any kind for use in the manufactures are entered at the time, serially and without classification, as they pass into, or out of, the Manufactory Department. Every entry is the direct result of an order on a Store Order (W.B.J. Form No. 64), or Contract Form (W.B.J. Form Nos. 73 and 74), or a Store Delivery Order (W.B.J. Form No. 65), and unless it refers to a transfer from the General Department of the same jail, a record of it should also exist under the same date in the Gate Register (No. 25).

G.O. No. 287/
TR., dated 14-6-
1924.

(2) On the "receipt" side full details of each article as required by the column headings shall be entered on the same day, from the invoices of articles received, the description, quantity, weight, or measurement of the material or article, from whom purchased, and the price and value, if then known. When the article is paid for, the date of the entry of the payment in the Cash Book shall be noted in this register, also the cost, if not previously entered, and absequently the number and date of the abstract bill in which each item is included. Besides stock, all charges, such as railway freight, portorage, cartage, etc., shall likewise be entered on the receipt side of this book. The quality, quantity, weight or measurement of articles received shall be checked either at the time of or within 48 hours after delivery by the Superintendent or by an officer of the jail to be appointed by the Superintendent. If the check is not made at the time of delivery, the receiving officer shall not "Not checked" against the entry of the articles. After the articles have been checked, the officer making the check shall not the result of the check. All such notes shall be signed and dated. Receipts of articles worth Rs. 100 or more shall, however, be invariably checked by the Superintendent and all entries of receipts attested by him as correct.

G.O. No. 2302/
P.J., dated
24-7-1929.

(3) On the "Disbursement" side every article issued from raw material stock shall also on the day of issue be entered from the Store Delivery Orders ; the entries on this side shall also include the loss of stock by accident or theft, sale of useless stock and deterioration in value in stock-tacking. Ordinarily the value of an article entered on the disbursement side need not be stated in this

register, as provision for this details is made in the ledger of raw material in which a monthly valuation in regard to issue for each manufacture is sufficient, but when the sale of material or stock is effected, the amount for which it is sold should be entered in the columns provided for the purpose. The issue value of any article shall be the value of the articles as shown in the stock in the Stock Ledger ; if any article is purchased at different rates its issue value should be the average value of the article. In either case, incidental charges, e.g., freight, portorage etc., if any, should be taken into account.

G.O. No. 3888/
P.J., dated
22-8-1935.

- (4) From the "Day Book of Raw Materials" every item shall be posted daily into the "Stock-Ledger or Raw Materials", W.B.J. Register No. 43, and a reference shall be made to the page of ledger into which the entries are posted up. The Superintendent shall direct by whom the stock is to be maintained and issued and the account is to be kept but the Deputy Superintendent or Jailor shall closely supervise and check the work of his subordinates as he is also responsible for the stock.

1372. Stock Ledger of Raw Materials, Dead and Live Stock belonging to the Manufactory Department (W.B.J. Register No. 43)–

Entries in the stock
ledger of raw
materials.

- (1) This book referred to for convenience as the Stock Ledger is an elaborated edition of the edition of the "Day Book of Raw Materials". The difference between W.B.J. Register No. 41 and W.B.J. Register No. 43 is simply that the entries in No. 41 shall follow the order of time, while in No. 43 they shall be arranged under the respective heads of the different kinds of stock, a few pages being devoted to each article ; petty items or charges which do not appertain to stock kept in hand and which are not part of the General expenses for the administration of the jail, may be entered in one account under the head of "Miscellaneous". Cost of service postage stamps, electric charges, freight for finished articles sold or transferred and other contingent charges which are directly or indirectly connected with the general administration of the jail need not be included therein.
- (2) At the end of each month total shall be made in the ledgers, and the balance of the stock in hand, with its value, shall be shown. A new page shall generally be opened for a new month to which the balance in stock must be carried forward. Rule 1378(4) regarding the deputation of a subordinate to receive and verify stock applies also to the Manufacturing Department.

(See Rules 151, 264 and 801 regarding the responsibility of the Deputy Superintendent or Jailor for all manufactory stock.)

- (3) The loss or damage of any article shall be promptly reported to the Inspector-General with a statement as to who is responsible for the loss or how the article became damaged and it shall be entered on the disbursement side in red ink after receiving orders of the competent authority to its write-off or recovery, as the case may be.

Entries in Dead
Stock Register, G.O.
No. 312/
P.J., dated
10-2-1928.

1373. Dead-stock Register (W.B.J. Register No. 40).—All plant, machinery and other articles of dead-stock appertaining to the General and the Manufactory Departments of the jail irrespective of their value shall be recovered in this register. Items shall be classified according to the sub-heads under item 22 of the schedule appended to Rule 1339 and to the special manufacture to which they belong. After the balance in hand at the beginning of each quarter has been struck, entries need not necessarily be made until the close of the quarters, when details furnished by the “Stock Book” (W.B.J. Register No. 33) and the “Day Book” (W.B.J. Register No. 41) shall be duly recorded. Articles entered in this book need not be also entered in the Stock Ledger (W.B.J. Register No. 43).

Machinery and other plant should ordinarily last for 20 years and 10 years, respectively. A deduction on account of depreciation shall be made at the close of each half year from the book value of the articles remaining in hand at the beginning of the half year. The deductions to be so made shall be calculated on the original value of the articles remaining in hand at the beginning of the year, and at the rate of 2 per cent. for all machinery and 5 per cent. for other plant. For other articles of dead stock, the rates for such deductions shall be fixed according to the normal life of each article. All such deductions on account of depreciation shall be shown in red ink in the columns provided for it under 2nd and 4th quarters in the Dead-Stock Register (W.B.J. Register No. 40—W.B. Form No. 5017).

Rule 1382.

Entries in the Sale
Book.

1374. Store and Sale Book of Manufactured Articles (W.B.J. Register No. 42).—

- (1) This book referred to for convenience as Sale Book, is an account book or diary which bears the same relation to the manufactured articles that W.B.J. Register No. 41 does to raw materials. In it articles produced in, or sold by, the Manufactory Department are entered at the same time serially and without classification, as they enter or leave the manufactory godowns.
- (2) On the “receipt” side full details of each article as required by the column heading shall be entered on the same day. On the “Disbursement” side shall be recorded every sale as it takes place and every despatch of goods to other

jails and departments. Likewise any manufactured stock lost, used in the process of other manufactures, or otherwise disposed of shall also be entered herein. Cash receipts shall of course correspond with entries in the Cash Book receipt side. The purchaser's name need not be entered in case of cash sales of articles of the value of less than one rupee, and several articles of the same kind and value thus sold may be lumped together ; but if the article is sold for credit, the purchaser's name shall be entered.

- (3) Both the market value and actual cost price of goods supplied from the Manufactory Department for use in the jail, or to other jails, shall be entered in the Sale Book. If an article be sold for less or more than the value put upon it in the stock account, it will be necessary either to add or deduct the difference, as the case may be, to or from the amount for which sold before deducting the latter from the value of the whole stock, in order to show the correct value of the quantity remaining in store. Columns for recording such differences are provided in the Sale Book and the Ledger. If articles are destroyed or lost, a note shall be made of the circumstances and the value of the articles.
- (4) From the Sale Book every item shall be posted daily into the "Ledger of Manufactured Articles" (W.B.J. Register No. 44), a reference shall be made to the page of the ledger into which the entries are posted up, Credit sales shall be further posted up in the Credit Ledger, W.B.J. Register No. 45.

1375. Ledger of Manufactured Articles (W.B.J. Register No. 44)—This book is an elaboration of the "Sale Book" and bears the same relation to manufactured articles as Register No. 43 does to raw materials. The same instructions as in Rule 1374 are to be followed in making entries in this ledger.

Entries in the Stock
Ledger of
Manufactured
Articles.

1376. Credit Ledger (W.B.J. Register No. 45)—

Entries in Credit
Ledger.

- (1) In this register shall be entered all sales for credit. A page shall be devoted to each person or firm dealing with the jail. Inter-departmental disbursements (i.e., sales settled by book transfer) need not be entered in this register. The Credit Ledger should be balanced every quarter and the balances will be shown in the return of unrecovered credit sales in Return No. 23B.

G.O. No. 3800/PJ.,
dated
4-12-1934.
Rule 137(2).

- (2) Credit sales shall not be allowed except to well-known and approved customers, and a bill shall be sent for any amounts due before the end of the month. If the account be not paid within three months by Government Departments and Government Officers acting in their official

G.O. No. 402/PJ.,
dated
14-2-1944.

Rule 798.

W.B.F. No. 5153.

capacity and within two months in all other cases, from the date on which the debt is incurred, further credit shall be stopped. No credit to jail subordinates shall be allowed beyond the next pay day. No credit account shall be opened for sales the total of which amounts to less than Re.1. If debts due to the jail cannot be released the matter shall be specially reported to the Inspector-General for orders as to what action is to be taken.

G.O. No. 1276/PJ.,
dated
18-4-1934.

The maximum credit allowed to any one party must in no case exceed Rs. 500, without the previous approval of the Inspector-General. For all credit sales exceeding the above amount regular indents and formal letters accepting terms of payments shall be obtained before delivery of the articles.

G.O. No. 3009/PJ.,
dated
2-6-1932.

NOTE I.—In case of credit sales of the Jail Depot, Calcutta, the period of credit may be extended to three months and this period must not be exceeded without previous sanction of the Inspector-General. The maximum credit allowed to any one party by the Jail Depot must in no case exceed Rs.1,500 without the previous approval of the Inspector-General.

NOTE II.—The above limits shall not apply to credit sales to Government Departments.

Registers used in
General Department.

1377. The following Registers are prescribed for use in the General Department :—

W.B.F. No. 5006.	No. 31—Cash Book	...	...	See Rule { 1350 1351
W.B.F. No. 5007.	No. 32—Contingent Register	...	..	1342
W.B.F. No. 5008.	No. 33—Stock Book	...	..	1378
W.B.F. No. 5017.	No. 40—Dead Stock	...	..	1373
W.B.F. No. 5009.	No. 34—Stock Book of Clothing	...	..	1178
W.B.F. No. 5010.	No. 35—Dairy Accounts	...	..	1146
W.B.F. No. 5012.	No. 36A—Diet Roll (ordinary prisoners)	...	..	1105
W.B.F. No. 5013.	No. 36B—Diet Roll (Div. I and II prisoners)	...	..	1105
W.B.F. No. 2435.	Combined pay Bill and Acquittance Roll	...	..	1355(2)
W.B.F. No. 5015.	No. 38—Register of Security Deposits	...	..	1355(3)
W.B.F. No. 5016.	No. 39—Register of Ammunition	...	..	374
W.B.F. No. 2510.	Treasury Pass Book	...	..	1353

1378. Stock Book of Provisions, Stores, and Dead Stock (other than those belonging to the Manufactory Department) (W.B.J. Register No. 33)–

Entries in Stock Book of provisions, etc.

(1) This book, referred to for convenience as the Stock Book, corresponds, in the General Department, to Registers 43 and 44 in the Manufactory Department. The General Department has no equivalent to the Day Book of Raw Materials and the Store and Sale Book. A separate account shall be opened for every kind of stock not appertaining to the Manufactory Department, except clothing and dairy stock and produce and ammunition, for which there are separate registers : not only shall purchased stores be entered, but also all produce from jail lands, fish tanks, etc., and all by-products of any value resulting from the preparation of any article for jail use, such as broken rice (khudi), bran, dal-bhusi, etc. A sufficient number of pages should be set apart for each article to contain the accounts for one year.

(2) On the "Receipt" side shall be entered full details of each article including Dead Stock purchased or brought into store. Receipts of articles shall be checked by the Superintendent or by an officer of the jail to be deputed by the Superintendent but receipts of articles worth Rs.100 or more shall be invariably checked by the Superintendent and all entries of receipts attested by him as correct. The Superintendent, before signing an abstract bill, shall satisfy himself that every item of stock or stores charged for in the bill is entered in this register ; and the officer who prepares the abstract bill shall note opposite each item in the Stock Book the number and date of the abstract bill in which the item is included. All articles taken from the Manufactory Department or received from other jails for use in the service of the jail shall be entered in the Stock Book, W.B.J. Register No. 33, in red ink. (See Rule 1375). All articles of Dead Stock shall also be recorded in the Dead-Stock Register (W.B.J. Register No. 40) in the manner prescribed in rule 1373.

G.O. No. 2302/PJ.,
dated
24-7-1929.

G.O. No. 312/PJ.,
dated
10-2-1928.

(3) It will be seen that a money column is given only on the purchased side of the account : The valuation of the stock disposed of each day is difficult, if not impossible, as a single disbursement may include goods purchased at different rates at different times ; a general valuation, when the balance is struck each month, will suffice for all practical purposes. The disposal of any article of Dead Stock by fair wear and tear,

breakage, or loss shall be recorded on the disbursement side with the necessary explanation, and at the same time the entry of the article on the purchase side shall be scored through in red ink, so that when a new register is opened once a year, the unerased entries can readily be copy into a new book. But any loss or damage of stores shall be immediately reported to the Inspector-General with a statement as to who is responsible for the loss or how the article became damaged and it shall be entered on the disbursement side in red ink after receiving orders of competent authority to its write-off or recovery, as the case may be.

Rule 26.

- (4) The receipt and disposal of stock should be recorded daily as soon as possible after each transaction takes place; but if this account be balanced once a month, it will be enough as the abstract stock account is to be drawn up only once in three months. This monthly balancing of the stock account shall, however, be insisted on, otherwise the work may fall into hopeless arrear. The monthly balancing of each account shall be checked and attested by the Jailor and signed by the Superintendent as correct. The Jailor may depute a subordinate to receive and weigh, measure or count provisions etc., delivered to the jail, and the Superintendent shall direct by whom the stock is to be maintained and issued and account is to be kept, but the Jailor shall closely supervise and check the work of his subordinate, as he is responsible for the quantities actually received and issued to the cooks or otherwise disbursed (See Rule 256).

Returns of the
Manufactory
Department.

1379. The following returns shall be submitted by the Manufactory Department to the Inspector-General :—

(1) Monthly—

W.B.F. No. 5042.

- (a) Return No. 20—"Detailed Bill for Manufactory Contingent Charges" (see Rule 1357).

W.B.F. No. 5044.

- (b) Return No. 22—Return of Jail Supplies [(see Rule 1364(1))].

- (c) Return No. 4—Completion of Accounts (see Rule 1331).

W.B.F. No. 5045.

- (d) Return No. 23A—Accounts of Manufactory Stores (see Rule 1380).

- (e) Return No. 14—Statement of Jail Supplies to other Departments (see Rule 1362).

(2) Quarterly—

W.B.F. No. 5153.

Return No. 23B—Outstanding dues for sales on credit of manufactured articles (see Rules 1380).

(3) Half-yearly—

Return No. 5—Certificate of correctness of stock (see Rules 87 and 1331).

1380. Return No. 23 presents an account of the transactions of the Manufactory Department. It consists of two parts :—

Contents of Return No. 23. G.O. No. 4178/P.J., dated 22/12/1933.

Part A (West Bengal Form No. 5045) deals with the account of the raw materials and manufactured articles in the jail during the preceding month. The entries are to be abstracted from the ledger of raw materials and the ledger of manufactured articles and arranged according to the manufacture to which they relate. For every entry in column 6 in respect of articles which have been lost or rendered unserviceable an explanation should be furnished in the column for remarks. All such entries should be made in red ink quoting in the remarks column the reference made to the Inspector-General for write-off, if sanction therefor has not already been received.

Rule 1382.

Part B (West Bengal Form No. 5153) is a statement of outstanding dues for sales on credit for the preceding quarter. The names of creditors who are jail officers or whose accounts have been outstanding for more than six months should be entered in red ink.

1381. The following returns shall be submitted by the General Department to the Inspector-General :—

Return of the General Department.

(1) Monthly—

(a) Return No. 10—"General Contingent Bill" (see Rule 1357).

W.B.F. No. 5033.

(b) Return No. 4—Completion of Accounts (see Rule 1331).

(c) Return No. 17—Account of the Dietary and other Reserve Stock (see Rule 1382).

W.B.F. No. 5040.

(d) Return No. 17A—Dairy and Cattle Account (see Rule 1382).

W.B.F. No. 5150.

(2) Half-yearly—

Return No. 6—Certificate of Correctness of Stock (see Rules 87 and 1331).

1382. Return No. 17 is divided into two parts, 17 and 17A. Return No. 17 (West Bengal Form No. 5040) deals with the account of the dietary and other reserve stock in the jail during the preceding month. Return No. 17A (West Bengal Form No. 5150) deals with the Dairy and

Contents of Return No. 17.

Rule 1373.

Cattle Account of the jail for the preceding month. Return No. 17 is an exact copy of the monthly balancing of the stores and stocks in the Stock Book (Register No. 33). Return No. 17A is to be abstracted from Register No. 35, Parts I and II.

If any article including dead stock is lost or damaged, it shall invariably be shown in the return in red ink with an explanation in the remarks column quoting the reference made to the Inspector-General for write-off, if sanction therefor has not already been received.

SECTION IV—REGISTERS AND BOOKS.

NOTE.—The Capital letter preceding each register denotes the class of preservation, see Rule 1315.

Certificate about the number of pages a book contains.

1383. All registers and books shall be paged serially by the Forms Department. The Superintendent shall certify, on the first page, to the number of pages in each book.

Responsibility list.

1384. A “Responsibility List” shall be pasted inside the cover of each Jail Register by the Forms Department. The Superintendent should see that this list is duly maintained.

1385. The following Registers and Books are prescribed :

A.—West Bengal Jail Registers.

W.B.F. No. 4980.	B. No.	1 Minute Book	..	..	..	61, 73, 92.
		Report Book	..	..	..	109, 156, 247.
W.B.F. No. 4981.	A. No.	4 Warders' Service Register	..	..	..	303.
W.B.F. No. 4982.	D. No.	5 Labour Distribution Register	..	..	..	805.
W.B.F. No. 4983.	A. No.	6 Register of convicted Prisoners Admitted	..	..	..	542 (1).
W.B.F. No. 4984.	A. No.	7 Alphabetical Index of convicted prisoner	..	..	..	542(2).
W.B.F. No. 4985.	B. No.	8 Register of Under-trial prisoners	..	..	..	933.
W.B.F. No. 4986.	A. No.	9 Register of civil prisoners	..	..	..	908.
W.B.F. No. 4987/89.	A. No.	10 Release Diary	..	..	..	542(3).
W.B.F. No. 4991.	D. No.	12 Lock-up Register	..	..	..	449.
W.B.F. No. 4993.	D. No.	14 Daily Abstract of all classes prisoners	..	..	..	542(5).
W.B.F. No. 4996.	D. No.	18 Remission Cards	..	..	..	780.
W.B.F. No. 4997.	C. No.	19 Register of Punishments inflicted	..	..	..	734(1).
W.B.F. No. 4998.	D. No.	20 Diary of Termination of Jail Punishment	..	..	..	734(2).
W.B.F. No. 4999.	D. No.	24 Gate Register of Persons	..	..	..	328.
W.B.F. No. 5000.	C. No.	25 Gate Register of Articles	..	..	..	328.

†These registers are to be kept in manuscripts.

*Used also in Subsidiary Jails.

B. No.	26 Post Mortem Register †	..	..	..	99,1243.	W.B.F. Nos.
C. No.	27 Hospital Register*	..	..	..	99,1243.	5001-5003.
C. No.	28 Hospital Roll of Sick diet, etc...	..	..	..	1243.	W.B.F. No. 5004.
D. No.	29 Register of Convalescent and Special Gangs	..	..	..	1243.	W.B.F. No. 5005.
D. No.	30 Register of Weekly Weighment of Prisoners Losing Weight †	..	..	..	95, 1243.	W.B.F. No. 5005.
A. No.	31 Cash Book*	..	..	..	1350, 1352.	W.B.F. No. 5006.
B. No.	32 Contingent Register	..	..	..	1342.	W.B.F. No. 5007.
B. No.	33 Stock Book of Provisions, etc.	..	..	..	1378.	W.B.F. No. 5008.
C. No.	34 Clothing Account Book	..	..	..	1178.	W.B.F. No. 5009.
C. No.	35 Dairy Accounts, Parts I to IV	..	..	..	1146.	W.B.F.Nos. 5010. and 406.
C. No.	36A Diet Roll of ordinary prisoners	..	..	..	1105.	W.B.F. No. 5012.
C. No.	36B Diet Roll of Divisions I and II prisoners	..	..	..	1105.	W.B.F. No. 5013.
A. No.	38 Register of Security Deposits of Officers	..	..	..	1355.	W.B.F. No. 5015.
C. No.	38A Register of interest bearing securities	..	..	..	1336.	W.B.F. No. 5015A.
D. No.	39 Register of Ammunition	..	..	..	374.	W.B.F. No. 5016.
A. No.	40 Dead Stock	..	..	..	1373.	W.B.F. No. 5017.
B. No.	41 Day Book of Raw Materials..	..	..	..	1371.	W.B.F. No. 5018.
B. No.	42 Store and Sale Book of Manufactured Articles..	..	..	..	1374.	W.B.F. No. 5019.
B. No.	43 Stock Ledger of Raw Materials, etc.	..	..	..	1372.	W.B.F. No. 5020.
B. No.	44 Ledger of Manufactured Articles	..	..	..	1375.	W.B.F. No. 5021.
B. No.	45 Credit Ledger	..	..	..	1376.	W.B.F. No. 5022.
D. No.	46 Gate Register	..	..	..	59, 173.	W.B.F. No. 5023.
C. No.	47 Register of Clothing Account of Warder Guard	..	..	..	362.	W.B.F. No. 5148.
A. No.	48 Register of Prisoners' Valuable property	..	..	..	543.	W.B.F. No. 5156.
A. No.	48A Register of Prisoners' Private property	..	..	..	543.	W.B.F. No. 5157.

B.—Other Books

A.	W.B.F. No. 2510 Treasury Pass Book*	..	..	..	1353.
B.	W.B.F. No. 912 Service Book*	..	..	..	213.
C.	W.B.F. No. 107 Register of Casual Leave*	..	..	..	221.
B.	W.B.F. No. 46 Order Book*	..	..	..	309.
B.	W.B.F. No. 2435 Combined Pay Bill and Acquittance Roll*	..	..	..	1355.

Board of Revenue.

B.	W.B.F. No. 16 Register of Letters Received*	..	..	..	1324.
B.	W.B.F. No. 19 Register of Letters issued*	..	..	..	1324.
D.	W.B.F. No. 47 Peon Book*	..	..	..	1324.

†These registers are to be kept in manuscripts.

*Used also in Subsidiary Jails.

SECTION V—RETURNS.

NOTE.—The Capital letter preceding each form denotes the class of preservation, see Rule 1315.

Jail Returns.

1386. The following Returns are prescribed :—

A.—WEST BENGAL JAIL RETURNS.

W.B.F. No. 5029.

C. No. 1.—Quarterly Return of Prison Statistics which is a complete record of Judicial statistics of all classes of prisoners.

It consists of twelve Parts :—

Part IA—Showing the number and disposal of the convicts in the jail during the quarter is compiled from Register No.14.—The Daily Abstract. The column headings and memoranda for guidance sufficiently explain this part. On return to jail of convicts released on bail or of prisoners who escaped and are recaptured, they shall be again entered as admitted in column 3 of Part IA. When the return to jail or recapture takes place in the year of release on bail or escape, details of such prisoners shall be entered twice in Parts II, III, XI and XII of the return, i.e., they shall not be included in these parts on the return of the prisoners to jail from being at large on bail or on recapture. But prisoners who were released on bail in one year and re-admitted into the jail during the following year, as well as prisoners who escaped in one year and were re-captured during the following year, shall be included in those parts. These instructions also apply to cases of convicts sent to a Mental Hospital and returned after recovery to serve the remainder of their sentences.

Part IB—Shows—

- (a) the quarterly total of the numbers of each class of prisoners locked up each night, compiled from Register No. 14 ;
- (b) capacity of the wards for each class calculated on the standards prescribed by Rule 1179 ;
- (c) the maximum number of each class present at lock-up on any one day (obtained from Register No. 14) ; and
- (d) the daily average number of each class.

Part II—Shows separately the statistics of convicts admitted during the quarter with particulars of previous convictions, if any ; it is compiled from column 20 of the Admission Register (No. 6).

Part III—Showing the state of education of the convicts admitted during the quarter, is compiled from column 6 of Register No. 6.

Part IV—Shows Particulars of convict overseers.

Part V—Showing the offences and punishments of convicts corresponds with Annual Statement No. VI and is compiled from the Punishment Register (No. 19).

Parts VI and VII—Relating to civil and under-trial prisoners are compiled from the Abstract Register (No. 14).

Under-trial prisoners who are committed to the Court of Session and transferred from the Magistrate's *hajut* to the District Jail as well as convicted prisoners shall be included in column 2 of Part VII and IA. Under-trial prisoners who are committed to the Court of Session by the Magistrates in Sub-divisions and sent to District Jails shall be entered in column 5, Part VII, as received "from Subsidiary jails for trial."

Part VIII—Relating to Life convicts—is compiled from the Admission Register (No. 6).

Part IX—Showing the employment of convicts, is compiled from the "Labour Distribution Register" (No. 5); it supplies statistics for the compilation of Annual Return No. 5. —Annual Statement No. XI is prepared from it. Column 3 includes convicts in handcuffs who do not work, also all others (except those shown in columns 1 and 2) who are unemployed for any reason. Column 20 includes all convicts who are hired out for work, except to the Public Works Department.

Cir. No. 48 of
1894.

Prisoners sentenced to simple imprisonment who elect to work shall be shown in the appropriate columns as employed on working days, even though by doing so a discrepancy will appear in column 16 ; the difference should be explained in a foot-note. Voluntarily labouring undertrial prisoners should also be similarly shown and explanation added. With this exception the totals of the figures in Part IX must agree with the total of labouring convicts in Part IB.

Cir. No. 87 of
1894.

In column 2 of Part IX, provision is made for furnishing the statistics of mortality according to length of time served in jail for the annual statements required by the Government of India. As the time served varies from day to day and a daily average can not be prepared without extensive and intricate registers and heavy clerical work, the Government of India has therefore directed that average should be made of 12 monthly censuses to be taken on the last day of each month. This census may be taken from the prisoners' history tickets, or from the files of warrants. If taken from history tickets, proper care must be taken that error does not arise from entries being obliterated and incorrectly renewed ; or if the warrants are used, they must be handled so as not to cause excessive wear.

Cir. No. 39 of
1894 and 7 of 1895.

Rule 656.

Part X—Is abstracted from Register No. 6.

Part XI—Is abstracted from Register No. 6

W.B.F. No. 5030.

No. 2. Weekly Capacity Return of the Jail.—This Return shows the registered accommodation of the jail and the actual number of prisoners locked up in the jail on the previous day of the 7th, 14th, 21st or 28th day of the month, see Rule 1186.

Part I—Shows the different classes of prisoners confined in the jail, Part II gives a statement showing the special categories of prisoners. Their numbers are, however, included in Part I of the Return excepting children remaining with their mothers.

	Reference to Jail Code Rule.
D. No. 4†—Certificate of Completion of monthly Accounts	1331
D. No. 5†—Half-yearly Certificate of correctness of Stock (Manufacture).	87
D. No. 6†—Half-yearly Certificate of correctness of Stock (General).	87
B. No. 9†—Half-yearly report of Health and Mental Condition of Criminal Lunatics.	1045.
C. No. 10 and 10A*—Detailed Bill for Contingent Charges	1357.
C. W.B.F. No. 2478*—Abstract Bill for Contingent Charges	1354.
W.B.F. No. 5151. C. No. 14—Statement of Jail Supplies to other Department.	1362.
W.B.F. No. 5040. D. No. 17—Account of the Dietary and other Reserve Stock	1382.
W.B.F. No. 5150. C. No. 17A—Dairy and Cattle Account	1382.
W.B.F. No. 5041. C. No. 18*—Budget Estimate	1332.
W.B.F. Nos. 5042 and 5043. C. No. 20 and 20A*—Detailed Bill for Manufactory Contigent Charges.	1357.
C.W.B.F. No. 2453*—Abstract Bill for Manufactory Charges.	1354.
W.B.F. No. 5044. D. No. 22*—Monthly Statement of Actual Cost, etc., of Goods Manufactured for Jail Supplies.	1364(1)(2).
W.B.F. Nos. 5045 and 5153. B. No. 23A and 23B—Monthly and Quarterly Return (Manufacture)	1380.
C.W.B.F. No. 105—Abstract of Annual Statement of Expenditure on Stores	1361.
C. No. 26†—Estimate of Requirements of Foreign Stores	1361.
W.B.F. No. 5046. D. No. 27*—Statement of Under-trial Prisoners detained for more than a fortnight (to be sent to the Magistrate).	915.
W.B.F. No. 5047. C. No. 28*—Monthly return of the Charges of the Warder Establishment, etc., (to be sent to Central Jails).	304.

†These returns are to be maintained in manuscript.

*Used also in Subsidiary Jails.

B. No. 29*—Monthly Medical Return	..	..	1244.	W.B.F. No. 5048.
D. W.B.F. No. 5149—Return showing the result of Target practice.			379.	

B.—West Bengal Jail Annual Returns.

No. 1	Part 1.—General Summary	..	..	..
	Part 2.—Statement No. I, Judicial (Number and Disposal of Convicts).	..	..		W.B.F. No. 5052.
	Part 3.—Statement No. II, Judicial (Religion, age, etc. of convicts).	..	..
	Part 4.—Statement No. III, Judicial (Nature and Length of sentence).			83.	
No. 2	Part 1.—Statement No. IV, Judicial (Previous Convictions).				
	Part 2.—Identification of Habituals	..	..	..	W.B.F. No. 5053.
	Part 3.—Statement No. V, Judicial (Escapes and Re-captures).	..	..
	Part 4.—Statement No. VI, Judicial (Offences and punishments).	..	..
	Part 5.—Offences and Punishments of A and B Class Prisoners.			83.	
No. 4	Statement No. IX, Financial (Expenditure).	..	..	..	W.B.F. No. 5055.
No. 5	Statement No. XI, Financial (Employment of Convicts).			83.	W.B.F. No. 5056.
No. 6	Statement No. XIIA, Financial (Result of Employment).			83.	W.B.F. No. 5057.
No. 7	Part 1.—Rewards to Sub-Assistant Surgeons			..	W.B.F. No. 5058.
	1244.				
	Part 2.—Statement No. XIV, Vital (Sickness and Mortality).			..	
No. 8	Part 1.—Statement No. XV, Vital (Admissions and Deaths from Chief Diseases).			1244.	W.B.F. No. 5059.
	Part 2.—Statement No. XVIII, Vital (Mortality amongst convicts).	..	..
	Part 3.—Statement No. XVIII, Vital (Prisoners under-trial).			1244.	
No. 9*	Annual Return of Sick Prisoners..	..	..	1244.	W.B.F. No. 5060.
No. 11	Part 1.—Statement A (Accommodation)	..	..	..	W.B.F. No. 5062.
	Part 2.—Statement B (Condition of Discharged Convicts)			..	
	Part 3.—Statement C (Working of Remission System)			83.	
No. 12*	Offences and Punishments of Warder Guard	..		83.	W.B.F. No. 5063.
No. 13†	Visits	..	..	..	83.

†These returns are to be maintained in manuscript.

*Used also in Subsidiary Jails.

Despatch of Jail
returns, etc.

1387. Diary of Jail returns etc.

NOTE.—Any delay in the despatch of Returns, etc., after the dates specified in this Diary shall render the Jailor and his subordinates liable to punishment.

Day of Month.	Month.	Number of Return, etc.	Description of Return.	Designation.
1	2	3	4	5
1st	... Every month	F. 19	Statement of Railway Credit Notes.	A.G., W.B.
1st	... Every month	R. 27	Statement of under-trial prisoners who have been in jail more than a fortnight.	Magistrate of District.
1st	... Every month	W.B.F. 5353	P. R. Slips	Supdt. of Police.
1st	... January	W.B.F. 70 & 71.	Indent for jails forms	I.G.
1st	... December, March, June, September	...	Indent for Medicines (Quarterly)	I.G.
1st	... March	F 61 and 61A	Indent for Prison Clothing	I.G.
1st	... March	F 62	Indent for Warders Uniform	I.G.
1st	... March	F 63	Indent for Ammunition	I.G.
1st	... April	W.B.F. 105 and R. 26.	Ammual Return of Foreign Stores and Forecast of Requirements (Central Jails only).	I.G.
1st	... April	A.G., W.B.	Certificate of possession of full amount of Permanent Advance.	A.G., W.B.
1st	... April	...	Indent for cold weather vegetable seeds.	I.G.
1st	... July	R. 5 and 6	Half-yearly certificate of correctness of stock (Manufactory and General).	I.G.
1st	... July	...	Indent for Foreign Stores	I.G.
1st	... July	Stry.	Indent for Stationery	I.G.
1st	... January	...	Annual Indent for West Bengal Jail and Sub-jail Forms.	I.G.
1st	... April	...	Annual Indent for West Bengal Civil Medical Forms.	I.G.
1st	... August	...	Annual Indent for A.G., W.B. Forms.	I.G.
1st	... September	...	Annual Indent for vaccination Forms.	I.G.

Day of Month.		Month.		Number of Return, etc.		Description of Return.	Designation.
1		2		3		4	5
1st	...	October	..	..		Annual Indent for High Court Civil Process and Proceedings Forms.	I.G.
1st	...	November	..	..		Annual Indent for High Court Civil Miscellaneous Forms	I.G.
1st	...	December	..	..		Annual Indent for High Court Criminal Forms.	I.G.
1st	...	December	..	..		Annual Indent for West Bengal Police Forms,	I.G. .
5th	..	Every month		R. 10	..	Detailed Bill for Contingent Charges (District Jails).	I.G.
5th	...	Every month		W.B.F. 2478	..	Copies of Abstract Bills (District Jails).	I.G.
5th	...	Every month		R. 20	..	Detailed Bill for Manufactory Charges (District Jails).	I.G.
5th	...	Every month		W.B.F. 2453	..	Copies of Abstract Bill for Manufactory Charges (District Jails).	I.G.
5th	...	Every month		R. 28	..	Monthly Return of charges in Warder Establishment in the district.	Central Jails.
5th	...	Every month		R. 29	..	Monthly Medical Return	I.G.
5th	...	Every month		W.B.F. 2438	..	Leave Statement of Head Warders of the district.	Central Jails.
5th	...	Every month		R. 22	..	Monthly return of Goods for Jail Supplies (District Jails).	I.G.
5th	...	January, April, July and October.		R. 1	..	Quarterly Return of Jail Statistics.	I.G.
7th	...	Every month		R. 14	..	Statement of Jail Supplies to Departments other than Jails.	I.G.
7th	...	Every month		W.B.F. 2438	..	Leave Statement of Head Warders of the Circle.	A.G., W.B.
7th	...	Every month		R. 2	..	Weekly Capacity Return of Jail	I.G.
10th	...	Every month		R. 10	..	Detailed Bill for Contingent Charges (Central Jails).	I.G.
10th	...	Every month		W.B.F. 2478	..	Copies of Abstract Bills (Central Jails).	I.G.
10th	...	Every Month		R. 20	..	Detailed Bill of Manufactory Charges (Central Jails).	I.G.
10th	...	Every month		W.B.F. 2453	..	Copies of Abstract Bill for Manufactory Charges (Central Jails).	I.G.

Day of Month.	Month.	Number of Return, etc.	Description of Return.	Designation.
1	2	3	4	5
10th ...	Every month	R. 22	.. Monthly Return of Goods for Jail Supplies (Central Jails).	I.G.
14th ...	Every month	R. 2	.. Weekly Capacity Return of Jail	I.G.
15th ...	Every month	R. 27	.. Statement of Under-trial prisoners who have been in Jail more than a fortnight.	Magistrate of District.
15th ...	January ..	W.B.J. AR 9	.. Annual Medical Return ..	I.G.
15th ...	Every month	R.17	.. Account of the Dietary and other Reserve Stock.	I.G.
15th ...	Every month	R. 17A	.. Dairy and Cattle Account ..	I.G.
15th ...	Every month	R. 23A	.. Account of Raw Materials and Manufactured Articles.	I.G.
15th ...	March ..	..	.. Annual Indent for West Bengal Executive Forms.	I.G.
15th ...	February ..	..	.. Annual Indent for Office Routine and Envelopes.	I.G.
15th ..	February and August.	R. 9	.. Half-yearly Return of Criminal Lunatics.	I.G.
15th ...	May ..	A.G., W.B. 3	.. List of Establishment Standing on 1st April.	A.G., W.B.
16th ...	Every month	..	.. P. R. Slips	Supdt. of Police.
20th ...	Every month	R. 4	.. Certificate of Completion of Monthly Accounts.	I.G.
20th ...	January, April, July and October.	R. 23B	.. Return of outstanding dues for sales on credit of manufactured articles.	I.G.
21st ...	Every month	R. 2	.. Weekly Capacity Return of Jail	I.G.
28th ...	Every month	R. 2	.. Weekly Capacity Return of Jail	I.G.
31st ...	December	R. 5 and 6	.. Half yearly certificate of correctness of stock (Manufactory and General).	I.G.
31st ...	July ..	R. 18	.. Budget Estimate	I.G.

SECTION VI—FORMS.

NOTE.—The Capital Letter preceding each form denotes the Class for preservation—*vide* Rule 1315.

1388. The following forms are prescribed.

A.—West Bengal Jail Forms.

		Reference to Jail Code Rules.	
D.W.B.F. Nos. 70 and 71.*	Annual Indent for Forms ..	1359.	
C. No. 8*	.. Descriptive Roll of Prisoner ..	510, 844.	W.B.F. No. 5069.
C. No. 9	.. Roll of a Prisoner Recommended for Appointment as Convict Overseer, or Convict Night Guard.	405.	W.B.F. No. 5070.
D. No. 10‡	.. Letter Requesting Sanction to Transfer of Prisoners.	1185.	
D. No. 11‡	.. Memorandum intimating Despatch of Rolls for Sanction of Transfer.	...	
D. No. 12‡	.. Memorandum intimating Transfer of Prisoners.	867.	
D. No. 13	.. Certificate of Fitness of Prisoners for Transfer and Covering letter.	862.	W.B.F. No. 5071.
C. No. 16*†	.. Memorandum acknowledging Receipt of prisoners.	...	
D. No. 17*‡	.. Application for Reserved Railway Accommodation.	875.	
C. No. 18*	.. Requisition for Transport by Railway (Credit Note).	872, 1369.	W.B.F. No. 5073.
C. No. 19*	.. Statement of Credit Notes Issued during the month.	1369.	W.B.F. No. 5075.
D. No. 20	.. Civil Prisoner's History Ticket	549.	W.B.F. No. 5076.
D. No. 21*	.. Under-trial Prisoner's Ticket ..	549, 930.	W.B.F. No. 5077.
D. No. 22*, A, B & C.†	.. Convict's History Ticket ..	549.	W.B.F. Nos. 5078, 5079, 5080, and 5081.
D. No. 23†	.. Previous conviction Form ..	625, 914.	
D. No. 24	.. Lock-up Report	434, 448, 459.	W.B.F. No. 5082.
B. No. 25*	.. Report of the Escape of a prisoner	478.	W.B.F. No. 5083.
D. No. 26*	.. Report of the re-capture of a prisoner.	478.	W.B.F. No. 5084.
D. No. 27*	.. Petition by Prisoner for copy of Judgement.	603.	W.B.F. No. 5085.
D. No. 27A*	.. Prisoners' Petition	615.	W.B.F. No. 5086.
D. No. 29*‡	.. Enquiry regarding Result of Appeal	609.	
No. 31	.. Certificate of release of a prisoner	578.	W.B.F. No. 5088.

*Used also in Subsidiary Jails.

†To be used in manuscript.

‡To be used typewritten.

			Reference to Jail Code Rules.
W.B.F.Nos. 5089 and 5090.	No. 32 and 32A.	Rules under section 565, Criminal Procedure Code, in English and Bengali.	568.
W.B.F. No. 5093.	No. 33 and 33A, B & C.	Declaration required by section 565, Criminal Procedure Code, in English and Bengali.	568.
W.B.F. No. 5094.	C. No. 34	Roll of Prisoners entitled to Remission. ..	781.
W.B.F. No. 5095.	D.No. 35.	Roster of day and night duties of warders and convict officers.	434.
W.B.F. Nos. 5096 and 5097.	D. No. 36 and 36A.	Abstract of Remission Rules in English and Bengali.	775.
W.B.F. No. 5098.	D. No. 37	Gang Book ..	445.
W.B.F. No. 5099.	D. No.38.	Gang Book (Convict Overseer's) ...	422.
W.B.F. No. 5101.	D. No. 40	Abstract of Rules relating to Jail Punishments.	...
W.B.F. No. 5102.	D. No. 41	Prisoners' Letter Form	679.
	D. No. 42†	Parade Statement
	C. No. 58†	Estimate for general use	...
	C. No. 59*	Estimate of cost of Public Works	1309
W.B.F. Nos. 5103 and 5104.	D. No. 61 & 61A	Indent for Jail Clothing	1172,1359.
W.B.F. No. 5105.	D. No.62	Indent for Warders' Uniform	360,1174, 1359.
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*Used also in Subsidiary Jails.

†To be used in manuscript.

‡To be used typewritten.

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D. Factory Form No. 7.	..	Report of Factory Accident	..	811.		
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*Used also in Subsidiary Jails.

†To be used in manuscript.

‡To be used typewritten.

					Reference to Jail Code Rules.
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W.B.F. No. 5152.	D. No.	..	*Application for Extra Establishment.		18.
W.B.F. No. 5158.	D. No. 120	..	Statement of private property and cash of prisoners.		543.

(G.O. No. 1587-HJ., dated 19-4-1938.)

B.—Forms of other offices in use in the Jail Department.

Accountant-General, West Bengal's Forms.

B.W.B.F. No. 2397.	Application for Pension or Gratuity
A.W.B.F. No. 2510.*	Treasury Pass Book	1353.
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W.B.F. No. 912.	Service Book	213.
C.W.B.F. No. 2428.*	Salary Bill (C.A.C. Form No. 1)
D.W.B.F. No. 2435.*	Detailed Pay Bill of Permanent Establishment (C.A.C. Form Nos. 6, 7 and 8).				1355.
C.W.B.F. No. 2445.*	Travelling Allowance Bill for Gazetted Officers (C.A.C. Form No. 2.)				1356.
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C.W.B.F. No. 2508.	Last Pay Certificate for non-Gazetted Officers
C. No. 308A.*	Indent for Service Stamps
A.W.B.F. No. 2440.	1st April Statement	1355(4).

*Used also in Subsidiary Jails.

†To be used in manuscript.

West Bengal Civil Medical Department Forms.

C Schedule A (Ka) Quarterly Indent Form.

No. W.B.F. 783	Confidential Report on Assistant Surgeons and Sub-Assistant Surgeons.	..	
D. No. W.B.F. 795	Stock Ledger of Medicines	..	..
D. No. 47	Rules regarding the Custody and Dispensing of Poisonous Drugs.	..	Appendix No. 19
D. No. 49*	Rules for collecting and packing samples of Water for Analysis.	..	„ „ 20.

Government of West Bengal Executive Forms.

B. No. W.B.F. 215	Certificate of insanity	..	1030.	
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C. No. W.B.F. 107.	Register of Casual Leave	..	221.	
C. No. W.B.F. 360	Requisition for transport by railways (Credit Note for warder staff)		1369.	G.O. No. 192/HJ dated 2-2-1939.
C. No. W.B.F. 360A	Requisition for transport by River (Credit Note for warder staff.)		1369.	

High Court Criminal Forms.

No. W.B.F. 3877, 3878, 3879.	B. and C. Petition of Appeal in English, Bengali and Hindi.	604.
No. W.B.F. 3888	Letter from Superintendent of Jail forwarding Petition of Appeal to High Court.	604.
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D. No. W.B.F. 5344*	Escort Requisition	..	867.
C. No. W.B.F. 5322*	Form of drawing up proceedings		204.

West Bengal Forms Department Forms.

D. Nos. W.B.F. 70, 71 and 71A.	Annual Indents for Forms and Envelopes.	1359.
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*Used also in Subsidiary Jails.

†To be used in manuscript.

‡To be used typewritten.

Volume I (Part II)

Subsidiary Jail Code

Rules for the Superintendence and Management of Subsidiary Jails in West Bengal

Introductory.

- 1.** The rules of the West Bengal Jail Code wherever extended to Subsidiary Jails, to the officers employed or to the prisoners confined therein shall be read as subject to the following modifications, namely, the word "Jail" or "Prison" occurring therein shall mean "Subsidiary Jail" or "Sub-Jail" and the various jail officers referred to therein shall refer to the corresponding officer or officers in a Subsidiary Jail, unless there is anything repugnant in the context.

Interpretation.
- 2.** Subsidiary Jails are established under clause (b) of section 2 of the Prisoners Act, 1900 (Act III of 1900), and section 541(1) of the Code of Criminal Procedure, 1898 (Act V of 1898), for the confinement of persons liable to be imprisoned or committed to custody under the said Code.

Establishment of Sub-jails.
- 3.** As no accommodation is provided for civil prisoners in Subsidiary Jails, such prisoners shall be forwarded on arrest direct to the District Jail or where there is no District Jail, to the Central Jail to which the Subsidiary Jail is affiliated.

Civil prisoners not to be admitted in to Sub-jails.
- 4.** Convicted prisoners shall not, except under the orders of the Inspector-General, be confined in a Subsidiary Jail for more than 14 days. Prisoners sentenced to longer terms of imprisonment shall be sent to the District Jail within 14 days as occasion occurs, whether the sentence is appealable or not ; but no prisoners shall be despatched who will not have at least a week to serve after arrival at the District Jail. If from any cause it is thought convenient that removal of prisoners from a Subsidiary Jail should be less frequent, reference shall be made to the Inspector-General. The jail to which prisoners shall be transferred from a Subsidiary Jail shall ordinarily be the District Jail at the head-quarters of the district, or, where there is no District Jail, to the Central Jail to which the Subsidiary Jail is affiliated, but on administrative grounds, prisoners may be sent to any other jail, if the Inspector-General should think it advisable. (But see Rule 163.)

Convicted prisoners to be kept in sub-jail ordinarily for 14 days. Jails to which prisoners to be transferred from subsidiary Jails.
- 5.** The Inspector-General may order—

 - (a) that a prisoners in a particular Sub-jail whose sentence does not exceed one month may pass the whole period of his imprisonment in that Subsidiary Jail ;
 - (b) that a prisoner sentenced to imprisonment may pass the whole or any period of his imprisonment in a Subsidiary Jail if his service are required therein for any special purpose, or if on account of his health or for any other reson it is not desirable to transfer him from there.

Inspector-General authorised to increase the period of stay of prisoners in Subsidiary Jail.
- 6.** If a convicted prisoner is under trial, or his evidence is required in another case, the operation of Rule 4 may be temporarily suspended in respect of such prisoner.

Cases in which Rule 4 may be temporarily suspended.

Staff of a Sub-jail.

7. For every Subsidiary Jail, there shall be a Superintendent, a Medical Officer who shall also be the ex-officio Deputy Superintendent, a Sub-Jailor, two Head Warders, and an adequate number of warders. One or more clerks may also be appointed, where necessary.

Executive charge of Sub-jail during absence of Superintendent.

8. Subdivisional Officer shall be the Superintendent of the Subsidiary Jail of his subdivision. During the absence of the Subdivisional Officer from his headquarters the Deputy Magistrate or the Sub-Deputy Magistrate left in charge, shall act as Superintendent of the Subsidiary Jail. If there is no Deputy or Sub-Deputy Magistrate, the Medical Officer who is the ex-officio Deputy Superintendent, shall act as Superintendent of the Subsidiary Jail in addition to his other duties.

Appointment of Medical Officer.

9. Any of the Medical Officers attached to a Subdivision shall, as detailed by the Chief Medical Officer of Health, be the Medical Officer and ex-officio Deputy Superintendent of the Subsidiary Jail.

NOTE.—The term "Medical Officer" shall include a Sub-Assistant Surgeon.

10. Deleted.

Warders in Sub-jail to belong to the establishment of the District Jail.

11. Head Warders and warders attached to a Subsidiary Jail shall belong to the establishment of the District Jail, or where there is no district Jail, of the Central Jail to which the Subsidiary Jail is affiliated, and shall be deputed to the Subsidiary Jail by the Superintendent of the District or Central Jail, as the case may be. They shall not ordinarily stay in a Subsidiary Jail for more than a year.

Salaries of Head Warders and warders.

12. The salaries of the Head Warders and warders shall be drawn by the Superintendent of the Subsidiary Jail from the local Sub-treasury.

Employment of Extra Establishment.

13. The employment of extra establishment shall be regulated by Jail Code Rules 18 to 20.

Establishment of extra warders by Superintendent.

14. When any special circumstances render necessary the employment of a large guarding staff than that sanctioned for a Sub-jail immediate application shall be made to the Inspector-General, who is empowered to sanction the employment of such extra guard as he may consider to be required. The Superintendent of the Subsidiary Jail shall, pending the receipt of sanction, make such arrangement for the security of the prisoners as appears necessary, and shall for this purpose utilise the services of the local police, or such other Government servants as may be available. Whenever any such arrangement is not possible, and in case of serious illness of a prisoner requiring his immediate removal to an outside hospital for treatment when the previous sanction of the Inspector-General cannot be obtained, the Superintendent may, subject to immediate reference to the Inspector-General, entertain in anticipation of sanction such number of extra warders as he may consider necessary.

14A. A report with the date of joining or relief, as the case may be, shall be submitted to the Inspector-General by the Superintendent when any officer above the rank of Head Warder joins duty or makes over charge at a Sub-jail.

Report to the I.G. of joining or relief of an officer at Sub-jail.

The Inspector General of Prisons.

15. The general control and supervision of all Subsidiary Jails are vested in the Inspector-General and all Magistrates and Subsidiary Jail Officers are required to obey the orders issued by him in all matters relating to the internal economy, discipline, and management of Subsidiary Jails. Any infringement of the rules or of the orders of the Inspector-General on the part of Magistrates and Superintendents, if continued after attention has been called to it, shall be brought by the Inspector-General to the notice of Government.

Infringement of rules or of orders of the I.G. by Magistrates and Superintendents.

16. The Inspector-General shall exercise full control over all expenditure in Subsidiary Jails, submitting annually to the Government, through the Accountant-General, a budget of funds necessary to their maintenance. All monthly and other bills for Subsidiary Jail expenses of every description except charges for public works which are regulated by the Public Works Department, shall be submitted to, and audited by him.

I.G.'s control over expenditure in Sub-jails.

17. The Inspector-General shall inspect some of the Sub-jails every year. The condition and management of Subsidiary Jails shall be reviewed by the Inspector-General in his Annual Administration Report.

Visit of Sub-jails by the I.G.

18. Deleted.

19. In respect of matters relating to sanction of expenditure, write-off of losses, sanction of temporary appointments, etc. in respect of Subsidiary Jails, the Inspector-General shall have the same powers as are detailed in Jail Code Rules 25, 26, 27 and 28.

I. G.'s power of sanction.

The Deputy Inspector General of Prisons—The Personal Assistant to the Inspector General of Prisons.

20. The rules contained in Chapter III, Sections II and III, of the Jail Code shall apply *mutatis mutandis* to Subsidiary Jails.

Certain rules of the Jail Code to apply to sub-jails

Travelling Auditor.

20A. As regards internal audit Jail Code Rules 43A and 43B shall apply to Subsidiary Jails.

Internal audit by Travelling Auditor.

21. Sanction 11 of the Prisons Act, 1894, has been applied to Subsidiary Jails. The Superintendent shall carry out the orders not inconsistent with the said Act or any rule made thereunder which may be given respecting the Subsidiary Jail by the District Magistrate. He shall report to him all important matters affecting the Subsidiary Jail.

Superintendent to carry out orders of the District Magistrate.

Direct correspondence between Sub-Jail and the Inspector - Genl. or the Supdt. of the District Jail.

22. All correspondence relating to a Subsidiary Jail, together with the bills and returns, shall be forwarded to the Inspector-General direct. All correspondence between the Superintendent of the Subsidiary Jail and the Superintendent of the District Jail shall also be carried on direct. Copies of correspondence on important matters, such as those referred to in Rule 34, shall be forwarded to the Magistrate of the District.

District Magistrate's visit to Subsidiary Jail.

23. The Magistrate of the district shall visit every Subsidiary Jail within his jurisdiction at least once a year, and shall report to the Inspector-General the state of each Subsidiary Jail. The principal points on which information should be furnished are— (a) the state of Subsidiary Jail building and whether the rules relating to sanitation have been properly carried out ; (b) the correctness of the register and the date up to which they have been posted ; (c) the state of the warder guard and the arrangements for guarding the Subsidiary Jail ; (d) the observance of the orders regarding the extra- mural employment of prisoners under Rule 133 and the manner in which prisoners have been employed extramurally ; (e) the form of labour adopted in the Subsidiary Jail ; (f) the number and kind of punishment ; (g) the arrangement for the transfer of prisoners to the District Jails ; (h) whether prisoners are properly fed and supplied with clothing and bedding both in the Subsidiary Jail and when transferred ; (i) the rates charged for rations as compared with the ruling market rates ; (j) the observance of the requiring the performance of Subsidiary Jail clerical work on the jail premises ; (k) the number of visits paid to the Subsidiary Jail by the Superintendent. The report shall be drawn up in Subsidiary Jail Form A (West Bengal Form No. 5147), and a copy of the report shall be entered in the Visitors' Book.

Ex-officio Sub-jail visitors.

24. For ex-officio visitors of Subsidiary Jail, see Jail Code Rule 55. For non-official visitors, see Jail Code Rules 56 and 57.

Board of visitors. Its duties and functions.

24A. The resident officers among the official visitors and the non-official visitors of each Subsidiary Jail shall form a Board. It shall have duties and functions as prescribed in Jail Code Rule 58.

Privileges and functions of visitors.

25. Visitors may call for all books, papers and records of every department of the subsidiary Jail. They should visit every part of the Subsidiary Jail premises, and see every prisoner. They should examine the Punishment Register and see that suitable punishments have been awarded and that they are properly recorded ; they should see that the prisoners are properly fed and clothed, and are supplied with bedding ; and they should ascertain generally whether rules and orders are adhered to. On arrival at the Subsidiary Jail they should muster the warder-guard, and see that the full number of men is present and that they are in proper uniform.

Visitors' Book.

26. A Visitors' Book shall be kept in which official or non-official visitors shall record the date of their visit, together with such remarks or suggestions as they may consider it desirable to make, and the Superintendent shall note the action taken by him in the column provided for the purpose, and forward a copy of this

record to the Inspector-General for such orders as may be necessary. When explanation is necessary, such explanation shall invariably accompany the copy. Whenever an official or non-official visitor records the long detention of an under-trial prisoner, a copy of his remarks relating to such matter shall be forwarded to the Magistrate of the district.

26A. A lady visitor shall be normally visit the female prisoners and the female yard only—see Jail Code Rule 62.

Functions of Lady Visitor.

27. The Superintending Engineer of the Division, the Executive Engineer of the district, or the local Assistant Engineer and their employees actually engaged in executing public works in jails shall have access to the jail during business hours to such an extent as may be necessary for purposes connected with the discharge of their official duties, but not otherwise. The officers named above may enter in the Visitors' Book their remarks with reference to matters connected with their department. But with the exception of such officers of Government as may be specified in this behalf and the official and non-official visitors, no person unconnected with the jail shall be admitted into it unless he is accompanied by, or has obtained the written permission of, the Magistrate of the district or the Superintendent of the Subsidiary Jail, or the Inspector-General.

Access of employees of Public Works Department to Sub-jail.

28. No police officer shall be permitted to interrogate a prisoner without the special permission of the Magistrate of the district, or of the Subdivisional Officer. This permission shall be given in the form of a written order addressed to the Deputy Superintendent or the Sub-Jailor. The Police Officer deputed to interrogate prisoner should not be below the rank of Sub-Inspector. The interview shall take place in presence of the Deputy Superintendent, Sub-Jailor or Head Warder, who, however, will, kept at such a distance that he may not hear the conversation which takes place.

Permission to police officer to interrogate prisoner.

The Superintendent.

29. The Superintendent shall visit the Subsidiary Jail at least twice a week. His visits shall be recorded in the Visitors' Minute Book, and an annual statement of the number of visits paid during the year shall be submitted to the Inspector-General with the Annual Administration Report through the Magistrate of the district.

Visit of Sub-jail by the Superintendent.

30. He shall be held responsible for the efficient management of the Subsidiary Jail in all its details and for the proper carrying out of the rules laid down herein, especially those relating to the health of the prisoners and keeping the premises in a sanitary condition.

Responsibility of Superintendent.

31. He shall see that the Monthly Bills and Returns are punctually submitted, that the registers are kept up to date, and that the circulars of the Inspector-General are properly filed in the Subsidiary Jail office.

Duties of the Superintendent.

Superintendent to examine the food given to prisoners.

32. He shall take every opportunity of examining the food issued to the prisoners, to ascertain that it is of good quality and given in accordance with the sanctioned scale. He shall satisfy himself that the prices paid for all articles purchased for the Subsidiary Jail are fair and responsible.

Orders of punishment to be recorded in Order Book and prisoner's history ticket.
W.B.F. No. 46.

33. He shall record in the Order Book and prisoners' history tickets all orders for punishment, and shall see that the punishments have been or are being carried into effect.

Superintendent to report to the I.G. breaches of jail rules, escape and recapture of prisoners etc.

34. He shall promptly report to the Inspector-General all escapes and recaptures, all serious breaches of Subsidiary Jail rules on the part of the subordinates and prisoners, all suicides and accidents, deaths, all outbreaks of epidemic disease or unusual sickness, and the measures taken to prevent their spread.

Superintendent's authority to suspend subordinates.

35. He is authorised to suspend any subordinate except the Medical Officer for serious misconduct. But the matter shall be reported immediately to the Inspector-General. In the case of a Head Warder or a warder, the Superintendent of the District Jail or Central Jail, as the case may be, should also be informed simultaneously. He shall report any misconduct on the part of the Medical Officer to the Inspector-General through the District Magistrate.

Superintendent's power to punish subordinates.

36. He is authorised to punish any subordinate below the rank of Medical Officer who is the ex-officio Deputy Superintendent in accordance with the provisions of Rule 55. The particulars of each case in which the punishment is awarded shall be properly recorded.

Superintendent to correspond with the Superintendent of District or Central Jail in certain matters.

37. In all matters relating to the warder guard he shall correspond direct with the Superintendent of the District Jail, and where there is no District Jail, with the Superintendent of the Central Jail to which the Sub-Jail is affiliated. A copy may be forwarded to the District Magistrate, when necessary.

The Medical Officer.

Duties of the Medical Officer.

37A. The Medical Officer shall be ex-officio Deputy Superintendent of the Sub-jail. When the Sub-Jailor is present, the Deputy Superintendent shall attend to his medical duties only at the Sub-jail and such other duties as may be assigned to him by the Superintendent. During the short absence of the Sub-Jailor, the Deputy Superintendent shall carry on the routine duties of the Sub-Jailor in addition to his medical duties.

Application of certain Jail Code Rules to Medical Officers in the Sub-jails.

38. Rules 92 to 99, and Rule 102 of the Jail Code shall apply *mutatis mutandis* to the Subsidiary Jails and to the Medical Officers employed therein.

38A. The Medical Officer will keep an account of the quantity of medicines received and expended each month. This account should be examined regularly by the Superintendent. He shall also maintain all registers and records connected with the medical administration of the Sub-jails.

Medical Officer to keep account of medicines received and expended and maintain connected registers.

39. The Medical Officer shall visit the Subsidiary Jail once every day and oftener, if necessary ; he shall record the time of his arrival at, and departure from the Subsidiary Jail daily in the Report Book (Register No.1). He shall also record in that book any matter of importance, and any observation, recommendation and order, that he may consider it necessary to make, concerning his charge. In the case of an order, the Sub-Jailor shall state on the right hand page in that book how the order has been carried out. The Report Book shall be seen by the Superintendent at his every visit for information and for passing orders where required.

Duties of Medical Officer.

40. The Medical Officer shall inform the Superintendent if it is necessary for him to leave the station.

Medical Officer to inform Supdt. before leaving station.

41. Deleted.

42. Deleted.

43. Deleted.

44. Deleted.

45. Deleted.

46. Deleted.

THE SUB-JAILOR

46A. There shall be a Sub-Jailor in each Sub-jail. The Sub-Jailor shall be appointed by the Inspector-General and shall not be dismissed by any officer subordinate to him. He shall furnish security as laid down in Jail Code Rules 227 and 228 in respect of a Deputy Jailor and shall execute a security bond (W.B.J. Form No. 90) as required in Jail Code Rule 237.

Responsibilities and duties of Sub-Jailor.

46B. The Sub-Jailor shall be the chief executive officer of the Sub-Jail and shall control the whole Sub-jail establishment subordinate to him under the orders of the Superintendent. He shall be responsible for the strict carrying out of all the rules in the Subsidiary Jail Code relating to the management of the Sub-jail and prisoners. He shall keep and Order Book (West Bengal Form No. 46) in which shall be entered all important matters concerning the Sub-jail as they occur.

46C. He shall reside in the quarters provided for him or if no quarters are provided, shall live as near as possible to the Sub-jail, so that he may be available for duty at all hours. He shall not absent himself from the Sub-jail premises or his quarters without the permission of the Superintendent and shall attend the Sub-jail at such hours as may be fixed by the Superintendent. He shall transact all work on the Subsidiary Jail premises and shall not remove any office register or record from there.

46D. He shall be responsible for the due performance of all the non-medical duties including the punctual preparation and despatch of all returns and bills required under Rule 260. He shall also be responsible for the safe custody of Government property, cash and records appertaining to the Subsidiary jail, as well as for the private cash and property of the prisoners under his charge. He shall have the immediate charge of the Subsidiary Jail in regard to its discipline, guarding and general management and shall secure the safe custody of all prisoners and enforce discipline among the prisoners and his subordinates. He shall conduct a thorough search of prisoners and the places of their confinement at least once a week at uncertain times. He shall report the sickness of any prisoner at once to the Medical Officer, and if a prisoner escapes, shall send immediate notice to the Superintendent and to the police. No Head Warder or warder or other persons shall be employed by him in writing up his books or performing his other clerical work, except the clerk, if there be any.

He shall also be held responsible for the economical management of the Subsidiary Jail in all respects. He shall personally make all disbursements of money, including pay of staff, on the Sub-jail premises. [See Jail Code Rules 242, 248 and 254.]

46E. He shall receive prisoners sent to the Subsidiary Jail from the court and shall acknowledge the receipt of the prisoners in the court lock-up register ; he shall likewise make over to the police any prisoner whose attendance at court has been ordered, and shall take from the senior officer of the police party an acknowledgement of delivery of such prisoner. The duty of receiving and making over of prisoners on transfer or otherwise also rests on him. All prisoners shall be searched by him or in his presence, after reception from or before being made over to the police, as the case may be.

46F. He shall issue the rations of each prisoner according to the sanctioned scale and see that the rations are properly cooked and distributed. He shall issue all raw materials required for manufacturing purposes, and shall take into his charge all manufactured goods. No Sub-jail officer or warder shall be permitted to act as the contractor for Subsidiary Jail

supplies, nor shall cooked food be supplied by these officials to any prisoner.

NOTE.—The Sub-Jailor's duties specified in Rules 46E and 46F cannot be delegated to the Head Warder, except when the Sub-Jailor is unable to attend to his duties for sickness, casual leave or some other cause.

46G. He shall pay surprise visit to the Subsidiary Jail on different nights and at different hours at least twice a week, and see that the guards on duty are alert, the guards off duty are present in the guard house, and that the prisoners are quiet. Such surprise visits shall be paid during day-time also. The dates and hours of these visits shall be forthwith recorded in the Order Book. He shall always be present when the Sub-jail is opened in the morning and locked up at night, unless he is sick or on leave in which case the cause of his absence shall be recorded in the Order Book which shall be produced before the Superintendent when he next visits the Sub-jail. He shall meet every prisoner individually daily, and on parade weekly, and attend to complaints promptly.

46H. He shall have the same uniform as prescribed for a Deputy Jailor and the uniform shall be supplied to him in the same manner as to a Deputy Jailor, vide Jail Code Rule 358. In the monogram, however, the word 'Sub-Jailor' shall be engraved and he should not be armed with sword. He shall, when on duty, appear in proper uniform and shall see that Head Warders and warders under his charge are clean and properly dressed.

46I. He shall be responsible for seeing that all steps as required by Rule 79A have been taken to ensure the safe custody of arms, ammunition and accoutrements etc., in the Sub-jail, and that these are always kept in proper working condition.

THE SUB-JAIL CLERK

47. The clerk shall be appointed by the Inspector-General and shall not be dismissed by any officer subordinate to him.

48. He shall attend at the Sub-jail at such hours as may be fixed by the Superintendent. He shall not absent himself from his duties without permission.

Duty hours of Sub-jail clerks.

Security of Sub-jail clerk.

49. He shall perform such clerical work of the Subsidiary Jail as may be assigned to him by the Superintendent or the Sub-Jailor. He shall furnish security amounting to Rs. 250 to be recovered by deductions from his pay at Rs. 3 every alternate month. He shall execute a security bond (West Bengal Jail Form No. 90) for the due performance of all duties required of him and shall be strictly bound by the conditions set forth in the bond. After registration, the bond shall be sent to the Inspector-General for safe custody, vide Jail Code Rule 237.

G.O. No. 2626/ P.J, dated 5-9-1929 and No. 1869/PJ, dated 21-5-1930.

50. He shall not be entrusted with the custody of the cash or other Government property, nor with any duties other than clerical duties. The Superintendent may, however, require him to maintain the cash book, combined pay bill and acquittance roll and contingent register.

51. The appointment of a clerk to assist in clerical work in no way relieves the Superintendent, the Deputy Superintendent or Sub-Jailor of any responsibility whatever.

52. Deleted.

SUBSIDIARY JAIL OFFICERS.

Jail Code Rules to apply generally to officers of Sub-jails.

53. Rules 160 to 194, Rules 199, 200, 207, 208 and 213 to 216 contained in Section VII of Chapter V of the Jail Code shall apply generally to the officers including Medical Officers employed in Subsidiary Jails. Rule 217 of the Jail Code shall apply only to Sub-Jailors and Sub-Jail clerks.

54. Deleted.

55. The Superintendent of a Subsidiary Jail may punish the Sub-Jailor, Sub-Jail clerk, Compounder, Head Warder or warder with formal reprimand. He may also punish Head Warders and warders with a fine not exceeding 3 day's pay. (See clauses (2) and (3) of Jail Code Rule 194.)

Offences of the warder staff not dealt with in sub-jail.

56. Any offence committed by a Head Warder or warder which can be disposed of departmentally but cannot be adequately punished under the preceding rule, shall be reported to the Superintendent of the District Jail or the Superintendent of the Central Jail, as the case may be, who may order such punishment under the Jail Code Rule 194 as is considered necessary and as he may be competent to inflict. If the Superintendent of the District jail is unable to deal with the case himself, he shall forward the proceedings to the Superintendent

of the Circle jail. The Superintendent of the District Jail may, if necessary, arrange for the immediate transfer of the offending officer to the District Jail.

57. Whenever a subordinate officer is accused of an offence deserving of dismissal, removal or reduction of pay, the procedure prescribed in Rule 194 of the Jail Code shall be followed.

Procedure when a subordinate officer is accused of an offence.

58. The procedure prescribed in Rule 199 of the Jail Code shall be followed when criminal prosecution of any subordinate officer other than a Medical Officer of a Subsidiary jail is decided on.

Procedure to be observed when prosecution is decided on.

59. The rules relating to Service Books, Service Rolls and Service Records are contained in Jail Code Rules 213 to 216. The Superintendent is responsible for ensuring that the prescribed entries are duly made.

60. W.B.J. Return No. 28 containing details of all changes in the warders' establishment and of all punishments, judicial or departmental, inflicted on the Head Warders or warders during the preceding month shall be furnished to the Superintendent of the District or Central Jail, as the case may be, not later than the 4th of each month.

Details of changes in the warders' Establishment and of punishments inflicted on them to be furnished to the Superintendent of the District Jail.

61. The Head Warders and warders are entitled to leave under the rules in force. All arrangements for granting leave shall be made by the Superintendent of the District or Central Jail, as the case may be, in accordance with Rule 221 and Rules 223 to 225 of the Jail Code. No leave, other than casual leave, shall be granted by the Superintendent of a Subsidiary Jail.

62. When a warder is sick or temporarily unable to do duty, his work shall be undertaken by the other warders in addition to their own. But when a warder is likely to be absent from duty for a long period, application should be made to the Superintendent of the District Jail or Central Jail, as the case may be, for a substitute. If more than one warder is disabled from duty, Rule 14 will apply to the case.

63. All Sub-Jailors, Sub-jail clerks, Head Warders and warders shall furnish security as laid down in Chapter V, Section VIII, of the Jail Code and a monthly deduction shall be made from the salary of each officer until the full amount of security required, is made up. The deduction to be made is as follows :-

Securities for Sub-jail office.

Sub-Jailor Rs. 5 monthly. Full amount Rs. 750.

Sub-jail clerk Rs. 3 every alternate month. Full amount Rs. 250.

Head Warder Re.1 monthly. Full amount Rs. 200.

Warder Re.1 every alternate month. Full amount Rs. 125.

The Superintendent shall see that the amounts so deducted are promptly deposited in the Postal Savings Bank and duly credited in each officer's security pass book (see Rule 227) and in the Register of Security Deposit (West Bengal Jail Register No. 38).

The pass books, service books and service records shall be kept by the Sub-Jailor at the Subsidiary Jail securely locked up and shall on no account be left in the hands of the Head Warders or warders.

NOTE.—New Savings Bank Account should be opened after a sum of Rs. 5 has been accumulated.

64. For the procedure to be observed on the death of an officer (see Jail Code Rule 234).

65. For supply of uniforms to Head Warders and warders (see Jail Code Rules 358 to 361). They shall, when on duty, be properly dressed in their uniform. All arrangements for the supply of uniforms and accoutrements shall be made by the Superintendent of the District or Central Jail, as the case may be, to whom indent for what is required should be submitted by the Superintendent of the Subsidiary Jail annually on the 20th February. A charpoy and box for keeping Government uniform shall be provided for each Head Warder and warder for his use while attached to the Subsidiary Jail.

66. The concessions sanctioned by Jail Code Rule 315 apply to Subsidiary Jails.

67. Head Warders and warders attached to Subsidiary Jails shall observe strictly the rules laid down for their guidance in the Jail Code as well as the rules contained in this Code. [See Jail Code Rules 191 and 192.]

68. Head Warders or warders shall not be employed in escorting prisoners to or from the Subsidiary Jail ; this duty shall devolve upon the police.

THE HEAD WARDER

69. The general duties of a Head Warder are laid down in Jail Code Rule 318.

70. The Head Warder shall ordinarily be present on the Subsidiary Jail premises throughout the day, and shall not absent himself without the permission of the Superintendent or Sub-Jailor. He shall be responsible for the cleanliness of the latrines, drains and compound.

G.O. No. 298/
H.J., dated
27-1-1941.

Employment of
warder staff in
escorting
prisoners to and
from jail.

Duties of Head
Warder.

Presence of Head
Warder in Sub-jail.

71. The Head Warder on duty shall personally discharge the important duty of opening the jail in the morning, and locking it up at night, and shall be present at the changes of guards during the day as well as at those specified in Rule 81 during the night and shall see that the number of prisoners made over to the relieving warder is correct.

Opening and locking up of a sub-jail to be done by Head Warder personally.
G.O. No. 3397/HJ/IJ/6/52, dated 20-9-52.

Of the two Head Warders in a Subsidiary Jail, either shall be on duty during one half of the day shall also superintend the change of guards at the end of at least two watches at night.

72. Deleted.

73. Deleted.

74. Deleted.

75. A Head Warder shall obey all the orders issued by the Superintendent and the Sub-Jailor and during their visits to the Subsidiary Jail, shall report to them fully all matters concerning the Subsidiary Jail that may have occurred since their last visit. He shall report the sickness of any prisoner at once to the Sub-Jailor and if a prisoner escapes, shall immediately inform the Sub-Jailor. He shall keep a note book in which he shall promptly note the issue from the godown or receipt therein of any materials, tools and stores, the name of the warder or warders on each watch and the time when each change of watch is made, the task done by each prisoner and any offence or matter which should be reported to the Sub-Jailor.

76. He shall, when on duty, appear in proper uniform and shall see that the warders under his charge are also in proper uniform. [See Jail Code Rules 177 and 347.]

77. In the event of an escape taking place, the Head Warder shall be held primarily responsible, unless he can satisfactorily prove that the escape was due to no laxity of duty on his part, and he will be liable to prosecution under Section 222 or 223 of the Indian Penal Code for any negligence which may have conducted to the escape. [See Jail Code Rule 325.]

Head Warder primarily responsible for escape of prisoner.

WARDERS

78. The general duties of a warder are laid down in Jail Code Rule 346.

Duties of warder.

79. Warders shall each carry a baton or at the discretion of the Superintendent a lathi while on duty (see Jail Code Rules 347 and 457). As regards use of fire-arms, Jail Code Rules 382 and 463 shall apply to Subsidiary Jails.

G.O. No. 2465/HJ, dated 31-10-1949.

ARMOURY, ARMS, ETC.

G.O. No. 2465/
HJ., dated
31-10-1949.

76A. Every Subsidiary Jail shall be provided with muskets generally not exceeding three. The rules relating to Armoury, Arms etc., contained in section XV, Chapter V of the Jail Code shall apply generally to the Subsidiary Jails. The muskets and ammunition shall be kept in the guard-room or any other place of safety near the main gate at the discretion of the Superintendent and with the approval of the District Magistrate.

To ensure secure custody the arms and ammunition shall be kept in a stout iron or wooden box of suitable size chained to rings embedded in the wall. The key of this box shall be kept by the Head Warder who shall be held responsible for the care and safe custody of all the arms, ammunition, accoutrements, etc.

GUARDING

Responsibility of
warder in
guarding.

80. The main principle to be observed in guarding is that every prisoners shall at all times, both by day and night, be in charge of some responsible officer, whose responsibility for an escape resulting from negligence can be proved in a Criminal Court. To effect this, it shall be a strict rule that the Head Warder shall daily at the unlocking of the wards, make over to the warder on duty a complete list of the prisoners in his charge. At every change of guard both the relieving and relieved warders shall together verify the number of prisoners, and the relieving warder shall not take over charge until he has ascertained for himself that the number of prisoners is correct. The Head Warder shall be answerable that the responsibility for the guarding of each individual prisoner is never divided between two or more officer, and if at any time such divided responsibility is found to have existed, the Head Warder shall himself be held to be guilty of negligence and shall be liable to such punishment as the rules of the Jail Code permit, or if a prisoner has escaped as a result of negligence, he shall be liable to prosecution under Section 223, Indian Penal Code.

G.O. No. 3397/ HJ.,
dated
20-9-1952.

81. For the purpose of guarding the Subsidiary Jail, the day shall be divided into seven watches and duties shall be divided as follows :-

	Watches.		Warders on duty.	
			Outside main gate.	Inside the jail.
Lock-up up to 9 p.m.	Nil	1 warder or more according to number of duty posts.
Rule 71.				
9 p.m. to 11 p.m.	Nil	Ditto.
11p.m. to 1 a.m.	Nil	Ditto.
1a.m. to 3 a.m.	Nil	Ditto.
3 a.m. to unlock	Nil	Ditto.
Unlock to 12 noon	1 Warder	Ditto.
12 noon to lock-up	1 Warder	Ditto.

One of the Head Warders shall, according to a duty roster, remain present at change of guards at the end of each watch. A senior warder may be temporarily employed on this duty if any of the head Warders is absent through sickness or Casual Leave or otherwise.

The wards shall be opened at dawn and closed at sunset throughout the year.

82. The warder on gate duty shall remain outside the main gate, the key of which shall be in his custody. He shall keep the gate always locked, except when authorised person are actually passing into or out of the Subsidiary Jail. He shall allow no prisoner to be taken out of the jail except under the orders of the Sub-Jailer, who shall be responsible for the custody of such prisoner. He shall keep two Gate Registers ; in one he shall record the names of all jails officers, prisoners and other persons who pass into out of the Sub-jail, and in the other he shall make notes of all goods, tools or stores passed either into the Sub-jail or out of it through the gate. He shall record the hour and minute of the entry and exit of every person and thing. He shall to the best of his ability prevent the improper removal of any property from within the Sub-jail of the introduction into it of any prohibited articles. [See Jail Code Rule 328.]

W.B.F. Nos.
4999 and 5000.
G.O. No. 2369/
H.J., dated
15-7-1941.

83. To prevent prisoners from escaping in a body by forcing open the main gate when it is necessary to open it, the gate shall be secured by a chain to the door post : the chain shall be long enough only to allow one person at a time to pass in or out through the gateway and shall be secured to the gate by a padlock so that it may be removed and the gate may be opened to the full extent when required. But the chain shall under no circumstances be removed until the gate-keeper has satisfied himself that all the prisoners have been securely locked up in the sleeping wards. This arrangement should apply where there is a single gate in a Sub-jail.

Where a double gate is provided the gate-keeper shall open only one gate at a time and shall never under any circumstances have both gates open. The first gate shall invariably be both carefully bolted and securely locked before the second gate is opened.

Neglect of this rule shall render the offending gate-keeper liable, for the first offence, to a fine of half a month's pay and for the second offence, to dismissal.

The Sub-Jailer shall also be held responsible for seeing that this rule is strictly observed.

A translation of this rule shall be hung up at the main gate for the guidance of the gate-keeper.

84. A warder on duty inside the jail shall be responsible for the safe custody, discipline and industry of all the prisoners placed in his charge. He shall during the night, patrol immediately round the sleeping ward or

Warder on duty to
be in immediate
charge of
prisoners.

wards in his charge. He shall not leave, the jail enclosure, until he has made over charge of his prisoner to another warder, posted in his place, in the presence of the Head Warder, whose duty it is under Rule 81 to supervise the change of guards.

Searching of prisoners and wards before lock-up.

85. Prisoners shall be locked up for the night at sunset. Before locking up prisoners the Head Warder shall thoroughly search all prisoners except female prisoners and the ward or wards, and see that no prohibited articles or any articles likely to facilitate escape are with them or in the ward. He shall also see that no ropes, bamboos, parts of appliance for work, or other things likely to help a prisoner to escape are left in the enclosure. All such articles must be removed outside.

86. The sentry on night duty shall be left locked within the main enclosure. The key of the main gate shall remain in turn in the custody of the officer whose duty it is to superintend the next change of sentries.

Entry into the female ward at night.

87. Between the time on locking up the wards and opening them in the morning, no Head Warder or warder shall enter the female ward or enclosure unless intimation is given that a female prisoner is committing suicide. If intimation is received that a female prisoner is seriously ill, information should be sent at once to the Medical Officer, who shall enter the female enclosure accompanied by a Head Warder and a female warder, if available, to arrange for such treatment of the prisoner as may be necessary. If intimation of attempt to commit suicide is given, the Head Warder shall enter the female ward accompanied by a least one warder and a female warder, if available, and take measures to prevent that act.

He shall at the same time send a warder to inform the Sub-Jailor, if the latter resides outside. If the Sub-Jailor resides on the Sub-jail premises, the keys of the female ward shall be kept in his custody during the night, and it is necessary to enter the ward of any time between the locking up and unlocking hours, the Sub-Jailor shall enter the female ward in company of the Head warder and one or more warders including a female warder, if available.

Lighting arrangements in wards.

88. In a Sub-jail where there is no electric installation, a kerosene hurricane lamp suspended from an iron rod 2.44 or 2.74 metres above the floor shall be kept burning in every sleeping ward actually occupied by the prisoner. The lamp shall be placed in position by means of a hook attached to the end of a bamboo. This bamboo rod shall be kept outside the ward in the charge of the warder on duty, and shall only be passed inside when the lamp requires to be taken down and trimmed or re-lighted. The quantity of kerosene oil allowed for each lamp will be from 87 ml. to 117 ml.

89. A hurricane lantern shall be allowed for the use of the Head Warder on his rounds at night ; it shall be kept lighted in the guard house when not so used.

90. When a prisoner escapes, the Superintendent shall at once hold an enquiry, and the warder who was placed in direct charge of the prisoner under the above rule should, if there be *prima facie* evidence, be sent up for trial under Section 222 or 223 of the Indian Penal Code. If it is found that the escape was the result of any neglect of rules on the part of the Head Warder he should also be sent up for trial.

Trial of warder at fault on prisoner's escape.

91. Every escape shall be reported at once to the local police and to the Magistrate of the district, with a descriptive roll containing particulars sufficient for the identification of the prisoner. Particulars shall also be given as to his usual place of residence. [See Jail Code Rule 476.]

Intimation of prisoner's escape to the District Magistrate and to the police.

92. A separate report of the escape and re-capture of each prisoner shall be submitted in West Bengal Jail Form Nos.25 and 26 to the Inspector- General, and a copy of this report shall be sent to the Superintendent of the Central Jail of the circle. In the case of an escape that does not arise from mere negligence, but from some defect in the building or in the jail rules, such defect shall be pointed out. The Superintendent of Subsidiary Jail may advertise rewards up to the limit laid down for the apprehension of escaped prisoners in Rule 479 of the Jail Code. [See also Jail Code Rule 478.]

Report of escape and re-capture of prisoner to be submitted to the I. G. and reward for re-capture advised. W.B.F. Nos. 5083/5084. G.O. No. 8733/ R.J., dated 20-8-1925.

93. Every jail official through whose aid, connivance or negligence an escape takes place shall be prosecuted under Section 222 or 223 of the Indian Penal Code. On no pretext whatever shall offences connected with escapes be treated as simple breaches of jail rules.

94. Broken glass must not be fixed on the top of the outer walls of a Subsidiary Jail as it affords a hold for a blanket or for cloth thrown on to the wall, and thus facilitates escapes and there shall be no cornice or projection on the top of a wall, which should be rounded or sloped to an edge. At every junction of a partition wall with the outer wall of a Subsidiary Jail, there shall be a semi-circular addition to the outer wall of sufficient dimensions, to prevent a prisoner from scaling it when standing on the partition wall. [Vide Jail Code Rule 488.]

Fixing of broken glass on top of outer walls is prohibited.

94A. Alarm parades shall be held in the Subsidiary Jails at least once a month on the lines indicated in Jail Code Rules 464 to 474 so far as they are applicable. Every Subsidiary Jail shall have, an alarm scheme drawn up in consultation with the Superintendent of Police and approved by the Inspector-General.

Alarm parade.

ADMISSION OF PRISONERS

95. No prisoner shall be admitted into any Subsidiary Jail except on a writ, warrant or order signed by a competent authority. If there is no such order, writ or

Admission of prisoner.

warrant, the Sub-Jailor shall refer the matter to the Superintendent. After lock-up, the Sub-Jailor should not receive any prisoner, except on the special written order of the Subdivisional Magistrate, or, during his absence from headquarters, of the Subordinate Magistrate in charge of current duties of his office, or of the Magistrate trying the case.

Verification of prisoner's name and other particulars.

96. The Sub-Jailor when examining a prisoner after admission shall question him and satisfy himself that his name and other particulars correspond with those entered in the writ, warrant or provisional order.

Date of release to be calculated and entered in the writ, warrant or order.

97. If a writ, warrant or order is drawn up in proper form in accordance with the High Court's orders on the subject, the Sub-Jailor shall assume that the entries contained in it are correct, and shall carry out such orders as it may contain. The date on which a prisoner should be released shall be calculated by the Superintendent, and entered by him on the writ, warrant or order.

Warrants to be arranged according to the dates of prisoner's release.

98. All warrants shall be kept in a bundle in the order of the dates of release, the warrant of the convict to be first released being at the top of the file. This bundle shall be examined daily by the Sub-Jailor to see what prisoners are to be released. Any neglect of this rule will render the Sub-Jailor liable for the payment of any compensation that may be awarded to any prisoner who has been detained after the expiry of his sentence. Prisoners should be released by the Sub-Jailor soon after sunrise on the day on which their release is due.

Prisoners to be medically examined on admission.

99. All prisoners shall be medically examined on admission. [See Jail Code Rule 505.]

Details of each newly admitted prisoner to be recorded in Registrar No. 6 or 8.

100. The Sub-Jailor shall record or cause to be recorded full details of each newly admitted prisoner, convicted or undertrial, in West Bengal Jail Register No. 6 (West Bengal Form No. 4983) or in West Bengal Jail Register No. 8 (W. B. F. No. 4985) as the case may be. All the columns in the registers should be properly filled in. [See J. C. Rule 511.]

Prisoners to wash themselves, and their clothing.

101. Prisoners shall wash themselves and their clothing. [See Jail Code Rule 506.]

Vaccination of newly admitted prisoners.

102. Newly-admitted prisoners shall be vaccinated. [See Jail Code Rule 508.]

Convicted prisoners to be supplied with jail clothing and bedding.
G.O. No. 5135-Pd.,
dated 13-11-1930.

103. Convicted prisoners shall be supplied with jail clothing and bedding (obtained from the District Jail or from the Circle Jail to which the Subjail is affiliated. [See the scale prescribed in Chapter XXXVIII of the Jail Code.] The Rules for the treatment of prisoners in Divisions I and II in Chapter XXXV of the Jail Code shall apply to such prisoners confined in Subsidiary Jails.

104. (a) Rules 651, 1054 and 1064 of the Jail Code shall apply to Subsidiary Jails. All prisoners confined therein shall wash their clothings once a week to keep them clean. Washing soda or soap shall be supplied to them according to the division to which the prisoner may belong.

Bathing of prisoners and washing of their clothes.

(b) Means of bathing shall be provided within the Subsidiary Jail, and prisoners, whether convicted or undertrial shall not be taken outside to bathe. Prisoners shall be allowed to bathe once a day before the morning meal. Bathing out of hours is forbidden.

105. Prisoners confined in Subsidiary Jails shall be filled with history tickets. Entries in these tickets shall be made by the officer concerned, namely, Sub-Jailor, Medical Officer or Superintendent as prescribed in Rules 549 to 558 of the Jail Code.

Entries in prisoner's history ticket.

106. All prisoners shall be thoroughly searched on admission ; simple imprisonment prisoners may retain their clothes ; under-trial prisoners may retain their clothes, bedding and shoes—See Jail Code Rule 504.

Search of prisoners on admission.

107. Prisoners' property shall be disposed of as prescribed Chapter X of the Jail Code.

108. The correctness of property lists shall be verified by the prisoner—See Jail Code Rule 514(2).

ROUTINE

109. Whenever the Sub-Jailor or any officer of superior rank visits or passes a gang of prisoners, the prisoners shall salute at the word of command as follows : 'Squad, Attention'—If prisoners are marching, they shall stand still at attention, with their feet together and arms hanging down by their sides, with the fingers extended, the palms facing inwards ; if they are working, they shall stop work and remain in their places : if otherwise, they shall stand up. 'As you were'—They shall resume work or continue marching or sit. The word of command will be given by the officer-in-charge of the gang.

Words of command uttered when superior officer visits or passes a gang of prisoners.

G.O. No. 32 H.J.
dated 7-1-1938.

110. All loud talking and quarrelling in Subsidiary Jails are prohibited. Playing of games and singing at suitable hours may be allowed at the discretion of the Superintendent having regard to the limitations of space or guarding facilities and subject to the approval of the Inspector-General. For a classified list of prison offences—See Jail Code Rule 705.

Loud talking and quarrelling in Sub jail prohibited.

111. Regarding facilities for religious observances—See Jail Code Rules 689 to 694, 696, 701 and 702.

Religious observances.

112. The prisoners of Division III shall have facilities of cutting hair as provided in Rule 651 of the Jail Code.

Facilities for cutting of hair.

Prohibited articles.

G.O. No. 5135-P.J.,
dated 12-11-1930.

113. The rules relating to discipline and prohibited articles contained in Jail Code Rules 504, 544, 649, 650, 657, 658, 659, 660 and 661 shall apply to Subsidiary Jails. The provisions of sections 42 and 52 of the Prisons Act (IX of 1894) have been extended to Subsidiary Jails.

CALCULATION OF THE DURATION OF SENTENCES AND DATES OF RELEASE.

Calculation of sentences.

114. Unless stated in days sentences shall be calculated in calendar months and years. See Jail Code Rule 524.

Calculation of consecutive sentences.

115. The period of sentences of imprisonment to be served consecutively is calculated on the sum of such sentences—See Jail Code Rule 527.

Order of sentence.

116. The order of sentences imposed at one trial is as the Court directs—See Jail Code Rule 515.

Order of subsequent sentences.

117. For the order of subsequent sentences—

(i) On a convicted criminal—See Jail Code Rule 515.

(ii) On an escaped convict—See Jail Code Rule 520.

(iii) On a person detained in default of security—See Jail Code Rule 517.

Calculation of sentence in case of prisoners' enlargement on bail.

118. The period of enlargement on bail, etc., is to be added to the term of sentences—See Jail Code Rule 525.

Sentence to count from the date of imprisonment.

119. When an Appellate Court modifies a sentence, or passes a sentence under a new section, such sentence counts from the date of imprisonment under the original sentence—See Jail Code Rule 522.

Counting of sentences when the first of two or more sentences is annulled.

120. When the first of two or more sentences is annulled, the second sentence counts from the date of imprisonment under the first sentence—See Jail Code Rule 521.

Serving of imprisonment in default of fine.

121. Imprisonment in default of payment of fine is to be served after any substantive sentence—See Jail Code Rule 532 and section 398, Criminal Procedure Code, 1898.

Calculation of remission of sentence on part payment of fine.

122. For the calculation of remission of sentence on part payment of fine—See Jail Code Rules 528 and 529.

Fine imposed on prisoner not to be received by Sub-jail by authorities.

123. The Superintendent or the Sub-Jailor is not authorised to receive a fine offered at the Subsidiary Jail, and shall refer any person tendering it to the Court of the Magistrate who imposed the fine. The Superintendent shall calculate the change in the date of release consequent on the payment of the whole or any portion of

the fine. Notice of payment of fine shall ordinarily be sent to the Subsidiary Jail by the Magistrate imposing the fine ; but in the absence of the Magistrate, such notice may be given by the Court Sub-Inspector of Police who will also state on what date the prisoner should be released. On the last day of every month a list of all notices of payment of fine received in the Subsidiary Jail during the month, specifying dates of payment, names of convicts and amounts said to have been paid, shall be sent to the Subdivisional Officer for verification.

124. Deleted.

125. Deleted.

126. Deleted.

127. Deleted.

128. Deleted.

EMPLOYMENT

129. Jail Code Rule 782 shall apply to Subsidiary Jails, and no prisoner confined therein shall labour for more than 9 hours a day, and no work except menial and necessary work shall be done on Sundays and on Jail holidays.

Hours of duty of a prisoner.

G.O. No. 2005-R.G., dated 28-2-1924.

130. As regards hours of labour, Jail Code Rule 783 shall apply.

Hours of labour.

131. Regarding classification of labour, Jail Code Rule 784 shall apply to Subsidiary Jails.

Classification of labour.

132. (a) All convicts sentenced to rigorous imprisonment shall, if physically fit, be kept on hard labour till their release or removal, and every Subsidiary Jail should be provided with such apparatus as may be considered suitable for giving effect to this rule. No prisoner, except prisoners doing scavenging work and cooking, should be made to work on Sundays and Jail holidays.

Prisoners exempted from working on Sundays and Jail holidays.

(b) The task to be performed shall be measured or weighed out to each prisoner before he begins to work.

(c) Arrangements should be made for the daily supply of such raw materials as are required, and for the sale of the articles produced, wherever necessary. Purchase of supplies in bulk or accumulation of stock is prohibited, except, in special circumstances, in Subsidiary Jails where proper godown accommodation exists.

133. Prisoners should be employed in keeping the jail compound clean and for other extramural duties, e.g., drawing water, working in the garden, if any, etc. They

Employment of prisoners extramurally.

should not be employed beyond the jail precincts. The Superintendent and the Sub-Jailor shall take special care that convicts, extramurally employed, are properly guarded against escape or communication with outsiders, and against obtaining forbidden articles.

No prisoners shall be employed in carrying provisions from the market. Warders may be utilised for this purpose, unless the load to be carried necessitates the employment of a mazdoor.

When prisoners are employed extramurally, the Superintendent will record his consent in writing and the Sub-Jailor will daily note on the Order Book (Rule 237) the number of prisoners extramurally employed, the length of time they are so employed, and the exact nature of work on which they are engaged.

In no case should prisoners who are under sentence of imprisonment for a period exceeding six months, or are awaiting transfer to the District Jail, be employed extramurally.

No prisoner shall be passed out of the jail for extramural work without the sanction of the Superintendent recorded on his history ticket ; and every prisoner so passed who is not a convict officer, shall wear an iron ankle ring.

NOTE.—Discretion should be exercised not to pass out prisoners who have shown, or are likely to have a strong inclination to escape.

Employment of prisoners on private affairs.

134. The employment of prisoners as private servants or in carrying water for the private use of any officer of the jail, is strictly forbidden.

Employment of convict watchmen as overseers and their privileges, uniform, etc.

134A. Jail Code Rules 395 and 396 which lay down the qualifications for eligibility of a convict watchman for promotion to the rank of a convict overseer, Rule 398 which fixes the proportion of convict overseers to jail population, Rule 399 which enumerates the duties to be performed by convict overseers, Rule 400 which prescribes their uniform, Rule 401 which deals with their privileges and Rule 402 which deals with punishment shall, as far as practicable, apply to convict watchmen and overseers of Subsidiary Jails.

Tasks to be performed by prisoners.

135. Prisoners confined in Subsidiary Jails shall as far as practicable, perform the tasks mentioned in Jail Code Rule 789.

INTERVIEWS, LETTERS AND APPEALS

136. Deleted.

Interviews and Communications with prisoners.

137. (a) Interviews with and letters of convicted and undertrial prisoners confined in Subsidiary Jails shall be regulated by the relevant rules contained in the Jail Code. [See J. C. Rules 663 to 688B.]

(b) But prisoners in Subsidiary Jails with sentences of imprisonment for more than a week but less than a fortnight may be allowed one interview with their relatives or friends.

138. (a) If any convicted prisoner who is entitled to appeal intimates that he wishes to do so, application shall at once be made to the convicting court for a copy of the judgment. If the copy of the judgment is received before the prisoner is transferred to the District Jail or the Central Jail, as the case may be, his appeal shall be prepared and submitted to the Appellate Court without delay. If the copy of the judgment is received after the transfer of the prisoner it shall immediately be forwarded to the District Jail or the Central Jail, as the case may be. The fact of application for copy of judgment or of appeal being made shall be recorded on the prisoner's history ticket.

Prisoners wishing to appeal.

(b) Regarding the form of petition of appeal See Jail Code Rule 604.

139. Deleted.

SIMPLE IMPRISONMENT PRISONERS

140. Prisoners sentenced to simple imprisonment confined in Subsidiary Jails are to be subjected to a minimum of severity. They shall be allowed to wear their own clothes. [See J. C. Rule 938.]

Simple imprisonment prisoners—their treatment, clothing and employment, etc.

141. Such prisoners shall be supplied with jail bedding, etc., and shall keep their clothing and yards clean if accustomed to such work. [See J. C. Rules 939 and 940.]

142. Deleted.

143. They may volunteer to labour. [See J. C. Rule 942.]

Simple imprisonment prisoner may volunteer to labour.

FEMALE PRISONERS AND CHILDREN

144. Female prisoners must be completely segregated from male prisoners, and under-trial prisoners should, whenever possible, be kept separate from prisoners who have been convicted. If there are no separate wards for this purpose, these two classes may be kept together. When a female prisoner is sentenced to imprisonment for more than seven days, and there are no other female prisoners in the Subsidiary Jail, she shall be transferred to the District Jail on the following day if possible or as soon as a special escort is provided for the purpose. Should there, for any reason, be delay in making the transfer, the Superintendent shall arrange to entertain a female extra warder. There shall be a female warder in the Subsidiary Jail whenever there is a female prisoner, convict or undertrial. Formal sanction

Female prisoners to be kept segregated from males.

of the Inspector-General shall be applied for after first day of each month to the employment of extra female warders during the preceding month.

Female
prisoners'
children.

G. O. No. 942
TR., dated
20-6-1923.

145. They may keep with them their children up to the age of 4 or with Superintendent's approval up to the age of 6 years. The children shall be allowed such diet as the Medical Officer may order for them, and shall be provided with suitable clothing. [See J. C. Rule 957.]

UNDERTRIAL PRISONERS.

Undertrial
prisoners—their
classification,
treatment,
employment, etc.

G. O. No.
5135 P.J., dated
13-11-1930.

146. Undertrial prisoners shall be interfered with as little as possible consistent with the maintenance of orders and discipline. [Vide J. C. Rule 922.] As regards their classification—see Jail Code Rule 617B.

147. Such prisoners shall be allowed to use their own clothing and bedding. [See J. C. Rules 504 and 913.]

148. Deleted.

149. They shall be permitted to maintain themselves, but not to make over any part of their food, etc., to other prisoners. [See J. C. Rules 923, 924 and 926.]

150. Clothing and bedding may, if necessary, be supplied to them from the Subsidiary Jail. [Vide J. C. Rule 925.]

Test identification
of undertrial
prisoners.

151. For test identification on undertrial prisoners detained in Subsidiary Jails instructions contained in Jail Code Rule 913 shall be followed.

Undertrial
prisoners
discharged from
Court to be
recorded in the
register.

152. When an undertrial prisoner who has been sent to Court for trial is discharged from the Court, notice of discharge and the reason therefor shall be communicated to the Superintendent for necessary record in the register of prisoners.

Submission of
return regarding
long detention of
undertrial
prisoners. W. B. F.
No. 5046.

153. A return of prisoners who have been detained in the Subsidiary Jail under trial for more than a fortnight shall be sent (in W. B. J. Return No. 27) by the Superintendent to the District Magistrate on the 15th and the last day of each month. It is not necessary to include in this return prisoners committed to the Court of session.

G. O. No. 821/H.J.
dated 13-5-1947.

A return of prisoners who have been detained under trial for more than three months shall also be submitted to the Inspector-General in West Bengal Jail Form No. 27 in the first week of each month.

G. O. No. 1225
H.J., dated
4-6-51.

The Inspector-General shall thereupon call the attention of the District Magistrate concerned to the cases of long detention for early action, sending a copy of the return.

RELEASE

- 154.** Prisoners shall not be released after lock-up. As regards the procedure which shall be followed before and on release see Jail Code Rules 573, 578 and 579. Procedure before and on release.
- 155.** Prisoners shall be released on Saturday if their date of release falls on Sunday [See J.C. Rule 574]. Release on Saturday if due on Sunday.
- 156.** As provided in Sub-rules (1), (4) and (9) of Rule 579 of the Jail Code in certain cases, subsistence allowance may be given to prisoners on release. Subsistence allowance.
- 157.** Rules relating to free passes on the "Credit Note System" will be found in sub-rule (2) of Jail Code Rule 579 and Jail Code Rule 1369. These rules shall be observed in Subsidiary Jails. Issue of free passes to released prisoners.
- 158.** Boat hire and cart hire may be allowed to released prisoners in certain cases. Sub-rules (3) and (5) of Jail Code Rule 579 which deal with the matter shall be observed. Conveyance allowance.
- 159.** The procedure laid down in sub-rule (7) of Rule 579 of the Jail Code shall be followed when a female prisoner confined in a Subsidiary Jail is to be released. Procedure for release of female prisoner.
- 160.** Jail Code Rule 591 defining the circumstances and regulating the conditions under which prisoners who are seriously ill or are moribund may be released, and Jail Code Rule 596 providing for transfer in certain cases of such prisoners to the jail of the district in which their friends or relatives reside shall apply to prisoners in Subsidiary Jails who are seriously ill or in moribund conditions. Release of convicted prisoner moribund or seriously ill.
- 161.** Prisoners detained in Subsidiary Jails in default of furnishing of security may be released by the Magistrate of the district if they are likely to die, and in such cases Jail Code Rule 593 shall be followed. Release of dying prisoner who is detained in default of security.
- 162.** Warrants of released or dead prisoners are to be returned to the Court of issue. (See J.C. Rule 583). Return of warrants of released or dead prisoners to Court.
- 162A.** The remission rules as prescribed in Jail Code, Chapter XXI, shall apply to prisoners coming under the remission system in sub-jails. Application of Remission Rules to Prisoners in a Sub-jails.

TRANSFER OF PRISONERS.

- 163.** Transfer of convicted prisoners from the Subsidiary Jails to the respective District Jails or Central Jails, as the case may be, shall be effected subject to the following exceptions. Prisoners from Uluberia Sub-Jail should be transferred to the Presidency Jail, and those from Balurghat, Malda, Islampur and Raiganj Sub-Jails should be transferred to the Berhampore Central Jail. Prisoners from the Transfer of prisoners from Sub-jails to District Jails.

Sub-Jails in the district of Bankura should be transferred to the Midnapore Central Jail. The hillmen prisoners of Siliguri Sub-Jail should be sent to Darjeeling Jail and other prisoners to the Jalpaiguri Jail.

The periodicity of transfers from Sub-Jails to the appointed jails shall be determined by the Inspector-General to meet the situations as they occur from time to time.

Prisoners to be medically examined before transfer.

164. No prisoner shall be transferred—

- (1) until he has been certified by the Medical Officer as physically fit to undertake the journey ;
- (2) while cholera or other dangerous epidemic disease is prevalent in either the transferring or the receiving institution or until one clear week after the total disappearance of such disease, unless the Medical Officer of the receiving jail sees no objection to such transfer.

No transfer when there is outbreak of epidemic disease.

Note to clause (2).—In case a prisoner is required to be transferred to give evidence in court or to undergo trial, the transfer shall be effected unless the Medical Officer considers it unsafe to do so, in which case the court should be requested in time to postpone the date of production of the prisoner. [See J. C. Rule 843.]

Transfer of prisoners other than the district Jail.

165. When a Subsidiary Jail is unable to transfer prisoners to headquarters in consequence of the prevalence of epidemic disease or over-crowding in the District Jail, and is itself over-crowded, the Superintendent will take steps, if possible to find necessary accommodation in some other buildings, and may, subject to the sanction of the Inspector-General, entertain extra warders locally for the special guarding of prisoners who are kept outside the Subsidiary Jail. Any action taken under the rule shall be at once reported to the Inspector-General.

NOTE.—If any building is used for the above purpose, steps should be promptly taken to declare it under section 3(1) of the Prisons Act 1894 as a jail or under section 541(1) of the Code of the Criminal Procedure 1898 as a place for the detention of prisoners, as occasion arises.

Special Escort.

166. Whenever a special escort is required the Superintendent shall send a requisition for such escort in accordance with the provisions of Rule 867 of the Jail Code.

Immediate transfer of certain classes of prisoners.

167. Any convicted prisoner who is a notorious dacoit or thief, or any prisoner who has already broken jail, or is likely to break jail, may be sent at once under special escort to the District Jail or the Central Jail as the case may be, and if a large number of prisoners are convicted together so that the Subsidiary Jail is over-crowded, they shall be sent away at once.

168. On the day any prisoner is to be transferred he shall be examined by the Medical Officer, who shall furnish a certificate in W. B. J. Form No.13 that such prisoner is in a fit condition to travel, and shall specify the mode of conveyance and the route to be taken. Prisoners shall not be allowed to travel along a route where a grave epidemic disease is prevalent. [See J. C. Rule 862.]

Medical Officer to certify the fitness of a prisoner's travel. G. O. No. 3546-HJ., dated 27-10-1941.

169. As provided in Rule 874 of the Jail Code special means of conveyance shall be provided for the carriage of any prisoner in whose case the Medical Officer certifies that such conveyance is necessary.

Conveyance allowed to certain prisoners.

170. Every convicted prisoner during transit shall be allowed to wear his private clothing and shall be provided with jail bedding, eating and drinking vessels. If he has no private clothing or if it is unfit for use he shall be provided with clothing on the scale mentioned in Jail Code Rule 863.

Convicted prisoners in transit to be provided with clothing and bedding.

Under-trial prisoners in transit shall be provided with clothing and bedding if their own is insufficient.

171. Convicted prisoners, while in transit from any Sub-Jail shall be supplied with rations etc. or a money allowance as prescribed in the Jail Code Rule 864.

Rations or money allowance for prisoner on transit.

172. Deleted.

173. Prisoners shall be searched before transfer. [See J. C. Rule 869.]

Search of prisoners before transfer.

174. As provided in Jail Code Rule 877, reserved compartment shall be used where prisoners are insane, violent or dangerous, or when more than one prisoner is transferred by railway.

Reserved accommodation for prisoners transferred by rail.

175. When making over prisoners to the escort, the Superintendent shall make over money for expenses, railway warrants, credit notes and documents, etc. [See Jail Code Rule 872.]

Money to be given to escorts for travel expenses of prisoners.

176. A prisoner who wilfully commits any of the acts enumerated in the Jail Code Rule 705 shall be deemed to have been guilty of breach of Subsidiary Jail Regulations and to have committed a prison offence.

Prison offences.

176A. The Superintendent may refer to the Magistrate for enquiry certain offences committed by prisoners—See J. C. R. 706.

Superintendent to refer to Magistrate for enquiring certain offences under the I.P.C.

176B. The Superintendent may award punishments to prisoners for prison offences as provided in Jail Code Rule 708. If owing to inadequate arrangements in a Sub-Jail, it is not possible to execute the punishment awarded to a prisoner, he shall be transferred to the District Jail or the Central Jail concerned for serving out the punishment.

Punishments which the Superintendent is competent to award.

Sub-Jailor's power to put mechanical restraint in urgent necessity.

176C. In case of urgent necessity the Sub-Jailor may place a prisoner under mechanical restraint but shall forthwith report the action taken to the Superintendent. [See J. C. Rule 708B.]

Punishment to be recorded.

176D. Every infringement of the jail rule shall be brought to the notice of the Superintendent who will have the right to ignore it if satisfied that the infringement was committed through ignorance or excusable carelessness. But, if after enquiry he finds the breach to be an offence he shall award some punishment and have it recorded in the Order Book. [See J. C. Rule 709.]

Formal warning.

176E. Except in every exceptional cases, the punishment for a first offence should be a first formal warning. [See J. C. Rule 710.]

Change of labour.

176F. Minor punishment of change of labour can be awarded only to prisoners undergoing rigorous imprisonment. [See J. C. Rule 711.]

Forfeiture of remission for petty offences.

176G. Punishment of forfeiture of remission earned may be awarded for petty offences. [See J. C. Rule 712.]

Handcuff.

176H. Handcuffs imposed by way of punishment shall be of the same specification as mentioned in Rule 716 of the Jail Code.

Imposition of handcuffs.

176 I. Handcuffs may be imposed on the wrists in fornt, by day or night, for a period of not more than 12 hours at a time with intervals of not less than 12 hours between each period and for not more than four consecutive days or nights. [See J. C. Rule 717.]

No punishment of change of labour without a certificate from Medical Officer.

176J. No punishment of change of labour shall be executed until the prisoner to whom such punishment has been awarded has been examined by the Medical Officer and certified by him to be fit to undergo such punishment. [See J. C. Rule 732.]

No handcuffs or fetters to female prisoner.

176K. No female prisoner shall be liable to any form of handcuff or fetters as a punishment for any prison offence. [See J. C. Rule 730.]

Award of punishment to be recorded in the Order Book.

176L. The award of every punishment under Rules 176A to 176K above shall be recorded in the Order Book (West Bengal Form No. 46) in which shall be entered the date of the punishment, the number and name of the prisoner, whether he is a convict or is under trial, the jail offence committed, the name of the officer who proves the offence and the punishment awarded.

DIET.

177. All prisoners shall have three meals a day—See Jail Code Rule 1093.

178. For diet scales etc. of prisoners—See Jail Code Rules 1094 to 1101.

179. Deleted.

180. Deleted.

180A. Deleted.

181. Deleted.

182. Deleted.

183. In Sub-Jails in which there is proper godown accommodation, non-perishable articles may be stored at the cheapest season. Regular contract for getting the supplies at the fixed rates after inviting tenders, as prescribed in Jail Code Rule 1121, shall be made in all Sub-Jails. The period of contract shall not ordinarily exceed six months. The acceptance of all tenders shall require the approval of the Inspector-General, and no article shall be obtained from any contractor until this approval is taken. All the accepted items of the tender shall be entered in the 'Tender and Contract Form' (W.B.J. Form No. 5155) and the contract deed shall be forwarded to the Inspector-General for his signature. All contract deeds shall be kept in the office of the Sub-Jail very carefully for purposes of audit and other references.

Purchase and storage of grains and other supplies.

184. Prisoners under observation or sick in hospital shall receive such diet as the Medical Officer considers necessary.

Diet of sick prisoners.

SANITARY MATTERS.

185. The general sanitary principles enunciated in Chapter XXXIX of the Jail Code apply *mutatis mutandis* to Subsidiary Jails.

Sanitary principles of J. C. to apply.

186. The use of the night latrine, except in cases of actual necessity, should be discouraged. The latrines shall be cleaned at 6 a.m. and again at 5 p.m., and the dry-earth system shall be carefully carried out in all its details except where flush out latrines are provided. The whole of the subsidiary Jail premises shall be swept and cleaned at least once a day, and the internal walls of the barracks, work sheds and latrines shall be white-washed once a year.

Use of night latrines.

187. Convicts who have served half their sentences or have not more than six months of unexpired sentence shall, if willing to do scavenging works, be sent to Subsidiary Jails to carry out the conservancy of these Jails. Application for such a convict shall be

Sweeper convicts.

made by the Superintendent of the Subsidiary Jail direct to the Superintendent of the District or Central Jail to which the Subsidiary Jail is affiliated. If no such convict is available in a District Jail to which the application is made, the Superintendent of that jail shall forward the application to the Superintendent of the Circle Jail. If no such convict is available in either the District or Circle Jail, the Superintendent of the Subsidiary Jail may employ outside labour, adjusting the charge as contingent expenditure and shall submit to the Inspector-General application in W.B.J. Return No. 15 (West Bengal Form No. 5152) for sanction of the expenditure.

Water Supply.

188. Water should be obtained from the purest source of supply available in the neighbourhood. If water is obtained from a jail well, its mouth must be covered with a strong water-tight wooden platform sloping downwards from the centre so as to prevent leaves or any organic substance falling into it, also accidents or suicides ; and there must be a platform round it, with a drain to carry off all spilt water. The aperture in the well cover for drawing water must never exceed 20 cm. in diameter. All water provided for drinking and cooking shall be chlorinated before use. All vessels used for holding or conveying water must be kept scrupulously clean and should be covered to protect them from dust, etc.

MEDICAL MATTERS.

Principles in Sec. (1), Chap. XL, J. C. to apply.

189. The general principles enunciated in Chapter XL, Section (1) of the Jail Code, shall apply *mutatis mutandis* to Subsidiary Jails.

Classification of health.

190. The health of every prisoner shall be described as either “good”, “bad” or “indifferent”—See Jail Code Rule 1212.

Task to be exacted from a prisoner.

191. There is no direct relation between the health of a prisoner as recorded by the Medical Officer and the task to be exacted from him—See Jail Code Rule 1213.

192. The Medical Officer should keep under his close supervision prisoners who are not in normal health—See Jail Code Rule 1214.

Weight of prisoner to be recorded.

193. Every prisoner shall be weighed at least once a fortnight and his weight shall be recorded in his history ticket—See Jail Code Rule 1216.

Adoption of gang system.

194. The system of “gangs” described in Jail Code Rule 1218, etc., may be adopted wherever necessary.

Precaution against infection of Malaria.

195. As the prophylaxis of malaria requires special attention instructions contained in Jail Code Rule 1227 shall, as far as practicable, be followed.

196. In the event of death of a prisoner, the procedure in Jail Code Rule 98 shall be followed.

Procedure to be followed in the case of a prisoner's death.

All deaths should be reported to the Municipality or the Magistrate of the district. Relatives of the prisoner should also be informed. See Jail Code Rule 259.

197. In all cases of sudden or violent death, or of supposed suicide, an inquest by the proper officer shall be held on the body, and a careful enquiry made into the circumstances of the case. A full report shall then be submitted without delay to the Inspector-General. He need not submit such reports to Government unless they are of special importance or indicate some defect in the existing system of jail administration to which the attention of Government should be specially invited. In all other cases, these reports may be withheld at his discretion.

Cases of sudden or violent death.

G. of B. No. 1306 J.D., dated 30-6-1910.

198. Jail Code Rules 807 and 808 shall be followed in Sub-Jails, and the measures described therein shall be carefully observed to prevent accidents and suicides.

Measures to prevent accidents and suicides.

199. Prisoners with suicidal tendencies shall be carefully watched, and shall not be left alone at night.

Watch on prisoners with suicidal tendencies.

HOSPITAL MANAGEMENT.

200. For the treatment of sick prisoners in Subsidiary Jails, drugs shall be supplied (when required) from the night-bouring Government dispensary. A set of scales and weights and a measure glass shall be kept in each Subsidiary Jail ; other medical appliances shall be borrowed temporarily from the local dispensary. Subsidiary Jails provided with hospital accommodation may maintain a dispensary and have their own stock of medicines and medical equipments.

Medicines for treatment of prisoners.

G.O. No. 418 H.J., dated 8-3-1949.

The Medical Officer is responsible for the proper use of such medicines and for the care of any medical appliances lent to or belonging to the Subsidiary Jail.

201. Every prisoner under medical observation for more than 48 hours shall be admitted to hospital.

Admission of prisoner into hospital.

202. Full particulars of the case and treatment of every sick prisoner shall be recorded in the Hospital Ticket (W.B.J. Form No. 101). A temperature chart (W.B.J. Form No. 102) shall also be maintained in cases of fever.

Hospital ticket W.B.F. Nos. 5132 and 5133.

203. Strict attention shall be paid to the cleanliness and ventilation of the hospital and to the washing and boiling of soiled clothing.

Cleanliness in hospital.

204. The general principles enunciated in Rules 1246 to 1266 of the Jail Code apply *mutatis mutandis* to Subsidiary Jails.

Infectious diseases and epidemics.

Report to I. G. on outbreak of infectious diseases.
W.B.F. No. 5138.

205. On the occurrence of a case of grave infectious disease the Superintendent shall at once report of the Inspector-General in W.B.J. Form No. 108 furnishing the information prescribe in Jail Code Rule 1249.

Telegraphic report on outbreak of cholera.

206. The outbreak of cholera in an epidemic form shall also be reported by telegram to the Inspector-General.

PUBLIC WORKS.

Public Works.

207. Rules 1297 to 1311A of the Jail Code apply generally to Subsidiary Jails.

OFFICE PROCEDURE AND CORRESPONDENCE.

Office procedure and correspondence.

208. Rules 1312 to 1327 of the Jail Code relating to office procedure and correspondence apply generally to Subsidiary Jails.

ACCOUNTS.

Division of business transactions between the manufactory and general Department.

209. The division of business transactions between the Manufactory and General Departments which is explained in Jail Code Rule 1328 should, if necessary, be adopted in Subsidiary Jails.

Daily books to be kept upto date.

210. Daily books are not to be allowed to fall into arrears—See Jail Code Rule 1329.

No erasures permissible.

211. No knife erasures are permitted—See Jail Code Rule 1330.

Payment advance.

212. In order to meet emergent petty charges, a Permanent Advance, in accordance with the requirements of each Subsidiary Jail subject to a minimum of Rs. 5 may be allowed. This advance is renewed and accounted for as prescribed in Jail Code Rule 1337.

Charge for repairs to buildings.

213. The Superintendent shall furnish the Inspector-General annually, not later than the 31st July, with a budget estimate in W.B.J. Return No. 18 (W. B. F. No. 5041) in which he shall estimate for all charges likely to be incurred for repairs to all buildings, whether on the books of the Public Works Department or not, except for such as are included in the usual quadrennial report.

No petty repairs shall be carried out until an estimate in W.B.J. Form No. 59 has been sanctioned and funds allotted by the Inspector-General—See Jail Code Rule 1332.

Responsibility for safe custody of cash.

214. The Sub-Jailor shall be responsible to the Superintendent for all cash kept in the Subsidiary Jail. A suitable box shall be provided for this purpose. He shall not be allowed to keep it in his own house. The Superintendent shall satisfy himself that the cash is kept in a place of proper security, and shall be responsible to Government for its safety.

- 215.** Expenditure shall be classified in accordance with the schedule contained in Jail Code Rule 1339. A Contingent Register (W.B.J. Register No. 32) shall be maintained as prescribed in Jail Code Rule 1342. Classification of expenditure.
W.B.F. No. 5007.
- 216.** Expenditure under certain heads shall not be incurred without the express sanction of the Inspector-General previously obtained—See Jail Code Rule 1340. I.G.'s prior sanction necessary to incur certain expenditure.
- 217.** The prices of jail-made articles are calculated in accordance with certain rules—See Jail Code Rule 1345. Fixing prices of jail-made articles.
- 218.** No officer of a Jail is permitted to make advances from him own pocket. No advance of private funds by any officer.
- 219.** Petty sums are to be paid from Permanent Advances. Large amounts are to be settled by an abstract bill—See Jail Code Rule 1346. Manner of payment.
- 220.** Money realised from sales for cash shall always be paid into the local Treasury or Sub-Treasury whenever a sum of Rs. 10 has accumulated and also (irrespective of the amount) on the last working day of every month ; a duplicate Treasury or Sub-Treasury receipt for the amount in "Treasury Remittance Voucher" (W.B.J. Form No. 80) for Manufactory or "Treasury Chalan" (W.B. Form No. 2381) for General Department signed by the local Treasury Officer shall be attached to the quarterly Return Nos. 9 and 6, respectively, submitted to the Inspector-General. Sale proceeds to be paid into the local Treasury.

W.B.F. Nos. 5050 and 5051.
- 221.** No expenditure is to be met from the money received from the sale of Government property. All such amount must be paid into the local Treasury or Sub-Treasury intact. Sale proceeds not to be spent for sub-jail purposes.
- 222.** If purchases are made through a contractor, no advance should be paid to him. Payment for all purchases should be made as early as possible and in every case before the 25th day of the month and payment for purchases from the 25th to the end of the month shall be made by the 10th of the following month—See Jail Code Rule 1347. No advance payment to contractors.
- 223.** Remittance to tradesmen are to be made by Remittance Transfer Receipt, not by Money Order—See Jail Code Rule 1348. Manner of remittance to tradesmen.
- 224.** Receipt shall usually be taken for disbursements of from one to ten rupees, and always for payments of Rs.10 and upwards—See Jail Code Rule 1349(1). Receipt to be taken for disbursement.
- 225.** Separate receipts shall be obtained for payment under separate heads ; but a vendor shall affix a receipt stamp if the aggregate charges exceed Rs. 20—See Jail Code Rule 1349(2). Separate receipts for payments under separate heads.

Receipts to be
numbered serially.

226. Receipts for cash payments shall be numbered serially both for the year and month—See Jail Code Rule 1349(3).

Entries to be
maintained in the
Cash Book.

W.B.F. No. 5006.
G.O. No. 1797 R.J.,
dated 17-2-1925.

227. There shall be one Cash Book (West Bengal Jail Register No. 31) which shall contain a clear and detailed account of all receipts and expenditures connected with the Subsidiary Jail, and shall form the basis for the preparation of contingent bills. The whole of the money coming into or passing from the Sub-Jailor's hand, including prisoners' cash, sale proceeds of prisoners' property, and warders' security money deducted from pay and deposited into the Savings Bank, shall be clearly represented by entries in this Cash Book.

(a) The Cash Book shall contain under each day's heading a statement of all the transactions involving receipt or disbursement of cash, i. e., on the Receipt side, sums received to make up the Permanent Advance, sums received from the Treasury on bills for special purposes, etc., and on the Disbursement side all payments made from those funds.

G.O. No. 546 H.J.,
dated 1-3-1957.

(b) A subsidiary cash book shall be maintained for prisoners' private cash. Prisoners bringing cash into the Subsidiary Jail shall have their names with the amounts entered in both the receipt and the expenditure side of this subsidiary cash book, on receipt and disbursement of the amount. The same procedure shall be followed if any prisoner's property is sold. This subsidiary cash book shall be closed and balanced daily and the total receipt and disbursement on each day entered in the main Cash Book.

(c) A daily balance shall also be struck in the Cash Book. A note shall be made opposite each daily balance showing how much of it is, respectively—

- (1) Permanent Advance, (2) Prisoners' Property, (3) Proceeds of the sale of manufactured articles, (4) Refunds to be made, (5) Security deposit.

Checking of Cash
Book by the
Superintendent.

228. The Cash Book shall be shown twice a week to the Superintendent, together with all the receipts. He shall compare the Cash Book with the Treasury Pass Book, and shall satisfy himself that the entries in the Cash Book are correct, that the daily account is properly balanced, and that a voucher is produced to support each entry on the disbursement side for which a receipt ought to be taken. Each voucher shall be countersigned (or cancelled as the case may be) by him after he has satisfied himself that it is genuine, and he shall initial the Cash Book. Every voucher shall be written in the language known by the signer, the payee being asked to state in words the amount he has received. Similar procedure shall be followed in respect of the subsidiary cash book for prisoners' cash as well.

229. For details regarding Treasury Pass Book.—See Jail Code Rule 1353.

Treasury Pass Book.

229A. The Superintendent shall check the account of service postage stamps with the stock in hand once in a month.

Verification of the account of service postage stamp.
G.O. No. 2297HJ.,
dated 16-11-1939.

230. Money for all purposes except pay and travelling allowance is drawn from the local Treasury or Sub-Treasury on abstract bills prepared in triplicate. The date of payment shall invariably be noted on the duplicate and triplicate copies, the former of which shall be sent to the Inspector-General with the detailed bill in which the amount is accounted for ; the triplicate copy shall be pasted into a guard book.—See also Jail Code Rule 1354.

Abstract bills.

Abstract bills must be initialled by the Sub-Jailor and signed by the Superintendent.

PAY AND TRAVELLING ALLOWANCE.

231. Pay and travelling allowance shall be drawn, disbursed and accounted for in the manner prescribed in Jail Code Rules 1355(1), (2), (4) and 1356. Travelling allowance bills of warders shall be submitted in duplicate to the Superintendent of the District Jail or in the absence of a District Jail, to the Superintendent of the Central Jail to which the Sub-Jail is affiliated, for his countersignature, before they are presented for payment. The entries in the combined Pay Bill and Acquittance Roll shall be carefully made.

Pay of establishment.

G.O. No. 10967-RJ.,
dated 2-11-1925.
W B F. No 2435.

DETAILED BILLS.

232. The total expenditure of each month shall be accounted for in detailed bills to be submitted to the Inspector-General on the 5th of each succeeding month. Expenditure on manufacture is to be kept quite distinct from general expenditure for which a separate form is prescribed.

Detailed Bills.

Each detailed bill must be supported by—

- (a) Vouchers for all items exceeding Rs. 25.
- (b) Vouchers for charges for service labels.
- (c) Vouchers for charges for telegrams.
- (d) Vouchers for payments made to Municipalities for taxes.
- (e) Copies of countersigned invoices.

[See also Jail Code Rule 1357.]

232A. Along with the detailed contingent bill shall be submitted a copy of the monthly diet roll of the prisoners in the Sub-jail for the particular month in support of the quantities of various dietary articles purchased during that month as accounted for in the detailed bill. In the case of issue from stock already held, the opening balances, the total quantity issued from the stock in that month and the closing balances of the several items should be shown separately.

Submission of monthly diet roll along with detailed contingent bill.

RAILWAY CREDIT NOTES.

233. The rules regulating the Railway Credit Note system as contained in Jail Code Rule 1369 shall apply *mutatis mutandis* to *Subsidiary Jails*.

Railway Credit Note system.
G.O. No. 3292HJ.,
dated 20-11-1956.

REGISTERS AND BOOKS.

NOTE.—The capital letter preceding each register denotes the class for preservation—See Jail Code Rule 1315, which applies to Subsidiary Jails as well.

Registers and books to be paged.

234. All registers and books shall be paged serially by the Forms Department ; the Superintendent shall certify, on the first page, to the number of pages in each book.

Responsibility list.

235. A “Responsibility List” shall be pasted inside the cover of each Subsidiary Jail Register by the Forms Department.

Registers and Books maintained in Sub-jails.

236. The following Registers and Books are prescribed :—

(A) SUBSIDIARY JAIL REGISTERS.

B No. 8	Prescription and Hospital Diet Book.	W.B.F. No. 5025
B No. 11	Stock Account of Provisions etc.	W.B.F. No. 5027
B No. 12	Stock Account of Raw Materials.	W.B.F. No. 5027
B No. 13	Stock Account of manufactured articles.	W.B.F. No. 5028

(B) WEST BENGAL JAIL REGISTERS.

B No. 1 & 2	Report / Minute Book	W.B.F. No. 4980
D No. 5	Labour Register	W.B.F. No. 4982
A No. 6	Register of Convicted Prisoners Admitted.	W.B.F. No. 4983
B No. 8	Register of Undertrial Prisoners	W.B.F. No. 4985
A No.10	Release Diary	W.B.F. No. 4989
D. No. 24	Gate Register of Persons	W.B.F. No. 4999
C No. 25	Gate Register of Articles	W.B.F. No. 5000
B No. 27	Hospital Register and Register of Deaths.	W.B.F. No. 5003
A No. 31	Cash Book	W.B.F. No. 5006
B No. 32	Contingent Register	W.B.F. No. 5007
B No. 36A	Diet Roll of Ordinary Prisoners	W.B.F. No. 5012
B No. 36B	Diet Roll of Division I and II Prisoners.	W.B.F. No. 5013
A No. 38	Register of Security Deposits	W.B.F. No. 5015
D No. 46	Gate Register	W.B.F. No. 5023

G.O.No. 2369HJ
dated 15-7-1941.

(C) OTHER BOOKS.

A	West Bengal Form No. 2510.	Treasury pass Books (See Rule 229).
C	West Bengal Form No. 107.	Register of Casual Leave (See Jail Code Rule 221).
B	West Bengal Form No. 16	Register of Letters Received.
.B	West Bengal Form No. 19.	Register of Letters Issued.
D	West Bengal Form No. 47.	Peon Book (See Jail Code Rules 1324 and 1325).
A	Order Book (West Bengal Form No. 46).	G.O. No. 2818HJ., dated 5-12-1940.
A	Combined Pay Bill and Acquittance Roll (West Bengal Form No. 2433).	

237. This book shall be used by the Sub-Jailor for the daily report of the state of the Subsidiary Jail ; for recording all orders given to the Head Warder, and for reporting jail offences and recording the punishments awarded. The Superintendent shall initial each remark, and shall issue such orders as he considers necessary recording orders for punishments in his own hand (See Rule 176M).

Order Book.
West Bengal
Form No. 46.

238. Visitors' Book—Minute Book (West Bengal Jail Register Nos. 1 and 2).—The Inspector-General, the Magistrate, and all official and non-official visitors shall enter in this book on the left hand page the dates of their visits and such orders or observations as they may consider it necessary to make. On the right hand page the Superintendent shall enter any remarks that may be necessary, and carry out the instructions given in Rule 26.

All entries in the Visitors' Book shall be copied on half margin, and the copy shall be sent to the Inspector-General as soon as possible after the date of visit. The Inspector-General may, if necessary, forward to the Government a copy of the same. The visits of the Superintendent shall be recorded in this book.

239. Admission Registers and Release Diary.—The following Registers shall be maintained in respect of convicted and under-trial prisoners admitted into any Subsidiary Jail :—

Serial number of
prisoners,
undertrial and
convicts.

- (1) West Bengal Register No. 6.
- (2) West Bengal Register No. 8.
- (3) West Bengal Register No. 10.

These Registers shall be maintained in the same manner as in the Central and District Jails. See rules 542 and 933 of the Jail Code. For each class of prisoner—convicted or under-trial—The serial number shall run from 1 to 10,000.

Labour Distribution Register for Convicted Prisoners—West Bengal Jail Register No. 5.

Jail Circular No. 62
of 1924.

240. The register shall be written up early on the day following that to which the entries relate. Prisoners admitted in the afternoon, or released on any one day and not working, shall be entered on the lines provided for these. On Sundays and jail holidays all prisoners shall be entered as exempted from labour, except those who are employed in the essential services. In making up averages from this register Sundays and holidays shall always be excluded.

If non-labouring prisoners work of their own choice, they shall be included with labouring convicts in the details of distribution of work, and a note of the number so included and the description of work done should be made at the bottom of the page to explain the discrepancy between the total of the distribution list and the number of labouring convicts.

241. Hospital Register and Register of Deaths (West Bengal Jail Register No. 27) and Prescription and Hospital Diet Books—Sub-Jail Register No. 8.—The above registers shall be maintained by the Medical Officer.

242. Cash Book—West Bengal Jail Register No. 31.—As to the manner in which this book shall be maintained—See Rules 227 and 228.

Jail Code
Rule 1105.
W.B.F. Nos. 5012,
5013.

243. Diet Rolls—West Bengal Jail Registers Nos. 36A and 36B.—West Bengal Jail Register Nos. 36A for ordinary prisoners and No. 36B for Division I and II convicts and Division I undertrials shall be carefully maintained in respect of the issue of food. Many who are released during the day, or come into the Sub-Jail in the afternoon, can take respectively only either the morning or the evening meal. A detailed account of the number of prisoners fed at each meal shall be maintained to afford a correct check upon the issue of food. This calculation the Superintendent shall compare with the actual issues recorded in the Stock Account of Provisions, etc. (Sub-Jail Register No. 11), as well as with the quantities of provisions accounted for in the detailed contingent bill.

GO. No. 323 HJ.,
dated 23-1-1942.

244. Stock Account of Provisions, Stores, and Dead Stock (not belonging to the Manufactory Department)—Sub-Jail Register No. 11.—When any article is purchased or brought into store for use in the Subsidiary Jail, it shall be accounted for in this book and a sufficient number of pages shall be devoted to each description of store, as rice, dal, firewood, kerosene oil, etc. to contain the accounts for one year. The receipt and disposal of stock shall be recorded daily as soon as possible after each transaction takes place ; but if the account be balanced once a month it will suffice, as the abstract stock account in Return No. 6 is to be drawn up and submitted to the office of the Inspector-General only once in three months. This monthly balancing of the stock account shall, however, be done, otherwise the work may fall into arrears.

(a) The valuation of the stock disposed of each day is difficult, if not impossible, as a single disbursement may include goods purchased at different rates at times ; a general valuation when the balance is struck each month will suffice for all practical purposes. It is not necessary to re-enter the list of Dead Stock month after month ; Dead Stock shall be entered once for all in order of purchase, and no balance need be struck until the opening of a new register. The disposal of stock by fair wear and tear, breakage or loss, shall be recorded under the head "Rendered unserviceable" with the necessary explanation after obtaining the sanction of the Inspector-General to the write-off of the residual book value of each article and at the same time the entry of stock on the purchase side shall be scored through in red ink, so that when a new register is opened, at the beginning of the year, the entries which have not been struck out can readily be observed and copied into the new book. When there is a contract with a purveyor to supply the requirements of the Subsidiary Jail day by day, the Sub-Jailor shall enter in the register the total quantity of each article received from the contractor each day. The contractor's bill for the amount of articles supplied shall be made up from this register and from no other. The Sub-Jailor shall receive and weight the articles tendered by a contractor and shall be responsible for the quantities actually received and issued .The contractor or local dealer shall be required to furnish daily an invoice for the articles actually supplied by him during the day. The invoice shall be checked by the Sub-Jailor with the corresponding entries in the Stock Book and returned to the contractor or local dealer duly countersigned by him on the following day. The contractor or local dealer shall be required to resubmit these daily invoices in support of his bill at the end of the month.

G.O.No. 2160-HJ.,
dated 8-6-1938.

G.O.No. 1162-PJ.,
dated 27-3-1931.

245. Stock Account of Raw Materials and Plant for Manufactures—Sub-Jail Register No. 12.—Receipts and disposal of raw materials and dead stock in the Manufactory Department shall be entered in register No. 12 which shall be maintained according to the principles laid down in Rule 244 in respect of Register No. 11.

246. Stock Account of Manufactured Articles—Sub-Jail Register No. 13.—When manufactured articles are received into store, they shall be entered on the left-hand side of Sub-Jail Register No. 13 according to description, a separate account being opened for each different description of manufactured produce. The quantity and rate at which such articles are valued shall be noted, together with the quantity and value of raw materials from which such articles are produced. The entries on the right-hand side shall be made from time to time as a sale takes place. The quantity and rates at which such articles are sold and the amount for which valued when these articles are brought into stock, together with the amount for which sold and to whom sold, shall also be noted on the side. Credit sales shall not be allowed ; cash must be demanded for every sale, and at the

close of every month the sale proceeds of manufactured articles shall be remitted into the Sub-Treasury, and the date of payments into the Sub-Treasury shall be noted on the last column of this book. (See Rules 132 and 220.)

G.O.No. 2160-HJ.,
dated 8-6-1938.

(a) If any articles are destroyed, lost or rendered unserviceable, the sanction of the Inspector-General shall be separately obtained to the write-off of their residual book value and a note shall be made giving the particulars of the circumstances and stating the value of the articles. When any articles are issued in the Subsidiary Jail for use of prisoners, etc. the quantity and value of such articles shall be entered in red ink in this register. The quantity and value and likewise the actual cost shall also be shown in column 8 of Part B of Quarterly Return No. 9. Cash payment shall not be made for the goods, but the full market value shall be credited to the Manufactory Department. If goods are supplied to other jails or Subsidiary Jails, they and their value shall also be entered in red ink on the disbursement said of the register, and likewise be shown with the actual cost in column 9 of the Return No.9, Part B. Articles supplied to other departments in this State or of the Central Government, and to jails or other departments of Government of another State, will be adjusted by book transfer in the Accountant-General's office. To allow of this being done, an Invoice (West Bengal Form Nos. 5114 and 51) in triplicate shall be submitted to the local head of the department supplied, who will countersign one copy of the bill and return it. This countersigned invoice is to be submitted to the Inspector-General with the Quarterly Return No. 9. Such transactions should likewise be entered in red ink. See also Jail Code Rules 1362 and 1374.

(b) The whole of the proceeds of sale of manufacture shall be accounted for to Government, and no portion shall be utilised by the Jail Department for making purchases. The balance in hand of such sale proceeds must therefore be shown in the Jail Cash Book daily as laid down in Rule 227.

(c) Sales for which cash has been received on the date of sale need not be separately entered in Jail Cash Book No. 31. It will be sufficient to enter "Cash Sales as per Stock Register No. 13".

247. Contingent Register—West Bengal Register No. 32.—See Rule 1342 of the Jail Code.

248. Combined Pay Bill and Acquittance Roll—West Bengal Form No. 2435.—Instructions contained in Rule 1355 of the Jail Code shall be followed, and all pay, whether of fixed or extra establishment, shall be entered in the office copy of the Combined Pay Bill and Acquittance Roll. (West Bengal Form No. 2435.)

RETURNS.

Quarterly return of
prison statistics.

249. Note.—The capital letter preceding each from denotes the class for preservation—See Jail Code Rule 1315.

(A) SUBSIDIARY JAIL RETURNS.

No. 1—Quarterly Return of Prison Statistics will of itself form a record, and is an abstract of various particulars regarding prisoners, to be obtained from Sub-Jail Register No. 3 and Jail Register No. 5. All convicts released on bail pending hearing of appeals shall be entered in red ink in column No. 7 of Part IA of the return “on bail”. On return to the Subsidiary Jail during the same year in which released on bail, or escape of any convicts on bail, or recaptured after escape from the Subsidiary Jail, they shall be again entered as admitted in column 3 of part A. Details of previous convictions and state of education on admission, etc. of such prisoners shall not, however, be entered twice in parts II, IV, X and XI of the Return ; the information required in the footnote of part IA of the Return should always be carefully filled in. Prisoners released on bail in one year, as well as prisoners who escaped, in previous years and were re-admitted during the following year, shall be included in column 3 of Part IA, but in red ink, and particulars regarding them shall be given in Parts II, IV, X and XI of the Return. The totals of the figures in these parts should agree with those in column 2 of Part IA plus these red ink entries in column 3 of that part. The number of prisoners admitted in the afternoon and included under that head in the Labour Distribution Register No. 5 (Jail) shall be shown in column 22 of Part VIII and those released for special reasons in the afternoon and shown as put to labour or under some other head in the Labour Distribution Register No. 5 (Jails) shall be shown in column 24 of that part of the Return. If this be done, the totals in column 25 of part VIII should agree with the entries in Part IB of the return “Labouring Convicts”, unless any convicts sentenced to simple imprisonment, and any undertrial prisoner who work, are included in which case there will be a discrepancy which must be explained—See Rule 240.

W.B.F. No. 5049.

In column 2 of part IX of the Return the length of time already passed in the Subsidiary Jail by convicts present on the last day of the month, as per entry in column 13 of Part IA of the Return, shall be furnished, and the entry generally should be made opposite the heading “not exceeding six months” unless any long-term convict mehtar is detained in any Subsidiary Jail under orders from the Inspector-General.

250. West Bengal Jail Return No. 18—Budget Estimate. —Instructions regarding this matter have already been given in Rule 213 which shall be carefully followed.

W.B.F. No.
5041C.

251. West Bengal Jail Return No. 20—Detailed Bill for Manufactory Contingent Charges.—Rule 232 of this Code deals with this matter and the instructions contained therein shall be followed.

W.B.F. No.
5042C.

W.B.F. No.
5033C.

252. West Bengal Jail Return No. 10—Detailed Bill for Contingent Charges—In regard to this, instructions laid down in Rule 232 shall be followed.

Bills for
salaries and
travelling
allowance of
Sub-jail
establishment.

253. West Bengal Form No. 2435—Detailed Bill of Permanent Establishment—See Rule 231.—A copy of the bill for the salaries of the Subsidiary Jail establishment in West Bengal Form No. 2435 shall be submitted monthly through the Superintendent of the District Jail to the office of the Inspector-General giving details of the allowance of the Medical Officer, Sub-Jailor and warder establishment. The salaries shall be drawn in the form of pay bill prescribed by the Accountant-General (West Bengal Form No. 2435), and any charge for extra establishment, whether for general or manufactory purposes, shall be drawn in a separate bill, which shall show the purpose for which such establishment was entertained and the sanction therefor. Travelling allowances shall also be drawn in separate bill (in A.G., W.B. Form No. 304); the bills shall require the counter signature of the Inspector-General or the Superintendent of the Central or District Jail to which the Sub-jail is immediately affiliated, according as they relate to the staff above or of and below the rank of Head Warder respectively.

W.B.F. No.
5050B.

254. No. 6.—Quarterly Abstract Account of Stores and Stock (other than those belonging to the Manufactory Department) shall be compiled from Book No. 11 (Stock Account of Provisions and Stores). The items of stock shall, to facilitate comparison, be arranged and classified according to the heads of charge under which the cost is included in the General Contingent Bill (West Bengal Jail Return No. 10), with which the entries in columns 4, 5 and 6 (purchased and brought into store), ought to agree, if all stock procured in the course of a month be paid for on or before the end of that month, as required by the rules of the Finance Department. The clothing and blankets in use shall be considered as in stock and shall be accounted for in this Return. If any articles are received from the Manufactory Departments of other Jails or Subsidiary Jails, the Jails or Subsidiary Jails from which received shall be notified in column 2; and in such cases and when articles made in the Manufactory Department of the Subsidiary Jail itself are issued for the use of prisoners in the Subsidiary Jail, the head and sub-head of charge under which such expenditure should be classed (see Rule 215) shall also be there stated.

W.B.F. No. 5051.

255. No. 9—Quarterly Return of Manufacture Account Transactions.—When raw materials are purchased and brought into store during the month, the quantity as well as the rate and value shall be accounted for in columns 4, 5 and 6 of Part (A) of Return No. 9; the items of stock shall be arranged as usually entered in the bills, and the sums of the entries in columns 4, 5 and 6 should agree with the Monthly Detailed Manufacture Bill (West Bengal Jail Return No. 20) submitted to the office of the Inspector-General.

(a) When goods produced in the Manufacture Departments are supplied to other departments of Government, the procedure outlined in Rule 246(a) shall be followed, and in cases where book adjustment is required, the Inspector-General shall see that the supplying Subsidiary Jail is duly credited, and the department supplied charged with the amount in his quarterly accounts. In such a case the quantity and value of goods supplied shall be accounted for in column 10 of Part B of the Return. In respect of articles used in the Subsidiary Jail in which they are produced entries should be made in column 8 of Part B of Return No. 9 and in Return No. 6 and (monthly) W.B.J. Return No. 22.

(b) It is necessary that a separate account should be kept in the Manufacture Department of the cost (being actual cash outlay of every description) of all materials required for the manufacture of articles for the use of prisoners of the manufacturing Subsidiary Jail or of other Subsidiary Jails. Dal husking, atta, or other grains ground for prisoners' rations only shall not be included in the Manufactory Detailed Contingent Bill (W.B.J. Return No. 20), but in the Detailed Contingent Bill (W.B.J. Return No. 10) under the head of "Rations" and also accounted for in quarterly Abstract Return of Stores, etc., No. 6.

256. (B)—West Bengal Jail and Other Returns (Submitted by Subsidiary Jails.)—Instructions in regard to this matter will be found in Rules 1386 and 1387 contained in Chapter XLII of the Jail Code, and shall, as far as practicable, be followed by the Subsidiary Jails.

257. (C) West Bengal Subsidiary Jail, Annual Returns

- No. 1—Part 1. Statement No. 3—Judicial (Nature and Length of Sentence.)
 Part 2. Statement No. 4—Judicial (Previous Conviction.)
 Part 3. Identification of Habituals.
 Part 4. Statement No. 5—Judicial (Escape and Recapture.)

- No. 2—Part 1 Statement A (Accommodation.)
 Part 2. Visits—

And

West Bengal Jail. Annual Returns.

W.B.F. No. 5065.

No. 9—Annual Return of Sick Prisoners.

W.B.F. No. 5060.
 W.B.F. No. 5063.

No. 12—Offences and Punishments of Warder Guard.

FORMS.

258. (A)—West Bengal Subsidiary Jail Form.

No. 1—Report of an inspection of a Subsidiary Jail.

W.B.F. No. 5147.

259. (B)—West Bengal Jail and other Forms. (Submitted by Subsidiary Jails.)

For the above, reference shall be made to section VI of Chapter XLII of the Jail Code.

260. Diary of despatch of Subsidiary Jail Returns, etc.

Day of Month.	Month.	Number of Return, etc.	Reference to rule in		Description of Return, etc.	Destination.
			Jail Code.	Subsidiary Jail Code.		
1	2	3	4	5	6	7
15th	Certificate of possession of full amount of Permanent Advance.	A.G., W.B
3rd	Monthly Medical Return	I.G.
4th	Return of changes etc., in Warder Establishment.	Dist. Jail
7th	Annual Medical Return	I.G.
7th	Quarterly Return of Jail Statistics.	I.G.
5th	Detailed Bill of Monthly Contingent Charges (General).	I.G.
5th	Detailed Bill for Manufactory Contingent Charges.	I.G.
5th	Copies of Abstract Bills for Contingent Charges.	I.G.
5th	Copies of Abstract Bills for Manufactory Charges.	I.G.
15th	Salary List of Sanctioned Establishment .	I.G. (Through Dist. Jail).
5th	Monthly Return showing Actual cost etc., for Jail Supplies.	I.G. (Through Dist. Jail).
15th	Statement of Under-trial Prisoners detained for more than a fortnight.	Magistrate of District.
1st	Indent for West Bengal Jail & Sub-Jail Forms.	I. G.

260. Diary of despatch of Subsidiary Jail Returns, etc.

Day of Month.	Month.	Number of Return, etc.	Reference to rule in			Description of Return, etc.	Destination.
			Jail Code.	Subsidiary Jail Code.			
1	2	3	4	5	6	7	
15th	...	January	...	254	Quarterly Abstract of Stores, etc.(General)	I.G.	
15th	...	Do	...	255	Quarterly Abstract of Stores, etc. (Manufactory).	I.G.	
15th	...	April	...	254	Quarterly Abstract of Stores, etc.(General)	I.G.	
15th	...	Do	...	255	Quarterly Abstract of Stores, etc. (Manufactory)	I.G.	
15th	...	July	...	254	Quarterly Abstract of Stores, etc.(General)	I.G.	
15th	...	Do	...	255	Quarterly Abstract of Stores, (Manufactory).	I.G.	
15th	...	October	...	254	Quarterly Abstract of Stores, (General)	I.G.	
15th	...	Do	...	255	Quarterly Abstract of Stores, (Manufactory).	I.G.	
15th	...	February	1359	...	Annual Indent for office routine and envelopes.	I.G.	
20th	...	Do	360, 1174, 1359	...	Indent for Warders' Uniforms	District Jail.	
31st	...	July	...	213	Budget Estimate.	I.G.	
Last Day	...	Every	915	...	Statement of Undertrial Prisoners detained for more than a fortnight.	Magistrate of District.	
Last Day	...	Do	...	125	List of Notices of Payment of Fines during the month.	S.D.O.	

Stationery for
Sub-jail.

261. The stationery required for Subsidiary Jails will be obtained in the general indent submitted by the Subdivisional Officer. No separate indent from Subsidiary Jails is required.

262. In the absence of any rule relating to any matter pertaining to the Subsidiary Jail reference should be made to the relevant rule in the Jail Code, and the instructions laid down and the procedure prescribed therein shall be followed.

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Preface to the Eighth Edition

The last edition (seventh edition) of the Bengal Jail Code was published in 1937. After Independence, jail reform was one of the most important tasks taken up by the Government. Abolition of whipping, penal diet and gunny clothing, etc., came in the wake of these reforms. The penal settlements of Andamans having been closed down already, abolition of the sentence of transportation did not take a long time of follow. In regard to jail administration also, there was a change of outlook and it was felt by the Government that the aim of such administration should be more to rehabilitate the criminal and turn him into a useful citizen than to punish him. These reforms and the change of outlook made many of the rules in the Jail Code incongruous and even obsolete calling for further liberalisation of the rules and orders. Thus a thorough revision of the Jail Code was considered necessary in order to be abreast of modern developments and to meet the needs of the present age. Accordingly, all the rules and appendices were revised in consultation with the Prisons Directorate and different departments of the Government including the Legislative Department. Certain provisions of the Model Prison Manual, a work brought out by the All India Jail Manual Committee in 1960, have also been incorporated in the Jail Code in course of the revision.

The present edition which is called the West Bengal Jail Code is a compilation of the statutory rules, executive instructions, extracts from the rules of the Supreme Court and Government of India's instructions, etc., all classified and put together according to their subject-matter in different chapters. The statutory rules were framed at different times in the past and some of them were so old that even their original sources could not be readily traced. Hence, with the exception of a few, all the existing statutory rules were revised, compiled with the new rules and re-promulgated under a single consolidated notification (Notification No. 1325HJ, dated 8-6-66) in supersession of all previous rules. A list has been inserted in this edition showing which of the rules of the Jail Code are statutory. Two more notifications, one extending some of the important provisions of the Prisons Act, 1894, and the rules made thereunder to subsidiary jails and the other regulating the transfer of prisoners were also published. A reprint of the first will be found in this volume.

A new feature of the present edition is the addition of marginal titles to almost all the rules. It is hoped that such marginal references will greatly help those who wish to consult the volume. To maintain a continuity with the past the rules of the Jail Code in this edition have not been renumbered. The old numbers have been retained, and new numbers have been inserted in between the old numbers where necessary.

Mention may be made in this connection of the eminent services rendered in the performance of this work by the late Dr. P. K. Biswas, former Inspector-General of Prisons, Shri A. K. Mukherjee, Special Officer, Prisons Directorate, Shri J. C. Ghosh, former Deputy Secretary of this Department and Shri B. L. Sarkar, Special Officer, Legislative Department. The two Head Assistants of the Home (Jails)

Department, namely, Shri Keshab Chandra Sen Gupta and Shri Shyamapada Ray Chaudhuri and the typist Shri Ajit Ganguli also deserve to be mentioned for their devoted and sustained work. If the jail officers who have to consult the book very often and others who feel interested in it find this volume more handy and helpful than any of the previous editions, we shall consider that our labours have been amply rewarded.

Calcutta,
The 31st January 1967.

K. K. RAY,
Secretary,
Home Department.