

## CHAPTER I

### CLASSIFICATION OF PRISONS

#### SECTION I: STATUTORY RULES

[Government Notification, Home Department, No. RJM 1070 (i)-xvi,  
dated 23rd October 1970]

In exercise of the powers conferred by clause (8) of section 59 of the Prisons Act, 1894 (IX of 1894), and of all other powers enabling it in that behalf and in supersession of the Maharashtra Classification of Prisons Rules, 1962, the Government of Maharashtra hereby makes the following rules, namely:—

1. (i) These rules may be called the Maharashtra Classification of Prisons Rules, 1970. Short Title and Commencement.

(ii) They shall come into force in [1st day of July 1972] \*

2. (i) There shall be the following classes of prisons in the States, that is to say:— Classification of Prison.

(a) Central Prisons,

(b) District Prisons,

(c) Special Prisons,

†(d) Open Prisons,†

(e) Civil Jail in Greater Bombay.

3. (i) The State shall be divided for the purposes of Government of Prisons into Western Region, Central Region and Eastern Region. Regions.

(ii) City of Bombay, Bombay Suburban District and the Districts of Thana, Kolaba, Ratnagiri, Poona, Satara, Sangli and Kolhapur shall constitute the Western Region.

(iii) The Districts of Aurangabad, Parbhani, Nanded, Bhil, Osmanabad, Nasik, Ahmednagar and Sholapur shall constitute the Central Region.

(iv) The Districts of Nagpur, Wardha, Yeotmal, Chandrapur, Amravati, Akola, Bhandara, Buldhana, Jalgaon and Dhulia shall constitute the Eastern Region.

---

\* G. N., H. D., No. RJM 1070 (I)-XVI. dated 1st July 1972.

† ... † Added by (G. N., H. D., No. RJM-1070 (I)-XVI, dated 29th July 1972.

Central Prisons. 4. In each of the Regions, there shall be the following Central Prisons, namely :—

- (a) Western Region—
  - (i) Yeravda Central Prison,
  - \* (ii) Bombay Central Prison,
  - (iii) Thane Central Prison.\*
- (b) Central Region—
  - (i) Nasik Road Central Prison.
  - (ii) Aurangabad Central Prison.
  - (iii) Open District Prison Paithan.
- (c) Eastern Region—
  - (i) Nagpur Central Prison.
  - † (ii) Amravati Central Prison.

District Prisons. 5. (i) There shall be three classes of District Prisons, that is to say:—

- (a) District Prison, Class-I,
- (b) District Prison, Class-II,
- (c) District Prison, Class-III,

(ii) In each of the regions mentioned in column 1 of the Table below, there shall be a prison of such class and at such place as have been specified against them in column 2 thereof :—

Table	
Region 1	Class and Place 2
(i) Western Region	(A) District Prison Class-I at— (i) ‡ ..... ‡ (ii) Byculla (Greater Bombay), (iii) ‡ ..... ‡ (iv) Ratnagiri. ¶ (v) Kalyan. (B) District Prison Class-II at— (i) Sangli. (ii) Satara. (C) District Prison Class-III at— (i) Bombay (Hospital Prison). (ii) Alibag. (iii) Phaltan.

\* ... \* Added by G. N. D. No. RJM-1070/30344-XVI, dated 2nd November 1972.

† Added vide Government Notification, Home Department, No. EST/1575/1-XXVI-J, dated 2 4th February 1977.

‡ ... ‡ Deleted by G. N., H. D. No. RJM-1070/30344-XV1, dated 2nd November 1972.

¶ Added vide Govt, Notification, H. D.. No. RJM/1070/(1)-XXV, dt. 29th Dec. 1975.

Table.—contd.

Region 1	Class and Place 2
(i) Western Region— <i>contd.</i>	(iv) Poona. (v) Bhor. (vi) Sawantwadi. (vii) Kolhapur (City). (viii) Kolhapur (Kalamba). (ix) Ichalkarani. *(x) Hospital Prison. Sir J. J. Group of Hospitals, Bombay.
(ii) Central Region	... (A) District Prison Class-I at— (i) Visapur. (B) District Prison Class-II at— (i) Parbhani. *(ii) Solapur. (iii) Nasik. (iv) Osmanabad.* (C) District Prison Class-III at— (i) Ahmednagar. (ii) † ..... † (iii) Akkalkot. (iv) † ..... †. (v) Bhir. (vi) Nanded. (vii) † ..... †
(3) Eastern Region	... (A) District Prison Class-I at— (i) Dhulia. (ii) Akola. * (iii) Bhandara. * (B) District Prison Class-II at— ‡ (i) Buldana. ‡ (ii) Chandrapur. (iii) Yeotmal. (C) District Prison Class-III at— (i) Jalgaon. (ii) Bhusaval. (iii) † ..... †. (iv) Wardha

\* Added by Government Notification No. RJM-0176/4-XXVI, dated 7th June 1976.

\* ... \* Added by G. N., H. D., No. RJM-1070/30344-XVI, dated 2nd November 1972.

† ... † Deleted by G. N., H. D., No. RJM-1070/30344-XVI, dated 2nd November 1972.

‡ : ‡ Substituted by G. N. H. D., No. RJM-1070/30344-XVI, dated 2nd November 1972.

- Special Prison. 6. The Ratnagiri District Prison Class-I shall also be treated as Special Prison.
- Civil Judge. 7. There shall be a Civil Jail in Greater Bombay.

## *SECTION II—NON-STATUTORY RULES*

1. The prisons in the Maharashtra State are constituted under the Prisons Act (IX of 1894) as amended by Bombay Act, XXIII of 1959.

2. The Inspector General of Prisons is appointed under Section 5(1) of the Prisons Act, and he shall, subject to the orders of the State Government exercise, general control and Superintendence over all prisons.

3. The Deputy Inspectors General of Prisons are appointed under section 5 (2) of the Prisons Act and they shall within the entire State or any specified part thereof, as may be notified by Government in this behalf, exercise such powers and perform such duties as may be delegated to them by the Inspector General of Prisons with the prior approval of the State Government.

4. (i) There shall be a Deputy Inspector General of Prisons (Head Quarters), who shall be in the immediate charge of the office of the Inspector General of Prisons. He shall be assisted in the discharge of his duties and responsibilities by the Superintendent of Jail Industries the Superintendent of Prison Textile Industries, Research Officer, the Personal Assistant to the Inspector General of Prisons and the Organisation and Method Officer.

(ii) (a) There shall be following three regional offices of the Prisons in charge of the region at places and with jurisdictions shown against each of them:—

Region	Head Quarters of the regional office	Jurisdiction
1. Eastern Region. Nagpur	..	All Prisons and institutions' under the administrative control of the Prison Department situated in Bhandara, Chanda, Nagpur, Wardha, Amravati, Yeotmal, Akola, Buldana, Jalgaon and Dhulia districts.
2. Central Region. Aurangabad	..	All Prisons and institutions under the administrative control of the Prison Department situated in Nasik, Ahmednagar, Aurangabad, Parbhani, Bhir Nanded, Osmanabad and Sholapur districts.
3. Western Region Poona	..	All Prisons and institutions (except the Jail Officers' Training School, Poona) under the administrative control of the Prison Department situated in Greater Bombay and in Thana, Kolaba, Satara, Sangli, Kolhapur and Ratnagiri districts.

(b) All prison institutions in the respective regions shall function under the immediate control of the Deputy Inspector General of Prisons in charge of the region. The Deputy Inspectors Generals of Prisons shall be assisted by their Personal Assistants and the staff in their offices.

The Personal Assistant to Deputy Inspector General of Prisons shall function as the immediate Officer in charge of the respective Regional Office and discharge all functions duly assigned to them by the Deputy Inspector Generals of Prisons. In the absence of the Deputy Inspectors General of Prisons in charge of the Region on tour or otherwise, the Personal Assistants shall attend to all the routine works and shall be responsible for the smooth and efficient functioning of the respective Regional Offices.

5. For each prison there shall be a Superintendent and he shall be assisted in the management of the Prison by Jailors and Jail Guards. There shall be a Deputy Superintendent at the Yeravda Central Prison, Nasik Road Central Prison and Nagpur Central Prison.

6. In every prison, in which woman prisoners are confined, there shall be one or more women Jailors and/or matron of such grade as may be determined by Government from time to time.

---

CHAPTER II  
OPEN PRISONS

*SECTION I : STATUTORY RULES*

[Government Notification, Home Department, No. RJM 1070/21090-  
XVI, dated 4th June 1971]

In exercise of the powers conferred by clause (5), (9), (12), (27) and (28) of section 59 of the Prisons Act, 1894 (IX of 1894) and of all other powers enabling it “in that behalf, the Government of Maharashtra hereby makes the following rules, namely:—

Short Title and  
commencement.

1. (i) These rules may be called the Maharashtra Open Prisons Rules, 1971.

(ii) They shall come into force on the 1st day of July 1971.

Definitions.

2. In these rules,—

(a) “Act” means the Prisons Act, 1894 (IX of 1894).

(b) “Open Prison” means any place so used permanently under any order of the State Government for the detention of prisoners under clause (1) of section 3 of the said Act.

(c) “Classification Committee” means the work Assignment Committee constituted at the prison under rule 14 of the Maharashtra Prisons (Employment of Prisoners) Rules, 1965.

Selection  
Committee.

3. (i) For the purpose of selecting prisoners for confinement in any open prison, there shall be a Selection Committee consisting of :—

(a) The Inspector General or his nominee, who shall be the chairman.

(b) The Deputy Inspector General of Prisons of the region from which the prisoners are to be selected.

(c) The Superintendent of the prison from which the prisoners are to be selected for confinement in an open prison.

(d) The Superintendent of Open Prison.

(ii) The Selection Committee shall, subject to the provisions of these rules, prepare a list of selected prisoners and shall submit the same to the Inspector General of Prisons for his orders.

4. (i) The following prisoners may be selected for confinement in all open prisons—

Convicted criminal prisoners who—

(a) are found to be of good behaviour, and are physically and mentally fit; and

(b) are willing to do hard work and abide by the rules and regulations of the open prison; and

(c) are sentenced to terms of imprisonment of one year or more and have undergone one-fourth of their sentence excluding remissions ; or

(d) are sentenced to imprisonment for life or more than 14 years in the aggregate and who have undergone five years of the sentence excluding remission ;

(ii) The following prisoners shall not normally be sent for confinement in an open prison:—

(a) habituals classified as such by courts;

(b) known habituals;

(c) prisoners who are awarded three or more major punishments for prison offences during the last two years, prior to the date of selection.

(d) prisoners having any case pending in a court,

(e) prisoners suffering from mental disease or any other serious disease,

(f) prisoners having previous history of serious mental illness,

(g) prisoners convicted and sentenced for offences under Sections 121, 121-A, 122, 123, 124, 124-A, 125, 126, 128, 129, 130, 131, 132, 133, 134, 135, 376, 392 to 402 of the Indian Penal Code or for offences under the Bombay Prevention of Gambling Act, 1887, or for offences under the Sea Customs Act,

(h) escapees and escape risks,

(i) hired and professional murderers,

(j) prisoners convicted of offences connected with narcotics,

(k) prisoners, who have been transferred from an open prison to a closed prison,

(l) Class I prisoners,

(m) women prisoners,

(n) any other prisoner or category of prisoners whom the Inspector General of Prisons considers unfit for being sent to an open prison.

(iii) Notwithstanding anything contained in sub-rule (ii) the Inspector General of Prisons, may on the recommendation of the Selection Committee, consider the cases of prisoners falling under sub-rule (2) for the purposes of confinement in an open prison.

Procedure for  
selection.

5. (i) The Superintendents of prisons shall prepare separate lists of prisoners falling under sub-rule (i), and sub-rule (ii), of rule 4, and who are willing to be confined in an open Prison.

(ii) The Superintendent shall prepare case histories of such prisoners in the Form I appended to these rules and then forward such lists together with case histories to the Selection Committee.

(iii) The classification committee shall examine the said lists along with the case histories and files of the prisoners at the respective Central Prisons and District Prisons, Class-I.

(iv) The case of each prisoner shall be screened, regard being had to the following factors, namely:—

(a) health, physical and mental to withstand confinement in open prison ;

(b) behaviour and conduct in prison and sense of responsibility displayed ;

(c) progress in work, vocational training, education and 'in other like matters;

(d) group adjustability ;

(e) character and self discipline;

(f) extent of institutional impacts (whether he has reached peak point of training and treatment);

(g) whether he is fit for being trusted for confinement in an open prison.

(v) The Selection Committee shall select such prisoners as are eligible for being confined in open prison under rule 4, and submit a list of selected prisoners for the approval of the Inspector General of Prisons. On the list being approved, the selected prisoners shall as soon as possible be transferred for confinement in the open prison.

Check of work  
and suitability of  
Prisoners  
transferred to  
open prison.

6. The case of each prisoner transferred to an open prison shall be put up before the Classification Committee once a month, which shall analyse the problems of the prisoner in detail. If it finds that a particular prisoner is found unfit for being kept in confinement in the open prison on the ground of indiscipline or unsatisfactory work or any other good and sufficient cause, he shall be transferred, after obtaining approval of the Inspector General of Prisons, to such prison as the Inspector General of Prisons may specify.



7. Ordinary remission shall be granted to the prisoners in the open prisons at the scale mentioned in the following table:—

*Table*

Category of prisoners 1	Scale of remission 2
(i) Prisoners sentenced to life imprisonment and prisoners sentenced to more than 14 years in aggregate.	30 days for a calendar month.
(ii) Prisoners sentenced to more than 5 years and upto 14 years.	20 days for a calendar month.
(iii) Other prisoners	15 Says for a calendar month.

*Note 1.*—No remission shall be granted for broken period or periods in a calendar month.

*Note 2.*—If the aggregate of ordinary and special remission granted to a prisoner exceed half of the period of the sentence, the case of the prisoners should be referred by the Superintendent to Government through the Deputy Inspector General of Prisons in charge of the region and the Inspector General of Prisons.

*Note 3.*—Remission earned by prisoners in an open prison shall be taken into account for the purpose of their final release.

8. Except as provided in these rules, all the rules made under Section 59 of the Act shall apply in relation to prisoners confined in open prisons, as they apply to all other prisoners.

#### FORM X

[See rule 5 (ii)]

#### *HISTORY SHEET*

1. Name of the prisoner.
2. Number of the prisoner.
3. Age.
4. Sentence.
5. Section.
6. Habitual or casual.
7. Criminal History and statement of the prisoner regarding present and previous crimes, if any.

8. Social History—
    - (a) Childhood.
    - (b) Health history.
    - (c) Neighbourhood.
    - (d) Educational background.
    - (e) Adolescence.
    - (f) Economic background.
    - (g) Employment history.
    - (h) Associations, companionship, etc.
    - (i) Habits, attitudes, etc.
  9. Personality (general) impressions only.
  10. Clues regarding sequence of criminal behaviour.
  11. Is he a social or individualised criminal? Is he an ordinary criminal careerist or professional criminal or organised criminal ?  
Is his criminal act, behaviour of the moment or eruptive behaviour ?
  12. Is his maladjustment at the surface level or at the deep emotional level ?
  13. His defects and weaknesses.
  14. His assets.
  15. Which are the favourable and unfavourable points for his rehabilitation ?
  16. Suggestions about reference to experts like psychologist, psychiatrist etc.
  17. Indications about other sources from where information about the inmates' social background can be available. Suggestions about additional material to be collected.
- Date on which the case history was prepared.....
- Prison .....

*SECTION II : NIL*

---

### CHAPTER III

## OPEN COLONIES FOR TEMPORARILY RELEASED PRISONERS

### SECTION I : NIL

#### SECTION II : NON-STATUTORY RULES

[Framed under Government Resolution, Home Department No. RJM, 1070/23139-XVI, dated 30th November 1971]

1. (i) These rules may be called the Maharashtra Open Colonies for Temporarily Released Prisoners Rules, 1971.

Short Title and extent of Operation.

(ii) These Rules shall be applicable to all selected prisoners, whose sentences are suspended by the Government under Section 401 Criminal Procedure Code in the manner and on the conditions mentioned in rule 6 (vi).

2. In these rules the following words and expressions have the following meanings, unless a different intention appears from the subject or context:—

Definitions.

(a) “Family” for the purpose of the rules includes, parents, wife/wives, children and any other dependents of inmates (as defined in clause (c) below, approved as such by the I. G. of Prisons.

(b) “Government” means appropriate Government as defined in Section 402 (3) Criminal Procedure Code.

(c) “Inmates” means prisoners who are conditionally released by Government on suspension of execution of their sentences under Section 401 Criminal Procedure Code for staying at an Open Colony under sub-rule (vi) of rule 6 of these rules.

(d) “Liaison Officer”—denotes an officer appointed as Officer in charge of an Open Colony.

(e) “Open Colony” means any place so used under orders of Government under rule 3.

3. Subject to the approval of Government Open Colonies may be set up in the Maharashtra State at or near places, where selected prisoners may reside and be gainfully employed after suspension of execution of their sentences under Section 401 Criminal Procedure Code.

Open Colonies.

4. (i) The following prisoners may be selected for being released to the Open Colony by suspension of their sentences under Section 401, Criminal Procedure Code.

Prisoners eligible or inteligible for being kept at the Open Colony.

Convicted criminal prisoners who :

(a) are found to be good behaviour and are physically and mentally sound, and

(b) are willing to accept and undertake such work or employment as may be provided in the Open Colony and agree to abide by the rules and regulations prescribed for the governance of the Open Colony,

*and*

(c) are sentenced to terms of imprisonment of seven years or more and have undergone half of their sentences without remission, on the date of their selection.

*or*

are sentenced to imprisonment for life or more than 14 years in the aggregate and who have undergone seven years of the sentence excluding remission,

*or*

have spent at least two years of their imprisonment in an Open Prison.

Provided the Government may relax this condition on the recommendations of I. G. of Prisons.

(ii) Normally the following categories of prisoners shall not be considered eligible for being released to the Open Colony.

(a) Habituals classified as such by Courts,

(b) known habituals,

(c) Those who have been awarded three or more major punishments for prison offences during the last two years as on the date of selection,

(d) Prisoners having any case pending in a Court of law,

(e) Prisoners suffering from mental disease or any other serious disease,

(f) Prisoners having previous history of serious mental illness,

(g) Prisoners convicted and sentenced for offences under Sections 121, 121-A, 122, 123, 124, 124-A, 125, 126, 128, 129, 130, 131, 132, 133, 134, 135, 376, 392 to 402 of the Indian Penal Code or for offences under the Bombay Prevention of Gambling Act, 1887, or for offences under the Sea Customs Act.

(h) Escapees and escape risks.

(i) Hired and professional murderers.

(j) Prisoners convicted of offences connected with narcotics.

(k) Prisoners, who have been transferred from an open prison to a closed prison.

(1) Class I prisoners.

(m) Women prisoners.

(n) Any other prisoner or category of prisoners whom the Inspector General of Prisons considers unfit for being sent to an open colony.

(iii) Notwithstanding anything contained in sub-rule (ii) the Inspector General of Prisons, may, on the recommendation of the Selection Committee, consider the cases of prisoners falling under sub-rule (ii) for the purposes of confinement in an open colony.

5. For the purpose of selecting such prisoners as are eligible for being kept in the Open Colony, there shall be a committee consisting of:—

Section  
Committee

(1) The Inspector General of Prisons or his nominee (Chairman).

(2) The Deputy Inspector General of Prisons in charge of the Regions.

(3) The Superintendent of the Prison from which the prisoners are to be selected.

(4) A Medical Officer.

6. (i) The Superintendents of prisons shall prepare separate lists of prisoners falling under sub-rule (1) of rule 4, and who are willing to stay in an open colony.

Procedure for  
Selection.

(ii) The Superintendent shall prepare case histories of such prisoners in the Form 1 appended to these rules and then forward such lists together with case histories to the Selection Committee.

(iii) The Selection Committee shall examine the said lists along with the case histories and files of the prisoners at the respective Central Prisons and District Prisons.

(iv) The case of each prisoner shall be screened regard being had to the following factors, namely:—

(a) Health, Physical and mental to with and stay in an open colony;

(b) Behaviour and conduct in prison and sense of responsibility displayed ;

(c) Progress in work, vocational training, education and in other like matters;

(d) Group adjustability;

(e) Character and self discipline;

(f) Extent of institutional impacts (whether he has reached peak points of training and treatment) ;

(g) Whether he is fit for being trusted for stay in an Open Colony.

(v) The Selection Committee shall select such prisoners as are eligible for being kept in Open Colony under rule 4.

(vi) The Superintendent of the prison shall submit to the Inspector General of Prisons the list of selected prisoners along with their nominal rolls and the decisions of the Selection Committee, for obtaining necessary orders of Government for releasing the prisoners to the Open Colony. Upon considering the recommendations of the Selection Committee and of the Inspector General of Prisons, Government may suspend the execution of sentences of deserving prisoners in exercise of the powers vested in it under Section 401 Criminal Procedure Code on the following conditions namely:—

(a) That the prisoner shall reside in the colony during the period of suspension of his sentence and shall not go beyond the limits of the specified area of the colony under any pretext without the permission of the Liaison Officer.

(b) That the prisoner shall obey all lawful orders and reasonable directions of the Liaison Officer.

(c) That the prisoner shall be of good behaviour and shall not commit any offence punishable by or under any law in force in India.

(d) That the prisoner shall not associate with bad characters or lead a disolute life.

(e) That the prisoner shall perform the assigned work diligently by putting at least 8 hours of work in a day, and earn his livelihood and that of his family members, who may come to stay with him with the permission of the Inspector General of Prisons.

(f) That the prisoner shall make his own arrangements for clothing of himself and his family members who may come to stay with him.

(g) That the prisoner shall ensure that his family members who may come to stay with him in the colony will be of good behaviour and will not commit any offence punishable by or under any law in force in India and that their stay in the colony will not in any way pose any threat to the community life of the colony.

(vii) Nothing in these rules shall be construed to confer on any prisoner any right to be selected for residence in an open colony and the I. G. of Prisons may reject all or any prisoners without assigning any reason although otherwise eligible for selection under rule 4 (i).

7. \*Should the Liaison Officer find that the presence of the prisoner himself or of the prisoners family members in the colony is or is likely to be harmful to the social life of the Colony, the Liaison Officer shall report the matter to the Inspector General of Prisons and till the final orders of the Inspector General of Prisons are received the prisoner is isolated from other inmates of colony.\*

8. (i) Suspension of execution of sentence of an inmate ordered by Government under sub-rule (6) of rule 6 of these rules may be cancelled by Government at any time without assigning any reasons and on such cancellation the inmate shall be sent back to a prison to undergo unexpired portion of his sentence after allowing remission in accordance with the provision of rule 9 of these rules.

(ii) An inmate may, at any time in writing request for termination of his residence in the open colony and on such request being received by Government, the order of suspension of execution of his sentence shall be cancelled and he shall be sent to a prison after allowing remission in accordance with the provisions of rule 9 of these rules.

9. (i) The inmates of an Open Colony shall be eligible for remission under Section 401 Cr. P. C. of the unexpired period of their sentences as follows :—

(1) Remission of sentence equal to the period spent in the Open Colony and in addition.

(2) Subject to good behaviour, remission at the scale mentioned in the following table:—

*Table*

Category of inmates	Scale of remission
1	2
(i) Inmates sentenced to life imprisonment and inmates sentenced to more than 14 years in aggregate,	30 days for the stay in the Open Colony for a calendar month.
{ii) Inmates sentenced to more than 5 years and upto 14 years.	20 days for the stay in the Open Colony for a Calendar month.
(iii) Other inmates	15 days for the stay in the Open Colony for a Calendar month.

Note.—No remission shall be granted for broken period or Periods in a calendar month.

\*...\* Substituted by Government Resolution, Home Department. No, RJM-1070/23197-XVI, dated 23rd July 1975.

\*(ii) Where any inmate has not committed breach of any of the conditions under which his sentence is suspended by Government under rule 6 (vi) of these rules, during a period of one year reckoned from the date of suspension of his sentence, he may be held eligible to sixty days annual good conduct remission in addition to the remission admissible under sub-rule (i) above.\*

†(iii) The aforesaid periods shall be remitted by Government under Section 401 Criminal Procedure Code, when the inmates become due for release from the prison on expiry of the term of imprisonment including all remissions.

Maintenance of  
Record of  
remission.

10. Record of remission which the prisoners would have earned under rule 9 of these rules and that of all other matter shall be maintained at the Prison, from which he is released as if the prisoner continued to be confined therein.

History Sheet.

11. The Liaison Officer shall maintain history sheet of each inmate in the form as may be prescribed by the Inspector General of Prisons, of each inmate in the colony, wherein he shall note all important incidents relating to the life of the inmate and members of his family.

Employment of  
members of  
families of  
inmates.

12. (i) Subject to such conditions as may be prescribed by the Inspector General of Prisons, inmates if they so desire may bring members of their families and dependents to stay and to work with them in the colony.

(ii) Without assigning any reasons, the I. G. of Prisons shall have the right to ask any or all of the family members of an inmate to leave the Open Colony within a reasonable time limit.

Accommodation.

13. (i) The I. G. of Prisons may provide for the period of their residence in the Open Colony to the inmates and their family members accommodation at such scale as may be considered suitable and reasonable subject to such terms and conditions as he may specify.

(ii) On termination of the residence of the inmates in the Open Colony the inmates and the members of their families shall vacate the accommodation within such period as the I. G. of Prisons may specify and on their failure to do so the Liaison Officer may take such steps as may be necessary and lawful to evict them and secure vacant possession of the accommodation.

---

\*...\* Inserted by Government Resolution, Home Department, No. RJM-1070/23199-XVL dated 31st July 1973.

† Renumbered as sub-rule (iii) by Government Resolution, Home Department, No. RJM 1070/23199-XVI, dated 2nd November 1974.



14. With the prior approval of the I. G. of Prisons, inmates shall ordinarily be employed on the works sponsored by Government or Semi-Government or local bodies or private parties on such terms and conditions as may be approved by Government.

Employment of inmates on Government, Semi-Government, local Bodies or Private Work.

15. (i) Members of the families of inmates staying with them in the colony may be provided with work on the farms/lands etc. on which the prisoners are employed.

Employment for members of families of inmates.

(ii) Inmates and/or members of their families may be allowed to augment their income by pursuing cottage industries such as dairy, poultry farming, horticulture, etc.

(iii) In the event of work not being provided as in (i) above, it will be open for the family members staying with the inmates in the colony to take up any employment other than that specified in sub-rule (1) above.

16. Inmates will be entitled to wages at such rates as ordinarily prevailing in the area in which an open Colony is located for the work assigned to them. Inmates will be entitled to receive and appropriate the entire amount of remuneration from the employer for the work they do.

Remuneration to inmates.

\*17. (i) Inmates staying in the Open Colony for Temporarily Released Prisoners, Kanhargaon, District Chandrapur and Swantantrapur Colony, Atpadi, District Sangli may be permitted by the Deputy Inspector General of Prisons, Eastern Region and Western Region respectively to visit their native places once a year for a period of 15 days in consultation with the District authorities.

Permission to inmates to visit native places.

(ii) Inmates staying in the Open Colony for Temporarily Prisoners, Kanhargaon and Swantantrapur Colony, Atpadi may be granted extension of leave by the Inspector General of Prisons, if such prisoners who are granted leave, surrender to the colony late on account of illness of their family members or for some other reason\*

18. The daily routine and maintenance of discipline and inter personal relationship amongst the inmates of the Open Colony shall be governed by the instructions as may be issued by the I. G. of Prisons from time to time.

Discipline and Routine.

19. (i) An Open Colony will be put in the overall charge of a Liaison Officer assisted by adequate staff. It will be the main responsibility of Liaison Officer and the staff working under him to ensure strict observance of the prescribed rules and instructions and maintain

Supervisory Staff.

---

\*-\* Substituted by Government Resolution, Home Department, No. RJM-1070/23139-XVI, dated 11th March 1974.

orderliness and discipline among the inmates of the colony including members of families of the inmates. Subject to orders issued by the Inspector General of Prisons, or Deputy Inspector General of Prisons, the Liaison Officer may also render all possible help to provide gainful employment to such of the adult family members of the inmates as are allowed to stay in the Open Colony by the I. G. of Prison.

(ii) The Superintendent of the nearest Central or District Prison as may be nominated by the I. G. of Prisons shall visit the colony once a month or as frequently as necessary to supervise the work and for giving guidance to the Liaison Officer in such matter and problems as are referred to him by the Liaison Officer or others.

#### FORM I

[ See rule 6 (ii) ]

#### *HISTORY SHEET*

1. Name of the prisoner.
2. Number of the prisoner.
3. Age.
4. Sentence.
5. Section.
6. Habitual or casual.
7. Criminal history and statement of the prisoner regarding present and previous crimes, if any.
8. *Social History*.—
  - (a) Childhood.
  - (b) Health history.
  - (c) Neighbourhood.
  - (d) Educational background.
  - (e) Adolescence.
  - (f) Economic background.
  - (g) Employment history.
  - (h) Associations, companionship, etc.
  - (i) Habits, attitudes, etc.
9. Personality (general) impressions only.
10. Clues regarding sequence of criminal behaviours.
11. Is he a social or individualised criminal ? Is he an ordinary criminal careerist or professional criminal or organised criminal ?

Is his criminal act, behaviour of the moment or eruptive behaviour ?

12. Is his mal-adjustment at the surface level or at the deep emotional level ?
13. His defects and weaknesses.
14. His assets.
15. Which are the favourable and unfavourable points for his rehabilitation ?
16. Suggestions about reference to experts like psychologist, psychiatrist, etc.
17. Indications about other sources from where information about the inmate's social background can be available. Suggestions about additional material to be collected.

Date on which the case history was prepared .....

Prison .....

---

## CHAPTER IV

**PRISON HOSPITAL***SECTION I : STATUTORY RULES*

[Government Notification, Home Department No. RJM-1058-(XXIII-XXIV)-IV, dated 4th June 1970.]

In exercise of the powers conferred by clauses (10), (27) and (28), of section 59 of the Prisons Act, 1894 (IX of 1894), in its application to the State of Maharashtra, and of all other powers enabling it in that behalf and in supersession of the rules relating to Jail Hospital in force in any part of the State, the Government of Maharashtra hereby makes the following rules, namely :—

Short title and  
commencement

1. (i) These rules may be called ‘the Maharashtra Prisons (Prison Hospital) Rules, 1970’.

(ii) They shall come into force on the first day of July 1970.

Prison hospital  
to have a  
Medical Officer

2. (i) Every hospital in a prison or other place for the reception of sick prisoners shall be in charge of a Medical Officer who shall be—

(1) The Resident Medical Officer from Maharashtra Medical Service, Class II, where such posts are sanctioned by Government, or

(2) The Civil Surgeon of the district in the cases not covered by clause (1); provided that the prison is located in the same place as the headquarters of the Civil Surgeon,

(3) The Maharashtra Medical Service Officer-in-charge of the local dispensary, if any, in the cases not covered by clauses (1) and (2), and

(4) In any other case, the Medical Officer-in-charge of the dispensary maintained by the local authority, or, where there is no such dispensary, such other person as the State Government may appoint.

(ii) Every Medical Officer other than the Resident Medical Officer shall visit the prison regularly at least twice a week at fixed hours and also whenever required by the prison authorities.

Duties of  
Medical Officer

3. A Medical Officer shall,—

(1) See that proper expenditure is incurred on medicines and other medical stores.

(2) from time to time examine all the medicines kept in the store in order to assure himself of their purity,

(3) regularly check the accounts of medicines purchased from the market,

(4) himself check the stock of drugs and instruments every six months and submit a certificate to that effect along with the certificate of the Superintendent to the Inspector General in respect of central prisons and to the Regional Deputy Inspector General in respect of other prisons,

(5) pay special attention to the quality and quantity of the water supply of the prison. If contamination is suspected, he shall send samples to the Officer-in-charge, Laboratory, Poona, and report the result of analysis to the Inspector General,

(6) inspect at least once a month the sources, surroundings and distribution of water supply. When there is a reason to suspect that pollution or contamination is likely to occur, he shall take suitable steps to ensure the purity of water by chlorination or otherwise,

(7) arrange for the proper distribution of work among the staff working under him,

(8) occasionally visit the prison cemetery and see that it is maintained in proper condition. He shall also keep in view sites in the neighbourhood which may be suitably utilized as camping grounds in case of an outbreak of any epidemic disease like cholera,

(9) inspect all new cells, wards and other places of detention and shall certify whether they are, in all respects, fit for occupation by prisoners,

(10) if he is the Resident Medical Officer, visit the hospital daily before 10 a. m. and shall go round the wards and see all admitted and detained cases,

(11) personally examine and pass orders regarding the treatment of all prisoners who have come or been sent to hospital since the previous morning,

(12) examine all prisoners for diseases like V. D., provided that women prisoners shall be examined by lady doctors only,

(13) as far as may be practicable, personally treat the sick prisoners instead of delegating this duty to a Junior Medical Officer,

(14) visit the prison as many times daily as may be necessary for the efficient discharge of his duties or, if he is unable to do so on any day, he shall issue suitable instructions to his Junior Medical Officer in respect of cases requiring attention,

(15) acquaint the Superintendent of his absence and the arrangements done by him for his duties and shall on his rejoining, record the cause and duration of his absence in form I,

(16) inspect every part of the prison regularly and frequently for the purpose of ascertaining that nothing likely to be injurious to the health of the prisoners exist therein and ascertain that ventilation and cleanliness of the barracks, yards, latrines, and other parts of the prison are properly attended to according to the rules laid down for conservancy and that cleanliness of the persons and clothing of prisoners is observed.

(17) be present at the time of weekly inspection of prison by the Superintendent, attend to the medical requirements of prisoners and shall record his observations in form I with instructions, if any,

(18) occasionally visit the sleeping wards some hours after the inmates have been locked up in order to inspect the ventilation arrangements and particularly to see whether the air inside is foul and temperature unduly high,

(19) visit once daily, and oftener if necessary, all prisoners in cells and shall report at once in writing to the Superintendent the necessity for the removal of any prisoner therefrom on account of bodily or mental infirmity,

(20) see that the hospital books, registers and returns are properly maintained and are initialled daily where necessary,

(21) Pay special attention to the following registers and books, namely:—

- (1) Medical Officers' Journal, in form I,
- (2) Health Register, in form II,
- (3) Register of Sick Prisoners, in form III,
- (4) Register of Convalescent Prisoners (with index), in form IV,
- (5) Register of extra diet given to prisoners, in form V,
- (6) Requisition Book, in form VI,

- (7) Register of Surgical Instruments and Medical Books, in form VII,
- (8) Register of Hospital Clothing, in form VIII, and
- (9) Expense book of drugs, in form IX,

(22) keep a record in form X (Form C. M. 3) of all cases admitted to hospital, of the number of prisoners treated as outpatients for minor ailments and of the members of the staff and their families in the form prescribed by the Inspector General,

(23) scrutinise the entries made by the Junior Medical Officer, in Health Register, in form II about the state of health of prisoners, and decide class of labour (hard, or other than hard) for which the prisoner is physically fit; and shall record the reason for classifying a prisoner as fit for labour other than hard on his history ticket as well as in form II and where a prisoner appears sick shall direct his removal to the prison hospital or into quarantine and shall note in the remark column of the said register anything abnormal in the prisoner's condition,

(24) sign orders for extra diet and other articles required for sick prisoners whether in or out of the hospital and shall make a report thereof every month to the Inspector General in respect of central prisons and to the Regional Deputy Inspector General in respect of other prisons through the Superintendent including variations made in the ordinary diet of prisoners on medical grounds, as also during any epidemic or other emergency,

(25) recommend to the Superintendent for change of diet of entire prison during the prevalence of epidemic disease or in case of emergency,

(26) while forming an opinion about the physical fitness for labour of a convicted criminal prisoner take into account the prisoner's occupation, his mode of life, health, locality in which he has resided, abundance or scarcity of food in the district to which the prisoner belongs, the state of his muscles and limbs and' signs, if any, of constitutional or mental weakness,

(27) cause to be prepared and brought to the notice of the Superintendent, an abstract of statement showing the total number of prisoners employed on labour who have gained weight, the number of kilograms gained, the total number of prisoners who have lost weight, the number of kilograms lost and the number of prisoners whose weight has remained the same,

(28) prepare nominal rolls (in Form Jail 36-A) each month and attach to the detailed contingent bill. Such rolls shall show (a) the total number of prisoners to whom a particular extra diet is given, (b) the medical grounds on which extra diet is given, (c) the total number of prisoners in or out of the hospital to whom extras or food other than that supplied to ordinary prisoners was issued during the month, and (d) the reasons for giving the extras or special diet in each case,

(29) report in form I about the health of a prisoner or the prisoners generally, the result of his weekly and other inspections and any practice, acts or omissions which he may consider to be objectionable on sanitary grounds,

(30) report to the Superintendent for communication to the Inspector General matters connected with the sanitary conditions of the prison or the treatment of the prisoners which shall at any time appear to him to require his consideration. He shall make a special report through the Superintendent to the Inspector General of any unusual or excessive sickness or mortality in the prison,

(31) report to the Superintendent in writing the appearance of any epidemic or contagious disease likely to assume an epidemic form, and any irregularities in the hospital or any other part of the prison which may come to his knowledge in connection with his medical duties or the sanitary arrangements in force, making at the same time necessary suggestions and shall also report to the Surgeon General, the Director of Public Health and the Director, Bombay Bacteriological Laboratory, Parel, the appearance of epidemic disease of a contagious nature,

(32) give directions in writing for immediately separating from the other prisoners any prisoner having, or suspected of having, infectious, contagious, or mental disease, and for cleansing, disinfecting, or destroying any infected places, bedding or clothing,

(33) hold postmortem examination in all fatal cases if possible, and note the result with a brief account of the general health of the prisoner at the time of his admission into prison, the nature of his illness and work on which he was employed, the nature of punishments imposed on him during the whole period of his imprisonment, and any remarks he may think necessary to offer on the nature and cause of the disease and on the general clinical features of the case with any account of the appearances after death. Provided that no postmortem examination shall



be made in cases in which the Medical Officer certifies with absolute certainty the cause of death of prisoners. The concurrence of the Superintendent shall be obtained in cases in which postmortem examination is not held.

(34) examine judiciously all cases which are recommended for release on medical grounds by the Medical Officer Class III, satisfy himself that the prisoner is really in such a state as to justify his immediate release from jail on medical grounds, and issue the certificate over his signature for being sent to Government with the report, and

(35) examine all prisoners awarded corporal punishment before it is executed and also attend all executions of prisoners.

4. The walls of the hospital shall be scrapped and white washed every six months or oftener, if necessary. Lunatic sick prisoners shall be kept in separate cells.

Hospital,  
Management

5. In each hospital cots may be provided to sick prisoners together with mattress, pillow, pillow case, bed sheets and such blankets as may be necessary. Mosquito curtains may also be provided in malarious locality. In all cases a record Form C. M. 3 (Form X) shall be kept. In fever cases a temperature chart shall also be kept.

Hospital  
Equipment

6. Prisoner complaining of illness shall be brought before the Medical Officer who, after examination, shall determine whether he should be kept under treatment as an outpatient, placed on the gang of convalescent prisoners or admitted in hospital. Where the Medical Officer is of the opinion that none of these courses is necessary, he shall make necessary remarks about the labour or diet in form I which shall be placed before the Superintendent for orders.

Prisoner  
complaining of  
illness to be  
brought before the  
Medical Officer

7. The Medical Officer may permit any prisoner to purchase from his private cash, any items of food, patent medicines, or articles of clothing, if he considers that these are essential for the maintenance of the health of the prisoner. All such orders shall be entered in form I.

Purchase of  
items at  
prisoner's cost

8. A prisoner may be detained for 24 hours but not longer in hospital under observation, without his name being entered in form II. If the Medical Officer finds a prisoner to be malingering, he shall at once report the fact to the Superintendent *for necessary action*.

Detention of  
prisoner in  
hospital

Gang of infirm  
prisoners

9. (i) In every prison there shall be a gang of infirm prisoners in which the following class of prisoners shall be placed for special treatment:—

(1) permanently infirm prisoners, that is to say, such prisoners as are permanently infirmed due to age or bodily infirmity and thus physically incapacitated from doing any labour,

(2) convalescent prisoners discharged from hospital from convalescence and who are temporarily unfit for labour,

(3) prisoners who are generally out of health and suffering from some organic disease but who can do some work. Such prisoners shall be given work on the recommendation of the Medical Officer,

(4) prisoners who are losing weight without any apparent cause in spite of all precautions taken for their recovery.

(ii) The prisoners referred to in sub-rule (1) shall be examined daily by the Junior Medical Officer, if any, in charge of the prison, and at least once a week by the Medical Officer, and shall as far as possible be kept together and their names shall be entered in form IV.

Segregation of  
convalescing  
prisoners

10. (i) Prisoners convalescing from attack of dysentery, cerebro-spinal meningitis or pneumonia shall be segregated for at least a month after their discharge from hospital,

(ii) Prisoners suffering from skin or other contagious disease shall be kept in hospitals *properly segregated*.

Transfer of  
prisoners in  
urgent cases

11. Urgent cases requiring immediate surgical or other treatment which cannot be given in the prison hospital shall be transferred at once to the local Civil Hospital and report made to the Regional Deputy Inspector General.

Prisoners  
suffering from  
leprosy

12. A prisoner suffering from leprosy shall, on the recommendation of the Medical Officer, be segregated from other prisoner and a cell, a ward or a temporary shed shall be set apart for the purpose. Where a prisoner sentenced to rigorous imprisonment is found to be suffering from leprosy, he shall not be put to such work as is likely to be handled by others.

---

## FORM I

[See rules 3 (15), 3 (17), 3 (29), 6 and 7 ]

**MEDICAL OFFICER'S JOURNAL**

Date	Suggestion and observations of the Medical Officer	Orders issued by the Superintendent of the prison and action taken by the Jailor	No. and date under which extract submitted to I. G.	Number of visits paid during the month and class of M. M. S. Officer
1	2	3	4	5

**FORM**[ *See* rules**Register of Prisoners showing particulars of Health on their admission**

Serial No. as per Register No. 3	Prisoner's Name	Age	Date of Admission	State of Health on admission	(Class of Labour H. Hard M. Medium L. Light)
1	2	3	4	5	6

## II

3 (21), 3 (23) and 8 ]

Discharge from the.....~~Prison~~  
year ~~Jail~~ for the

Weight on admission	On admission vaccinated Smallpox or unprotected	Weight on Discharge	State of Health on Discharge	Date of Discharge	Gained, lost or stationary	Remarks (If a Convict is disposed of otherwise than discharge, it should here be stated what became of the convict)	Medical Officer's Initials
7	8	9	10	11	12	13	14

## FORM III

[ See rule 3 (2I) ]

**Register of the Sick in the ..... Prison Hospital**  
**for the Month of ..... 200 .**

Serial No.	Register No.	Name with father's or husband's name	Age on admission	Employment in prison
1	2	3	4	5

Barrack in which prisoner has been sleeping	Diseases	Date of admission into Hospital	Date of discharge or death	Remarks
6	7	8	9	10

## FORM IV

[ See rules 3 (21), 9 (2) ]

**Convalescent** **Register of the** **Prison** **for the Year 19**  
**Old and Infirm** **Jail**

Serial No.	Register No.	Name of convict	Medical reason for Classification	Date on which brought on this Register	Date on which discharged from this Register	Initials of Medical Officer on discharge of Convict from this Register	Re- marks
1	2	3	4	5	6	7	8

**FORM V**

[ See rule 3 (2I) ]

**Register of Extra Diet or any other article allowed to Prisoners  
in and out of Hospital in excess of the respective Hospital  
or Prison Dietary of the Prison during the  
Month of ..... 197 .**

No.	Name	Medical grounds	Whether in or out of Hospital	Articles allowed	Quantity	Date on which commenced	Period for which sanctioned
1	2	3	4	5	6	7	8

Initials of Medical Officer 9	Date on which last issued 10	Initials of Medical Officer 11	Total quantity issued during the Month 12					
			Mutton	Milk	Sugar			

Kg. G. Kg. G. Kg. G. Kg. G. Kg. G. Kg. G.

Brought forward ...

---

 Carried over ...
 

---



**FORM VI**

[ See rule 3 (21) ]

**Hospital Requisition on the ..... Prison Authority**

Date	Name of Artical	Number of quantity required	Remarks

**FORM VII**

C. M. 125 e.

[ See rule 3 (21) ]

**Register of Dead Stock Article or Instruments and Appliances or Books of the Veternity Civil Hospital for the 19 .**

Serial No.	Description of articles	Opening Balance on 1-4-20		Purchased during the year		
		No.	Value	Vr. No.	No.	Value
1	2	3	4	5	6	7

**FORM VII—contd.**

Disposed of or written off				Balance in stock 31-1-20		Initials of the Veterinary Assistant Surgeon or of the Medical Officer	Remarks
No.	Value	Orders autho- rising the disposal	Date of credit in the cash book	No.	Value		
8	9	10	11	12	13	14	15

FORM

[ See rule

CLOTHING REGISTER OF THE PRISON  
SUB-JAIL FOR THE

	Strength at clsoe of month		Males and Females						Males							
	M	F	Bedding				Blan- kets				Jackets			Socks		
			Matresses	Mats, coir	Mats, moonja	Pillows	Sheets	Cotton-woollen			Woollen	Caps, cotton	Cotton	Cotton-woollen	Gunny	Woollen
Under trial	...															
Convicts	...															
Total	...															
Balance on last day of previous month			...													
<i>Received—</i>																
From Factory on—																
By transfer (not to be Returned)			...													
from																
Total			...													
<i>Deduct—</i>																
Used in mending and repairing on—			...													
Used in making pads etc., on—			...													
Transferred (not to be returned to)			...													
Sold by auction			...													
Total			..													
Balance at end of month			...													
Details of Balance—																
<i>On Prisoner's body—</i>																
1. Issued new during past months			...													
2. In good condition			...													
3. Ragged to be condemned next month			...													
Total			...													
<i>In Store—</i>																
1, New, never issued			...													
2. Part-worn, in good condition, fit for immediate issue.																
3. Repairable			...													
Total			...													

Dated

20 .

VIII

3 (21) ]

MONTH OF ..... 19 ..

[illegible]

S (Y) 80-3-a.

Superintendent.

# EXPENSE BOOK

*Gratis*

[illegible]

## FORM X

[ See rule 3 (22) and 5 ]

## MEDICAL CASE RECORD

## रुज्ज पत्रिज

HOSPITAL		Regd. No.	
रुज्जालय		-नोंदजी ढ्रमांज	
Ward	Admission	Date	दि-ांज
रुज्जालय		दाजल जे ल्याचा	
Bed. No.	Discharge of Death	Date	दि-ांज
जाट ढ्रमांज		रुज्जालयातू-ा सोडल्याचा जिं वा मृत्यूचा	
Under Care of	Student	Date	दि-ांज
विभाज प्रमुज		विद्यार्थी	
Name	Caste		
संपूर्ज -ाव	जात		
Age	Sex	Income	
वय	पुरुष/स्त्री	उत्पन्न	
Address	Income	(1) Cured	
पत्ता		(१) संपूर्ज बरा झाला	
Occupation		(2) Relieved	
व्यवसाय		(२) सुधारजा झाली	
Next of Kin		(3) Unrelieved	
जवळच्या -ातेवाईजाचे -ाव	उत्पन्न	(३) मुळीच सुधारजा झाली -ाही	
Address	Income	(4) Absconded	
पत्ता		(४) पळाला	
Referred by		(5) Died	
जोजी पाठविले		(५) मृत्यू पावला	
PROVISIONAL DIAGNOSIS			
तात्पुरते रोजनिदा-ा			
FINAL DIAGNOSIS			
निश्चित रोजनिदा-ा			

(Case continued)

Name

संपूर्ण -गाव

Date दि-मांज	Clinical Notes व्याधि-विवरण	Treatment and Diet उपचार व आहार

*SECTION II : NON-STATUTORY RULES*

1. For all administrative purposes, the Medical Officer is subordinate to the Superintendent of the prison except as regards the medical treatment of the sick. He shall have a free hand in the medical treatment of the inmates of the Hospital whether sick or convalescent or under observation, subject to Jail discipline. He is under the general control of the I. G. of prisons.

2. All Medical Officers and Medical staff solely employed in the Jail Department are debarred from private practice. (*Vide* G. R., H. D., No. 8944, dated the 30th January, 1926).

3. The Medical Officers shall advise the Superintendent as to the means to be taken for the protection of prisoners from cold, wet or sun.

4. Whenever the mortality of the prison during a month exceeds one per cent per annum, the Medical Officer shall record in the monthly sick return an explanation of the cause of such excess of mortality. In cases of unusual mortality he shall make a special report on the subject for transmission to the Government, through the Regional Deputy Inspector General and the Inspector General of Prisons.

5. In treating weak, convalescent and old prisoners, the following points shall be noted:—

(a) They should form a separate class apart from the other prisoners.

(b) They should be allowed extra clothing and bedding, if considered necessary.

(c) Extra and/or varied diet may be prescribed for them, if considered necessary.

(d) Suitable arrangements should be made to ensure that the old prisoners particularly have easy access to urinals during the night.

6. Every prisoner shall be weighed regularly every alternate Sunday, in the presence of the Medical Officer or the M. M. S. Officer who shall personally record the weights in a Register specially kept by him for the purpose. The weighment should take place before the morning meal and the prisoner should wear trousers only. Deductions should be made on account of fetters at the rate of 2.260 Kgs. and 1.360 Kgs. for bar and chain fetters respectively. The Medical Officer shall prescribe such treatment to prisoners as he considers necessary on account of undue loss of weight.

7. The Medical Officers shall from time to time examine the prisoners while at work and issue such instructions as he may think necessary regarding the change of labour of prisoners. Prisoners whose labour has been so changed shall not be shifted back until the receipt of further instructions from the Medical Officer regarding his fitness.

8. Opium is not to be given to a prisoner except on the written orders of the Medical Officer.

9. The Medical Officer shall apply to the Superintendent for Convict hospital attendants whenever he requires them. In the event of a prisoner who is seriously ill in prison, having a relative also in prison, the latter may be allowed, at the discretion of the Superintendent to attend on the patient.

10. When necessary the Medical Officer may call in a lady doctor in Government service to attend female prisoners:—

(a) Such lady doctors are not entitled to fees but they should be given conveyance charges to the extent necessary. Where lady doctor in Government service are not available the lady doctors employed in the Dufferin Fund and other Municipal and Local Board Institutions should be called in and paid fees in accordance with the following scale:—

(1) *By Day.*

Medical Officers of the Women's service and Medical Women with English Qualifications—Rs. 16 plus conveyance charges.

Lady doctors holding the degree of M. B. B. S.—Rs. 8 plus conveyance charges.

Lady doctors holding diploma of L. C. P. S.—Rs. 4 plus conveyance charges.

(2) *By night.*

Double the above rates.

(b) Where no such lady doctors as mentioned in paragraph (a) above are available other lady medical practitioners should be called in when necessary and should be allowed such fees as the Superintendent of Jail considers reasonable.

(c) The cost on account of such fees and conveyance charges is debitable to "Medical and Hospital equipment" and "Current Office expenses" respectively.



*Note* :—The rule is not applicable to women prisoners in Yeravda Women's Prison. (*Vide* G. L., H. D. No. 9685/2-III, dated 24th October 1934).

11. The Medical Officer shall be responsible that every prisoner, transferred or removed for any purpose, is in a fit state to undertake the journey required of him, and shall certify at the foot of the nominal roll that the prisoners are fit for transfer. He shall see that sick prisoners are provided with proper diet for the journey.

12. 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 detained under observation, treated outside the hospital, placed on the convalescent gang, or admitted into hospital. If he thinks none of these courses is necessary, he may make any recommendations in writing as to the prisoner's labour or diet in Register No. 32, which shall be laid before the Superintendent for information and orders. (Government letter, Judicial Department, No. 4798, dated the 30th August 1892).

13. In the absence of the Medical Officer, the Maharashtra Medical Service Officer may admit prisoners into hospital bringing them before the Medical Officer on his next visit. Any order passed By the M. O. as to a prisoner's labour or diet shall be entered in the latter's history ticket.

14. All border line cases (*i. e.* cases which are not fit to be sent to the Mental Hospital but which show signs of mental disorder) of prisoners suffering from mental disorders shall be concentrated in the Yeravda Central Prison and Nagpur Central Prison. (Government Letter, Judicial Department No. 4798, dated the 30th August 1892).

15. The Superintendent shall in consultation with the Medical Officer, detail a sufficient number of well behaved prisoners to perform the mental duties of the hospital. Prisoners so detailed shall be under the immediate orders of the Medical Officer, and shall perform such duties as he may require of them.

16. In each Jail specially selected intelligent prisoners shall be trained in nursing by the Medical staff and shall not be transferred from the hospital to other work except on account of misconduct and with the concurrence of the Medical Officer.

17. When a prisoner is admitted to the Jail Hospital and placed under the treatment of the Medical Officer, all medicines including patent medicines, extra or special diet and clothing should be supplied to him at Government expense to ensure his speedy recovery. It is not however, necessary to give special medical treatment to the patient prisoners with costly special drugs like streptomycine, chloromycine, etc. when they can be cured with ordinary medicines even though the period in which they will be cured will be slight longer. If a patient prisoner is desirous of having treatment with special and costly drugs at his own cost he should be given every facility to purchase them, provided the Medical Officer consider it necessary in the interest of the health of the prisoner. In exceptional cases however of the Medical Officer considers that but for the treatment with special drugs the disease from which a particular prisoner is suffering is likely to prove fatal, the Medical Officer may supply special drugs to the prisoner in the prison Hospital. The same rule should also apply when the patient prisoner is transferred to the local Civil Hospital for treatment. In any particular case, however, if the Civil Surgeon considers that treatment, with drugs is indispensable, the patient prisoner may be so treated and the expenditure on the treatment met from the regular grants at the disposal of the Civil Hospital or the Poor Fund or the Hospital Maintenance Fund.

In the case of prisoners, who are accustomed to a particular type of food or patent medicines, etc. but who are not admitted to the Hospital and placed under treatment, the Medical Officer, may if he considers that particular type of food or medicine is essential for the normal maintenance of health of such prisoners, allow them to be supplied at the prisoner's own cost. (Government letter, Home Department, No. 5399/5-C, dated 27th November 1948 and 2209/7-C, dated the 19th June 1953.)

18. If a case in Jail hospital does not respond to treatment within a reasonable time or when the Medical Officer is not certain about the diagnosis he should consult Civil Surgeon of the District. (Inspector General's Circular No. 180, dated the 29th July 1938).

19. (1) In cases where the Medical Officer considers x-ray or any other examination for diagnosis is necessary which is not available in the local civil or other Government aided hospital, a report in the matter should be made to the Regional Deputy Inspector General of Prisons by the Superintendents of District Prison and to I. G. by the Superintendents of Central Prisons.

(2) Prisoners should be removed to the Hospital Prison, Bombay after obtaining orders of the I. G. In emergent cases, however, the Superintendent may on his own accord remove a prisoner to the Hospital Prison, Bombay and approach the I. G. for approving his action. (Inspector General's Circular No. 180, dated the 29th July, 1938).

20. Prisoners, who are desirous of having extra medical facilities in respect of diet or clothing in addition to those provided for in the Jail Hospitals, may be allowed to supplement them at their own cost, provided the Medical Officer considers it necessary in the interest of the health of the prisoner. (Government letter, Home Department No. 5410/5-C, dated the 5th September 1949).

21. Prisoners who want dental treatment over and above what is available in the adjacent Civil Hospitals, may be allowed to have it at their own cost. (Government letter, H. D. No. 5410/5-C, dated the 5th September 1949).

22. When the Medical Officer is of opinion that the removal of a sick prisoner to another prison is absolutely necessary to save his life and is likely to lead to his recovery, he shall submit a brief statement of the case to the Superintendent, and point out the prison to which he considers a transfer desirable. The Superintendent shall submit the recommendation for orders to the Regional Deputy Inspector General of Prisons in respect of District Prisons and to the I. G. of Prisons in respect of Central Prisons.

*Note.*—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 prison, but if during such 3 months he dies of a different disease or dies subsequent to such 3 months of the disease on account of which he was transferred, his death shall be included in the returns of the prison wherein he dies. In the former case, his admission shall not be included in the statistics of the receiving prison nor his transfer in the statistics of the despatching prison.

23. The Chief epidemic diseases which are likely to occur in Prisons are :—

Cholera, Diarrhoea, Small-pox, Cerebrospinal meningitis, influenza, relapsing fever, dysentery, pneumonia, Plague, beri-beri, mumps, measles and scurvy. The Superintendent shall enforce all preventive measures in consultation with the Medical Officer.

24. If within a week after the first case of Cholera, cerebrospinal, meningitis or plague has shown itself in a prison, two or more cases occur, it shall be considered that the disease has assumed an epidemic form and information shall at once be sent to the Inspector General, the Regional Dy. I. G. of Prisons and the neighbouring Prisons, if necessary.

25. In the event of epidemic disease being present in the vicinity of a prison, care shall be taken, as far as possible, to prevent any communication taking place between the inmates of the prison and the infected locality.

26. More than the ordinary attention shall be paid to all the usual conservancy arrangements of the Prison, and the Medical Officer shall recommend such alterations in the prison diet as may be calculated to guard prisoners from liability to the attacks of epidemic diseases. As few sick as possible ought to be collected in the Jail hospital, all trifling ailments being treated in barracks.

27. If any epidemic disease is present in the district, care shall be taken that all prisoners received from such districts are carefully examined and made to wash themselves and their clothing thoroughly, disinfected on admission into prison. They shall then be rigorously segregated for a period of not less than ten days in such manner as the Medical Officer may deem proper. The assistance of the district authorities should be asked with a view to all prisoners being admitted sufficiently early in the day to allow washing and disinfection on the same day.

28. For every prison, one or more camping grounds, sufficient to accommodate the usual total population with guards, shall be selected. The selection shall not be left till an epidemic actually occurs. The Superintendent shall select these camping grounds in communication with the District Magistrate and the Medical Officer.

29. Every camping ground shall be selected so as to comply, as far as possible with the following conditions; its exact accommodation shall be ascertained by measurement, and in making the selections special attention shall be paid to its state during the rains:—

(a) It shall be easy to access and not nearer than two miles to any military cantonment or than one mile to any Civil station or town.

- (b) It shall not be on any great lines of communication.
- (c) The ground shall be high and well drained.
- (d) There shall be a good supply of drinking water.
- (e) There shall be no rank vegetation, and thick tops of trees must be avoided.
- (f) The distance of the camping ground from the prison shall not ordinarily exceed five miles without Inspector General's permission.

30. When a removal into camp becomes probable the Superintendent and Medical Officer shall inspect the ground afresh and satisfy themselves that it is really available and in order.

31. It is desirable that every prison, where a site is available shall be provided with two permanent isolation sheds built outside the prison walls. On the first occurrence of a case of cholera, plague, cerebro-spinal meningitis or suspicious diarrhoea, the patient shall not be taken to hospital but shall be immediately removed out of the prison at one of these sheds while in the other shed all attendants sweepers etc. looking after the case shall be strictly isolated and shall on no pretext, be allowed to enter the prison or communicate with other prisoners until all risk of infections is over.

32. The utmost care must be taken that all prisoners employed in cleaning a ward in which a case of epidemic diarrhoea, cholera, or plague has occurred or who have been in contact with the patient after the first symptoms have appeared, are retained under medical observations in a separate building, where available, in a manner that shall effectually prevent their mingling, on any pretext with other prisoners who have not been so employed, special care being taken that they are bathed and fed apart, and their excreta are separately collected and are disinfected before removal, and that their clothing are thoroughly disinfected before they are again allowed to mix with other prisoners.

33. These disinfecting parties shall, as far as possible be selected from among those prisoners who have been confined in the same ward or barracks as that in which the case of epidemic disease has appeared.

34. If an epidemic of any of the diseases named in rule 23 especially cholera, becomes severe, all or a part only of the prisoners may be moved from the prison either to any place on the prison premises or to the prison

camping ground. The Medical Officer shall decide, after consulting the Superintendent, when it is necessary to move the prisoners from the prison, provided that if the Superintendent does not agree with Medical Officer's decision he shall before acting on it, refer the question for the orders of the Inspector General by telegram. Similarly, if the Superintendent and Medical Officer disagree as to whether they shall to move to the prison camping ground or to any place on prison premises, the question of issue shall be referred to the Inspector General by telegram. In any case in which any removal of prisoners is determined, the fact shall be at once reported to the Inspector General by telegram. When the prisoners are being moved out of the prison, the District Magistrate and Police authorities should be communicated with, so that any extra guard of Police, if required for the camp, may be in readiness.

35. The evacuation of a whole prison involves large expenditure and disturbance of discipline and labour. It should not therefore be resorted to except with Inspector General's sanction. If the monsoon is in progress, prompt reduction of the Jail population by removal of a portion of the prisoners into camp may be attempted as it allows the infected wards to be vacated and cleansed.

36. When the tents provided at the prison are insufficient for the accommodation of the prisoners, application shall be made by telegram to the Inspector General, and if more tents are not procurable, huts shall be put up for the shelter of the prisoners. The tents, after the camp is closed, shall be allowed to stand for few days, during which they shall be thoroughly disinfected.

37. Where prisoners are moved into camp dry straw may be provided for them to sleep on and cots for the sick.

38. In camp there shall be two detached hospitals one after the treatment of miscellaneous cases, and the other for the treatment of epidemic cases. These shall be to the leeward of, and some distance from the camp.

39. Careful attention shall be paid to the conservancy of the camp and the trenches shall be dug every day to the leeward of the position. The prisoners and all others connected with the camp shall be made to resort to these trenches for the purposes of nature. These trenches shall be covered over with earth every evening.

40. No one but prison officials, of those having the Superintendent's pass, shall be allowed to enter a camp. The boundary of a camp can be effectively marked by a ditch 15 cms. deep and 46 cms. wide; the earth from this being all heaped up outside. By these means a sharp, well defined shadow is thrown which at night assists the sentry in detecting any one crossing the boundary. In place of the trench a fence of thorny bushes, if available may be constructed.

41. If the disease continues unabated in frequency and virulence after the removal of the prisoners, it will be advisable to shift the camping ground.

42. Where epidemic disease has broken out in a prison and it may not be considered desirable to remove the prisoners into camp, the following precautions shall be observed in the prison during the prevalence of the disease:—

(a) The barrack in which a case occurs shall be immediately vacated, other accommodation being found for the inmates, who shall be kept together, and on no account be distributed amongst the other prisoners. The vacated barrack shall be thoroughly and carefully disinfected, the disinfection being carried out if possible by the prisoners who occupied the barrack.

(b) The condition of every prisoner shall be carefully watched, as the earlier a patient is treated the greater is the chance of his or her recovery. During the night enquiries as to the health of the inmates of each barrack shall be made by the sentries every hour, and any persons attacked by premonitory symptoms shall be immediately removed for treatment. Convict Officers shall be required to report at once any sign of sickness, and a prisoner visiting the latrine oftener than usual shall be placed under observation.

(c) The most scrupulous attention shall be paid to the latrines and every detail connected with "dry earth conservancy" shall be most carefully and continuously enforced. Should any latrine have been used by a prisoner suffering from cholera or epidemic dysentery or diarrhoea the latrine shall be closed and disinfected; all pans if of earth, broken and buried or burnt, if of iron disinfected with fire or strong disinfectant solution, exposed to the sun, and tarred.

(d) A wood fire shall be burned in each ward or cell, the doors and windows being closed for a short period.

(c) All overcrowding shall be far as possible be strictly avoided both in the hospital barracks and cells. If the epidemic be severe it may be desirable to give up the hospital to epidemic cases, removing all other cases to any temporary hospital that can be improvised in a ward or workshed, should there be no better place available. Slight cases of colic or ordinary diarrhoea should also be treated separately and not admitted to hospital until the characteristic symptoms of cholera have appeared.

(f) Those parts of the hospital floors which are liable to be soiled may be sprinkled with ashes, saw-dust or fine sand. All discharges shall immediately be carried away, and any portion of the floor which is soiled shall be at once cleaned and thoroughly wetted with strong solution of carbolic acid, or per-chloride or mercury.

(g) During epidemic disease if the water supply is not absolutely free from suspicion, special attention shall be paid to the chlorination of all drinking water.

(h) If necessary the number of sweepers shall be increased, and, if there are not sufficient prisoners available for conservancy duty, the extra number required shall be engaged from outside. The convict sweepers and attendants on patients may be encouraged in their work by a small daily allowance of tobacco or some inexpensive change of diet or increase in the rates of wages. All reasonable charges which it may appear necessary to incur in carrying out these rules, will be passed by the Inspector General.

(i) Work in the factory shall be relaxed, but not discontinued entirely. The prisoners, if in camp, shall be employed in cleaning and levelling the ground and other easy labour. A midday rest for more than the prescribed hours shall be allowed, if considered essential by the Medical Officer.

(j) If for ten clear days no fresh case has occurred either in camp or in the prison, and the prescribed purification of the latter has been completed, the prisoners may return to it.

(k) Before the prisoners return, the whole of the clothing and bedding shall be boiled for 10 minutes or disinfected by steam if a disinfectant is available.

(l) The dejecta of a patient suffering from Cholera shall be received in a vessel containing some disinfectant and be immediately buried or burnt.



(m) On the recovery or death of a patient suffering from a dangerous infectious disease, the clothing and bedding shall be immediately burnt.

(n) The prison officials and their quarters shall be attended to in every respect according to the rules laid down for the protection of prisoners.

(o) Cases occurring amongst the women prisoners are to form no exception to these rules.

(p) The body of a prisoner who has died of a highly infectious disease shall be entirely wrapped in a sheet saturated with a strong disinfectant e. g. one part perchloride of mercury in 500 parts of water and buried or burnt with the least possible delay.

(q) Whenever epidemic sickness prevails in a prison a return in Jail Form No. 93 shall be submitted daily to the Inspector General. On this return the Medical Officer shall briefly note the measures he is taking to arrest the epidemic, and any information -he may consider of importance. The return shall be discontinued when the attacks have ceased. The outbreak shall also be reported to the Chief Sanitary Officer of the district.

(r) An outbreak of epidemic disease shall be reported immediately to the Director of Public Health by the Medical Officer through the Superintendent.

43. When it is clearly apparent that plague or cholera is established in an epidemic form in a Jail or in the surrounding districts inoculation (on Professor Hafkin's system) shall be resorted to without' delay in consultation with the Director of Public Health or his local representative.

44. If there is any reason to think that the clothing of any Jail guard or prison official is likely to have been polluted by any cholera discharge it shall at once be withdrawn from use and disinfected.

45. In each Central, Special and District Prison there shall always be a squad of 5 to 10 prisoners and Convict Officers specially trained by the Medical Officer to take preventive measures against the spread of epidemics. The squad should be used for taking the preventive measures as soon as there is a reasonable apprehension of an epidemic spreading in the Jail.

46. All Jail employees and their families residing in prison quarters must be vaccinated.

47. Any undertrial prisoner or a convict suffering from leprosy, whose segregation the Medical Officer recommends, shall be segregated from all other prisoners, a cell, ward or temporary shed being set apart for the purpose, care shall be taken that such confinement is not solitary. The prisoner shall see and may converse with other prisoners and, if he is a convict sentenced to rigorous imprisonment, he shall not be given any work which is likely to be handled by others.

48. Prisoners suffering from leprosy shall as far as possible be housed in the prisons classified for confinement of leper prisoners. When a convict suffering from leprosy is admitted in any prison other than that which is classified for confinement of leper prisoners, his Nominal Roll shall be submitted to the I. G. together with a request mentioning in brief the medical case, the type and stage of the disease and the opinion of the M. O. regarding the desirability of removing him to a leper ward.

49. Cells or wards which have been occupied by lepers shall be limewashed and thoroughly cleansed before any other prisoner is confined in them. The prison clothing used by a released leper shall either be disinfected or destroyed, as may be recommended by the Medical Officer.

50. When a prisoner suffering from leprosy is travelling by rail, due notice of the fact shall be given to the Railway authorities.

\*51. Duties of Junior Medical Officer :—

I. It shall be the duty of the Junior Medical Officer,

(a) to attend daily the sick in the hospital and outdoor patients and supervise the preparation and issue of medicines to the sick prisoners;

(b) to supervise the issue of food and extra diet to the sick and to those in the infirm and convalescent bays ;

(c) to maintain order and discipline in the Jail Hospital and to ensure safe custody of prisoners in the hospital subject to any other arrangement made by the Superintendent from unlocking to lock up ;

(d) to see that the yards and buildings of the hospital are always kept locked and properly secured;

(e) to ensure the safe custody of medicines, instruments, appliances, equipment, hospital and prisoners' clothing and to see that all medicines are properly arranged and labelled and that proper care of the instruments, appliances, and other equipment in his charge is taken by the party handling it ;

(f) to maintain all registers up-to-date and prepare or cause to be prepared and despatch all indents and returns on prescribed dates;

(g) to make a daily round of the prison ;

(h) to inspect water supply, drains, trenching ground etc. and report to the authority concerned any defects noticed by him during his inspection rounds;

(i) to inspect the prisoners in cells daily ;

(j) to examine all newly admitted prisoners;

(k) to visit staff quarters twice a month to ensure that the sanitary conditions are quite satisfactory ;

(l) to accompany to the R. M. O. and/or Sr. M. O. on his visit to prison and take note of all orders given by him;

(m) to superintend the fortnightly weighment of prisoners which shall be recorded on their History tickets and other relevant register and to put up before the R. M. O. or Sr. M. O. cases of prisoners who are persistently losing weight.

II. He shall at least once a week inspect every part of the prison 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 and the water supply is pure and not liable to pollution and that due precautions against overcrowding are taken and that the ventilation and cleanliness of the barracks, workshops, cells, wards etc., are provided for and properly attended to;

III. He shall inspect the kitchen daily and feeding parades frequently and shall test the weight and quality of the rations before and after cooking;

IV. He shall also examine prisoners complaining of illness and admit them if necessary to hospital. He shall promptly report the cases of malingerers to the R. M. O. or Sr. M. O. who in turn report such cases to the Superintendent for punishment.

V. 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 sheets of each prisoner employed on labour, the weight of such prisoner at the time and shall cause the prisoners losing weight to

be paraded apart for the special attention both of himself and of the R. M. O. or Sr. M. O. When he is of opinion that the health of any prisoner suffers from employment of any kind or class of labour, he shall record such opinion in the prisoner's history sheet which should be immediately placed before the R. M. O. or Sr. M. O., who should ensure that such prisoner is not employed on that labour but is placed on some other suitable kind or class of labour.

VI. He shall attend all members of the prison staff and their families, who reside in the prison premises and require medical help. Medicines required for the treatment of the members of the prison staff and their families shall be supplied from the prison store. He shall bring to the notice of the Superintendent any facts respecting the cases of illness that may be of importance in enabling him to determine as to the fitness or otherwise of Jail subordinate for continued employment in the prison service.

52. Duties of the Compounder :—

(i) He shall be responsible for the safe custody of medicines and equipment, bedding and clothings of the hospital and for the proper supply of these articles to the patients in hospital, according to the instructions of the medical officer.

(ii) He shall be responsible for the correct and proper dispensing of medicines and shall see that the almirahs are securely locked and poisons kept separate.

(iii) He shall keep the dispensary always clean and tidy.

(iv) He shall help the Medical Officer in maintaining the records on medical matters. He will help the Medical Officer in taking and recording the weight of prisoners.

(v) He shall maintain the temperature charts of prisoners admitted to the Hospital in the absence of nursing orderlies.

(vi) He shall comply with all orders and directions of the R. M. O. and the Medical Officers relating to medical matters.

53. Duties of Nursing Orderlies :—The duties of Nursing Orderlies shall be prescribed by the Junior Medical Officer, which will be recorded to writing and shall be approved by the R. M. O. or Sr. M. O. Any change of their duty made by the Junior Medical Officer should be immediately brought to the notice of the R. M. O. or Sr. M. O.

---

\*-\* Added by Government, Home Department, Resolution No. RJM-1058-(XX)-XVI, dated 31st August 1970.

## CHAPTER V

### PRISON BUILDING AND SANITARY ARRANGEMENTS

#### SECTION I : STATUTORY RULES

[Home Department, Notification No. RJM-1058 (XIX-IV),  
dated 4th January 1964]

In exercise of the powers conferred by clauses (8) and (28) of Section 59 of the Prisons Act, 1894 (IX of 1894), and of all other powers enabling it in that behalf and in supersession of any rules relating to prison buildings and sanitary arrangements and in force in any part of the State, the Government of Maharashtra hereby makes the following rules, namely :—

1. (i) These rules may be called the Maharashtra Prisons (Prison Buildings and Sanitary arrangements) Rules, 1964.

Short title and  
commencement.

(ii) They shall come into force on the first day of February, 1964.

2. Prison buildings including the quarters for the staff within prison premises shall be in charge of the Buildings and Communications Department and no additions or alterations in, or dismantling of, any such buildings whether or not sanctioned by the Inspector General, or as the case may be, the Deputy Inspector General of Prisons (Regional) shall be carried out without the approval of that Department.

Prison buildings  
to be in charge of  
Buildings and  
Communications  
Department.

3. Use of land in vicinity of prisons \* (Unless the State Government for reasons to be recorded in writing directs otherwise) within †(182.88) meters on the main wall of a prison shall be leased for non agricultural purposes. Provided that the Collector may lease such land for agricultural purposes for short periods.

4. (i) The wards in a prison shall be thoroughly swept and cleaned daily.

White-washing of  
wards and prison  
hospitals.

(ii) The walls and ceilings of the wards shall be scraped and white-washed once a year and those of the hospital twice, or oftener, if necessary. The date of the white-washing shall be shown in distinct figures on the wall of the barrack's opposite the entrance door.

---

\* Substituted by Government Notification, Home Department No. RJM-1070 (XIX )-XVI, dated 2nd September 1970.

† Substituted by Government Corrigendum, Home Department No. RJM-1058 (XIX) IV, dated 13th April 1966.

(iii) The prison area and the surrounding ground shall be kept clean and free from all jungle grass and weeds and shall be thoroughly drained by either shallow or sub-soil drains to ensure the dryness of the prison area and to prevent the accumulation of water near the prison. Open drains shall, if possible, be used.

Maintenance of  
cleanliness in  
Prison.

5. All parts of a prison shall be kept thoroughly clean and no rubbish or dirt be allowed to accumulate in any part thereof. The Superintendent shall, take special care to see that cleanliness in the kitchen is maintained and refuse is not thrown about anywhere.

Pits in work-sheds  
to be kept damp-  
proof.

6. Work-shed floors shall be filled with damp-proof pit looms.

Public nuisances  
etc. not to be  
permitted near  
prison.

7. Public privies, dye works, open drains or similar other nuisances likely to affect the health of prisoners shall not, as far as possible, be permitted near a prison.

Planting of trees  
in and around  
prison.

8. (i) Suitable types of trees shall be planted on the prison premises both inside and outside the main wall, in such a way that they are away from the prison buildings and walls so that they cannot be used as an aid to escape or to make any mischief.

(ii) No fruit-trees shall be planted inside the prison walls.

Additions and  
alterations to  
buildings.

9. No additions or alterations to any existing building shall be made without the orders and no plans and estimates shall be prepared by the Superintendent without the sanction of the Inspector General or the Deputy Inspector General of Prisons (Regional), as the case may be.

Administrative  
approval for  
construction.

10. The Superintendent shall submit proposals for construction of wards, cells and other places of detention (including additions or alterations thereto) to the Inspector General, or as the case may be to the Deputy Inspector General of Prisons (Regional) for administrative approval. Such proposals shall be accompanied by a preliminary report specifying the position of the building proposed to be constructed, description of the building, approximate estimate, plans and other necessary details and particulars. The Superintendent shall obtain approximate estimate of the proposed construction from the Buildings and Communications Department with the prior sanction of the Inspector General or as the case may be, the Deputy Inspector General of Prisons (Regional).

11. (i) The Superintendent shall visit from time to time the work under execution and see that it is carried out according to the approved plan and estimate. In the event of any hitch or difficulty, the Superintendent shall if it is within his powers, give the matter prompt attention and assist the Buildings and Communications Department authorities in removing it.

Superintendent to visit frequently work under execution.

(ii) The Superintendent shall at once report to the Deputy Inspector-General of Prisons (Regional) where administrative approval for construction has been accorded by him and in other cases to the Inspector-General, the defects and irregularities noticed by him in the construction of wards, cells and other places of detention.

12. The area enclosed within the prison walls shall not be less than 83.61 square metres per head of the total capacity, except where land is valuable, the minimum area may be 62.71 square metres per prisoner.

Area of prison.

13. In every sleeping barrack the minimum space per prisoner shall be 3.71 square metres and 15.83 cubic metres and in hospital wards 5.58 square metres and 23.75 cubic metres.

Minimum space per prisoner in sleeping barracks.

†Provided that, if the State Government, Inspector-General or Superintendent is of opinion that it is necessary or expedient so to do for providing accommodation to prisoners in sleeping barracks on any occasion, it or he may relax the provisions of this rule to such extent as may be necessary having regard to the circumstances of the occasion.†

14. Cells shall have a ground area of not less than 8.92 square metres and a cubic capacity of at least 33.98 cubic metres.

Ground area in cells.

15. Free and thorough ventilation in barracks, wards and cells shall be secured by the provisions of large barred doors and windows constructed in opposite walls. The total area of these openings shall be at the rate of 1.12 square metres per head of the sanctioned number of prisoners which the barrack or ward is designed to accommodate. In the case of a cells, the ventilating area shall be at least 2.23 square metres.

Provision for ventilation in barracks, wards and cells.

16. In each barrack masonry or iron frame sleeping berths 1.83 metres × 91.24 centimeter × 45.72 centimeters high may be provided, if practicable. The number of such berths shall not be greater than the sanctioned capacity of the barrack and they shall be arranged in two parallel rows. In the case of masonry berths, great care shall be taken to prevent them from being infested with bugs.

Sleeping berths in barracks.

---

\* Added by Government Notification, Home Department, No. AFP/1667 (i)-IV, dated 2nd February 1968.

Utilization of worksheds as sleeping wards when prison is over crowded.	17. In the event of a prison being overcrowded, the Superintendent shall either utilise worksheds as sleeping wards or accommodate the excess number of prisoners in huts or tents and report the circumstances to the Inspector-General.
Floors of barracks and cells.	18. The floors of all barracks and cells shall be paved with stone or made of other impermeable material such as concrete or asphalt.
Verandahs.	19. All barracks, wards and cells shall have verandahs to prevent rain from drifting inside and also to provide shelter where food can be served, when necessary. Verandahs may also be used as work places and for accommodating short term prisoners during the night in case of overcrowding in the prison.
Night latrine to be annexed to sleeping barrack and ward.	20. A night latrine shall be annexed to every sleeping barrack and ward. Conservancy vessels shall not be placed inside a barrack.
Worksheds.	21. All worksheds shall be amply lighted and ventilated.
Area of each barrack and ward to be indicated on door.	22. There shall be affixed a zinc, brass or wooden plate on the door of every barrack or ward, specifying the number of cubic metres and the surface area which the barrack or ward contains and the maximum number of prisoners which it is capable of accommodating.
Visit to sleeping wards by Superintendent and Medical Officer	23. The Superintendent and the Medical Officer shall, in all seasons at uncertain intervals, visit the sleeping barracks in the prison at night and see that arrangements in respect of ventilation are adequate, properly controlled and are not obstructed by prisoners in the cold season to ensure warmth.
Ventilation in sleeping wards.	24. (i) All possible arrangement shall be made for thorough ventilation of sleeping wards during the day, to remove such organic matter adhering to the walls as are slowly oxidised.  (ii) Beddings shall be removed out of the sleeping wards and exposed to the sun for several hours daily in dry weather and in wet weather to air in verandahs, if any.
Conservancy arrangements.	25. (i) The Superintendent, Deputy Superintendent, Medical Officer, the Jailor and all subordinate executive staff of a prison shall ensure that proper attention is paid to conservancy.  (ii) There shall be provided in a prison latrine accommodation at the rate of one seat for every six prisoners and such latrines shall—  (a) be constructed of stone or galvanised iron sheets without using wood anywhere in such construction ;



(b) have a sufficiently high partition to divide each seat from the other and dwarf door in order to provide reasonable privacy;

(c) have seats provided with foot rests made of blocks of stone;

(d) have floors paved with blocks of stone or some other impermeable material, and

(e) have arrangements for water for ablution at or close to the latrine.

26. Latrines and urinals shall be cleaned out every morning and evening, and if necessary, in the middle of the day.

Cleaning of  
latrines and  
urinals.

27. Receptacles one-fourth full of water in which prisoners may pass urine shall be placed in every night latrine and in every cell before lock up each evening and near each work-shed or other place of labour. Such receptacles shall not be used for defecation and shall not be placed inside a barrack. Receptacles placed in cells shall have close fitting lids.

Night latrines.

28. Liquid disinfectants such as phenyle or cresol shall not be used for latrines latrine receptacles or drains but they shall be painted occasionally with coal tar and smeared frequently with crude oil or pesterine.

Latrines etc. to be  
painted with coal  
tar or smeared  
with crude oil or  
pesterine.

29. All foecal matter, refuse of the kitchen and sweepings of the prison shall be buried in shallow trenches in the prison garden or made into compost. Useless rubbish which cannot be converted into manure may be burnt.

Disposal of foecal  
matter, refuse etc.

30. The trenches in a prison shall—

Construction of  
trenches.

(i) be about 30.48 centimetres wide and 30.48 centimetres deep with a space of about 30.48 centimetres between each two trenches ;

(ii) be filled with foecal matter thoroughly mixed or amalgamated with dry-earth or other refuse matter to within 15.24 centimetres from the top and filled in with the dry-earth taken from the trenches, the earth being gently rammed down;

(iii) be allowed to remain untouched for about six months when the ground shall be dug up crosswise and cultivated: and

(iv) be as far from wells as can possibly be arranged and only a sufficient extent of trench of the day's requirements shall be dug at a time.

31. Urine shall not on any account be buried in the same trenches or mixed with excreta, but shall be collected and buried in separate trenches.

Disposal of urine.

Pits for deep  
trenches.

32. Where sufficient land is not available, night soil or other refuse shall be buried in large pits of 91.44 centimetres X 91.44 centimeter X 91.44 centimetres which shall be properly rammed and allowed to remain undisturbed for six months after which period the pits may be dug up and the contents utilised as manure.

Superintendent  
and Medical  
Officer to pay  
attention to purity  
of water.

33. (i) It shall be the duty of the Superintendent and the Medical Officer to see that the water supplied to prisoners for drinking and culinary purposes is pure and wholesome or so treated with other suitable chemicals as to be potable and safe for human consumption.

(ii) Where there are several sources of water supply in a prison the best of them shall be set apart for drinking purposes.

(iii) If the purity of the water supply is at any time suspected, the Medical Officer shall at once arrange to have it chlorinated or otherwise effectively purified.

Cleanliness to be  
maintained in and  
around well.

34. Where the water supply is drawn from a well in a prison, the well shall be cleaned out once a year. Well-water shall be preserved pure by the daily withdrawal of a large quantity of water, by the removal of decomposing matter, by obviating the re-entrance of water taken out, and specially by preventing the percolation of sewage. No prisoner shall be allowed to bathe or wash his clothes at the well from which the drinking water is drawn. Storage tanks and reservoirs shall be emptied and cleaned out before the rains.

Supply of  
drinking water.

35. Drinking water shall be supplied in sleeping wards, cells and other places of detention.

## *SECTION II : NON-STATUTORY RULES*

Inspector General  
authorised to  
sanction  
expenditure in  
certain cases.

1. The Inspector General is authorised to sanction expenditure from the discretionary grant annually placed at his disposal for new minor works and additions and alterations to Prison buildings to an amount not exceeding Rs. 10,000 (which limit has been temporarily raised to Rs. 20,000) for any one work subject to the provisions of Rule 260 of Bombay Public Works Department Manual, Volume I. In the case of new residential buildings the sanction of Government is necessary subject to the Item No. 22 of the Bombay Financial Publication No. VII.

2. Powers delegated to the Inspector General in respect of matters dealt with in the Bombay Public Works Department Manual have been specified in Serial Nos. 8 and 17 of Appendix XXVII of the Bombay Public Works Department Manual, Volume II (1940 Edition) and Item No. 22 of Financial publication No. VII.

3. The item “work”, when it is used by itself denotes its comprehensive application. It applies not only to works of construction or repair but also other individual items of expenditure, connected with the supply, repair and carriage of tools and plant or the supply or manufacture of stores or the operations of workshops.

4. The term “Original Works” indicates new construction whether of entirely new works or of additions and alterations to existing works or of repairs to newly purchased or previously abandoned buildings increasing the cost of the property in question.

5. The term “repairs” includes primarily operations undertaken to maintain in proper condition buildings and works in use.

6. It also includes works of remodelling or reconstruction which do not add to the original cost of the building.

7. *Repairs are of three kinds* :—(a) Those which as a matter of regulation are carried out periodically i. e. painting and white-washing. Repairs.

(b) Those which are not done as a matter of regulation periodically but which it is convenient to carry out so far as far as may be necessary at the time of periodical repairs.

(c) Such occasional or petty repairs as become necessary from time to time and which may have to be carried out between the times of periodical repairs.

Provision for repairs mentioned in (a) and (b) above should be made in the Annual Budget Estimates by Buildings and Communications Department and for the third kind in separate requisition as the occasion may require.

8. “Major Works” means an original work the estimated cost of which exclusive of departmental charges, exceeds Rs. 10,000 (which limit has been temporarily raised to Rs. 20,000). “Minor work” means an original work the estimated cost of which, exclusive of departmental charges, does not exceed Rs. 10,000 (which limit has been temporarily raised to Rs. 20,000). These minor works are financed from the discretionary grants placed at the disposal of the Inspector General and executed subject to the provisions of rule 234 and Sr. No. 17 in Appendix XXVII of Bombay Public Works Department Manuals Volume-I and II respectively. Major and Minor Works.

9. For every work (excluding repairs and petty works) initiated by or connected with the requirements of the Prison Department it is necessary to obtain the concurrence, i. e. administrative approval of Government in the Administrative approval to works.

Home Department, or the Inspector General of Prisons or the Deputy Inspector General of Prisons (Regional) as the case may be, to the proposals before the technical sanction (i. e. sanction to the detailed estimate) to the work is accorded by the competent authority in the Buildings and Communications Department *vide*, paragraph 130 of the Bombay Public Works Department Manual, Volume I. The list of competent authorities who can accord technical sanction is given at serial No. 7 in Appendix XXVII of the Bombay Public Works Department Manual, Volume II.

10. This procedure should also apply to modifications of the proposals originally approved by Government in Home Department or the Inspector General of Prisons, or the Deputy Inspector General of Prisons (Regional), as the case may be, if likely to necessitate eventual submission of a revised estimate, to material deviations from the original proposals, even though the cost of the same may possibly be covered by savings on other items, and to cases where the detailed estimates when prepared exceed the amount administratively approved by more than 10 per cent. In these cases as also in cases when the expenditure on a work exceeds or is found likely to exceed the amount administratively approved for it by more than 10 per cent should be obtained from Inspector General. Provided that in cases in which the expenditure on a work exceeds or is found likely to exceed the amount administratively approved for it by more than Rs. 10,000 the revised administrative approval of Government in Home Department should be obtained. In the case of modifications during construction revised administrative approval of the competent authority should be obtained without awaiting the preparation of detailed supplementary or revised estimate.

11. The administrative approval to a work or the technical sanction to an estimate for such work will ordinarily cease to operate after a period of five years from the date from which such approval or sanction was accorded, *vide* Rule 239 of Bombay Public Works Department Manual, Volume I (1940 Edition).

Construction of  
petty works.

12. The Buildings and Communication Department shall be entirely responsible for the construction of petty works in connection with the prison Buildings, and current repairs, special repairs etc. shall also be carried out by that Department from the grants under the head 50, Civil Works State:

(a) All petty works of the nature of the construction of or repairs to water channels in the garden and of temporary sheds for cattle shall be carried out and financed by the Jail Department from the grants provided for under “256-Jails”

(b) Convict labour both skilled and unskilled shall be utilised by the Buildings and Communications Department wherever available and possible, in carrying out original works and repairs, etc., to jails and paid for by credit to the jail Department.

13. The Sub-Divisional Officer must see that all Prison rules are strictly observed when introducing free labour for work inside the Prison.

Prison Rules to be observed when free labour is introduced inside the Prison.

14. Orders for the commencement of any work should always be given in writing after detailed plans and estimates have been sanctioned by the competent authority and allotment of funds has been made by the Inspector General. Rules Nos. 234, 235 and 237 of the Bombay Public Works Department Manual, Volume I should be referred to for further details.

Orders for commencement of work.

15. (i) On the completion of the work, a completion certificate in Public Works Department Standard Form No. 561 E should be forwarded by the Executive Engineer or other Official concerned of the Buildings and Communications Department to the Superintendent who should sign it if the work is carried out satisfactorily or else should pass thereon whatever remarks he considers necessary. The completion certificate should then be sent by him to the Inspector General for countersignature.

Completion Certificate to be signed by the Superintendent and countersigned by the Inspector General.

Note :—The completion certificate in the case of petty works and repairs should be endorsed on the requisition (Public Works Account Form No. 32 Public Works Department Standard Forms Nos. 416 and 417) no separate certificate being required in such cases.

(ii) The counter-signature of the Inspector General on completion certificate implies that the work has been completed and taken over by Prison authorities and on the requisition implies that the building or work is generally in proper order and the countersignature involves, no further responsibilities, *vide* Rule 289 of Bombay Public Works Department Manual, Volume-I (1940-Edition).

16. Use of latrines by prisoners during all hours of the day shall be discouraged as such visits are likely to encourage idleness and necessary conversation between the prisoners.

Use of latrines during day to be discouraged.

17. If practicable, all prisoners on extra mural work should obtain their supply of drinking water, during working hours, from the same source as the other prisoners.

18. When gangs are working outside the prison, special care shall be taken to ensure that they are supplied with good water.

Provision for drinking water.

CHAPTER VI  
**JAIL GARDEN DAIRY AND POULTRY**

*SECTION I : Nil*

*SECTION II : NON-STATUTORY RULES*

(Framed under G. R., H. D. No. RJM 1058 (XXV)-IV, dated 25-7-1963 and brought into force with effect from 15-8-1963)

Officials in immediate charge of agricultural land, Jail Garden, Dairy, Poultry and Cattle attached to a Prison.

1. The immediate charge of the agricultural land, the Jail garden, the dairy, the poultry and the cattle attached to any prison shall:—

(i) in the case of every Central Prison and the Visapur District Prison be committed to an Agricultural Officer,

(ii) in the case of District Prison, Class I and District Prison Class II (except the Prisons located in Sangli and Greater Bombay) be committed to a qualified Agricultural Assistant,

(iii) in the case of any other prison be committed to a suitable Jail-Guard who may, if necessary, be specially recruited for the purpose.

Agricultural Officer and Agricultural Assistants.

2. All the posts of Agricultural Officers and Agricultural Assistants with Jail Department shall be treated as temporary additions to the respective cadres in the Agricultural Department and shall be filled in as follows:—

(i) The Agricultural Officer or the Agricultural Assistant, as the case may be, shall ordinarily have put in at least 2 years' service in the same capacity in the Agricultural Department;

(ii) The persons to be selected shall be settled by the Director of Agriculture and Inspector General in consultation with each other;

(iii) Every Agricultural Officer or Agricultural Assistant transferred for service to the Jail Department shall ordinarily be liable for service in that Department for a period of three years and may not be withdrawn during the period without the consent of the Inspector General except for promotion in Agriculture Department or other valid reasons ;

(iv) No employee of the Agricultural Department shall ordinarily be compelled to serve a second term in the Jail Department ;

(v) Every employee of the Agricultural Department whose services are lent to the Jail Department shall be placed unconditionally at the disposal of the Inspector General who may post and transfer him at his discretion, anywhere in the Division to which he is allocated.

3. The Agricultural Officer, if there be one, and in other cases, the Agricultural Assistant, or the guard in immediate charge of the Prison Garden, but subject to the general control of the senior Jailor, shall be responsible for ensuring economic supply of vegetable throughout the year, as far as may be possible.

4. Every Prison garden shall have a sufficiently strong hedge to prevent stray cattle from entering into the garden area and destroying valuable crops.

Hedge around every Prison Garden.

Note :—Hedge may be made of Aloe suckers or any other suitable type of hedge border. There should be a ditch on the inside of the garden 0.910 X 0.910 meters running all along the line. The hedge plant should be planted on the top of the loose earth available from the digging, cattle do not jump over such a ramp and across the wide ditch which is on the inside.

5. The garden shall be kept neat and clean free from weeds and under growth and having every available portion under profitable cultivation preferably of succulent vegetables and condiments.

Vegetable and condiments to be preferred for cultivation in Prison Gardens.

6. Every portion of the Jail land shall be utilised in the best manner possible. Fruit trees, vegetables, grains pulses, grass etc. may be grown, according to the needs of security, the irrigation facilities available, the nature of soil, and other relevant considerations. As far as possible, fruit trees may not be grown inside the prison walls. Land not fit for other purpose may be utilised for grazing.

Prison lands to be utilised for various purposes.

7. Great care shall be taken that all available sources of water supply in prison gardens are utilised and husbanded as far as possible. The irrigation channels should be built of stone or cement, and leakages should be promptly repaired. As much use as possible shall be made of night soil in the gardens.

Use of water and night soil in the prison gardens.

8. (i) A sufficient number of drought cattle shall be maintained in each Prison in conformity with its requirements of field operation. These animals shall be used for drawing Prison carts for various Prison needs.

Farm, Animals and Dairy.

(ii) A dairy shall be run at such Prisons where it is profitable to do so, and milk supplied to prisoners in accordance with the Jail rules.



If surplus milk is available it may be supplied to jail employees and also to outside customers at current market rates.

(iii) In any prison where the milk is supplied by a Contractor it should be tested by lactometer.

(iv) The draught cattle may be kept in the same yard but separate from the dairy cattle.

(v) Calves shall be kept in a separate enclosure.

(vi) Both dairy and draught cattle shall be kept in hygienically clean sheds which are well roofed and well ventilated but giving sufficient protection to the animals from exposure to draughts in cold weather. The floor should be of well burnt brick which can prevent the animals from slipping. The floor should have a sufficient slope to drain of liquids.

(vii) The health and needs of the cattle shall be immediate responsibility of the Agricultural Officer, the Agricultural Assistant, or the Special guard, as the case may be. The Superintendent, the Senior Jailor and the Medical Officer shall regularly visit this area and see that the animals are properly looked after.

Disposal of  
surplus  
vegetables.

9. Whenever there is surplus of vegetables in the Jail garden after meeting the needs of prisoners, it shall be put up for sale outside the prison gate and as far as possible near the quarters of the Jail guards and sold to the members of the staff or to the public at the current bazar rates, preference being, however, given to Jail guards in making the sales.

Disposal of  
surplus fire wood  
grown on Prison  
land.

10. If the surplus firewood grown on prison land is available after providing for current requirements for jail purposes and storing sufficient to guard against any anticipated shortage in the future, it may be sold to members of the Jail staff or the public at current bazar rates. No firewood which has been purchased for Jail use may, however, be sold under any circumstances whatever to the Jail staff or any one else.

Stocking of  
fodder.

11. Fodder should be stocked for consumption by the Jail cattle during the dry season. Any surplus may be sold to members of the staff or the public at current bazar rates.

Storing of  
vegetables which  
do not deteriorate

12. Vegetables such as onions, potatoes, red pumpkins etc. which will keep, may be stored for issue when garden crops fail. Efforts should also be made to store other types of vegetables if they can be so preserved.

Maintenance of  
Cows, bullock  
buffaloes, sheep  
and goats by  
Prison staff.

13. (1) No cow, bullock or buffalo shall be kept by any member of the Jail staff without the previous sanction of the Inspector General. Sheep or Goat not exceeding two (excluding kids upto 3 months) per family may however be kept.



All members of the staff who keep sheep or goat or who are permitted to keep cows, bullocks, buffaloes on Jail premises will be charged for each animal the following monthly rates all the year round whether grazing is available or not.

Goat or a sheep	... 25 naye paise per mensem.
Cow bullock or buffalo	... One rupee per mensem.
Calf	... 50 naye paise per mensem.

(ii) These animals may be permitted to graze on such land as the Superintendent may appoint but no attendant or cut fodder will under any circumstances be provided. The owner will however be held responsible for any damage done to Government property by his animals and the Superintendent has full power to forbid the keeping of animals in any case where he considers it necessary.

---



## **PART II : B**

Staff



## CHAPTER VII

## STAFF RECRUITMENT

## SECTION-I NIL

## SECTION II : NON-STATUTORY RULES

## Part-I

[Framed under Government Resolution, Home Department  
No. RJM 1058 (ii)-XVI, dated 18th June 1971.]

The personnel of Maharashtra Prison Department comprise of the following :—

Personnel of  
Prison  
Departments.

## (I) INDIAN ADMINISTRATIVE SERVICE

- (a) Inspector General of Prisons.

(II) MAHARASHTRA JAIL SERVICE (STATE)  
(CLASS I AND CLASS II)

- (a) Deputy Inspectors General of Prisons.
- (b) Superintendents of Central Prisons.
- (c) Principal, Jail Officers' Training School.
- (d) Superintendents of District Prisons, Class-I.
- (e) Principal, Borstal School.
- (f) Superintendent of Jail Industries.
- (g) Superintendent of District Prison, Class-II.
- (h) Deputy Superintendents at Central Prisons.
- (i) Personal Assistant to the Inspector General of Prisons.
- (j) Organisation and Method Officer in the office of the Inspector General of Prisons.
- (k) Personal Assistants to the Deputy Inspectors General of Prisons in charge of Regions.
- (l) Administrative Officers at Prisons.
- (m) Superintendent of Prison Textile Industries.
- (n) Research Officer.
- (o) Technical Officers (Prison Agriculture).

---

\* Substituted by the Government Resolution, Home Department No. RJM 1088 (ii)-II-XVI, dated 20th May 1974.

(III) MAHARASHTRA JAIL SERVICE (CLASS III AND IV)—  
EXECUTIVE BRANCH

- (a) Superintendents of District Prisons, Class III.
- (b) Jailors Group I.
- (c) Factory Manager.
- (d) Assistant Vice Principal, Borstal School.
- (e) Jailors Group II.
- (f) Orderly Officers.
- (g) Liaison Officer at Open Colony for Released Prisoners.
- (h) Women Jailors Group II.
- (i) Jail Guards viz. Subedars, Jamadars, Havildars, Naik, Sepoys, Supervisory Staff of Borstal School.
- (j) Senior Matrons.
- (k) Junior Matrons.

(IV) MINISTERIAL BRANCH

- (a) Office Superintendent.
- (b) Senior Auditors.
- (c) Assistant Superintendents in the office of the Inspector General of Prisons.
- (d) Head Clerks.
- (e) Stewards.
- (f) Stenographers.
- (g) Statistician.
- (h) Senior Clerks (Supervisory).
- (i) Senior Clerks.
- (j) Junior Auditors.
- (k) Clerks/Typists.
- (l) Librarian.

(V) MEDICAL BRANCH

- (a) Maharashtra Medical and Health Service Officers, Class II.
- (b) Maharashtra Medical and Health Service Officers, Class-III
- (c) Laboratory Technician.
- (d) Compounders.
- (e) Male Nurses.
- (f) Nursing Orderlies.

(VI) TECHNICAL BRANCH

(i) **Agriculture**

- (a) Agricultural Officers, (b) Field Kamgars.

(ii) **Textile**

- (a) Textile Officer, (b) Supervisors (Weaving), (c) Jobber.
- (d) Instructors (Weaving), (e) Instructor (Carpet Weaving).
- (f) Warper.

(iii) **Tailoring**

- (a) Supervisors (Tailoring), (b) Instructors (Tailoring),
- (c) Lady Instructors (Tailoring).

(iv) **Carpentry**

- (a) Supervisors (Carpentry), (b) Instructors (Carpentry).
- (c) Instructors (Lacquer).

(v) **Smithy**

- (a) Supervisors (Blacksmiths and Metal Sheet), (b) Instructors (Turner), (c) Instructor (Fitter) (d) Instructor Blacksmithy).

(vi) **Leather**

- (a) Supervisor (Leather), (b) Instructor (Leather)

(vii) **Bakery**

- (a) Instructor (Bakery).

(viii) **Paper Industry**

- (a) Supervisor (Paper Industry), (b) Instructor (Paper Industry).

(ix) **Chemicals**

- (a) Supervisor (Chemicals).

## (VII) MISCELLANEOUS BRANCH

- (a) Braille Instructor.
- (b) Head Master.
- (c) Teachers/House Masters.
- (d) Physical Training Instructor.
- (e) Drivers.

## (VIII) CLASS IV GOVERNMENT SERVANTS

- (a) Daftarband.
- (b) Naik.
- (c) Peons.
- (d) Sweepers
- (e) Ayas.
- (f) Cook at the Jail Officers' Training School.
- (g) Waterman at the Open Colony for Released Prisoners.
- (h) Mess Servants at Jail Officers' Training School.

Reservation of  
vacancies for  
members of Back  
ward Classes

2. (i) The following percentage of vacancies occurring in each of the various services in the Jail Department which are filled by direct recruitment should be reserved for members of each of the sections of the Backward Classes viz:—

	per cent
(1) Scheduled Castes and Scheduled Castes converts to Buddhism.	13
(2) Scheduled Tribes including those living outside the specified areas.	7
(3) Denotified Tribes and Nomadic Tribes	4
(4) Other Backward Communities	10

(ii) These percentages represent the minimum number of vacancies to be filled by the appointment of members of the Backward Class. It is open to the appointing authorities to recruit members of Backward Class in excess of these percentage if they are otherwise considered suitable for such appointment **vis-a-vis** other candidates on merit. If any of the vacancies reserved for the members of a particular section of the Backward Class cannot be filled by the appointment of members of that section for want of suitable candidates, they should be filled by the



appointment of members of other sections of Backward Class, if such candidates are available and if no such candidates are available, by others *i. e.* by the members of non-Backward Class. These vacancies *i. e.* the vacancies which are filled otherwise than by the appointment of candidates belonging to the particular section of the Backward Class should, however, be carried forward and added to the vacancies reserved for the particular section (*i. e.* the section for which they were initially reserved) on the next occasion when vacancies are filled. Such vacancies should not be carried forward in this manner for more than two years and that the total number of normal reserved vacancies and the carried forward vacancies together should not exceed 45 per cent of the total number of vacancies on any occasion of recruitment. The surplus above 45 per cent should be carried forward to the subsequent occasions of recruitment subject, however, to the condition that the vacancies are not carried forward for more than two years.

All appointing authorities should take particular care to see that these orders making reservation in favour of members of the Backward Class in the various services are followed scrupulously.

(iii) A person who belongs to a Backward Class and wishes to claim the benefits admissible to members of that class in the recruitment is required to produce a certificate certifying that he belongs to the Backward Class. This certificate should, outside Greater Bombay, be issued by the District Magistrate or by an Executive Magistrate authorised by him in this behalf, and in Greater Bombay by the Chief Metropolitan Magistrate or by a Metropolitan Magistrate as authorised by him.

3. (i) Whenever recruitment to a particular post or class of posts is undertaken the number of posts to be reserved for members of the Backward Class should be determined in advance and invariably be mentioned in the advertisement;

Mode of filling up reserved posts.

(ii) If it is found that an adequate number of candidates belonging to the Backward Class is not available if the general standard of selection is strictly enforced, the standard of selection should be lowered in favour of members of that class and candidates who are generally considered suitable and conform to the minimum standard for appointment may be selected; such selected candidates should be given to understand that their appointment is on trial and that they would not be confirmed unless they are found suitable and come up to the required standards.

Doubtfull Certificate of Backward Class.	4. Inspector General, the Dy. Inspector General of Prisons and/or Superintendents should report cases in which they have any doubt, to Government in the General Administration Department which will decide whether or not the certificate is correct.
Recruitment to posts within the purview of the Maharashtra Public Service Commission	5. Inspector General of Prisons should submit proposals to Government in the Home Department for filling up vacancies which are due to occur on the retirement of officers whose posts fall within the purview of the Maharashtra Public Service Commission at least six months before the vacancies are due to occur.
Procedure when temporary post within the purview of the Commission likely to exceeds 12 months.	6. When it is anticipated that an officer in the Jail Department is likely to continue to officiate in a service or a post which is within the purview of the Commission, and to which he was appointed as a temporary measure without consulting the Maharashtra Public Service Commission, for a period exceeding 12 months, the necessary steps should be taken in good time to report his case to Government with his record of service and confidential sheet.
Preference to be given to N.C.C.	7. So far as direct recruitment to non-gazetted executive posts in the Jail Department is concerned preference should be given to candidates who have acquired training and experience in the National Cadet Corps other qualifications being equal.
General Conditions to be fulfilled.	<p>8. Where a candidate is proposed to be recruited otherwise than by promotion or selection from a lower cadre in the Jail Service, the following conditions or qualifications will <i>inter alia</i> be required to be fulfilled by him :—</p> <p>(a) No person who has more than one wife living shall be eligible for appointment to the post, provided that subject to the provision of any law in force Government, may if satisfied that there are special grounds for so doing, exempt any person from the operation of this condition.</p> <p>(b) Candidates for employment shall be asked to indicate whether they have more than one wife living and in the event of declaration in the negative being found to be incorrect after his appointment he shall be liable to be dismissed from service.</p> <p>(c) No woman who has married a person having already a wife living shall be eligible for appointment to the post; provided that Government may, if satisfied that there are special grounds for doing so, exempt any woman from the operation of this provision.</p> <p>(d) If a candidate is called for interview, he will have to come to the place of interview at his own expense.</p> <p>(e) The selected candidate will be placed for medical examination, and will not be appointed unless he is certified to be physically fit for Government Service.</p>

(f) The selected candidates will have to pass within the prescribed time limit (i) the prescribed examination in Hindi and (ii) such Departmental and language examinations as may be prescribed from time to time. This rule shall not apply to the I. A. S., Officers.

9. (1) Where a candidate is not required to be recruited solely by promotion or selection from a lower cadre in Jail Service, an employee of the Jail Department shall not be debarred from so applying in case he fulfils all the prescribed qualifications regarding age, education and otherwise.

(2) For the purposes of considering (i) appointments "to posts, which do not come within the purview of the Public Service Commission, either by promotion or by selection from lower cadre or by direct recruitment, (ii) and whether an employee be permitted to cross an efficiency bar, the appointing authority or such authority as may be nominated by it may *inter alia* conduct such tests, oral or written as it considers appropriate.

(3) Where no rigid minimum standard of height and chest measurements is prescribed in the case of recruits to the various cadres in the Jail Department, the recruiting authority will pay due attention to the question of physique of the candidates in view of the nature of their duties.

10. The incumbents of these posts do not belong to Jail Department but their services are lent to Jail Department by Medical Department on the following conditions :—

Maharashtra  
Medical and  
Health Service  
Officers Class III.

(a) Every Medical Officer in M. M. and H. S. Class-III who has completed two years service in the Medical Department should be put on a roaster from which transfer for service in the Jail Department should be effected.

(b) Every Maharashtra Medical Service Officer so transferred should be placed unconditionally at the disposal of the Inspector General of Prisons who may post and transfer at his discretion.

(c) Every Maharashtra Medical and Health Service Officer transferred for service in the Jail Department should be liable for service in that Department for a period of two years and should not be withdrawn during that period without the consent of the Inspector General of Prisons.

(d) No Maharashtra Medical and Health Service Officer should ordinarily be liable to serve a second term in the Jail Department.

## PART II : RECRUITMENT RULES

(Framed under Government Resolution, Home Department Nos. )

1. RJM-1058 (II)/8091-XVI, dated 14th November 1972.
2. RJM-1058 (II)/8091-XVI, dated 25th June 1974.
3. RJM-1058 (II)/8091-XVI, dated 29th June 1974.
4. JIM-1059/84928 (XIII-A)-IV, dated 25th October 1966.
5. JLD-1270/5648-1, dated 5th February 1971.
6. RJM-1058 (II)/99802-(II)-XVI, dated 18th June 1971.
7. RJM-1058 (II)-I/44942-XVI, dated 10th March 1971.
8. RJM-1058 (II)/99802-(I)-XVI, dated 12th July 1973.
9. RJM-1058 (II)/99802-(I)-XVI, dated 23rd July 1971.
10. EST-1168/1154-XVI, dated 23rd July 1971.
11. Government Notification, Home Department No. ESI-1074/11-XXVII, dated 15th January 1976.
12. Government Notification No. EST-0376/1 (681)-XXV, dated 30th August 1977.

### Deputy Inspector General of Prisons

Maharashtra Jail  
Service (State)  
Class-I and  
Class-II.

Appointments shall be made by selection from amongst officers in the cadre of Superintendents of Central Prison.

2. The person appointed shall be required to pass examinations in Marathi and Hindi according to the prescribed rules unless he has already passed them.

### Superintendents of Central Prison

Appointments shall be made by promotion from amongst officers in the cadre of Superintendents of District Prison, Class-I.

2. The person appointed shall be required to pass examinations in Marathi and Hindi according to the prescribed rules, unless he has already passed them.

**Note :—**The post of the Principal, Jail Officers' Training School is borne on the cadre of Superintendents of Central Prisons.

### Superintendent of District Prison, Class-I

Appointment shall be made by promotion from amongst officers in the cadre of Superintendents of District Prisons, Class-II.

2. The person appointed shall be required to pass examinations in Marathi and Hindi according to the prescribed rules unless he has already passed them.

(Note.—The post of the Principal, Borstal School is borne in the cadre of Superintendents of District Prisons, Class-I).

### **Superintendent of Jail Industries**

Appointment to the post shall be made—

(a) by promotion from amongst members of the staff of the Jail Department having at least seven years practical experience in a Class-II post in Prison Industries or possessing the qualifications prescribed for appointment by nomination, **or**

(b) by transfer of a person from the cadre of Industries Officers in the Directorate of Industries possessing the qualifications prescribed for appointment by nomination, **or**

(c) by nomination.

2. To be eligible for appointment by nomination, a candidate, unless already in the service of the Government of Maharashtra, should not be more than 35 years of age and possess—

(i) a post-graduate or at least Second Class degree in Mechanical or Electrical Engineering or in Chemical or Textile Technology of a recognised University and

(ii) thereafter have had practical experience of not less than three years in industry (outside) or in the Jail Department or in the Industries Department of which at least one year must be in a responsible supervisory capacity.

Provided that the upper age limit may be relaxed in favour of candidates with exceptional qualifications and/or experience ;

Provided further that preference will be given to candidates living knowledge of and experience in the technology and manufacture of cotton and woollen textiles.

3. A candidate appointed by nomination shall be on probation for a period of two years.

4. A person appointed whether by nomination or by promotion or by transfer shall be required to pass the departmental examination and examinations in Hindi and Marathi according to the prescribed rules, unless he has already passed them.

5. Any person, with an Engineering degree, appointed, to the post shall, if so required, be liable to serve in any Defence Service or post connected with the Defence of India, anywhere in India or abroad, for a period of not less than four years, including the period spent on training, if any, on such conditions as are determined by the Government of India.

Provided that such a person—

(a) shall not be required to serve as aforesaid after the expiry of ten years from the date of his appointment and

(b) shall not ordinarily be required to serve as aforesaid after attaining the age of forty years.

[Accompaniment to Government Resolution, Home Department No. RJM-1058 (ii)/8094-XVI, dated 29th November 1974]

### **Superintendent of District Prison, Class-II**

Appointment shall be made either—

(a) by promotion from among Jailors Group-I, or

(b) by nomination from amongst candidates who are not less than 21 years of age and, unless already in the service of the Government of Maharashtra, are not more than 28 years of age, and possess—

(i) a Bachelor's degree in at least the Second Class in Arts, Science, Commerce, Law or Agriculture of a recognised University,

(ii) a post-graduate degree or diploma in any of the following subjects from a recognised University or Institution;

(a) Sociology.

(b) Penology.

(c) Criminology,

(d) Delinquency.

(e) Correctional Administration, and

(iii) a robust constitution.

Provided that the upper age limit may be relaxed in favour of candidates with exceptional qualifications and/or experience.

Provided further that candidates possessing administrative experience or experience in industries will be given preference.

The ratio for appointments by nomination and promotion shall be 1 : 2.

3. A candidate appointed by nomination shall be on probation for a period of two years. During the probationary period he shall be required to undergo training at the Jail Officers' Training School for such period as may be prescribed by Government.

4. A candidate appointed by nomination shall have to execute a bond that he shall serve the Prison Department for not less than five years after satisfactory completion of the probationary period. In the case of failure to serve the Prison Department for five years or part thereof, he shall have to reimburse to Government the cost of training as may be fixed by the competent authority.

5. A person appointed by nomination or by promotion shall be required to pass the departmental examination and examinations in Hindi and Marathi according to the prescribed rules, unless he has already passed them.

**Note.**—The post of Deputy Superintendents of Central Prisons are borne on the cadre of the Superintendents of District Prisons, Class-II.

#### **Superintendent of Prison Textile Industries :**

1. Appointment to the post shall be made either—

(a) by promotion from amongst members of the staff of the Jail Department who possess the qualification prescribed in clause b (ii) below and practical experience of not less than five years in a Textile Industry, **or**

(b) by nomination from amongst candidates who—

(i) unless already in the service of the Government of Maharashtra, are not more than 35 years of age;

(ii) possess a diploma in Weaving Technology of a recognised Institution such as V. J. T. I., Bombay or Kala Bhavan T. I., Baroda or its equivalent;

(iii) have practical experience of not less than five years in Textile Mill in a Weaving or Preparatory Department, and

(iv) have ability to control prison labour.

Provided that a candidate with shorter experience may also be considered if none with the prescribed experience is available ;

Provided further than the age limit may be relaxed in the case of candidates possessing exceptional qualifications and/or experience.

Provided also that preference may be given to a candidate having knowledge of and experience in handloom industry.

2. A candidate selected for appointment by nomination shall be on probation for a period of two years.

3. A person appointed to the post either by promotion or by nomination shall be required to pass the departmental examination and examinations in Hindi and Marathi according to the prescribed rules unless he has already passed them.

[Vide Government Resolution, Home Department No. JIM-1059/84928 (XIII-A)-IV, dated 25th October 1968.]

### **Research Officer**

Appointment to the post shall be made either—

(a) by promotion from amongst members of the staff of the Prison Department, possessing qualification prescribed in clause (b) (ii) below,  
**or**

(b) by nomination from amongst candidates who—

(i) unless already in the service of the Government of Maharashtra, are not more than 28 years of age, and

(ii) possess a post-graduate degree or diploma of a recognised University or Institution in Sociology, Psychology, Criminology, Penology or Correctional Administration.

Provided that the age limit may be relaxed in favour of candidates possessing exceptional qualifications and/or experience.

Provided further that preference may be given to a candidate possessing research experience in the field of any of the behavioural sciences.

2. A candidate appointed to the post of nomination shall be on probation for a period of two years.

3. A person appointed to the post whether by promotion or by nomination shall be required to pass the departmental examination and examinations in Hindi and Marathi according to the prescribed rules, unless he has already passed them or is exempted from passing them.



**Personal Assistant to the Inspector General of Prisons/Deputy  
Inspector General of Prisons and organisation and  
method officer Administrative Officer.**

Appointment to the posts shall be made by promotion from the cadre of the Office Superintendent (Auditors and Accountants).

2. The person appointed shall be required to pass the departmental examination and examinations in Hindi and Marathi according to the prescribed rules, unless he has already passed them.

**Jailor Group-I.**

Maharashtra Jail  
Service (Class III  
and IV) Executive  
Branch

Appointments shall be made by promotion from the cadre of Jailors, Group-II.

2. The person appointed shall be required to pass the departmental examination and examinations in Hindi and Marathi according to the prescribed rules, unless he has already passed them.

**Note.**—The posts of Superintendents of District Prisons, Class III are borne on the cadre of Jailors; Group-I.

**Jailor Group-II**

Appointment to the post shall be made either—

(A) by promotion of suitable departmental candidates who:—

(i) have passed the S. S. C. Examination with English as one of the optional subjects or any other equivalent examination.

(ii) have served in the Prison Department for at least 10 years.

(iii) possess minimum height of 162 Cm. and minimum chest measurement of 76-82 Cm. and

(B) by nomination of candidates who—

unless already in the service of Government of Maharashtra, are not less than 21 years and not more than 25 years of age and who possess—

(i) a degree of recognised University in Arts, Science, Law, Commerce or Agriculture or its equivalent.

---

\* Added by Government Resolution, Home Department, No. JLD. 1073-XXVI, dated 20th January 1976.

(ii) good physique with a minimum height 162 Cms. and chest measurement of 76-82 cm.

Provided that preference will be given to candidates holding a degree or diploma in Social Sciences.

Provided further that upper age limit may be relaxed in favour of candidates having exceptional qualifications and/or experience.

2. The qualifications prescribed for appointment by promotion may be relaxed in cases of Subhedars and Jamadars with Army experience and departmental technical personnel after recording reasons for the selection.

3. Appointments by promotion and by nomination shall be made in the ratio of 1 : 2.

4. In making appointment the Inspector General of Prisons shall be assisted by the Selection Board, which shall consist of the Inspector General of Prisons and the Deputy Inspector General of Prisons nominated by Government.

5. A candidate appointed by the nomination shall be required to undergo training at the Jail Officers' Training School for a period of two years and after completion of training successfully he shall be on probation for a period of one year. During the training period he shall be paid stipend at such rates as may be prescribed by Government from time to time and during the probationary period of one year he shall be paid fixed pay.

6. A candidate appointed by nomination or promotion shall have to execute a bond that he shall serve the Prison Department for not less than three years after satisfactory completing the probationary period. In case of failure to serve the Prison Department for three years or part thereof he shall have to reimburse to Government the cost of training as may be fixed by the competent authority.

7. A person appointed by nomination or by promotion shall be required to pass the departmental and Marathi examinations and an examination in Hindi according to the prescribed rules, unless he has passed them.

*Note.*—The posts of Orderly Officers and the Superintendents District Prisons Class III are borne on the cadre of Jailors Group-II.

**Woman Jailor Group-II.**

Appointment to the post shall be made either—

(A) by promotion of candidate who—

(i) have passed the S. S. C. Examination with English as one of the optional subjects or equivalent examination,

(ii) have served in the Prison Department for a period of not less than three years,

(iii) have a minimum height of 158 cm. **or**

(B) by nomination of candidates who—

(i) unless already in the service of the Government of Maharashtra, are not less than 21 years and not more than 30 years of age.

(ii) possess a degree of a recognised University in Arts, Science, including Home Science, Law or Commerce or its equivalent,

(iii) have good physique with a minimum height of 158 cm. and weight of 45 kg.

Provided that the candidates who have previous experience in Hostel Management, Industries, Handicrafts, or Social Work may be given preference.

Provided further that the upper age limit may be relaxed in favour of candidates having exceptional qualifications and/or experience.

2. A candidate appointed by the nomination shall be required to undergo training at the Jail Officers' Training School^ for a period of two years and after completion of training she shall be on probation for a period one year. During the training period she shall be paid stipend at such rates as may be prescribed by Government from time to time and during the probationary period of one year shall be paid fixed pay.

3. A candidate appointed by nomination or promotion shall have to execute a bond that she shall serve the Prison Department for not less than three years after successfully completing the training course. In case of failure to serve the Prison Department for three years or part thereof, she shall have to reimburse to Government the cost of training as may be fixed by the competent authority.

4. A person appointed either by nomination or by promotion shall be required to pass the departmental and Marathi examination and an examination in Hindi according to the prescribed rules.

**Subedar**

Appointment to the post shall be made by promotions from amongst Jamadars on seniority-*cum*-merit basis.

**Jamadar**

Appointment shall be made either by—

(A) promotion from amongst Havildars on seniority-*cum*-merit basis, **or**

(B) by nomination from ex-services personnel who have attained the rank of Havildar or its equivalent and who—

(i) unless already in the service of the Government of Maharashtra are not less than 20 years and not more than 25 years on the date of appointment;

(ii) possess at least 162 cm. in height and should have chest measurement 82 cm.-87 cm.

(iii) have passed the Vth standard Marathi or Hindi examination.

Provided that the age limit and educational qualifications may be relaxed in favour of candidates having sufficient experience.

**Havildar**

Appointment to the post shall be made either by:—

(A) promotion from amongst Naiks on seniority-*cum*-merit basis.

**OR**

(B) by nomination from ex-services personal who have attained the rank of Naik or its equivalent and who—

(i) unless already in the service of the Government of Maharashtra are not less than 20 years and not more than 25 years on the date of appointment.

(ii) possess at least 162 cm., in height and should have chest measurement 82 cm. 87 cm.

(iii) have passed the Vth standard Marathi or Hindi examination.

Provided that the age limit and educational qualifications may be relaxed in favour of candidates having sufficient experience.

**Naik**

Appointment shall be made either by—

(A) promotion from amongst Sepoys on seniority-*cum*-merit basis;

**or**

(B) by nomination from ex-service personnel who put in not less than five years colour service and who—

(i) unless already in service of the Government of Maharashtra are not less than 20 years and not more than 25 years on the date of appointment,

(ii) possess at least 162 cm. in height and should have chest measurement 82 cm.-87 cm.

(iii) have passed the Vth standard Marathi or Hindi examination.

Provided that the upper age limit and educational qualifications may be relaxed in favour of candidates having sufficient experience.

**Sepoy**

Appointment shall be made by nomination—

To be eligible for appointment a candidate should—

(i) be not less than 20 years of age and more than 25 years on the date of appointment,

(ii) be at least 162 cm. in height and should have chest measurement 82 cm.-87 cm.

(iii) have passed the Vth standard Marathi or Hindi examination.

(iv) have good constitution and physique.

Provided that age limit and educational qualifications may be relaxed in the case of ex-servicemen and in the case of candidate with sufficient experience.

**Note:—**The posts of Nursing Orderlies and Junior Supervisors (Borstal School) are borne on the Cadre of Sepoys.

**Senior Matron**

Appointment to the post shall be made by promotion from amongst Jr. Matrons on seniority-*cum*-merit basis who can read and write the regional language or Hindi, or by nomination of Candidates who—(1) have passed 7th standard Marathi or Hindi examination, (2) have good physique, (3) is not less than 21 years or over 40 years of age.

Provided that preference shall be given to candidates having better qualifications or to those having experience in hostel management, care and treatment of delinquents or those having practical experience in social work at a recognised institution.

#### **Junior Matron**

Appointment to the post shall be made by nomination.

To be eligible for appointment a candidate shall—

- (i) have passed IVth standard Marathi or Hindi examination,
- (ii) unless already in service of the Government of Maharashtra are not less than 21 years or more than 30 years of age,
- (iii) have good physique,
- (iv) be able to read and write the regional language and Hindi.

Provided that upper age limit may be relaxed in favour of candidates having exceptional qualifications and/or experience.

#### **Aya**

Appointment shall be made by nomination from amongst the candidates who—

- (i) unless already in the service of the Government of Maharashtra are not less than 18 years and more than 40 years of age;
- (ii) have studied upto IVth Standard of primary school.

Provided that the upper age limit may be relaxed in favour of candidates having good qualifications and/or experience.

#### **Daftarband**

Appointment shall be made by promotion of a suitable person from peons in the Prison Department.

#### **Naiks (Class IV)**

Appointment shall be made by promotion of peons.

#### **Peons**

Appointment shall be made by nomination from amongst the candidates who are sufficiently intelligent to carry out the duties of the post and who are literate. The candidates who are not already in Government service should not be less than 18 years and more than 25 years of age on the date of appointment.

Provided that the upper age limit may be relaxed in favour of candidates having good qualification and/or experience.

### **Ministerial Branch Officer Superintendent**

Appointment to the post shall be made by promotion from amongst the personnel in the next lower ministerial cadre of Heads of Branches.

**Note.**—The posts of Senior Auditors and Accountants are borne on the cadre of Office Superintendents.

### **Head of Branch**

Appointment to the post shall be made by promotion from amongst the personnel in the next lower ministerial cadre of Head Clerks on Seniority-*cum*-merit basis.

**Note.**—The Stewards and Canteen Accountants are borne on the cadre of the Heads of Branches.

### **Head Clerk**

Appointment shall be made by promotion from amongst the personnel in the next lower cadre of Senior Clerks (Lower Grade) on seniority-*cum*-merit basis.

**Note.**—The posts of Junior Canteens Accountants and Senior Clerks (Higher Grade) are borne on the cadre of Head Clerks.

### **Senior Clerk (Lower Grade)**

Appointment shall be made either—

(A) by promotion from amongst the Junior Clerks,

**or**

(B) by nomination from amongst candidates who unless already in the service of the Government of Maharashtra are not less than 18 years and not more than 25 years of age on the date of appointment and who possess a degree in Arts, Commerce, Science, Law, Agriculture or its equivalent.

Provided that the upper age limit shall be relaxed in favour of candidates having exceptional qualifications and/or experience.

2. Appointments by promotion and by nomination shall be made in the ratio of 3 : 1. The order of recruitment shall be that the first vacancy shall be filled in by nomination and the next three vacancies by promotion.

3. A candidate appointed by nomination shall be on probation for two years and shall be required to pass the departmental and Marathi examination and an examination in Hindi according to the prescribed rules.

**Note:—**The posts of Junior Auditors are borne on the cadre of Senior Clerk (lower cadre).

### **Junior Clerk**

Appointment to the post shall be made either by:—

(A) promotion of departmental candidates who have passed the S. S. C. Examination or its equivalent examination.

**or**

(B) Nomination from amongst candidates who unless already in the service the Government of Maharashtra, are not less than 18 years and not more than 25 years of age on the date of appointment and who have passed the S. C. C. Examination or its equivalent examination.

Provided that preference shall be given to a candidate having higher qualifications or a speed of 40 words per minute in typewriting.

Provided further that upper age limit may be relaxed in favour of candidates having exceptional qualification and/or experience.

2. A candidate appointed by promotion or by nomination shall be on probation for a period of 2 years and shall be required to pass the departmental and Marathi examination and an examination in Hindi according to the prescribed rules.

### **Stenographer**

Appointment to the post shall be made by nomination of the candidates who—

(1) have passed the S. S. C. Examination or an equivalent examination.

(2) have passed the examination in shorthand with a speed of 100 w. p. m. and typewriting examination with a speed of 40 w. p. m.



2. A candidate for appointment by nomination shall not be less than 18 years and more than 25 years of age at the time of appointment unless already in the service of the Government of Maharashtra.

Provided that upper age limit may be relaxed in favour of candidates having exceptional qualifications and/or experience.

3. A person appointed either by nomination or by promotion shall be required to pass the examinations in Marathi and Hindi according to the prescribed rules, unless he has already passed them.

### **Laboratory Technician**

Medical Branch

Appointment to the post shall be made either:—

(a) by promotion from amongst members of the Prison Department who—

(i) have passed the S. S. C. Examination with Physics, Chemistry and English or its equivalent examination, and

(ii) have attended one year training course in Laboratory Technician at a Government recognised centre of training and/ have passed the examination; **or**

(b) by nomination from amongst candidates who:—

(i) unless already in the service of the Government of Maharashtra are not less than 21 years and not more than 25 years of age;

(ii) have passed Intermediate Science with Physics and Chemistry of its equivalent examination; and

(iii) have attended one year's training course in Laboratory Technician at a Government recognised centre of training and have passed the examination.

Provided that the upper age limit may be relaxed in the case of a candidate possessing exceptional qualifications and/or experience.

2. Candidates appointed by nomination shall be on probation for a period of 2 years.

3. Candidates appointed either by promotion or by nomination shall be required to pass examination in Hindi and Marathi languages according to the prescribed rules unless they have already passed them.

**Compounder**

Appointment to the post shall be made by nomination from amongst the candidates who:—

- (i) have passed the S. S. C. or other equivalent examination.
- (ii) unless already in the service of the Government of Maharashtra are not more than 25 years of age at the time of appointment.
- (iii) have passed :—
  - (a) the examination of practising pharmacists and/or Pharmacists Training Course conducted by the recognised institutions; or
  - (b) hold diploma or degree in Pharmacy of a recognised University; and
- (iv) have registered their names with the Bombay State Pharmacy Council.

Provided that preference shall be given to a candidate having sufficient experience.

Provided further that the upper age limit may be relaxed in favour of candidates having exceptional qualifications and/or experience.

2. A person appointed by nomination or by promotion shall be required to pass the examinations in Marathi and Hindi languages according to the prescribed rules, unless he has already passed them.

**Note:—**In case suitable candidates with the requisite qualifications are not available for appointment to the post, Nursing Orderlies in the Prison Hospitals may be appointed as Compounders provided the Chief Medical Officer of the Prison and the Civil Surgeon of the District concerned certify their suitability for the posts.

[ Accompaniment to Govt. Resolution, Home Department No. RJM-1058 (ii)-I-44942-XVI, dated 10th March 1971 ]

**Statistician**

Appointment to the post shall be made either:—

- (A) by promotion of persons from the cadre of Head Clerks, or
- (B) By nomination from among candidates who ;

(i) unless already in service of the Government of Maharashtra are not less than 18 years and not more than 30 years of age; and

(ii) possess either a Master's degree in Mathematics, Economics, Commerce, Agriculture or Statistics or a Second Class Bachelor's degree in Mathematics, Economics, Commerce, Statistics or Agriculture or a diploma in Public and Business Administration in Second Class awarded by the Syadenham College of Commerce and Economics, Bombay.

Provided that upper age limit may be relaxed in favour of candidates possessing exceptional qualifications and/or experience.

2. A person appointed to the post shall be required to pass departmental examination and Marathi and Hindi examinations according to the prescribed rules unless he has already passed them.

#### **Head Master**

(1) Appointment to the post shall be made either:—

(a) by promotion from amongst teachers, who possess the educational qualifications prescribed in clause (c), (ii), or

(b) by transfer of a person who possesses the educational qualifications prescribed in clause (c) (ii) and teaching experience for a period of not less than 10 years from amongst the staff of Education Department.

**or**

(c) by nomination from amongst the candidates who:—

(i) unless already in the service of the Government of Maharashtra, are by not less than 21 years and more than 30 years.

(ii) Be S. S. C. trained or P. S. G. Junior P. T. C. provided that upper age limit may be relaxed in favour of candidates with exceptional qualification and/or experience.

(2) A candidate appointed to the post shall be required to pass the examination in Marathi and Hindi languages according to prescribed rules unless he has already passed them.

#### **Physical Training Instructor (Higher Grade)**

(1) Appointment to the post shall be made:—

(a) by promotion from amongst persons who have put in a minimum of 5 years service as a Physical Training Instructor (Lower grade); or

(b) by nomination from among candidates who:—

(i) unless already in the Service of Government of Maharashtra are not less than 21 years and not more than 27 years of age.

(ii) hold a degree of recognised university.

(iii) hold a diploma in Physical Education of the T. D. P. E. Kandivali or a qualification recognised by the Government of Maharashtra as being equivalent thereto;

Provided that upper age limit may be relaxed in favour of candidates with exceptional qualifications and/or experience.

3. A person appointed to the post shall be required to pass examinations in Marathi and Hindi languages' according to the prescribed rules unless he has already passed them.

#### **Physical Training Instructor (Lower Grade)**

(1) Appointment to the post shall be made by nomination from amongst candidates who:—

(a) unless already in the service of Government of Maharashtra are not less than 21 years and not more than 27 years of age.

(b) Possess at least the S. S. C. or its equivalent and a certificate in Physical Education from a recognised institution. Provided that preference shall be given to candidates who are graduates and who hold the B. T. Degree or its equivalent.

Provided further that the upper age limit may be relaxed in favour of candidates having exceptional qualifications and/or experience.

2. A person appointed to the post shall be required to pass examinations in Marathi and Hindi languages according to the prescribed rules, unless he has already passed them.

#### **Field Kamgar**

Appointment to the post shall be made either:—

(A) by promotion from amongst members of the staff of the Prison Department who have passed the Primary School Certificate Examination from Craft and Basic Schools with agriculture as a Craft or have experience in Prison farms for a period of not less than 5 years; or

(B) by nomination from amongst candidates who:—

(i) unless already in the service of the Government of Maharashtra, are not more than 30 years of age ;

(ii) have successfully completed two years course in Agriculture at one of the Agricultural Schools; or

(iii) have successfully completed one years' course at one of the Rural Training Centre, Agriculture Schools or Agricultural Training Centres.

Provided that the upper age limit may be relaxed upto 35 years in favour of a candidate possessing exceptional qualification and/or experience.

2. Candidates appointed either by promotion or by nomination shall be required to pass language examinations in Hindi and Marathi according to the prescribed rules, unless they have already passed them.

### **Textile Officer**

Appointment to the post shall be made either:—

(a) by promotion from amongst members holding posts in the textile industry in the Prison Department who possess a diploma in weaving technology of a recognised institute or a certificate in power-loom weaving of a recognised institute with five years practical experience as Jobber/ Supervisory in a textile factory,

**or**

(b) by nomination from amongst candidates who:—

(i) unless already in the service of the Government of Maharashtra are not less than 22 years of age and not more than 25 years of age.

(ii) possess diploma in weaving technology of a technical institute recognised by Government.

(iii) have at least one year's experience in the weaving section of a mill in the capacity of Supervisory, Instructor or Departmental Assistant.

Provided that the upper age limit may be released in the case of a candidate possessing exceptional qualifications and/or experience.

Provided further that the qualifications mentioned at (b) (ii) above may be relaxed in favour of a candidate possessing a certificate in power-loom weaving of a recognised institute with more than seven years practical experience in the capacity of a Jobber or Departmental Assistant or Supervisor in weaving section of a mill or factory.

2. Candidates appointed by nomination shall be on probation for a period of 2 years.

3. Candidates appointed either by promotion or by nomination shall be required to pass examination in Hindi and Marathi language according to the prescribed rules unless they have already passed it.

### **Supervisor (Weaving)**

Appointment to the post shall be made either:—

(a) by promotion from amongst the personnel of the Prison Department who possess a certificate in Weaving Technology of a Government recognised institute with three years practical experience in the capacity of Instructor of Supervisory in a prison textile factory, or

(b) by nomination from amongst candidates who:—

(i) unless already in the service of the Government of Maharashtra are not less than 20 years and not more than 25 years of age;

(ii) have completed diploma course in weaving Technology of a Government recognised institute;

(iii) have one years' experience in the capacity of Supervisor/ Instructor/ Jobber in Weaving mill or factory;

Provided that the upper age limit may be relaxed in favour of a candidate possessing exceptional qualifications and/or experience.

2. Candidates appointed by nomination shall be on probation for a period of 2 years.

3. Candidates appointed either by promotion or by nomination shall be required to pass examinations in Hindi and Marathi language according to the prescribed rules unless they have already passed them.

### **Jobber**

Appointment to the post shall be made either:—

(a) by promotion from amongst members of the Prison Department who possess experience of at least five years as a Weaver on power-loom and has knowledge of running and working of power-looms; or

(b) by nomination from amongst candidates who:—

(i) unless already in service of the Government of Maharashtra are not less than 21 years and not more than 25 years of age;

(ii) possess a certificate in power-loom weaving of a Government recognised institute; and

(iii) have two years' experience in the capacity of power-loom weaver or one year's experience in the capacity of a Jobber in a weaving mill or factory.

Provided that upper age limit may be relaxed in favour of a candidate possessing exceptional qualifications and/or experience.

2. Candidates appointed by nomination shall be on probation for a period of 2 years.

3. Candidate appointed either by promotion or by nomination shall be required to pass examinations in Hindi and Marathi language according to the prescribed rules unless they have already passed it.

#### **Instructor (Weaving)**

Appointment to the post shall be made either:—

(a) by promotion from amongst members of the Prison Department who possess a Certificate in Weaving Course from a Government recognised institute and has practical experience in operating prison textile industry of at least two years after acquiring the said Certificate.

**or**

(b) by nomination from amongst candidates who :—

(i) unless already in the service of the Government of Maharashtra are not less than 21 years and not more than 25 years of age;

(ii) possess Certificate in Weaving technology of a Government recognised institute with two years practical experience gained after acquiring the said Certificate.

Provided that preference may be given to candidates possessing certificates in First or Second Class and having experience in Textile Industry.

Provided further that upper age limit may be relaxed in favour of a candidate possessing—exceptional qualifications and/or experience.

2. Candidates appointed by nomination shall be on probation for a period of one year.

3. Candidates appointed either by promotion or nomination shall be required to pass the examination in Hindi and Marathi Language according to the prescribed rules unless they have already passed them.

### **Instructor (Carpets Weaving)**

Appointment to the post shall be made either—

(a) by promotion from amongst members of the Prison Department who possess a Certificate of a Government recognised institute in weaving Course and have practical experience in the manufacture of punja and pile carpets, of at least two years after acquiring the said certificate; or

(b) by nomination from amongst candidates who :—

(i) unless already in the service of the Government of Maharashtra are not less than 21 years and not more than 25 years; and

(ii) possess Certificate of a Government recognised institute in Weaving with experience in carpet industry of two years gained after acquiring the said certificate.

Provided that upper age limit may be relaxed in favour of a candidate possessing exceptional qualifications and/or experience.

2. Candidates appointed by nomination shall be on probation for a period of one year.

3. Candidates appointed either by promotion or by nomination shall be required to pass the examination in Hindi and Marathi language according to the prescribed rules unless they have already passed them.

### **Warper**

Appointment to the post shall be made either—

(a) by promotion from amongst members of the Prison Department who possess practical experience of 2 years and knowledge of the working of sectional warping and warping machines, **or**

(b) by nomination from amongst candidates who—

(i) unless already in the service of the Government of Maharashtra are not less than 21 years and not more than 25 years; and

(ii) have two years practical experience in the capacity of a Warper on various types of warping machines and on sectional warping machines in any cotton or silk mill or factory.



Provided that upper age limit may be relaxed in favour of a candidate possessing exceptional qualifications and/or experience.

2. Candidates appointed by nomination shall be on probation for a period of one year.

3. Candidates appointed either by promotion or by nomination shall be required to pass the examination in Hindi and Marathi language according to the prescribed rules unless they have already passed them.

### **Supervisor (Tailoring)**

Appointment to the post shall be made either—

(a) by promotion from amongst members of the Prison Department who possess a Certificate of Master Tailor from the Director of Technical Education or its equivalent, and has experience in tailoring work at the Prison factory for a period of not less than three years after acquiring the said Certificate; or

(b) by nomination from amongst candidates who—

(i) unless already in the service of the Government of Maharashtra are not less than 21 years and not more than 25 years of age;

(ii) hold a Certificate of Master Tailor from the Director of Technical Education, Maharashtra State or its equivalent and has completed Craft Teacher's course in tailoring;

(iii) have practical experience of three years in tailoring firm of repute after acquiring the Certificate mentioned in (ii) above.

Provided that preference shall be given to a candidate who has passed S. S. C. Examination or its equivalent examination.

Provided further that the upper age limit may be relaxed in case of candidates possessing exceptional qualifications and/or experience.

2. Candidates appointed by nomination shall be on probation for a period of 2 years.

3. Candidates appointed either by promotion or by nomination shall be required to pass the examination in Hindi and Marathi language according to the prescribed rules unless they have already passed them.

**Instructor (Tailoring)/Lady Instructor (Tailoring)**

Appointment to the post shall be made either—

(a) by promotion from amongst members of the Prison Department who—

(i) possess a Certificate in Tailoring and Cutting recognised by the Director of Technical Education; and

(ii) have two years' experience of tailoring work at the Prison Factory either acquiring the certificate as mentioned in (i) above;

or

(b) by nomination from amongst candidates who—

(i) unless already in the service of the Government of Maharashtra not less than 21 years and not more than 25 years of age;

(ii) hold a certificate of Master Tailor recognised by the Director of Technical Education Maharashtra State or its equivalent with practical experience of two years in a tailoring firm repute gained after acquiring the said Certificate;

(iii) are able to maintain the accounts of the tailoring industry.

Provided that preference shall be given to the candidates who has passed S. S. C. Examination or its equivalent.

Provided further that the upper age limit may be relaxed in the case of candidate possessing exceptional qualifications and/or experience.

2. Candidate appointed by nomination shall be on probation for a period of one year.

3. Candidates appointed either by promotion or by nomination shall be required to pass the examination in Hindi and Marathi language according to the prescribed rules unless they have already passed them.

**Supervisor (Carpentry)**

Appointment to the posts shall be made either—

(a) by promotion from amongst member of the Prison Department who—

(i) have thorough knowledge of handling a wood-working machinery;

(ii) are able to maintain accounts of timber and raw material required for carpentry industry;

(iii) have an experience of not less than three years of the working of the carpentry industry, OR

(b) by nomination from amongst candidates who—

(i) unless already in the service of the Government of Maharashtra are not less than 21 years and not more than 25 years of age;

(ii) hold a Certificate in Carpentry from the Director of Technical Education, Maharashtra State or its equivalent.

(iii) have three years' practical experience in handling woodworking machines or in saw mill and have knowledge of carpentry industry after acquiring the certificate as mentioned in (iv) above, and

(iv) are able to maintain accounts of timber and other raw material required for carpentry industry.

Provided that preference shall be given to a candidate who has passed S. S. C. Examination or its equivalent.

Provided further that preference may be given to a candidate having supervisory experience of 1 year in Carpentry Industry.

Provided further that the upper age limit may be relaxed in the case of candidate possessing—exceptional qualifications and/or experience.

2. Candidates appointed by nomination shall be on probation for a period of 2 years.

3. Candidates appointed either by promotion or by nomination shall be required to pass the examination in Hindi and Marathi language according to the prescribed rules unless they have already passed them.

#### **Instructor (Lacquer)**

Appointment to the posts shall be made either—

(a) by promotion from amongst members of the Prison Department who have not less than two years' experience in manufacture of lacquer works.

**or**

(b) by nomination from amongst candidates who :—

(i) unless already in the service of the Government of Maharashtra are not less than 21 years and not more than 25 years of age; and

(ii) possess a Certificate in wood Turning and Lacquer work of a recognised institute or its equivalent with a practical experience of two years in manufacture of Lacquer work gained after acquiring the said Certificate.

Provided that preference shall be given to a candidate who has passed the S. S. C. Examination or its equivalent.

Provided further that the upper age limit may be relaxed in favour of a candidate possessing exceptional qualifications and/or experience.

2. Candidates appointed by nomination shall be on probation for a period of one year.

3. Candidates appointed either by promotion or by nomination shall be required to pass the examination in Hindi and Marathi language according to the prescribed rules unless they have already passed them.

#### **Instructor (Carpentry)**

Appointment to the posts shall be made either:—

(a) by promotion from amongst members of the Prison Department who :—

(i) have experience of 2 years of joinery work in the Prison carpentry industry; and

(ii) are able to maintain the accounts of timber and other raw material required for carpentry industry; **or**

(b) by nomination from amongst the candidates who:—

(i) unless already in the service of the Government of Maharashtra are not less than 21 years and not more than 25 years of age;

(ii) hold a Certificate in Carpentry from the Director of Technical Education, Maharashtra State with a practical experience of at least two years in carpentry work gained after acquiring the said Certificate; and

(iii) are able to maintain accounts of the timber and other raw material required for carpentry industry.

Provided that preference shall be given to a candidate who has passed the S. S. C. examination or its equivalent.

Provided further that upper age limit may be relaxed in the case of a candidate possessing exceptional qualifications and/or experience.

2. Candidates appointed by nomination shall be on probation for a period of one year.

3. Candidates appointed either by promotion or by nomination shall be required to pass the examination in Hindi and Marathi language according to the prescribed rules unless they have already passed them.

**Supervisor (Blacksmithy and Sheet-metal)**

Appointment to the posts shall be made either:—

(a) by promotion from amongst members of the Prison Department who

(i) have practical experience in the trade of not less than 3 years and

(ii) are able to maintain accounts of raw material required for the sheet metal industry;

**or**

(b) by nomination from amongst candidates who:—

(i) unless already in the service of the Government of Maharashtra are not less than 21 years and not more than 25 years of age;

(ii) hold a Certificate in Sheet Metal or Tin Smithy work or metal turning from a Government recognised technical institute with the practical experience in the trade for not less than three years gained after acquiring any of the said Certificates; and

(iii) are able to maintain accounts of raw material required for the sheet metal industry.

Provided that preference shall be given to a candidate who has passed the S. S. C. Examination or its equivalent.

Provided further that the upper age limit may be relaxed in favour of a candidate possessing exceptional qualifications and/or experience.

2. Candidates appointed by nomination shall be on probation for a period of 2 years.

3. Candidates appointed either by promotion or by nomination shall be required to pass examination in Hindi and Marathi language according to the prescribed rules unless they have already passed them.

**Instructor (Turner)**

Appointment to the posts shall be made either :—

(a) by promotion from amongst members of the Prison Department who possess a Certificate in Metal Turning from a Government recognised institute with practical experience of at least three years in the trade gained after acquiring the said Certificate; or

(b) by nomination from amongst candidates who:—

(i) unless already in the service of the Government of Maharashtra are not less than 21 years and not more than 25 years of age;

(ii) held a Certificate in Turner from a Government recognised institute with practical experience of at least three years in a factory gained after acquiring the said Certificate; and

(iii) are able to maintain accounts of raw material required for Turner's Unit.

Provided that preference shall be given to a candidate who has passed S. S. C. Examination or its equivalent.

Provided further that the upper age limit may be relaxed in favour of a candidate possessing exceptional qualifications and/or experience.

2. Candidates appointed by nomination shall be on probation for a period of one year.

3. Candidates appointed either by promotion or by nomination shall be required to pass the examination in Hindi and Marathi language according to the prescribed rules unless they have already passed them.

**Instructor (Blacksmithy)**

Appointment to the posts shall be made either :—

(a) by promotion from amongst members of the Prison Department who :—

(i) have a Certificate in Smithy Work from a Government recognised institute; and

(ii) have practical experience in the trade of not less than 3 years after acquiring the said Certificate; or

(b) by nomination from amongst candidates who :—

(i) unless already in service of the Government of Maharashtra are not less than 21 years and not more than 25 years of age;

(ii) have a Certificate in Smithy work from a Government recognised institute;

(iii) have practical experience in the trade for not less than 3 years after acquiring the said Certificate; and

(iv) are able to maintain the accounts of smithy sections.

Provided that preference shall be given to a candidate who has passed the S. S. C. Examination or its equivalent.

Provided further that preference shall be given to a candidate having experience of teaching in the trade;

Provided further that the upper age limit may be relaxed in favour of a candidate possessing exceptional qualifications and/or experience.

2. Candidates appointed by nomination shall be on probation for a period of one year.

3. Candidates appointed either by promotion or by nomination shall be required to pass the examination in Hindi and Marathi language according to the prescribed rules unless they have already passed them.

#### **Instructor (Fitter)**

Appointment to the post shall be made either:—

(a) by promotion from amongst members of the Prison Department who:—

(i) possess a Certificate of Fitter from a Government recognised technical institute, and

(ii) have practical experience of at least two years after acquiring the qualification indicated as in (i) above; or

(b) by nomination from amongst candidates who :—

(i) unless already in the service of the Government of Maharashtra are not less than 21 years and not more than 25 years of age;

(ii) have a Certificate of Fitter from a Government recognised technical institute and have practical experience of at least two years after acquiring the said Certificate; and

(iii) are able to maintain accounts of raw materials required for the Fitter's Units;

Provided that preference shall be given to a candidate who has passed the S. S. C. Examination or its equivalent.

Provided further that preference shall be given to a candidate having teaching experience in the trade.

Provided further that the upper age limit may be relaxed in favour of a candidate possessing exceptional qualifications and/or experience.

2. Candidates appointed by nomination shall be on probation for a period of one year.

3. Candidates appointed either by promotion or by nomination shall be required to pass the examination in Hindi and Marathi language according to the prescribed rules, unless they have already passed them.

#### **Supervisor (Leather Industry)**

Appointment to the post shall be made either:—

(a) by promotion from amongst members of the Prison Department who:—

(i) possess a Certificate in Foot-wear Manufacture,

(ii) have practical experience of not less than 3 years, in the manufacture of chappals, boots, shoes, belts, etc. after acquiring the Certificate as mentioned in (i) above; and

(iii) are able to maintain accounts of raw material required for leather industry, or

(b) by nomination from amongst the candidates who:—

(i) unless already in the service of the Government of Maharashtra are not less than 21 years and not more than 25 years of age;

(ii) possess a Certificate in Foot-wear Manufacture;

(iii) have practical experience of not less than 3 years in the manufacture of chappals, boots, shoes, belts, etc., after acquiring the Certificate as mentioned in (ii) above; and

(iv) are able to maintain accounts of raw material required for leather industry,



Provided that preference shall be given to a candidate who has passed S. S. C. Examination or its equivalent.

Provided further that the upper age limit may be relaxed in favour of candidate possessing exceptional qualifications and/or experience.

2. Candidates appointed by nomination shall be on probation for a period of 2 years.

3. Candidates appointed either by promotion or by nomination shall be required to pass the examination in Hindi and Marathi language according to the prescribed rules unless they have already passed them.

#### **Instructor (Leather Industry)**

Appointment to the post shall be made either :—

(a) by promotion from amongst members of the Prison Department who :—

(i) possess a certificate in Foot-wear manufacturing;

(ii) have practical experience of not less than 2 years in the manufacture of chappals, boots, shoes, belts, etc. after acquiring the Certificate and

(iii) are able to maintain accounts of raw material required for leather industry; **or**

(b) by nomination from amongst candidates who :—

(i) unless already in the service of the Government of Maharashtra, are not less than 21 years and not more than 25 years of age;

(ii) hold a Certificate in Foot-wear manufacture;

(iii) have experience of not less than 2 years in the manufacture of chappals, boots, shoes, belts etc. after acquiring the Certificate as mentioned in (ii) above; and

(iv) are able to maintain accounts of raw material required for leather industry;

Provided that preference shall be given to a candidate who has passed the S. S. C. Examination or its equivalent.

Provided further that the upper age limit may be relaxed in favour of a candidate possessing exceptional qualifications and/or experience.

2. Candidates appointed by nomination shall be on probation for a period of one year.

3. Candidates appointed either by promotion or by nomination shall be required to pass the examination in Hindi and Marathi language according to the prescribed rules unless they have already passed them.

#### **Instructor (Bakery)**

Appointment to the posts shall be made either :—

(a) by promotion from amongst members of the Prison Department who

(i) possess practical experience of not less than 2 years in the preparation of bakery articles; **or**

(b) by nomination from amongst candidates who

(i) unless already in the service of the Government of Maharashtra are not less than 21 years and not more than 25 years of age;

(ii) possess a Certificate in Craft-manship in Confectionery and Bakery with practical experience of not less than 2 years in the preparation of Bakery articles gained after acquiring the said Certificate;

(iii) are able to maintain accounts of raw material required for bakery industry;

Provided that preference shall be given to a candidate who has passed the S. S. C. Examination or its equivalent.

Provided further that the upper age limit may be relaxed in favour of a candidate possessing exceptional qualifications and/or experience.

2. Candidates appointed by nomination shall be on probation for a period of one year.

3. Candidates appointed either by promotion or by nomination shall be required to pass the examination in Hindi and Marathi language prescribed under the existing rules unless they have already passed them.

#### **Supervisor (Paper Industry)**

Appointment to the posts shall be made either :—

(a) by promotion from amongst members of the Prison Department who :—

(i) have practical experience in hand made paper industry of not less than 3 years; and

(ii) are able to maintain accounts of hand made paper industry;

**or**

(b) by nomination from amongst candidates who :—

(i) unless already in the service of the Government of Maharashtra are not less than 21 years and not more than 25 years of age.

(ii) passed S. S. C. Examination with English, Physics and Chemistry and have practical experience in manufacturing hand made paper of not less than 3 years experience in the trade and

(iii) able to maintain accounts of hand made paper industry,

Provided that the upper age limit may be relaxed in favour of a candidate possessing exceptional qualifications and/or experience.

2. Candidates appointed by nomination shall be on probation for a period of 2 years.

3. Candidates appointed either by promotion or by nomination shall be required to pass examination in Hindi and Marathi language' according to the prescribed rules unless they have already passed them.

#### **Instructor (Paper Industry)**

Appointment to the posts shall be made either by promotion or by nomination of candidates who, unless already in the service of the Government of Maharashtra are not less than 21 years and not more than 25 years of age and

(i) have practical experience in manufacturing hand made paper of not less than two years; and

(ii) are able to maintain accounts of hand made paper industry,

Provided that preference shall be given to a candidate who has studied upto S. S. C. with English.

Provided further that the upper age limit may be relaxed in favour of a candidate having exceptional qualifications and/or experience.

2. Candidates appointed by nomination shall be on probation for a period of one year.

3. Candidates appointment either by promotion or by nomination shall be required to pass the examination in Hindi and Marathi language unless they have already passed them.

#### **Supervisor (Chemical)**

Appointment to the posts shall be made either :—

- (a) by promotion from amongst members of the Prison Department who
  - (i) possess B. Sc. degree with Chemistry of a recognised university or a Certificate in Chemical Technology (Soaps and 'Oils); **or**
  - (b) by nomination from amongst candidates who :—
    - (i) unless already in the service of Government of Maharashtra, are not less than 21 years and not more than 25 years of age,
    - (ii) possess B. Sc. degree of a recognised university with Chemistry as the principal subject or the degree examination or a diploma or a Certificate in Chemical Technology (Soaps and Oils) from a Government recognised institute.

Provided that upper age limit may be relaxed in the case of a candidate possessing exceptional qualifications and/or experience.

2. Candidates appointed by nomination shall be on probation for a period of 2 years.

3. Candidates appointed either by promotion or by nomination shall be required to pass the examination in Marathi and in Hindi languages according to the prescribed rules unless they have already passed them.

#### **Sawyer**

Appointment to the post of a Sawyer in the Prison Department, of the State (hereinafter referred to as the said post) may be either

- (a) by promotion of a suitable person from among the guarding staff in the Prison Department who possess experience in sawing work for at least one year, **OR**
- (b) by nomination from among candidates who—
  - (1) are not more than 35 years of age.
  - (2) have passed the IVth standard.
  - (3) possess good physique and
  - (4) have practical experience in Sawyer's work in saw mill at least for one year.

Provided that the age-limit may be relaxed in the case of candidates with additional qualifications or experience or both.

2. A candidate appointed to the post whether by promotion or by nomination shall have to pass the Hindi and Marathi examinations as prescribed by the State Government for its employees unless he has already passed them or has been exempted therefrom.

### **Driver**

Appointment to the posts shall be made either—

(a) by promotion of Class III or Case IV Government Servants possessing qualifications prescribed in sub-clauses B (ii) and (iii) below :—

(b) by nomination from amongst candidates who—

(i) unless already in service of the Government of Maharashtra are not more than 25 years of age;

(ii) have passed at least IVth Standard of Primary School;

(iii) possess clean and valid driving licence;

(iv) have knowledge of motor mechanism and also, of the topography of the concerned area, and

(v) have experience of driving for a period of not less than one year.

### **Teacher/House Master**

Appointment to the posts shall be made by nomination from amongst candidates who—

(i) unless already in the service of the Government of Maharashtra are not less than 20 years and not more than 25 years of age;

(ii) have passed the S. S. C. Examination with English or its equivalent examination, Junior Primary School Certificate Examination, or Diploma in Education Examination.

Provided that preference shall be given to candidates having previous experience in conducting of adult education Classes or as a teacher.

Provided further that the upper age limit may be relaxed in favour of candidates possessing exceptional qualifications and/or experience.

2. Candidates appointed shall be required to pass the examinations in Marathi and in Hindi according to the prescribed rules unless they have already passed the said examinations.

[Accompaniment to Government Resolution, Home Department No. EST/1168/1154-XVI, dated the 23rd July 1971.]

### **Braille Instructor**

Appointment to the post shall be made by nomination from amongst candidates who,

- (i) unless already in the service of the Government of Maharashtra are not less than 22 years or more than 35 years of age;
- (ii) passed the S. S. C. Examination or its equivalent examination.
- (iii) Hold a certificate of having completed a Training Course for Teacher for the Blind prescribed by Government and have one years experience as Braille teacher in a school for the blind recognised or aided by Government.

Provided that the upper age limit may be relaxed in favoure of a candidate possessing exceptional qualifications and/or experience.

Provided further that the educational qualifications may be relaxed in favour of a physically handicapped candidate possessing adequate experience in Braille transcription.

2. Selected candidate shall be required to pass examinations in Marathi and Hindi languages according to the rules prescribed by Government unless he has already passed them.

[Home Department Notification No. EST-0376/1 (681) XXV dated 30th August 1977]

Constitutions of  
India.

In exercise of the powers conferred by the proviso to article 309 of the Constitution of India, the Governor of Maharashtra is hereby pleased to make the following rules for regulating recruitment to that post of Mess Servant for the Mess at the Jail Officers' Training School, Yeravda, Pune, namely :—

1. These rules may be called the Mess Servant (in Jail Officers' Training School) Recruitment Rules, 1977.

2. Appointment to the post of Mess Servant for the Mess at the Jail Officers' Training School, Yeravda, Pune, shall be made by nomination from amongst candidates who.

- (1) are not less than twenty years of age and not more than thirty five years of age on the date of appointment.
- (2) have passed IVth standard Marathi or Hindi examination, and
- (3) have a sound constitution and physique.

Provided that preference may be given to candidates having knowledge or experience in preparing vegetarian and non-vegetarian meals or having qualifications, or experience in the military as a Mess Servant.

3. A candidate appointed to the post shall be required to pass the examinations in Hindi and Marathi according to the rules made in that behalf by the Government of Maharashtra, unless he has already passed or has been exempted from passing, those examinations.

[Home Department Notification No. EST-0174/11-XXVII, dated 15th January 1976]

In exercise of the powers conferred by Article 309 of the Constitution of India, the Government of Maharashtra hereby makes the following recruitment rules for the post of the Sawyer in the Prison Department of the State namely :— .

1. These Rules may be called Maharashtra Prisons (Technical Posts) Recruitment Rules, 1975.

2. Appointment to the post of a Sawyer in the Prison Department of the State (hereinafter referred to as the said post) may be made either—

(a) by promotion of a suitable person from amongst the guarding staff in the Prison Department who possess experience in sawing work for atleast one year, **or**

(b) by nomination from amongst candidates who—

(1) are not more than 35 years of age.

(2) have passed the IVth standard.

(3) possess good physique and

(4) have practical experience in Sawyer's work in saw mill at least for one year.

Provided that the age limit may be relaxed in the case of candidates with additional qualifications or experience or both.

3. A candidate appointed to the post whether by promotion or by nomination shall have to pass the Hindi and Marathi examinations as prescribed by the State Government for its Employees unless he has already passed them or has been exempted therefrom.

## CHAPTER VIII

## STAFF TRAINING

## SECTION I : NIL

## SECTION II : NON-STATUTORY RULES

[Framed under Government Resolution, Home Department  
No. RJM-1058 (IV) PRS-2, dated 14th February 1979].

- |                       |   |
|-----------------------|---|
| Short title.          | 1. These rules may be called the Maharashtra Prisons, Executive Officers and Staff Training, Parade and Musketry Practice Rules, 1979.  |
| Training School.      | 2. Training for Prison Officers and Prison Guards should be imparted at the Jail Officers' Training School, Yeravda, Pune.  |
| Aims of the training. | <p>3. The aim of the training programme at the Jail Officers' Training School should be :—.</p> <p>(i) Acquainting Prison Officers and the guards with essential matters of prison administration and with scientific and progressive methods of correctional administration.</p> <p>(ii) Making them conscious of their responsibilities and the role they have to undertake in the correctional field.</p> <p>(iii) Broadening of their cultural and professional interests, expending their experience, refining their abilities and skill, improving their performance of administrative duties, providing them with experience to meet the present and future needs of the Prison Department in positions of higher responsibilities.</p> <p>(iv) Inculcating <i>esprit-de-crops</i> amongst the correctional personnel.</p> |
| Functions.            | <p>4. The functions of the Jail Officers' Training School should be :—</p> <p>(i) Training of prison personnel,</p> <p>(ii) Research in correctional field,</p> <p>(iii) Methods and organisation work,</p> <p>(iv) Publication of pamphlets, papers, books and correctional journals etc.</p>  |



5. The personnel at the Jail Officers' Training School may consist of the following:—

Designation		Rank
Principal	...	Class I
Jailors Group-II	...	Class III
Prison Guards	...	Class III
Ministerial Staff	...	Class III
Librarian	...	Class III
Mess Servant	...	Class IV
Cook	...	Class IV.

Officers and the Staff.

6. (a) *Principal*.—Subject to the orders of the Inspector General of Prisons, the Principal shall be responsible to plan, co-ordinate and direct all the activities of the Training School. He shall exercise the same powers as that of a Superintendent of Central Prison in relation to the administration of the School. He shall fix the duties, responsibilities and functions of the personnel working under his control. He shall forward to the Inspector General of Prisons the programme of training to be imparted at the school for his approval. He shall also fix the necessary details about terms, vacations, visiting lecturers etc.

Duties and Powers of officers and staff.

(b) *His duties inter alia are the following* :—(i) to ensure that discipline is maintained, attendance at lectures is regular, building and furniture are kept in good order and that thorough cleanliness is observed in the school;

(ii) to fix the hours of work and rest for trainees and to draw up a detailed statement of the course of instruction at the beginning of each term, in order to cover the full course of instruction within the time allotted;

(iii) to ensure that strict punctuality is observed in the activities of the School;

(iv) to ensure that the allowances of the trainees, pay of the staff and money for contingent expenditure is regularly drawn and disbursed;

(v) to give at least two lectures every day in important subjects like Criminology and the basic tenets of correctional administration;

(vi) to remain present, periodically during lectures and satisfy himself both as to the competence of the lecturer to impart instruction and as to the industry of the trainees;

(vii) to be responsible for the correspondence and accounts connected with the School and for the maintenance of such registers as may be prescribed;

(viii) to make himself personally acquainted with every trainee and to allow interview to a trainee for sufficient reasons;

(ix) to inspect class rooms and sanitary arrangements at frequent intervals;

(x) to hold weekly meetings of the instructors for assessing progress during the previous week and for planning the programme for the following week and for discussing other matters in connection with the work of the school.

(2) *Staff*.—The duties and responsibilities of the staff at the school shall be as may be assigned to them by the Principal.

Training for  
Prison Officers  
and Staff.

7. The training for the following officers and staff should be imparted at the Jail Officers' Training School:—

- (i) Superintendents of District Prison Class-II,
- (ii) Jailors Group-II,
- (iii) Prison Guards.

Provided that training of other categories of Officers, staff, including technical, executive and ministerial staff shall be arranged at the school with the previous approval of Government in Home Department.

Training Courses.

8. The following courses should be organised at the Jail Officers' Training School:—

(1) On recruitment, the Superintendents of District Prisons, Class-II and Jailors Group-II shall receive suitable theoretical and practical training in correctional administration and other departmental subjects for a period of 2 years consisting of one year at the school and, one year practical work and training at the institutional level in such order as the Inspector General of Prisons may determine. The training at the Jail Officers' Training School should be as far as practicable as per the Syllabi prescribed in the Maharashtra Prison Department (Executive Officers Post Recruitment Examination), Rules, 1977.

(2) On recruitment, Sepoys and such of the Jamadars, Havaldars, and Naiks as are directly recruited shall receive training at the Jail Officers' Training School for a period of 5 months according to the programme approved by the Inspector General of Prisons.

9. (1) The trainees shall, during the period of the training be entitled to:— Facilities to trainees.

- (a) such rent free accommodation as can be made available ;
- (b) Messing at the School;
- (c) Library facilities provided at the Jail Officers' Training School.

(2) (a) The trainees directly recruited to the post of Superintendents of District Prison, Class-II Jailors Group-II may be entitled to probationary pay during the period of training.

(b) Prison guards and other trainees in the service of Government of Maharashtra will be entitled to full pay and all allowances as are admissible to them as per rules and under orders issued by Government from time to time.

10. (1) The following should be the duties of every prison employee deputed for training at the Jail Officers' Training School :— Duties of trainees

- (i) be diligent in prosecution of his training;
- (ii) faithfully observe rules and orders of the Principal;
- (iii) be of good conduct and character;
- (iv) while undertraining, attend the course of training prescribed for him regularly and make progress to the entire satisfaction of the Principal and appear and pass the periodical tests during the training;
- (v) shall not absent himself or on his own accord leave training before its completion without prior permission in writing of the Principal.

(2) On or after recruitment, every Superintendent of District Prison Class-II and every Jailor Group-II shall execute Joint Surety Bond in the prescribed form to the effect that on successful completion of training/ probationary period he will serve Government in the prison Department according to the post held by him respectively for a period of five years and three years failing which he will be liable to reimburse to Government the pay and allowances he receives and the cost of training as may be fixed by a competent authority.

11. (1) During the period of training the candidate will be subjected to written and oral tests at the fixed intervals to be decided by the Principal, to assess the performance of the candidate. The result of these facts will be taken into account at the time of the final assessment of the candidate for the purpose of Awards' instituted at the school. Tests for and reports on trainees.

(2) Full report on every candidate under training shall be submitted to the Inspector General of Prisons every three months by the Principal of the Jail Officers' Training School or the Superintendent of the Prison to which the candidate ; is. attached for training. Similar report shall be submitted in respect of junior matrons by the Superintendent. In addition, a special report should also be submitted to the Inspector General of Prisons two months prior to the completion of the probation period, and should particularly mention whether the candidate is or is not, fit to the post to which he has been recruited.

Refresher courses

12. The executive staff of the Prison Department should under go, in suitable batches, refresher courses at the Jail Officers Training School as follows:—

- (a) for Superintendents and Jailors'—two months every .three years.
- (b) for guarding personnel—One month's course every four years.

Specialised courses.

13. In addition to the training as mentioned above, the Inspector General may organise any specialised course to meet any specified needs, e. g. course for P. T., Drill Instructors, for staff engaged in organising recreations and sports, for staff working in Prison canteens and Prison factories etc.

Training of Matrons.

14. The Superintendents of Prisons shall organise Suitable training programme as approved by the Inspector General of Prisons' for newly recruited Matrons for a period of five months.

Parade and Musketry.

15. (1) In order to keep the men in trim the Superintendent of Prison should ensure that parade (which may include games and quickening exercises) for prison guards is held on every working day. The prison guards shall, as far as possible, attend the parade regularly. The prison guards working as Orderlies (including Nursing Orderlies) shall, however, attend the parade at least twice a week.

(2) The Superintendent shall send a monthly report about the P. T. and Drill in Form I to the Regional Deputy Inspector General of Prisons in the first week of every month.

(3) Subject to the general or special orders which may be issued in this behalf by the Inspector General the parade may consist of items such and squad drill, saluting, company drill, ceremonial, rifle exercises, musketry, physical training, Unarmed combat, baton and cane drill, bayonet fighting, guard and sentry duties and games.

(4) For the training in drill, bayonet fighting, physical training (with or without arms), the Military Infantry Training Manual, Volume I may usefully be adopted.

16. (1) The Superintendent shall hold a ceremonial parade of all available guards on a fixed morning every week. Ceremonial parade should also be held as a part of all formal inspections of the prison by the Inspector General of Prisons or Deputy Inspector General, On special occasions such as Independence Day and Republic Day, the salute shall be taken by the senior most Prison Officer present.

Ceremonial  
Parades

(2) The Senior Jailer shall record in the Report Book the hour during which the parade was held during each of the weeks. He should also record the particulars of the items which constituted the parade. Where a parade is not held on the prescribed day, the reasons which prevented the holding thereof should be recorded in detail in the Report Book.

17. (1) The annual musketry training of all guards and all other executive officers should be organised by the Superintendent in consultation with the concerned Deputy Inspector General of Prisons, who should make the necessary arrangements for deputing a suitable person to supervise the said training, if considered necessary, such assistance as is required may be obtained from the local police.

Annual Musketry  
Training.

Prizes for musketry should be awarded by the Superintendent and prizes on musketry results of the whole State by the Inspector General. The number of prizes and the amount of each of them shall be determined by the Inspector General.

(2) Annual musketry return and prizes for musketry:

The Superintendent should submit a report, showing the result of firing for the year to the Inspector General after conducting the annual musketry at the Prison. Information as to previous year's marksmen and other important points touching the shooting efficiency. and the remarks which he may wish to make should invariably appear in the forwarding letter.

(3) Instructions for the cleaning of fire-arms before and after firing, given in 'Small Arm Training, 1931, Volume I', should be followed.

18. (1) Every person whether appointed by nomination or promotion to any of the posts in the Prison Department shall be required to pass examination in Hindi and Marathi language according to the prescribed rules or orders issued from time to time unless he is exempt to pass or he has already passed them.

Language  
Examinations.

*FORM I*

[ See Rule 15 ]

**Monthly Report of P. T. and Drill of the Guarding Staff of  
for the month**

Parades time	No. of Parades held during the month	Average No. of staff attending P. T. and Drill regularity	Date on which the ceremonial parades were held	Name of the Jailor I/c of P. T. and Drill and Name of the Instructor	Date of the inspection of the Superintendent

## CHAPTER IX

## STAFF UNIFORM AND EQUIPMENT

## SECTION I : NIL

## SECTION II: NON-STATUTORY RULES

[Framed under G. R. H. D. No. RJM-1058 (V) (III) (b)-XVI dated 25-10-1971 and brought into force w. e. f. 1-12-1971]

(1) Every employee of the executive service of the Jail Department except the I. G. of Prisons, shall wear uniform and dress according to his rank as mentioned in Appendix I.

Uniform and accoutrements for members of the executive service of Jail Department.

(2) Every jail guard and driver on enlistment shall be provided with the articles mentioned in appendix I.

2. Jail guard on night duty may be provided with one cotton dark blue durry, one pillow, one bed sheet and a charpoi where the Superintendent considers it necessary for use during the rest period and two woollen blankets.

Supply of durry and blankets to jail guards.

3. Over coats shall be provided for the use of jail guards and drivers actually on duty at night in the cold weather in areas subject to extremes of temperature. In areas such as Bombay, the coastal region etc. they will not be issued.

Supply of over coats to jail guards and drivers.

4. Every unarmed guard and driver shall carry a whistle attached to a chain or cord affixed to the third button hole from the top of the jacket. The whistle shall be kept in the left breast pocket. The Jail guard shall also carry a pair of handcuffs at-’ reached to his belt and a cane stick. The latter shall be 1 metre in length with a diameter not exceeding 0.0300 metre. It shall have a leather loop attached to the handle. The bottom of the stick shall be provided with a leather or some other suitable material knot.

Jail guards and drivers to carry a whistle, handcuffs and a \*cane stick.

5. Rain coats shall be supplied to jail guards and drivers once in three years and taken back when no longer required after the end of the rainy season every year and reissued in the next season.

Supply of rain coats to jail guards and drivers.

6. The articles of clothing and other articles will ordinarily be replaced by new ones after the following intervals:—

Replacement of the articles of uniform of jail guards and drivers.

(1) Khaki tunic—One year.

\* Substituted by Government Corrigendum, Home Department, No. RJM-0172/1-XVI dated 4th February 1972.

- (2) Khaki short—One year.
- (3) Brilliant blue woollen putties—Two years.
- (4) Brilliant blue cotton socks—One year.
- (5) Black ammunition boots—Two years.
- (6) Black belt—To be replaced when found unserviceable but not earlier than five years.
- (7) Whistle—To be replaced when found unserviceable but not earlier than five years.
- (8) Kit box—To be replaced when found unserviceable but not earlier than five years.
- (9) Haversack—Three years.
- (10) Jersey (woollen)—Five years.
- (11) Great coat—Six years.
- (12) Rain coat—Three years.
- (13) Khaki woollen cap—Two years.
- (14) Cotton dark blue durries—Five years.
- (15) Woolen blankets—Five years.
- (16) Brown canvas shoes—One year.
- (17) 'V' shaped cotton vests with half sleeves with gold and brilliant blue shoulders—One year.
- (18) Black Pathani chappals—Two years.
- (19) Cap badge—Three years.
- (20) Trousers—One year.
- (21) Black derby shoes—Two years.
- (22) Buttons—Three years.
- (23) Khaki woollen socks—Two years.
- (24) Khaki full shirt—One year.
- (25) Khaki half shirt—One year.
- (26) Badges of rank (Chevrons)—Two years.
- (27) Pillow—One year.
- (28) Bed sheet—One year.



- |  |  |
|--|--|
| <p>7. Uniform damaged by neglect or prematurely worn-out by improper use shall be replaced at the expense of the jail guard/ driver concerned. In other cases, the damaged or worn-out uniform shall be replaced at Government expense provided that the Superintendent shall keep in the Order Book a full record of the circumstances leading to such premature condemnation.</p>  | <p>Premature replacement of worn-out articles of uniform of jail guards and drivers.</p> |
| <p>8. The issue of all articles of clothing and equipment shall be recorded in the kit-book which shall always remain in the custody of the jail guard/ driver.</p>  | <p>Record of clothing and equipment issued to jail guards and drivers.</p>               |
| <p>9. Every article of clothing shall be indelibly marked with the date of original issue on the inside of the garment by means of dhobi nut or paint.</p>   | <p>Marking on every article of clothing.</p>   |
| <p>10. At least once in three months, the Superintendent shall hold a kit parade when every jail guard and driver must show all the articles of uniform in his possession.</p>   | <p>Parade.</p>   |
| <p>11. Articles of uniform for the jail guards/drivers shall, as far as is practicable, be manufactured in prisons. Details of receipt and issues of the articles shall invariably be recorded in a stock Register.</p>  | <p>Manufacture of articles of uniform of jail guards/ drivers.</p>                       |
| <p>12. Provision for the supply of articles of uniform to the jail guards/ drivers, who are out on deputation to the district prisons class III at the time the Annual indent for the articles of uniform is submitted to the Deputy Inspector in charge of the region shall be made in the Annual indent to be submitted by the parent jail concerned who shall be responsible to supply the same to the jail guard/driver concerned.</p>   | <p>Provision for uniform of jail guards/drivers who are on deputation.</p>               |
| <p>13. Suits of uniform equal to 20% of the sanction strength of jail guards shall be kept in stock in each jail for use of temporary guards appointed as substitutes and/or to fill in the existing vacancies on the guarding establishment of the jail concerned. The suits shall be in the usual three standard sizes (i.e. small, medium and large).</p>   | <p>Stock of extra suits of uniform for jail guards in each jail.</p>                     |
| <p>14. The uniform is individual and will be taken on transfer by the men to whom it is issued. When jail guards, drivers go on leave, they should make over their uniform to such official as may be prescribed by the Superintendent by general or special order. Such official will label the bundle on box with the absentee's name and store it in the place appointed by the Superintendent, and in such manner that the uniform shall not be damaged by white ants or other insects or by damp.</p> | <p>Custody of the uniform of jail guards/drivers during leave.</p>                       |

Uniform of jail  
guards/drivers  
who are dismissed  
or discharged.

15. On dismissal or discharge all items issued to a jail guard/ driver shall be surrendered by him to the senior jailor or the person specified by the Superintendent.

Disposal of  
articles of uniform  
replaced by new  
ones.

16. The articles which are replaced by new ones remain the property of Government, they may, in the discretion of the Superintendent, be left with the jail guard/driver for rough wear and a note thereof kept in the Kit Book. The serviceable items of the used uniform may be utilised, as far as possible, for the temporary guard/drivers who are not expected to continue in service for more than 6 months. The surplus serviceable articles and the unserviceable articles of uniform shall be disposed of by the Superintendent as profitably as possible.

17. \*Every Deputy Inspector General of Prisons, Superintendent of central prison and the Principal, Jail Officers' Training School shall be entitled to an initial clothing grant of Rs. 500 within two years of appointment. The grant is renewable at intervals of five years, the period being counted from the date on which the uniform is first maintained. In the case of a Superintendent of a central prison or the Principal, Jail Officers' Training School who is promoted to the post of Deputy Inspector General of Prisons, no initial clothing allowance will be paid but he will get the renewal grant at intervals of every five years, the period being counted from the date on which the initial or renewal grant as the case may be was last drawn as Superintendent of Central Prison/The Principal, Jail Officers' Training School.\*

Initial clothing  
grants.

18. Every executive jail employee except jail guards/drivers and persons not expected to continue for more than six months shall be entitled to initial clothing grant as mentioned below for the purpose of providing himself/herself with the first complete uniform; thereafter he/she shall provide himself/herself with uniform at his/her own expense :

\*Provided the Matrons appointed on extra establishment should also be sanctioned the prescribed initial clothing grant at the rate prescribed in this rule and washing allowance at the rate prescribed in rule 19, subject to the condition that they are expected to continue in service with or without breaks for six months or more.†

Superintendents of District Prisons, Class I	Rs. 200.
†Superintendents of District Prisons, Class II/	†Rs. 200.†
Deputy Superintendents at Central Prison †	

\*-\* Substituted by Government Corrigendum, Home Department, No. RJM-0172/1-XVI, dated 30th June 1973.

†-† Added by Government Corrigendum, Home Department, No. RJM-0172-1-XVI, dated 30th June 1973.

Jailors Group-I	...	Rs. 150.
Jailors Group-II	...	Rs. 100
Matron	...	Rs. 75.

*Note.*—On promotion from one category to the other, no clothing grant will be paid.

19. Upkeep allowance at the following rates shall be paid to the below mentioned categories of staff:—

Washing  
allowance.

Superintendent of District Prisons—Class-I	...	Rs. 12 p. m.
*Superintendent of District Prisons—Class-II	...	*Rs. 12 p. m*
Deputy Superintendents of Prisons at Central Prisons*		
†Superintendents of District Prisons— Class-III/Jailors Group-I and Group-II†	...	*Rs. 8 p. m.*
Matrons	...	Rs. 5 p. m.
Guarding staff/Drivers	...	Rs. 2 p. m.

20. In jails having laundry facility, the jail guards may be allowed free washing facility in lieu of allowance.

Facilities of free  
laundry, or  
washing  
allowance,

21. A guard room near and outside the main gate shall be set apart for keeping the arms, ammunitions, etc. It shall be furnished with proper racks for the muskets and for hanging up the accoutrements. The bayonets and ammunition pouches shall be slung on the spare belts ready for immediate use. Where jail armed guards are posted by the Department, the key of the armoury shall be kept by the reserve guard Jamadar and a duplicate key shall be kept by the Senior Jailor with a tin label affixed to it for immediate recognition in case of emergency. In places where Police Armed Guards are provided, the rules of the Police Department will apply.

Guard  
Room-Arms to be  
kept in Guard  
room.

22. The muskets of the reserve guards shall be kept in a rack in the guard room with the bayonet and ammunition pouches on the belts ready for immediate use. Arms shall not be piled outside where prisoners could seize them. When they turn out or day's duty or parade, the reserve guards shall invariably carry their bayonets and ammunition pouches.

Muskets for  
Reserve Guard.

\*—\* Added by Government Corrigendum. Home Department, No. RJM-0172/I-XVI, dated 30th June 1973.

†-† Substituted by Corrigendum, Home Department, No. RJM-0172/I-XVI, dated 30th June 1973 and Government Corrigendum, Home Department, No. RJM-0172/I-XVI, dated 9th November 1973.

Periodical  
inspection of the  
arms and  
ammunition by  
Superintendent.

23. The rifles, bayonets and other special equipment of the Armed jail guards shall be checked and examined by the Superintendent on the first day of each month, the guard being paraded for the purpose. He shall also count all ammunition on that day and record, in the book specially kept for the purpose, the total receipts and expenditure during the previous months and balance.

## APPENDIX I

(See rules 1 and 2)

### Deputy Inspector General of Prisons

1. Cap Badges.—Silver embroidered with the words “Maharashtra Prison Service” round the monogram and the Ashok emblem on the top of the monogram and collar Tabs.

2. Badges of rank.—State emblem and three five pointed \*black metal (oxidised)\* starts with a silver department badge with the words M. PR. S. in 12.7 millimeters block letters at the base of the shoulder strap.

3. Tunic.—Khaki Gaberdine single breasted. Cut as a lounge coat to the waist, very loose at the chest and shoulder but fitted at the waist military skirt to bottom edge. A silver plated hook on each side at the waist. Collar to be cut as in an ordinary civilian—lounge coat. Two cross patch breast pockets above 16.51 centimeters wide and 19.05 centimeters deep to the top of the flap with a 63.5 millimeters box pleat in the centre, fastened at the top with a small “Prison” pattern button flap with button hole to cover—pocket 63.5 millimeters deep and 27.24 centimeters wide the top of the pockets to be tacked down at the corners in such manner that the pocket can be expanded at the top also if necessary: Inside watch, pocflet, fastened the top with a shall “Prison” pattern or other pattern button flap with button hole to cover pocket 63.5 millimeters deep and 16.51 centimeters wide. Four medium “Prison” pattern buttons down the front. Pointed cuffs 12.7 centimeters high at the point and 63.5 millimeters behind. Shoulder straps of same material as garment fastened with a small “Prison” pattern button. The tunic to be worn with a soft khaki collar and shirt and brilliant blue silk tie. A plain gold safety pin may be worn under the tie to keep the soft collar in place.

---

\*-\* Substituted by Government Corrigendum, Home Department., No. RJM-0172/I-XVI dated 30th June 1973.

4. *Khaki trousers without turn up* :—Made out of khaki gaberdine.
5. *Khaki shirt with separate collar*—
6. *Tie*.—Brilliant blue silk tie.
7. *Belt*.—\*Brown\* belt with square buckle of white metal.
8. *Shoes*.—\*Brown\* derby pattern.
9. *Button*.—White metal buttons with Ashok emblem and the words, “Maharashtra Prison Service”.
10. *Whistle*.— Metropolitan whistle with old gold and Brilliant blue silk double cord.
11. *Peak Cap*.—Khaki woollen peak cap with a Brilliant blue band and black peak with silver embroidered brim. Sick officers may use turbans instead of peak cap.

*Working dress during cold weather*

(Ordinarily from 16th October to 15th February)

1. *Bush shirt*.—Khaki bush shirt with a belt of the same cloth with metal buckle and †.....† badges of rank.
2. *Khaki socks*.
3. *Khaki trousers*.
4. \*Brown derby pattern shoes.\*
5. \*Khaki woollen peak cap\* with a silver metal cap badge.
6. Metropolitan whistle with old gold and brilliant blue silk double cord.
7. A swagger stick of 53.34 centimeters in length.

*Working dress during hot weather*

(from 16th February to 15th October)

1. Khaki short.
2. Khaki shirt.—With †[—]† badge of rank and belt
3. Khaki woollen stockings.
4. \*Brown derby pattern shoes.\*
5. \*Khaki Woollen peak cap\* with silver metal cap badge.

*Notes*.— These articles may be worn instead of Khaki trousers, Bush shirt and khaki socks respectively during hot weather.

---

\*—\* Substituted by Government Corrigendum, Home Department, No. RJM-0172/1 XVI dated 30th June 1973.

†—† Deleted by Government Corrigendum, Home Department, No. RJM-017/31-XVI, dated 12th October 1973.

**Superintendents of Central Prisons and the Principal, Jail  
Officers Training School**

1. *Collar and Cap Badges.*—Silver embroidered cap and collar badges of the standard sizes in silver with the words “Maharashtra Prison Service” round the monogram and the Ashok emblem at the top of the monogram \*collar tabs after five years service in the cadre.\*

2. *Badges of rank*—State emblem \*and one Five pointed black metal (oxidised) star\* on appointment in the cadre and †two Five pointed black metal (oxidised) stars after five years service in the cadre. †They will also wear a silver departmental badge with the words M. PR. S. in 12.7 millimeters block letters at the base of the shoulder strap.

3. *Tunic.*—Khaki Gaberdine single breasted. Cut as a lounge coat to the waist very loose at the chest and shoulder—but fitted at the waist. Military skirt to bottom edge. A silver placed hook on each side at the waist. Collar to be cut as in an ordinary civilian lounge coat. Two cross patch breast pockets above—16.51 centimeters wide and 19.05 centimeters deep to the top of the flap, with a 63.5 millimeters box pleat in the centre, fastened at the top with a small “Prison” pattern button, flap with button hole to cover pocket 63.5 millimeters deep and 61.51 centimeters wide, two expanding pocket below the waist (pleats at the sides) 23.44 centimeters wide at the top, 26.67 centimeters at the bottom, 20.32 centimeters deep to the top of the pocket, fastened at the top with a small “Prison” button, flap with button hole to cover pockets, 63.5 millimeters deep and 27.24 centimeters wide the top of the pockets to be tacked down at the corners in such manner that the pocket can be expanded at the top also if necessary. Inside watch pocket fastened at the top with a small “Prison” pattern or other—pattern button, flap with button hole to cover packet 63.5 millimeters deep and 16.51 centimeters wide. Four medium “Prison” pattern button down the front. Pointed cuffs 12.7 centimeters height at the point and 63.5 millimeters behind. Shoulder straps of same material as garment fastened with small “Prison” pattern button. The tunic to be worn with a soft khaki colour and shirt and brilliant blue silk tie. A plain gold safety pin may be worn under the tie to keep the soft collar in place.

---

\*-\* Added by Government Corrigendum, Home Department, No. RJM-0173/1-XVt, dated 30th June 1973.

†-† Substituted by Government Corrigendum, Home Department, No. RJM-0172/1-XVI, dated 30th June 1973.

4. *Trousers without turn ups*.—Made out of Khaki gaberdine.
5. *Khaki shirt with separate collar*.
6. *Tie*.— Brilliant blue silk tie.
7. *Belt*.—\*Brown\* belt with square buckle of white metal.
8. *Shoes*.—\*Brown\* derby pattern.
9. *Buttons*.—White metal buttons with Ashok Emblem and the words, “Maharashtra Prison Service”.
10. *Whistle*.—Metropolitan whistle with old gold and Brilliant blue silk double cord.
11. *Peak cap*.—Khaki woollen peak cap with silver embroidered cap badge. Sikh Officers may use turbans instead of peak cap.

*Working dress during cold weather*

(Ordinarily from 16th October to 15th February)

1. *Bush shirt*.—Khaki bush shirt with a belt of the same cloth. With white metal buckle and †.....† badges of rank.
2. *Khaki socks*.
3. *Khaki trousers*.
4. \*Brown derby pattern shoes.\*
5. \*Khaki woollen peak cap \*with\* a silver metal cap badges.
6. *Metropolitan whistle with old gold and Brilliant blue silk double cord*.
7. *A swagger stick of 53.34 centimeters in length*.

*Working dress during hot weather*

(From 16th February to 15th October)

1. *Khaki short*.
2. Khaki shirt With †.....† badges, of rank and belt.
3. *Khaki woollen stockings*.
4. \*Brown\* derby pattern shoes.
5. \*Khaki woollen peak cap\* with silver metal cap badge.

*Note*.—These articles may be worn instead of khaki trousers, bush shirt and khaki socks respectively during hot weather.

---

\*-\* Substituted by Government Corrigendum, Home Department, No. RJM-0172/1-XVI, dated 30th June 1973.

†-† Deleted by Government Corrigendum, Home Department, No. RJM-0172/1-XVI dated 12th October 1973.

### † Superintendents of District Prisons Class I

1. *Collar and cap badges.*—Cap and collar badges of the standard sizes with the words, MAHARASHTRA PRISON SERVICE round the monogram and the Ashok Emblem at the top of the monogram.

2. *Badges of rank.*—State Emblem with a silver Departmental Badge with the words “M.PR.S.” in 12.7 Millimeters block letters at the base of the shoulder strap.

3. *Tunic.*—Khaki drill single breasted. Cut as a lounge coat to the waist very loose at the chest and shoulder but fitted at the waist. Military skirt to bottom edge. A silver plated hook on each side at the waist. Collar to be cut as in a ordinary civilian lounge coat/ Two cross patch breast pockets above 16.51 centimeters wide and 19.5 centimeters deep to the top the flap, with a 63.5 millimeters box pleat in the centre, fastened at the two with a small “Prison” pattern button, flap with button hole to cover pocket 63.5 millimeters deep and 16.51 centimeters wide two ; expanding pockets below the waist (pleats at the sides) 23.44 centimeters wide at the top, 26.37 centimeters at the bottom, 20.32 centimeters deep to the top of the pocket fastened at the top with a small ‘Prison pattern button, flap with button hole to cover pockets, 63.5 millimeters deep and 27.24 centimeters wide the top of the pockets to be tacked down at the corners in such manner that the pocket can be expanded at the top also if necessary. Inside watch pocket fastened at the top with a small, “Prison” pattern or other pattern button, flap with button hole to cover pocket 63.5 millimeters deep and 16.51 centimeters wide. Four medium “Prison” pattern buttons down the front. Pointed cuffs 12.7 centimeters height at the point and 63.5 millimeters behind shoulder straps of same material as garment fastened with a small “Prison” pattern button. The tunic to be worn with a soft khaki collar and shirt and brilliant blue silk tie. A plain gold safety pin may be worn under the tie to keep the soft collar in place.

4. *Khaki trousers without turn-ups.*—Made out of khaki drill cloth.

5. *Khaki shirt with separate collar.*

6. *Tie.*—Brilliant blue silk tie.

---

\*-\* Added by Government Corrigendum^ Home Department, No. RJM-0172/1 -XVI, dated 30th June 1973.



7. *Belt*.—Brown belt with square buckle of white metal.
8. *Shoes*.—Brown derby pattern.
9. *Buttons*.—White metal buttons with Ashok Emblem and the words MAHARASHTRA PRISON SERVICE.
10. *Whistle*.—Metropolitan whistle with old gold and brilliant blue silk double cord.
11. *Cap*.—Khaki woollen peak cap with a silver cap badge. Sikh Officers may use turbans instead of peak cap.

*Working dress during cold weather*

(Ordinarily from 16th October to 15th February)

1. *Bush shirt*.—Khaki bush shirt with a belt of the same cloth, with metal buckle and † ..... † badges of rank.
2. *Khaki socks*.
3. *Khaki trousers*.
4. *Brown derby shoes*,
5. *Khaki woollen peak cap with a silver metal cap badge*.
6. *Metropolitan whistle with old gold and brilliant blue silk double cord*.
7. A swagger stick of 53.34 centimeters in length.

*Working dress during hot weather*

(From 16th February to 15th October)

1. *Khaki short*.
2. *Khaki shirt*.—With † ..... † badges of rank and belt.
3. *Khaki woollen stockings*.
4. *Brown derby pattern shoes*.
5. *Khaki woollen peak cap with a silver metal cap badge*.

*Note*.—These articles may be worn instead of khaki trousers, bush shirt and khaki socks respectively during hot weather.\*

---

†-† Deleted by Government, Corrigendum, Home Department No. RJM-0172/I-XVI, dated 12th October 1973.

**Superintendents of District Prisons Class \*[II] Deputy Superintendents  
at Central Prisons \*.....\***

1. *Collar and cap badges.*—Cap and collar badges of the standard sizes with the words, MAHARASHTRA PRISON SERVICE round the monogram and the Ashok Emblem at the top of the monogram.

2. *Badges of rank.*—One Five pointed black metal (oxidised) star during probationary period\* with a silver Departmental Badge with the words, “M. PR. S.” in 12.7 millimeters block letters at the base of the shoulder strap. \*Two Five pointed black. Metal (oxidised) stars after probationary period upto five years’ service and three Five pointed black metal (oxidised) stars after five years service.\*

3. *Tunic.*—Khaki drill single breasted. Cut as a lounge coat to the waist very loose at the chest and—shoulder but fitted at the waist. Military skirt to bottom edge. A silver plated hook on each side at the waist. Collar to be cut as in an ordinary civilian lounge coat. Two cross patch breast pockets above 16.51 centimeters wide and 19.5 centimeters deep to the top of the flap, with a 63.5 millimeters box pleat in the centre, fastened at the two with a small “Prison” pattern button, flap with button hole to cover pocket 63.5 millimeters deep and 16.51 centimeters wide two expanding pockets below the—waist (pleats at the sides) 23.44 centimeters wide at the top, 26.67 centimeters at the bottom 20.32 centimeters deep to the top of the pocket fastened at the top with a small Prison pattern button, flap with button hole to cover pockets, 63.5 millimeters deep and 27.24 centimeters wide the top of the pockets to be tacked down at the corners in such manner that the pocket can be expanded at the top also if necessary. Inside watch pocket—fastened at the top with a small, “Prison” pattern or other pattern—button, flap with button hole to cover pocket 63.5 millimeters deep and 16.51 centimeters wide. Four medium “Prison” pattern buttons down the front. Pointed cuffs 12.7 centimeters height at the point and 63.5 millimeters behind shoulder, straps of same material as garment fastened with a small “Prison” pattern button. The tunic to be worn with a soft khaki collar and shirt and brilliant blue silk tie. A plain gold safety pin may be worn under the tie to keep the soft collar in place.

---

\*-\* Substituted by Government Corrigendum Home Department, No RJM-0172/1-XVI dated 30th June 1973.

4. *Khaki trousers without turnups.*— Made out of khaki drill cloth.
5. *Khaki shirt with separate collar.*
6. *Tie.*—Brilliant blue silk tie.
7. *Belt.*—\*Brown\* belt with square buckle of white metal.
8. *Shoes.*—\*Brown\* derby pattern.
9. *Buttons.*—White metal buttons with Ashok Emblem and the words Maharashtra Prison Service.
10. *Whistle.*—Metropolitan whistle with old gold and brilliant blue silk double cord.
11. *Peak cap.*—Khaki woollen peak cap with silver cap badge. Sikh Officers may use turbans instead of peak cap.

*Working dress during cold weather*

(Ordinarily from 16th October to 15th February)

1. *Bush Shirt.*—Khaki bush shirt with a belt -of the same cloth, with metal buckle and †..... † ‡ ..... ‡ badges of rank.
2. *Khaki socks.*
3. *Khaki trousers.*
4. \*Brown\* derby shoes.
5. \*Khaki woollen peak cap\* with a silver metal cap badge.
6. *Metropolitan whistle with old gold and brilliant blue silk double cord.*
7. *A swagger stick of 53.34 centimeters in length.*

*Working dress during hot weather*

(From 16th February to 15th October)

1. *Khaki short.*
2. *Khaki shirt*—With † ..... † ‡ ..... ‡ badges of rank and belt.
3. *Khaki Woollen stockings.*
4. \*Brown\* derby pattern shoes.
5. \*Khaki woollen peak cap\* with silver metal cap badge.

*Note.*—These articles may be worn instead of khaki trousers, Bush shirt and Khaki socks respectively during hot weather.

---

• Substituted by Government Corrigendum, Home Department, No. RJM-0172/1-XVI dated 30th June 1973.

†-† Deleted by Government Corrigendum, Home Department, No. RJM-0172/1-XVT dated 30th June 1973.

‡-‡ Deleted by Government Corrigendum, Home Department, No. RJM-0172/ -XVI dated 12th October 1973.

**\* Jailors Group-I Superintendents of District Prisons Class-III\***

1. *Collar and cap.*—Cap and collar badges of the standard sizes in silver with the words MAHARASHTRA PRISON SERVICE round the monogram and the Ashok emblem at the top of the monogram.

2. *Badges of rank.*—\*Three five pointed black metal (oxidised) stars and a ribbon on old gold brilliant blue colour at the base of the shoulder strap.\* . They will also wear a silver-departmental badges with the words “M. PR. S.” in 12.7 millimeter block letters at the base of the shoulder strap.

3. *Tunic.*—Khaki drill single breasted. Cut as a lounge coat to the waist—very loose at the chest and—shoulder but fitted at the waist. Military skirt to bottom edge. A silver plated hook on each side at the waist. Collar to be cut as in an ordinary civilian lounge coat. Two crosspatch breast—pockets above 16.51 centimeters wide and 19.05 centimeters deep to the top of the flap, with a 63.05 millimeters box pleat in the centre, fastened at the top with a small ‘Prison’ pattern button flap with button hole to cover pocket 63.05 millimeters deep and 16.51 centimeters wide, two expanding pockets below the waist (pleats at the top, 26.67 centimeters at the bottom, 20.32 centimeters deep to the pocket, fastened at the top with a small, ‘Prison’ pattern button flap with button hole to cover pocket’s 63.05 millimeters deep and 27.24 centimeters wide the top of the pockets to be tacked down at the corners in such manner that the pocket can be expanded at the top also, if necessary. Inside each pocket, fastened at the top with a small, ‘Prison’ pattern or other pattern button hole to cover pocket 63.5 millimeters deep and 16.51 centimeters wide. Four medium ‘Prison’ pattern buttons down the front pointed cuffs, 12.7 centimeters height at the point and 63.5 millimeters behind. Shoulder straps of same material as garment, fastened with a small ‘Prison’ pattern button. The tunic to be worn with a soft khaki collar and shirt and Brilliant blue silk tie. A plain yellow metal safety pin may be worn under the tie to keep the soft collar in place.

4. *Khaki trousers without turn ups.*—Made cut of khaki drill cloth.

5. *Khaki shirt with separate collar.*

6. *Tie.*—Brilliant blue silk tie.

7. *Belt*.—Black belt with square buckle of white metal.
8. *Shoes*.—Black derby pattern.
9. *Buttons*.—White metal buttons with Ashok emblem and the words, “Maharashtra Prison Service.”
10. *Whistle*.—Metropolitan whistle with old gold and brilliant blue silk double cord.
11. *Peak cap*.—\*Khaki cotton with black peak\* with silver cap badge. Sikh Officers may use turbans instead of peak cap.

*Working dress during cold weather*

(Ordinarily from 16th October to 15th February)

1. *Bush shirt*.—Khaki bush shirt with a belt of the same cloth, with metal buckle and † ..... † badges of the rank.
2. *Khaki socks*.
3. *Khaki trousers*.
4. *Black derby shoes*.
5. \*[†(Khaki woollen) cap with the black peak† with silver cap badge.]\*
6. Metropolitan whistle with old gold and brilliant blue silk double cord.
7. A swagger stick of 53.34 centimeters in length.

*Working dress during hot weather*

(From 16th February to 15th October)

1. *Khaki short*.
2. *Khaki shirt*.—With †[\*\*\*]† badges of rank and belt.
3. *Khaki woollen stockings*.
4. *Black derby pattern shoes*.
5. ‡ (Khaki woollen) cap with the black peak ‡ with silver cap badge.

*Note*.—These articles may be worn by the Officers instead of Khaki trousers, Bush shirt and Khaki socks respectively during hot weather.

---

\*-\* Substituted by Government Corrigendum, Home Department, No. RJM-0172/1-XVI, dated 30th June 1973.

†-† Deleted by Government Corrigendum, Home Department, No. RJM-0172/1-XVI, dated 12th October 1973.

‡-‡ Substituted by Government Corrigendum, Home Department, No. RJM-0172/1-XVI, dated 9th November 1973.

### Jailors Group-II

1. *Collar and cap badges.*—Cap and collar badges of the standard size in silver with the words—”MAHARASHTRA PRISON DEPARTMENT” round the monogram and the Ashok emblem at the top of the monogram.

2. *Badges of rank.*—\*Two five pointed black metal (oxidised) stars and a ribbon of old gold and brilliant blue colour at the base of the shoulder strap.\* They will also wear a silver departmental badge with the words “M. PR. D.” in 12.7 millimeters.

3. *Tunic.*—Khaki drill single breasted. ‘ Cut as lounge coat to the waist very loose at the chest and shoulder but fitted at the waist. Military skirt to bottom edge. A silver plated hook on each side at the waist. Collar to be cut as in an ordinary civilian ‘ lounge coat. Two cross patch breast pockets above 16.51 centimeters, wide and 19.05 centimeters deep to the top of the flap, with a 63.5 millimeters box pleat in the centre, fastened at the top with a small ‘Prison’ pattern button, flap with button hole to cover pocket—63.5 millimeters deep and 16.51 centimeters wide, two expanding-pockets below the waist (Pleats at the sides) 23.44 centimeters wide at the top 26.67 centimeters at the bottom, 20.32 centimeters deep to the top of the pocket, fastened at the top with a small, ‘Prison’ pattern button, flap with button hole to cover packets 63.5 millimeters deep and 27.24 centimeters wide the top of the pockets to be tacked down at the corners in such a manner that the pocket can be expanded at the top also, if necessary. Inside each pocket, fastened at the top with a small, ‘Prison’ pattern or other pattern button hole to cover pocket 63.5 millimeters deep and 16.51 centimeters wide. Four medium ‘Prison’—pattern buttons down the front, pointed culs, 12.7 centimeters high at the point and 63.5 millimeters behind.—Shoulder straps of same material as—garment, fastened with a small ‘Prison pattern button. The tunic to be worn with a soft khaki collar and shirt and brilliant blue silk tie. A plain yellow—safety pin may be worn under the tie to keep the soft collar in place.

4. *Khaki trousers without turn ups.*—Made out of Khaki drill cloth.

5. *Khaki shirt with separate collar.*

6. *Tie.*—Brilliant blue silk tie.

---

\*Substituted by Government Corrigendum, Home Department, No. RJM/0172/XVI dated 30th June 1973.

7. *Belt*.—Black belt with square buckle of white metal.
8. *Shoes*.—Black derby pattern.
9. *Buttons*.—White metal buttons with Ashok emblem, with the words, “Maharashtra Prison Department”.
10. *Whistle*.—Metropolitan whistle with old gold and brilliant blue silk double cord.
11. *Peak cap*.—Khaki cotton with black peak and silver cap badge. (Sikh officers may use turbans instead of peak cap).

*Working dress during cold weather*

(Ordinarily from 16th October to 15th February)

1. *Bush shirt*.—Khaki bush shirt with belt of the same cloth with metal buckle and [\* \* \*] badges of the rank.
2. *Khaki trousers*.
3. *Khaki socks*.
4. *Black derby shoes*.
5. \*[†(Khaki woollen) cap with black peak† with a silver cap badge.]\*
6. Metropolitan whistle with old gold and brilliant blue silk double cord.
7. A swagger stick of 53.34 centimetres in length.

*Working dress during hot weather*

(From 16th February to 15th October)

1. *Khaki short*.
2. *Khaki shirt*.—With ‡.....‡ badges of rank and belt.
3. *Khaki woollen stockings*.
4. *Black derby pattern shoes*.
5. \*[†(Khaki woollen) cap with black peak† with a silver cap badge.]\*

*Note*.—These articles may be worn by the officers instead of Khaki trousers, Bush shirt and Khaki socks respectively during hot weather.

---

\*-\* Substituted by Government Corrigendum, Home Department No. RJM-0172/13-XVI, dated 30th June 1973.

†-† Substituted by Government Corrigendum, Home Department No. RJM-0172/1-XVI, dated 9th November 1973.

‡-‡ Deleted by Government Corrigendum, Home Department No. RJM-0172/1-XVI, dated 12th October 1973.

*Dress for women Jailors.*—Women Jailors shall wear white sari and white coat of suitable pattern with black shoulder straps. The badge of rank shall be the same as that of Jailors. They shall wear white canvass shoes.

*Dress for Matrons.*—Matrons shall wear a white saree and white bodice.

### SUBHEDAR

<i>Name of Article</i>	<i>Number to be issued</i>
1. Cap badge. (Cap badge of the standard size with the words Maharashtra Prison Department round the monogram and the Ashok emblem at the top of the monogram.)	1 (once in three years)
2. Badges of rank. *[ One five pointed black metal (oxidised) star ]* put on a band of old gold and brilliant blue colour with a silver departmental badge with the words, "M. PR. D." in 12.7 millimetres block letters at the base of the shoulder strap.]	1 pair (once in three years)
3. Tunic. (Khaki tunic with stand-up collar.)	2 (Once in two years)
4. Khaki trousers without turn ups (Made out khaki drill cloth.)	2 (Once in two years)
5. Belt. (Black belt with square buckle of white metal)	1 (When found un-serviceable but not earlier than 5 years)
6. Shoes. (Black derby pattern)	... 1 pair (Once in two years)
7. Buttons. (White metal buttons with Ashok emblem with the words "Maharashtra Prison Department".)	5 Large and 8 small size (once in three years)
8. Whistle. (Metropolitan whistle with brilliant blue silk cord.)	1 (When found un-serviceable but not earlier than five years).

---

\*-\* Substituted by Government corrigendum. Home Department, No. RJM-0172/1-XVI, dated 30th June 1973.



9. Cap. (Woollen forage khaki cap with silver cap badge. Sikhs may use turbans instead of cap.)	1	(Once in two years)
10. Khaki socks (Woollen)	... 1	Pair “(Once in two years)
11. Woollen Jersey	... 1	(Once a five years)
12. Woollen great coat	... 1	(Once in six years)
13. Rain Coat	... 1	(Once in three years)
14. Khaki Short	... 2	(Once in two years)
15. Khaki (full) Shirt	... 4	(Once in two years)
16. Brilliant Blue Woollen putties	... 1	pair (once in two years)
17. Chappal (Pathani)	... 1	pair (once in two years)
18. Kit box	... 1	(When found unserviceable but not earlier than 5 years)
19. Canvas Shoes (brown)	... 1	pair (every year)
20. “V” Shape Cotton Vests (half sleeves and with old gold and brilliant blue borders.)	2	(every year)
21. Shoulder badges (Letters)	... 1	pair (once in three years)

#### *Working Dress*

1. Khaki trousers or Khaki shorts.
2. Khaki full shirt with Shakespare collar with badge of rank etc.
3. Brilliant blue stockings or khaki socks.
4. Black shoes.
5. Black belt.
6. Whistle with brilliant Blue silk cord.
7. Woollen forage Khaki Cap with silver Cap badge.

---

*Note.*— Khaki half shirt may be worn instead of full shirt during summer.

**JAMADARS**

<i>Name of Article</i>		<i>Number to be issued</i>
1.	Cap Badge—Cap badge of the standard size in silver with the words. “Maharashtra Prison Department” round the monogram and the Ashok emblem at the top of the monogram.	1 (once in three years).
2.	*[Departmental-Badge ]—***Silver departmental badge with the words, “M. PR. D.” in 12.7 milimetres block letters at the base of the shoulder strap.	1 pair (once in three years).
3.	Tunic—Khaki tunic with stand up collar	2 (once in two years).
4.	Khaki trousers without turn ups—Made out of khaki drill cloth.	2 (once in two years).
5.	Belt—*Sam Brown (black ) Belt	... 1 (when found unserviceable but not earlier than 5 years).
6.	Shoes—Black derby pattern	... 1 pair (once in two years).
7.	Buttons—White metal buttons with Ashok emblem and the words, Maharashtra Prison Department.	5 Large and 8 Small size (once in three years).
8.	Whistle—Metropolitan whistle with brilliant blue silk cord.	1 (when found unserviceable but not earlier than 5 years),
9.	Cap—Woollen forage khaki cap, with silver cap badges. (Sikhs may use turbans instead of cap).	1 (once in two years ).
10.	Khaki socks ( Woollen)	... 1 pair (once in two years).
11.	Woollen jersey	... 1 (once in five years).
12.	Woollen great coat	... 1 (once in six years).

\*Substituted by Government Corrigendum, Home Department, No. RJM/0172/1/XVI, dated 30-6-73.

\*\*\*Deleted by Government Corrigendum, Home Department, No. RJM/0172/1/XVI, dated 30-6-73.

<i>Name of article</i>	<i>Number to be issued</i>
13. Rain Coat	... 1 (once in three years).
14. Khaki Short	... 2 (once in two years).
15. Khaki (full) Shirt	... 4 (once in two years).
16. Brilliant blue woollen Putties	... 1 pair (once in two years).
17. Chappal (Pathani)	... 1 pair (once in two years).
18. Kit box	... 1 (when found unserviceable but not earlier than 5 years).
19. Canvas shoes (brown )	... 1 pair (every year).
20. 'V' shape Cotton Vests (half selves and with old gold and brilliant blue borders).	2 (every year).
21. Shoulder badges (letters)	... 1 pair (once in three years).

#### *Working Dress*

1. Khaki trousers or khaki shorts.
2. Khaki full shirt with Shakespeare collar with \*[Departmental badge] etc.
3. Brilliant blue stockings or khaki socks.
4. Black shoes.
5. Black belt.
6. Whistle with brilliant blue silk cord.
7. Woollen forage khaki cap with silver cap badge.

#### *HAVILDAR*

<i>Name of Article</i>	<i>No. to be issued</i>
1. Khaki tunic	... 2 (Once in two years).
2. Khaki shirts	... 4 (Once in two years).
3. Khaki short	... 4 (Once in two years).

---

\*Substituted by Government Corrigendum. Home Department, No. RJM/01721/1/XVI, dated 30th June 1973.

<i>Name of Article</i>		<i>Number to be issued</i>	
4.	Buttons (Brass)	... 4	large size and 6 small size of white metal with Ashok emblem and the word Maharashtra Prison Department (Once in three years).
5.	Brilliant blue woollen patties	... 1	pair (Once in two years).
6.	Brilliant blue cotton socks	... 4	pair (Once in two years).
7.	Black ammunition boots	... 1	pair (Once in two years).
8.	Black belt with a brass plate 78.9 millimetres 63.5 millimetres on which shall be embossed the three lions and Ashok Chakra and the name of the prison. The belt shall be fitted with a brass hook for the baton or a bayonet front in the case of Armed Jail Guards.	1	(when found unserviceable but not earlier than 5 years).
9.	Whistle with brilliant blue cotton cords	... 1	(When found unserviceable but not earlier than 5 years).
10.	Haver sack	... 1	(Once in three years).
11.	Kit box	... 1	(when found unserviceable but not earlier than 5 years).
12.	Jersey (Woollen)	... 1	(Once in five years).
13.	Great coat (Woollen)	... 1	(Once in six years).
14.	Rain coat	... 1	(Once in three years).
15.	Khaki woollen forage cap with old gold flap in front with brass cap badge.	1	(Once in two years).
16.	Canvas shoes	... 1	pair (every year).
17.	“V” Shape cotton vests (Half sleeves and with old gold and brilliant blue borders)	2	(every year).
18.	Badges of rank to be worn on the upper part 3 part of the right sleeve		chevrons brilliant blue on khaki ground, surmounted by a silver thread Lions and Ashok Chakra (once in two years).
19.	Chappal (Pathani)	... 1	pair (once in two years)
20.	Cap badges	... 1	(once in three years).
21.	Shoulder badges (letters)	... 1	pair (once in three years).

## NAIKS

<i>Name of Article</i>		<i>No. to be issued</i>	
1.	Khaki tunic	... 2	(Once in two years).
2.	Khaki shirts	... 4	(Once in two years).
3.	Khaki short	... 4	(Once in two years).
4.	Buttons	... 4	large size 6 small size of white metal with Ashok emblem with the words Maha-rashtra Prison Department (once in three years).
5.	Brilliant blue woollen putties	... 1	pair (Once in two years).
6.	Brilliant blue cotton socks	... 4	pairs (Once in two years).
7.	Black ammunition boots	... 1	pair (Once in two years).
8.	Black belt with a brass plate 78.9 millimetres 63.5 millimetres on which shall be embossed the three Lions and Ashok Chakra and the name of the prison. The belt shall be fitted with a brass hook for the baton or a bayonet front in the case of Armed Jail Guards.	1	(when found unserviceable but not earlier than 5 years).
9.	Whistle with brilliant blue cotton cord	... 1	(when found unserviceable but not earlier than 5 years).
10.	Haver Sack	... 1	(Once in three years).
11.	Kit box	... 1	(when found unserviceable but not earlier than 5 years).
12.	Jersey (woollen)	... 1	(Once in five years).
13.	Great Coat (Woollen)	... 1	(Once in six years).
14.	Rain coat	... 1	(Once in three years).
15.	Khaki woollen forage cap with old gold flap in front with brass cap badge.	1	(Once in two years).
16.	Canvas shoes (Brown)	... 1	pair (every year).
17.	“V” shape cotton vests (half sleeves and with old gold and brilliant blue borders).	2	(every year).
18.	Badges of rank to be worn on the upper part of the right sleeves.	2	Chevrons of brilliant blue on khaki ground (once in two years).
19.	Chappal (Pathani)	... 1	pair (Once in two years).
20.	Cap badge	... 1	(Once in three years).
21.	Shoulder badges (Letters)	... 1	pair (Once in three years).

## SEPOYS

<i>Name of article</i>		<i>No. to be issued</i>	
1.	Khaki tunic	...	2 (Once in two years).
2.	Khaki shirts	...	4 (Once in two years).
3.	Khaki shorts	...	4 (Once in two years).
4.	Buttons	...	4 large size, 6 small size of white metal with Ashok emblem with the words Maharashtra Prison Department (once in three years).
5.	Brilliant blue woollen putties	...	1 pair (once in two years).
6.	Brilliant blue cotton socks	...	4 pairs (once in two years).
7.	Back ammunition boots	...	1 pair (once in two years).
8.	Black belt with a brass plate 78.9 millimeters 63.5 millimetres on which shall be embossed the three Lions and Ashok Chakra and the name of the prison. The belt shall be fitted with a brass hook for the baton or a bayonet front in the case of Armcn Jail Guard.	1	(when found unserviceable but not earlier than 5 years).
9.	Whistle with brilliant blue cotton cord	...	1 (to be replaced when found unserviceable but not earlier than 5 years).
10.	Haver sa	...	1 (once in three years).
11.	Kit box	...	1 (when found unserviceable but not earlier than 5 years).
12.	Jersey (Woollen)	...	1 (Once in five years).
13.	Great coat (Woollen)	...	1 (Once in six years).
14.	Rain coat	...	1 (Once in three years).
15.	Khaki woollen forage cap with old gold flap in front and with brass cap badge.	1	(Once in two years).
16.	Canvas shoes (brown)	...	1 Pair (every year).
17.	"V" shape cotton vests (half sleeves and with old gold and brilliant blue borders).	2	(every years).
18.	Chappal (Pathani)	...	1 Pair (once in two years).
19.	Cap badge	...	1 (Once in three years).
20.	Shoulder badges (letters)	...	1 Pair (once in three years).

**DRIVERS**

<i>Name of article</i>		<i>No. to be issued</i>
1. Khaki tunic with stand up collar.	... 2	(once in two years).
2. Khaki shirts	... 4	(once in two years)
3. Khaki full pants	... 4	(once in two years).
4. Buttons	... 5	large and 8 small (once in three years).
5. Brilliant blue woollen putties	... 1	pair (once in two years).
6. Brilliant blue cotton socks	... 4	pairs (once in two years).
7. Black Ammunition boot	... 1	pair (once in two years).
8. Belt	... 1	(when found unse- viceable but no earlier than 5 years).
9. Whistle	... 1	Do.
10. Kit box	... 1	Do.
11. Haver sack	... 1	(once in a three years).
12. Jersey (woollen)	... 1	(once in five years).
13. Great Coat (woollen)	... 1	(once in six years).
14. Rain coat	... 1	(once in three years).
15. Khaki Woollen forage cap	... 1	(once in two years).
16. Canvas shoes	... 1	pair (every year).
17. 'V' shape Cotton vests	... 2	(every year).
18. Chappal Pathani	... 1	pair (once in two years).
19. Cap badge	... 1	(once in three years).
20. Shoulder badge (letters)	... 1	pair Do.

---

## CHAPTER X

**STAFF APPOINTMENT, PAY AND ALLOWANCES,  
LEAVE AND PENSION***SECTION I : STATUTORY RULES—NIL**SECTION II : NON-STATUTORY RULES*

(Framed under Government Resolution, Home Department  
No. RJM-1058/(III)-292-PRS-2, dated 6th January 1978)

1. Employees of the Prison Department, other than those included in All India Services under the Administrative Control of Government of Maharashtra, are governed by the provisions of the Bombay Civil Services Rules, and the Bombay Civil Services (Conduct, Discipline and Appeal) Rules or in case of those allocated Government servants who have opted for any or all of the corresponding rules of the erstwhile States of Hyderabad and Madhya Pradesh by the provisions of the respective rules so opted. They are also governed by the provisions of such other rules as are framed by the State Government in this behalf from time to time.

2. The State Government shall make appointment to the posts in the Prison Department, which are included in the I. A. S. Cadre and to the posts in the Maharashtra Prison Services (State).

3. Appointment to Class III and Class IV posts mentioned below shall be made by the authority indicated against them:—

**CLASS III POSTS**

<i>Designation of posts</i>	<i>Appointing authority</i>
<b>A Executive Branch</b>	
(1) Superintendents District Prisons Class III/Jailors Group I.	Inspector General of Prisons
(2) Jailors Group II and Women Jailors Group II.	Inspector General of Prisons
(3) Personal Orderlies at the Office of the Inspector General of Prisons.	Inspector General of Prisons
(4) Subhedars	.. Deputy Inspector General of Prisons in charge of the Region.



<i>Designation of posts</i>		<i>Appointing authority</i>
(5) Jamadars	...	Deputy Inspector General of Prisons in charge of the Region.
(6) Havildars	...	Do.
(7) Naiks	...	Do.
(8) Sepoys at District Prisons, Class III.		Do.
(9) Sepoys at Central Prisons, District Prisons Class I, District Prisons, Class II, the Jail Officers Training School and Borstal School, Kolhapur.		Superintendents, Central Prisons, Superintendents, District Prisons, Class I, Superintendent, District Prison Class II, the Principal, Jail Officers Training School and the Principal, Borstal School, Kolhapur as the case may be.
(10) Personal Orderlies except at the office of the Inspector General of Prisons.		Deputy Inspector General of Prisons in charge of the Region.
(11) Senior Matrons	...	Deputy Inspector General of Prisons in charge of the Region.
(12) Junior Matrons	...	Deputy Inspector General of Prisons in charge of the Region.

*B. Ministerial Branch.—*

(1) Office Superintendents/Senior Auditors.		The Inspector General of Prisons.
(2) Head Clerks/Steward/Assistant Superintendent.		The Inspector General of Prisons.
(3) Head Clerks/Senior Clerks (Supervisory).		The Inspector General of Prisons.
(4) Senior Clerks	...	The Inspector General of Prisons.
(5) Clerks/Typists in the Office of the Inspector General of Prisons.		The Inspector General of Prisons.
(6) Clerks in the offices of the Deputy Inspector General of Prisons, and at Prison Officers, Borstal School.		Deputy Inspector General of Prisons in charge of the Region.
(7) Clerks in the J. O. T. S.	...	The Inspector General of Prisons.
(8) Stenographer	...	Inspector General of Prisons.
(9) Statistician	...	Inspector General of Prisons.

<i>Designation of posts</i>		<i>Appointing authority</i>
<i>C. Medical Branch.—</i>		
(1) Laboratory Technician	...	Inspector General of Prisons.
(2) Male Nurse	...	Inspector General of Prisons.
(3) Compounders	...	Deputy Inspector General of Prisons in charge of the Region.
(4) Nursing Orderlies	...	Deputy Inspector General of Prisons in charge of the Region.
<i>D. Technical Branch.—</i>		
Technical/Staff	...	Inspector General of Prisons.
<i>E. Miscellaneous Branch.—</i>		
(1) Teachers/House Master	...	Deputy Inspector General of Prisons in charge of the Region.
(2) Physical Training Instructors		Inspector General of Prisons
(3) Braialle Instructor (High grade and Lower grade)		Inspector General of Prisons.
(4) Drivers, except at the office of the Inspector General of Prisons.		Deputy Inspector General of Prisons in charge of the Region.
(5) Driver at the office of the Inspector General of Prisons.		Inspector General of Prisons.
CLASS IV POSTS		
(1) Daftarband	...	Inspector General of Prisons.
(2) Naik	...	Inspector General of Prisons.
(3) Peons in the office of the Inspector General of Prisons.		Inspector General of Prisons.
(4) Peons in the offices of the Regional Deputy Inspector General of Prisons.		Deputy Inspector General of Prisons in charge of the Region.
(5) Aaya	...	Superintendents of : (1) Central Prisons (2) District Prisons, Class I (3) District Prisons, Class II
(6) Sweepers	...	Inspector General of Prisons, Deputy Inspector General of Prisons in charge of the Region, and Superintendents, of (1) Central Prisons. (2) District Prisons, Class I. (3) District Prison, Class II
(7) Mess Servant at the Jail Officers Training School.		Principal of the Jail Officers Training School.

4. When a temporary appointment is to be made until further orders, a written undertaking in the following form should be taken from the candidate before his/her appointment.

“I understand that my employment under Government is temporary and that my services may be dispensed with at any time without notice and without any reasons being assigned and I accept employment on this basis.”

5. The State Government, the Inspector General, the Deputy Inspector General in charge of the Region and the Superintendents of Central Prisons, District Prisons Class I and District Prisons Class II, the Principal J. O. T. S. and the Principal Borstal School, Kolhapur being the competent authority as defined in rule 9 (13) of Bombay Civil Services Rules, Vol. I, shall exercise the following powers in respect of Prison employees, whom they can appoint, subject to the provisions of the Bombay Civil Services Rules quoted against them:—

<i>Nature of power</i>	<i>Bombay Civil Services Rule</i>
(a) Suspension or transfer of lien of a Prison employee to a post.	... (19, 20, 21 and 22)
(b) Sanction of increments in ordinary course	... (Rule 45)
(c) Removal of Prison employees from service or to require them to retire on grounds of misconduct, insolvency or inefficiency.	(Rule 165A)
(d) Sanction pensions	... (Rule 198B)
(e) Grant of leave	... (Rules 623, 625 and revised leave rules).
(f) Extension of leave of Prison employee who remains absent after the end of his leave.	(Rule 645)
(g) Grant of leave to Prison employee who is declared by Medical Committee to be completely incapacitated. Provided that the power indicated at (a) above shall be exercised, by the Inspector General of Prisons.	[Rule 682 (c)]

*Note.*—The Officers of the Prison Department who have been declared as Drawing and Disbursing Officers can sanction increments in ordinary course of Class III and Class IV Government Servants.

6. (1) Where a fresh appointment is made by direct recruitment, the authority concerned should attach to the pay bill in which, pay of the person concerned is drawn for the first time, a certificate in one of the following forms as may be appropriate.

“Certified that I have satisfied myself that Shri/Smt./Kumari ..... appointed to the post of..... fulfils the condition regarding the age limit prescribed for the post”.

“Certified that Shri/Smt./Kumari ..... has been appointed to the post of ..... in relaxation of the prescribed age limit with Government approval (*vide* Government Order No. .... dated .....

(2) In exceptional circumstances, where an overage person is required to be appointed in anticipation” of Government approval to his/her appointment, the appointing authority concerned should repeat the following certificates on every pay bill of such person till necessary Government approval is obtained.

“Certified that Shri/Smt./Kumari ..... has been appointed to the post of ..... in relaxation of the prescribed age limit and Government has been addressed for necessary sanction.”.

7. A certificate in the following form should also be attached to the first pay bill of the Government servant appointed to a post for which specific educational qualifications have been prescribed.

“Certified that I have satisfied my self that Shri/Smt./Kumari ..... appointed to the post of ..... possesses the requisite educational qualifications prescribed for the post.”

The certificate should be issued by the appointing authority and should be attached to the bill by the drawing and disbursing officer of the office in which the person is appointed. This certificate should be issued by the appointing authority simultaneously with the appointment order.

8. (1) Every permanent non-gazetted official including a clerk (at prison) serving in the (Prison) department, who is either entrusted with the collection or the custody of cash or is solely in charge of stores or whose appointment is likely to entail his/ her being entrusted with such duties at any time shall furnish security and execute a bond for the due performance of his/her duties and shall be strictly bound by the conditions set forth in the bond. The amount of security shall be one year's pay, being the minimum pay of the grade. The only form of security

which shall be accepted from such officials shall be Government Promisory Notes, National Savings Certificates, Government Loan Paper, including State Loans at current market rates, or Government Savings Bank Deposits. The security in all cases, shall be furnished within a month after confirmation in an appointment. Such security may at the option of the official from whom it is taken, be furnished by a monthly cash deduction at 10 per cent of his/her substantive pay or in the form of a bond executed by the principal and two sureties for an amount equal to a year's pay.

(2) (i) The Deputy Inspector General of Prisons in charge of region shall enquire annually into the solvency of the securities furnished by the Superintendents of District Prisons class III and report the result to the Inspector General.

(ii) The Superintendents, the Principal, J. O. T. S. and Principal Borstal School shall enquire annually into the solvency of the securities of the Prison Officials working under them and report the result to the Deputy Inspector General of Prisons, in charge of the region.

(3) When an official elects to give security by personal bond, he/she will not be allowed subsequently to change from this form of security to a monthly cash deduction unless he/she is prepared to deposit at once such a sum as may be determined by the Inspector General.

(4) In the case of officiating appointments of officials, the Inspector General shall decide whether security should be taken or not according to the probable duration of the officiating appointment.

(5) A security bond continues to be in force until it is cancelled and surety who withdraws from his suretyship continues liable for any defalcation occurring upto 60 days after his/her giving notice. A security bond should not be destroyed until so long after the principal has ceased to occupy the office in which he/she has to furnish security that there is no probability of its being of any use. If a fresh bond is taken for any reason the old one should be preserved.

(6) Government officers to whom surety bonds are tendered should verify the identity of personal sureties and other solvency before the surety bond is accepted and only responsible Government officials who have identified the sureties should sign such surety bond as witness.

*Note.*—Medical Officers attached to Prison hospital stores are exempted from the operation of this rule.

9. All Prison employees' shall fully acquaint themselves with the rules and orders relating to their respective duties.

10. On appointment, every Prison employee shall be expected to know the provisions of the Bombay Civil Services (Conduct, Discipline and Appeal) Rules and Section 42 and 54 of the Prisons Act. It shall be deemed to be a condition of the employment of every Prison employee that he/she shall be liable to serve under the State Government at any place where he/she may be posted from time to time whether in the same or any other suitable capacity.

Provided that employees borne on the Regional Cadres will, as far as possible, be posted within their own Region.

11. Every Prison employee shall yield prompt and strict obedience to all orders of his/her superior officers and shall treat all superior officers at all time with due respect.

12. Before any person is appointed in the Prison Department, whether temporarily or permanently he/she shall be required to make a declaration that he/she has not at any time been dismissed, removed or discharged from public service or been convicted of any offence by a court of Law.

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

13. The oath of allegiance to the Constitution of India should be taken by all new entrants to Government service in the following form:—

“I ..... do swear/solemnly affirm that I will be faithful and bear true allegiance to India that is Bharat and to the Constitution of India as by law established and that I will carry out the duties of my office loyally, honestly and with impartiality.

(Conscientious objectors to oath taking may make solemn affirmation in the prescribed form indicated above).

*Note.*—The appointing authorities mentioned in rule 3 shall ensure that any Government servant already in service who has not taken the oath hitherto take the oath immediately.

14. All foreign nationals who are full time Government servants should be required to take/make the oath/affirmation in the following form.

“I ..... a citizen of.....temporarily residing in .....and holding a civil post under the Government of Maharashtra do swear/solemnly affirm that saving the faith and allegiance I owe to .....\*I will during the period of my service as aforesaid, be faithful to India and to the Constitution of India as by law established and that I will carry out the duties of my office loyally, honestly and with impartiality. (So help me God).

\*Here insert the name of the country concerned.

15. A Prison employee who is deemed to be or placed under suspension under rule 156 of the Bombay Civil Services Rules, 1959, shall not be reinstated in the service without the orders of the appointing authority.

16. Every prison employee provided with rent free quarters, shall stay in those quarters and those not provided with quarters shall stay within reasonable distance of the prison as determined by the Superintendent.

17. The Senior Jailor at Central and District Prisons Class I and the Superintendent at District Prisons, Class II and Class III shall not permit any unauthorised persons to remain for the night within the Prison, nor shall allow any subordinate officer or servant occupying quarters attached to the prison to have any person who is not a member of his/her family to sleep in his/her quarters without a special permission of the Superintendent. He shall also see that all Prison guards invariably sleep in quarters allotted to them and shall occasionally call them out at night and ascertain that none has left the premises without permission. Such calls must be reported in Register in form No. I immediately by him.

18. (1) According to rule 11 of the Bombay Civil Services Classification and Recruitment Rules, the Inspector General, as a Head of the Department has the discretion to withhold applications of the Prison employees for employment elsewhere. According to the said rule, prison employees, who desire to apply for posts under the Government of India, other State Governments, Corporations etc., are required to submit their applications as the case may be through the Deputy Inspector General of Prisons in charge of the region, the Superintendent of the

Prison concerned and the Inspector General of Prisons. In case the Prison employee is selected for the appointment he/she shall have to resign his/her appointment under the Government of Maharashtra.

(2) The Prison employee on being selected for some other appointment under the Government of Maharashtra should be relieved to take up the new appointment instead of requiring him/ her to resign, provided he/she had applied through the proper channel and that his/her application was forwarded.

19. The Prison officials and subordinates serving at prisons enumerated at Sr. Nos. 129 to 135 of Appendix LV Bombay Civil Services Rules Volume II shall be provided with rent free quarters (if available) on the premises of the prison.

*Note : 1.*—Prison employees who are provided with rent free quarter Shall not be liable to pay for subsidiary services such as sanitary, water supply, and electric installations and fittings as also for payment of taxes for, specified services. Monthly electric charges and meter rent shall be paid by the party concerned. The allottee will be responsible for the damages caused to fittings, fixtures and Government property and expenditure on items like replacement of bulbs, tubes etc.

*Note : 2.*—Rent free quarters shall be in charge of the Prison employees eve a during the first four months of any leave other than leave preparatory to retirement taken by them, provided no extra expense is incurred over the housing of the substitutes, except that gazetted Prison employees should be charged rent ^qual to 50% of the rent recoverable under Bombay Civil Services Rules 849 (B) after the first four months of the leave. An undertaking shall, however, be taken from them to the effect that they will pay the full rent in respect of the quarters which they occupy free during the period leave, if they resign or retire voluntarily from Government service at the end of the leave or of an extension of it. This undertaking shall be included in the application for leave. If the Prison employee to whom a rent free quarter is allotted dies, is dismissed from service or retired from service, the allotment to him of the quarter shall be cancelled -with effect from one month, after the date of his death, dismissal or retirement as the case may be or with effect from any date after such death, dismissal or retirement on which the residence is actually vacated whichever is earlier. The concession of rent free quarters should continue during the period of grace;

The retirement referred to in this note covers only such cases of retirement which have not been preceded by leave preparatory to retirement which including refused leave under Rule 753 of the Bombay Civil Services Rules.



20. Quarters should be allotted by the Superintendent to the eligible Prison employees according to seniority and status of the Prison employee concerned.

21. (1) Where prison employees entitled to rent free quarters, are not allotted such quarters they shall be allowed to draw house rent allowance in lieu of rent free quarters, at the following rates:—

- |      |   |  |
|------|---|--|
| (i)  | Place where House Rent Allowance is not admissible. | The actual rent paid or 10% of pay whichever is less.  |
| (ii) | Places where House Rent Allowance is admissible.    | The actual rent paid or 10% of pay plus the maximum amount of house rent allowance that would be admissible according to Annexure 'B' in the Accompaniment to Government Resolution, Finance Department, No, PCR-1469/PC, dated the 15th January 1969, as amended from time to time whichever is less. |

(2) The drawal of house rent allowance in lieu of rent free quarters at the above rate shall be subject to the following conditions :—

- (i) No Government quarters are available for allotment.
- (ii) The Government servant resides within the municipal limits of his headquarters. In the case of Bombay these limits will be the same as those laid down in the Note below Bombay Civil Services Rules 446 ; .
- (iii) No member other than the member of the family of the Government servant resides with him.

22. (1) The Deputy Inspector General of Prisons in charge of the Regions and the Personal Assistant to the Inspector General of Prisons are vested with the powers of countersigning T. A. Bills of the Prison Department.

(2) The Personal Assistants to the Deputy Inspector General of Prisons, Eastern Region, Central Region and Western Region are eligible to countersign T. A. Bills as Personal Assistants to the Controlling Officers viz. the Deputy Inspector General of Prisons, Eastern, Central and Western Region as contemplated under note (2)

below rule 601 of the Bombay Civil Services Rules, vide Government Resolution, Home Department, No. MIS. 1070/20-XVI, dated the 25th September 1972.

23. The Prison employee concerned shall furnish, the details of his/her journey, vouchers in support of his/her claims etc. to the head clerk or to the other clerk to whom the duty of preparing travelling allowance bills of staff is entrusted within 15 days of the completion of his/her journey. Head Clerk or the clerk concerned shall prepare all T. A. bills immediately on receipt of requisite details from the party or parties concerned. The Superintendents of the Prisons, the principal, J. O. T. S., the Principal Borstal School and the Deputy Inspector General in charge of the region shall see that T. A. bills in respect of the claims of his staff are regularly prepared and submitted to the authority concerned for countersignature. Claims not preferred within one year from the date on which they accrue shall not be admitted straightway for payment vide rule 39 (b) of the Bombay Financial Rules, 1959.

24. Whenever road journeys are to be certified as having been performed in S. T. Buses^ the prison employees, as far as possible, shall get the tickets endorsed either by the conductor of the bus in which they travel or by State Transport Official at the nearest bus station or depot, giving bus number, date of travel and the places between which the journey was performed. The endorsed tickets if available should be utilised before scrutinising the T. A. Claims by the Head of office and/or controlling officer as the case may be. They are not however required for purpose of audit, and therefore should not be attached to the T. A. bills, but the following certificates should be recorded on the T. A. bill by drawing officer.

“I certify that the journeys for which bus fare is claimed in the bill were actually made by the S. T. Bus.”.

25. A season ticket for the lowest class shall be purchased at Government cost of the following prison employees between the railway stations specified against their names for their daily or occasional visits for work in connection with the prison.

Designation of Government servant

Railway Stations between which  
season ticket is granted

*Naik and Sepoy at.—*

- (a) Thane Central Prison
- (b) Visapur District Prison
- (c) Byculla District Prison
- (d) Bombay Central Prison

Thane and V. T.  
Visapur and Ahmadnagar  
Byculla and V. T.  
Chinchpokly and V. T.

26. (1) (Prison) guards (and supervisory staff at the Borstal School) are entitled to free passage by rail or by sea to their homes in India and back by the class of accommodation to which they are entitled, according to grade while proceeding on and returning from earned leave. This concession is granted only once in three years and a Prison guard must have served three years before he can receive it.

*Note 1.*—On each occasion on which a Prison guard proceeding on leave is given free railway or steamer ticket, the fact shall be clearly recorded in his service book and initialled by the Superintendent.

*Note 2.*—Requisition for passage by rail or steamer for (Prison) guards must be signed by the Superintendent.

*Note 3.*—They may also be granted this concession when proceeding to their homes on retirement or on leave preparatory to retirement. Provided they have not enjoyed the concession during the preceding three years.

*Note 4.*—The discretionary powers of sanctioning motor fares instead of railway and steamer tickets when the former are cheaper have been delegated to the Inspector General. In such cases, motor warrants shall be issued for the portion of the road journeys covered by the State Transport. (2) Prison guards and Supervisory staff at the Borstal School should be allowed to exercise option to either retain the leave travel concessions admissible to them under sub-rule (1) above or to opt for leave travel concessions admissible to other Government servants which are contained in the Schedule accompanying G. R. F. D. No. TRA-1163/2726-V, dated the 23rd October 1963 as amended from time to time. The option should be exercised within a period of six months from the date of appointment failing which they will be deemed to be governed by the leave travel concessions as per sub-rule (1) above. The option once exercised will be final. Such of the prison guards and members of the supervisory staff at the Borstal School who opt for the leave travel concessions contained in the Schedule accompanying G. R. F. D. No. TRA-1163/2726-V, dated 23rd October 1963, should also declare their "Home Town" as required under rule 5 of the said rules.

The respective appointing authorities should bring the aforesaid provisions to the notice of a Prison guard and a member of the Supervisory staff at the time of his appointment (vide G. R. H. D. No. PAA-5267/9672-XVI, dated the 12th July 1973).

27. (1) Applications received from staff members for earned leave on private grounds should be properly registered.

A roster for grant of leave after taking into account the merits of each case should be prepared and it should be got approved from the Superintendent, in the first week of every month. Leave should be granted in accordance with the entries in this roster. The Superintendent before approval of the roster and in deciding which of the applications should be granted, take into account the following considerations.

- (a) The applicant who can for the time being best be spared.
  - (b) The amount of leave due to various applicants.
  - (c) The amount and character of service rendered by each applicant since he last returned from leave.
  - (d) The fact that any such applicant was compulsorily recalled from his last leave.
  - (e) The fact that any such applicant has been refused leave in public interest.
- (2) The leave on medical grounds should be granted immediately, provided the application for such leave is accompanied by a medical certificate given by the medical Officer of the prison or by the Civil Surgeon as the case may be.
- (3) The competent authority shall record in Register in form No. II an order sanctioning leave to the Prison employees and shall see that an entry is made simultaneously in the service book of the Government servant concerned.

28. (1) When a Prison employee is appointed on contract or has executed a bond, undertaking to serve Government for a definite period, the terms of his/her contract or bond should be taken into consideration. The question, whether any penalty is required to be imposed for breach of contract or undertaking should also be considered. If the contract provides that the Prison employee should give notice of a definite period for the termination of the contract, it will be open to the competent authority concerned to withhold acceptance of resignation till the expiry of the prescribed period.

(2) If the prison employee remains absent before his/her resignation is accepted or without obtaining the necessary leave pending acceptance of his/her resignation, it is open to the competent authority concerned to treat the absence as desertion of service and take recourse to the provisions of section 54 (i) of the Prisons Act or to treat the absence as leave without pay and to take departmental action for such unauthorised absence.

(3) Resignations of Prison employees who are under suspension and against whom departmental enquiry has been ordered or is contemplated to be held should not be accepted *vide* Government orders contained in Political and Services Department Circular No. 1581/34, dated 16th March 1951. The Prison employee concerned should be informed accordingly as early as is possible.

29. (1) The Prison employees working at the following prisons are entitled to draw cycle allowance at such rates per child as may be prescribed by Government.

- (i) Aurangabad Central Prison,
- (ii) Nagpur Central Prison,
- (iii) Nasik Road Central Prison,
- (iv) Amravati Central Prison,
- (v) Akola District Prison, Class-I,
- (vi) Visapur District Prison, Class-I,
- (vii) Open District Prison, Paithan.

(2) The Prison employees working at the following prisons, and institutions are entitled to draw bus fare per child as may be prescribed by Government.

- (1) Yeravda Central Prison.
- (2) Jail Officers' Training School, Yeravda.
- (3) Kolhapur District Prison (Kalamba),
- (4) Borstal School, Kolhapur.

(3) The Prison employees working at the Visapur District Prison, Class I, are entitled to draw allowance at the rate and the conditions as are prescribed by Government for keeping their children in Boarding School with the relatives for higher education.

The cycle or Bus allowance mentioned in sub-rules (1) and (2) will be admissible subject to the following conditions:—

- (1) The allowance is paid only to those members of the Prison Staff whose children actually attend educational institutions and that the school facilities are not available near the prison premises.
- (2) Where there is a school within a mile of the staff quarters no allowances will be granted.

(3) Where there is no school within a mile from the quarters or where there is a school within a mile of the staff quarters but admission for the required standard is not available or the medium of instructions is different, the aforesaid allowance will be admissible.

(4) Primary school children and children upto 14 years of age should be allowed bus fares upto Rs. 5 per month.

(5) For secondary and higher education and children over 14 years of age cycle allowance at the rate of Rs. 5 per month should be allowed.

*Note.*—The allowance mentioned in the rule should be treated as conveyance allowance. The term “Higher Education” includes secondary and college education, *vide* Government Resolution, Home Department, No. GOJ-1171/14-XVI, dated the 8th May 1976.

---

159

FORM I

(See rule 17)

**Jailor's Report of the**

**Prison for the year 19**

---

No. and date	Reports by Jailer	Orders of the Superintendent
1	2	3

---

---

FORM II

(See rule 27)

**Order Book of the Superintendent of**

**Prison for the year 19**

---

No. and date	Orders of Superintendent	Reports of Jailer etc. on Superintendent's orders
1	2	3

---

## CHAPTER XI

## ADVANCES

## SECTION I—NIL

## SECTION II—NON-STATUTORY RULES

[Framed under G. R., H. D., No. RJM-1058 (XVI)-IV, dated 25-9-1964 and brought into force with effect from 2-11-1964.]

Authorities  
competent to  
sanction advances  
of pay and  
Travelling  
Allowance

1. The authorities mentioned in column 2 below are competent to sanction advances of pay and travelling allowance, to the officials of the Prisons Department shown against them in column 3 below:—

Sr. No.	Competent authorities	In respect of whom
1	2	3
1	The Deputy Inspector-General of Prisons (Headquarters).	Himself, Officers and the members of the staff in the Office of the Inspector General of Prisons.
2	The Deputy Inspector General of Prisons (Regional).	Himself and members of the staff in the Office of the Deputy Inspector General of Prisons (Regional).
3	Superintendent of a Prison ...	Himself and members of the staff (including subordinates) working under him.

*Note 1:* The grant of advance of pay and travelling allowance should be subject to the conditions prescribed in Rule 142 (a) to (c) of the Bombay Financial Rules, 1959.

Recovery of  
advances of pay  
and Travelling  
Allowance

*Note 2 :* These advances are admissible also to those who are under orders of transfer or proceeding on tour.

2. (i) A manuscript register in the form given in Appendix I shall be maintained at all Prisons to record the details of the amounts advanced, treasury voucher number and dates of the pay bills or the travelling allowance bills from which the advances have been recovered. When the amounts of advances have been recovered in full, a report shall be sent



to the authority which granted the advances. If a prison subordinate is transferred before an advance is fully recovered, a second advance may be granted, provided the details of the unrecovered amount of the first advance are shown in the last pay certificate under an intimation to the authority which granted the first advance.

(h) The Head Clerk shall be personally responsible for seeing that advances are properly and punctually recovered.

3. Conveyances purchased with the aid of advances shall not be sold or otherwise disposed of without the prior sanction of the Inspector General.

Sanction of  
Inspector General  
necessary before  
disposing of  
conveyances

4. Applications from subscribers of the General Provident Fund for the grant of temporary advances shall be submitted in the prescribed form No. Gen. 241 to the authority competent to grant the advance for ordinary or special reasons, as the case may be.

---

## APPENDIX I

### Jail Register of Advances of Pay and Travelling Allowances

Sr. No.	Name	Designation	Amount of advance of		Treasury Vr. No. and date under which it is drawn	Signature of		Details of recovery		Signature of		
						Steward or Head Clerk	Superinten- dent	Try. Vr. Nos. of pay bills in which the advance is recovered	T. A. Bills		Steward or Head Clerk	Superinten- dent
									sent on to I. G.	Cashed from Try. under Vr. No. and date		
			Pay	T.A.								
1	2	3	4	5	6	7	8	9	10	11	12	13

## CHAPTER XII

### STAFF CONCESSIONS AND REWARDS

#### *SECTION I : Nil*

#### *SECTION II: NON-STATUTORY RULES*

(Framed under Government Resolution Department, No. RJM.  
1058 (IX)-IV, 31st March 1964 and brought into force  
with effect from 1st June 1964.)

1. Every Superintendent, Deputy Superintendent and Jailor Group-I shall be entitled to employ one Jail Guard (not above the rank of Naik) as personal orderly provided that no extra staff is appointed on this account. They may also utilise the services of such Jail Guards in the spare time of such guards for private work including domestic work, provided such guards are willing to do the work and are paid adequate remuneration for such work.

Employment of Jail Guards as personal orderlies by Officers.

2. The Medical Officer shall attend on all prison officials and their families who reside on the prison premises. Medicines required for the treatment of Prison officials and their families shall be supplied from the Prison Store.

Free Medical aid to Jail Staff and families.

3. Articles of furniture which are surplus to the Jail requirements may be hired out to the Jail staff for their private use on a monthly rental basis. The hire rate should be fixed by the Superintendent in consultation with the Executive Engineer and shall be recovered in cash from the salaries of the staff concerned every month and credited to "056-Jails-Jail Manufactures."

Hire of surplus articles of furniture by Jail Staff.

4. All articles to be so let out shall be branded with the initial letter of the Prison and shall be recorded in a register to be maintained specially for this purpose. It shall be occasionally seen by the Senior Jailor that the articles hired out are not damaged by the users.

The cost of damage that may be caused to the furniture shall be recovered from the parties concerned.

5. All members of Jail Department may, if they so desire, take advantage of (like other members of the public) facilities such as purchase of the produce of the Jail Factories, Bakery, Dairy and Garden, repairing of household kit, laundering their clothes, tinning their utensils etc. provided this involves no concession in the value charged.

Jail Employees may avail of services rendered by Jail factory and purchase Jail products.

Facility of credit to Jail Employees.	6. They may be granted the maximum credit limit of 3 months to settle the bills of articles purchased from Jail factory, garden and dairy.
Recovery of old arrears of Bills from Jail Employees.	7. The Senior Jailer shall in the first week of each month make a report in Register No. 13 as to what outstanding are due over 3 months and shall obtain orders of the Superintendent (in writing) to effect recovery of the amount overdue in a lump sum from the pay of the parties concerned to be paid on the first working day of the following month.
Guarding staff to get commission for sales of jail products in certain circumstances.	8. The members of the guarding staff who sell Jail made articles in their spare time out of duty hours and outside the Jail premises, may be given by the Superintendent commission at a rate not exceeding $6\frac{1}{4}$ per cent to be fixed and revised from time to time according to circumstances of the value of the goods sold : Provided the total sales so effected by the member amount to Rs. 100 or more in a month: Provided further that the amount of sales effected on Jail premises are not taken into account.
Grant of rewards to Jailors and Jail Guards by Inspector General.	9. (i) The Inspector-General of Prisons may sanction to *(all Jail Employees) rewards not exceeding Rs. 15 per individual for meritorious acts of an exceptional nature, provided the sanction of Government is obtained whenever the total amount of the rewards in a particular case exceeds Rs. 50. The Inspector-General can incur expenditure on this account upto a maximum limit of Rs. 1,500 per annum.  (ii) The Inspector General of Prisons may, subject to the conditions mentioned above, sanction rewards to persons other than Jail employees for reaprehension of a escaped prisoner.
Family welfare fund.	10. This fund shall be called "the Maharashtra State Prison Staff Family Welfare Fund" for the benefit of all the members of the staff of Prison Department. The rules for the management of the Fund are as under:—
Object.	(a) The fund is intended to give relief in cash or in kind to the members of the staff and their families in emergent and unforeseen difficulties.
Extent and Membership.	(b) The benefit of the fund shall extend to all the members of the staff of the Maharashtra State Prison Department. A member of the staff will cease to be its member when he ceases to be in service of the Prison Department.

---

\* Substituted by Government Corrigendum, Home Department, No. SCR/1068/36677-IV dated 3rd August 1968.

The fund will be raised as shown below:—

Sources

Monthly subscription shall be recovered at the following from officers and all staff members including Class IV Government servants :—

Subscription.

	Rate of monthly subscription
	Rs. Ps.
(1) Inspector General of Prisons	... 8-00
(2) All other class I Officers	... 5.50
(3) Class II Officers	... 3-00
(4) Class III and Class IV Government servants in the pay range—	
Upto Rs. 75	... 0.50
Rs. 76 and above but below Rs. 101	... 0.65
Rs. 101 and above but below Rs. 151	... 0.75
Rs. 151 and above but below Rs. 201	... 0 90
Rs. 201 and above but below Rs. 271	... 1.00
Rs. 271 and above	... 2.00

(ii) Voluntary donations.

(iii) Interest accruing from investment of the balance of the Fund.

(iv) Benefit performances by cinema or the theatrical companies or other sources sanctioned by the Inspector General in each case subject to the rules framed by Government for acceptance of donations.

(v) Government contribution.

(d) (i) The monthly subscriptions shall be deducted at the scale specified above, from the salary or leave allowance of every member of the Jail staff by the officer disbursing the pay every month and shall be handed over to the honorary Cashier to be selected by “the Inspector General of Prisons, Dy. Inspector General of Prisons (Regional). The Principal or the Superintendent”, as the case may be, out of the staff-members to maintain accounts of the Fund.

\* Added by Government Resolution, Home Department, No. MIS/64610/13101-XVI, dated 6th June 1972.

Added *vide* G. R., H. D., No. RJM-0174/15-XVI dated 8-11-1974 and 28-3-1975.

The Inspector General may sanction an honorarium upto \*(Rs. 10) per month to any cashier if it is considered that the work is heavy enough to justify such payment.

(ii) Recoveries from other resources shall be similarly accounted for.

(e) The accounts of the Funds shall be maintained and written regularly by the Honorary Cashier and it will be the duty, as the case may be, of the Personal Assistant to the Inspector General of Prisons, (the † Personal Assistant to the Inspector General of Prisons (Regional), The Principal†,) the Dy. Superintendent at Central Prisons where there is any or the Superintendent to ensure that the accounts are properly and regularly maintained. †

(f) Amount collected at Prison Offices or in the offices of the Regional Deputy Inspector General shall be remitted either by the insured post or Demand Draft regularly not later than 5th of every month in the name of Inspector General of Prisons, Poona.

(g) Amounts so recovered and collected in Inspector General's office should be credited into a personal ledger account specially opened for this purpose or in such account as Government may direct from time to time. President and one of the Joint Secretaries are authorised to administer the fund jointly.

(h) The Accounts shall be checked by departmental Auditor along with the Jail accounts and they shall also be subjected to audit by the Auditor of the Out-side Audit Department of Accountant General's Office.

(i) The fund is mainly intended for the benefit of Class III and IV Government servants of the Maharashtra Prison Department but members of higher classes are not debarred from the benefit of the Fund.

(j) (i) There shall be a Central Committee in Inspector General's Office consisting Inspector General as its President and the following as its members:—

- (1) †Deputy Inspector General Head Quarters—**Vice President.**
- (2) Dy. Inspector General of Prison Western Region.
- (3) Dy. Inspector General of Prison Central Region.
- (4) Dy. Inspector General of Prisons Eastern Region †

---

\* Substituted by Government Resolution, Home Department, No. MIS-5162/64610/13101-XVI, dated 6th June 1972.

† Substituted *vide* G. R. H. D. No. RJM-0174/15-XVI dated 8th November 1974.

\*\* Added *vide* G. R. H. D. No. RJM-0174/15-XVI dated 28th March 1975.

§ Added *vide* G. R. H. D. No. MIS-1076/71-XXVI-3, dated 0th January 1977.

(5) Principal, Jail Officers' Training School.

(6) Superintendent, Yeravda Central Prison.

(7) Two Joint Secretaries from Inspector General's Office, one of whom should be the Senior Office Superintendent and the other to be nominated by the Inspector General from the staff members of his office.

(ii) (a) The Committee shall meet at least twice a year and oftener if considered necessary by the President. The relief may generally be provided out of the fund on items mentioned below. However, the Central Committee in Inspector General's office may sanction amounts out of the Fund for such other items as are not covered by this sub-clause but are considered fit for being provided for, from the fund :—

(1) Aid for the education of specially deserving children of the staff (Particularly the lower staff).

(2) Relief in accidents/and unexpected sudden calamity.

(3) Relief in cases of premature/sudden deaths.

(4) Medical relief in very special and deserving cases.

(5) Any other educational and/or Welfare scheme that can in the opinion of the Central Committee be financed from the Fund.

(b) † The Central Committee may invest unspent balances of the Fund in some of the approved securities of the State or Central Government or in new investment schemes of the small savings which have been declared as Trustee Securities having regard to the best interest of the Fund and the purpose for which the fund is established.†

\*(iii) Relief provided under circumstances enumerated at Sr. 1 to 5 above will be on non-refundable basis.

(iv) Loans for purchase of school and college books, payment of school and college tuition fees, and purchase of uniforms for school going children of members of the Fund may be granted from the Family Welfare Fund to its members by the Chairman of the Local Committee of the Fund in consultation with the members of the Local Committee, at reasonable rate of interest to be fixed by the Central Committee from time to time.

---

†-† Added by Government Resolution, Home Department No. MIS/5162/64610/13101-XVI, dated 6th June 1972.

\*-\* Substituted by Government Resolution. Home Department, No. MIS/51610/13101-XVI, dated 6th June 1972.

The rate of interest to be charged for such loans shall not, however, in any case, exceed  $6\frac{1}{4}$  per cent. Loans for the above mentioned purposes may be sanctioned having regard to (i) purpose for which loan is applied for (ii) availability of funds and (iii) repayment capacity of the applicant. The amount of loan should not normally exceed one month's pay of the applicant. However, loan to the extent of two months' pay of the applicant may be sanctioned in exceptional cases. The loans should be recovered from the pay of the members in monthly equal instalments not exceeding ten. After repayment of the loan, interest should be recovered in one instalment.

(v) The Deputy Inspector-General of Prisons (Head Quarters) Deputy Inspector-General of Prisons in charge of Region ; Principal, Jail Officers' Training School, Principal, Borstal School, Kolhapur and Superintendents of Prisons should each keep in hand cash not exceeding the amount indicated against them in the table below, from the Family Welfare Fund as permanent advance for granting loans to meet medical requirements of staff working under them. Such loans should be sanctioned in consultation with the members of the respective local committees of the Family Welfare Fund. The amount of such loans should be recovered in suitable instalments which should not exceed six under any circumstances. The amount of loan should not exceed two months pay of the applicant. The interest on such loans should be charged at such rate as may be specified by the Central Committee, which should not in any case exceed  $6\frac{1}{4}$  per cent.

Sr. No.	Designation	Amount to be kept on hand as per amount of permanent advance
		Rs.
1	The Deputy Inspector General of Prisons (Head Quarters) and Deputy Inspector General of Prisons in charge of the Region.	500
2	The Superintendent of Central Prisons	500
3	The Superintendent of District Prisons, Class I and Principal, Bostal School	300
4	The Superintendent of District Prison. Class II	100
5	The Superintendent of District Prisons, Class III	75
6	The Principal, Jail Officer's Training School, Yeravda	200



(k) The funds of monthly subscriptions collected at all prisons will be pooled together in Inspector-General's office. The funds collected from other sources will also be pooled together, provided that 50 per cent of the donations and income from dramatic and other performances secured by a particular Prison will be generally spent towards the benefit of members of the staff of that office concerned.

(1) \*(i) Each Office shall make an annual budget of its requirements and sent it to the Inspector-General of Prisons along with the Prison Office budget. The Inspector-General of Prisons will make allotments within the available funds in consultation with the Central Committee. The details of distribution and expenditure out of the allotments so made shall be done by the concerned Head of the office/Institution who will spent the allotment according to the advice of the local Committee constituted at his offices/institutions under rule (ii) below:—

(ii) Local Committee shall be constituted at each office/institute under the Prison Department, consisting of three to six members (including the Head of Office/Institution who will be the Chairman), representing each category of the staff working at the office/institution, provided the Chairman of the Local Committee at the office of the Inspector-General of Prisons may be the Deputy Inspector-General of Prisons (Head Quarters). The representatives of each category of the staff shall be elected by the ballot system in the first week of January every year.

(iii) The Chairman of the Committee will have a casting vote. He shall usually be guided by the advice of the majority of the members of the Committee. He may override the advice for reasons to be recorded and reported to the Inspector-General of Prisons for his information.

(iv) The Chairman shall convene meetings of the Committee every month, minutes of every meeting shall be recorded in the bound book and signed by the Chairman and all the members present.\*

†(m) deleted.

---

\* Substituted by Government Resolution, Home Department No. MIS/5162/64610/13101/ XVI, dated 6th June 1972.

† Deleted by Government Resolution, Home Department No. MIS/5162/64610/13101/ XVI, dated 6th June 1972.

‡(m) The Inspector-General of Prisons shall submit a report to Government indicating the balance in the Fund at the beginning of financial, the amounts collected, the amounts disbursed and invested during the year, and the balance at the end of the year.‡

---

‡- ‡ Renumbered and substituted by Government Resolution, Home Department No. MIS/5162/64610/13101-XVI, dated the 6th June 1972.

FORM

(Rule 4)

Register showing the details of articles of furniture hired out to the Prison Staff

Sr. No.	Date	Name of the staff member and his designation	Name of article	No. of articles hired out	Rate of hire charges per number per month	Page No. of Register No. 26 where account of amount due and received is maintained	Initials of Factory Manager or Factory Jailor
1	2	3	4	5	6	7	8

Sr. No. and Date	Report	Orders of the Superintendent	Compliance report
1	2	3	4

CHAPTER XIII  
STAFF DISCIPLINE  
SECTION I

*SECTION II : NON-STATUTORY RULES*

[Framed under H. D. No. RJM/1058/(VII-VIII)-IV, dated  
25th June 1963 and brought into force w. e. f. 1st August 1963]

PART I

1. Following are the authorised standard sizes of the National Flag for the Jails in: National flag

- (1) District Head-quarters : 12' × 8'
- (2) Taluka Head-quarters : 6' × 4'

The flag is the emblem of the Nation. It is essential that it should not be brought into disrepute by unregulated use.

2. (i) The National Flag should be flown daily, including Sundays and Jail Holidays, on the Central Prison Buildings from sun-rise to sun-set. Flying of  
National Flag\*

(ii) The National Flag should be flown on all other Jail buildings on the following special occasions:—

- (a) Republic Day (26th January)
- (b) National Week (6th to 13th April)
- (c) Maharashtra Day (1st May)
- (d) Independence Day (15th August)
- (e) Mahatma Gandhi's Birthday (2nd October)
- (f) Any other particular day of National rejoicing.

(iii) The Departmental flag should be flown daily, including Sundays and Jail Holidays, from sun-rise to sun-set, on all Jail buildings other than Central Prison Buildings.

The Departmental flag should, however, not be flown on any Jail building on the special occasions prescribed above or flying the National Flag mentioned in clause (ii) of this rule.

3. Superintendents should bear in mind that the National flag should not be flown between sun-set and sun-rise and if on any occasion it is necessary that the flag should be kept flying for more than one day it should always be lowered at sun-set and then hoisted again at sun-rise. Lowering of  
National Flag  
at Sunset.

---

\* Substituted by Government Corrigendum, Home Department, No. PDR-1065-IV, dated 14th June 1966.

Destruction of  
unserviceable  
National Flags

4. When National flags of India are no longer fit for use they should be destroyed in a secluded place without attracting public attention.

5. \*\*\*

6. The Superintendent should see that the National flag is not out classed by the United Nations flag in any respect and is always flown to the right of an observer, if one could be placed at the foot of both standards.

7 \*\*\*

Saluting the  
National Flag

8. When Officers attend a parade to take a salute they should face the flag and salute. Later they may take the salute when the parade is reviewed in "March Past".

Persons entitled to  
salute from  
Guard.

9. The Guard shall present arms to

(a) all officers of the Jail Department of the rank of Senior Jailor and above.

(b) Heads of Government Departments and District Officers including the Additional Sessions Judges, Assistant Sessions Judges, Sub-Divisional Police Officers and the Sub-Divisional Magistrates,

(c) Non-official visitors to the prison,

(d) Officers of the Central Government of the rank of District Officers and above.

The Guard shall salute the Jailors other than Senior Jailor with butt salute.

of Salute

10. The following general instructions in regard to saluting superior officers shall be observed.—

#### *Jailors and Senior Jail Guards*

When on parade with guards.—Shall salute with right hand.

When not on parade with Guards.—Shall stand at attention and salute with right hand as instructed in "Infantry Drill" Section.

If drilling with Guards in the rank.—Shall salute with guards at word of Command.

Officers and the Jail Guards shall salute an officer superior to them in rank with the right hand.

A Jail Guard who is sitting shall, when any such officer approaches, rise, stand at attention and salute with the right hand. When addressing

---

\*\*\* Deleted by Government Corrigendum, Home Department No. RJM-1058 (VII-VIII-79776-IV, dated 27th March 1965,

an officer he will halt two paces from him and salute as above, he will also salute when withdrawing.

11. National festivals like Republic Day and Independence Day shall be celebrated in the following manner:—

Celebration  
National  
Festivals.

(i) The National Flag should be hoisted by the senior most Jail Officer present,

(ii) In prisons where there is band, the National Anthem should be played only on the occasions of the Republic Day and the Independence Day when the National Flag is unfurled. The playing of the National Anthem should be treated as a salute to the Flag and not to the dignitary unfurling the Flag. In Prisons where there is no Band the National Anthem should be sung when the National Flag is unfurled on the occasions of the Republic Day and the Independence Day.

On occasions of other National Festivals, the National Anthem should be sung.

(iii) Ceremonial parades of guards and prisoners should be held.

(iv) Prisoners should be allowed to have such sports activities as may be considered feasible.

(v) Exhibition of cinema films and magic lantern should be arranged through the local Publicity Officer for the benefit of

Provided that—

Prisoners.

(a) No expenditure in excess of that authorised under Rule 13 may be incurred for this purpose without the Inspector General's prior sanction, and

(b) All usual and necessary security measures are taken when prisoners are concentrated to witness the functions.

12. (i) (a) The performance of dramas by prisoners within the Jail walls is permitted on occasions like the 26th January, 15th August and other suitable occasions of National importance. The dramas selected should be without objectionable scenes, and should, as far as possible, attempt to impress on the minds of prisoners noble ideas, such as brotherhood, co-operation, settlement of disputes by compromise evils arising out of family feuds, etc. No female roles should be enacted in the dramas to be performed in the male section of a Jail.

Performance of  
Dramas.

The Superintendent need not make any reference to the Inspector General where the drama fulfils the above requirements. In matters of doubt or where the above requirements are proposed to be relaxed, prior approval of the Inspector General should be taken.

(b) No outsider should be allowed to take any part in any capacity in any such dramatic performance or other entertainment on the Jail premises, except with the specific permission of the Inspector General.

(ii) The Superintendent may, in his discretion permit a prisoner's drama to be staged outside the Jail, but on the Jail premises provided the prisoners concerned volunteer.

Expenditure on  
Dramatic  
Performances

13. Sundry expenses for dramatic performances including cost of make-up, etc., may be incurred upto Rs. 25 by the Superintendent on each occasion.

Report on  
Dramas.

14. A short report on the performance should be sent to the Inspector-General after each performance.

Invitation to  
officials and  
non-officials  
at functions.

15. The following rules should be followed in inviting officials and non-officials at functions held inside Jails in celebrating days of National importance and also when outside teams of players are invited to play with prisoners inside the Jails:

(i) When such functions are held inside the Jails, non-officials who are connected with the Jail Administration such as non-official visitors, members of the Advisory Board, Moral Lecturers and the like should be allowed to witness but not preside over the function nor address the prisoners.

(ii) Other non-officials may, at the discretion of the Superintendent, be allowed to attend only if they are persons of sufficient distinction and status in public life, and do not belong to any organization or party which is based on communal considerations or anti-Government or anti-social activities. None of the persons so allowed should, however, be allowed to address the prisoners.

(iii) Even when functions are held outside the Jail on such and other occasions, non-official should be allowed to preside or speak.

(iv) Press representatives should not be allowed to be present at such functions. However, Superintendent may invite the local Publicity Officer to attend such functions so that the necessary publicity can be given.

There should be no objection to high officers of the other Departments such as District Magistrate, District Superintendent of Police, District Judge and the like being invited or allowed to be present.

Photographs.

16. Ordinarily, photographs shall not be allowed to be taken inside the prison. The Inspector-General may however, by written order, permit the cameraman of the Directorate of Publicity or any named Gazetted Officer of the Jail Department to take such photographs. The permission



may be subject to such security conditions as the Inspector-General may deem fit to impose. Any such photographs taken, shall, along with their negatives, be forwarded to the Inspector-General and shall not be published without the express permission granted personally by the Inspector-General.

\* 17. The Superintendents of Central Prisons and District Prisons, Class I may grant permission for shooting of scenes for the films to the bona-fide film producers when such shootings involved picturisation of the exterior portion of the prisons and/ or of the prison gates, subject to the following conditions” :—

- (1) The prison routine should not be disturbed ;
- (2) The timing of shooting should be convenient to the prison authorities;
- (3) No prison officer/member of the staff and the prisoners should be present at the time of shooting;
- (4) The applicants should abide by the-rules and such orders as are given by the Superintendents of Prisons;
- (5) The name board of the prison should be covered at the time of shooting;
- (6) No member of the film shooting unit should be allowed to talk or otherwise have a contact with any prisoners.

## PART II

*Rule 1 :* All subordinate executive officials including the technical staff shall be under the immediate control of the jailor. Clerks shall be under the immediate control of the Head Clerk. Maharashtra Medical Service Officers, Compounders and nursing orderlies shall be under the immediate control of the senior most Medical Officer. The lawful orders passed by the Senior Jailor, the Head Clerk and the senior most Medical Officer shall be obeyed implicitly by the respective subordinate officials under their control. All jail subordinates including the Senior Jailor, Head Clerk, shall be subject to the control of the Deputy Superintendent, if any, and the Superintendent. All medical officers shall be under the control of the Superintendent and in the absence of the Superintendent under the control of the Deputy Superintendent.

Supervising  
authorities.

*Rule 2 :* (i) No Government servant who has a wife living shall contract another marriage without first obtaining the permission of Government notwithstanding that such subsequent marriage is permissible under the personal law for the time being applicable to him.

Government  
servant not to  
contract Second  
marriage.

---

\* Added as per G. R., H. D., No. RJM-0174/3-XVI. dated 11th March 1974.

(ii) No woman Government servant shall marry any person who has a wife living, without first obtaining the permission of Government.

Association with  
or participation in  
activities of  
communal or  
political bodies  
etc. prohibited.

*Rule 3 :* Jail Officers and subordinates shall not attend or participate in any conference which is organised by communal or political bodies. Likewise they shall not participate in the activities of or be associated with institutions whose membership is confined to the members of particular community or class of communities even if the Institutions are of a social or educational nature.

Superintendent to  
be in charge of  
Executive  
Management of  
Prison.

*Rule 4 :* The Superintendent shall, subject to any orders of Government, the Inspector-General, and the D. I. G. (Regional) be in charge of the executive management of the prison in respect of all matters relating inter-alia to internal economy, discipline, labour, expenditure, punishment and control in general.

Entry in Women's  
Ward or Prison.

*Rule 5 :* No member of the Prison establishment other than woman Jailor or Matron shall be permitted to enter the woman's ward or Prison except as provided for in the rules.

Treatment of  
prisoners by  
members of the  
Prison staff.

*Rule 6 :* No member of the staff of Prison Establishment shall use physical force against a prisoner except when compelled to do so in self-defence or to restrain a refractory prisoner. No officer subordinate to the Superintendent shall punish or direct the punishment of any prisoner. No member of the Prison staff shall use coarse or unbecoming language towards a prisoner. Every complaint made by a prisoner shall be heard with attention in order that, if genuine, it may be redressed and that no legitimate cause for discontent may be allowed to remain.

Communications  
between Jail  
Employees and  
Prisoners their  
relatives or  
friends.

*Rule 7 :* No member of Prison establishment shall correspond, or hold any unauthorised discussion, with the friends or relatives of any prisoner. He shall not make any improper communication regarding the prison to any person unconnected with the Department including released prisoners, his relatives and friends.

Responsibilities  
of Jail Officials

*Rule 8 :* All members of the staff are bound:

- (i) to exert the utmost vigilance in the prevention of escapes ;
- (ii) to prevent to the best of their ability the introduction into the Prison, and giving to any prisoner, of any articles except those permitted by rules and in accordance with the rules ;
- (iii) to prevent and report any communication or attempt at communication between prisoners and outsiders except as permitted by the rules,

(iv) to report the fact of any suspicious person or persons observed loitering about the Prison or mingling with the prisoners to the highest superior officer present on the occasion.

The officer who will receive the report referred to in Sub-rule (iv) above, shall immediately contact the Superintendent or Deputy Superintendent who shall take necessary further action in the matter. Every person arrested under Section 43 of the Prisons Act shall be sent at once to the nearest Police Station under the escort of a Jamadar from armed guard, who shall take from the officer in charge of the Police Station an acknowledgment of delivery to him of the arrested person.

*Rule 9 :* No member of the Prison establishment shall permit any unauthorised visitor or friend to enter the Prison without the permission of the Superintendent. No member of the guarding staff occupying quarters attached to the Prison shall permit any person not being a regular member of his family, to live with him without the permission of the Superintendent.

Visits of unauthorised persons 10 prisons prohibited.

*Rule 10 :* The visits of contractors or of private persons who have any dealings directly or indirectly with the prison to the residences of members of the Prison Establishment should be discouraged and in no case monetary transactions be entered into by them at their residence.

Visits of Contractors, etc. to residence of jail Officials, and monetary transactions with them to be discouraged.

*Rule 11 :* All Officers on being relieved from duty shall point out to their successors all matters of special importance and shall explain any directions given by a superior Officer, list of arrears and pending correspondence shall be prepared and signed by both the relieved and relieving officers and placed before the Superintendent.

Procedure to be followed while handing over and taking over charge.

*Rule 12 :* Any disputes and wranglings about points of duty amongst the members of the Prison establishment are strictly prohibited and doubtful questions must at once be referred to the Senior Jailor for the decision and orders of the Superintendent. All complaints must be made in writing to the Superintendent or Senior Jailor, as the case may be, within twenty four hours of the occurrence of the cause of complaint. Officers and/or subordinates making frivolous or false complaints shall be liable for such punishment as the competent authority may deem fit.

Disputes about points of duty.

*Rule 13 :* All members of the Prison establishment are prohibited from taking any part in any joint or combined action for the purpose of agitating and/or for trying to get redress of any grievance or supposed grievance, or for any other purpose whatsoever.

Joint agitations by Jail Employees prohibited.

Cleanliness of person and dress.	<i>Rule 14 :</i> All members of the staff required to wear uniform shall pay strict attention to cleanliness of person and dress and shall, at all times while on duty, wear the prescribed uniform. When on duty in 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.
Mustering and searching of Guards.	<i>Rule 15 :</i> Jail Guards shall be mustered when coming on duty, and when being relieved they may be searched at such or any other time in the presence of the Senior Jailer or Junior Jailer, but not, except in case of emergency, in the presence of the prisoners.
Absence from quarters at night by Jail Guards.	<i>Rule 16 :</i> No Jail guard shall absent himself from his quarters during the night without obtaining leave of absence from the Senior Jailer.
Jail Guards to keep their quarters clean and tidy, Inspection of their Quarters.	<i>Rule 17 :</i> Every Jail Guard shall be required always to keep his quarters and surroundings clean and tidy. The quarters shall be open for inspection by the superior officers, and such inspection shall be carried out in the presence of the Jail Guard concerned.
Handling of the keys of the Prison by the members of the staff.	<i>Rule 18 :</i> (i) No member of the prison staff entrusted with the keys of locks used inside the Prison shall take them out of the Prison, leave them lying about, or lend them to any person on any pretence whatever, but he shall, when leaving the Prison on any occasion, deliver them to such member of the staff as may be authorised by the Superintendent to receive them. The keys when not actually in use shall be worn attached to the waist-belt and not slung over the shoulders. This rule, in so far as it relates to the removal out of the Prison of the keys and the manner in which, they should be worn, does not apply to the keys which, according to the rules, are kept in the possession of the Superintendent, Deputy Superintendent, Jailer, Accountant or Head Clerk.  (ii) In case of loss of keys, the lock should be withdrawn after reporting to the Senior Jailer.
How to deal with complaints against Maharashtra Medical Service Officers.	<i>Rule 19 :</i> The case of Maharashtra Medical Service Officers accused of taking bribe or allowing forbidden indulgences to prisoners shall be immediately reported to the Inspector General for further action, through the Regional Deputy Inspector General concerned.
Punishment which can be awarded to Maharashtra Medical Service Officers by Inspector General.	<i>Rule 20 :</i> The Inspector General of Prisons, may, for sufficient cause, censure or suspend a Maharashtra Medical Service Officer, In such a case, immediate intimation of the action taken should be given to the Surgeon General with the Government of Maharashtra.

*Rule 21 :* If the Inspector General of Prisons, considers that the conduct of the Maharashtra Medical Service Officer -while serving in the Jail Department requires departmental action for imposing any of the penalties provided for in rule 33 of the B. C. S. C. D. and Appeal Rules, other than the penalty of censure, he shall bring the matter to the notice of the Surgeon General with the Government of Maharashtra for necessary action.

Inspector General to report to Surgeon General for awarding major punishments to Maharashtra Medical Service Officers.

*Rule 22 :* Normally investigations into complaints against officials of the Jail Department received by the Collectors and District Magistrates of the Districts are made by the Inspector General or Superintendents to whom the complaints are passed on by the Collectors. If, however, the Collectors consider it necessary, there is no objection if they as the heads of the Districts decide to order investigation into the complaints themselves. They may, however, in such cases apprise the Inspector General or the Superintendents concerned of the complaint and the action being taken by them unless, for any particular reason, they consider that it is either unnecessary or inadvisable to do so. It is also open to the Collectors to ask the Superintendents concerned to make the necessary enquiries into the complaints and to send them their findings and remarks on them. In case the Collectors do not apprise the Inspector General or the Superintendents concerned of the action being taken by them, they should report the matter to Government with full details. Also whether they make the enquiries into the complaints themselves or through the Inspector General or the Superintendents, the Collectors instead of passing final orders themselves should refer the cases to the Inspector General, or to Government with their full recommendations for such further action as may be deemed necessary.

Investigation into complaints against Jail employees.

*Rule 23 :* Every employee of the Jail Department shall, in addition to the rules prescribed in this Manual, be subject to the Civil Services Conduct Discipline, and Appeal Rules applicable to him according to the orders in force, and the rules in this Chapter shall be also deemed to be modified to the extent of amendments made by those orders.

Jail Employees to be subject to the Conduct Discipline and Services Rules.

## PUNISHMENTS

*Rule 24 :* (i) For the following offences, if committed by any Jail Officer and/or Jail subordinate a prosecution shall be instituted under section 54 (1) of the Prisons Act of 1894 against the offender provided the evidence is such as to make a conviction probable:—

Prosecution of Jail Officials.

- (a) Negligently or voluntarily permitting an escape.

(b) Any offence under Section 42 of the Prisons Act (IX of 1894) relating to the introduction of or supply to prisoners of forbidden articles, unauthorised communication with prisoners, and abetment of such offences.

(c) Receiving any presents, directly or indirectly receiving any monetary gain from contractors and private persons, who have business dealing with the Jail.

(d) Any serious offence punishable under the Indian Penal Code or other criminal law.

(ii) If there is no *prima facie* evidence sufficient for a conviction but the evidence is sufficient to produce reasonable belief of the guilt of the officer or the subordinate in the mind of the authority concerned, the authority shall hold a departmental enquiry. However the person concerned shall be invariably prosecuted for wilfully permitting escape of a prisoner, and, committing serious offences under the Penal Code or other criminal law, and the enquiry should be conducted by the Police.

Offences for which dismissal or prosecution should follow.

*Rule 25* : All Jail officials who commit any of the following offences shall ordinarily be punished by *dismissal*. In serious cases, however, when there is sufficient evidence to obtain conviction, they shall be prosecuted under Section 54 (1) of the Prisons Act (IX of 1894)—

(i) Appearing on duty in a state of intoxication from liquor or any drug.

(ii) Sleeping whilst on guard.

(iii) Striking a prisoner, except in self defence or to suppress an outbreak, or unlawfully punishing any prisoner.

(iv) Improperly entering or permitting any person to enter the women's enclosure or having any improper communication with a woman prisoner.

(v) Committing or conniving at irregularities in the supply of distribution of food, clothes or other articles, to or amongst any prisoner.

(vi) Employing a prisoner for private purpose contrary to rules.

(vii) Insubordination or insolence to any Officer superior to him.

(viii) Any Jail Official, Jail Guard, 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.

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

*Rule 26 :* The Superintendent shall not, unless there is a likelihood of the offender absconding before the reply of the Inspector General can be received, undertake or enter into the criminal prosecution of any subordinate officer or other persons connected with the Prison, without first submitting a full and detailed report of the case, with the evidence adduced, to the Inspector General for instructions or sanction.

Prosecution not to be undertaken without Inspector General's sanction.

*Rule 27 :* Any Jail Official sentenced to imprisonment by a criminal court shall be dismissed from service, except when retention is authorised by Government and or the Inspector General on account of considerations such as long service, good character, and the petty nature of the offence for which he was convicted. The order of dismissal shall not, however, be passed till expiration of the period allowed for appeal and till decision of the appeal in case an appeal is filed, and In the meanwhile, the convicted official shall be continued under suspension.

How to deal with Jail Officials convicted by Courts.

*Note*—A copy of the judgment in the case of every subordinate officer and/or subordinate prosecuted shall be immediately forwarded to the Inspector General.

*Rule 28 :* When a Jail Official has been prosecuted in a criminal Court and has, after trial, on the merits of the case, been honourably acquitted of the charge brought against him, the decision shall ordinarily be accepted as final and the official concerned shall not be proceeded against departmentally when the offence for which he was tried constitutes the sole ground for punishment. However, if he has been acquitted or discharged on technical grounds, or if the facts established by the Judicial investigation show that his conduct or character as a Jail Official has been such as to make it undesirable to retain him in Government service, or if he is merely given the benefit of doubt, the appointing authority may, in its discretion, take departmental cognizance of such conduct or character.

How to deal with Jail Officials acquitted by Courts.

*\*[Rule 29 :* The Manual of Departmental Enquiries should be referred to in respect of matters pertaining to procedure and forms to be adopted and other matters contained therein. The Inspector General of Prisons may impose any of the penalties mentioned in rule 33 of the Bombay Civil

Procedure for holding Departmental Enquiries.

---

\* Substituted by Government Resolution, Home Department No. RJM-1058 (vii-viii)-XVI, dated 21st April 1971.



Services (Conduct, Discipline and Appeal) Rules, on Class III and Class IV Government Servants or any of the further penalties prescribed in these rules;

\* “The Inspector General of Prisons may also censure any Class II Officer of the Prison Department or withhold his increment for a period not exceeding one year under the powers delegated to him *vide* Government Resolution, Home Department, No. MIS-5171/14537-XVI, dated the 25th May 1973.”

The Deputy Inspector General of Prisons, the Superintendents, Central Prisons, the Principal, Jail Officers Training School, the Principal, Borstal School, the Superintendents, District Prisons Class-I may impose such of the penalties mentioned in rule 33 of the Bombay Civil Services (Conduct, Discipline and Appeal) Rules as are indicated and to the extent mentioned in the Annexure-II or any of the further penalties prescribed in these rules.

Provided that no person shall be dismissed or removed by an authority subordinate to that by which he was appointed.]\*

*Rule 30 :* In addition to or in substitution of the punishments provided in the Bombay Civil Services Conduct, Discipline and Appeal Rules, the competent authority, may inflict, the punishment of extra drill upto maximum period of one hour a day for not more than seven consecutive days on a Jail sepy. Where the punishment of extra drill is in substitution of the punishments provided in the Bombay Civil Services Conduct, Discipline and Appeal Rules, the Superintendent of the Prison shall be the competent authority to inflict it.

Record of  
punishment  
awarded.

*Rule 31 :* Whenever a Superintendent has occasion to punish a Jail officer of any grade for laxity or other fault in the performance of his duties, he shall invariably make an entry of the same in the Superintendent's order book No. 12 and the Service Book of the official concerned.

Payments during  
period of  
suspension.

*Rule 32 :* Rule No. 151 Bombay Civil Services Rules, Volume I, should be referred to for payments to be made to the Government Servants under suspension.

Expeditious  
completion of  
Departmental  
Enquiries.

*Rule 33 :* The Departmental enquiries shall be held and completed within three months of the date of the decision to hold the enquiry. If for any special reason the enquiry is likely to take a longer time the Superintendent shall submit a report to the Inspector General giving reasons for the delay and the latter shall obtain the sanction of Government for allowing the Superintendent an extension of time to

---

\* Added *vide* G. R., H. D., No. RJM-0174/2-XV1, dated 10th May 1974.



complete the enquiry if he is satisfied that there is a case for such extension. In case the Inspector General is himself the enquiry officer he should report the reasons for delay if any, to Government and obtain an extension of time for completing the enquiry.

*Rule 34 :* As a precaution against the inadvertent re-employment of men who may have been dismissed, Inspector General or the Superintendent should ascertain whether an applicant for a post has been in Government service, and should refer to his previous employer if the circumstances connected with his discharge are not clear. The applicant should be required to produce a copy of his character book or other record of service, and a person who succeeds in obtaining employment by the concealment of his antecedents would obviously merit dismissal on the true facts being discovered.

Dismissed  
Government  
Servants re-  
employed.

*Rule 35 :* (i) When it is considered necessary because of his misconduct or unsuitability, to terminate the service of a temporary employee who has not been appointed for a definite period, his services should be merely terminated by giving two months' notice, irrespective of whether he has or has not signed the undertaking prescribed by Government Circular Memo. P. & S. D. No. 1581/34 dated the 9-8-1947 without charge-sheeting him or mentioning in the order any reason for his discharge from service. The order should only mention that his services are no longer required.

Discharge of  
temporary  
Employees.

Even a purely temporary Government servant cannot be punished with dismissal, removal or reduction without following the proper procedure laid down for departmental enquiries.

(ii) If the misconduct of the temporary employee is of a serious nature, and it is considered that in the interest of public service he should be dismissed from service so as to bar his re-employment a regular departmental enquiry should be held against him according to the prescribed procedure.

*Rule 36 :* The expediency of inviting a Jail employee who is eligible for retiring pension and who has a long record of unsatisfactory service to retire should rarely be adopted. Pensions are liable to reduction. Hence, when any such invitation is made it should be clearly explained to the officer concerned that it will lie with the superior authorities to determine whether full pension is to be granted or whether it shall be reduced.

Volunteer of  
Retirement.

*Rule 37 :* Reversion of a Government servant who is officiating in a higher post or service from that post or service to his substantive post does not amount to reduction and therefore it is not necessary to follow

Reversion from  
officiating  
appointments.

the procedure prescribed for imposing the punishment of reduction for effecting such reversion. Therefore in cases where an officer who is officiating in a higher post is to be reverted to his substantive post whether on grounds of discipline or unsuitability no departmental enquiry is necessary. The Maharashtra Public Service Commission should be consulted only if the reversion is by way of penalty and not if it is on the ground of unsuitability or unfitness.

Punishment of  
fine.

*Rule 38 :* No officer shall be punished by the Superintendent in one month with fines exceeding half a month's pay without the sanction of the Inspector General of Prisons provided that before imposing the punishment a show cause notice should be given to the delinquent and provided further that fine should not ordinarily be imposed on permanent members of Class III services and that alternate penalty such as withholding of increments etc. should be imposed instead.

*Annexure-I*

Jail form No. 12 (Rule 31)

Prison for the year 197

No. and date	Order of Superintendent	Reports of Jailor, etc. on Superintendent's order
1	2	3

## Annexure II

(See rule 29—Part II)

Sr. No.	Name of the Department	Officer to whom the power of punishment are delegated	Class of service to which punishment is to be awarded	Extent of punishments
1	2	3	4	5
1	Jail Department	Deputy Inspector General of Prisons (Head Quarters).	All Class III Government servants working in the office of the Inspector General of Prisons.	(i) Censure (ii) Withholding of increment for a period of one year only.  (iii) Fine upto Rs. 5 only.  (iv) Recovery of the whole or part of any pecuniary loss caused to Government by negligence or breach of orders, subject to the limit of Rs. 500.
		Deputy Inspectors General of Prisons incharge of the region.	(i) All Class III Government servants working in their offices in respect of whom they are not the appointing authority.	(i) Censure (ii) Withholding of increment for a period of one year only. (iii) Fine upto Rs. 5 only. (iv) Recovery of the whole or part of any pecuniary loss caused to Government by negligence or breach of orders subject to the limit of Rs. 500.

Annexure II—contd.

(See rule 29—Part II)

Sr. No.	Name of the Department	Officer to whom the power of punishment are delegated	Class of service to which punishment is to be awarded	Extent of punishments
1	2	3	4	5
			(ii) All Class ID. "Government servants (except Medical Officers) working at District Prisons, Class II and Class III in their jurisdictions in respect of whom they are not the appointing authority.	(i) Censure (ii) Withholding of increment for a period of one year only. (iii) Fine upto Rs. 5 only. (iv) Recovery of the whole or part of any pecuniary loss caused to Government by negligence or breach of orders subject to the limit of Rs. 500.
	( i ) Superintendents of Central Prisons. (ii) The Principal, Borstal School, Kolhapur. (iii) The Principal, Jail Officers Training School, Pune. (iv) Superintendents, District Prisons. Class I.		All Class III Government Servants (except Medical Officers) working under them in respect of whom they are not the appointing authority.	(i) Censure (ii) Withholding of increment for a period of one year only. (iii) Fine upto Rs. 5 only. (iv) Recovery of the whole or part of any pecuniary loss caused to Government by negligence or breach of orders subject to the limit of Rs. 500.

*Vide* Government Resolution, Home Department, No. RJM. 1064-(VII-VIII)-C, 5552-XVI, dated the 25th August 1970 read with Corrigendum of the same number, dated the 5th October 1970.

## CHAPTER XIV

## STAFF FUNCTIONS

## SECTION I : STATUTORY RULES

[Government Notification, Home Department, No. RJM/1058 (X-XII) IV, dated 24th July, 1965]

In exercise of the powers conferred by clause (10) of Section 59 of the Prisons Act, 1894 (IX of 1894), and of all other powers enabling it in that behalf and in supersession of the rules relating to staff functions in force in any part of the State, the Government of Maharashtra hereby makes the following rules, namely :—

1. (i) These rules may be called the Maharashtra Prisons (Staff Functions) Rules, 1965.

Short title and commencement.

(ii) They shall come into force on the 27th day of September 1965.

\*[1-A. (i) The aim of handling prisoners is correction for rehabilitation. All Officers of a prison and subordinates should treat prisoners with good temper, humanity and strict impartiality.

(ii) Officers of prison shall listen patiently and without irritability to any complaints or grievances of prisoners and ensure that prompt steps are taken to get their grievances which in their opinion are genuine redressed in accordance with the provisions of the rules or orders made in that behalf.]\*

2. Subject to the provisions of this rule and of rules 22 and 24 of the Maharashtra Prisons (Facilities to Prisoners) Rules, 1962, all communications between officers of prison and the State Government shall be made through the Inspector General provided that—

Communications between the State Government and officers of prison.

(i) proposals for the transfer of a prisoner to a mental hospital,

(ii) hunger strike reports,

(iii) petitions of prisoners for pardon or shortening of sentence submitted under rule 2 of the Maharashtra Prisons (Petition and Appeal) Rules, 1962,

---

\*—\* Added by Government Notification, Home Department No. MIS/5169/62934-XVI, dated 19th August 1971.

(iv) copies of reports referred to in rule 39 (iv) of the Maharashtra Prisons (Discipline) Rules, 1963, regarding important happenings in prison such as escape of a prisoner from custody, suicide or attempt to commit suicide, fire or roits, and

(v) any report, called for by Government by any special or general order, shall be forwarded direct to the State Government.

Inspector-General  
competent to  
entertain  
temporary extra  
establishment

3. The Inspector General may, in case of urgent necessity, sanction the employment of an additional temporary establishment under the powers delegated to him as indicated in the Manual of Financial Powers or any other specific orders of Government, provided that sufficient budget provision exists or the expenditure for the additional establishment is met by re-appropriation :

Provided further that such additional establishment shall not be continued beyond a period of one year without the sanction of the State Government.

Inspector-General  
to be controlling  
authority for  
expenditure of  
prisons

4. Subject to the Accounts and Financial Rules for the time being in force, the Inspector General shall exercise full and general control over all expenditure of a prison for which provision has been made in the budget :

Provided that expenditure incurred on—

(a) constructions and repairs,

(b) supply of stationery, and

(c) supply of medical stores,

shall be regulated in accordance with the rules made in that behalf by the State Government.

Inspector-General  
to audit all bills

5. Subject to the provisions of the foregoing rules, all monthly and other bills for prison expenses shall be submitted to, and audited by, the Inspector General.

Powers of  
Inspector-General  
to sanction  
expenditure

6. The Inspector General may sanction—

(1) any item of expenditure approved and provided for in the budget,

(2) with the sanction of the State Government, any special and unusual item of expenditure for which no distinct provision has been made in the budget.

Administration  
report of prisons

7. The Inspector General shall submit annually to the State Government, before the 15th April, a detailed report of the working of prisons during the preceding calendar year in such form as the State Government may direct.

8. (i) The Inspector General may furnish material for publicity direct to the Director of Publicity and may confirm or refute reports published in newspapers when approached by press representatives direct informing Government and the Director of Publicity of such confirmation or refutation:

Inspector-General  
competent to  
release material to  
Press for  
publication

Provided that matters relating to routine shall be forwarded for publicity through the Regional Publicity Officer.

(ii) The Inspector General may, unless he considers it necessary to consult the Collector concerned and the release of the materials is not likely to be unduly delayed, also furnish necessary material for publicity direct to the Regional Publicity Officer.

9. (i) The Inspector General shall inspect every Central Prison, \*special prison, and [every] district prison, Class I, at least once every three years. In addition to these regular inspections, he may also inspect any prison if he considers that there is any special reason for doing so. He may also visit any prison without notice for inspection.

Inspection of  
prisons by  
Inspector-General

(ii) The Inspector General shall also occasionally inspect a few subsidiary jails to enable him to be in touch with the general trend of administration therein.

(iii) During regular inspections, the Inspector General shall, *inter alia*—

(a) inspect all yards, wards, cells, work-sheds, store-rooms, kitchens and latrines, note their state of repair, their sanitary condition, the general security of the prison and consider whether the structural arrangements are in compliance with the requirements of the Act with respect to the separation of the different classes of prisoners ;

(b) examine the garden, ascertain the condition of water-supply and conservancy arrangements, see that sick prisoners are carefully attended to, and ascertain that the food is of proper quality and quantity ;

(c) personally visit every prisoner, make a note of any circumstances of consequence connected with his physical condition,

---

\* Substituted by the Government Notification, Home Department No. RJM/1072/9-(X-XVI)-XVI, dated 29th December 1972.

adaptation of labour to his physique and class, condition and sufficiency of clothing ; imposition of fetters, ascertain whether the provisions of the rules for granting remission, furlough or parole are carried into effect, afford to a prisoner who so desires a reasonable opportunity of making any application or complaint and investigate and pass orders on matters relating to prison discipline ;

(d) inspect the guarding establishment and satisfy himself as to its proficiency in drill and musketry, inspect its arms and ammunition and test the ability of every prison executive officer of the upper subordinate establishment to drill the guard, closely scrutinise the arrangements for carrying out day and night watch and ward, and for the prevention and suppression of roits, and satisfy himself that the stationing of Jail guards and convict officers is according to rules made in that behalf and effective ;

(e) compare with the rates obtained in the local markets the rate paid for contingent purpose and satisfy himself that economy is practiced in their use as well as in the use of all articles supplied by contract ;

(f) satisfy himself that all accounts and registers are maintained according to the rules for the time being in force, that proper arrangements are made for the safe custody of all records, and that the requirements of the Act and these rules are complied with ;

(g) see that accommodation is ample and that no over-crowding exists ;

(h) satisfy himself as to the general health of the prisoners ;

(i) examine the cases of youthful offenders to see if any of them may be transferred to a Borstal School.

(iv) The Inspector General shall make a memorandum of his inspection, discuss the points raised therein as far as possible with the Superintendent, and shall hand it over to the Superintendent for compliance, and shall, on his next inspection visit, verify whether and how for the instructions given in the memorandum are complied with.

#### *Deputy Inspector General of Prisons*

Inspection of  
prisons by Deputy  
Inspector General  
of Prisons.

10. The Deputy Inspector General of Prisons (Regional) shall inspect every year each of the \*[Central Prisons, District Prisons and Special Prisons]\* within his region except such

---

\*-\* Substituted by Government Notification, Home Department No. RJM/1072-9-(X-XII)-XVI, dated 29th December 1972.



prisons which the Inspector General proposes to inspect in that year. Such inspection shall be in respect of matters mentioned in the preceding rule. He shall also inspect some subsidiary prisons in order to keep himself in touch with their administration.

*Superintendent*

11. (i) Subject to the provisions of sub-rule (2), a Superintendent shall not leave the headquarters or hand over the charge of the prison to any person for a period exceeding twenty-four hours without having obtained the previous sanction of the Inspector General who may permit him to hand over the charge of his duties to the Senior Jailor or in the case of a District Prison, Class III, to the seniormost member of the staff.

Superintendent not to leave headquarters without previous permission of Inspector General.

(ii) The Superintendent may, in case of emergency, proceed on leave in anticipation of sanction under intimation to the Inspector General.

12. Where a Superintendent is transferred or where he is proceeding on long leave, the relieving officer shall, before taking over the charge, satisfy himself personally that the cash balances, permanent advance and accounts are correct. He shall also satisfy himself through the officers concerned that all stocks (both general, and manufactory), machinery, plants and tools shown in the accounts to be in stock are forthcoming, that the registers have been maintained up to date and that sanction has been obtained for all the establishment employed, and shall submit report in that behalf to the Inspector General. The responsibility of the relieved officer shall not cease till this is done. The relieved officer shall also acquaint the reliever in writing with essential and instructive facts and problems of the Prison.

Handing over of charge.

13. The Superintendent shall—

Functions and duties of Superintendent.

(1) be present whenever a capital punishment is executed ;

(2) see that all prisoners in the prison are counted once a month, but not always on a fixed day, or at the same hour, and shall personally ascertain and satisfy himself that all prisoners who ought to be in the prison, are actually there ;

(3) visit the prison and especially prisoners in cells and solitary confinement at least once every working day shortly after sunrise and in any case before 10 a. m. and also on Sundays and holidays, if necessary;

(4) visit the prison hospital frequently, and see that proper arrangements are made for the safe custody of the sick prisoners and others, and that discipline is maintained, as far as it is consistent with the medical treatment prescribed ;

(5) inspect the barracks, yards, cells, cook-rooms, latrines and every part of the prison once a week on any day and shall also occasionally inspect the quarters of the subordinate officers, preferably in the presence of the officer concerned. He shall also frequently visit the prison garden to see that the vegetables supplied to the prisoners are perfectly fresh and wholesome ;

(6) invariably visit the women's prison or women's section of the prison every day at some convenient times, and see whether there is any complaint from any female prisoner. He shall keep a record of such visit in the Gate Register as in Form I of the women's prison or as the case may be, of the women's section of the prison and shall note the time of his visit and instructions, if any, in Superintendent's Order Book as in Form II ;

*Explanation.*—A Gate Register shall be maintained for the women's prison or as the case may be for the women's section of the prison and enquiries in respect of every visit paid to such prison or section by any person other than the Women Jail Officials on duty, shall be recorded therein ;

(7) hold inspection parade of all prisoners in the prison either in one lot or in suitable batches in such a way that every prisoner at least once a week, gets an opportunity of putting up personally to the Superintendent any grievance or complaint about assault, or ill-treatment, or any request for additional interviews, or letters under rule 6 of the Maharashtra Prisons (Facilities to Prisoners) Rules, 1962 ;

*Explanation.*—Every prisoner shall have his clothing, bedding and equipment arranged in line before him at this parade. Nothing in this rule shall debar a prisoner from making a complaint or application to the Superintendent at any time otherwise than on the occasion of the weekly parade. It shall be the duty of every executive officer or Jail guard to produce before the Superintendent without unnecessary delay any prisoner desiring to see the Superintendent : Provided that the Senior Jailor or the Jailor in charge of the Circle or yard may for sufficient reason abstain from so producing the prisoner before the Superintendent, but shall as soon as possible inform the Superintendent of his having done so ;

(8) on the outbreak of cholera or of any epidemic disease, at once submit a report to the Inspector General, the District Magistrate and the Director of Public Health and shall forward a daily report so long as the disease prevails amongst the prisoners ;

(9) require every necessary precaution to be taken for preventing escape and shall cause a daily examination to be made of the doors, windows, bars and bolts and withdraw from use any locks, the keys of which have been lost, mislaid or tampered with.

(10) ensure the highest possible degree of cleanliness in every part of the prison and also with respect to the persons of the prisoners, their clothing, bedding and eating utensils ;

(11) take, as far as possible, surprise rounds at odd intervals to the different parts of the prison ;

(12) cause to be affixed in a conspicuous place near the prison gate- a notice to be printed in legible characters in English and in the regional language cautioning persons from bringing or attempting to bring spirits, opium, tobacco, letters or other prohibited articles into the prison or giving or attempting to give such articles to prisoners outside the prison, and notify in a similar manner that no person other than an officer or a visitor of the prison shall communicate or attempt to communicate, with a prisoner by word of mouth or otherwise except with his permission in writing transmitted through an officer ;

(13) receive and enquire into a complaint or an application from a prison officer or a prisoner ;

(14) before passing a demand or an indent or submitting it to the Inspector General, where his sanction is required, carefully examine it and see that every department of the prison is run with utmost economy ;

(15) see that no article for use in the prison is purchased unless full details thereof have been entered in the Requisition Book as in Form III, and the entries are initialled by the concerned official and by himself ;

(16) see that all expenditure on account of the prison is met either from the permanent advance or money drawn on abstract bills from the Treasury and not from any private funds and shall not allow borrowing or lending from one head to another in the prison accounts unless supported by valid reasons to be recorded by him in Superintendent's Order Book as in Form II.

(17) be personally responsible for the prompt payment of bills for goods supplied to the prison, and shall see that small cash payments to local suppliers are made by sending money with a reliable Jail Guard, payments of \*[Rs. 500]\* and above being made by Abstract Bill or Remittance Transfer Receipt ;

(18) ensure that detailed bills submitted to the Inspector General contain every item of expenditure incurred during the month, and no payment is as far as possible, left to be adjusted or charged for in subsequent months ;

(19) prescribe in Superintendent's Order Book as in Form II, the different duties which shall be performed by every junior Jailor care being taken to see that he is allotted a fair share of the work and that those portions of the work which he is most suited for are assigned to him as far as possible and that every jailor is given an opportunity to learn the duties of the Senior Jailor ;

*Explanation.*—Duties shall be allotted to a Jailor in such a way that he is put in charge of not more than 350 prisoners as far as possible ;

(20) cause a notice to be posted outside the prison, in English and in the regional language, that the prison authorities shall not be responsible for payment for any article supplied to the prison unless supplied on the written orders of the Superintendent, or any officer of prison specially empowered in that behalf.

*Explanation.*—The Superintendent only shall be competent to grant receipts for money paid to the prison for goods purchased from it, and no receipts other than temporary receipts granted by any other officer of prison shall be regarded as valid.

(2) Temporary receipts as in Form IV may be signed either by the Jailor, Accountant or Head Clerk and regular receipts shall be signed by the Superintendent in his next visit to the prison and sent to the party concerned ;

(23) satisfy himself, once a month that all money given to the Accountant or to the Head Clerk where there is no Accountant, for the purchase of articles required for the prison has been properly disposed of and duly accounted for, and that all money transactions connected with the prison factories have been brought to account ;

---

\*—\* Substituted by Government Notification, Home Department No. SFR/1067/S/436-IV, dated 7th November 1967 and Government Notification No. RJM-0174/17-XVI, dated 20th January 1975.

(22) satisfy himself, at least once a month, that the term of credit allowed to purchasers of articles from prisons factory, garden, or dairy is on no account exceeded and also see that at the time of purchase of such articles, full name, rank and residence of purchaser is entered in the books and that except in the case of well known persons to whom credit may be allowed for a period not exceeding three months, no credit sale is allowed ;

(23) keep a constant and careful watch over the receipts and expenditure in the prison ;

(24) inspect his own office once a year in the month of June in the prescribed manner, examine and answer, in his own hand, all points of inspection, without assigning this work to a subordinate officer and pay personal attention to rectify the defects pointed out in inspection and audit reports ;

(25) be free to communicate with the Inspector General in all matters relating to the prison and apprise him of every occurrence of importance ;

Provided that in the case of any emergency for which no provision has been made in these rules, the Superintendent shall take the orders of the Inspector General and shall in the meantime take such action, as he considers necessary and adequate in the circumstances ;

(26) notify to the police the information, if any, received by him about the previous conviction of a prisoner ;

(27) in the event of an accident resulting in an injury to a prisoner or a member of the staff on duty, hold an enquiry immediately and record the statements of the injured prisoner or member of the staff and other witnesses and in case of injury to a prisoner, specify in the monthly return of such prisoner, the nature and cause of the injury, and state that an enquiry was held ;

(28) make himself thoroughly acquainted with the Act, and rules, regulations and orders relating to the prison, and be responsible for the due observance thereof and for the execution of all sentences of prisoners committed to his charge.

#### *Senior Jailor*

14. The Senior Jailor shall—

(a) ensure safe custody of prisoners ;

Duties of  
Senior Jailor.

- (b) enforce discipline among subordinate officers and among prisoners;
- (c) frequently visit the extra-mural working parties and shall record each such visit in the Jailor's Report Book as in Form No. V ;
- (d) report to the Superintendent cases in which disciplinary action for any misconduct on the part of a prisoner or a subordinate officer may be necessary ;
- (e) see that no ladder, planks, ropes, chains, implements, or materials of any kind, likely to facilitate escape, are left unnecessarily or are inadvertently exposed or without surveillance at any time in the yards and that all such articles as well as tools of all kinds when not in use are kept in their appointed places ;
- (f) see that no rubbish is piled against any wall or allowed to remain in the yards and that all sullage water is immediately removed ;
- (g) enforce the greatest economy, give particular attention to all matters connected with the management of the prison and bring to the notice of the Superintendent circumstances which may require his attention for checking unnecessary expenditure ;
- (h) without delay, report to the Superintendent any fact or circumstances likely to affect the security of the prison and the health and discipline of the prisoners; and also bring to the notice of the Superintendent any fact or circumstance likely to affect the efficiency of any subordinate member of the establishment ;
- (i) see that a list of prisoners sentenced to cellular confinement is forwarded to the Medical Officer daily whenever prisoners are sentenced to such confinement ;
- (j) where there is no Agricultural Officer, be in charge of prison garden and be responsible for its proper maintenance and for ensuring a regular and economic supply of vegetables throughout the year, as far as may be possible ;
- (k) subject to any orders of the Superintendent, assign from time to time to each of the Jail guards both inside and outside the prison wall appropriate duties in respect of the prison or prisoners either in the matter of guarding or otherwise ;
- (l) frequently inspect every part of the prison, especially cells and see that they are clean and in order and that their security is effective and

search or cause the prisoners to be searched at uncertain times, not less than once a week, and examine their clothing, bedding and see that they are in order and that no prohibited articles are hidden in the prison or possessed by any prisoner; and record the date, time and description of the barracks and cells searched, in the Jailor's Report Book.

(m) visit all wards at least once a week and record such visits in his Report Book ;

(n) muster the prisoners in suitable batches and shall certify in the Jailor's Report Book—

(a) that the fetters of every prisoner in irons are secure and clean ;

(b) that every prisoner in irons has, if necessary, a pair of leather gaiters ;

(c) that every prisoner has his body—and history ticket ;

(d) that every prisoner has his authorised quantity of clothing and bedding and that they are clean and in good order ;

(e) that he has read to prisoners the rules for rewards for good conduct; for granting remission and for punishments for commission of prison offences ;

(f) that all barracks and cells have been inspected daily during the week and found in order.

15. In the absence of the Senior Jailor or in prisons where there is only one Jailor, the duties of the Senior Jailor under these rules shall be performed by such Jailor as the Superintendent may direct or as the case may be, by the only Jailor.

Duties to be performed by Jailor in absence of Senior Jailor.

16. In addition to the duties entrusted to him by the Superintendent, a Jailor shall attend to all complaints and requests of all prisoners put in his charge and shall see that the daily routine is carried out satisfactorily by such prisoners. He shall personally supervise the work of distribution of cooked food and extra diets recommended by the Medical Officer to prisoners in his charge.

Duties of Jailors.

17. In the absence of a Junior Jailor or where there is no junior jailor, his functions shall be performed by the Head Clerk or any other responsible official nominated for the purpose by the Superintendent with the previous consent of the Deputy Inspector General of Prisons (Regional), in writing.

Duties of Junior Jailor to be performed by Head Clerk etc.

- Orderly Officers      18. There shall be Orderly Officers for day and Orderly Officers for night at such prisons as the State Government may, from time to time, determine in this behalf.
- Duties of Orderly Officer for day.      19. (i) The Orderly Officer for day shall be on duty between the two main gates of a prison from the time at which the prison opens until it is locked.
- (ii) It shall be the duty of the Orderly Officer for the day—
- (a) to supervise and control all happenings between the two gates of the prison;
- (b) to ensure that entry is made by the Gatekeeper in the Gate Register as in Form No. I of anything carried in or out of the prison, of persons entering and leaving the prison and of vehicles coming in or going out of the prison specifying the time of such ingress or regress ;
- (c) to maintain in the Orderly Officer's Diary as in Form VI, a brief record of all important events such as, visits of persons to the prison, accidents occurring in the prison, searches made under sections 21 and 41 and emergencies and any other important incident occurring in the prison ;
- (d) to notify the existence of an emergency to the prison staff by sounding alarm ;
- (e) to control personally in an emergency, all necessary operations at the prison gates ;
- (f) to receive and take necessary action on reports submitted by prison guard relating to the opening and closing of the prison ;
- (g) to supervise searches of prisoners and of members of the subordinate staff of prison ;
- (h) to communicate to the Subhedar/Amaldar, the orders issued by the Senior Jailor regarding the posting of prison guards to various duty posts ;
- (i) to receive members of the Board of Visitors for prison constituted under rule 3 of the Maharashtra Visitors of Prisons Rules, 1962, and arrange for their escort ;
- (j) to receive prisoners admitted to prison and to arrange for the delivery of their warrants, money and other articles to the jailer in charge of judicial work or to the Senior Jailor ;



(k) to report to the Senior Jailor deficiencies in the order committing a prisoner to custody and discrepancies, if any, in the identification marks of prisoners ; and

(l) to verify whether a prisoner admitted into prison has any wounds or marks of violence on his person and, if so, to report the same to the Superintendent.

20. (i) The Orderly Officer for night shall be on duty between the two main gates of the prison from the time the prison is locked until it is opened.

Duties of Orderly  
Officer for night.

(ii) It shall be the duty of the Orderly Officer for night:—

(a) to supervise and control arrangements for the security and safe custody of prisoners ;

(b) to visit guard posts at least thrice during night (one such visit shall necessarily be after mid night).

(c) to make an entry in the Night Report Book as in Form No. VIII of the guard posts visited by him, and the time at which such visits were made;

(d) to record in the Orderly Officer's Diary, the night visits made by Prison Officials during night time ;

(e) to open a barrack or cell during night in case of emergency;

(f) to report to the Superintendent of the existence of emergency and to record the same in the Orderly Officer's Diary ;

(g) to arrange for the escort and conveyance of sick prisoners who are to be transferred to the local Civil or Government aided hospital on the advice of the Medical Officer; and

(h) to perform all or any of the duties specified in sub-rule (2) of rule 19 in cases of emergencies.

21. The diary of the Orderly Officer for day and for night shall be daily checked and signed by the Senior Jailor.

22. A Women Jailor shall be in charge of the women's section of the prison and shall work under the direct supervision of the Superintendent. She shall perform all the duties of the Senior Jailor and Junior Jailor mentioned in these rules so far as the women's section of the prison is concerned. It shall be her duty to see that either she herself or a woman guard is present right from the time of the opening of the prison till the time of lock-up, and to ensure that no unauthorised person enters the woman's section of the prison. She shall always accompany

Duties of Women  
Jailors.

inside the Prison the Superintendent, the Deputy Superintendent, the Medical Officer or any authorised visitors visiting the women's section of the prison. In times of emergency, she shall immediately contact the next higher officer who is available and obtain his orders.

Changes in duties  
and posts of  
Prison Guards.

23. The posts and duties of Prison Guards shall be changed every week:

Provided that the Superintendent may continue the guards working in prison store, garden, factory or kitchen for a period not exceeding three months in their respective posts.

Responsibility of  
guard in charge of  
workshed.

24. A prison guard in charge of worksheds shall be responsible for all the tools and other property kept therein.

Duties and  
responsibilities of  
Prison Guards.

25. It shall be the duty of the Prison Guard.

(1) to stand or walk whilst on patrol duty and on no account to take off the belt or lie down whilst on duty,

(2) to keep his uniform and equipment in good order,

(3) to keep a list of tools delivered to prisoners proceeding to work in the morning,

(4) to count, examine and return the tools into store and report any deficiency, immediately to the Jailor in the evening,

(5) to report any defect in locks, bolts or bars, and any tampering with these articles or keys in his charge,

(6) to keep all keys entrusted to him on his person, and not to leave them lying about,

(7) to treat prisoners with humanity and bring their complaints and grievances to the notice of his immediate superiors without delay,

(8) to bring to the notice of the Superintendent, and the Medical Officer any signs of sickness among prisoners in his charge.

(9) to report to the Jailor if an uncomplaining prisoner appears to be passing into a failing state of health, or if a prisoner's state of mind, appears, in his opinion, to be weak and uncertain.

(10) to search all prisoners in his gang at the time of giving and taking over charge of such prisoners and at such other times during his watch as may be necessary and to report the discovery of any prohibited articles found with any of the prisoners in his charge or on his beat,

- (11) to report any case of wilful damage to prison property,
- (12) to prepare prisoners entrusted to his charge for counting and for parade, and to see that each prisoner comes to his place in proper order, behaves well, and keeps silent,
- (13) to report immediately to the jailor the fact of any prisoner missing from his charge,
- (14) to count the prisoners made over to him and to declare the number to the officer distributing the prisoners,
- (15) to count prisoners in his charge at least twice during his turn of duty; and to satisfy himself that he has the correct number in his custody,
- (16) to report all cases of idleness and short work among prisoners entrusted to him and supposed to work,
- (17) to see that any prisoner who is required to leave the gang for any legitimate purpose is made over to the charge of a responsible prison official for such purpose,
- (18) to see to the cleanliness of the persons, clothing, bedding, rings, fetters and eating utensils of the prisoners in his charge, and to see that the prisoners bathe only at the appointed time and place and that the bedding is aired according to orders,
- (19) to report any plot for escape, assault, outbreak or for obtaining prohibited articles that may come to his knowledge.
- (20) To report breach of any prison rules.

26. A Prison Guard shall, before being relieved, explain his duties to the relieving guard and they (*i. e.* both relieving and relieved prison guard) shall jointly examine all the fastenings in their charge and shall count the prisoners. The responsibility of a prison guard on duty shall not cease until he is properly relieved.

Relieved Prison Guard to explain his duties to the Relieving Guard.

27. Subject to the general control of the Superintendent, the Matron and the women Jailor, if there be no Matron, shall have immediate charge of the women prisoners in the prison.

Matron in immediate charge of women prisoners.

28. In the absence of the woman Jailor if there be one and the Matron, a woman Convict Officer appointed for the purpose shall carry on the duties of the woman Jailor or the Matron, as the case may be, or of both.

Metron's duties to be discharged by women convict officers.

Matron to attend  
on women  
prisoners given  
separate  
confinement.

29. Where a woman prisoner is imprisoned in the female enclosure, the Matron or the women Convict Officer shall always be present in the enclosure during the day time with the cell key in her possession to attend to the prisoner's wants and to keep her under observation.

Matron to ensure  
removal of  
women prisoners  
punished with  
cellular  
confinement.

30. Where a woman prisoner is punished with cellular confinement, the Matron shall remove such prisoner from her cell to an association barrack before lock-up.

### *Guard with Arms*

Superintendent to  
make rules for  
guidance of  
Armed Guards.

31. The Superintendent of each Central, District or Special Prison shall with the approval of the Inspector General draw up subsidiary rules for the guidance of the guards with arms to meet local requirements, giving the distribution of such guards and the number and position of the sentries, and defining the details of their beats. A copy of such rules translated into regional language and signed by the Superintendent, shall be hung up in the guard room.

Guard with arms  
not to take part in  
daily routine of  
prison.

32. A guard with arms, shall not take part in the daily routine of the prison or assist in the searching or counting of prisoners. He shall, as far as may be possible, be kept away from coming into close contact with the prisoners.

Change of  
Sentries and  
contingent of  
armed guards.

33. The contingent of arm guards shall be changed every 24 hours. The sentries shall be changed by the guard commander every two hours. The guard commander shall see that the sentry relieved passes the orders of his post to his reliever.

Ammunition to be  
possessed by  
armed guards on  
duty.

34. (i) The guard on sentry duty shall carry with him 10 loose live rounds of ammunition to his pouch keeping the pouch unbuttoned.

(ii) Where a sentry is being relieved of his duty he shall pass on his loose live rounds of ammunition to the sentry relieving him from duty in exchange of the two ammunition clips of 5 rounds each in the possession of the guard relieving him from his sentry duty.

(iii) Where a section on guard duty is being relieved of its sentry duty all the ammunition in its possessions shall be handed over to the relieving section of guards. The officer mounting the guard shall be personally responsible for the correct handing over and taking over of the live ammunition by the two guard commanders.

(iv) No sentry on guard duty shall carry his firearm loaded at any time unless he is explicitly ordered to do so.

35. (1) The sentry and the guard commander shall on no account leave their post, without being properly relieved.

Conditions to be observed by Sentry and Guard Commander.

(2) In case of sudden illness proper report shall be made by the guard commander or his second in Command to the Jamadar for necessary relief.

(3) The sentry on duty shall hold no conversation whatsoever with any one. In the case of requirement of such a conversation the guard commander shall himself do the same.

(4) A guard on sentry duty seeing a prisoner attempting to escape shall at once raise the alarm by blowing a continuous short sharp blast with his whistle.

36. (1) A Guard on sentry duty shall firmly enforce the order given to him without any discrimination.

Duties of the guard on Sentry duty.

(2) It shall be the duty of every guard sentry on duty to protect at all costs the stores, arms, ammunition and Government property entrusted to his charge.

37. The firearms of the guard shall always have the bayonet fixed, and shall remain in the guardroom when not in use.

Firearms to be kept in Guardroom when not in use.

38. No guard on sentry duty shall on any account take off his clothing or equipment.

Guard on Sentry duty to be always in uniform.

39. (i) The guard commander shall not leave his command unless duly relieved. When duly relieved, he shall do so after handing over his charge to the next senior guard in charge,

Guard Commander not to leave his command unless relieved.

(ii) It shall be duty of the guard commander to see that no guard leaves the guard room or his beat, if on sentry duty, without proper leave or unless he is duly relieved.

40. The Guard commander shall arrange the duties of the sentries in such a way that those who are unable to arrange for bringing their food to the guardroom shall not be on duty between the hours of 9-00 a. m. to 1-30 p. m. and shall see that not more than 1/3rd of the strength of the guards is let off at one and the same time.

Relief of sentries for lunch.

41. The guard commander and the guards on duty shall not have any communication with any person unless such communication is required to be carried out as a part of their duty.

Guards on duty not to communicate with any person.

Duties of armed  
guards.

42. The armed guard shall resist by force all attempts made to break into or out of any part of the prison, and shall aid the authority in the suppression of violence or opposition of any kind, when called upon to do so.

Guard to action  
general alarm.

43. In the event of a general alarm being sounded for an attempt to break out of the prison, the prison guard shall immediately fall in, load and act in accordance with the rules framed for the purpose.

The guard commander of the prison guard shall at once report to the Senior Officer present on the spot for further orders. If however the prisoners assault the prison officers or subordinates or if they attempt to break out of any particular ward or yard, and if any executive officer present or the guard commander, considers that it would be dangerous to delay until the arrival of the Senior Prison Officer, he shall proceed to rescue the prison officer and other subordinate officers and prevent the prisoners from breaking out.

Guard  
Commander to  
check sentry post  
twice during  
night.

44. The Guard Commander shall check all the sentry posts twice during the night.

#### *Gate-keeper*

Duties of  
Gatekeeper.

45. (i) In every prison, a senior jail guard shall be detailed in rotation to perform the duties at the prison gate. The person so selected shall be able to read and write well.

(ii) The gate keeper shall—

(a) be in charge of the main gate of the prison and shall never under any pretext, leave his post till relieved by another jail guard,

(b) retain charge of the keys of the prison gates during the day and night, and deliver them to the care of the Senior Jailor ; and

(c) see that the main electric light and alarm switch, if any, are in working order,

(d) maintain the population board at the gate every morning up-to-date,

(e) report immediately to the Medical Officer the fact of admission of any new prisoners,

(f) not to allow any unauthorised person to enter the gate.

46. (1) Where any articles are to be sent out of the prison by means of head load or cart load or by any other means, they shall be so loaded in the presence of a responsible executive officer or technical assistant concerned. Such loads shall be accompanied with a pass giving the contents of the load. The executive officer or technical assistant concerned shall sign the pass.

Duties of gate-keepers when passing articles out of prison.

(2) The pass shall be handed over at the gate to the gatekeeper who shall, in case of doubt, satisfy himself that the contents mentioned in the pass and the load tally, before allowing the load to go out of the gate.

(3) Any load not accompanied by a pass shall not be allowed to pass out of the gate.

(4) All passes so received at the gate including those for articles brought in the prison as well as passes in respect of admission of persons shall be pasted in a bound book, specially kept for the purpose, according to the chronological order of the dates of their receipt and preserved by the gatekeeper in safe custody. No new bound book shall be brought into use by the gate keeper unless the old one is handed over to the Head Clerk for being preserved in the record room till such time as it is destroyed under the rules.

47. The gatekeeper shall in addition to the Gate Register, maintain a register in Form VII for recording the ingress and egress of head loads and cart loads carried in or out of the prison. Such register shall be placed every Monday before the Senior Jailor who shall check at random entries therein with the entries in the Gate register in order to see that it is maintained properly and all necessary entries are correctly made.

Register for recording ingress and egress of articles.

48. (i) The gatekeeper shall see that on no occasion, both the gates (main gate and the inner gate of the prison) are unlocked simultaneously. One gate shall be kept necessarily locked before the other is opened :

Opening prison gates.

Provided that where there are prisoners other than outfile of prisoners between the two gates, the main gate shall not be opened. On such occasions only the wicket gate shall be opened.

(ii) Subject to the provision of sub-rule (1), the main gate of the prison shall be opened during the day time for any visitor and any prison official of and above the rank of Deputy Superintendent. On other occasions all activities shall be carried out through the wicket gates.

(iii) The main gate shall not be opened at night except in case of emergency and all communications after lock-up shall be done through the wicket gate only.

(iv) No prisoner shall be employed for work between the two main gates without first obtaining the specific sanction of the Superintendent, in writing.

Embezzlement of property and admission of prohibited articles.

49. The gatekeeper shall prevent the embezzlement of prison property and the introduction of any prohibited article such as tobacco, opium, razors, knives; nails, money and letters into prison :

Provided that, drugs and medical or surgical appliances, with the authority of the Medical Officer in writing, and factory articles, raw materials, stores and tools, by an order in writing from a prison official responsible for the same, may be admitted into a prison.

Receipt to be taken for passing articles in stores.

50. The gatekeeper shall not allow any articles to pass in unless the receipt is signed by the official removing such articles inside to the stores.

Search by gate-keeper.

51. It shall be lawful for the gate-keeper for the purposes of the foregoing rules, to search all persons passing in or out of the prison except the members of the Board of Visitors for prison constituted under rule 3 of the Maharashtra Visitors of Prisons Rules, 1962, gazetted officers of the prison, Matron and such other persons who enter the prison with the permission of the Superintendent. The search of all persons including prisoners shall be carried out with due respect for decency and with as much consideration as possible.

Search of exempted persons.

52. If the gatekeeper has reason to believe that a person exempted from search is bringing any prohibited article into or out of the prison, such person shall, subject to the orders of the Superintendent and in his absence of the senior most officer of the prison, be searched by the Senior Jailor.

Gatekeeper to maintain Register.

53. The gatekeeper shall keep in his own handwriting Gate Register as in Form I, a continuous diary of all that happens at his post and shall enter therein the names of every person entering or leaving the prison, the total number and the register number of every gang of prisoners passing in and out, 'with the name of the officer in charge and as complete and accurate a list as practicable of the articles taken in and



out and in each case the hour of entry or exist. This register shall be placed before the Superintendent every week for his checking and initials.

54. The gate-keeper shall be responsible for the safe custody of articles mentioned below which shall be kept in the passage between the main gates and shall handover charge of the said articles to the Guard on duty at the gate on relief, namely :—

Gate keeper to be responsible for custody of articles.

(1) such number of torches with 6 cell batteries in proper working condition, as may be authorised by the Superintendent with the approval of the Inspector General.

(2) a clock,

(3) a general key box with a lock fixed to the wall,

(4) keys of the women's section of the prison in a special box with glass doors,

(5) a stand desk for the gate registers and writing materials,

(6) iron chain,

(7) a board on which details of the population of the prison is written each morning,

(8) a list of visitors and moral lecturers appointed by the Government,

(9) a measure tape (16 metres),

(10) a telephone, (if provided),

(11) a first-aid box.

---

## FORM No. I

**Gate Register**

for the year 19

Date, hour and minute of opening gate and person or articles entering the Prison	Person or articles entering the prison	Date, hour and minute of the person or articles leaving the gate	Person or articles leaving the Prison
1	2	3	4

## FORM No. II

[See Rule 13(6)]

*Prison for the year 19*

Number and date	Orders of Superintendent	Reports of Jailor etc. on Superintendent's order
1	2	3

FORM No. III  
Stores Requisition and Receipt Book

Serial No.	Date of requisition	Supplier	Article	For what purpose	No. of quantity in hand on date of present duty	Monthly consumption	No. of quantity required	Initials of	
								Jailor	Superintendent
1	2	3	4	5	6	7	8	9	10
					Unit	Unit	Unit		

211

FORM No. III—*contd.*

No. of quantity supplied	Rate per unit	value			Date of supply	Initials of		Page of Ledger No. 28	No. of sub-voucher	Initials of Ledger Clerk	Remarks
		Cash purchases	Credit purchases	Invoice supplies		Jailor	Superintendent				
11	12	13	14	15	16	17	18	19	20	21	22
	Rs. P.	Rs. P.	Rs. P.	Rs. P.							

## FORM No. IV

*Note.*—The Superintendent of the Prison is empowered to grant receipts for money paid to the prison for goods purchased from it, and no other receipts granted by any other Prison Official will be regarded as valid.

---

Prison Office, 19

Received from .....  
the sum of Rs. ( ..... )

Bill No. .... of ..... in full/part payment of  
19

Superintendent.

---

## TEMPORARY RECEIPT

No. 15599 ..... of ..... 19

Received Rs. ....

From  
Jailor/s

---

15599 Prison Office, 19

Received from .....  
the sum of Rs. ( ..... )

Bill No. .... of ..... in full/part payment of  
19

Superintendent.

## FORM No. V

*Report Book of ..... for ..... Prison 19*

Serial No.	Report	Orders of the Superintendent	Compliance report
------------	--------	------------------------------	-------------------

## FORM No. VI

*Orderly Officers Diary*

Date	Serial No. of Report	Hour	Report	Orders of the Superintendent	Action taken by the official concerned in compliance with the Superintendent's orders in column 5
1	2	3	4	5	6

FORM No. VII

*Head load and Cart load Register*

Sr. No.	Date and hour of loading	Brief description of the load with details of quantity or number and destination where it is being sent	Name of the official in charge of the load	Designation and signature of the sender	Hour when the load was received by official concerned	Remarks about receipt and/or deficiencies if any noticed	Designation and signature of the receiving officer
1	2	3	4	5	6	7	8

\*FORM No. VIII

(Rule 20)

Lock-up Register for ..... 19 ..

Prison

	Men	Women	Total									
1. Circlewise details —												
Circle No. I												
Circle No. II												
Circle No. III												
Circle No. IV												
Circle No. V												
Separate Cells												
Hospital												
Total	...	...	...									
Received after lock-up	...	...	...									
Grand Total	...	...	...									
2. Categorywise details												
	Circle Nos.											
	I		II		III		IV		Hospital	Cells	Total	
	M	W	M	W	M	W	M	W	M	W	M	W
(1) Under Trials Prisoners												
(2) Prisoners sentenced to S. I.												
(3) Prisoners sentenced to R. I.												
(4) Prisoners sentenced to imprisonment for life												
(5) Prisoners sentenced to death												
(6) Juveniles												
(7) Escapees												
(8) Habituals												
(9) Criminal—Psychotics												
(10) N. Ws.												
(11) C. Os.												
Total	...	...	...	...	...	...	...	...	...	...	...	...
Received after lock-up	...	...	...	...	...	...	...	...	...	...	...	...
Grand Total	...	...	...	...	...	...	...	...	...	...	...	...

\*FORM No. VIII— *contd.*

		Convict Class I			Convict Class II			Under Trials Class I			Under Trials Class II			Grand Total		
		Men	Women	Total	Men	Women	Total	Men	Women	Total	Men	Women	Total	Men	Women	Total
3.	Summary —															
	(1) Opening balance	...														
	(2) Admitted	...														
	(3) Total	...														
	(4) Sent to Hospital	...														
	(5) Released	...														
	(6) Balance	...														
4.	Hour of lock-up															
5.	*Certificate about—															
	(1) Bars, Doors, Windows	...														
	(2) Keys, Lock, etc.	...														
	(3) Ladders	...														
	(4) Tools, Plants, etc.	...														
	(5) Handing over charge by the relieved and relieving officer.															
	*Note.—These certificates should be recorded by the Orderly Officer for the day in his own hand.															
6.	Prison locked for the night at															
					Orderly Officer for the day.			Orderly Officer for the Night.			Senior Jailor.					
7.	Details of the staff on Night duty —															
		Orderly Officer	Shri											Time		
	Main Gate		1. Shri											From	To	
		Guarding Staff	2. Shri													
			3. Shri													



Circle No. I	...	<u>Amaldar in charge</u> Guarding staff	Shri 1. 2. 3.
Circle No. II	...	<u>Amaldar in charge</u> Guarding staff	Shri 1. 2. 3.
Cells	...	<u>Amaldar in charge</u> Guarding staff	Shri 1. 2. 3.
Hospital	...	<u>Amaldar in charge</u> Guarding staff	Shri 1. 2. 3.

217

8. Details of night visits :

Time of arrival	Name of visitor	Place visited	Time of Departure	Initials of Visitor / Orderly / Officer
Orderly Officer for night duty	Orderly Officer for day	Sr. Jailor	Superintendent.	

\*Subs. by Govt. Notification, Home Department, No. RJM-1071/36853 (ii)—XVI, dated 10th November 1972.

*SECTION II : NON-STATUTORY RULES*

Visits to and  
report on persons  
confined in  
Prisons under  
Sections 466 and  
471 Cr. P. C.

1. (i) Section 30 (1) of the Indian Lunacy Act, 1912 provides that the Inspector General of Prisons shall at least once in every six months visit and submit a special report as to the state of mind of every person confined in Prison under the provisions of section 466 or 471 of the Code of Criminal Procedure, 1898 or under the provisions of section 103-A of the Indian Army Act, 1911. This report has to be submitted by the I. G. Prisons to the authority under whose order the person is detained in the Prison.

(ii) In accordance with sub-section (2) of section 30 of the Indian Lunacy Act, the State Government has empowered the Superintendent of a Prison in which any person mentioned in sub-rule (1) above is detained to discharge all the functions of the I. G. Prisons under sub-section (1).

Certificates under  
Sections 473 and  
474 Cr. P. C. in  
respect of  
persons detained  
under Section  
466 or 471  
Cr. P. C.

2. When a person is detained in a prison under the provisions of section 466 of the Criminal Procedure Code, the I. G. Prisons is required to issue a certificate in accordance with section 473 of the Criminal Procedure Code when the person detained is, in his opinion, capable of making his defence. Likewise in accordance with section 474 of the Criminal Procedure Code when a person is detained under the provisions of section 466 or 471 of the Criminal Procedure Code, the Inspector General of Prisons is required to certify that in his judgment he may be released without danger of his doing injury to himself or to any other person.

The functions of the I. G. Prisons under sections 473 and 474 of Criminal Procedure Code and referred to above in this rule have, in accordance with section 471 (2) of the Criminal Procedure Code been made exercisable by the Superintendent of the Prison wherein the person concerned is detained.

3. The following points should be observed while sending material such as notices etc., for publication to the Directorate of Publicity :—

(i) In the case of material intended to be released as a news item or as a Press note, it should have instructions in bold type at the top of the forwarding letter such as “Material for Press Note (or news item) without payment”.

(ii) The number and the language of papers in which the advertisement is to be issued, and

(iii) The name of the Officer and/or office to whom the bills if any are to be sent for payment.

(iv) The Superintendent or the Jailor-*cum*-Superintendent shall, whether proceeding on casual leave or any other kind of leave keep his address in the Prison Office and report the same to the Inspector General.

(v) The Superintendent shall visit the women's prison or women's section of the prison not at any particular appointed time but at any time during the day without intimation in order to find out tactfully whether the prisoners get proper treatment from the women Jailor and other prison staff.

(vi) The duties and functions of various officials mentioned in the statutory rules shall be in addition to those prescribed elsewhere whether in the Act or in the Rules or under executive instructions or otherwise.

(vii) *Action to be taken by Superintendent in case of suits against Government etc.*—He shall apply for permission to defend a suit brought against Government by a private party and no suit shall be instituted on behalf of Government without the express sanction of Government.

(viii) “The Senior Jailor shall ensure that every prisoner sentenced to 6 months and above has a history form maintained for him.”

---

## CHAPTER XV

### PRISON VISITORS

#### SECTION I : STATUTORY RULES

[Government Notification, Home Department, No. 1058 (XV)—IV,  
Dated 30th April 1962]

In exercise of the powers conferred by clause (25) of section 59 of the Prisons Act, 1894 (IX of 1894), and of all other powers enabling it in that behalf and in supersession of the rules relating to visitors of Prisons in force in any part of the State, the Government of Maharashtra hereby makes the following rules, namely :—

Short title and  
commencement.

1. (i) These rules may be called, 'The Maharashtra Visitors of Prisons Rules, 1962'.

(ii) They shall come into force on the 1st day of June 1962.

Definitions.

2. In these rules, unless the context requires otherwise—

(a) "Board" means a Board of Visitors constituted in accordance with the provisions of these rules,

(b) "Chairman" means the Chairman of the Board,

\*(b-1) 'Police Officer' ("including any officer who is competent to investigate any offence under any law for the time being in force").\*

(c) "Prohibition Officer" shall have the meaning assigned to it in clause (35) of section 2 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949),

(d) "Visitor" means a member of the Board.

Board of visitors

3. There shall be a Board of Visitors for each prison in the State consisting *ex-officio* visitors and non-official visitors appointed under these rules.

†Provided that, the State Government may not appoint a Board of Visitors for any prison, regard being had to the safety or security of the prisoners therein, the history or background in which they have been confined in such prison, the nature of the crime committed by them, the circumstances leading to such crime and any other factor relevant in relation to any such prison or prisoners confined therein.†

---

\* — \* Added by Government Notification, Home Department, No. RJM-1058 (XV) 22907 IV, dated 22nd May 1965.

† — † Added by Government Notification. Home Department, No. NVJ-1268/C268, dated 22nd July 1969.

4. The following officers shall, in respect of prisons located within their respective jurisdiction, be *ex-officio* visitors, namely :— Ex-officio visitors

- (1) The Sheriff of Bombay,
- \*(2) Presidency Magistrates, Greater Bombay,\*
- (3) Sessions Judges,
- (4) District Magistrates,
- (5) Sub-Divisional Magistrates,
- (6) Taluka Magistrates,
- (7) The Inspector General of Police,
- (8) The Commissioner of Police, Greater Bombay,
- (9) Deputy Inspector General of Police,
- (10) District Superintendents of Police,
- (11) The Commissioners of Divisions,
- (12) Superintending Engineers,
- (13) Executive Engineers
- (14) The Surgeon General with Government of Maharashtra,
- (15) Civil Surgeons who are not medical officers of prisons,
- (16) The Director of Public Health,
- (17) The Assistant Director of Public Health,
- (18) District Health Officers,
- (19) The Director of Education,
- (20) The Director of Social Welfare,
- (21) Educational Inspectors,
- †(22) [The Mayor of any Municipal Corporation constituted under any law for the time being in force in the State.]†
- (23) †[The Commissioner or the Chief Executive Officer of the Municipal Corporation constituted under any law for the time being in force in the State.]†
- (24) The President of a municipality constituted under any law for the time being in force in the State.
- (25) Any other officer nominated by the State Government.

5. (i) There shall ordinarily be eleven non-official visitors, for the prisons in Greater Bombay, nine for each of the central prisons; six for each of the district prisons, Class I and four for each of the remaining prisons.

Non-official  
visitors

\*—\* Substituted by Govt. Notification, Home Department, No. RJM-1058 (XVI)-IV, dated 2nd August 1962.

†...† Substituted by Govt. Notification, Home Department. No PVP-1371/1 (XVI), dated 23rd May 1973.

- (ii) Subject to the provisions of sub-rule (iii),—
  - (a) the eleven visitors for the prisons in Greater Bombay shall be—
    - (i) five members of the Maharashtra Legislature, and
    - (ii) six persons to be nominated by the State Government of whom not less than three shall be women;
  - (b) the nine visitors for each of the Central prisons shall be—
    - (i) four members of the Maharashtra Legislature, and
    - (ii) five persons to be nominated by the State Government of whom not less than two shall be women;
  - (c) the six visitors for each of the district prisons, Class I shall be—
    - (i) three members of the Maharashtra Legislature, and
    - (ii) three persons to be nominated by the State Government of whom ordinarily not less than one shall be a woman;
  - (d) the four visitors for each of the other prisons shall be—
    - (i) two members of the Maharashtra Legislature, and
    - (ii) two persons to be nominated by the State Government of whom one at least shall be a woman,
  - (iii) No person shall be appointed as a non-official visitor unless he or she is willing to serve as such visitor.

Appointment of  
non-official  
visitors.

6. (i) The appointment of non-official visitors (other than members of the Maharashtra Legislature) shall, subject to the provisions of sub-rule (4), be made by the State Government from amongst persons who in its opinion, are interested in the administration of prisons and are likely to take interest in the prisoners and their welfare both while they are in prison and after their release.

(ii) The appointment of members of the Maharashtra Legislature as visitors shall, subject to the provisions of sub-rules (iii) and (iv), be made by the State Government annually from amongst the members of the Maharashtra Legislative Assembly representing Greater Bombay, or as the case may be, the District, in which the prison is situated and from amongst the members of the Maharashtra Legislative Council residing in Greater Bombay, or as the case may be, the district, in which the prison is situated.

(iii) The appointment of the members of the Maharashtra Legislature under sub-rule (2) shall be made by turns to be fixed jointly by such members themselves within such period as may be communicated to the members concerned by the Chief Presidency Magistrate in Greater Bombay and elsewhere by the District Magistrate concerned. Where the members fail to fix their turns, the Chief Presidency Magistrate in Greater Bombay and the District Magistrate concerned, elsewhere, shall fix such turns by drawing lots provided the name of any lady member of the Maharashtra Legislature shall not be included in such lot unless she is willing to serve as such visitor.

(iv) The tenure of office of visitors appointed under sub-rule (i) shall ordinarily be three years, and of the members of the Maharashtra Legislature shall be one year or till the member ceases to be a member of the Maharashtra Legislature, whichever is earlier.

(v) All appointments made under this rule shall be notified in the *Official Gazette*.

*Explanation.*—For the purpose of this rule, a member of the Maharashtra Legislature shall not include a Minister, Deputy Minister or Parliamentary Secretary or the Speaker or the Deputy Speaker of the Maharashtra Legislative Assembly or the Chairman or the Deputy Chairman of the Maharashtra Legislative Council.

7. The Chief Presidency Magistrate, Bombay, in Greater Bombay, and the District Magistrate elsewhere, shall be the Chairman of the Board. In the absence of the Chairman, the meetings of the Board shall be presided over by the Sessions Judge (or by the senior most Sessions Judge if there be more than one present). \*[If at any meeting of the Board, the Commissioner of the Division is present, he shall preside over such meeting.]\*

Chairman of Board.

8. Notwithstanding anything contained in the foregoing rules, the State Government may, at any time, terminate the appointment of any person appointed as a visitor, *ex-officio* or otherwise.

Power of Government to terminate appointment of visitors.

9. Every visitor shall, on appointment, be provided with a copy of these rules.

Every visitor to be provided with copy of rules.

10. A list of the visitors of the prison shall be posted in a conspicuous place between the two Prison Gates.

List of visitors to be posted at Prison Gates.

---

\*—\* Added by Government Notification, Home Department No. RJM-1063/34031-IV, dated 20th March 1964.

Meetings of  
Board—Visits to  
prisons.

11. (i) The Chairman shall convene a quarterly meeting of the Board in the months of January, April, July and October to carry out the duties specified in these rules.

(ii) The Chairman shall arrange a weekly programme of visits to a prison by one of the visitors and the Superintendent of that prison shall give timely intimation to the visitor concerned of the prison and of the week in which he is required to visit the prison in accordance with the programme arranged as aforesaid,

(iii) The Chairman shall also likewise arrange for the periodical inspection of women's wards in a prison by lady visitors.

(iv) Notwithstanding anything contained in sub-rules (ii) and (iii)—

(a) any visitor may visit any prison for which the Board (of which he is the member) is appointed on any day at any time during the day in addition to his or her weekly visit arranged by the Chairman under sub-rule (ii) or (iii),

(b) an *ex-officio* visitor whose headquarter is situated at a place other than the place where a meeting of the Board is held or the prison is situated may not attend the quarterly meetings or pay weekly visits as arranged by the Chairman; but such visitor shall so far as is practicable visit the prison in the course of inspection tour of his subordinate offices located at the place where the prison is situated,

(v) No visitor shall nominate a substitute to function in his place for the purpose of these rules.

Conveyance  
allowance to non-  
official visitors.

12. A non-official visitor shall be entitled in respect of every visit to a prison made in pursuance of the provisions of these rules to such conveyance charges as may be sanctioned by the State Government from time to time.

Visitors not to  
visit after lock-up  
and on Holidays  
and Sundays.

13. Except for special reasons, which shall be recorded in the Visitors' Book, no visitor shall inspect any prison on Sundays and Jail Holidays, or between the hours of 6 p. m. and 6 a. m.

Visitors to be  
accompanied by  
officer and escort  
during inspection  
of prison.

14. On arrival of a visitor in a prison, the officer, if any, on duty at the gate or the Gatekeeper shall arrange for an Executive Officer to accompany the visitor with adequate escort. No visitor shall be allowed to proceed further unless accompanied by the Executive Officer with adequate escort.



15. Visitors may at the time of their visits make a note of the number of prisoners confined in undertrial yards and their respective periods of detention and may make a report in the Visitors' Book about the cases of undertrial prisoners which appear to have been unduly delayed beyond the prescribed period of three months.

Period of deduction of undertrial prisoners to be watched by official visitors.

16. All visitors may, as far as possible—

Duties of visitor

(a) inspect the barracks, cells, wards, worksheds and other buildings of the prison,

(b) ascertain whether—

(i) considerations of health, cleanliness and security are attended to,

(ii) proper management and discipline are maintained in every respect,

(c) examine—

(i) the registers of convicted and undertrial prisoners,

(ii) the punishment book,

(iii) other prison registers containing entries relating to prisoners,

(iv) the prison accounts containing entries relating to prisoners,

(d) hear and attend to all representations and petitions made by prisoners or see and question any prisoner out of hearing, but not out of sight, of the jail officer,

(e) direct, if deemed advisable, that any such representations or petitions including appeal and mercy petitions withheld by the Superintendent under rules in force be forwarded to the State Government,

(f) enter in the Visitors Book,—

(i) the date and hour of the visit,

(ii) any remarks as to the result of the inspection,

(g) call for from the jail record any book wherein entries relating to prisoners are made and inspect it unless the Superintendent for reasons to be recorded in writing refuses to allow such inspection on the ground that it is not desirable so to do in the public interest.

17. (i) No visitor shall have access to such prisoners or class of prisoners as the State Government may from time to time specify.

Access to certain prisoners by visitors prohibited.

(ii) The State Government may appoint the District Magistrate or any other person or persons to visit such prisoners or class of prisoners specified under sub-rule (1) and may issue such instructions for the guidance of the person or persons so appointed as it may think fit,

Action on  
remarks by  
visitors.

18. (i) Where any visitor has brought to notice any grave irregularity or other important matter requiring immediate attention or where any remarks made by a visitor require specific attention, the Superintendent of the prison shall at once forward a copy of the visitors remarks recorded in that behalf in the Visitors' Book to the Deputy Inspector General of Prisons (Regional) and the Superintendent shall also forward to the Deputy Inspector General of Prisons (Regional) a copy of every other entry made by a visitor in the Visitors' Book on the first day of the month immediately following the month in which such entry was made with such remarks as the Superintendent may desire to offer.

(ii) The Deputy Inspector General may take such action and pass such orders in respect of any communication received by him under sub-rule (i) as he considers appropriate and he may, where he deems fit so to do, bring any matter to the notice of the Inspector General of Prisons. The Superintendent shall also in due course inform in writing the visitor concerned or the Board, as the case may be, about the action taken.

Visits to prisons  
by persons other  
than Prison  
Officers and  
visitors.

19. (i) Save as hereinbefore provided and subject to the provisions of sub-rule (ii), no person other than a prison officer or a visitor shall be allowed to enter a prison without the previous permission of the Superintendent \*[the Deputy Inspector General of the Region]\* the Inspector General of the State Government. Every such person shall be accompanied by a jailor.

† [“ Subject to the provisions of rule 17, permission to visit any prison may be granted,—

(a) In the case of any person conducting research studies who is sponsored by any statutory University or Research Organisation recognised by the Government, by the Superintendent; provided that such research worker agrees in writing to take adequate precautions that in his thesis or research paper to be published or presented to any University or Educational Institution on the conclusion of his research, the identity of

\*—\* Substituted by Government Notification, Home Department No. PVP-1371/1/XVI, dated 23rd May 1973.

†— † Added by Government Notification, Home Department, No. PVP-1371/1/XVI, dated 23rd May 1973.

any individual prisoner is not disclosed and to submit such thesis, paper or publication to the Government for approval before it so published or presented ;

(b) In the case of a person who desires to visit any prison as a part of his academic curriculum in any University or other recognised Educational Institution, by the Deputy Inspector General of Prisons of the region concerned at the request of the appropriate educational authority;

(c) In the case of representatives of the Press by the Inspector General of Prisons, subject to the condition that such representative undertakes in writing not to publish any material relating to his visit to the prison without the previous approval of Government ;

(d) In the case of any person desiring to visit only a specific yard of a prison like the Gandhi Yard and Tilak Yard in Yeravda Central Prison, Vinoba's cell in Dhulia district Prison and such other spots of historical interest by the Superintendent of the prison, concerned.

(e) In any other case, by the Superintendent, Deputy Inspector General of Prisons or the Inspector General of Prisons, subject to the condition that such person agrees to abide by the conditions as the Superintendent or Deputy Inspector General of Prisons or as the case may be, the Inspector General of Prisons may consider necessary in the case." ] †

20. (i) Except in such special circumstances as may be determined by the Superintendent, the Superintendent may, with a view to affording an opportunity of recognising old offenders, permit, not oftener than once a week, a Police Officer duly deputed in the Greater Bombay by the Commissioner of Police, and elsewhere, by the District Superintendent of Police to have access in the prison office to the admission register and release diary; and it shall be lawful for the Police Officer on the basis of this register and diary to prepare lists of prisoners admitted during the week immediately preceding that in which the inspection was made, of prisoners likely to be discharged in the week following such week and of any unidentified prisoners still under police enquiry, whom the Police may have to inspect on parade.

Power of Police  
Officers to visit  
prisons.

(ii) The prisoners who have been convicted under Chapters XII, XVI, XVII and XVIII of the Indian Penal Code of offences punishable with three years, or of attempts to commit offences punishable under sections 328, 363, 364, 365, 366, 366-A, 367, 368 and 369, persons bound down under Sections 109 and 110 of the Code of Criminal Procedure, 1898 and undertrial prisoners whose names are contained in a list prepared under sub-rule (1) shall be paraded at the weekly parade, separately from others; and Police Officers (not exceeding twenty in number), selected by the Commissioner of Police, or as the case may be, the District Superintendent of Police shall be permitted to inspect all these prisoners in the presence of a Jailor. The Police Officers shall not be permitted to hold communications with any prisoners except such as is necessary for the purpose of identification;

Provided that no woman prisoner shall be paraded for the inspection of Police Officers.

(iii) The Superintendent shall for purposes of sub-rules (1) and (2) inform the Commissioner of Police and the District Superintendent of Police of the hour at which the Police Officer can have access to the Prison Office and of the day on which the weekly parade of prisoners will be held.

Power of certain  
officers to  
interrogate  
prisoners etc.

21. (i) (a) The Inspector General of Police, Deputy Inspector General of Police, the Commissioner of Police, Greater Bombay and District Superintendents of Police elsewhere than in Greater Bombay may authorise by letter any Police Officer not below the rank of an Inspector in Greater Bombay and of Sub-Inspector elsewhere (unless for special reasons recorded in such letter a Police officer of a lower rank is specified); or

(b) Any prohibition officer not below the rank of Assistant Collector of Excise may likewise authorise by letter any prohibition officer not below the rank of an Inspector (unless for special reasons recorded in such letter, a prohibition officer of a lower rank is \* “Specified) to interrogate any prisoner or to bring witnesses or informers to the prison for the purpose of identifying any prisoner or prisoners; should such a course be necessitated during the investigation of any case, such letter shall be addressed by the officers aforesaid to the Superintendent of the Prison concerned”\*

(ii) The Superintendent on receipt of a letter addressed to him under sub-rule (i) shall permit—

---

\*—\* Substituted by Government Notification, Home Department, No. RJM-1058 (XV)/ 22907-IV, dated 22nd May 1965.

(a) the officer specified in the letter to interrogate the prisoner in the presence but not within the hearing of the jailor or some other officer approved by him and also witnesses and informers to be brought in the prison for the purpose aforesaid :

Provided that no prisoner or prisoners shall be paraded by any Jailor before such witnesses or informers for identification except along with a number of prisoners clad in a similar manner.

(iii) Except as provided in sub-rule (i), no police officer or a prohibition officer (neither of such officer being an *ex officio* visitor) shall interrogate any prisoner.

## *SECTION II : NON-STATUTORY RULES*

1. The Inspector General shall be an *ex officio* visitor of the Central Mental Hospital, Yeravda, and the Yeravda Industrial School, Yeravda.

Inspector General  
to be *ex officio*  
visitor of certain  
institutions.

2. Every Deputy Inspector General (Regional) shall be an ex-officio visitor of all the mental hospitals (other than the Yeravda Mental Hospital) situated in his region.

Deputy Inspectors  
General  
(Regional) to be  
*ex officio* visitors  
of Mental  
Hospitals.

---

## CHAPTER XVI

**MANAGEMENT OF PRISONS, MAINTENANCE OF RECORDS  
AND OFFICE PROCEDURE***SECTION I : STATUTORY RULES*

[Government Notification, Home Department No. RJM-1058-(vi) XVI,  
dated 10th June 1970]

In exercise of the powers conferred by clauses (10) and (28) of Section 59 of the Prisons Act, 1894 (IX of 1894), in its application to the State of Maharashtra and of all the powers enabling it in that behalf and in supersession of the rules relating to the management of Prisons and maintenance of records in force in any part of the State, the Government of Maharashtra, hereby makes the following rules, namely :—

Short title and  
commencement.

1. (i) These rules may be called the Maharashtra Prisons (Management of Prisons and Maintenance of Records) Rules, 1970.

(ii) They shall come into force on the 1st day of July 1970.

Working hours of  
prisoners.

2. (i) Every prison shall remain open daily from sunrise to sunset. The office of a prison shall remain open from 8 a. m. to 12 noon and 2 p. m. to 6 p. m. except on Sunday and Holidays as may be prescribed by Government.

(ii) Except the Jail guards, the prison staff including the Superintendent shall attend to their duties for not less than seven hours daily except on Sundays and Holidays. The jail guards shall attend to their duties for not less than eight hours daily including the night duty.

(iii) The working hours of the Deputy Superintendent, Jailor, Clerks, Medical Staff and Technical Staff shall be fixed by the Superintendent and shall be recorded in Register No. 12 (Form I). The working hours shall be so fixed that at least one Jailor and one Medical Officer or a Compounder remains on duty from the time of unlocking of the prison till its lock-up and that at least one clerk remains on duty during the working hours of a prison referred to in sub-rule (1). No Jailor, Clerk, Medical Officer or Compounder shall leave the main gate of the prison on any ground unless he has personally ascertained and satisfied himself that his reliever has resumed duty and is present either inside the prison or, as the case may be, in the prison office.

\*(iv) (The Superintendent shall attend the prison not later than 8.30 a. m. on every working day, and on Sundays and holidays whenever special circumstances render, if necessary for him to do so, and satisfy himself that every thing there at is in order.

Provided that, in the case of two or more consecutive holidays, the Superintendent shall visit the prison at least once in every two such holidays at any time convenient to him.)\*

3. Where the Superintendent is unable to attend the prison on any day, he shall give timely intimation of his absence to the next Senior Executive Officer and shall, as soon as possible, submit a report of his absence to the Inspector General, in case he is a Superintendent of Central Prison, and in other cases to the Deputy Inspector General (Regional).

Superintendent to give intimation of his absence.

4. The Superintendent shall fix the number of Jailors required to be present for the daily opening and locking-up of the prison. The Senior Jailer shall see that the number of Jailors so fixed attend the prison.

Opening and locking-up of prison.

5. The jail guards on day duty shall be mustered in the morning and those on night duty in the evening by the Subhedar or Jamadar who shall report the result to the Senior Jailer.

Mustering of Jail guards.

6. (i) Where any subordinate Officer of a prison is unable to attend to his duties due to illness or any other cause, he shall give or send immediate report in writing to the Superintendent through his next immediate superior officer who shall make necessary arrangement to carry out the duties of the absentee. If the absence is due to illness, the Medical Officer may be instructed to examine and report about the likely duration of such absence.

Prison staff to give intimation of their absence.

(ii) Where any subordinate officer of a prison is summoned by a court, he shall at once given notice thereof to the Senior Jailer who shall enter the information in the Jailer's Report and shall make such arrangements as may be necessary for the performance of the duty of such officer during his absence.

7. Senior Jailer, Head Clerk and Medical Officer shall not leave the prison without the permission of the Superintendent.

Absence of Senior Jailer etc. from prison.

---

\*—\* Substituted by Government Notification, Home Department No. RJM-0172/8 (VI)-XVI, dated 10th October 1974.

Submission of  
periodical returns.

8. A list of the periodical returns to be submitted by each jailor and clerk with the dates on which they are due for submission shall be placed on the table of the Superintendent and copies thereof (one each) on the tables of the Senior Jailor and the Head Clerk who shall see that the returns are submitted on the due dates. If the submission of any of the returns is delayed beyond the due date, the explanation of the Jailor or, as the case may be, of the clerk responsible for the delay shall be obtained and submitted to the Regional Deputy Inspector General or the Inspector General with the remarks of the Superintendent thereon.

9. *Following Registers shall be maintained at every prison—*

- (1) Register of Under Trial Prisoners.
- (2) Register of Private property of Convicted Criminal Prisoners.
- (3) Register showing the description of Convicted Criminal Prisoners.
- (4) Release Diary of Convicted Criminal Prisoners.
- (5) Remission Register.
- (6) Register of punishments inflicted on prisoners.
- (7) Register of Escapes.
- (8) Register of Visitors.
- (9) Register of prisoners sent to Courts under the Prisoner's Act, 1900.
- (10) Register of Appeals.
- (11) Employment Register.
- (12) Diet Register of Prisoners.
- (13) Grain Store Register.
- (14) Register of grinding and wastage account.
- (15) Store Requisition and Receipt Book (Dietary).
- (16) Ledger of States Journal.
- (17) Ledger of raw materials.
- (18) Ledger of manufactured articles.
- (19) Prison Cash Book.
- (20) Register of Contingent Charges.
- (21) Receipt Book.
- (22) Factory Contingent Register.
- (23) Factory Cash Book.
- (24) Store Requisition and Receipt Book (Contingencies).



- (25) Money Order Book.
- (26) Garden Register.
- (27) Register of daily manufacture of articles showing the expenditure of raw materials.
- (28) Ledger of raw materials.
- (29) Register of Manufactured Articles.
- (30) Store Requisition Book.
- (31) Muster Roll.
- (32) Clothing Register for Prisoners.
- (33) Sales Journal.
- (34) Register of daily manufacture of articles showing the expenditure of raw materials.
- (35) Factory Order Book.
- (36) Store Requisition Book.
- (37) Lock up Register.
- (38) Gate Register.
- (39) Medical Officer's Journal.
- (40) Register of prisoners showing particulars of health.
- (41) Register of Sick.
- (42) Convalescent Register.
- (43) Register of extra diet to prisoners in and out of hospital.
- (44) Requisition Book for Hospital.

10. *Superintendent responsible for maintenance of registers, etc.*—The Superintendent shall—

- (1) satisfy himself that necessary entries including those relating to monetary transactions, are duly made in the registers and books daily,
  - (2) see that the cash balance tallies with that shown in the cash book,
  - (3) take necessary action for the recovery of the amount due to the prisoner,
  - (4) see that necessary securities are duly deposited with him by the prison officials and contractors,
  - (5) remit to the treasury the money received in the prison office for being credited to Government account at least once a week or as often as may be necessary so as to avoid accumulation of a sum of money exceeding Rs. 300 in the prison chest.
-

No. and date		Orders of Superintendent	Reports of Jailor etc. on Superintendent's orders
1		2	3

## SECTION II : NON-STATUTORY RULES

[Approved by Government Letter, Home Department No. RJM-1058  
(VI)-XVI, dated 19th September 1970]

In supersession of the orders and rules and practices relating to working and management of prison office which are in force in any part of the State, the following non-statutory rules are framed which should be brought into force with effect from 1-11-1970.

### WORKING AND MANAGEMENT OF A PRISON OFFICE

1. The office of a prison should remain open from 8 a. m. to 12.00 noon and from 2.00 p. m. to 6 p. m. except on Sundays and the Holidays. The Superintendent should arrange to keep the prison office open on Sundays and holidays at least for two hours from 10.00 a. m. to 12.00 noon so that urgent and immediate work can be attended to.

Working hours  
of prisons.

- (a) The following sections should be organised in prison office :—
- (i) Mail branch
  - (ii) Judicial section
  - (iii) Canteen section
  - (iv) Dietary section
  - (v) Industries section
  - (vi) Establishment section
  - (vii) Building section
  - (viii) Registry branch
  - (ix) Confidential
  - (x) Miscellaneous section and
  - (xi) Accounts Branch (when sanctioned by Government);

Office  
Organisation.

*Note.*—Prison Superintendent should issue detailed standing orders regarding which items should be included under each section).

(b) Distribution of work among the staff shall be decided by the Superintendent of prison and an office order showing the distribution of work shall be maintained in the Superintendent's order book. A Jailor or a clerk should be put in charge of each section or branch, whose responsibility will be to ensure that the registers to be maintained by the officials working in his section are written correctly and are always kept upto date and that returns and other periodicals are prepared correctly

and submitted to the authority concerned on the due dates. The section head should record a report in Register No. 13 on every Monday to the effect that all the concerned registers and other records have been maintained upto date in every respect and that they are also checked regularly, by the officials concerned. Omissions or lapses, if any, in this regard should also be recorded in Register No. 13 while recording the weekly report. Specimen of report is given in Appendix I.

Opening of Tapal

(c) (i) Covers addressed to the Superintendent or the Deputy Superintendent by name should be sent to him unopened forthwith. If the Superintendent or the Deputy Superintendent is absent or on, tour or leave, such covers should be sent to the Senior Jailor or other officer who is looking after his work.

(ii) Confidential covers addressed to the Superintendent or the Deputy Superintendent by name or by designation should be sent to him forthwith unopened.

(iii) All other tapal should be opened by the Superintendent and/or by Deputy Superintendent (where there is one) tapal should, be, stamped with an office stamp bearing the name of the office, date of receipt and the inward number by the clerk working in the mail branch of the prison office.

(iv) All Government communications and those from the Inspector General of Prisons, Deputy Inspector General of Prisons (Hd. Qrs.), the Regional Deputy Inspector General of Prisons and any other important and urgent communication should be submitted to the Deputy Superintendent (where there is one) and the Superintendent for perusal immediately.

Marking of Tapal

2. (i) All the Tapal opened and stamped should be marked to the clerk or the jailor or other official, according to the subject matter of the communication or according to the reference given in the communications wherever feasible. When there is a doubt about the proper allocation of receipt, Superintendent or the Deputy Superintendent should be consulted in the matter,

(ii) While marking the Tapal, it should be seen that enclosures mentioned in the communications are attached. If it is noticed that enclosures are not attached to any communications, mention thereof shall be made on the communication by the marking clerk over his dated initials.

(iii) A chart showing all the subjects dealt with by each clerk or jailor or other official should be maintained by the clerk working in the mail branch of the prison office.

(iv) The marking and sorting of Tapal should be simultaneous process.

(v) All the marked letters should be entered in the inward register by the clerk working in the mail branch, a fresh series of number should be started on the 1st of January every year. These running serial numbers should be entered on every communication at the appropriate place. The date should be mentioned prominently in the inward register before starting registration of Tapal every day. Tapal from Government, Inspector General of Prisons/Deputy Inspector General of Prisons should be entered in red ink. After the receipt of Tapal which is entered in the register, it should be distributed immediately to the clerk, jailor or other official concerned who should acknowledge receipt of such communications.

(vi) Confidential and secret letters should be stamped and registered in a separate inward register by the Jailor who is entrusted with this work by the Superintendent. He should personally hand over the confidential letters to the clerk or Jailor concerned and secret letters to the Senior Jailor and obtain receipt from the official concerned for each such communication in the last column of the inward register against the relevant entry or entries concerned.

(vii) Reference about legislative Assembly questions should be entered in a separate register which will be in-charge of the Superintendent.

(viii) Wireless messages, telegrams and immediate communications should be registered in the register on priority basis and personally handed over to the concerned official without delay.

3. (i) *Perusal in the first instance.*—After receipt of Tapal, the clerk, Jailor or other concerned official should read them one by one and sort them out according to priority. Immediate and urgent receipts should be dealt with first but care should be taken to see that other receipts do not lie unattended to for a long time.

Action on  
Receipts.

(ii) Enclosures should also be checked and if found short or missing, it should be brought to the notice of the section head, who should issue necessary instructions.

4. (i) All letters received should be entered in the worksheet whether received for action, information or for any other reason whatsoever. The work sheet should be maintained in the prescribed form (Appendix II).

(ii) The following items should be treated as receipts for the purpose of the work sheet.

- (a) All official and unofficial communications received and diarised.
- (b) Resubmission cases received back from officers.
- (c) Reminders.

(iii) After a receipt is disposed of, an entry regarding the date of disposal should be made in the work sheet. In the remarks column, brief notes about disposal should be kept.

Weekly abstract of  
worksheets.

5. A weekly abstract of arrears in the form (Appendix III) should be prepared and shown personally to the Deputy Superintendent, (where there is one) or to the Superintendent, on Monday morning, after it is scrutinized and initialled by the section head concerned.

Method of  
disposal.

6. (i) All letters from private parties, where replies are not expected to be given within a week, should be acknowledged immediately.

(ii) In case, the reply is called for by a particular date, but when it is not possible to do so, an interim reply should be sent on or before the specified date explaining the cause or inability to reply by specified date. In order to facilitate the submission of the reply or interim reply by the specified date, a brief note, indicating to whom and on what subject reply is to be sent, should be recorded in a separate register which should contain datewise pages for a year (Appendix IV).

Arrangement of  
Daftar.

7. The clerk, jailor or other official concerned, should arrange his files and papers pertaining to his table in the following categories :—

- (i) Immediate papers which need to be disposed of within two days,
- (ii) Urgent papers which need to be dealt with within four days,
- (iii) Current papers to be arranged in chronological order and classified weekwise in three folios as under :—

- (a) Papers pending over one week ;
- (b) Papers pending over two weeks ;
- (c) Papers pending over three weeks ;
- (iv) Confidential papers (if any),
- (v) Standing orders,
- (vi) Papers to be sent to the record room,
- (vii) While arranging the papers, care should be taken to see that old references in the folio remain on the top.

(viii) When there are many urgent and immediate references, they may be taken for disposal according to the nature of priority. After disposing of urgent papers and references over two weeks, the references pending over one week should be taken for disposal. On every Monday, classification of references should be changed by transfer of references upto one week to over one week's folio and so on. This would help the official concerned to know the position of the arrears pending and facilitate in preparing weekly worksheet.

8. The official dealing with correspondence should sort out all the cases in await *i. e.* cases which have not been finally disposed of, and arrange them separately in a chronological order according to the await dates. He should send the reminders on the await cases except the cases which are to be reminded on specified dates.

Await files

9. The official concerned should collect all the files pertaining to the reports and returns on his table and arrange them periodwise. There should be two parts for each file, part I should contain only orders and instructions regarding reports and returns and it will be a permanent record. Part II should contain periodical reports received and their disposal. This will be a record to be destroyed after a prescribed period of preservation.

Periodical reports

10. It is necessary for the staff members to know the rules and contents of the Government Resolutions, executive instructions and circular orders issued by the Deputy Inspector General of Prisons and/or by the Inspector General of Prisons from time to time. Head of each section *i. e.* judicial, factory, canteen, dietary, industries, establishment, building and miscellaneous should maintain separately a collection of rules, orders and executive instructions pertaining to the subjects dealt with in his section. He should also bring it up to date. In addition to the standing orders pertaining to establishment matters, head clerk should maintain a collection of rules, orders and executive instructions on miscellaneous subjects except on matters pertaining to medicines, hospital equipment etc., the standing order files on which subject should be maintained by the compounder. These standing order files will help the official concerned in disposing of cases or in maintenance of registers or in preparation of returns/report without delay and in the desired manner from the quality point of view. The collection of rules, orders, and instructions should be maintained subjectwise with proper index.

Standing order file.

Papers to go to  
record.

11. (i) Whenever await cases are closed, they should be taken out from await files and kept separately. The closed files which are kept for day-to-day references should also be kept in this folio. The official concerned should see that closed files and closed registers which are not required of and on for reference purposes are sent to the record room in accordance with the detailed instructions given in the A. B. C. D. list. This will give enough space for arranging current files on his table and also facilitate arrangement of the current jail registers. A list of closed files, papers and registers sent to the record room should be maintained in prison office.

(ii) "D" class papers should be kept with the clerks, jailors or other officials concerned for a period of one year, arranged in separate bundle for each month. These papers should not be sent to the record room but destroyed as per standing orders after a period of one year.

12. (i) The calendar of returns and other periodicals to be prepared and sent by the jails to the offices of the Deputy Inspector General and Inspector General of Prisons is given in appendix-V. The Superintendent should ensure that the returns and other periodicals are prepared and sent to the authority concerned on the due dates.

(ii) A list of the periodical returns to be submitted by each jailor and clerk with the dates on which they are due for submission, shall be placed on the table of the Superintendent and copies thereof (one each) on the tables of the senior jailor and head clerk who shall see that the returns are submitted on the due dates. If the submission of any of the returns is delayed beyond the due dates the explanation of the clerk responsible for the delay shall be obtained and submitted to the Regional Deputy Inspector General or the Inspector General of prisons with the remarks of the Superintendent thereon.

(iii) The registers, mentioned in column 2 of Appendix-VI should be maintained and checked punctually in the manner indicated in columns 3 and 5 of the said appendix by the concerned members of the ministerial and executive establishments as the case may be.

(iv) The Superintendent as head of the institution, is responsible for the proper maintenance of all the registers and records which will be attended to as laid down in sub-clause (iii) above. He should, therefore, exercise a surprise check at intervals and ensure that there is no default either in the maintenance or in the checking of those registers. Defaults, if



any, noticed at the time of such surprise checks, should be properly dealt with.

13. (i) The Superintendent should ensure that the office work and registers are always kept up to date. He should inspect the registers and other records, in the last week of every month and ensure that the registers and other records are maintained correctly and regularly by the officials concerned and that they are carefully scrutinized and signed punctually by the authorities concerned. He should take prompt action to set right the defects and mistakes of commissions and omissions if any, are noticed in his monthly inspection of the prison office. He should simultaneously obtain explanation of the party or parties responsible for the defects and mistakes which should be sent to the— Regional Deputy Inspector General of Prisons or the Inspector General of Prisons, as the case may be together with his own remarks thereon for initiating disciplinary action against the defaulting party or parties concerned.

(ii) In the first week of January, April, July and October a report on the findings of the monthly inspection should be sent to the Regional Deputy Inspector General of Prisons by the Superintendents of District Prisons and by the Principal of the Borstal School and to the Inspector General of Prisons by the Superintendents of Central Prisons, Principal, Jail Officers' Training School and by the Regional Deputy Inspectors General of Prisons. These quarterly reports should cover the following points:—

(a) Whether the registers are written correctly and regularly according to the prescribed schedule.

(b) Whether the entries in the registers are carefully checked and scrutinized and signed regularly by the authorities concerned.

(c) Whether the returns and other periodicals are compiled correctly according to the standing orders on the subject and sent to the authorities concerned on due dates of submission.

(d) Whether standing order files are maintained properly and kept up to date by the official concerned.

(e) Whether the current office record is properly preserved.

(f) Whether destruction of the old record is done according to the period prescribed in the A. B. C. D. list of records.

## APPENDIX I

[ See rule 1 (b) ]

*Specimen of report to be recorded in registers No. 13 by section heads*

1. "The following registers are maintained in" section.

(a)

(b)

(c) .

(d)

etc.

2. Registers at Sr. Nos. are maintained up-to-date in every respect and they are checked also regularly by the officials concerned.

3. Registers at Sr. Nos are in arrears for which Sarvashri are responsible.

4. Details of omissions and lapses noticed in the registers are as under :—

Register No.	Nature of omissions and lapses
1. ...	
2. ...	
3. ...	
4. ...	
5. ...	
etc. ...	

Signature of section head.

-----

## APPENDIX II

[ See rule 4 (i) ]

**Form of Work Sheet**

Sr. No.	Subject under disposal	Date of submission	Remarks

## APPENDIX III

[ See rule 5 ]

**Abstract of Work Sheet**

Name.....

Number of cases outstanding at the beginning of the week.

Number of cases received on—

Monday	...
Tuesday	...
Wednesday	...
Thursday	...
Friday	...
Saturday	...
Total for week	...
Total receipts	...
Number of cases outstanding at the end of the week	...
Balance disposed of during the week	...
Details of outstanding : —	
Upto one week	...
Upto two weeks	...
Upto three weeks	...
Over three weeks	...

*Note.*— In case an interim reply is given, indicate here the date by which final reply is proposed to be given and also state here as to whether necessary notes about this case are made on the relevant page of this register.

# APPENDIX 'V

[ See rule 12 (I) ]

List of returns and periodicals to be submitted by the Superintendents of Prisons to the Regional Deputy Inspector General of Prisons or to the Inspector General of Prisons as the case may be.

Sr. No.	Name of return or periodical	Date when due
	<i>WEEKLY</i>	
1.	Weekly Accommodation return	... Every Saturday.
	<i>MONTHLY</i>	
1.	Cash balance report	... On 1st of each month.
2.	Return of sick prisoners	... On 4th of each month.
	Statement 'B' of articles supplied to other Government Departments	... To reach the Accountant General's Office before 5th (with accepted invoices) and copy to the I. G. of Prisons.
4.	Surprise check reports of cash balance	... On 10th of each month.
5.	Labour and Financial return	... 15th of each month.
6.	Judicial return with accompaniments	... Do.
7.	Memorandum of factory and other payments into treasury	... Do.
8.	Detailed prison manufacture bill and adjustment bill	... 10th of each month.
9.	Detailed contingent bill and adjustment bill	... 10th of each month.
10.	Statement of expenditure along with liability statement	... 10th of each month.
11.	Statement of receipts	... 10th of each month.
12.	Progress reports of pension cases in form 'B'	... 20th of each month.
13.	Grain statement and provisioning vouchers	... 10th of each month.
14.	Stock verification report (grains, canteen and factory articles) ....	... Do.
15.	Expenditure incurred in connection with the detention of persons under the "Preventive Detention Act" at the instance of other States.	1st of each month
16.	Extract from official visitors book	... On 1st of each month. Any special remarks made by the visitor to be submitted immediately.
17.	Canteen statements	... 10th of each month.

APPENDIX 'V' —*contd.*

Sr. No.	Name of return or periodical	Date when due
1	2	3
18.	Extract from Medical Officer's journal	... 1st of each month.
19.	Return of physical training and parade	... Do.
20.	Return on literacy classes	... 10th of each month.
21.	Proceedings of monthly staff meeting	... 1st of each month.
22.	Films exhibited by the Director of Publicity	... Do.
23.	Supply position of textile articles to other Government Departments	... 10th of each month.
24.	Stock position of yarn	... 15th of each month.
25.	Collection of material regarding working of P. D. Act, 1950	... 5th of each month.
26.	Losses statement	... 15th of each month.
<b>QUARTERLY</b>		
27.	Recruitment to Public Service	... 5th of January, April, July and October every year.
28.	Employment of ex-army state force personnel in Government Service	... 5th January, April July and October every year.
29.	Report on interviews and letters withheld from prisoners	... 1st of January, April, July and October.
30.	National Savings Certificates purchased by prisoners	... 1st of January, April, July and October.
31.	Stock verification reports on R. M. and M. A.	... 10th of February, May, August and November.
32.	Statement of prisoners who escaped from prisons and police custody.	10th of January, April, July and October.
<b>HALF YEARLY</b>		
1.	Return on Securities of Officials	... 1st January and 1st July.
2.	List of Government servants due for retirement on super annuation during the next year.	... 15th January and 15th July.
3.	Report regarding political refugees	... 1st January and 1st July.
4.	P. P. C. and U. T. C. returns	... 1st April and 1st October.
5.	Statement of wages account	... Do.
6.	Stock verification report on D. S. M. A., R. M. (Hospital, D. S. etc.)	... 10th May and 10th October.

- |    |   |     |                           |
|----|---|-----|---------------------------|
| 7. | Statement of unserveable dead stock   | ... | Do.                       |
| 8. | Statement of prisoners who were granted special remission for the half year ending 30th June and 31st December. | ... | 5th July and 5th January. |
| 9. | Sports played by prisoners with outside teams   | ... | 10th January and July.    |

#### YEARLY

- |     |  |     |                  |
|-----|--|-----|------------------|
| 1.  | Return showing the number of vacancies filled in by appointment of backward class candidates.  | ... | 5th February.    |
| 2.  | Progress achieved in representation of backward class  | ... | 10th February.   |
| 3.  | Report of Army personnel serving under State Government  | ... | 15th January.    |
| 4.  | Report on purchase of immovable property by Government servant   | ... | 5th of February. |
| 5.  | Annual establishment return  | ... | 5th January.     |
| 6.  | Annual budget estimates Part I-A, I-B., II-A and for receipts  | ... | 10th September.  |
| 7.  | Four monthly revised budget estimates under 056 and 256  | ... | 15th September.  |
| 8.  | Eight monthly revised budget estimates under 056 and 256   | ... | 15th December.   |
| 9.  | Nine monthly revised budget estimates under 056 and 256  | ... | 15th January.    |
| 10. | Report for surrender of grants   | ... | 15th January.    |
| 11. | Yearly statement of expenditure and receipts with reasons for variations between sanctioned grants and actual expenditure and for sanctioned estimates for receipts and actual receipts. | ... | 15th May.        |
| 12. | Accounts of stores (Part I) for the financial year i. e. ending 31st March   | ... | 15th May.        |
|     | Account of stores (Part II) for the year ending 31st December.   | ... | 15th February.   |
| 13. | Accounting procedures (statement of central assistance) grant of increase in pay and D.A.  | ... | 10th April.      |
| 14. | Annual Administration Report   | ... | 1st February.    |
| 15. | Annual return of sick prisoners  | ... | 10th January.    |
| 16. | Acknowledgment of P. A. (to Accountant General and I. G.)  | ... | 1st April.       |
| 17. | Indent of forms to be sent to Manager, Prison Press  | ... | 15th October     |
| 18. | Indent of stationery to the Director of Printing and Stationery  | ... | 15th January.    |

#### ONCE IN THREE YEARS

- |    |                                   |     |                |
|----|-----------------------------------|-----|----------------|
| 1. | Triennial Indent of special forms | ... | 15th December. |
|----|-----------------------------------|-----|----------------|

*Note.*—Omissions of returns and periodicals if any, may please be pointed out to the I. G. Prisons immediately.

APPENDIX VI  
[ See rule 12 (iii) ]

**Maintenance and checking of Registers in the prescribed forms kept by various section at Prison**

Sr. No.	Jail form No. and description	When to be written	By whom to be written	when to be checked	Which officer should check		Inspection by Dy. Superintendent	Superintendent of district and central prison
					First check	Second check		
1	2	3	4	5	6	7	8	9
<b>I JUDICIAL SECTION</b>								
1.	<i>Jail form No. 1.</i> —U. T. registers.	Daily or whenever there is a fresh admission.	Clerk.	Daily or whenever a fresh entry is made.	Jailor incharge of U. T. work.	Senior Jailor	Once a week.	Once a fortnight
2.	Diary of U. T. prisoners.	Daily or whenever there is a fresh admission.	Clerk.	Daily or whenever a fresh entry is made.	Jailor incharge of U. T. work.	Senior Jailor	Once a week.	Once a fortnight
3.	<i>Jail form No. 1-A.</i> —Cash Register of U. T. prisoners.	Daily or whenever there is a fresh admission.	Orderly officer, where there is no orderly officer, U. T. Clerk or other concerned clerk as would be specified by the Superintendent.	Daily or whenever a fresh entry is made.	Jailor incharge of U. T. work.	Senior Jailor	Once a week.	Once a fortnight
4.	<i>Jail form No. 2.</i> —Prisoner's property register.	Daily or whenever there is a fresh admission.	Orderly officer where there is no orderly officer, judicial Clerk.	Daily or whenever a fresh entry is made.	Jailor incharge of Judicial section as would be specified by the Supdt.	Senior Jailor	Once a week.	Once a fortnight
5.	<i>Jail form No. 2-A.</i> —Prisoner's property register.	Daily or whenever there is a fresh admission.	Orderly officer where there is no orderly officer, judicial Clerk.	Daily or whenever a fresh entry is made.	Jailor incharge of Judicial section as would be specified by the Supdt.	Senior Jailor	Once a week.	Once a fortnight
6.	<i>Jail form No. 3.</i> —Convicted prisoner's register.	Daily or whenever there is a fresh admission.	Clerk concerned.	Daily or whenever a fresh entry is made.	Jailor incharge of Judicial section as would be specified by the Supdt.	Senior Jailor	Once a week.	Once a fortnight



7. Jail form No. 4.—Release Diary.	Daily or whenever there is a fresh admission.	Clerk concerned.	Daily or whenever a fresh entry is made.	Jailor in-charge of the work as would be specified by the Supdt.	Senior Jailor	Once a week.	Once a fortnight.
8. Jail form No. 6.—Remission Register.	Whenever there is fresh admission and also before 5th January and July every year vide rule 20 (4) of the Remission System Rules, 1962.	Clerk concerned.	Whenever fresh entries are made as mentioned in col. 3.	Jailor in-charge of the work as would be specified by the Supdt.	Senior Jailor	Once a week.	Once a fortnight.
9. Jail form No. 7.—Punishment Register.	Whenever a prison offence is committed.	Jailor concerned.	Whenever a fresh entry is made.	Senior Jailor.	Superintendent	Once a week.	Once a fortnight.
(Note.—The Superintendent should himself fill in the relevant col. of Reg. No. 7 about punishment awarded for the offending prisoners).							
10. Special form No. JL-88.—Escape Register.	Whenever escape of a prisoner takes place.	Jailor concerned.	Whenever there is a fresh report.	Jailor as would be specified by the Supdt.	Senior Jailor	Once a week.	Once a fortnight.
11. Jail form No. 92.—Register of Petitions to High Court.	Whenever a petition is presented by a prisoner for being sent to High Court/Supreme Court.	Clerk concerned.	Weekly.	Jailor in-charge of the work as specified by the Supdt.	Senior Jailor	Once a week.	Once a fortnight.
12. Jail form No. 132.—Register of appeals preferred by convicts.	Whenever an appeal petition is presented by a convict.	Clerk concerned.	Weekly.	Jailor in-charge of the work as specified by the Supdt.	Senior Jailor	Once a week.	Once a fortnight.
<b>II CANTEEN SECTION</b>							
13. Jail form No. 23.—Sales Journal.	Daily or whenever articles are sold.	Canteen Clerk.	Whenever there is a fresh entry.	Canteen Jailor.	Dy. Supdt. or Supdt. if there is no Dy. Supdt.	Once a week.	Once a fortnight.
14. Jail form No. 17.—For Canteen.	Whenever amount is to be withdrawn from Treasury or whenever abstract bill is to be given to contractor supplier.	Steward-Where there is no Steward head clerk/where there is no head clerk senior clerk.	Whenever there is a fresh entry.	Jailor In-charge of Canteen.	Dy. Supdt. or Supdt. if there is no Dy. Supdt.	Once a week.	Once a fortnight.

**APPENDIX VI—contd.**

Sr. No.	Jail form No. and description	When to be written	By whom to be written	when to be checked	Which officer should check		Inspection by Dy. Superintendent	Superintendent of district and central prison
					First check	Second check		
1	2	3	4	5	6	7	8	9
15.	<i>Canteen Cash Book</i>	Whenever there is a cash transaction.	Steward/where there is no steward Head Clerk/where there is no Head clerk/Senior Clerk.	Whenever there is a fresh entry.	Jailor incharge of canteen.	Dy. Supdt. or Supdt. if there is no Dy. Supdt.	—	Once a fortnight.
16.	<i>Jail form No. 26.—For Canteen</i>	Daily.	Canteen Clerk.	Daily	Canteen Jailor.	Dy. Supdt. where there is no Dy. Supdt., Senior Jailor.	—	Once a fortnight.
17.	<i>Jail form No. 27.—Register of Daily manufacture of articles in the canteen.</i>	Daily.	Canteen Jailor.	Daily	Senior Jailor.	Dy. Supdt./Supdt.	—	Once a fortnight.
18.	<i>Jail form No. 28.—For canteen Ledger of R. M.</i>	Daily.	Canteen Clerk.	Daily	Canteen Jailor.	Dy. Supdt. where there is no Dy. Supdt. Senior Jailor.	Once a week.	Once a fortnight.
19.	<i>Jail form No. 29.—For canteen Ledger of M. A.</i>	Daily.	Canteen Clerk.	Daily	Canteen Jailor.	Dy. Supdt. where there is no Dy. Supdt. Senior Jailor.	Once a week.	Once a fortnight.
20.	<i>Jail form No. 31.—For canteen store requisition and receipt book.</i>	Whenever requisitions are made and when articles are received.	Canteen Jailor.	Whenever requisitions are made and when articles are received.	Senior Jailor.	Dy. Supdt./Superintendent.	—	Once a fortnight.

21. Muster rolls of prisoners	On every working day.	Technical personnel and where there is no technical personnel by the factory amaldar or sepoy incharge of the section. Agricultural officer/Field Kamgar/Amaldar incharge of Prison service/or other concerned official.	Daily.	Jailor concerned.	Factory Manager/where there is no Factory Manager, Factory Jailor/Senior Jailor (for wage sheets pertaining to maintenance services and agriculture.)	Once a week.	Once a fortnight.
22. <i>Special I. G. 83.</i> —Wage sheets.	On every working day.	Concerned Jailor.	Daily.	Jailor concerned.	Factory Manager/where there is no Factory Manager, Factory Jailor/Senior Jailor (for wage sheets pertaining to maintenance services and agriculture.)	Once a week.	Once a fortnight.

251

### III DIETARY SECTION

23. <i>Jail form No. 5.</i> — Employment Register.	Daily	Clerk	Daily	Jailor In-charge etc.	Senior Jailor	Once a week.	Once a fortnight.
24. <i>Jail form No. 8.</i> — Garden Register.	Daily	Clerk	Daily	Agricultural Officer/where there is no Agricultural officer, Field kamgar.	Senior Jailor	Once a week.	Once a fortnight.
25. <i>Jail form No. 15.</i> —Diet Register.	Daily	Clerk	Daily	Steward/Where there is no steward Head Clerk/where there is no Head clerk, senior clerk.	Senior Jailor	Once a week.	Once a fortnight.

**APPENDIX VI—contd.**

Sr. No.	Jail form No. and description	When to be written	By whom to be written	when to be checked	Which officer should check		Inspection by Dy. Superintendent	Superintendent of district and central prison
					First check	Second check		
1	2	3	4	5	6	7	8	9
26.	<i>Jail form No. 31.</i> —Store Requisition and receipt book.	Whenever an article is requisitioned and when it is received.	Store keeper/Ration Clerk.	Whenever an article is requisitioned and when it is received.	Senior Jailor.	Superintendent.	--	--
27.	<i>Jail form No. 163.</i> —Grain Store Register.	Daily	Ration clerk	Daily	Steward/where there is no steward Head Clerk/ where there is no head clerk, senior clerk.	Senior Jailor	Once a week	Once a fortnight.
28.	<i>Jail form No. 164.</i> —Register of grinding and wastage account.	Daily	Ration clerk	Daily	Steward/where there is no steward Head Clerk/ where there is no head clerk, senior clerk.	Senior Jailor	Once a week	Once a fortnight.
29.	<i>Jail form No. 184.</i> —Register showing the receipt of vegetables and milk.	Daily	Clerk	Daily	Agricultural Officer/where there is no Agricultural Officer Field kamgar.	Senior Jailor	Once a week	Once a fortnight.
<b>IV. INDUSTRIES SECTION</b>								
30.	<i>Jail form No. 23.</i> —Sales Journal.	Daily or whenever jail-made articles are sold or supplied.	Jailor in-charge.	Whenever there is a fresh entry.	Factory Jailor/ Manager	Dy. Supdt./ Supdt.	—	Once a fortnight.
31.	<i>Jail form No. 24.</i> —Factory Contingent Registert	Whenever amount is to be withdrawn from treasury or when abstract bill is to be given to contractor/ Supplier.	Steward/where there is no Steward Head clerk /where there is no head clerk Senior clerk.	Whenever there is a fresh entry.	—	Supdt.	—	Once a month.

32. <i>Jail form No. 25.</i> — Prison factory and extramural labour account cash book.	Whenever there is a cash transaction.	Steward/where there is no Steward Head clerk /where there is no head clerk Senior clerk.	W h e n e v e r there is a fresh entry.	Jailor	Dy. Supdt./ Supdt.	--	Once a month.
33. <i>Jail form No. 26.</i> —Ledger of sales journal and cash book.	Whenever Jail made articles are sold on the credit and when amounts are recovered.	Clerk	W h e n e v e r there is a fresh entry.	Jailor	Factory Manager/ factory Jailor.	--	Once a month.
(Note.—Dy. Supdt. or Supdt. should check this register with cash book.)							
34. <i>Jail form No. 27.</i> — Register of daily manufacture of articles showing the expenditure of R. M. Articles.	Daily or whenever any work order is completed.	Factory Jailor	W h e n e v e r there is a fresh entry.	Factory Man- ager/Factory Jailor	Dy. Supdt./ Supdt.	--	Once a month.
35. <i>Jail form No. 28.</i> —Ledger of R. M.	Daily or whenever any work order is completed-when article of R. M. is received.	Clerk	W h e n e v e r there is a fresh entry.	Factory Man- ager/Factory Jailor	Dy. Supdt./ Supdt.	--	Once a month.
36. <i>Jail form No. 29.</i> —Ledger of M. A.	Daily or whenever any work order is completed.	Clerk	W h e n e v e r there is a fresh entry.	Factory Man- ager/Factory Jailor	Dy. Supdt./ Supdt.	--	Once a month.
37. <i>Jail form No. 30.</i> —Factory order book.	Whenever an order is placed for manufacturing an article in the prison factory.	Factory Jailor	W h e n e v e r there is a fresh entry.	Factory Manager/ where there is no factory manager factoryJailor.	Dy. Supdt./ where there is no Dy. Supdt./ Supdt.	--	Once a month.
38. <i>Jail form No. 31.</i> —Factory store requisition and receipt book.	Whenever an article is requisitioned and when it is supplied.	Factory Jailor	W h e n e v e r there is a fresh entry.	Factory Manager/ where there is no factory manager factory Jailor.	Dy. Supdt./ where there is no Dy. Supdt./ Supdt.	--	Once a month.

**APPENDIX VI—contd.**

Sr. No.	Jail form No. and description	When to be written	By whom to be written	when to be checked	Which officer should check		Inspection by Dy. Superintendent	Superintendent of district and central prison
					First check	Second check		
1	2	3	4	5	6	7	8	9
<b>V. ACCOUNTS SECTION</b>								
39.	<i>Jail form No. 16.</i> —Prison cash book	Whenever there is a cash transaction.	Steward/where there is no steward/head clerk—where there is no head clerk senior clerk.	Whenever there is a fresh entry.	Jailor	Dy. Supdt./ where there is no Dy. Supdt./ Supdt.	—	Once a month.
					[ <i>Notes.</i> —(a) The Superintendent should physically verify the cash every morning record a certificate about it in cash books. (b) Whenever cash in the Superintendent's custody is made over to steward or head clerk the amount so made over by one to the other should be stated and a certificate recorded about it in the daily cash balance report over the signatures of the officials concerned <i>vide</i> I. G.'s No. CBR-5063-III dated July 1963.]			
40.	<i>Jail form No. 17.</i> —Contingent register.	Whenever amount is to be withdrawn from Treasury or when abstract bill is to be given to contractor or supplier.	Steward/where there is no steward/Head clerk/where there is no Head clerk senior clerk.	Whenever there is a fresh entry.	Jailor	Superintendent.	—	Once a month.
41.	<i>Jail form No. 18.</i> —Receipt book.	Whenever amount of Rs. 20 or less is paid.	Steward/where there is no steward/head clerk/where there is no Head clerk senior clerk.	Whenever fresh receipt is taken here.	Jailor	Dy. Superintendent/ Superintendent.	—	—
42.	<i>Jail form No. 138.</i> —Daily cash balance sheet.	Daily	Steward/where there is no steward/Head clerk/where there is no Head clerk senior clerk.	Daily	Jailor	Dy. Superintendent/ Superintendent.	—	—
					[ <i>Notes.</i> —(a) The Superintendent should physically verify the cash every morning record a certificate about it in cash books. (b) Whenever cash in the Superintendent's custody is made over to steward or head clerk the amount so made over by one to the other should be stated and a certificate recorded about it in the daily cash balance report over the signatures of the officials concerned <i>vide</i> I. G.'s No. CBR-5063-III dated July 1963.]			

43. Cash book of staff family welfare fund.	Whenever there is a cash transaction.	Hon. Cashier who will be appointed by the Supdt.	Whenever a fresh entry is made.	Steward or Head Clerk.	Dy. Supdt./ Supdt.	--	Once a month.
44. Cash book of prisoner's welfare fund.	Whenever there is a cash transaction.	Steward / where there is no steward head clerk/where there is no head clerk, Sr. Clerk.	Whenever a fresh entry is made.	Steward or Head Clerk.	Dy. Supdt./ Supdt.	--	Once a month.

#### VI. HOSPITAL SECTION

45. <i>Jail form No. 32.</i> — Medical officers' daily Journal.	Daily	M. M. S. O.	Daily	C. M. O./M. O. where there is no C. M. O.	Supdt.	--	Once a month.
46. <i>Jail form No. 33.</i> — Register of prisoners showing particulars of health.	Daily	Compounder	Daily	M. M. S. O.	C. M. O./ M. O.	Once a week	Once a fortnight.
47. <i>Jail form No. 34.</i> — Register of sick.	Daily	Compounder	Daily	M. M. S. O.	C. M. O./ M. O.	Once a week	Once a fortnight
48. <i>Jail form No. 35.</i> — Convalescent register.	Daily	Compounder	Daily	M. M. S. O.	C. M. O./ M. O.	Once a week	Once a fortnight
49. <i>Jail form No. 36.</i> — Register of extra diets to prisoners in and out of hospital.	Daily	Compounder	Daily	M. M. S. O.	C. M. O./ M. O.	Once a week	Once a fortnight
50. <i>Jail form No. 37.</i> — Hospital requisition book.	Whenever any article <i>i. e.</i> sugar, sweet oil etc. is required from prison store for use in prison hospital or whenever any article ( <i>i. e.</i> eggs, sweet limes, s o u r i m e s , plantains, milk, mutton, butter etc.) is required for being issued to prisoners as extras.	Compounder	Whenever there is fresh entry	M. M. S. O.	C. M. O./ M. O.	Once a week	Once a fortnight

**APPENDIX VI—contd.**

Sr. No.	Jail form No. and description	When to be written	By whom to be written	when to be checked	Which officer should check		Inspection by Dy. Superintendent	Superintendent of district and central prison
					First check	Second check		
1	2	3	4	5	6	7	8	9
51.	<i>Jail form No. 91.</i> —Morning report book.	Daily	Compounder	Daily	M. M. S. O./ C. M. O.	Senior Jailor	Once a week	Once a fortnight.
<b>VII. MISCELLANEOUS SECTION</b>								
52.	<i>Jail form No. 11.</i> —Gate register.	Daily	Gate keeper ( <i>Note.</i> — Orderly officer if there is one, should daily check and certify entries in this register).	Daily	Store keeper Steward/ Factory Jail-or/ Factory Manager/ Senior Jailor/and other concerned officers.	Senior Jailor should check this register once a week	Once a fortnight	Once a fortnight.
53.	<i>Jail form No. 12.</i> —Supdt.'s order book.	When necessary	Supdt.	W h e n e v e r necessary	—	—	—	—
54.	<i>Jail form No. 13.</i> —Jailor's report book.	Daily	Jailor	Daily	Senior Jailor	Supdt.	—	Once a fortnight
55.	<i>Jail form No. 14.</i> —Visitor's book.	Whenever any official or non-official visitor pays visit to the Jail	Visitor concerned	W h e n e v e r necessary	Senior Jailor	Supdt.	—	Once a month
56.	<i>Jail form No. 21.</i> —Clothing regiser	Monthly	Jailor	Monthly	Senior Jailor	Superinten- dent	—	Once a month
57.	<i>Jail form No. Spl. JL. 90.</i> —Dead stock register.	Whwnver there is a fresh purchase of dead stock articles	Clerk	W h e n e v e r there is a fresh entry and also in May/ November every year.	Jailor	Senior Jailor	Once a fortnight	Once a month



58. <i>Jail form No. Spl. JL. 28.</i> —Evening total book.	Daily	Orderly Officer/Jailor	Daily	Senior Jailor	Dy. Superintendent/ Superintendent	—	—
59. <i>Jail form No. 152.</i> — Money order book.	Whenever amount is received by M. O.	Orderly Officer/Jailor	Whenever there is a fresh entry	Steward/Head clerk / Senior clerk	Dy. Superintendent/ Superintendent	—	Once a week

*Notes.*—(1) “Check” connotes detailed scrutiny and examination of the accuracy and correctness of the figures and accounts. Primary responsibility for defects and irregularities in the maintenance of the registers rests with the concerned clerk or official who writes the register and secondary responsibility rests with those officials who check it.

(2) “Inspection “ connotes general inspection of registers. Points such as—

- (a) Whether the register is written properly.
- (b) Whether the register is written correctly.
- (c) Whether the register is written in time.
- (d) Whether the checking officials are doing their work properly.
- (e) Whether the entries in the register are initialled by the concerned officials,
- (f) Whether scorings are properly authorised and attested by the competent official.
- (g) Whether the total work of the branch is going on proper lines,

should be examined by the inspecting authority. The inspecting authority should inspect the registers as per schedule given above and put his dated initials after the inspection is over. The inspecting officials will be responsible for the overall efficiency of the section, branch or sub-branch as the case may be.

Defects noted at the time of inspection should be recorded by the Dy. Superintendent/Superintendent in register 12, giving detailed instructions to the concerned staff members.

Auditors of the Prison Department and inspecting parties of the Regional Dy. Inspector Generals and Inspector General of Prisons should examine the implementation of these instructions at the time of audit and inspection.

**CHAPTER XVII****PURCHASE OF STORES***SECTION I: STATUTORY RULES—NIL.**SECTION II : NON-STATUTORY RULES*

[Framed under G. R., H. D., No. RJM-1058 (XVII)-IV,  
dated 1-2-1966 and brought into force w.e.f. 15-2-1966.]

1. Superintendents of Prisons shall communicate to the Regional Deputy Inspector General of Prisons in General Form No. 248 their annual requirements of the articles of stores at least one and half month before the last date fixed for receiving the indent concerned by the Central Stores Purchase Organisation, Bombay as under, *vide* Government Resolution, Industries and Co-operation Department, No. SPO-2258-IND-II, dated the 25th September 1958:—

\* (i) Annual indents of all the requirements of the Jail Superintendents should be consolidated in the office of the Inspector General of Prisons, who should place one bulk indent on the Central Purchase Organisation. All normal indents i.e. for items the requirements of which can be forecast should be placed between June to 30th September of the year and the remaining items during the period from October to December by the Inspector General of Prisons with the Central Stores Purchase Organisation.\*

(ii) Indents for specialised type of stores in respect of which considerable time is required for preparation of details, specifications, etc. should be placed, in any case before the end of December of each year.

(iii) Ordinarily no indents in respect of supplies required before the end of the financial year should be placed after December. In the case of emergent requirements, however, a special case may be made out and the indent may be placed before 31st January. Such cases should, however, bear the certificate of the Secretary of the Home Department indicating the emergent nature of the requirements and should be addressed to Secretary, Industries and Labour Department who will then decide on the further action to be taken.

---

\*-\* Substituted by Government, Home Department Resolution No. RJM-1058 (XVII)-XVI, dated 2nd February 1971.

(iv) Separate indents (in triplicate) should be submitted to the Central Stores Organisation for different groups of stores such as (a) Machine tools, electric machinery, agricultural machinery, boilers, automobile, (b) Electrical goods and accessories, (c) scientific and measuring instruments, (d) General Hardware, metal sheets and road pipes and tools etc., (e) Stationery, (f) Textiles, Uniforms, leather goods and rubber goods, (g) Furniture and office-equipment, (h) Chemicals, medicines, drugs, disinfectants, oils, paints, lubricants, photographic goods,

(v) †,

(vi) Indents other than annual as well as indents ordinary supplementary should be sent to the Central Stores Purchases Organisation periodically consolidating the demands which can be foreseen, as far as possible, in triplicate, in the prescribed form. Such indents may be sent by the Inspector General of Prisons consolidating the common requirements and bulking other items of different specifications of the various subordinate officers under his control.

\*(vii) “An indent on the Central Stores Purchase Organisation should not contain an item of stores the total value of which is less than Rs. 5,000 except those stores which are not available locally and also those stores for which the Central Stores Purchase Organisation has made annual quantity or running rate contracts, provided this authorisation should not be construed as authorisation for purchase of goods locally in small quantities from time to time by keeping expenditure below Rs. 5,000 at a time even if the annual expenditure exceeds Rs. 5,000”.\*

(viii) If the Superintendents desire to purchase materials of imported origin, they should move the Inspector General much in advance (i.e. beginning of the financial year) with a view to obtaining whenever possible foreign exchange facilities through the Government of India in respect of such purchase and place their indents with the Director of Industries and Central Purchasing Officer.

(ix) Indents in the following cases should not be placed with the Central Stores Purchase Organisation, Bombay:—

(a) Items for which rate or running contracts have been entered into either by the Director General of Supplies and Disposals, Government of India,

---

†Deleted by Government, Home Department Resolution No. RJM/1058/(XVII)-XVI, dated 2nd February 1971.

\*-\* Substituted by Government Home Department Resolution No. RJM-1058 (XVII) XVI, dated 2-2-71.

or the Central Stores Purchasing Organisation. They can be operated upon by the Direct Demanding Officers within prescribed limits. If any Department want additions, it should approach Government in good time.

(b) Items which are available locally and which are mentioned in the list appended as Appendix I.

(*Note.*—Possible lapse of Budget allotment is no reason for direct local purchase).

(c) Spare parts of particular manufacturers for their own machinery and automobiles and for which there are no rate contracts to the extent of 10 per cent of the cost of the machinery in a year.

(x) In the case of Second-hand machinery, scarce stores and spare parts not covered by (a) and (c) above, the Indenting Officers should get into touch with the Central Stores Purchasing Organisation, which will advise them suitably (*see note below 11*).

(xi) In case of stores in which one particular dealer holds a monopoly of the trade and in which only one Department is interested, that Department, should point out the need for any special treatment desired.

[*Note to (x) and (xi):*—If the Central Stores Purchase Organisation advises direct purchases by the Department, the matter should be put up to the Committee appointed as per Industries and Co-operation Department, Circular No. SPO. 2259/IND-II, dated the 6th February 1959].

(xii) The indents which are incomplete or not certified as within the budget provision or for which there is no provision, will be rejected by the Central Stores Purchase Organisation. Once the indents are placed, the Indenting Officer should not alter them. They should not negotiate with any party on any account. If the Department or an Officer considers negotiations necessary on any ground, the Central Stores Purchasing Officer will do so with the assistance of the Liaison Officer of the Department.

2. The Regional Deputy Inspector General shall consolidate the annual requirements of articles requisitioned by the Superintendents of Prisons, in his region and submit the consolidated indent to the Inspector General who shall arrange for the supply of the materials in the manner specified below:—

(i) The Inspector General may direct the Regional Deputy Inspector General to make local purchases, at competitive rates, of those articles

which are included in the list of schedule 2 of Appendix II of the Second edition (re-print) of E. P. No. 1 and/ or those which are occasionally required in small quantities and the local purchase is permissible under the rules.

(ii) Supplies of requirements of teak-wood shall be arranged through the Forest Department direct to the Jails concerned.

(iii) Articles manufactured by Government departments or institutions will be supplied by such departments or institutions direct to the Jails concerned in accordance with the Inspector General's instructions.

(iv) The Inspector General should communicate on or before the prescribed dates as prescribed in rule 1 above, the requirements in respect of articles other than those specified in sub-rules (i) to (iii) above and the total value of which exceeds \*[Rs. 5,000]\* to the Central Stores Purchasing Officer, Bombay, who will call for tenders and in appropriate cases carry on negotiations with various contractors and obtain samples of articles from them.

\*A suitable Officer of the Jail Department should attend the office of the Central Stores Purchase Officer for joint scrutiny and scrutinise the Tenders along with the tender samples, wherever necessary and approve the quotations, take notes and obtain duplicate sample for his and consignee's future reference and attest his signature and seal to the sample so approved and hand them over to the concerned officer of the Central Stores Purchase Organisation for further consideration and placement of the orders with the contractors. The contractor will then take such action as directed in A/T in respect of putting up the stores for inspection and despatch, etc. The abovementioned officer of the Jail Department should help the Central Stores Purchase Organisation in inspecting the Stores.\*

†*Note.*—An Indent for an item or items, the estimated total cost of which is likely to exceed Rs. 5,000 may also be sent to the Central Stores Purchase Organisation. The limit of Rs. 5,000 is not rigid and cannot be strictly observed because of the fluctuation of prices in the market. Variations of 5% will be allowed on condition that this allowance should not be claimed automatically, but be utilised only in case of real difficulties. In case any or all of such items cannot be stored for long

---

\*—\*Substituted by Government. Home Department Resolution No. RJM-1058-(XVII)-XVI, dated 2nd February 1971.

†—† Added by Government, Home Department Resolution No. RJM-1058-(XVI), XVI, dated 2nd February 1971.

time, the Central Stores Purchase Organisation may be asked to fix an annual rate contract or running contract as the case may be, for such items indicating the quantity that can be supplied by instalments from the total quantity of the running contract, provided the indent should not include such items as can be purchased directly by the indentors under the rules and orders.!

3. \*.....\*

4. The Superintendent shall see that the following instructions are invariably observed by the concerned Jail Officers under him :—

(i) When any goods are being despatched, packing used for the consignment should be reasonably sound and that a detailed list of the contents and their respective values separately for each case or packing showing clearly which case or packing contains any particular contents should be sent so as to reach the consignee not later than when he is due to take delivery of the consignment.

(ii) Whenever any goods are received, he should see that the delivery is taken within the time allowed free of wharfage and demurrage.

(iii) Open delivery of the goods should be asked for :—

(a) Whenever the outer packing is damaged; or (b) whenever such open delivery is considered necessary by him and the same is possible under the rules of the Railway Administration. While taking delivery the extent of any loss, destruction or deterioration should be noted by the consignees in the delivery books of the Railways, giving full details of such loss, destruction or deterioration. A copy of the remarks noted by the consignee in the delivery book should be obtained from the Station Master.

(iv) Every claim against the Railway Administration should be lodged:—

(a) \*Within a fortnight\* after any loss, destruction or deterioration is noticed in the case of open and/or partial delivery, and in the case of non-delivery immediately after the expiry of the “Date\* when the goods should have ordinarily arrived at the destination; and in every case within \*three months or the period of time allowed by the railway for lodgement of claims whichever is earlier\* from the date on which the goods were delivered to the Railway Administration for being carried.

---

\*-\* Deleted by Government, Home Department Resolution No. RJM-1058-(XVII), dated 2nd February 1971.

(b) The letter lodging the claim should be sent by registered post, acknowledgment due, addressed generally to the Chief Commercial Superintendent of the Railway concerned.

(c) The letter lodging the claim should give:—(i) The identification marks of the case or cases, or packing or pickings, the contents in which are lost or damaged; (ii) The list of the articles lost or damaged; (iii) The amount of compensation claimed; (iv) The names of the stations of booking and delivery; (v) The No. and date of the Railway Receipt under which the material was carried and of the invoice thereof.

This letter should except in the case of non-delivery, be accompanied by a verbatim copy of the remarks of loss or damage referred so in (ii) above. The original copy obtained from the Station Master should be preserved carefully.

5. After the claim is preferred, the matter should be pursued diligently with the Railway Administration. If the claim is not decided to the satisfaction of the claimant by the Railway Administration concerned within one year from the date on which it is lodged, the matter should be reported to the Government in the Home Department through the Inspector General of Prisons for being taken up with the Railway Administration or, if necessary, with the Railway Board.

5-A. The consignments of stores, received from contractors and other sources shall be inspected within a week's time by a panel of not less than three members chosen from among the undermentioned officers. The Superintendent should invariably be on the panel.

- (1) Senior Jailor,
- (2) Medical Officer or Maharashtra Medical Service Officer (when Medical Stores are received),
- (3) Factory Jailor or Factory Manager,
- (4) Agricultural Officer,
- (5) Accountant,
- (6) Store Keeper.

The Committee shall examine the consignment outwardly for any signs of its having been tampered with and then have it opened without damaging the seal if any on the parcel and check the contents.

6. In cases where the seal on the consignment is not tampered with, the Committee shall open it and compare the contents in the consignment with the approved samples, if such samples are preserved according to rules. If after careful examination of the contents of the whole consignment the Committee finds that the articles supplied are wholly or partially of inferior quality, the Central Purchasing Officer shall be immediately asked through the Liaison Officer to depute his own inspecting staff to check the specifications of the stores supplied by the contractors with the approved samples of articles and to decide whether the articles should be rejected or not in case the contract for the supply of the articles was given through the Central Purchasing Officer; and in other cases the Committee may reject the articles and inform the party concerned immediately. The rejected articles shall be removed by the supplier and replaced with articles as per approved samples at his own cost.

7. All the articles received and accepted by the Committee shall be taken to the prescribed stock registers.

8. The aluminium mugs and bowls shall be separately numbered by being stamped with a steel die from 1 upwards. The number of the mug and bowl (both should bear the same number) issued to each convict shall be entered in his history ticket. When any mug or bowl is condemned the article that replaces it shall bear the same number as that which has been condemned. The number on the mug shall be stamped on the outside, half an inch below the rim and that on the bowl shall be impressed on the inside, half an inch below the rim.

Articles of  
clothing and  
bedding for  
prisoners.

9. An estimate of clothing requirements for twelve months shall be prepared in Form No. I and submitted to the I. G. by the Superintendents of Prisons in the 1st week of April every year. The I. G. will scrutinise these indents and pass orders as to the Jails at which the various requirements of each prison are to be manufactured.

10. No article of clothing and bedding shall be purchased in the market, without the sanction of the Inspector General.

Dead Stock  
articles.

11. The Superintendent of Jails may purchase locally, after obtaining competitive rates, articles of dead stock the value of which is Rs. 50 or less. They may also incur expenditure on the repair of dead stock articles provided the total cost of such repairs does not exceed Rs. 50 in each case.



12. If the cost of the dead stock articles to be purchased exceeds Rs. 50 and can be purchased locally as provided in sub-rule (i) of rule 2 above, the Superintendents of Jails shall submit an estimate in Form No. II to the Inspector General for sanction.

National Flags.  
Articles of  
Uniform.

13. The Inspector General may direct the Superintendents of Prisons to purchase the articles locally or to manufacture the same in the Jail factory whichever is found to be more economical.

14. The date of purchase and the cost shall be indelibly marked on, each article of dead stock immediately, it is bought and taken to Dead Stock Register as in Form No. III.

15. (i) National Flags are supplied by Government to the various officers every year according to their requirement. With a view to avoiding expenditure on the replacement of the Flags every year, proper care should be taken for the custody and maintenance of the flags, so that they last long. It is difficult to estimate the normal durability of a flag as it depends on the size and quality of the as also on the climatic conditions of the place where it is hoisted and the care taken to protect it from fungus, moths, etc. The Superintendents should have periodical inspection of the flags in their possession and ensure that proper care is being taken for their maintenance.

National Flags.

(ii) They should also see that the flags supplied to them from time to time are accounted for in the Dead Stock Registers in their offices as items of dead stock.

16. The indent for articles of uniform of Jail Guards shall be submitted by the Superintendents of Prisons to the Regional Deputy Inspector General in Form No. IV once in two years preferably in the month of April of the year when the indent is due. The Regional Deputy Inspector General will scrutinise these indents and pass orders as to the Jail where the articles should be stitched or manufactured and supplied.

Articles of  
Uniform.

17. Batons, handcuffs, badges, whistles, whistle chains, belts, belt plates' kit boxes and haversacks are classed as articles of dead stock and are purchased out of the allotment for miscellaneous dead-stock and not from the grant for uniforms. Rain coats, greatcoats and umbrellas should be purchased from the grant for uniforms included under Miscellaneous Services and Supplies, but they shall be borne on Dead Stock Register as in Form No. III.

18. Buttons, badges and crests are stocked at Yeravda Central Prison and will be supplied to other Jails on indent to be sanctioned by the Regional Deputy Inspector General.

Miscellaneous  
Articles.

19. Fodder received from the Jail garden shall be stocked for consumption by the Jail cattle during the dry season. If the stock of fodder runs short or if no fodder is grown in the Jail garden, the Superintendents may purchase their requirements locally at competitive rates with the prior sanction of the Regional Deputy Inspector General.

20. Superintendents of Prisons may make petty purchases of articles, the total cost of which does not exceed Rs. 20 per month like wicks and glasses for lanterns, seeds, manure, matches, etc. for which no contracts are given.

Medicines and  
Drugs.

21. The Medical Officer shall submit the annual medical indents in form No. C. M. 28 Ac to the Medical Stores Depot, Bombay, through the Superintendents of Prisons and the Regional Deputy Inspector General of Prisons in accordance with the scheduled programme for the submission of the indent [Appendix XI (i) at page 419 of the Bombay Civil Medical Code] (Fourth Edition).

22. The Medical Officer should note that the indents are required to reach the Medical Stores Depot a fortnight in advance of the prescribed dates to avoid accidents; *vide* Rule 796 of the Bombay Medical Code, Part-I (Reprint 1951). He shall, therefore, see that it is submitted to the Regional Deputy Inspector General a month in advance of the prescribed date so that it can be scrutinised and transmitted to the Medical Stores Depot in time.

23. The requirements of drugs etc. shall be based on the average consumption of the last three years.

24. The Medical Officers shall accurately weigh and measure all articles remaining in store on the first day of the month in which the indent is due so that the exact quantities may be inserted in the proper column of the indent form.

25. Demands for stores not authorised in the price list of Medical Stores, (India) shall not be included in the "annual indents but if any such article is considered necessary, a requisition for the same shall be made separately to the Medical Stores Depot, Bombay through the Superintendent and the Regional Deputy Inspector General.

26. Medical Officers are strictly forbidden to prefer extra indents unless compelled by unforeseen and emergent circumstances which shall be clearly explained in a letter. Demands unaccompanied by explanatory letters will not be attended to by the Medical Stores Depot.

27. The name of the District and the name of the nearest Railway station shall be given in all documents (letters, indents, vouchers etc.) sent to the Medical Stores Depot.

28. The following documents will be received along with the stores supplied by the Medical Stores Depot.

(a) The duplicate copy of the indent which will serve as the delivery voucher.

(b) Two copies of the receipt vouchers.

29. (i) The boxes shall be unpacked in the presence of the Committee referred to in Rule 5 and any deficiency or breakages noted on the packing note. Articles found in excess shall also be reported. If any discrepancies are noticed, they shall be immediately reported along with the packing note to the Medical Stores Depot by the Medical Officer through the proper channel.

(ii) On checking the Stores, the Medical Officer and the Superintendent shall sign and return the receipt voucher immediately to the Medical Stores Depot, Bombay.

30. (1) A separate indent for the drugs which are not supplied by the Medical Stores Depot, Bombay, should be submitted by the Medical Officer to the Inspector General through the Superintendent of the Jail along with one or more of the following certificates to suit the particular case.

Arrangements for the purchase of Medicines for the Jail Department.

(a) "The drugs are not supplied by the Medical Stores Depot on indent, nor are they likely to be supplied quickly by the firm with whom a rate contract is entered into by the Director of Industries and Central Purchasing Officer, and they are urgently required."

(b) "The disease from which a particular prisoner is suffering is likely to prove fatal but for the treatment with the drug, .....which is out of stock from ..... and is urgently required."

*Note.*—The certificate at (b) above should be furnished when the purchase is to be made in unforeseen circumstances by the Superintendent in anticipation of Inspector General's sanction.

(ii) The Director of Industries and the Central Purchasing Officer should endorse copies of all rate contracts for drugs and medicines fixed by him for Civil Hospitals to the Inspector General of Prisons, State of Maharashtra, Poona who should then purchase such drugs as were not available from the Government of India, Medical Stores Depot against these rate contracts from the firms indicated by the Director of Industries and Central Purchasing Officer.

(iii) For emergency requirements of medicines i.e. when drugs are not supplied by the Medical Stores Depot on indent and also when the firm with whom rate contract is entered into, by the Director of Industries and Central Purchasing Officer is not likely to supply medicines quickly or when medicines are required by Jail Hospitals in unforeseen circumstances the Superintendents of Prisons, may purchase medicines locally with the formal sanction of the Inspector General of Prisons, State of Maharashtra subject to condition that the cost of such purchase does not exceed Rs. 3,000 per annum for use in the dispensary of the institution concerned.

Arms and  
ammunition.

31. (i) Ordinance Stores such as small arms, 410 muskets, revolvers and ammunition are treated as “Controlled Stores” and are classified as Class ‘A’ Stores.

(ii) General Stores, clothing and accessories and components of complete equipment (i.e. spare parts of fire-arms, lubricants cleaning materials etc.) are treated as “uncontrolled stores” and are classified as Class ‘B’ Stores.

32. The following scales have been laid down for the supply of arms and ammunition for the Jail Staff:—

(A) Arms—(for service, practice and training):—

(i) Pistols/Revolver.455/38.—One per officer of and above the rank of Jailer.

(ii) Muskets .410.—One per Jail guard.

(B) *Ammunition for service* :—

(i) Muskets .410.—50 rounds per weapon.

(ii) Pistols/Revolver .455/.38.—30 rounds per weapon.

(C) *Ammunition for practice and training* :—

(i) Muskets .410.—75 rounds per capita per annum.

(ii) Pistols/Revolver .455/.38.—60 rounds per capita per annum for practice and 70 rounds per capita per annum for training.

*Note.*—(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.

*Note.*—(2) The quantities indicated in the above scales for .410 musket ammunition are both ball and buck-shot ammunition and the proportion in which they should be issued has to be indicated by the Jails concerned not exceeding the total quota sanctioned.

33. The above scales should normally be followed in framing the annual forecasts and indents of arms and ammunition for Jail staff. In case arms and ammunition are actually required on a lesser scale, requirements shall be framed accordingly and if the above scales are found inadequate and supplies on a more liberal scale are considered essential, an adequate case shall be made out to justify the higher demand and the Inspector General's prior approval thereto shall be obtained before framing the requirements on a more liberal scale than the one prescribed above.

34. The annual forecast requirements of arms, ammunition, etc., may be prepared and furnished by the Superintendents of Prisons where there is an armed guard of Jail Department so as to reach the Inspector General not later than 5th January every year. The Inspector General will consolidate the forecasts and submit it through the Government of Maharashtra so as to reach the Ministry of Home Affairs, Government of India, New Delhi, on 1st February every year.

35. (i) While forwarding forecasts no reference or comparison will be made to any previous forecasts submitted by indentors.

General  
instructions.

(ii) Forecasts will be prepared as per form given in Appendix II and forwarded in duplicate to the Inspector General of Prisons; a separate sheet being used for each VAOS section/sub-section.

(iii) Forecasts relating to one particular year should be forwarded in one lot and NOT piecemeal. To this end indentors will certify, in their forwarding letters, that no additional requirements for the particular year will follow, except in case of emergency.

(iv) Cat/Part No. nomenclature and accounting units of the items including in forecasts should be in accordance with those given in VAOS, WET/PER, or 301 Tables as applicable.

(v) Indentors, will ensure that surplus, if any, lying with them are taken into consideration while preparing forecasts.

Annual Indents.

36. (1) Separate single indent for arms and ammunition for service and ammunition for training for the whole year shall be prepared in quadruplicate in the forms (attached as Appendices III, IV and V) after taking into account the actual requirements, the strength of the Jail staff and the prescribed scales.

(ii) Separate sheets shall be used for CLASS 'A' and 'B' stores even if the VAOS Section is identical.

(iii) Full consignment instructions shall be furnished in respect of every indent.

(iv) The annual indents for ammunition required for practice shall be submitted by the Superintendents of Prisons where there are armed guards of the Jail Department so as to reach the Inspector General in the first week of April every year, and the annual indents in respect of the ammunition, required for service purposes shall be submitted when any quantity was actually used for that purpose in the preceding year.

37. The indents received from Jails will be consolidated and submitted to Government in the Home Department, Bombay for onward transmission to the Ministry of Home Affairs, Government of India, New Delhi, by the Inspector General of Prisons.

38. The supplies of arms and ammunition received in Jails shall be inspected by the committee and further steps taken as explained in Rule 5 before taking on charge the stores to the stock book.

Payment by Book transfer.

39. In accordance with the existing procedure governing payment of stores by book debit issues, the following copies of issue vouchers are sent by the Ordnance Depot.

- (a) No. 1 copy (unpriced) along with the Raliway/Postal receipt.
- (b) No. 2 copy (unpriced) in the package.
- (c) No. 7, 8 and 10 copies (priced) by covering letter.

The Superintendents of Jails shall return to the Ordnance Depot the following copies duly signed and receipted/accepted;

- (a) No. 2 copy (unpriced). In token of receipt of stores.

(b) No. 7 and 8 copy (priced). In token of acceptance of the debit.

40. (i) Superintendents of Prisons shall prepare their annual indents in accordance with the scales fixed by Government under Government Resolution, D. D., No. GSO. 1452, dated the 1st May 1953 as amended from time to time, and also in accordance with the instructions laid down in the Printing and Stationery Manual.

Stationery  
articles.

(ii) The indents shall be submitted direct to the Stationery Depot' of the concerned areas so as to reach them during the period from 15th to 30th January.

(iii) Orders issued by Government from time to time to effect economy in the use of stationery articles shall be strictly followed by all concerned and no demands for an additional supply of stationery articles shall be made unless there are special reasons to do so.

41. Whenever it is found that there is no alternative but to ask for additional supplies, the following information shall invariably be supplied to the Inspector General who will forward the supplementary indent to administrative department concerned i.e. Home Department for necessary sanction in consultation with Industries and Labour Department/Finance Department:—

(a) No. of members in the Jail Office who require stationery.

(b) In respect of each item of stationery.—

(i) No./quantity asked for in the annual indent.

(ii) No./quantity admissible as per scale laid down by Government.

(iii) No./quantity in balance at the time of submission of annual indent.

(iv) No./quantity actually supplied by the Stationery Depot, as the case may be (including 'Will follow' items).

(v) No./quantity required in addition to (iv) above. (vi) Reasons justifying the demand.

42. (i) No articles of stationery other than those mentioned in rule 35 of the Bombay Stationery and Printing Manual, Volume I shall be purchased locally.

(ii) Orders contained in Government Circular, Development Department, No. GSO. 1455-E, dated the 31st March 1956, as amended under

Government Circular, Industries and Co-operation Department, No. GSO. 1457-E, dated the 6th July 1957, should be followed strictly in regard to the local purchase of stationery articles.

Forms and  
Envelopes.

43. (i) Annual indents for standard forms and envelopes shall be prepared (in duplicate) in the standard form Gen. 161 e, (obtained from the Manager, Yeravda Prison Press, Poona and sent to the Yeravda Prison Press, Poona), on or before the 10th of October every year.

(ii) Quantities sanctioned in the model indent by the Inspector General and recorded in the Office of the Director, Government Printing and Stationery, shall not be exceeded except with the prior approval of the Inspector General.

(iii) Further instructions are contained in Chapter XXIV of the Bombay Stationery and Printing Manual, 1943, Volume I.

44. A senior clerk in each Jail shall be made personally responsible for seeing that the forms and envelopes are kept in good order and properly accounted for. The Head Clerk shall check the account of forms maintained by the Senior Clerk regularly on the 1st day of every month and shall physically verify the stock of forms on the 1st October every year and see that the quantity shown as in balance is correct and agrees with the actual stock on hand.

45. The Inspector General will once in three years ascertain the requirements of special forms from the Superintendents of all Jails and prepare a consolidated indent in form No. Gen. 207 e. for the whole Department and submit it together with the latest printed specimen of the forms to the Director of Printing and Stationery, Bombay, by the 15th of April every three years for compliance.

---



## FORM No. I

(Rule 9)

*Estimate of Clothing Articles for the use of II Class Prisoners in the .....  
Prison, for the year .....*

Annual require- ment per prisoner	Name of the article	Balance of 1st of April 197	Received during 197 - 197			Total of Col. 3 and 4	Written of during 197 - 197			In store on 1-4-197		
			Manufac- tured in prison or purchased	Received with prisoners or trans- ferred	Total		Con- demned with prisoner and not returned	Sent with	Total	New	Service- able	Repair- able and will last for 3 months
1	2	3		4		5			6		7	

FORM No. I—*contd.*

On prisoners on 1-4-197		Total number of new and serviceable as per Cols. 7 and 8	Number of articles required for 197 -197	Number of prisoners for whom clothing is required for 197 -197	Quantity of cloth required for each articles			Rate of each article to be manufactured in prison	Total cost of articles to be manufactured in prison
Service- able	Repairable, will last for about 2 months				Length	Breadth	Total Square feet		
8		9	10	11		12		13	14

## FORM No. II

(See rule 12)

*Estimate of ( ) required for the use of the Prison at*

Last Supply		No. on hand this day			Purpose for which required	Whether required to replace others which have become unserviceable or otherwise and how the unserviceable articles have been or will be disposed of
No.	Date	Serviceable	Repairable	Unserviceable		
1	2	3	4	5	6	7

FORM No. II—*contd.*

Articles required		Rate	Per	Amount	Whether the articles indented for are to be made in prison or purchased from bazar	Budget allotment		
No.	Name					Amount sanctioned by Government	Amount already expended	Amount now available
8	9	10	11	12	13	14	15	16

Rs. P.

## JAIL FORM No. III

(See rules 14 and 17)

*Register of Dead Stock and Factory and extramural Tools and Plant*

Month and year of pur- chase	Name and descrip- tion of Article	No. of quantity	How obtained whether on cash payment from factory or from other prison and the reference No. and date sanctioning the purchase by the competent authority	Original cost		Condemned in 19 -19		Balance on 1-4-19		Balance on 19 -19	
				Rate per No.	Amount	No.	Original cost	No.	Original cost	No.	Original cost
1	2	3	4		5	6		7		8	

JAIL FORM No. III —*contd.*

Balance on 1-4-19		Condemned in 19		Balance on 1-4-19		Condemned in 19		Balance on 1-4-19		Condemned in 19		Balance on 1-4-19		Remarks
No.	Original cost	No.	Original cost	No.	Original cost	No.	Original cost	No.	Original cost	No.	Original cost	No.	Original cost	
9		10		11		12		13		14		15		16

## FORM No. IV

(See Rule 16)

*Indent for Uniform for the Guarding Establishment of ..... Prison  
for the year 19*

Cadrewise strength of Jail guards	Name of article	Particulars about last indent			No. of Jail guards entitled to get the articles of uniform during the year
		Quantity or No. sanctioned	Quantity or No. received till 31st January	Quantity or No. still to be received	
		(a)	(b)	(c)	
1	2		3		4

FORM No. IV—*contd.*

Scale of articles per head	Total Quantity or No. required for Jail guards shown in Col. 4	Actual stock on hand on 1st February		Quantity or No. now required	Rate	Value	From whom to be obtained
		Quantity	or No.				
		to be sent to other jails for being issued to jail guards since transferred (a)					
		Quantity	or No.				
		kept as a reserve stock (b)					
5	6	7	8	9	10	11	

Rs. P.

## INSTRUCTIONS

- (1) Indent for articles or uniform to be based on the position of Jail Guards and stock as on 1st of February and submitted to Dy. Inspector General's Office on the 20th February annually.
- (2) Superintendents of Jails should be careful to indent for a full supply of articles for the year, so that it will not be necessary to send supplementary indents.
- (3) The articles should be despatched by the Superintendent of Central, District Prison before the 1st June to the Superintendent of the Prisons concerned.

## INDENT FOR JAIL GUARDS UNIFORM

No.

G/

PRISON/JAIL  
dated

Forwarded to Dy. Inspector General of Prisons, Yeravda/Nagpur/Aurangabad.

2. The last indent was sanctioned under I. G's. No. ...., dated  
Superintendent.....Prison/Jail.

No. dated

Transmitted to Superintendent ..... Prison for compliance.

Dy. Inspector General of Prisons, Region.

**APPENDIX I**

[Substituted by G. R., H. D., No. RJM, 1058 (XVII)-XVI, dt. 2-2-1971.]

[See Sub-Rule (9) (b) of Rule 1 ]

*List of articles which can be purchased without reference to the  
Central Stores Purchase Organisation*

Articles	Value upto which can be purchased	Officer authorised to purchase
1	2	3
1. Medical supplies purchased from Government of India, Medical Stores Depot.	Without limits but subject to budget provisions.	All Heads of Departments and Offices.
2. Surveying and mathematical instruments purchased from the Mathematical Instrument Depot, Bombay and Mathematical Instrument Office, Calcutta.	Do.	Do.
2-A. Products of Ordnance Factories under the Ministry of Defence, Government of India.	Do.	Do.
3. Stores covered by rate contracts of the Director General of Supplies and Disposals, Government of India.	Do.	All Direct Demanding Officer.
4. Articles manufactured by Government Departments or Institutions such as Jails, Habitual Offenders' Settlements, under the Habitual Offenders' Restrictions Act, Certified Schools under the Bombay Beggars Act, Production and Training Centres under the Education and Social Welfare Department, Shri Jagdamba Kushtha Niwas, Amravati and Kutumb Kalyan Sahakari Udyog Samiti Ltd., North Ambazari Road, Nagpur, Women's Institutions registered with the Registrar of Societies, Fellowship of Physically Handicapped, Bombay, The Muncherjee Nourojee Banaji Industrial Home for the Blind,	Do.	All Heads of Departments and Offices.

APPENDIX I—*contd.*

Articles	Value upto which can be purchased	Officer authorised to purchase
1	2	3
4— Jogeshwari, Bombay, The Officer <i>contd.</i> in-charge. Government Dental Factory, Calcutta-14, The Production Centre of the Maharashtra State Khadi and Village Industries Board, Chandrapur, Training-cum-Production Centre for ex-servicemen, Satara.	Without limits but subject to budget provisions.	All Heads of Departments and Officers.
4-A Non-edible oil soap except for aseptic work, i. e. dressing, operation theatres, etc. from Maharashtra State Khadi and Village Industries Board, at the lowest price after ascertaining the costs from the Government Departments or Institutions such as Jails, etc. enumerated in entry No. (4) above, and the Village Industries Board.	Without any limits but subject to budget provisions.	All Heads of Departments and Officers.
5 (a) Drugs, Instruments and apparatus required urgently by schools, colleges, Research Institutions or Hospitals.	(i) Rs.15,000 per year.  (ii) Rs. 3,000 per year.	All Hospitals and the Director of Agricul- ture, Pune.  Other Institutions.
(b) All Chemicals except acids, liquor-ammonia, caustic soda and charts. Animals for dissection, dissecting instruments required by schools, colleges and Institutions.	(i) Rs.2,000 per year.  (ii) Rs. 10,000 per year.	Heads of Departments and Institutions concerned. The Director of Agriculture, Pune.
(c) Raw materials required for preparation of Ayurvedic and Unani medicines.	Without any limit but subject to budget provisions.	Pharmacists in-charge of the Government Ayurvedic and Unani Pharmacy at Nanded.

APPENDIX I—*contd.*

Articles	Value upto which can be purchased	Officer authorised to purchase
1	2	3
6. Methylated spirit, petrol and other allied products such as greases, lubricants, etc., blasting powder, hides and skins and all other articles of inflammable or volatile nature.	(i) Rs. 10,000 per year provided there are no rate contracts or special discounts for bulk supply if arranged. (ii) Without any limit.	(i) Heads of Departments and Offices. (ii) Aviation Adviser to Govt.
7. Books, maps, charts, periodicals, Educational and instructional films, and Gramophone records required by Government Institutions and offices.	Without any limit but subject to budget provision.	All Heads of Departments and Offices.
8. Nursery School articles, sewing class articles (including sewing machines) and Creche articles.	Without any limit but subject to budget provision.	All Heads of Departments and Offices.
9. Articles used in spinning raw and cotton and woollen yarn required by the Basic Training Centres and Inspector General of Prisons (except appliances and tools).	Rs. 1,000 per year.	Heads of Department and offices concerned.
10. Gymnasium equipment and sports goods.	Without any limit but subject to budget provision.	All Heads of Departments and Offices.
11. Band and Musical Instruments and their spare parts.	Do.	Do.
12. China Glass, Cutlery, Plates, Crockery and perishable articles, Sofa Sets, Judges' Chairs and perishable fabrics including Linen for buildings furnished by Government, cooking utensils. Plates and Kitchen necessities for hospitals and other educational institutions.	Do.	Do.
13. Consumable stores such as wood, charcoal, coal, coke, etc.	Do.	Do.

APPENDIX I—*contd.*

Articles 1	Value upto which can be purchased 2	Officer authorised to purchase 3
14. Manures-both organic and chemical.	Without any limit but subject to budget provision.	All Heads of Departments and offices.
15. Seeds and straw	Do.	Do.
16. Forest products such as fuel, timber, firewood, bamboo, grass and fodder.	Do.	Do.
17. Non-manufactured articles locally extracted and utilised without such modification such as rubble, stones, river sand, murum, other quarried materials.	Do.	Do.
18. Building material such as bricks, cement, bamboo matting, country tiles, gheru stones, marbles, lime and chalk.	Do.	Do.
19. Specialised machinery of products having only one make or one manufacturer.	Do.	P. W. D. Officers not below the rank of Executive Engineers and in the case of other Departments all Gazetted Officers in Class I service of the State provided they are Heads of the Departments or Offices.
20. *Spare parts of particular manufacturer for their own machinery and automobiles and for which there are no rate contract.	(i) 10 percent of the cost of the machinery in a year. (ii) Without any financial limit.	Do. (ii) The Aviation Adviser to Government.

\*It should be interpreted to cover purchases of spare parts only when really need i. e. in the case of breakdown of the concerned machinery and not for purposes of storing for use to meet future emergencies. In the latter cases the indents should be forwarded to the Central Stores Purchase Organisation as usual *vide* Government Circular, I. and C. D. No. SPJ—259-1ND II, dated the 26-8-1959.



APPENDIX I—*contd.*

Articles	Value upto which can be purchased	Officer authorised to purchase
1	2	3
20-A. Spare parts for which there are rate contracts but are not available ex-stock from rate contract holders.	To the extent to meet immediate requirements but not exceeding Rs. 10,000 per year per Division.	I. and P. D. and B. and C. D. officers not below the rank of Executive Engineers, Director of Agriculture, Joint Director of Agriculture (Engineering) and Superintending Agriculture Officers.
21. Articles such as food stuff, skimmed milk powder, groceries, bottled food, cattle feed, etc.	Without any limit but subject to budget provision.	Heads of Departments and Offices.
22. All articles which are controlled in release or in price (for the duration of control only). The articles such as joists, heavy structural, rounds plates, etc. from producers or from the Registered stockists, as the case may be at prices limited by the controlled prices.	Without any limit.	Do.
23. Kerosene Oil	Upto 500 gallons	All Heads of Departments and Offices.
24. Stationery required by Officers of Prohibition and Excise Departments located in out of the way places.	Rs. 3,000 per year and limited to absolute requirements.	Excise and Prohibition Officers permitted by the Director of Prohibition and Excise.
25. Lino and Mono Metal required by Government Presses.	Without any limit but subject to budget provision.	Director, Government Printing and Stationery, Bombay.
26. Swords, scabbards and Lethal Weapons.	Do.	Heads of Departments and Offices.
27. Tents and Rahuties	Do.	Do.

APPENDIX I—*contd.*

	Articles 1	Value upto which can be purchased 2	Officer authorised to purchase 3
28.	Calculating machines at the rates approved by the Government of India' subject to the condition that they are certified to be so.	Without any limit but subject to budget provision.	Heads of Departments and Offices.
29.	Wooden furniture out side Greater Bombay limits.	Without any limits, but subject to budget provision and subject further to the condition that they are obtained through Jails, Government or semi-Government Institutions and failing that after calling competitive tenders and accepting the lowest.	Do.
30.	Stores, the total value of which is less than Rs. 5,000 except those stores which are not available locally and also those stores for which the Central Stores Purchase Organisation has made annual quantity or running rate contracts.	—	Do.
31.	Articles other than those mentioned above and which are required occasionally and urgently and in small quantities.	(i) The aggregate cost not exceeding Rs. 20,000 per year.  (ii) The aggregate cost not exceeding Rs. 2,000 per annum of 50 per cent of contingent grant whichever is less.	(i) All Heads of Departments (not heads of offices) and P. W. D. Officer not below the rank of Executive Engineer, Civil Surgeons, Deans of Medical Colleges, Superintendent of Mental Hospital, Joint Director of Agriculture (Engineering) Superintending Agriculture officers.  (ii) Other Gazetted Officers in class of the State Service provided they are Heads of Departments or Offices.

**APPENDIX I—contd.**

Articles	Value upto which can be purchased	Officer authorised to purchase
1	2	3
32. All articles mentioned in this Appendix required by the Institutions under the control of Heads of Departments or Regional Heads of Departments.	Within the limit laid down in this Appendix for each article subject to the condition that a report is made to Government in the case of the purchase by a Head of Department and to the Head of Department in the case of purchase by a Regional Head of Department when the lowest tender exceeds Rs. 5,000 in the case of Head of Department and Rs. 1,000 in the case of Regional Head or when he accepts tender other than the lowest and it exceeds the lowest tender by more than 5 per cent provided further that the tenders are accepted by a committee constituted by the Department for the purpose and not by any individual officer.	All Heads of Departments and Regional Heads of Departments under them.

*Note.*—In making purchase of these articles the normal procedure of inviting tenders, etc. as laid down by Government, in Government Resolution, Education and Industries Department No. 8000 dated the 14th May 1949 as amended from time to time should be strictly adhered to and reports of all such purchases should promptly made to the Central Stores Purchase Organisation in the standard form No. Gen. 255 C (Specimen appended hereto) copies of which can be had on indent from the Director, Government Printing and Stationery, Bombay. Similarly while making the purchase preference should be given to Cottage Industries Products to the extent laid down in Government Resolution, Education and Industries Department No. 8115, dated the 12th July 1949 as reprinted in Government Resolution, Industries and Co-operation Department No. 8115-G, dated the 27th March 1957 and as amended from time to time.

**APPENDIX II**

[Enclosure to Army Headquarters Letter No. 55654/MG/OS 1B, dated 8-6-1951.]

Service.....

Page No.

of Sheet

*Forecast Requirements of Stores of Ordnance Origin*

Gate or Part No.	Designation	A/U	Revised forecast requirements 1st April 19 to 31st March 19	First forecast requirements 1st April 19 to 31st March 19	Remarks
1	2	3	4	5	6

\*( Only items in one VAOS Sub-Section to be shown on each sheet.)

**APPENDIX III***Consolidated indent for arms for the year ending 31st March 19*

Jail Staff \*Category of arms (1) Musket .410  
(2) .455 .38 Revolvers.

\*Delete the unnecessary item.

Authorised scale quote the relevant scale as mentioned in rule	Arms to which entitled on the basis of the scale mentioned in Col. 1	Actual holdings	Difference between Cols. 2 and 3	Present demand	Remarks	Consignment instructions
1	2	3	4	5	6	7

**APPENDIX IV***Consolidated indent for service ammunition for the year ending 31st March 197*

Jail Staff \*Category of ammunition (1) Muskets.

(2) Pistols/Revolvers.

.38 .455

\* Delete the unnecessary item.

No. of arms on charge	Authorised scale (quote the relevant scale as mentioned in rule	Quantity of ammunition to which entitled on the basis of the scale mentioned in Column 2	Actual holdings	Difference between Columns 3 and 4	Present demand	Remarks	Consignment instructions
1	2	3	4	5	6	7	8

**APPENDIX V***Consolidated indent for practice/training ammunition for the year ending 31-3-19*

Jail Staff \*Category of ammunition (1) .410 Muskets.

(2) .38/. 455 Revolvers A

\* Delete the unnecessary item.

No. of Officers and men for whom ammunition is required	Authorised scale (quote the relevant scale as mentioned in rule	Quantity of ammunition to which entitled on the basis of the scale mentioned in Col. 2	Actual holdings	Difference between Columns 3 and 4	Present demand	Remarks	Consign- ment instruc- tions
1	2	3	4	5	6	7	8

## CHAPTER XVIII

**STORES AND OFFICE RECORDS***SECTION I: STATUTORY RULES—Nil**SECTION II: NON-STATUTORY RULES*

(Framed under G. R. H. D. No. RJM—1058 (XVIII)-IV,  
dated 16th June 1966 and brought into force w. e. f. 11-6-1966)

*Stores*

Separate  
accommodation  
for stores

1. Two rooms shall ordinarily be provided for stores—one to be called the “double lock room” and the other “single lock room”. The double lock room shall have two locks put side by side; while the single lock room shall have only one.

Responsibility of  
Senior Jailer to  
get the scales  
weights and  
measures tested

2. (i) The Senior Jailer shall be responsible that the scales, weights and measures in use in the prison for distribution of provisions, stores and raw materials are accurate and in proper order. He shall arrange to have them regularly tested under the Weights and Measures Act, 1932.

(ii) The Senior Jailer shall submit a report to the Regional Deputy Inspector General of Prisons about the verification of weights and measures under the Weights and Measures Act, 1932.

Examination,  
weighing,  
counting, etc. of  
stocks

3. The Senior Jailer shall be responsible to see that godowns etc. are kept in proper order, and also stores properly and systematically arranged therein.

The stocks, including canteen coupons, when received should be examined and weighed or counted by the Senior Jailer along with the Store Keeper and kept properly arranged in the double lock room, unless the stock is likely to last for less than a month, in which case it should be sent to the single lock. The Jailer concerned or the Steward shall be responsible for seeing that the articles received are of the appropriate quantity. Bin cards as in Form No. I should be maintained for all items in the Double Lock and Single Lock rooms and receipts and issues should be shown therein and the balance struck on each occasion of receipt or issue of the articles and articles which are purchased up to only one month's requirement should be weighed and taken to the single lock godown directly. The key of one of the locks of the Double lock godown, should be with the Senior Jailer and that of the other lock with the Store Keeper. Stocks to last for about a month's consumption should be taken

at one time out of the double lock stock and kept in the single lock room the key of which will be with the officer concerned [e. g. Factory Jailor, Canteen Jailor, Accountant or Ration Clerk (where there is no Accountant)]. The double lock stores should not be opened except in the presence of the Senior Jailor and the Store Keeper.

4. (i) The Factory Jailor, Canteen Jailor, Accountant or Ration clerk (where there is no Accountant) shall check up the balance of stock in the single lock room on the last day of every month and the Senior Jailor and Store Keeper shall jointly check up the balance of stock in the double lock room on the last day of every quarter. The correctness or excess or shortage in the stock shall in the case of stock in single lock room be certified and signed by the Officer concerned and in the case of stock in the double lock room by the Senior Jailor and Store Keeper jointly.

Verifications of stock.

(ii) The Superintendent himself shall check at random 20 per cent of the items of stock (e. g. Jowar, Bajari, Oil, Gur, etc.) in the double lock room and the stock in single lock room at the time of the verification and initial such entries in the Stock Register as in Form No. II. He shall arrange the checking in such a way that every item of the stock comes under his check at least twice a year.

5. A stock verification statement as in Form No. III in respect of the stocks in the single lock room should be submitted by the Superintendent to the Inspector General on the 5th day of every month, except when the quarterly stock verification certificate is submitted. A consolidated stock verification statement as in Form No. III in respect of the stocks both in the single lock and double lock rooms should be submitted by the Superintendent to the Inspector General on the 1st of February, May, August and November every year.

Stock verification certificates.

6. (i) The Superintendent shall every six months in May and November examine and count the ammunition, machinery, plant, tools manufactured articles and the live and dead stock appertaining to the prison and satisfy himself that he has on the premises stocks and plants equivalent to the balance shown in the account on the date of the inspection. After each examination, he shall submit to the Inspector General through the Deputy Inspector of Prisons (Regional) a report showing the result thereof and giving details of all deficiencies and excesses found. He may inspect all

Superintendent to verify stock twice a year.

stocks and other Government property in the prison at any time and report to the Inspector General through the Deputy Inspector General (Regional) any deficiency or irregularity that may be detected by him at such inspections.

(ii) The Superintendent shall also report on the State of the health and condition of the live-stock along with the half yearly report of stock taking under sub-rule (1).

Responsibility of Superintendent in respect of prison property. Stores and money

7. The Superintendent shall be answerable for all prison property, stores and money, and shall be held responsible for any defalcations on the part of any member of the prison staff, if it is found that such defalcation was rendered possible by his negligence or slack supervision. This rule in no way affects the individual responsibility of the other officers concerned.

Report in case of loss of damage of any article through neglect of any prison officials

8. When any article is lost or damaged or becomes unserviceable through the neglect of any prison official, the matter shall be at once reported for the orders of the Inspector General.

9. Articles which become unfit for use shall be carefully put aside in a place selected for this purpose, until orders are issued by the competent authority for their disposal.

10. The Superintendent shall see that the Jailor bring forward for inspection in the first week of November and May every year such stores and articles of clothing and bedding, etc. as are unserviceable, or irreparable, in order that they may be condemned or disposed of, and no article shall be condemned or disposed of without the written order of the Superintendent, or, when necessary, the sanction of the Inspector General. In either case the number and date of sanction should be recorded in the requisite register. Notes of such sanction by the Superintendent or the Inspector General, as the case may be shall be kept against the articles in the Dead stock Register as in Form No. II and dated and initialled by the Superintendent.

Repairs

11. (i) The Inspector General should invite quotations of repair charges for handcuffs and locks of different sizes from recognized firms in the first week of February every year and give contract for a financial year to the Firm whose rates are favourable for repairing handcuffs and locks of different sizes and communicate the name of such Firm to all Superintendents who should place their orders for repairing handcuffs and locks with such firm directly.



\*(ii) Repairs to the typewriters, duplicators etc. and bicycles should be carried out in accordance with the instructions contained in Chapters XIV and XXIII respectively of the Maharashtra Contingent Expenditure Rules, 1965 (Financial) Publication No. IX).

### *Office Records*

12. The Head Clerk shall be in charge of all old records preserved in the Jail Office. He should follow the following instructions for the preservation and storage arrangements of the records:—

Preservation of  
office records.

(1) The building in which records are stored should be of brick and, if possible, with concrete floors. The floors should be coal-tarred or washed with some chemical preparation, so as to guard against the revenges of white ants and insects.

(2) It should be well lighted and, as far as possible, impervious to dust and damp.

(3) The walls of the buildings should be fitted with open racks, preferably of iron. Where wooden racks are used they should be wiped every two months with a rag soaked in kerosene oil, and the documents should be frequently shifted and dusted. Papers which have suffered from insects, or are liable to their attacks, should be brushed over with a solution of corrosive sublimate and powder of naphtha.

(4) Every old document should be folded flat, carefully mended with Brettness's tracing paper, placed between paper covers and docketed.

(5) Bundles of these covers should then be made up, enclosed between card-boards of slightly larger dimensions than those of the covers, and fastened with stout cords above and below.

(6) The bundles, their contents clearly indicated on the enclosing boards, should then be arranged on the racks, sufficient space being left between them to allow of efficient dusting.

(7) Volumes of annual proceedings and registers should be regularly bound.

13. The officers of the Prison Department should follow the instructions issued from time to time by the Inspector General of Prisons for preservation and/or destruction of the records of the Prison Department.

---

\*-\* Substituted by Government Corrigendum, Home Department No. RJM-1058-(XVIII)-IV, dated 24th October 1966.

290

FORM I

Commodity .....

Date and month of Transaction	Previous Balance	Receipt	Issue	Balance	Signature of the Officer-in-Charge
-------------------------------------	---------------------	---------	-------	---------	---------------------------------------

\_\_\_\_\_

## FORM No. II

**Form of register of Dead Stock movable property**

Sr. No.	Designation of article	Authority for purchase and date of purchase	Number of quantity	Value	Initials of head or office	Final disposal number of quantity and nature of disposasl
1	2	3	4	5	6	7

Authority or Voucher	Amount realised and date of credit in the treasury	Amount written of	Balance in stock		Initials of head of office	Remarks
			Number	Val.		
8	9	10	11		12	13

## FORM No, III

**Statement showing the Excess and Shortages found at the time of  
Stock Verification as on ..... at ..... Prison**

Sr. No.	Article	Opening Balance	Receipts	Total	Consumption	Wastage	percentage
1	2	3	4	5	6	7	8

Total consumption	Book balance	Actual balance	Excess		Shortages		Percentage on quantity shown in Column No. 5
			quantity	Value	quantity	Value	
9	10	11	12		13		14

*\*Note :-*The actual wastage ( cleaning and grinding and shifting) as worked out in the Grinding and Wastage Register should be shown in column 8.

Variation percentages of grains and pulses and condiments, oils should be worked out on the figures indicated in column 6 i. e. consumption and in case of perishable articles the variation percentages should be worked out in the figure noted in column 5 of the statement.

*\*Added by Government Home Department, Resolution No. RJM-1071/XXII/ 15855-XVI, dated 31st May 1973.*

# **Prison Administration**

## **PART II–C**

## CHAPTER XIX

**PRISON ROUTINE***SECTION I : STATUTORY RULES*

[Government Notification, Home Department, No. RJM-1058-(XXII)-IV,  
dated 20th April 1965]

In exercise of the powers conferred by clauses (10), (18) and (27) of section 59 of the Prisons Act, 1894 (IX of 1894), in its application to the State of Maharashtra, and of all other powers enabling it in that behalf and in supersession of any rules relating to routine in force in any part of the State, the Government of Maharashtra hereby makes the following rules, namely:—

1. (i) These rules may be called the Maharashtra Prisons (Routine) Rules, 1965.

(ii) They shall come into force on the 17th day of May 1965.

Short title and  
commencement.

2. (i) The ordinary daily routine of prisoners, except on Sundays and Jail holidays, shall be as follows:—

5-15 a. m. to 5-30 a. m.—Prayers.

Ordinary daily  
routine for  
working days.

5-30 a. m. to 6-00 a. m.—Opening of barracks and cells and counting of prisoners.

6-00 a. m. to 6-45 a. m.—Morning Ablutions and bath.

6-45 a. m. to 7-15 a. m.—Exercises P. T. and Drill.

7-15 a. m. to 7-45 a. m.—Canjee.

7-45 a. m. to 8-15 a. m.—Work allotments.

8-15 a. m. to 10-45 a. m.—Work.

10-45 a. m. to 11-45 a. m.—Meals and rest.

11-45 a. m. to 4-15 p. m.—Work.

4-15 p. m. to 4-45 p. m.—Games.

4-45 p. m. to 5-45 p. m.—Meals.

5-45 p. m. to 6-15 p. m.—Latrine Parade.

6-15 p. m. to 6-45 p. m.—Counting, Closing, etc.

7-00 p. m. to 8-00 p. m.—Education Classes.

8-00 p. m. to 9-00 p. m.—Reading news-papers, Library books.

9-00 p. m. to 9-30 p. m.—Prayers and preparation to go to bed.

9-30 p. m.—To bed.

(ii) Subject to any general or special orders of the Inspector General or the Regional Deputy Inspectors General of Prisons or of both, the Superintendent may, in consultation with the Medical Officer, if necessary, make suitable adjustments in view of the seasons or any local circumstances, in the timings of work, rest, education classes or otherwise.

Ringling of bell  
for each item of  
routine.

3. A small bell with a sound distinct from the sound of the alarm bell shall be rung to announce the beginning and end of each item of routine referred to in rule 2.

Morning prayers.

4. (i) Before the barracks are opened, the Convict Officers shall awaken all the prisoners and make them shake out and fold up their bedding and clothing neatly.

(ii) While still in the barracks, prisoners shall recite devotional songs approved by the Inspector General and may also recite or listen to recitations from the Gita, the Quran, the Bible and the Avesta.

(iii) The Convict Officers shall then keep all prisoners ready to march out of the barracks in file.

Opening of  
Prison

5. (i) As soon as the barracks and cells are unlocked, each prisoner shall take his bedding outside and place it in the space allotted for it and, except on rainy days, spread it out, in the open for some hours.

(ii) The Jailor in charge of the barrack shall, as the prisoners leave it, count them and shall form them up. Any Prisoner complaining of illness shall be kept apart and the Jailor shall produce him before the Medical Officer.

(iii) The Senior Jailor or in his absence the Second Jailor shall supervise the opening of barracks and cells which shall be conducted in the presence of the Jailor in charge of the barracks or cells concerned.

Morning  
ablutions.

6. After the prisoners are formed up under sub-rule (2) of rule 5 the prisoners shall be marched to the latrine and then to the bathing platform and shall be required to wash their hands, faces and feet, and also clean their teeth with charcoal powder provided for the purpose or with tooth powder and tooth brush purchased by them at their cost from the canteen.

7. (i) All prisoners shall bathe themselves every day regularly unless excused by the Medical Officer.

Prisoners to bathe themselves daily-Issue of Coconut Oil.

(ii) Subject to the provisions of sub-rules (3) and (4), no prisoner shall be permitted to purchase or receive any hair oil except coconut oil which shall be supplied to all prisoners free of cost.

(iii) 28 grams of coconut oil will be supplied once a week to women, Sikhs and convict overseers and 14 grams to other prisoners.

(iv) Notwithstanding anything contained in sub-rule (2), Class I prisoners may purchase hair oil at their cost from the Canteen. Where there is no Canteen, such prisoners may obtain their supply of hair oil through their friends or relations:—

Provided that no such prisoner shall be allowed to purchase or receive more than 225 grams of hair oil per month.

8. After the morning ablutions are over, the Jailor shall divide the prisoners into suitable batches for physical training and drill. Each batch shall be placed in charge of a Jail Guard who shall conduct the physical training and drill parade under the supervision of the reserved guard Jamadar or Physical Training Instructor.

Physical Training and drill parades.

9. After the distribution of Kanji between the period from 7-15 a. m. to 7-45 a. m. under rule 3, prisoners shall be formed into gangs for work, each gang being placed in charge of a Jail Guard and a Convict Officer. The number of the prisoners in each gang and the name of the Jail guard in charge shall be recorded in a Register in Form No. I. The Subhedar or in his absence, one of the Jamadars shall maintain this register.

Formation of prisoners into gangs for work.

10. The gangs formed under rule 9 shall be marched to their work. The Jailor concerned shall distribute the work according to the allotment made by the Work Assignment Committee. The Jailor shall see that no prisoner is put to, or kept on work for which he is declared to be unfit.

Distribution of work to prisoners.

11. The meals shall be served hot and the prisoners shall take it at a place where the food will be free from contamination. The Convict Officers in charge shall see that after the meals the premises are thoroughly cleaned and that every prisoner thoroughly cleans his pots. The taking of meals shall be so adjusted that the prisoners will get at least 15 minutes' rest before resuming work.

Mid-day-meals.



Games. 12. (i) Prisoners shall be encouraged to play such games as can be suitably arranged in the premises of the prison.

(ii) Well-behaved long-term prisoners shall be taken outside the prison in suitable batches in turns to play games or take exercise in the open under such security measures as are deemed essential by the Superintendent.

Evening meals. 13. Evening meals shall be served to prisoners from 4-45 p. m. to 5-45 p. m. Prisoners shall then be given another opportunity to use latrines between 5-45 p. m. and 6-15 p. m.

Mustering of prisoners before lock-up. 14. (i) The Counting of all prisoners in the Jail shall be done under the direct supervision of the Senior Jailor or in his absence the second Jailor, and if the number of Prisoners is found to be correct, they shall be locked up in barracks or cells in the night. \*The number of prisoners confined in each circle, separate cells and in prison hospital shall be recorded in the Register in Form No. II.

(ii) Similarly, the Woman Jailor or Matron, if there is no Woman Jailor, shall be present at the locking up the Women's wards. She shall attend mustering of women prisoners. She shall see that all the women prisoners are counted and that number is correct before they are locked up for the night.

*Note.*—The provisions of this rule do not in any way absolve the Jailors in charge of the respective circles or yards, as the case may be, of their individual responsibility for correct and proper locking up for the night of the prisoners put in their charge.

Custody of keys of barracks etc. 15. After the prisoners are counted and the prison is locked up in the evening, the keys of the barracks and cells shall be collected and counted by the Senior Jailor. They shall then be kept in the key box affixed to the wall between the main gates. The key box shall be locked and sealed with the Superintendent's seal. The key of the box together with the keys of the wickets of the inner and outer gates shall be entrusted to the Senior Jail Guard on night duty.

custody of keys of women's barracks etc. 16. The keys of the women's barracks and cells shall be deposited by the Woman Jailor or Matron in a separate key box which shall have a

---

\* Added by Government Notification. Home Department No. RJM/1071/36852-(i)-XVI, dated 10th November 1972.

glass front. The key box shall be locked and sealed by the Matron with the Superintendent's seal. The Matron shall keep the key of the key box.

17. In case of an emergency, the Senior Jail Guard on duty at the time shall break the glass of the key box of the women's barracks or cells, take out the women's wards and proceed to the Women's Section along with other guards after having sent an urgent message to the Superintendent, if necessary.

Powers of Senior Jail Guard to break open glass of key box of women's barracks in emergency.

18. The keys of the treasure chests in the Jail Office shall at all times be in the possession of the Superintendent or any other Jail officials who have been empowered by the Deputy Inspector General of Prisons (Regional) in that behalf.

Custody of key of Treasure chests.

19. In the event of any one of the keys being lost or mislaid, the Superintendent shall immediately withdraw the lock from use.

Withdrawal of locks when keys are lost or mislaid.

20. \*Number of prisoners confined in each ward at the night to be recorded every day. The jailor concerned shall each night record in the Register in Form No. III (Lock-up Register) the number of prisoners confined in the wards. The register shall be checked up and signed by Superintendent.\*

21. The senior-most jail official on night duty shall, at the time of locking up, report to the Superintendent that all prisoners and all officers for night duty are present and that everything in the prison is correct or otherwise.

Report to Superintendent at the time of lock-up.

22. After the Jail gates have been closed for the night, except with the permission of the Superintendent no person (other than persons duly authorised by the Superintendent) shall be permitted to have any ingress in or egress from the prison or in any barracks or cells which have been locked up . between the hours of lock up at night and unlocking in the morning.

Ingress and egress prohibited between lock-up.

23. If it becomes necessary to open a barrack or cell during the night (as for instance, in the case of a prisoner requiring medical attention), the official in charge of the keys shall break the seal of the key box and take the necessary keys to open the barrack. A report shall be made in the Jailor's Report Book as in \*Form IV\* about such necessity to open

Opening of a barrack during night in cases of emergency.

\*-\* Substituted by Government Notification, Home Department No. RJM/1071/36852-(i)-XVI, dated 10th November 1972.

the key box. Care shall be taken when removing a prisoner from a barrack at night that the other prisoners do not make a rush. To prevent this, the doors shall be provided with an iron chain which will allow of the door opening just enough space to allow one person to pass at a time.

Literacy classes  
after lock-up.

24. Between the hour of 7 to 8 p. m. literacy classes shall be conducted by the paid teacher and literate prisoners selected by the Superintendent for this purpose.

Supply of  
stationers' to  
prisoners.

25. Slates, pencils and other writing material may be supplied to prisoners at the Superintendent's direction either at Government or at the prisoner's expense as may be considered proper in each case.

Supply of note-  
books etc. to  
Class I prisoners.

26. The Superintendent may arrange to supply note-books and exercise books to Class I prisoners at their cost.

Hours of reading  
of newspapers  
and books by  
prisoners.

27. Prisoners may read newspapers and books from 8-00 p. m to 9-00 p. m. and shall go to bed at 9-30 p. m.

28. (i) As a general rule and subject to the rules pertaining to the classification of prisoners, prisoners who work together shall, as far as may be practicable, sleep together so as to facilitate the formation of gangs. No two prisoners concerned in one criminal case shall, as a rule, be confined in the same barrack or employed in one and the same gang.

(ii) All long-term prisoners shall be frequently changed from barrack to barrack or cell to cell, as the case may be, under the orders of the Senior Jailor.

Places to be  
assigned to each  
prisoner for  
sleeping.

29. A prisoner shall sleep only in the place marked off for him by the Convict Officer on duty.

Lights near  
sleeping barracks  
or cells.

30. A light shall be kept burning in or near every sleeping barrack or cell throughout the night. It shall be so placed as to throw sufficient light in the barrack or cell and shall be inaccessible to the prisoners. The Convict Officer on duty shall immediately report to the sepoy on duty if the light goes out at any time during the night, and shall maintain order.

---

\* Substituted by Government Notification, Home Department No. RJM/1071/36852-(i)-XVI, dated 10th November 1972.

31. The Superintendent, all Jailors, Subhedars and Jamadars shall pay at least one night visit to the prison per week at uncertain hours.

Night visits by  
Prison Officials.

32. A prisoner shall wash his clothing at least once a week usually on Sunday morning and his “langoti” (loin-cloth) daily when having his bath. If necessary the Superintendent may detail prisoners for the purpose of washing any special portion of prison clothing and the private clothing of such prisoners as are unable to wash them for reasons of health.

Washing of  
Clothes.

33. (i) An unconvicted prisoner (Under Trial Prisoner) or a convicted criminal prisoner in Class ‘II shall be provided with washing soda and firewood at Government cost for washing his clothes every Sunday, on the following scale:—

Issue of washing  
soda and  
firewood.

(i) Washing Soda ... (28 grams) per prisoner.

(ii) Firewood ... (112 grams) per prisoner.

(ii) Firewood provided under sub-rule (1) shall be utilised for boiling water in which the clothes shall be dipped before washing.

(iii) Prisoners employed as cooks or on conservancy work shall be provided with 56 grams of jail-made carbolic soap per prisoner per week at Government cost.

(iv) Class I prisoners shall be given 112 grams washing soap at Government cost per head per month.

34. A prisoner may, if he so desires, get his clothes washed at his cost at the prison laundry if there is one in the prison.

Washing of  
cloths in prison  
laundry.

“35. \* [Notwithstanding anything contained in these rules, if the State Government, the Inspector General or the Superintendent is of opinion that it is necessary or expedient so to do for maintaining discipline in the prison or for reducing chances of escape of any prisoner therein (regard being had to the nature of the offence committed by him, his previous record, his temperament or any special characteristics noticed by the Superintendent in that behalf), the State Government, the Inspector General of Prisons or the Superintendent may, after recording reasons therefor by order direct that the prisoner mentioned in the order shall not be allowed, or shall not avail of, such facilities, privileges or concessions provided by these rules as are specified therein] \*

Power to  
withdraw  
facilities.

\* Added by Government Notification, Home Department No. AFP 1667-(b)-IV, dated 7th October 1967.

# FORM I

[ Rule 9 ]

*Register showing the particulars of the files of prisoners detailed for work in the morning*

Date	name of the file	Jail guard in-charge	Convict Officers	Prison numbers of the prisoners in the file	Initials of	
					Subhedar or Jamadar	Senior Jailor
1	2	3	4	5	6	

# FORM II

\*[ Rule 14 ]

Lock-up Register for ..... 197 .

		Prison													
		men	Women	Total											
1.	Circlewise details	...													
	Circle No. I	...													
	Circle No. II	...													
	Circle No. III	...													
	Circle No. IV	...													
	Separate Cells	...													
	Hospital	...													
	Total	...													
	Received after lockup	...													
	Grand Total	...													
2.	Categorywise details—	Circle Nos.													
		I		II		III		IV		Hospital		Cells		Total	
		M	W	M	W	M	W	M	W	M	W	M	W	M	W
1.	Under Trial Prisoners	...													
2.	Prisoners sentenced to S. I.	...													
3.	Prisoners sentenced to R. I.	...													
4.	Prisoners sentenced to imprisonment for life.	...													
5.	Prisoners sentenced to death	...													
6.	Juveniles	...													
7.	Escapees	...													
8.	Habituals	...													
9.	Criminal-Psychotics	...													
10.	N. Ws.	...													
11.	C. Os.	...													
	Total	...													
	Received after lockup	...													
	Grand Total	...													

303

\*Substituted by G. N. H. D., No. RJM-1071-36862-(i)-XVI, dated 11th November 1972.

		Convicts Class I			Convicts Class II			Undertrials Class I			Undertrials Class II			Total		
		Men	Women	Total	Men	Women	Total	Men	Women	Total	Men	Women	Total	Men	Women	Total
3.	Summary															
	1. Opening balance	...														
	2. Admitted	...														
	3. Total	...														
	4. Sent to Hospital	...														
	5. Released	...														
	6. Balanced	...														
4.	Hour of lockup.—															
5.	† Certificate about.—															
	1. Bars, Doors, Windows	...														
	2. Keys, Locks etc.	...														
	3. Ladders	...														
	4. Tools, Plants etc.															
	5. Handing over charge by the relieved and relieving officer.															
6.	Prison locked for the night at	...														
		Orderly Officer for the day					Orderly Officer for the night					Senior Jailor				
7.	Details of the staff on night duty															
Main Gate																
Orderly Officer		...	Shri													
Guarding Officer		...	1. Shri 2. Shri 3. Shri													

Time	
From	To

*Circle No. I*

Amaldar in Charge

Guarding Staff

... 1. Shri  
2. Shri  
3. Shri

*Circle No. II*

Amaldar in Charge

Guarding Staff

... 1. Shri  
2. Shri  
3. Shri

*Cells—*

Amaldar in Charge

Guarding Staff

... 1. Shri  
2. Shri  
3. Shri

*Hospital—*

Amaldar in Charge

Guarding Staff

... 1. Shri

8. *Details of Night Visits—*

Time of arrival	Name of Visitor	Places visited	Time of departure	Initials of		Orderly Officer for night	Orderly Officer for day	Senior Jailor	Superintendent
				Visitors	Orderly Officer				

† These certificates should be recorded by the orderly officer for the day in his own hand.



## \*FORM III

(Rule 20)

*Lock-up Register of Circle/Yard No.....**..... Prison, dated ..... 19**(A) Barrackwise details*

			Men	Women	Total
Barrack No.	I	...			
do.	II	...			
do.	III	...			
do.	IV	...			
do.	V	...			
do.	VI	...			
do.	VII	...			
do.	VIII	...			
Night Watchman		...			
Convict Overseers		...			
(A) Total		...			
Received after lock-up		...			
(A) Grand Total		...			

*(B) Categoriwise details of prisoners*

U. T. Prisoners	...			
Prisoners sentenced to S. I.	...			
Prisoners sentenced to R. I.	...			
Prisoners sentenced to imprisonment for life.	...			
Prisoners sentenced to death	...			
Juveniles	...			
Escapees	...			
Habituals	...			
Criminal Psychotics	...			
N. Ws.	...			
C. Os.	...			
(B) Total		...		
Received after lock-up		...		
(B) Grand Total		...		

*Hour of lock-up—*

† Certificate about—bars, doors, windows, keys, locks etc. ladders. Tools, plants etc.

CIRCLE AMALDAR

JAILOR

\* Inserted by Government Notification, Home Department, No. RJM/1071/36852 (1)-XVI, dt. 10th November 1972.

† These certificates should be recorded by the Jailor/Jamadar in his own hand.

*(C) Details of the staff on Night duty—*

## BARRACK NO. 1

Time		Register No. of C. O.'s	Name of Guarding staff
From	To		

## BARRACK NO. II

Time		Register No. of C. O.'s	Name of Guarding staff	Barrack No.
From	To			

*(D) Details of night visits—*

Time		Name and Designation of the visitors	Remarks	Initials of	
From	To			Visitors	Superintendent

*Remarks of—*

CIRCLE JAILOR.

SENIOR JAILOR.

SUPERINTENDENT.

308

FORM No. IV

[ Rule 23 ]

*Report Book of ..... for ..... Prison 19 .. .*

---

Serial No.	Report	Orders of the Superintendent	Compliance report
------------	--------	------------------------------	-------------------

---

---

## CHAPTER XX

**ADMISSION CLASSIFICATION AND SEPARATION OF PRISONERS***SECTION I : STATUTORY RULES*

[Government Notification, Home Department, No. RJM-1058 (XXIII-XXIV)-IV, dated 16th June 1966]

In exercise of the powers conferred by clauses (17), (27) and (28) of section 59 of the Prisons Act, 1894 (IX of 1894), in its application to the State of Maharashtra, and of all other powers enabling it in that behalf and in supersession of the rules relating to admission, classification and separation of prisoners in force in any part of the State, the Government of Maharashtra hereby makes the following rules, namely:—

1. (i) These rules may be called the Maharashtra Prisons (Admission, Classification and Separation of Prisoners) Rules, 1966.

Short title and commencement.

(ii) They shall come into force on the 22nd day of August 1966.

**PART I : ADMISSION OF PRISONERS**

1. (i) No new prisoner shall, subject to the provisions of rule 2, be admitted by a Gate-keeper into a prison before the opening of the jail and after the hour of its lock-up:

Admission of Prisoners.

Provided that a prisoner.—

(a) on the special written order of a Sessions Judge or of a District Magistrate or the Superintendent, or

(b) on transfer after due intimation, shall be admitted into the prison after the hour of its lock-up.

(ii) Prisoners who are admitted in the prison after the hour of its lock-up shall be kept in a cell used for the purpose.

2. (i) No prisoner shall be admitted into any prison except according to the exigency of any writ, warrant or order signed by a competent authority. Before admitting a prisoner, the jailor shall question him and ascertain that his name and other particulars correspond with those entered in the writ, warrant or as the case may be, of the order.

Prisoners not to be admitted without warrants.

(ii) Undertrial prisoners shall be admitted into a prison on separate writs, warrants or orders, signed by a competent authority. On admission they shall be examined by the Medical Officer for marks of violence, if any. On their conviction or discharge, their warrants shall be retained in the prison office.

Search of newly  
admitted  
prisoners.

3. (i) A jailor shall invariably be present at the time of admission of new prisoners, and he shall see that the writs, warrants, orders and other papers are correct and according to the prescribed forms.

(ii) All prisoners shall, subject to the following provisions, be thoroughly and carefully searched on their admission into a prison:—

(a) Class I prisoners shall be searched only in the presence of a jailor:

(b) Women prisoners shall be searched by a Matron and only in the presence of women.

(c) Civil prisoners shall not be searched in the presence of any other prisoner.

(iii) On their admission into a prison —

(a) in the case of prisoners sentenced to rigorous imprisonment, every article including clothing, money, jewellery and documents shall be taken from them, provided that where a prisoner is received late or after the hour of the lock-up of the prison, the clothing shall be left with him until next morning;

(b) in the case of prisoners sentenced to simple imprisonment and of undertrial prisoners, money, personal ornaments, papers and letters and other property excluding their private clothing, shall be taken from them; provided that undertrial prisoners may retain their bedding, if they so desire;

(c) in the case of civil prisoners dangerous weapons, articles likely to facilitate escape, drugs and immoral books shall be removed from them.

(iv) All property taken from prisoners under sub-rule (3) shall be dealt with as provided for under the Maharashtra Prisons (Prisoners' Property and Documents) Rules, 1964.

Note.—Prisoners may be allowed on request to the Superintendent to wear or use in the prison the sacred thread known as “Janwa” or “Janoi” or cloth known as “Sowla”, or an undergarment known as “Sadra”, and the thread known as “Kasti” or “Ling” wrapped in a piece of cloth or

kept in a silver box suspended round the neck (provided it is capable of being examined against misuse), Scapulars, Rosaries, Comb, iron bangles and kirpan, 0.0371 meters in length, (worn by Sikhs) and Kumku and bangles (for women prisoners).

4. All prisoners (convicted as well as undertrials) shall, on their admission into a prison, be made to wash themselves thoroughly and in case of prisoners received late after the hour of the lock-up of the prison, early next morning.

Prisoners to wash themselves and their clothing soon after admission.

5. All warrants shall be examined to ascertain whether they conform to the orders of the High Court. If a warrant is incorrect a copy of it may, in the case of minor irregularities, be sent to the officer who issued it, with a request that a revised one may be forwarded, and, on receipt of it, the incorrect warrant shall be returned to the Court. The receipt of a revised warrant shall be acknowledged by the jail authorities by special letter and until such letter is received, the prison authorities shall not be held responsible for any mistake that may occur, in consequence of the irregularity (if any) in the original warrant.

Prison authorities not to be responsible for any mistake in warrant.

*Note.*—(1) A warrant ordering imprisonment without specifying whether it is to be simple or rigorous imprisonment and undated, unsigned or unsealed warrant shall be returned for correction.

*Note.*—(2) The amount of solitary confinement ordered on a warrant is dependent on the term of sentence and should not be more than is allowed under section 73 of the Indian Penal Code.

6. (i) Every prisoner shall receive a serial number corresponding with the entry relating to him to the admission register as in Form I, and this register number shall be his distinguishing mark whilst in the jail. The series shall run from 1 to 10,000 in Central Jails and from 1 to 2,000 in District Jails.

Registration of admission entries of prisoners in Jail Registers.

(ii) The prisoner's number and the letter 'H' signifying his category, if he is classed as a 'habitual' criminal, shall invariably precede his name when he is referred to in any official communication.

*Explanation.*—Thus, Rup Ram, a 'habitual' criminal, would be described as 'prisoner No. 606-H, Rup Ram', while Bagh Khan, a non-habitual prisoner would be described as "prisoner No. 666, Bagh Khan".

(iii) If a prisoner belongs to class I that class shall be indicated by placing his class after his name.

*Explanation.*—Thus, if Bagh Khan were class I prisoner, he shall be described as “prisoner No. 662, Bagh Khan, ‘I’ Class”.

(iv) In descriptive rolls the father’s name shall invariably be added. A prisoner’s descriptive roll shall always be sent to the Deputy Inspector General of Prisons (Regional) with any reference concerning him.

(v) In all registers and returns, the numbers and names of women prisoners shall be written in red ink.

(vi) The names of en route prisoners, both convicted and under-trials, shall be entered in Admission Register as in Form I and Register of Undertrial Prisoners as in Form II of the prison in which they stop en route.

Recording of  
identification  
marks, etc.

7. (i) 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 shall be recorded in the admission register. If there is no such record, the personal description shall be entered by the Medical Officer. Any police officer deputed to take a prisoner’s finger impressions shall be allowed to do so.

(ii) At least three identification marks shall be clearly and fully recorded in the case of each prisoner when he is first admitted. If the prisoner had originally come in as undertrial prisoner and was subsequently convicted, his description shall be copied from the Register of undertrial prisoners to the Admission Register.

(iii) The description shall not be altered except by the Medical Officer for minor corrections and amplifications during the whole term the prisoner remains in prison. Every such correction shall be signed and dated by the officer who makes it.

Procedure for  
verifying the age  
of offender or  
prisoner .

\*“7-A. (1) For the purpose of the rules contained in Part II of these rules, the age of an offender or of a prisoner shall be ascertained and recorded in the jail record in the following manner, that is to say,—

(i) The police officer dealing with the case of an offender and record the same in the relevant record before a case is sent up to a court.

\* Added by Government Home Department, Notification No. RJS 1471/D-837-XVI, dated 27th February 1974.

If the Police Officer is of opinion that the offender appears to be between 16 and 23 years of age, he may get his age determined by X-ray examination at a civil hospital in which case he shall record the fact that the age of the offender has been entered in the record after ascertaining it by X-ray method ;

(ii) Except in cases when the age of an offender is recorded after an X-ray examination—

(a) In case the age recorded by a Police Officer under clause (i) does not appear to be correct from the appearance and build of the offender and the Court is of the opinion that the offender may be between 16 to 23 years of age, and if the police do not produce satisfactory evidence in support of the age the court may order a medical examination, including X-ray examination of the offender for ascertaining his correct age, and on the basis of the age so ascertained, the age of the date of conviction shall be recorded against appropriate heading in the committal warrant;

(b) in case where the age of a prisoner is not recorded in the warrant or where the age recorded in the warrant in the opinion of the Medical Officer seems inaccurate the Medical Officer shall immediately examine the prisoner after his admission in a prison, for ascertaining his correct age and, if necessary refer such prisoner to a Civil Surgeon for determining his correct age by an X-ray examination ;

(iii) the age of the prisoner certified by the Medical Officer or determined by the Civil Surgeon shall then be recorded in all the prison records pertaining to the prisoner.

(2) The Superintendent shall report within one month to the Inspector General of Prisons the cases in which the age of the prisoner is certified or determined in the manner indicated in sub-clause (b) of clause (ii) of sub-rule (1) for orders, if any, regarding the treatment to be accorded to him in the prison.

8. If a prisoner is transferred from one prison to another, his description shall be recopied from the transfer papers into Admission Register at the receiving prison. On each occasion on which the description is copied into a document or into a Register, it shall be carefully checked by the Senior Jailor so as to prevent impersonations and the prisoner's register number, name, sentence, date of sentence, date of admission, date of

Procedure in case of prisoner's transfer to another prison.



release and number of convictions shall be endorsed on his warrant. A history ticket shall also be prepared for him.

- |  |  |
|--|--|
| <p>State of every<br/>prisoner's<br/>education to be<br/>recorded</p>                          | <p>9. The state of every prisoner's education shall be ascertained on admission, and shall be entered in the admission register, and history ticket of the prisoner concerned.</p>   |
| <p>Recording of date<br/>etc. in warrant on<br/>prisoner's<br/>admission into a<br/>prison</p> | <p>10. The date of a prisoner's admission into a prison and the serial number given to him shall be endorsed on his warrant and signed by the Jailor. The warrants shall be arranged according to serial number. They shall be kept in a locked chest, the key of which shall be kept by the Jailor. In all prison records and documents both the name of the crime and the section of the Indian Penal Code, or other enactment shall invariably be given.</p>  |
| <p>Verification of<br/>admission<br/>documents by<br/>Senior Jailor</p>                        | <p>11. (i) As soon as possible after the procedure described in rules 7 and 15 has been completed, the prisoner shall be brought before the Senior Jailor who shall—</p> <ul style="list-style-type: none"> <li>(a) examine the warrant and endorsement thereon, and initial them;</li> <li>(b) read out to the prisoner the list of his private property as recorded in Registers in Forms Nos. III, IV and V, and initial it if it is acknowledged correct, by the prisoner concerned.</li> <li>(c) verify correctness of the age and of identification marks as recorded on the warrant and Admission Register and examine all other entries in the latter register, and initial;</li> <li>(d) verify the entry in the release diary as in form VI and initial;</li> <li>(e) examine all entries on the History Ticket particularly as regards previous convictions;</li> <li>(f) verify and ascertain from the prisoner concerned about the correctness of the entries regarding his past history recorded in the history ticket.</li> <li>(g) issue special orders regarding fetters for security, transfer to a Borstal institution, and other matters as may be applicable to the case under the rules;</li> <li>(h) verify the entry made in history ticket about the submission of the appeal and initial it, if it is acknowledged as correct by the prisoner.</li> </ul> <p>(ii) Undertrial prisoners shall also be brought before the Senior Jailor who shall examine the admission entries made in Register of Undertrial</p> |

Prisoners and satisfy himself that they are correct and put his dated initials in the columns prescribed for the purpose.

12. A prisoner shall ordinarily be produced before the Superintendent within 10 days of his admission to a prison, the Superintendent may endorse in the history ticket any special order regarding the treatment to be accorded to him.

Prisoner to be produced before Superintendent within specified time

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

Prisoners having influence in district to be transferred to another district

14. The Senior Jailor and the jailor-in-charge of judicial work shall every day or at frequent intervals personally check each fresh entry in the Admission Register and shall see that for each entry therein a corresponding entry is made against the proper date in the Release Diary and that in the case of a prisoner to whom remission is granted or who is sentenced while in prison, the entry in the Release Diary is altered so as to indicate the date on which the prisoner is due for actual release.

Checking of admission registers

15. (i) The Senior Jailor shall see that every newly admitted convicted prisoner is brought on the day of his admission or on the day next after his admission, fully equipped according to rules for examination before the Medical Officer who shall examine him thoroughly and enter in the Health Register as in Form VII.—

Medical Examination

(a) his weight (both actual and physical equivalent), height and state of health, and in the case of prisoners sentenced to rigorous imprisonment the class of labour for which the prisoner is fit, and any other observations that may be considered necessary. If a prisoner is not in good health or is not fit for hard labour the reason shall be clearly stated in the Health Register and also on the prisoner's History Ticket;

(b) whether the prisoner has been vaccinated or has had small pox;

(ii) (a) The Medical Officer shall send any sick prisoner to the hospital for treatment;

(b) In case the Medical Officer has reason to think that a newly admitted woman prisoner is pregnant, he shall at once report the circumstances to the Superintendent for further action.

(c) The Medical Officer shall specially examine undertrial prisoners on admission for recent marks of violence and report immediately the result of such examination to the Superintendent.

(iii) If there is an observation ward for prisoners newly admitted into a prison, such prisoners shall be located in such observation ward until the Medical Officer directs that they shall be placed with other prisoners. If any epidemic is prevalent and accommodation for admission of new prisoners is provided outside the prison, such prisoners shall not be admitted within the prison till orders have been given by the Medical Officer for their admission.

(iv) Newly admitted prisoners shall be provided with necessary bedding and protection from cold before they are sent inside to the yard or barrack for confinement.

Duties of  
Medical Officer.

16. (i) On receipt of report about the recent marks of violence from the Medical Officer, the Superintendent shall carefully record the same. The Superintendent shall, if the prisoner so desires (and in any case may at his discretion) transmit the same to the District Magistrate together with the Prisoner's statement as to how the injuries were received.

(ii) The Medical Officer shall scrutinise entries as made by Junior Medical Officer, if any, enter in Health Register the state of health of the prisoner, and decide the class of labour (hard, or other than hard) for which the prisoner is physically fit. The reason for classifying a prisoner as fit for labour other than hard shall be recorded on his History Ticket as well as in Health Register. If the prisoner appears sick, the Medical Officer shall direct his removal to the Prison Hospital or into quarantine and shall note in the remarks column anything abnormal in the prisoner's condition. When forming an opinion of the physical fitness for labour of a convict on his admission into prison, the Medical Officer shall take into account the convict's previous occupation, mode of life, health of the locality in which he has resided, abundance or scarcity of food in that district, the state of his muscles and limbs and any signs of constitutional or mental weakness. At the same time the Medical Officer shall not lose sight of the possible good effect of judicious exercise and suitable labour for prisoners of weak constitution.

*Note.*—The mere fact that a prisoner's weight is somewhat below the physical equivalent of his height is not in itself sufficient reason for classifying him as unfit for hard labour. The muscular development of such an individual must always be examined.

17. Subject to the provisions of section 33 of the Bombay District Vaccination Act, 1892, or any law corresponding thereto in any part of the State, all convicted prisoners shall be vaccinated as early as practicable after their arrival in prison.

Vaccination of  
prisoners

18. (i) Convicted prisoners shall, on admission into a prison, be kept in quarantine for such period, being not less than ten days, as the Medical Officer may consider necessary in each case with due regard to the kinds of epidemic diseases, if any, which are prevalent at the time.

Placing of  
prisoners in  
quarantine

(ii) A convicted prisoner who has already spent some time in the same prison as an undertrial prisoner and has had his ten days' quarantine period there, may not be placed in quarantine again after conviction:

Provided that, unless the Medical Officer advises to the contrary, prisoners transferred from other prisons may not be quarantined if they have been in such prisons for at least fourteen days.

19. (i) During the period of quarantine the prison staff (including the Medical Officer) shall explain to the prisoners the rules of prison discipline, or personal and communal hygiene, of their behaviour towards officers of the prison and towards other prisoners, the new outlook in regard to the treatment of prisoners, the concessions and liabilities of prisoners, and the necessity of utilising the period of his prison life in preparing himself for rehabilitation after his release.

Instructions to  
prisoners during  
period of  
quarantine

(ii) A History Form shall be filled in respect of all prisoners sentenced to a term of imprisonment (either simple or rigorous) of six months and above except hardened criminals who, in the Superintendent's opinion, are not likely to be benefited by corrective treatment, after obtaining from the prisoner concerned the relevant information. In case the prisoner refuses to give any information the letter (R) shall be recorded in relevant column of the form.

(iii) A copy of the abstract of rules relating to the conduct of prisoners in the language of the district, shall be hung up in every ward under the signature of the Superintendent.

20. The Superintendent shall provide suitable work for all prisoners during the period of quarantine.

Superintendent to  
provide suitable  
work to prisoners  
during period of  
quarantine

Prisoners put in  
quarantine to be  
confined in cells

21. Prisoners put in quarantine shall so far as is practicable be confined in cells and shall not be allowed to associate with other prisoners or amongst themselves.

Prisoners to be  
kept separate until  
certified by  
Medical Officer

22. No prisoner shall be transferred from the quarantine to a circle or barrack without the approval of the Medical Officer. The prisoner shall be kept separate until certified by the Medical Officer as fit to be received among other prisoners.

---

## PART II: CLASSIFICATION OF PRISONERS

Definitions

1. In these rules, unless the context otherwise requires,—

(a) the expression 'habitual' shall have the same meaning as is assigned to it in rule 2 of the Maharashtra Prisoners (Habituals and Hardened Criminals) Rules, 1965.

(b) 'non-habitual' means a prisoner other than an habitual;

(c) 'undertrial prisoner' means a person committed to a prison while charges against him are under judicial investigation.

Classification of  
undertrial  
prisoners

2. (i) All undertrial prisoners shall be classified into two classes—'Class I,' and 'Class II'.

(ii) The Superintendent shall ordinarily place all undertrial prisoners in Class II :

Provided that where any trial Court recommends that any undertrial prisoner may be placed in Class I having regard to his social status and education and the habit of life to which he is accustomed, the Superintendent shall place such undertrial prisoner provisionally in Class I and immediately thereafter forward the recommendation in cases arising in Greater Bombay to the Chief Presidency Magistrate and elsewhere to the District Magistrate concerned for approval.

Classification of  
convicted  
prisoners

3. (i) All convicted prisoners shall be classified into two classes,—'Class I,' and 'Class II'.

(ii) The Superintendent shall ordinarily place all convicted prisoners in Class II :

Provided that, the State Government may *suo motu* or on the recommendation if any, made by the convicting court or any court superior thereto or on the recommendation of the Superintendent made under rule 4 and after making such inquiries (including inquiries of the Area Commander in the case of prisoners convicted by a Court Martial) as it

may think fit, direct any convicted prisoner to be placed in Class I ; and upon such direction the Superintendent shall place such prisoner in Class I.

*Explanation.*—For the purpose of this rule, a ‘convicting court’ includes a Court Martial or a court detaining a person in prison under the provisions of Chapter VIII of the Code of Criminal Procedure, 1898.

4. (i) The Superintendent may, at any time, forward his recommendations with reasons therefor, through the Inspector General, for revision of the classification of any undertrial or convicted prisoner.

Revision of  
classification of  
prisoners

(ii) On receipt of the recommendations under sub-rule (i) or *suo motu*, the State Government may at any time revise the class in which any undertrial prisoner or convicted prisoner is placed.

5. Subject to rule 2 of the Maharashtra Prisons (Habituals and Hardened Criminals) Rules, 1965, all convicted prisoners shall be classified as habituals or non-habituals.

Classification into  
habitual and non-  
habitual prisoners

---

### PART III : SEPARATIONS OF PRISONERS

1. (i) As far as structural arrangements permit, Class I prisoners shall be provided with cellular accommodation. Where cellular accommodation is not possible, association barracks shall be used.

Accommodation  
for class I  
prisoners

(ii) Class I prisoners shall, as far as possible, be kept separate from Class II prisoners in separate yards provided for the purpose.

2. Every civil prisoner shall be confined in a Civil ward of prison and shall not be allowed to hold communication or be associated with criminal prisoners :

Confinement of  
civil prisoner

3. Undertrial prisoners shall be accommodated in separate cells at night :

Undertrial  
prisoners

Provided that where cells are not available for all prisoners, adolescents and non-habitual prisoners shall be accommodated in cells first but these prisoners shall be kept separate from each “Other and from undertrial prisoners.

Separation of  
confessing  
undertrials

4. Confessing undertrial prisoners shall, as far as practicable, be separated from other undertrial prisoners. Where a cell is used for segregating a confessing undertrial prisoner he should be allowed the free use of the yard in front of the cell.

*Explanation.*—A confessing undertrial prisoner is one who is certified as such by a Magistrate.

Undertrial  
accused of  
heinous offences

5. Whenever practicable, undertrial prisoners who are accused of heinous offences shall not be confined with those who are accused of offences less heinous. Any undertrial prisoner who is accused of committing a crime in concert shall when a prison has separate compartments be kept separate from others concerned in the same case. Where there is no separate compartment, such prisoners may be kept in separate cells by day and in separate wards by night, but shall not be kept in solitary confinement.

Confinement of  
habitual prisoners

6. (i) Every habitual criminal prisoner shall be confined in a special prison in which only habitual criminal prisoners are kept.

Prisoners  
convicted of  
rape etc.

7. Criminal prisoners convicted for committing rape, or unnatural offence, for kidnapping for the purposes of prostitution or for an offence under the Suppression of Immoral Traffic in Women and Girls Act, 1956, shall be kept separate in the prison from other prisoners and where structural arrangements permit, they shall invariably be lodged separate from other prisoners at night:

Provided that women prisoners sentenced to confinement in a cell shall be removed from their cells to an association barrack before lock-up.

Prisoners  
sentenced to  
simple and  
rigorous  
imprisonment.

8. (i) Wherever possible convicts sentenced to simple imprisonment shall be separated from those sentenced to rigorous imprisonment or life imprisonment.

(ii) Such prisoners shall remain during the day time in the part of the prison assigned to them and shall not enter the labour yards or communicate with the labouring prisoners unless they elect to work, in which case they shall remain with the gang to which they are allotted.

(iii) Habitual prisoners sentenced to simple imprisonment shall be kept separate from prisoners sentenced to rigorous imprisonment, unless they elect to work, in which case they may work with latter during the prescribed hours.

(v) Non-habitual prisoners sentenced to simple imprisonment shall also be kept separate from other non-habitual prisoners, but where there is no separate accommodation available for them they may be located with the latter.

9. (i) A prisoner sentenced to death shall, from the date of his sentence, and without waiting for the sentence to be confirmed by the High Court, to be confined in some place or a cell, generally within the prison, apart from all other prisoners.

Prisoners  
sentenced to  
death.

(ii) Every such prisoner shall, in the morning after the opening of the prison and in the evening before it is closed, be searched in the presence of the Jailor in-charge of the circle or yard concerned.

(iii) Women prisoners under sentence of death shall be kept in the women's section of the prison and guarded by women officials.

10. Adolescent prisoners confined in ordinary prisons shall be kept entirely separate from other prisoners both by day and night. Habitual adolescent prisoners shall be kept separate from non-habitual adolescent prisoners.

Adolescent  
prisoners

11. Prisoners under observation for insanity or suffering from contagious diseases shall be so isolated as the Medical Officer considers necessary.

Prisoners  
suffering from  
insanity or  
contagious  
diseases

12. Military prisoners sentenced for purely military offences shall, so far as it is possible, be kept entirely apart from ordinary (convicted criminal prisoners.)

Ex-military  
prisoners

13. The Superintendent or the Senior Jailor shall explain the class system to a prisoner on his admission and shall caution him that he shall be liable to punishment if he converses or communicates with any prisoner of a different class, or a prisoner confined in a section, yard or barrack other than that in which he is placed or confined, or if he is found in any part of the prison other than that in which he has been placed for work or sleeping.

Classification to  
be explained to  
prisoners



## FORM I

(See Rule 6)

**Register showing the description of Convicted prisoners in the  
Prison/Jail during the year**

				Class
1.	Number			...
2.	Name in full			...
3.	Nationality			...
4.	Religion			...
5.	Age on sentence and height			...
6.	Finger impression taken or not			...
7.	Marks of identification : (indelible marks to be given here)			...
8.	City or Village, Taluka and District			...
9.	Home Address			...
10.	Name and address of next of kin			...
11.	Previous occupation			...
12.	Able to read and write or illiterate			...
13.	Details of previous convictions :			...

  

Sr. No. and date of offence	Offence	Length and nature of sentence	Sentencing authority
1	2	3	4
1st on			
2nd on			
3rd on			
4th on			

  

14. Details of present conviction—
(a) Section and Act under which convicted.
(b) Sentencing Authority.
(c) Date of sentence.
(d) Date of arrival in prison.
(e) Nature of punishment (R. I./S. I.)
(f) Length of sentence.
(g) Solitary confinement and dates on which it has been carried out.
(h) Fine or Sentence in default.

15. Date on receipt of intimation of payment of fine from Magisterial authorities and amount.  
(b) Date of receipt of fine by Jailor and amount.
16. Date of release on expiry of sentence and/ or on expiry of sentence in default of payment of (fine).
17. Date of release on bail or full payment of fine.
18. Date and result of appeals ...
19. Date of A. B. and Result of A. B. ...
20. Due date of 14 years' report ...
21. Result of 14 years' report. ...

---

22. Furlough ..

---

Release	Date of Release	Date of surrender	Overstayal	Authority for Release	Remarks
1	2	3	4	5	6
1st					
2nd					
3rd					
4th					
5th					
6th					
7th					
8th					
9th					
10th					
11th					
12th					

---

23. Parole

Release	Period	Total number of days	Date od release	Date of surrender	Over- stayal	Authority for release	Remarks
1	2	3	4	5	6	7	8
1st							
2nd							
3rd							
4th							
5th							
6th							
7th							
8th							
9th							
10th							
11th							
12th							
13th							
14th							
15th							
16th							
17th							
18th							
19th							
20th							

25 How disposed of (Date to be entered)—

- 26 Intended place of residence (to be entered  
when furnishing information to police  
about habituals).

27 Initials of— Clerk  
Judicial Jailer  
Senior Jailer  
Superintendent.

FORM No. II  
**Register of unconvicted criminal prisoners admitted to the prison  
during the year 19 .**

- |  |  |
|--|--|
| 1. Register No.  | ...  |
| 2. Name in full  | ...  |
| 3. Native place (City, Village, Taluka and District) and address of next kin.  |  |
| 4. Occupation  | ...  |
| 5. Age   | ...  |
| 6. Height  | ...  |
| 7. Physical equivalent and weight on admission.  |  |
| 8. Marks   | ...  |
| 9. Date of arrest  | ...  |
| 10. Date of admission to prison  | ...  |
| 11. Remarks of the M. O. about marks of beating or violence on the body of the prisoner, if any, at the time of admission. |  |
| 12. Health on admission  | ...  |
| 13. Offence of which accused   | ...  |
| 14. By whom committed for trial  | ...  |
| 15. Dates of remand  | ...  |
| 16. Date of final disposal   | ...  |
| 17. How disposed of  | ...  |
| 18. Remarks about escape, date or the register number allotted on conviction.  |  |
| 19. Initials of Sr. Jailor/Dy. Supdt./Superintendent.  | <div style="display: flex; justify-content: space-between;"> <span>on admission</span> <span>... on disposal</span> </div> |

## FORM No. III

Book No.

**Register showing particulars of private cash of \* [convicted/  
undertrial prisoners] confined in the prison during the year 19 .**

Date	Name and Register No. of Prisoner	Particulars of receipts	Amount	Date	Particulars of expenditure	Amount
1	2	3	4	5	6	7
			Rs. P.			Rs. P.

Balance	Signature or thumb impression of the prisoner	Initials of Senior Jailor	Initials of Superintendent	Signature or thumb impression of the prisoner on transfer or on release
8	9	10	11	12

Total			
Opening Balance as on			
Date	Amount	Date	Amount
	Rs. P.		Rs. P.
1st April 19	...	1st April 19	...
1st April 19	...	1st April 19	...
1st April 19	...	1st April 19	...
1st April 19	...	1st April 19	...
1st April 19	...	1st April 19	...

\* Substituted by Government Notification, Home Department No. RJM-1071-45938-(a)-XVI, dated 5th September 1972.

## FORM No. IV

Book No.

**Register showing particulars of receipts and disposal of valuable articles and jewellery of convicted/ \* [ undertrial ] prisoners confined in the prison during the year 19 .**

Register No.	Date of admission	Name in full	Description of the article/ jewellery	Estimated value of the article/ jewellery	Signature or thumb impression of the prisoner	Initials of the Senior Jailor
1	2	3	4	5	6	7

Initials of Superintendent	Date of disposal	How disposed	Signature or thumb impression of the prisoner	Initials of the Senior Jailor	Initials of Superintendent	Signature or thumb impression of the prisoner on transfer/ release
8	9	10	11	12	13	14

\* Substituted by Government Notification, Home Department, No. RJM/107I/45938(a)-XVI, dated 5th September 1972.

## FORM No. V

**Register showing particulars of clothing of convicted and \* [undertrial]  
criminal prisoners confined in prison during the year 19 .**

Register No.	Name in full	Date of admission	Name and description of article	Estimate value	Date of release/ transfer to other jail
1	2	3	4	5	6

How disposed of	Signature or thumb impression of the prisoner	Initials of Senior Jailor	Initials of the Superintendent	Signature or thumb impression of the prisoner on transfer/release
7	8	9	10	11

\* Substituted by Government Notification, Home Department, No. RJM-1071-45938-(a)-XVI,  
dated 5th September 1972.



## FORM No. VI

## Release Diary                      day of                      19                      .

Serial No.	Register Number	Name of convict with father's or husband's name (names of women to be entered in red ink)	Date of sentence	Period of sentence including fines <i>i. e.</i> , such fines as have not been paid before admission into the prison
1	2	3	4	5

On admission of convict or transfer of entry from another page initials of—		On transfer to another page of convict's name or certifying to the convict on proper date, initials of—		Amount paid to convict on release	
Judicial Jailor	Senior Jailor	Judicial Jailor	Senior Jailor	Wages	Private cash
6	7	8	9	10	11

Places to which convict has to travel to enable him to reach his home		Allowance (if any) granted		Articles of Jewellery handed over on release
By Rail (give name of station)	By road (state number of miles)	Cost of lowest class ticket by railway train	subsistence allowance	
12	13	14	15	16

Register Numbers of Prisoners due to surrender to Jail to-day	Remarks as to whether the Prisoner surrendered or otherwise	Initials of Senior Jailor
17	18	19

## FORM VII

**Register of Prisoners showing particulars of health on their admission  
and discharge from the Prison/Jail for the year 19 .**

Serial No. as per Admission Register	Prisoner's Name	Age	Date of admission	State of health on admission	Class of Labour (Hard or other than hard)	Weight on admission
1	2	3	4	5	6	7

On admission vaccinated for small-pox or unprotected	Weight on discharge	State of health on discharge	Date of discharge	Gained, lost or stationary	Remarks (If a convict is disposed of otherwise than discharged, it should here be stated what became of the convict)	Medical Officer's Initials
8	9	10	11	12	13	14

*SECTION II : NON-STATUTORY RULES***PART I : ADMISSION OF PRISONERS**

1. For the purpose of washing themselves and their clothes on admission, prisoners shall be issued carbolic soap lotion at the scale of 2 ozs. of lotion for each prisoner. The lotion shall be prepared in the proportion of half dram of carbolic soap two .ozs. of water. Their private clothing shall also be washed and disinfected if considered necessary by the Medical Officer, before it is stored in the godown.

2. Blank forms of warrants should be kept in Jails for the purpose of rule 5 of Admission of Prisoners Rules.

3. When the Superintendent doubts the legality of any warrant sent to him for execution, he shall follow the procedure laid down in section 17 of the Prisoners' Act, III of 1900, but the reference therein prescribed shall be made to the State Government through the Deputy Inspector General of Prisons, (Regional).

4. 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 officer. If such particulars be insufficient, he may place himself in communication with the police officers. It is of great importance that the Superintendent should know, as much as possible, about the previous career and antecedents of his prisoners.

5. The Senior Jailor and the Jailor in charge of judicial work shall be held personally responsible for the correctness of the entries in both the Register of Convicted Prisoners and the Release Diary, as well as for any illegal detention of a prisoner that may result from neglect of this rule.

**PART II : CLASSIFICATION OF PRISONERS**

1. *Superintendent to verify if classification needs revision.*— Previous convictions, if any, will generally appear in the warrant. The Superintendent should however not be content with this information but should endeavour to ascertain from the Jail Officers, Jail guards and long term convicts, as well as from the records of his Jail, if the prisoner has previously been convicted. If he finds that the classification of the prisoners needs to be revised on the basis of the facts so revealed, he shall immediately move the authority concerned for revision of the classification.

2. Prisoners of the categories indicated below shall be confined in such prisons or parts of prisons as may be specified by Government in this behalf.

- (i) Adolescent prisoners;
- (ii) Habitual prisoners;
- (iii) Refractory prisoners;
- (iv) Prisoners sentenced to death;
- (v) Civil Prisoners;
- (vi) Female prisoners;
- (vii) Border line mental cases (i. e. who are not fully sane nor fully insane).

3. Over crowding :—(i) The minimum space which has to be provided for each prisoner in a sleeping barrack as laid down in rule 13 of the Maharashtra Prisons (Prison Buildings and Sanitary Arrangements) Rules, 1964, is 3.71 square metres and 15.83 cubic metres. The responsibility for seeing that the requirements of this rule are strictly observed rests with the Superintendents of the prisons.

(ii) In case of over-crowding on account of emergency, the Superintendent of the Prison shall provide sufficient accommodation either by improving additional cells in some other building or by transferring prisoners to other prisons. Before transferring prisoners to other prisons, the Superintendent of the Prison concerned shall necessarily consult the Deputy Inspector General of Prisons (Regional) by an express Telegram or by Telephone so that the latter may allot a prison where extra accommodation is available. In the meanwhile, the Superintendent shall take action as indicated in Rule 17 of the Maharashtra Prisons (Prison Buildings and Sanitary Arrangements Rules, 1964) utilising worksheds as sleeping wards and accommodate the excess prisoners in temporary huts and/or tents.

4. When a delinquent child or adolescent offender is admitted as an undertrial prisoner and the trial of his case appears to the Superintendent of the Prison to have been unduly prolonged, he shall report such delay to the Sessions Judge or District Magistrate as the case may be with a view to expedite the trial.

5. Political Prisoners .—Where any prisoner claims any privileges not granted to any undertrial or convicted prisoner on the ground that he is a political prisoner, the Superintendent shall as soon as may be practicable, report his case to “the State Government through the Inspector General, for orders.

## PART III : SEPARATION OF PRISONERS

1. *Statutory requirements regarding separation.*—The requirement of the Prisons Act, with respect to the separation and custody of prisoners are contained in sections 27 and 28 of the Prisons Act, and are as follows:—

(i) In a prison containing women as well as men prisoners, the women shall be imprisoned in separate buildings in such a manner as to prevent their seeing or conversing or holding, any inter-course with men prisoners ;

(ii) In a prison where men prisoners under the age of eighteen are confined, means shall be provided for separating them all-together, other prisoners, and for separating those of them who have arrived at the age of puberty from those who have not;

(iii) Unconvicted criminal prisoners shall be kept apart from convicted criminal prisoners;

(iv) Civil prisoners shall be kept apart from criminal prisoners and

(v) Subject to the requirements of section 27 of Prisons Act, mentioned above in this rule, convicted criminal prisoners may be confined either in association or individually in cells, or partly in one way or partly in the other.

*Note.*—If any educated prisoners voluntarily desire to be kept separately and if there are any vacant cells, they may be kept in such cells.

2. *Women Prisoners.*—(i) Women prisoners shall be rigidly secluded from the men prisoners, and the undertrial women shall be kept apart from the convicts. As far as possible women adolescents must be kept away from older prisoners, habituels from non-habituals, and prostitutes and procuresses from women who have hitherto lived a respectable life. The women's ward shall be so situated, as not to be overlooked by any part of the men's jail; and there shall, as far as possible, be a separate hospital for sick women prisoners within or directly adjoining the women's enclosure.

(ii) Classification cannot in its entirety be applied in all jails to women prisoners, but every such prisoner shall be classified and habitual prisoners shall be kept separate from non-habitual prisoners.

---

## CHAPTER XX

## SCIENTIFIC CLASSIFICATION OF PRISONERS

## SECTION I—NIL

## SECTION II—NON-STATUTORY RULES

[ Framed under G. R., H. D., No. RJM-1058 (XLIV)-IV, dated 10th May 1965 and brought into force w. e. f. 31-5-1965]

1. In these rules Classification means a method by which study of the prisoner's diagnosis, treatment, planning, execution of treatment programme and adjusting and changing the treatment according to requirements, are co-ordinated in the individual case. It is also a method by which the treatment programme is kept adjusted to the prisoners' changing needs.

Meaning of  
Classification

2. Prisoners sentenced to periods of imprisonment of one year and above and confined in Central Prisons and District Prisons Class-1 and Class-11 shall be classified in the manner as hereinafter specified:—

Prisoners  
sentenced to  
imprisonment of  
one year and  
above to be  
classified

*Note.*—(1) Sentences in default of payment of fine shall be taken into account for the purpose of this rule.

(2) Sentences of simple imprisonment annexed to the term of rigorous imprisonment shall be taken into account if the prisoner volunteers and actually does work during the period of simple imprisonment.

3. Classification Committee—(i) The work Assignment Committee Constituted under rule 14 of the Maharashtra Prisons (Employment of Prisoners) Rules, 1965, shall also function as a classification Committee for each of the prisons specified in rule 2. The Superintendent shall be in overall charge of Classification work.”

(ii) Tho meetings of the Committee shall be held at such intervals so as to enable the load of new admissions to be cleared within ten days of the quarantine period.

4. Classification and review procedure shall be phased as indicated below:—

Phases of  
Classification

(i) Admission-quarantine-Orientation.

(ii) Study of the prisoner through, (a) interviews, (b) collection of social information, (c) tests and examinations, (d) observations.

(iii) Analysis of the collected material, compilation of reports, preparation of the case file, central indexing.

(iv) Planning of training and treatment, implementation of the same, and observation of response to treatment programme.

(v) Review of progress and adjusting training and treatment programme to the needs of the prisoners.

(vi) Planning post release rehabilitation programme in collaboration with the After-Care Agencies.

(vii) Pre-release preparation.

(viii) Release.

Basis for  
Classification.

5. Prisoners shall be classified on the basis of age, physical and mental health, length of sentence degree of criminality and character. Factors like sequence of prisoner's criminal behaviour, his social processing, his sophistication in crime, possibilities of his functioning as a contamination or discipline or escape risk, requirements of gradations in custody, educational and vocational needs, urban-rural backgrounds, possibilities of his social adjustment, his prospects after release and his rehabilitation needs shall be taken into consideration. A History Sheet in the form given in Appendix A shall be maintained.

Procedure for  
initial  
classification.

6. (i) The following procedure shall be adopted at the time of the initial classification of prisoners.

(a) As far as practicable the case file should be rotated amongst the Committee members.

(b) The Chairman of the classification Committee should give an oral summary of the case and the discussion of the case should be initiated.

(c) A training and treatment programme as indicated in rule seven shall be chalked out.

(d) The prisoner shall be informed of the programme chalked out for him.

(ii) Initial classification sheet in the form given in Appendix B shall be maintained.

*Note.*—The initial decisions taken by the Committee shall be recorded in the appropriate column of the initial classification sheet (Appendix 'B'). 'These decisions shall be communicated to the concerned staff members.

7. The classification committee shall take decisions on the following points in accordance with the needs of each prisoner.

Decision to be taken by Classification Committee.

(a) Recommendations about transfer to another prison in the State, if found necessary on administrative, disciplinary or medical or other grounds.

(b) Gradation in custody, maximum or medium, housing, place of work, area of movement and activity, degree of supervision and type of restrictions required, etc.

(c) Individual problems of the prisoner (family welfare, family contacts and adjustments, economic problems, land, litigation, legal help, institutional adjustment, etc.).

(d) Work and vocational training.

(e) Education—health education, social education, academic education, vocational education and moral education.

(f) Social adjustment—recreation, group work activities, guidance and counselling.

(g) Special instructions, if any, to personnel about collection of more information; special precautions to be taken if any, etc.

(h) Date for review of the case.

Note :—(1) While taking the above decisions the Committee should indicate the type of training and treatment most needed by the prisoner so as to help him to solve his problems.

Note:—(2) The treatment programme should be practical. Sometimes it should prove useful to indicate alternative work of employment or an interim programme for the prisoner.

8. After the initial classification is over, the prisoner should be removed from the quarantine area and sent to the various sections of the prison, after making necessary entries in the History Ticket of the prisoner under the initials of the Senior Jailor.

Implementation of decision taken by the classification Committee.

9. The Jailor in charge of section yard and programmes shall maintain progress reports of the prisoners in his charge in the form given in Appendix C. The reports shall be written at least once in a quarter or more often if necessary. At the end of each quarter, the progress reports shall be sent to the Jailor appointed specially for the purpose by the Superintendent.

Maintenance of progress reports of prisoners.



*Note.*—The progress reports should contain information about the prisoner's adjustment to institutional life, his discipline, the interest taken by him in various programmes, his attainments in educational, vocation and other fields, any marked changes in his habits, attitudes and behaviour, his family and social adjustment, changes in his health and personality set-up and response to institutional programmes, etc.

Review by  
Classification  
Committee

(10) The classification committee shall review the progress made by the prisoners and their response to institutional regime.

The functions of the committee in this respect are as follow:—

(a) Studying the response of the prisoners to institutional training and treatment.

(b) Modifications and changes in the training and treatment programme.

(c) Recommendations about transfers to other prisons having a different line of training and treatment.

(d) Examining whether the prisoner has reached peak points of institutional impacts and whether he is getting stagnated in a particular institutional activity.

(e) Examining whether the prisoner is fit for being transferred to the open prison at Yeravda Central Prison or Swatantrapur Colony.

(f) Planning for post release rehabilitation programme in collaboration with After Care Agencies.

(g) Issuing instructions about pre-release preparation and release planning.

(2) The case of every prisoner shall be placed before the Classification Committee at least once in six months for review of progress. It may also be examined more often if considered necessary by the Superintendent. The case may be brought before the Committee or on a report from the officer in charge or on request by the prisoner.

(3) The work of reviewing the case of the prisoners should continue from initial classification till his release from prison.

11. A case file shall be maintained for each prisoner, as specified in Appendix 'D'.

-----

APPENDIX A  
**HISTORY SHEET**

(*See rule 5*)

1. Name of the prisoner ...
2. Number of the prisoner ...
3. Age ...
4. Sentence ...
5. Section ...
6. Social History ...
  - (a) Childhood ...
  - (b) Family history ...
  - (c) Health history ...
  - (d) Neighbourhood ...
  - (e) Educational background ...
  - (f) Adolescence ...
  - (g) Economic background ...
  - (h) Employment history ...
  - (i) Associations, companionship etc. ...
  - (j) Habits, attitudes etc. ...
7. Personality (general impressions only)
8. Habitual or Casual ...
9. Criminal history and statement of the prisoner regarding present and previous crimes, if any.
10. Clues regarding sequence of criminal behaviour.
11. Is he a social or individualised criminal ?  
 Is he an ordinary criminal careerist  
 or professional criminal or organised  
 criminal ?  
  
 Is his criminal act, behaviour of the  
 moment or eruptive behaviour ?

12. Is his maladjustment at the surface level or at the deep emotional level ?
13. His defects and weaknesses
14. His assets
15. Which are the favourable and unfavourable points for his rehabilitation.
16. Suggestions about reference to experts like psychologist, psychiatrist, etc.
17. Indications about other' sources from where information about the inmate's social background can be available. Suggestions about additional material to be collected.

Date on which the case  
history was prepared.  
Prison

---

APPENDIX B  
**INITIAL CLASSIFICATION SHEET**

(*See rule 6*)

1. Prison ...
2. Name of the prisoner ...
3. Number and age of the prisoner ...
4. Sentence and Section ...
5. Recommendations about transfer, if any.
6. Gradation in custody (Maximum or medium) accommodation in barrack or cell; place of work; area of movement and activity; degree of supervision; type of restrictions etc.
7. Health and medical matters ...
8. Individual problems of the inmates, (Family welfare, appeal, family adjustments, economic problems, land, litigation, legal help, institutional adjustment etc.)

9. Work ...  
(Apprenticeship training, allocation to production unit etc.)
  10. Education  
(Health, academic, social, vocational, moral and cultural education).
  11. Social adjustment  
(Recreation, group work activities, guidance and counselling etc.)
  12. Special instructions to the institutional personnel if any. (Collection of more information; special precautions to be taken if any, etc.,)
  13. Date of review ...
- Date of initial classification. Chairman of the Classification Committee.

#### APPENDIX C

#### PROGRESS REPORT

(See rule 9)

1. Number of the prisoner ...
2. Name of the prisoner ...
3. Sentence ...
4. Date of initial classification ...
5. Physical and Mental Health ...
6. Work (task, proficiency, quality, etc.)
7. Attainments in Education ...
8. Interest taken in institutional activities (P. T., Prayers, recreational and cultural activities).
9. Discipline ...
10. Changes in habits, attitudes and behaviour.

11. Attitude towards staff ...
12. Attitude towards inmates ...
13. Prison Offences and punishments ...
14. Individual problems if any, about  
(family, land, alligation, business, etc.)
15. General assessment about progress ...

Date.

Jailor.  
Circle/Yard.

Recommendation of the Classification  
Committee. Orders of the Superintendent.

Date.

Superintendent,  
Prison.

---

#### APPENDIX D

#### PRISONERS CASE FILE

(See rules 6 and 11)

1. Name and number of the prisoner and  
his previous address.
2. Copy of judgment ...
3. Police reports, if any ...
4. Previous criminal record if any ...
5. Information from previous institution,  
if any.
6. Initial interview material, information  
from family members, relatives,  
friends and co-accused, miscellaneous  
information.
7. Sources of further information ...
8. Observation reports from staff  
members in charge of quarantine  
programme
9. Reports about vocational aptitude tests,  
educational tests, etc.

10. History sheet
  11. Summary and analysis by the Jailor in-charge of classification work.
  12. Initial classification sheet
  13. Instructions regarding training and treatment programme and about special precautions to be taken, if any.
  14. Quarterly progress reports from various sections.
  15. Furlough and Parole sheet
  16. Remission sheet
  17. Sheet of prison punishments, special achievements if any.
  18. Pre-release programme
  19. Final progress report
  20. Release plan
  21. Details of release
  22. Closing remarks
  23. Central index reference
-

CHAPTER XXII  
**EMPLOYMENT OF PRISONERS**

*SECTION I : STATUTORY RULES*

[Home Department Notification No. RJM-1058 (XXXII)-IV dated 31st  
March 1965]

In exercise of the powers conferred by clauses (12) and (14) of section 59 of the Prisons Act, 1894 (IX of 1894), and of all other powers enabling it in that behalf and in supersession of the rules relating to Employment of Prisoners in force in any part of the State, the Government of Maharashtra hereby makes the following rules, namely:—

Short title and  
commencement

1. (i) These rules may be called the Maharashtra Prisons (Employment of Prisoners) Rules, 1965.

(ii) They shall come into force on the 17th day of May 1965.

Definitions

2. In these rules, unless the context requires otherwise—

(a) “Labouring diet” means the scale of diet as for a prisoner engaged on labour.

(b) “Labouring prisoner” means a prisoner engaged on labour.

Classification of  
labour

3. (i) All labour given to prisoners shall be classified either as hard or other than hard according to the amount of physical exertion required for performance of a fixed task, and the maximum tasks which shall be performed by any prisoner or any group of prisoners.

(ii) There shall be no reduction on a general basis in a task without the sanction of the Inspector General.

Forms of labour

4. The following forms of labour may be considered as hard, and the Superintendent shall determine, whether a particular labour is hard or otherwise, according to the nature of the work and the task exacted, that is to say—

Earth digging.

Quarrying.

Raising water

Hewing tree and cleaving firewood.

Extracting fibre by pounding.

Road making.

Carrying or hauling loads.

Sawing wood.

Black-smithy.

Out file work.

Ploughing fields and other earth work.

Scavenging.

Heavy Textile work (wrapping blanket and punja carpet making).

Rope making.

Heavy kitchen work.

Bakery—Heavy tasks (kneading flour).

Paper industry—Heavy tasks.

Carpentry—Heavy tasks.

Leather work—Heavy tasks.

Washerman—Heavy tasks.

5. (i) Subject to the provisions of sub-rule (2), work of the following category shall be allotted to Class I prisoners, but may be allotted also to suitable Class II prisoners, namely:—

Book-binding.

Envelope making.

Sewing.

Cane-work.

Carpentry.

Painting and polishing.

Clerical work (in selected cases only).

Cot tape and ordinary weaving.

Gardening (where possible),

Spinning.

Button making.

(ii) No menial duties shall be allotted to Class I prisoner.



- Employment of simple imprisonment prisoner      6. Subject to the provisions of section 36, a prisoner undergoing a sentence of simple imprisonment shall be given the benefit of remission and wages system as provided for under the Maharashtra Prisons (Remission System) Rules, 1962 and the Maharashtra Prisons (Facilities to Prisoners) Rules, 1962 and be allowed labouring diet. No menial duties or duties of a degrading character shall be allotted to him.
- Undertrial prisoner not to be employed      7. Unless he so desires, no undertrial prisoner shall be allotted any work except that it shall be his duty to keep his bedding, clothing and yard, clean:
- Provided that no such prisoner, shall be allotted any work which is to be executed along with a convicted criminal prisoner or outside his yard.
- Employment of civil prisoner      8. Subject to the provisions of section 24, a civil prisoner may work or follow his own or any other trade or profession for his own benefit: provided that, the work (including gardening, if practicable) is approved by the officer in charge of the civil prison, and does not entail any expense to Government. The product of gardening shall be at the disposal of the prisoner.
- Prison Servant      9. (i) Except with the sanction of the Inspector General, the number of prison servants (that is, cooks, sweepers and hospital attendants) shall not exceed 10 per cent of the prison population.
- (ii) Except with the sanction of the Inspector General, the total number of convict officers shall be kept as low as possible, and shall not exceed 6 per cent, in the case of convict overseers, and 5 per cent in the case of night watchmen, of the prison population.
- (iii) It shall be the duty of the Superintendent to see, that the percentage of prison servants and convict officers or overseers is maintained, and that, no prisoner is employed for private work by any one except in accordance with these rules.
- Assignment of work      10. (i) All menial and other duties in a prison shall be assigned by the Work Assignment Committee formed under rule 14 to all labouring prisoners, regard being had to the history of each prisoner and the type of work he used to do, as a free citizen.
- (ii) No prisoner shall evade or attempt to evade any work, which may be allotted to him in accordance with these rules on the ground of its being onerous or disagreeable on any false pretext.

11. Conservancy work shall, as far as possible, be allotted to a prisoner who was carrying on that occupation immediately before his imprisonment:

Assignment of  
conservancy work

Provided that conservancy work may be allotted to any other prisoner (not being a child or a minor) who volunteers for it, subject to the following conditions, namely:—

(a) a prisoner shall be employed only if his services are necessary for the purpose of the prison;

(b) the Senior Jailer shall keep a record of persons who have volunteered to do conservancy work, and the record shall be duly attested by the Superintendent;

(c) the prisoner shall not be allowed to do conservancy work in combination with any other employment;

(d) the Superintendent may at any time for reasons to be recorded in Form No. I discontinue the conservancy services volunteered by a prisoner.

12. No prisoner shall be employed to assist in the clerical work of a prison:

Prisoner not to be  
employed on  
clerical work

Provided that a prisoner, until he has completed one-fourth of the term of his sentence, and who is not guilty of forgery, fraud or criminal breach of trust, may, with the previous sanction of the Inspector General, be employed to write appeals of prisoners and to copy letters, reports, returns, statistical statements and rolls, in a verandah or gateway or other suitable place assigned for the purpose by the Superintendent. Any prisoner who is so employed shall not be allowed to enter the office for clerical work or to have access to warrants and any of the Jail Registers, and shall be under the constant supervision of a jail-guard while at work.

13. (i) Convict officers employed in a prison for adolescents shall be carefully selected out of such adolescents who have shown exemplary conduct in a prison.

Employment of  
convict officers  
and adolescents

(ii) In a prison, where there is a population of short term adolescents, elderly men of very good character shall be selected and appointed to be Convict Officers.

14. (i) The Work Assignment Committee of a prison concerned shall consist of—

Work  
Assignment  
Committee

(a) the Superintendent ... Chairman.

(b) the Deputy Superintendent, if any ... Member.

- (c) the Senior Jailer ... Member.
- (d) the Medical Officer ... Member.
- (e) the Factory Manager or Factory Jailer, if there be no Factory Manager. ... Member.

(ii) The Committee shall meet once a week and examine all newly admitted prisoners sentenced to a term of imprisonment for six months and more and consider cases requiring change of work. The Chairman may allow the technical and agricultural personnel and jailors to attend the meetings of the Committee.

(iii) Work once assigned shall not be changed, unless the reasons for such change are enquired into by the Committee, and found to be justified and the decision of the Committee is recorded in the prisoner's history ticket:

Provided that, the Superintendent may, in exceptional cases to be recorded in writing, change the work assigned to a prisoner.

(iv) Notwithstanding anything contained in these rules, a Senior Jailer, in consultation with the Medical Officer and under intimation to the Superintendent, shall assign work to a prisoner who is sentenced for a term of imprisonment which is less than six months.

Watching conduct  
of prisoner after\*  
assignment of  
work

15. Where a prisoner sentenced to imprisonment for a term of one year or more is assigned any work his conduct of work shall be closely watched by the Jailer-in-charge and notes thereof made in his history-sheet (as in Form No. II) in the appropriate place; and for this purpose, he may secure information in addition to his own observation through his subordinates. The sheet of every prisoner shall be scrutinised by the Work Assignment Committee once in every three months to consider any change of work or treatment, if necessary.

Incidents of  
assignment of  
work

16. A prisoner on being assigned work shall be allowed reasonable time to learn it, and if during this time, he shows due diligence and makes satisfactory progress, the Superintendent shall consider his case for the purposes of remission under the Maharashtra Prisons (Remission System) Rules, 1962; and for wages under the Maharashtra Prisons (Facilities to Prisoners) Rules, 1962. In estimating a prisoner's progress, due allowance shall be made for the time necessary to enable a prisoner to learn his work and produce the full task having regard to the industry, difference in intelligence and physical strength.

Inspector General  
to examine scales  
of tasks

17. The Inspector General shall examine, from time to time, the scales of tasks that prisoners produce and fix up standard

scales of tasks for all industries and communicate the same to the Superintendent, who shall see that they are rigidly followed.

18. (i) Except in case of an emergency and by the order in writing of the Superintendent in Form No. 1, no prisoner shall be employed on labour for more than nine hours in any one day.

Hours of  
employment

(ii) No work except menial and other necessary work, shall be done on Sundays and other prison holidays.

19. A prisoner sentenced to solitary confinement by a criminal court shall be employed on suitable work and regulated task shall be exacted from him.

Employment of  
prisoners under  
solitary  
confinement

20. (i) It shall be the duty of the Senior Jailer to see that prisoners are distributed for work properly and at the time fixed for the purpose, and shall occasionally check their number, supervise their work and see that they do the tasks allotted to them properly.

Senior Jailer to  
see to proper  
distribution of  
work, etc.

(ii) He shall also see that the prisoners are not unduly exposed to rain and shall provide all possible protection for them while so working.

21. (i) The Medical Officer in charge of a prison hospital shall inspect every prisoner detailed for extramural work before he leaves the prison in the morning and after his return thereto for the purpose of satisfying himself that he is physically fit for the work for which he has been selected and has not suffered therefrom.

Medical Officer to  
examine prisoners  
on extramural  
work

(ii) It shall also be the duty of the Medical Officer to see that the requisite medicines are distributed in the morning to those prisoners in the out-going gangs, who require them.

22. Where prisoners are employed on blasting, well sinking, excavating or other work of a dangerous character, every reasonable precaution shall be taken to guard against accidents. In blasting operations, the firing of the charge shall be carried out by some responsible person; in excavation the sides shall be sloped or cut in steps, and in well-sinking the sides, if not sloped, shall be boarded to prevent them from falling in.

Prisoners  
employed on  
blasting etc.

23. (i) A prisoner whose term of unexpired sentence is not more than 12 months may be employed on extramural labour irrespective of the portion of sentence already undergone in prison.

Employment of  
prisoners on  
extramural work

(ii) No prisoner sentenced to more than 18 months imprisonment shall be employed on extramural work until he has served at least one-third of his sentence.

(iii) No prisoner who has more than two years of sentence to undergo shall be so employed without the sanction of the Inspector General.

(iv) No prisoner shall be passed out of the main Jail gate for extramural work without his register number and the name of the person responsible for his safe custody being recorded by the gate keeper.

(v) \* [ Except where the Superintendent directs otherwise no convicted criminal prisoner] shall be employed on extramural work whose previous history and conduct while in prison show that he is unfit for such employment or whose place of residence is doubtful or whose home is in the town or city where the prison is situated or is very near to it. A prisoner convicted and sentenced under section 224 of the Indian Penal Code, 1860 shall on, no account, be employed on extramural work. A prisoner employed on extramural work shall be subject to the same discipline as when he is employed inside the prison:

Provided that, this rule shall not apply to prisoners employed in extramural camps selected in accordance with rules made by the Inspector General from time to time (with the prior approval of the State Government).

Gang of infirm  
prisoners

24. In every prison there shall be formed a gang of infirm prisoners for whom a separate muster shall be kept. The gang shall consist of old and infirm persons physically unfit for hard labour, and prisoners discharged as convalescent from the hospital, who are to be employed on other than hard labour.

25. (i) The Superintendent shall establish such industries for the prisoners in his charge as are conducive to their rehabilitation, regard being had to the particular types of prisoners confined in the prison and the proper balancing of vocational training and production, (undue stress not being laid on the profitability of an industry). The Superintendent may, with the previous sanction of the State Government, also establish industries for the prisoners which are useful from the point of view of vocational training and rehabilitation, notwithstanding they yield no profit or are likely even to result in some loss.

(ii) The Inspector General of Prisons shall submit to the State Government every year a report on the working of industries established

---

\* Substituted by Government Notification Home Department, No, BMP-1068/61343-XVI, dated 5th December 1972.

under sub-rule (1), containing in particular a discussion on their working from the financial point of view and the extent to which they have helped in the rehabilitation of prisoners.

26. The selling prices of articles manufactured in a prison shall be fixed on a par with the market prices of such articles, after taking into account the cost of raw materials, wages paid to prisoners, the expenditure on depreciation charges and the cost of technical staff. The percentage of charging expenditure on account of depreciation and cost of technical staff shall be fixed by, the Superintendent with the previous sanction of the Inspector General.

Fixing of selling price of articles

27. Every article for prison use which the prisoners can manufacture for themselves shall, as far as possible, be prepared by convict labour and may, with the sanction of the Inspector General be purchased from a market.

Prisoners to be employed in works of repairs, etc.

28. No prisoner shall be employed by the officers and the staff of prison for private work at their residence and in the gardens attached thereto.

Prisoners not to be employed for private work

29. Employment of prisoners on public works and works undertaken by any local authority shall be governed by the following conditions, namely :—

Employment of prisoners on public works

(i) No convicted criminal prisoner shall be employed on any public work other than construction or alteration of a prison building or premises or repairing roads, cleaning canals or similar work within a reasonable distance from the prison, if the Inspector General is satisfied that the prisoners shall be employed by the State Government in the Buildings and Communications Department or the Irrigation and Power Department and not hired out to private employers or contractors.

Provided that, the Inspector General may permit prisoners to be employed:—

(a) by private contractors, if the work on which they are to be employed appertains to the prison, or

(b) by local authorities approved by the State Government in this behalf, on their undertaking that the prisoners will not be hired out to private employers or contractors.

(ii) Notwithstanding anything contained in sub-rule (1), the State Government may permit employment of prisoners by private employers or contractors in respect of such class of work as it may specify.

Prisoners not to  
be employed with  
outside labourers

30. No prisoner shall be employed in association with outside labourers, other than skilled workmen as Foremen or Instructors in public works or in other industries. No prisoner shall be allowed to go to a bazar for any purpose even with proper escort.

Guard on prisoner  
in employment

31. (i) A single Jail Guard shall not be in sole charge of one or more prisoners working outside a prison.

The guarding escort shall be as under:—

(a) One Guard and one convict officer for every batch of not more than 10 prisoners.

(b) If the number of prisoners is more than 10, the guard shall be one sepoy for each 10 prisoners or less and one Convict Officer for each batch of 20 prisoners or less.

#### *Illustration*

For 38 prisoners, the guard would be 4 Jail Guards and 2 convict Officers.

(ii) A batch of prisoners sentenced to a term not exceeding three months working outside the prison shall not consist of more than 20 prisoners.

The guarding escort shall be as under:

(a) One sepoy and one Convict Officer for every batch of not more than 10 prisoners.

(b) One additional Convict Officer for every batch of more than 10 prisoners.

#### *Illustration*

For 18 prisoners (below three months) the guard would be one guard and two Convicts Officers : Provided that, in the case of large convict working gangs, the Inspector General if he is of opinion that he can safely do so, allow one Jail guard to each 15 prisoners or less.

*Explanation*—For the purposes of this rule and rule 32 the expression “outside the prison” includes any part of such appurtenant premises as are at a distance of 185 metres or more from the main entrance gate of the prison building.

Additional escort

32. (i) Where prisoners are sent for work outside a prison with implements such as axes, crowbars, spades and other like

implements which are likely to be used for any mischief, the Superintendent may detail one or more armed guards who shall be fully equipped, as additional escort for the Party.

(ii) The Superintendent shall record his order for such additional escort in his Order Book. The names of the Guards so detailed shall also be recorded.

33. If a prisoner working in an extramural file falls ill, the whole file shall return to the prison with its escort. The sick prisoner shall then immediately be placed before the Medical Officer.

Prisoner on  
extramural work,  
if falls sick.

34. In extramural camps, when the prisoners are guarded by Jail guards who are armed with breech-loaders, the strength of the escort will depend on the nature of the work. A Superintendent of such prison shall record in Form No. I the strength of the escort necessary, for the guidance of the Jailor.

Strength of escort  
in extramural  
camps.

#### FORM No. I

[Rules 11 (d), 18 and 34]

Prison for the year 19 .

Number and date	Orders of Superintendent	Reports of Jailor etc. on Superintendent's order
1	2	3

#### FORM No. II

(Rule 15)

#### History Sheet

- |                           |     |
|---------------------------|-----|
| 1. Name of the prisoner   | ... |
| 2. Number of the prisoner | ... |
| 3. Age                    | ... |
| 4. Sentence               | ... |
| 5. Section                | ... |



6. Habitual or casual ...
7. Criminal history and statement of the prisoner regarding present and previous crimes, if any.
8. *Social History*—
  - (a) Childhood ...
  - (b) Family history ...
  - (c) Health history ...
  - (d) Neighbourhood ...
  - (e) Educational background ...
  - (f) Adolescence ...
  - (g) Economic background ...
  - (h) Associations, companionship, etc. ..
  - (i) Habits, attitudes, etc. ...
9. Personality (general impression only) ...
10. Clues regarding sequence of criminal behaviour
11. Is he a social or individualised criminal ?  
 Is he an ordinary criminal or careerist or professional criminal or organised Criminal ?  
 Is his criminal act behaviour of the moment or eruptive behaviour ?
12. Is his maladjustment at the surface level or at the deep emotional level ?
13. His defects and weaknesses
14. His assets
15. Which are the favourable and unfavourable points for his rehabilitation ?
16. Suggestions about reference to experts like psychiatrist, etc.
17. Indications about other sources from where information about the inmate's social background can be available.  
 Suggestions about additional material to be collected.

Date on which the case history was prepared.

Prison.....

## SECTION II—Nil

---

CHAPTER XXIII

**RELIGIOUS FACILITIES AND MORAL AND  
SOCIAL INSTRUCTIONS**

*SECTION I : STATUTORY RULES—NIL*

*SECTION II : NON-STATUTORY RULES*

[Framed under G. R., H. D., No. RML-3267/64277-XXVI, dated  
2nd April 1976]

*Religious facilities and moral social instructions to Prisoners.*— For developing among prisoners social consciousness and sense of social responsibilities and obligations; for fostering among them ethical habits and attitudes necessary for adjusting them-selves in the community and for creating awareness of the futility of leading a criminal way of life and of the advantages of law abiding life and providing them necessary religious facilities, Government is pleased to make the following rules, namely:—

- |  |   |
|--|---|
| 1. These rules may be called the Maharashtra Prisons (Religious Facilities, Moral and Social Education to Prisoners) Rules, 1976.  | Short title   |
| 2. Except as provided in these rules and rules 2 and 4 (2) of the Maharashtra Prisons (Routine) Rules, 1965, imparting of religious instructions in prisons shall not be permitted.  | Religious Instructions prohibited.  |
| 3. (1) Mass prayers shall be allowed to the followers of each religion on not more than two days in a year.  | Religious Facilities to Prisoners.  |
| (2) The days for mass prayers referred to in sub-rule (1) shall be fixed by the Superintendent of prison (hereinafter referred to as the Superintendent) in consultation with the prisoners of the faith concerned at the beginning of each year.          |   |
| (3) The Superintendent may, in his discretion, permit priests to visit the prison to conduct the prayers on such occasions.  |   |
| (4) The priests shall not be entitled to any honorarium or travelling or conveyance allowance for visits for conducting mass prayers.  |   |
| 4. (1) If a prisoner, who is either dangerously ill or under sentence of death, desires to have the services of Minister of his Faith, the Superintendent shall endeavour to summon such a Minister who shall be allowed access to the prisoner concerned. | Summoning minister of faith for attending prisoners under sentence of death and others. |

In, the case of a prisoner under sentence of death, the Minister of his faith will ordinarily be permitted to visit him once a week, but the Minister may, for adequate reasons, be permitted to visit him oftener at the discretion of the Superintendent.

(2) The reasonable cost incurred on arranging for the visit of a Minister for the purpose mentioned in sub-rule (1) above, shall be borne by Government.

Appointment of  
social and Moral  
Education  
Lecturers.

5. For imparting social and moral education to prisoners on the subjects enumerated in rule 9, the Inspector General of Prisons, Maharashtra State, Poona (hereinafter referred to as the I. G.) shall appoint social and Moral Lecturers (hereinafter referred to as Lecturers) for different categories of prisons as prescribed in rule 7.

Provided that there shall not be appointments of different lecturers for various denominations of prisoners.

Selection of  
Lecturers.

6. Lecturers to be appointed for various prisons shall be selected by the Inspector General, if necessary, in consultation with the Chief Metropolitan Magistrate or the ..... District Magistrate, as the case may be irrespective of their caste and creed, from amongst professors, teachers, social workers, social scientists, local officers of the Zilla Parishad or of the social Welfare Department or such other Departments.

Number of  
lecturers for each  
category of  
prisons.

7. The number of lecturers to be appointed shall be determined for each prison by the Inspector General, having regard to the average population of the prison and the class of prisoners confined therein.

Provided that the number of lecturers at various categories of prisons mentioned below shall not exceed the number shown against each category.

Category of Prisons	Maximum No. of lecturers to be appointed
(i) Central Prisons including Open Central Prisons...	10
(ii) District Prison, Cl I	8
(iii) District Prison, Cl II	4
(iv) District Prison, Cl III (excluding Hospital Prison at St. Georges Hospital, Bombay)	4

8. The appointment of a lecturer shall ordinarily be made for a period of two years.

Term of  
appointment of  
Lecturers.

Provided that the appointment may be renewed by the Inspector General for a similar period.

Provided further that the Government or the Inspector General may, at any time, before the expiry of the period of appointment, terminate the appointment of any lecturer without assigning any reasons for such termination.

9. The lecturers shall impart instructions to all prisoners, irrespective of their caste and creed, on non-controversial subjects, including civics, first aid, simple hygiene, rules of behaviour in public, brotherhood, charitable disposition, importance of the spirit of co-operation, Gram panchayats, Five Year Plans, Community Development Projects, National Extension Services, social legislations, Small Savings Schemes, improved methods of agriculture, Shramdan, Cottage Industries, General Knowledge family Planning, Public Health and the like subjects.

Subject to be  
covered by the  
lecturers.

10. The Superintendent shall arrange a weekly programme of lectures, as far as possible, in consultation with the lecturers appointed at the prison in rotation and he shall give intimation to the concerned lecturer of the time and the day and the place in the prison at which he is required to visit the prison for imparting moral and social education to prisoners in accordance with the programme fixed for the purpose.

Arrangements of  
lectures.

11. Lecturers shall not have any communication with any individual prisoner without the permission of the Senior Jailor and shall also take care not to interfere with the prison routine, directly or indirectly.

Lecturers not to  
interfere with  
prison routine and  
discipline.

12. A lecturer shall be granted an honorarium of Rs. 10 per lecture.

Remuneration to  
Lecturers.

13. A lecturer may make any suggestion in the Visitor's Book, which he considers will tend to improve the morals of the prisoners and lead to their reformation. An extract of such report shall be submitted to the Inspector General, through the Deputy Inspector General of the Region, by the Superintendent with his remarks in the first week of the month following the month in which the suggestion was made by the lecturer.

Suggestions by  
Lecturers.

Superintendent of  
prison is to  
send quarterly  
report.

14. (1) The Superintendent shall submit a quarterly report to the Inspector General and the Deputy Inspector General of Prisons (Regional) by the 15th April, 15th July, 15th October and 15th January, *inter alia*, stating therein, as to how many lectures every lecturer appointed at the prison delivered during the quarter, the number of prisoners who attended and the topics on which lectures were delivered, with his remarks, if any.

(2) Every six months, i. e., by the 25th July and 25th January, the Inspector General shall send a report to Government, *inter alia*, indicating therein, the names of lecturers appointed at each prison, the number of lectures delivered and the number of prisoners who attended such lectures during the period under report.

---

## CHAPTER XXIV

### DIET FOR PRISONERS

#### SECTION I: STATUTORY RULES

[Government Notification Home Department No. RJM-1058-(XXXIII)-XVI,  
dated 11th June 1970]

In exercise of the powers conferred by clauses (11), (27) and (28) of section 59 of the Prisons Act, 1894 (IX of 1894), in its application to the State of Maharashtra and of all the powers enabling it in that behalf and in supersession of the rules relating to the diet for prisoners in force in any part of the State, the Government of Maharashtra hereby makes the following rules, namely:—

1. (i) These rules may be called the Maharashtra Prison (Diet for Prisoners) Rules, 1970.

Short title and  
commencement.

(ii) They shall come into force on the 15th day of July 1970.

2. Subject to the provisions of section 31 of the Act and the rules made thereunder, no criminal or civil prisoner shall at any time receive, consume or possess or be permitted to receive, consume or possess any article of food or drink not provided for or supplied to him in the manner hereinafter in these rules provided in that behalf.

Prisoners not to  
consume, receive  
or possess articles  
of food or drink  
unauthorisedly.

3. A convicted criminal prisoner, an unconvicted criminal prisoner or a civil prisoner who does not maintain himself shall, when not placed on special diet on medical grounds by proper authority, daily receive the scale of prison diet admissible to him in accordance with these rules.

Every prisoner to  
receive prison diet  
according to his  
class and labour.

4. It shall be the duty of the Superintendent to see that all available fresh vegetables are obtained from the prison garden including vegetables like onions, carrots, cabbages, radish and the like and that the surplus quantity which cannot be stored is sold.

Vegetables to be  
obtained from  
prison garden.

5. (i) Where distance and means of transport permit and a prison ordinarily possesses vegetables in surplus in large quantities, it shall be the duty of the Superintendent of such prison to arrange for the supply of surplus vegetables to a prison which is in short supply of vegetables. Where distance and means of transport do not permit such supply of surplus vegetables, surplus vegetables shall be sold.

Supply of  
vegetables by one  
prison to another

(ii) Such supply of surplus vegetables to another prison shall be made free of charge, but the Superintendent shall maintain an account of such supplies and make a note of the quantity supplied together with its value in the annual report.

Supply of  
vegetables for  
dietary of  
prisoners.

6. Only succulent and fresh vegetables shall be supplied by the concerned jail officers to those in charge of the prison kitchen. Vegetables should be free from stalks fibrous portions and rotten leaves or parts and shall be cut up ready for cooking before they are weighed and delivered to the cooks.

Inspection of  
articles received  
from contractors  
or Government  
godowns.

7. The jailor in charge of ration stores and the store-keeper (or in his absence the accountant) shall jointly inspect all articles received for the consumption of prisoners from a contractor or Government godowns or jail gardens.

8. \* [Preservation of stocks of grains and other articles. The store keeper shall take all possible precautions to preserve the foodgrains in good and wholesome condition.]

Cleaning of grains  
before grinding.

9. No grain shall be ground unless it is cleaned by separating the grain from everything which has been mixed up with it, namely, husk, dirt, weeviled grain and such other foreign matter.

Sifting of flour.

10. After the grain is ground, the flour shall be carefully sifted through a sieve made of wire-netting.

Pulses to be  
cleaned before  
cooking.

11. \*Pulses shall be thoroughly cleaned before being cooked.

Maximum  
wastage permitted  
in cleaning  
grinding or sifting  
etc.

12. \*\*Maximum wastage permitted in cleaning or grinding of grains and provisioning articles are as shown below:—

		Per cent	
Jawari	...	4	Cleaning, grinding and**[sifting]
Bajri	...	5	of flour.
Wheat	...	5	Cleaning, grinding and* [sifting]
			of flour.
Rice	...	2	Cleaning.
Molasses	...	2	
Pulses and other items and such as whole Moong, gram, chavli, etc.		2	Cleaning.

\* Substituted by Government Notification, Home Department No. RJM-1058 (XXX-III) XVI, dated 19th March 1971.

† Substituted by Government Notification, Home Department No. RJM-1058 (XXXIII)-XVI, dated 19th March 1971.

‡ Substituted by Government Notification, Home Department No. RJM-1058-(XXXIII)-XVI, dated 19th March 1971.

## Per cent

Fire-wood	...	5	Splitting.
Steath coal	...	5	
[*Fruit vegetables	...	5	cleaning.
Leafy vegetables†	...	(10)	cleaning.

*Note (1).*—It should be ensured that wastages are not charged at the abovementioned percentages automatically but that the actual wastages are charged in Jail account subject to the limits prescribed above.

*Note (2).*—In case of actual wastage going beyond the limit laid down above in any particular case, detailed report shall be submitted to the Regional Deputy Inspector-General for his orders.

13. It shall be the duty of the Superintendent, the medical officer and the jailor to satisfy themselves that—

Responsibility  
of prison officials  
for ensuring  
proper quality of  
articles of diet.

(1) pure and wholesome water is provided for consumption by a prisoner, and that a supply of such water is at all times freely available to every prisoner for drinking purposes;

(2) the quantity and quality of every article at any time supplied, or intended to be supplied, for food of any prisoner, is as prescribed in these rules and that it is good, wholesome and fit for human consumption;

(3) every article of food supplied to a prisoner in a cooked state, or which requires to be cooked before being so supplied, is properly and cleanly cooked in such manner as to be wholesome and reasonably palatable;

(4) every article of food, whether cooked or uncooked, is subject to proper examination and inspection before it is supplied for consumption by any prisoner;

(5) all foodstuffs at any time obtained and stored in the prison are frequently inspected, and that all articles which are unwholesome or in any respect unfit for human consumption, are forthwith rejected and are not issued for the use of prisoners; and

(6) proper places for the convenient and orderly distribution and

\*Added by Government Notification, Home Department No. RJM-1058-(XXXIII)-XVI, dated 7th November 1973.

Substituted by Government Corrigendum Home Department No. RJM-1058-(XXXIII). XVI, dated March 1974.



Scale of rations.

14. (i) The different categories of prisoners shall, subject to the provisions of this rule, be provided with ration according to the scales given in Appendix.

\*[Provided that, having regard to the scarcity or the non-availability at any time of any of the articles of food mentioned in any Diet scale in the Appendix, the State Government may, by orders in writing, reduce the quantum of any such articles of food or direct the supply of any other article of food in substitution of any article mentioned in such Diet Scale, in such quantities, whether reduced or otherwise and for such period, as may be specified in such order.]

(ii) Class I prisoners may be allowed to supplement their diet at their own cost. Those Class I prisoners, who are permitted under the rules to supplement their diet shall not be permitted for medical or sanitary reasons to introduce an excessive amount of dietary articles over and above their daily requirement, nor retain them in their possession. Extra articles of diet should normally be obtained for daily use as and when required.

(iii) Distribution of diet and the hours at which the diet is to be provided shall be fixed by the medical officer.

(iv) The various ingredients of condiments may be allowed to be adjusted according to requirements.

\*\* (v)

\*\* (vi)

(vii) No *dall* shall be provided to prisoners on Sunday.

(viii) No saving on account of salt, oil, condiments, tamarind and onions shall be made on days when molasses is provided to any class of prisoners. These articles shall be utilised for making pithala.

(ix) The allowance of fuel laid down in the diet scales in the Appendix is the maximum. Endeavour shall, however, be made to reduce the quantity by the use of evens with covering flues and a damper in the main chimney.

The actual scale for each prison shall be fixed by the Deputy Inspector-General of Prisons (Regional) according to circumstances such as climate, kind of firewood locally available and the number of prisoners for whom food is to be cooked.

---

\* Added by Government Notification, Home Department No. RJM-1058-(XXXIII)-XVI dated 7th April 1973.

† Deleted by Government Notification, Home Department No. RJM-1050 (XXXIII)-XVI, dated 19th March 1971.

15. The diet ration, excluding ration required for conjee, shall be divided into two equal parts, and served at two principal meals morning and evening. Ration diet.
16. Where a foreigner is not accustomed to the diet scales mentioned in these rules, the Medical Officer may recommend such modified diet as he deems fit. Modified diet for foreigners.
17. Convict Officers shall be provided with the diet in the same scale as that for the prisoners doing hard labour of the same class (I or II) to which they respectively belong. Diet Scales for Convict Officers,
18. (i) The Superintendent shall, on the basis of the provisions contained in the foregoing rules frame the dietaries suitable for the purposes of the persons and get it sanctioned by the Inspector-General. Dietary to be sanctioned by Inspector-General for each Prison.
- (ii) Subject to the provisions of rules \*[23 and 24], the dietaries so framed shall not be altered except with the like sanction of the Inspector-General and for such period as the Inspector-General may specify in the order sanctioning the alteration.
19. (i) A convicted criminal prisoner under sentence of simple imprisonment who elects to labour throughout his term of imprisonment shall be provided with diet on the scale according to the labour on which he may be employed. Scale of diet for simple imprisonment convicts electing to labour.
- (ii) The labour on which a prisoner is employed shall be fixed by the Superintendent after consulting the Medical Officer.
20. Convicted criminal prisoners under sentence of death shall be issued diet scale No. (1) given in the Appendix. No sweets or extras shall be given to them except under the recommendations of the Medical Officer. Diet of prisoners sentenced to death.
21. \*[ Medical Officer to decide diet of prisoners in hospitals. The diet of a prisoner in a hospital shall either be ordinary diet (diet scale No. 2 given in the Appendix) or one of the diets shown in Diet Scale No. 4 in the Appendix be prescribed by Medical Officer. The Medical Officer may, in such cases as in his opinion it is necessary so to do, recommend his opinion it is necessary so to do, recommend variation or addition to the diet and he shall record his reasons for doing so.]
22. (i) The Medical Officer may recommend extra or special diet for any prisoner out of hospital in accordance with the requirements Extra provisions for prisoners not in hospitals on medical daveice.

\* Substituted by Government Notification Home Department No. RJM-1058-(XXXIII)-XVI, dated 19th March 1971.

† Substituted by Government Notification Home Department No. RJM-1058-(XXXIII)-XVI, dated 19th March 1971.

of the prisoners' health. This extra or special diet shall be entered in form I. When such diet has to be prescribed for a period exceeding one month, prior approval of the Civil Surgeon shall be obtained, if the Civil Surgeon is not holding charge of the post of the Medical Officer of the Jail, and the order shall be entered in form II.

(ii) For the purposes of this rule, the Medical Officer shall after each periodical weighing of the prisoners, carefully examine the results of weighments for ascertaining which prisoner requires extra or special diet, or recommendations of change of labour.

Power of Medical Officer to reduce rations in certain cases.

23. While supplying rations for the sick, convalescent, infirm, children of women prisoners weak prisoners who are unable to labour or who can perform only the lightest tasks, the Medical Officer shall be consulted for reduction in their full allowance of ration quantum, and supplies shall be made accordingly:

Provided that, the Medical Officer shall exercise such economy in the reduction of rations as is not inconsistent with the well-being of the prisoners concerned.

Change in diet of prisoners on medical grounds.

24. The diet of any individual prisoner may, on medical grounds, be modified on the recommendation of the Medical Officer, but the diet of any section or group of prisoners shall not be changed without the previous sanction of the Inspector-General except in case of emergency when the Medical Officer may change the same. Any such action shall at once be reported to the Inspector-General by a letter, stating fully the circumstances leading to such change.

Doubt as to what scale should apply.

25. In case of doubt as to the applicability of any diet scale to any particular prisoner or group of prisoners, the matter shall be referred to the Regional Deputy Inspector-General for orders together with the opinion of the Medical Officer.

Supply of rice and wheat.

26. (i) Rice or wheat shall not be given to a prisoner merely because he claims to come from a part of the country where one of these grains is the staple food of the free population.

\* (ii) [ Rice or wheat may be supplied in lieu of other cereals to a prisoner on medical grounds on the recommendation of the Medical Officer. In such cases a quantity not exceeding \*\* 425 grams of rice or wheat (excluding congee) may be supplied daily. The actual quantity to be supplied shall be specified by the Medical Officer.].

\* Substituted by Government Notification, Home Department No-RJM-1058-(XXXIII)-XVI dated 19th March 1971.

\*-\* Substituted by Government Notification, Home Department No-RJM-1058-(XXX-III)-XVI, dated 15th November 1972.

27. Children admitted to prison with their mothers shall be issued diet scale No. 2 given in the Appendix Changes in this diet scale may be made if necessary on the recommendation of the Medical Officer. The cost of such articles shall be accounted for under 2-B (Miscellaneous Dietary Charges) in the relevant Jail accounts.
28. Nursing mothers shall be issued diet scale No. 1 given in the Appendix. The cost of extras if any shall be debited to 3-B Extras.
29. It shall be the duty of the Superintendent to see that diet on the highest scales is provided only to such prisoners as are employed bona fide on hard labour, and are doing full task.
30. (i) The diet of a prisoner shall not be changed without consulting the Medical Officer.
- (ii) The Medical Officer shall always be informed after a change is effected as an emergency measure during the Medical Officer's absence.
31. A lunatic shall be provided with the ordinary prison diet unless the Medical Officer otherwise directs. A person supposed to be a lunatic who is under observation in accordance with the provisions of the Indian Lunacy Act, 1912, may be provided with food from outside the prison, under the same conditions as are prescribed for unconvicted criminal prisoners.
32. (i) All raw articles of ration including flour shall be daily weighted and supplied to cooks in the presence of the Jailor, \*[or in his absence, the steward and where there is no steward] the Head Clerk.
- (ii) The officer supplying ration shall be responsible for the correctness of the supply as worked out on the ration book and the ration slip.
- (iii) The Superintendent shall make surprise check of the supply of the rations from time to time, and record his observations in a register kept specially for the purpose.
33. The Schedule of weights of uncooked rations and cooked food per prisoner per meal shall be kept in the kitchen, Circle or Octagon yard Office. The Jailor in charge of dietary and the Guard in charge of the kitchen shall be responsible for correct weights. The Superintendent or the Deputy Superintendent or Senior or Medical Officer shall take sample weighment daily.

Diet for children of women prisoners allowed to stay with them.

Extra diet for nursing mothers.

Highest scale of diet in case of hard labour only.

Change of diet not to be effected without consulting the Medical Officer.

Diet for lunatics confined in Prison.

Correctness of supply of ration to be checked.

• Substituted by Government Notification, Home Department No-RJM-1058-(XXXIII)-XVI, dated 15th November 1972.

34. Cereals and pulses shall be issued weekly to \* [prisoners] as shown below:—

1 meal of rice	} If rice is not available	(1) Tur dall—1 issue.
1 meal of wheat		(2) gram dall—1 issue.
6 meals of the cheapest grain		(3) whole moong—2 issues. (4) gram flour—1 issue.
6 meals of the second cheapest grain.		(5) whole masur—1 issue. (6) matki—1 issue.

*Note.*—This schedule may be followed in accordance with the availability of cereals and pulses. The needs of economy shall always be kept in view.

Scale of vegetables.

35. (i) The scale of vegetables shall be calculated after all the hard stalks and fibrous mid ribs have been removed. Tamarind supplied to the kitchen shall also be free from husk and seed.

(ii) The Jailor in charge of dietary and the Senior Jailor or the Deputy Superintendent (where there is one) or the Superintendent shall inspect the supply of vegetables daily before it is cooked. The Medical Officer shall also inspect the vegetables daily.

\*\*[35-A. Other anti-scorbutics in lieu of tamarind. In lieu of tamarind (5 grams), any one of the following anti-scorbutics may be provided, either from the prison garden or elsewhere if cheaper—

(i) Lime Juice	...	30 grams.
(ii) Raw Mango or Amchur	...	5 grams.
(iii) Roselle	...	5 grams.
(iv) Cocum	...	5 grams.

Supply of milk.

36. Milk, whether from the prison or from outside, shall be examined daily by the Medical Officer before supplying it to prisoners.

Prison employees not to cook their food, etc.

37. No prison employee shall be allowed to cook his food inside the prison walls or to have it cooked for him by the prisoner cooks.

Tampering with food or scales by cooks.

38. Any tampering with the food or scales by the cooks shall be immediately brought to the notice of the Superintendent by the officer concerned for necessary action.

Unlocking of cooks.

39. Where it is necessary to unlock the cooks before other prisoners are unlocked, they shall, for the preceding night, be locked up together

\* Added by Government Notification, Home Department No. RJM-1058 (XXXIII)-XVI dated 19th March 1971.

in a barrack, the key of which shall be entrusted to the Senior Prison Officer on night duty, who may unlock the barrack at the hour prescribed for the purpose by the Superintendent under an order in form III.

40. The prisoners employed in cooking shall always wear clean blue aprons which shall reach bust below the knees. Each prisoner working in the kitchen shall be provided with aprons and he shall keep them always clean.

Supply of aprons  
to prisoners  
working in the  
kitchen.

41. (i) The number of cooks shall not ordinarily exceed four per cent of the prison population. The number of additional cooks for each prison may be fixed by the Regional Deputy Inspector General of Prisons on the basis of requirements of each prison.

Number of cooks

(ii) Selection of cooks shall be made by the Work Assignment Committee.

(iii) The cooks shall be got medically examined so as to ensure that they are free from disease. Such examination shall be held every month, and the Medical Officer shall record his findings in the Medical Officer's Journal, in Form II.

42. (i) The kitchen and cooking pots and appliances shall be scrupulously cleaned and well maintained. The cooking shall be done slowly and thoroughly, the oven or plate being kept at a gentle heat.

Cleanliness.

(ii) The work of cleaning cereals, pulses, vegetables, kitchen utensils and the kitchen area shall be given to short termers.

43. No chula or fire-place for cooking shall be allowed to be constructed in any part of the prison other than the kitchen, except under special circumstances which shall be reported by the Superintendent to the Regional Deputy Inspector General.

Cooking in  
kitchen only.

44. (i) Where the ration of flour for a meal exceeds 170 grams, two or more breads shall be made out of it, the diameter of which shall be such as to make the bread sufficiently thin for proper baking.

Breads.

(ii) Breads may be rolled in standard iron rings used for the purpose so as to make them uniform in size and also well baked.

45. While preparing dough, the flour shall be slowly mixed with water and kneaded thoroughly on some impermeable surface.

Preparation of  
dough,

46. Tamarind shall be allowed to soak for an hour or so in water just sufficient to cover it, before it is used or it can be allowed to soak night, and thoroughly broken up with hand in the morning. The detection shall

How to use  
tamarind.

in the latter case be strained through a coarse cloth before it is mixed with the dall or vegetable.

- |   |  |
|---|--|
| How to use amchur.                      | 47. Amchur (dried mango) shall be cut up on the previous evening and soaked all night in sufficient water in earthen vessel. The whole shall then be added to the dall or the vegetable, when being cooked.  |
| How to use oil.                         | 48. (i) Oil shall be added to vegetables while cooking.<br><br>(ii) Dall shall be first cooked, and oil and condiments shall be added to it afterwards, and allowed to boil with more water.<br><br>(iii) The oil shall always be put in the presence of the Jailor in-charge, and occasionally in the presence of the Medical Officer.  |
| Quality of cooked food to be tested.    | 49. In order to ensure that the food is properly cooked, and the quantity ready for serving is of correct weight, the Jailor in charge of each circle, Octogaon, section or yard shall be present at each meal, and he shall see that the food is properly served. The Superintendent and the Medical Officer shall carry out surprise inspection of the food by taking samples from the bulk ready for serving.   |
| Superintendent to inspect rations, etc. | 50. The Superintendent shall, at least once a week, inspect the provisions furnished for the prisoners and satisfy himself by personal observation regarding the quality of the different cereals and other articles of food supplied for their use. He shall also occasionally test the weight of the cooked food of the prisoners and pass order, if any, in his Order Books as a result of his inspection. He shall visit the prisoners as often as possible at meal time and receive and enquire into any complaints that may be made to him regarding the quantity and quality of rations. Cooked food shall be inspected in bulk at the kitchen or during distribution to prisoners. |
| Medical Officers to exercise vigilance. | 51. The Medical Officer shall exercise the utmost vigilance in the supervision of the food; and all articles of food supplied for consumption shall be inspected both in the raw and in the cooked state, daily, unless unforeseen circumstances arise which render such a proceeding impossible by the Medical Officer. He shall specially see that an adequate supply of vegetables of good quality is made. The Junior Medical Officer, if empowered so to do, may examine the rations of the prison, and report the result to the Medical Officer, but he shall have no authority to condemn food.   |
| Defect in quality.                      | 52. Any defect in quality noticed by the Medical Officer shall at once be brought to the notice of the Superintendent through Form II for such action as deemed fit.   |



53. (i) Meals shall be served daily at the following hours:—

Serving of meals.

- |                                 |                              |
|---------------------------------|------------------------------|
| (a) Early morning meal (conjee) | 7-15 a.m. to 7-45 a.m.       |
| (b) Morning meal                | ... 10-45 a.m. to 11-45 a.m. |
| (c) Evening meal                | ... 4-45 p.m. to 5-45 p.m.   |

(ii) Each meal shall be served as soon as practicable after it is ready. Fifteen minutes before serving of morning or evening meals, a bell shall be rung. The prisoners shall then cease work or physical training, drill or games, as the case may be, and get ready for meal. They shall then be seated in proper rows with their eating utensils. The Convict Officers and their assistants shall do the serving. Yard Jailors and Jail Guards and in the case of women prisoners, the Women Jailor, or the Matron or both shall be present at the meals, and shall see that the meals are properly served and that the prisoners get sufficient time, not less than half an hour to eat their food.

54. Where a prisoner complains of receipt of insufficient quantity of food, the jailor present shall weight the food in the presence of the complaining prisoner, and shall arrange to make good the shortage, if any. He shall also investigate the cause of any shortage found by him and report the fact in Form IV.

Complaint about shortage of food.

55. (i) Food shall be served and consumed at a place fixed for the purpose, and shall not be taken away from there elsewhere for eating without the permission of the Senior Jailor.

Consumption of food and disposal of surplus.

(ii) Breads remaining in balance shall be kept for being served at the next meal which shall be cooked taking into account the balance available.

(iii) Scraps and other pieces remaining from a meal may be given to prison cattle or destroyed.

56. Convict Officers shall eat their food apart from ordinary prisoners but in no case they shall leave the fixed place of eating without permission of the Senior Jailor.

Convict Officers  
How to eat food.

57. Where an unconvicted \*[or convicted] criminal prisoner has to be sent to Court, he shall be given his food before he goes; and arrangement shall be made to enable him to have his food when he returns. If an unconvicted \*[or convicted] criminal prisoner has not been in the prison previously, it shall be the duty of the police to see that he has his food before he is taken to the prison, if he is likely to arrive there too late for the evening meal.

Supply of meals to an unconvicted or convicted criminal prisoner before going to court.

\* Added by Government, Notification Home Department No. RJM-1058-(XXXIII)-XV, dated 19th March 1971.



Supply of food to  
prisoners on  
transfer.

58. A prisoner on transfer shall be given a full meal before leaving, and if the journey is a short one, he shall carry with him ordinary cooked food for consumption on the way. In the case of longer journeys, dry rations shall be supplied on the following scale per diem :

340 Gram parched rice, 100 gram parched gram and 100 gram Gur.

59. The following days shall be the days of fast for Hindu prisoners who wish to do so:—

1. Ramnavmi,
2. Gokul Ashtami,
3. Ekadashi (Ashadhi First),
4. Ekadashi (Kartika First),
5. Mahashivrati,
6. Month of “Shravan” or any one or more days of the said month.

Such prisoners as may wish to observe fast shall be given sweet potatoes, dates, ground-nuts etc., in lieu of and within the cost of usual diet.

Supply of Sunday  
ration certain  
holidays etc.

60. (i) Unless a public holiday or festival day referred to in this sub-rule falls on a Sunday, \*\* [Sunday ration] shall be supplied to all prisoners on:—

1. Republic Day,
2. Independence Day,
3. Mahatma Gandhi’s Birthday,
4. Bakri-Id Day,
5. Moharram Day,
6. Id-e-Milad Day,
7. Ramzan-Id-Day,
8. Holi-Day,
9. Gudi Padwa Day,
10. Dassera Day,
11. Diwali Day and
12. Such days not exceeding four in a year, as are observed generally as festival days by persons professing any religion other than Hindu or Muslim religion and which the prisoners may be professing.

---

\* Substituted by Government Notification, Home Department No. RJM-1058-(XXXIII)-XVI., dated 15th November 1972.

(ii) When any Sunday ration is supplied on any day referred to in sub-rule (i) ordinary ration shall be supplied on the Sunday immediately following the public holiday or the festival day \*(except on Republic Day, Independence Day and the Mahatma Gandhi's Birth day,) as the case may be.

(iii) On the Republic Day, every prisoner shall be provided with an extra diet costing not more than 25 paise per head. The articles of extra diet shall be supplied at the discretion of the Superintendent.

61. (i) All Muslim prisoners, shall be allowed to keep Roza during the Ramzan month.

Supply of ration  
to fasting  
prisoners.

(ii) A prisoner who is not physically fit \*\* [shall not] be allowed to observe fast without the previous permission of the Medical Officer.

(iii) A prisoner observing fast shall be permitted to receive the whole of his daily ration at evening meal and he shall be allowed to take the same into his barrack or cell for use during the night or in the morning following.

(iv) The ration to be given to fasting Muslim prisoners during the Ramzan month shall be issued from the meals cooked in the afternoon.

---

## APPENDIX

(See rules 14, 20, 27, 28)

*Diet Scale No. 1 for the following Class II prisoners.*

- (a) Convicted men prisoners employed on hard and medium;
- (b) Convicted adolescent prisoners sentenced to more than one month :
- (c) Prisoners sentenced to death ; and
- (d) Borstal lads.

---

\* Inserted by Government Notification, Home Department No. RJM-1058-(XXXIII)-XTI, dated 15th November 1972.

\*-\* Substituted by Government Notification, Home Department No. RJM-1058-(XXXIII)-XVI, dated 19th March 1971.

Serial No.	Article of Food	Revised scale	Remarks
			All values are expressed in grams and are for daily issue, unless otherwise stated
1	2	3	4
		(in grams)	
1.	Conii	...	30 Rice or wheat or jowar according to availability.
2.	Wheat flour/jowar/'bajri or milo	540	According to availability
2A.	Rice	...	270 *(twice in a week) subject to availability in lieu of equal quantity of wheat flour/Jawar/Bajari or Milo flour.]
3.	Pulses and dalls	...	115 Except on Sundays
4.	Vegetable	...	260 ...
5.	Gur	...	85 On Sundays only
6.	Vegetables ghee	...	30 On Sundays only
7.	Gram flour	...	30 On Sundays only
8.	Onions	...	55 Three times a week
9.	Sweet Oil	...	15
10.	Salt	...	20
11.	Condiments	...	9 Turmeric 1/2 gr. Corriander 3/4 gr. Garlic 3/4 gr. Chillies 5 gr. Jira 1/4 gr. Rai 3/4 gr. Methi 3/4 gr. Asafoetida 1/4 gr.
12.	Tamarind	...	5
13.	Fuel	...	680

*Diet Scale No. 2 for the following Class II prisoners*

- (a) Convicted men prisoners employed on light labour ;
- (b) Convicted prisoners who have not been given any work ;
- (c) Women convicted and undertrial prisoners;
- (d) Men and women prisoners sentenced to simple imprisonment;
- (e) Men and women prisoners sentenced to simple imprisonment;
- (f) Convicted adolescent prisoners sentenced to less than one month.

\* Added by Government Notification, Home Department No. RJM-1058-(XXXIII)-XVI, dated 19th March 1971.

\*\* Substituted by Government Notification, Home Department No. RJM-1058-(XXXIII)-XVI, dated 7th November 1973.

Serial No.	Article of Food	Revised scale	Remarks
1	2	3	4
		(in grams)	
1.	Conji	.. 30	Rice, wheat or jowar according to availability.
2.	Wheat, jowar or mio flour	... 425	According to availability.
*2A	Rice	... 215	** (twice in week) subject to availability lieu of equal quantity Wheat flour/ Jowar/ Bajri or Milo flour].
3.	Pulses and Dalls	... 115	Except on Sunday.
4.	Vegetable	... 260	
5.	Gur	... 85	On Sundays only.
6.	Gram flour	... 30	On Sundays only.
7.	Vegetable Ghee	... 30	On Sundays only.
8.	Onions	... 55	Three times a week
9.	Sweet Oil	... 15	
10.	Salt	... 20	...
11.	Tamarind	... 5	...
12.	Condiments	... 9	Turmeric 1/2 gr. Corriander 3/4 gr. Garlic 3/4 gr. Chillies 5 gr. Jira 1/4 gr. Rai 3/4 gr. Methi 3/4 gr. Asafoetida 1/4 gr.
13.	Fuel	... 680	...

\* Added by Government Notification, Home Department, No. R1M-I058-(XXXIII)-XVI, dated 19th March 1971.

† Substituted by Government Notification, Home Department, No. RJM-1058-(XXXIII)-XVI, dated 7th November 1973.

*Diet Scale No. 3 for Class I Convicted Prisoners and Class I Undertrials*

Serial No.	Article of Food	Revised scale	Remarks	
			All values are expressed in grams and are for daily issue, unless otherwise stated	
1	2	3	4	
(in grams)				
1.	Loaf bread	.. 115		
2.	Wheat or jowar or Milo or Bajri flour	225	According to availability.	
2A	Rice	85		
3.	Pulses and Dalls	... 115		
4.	Sweet Oil	... 15		
5.	Tamarind	... 5		
6.	Vegetable	... 225		
7.	Onions	... 15		
8.	Salt	... 20		
9.	Potatoes	.. 170	Thrice a week.	
10.	Sugar or Molasses	... 40	Daily	
11.	Tea	... 7		
12.	Butter or Ghee	.. 15		
13.	Milk or curds	... [*220 Mililitres]		
12.	Condiments	... 9	Turmeric	1/2 gm.
			Corriander	3/4 gm.
			Garlic	3/4 gm.
			Chillies	5 gm.
			Jira	1/4 gm.
			Rai	3/4 gm.
			Methi	3/4 gm.
			Asafoetida	1/4 gm.
13.	Fuel	... 680	...	

\*Substituted by Government Notification, Home Department No. RJM-1058-(XXXIII)-XVI, dated 15th November 1972.

## “Diet scale No. 4 Hospital Diets

(See rule 21)

Serial No.	Article of Food	Revised scale	Remarks
			All values are expressed in grams and are for daily issue, unless otherwise stated
1	2	3	4
(In grams)			
1.	A Diet.—		
	( i ) Milk	... **[1300 mililitres]	
	( ii ) Sugar	... 25	
	(iii) Firewood	... 455	
2.	B Diet—		
	( i ) Milk	... **[ 880 mililitres ]	
	(ii ) Sago or arraroot	... 85	
	(iii) Sugar	... 55	
	(iv) Rice	... 55	
	( v ) Salt	... 5	} for morning Conji
	(vi) Fuel	... 455	
3.	C Diet.—		
	( i ) Ordinary diet (i.e. Diet Scale No. 2).		
	( ii ) Milk	... **[ 220 mililitres ]	

\*Added by Government Notification, Home Department, No. RJM 1058 (XXXIII)—XVI, dated 19th March 1971.

\*—\* Substituted by Government Notification, Home Department, No. RJM 1058 (XXXIII)-XVI, dated 15th November 1972.

## \*[Diet scale No. 5 for the prisoners, confined in Open Prison]

Serial No.	Articles of food	Revised scale	Remarks
			All values are expressed in grams and for daily issue, unless otherwise stated
1	2	3	4
		(in grams)	
1.	Conji ..	30	Rice or wheat or jowar according to availability
2.	Wheat/flour/jowar/bajri or milo flour (except conji)	595	According to availability.
3.	Rice ...	270	**(twice in a week) subject to availability in lieu of equal quantity of wheat flour/jowar/bajri or milo flour.
4.	Pulses and dalls ...	145	Except on Sunday.
5.	Vegetable ...	260	...
6.	Gur ...	85	On Sundays only.
7.	Vegetable Ghee ...	30	On Sunday only.
8.	Gram flour ...	30	do.
9.	Onions ...	85	Three times a week.
10.	Sweet Oil ...	15	...
11.	Salt ...	20	...
12.	Condiments ...	9	as Turmeric 1/2 gr. Corriander 3/4 gr. Garlic 3/4 gr. Chillies 5 gr. Jira 1/4 gr. Rai 3/4 gr. Methi 3/4 gr. Asafoetids 1/4 gr.
13.	Tamarind ...	5	
14.	Fuel ...	650	

\* Added by Government Notification, Home Department No. RJM-1058-(XXXIII)-XVI, dated 15th November 1972.

\*—\* Substituted by Government Notification, Home Department No. RJM-1058-(XXXIII)-XVI, dated 7th November 1973.

## FORM I

(See rule 22)

*Register of Extra Diet of any other article allowed to Prisoners in and out of Hospital in excess of the respective Hospital or Prison Dietary of the Prison during the month of*

19

Serial No	Name	Medical grounds	Whether in or out of Hospital
1	2	3	4

Articles allowed	Quantity	Date on which commenced	Period for which sanctioned
5	6	7	8

Initials of Medical Officer	Date on which last issued	Initials of Medical Officer	Total quantity issued during the month											
			Mutton			Milk			Sugar					
			kg.	g.	kg.	g.	kg.	g.	kg.	g.	kg.	g.	kg.	g.
9	10	11	12											



## FORM II

(See rules 22, 41, 52)

## MEDICAL OFFICER'S JOURNAL

Date	Suggestions and observations of the Medical Officer	Orders issued by the Superintendent of the Prison and action taken by the Jailor	No. and date under which extract submitted to I. G.	Number of visits paid during the month and class of M. M. S. Officer
1	2	3	4	5

## FORM III

(See rule 39)

*Order Book of the Superintendent of the Prison*  
*for the year 19 .*

No. and date	Orders of Superintendent	Reports of Jailor etc. on Superintendent's orders
1	1	1

## FORM IV

(See rule 54)

*Jailor's Report Book of the Prison for the year 19*

No. and date	Reports by Jailor	Orders of the Superintendent
1	2	3

## CHAPTER XXV

**CONFINEMENT IN IRONS FOR SECURITY PURPOSES***SECTION I : STATUTORY RULES*

[Government Notification, Home Department, No. MIS 5165/85399  
(b)-XVI, dated the 6th March 1972]

The following rules made by the Inspector General of Prisons, Maharashtra State, in exercise of the powers conferred by section 56 of the Prisons Act, 1894 (IX of 1894) and of all other powers enabling him in that behalf, with the previous sanction of the Government of Maharashtra are hereby published for general information, namely:—

1. These rules may be called the Prisoners (Confinement in Irons for Security Purposes) Rules, 1972.

2. Where a prison contains prisoners who have escaped from legal custody or have attempted or conspired to escape or who are security risk, then except with the previous sanction of the Inspector General, such prisoners may regard being had to the state of the prison, be confined by a Superintendent in irons for a period not exceeding fifteen days at a time.

3. The “(handcuffs) to be imposed on any such prisoner shall be of the pattern and weight laid down in sub-rule (i) of rule 6, and fetters of the pattern and weight laid down in sub-rule (i) of rule 8, of the Maharashtra Prisons (Punishment) Rules, 1963.

4. The irons in which prisoners are confined as aforesaid shall be examined daily by the Jailor in charge of such prisoners and he shall make a report to the Superintendent in Form hereto appended.

**FORM**

(See Rule 4)

**Report of Book of for Prison 197**

Sr. No. and date	Report	Order of the Superintendent	Compliance Report
1	2	3	4

\* Substituted by Government Corrigendum, Home Department No. MIS-5165/85399 (b)-XVI, dated 20th January 1973.

## CHAPTER XXVI

## PRISON DISCIPLINE

*SECTION I : STATUTORY RULES*

[Government Notification, Home Department No. RJM-1058 (XXXIV-XXXV) IV, dated 8th August 1963]

In exercise of the powers conferred by clauses (1), (6), (10), (13) and (28) of section 59 of the Prisons Act, 1894 (IX of 1894), and of all other powers enabling it in that behalf and in supersession of any rules relating to discipline and in force in any part of the State, the Government of Maharashtra hereby makes the following Rules, namely:—

Short title and  
commencement.

1. (i) These rules may be called the Maharashtra Prisons (Discipline) Rules, 1963.

(ii) They shall come into force on the first day of September, 1963.

Maintenance of  
discipline.

2. It shall be the duty of all executive officers and the guarding establishment to maintain discipline and order amongst prisoners.

Applicability of  
rules during  
quarantine.

3. During the period of quarantine, the rules regarding rewards for good behaviour and punishments for breach of prison discipline shall be explained to the prisoners by the Senior Jailor or other Jailors to whom the work has been specially assigned by the Superintendent and the prisoners shall be warned that all money or, articles (other than those permitted by the prison authorities) found in their possession shall be forfeited.

Senior Jailor to  
take care of  
clothing etc.

4. The Senior Jailor shall take care that the prisoners' clothing is in proper repair, that their hair is kept properly cut according to the rules, and that their washing, shaving and bathing is satisfactorily attended to.

Discipline and  
custody of women  
prisoners.

5. (i) It shall be the duty of the Woman Jailor or Matron to maintain discipline in the Women's section of the prison. She shall take care that no woman prisoner leaves the women's section of the prison unless accompanied by a duly authorised officer of the prison. As far as possible a matron shall accompany the women prisoners, but if male jail guards are required to accompany them, not less than two guards shall accompany them.

(ii) No woman prisoner shall be removed from the women's section of the prison, except with the special permission of the Superintendent and for the purpose of interview, release, or transfer.

(iii) No male prisoners shall be allowed to enter a women's section of the prison on any account. All menial duties connected therewith shall ordinarily be carried out by women prisoners and all refuse matter shall be placed at stated hours outside the women's section of the prison for being carried away by male prisoners. In prisons where women prisoners are not prepared or who cannot be compelled to do conservancy work, that work may be performed by male convicts under the supervision of a jail guard, in the presence of the Matron.

(iv) Women prisoners shall not ordinarily be taken out of the women's section of the prison for the purpose of—

- (i) verifying their property,
- (ii) communicating the results of appeals made, if any, or
- (iii) reading their letters.

6. No male officer including a Superintendent and Deputy Superintendent shall, on any pretext, enter the women's section of the prison without the woman Jailor or Matron and the two shall not separate whilst in the section. Should it be necessary to enter the women's section of the prison at night, the officer on duty and one or more jail guards shall enter the section, when the woman Jailor or a Matron shall be summoned to accompany them if she is not present in the prison. Jail guard acting as escort to any official visitor shall remain outside the women's section of the prison while it is being inspected.

No male officer to enter women prisoners enclosure.

7. (i) There shall be maintained a register at the gate of women's prisons or women's section of a prison. Whenever any woman prisoner is taken out of the prison or women's section of a prison, an entry shall be made in this register giving the name and number of the woman prisoner, the purpose for which, and the time when she was taken out and when she was brought back to the prison or section.

Register of visits to be maintained.

(ii) Whenever any male officer or visitor enters the women's prison or the women's section of the prison, an entry indicating the name of the officer or the visitor and the day and time of such visit shall also be made in the register.

8. Discipline shall be strictly enforced in the case of prisoners and no subordinate officer shall hold any communication with a prisoner further than is requisite to enforce obedience to the prison rules and for the

Enforcement of discipline.

performance of his duty, and shall not be allowed to talk of any official matter whatever in the hearing of a prisoner.

Movement of  
prisoners.

9. All movements of prisoners shall be conducted in an orderly and regular manner under strict control.

Deputy Inspector-  
General of Prison  
to issue  
instructions.

10. The Deputy Inspector General of Prisons (Regional) may, in his discretion, from time to time, issue detailed directions as to the manner in which the order, discipline and control, prescribed in these rules, shall be maintained.

Parade of  
prisoners.

11. Whenever prisoners are marched from one part of the prison 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 parades. At the parades the signal shall usually be the stroke of a bell or gong. At Central Prisons the parades may be carried out simultaneously in all divisions by signal from the Central tower or some central place. Whenever the Jailor or any officer of rank superior to him visits or passes a gang of prisoners, the prisoners shall obey the word of command as follows :—

“EK”: To stop work or marching, if so engaged, and stand at attention.

“DO”: To resume work, continue marching, or sit. The command will be given by the officer in charge of the gang.

For Class I prisoners the corresponding words of common shall be “Attention” and “As you were”.

Prisoners how to  
behave etc.

12. (i) Strict silence shall be maintained at all times except when any enquiry or instructions relating to work are necessary and there shall be no talking, singing, or quarreling in the wards at night:

Provided that prisoners undergoing simple imprisonment may converse together in their ward or place in a quiet and orderly manner except at parades, at exercise time and at night.

(ii) No prisoner shall be allowed to leave his bed for any purpose without first obtaining the permission of the watchman. No prisoner shall sit or lie on any other prisoner's bed.

Duties of  
prisoners.

13. Prisoners shall—

(a) obey the orders of all officers of prison staff (including clerks, medical and technical staff) and convict officers ;

(b) remain strictly with their gangs and within the part of the Jail in which they are confined, unless ordered by proper authority to leave it, keep in file when not at work, and strictly carry out the regular parades;

(c) abstain from talking when at file or at unlocking or at latrine bathing or other parades, or at any time when ordered by an officer of the prison to desist; also abstain from abuse, singing, quarrelling, loud laughing, loud talking and indecent behaviour at any time;

(d) nor hold any communication with outsiders, women, civil or undertrial prisoners or prisoners of a different class from their own or with the guards beyond what is absolutely necessary ;

(e) not receive or possess ganja or other drugs or money or jewellery, or any article of food or clothing prohibited by the rules; or books, papers, a writing materials of any description unless specially authorised by the Superintendent or Jailor, or rope or any knife, or other implement (except during working hours and when the implement is required for their work), and, where they find any of these articles or know of any other prisoner having any such article, report the matter to the Jailor or Warder;

(f) report any plot or conspiracy, and any attempt to escape or preparation for an escape, or for an attack upon any prisoner or officer of prison;

(g) help the officers of prison in case of any attack upon them;

(h) keep their clothes, blankets, bedding, fetters, and utensils clean and in proper order;

(i) keep their persons clean;

(j) perform their allotted tasks willingly and carefully and take proper care of any property of Government entrusted to them for the purpose;

(k) be orderly in their behaviour; march two and two when they move about the prison, when addressing or addressed by an officer of the prison or visitor, stand at attention with their hands down, and salute when ordered;

(l) not remove provisions from the cook room or feeding platforms without authority, or conceal any article of food in the wards or cells;

(m) not remove any unconsumed food from the place where the meal is taken;

(n) keep to the bed, the ward, the yard, and the seat at meals Or at work which have been assigned to them;

(o) not loiter about the yards or in the wards after the doors have been opened, or bathe or visit the latrine out of hours;

(p) not commit any nuisance or make water in any part of the prison which has not been assigned for that purpose, or dirty or injury any part of the prison or any article in the prison in any way;

(q) show respect to all officers not strike, assault or threaten any officer or any prisoner ;

(r) not gamble or barter or play any game (unless specially permitted by the Superintendent) within the prison; nor keep animals, birds or other pets ;

(s) wear the clothing given to them and not exchange it or any part of their prison kit for that of any other prisoner.

*Note.*—All privileges such as interviews, letters, and facilities for reading, shall be contingent on the good behaviour of a prisoner in the prison and the Superintendent may withdraw or postpone privileges of an individual prisoner for unsatisfactory conduct.

Prisoner not to  
leave work for  
making  
representation.

14. No prisoner shall leave his work or his line to make any representation to the Superintendent or Jailor. The Jailor shall, at least once during the day, visit all the prisoners and give them an opportunity of making representations and complaints on any urgent matter such as appeals, assault or ill-treatment. Any prisoner wishing to appeal or making such a complaint shall be brought before the Superintendent by the Jailor.

Concession  
regarding shaving  
etc.. to prisoners.

15. (i) (a) Class I prisoners shall be allowed the concession of shaving themselves with their own safety razors and other shaving materials except mirror. The mirror shall be provided at Government cost. It shall not be more than .230X.300 meters in size and shall be fixed to a wall in a frame so as not to be readily moveable.

(b) Class I prisoners shall, if they so desire, be allowed to utilise the services of a prison barber for shaving or clipping at Government cost once a week and those who wish to do this oftener or to have their hairs fashionably cut may be allowed to do so at their cost if a convict barber knowing the art of such hair cut is available.

(ii) Class II prisoners whether undergoing rigorous or simple imprisonment and criminal prisoners shall not be allowed the concession of shaving themselves but the services of a convict barber shall be utilised for this purpose. Shaving or clipping shall be done at Government cost, once a week. Prisoners who wish to

do this oftener or to have their hair fashionably cut may be allowed to do so at their cost if a convict barber knowing the art of such hair cut is available.

(iii) Soap for shaving prisoners and brushes for lathering purposes may be provided at Government cost.

(iv) No male prisoner except a Sikh shall be allowed to wear his hairs unduly long. Hindus shall, however, be allowed to maintain a Shendi and Muslims a beard of reasonable length.

16. The hair of a woman prisoner shall not be cut except when the Medical Officer deems it indispensable on the ground of health or cleanliness. Widows who when admitted have their heads shaved on account of widowhood may have them shaved again should they so desire.

Cutting of hair of women prisoners etc.

17. No person shall except in accordance with these rules and with permission of the Inspector General, the Deputy Inspector-General of Prisons, the Superintendent, the Deputy Superintendent, the Jailor or the Medical Officer, introduce or remove or attempt to introduce or remove into or out of a prison or supply or attempt to supply to a prisoner outside the limits of a prison any of the following articles:—

Articles prohibited in prison.

- (i) Alcohol and spirits of every description ;
- (ii) Bhang, Ganja, Opium and other intoxicant;
- (iii) Betel nuts and leaves ;
- (iv) Bank notes and cash;
- (v) Bambus, ladders, clubs, sticks and any implements capable of being used to assist in the escape of a prisoner or as implements for causing hurt;
- (vi) Books;
- (vii) Clothing;
- (viii) Food, fruit, sweets, condiments;
- (ix) Anything whatever for eating and drinking;
- (x) Fire arms, explosive materials, weapons, knives and cutting implements of every kind;
- (xi) Matches and materials for producing fire ;
- (xii) Gold, silver, copper or any metal in any form;
- (xiii) Letters, and writing materials of every description;
- (xiv) Playing cards or other implements for gambling;
- (xv) Postage stamps;
- (xvi) Rope string or anything capable of being used to facilitate escape;



(xvii) Snuff;

(xviii) Tobacco and appliances for smoking it;

(xix) Any other article deemed to be a prohibited article under rule 17.

Other articles  
prohibited  
in prison.

18. 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 in the case of—

(i) a prisoner—if introduced into or removed from any prison, or received, possessed or transferred by such prisoner, and such article—

(a) had not been issued for his personal use from prison stores or supplies, under proper authority,

(b) had been so issued, is possessed or used at a time or place other than such as is authorised, or

(c) had not been placed in his possession for introduction, removal or use, as the case may be, by proper authority;

(ii) an officer of prison—if introduced into or removed from any prison, 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 removed from, the prison or for the purpose of being supplied to any prisoner;

(iii) a visitor—if introduced into or removed from any prison or supplied to any prisoner, and such article—

(a) is not required for his personal use while within the prison and has not been declared by him before entering the prison and the introduction into, or removal from, the prison or possession of which while in the prison 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 prison premises,

(c) comes into his possession while within the prison and is subsequently removed by him from the prison ;

(iv) any other person—if introduced into, or removed, from the prison or supplied to any prisoner, whether within or without the prison.

19. The following acts shall constitute prison offences within the meaning of section 45, and whoever wilfully commits any of the said acts shall be deemed to have wilfully disobeyed the regulations of the prison and to have committed a prison offence, namely :—

Acts constituting  
prison Offences.

- (i) talking when ordered by an officer of the prison to desist, singing, loud laughter and loud talking ;
- (ii) quarrelling with any other prisoner ;
- (iii) secreting any article whatever ;
- (iv) showing disrespect to any prison officer or visitor ;
- (v) making groundless complaints ;
- (vi) answering untruthfully any question put by any officer or a visitor;
- (vii) holding any communication (in writing, by word of mouth, or otherwise) with an outsider, with a prisoner of the opposite sex, civil or undertrial prisoner, or a prisoner of a different class, in disobedience of the regulations of the prison ;
- (viii) abetting the commission of any prison offence ;
- (ix) omitting to assist in the maintenance of discipline by reporting any prison offence or to give assistance to an officer of the prison when called upon to do so ;
- (x) doing any act or using any language calculated to wound or offend the feelings and prejudices of a fellow prisoner ;
- (xi) doing any act calculated to create any unnecessary alarm in the minds of the prisoners or officers of the prison ;
- (xii) 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 ;
- (xiii) leaving without permission of an officer of the prison the building, the yard, the place in file, the seat or the berth assigned to him ;
- (xiv) loitering about the yards, or lingering in the barrack when these are open ;
- (xv) omitting or refusing to march in file when moving about the prison ;
- (xvi) visiting the latrines or bathing platforms except at stated hours or without permission of an officer of the prison, or resorting unnecessarily to the night latrine or omitting or refusing to employ dry earth in the manner directed by the prison regulations ;
- (xvii) refusing to eat food or the food prescribed by the prison diet scale ;

(xviii) eating or appropriating any food not assigned to him, or taking from or adding to the portions assigned to other prisoners ;

(xix) removing, without permission of an officer of the prison, food from the cook-room, or disobeying any order as to the issue and distribution of food and drink ;

\*(xix-A) receiving in exchange articles purchased from a canteen or canteen coupons for the purpose of purchasing such articles or transferring any such articles or coupons to any other prisoner.

(xx) wilfully distroying food, or throwing it away without orders ;

(xxi) introducing into food or drink anything likely to render it unpalatable or unwholesome ;

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

(xxiii) removing, defacing, or altering any distinctive number, mark or badge attached to, or worn on, the clothing or person ;

(xxiv) omittting or refusing to keep the person clean, or disobeying any order regulating the cutting of hair or nails ;

(xxv) omitting or refusing to keep clear his clothing, blankets, bedding, fetters, aluminium cups or platters or any other utensils or body ticket, or other indentification token, or desobeying any order as to the arrangements or disposition of such articles ;

(xxvi) tempering in any way with prison locks, lamps or lights or other property with which he has no concern ;

(xxvii) stealing the prison clothing or any part of the prison kit or any other prisoner ;

(xxviii) committing a nuisance in any part of the prison ;

(xxix) spitting on or otherwise soiling any floor, door, wall or other part of the prison building or any article in the prison ;

(xxx) wilfully befouling the walls, latrines, washing or bathing places ;

(xxxi) damaging the trees and vegetables in the prison garden or maltreating the prison cattle ;

(xxxii) omitting or refusing to take due care of the prison property entrusted to him ;

(xxxiii) omitting or refusing to take due care of or injuring, destroying or misappropriating the materials and implements entrusted to him for work ;

(xxxiv) omitting to report at once any loss, breakage or injury which he may accidentally have caused to prison property or implement ;

---

\*Added *vide* Govt. Notification No. RJM 0/73/2 (a)—XVI, at 10lh October 1973.

(xxxv) manufacturing any article without the knowledge or permission of an officer of the prison;

(xxxvi) performing any portion of the task allotted to another prisoner, or obtaining the assistance of another prisoner in the performance of his own task;

(xxxvii) appropriating any portion of the task performed by another prisoner;

(xxxviii) mixing or adding any foreign substance to the materials issued for work;

(xxxix) doing or omitting to do any act with intent to cause to himself, any illness, injury or disability;

(xl) causing or omitting to assist in suppressing violence or in subordination of any kind ;

(xli) taking part in any attack upon any prisoner or officer of the prison;

(xlii) 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;

(xliii) disobeying any lawful order of an officer of the prison or omitting or refusing to perform duties in the manner prescribed, by or under these rules.

20. Prisoners undergoing a sentence of simple imprisonment shall observe all prison rules regarding order, cleanliness and sanitation and shall be liable to the same punishment as other prisoners for breaches of order and discipline.

Rules to apply to prisoner under sentence of simple imprisonment.

21. Military prisoners sentenced to simple imprisonment shall on no account be permitted to wear military uniform while in prison. If such prisoner has no clothing in his possession other than his uniform, he shall be provided with prison clothing without the regulation stripes.

Military prisoners not to wear uniforms.

22. The custody of an undertrial prisoner shall be made as little irksome to him as possible. No restraint beyond what is absolutely necessary to prevent escape or unauthorised communication with persons either within or without the prison shall be imposed.

Custody of under-trial prisoner.

23. Undertrial prisoners shall be allowed exercise during the day and shall be required to keep their clothing, person, ward or cell and yard clean and shall conform to prison rules. Those who have tampered with the rules for the good order and management of the prison may be refused any of the privileges allowed by rules, the fact being noted by the Superintendent in Register No. 12. They may also be punished in the same way as convicted criminal prisoners.

Facilities to undertrial prisoners.

- Relaxation in discipline on grounds of sickness. 24. Whenever the Medical officer shall have reason to believe that either the mind or the body of prisoner is likely to be injuriously affected by any part of the discipline or treatment given in the prison, he shall, after careful scrutiny, report the case in writing, to the Superintendent, accompanied by such suggestions as he may think the case requires. The Superintendent, shall thereupon, in regard to such prisoner alter or suspend the discipline and regulate the prisoner's work accordingly.
- Appointment of place for assembly of guard in event of disturbances. 25. In every prison a particular place shall be appointed where the guard will assemble for the purpose of quelling any disturbance which may occur.
- Steps to be taken in case of disturbances in prisons. 26. On receipt of news of a serious outbreak or disturbance amongst the prisoners, the senior most Jail Officer present shall cause the bell at the main gate to be violently rung, and it shall then be the duty of every officer of the prison who is outside the prison to proceed at once to the appointed place under rule 25 and arm himself under the orders of such senior most jail officer, who shall despatch a messenger to the Superintendent and Senior Jailor, if they are absent, and to the sepoy's lines to summon every available man.
- Note.*—The alarm should not be raised for minor troubles.
- Prisoners to resort to 10 places of security. 27. It shall be the duty of every prisoner, immediately upon the alarm being given, to run at once to places of security, usually the nearest barrack to be signified by the seniormost guarding official present where they shall, as far as possible, be locked in by the guard inside the prison. Prisoners shall be warned that neglect of this rule shall render them liable to be treated as participating in the outbreak and fired on, if necessary.
- Prisoners outside prison to be collected and halted. 28. Prisoners who are outside the prison, when the alarm is , sounded, shall be at once collected and halted under guard of . their escort until the disturbance is over, and they shall be made to sit down close together.
- Action to be taken by armed guards. 29. The armed guards shall at the same time load and fix bayonets, but shall not act until the arrival of the Superintendent or Senior Jailor unless to rescue or to save the life of any of the officers of the prison against whom the prisoners are actually committing violence, or to drive back the prisoners in the event of their attempting to force open the gate or to scale the walls.
- Action when officer is assaulted. 30. Where the prisoners actually assault officers of the prison or attempt to break out of any ward or yard and the officer considers that it

would be dangerous to delay until the arrival of the other officers of the prison, that officer will dispatch a party to the spot with orders to rescue the officer and prevent the prisoners from breaking out. The officer on arriving at the scene of disturbance, shall give notice to the prisoners in a loud tone, that, if they do not immediately surrender, they will be fired upon. This warning shall, if circumstances admit of delay, be repeated twice, and if there appears no other means of quelling the disturbance, the officer shall direct his men to open fire upon the refractory prisoners, which he shall stop the moment they fly or surrender. On the arrival of the Superintendent, the Senior Jailor or the Superintendent of Police, the guard will “act under their orders.

31. Any officer of the prison may use a sword, bayonet, firearm or any other weapon on any prisoner, engaged in any combined outbreak or in any attempt to force or break open the outer gate or enclosure wall of the prison or against any prisoner \*or\* using violence to any officer of the prison or other person: Provided that such officer has reasonable ground to believe that officer of the prison or other person is in danger of life or limb, or that grievous hurt is likely to be caused to him. The use of weapon may be continued only till such time as the combined outbreak or attempt thereto is actually prosecuted.

Use of sword, etc., against prisoners engaged in outbreak or disturbance.

32. No officer of the prison shall, in the presence of his senior officer, use arms of weapons of any sort against a prisoner except under the orders of such senior officer.

Use of arms etc., in presence of Senior Officer.

33. In all cases requiring the use of force, only the minimum force shall be used.

Minimum force to be used.

34. Prison authorities shall not attempt to disperse a mob outside the premises of the prison unless the prison itself is threatened.

Dispersion of mob outside prison.

35. The Superintendent, the Deputy Superintendent, or in their absence, the Senior Jailor shall call for police aid as speedily as possible, either by phone or other means, only where such aid is absolutely necessary.

Calling for police aid.

36. The Superintendent shall submit a full report to the Regional Deputy Inspector-General of Prison, the Inspector-General and the Government of any serious assault committed by any prisoner

Prisoner not to keep any weapon of offence.

---

\* Deleted by Government corrigendum, Home Department, No. EOP 1166/3174-XVI, dated 15th January 1973.

upon a prison employee or convict officer, or of any combined outbreak amongst prisoners.

Prisoner with suicidal tendency.

37. A prisoner with apparently suicidal tendencies shall be carefully watched and not left alone in a cell.

Prisoner employed on extramural works not to leave the gang.

38. Where a prisoner is employed on extramural works, he shall not be allowed to leave the gang under any pretext:

Provided that all his legitimate requirements during such employment shall be met in the presence of the guard in immediate charge.

Notice of escape of prisoner to be given and reports.

39. (i) Where a prisoner escapes, immediate notice shall be given to the Superintendent of Police and the District Magistrate v/ith a full description of the prisoner. If the prisoner belongs to another district, a similar information shall be sent to the police authorities of that district.

(ii) The Superintendent shall—

(a) give immediate intimation of the escape of a convict prisoner direct to the Officer in charge Finger Print Bureau, Poona, in order to facilitate the re-arrest of the absconder:

(b) sent a telegraphic report on the same day to the Regional Deputy Inspector-General of Prisons concerned and the Inspector-General :

(c) sent subsequently a further report with full details in a tabular statement (Register No. 9) containing information as to the time and circumstances under which the escape was effected, the party or parties through whose neglect it occurred, whether the prisoner has been recaptured, and if not, what measures have been adopted to effect his recapture. The run away's recapture at any future time shall also be reported ; and

(d) also send copies of reports referred to in clauses (b) and (c) direct to the State Government.

Escape from extramural work.

40. Where a prisoner escapes from a gang on extramural work, the officer in charge shall immediately collect the rest of the gang, detach one of his escorts, if any is available, to follow the escaped prisoner, and march the gang back to the prison, where he shall report the fact of the escape to the Jailor.

Recaptured prisoner to be received on original warrant.

41. An escaped prisoner who is recaptured may be received back into the prison on the original warrant.

## JAIL FORM

(Rule No. 7)

*Pro forma of the Register of Visits to Women's Section/or Prison  
at .....*

Date	Name of the person visiting and purpose in brief	Hours of—		Particulars and purpose in brief of taking a women prisoner out of prison	Hours of—		Initials of—		
		entering prison	leaving prison		removal from prison	return back to prison	Woman Jailor	Senior Jailor	Superin- tendent
1	2	3		4	5		6		

## JAIL FORM No. 12

(Rule No. 23)

*Prison for the year 19*

Number and date	Orders of Superintendent	Reports of Jailor etc. on Superintendents order
1	2	3



# JAIL FORM No.9

[ Rule No. 39 (ii) (c) ]

*Register of Escapes from the ..... Prison, for the year 19 ..*

Serial No. of escape	Register number of prisoner	Name of prisoner	Crime	Date of sentence	Length of sentence	Number of previous conviction	Date of escape	Full particulars of escape and whence and from whose charge the prisoner escaped	Result of enquiry before Magistrate and whether the warder or other Prison Official in charge was punished	Date of recapture	Remarks
1	2	3	4	5	6	7	8	9	10	11	12

## SECTION II : NON-STATUTORY RULES

1. The Superintendent shall enter in the Register No. 12, all his orders relating to the management and discipline of the Prison.

### PRISON PANCHAYAT

2. (i) With a view to train the inmates to live in a co-operative, democratic and disciplined manner and to inculcate a sense of responsibility and self reliance among the inmates, Prison Panchayats governed by the following provisions shall be constituted. Object.

(ii) Panchayats consisting only of convicted prisoners shall be constituted in the Central and 1st Class District Prisons. Provided the prison is not set apart for the confinement of habitual prisoners and where the non-habituals do not exceed 25 per cent of the total sanctioned strength of the prison. The provisions of these rules may however be extended to any or all 2nd Class District Prisons by the Inspector General of Prisons if and when he considers it necessary. Constitution.

(iii) For each circle or yard having a population of more than 400 in a Central and District Prison there shall be two elected Panchas from the Prisoners in that circle or yard. Population below 400 will be represented by one pancha. If the total population of any Jail is below 400 the same will be represented by 2 Panchas.

(iv) There shall be a Panchayat for women prisoners at the Prisons where women prisoners are concentrated. The Panchayat shall consist of the Superintendent as Chairman and the Deputy Superintendent and/or the Senior Jailer as Ex-Officio members. The woman Jailer or the matron shall assist the Panchayat in all its deliberations. Two convicted women prisoners shall be elected as members of the Panchayat irrespective of the number of such prisoners.

(v) The Superintendent or in his absence the Deputy Superintendent or the Senior Jailer shall be the Chairman and shall conduct the meetings of the Panchayat. The Superintendent, the Deputy Superintendent and the Senior Jailer shall be ex-officio members of the Panchayat for male prisoners. Eligibility for election to Panchayats.

(vi) A prisoner shall not be eligible to stand for election as a Pancha unless he fulfils the following conditions :—

\* (a) Has including remission undergone half of the sentence, including remission and has still at least six months actual sentence to undergo.

\*Added by G. L. H. D. N. RJM-1058 (XXXIV-XXXV) 83478-IV, dated 15th January 1964 Amended vide Govt. H.D., G. R. No. RJM—0173/10 (XXXIV-XXXV,)—XVI, dated 3rd November 1973.

(b) Has good behaviour, work and institutional adjustment record.

(c) Has, in the opinion of the Superintendent, a sense of responsibility and consideration for fellow inmates and possesses a desire to render service to fellow inmates.

(d) Is willing to undertake Panchayat responsibilities in addition to his normal quota of work in the prison.

(e) Is not disqualified by the next succeeding sub-rule.

(vii) The following inmates shall be debarred from standing for election:—

(a) Inmates convicted under Sections 363, 366, 376, 377, 395 to 402, 143 to 160 and 406 to 409, 420 and Chapter XVIII of the Indian Penal Code.

(b) Inmates whose conduct in Prison in the opinion of the Superintendent has not been satisfactory, or who has been punished for a prison offence.

(c) Inmates who have been classified as habituals.

(d) Inmates having less than six months' unexpired sentence to serve.

(e) Any other inmate who has been debarred by the Superintendent at his discretion.

(f) Any inmate who has been removed by the Superintendent under sub-rule (11) *ibid*.

Election to  
Panchayat

(viii) The election to the Panchayat shall be held twice a year in January and July each year by secret ballot.

\* (ix-i) One week before the date fixed for the election the Jailor shall, in consultation with the inmates or otherwise, prepare a list of candidates contesting the election. The list shall be scrutinised by the Superintendent before according his approval. The Superintendent shall delete any name of any one or more of the inmates in the list if he considers it necessary.

\*(ix-ii) In case no prisoner, who is eligible to stand for election as pancha under sub-rule (6), is willing to contest the election and to undertake the responsibilities of pancha, the Superintendent, for the adequate reasons recorded in writing in Register No. 12, may relax any of the conditions stipulated in sub-rule (6) in respect of any prisoner, who in his opinion is fit to carry out the functions of panchas and permit him to stand for the election".

Meeting

(x) The Panchayat shall meet twice a month. The Superintendent shall however have power to postpone the meeting or convene one if and when he considers it necessary.

---

\* Added *vide* G. R., H. D., No. RJM-0173/10 (XXXIV-XXXV)-XVI, dt. 3rd November 1973.

(xi) The Superintendent shall have power to remove any member of the Panchayat without assigning any reasons if he considers it necessary. Removal of Panch.

(xii) Inmate members who have been punished for a prison offence shall cease to be members of the Panchayat.

Provided the Superintendent shall have the power to continue such an inmate as a member if the offence committed was not of a serious nature or for any other reason.

(xiii) Functions or Panchayat members shall be to help the administration. Functions of Panchayat.

(a) in matters like sanitation, hygiene and cleanliness.

(b) in establishing an efficient culinary service and proper distribution of food.

(c) in extending facilities and amenities to inmates such as medical help etc.

(d) in organising recreational activities etc.

(e) in maintaining good level of barrack and workshop behaviour amongst the inmates.

(f) in bringing to notice of the administration any grievances of the inmates.

(g) in helping the administration in all matters which will be conducive for establishing a proper atmosphere in the institution.

(xiv) The members of the Panchayats shall not function as gatherers of complaints 'but help the administration in establishing a welfare service and shall not refer to prison discipline or administration.

(xv) The Superintendent's decision on all matters, brought before him by the Panchayat shall be final.

(xvi) Any vacancy occurring due to releases, death, transfer or removal of any Panch shall be filled in by holding a bye-election.

3. The Medical Officer shall maintain strict discipline compatible with the state of health of the prisoners and shall allow no undue indulgence or laxity. He shall be specially on his guard against malingerers who try to get into Hospital either for a mere change, or to be with friends or to obtain extra diet.

4. The Jail Officers and Convict Overseers in charge shall see that their directions are not disobeyed by prisoners.

5. Soap for shaving prisoners and brushes for lathering purposes may be provided at Government cost at the rate of one cake for three months

per prisoner and one brush for two years per prisoner provided that the total expenditure for this purpose does not exceed Rs. 5,000 per annum.

Superintendent to  
report assaults on  
prison officials to  
District  
Magistrate.

6. Incidents like assaults on prison officials shall be reported by the Superintendent to the District Magistrate for information only. Enquiries in each case shall, however, be held by the Superintendent or such other officer as the Inspector General of Prisons may direct and not by the District Magistrate.

7. 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.

Counting of  
knives and tools  
after lock up etc.

8. Knives and tools used into Prison shall be counted over and locked up by the Jail guards at the close of work. The wells, if any, in a prison shall, as far as practicable be protected so as to prevent prisoners falling or throwing themselves in. Care shall be taken that pieces of glass or anything likely to be used for suicidal purposes are not left about in the Prison. Poisonous drugs shall on no account be unnecessarily left within the reach of prisoners.

Precautions to be  
taken against fire.

9. Every precaution shall be taken against fire. When the prison is being locked up, all fires not actually in use or under supervision shall be extinguished. In extramural camps as large a supply as possible of buckets and vessels full of water or sand shall be collected at a suitable spot in the camp. If the camp is composed of huts a supply of fire hooks shall always be at hand with which to level those huts nearest the conflagration; or if of tents, the prisoners shall be taught to strike or pull them down at short notice. The measures to be taken in case of fire, such as sounding an alarm, the vacating of the huts or tents, etc. should be concerted, not less than once a quarter (the date of rehearsal to be entered in Register No. 12) all the staff and prisoners shall be instructed and drilled in them.

Escapes

10. All articles which can be used by prisoners as dangerous weapons, or for escaping, shall be carefully watched while in use during the day, and counted and safely deposited during the night.

11. Selected reliable prisoners having short terms of sentence-to run shall be employed on duties which afford facilities for escape.

12. Escapes through the neglect or connivance of prison guards, prison subordinates, or convict officers, are not to be treated as ordinary breaches of prison discipline, but are to be dealt with in accordance with the

provisions of the section 223 Indian Penal Code unless very extenuating circumstances are present or unless the Superintendent considers the evidence insufficient to procure a conviction, when the case shall be submitted to the Inspector General of Prisons for orders.

13. (i) The Superintendent and/or the Regional Deputy Inspector General of Prisons shall punish the party or parties responsible for the escape according to rules if it is within his competence to do so, or else submit the case papers to the Inspector General of Prisons for further action.

(ii) A detailed report about the escape and action taken against the parties concerned shall be submitted to Government for information by the Inspector General of Prisons.

14. Every prisoner who escapes, or attempts to escape, shall be prosecuted under section 224 of the Indian Penal Code and if, in the course of the escape or attempt, he uses criminal force to any public servant in the execution of his duty (section 353), he shall be further prosecuted for that offence. Every prisoner who abets, an escape or attempts to escape is liable to be prosecuted.

---

## CHAPTER XXVII

### PUNISHMENTS

#### SECTION I : STATUTORY RULES

[Government Notification, Home Department, No. RJM-1058  
(XXXVI)-IV, dated 26th September 1963.]

In exercise of the powers conferred by clauses (3), (4) and (28) of section 59, read with clauses (6) and (7) of section 46, of the Prisons Act, 1894 (IX of 1894), and of all other powers enabling it in that behalf and in supersession of the rules relating to punishments in force in any part of the State, the Government of Maharashtra hereby makes the following rules, namely:—

Short title and  
commencement.

1. (i) These rules may be called the Maharashtra Prisons (Punishments) Rules, 1963.

(ii) They shall come into force on the 15th day of October 1963.

Powers of jailor to  
place prisoner in  
iron or under  
mechanical  
restraint in certain  
circumstances.

2. Where a jailor on his own authority places a prisoner in irons or under mechanical restraint in pursuance of section 58, he shall make a report of the circumstances in Register No. 13, and further give notice thereof to the Superintendent for such orders as the Superintendent considers appropriate.

Prisoners not to  
be punished for  
complaints etc.  
Exclusion from  
privilege of  
earning wages.

3. No prisoner shall be punished for any statement made to a visitor except with the concurrence of such visitor.

4. Punishment of exclusion from the privilege of earning wages for a period in excess of one month may be awarded after obtaining the approval of the Inspector-General in the case of a Central Prison and of the Deputy Inspector-General of Prisons (Regional) in the case of any other prison.

Minor and major  
punishments.

5. For the purposes of these rules punishments specified in section 46 shall be classified minor or major as follows, namely :—

(a) Minor—

(i) Formal warning,

(ii) Change of labour,

(iii) Forfeiture of remission earned not exceeding five days,

(iv) Forfeiture for a period not exceeding three months of the grade or class or of all or specified prison privileges.

(v) Temporary reduction from a higher to a lower grade class and exclusion from the privilege of earning wages for a period not exceeding three months.

(vi) Separate confinement for not more than fourteen days,

(vii) Cellular confinement for not more than seven days,

(viii) Imposition of handcuffs, otherwise than by handcuffing to a staple,

(ix) Imposition of chain fetters for not more than fifteen days,

(b) Major—

(i) Hard labour for a period not exceeding seven days in the case of a convicted criminal prisoner not sentenced to rigorous imprisonment,

(ii) Forfeiture of remission earned, exceeding five days, (iii) Forfeiture of grade, privileges, and deferred pay for a period exceeding three months.

(iv) Exclusion from the privileges admissible under the remission, furlough or parole system either indefinitely or for a specified period.

(v) Exclusion from the privilege of earning wages for a period exceeding three months.

(vi) \* Indefinite reduction from a higher to lower grade or class,

(vii) Separate confinement for a period exceeding fourteen days, but subject to the provisions of sub-section (1) of Section 48 where the period exceeds one month,

(viii) Cellular confinement for period exceeding seven days,

(ix) Imposition of handcuffs, handcuffing to a staple,

(x) Imposition of chain fetters for a period exceeding fifteen days, and of bar fetters,

(xi) Any combination of punishments provided for in Section 47.

6. (i) Handcuffs may be either barhandcuffs weighing not more than .907 kilogram, swivel-handcuffs weighing not more than .567 kilogram or chain handcuffs weighing not more than .454 kilogram.

Pattern and  
weight of  
handcuffs.

(ii) Subject to the provisions of sub-rules (iii), (iv) and (v), handcuffs may be imposed, by day or night, in front of the body—

(a) for a period of not more than twelve hours at a time with an interval of not less than twelve hours between each imposition and for not more than four consecutive days or nights.

---

\* Substituted *vide* Govt. Notification N-Pop-1067/64808 (a)—XVI dt. 9th January 1974.



(b) attached to a staple fixed not higher than the prisoner's shoulders or lower than his waist, for a period of not more than six hours in any day of twenty-four hours and for not more than four consecutive days.

(iii) The handcuffs shall be removed for an interval of at least one hour after they have been imposed for three hours.

(iv) Handcuffs shall be imposed in the presence of other prisoners, and only in cases where a prisoner is repeatedly found guilty of committing a prison offence, or of wilful violation of any regulation or rule and is evidently contumacious.

(v) Prisoners undergoing the punishment of handcuffs shall be sheltered from the sun and rain.

Handcuffs not to be imposed in certain circumstances.

7. No prisoner shall be handcuffed while being taken from a prison to a court and *vice versa* or from one prison to another, unless a definite direction that the prisoner be handcuffed, has been given in writing by the court or, as the case may be, the Superintendent:

Provided that the officer in charge of the prisoner may, if the prisoner becomes violent or attempts to escape or circumstances necessitate him so to do while in transit, handcuff him.

Pattern, weight of fetters etc.

8. (i) Fetters to be imposed may be—

(a) bar-fetters composed of two iron bars joined together by a link, the total weight of which does not exceed 2.268 kilograms, and each bar shall not be less than 508 metre in length,

(b) link-fetters composed of two iron chains joined together by a link and attached to ankle rings, the total weight of which does not exceed 1.361 kilograms and each chain is not less than 610 metre in length,

(ii) Maximum period for which fetters may be continuously imposed shall be three months. A period of at least ten days shall elapse after fetters of any description have been imposed as a punishment for a prison offence before they can again be imposed as a punishment for another prison offence whether of the same kind or not.

(iii) The ankle rings of fetters shall be perfectly smooth, without ridges, points or other inequalities:

Provided that where the Medical Officer is of opinion that ankles would be chafed by ankle rings, a prisoner shall be provided with leather or woollen gaiters.

\*9. The period for which fetters may be imposed for the purpose of clause †(7) of Section 46, shall not ordinarily exceed thirty days, and in case the Superintendent finds it necessary to impose fetters for a period exceeding thirty days, he shall obtain previous sanction of the Deputy Inspector-General of Prisons (in charge of the Region) after reporting full details of the case.\*

Period of imposition of fetters for prison offences.

10. 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.

Condition of fetters.

11. No fetters in any form shall be imposed on—

(i) a juvenile prisoner,

(ii) a criminal lunatic, unless it is absolutely necessary,

(iii) any convicted criminal prisoner appearing before a court under the Prisoners (Attendance in Courts) Act, 1955, unless such a prisoner is so dangerous that it would be unsafe to produce him in the Court without fetters, and the Court has, on the application of the police, permitted to do so, or

Fetters not to be imposed on certain prisoner .

(iv) any prisoner in the hospital, except with approval of the Medical Officer.

12. In the women's section of every prison there shall be a block of cells in sufficient number for use as punishment cells and to afford separate accommodation for women under-trial prisoners. A woman criminal prisoner may, at the option of the Superintendent, if cell accommodation is available, have the choice of occupying a cell in the women's section of the prison instead of being confined in the criminal prisoners' ward:

Cells for women prisoner.

Provided that necessary arrangements for guarding of cells in the women's ward and the custody of the keys of these cells can be made.

13. (i) Under no circumstances, shall be two or more male prisoners be confined in one cell.

Cellular confinement.

(ii) Every prisoner before being confined in a cell shall be thoroughly searched and any implement or appliance likely to facilitate escape shall be removed. Every cell and the prisoner therein shall also be searched daily at the time of lock-up and oftener, if necessary.

\* Substituted by Government Notification, Home Department, No. RJM 5165/85399 (a)-XVI, dated 6th March 1972.

† Substituted by Government Corrigendum, Home Department No. MIS/5165/85399 (a)-XVI, dated 9th February 1973.

(iii) Every prisoner who is punished with cellular confinement for more than twenty-four hours shall be visited daily by the Superintendent or, as the case may be, by the Deputy Superintendent, and the Medical Officer in charge of the hospital and every two hours during the day and night by the Senior Jailor. The relieving and relieved guard-commanders of the night watches shall also visit the cells together and ascertain that the prisoner confined in the cell is the correct prisoner and that all is well.

(iv) A ticket showing the nature of confinement, the date on which the prisoner was confined in the cell, and the date on which he is due to be discharged from the cell shall be caused by the Superintendent to be placed outside the cell.

Watch over  
prisoners in cells.

14. Every prisoner in a cell shall both by day and by night have the means of communicating with the guard on duty. The guard shall keep the keys of the cells during the day and night. A strict watch shall be kept over all the prisoners in cells to prevent them from committing suicide or injuring themselves.

Discipline in  
cells.

15. (i) The inmate of a cell shall at all times be compelled to keep it scrupulously clean.

(ii) Strict silence shall be maintained among all prisoners in confinement in cells.

Withdrawal of  
bedding of  
prisoners in cells  
during day.

16. 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.

Provision of work  
for labouring  
prisoner confined  
in cell.

17. Labouring prisoners in cells shall be provided with suitable work according to their capacity.

Procedure in case  
of sickness of  
prisoner in cell.

18. In case of sickness of a prisoner confined in a cell, immediate notice shall be given by the guard to the Jailor in charge of the yard or circle concerned who will send too or the Maharashtra Medical Service Officer to attend to the prisoner and, if necessary, arrange to remove the prisoner to hospital.

Convict sweepers  
cooks and  
watermen may  
enter cells.

19. Convict sweepers, cooks and watermen may enter the cells, when necessary, accompanied by a jail guard. Food shall be cooked and carried to the cells by prisoner cooks under the Superintendence of an officer of the prison.

Separate  
confinement.

20. A prisoner in separate confinement shall not be out of sight of other prisoners. He shall be allowed to have one hour's exercise per diem and to have his meals in association with one or more other prisoners.

21. Cellular confinement means such confinement with or without labour as entirely secludes a prisoner from having communication with other prisoners. Such a prisoner shall not be kept out of sight of other prisoners.

Cellular  
confinement.

22. No prisoner shall be sentenced to cellular confinement unless an interval of not less than fourteen days has elapsed since the date of termination of his previous sentence of cellular confinement.

Intervals between  
two periods of  
cellular  
confinement.

23. (i) No punishment of imposition of handcuffs shall be executed until the prisoner to whom such punishment has been awarded has been examined by the Medical Officer, who, if he considers the prisoner fit to undergo the punishment shall certify accordingly in the appropriate column of the punishment book prescribed in section 12.

Medical Officer to  
certify fitness of  
prisoner for  
imposition of  
handcuffs.

(ii) If the Medical Officer considers that the prisoner is unfit to undergo the punishment, he shall, in like manner, record his opinion in writing and shall state whether he is absolutely unfit for punishment of the kind awarded or whether he considers any modification necessary. In the latter case, he shall state to what extent the prisoner can withstand the punishment without injury to his health.

24. Where a prisoner is sent in accordance with the provisions of Section 52 for trial by a Magistrate and the Magistrate declines to act under the said Section, the Superintendent may, subject to these rules, award any punishment specified in section 46 which he considers to be expedient and which the prisoner is fit to undergo.

Punishment by  
Magistrate for  
prison offence.

25. Where an act of a prisoner constitutes an offence under section 46 of the Prisons Act, 1894 and also an offence under the Indian Penal Code, the Superintendent may, in his discretion, use his powers under section 46 of the Prisons Act, 1894 and award the punishment or forward the prisoner to a Court of the Magistrate of the First Class having jurisdiction, for trial:

Acts constituting  
both prison  
offence and  
offence under  
Indian Penal  
Code, how to be  
dealt with.

Provided that a prisoner committing any of the following offences shall be prosecuted, namely:—

(a) *Rioting*—

Section 147, Indian Penal Code. Rioting.

Section 148, Indian Penal Code. Rioting armed with deadly, weapon.

Section 152, Indian Penal Code. Assaulting or obstructing a public servant when suppressing riot.

(b) *Escape*—

Section 222, Indian Penal Code. Intentional omission to apprehend on part of a public servant.

Section 223, Indian Penal Code. Escape from confinement or custody negligently suffered by a public servant.

Section 224, Indian Penal Code. Resistance or obstruction by a person to his lawful apprehension.

(c) *Offences affecting human body*—

Section 302, Indian Penal Code. Murder.

Section 303, Indian Penal Code. Murder by a person under sentence of life imprisonment.

Section 304, Indian Penal Code. Culpable homicide not amounting to murder.

Section 304-A, Indian Penal Code. Causing death by rash and negligent act.

Section 309, Indian Penal Code. Attempt to commit suicide,

Section 323, Indian Penal Code. Voluntarily causing grievous hurt.

Section 326, Indian Penal Code. Voluntarily causing grievous hurt by dangerous weapon or means.

(d) Any offence triable exclusively by a Court of Sessions.

26. No prisoner shall be punished twice for the same offence :

No prisoner to  
be punished  
twice for same  
offence.

Provided that any measure taken for security and safe custody of a refractory or dangerous prisoner, or for preventing him from committing mischief, and exclusion from a privilege which is otherwise admissible only to a well behaved prisoner shall not be deemed to be a punishment for the purposes of these rules.

## JAIL FORM 13

(Rule No. 2)

*Report Book of..... for .....Prison 19 .*

Serial No. and date	Report	Orders of the Superintendent	Compliance Report
1	2	3	4

STATUTORY RULES MADE BY THE INSPECTOR GENERAL  
OF PRISONS

[Notification, No. MJM 1561/39466, dated 2nd July 1964.]

In exercise of the powers conferred by sub-section (1) of section 11 of the Prisons Act, 1894 (IX of 1894), and of all other powers enabling him in this behalf, the Inspector General of Prisons, State of Maharashtra, Poona, hereby issues the following orders, namely:—

1. (1) The Superintendent may award the following punishments in exercise of the powers conferred on him by section 46 of the Prisons Act, 1894 (IX of 1894), with the prior approval of the Inspector General of Prisons in the case of a Central Prison and of the Deputy Inspector General of Prisons (Regional) hereinafter referred to as “the Deputy Inspector General”) in the case of any other Prison, namely :—

- (a) Forfeiture of remission earned in excess of 60 days.
- (b) Permanent reduction from a higher to lower grade or class.
- (c) Separate confinement for a period exceeding one month.
- (d) Imposition of chain or bar fetters for a period exceeding 15 days but not exceeding 30 days, provided that if the Superintendent finds it necessary to continue such fetters beyond 30 days, fresh prior approval of the Inspector General shall be obtained.

(e) Exclusion from furlough or parole concession for a period exceeding three months.

(f) Exclusion from the remission system for a period exceeding one year.

(2) An application for previous approval required under these orders shall be made by the Superintendent in the Form hereto appended.

2. In each case of late surrender from furlough or breach of any of the conditions of parole, the punishment mentioned below or specified in section 48-A of the Act may be awarded by the Superintendent at his discretion with due regard to the circumstances of the case and after obtaining the prisoner's explanation and the prior approval of the Inspector General or the Deputy Inspector General if required under clause 1. If the Superintendent is satisfied that the contravention was for good or sufficient reasons, he may excuse the prisoner.

(a) A maximum cut of 5 days' remission for each day of overstay provided that, where the prisoner has not sufficient remission to his credit he shall cease to earn remission for such period as the Superintendent may direct.

(b) Stoppage of canteen concession for a period of not less than one month, but not more than three months.

(c) Withholding concession of either interviews or letters or both for a period not exceeding three months.

(d) In cases of furlough, the furlough period not to be counted for shortening the sentence.

3. The Superintendent shall try to find out the causes of all prison offences particularly in typical cases. The Superintendent shall maintain a record of the cases so investigated and furnish to the Inspector General every year an analytical note for inclusion in the Administration Report.

#### FORM

Statement showing the names of prisoners proposed to be punished for prison offences, with the prior approval of the Inspector General of Prisons/Deputy Inspector General of Prisons (Regional).

Register No.	Name	Sentence	Date of sentence	Number of times punished	Date of last punishment	Remission earned	Nature of Offence	Punishment proposed to be awarded
1	2	3	4	5	6	7	8	9

Submitted to the Inspector General of Prisons, Deputy Inspector General of Prisons (Regional) for according prior approval.

Prison Office: 197

Superintendent,  
Central/District Prison.

Place :

Date :

Inspector General of Prisons,  
State of Maharashtra.

## *SECTION II : NON-STATUTORY RULES*

1. (i) "No prisoner shall be punished unless he has been informed of the offence alleged against him and given a proper opportunity of presenting his defence. The competent authority shall conduct an inquiry into the case. No prisoner shall be punished except in accordance with the terms of law or regulation.

(ii) A Deputy Superintendent/Senior Jailor should be responsible for implementing punishments. He should supervise all matters pertaining to punishments and discipline".

2. All cases of breach of section 42 (2) of the Prisons Act, 1894 (IX of 1894) and of rule 2 of Maharashtra Prisons (Punishments) Rules, 1963, shall be reported to the Deputy Inspector General of Prisons (Regional) by the Superintendents of Prisons other than Central Prisons and to the Inspector General of Prisons by the Superintendents of Central Prisons.

3. Handcuffs may be imposed, either separately or in addition to fetters, upon any male prisoner who is refractory, violent, or dangerous, if the Superintendent considers that their imposition is necessary for the protection of the prisoner himself or of any other person.

Handcuffing of  
prisoners.

Handcuffs except when awarded as a form of punishment shall be imposed only in front as a means of restraint under the written orders of the Superintendent, which shall be recorded in Register No. 12.

4. Cells may be used—

Use of cells.

(a) for carrying out sentences of solitary confinement under sections 73 and 74 of the Indian Penal Code ;

(b) for separate and cellular confinement of prisoners under section 46 (8) and (10) of the Prisons Act ;

(c) for the separation of troublesome convicts at night ;



- (d) for the medical observation of lunatics;
- (e) for the medical observation and separation of prisoners apparently suffering from sickness, or who are suspected of malingering or who are suffering from contagious affections;
- (f) for the confinement of prisoners condemned to death;
- (g) for the confinement of prisoners who are refractory;
- (h) for the confinement of any special class of prisoners as may be ordered by Inspector General and
- (i) for keeping those educated prisoners who volunteer to remain in cells and
- (j) subject to the requirements of section 27 of the Prisons Act of 1894, convicted criminal prisoners may be confined either in association or individually in cells, or partly in one way and partly in the other.

5. In the women's division of every Jail there shall be a block of cells in sufficient number for use as punishment cells and to afford separate accommodation for women under trial prisoners. A woman under trial prisoner may, at the option of the Superintendent, if cell accommodation is available, have the choice of occupying a cell in the women's enclosure instead of being confined in the under trial prisoners' ward: Provided necessary arrangements for the guarding of cells in the women's ward and the custody of the keys of these cells can be made.

No prisoner to be received for separate or cellular confinement except under the orders of a proper authority.

6. The Jail guard in charge of the cells shall not receive any prisoner for separate or cellular confinement without an order from the Jailor acting under the orders of the Superintendent or under his own authority as provided in rule 2 of the Maharashtra Prisons (Punishments) Rules, 1963.

#### JAIL FORM 12

(Rule No. 3)

*Prison for the year 197*

No. and Date	Orders of Superintendents	Reports of Jailor etc., on Superintendent's order
1	2	3

## CHAPTER XXVIII

### SAFE CUSTODY OF PRISONERS

#### SECTION I : STATUTORY RULES

[Government Notification Home Department No. RJM-1069/ 491-IV,  
dated 12th January 1970]

In exercise of the powers conferred by clause (27) of section 59 of the Prisons Act, 1894 (IX of 1894) and of all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the following rules, namely:—

1. These rules may be called the Maharashtra Prisons (Safe Custody of Prisoners) Rules 1970.

Short title

2. (i) The Inspector General of Prisons shall from time to time, determine the strength of the jail guards for each prison, having regard to the requirement for the safe custody of the prisoners to be confined therein.

General provisions regarding safe custody of prisoners

(ii) All Prisoners in barracks, cells, yards, circles, worksheds, out files and other places inside the main prison wall, shall be under strict watch of the respective jail guards on duty.

(iii) No prisoner shall be allowed to leave the yard or place, where he may have been kept, unless he is accompanied by a convict officer or a jail guard.

3. Notwithstanding anything contained in any other rules made under the Prisons Act, 1894, for ensuring the safe custody of any prisoner or prisoners who pose special escape risks, or on occasions when the influx of prisoners is large so as to endanger the existing security arrangements, the Superintendent may, with the prior approval of the Inspector General of Prisons, seek the help of the Police Department and request the Superintendent of Police, or the Commissioner of Police, as the case may be, to provide armed, unarmed or special reserve police guards and police officers inside the prison for being posted as such points and for such period as he may from time to time determine.

Police help for safe custody prisoners in certain cases.

#### SECTION II : NON-STATUTORY RULES

Nil

CHAPTER XXIX  
**PETITIONS AND APPEALS OF PRISONERS**

*SECTION I : STATUTORY RULES*

[Government Notification, Home Department, No. RJM-1058  
(XXXIX)-IV, dated 30th April 1962]

In exercise of the powers conferred by clause (24) of section 59 of the Prisons Act, 1894 (IX of 1894), and of all other powers enabling it in that behalf and in supersession of the rules, relating to petitions and appeals in force in any part of the State, the Government of Maharashtra hereby makes the following rules, namely:—

Short title and commencement.

1. (i) These rules may be called the Maharashtra Prisons (Petition and Appeal) Rules, 1962.

(ii) They shall come into force on the first day of July 1962.

Petitions from prisoners.

2. (i) Any convicted criminal prisoner may submit a petition to the Governor through the State Government for the grant of pardon, reprieves, respites or remission of punishment or to suspend, remit or commute the sentence passed against him.

(ii) Such petition shall,

(a) be signed by the prisoner and attested by the Senior Jailor,

(b) be accompanied by a nominal roll of the prisoner in Form I hereto, and

(c) subject to the provisions of rule 5, be forwarded by the Superintendent with a covering letter addressed to the Secretary to the Government in the Home Department.

(iii) The Superintendent shall also enter in the remarks column of the nominal roll any other fact of importance bearing on the case, such as, whether the accomplices of the prisoner have been released, whether he is known to be a professional criminal.

(iv) Petitions from two or more prisoners convicted at one and the same trial may be forwarded together under one covering letter and one nominal roll.

(v) The procedure laid down in this rule shall also apply to petitions addressed to the President of India or to the Registrar of the Supreme Court of India with this modification that where a petition is written in a regional language, it shall be accompanied by an extract or a precise in English.

(vi) Communications from a prisoner addressed to the High Court or to the Supreme Court, pertaining to matters other than an appeal or application for revision shall, subject to the provisions of rule 5, be forwarded through the State Government.

(vii) Any petition of appeal or application for revision addressed to the High Court or the Supreme Court shall, in accordance with the provisions of Rule 17, be forwarded direct to the Court concerned.

(viii) A petition from a prisoner convicted by a Court in any other State or Union territory shall, in the first instance, be scrutinised by the Superintendent, and the Superintendent "shall, where the redress sought for, or the subject matter of the petition, is not within the competence of the prison authorities or the State Government, forward it direct to the Government of such State or, as the case may be, the Central Government, irrespective of the authority or officer to whom it is addressed:

Provided that petitions requiring the opinion or views of the State Government shall be forwarded through the State Government.

(ix) The Superintendent shall see that such communications as are to be forwarded through the State Government are forwarded with the least possible delay.

3. Where a petition for remission of a sentence or for grant of pardon is made on grounds of bad health, old age or other infirmity of the prisoner, it shall be accompanied by a report of the Medical Officer, stating how far the grounds are true and his opinion as to the probability of the prisoner's life being seriously endangered by prolonged imprisonment, and whether his life is likely to be prolonged, if the prisoner is set at liberty.

Petitions for remission of sentence or pardon on grounds of ill health.

4. (i) Every facility, including supply of necessary writing material and assistance of a friend or counsel, shall be given to a prisoner for preparing a petition under rule 2.

Facilities for preparation or petitions.

(ii) A convicted criminal prisoner may sign and submit as his own a petition drafted for him by his agent or friend provided he understands its contents, and the Senior Jailor shall see that such prisoner understands the gist of its contents before signing it.

(iii) No petition shall be considered by the authority to whom it is addressed unless it is signed by the convicted criminal prisoner or bears his left hand thumb impression and submitted through the Superintendent.

Provided that where a relative or friend of a convicted criminal prisoner wishes to make a petition under rule 2, such petition may be submitted direct to the State Government or through the Superintendent.

Petitions when  
not to be  
forwarded.

5. No petition shall be forwarded by the Superintendent:—

(a) if it is couched in discourteous or offensive language,

(b) if it contains statements which the Superintendent knows to be untrue and which the prisoner refuses to amend, when the petition is returned to him for that purpose;

(c) if it proceeds only on a claim for consideration of a general application which has already been disposed of, or

(d) on any matter which is provided for in the rules.

Second petitions  
not to be  
entertained.

6. Where a petition addressed to the Governor or President has been once rejected, a second petition from the same prisoner on the same subject shall not be entertained by the Superintendent, except on the recommendation in writing of an official visitor made in the Visitors' Book.

Petition for mercy  
by convicted  
criminal prisoner  
sentenced to  
death.

7. (i) Immediately on receipt of warrant of execution consequent on the confirmation by the High Court of the sentence of death the Superintendent shall inform the convicted criminal prisoner 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, he should do so within the period prescribed in the Supreme Court Rules, 1960.

(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 convicted criminal prisoner, in case the convicted criminal prisoner has made no previous petition for mercy, the Superintendent shall forthwith inform him that if he desires to submit a petition for mercy it should be submitted in writing within seven days from the date of such intimation.

Explanation.

In cases where no appeal to the Supreme Court or no application for special leave to appeal to it has been lodged by or on behalf of the convicted criminal prisoner, 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 convicted criminal prisoner has made

no previous petition for mercy, it shall be the duty of the Superintendent to inform him, that if he desires to submit a petition for mercy, he should do so in writing within seven days from the date of such intimation.

8. If the convicted criminal prisoner submits a petition within the period of seven days prescribed in rule 7, it shall be addressed to the Governor of the State and the President of India. The Superintendent shall forthwith forward it by registered post A. D. to the Secretary to the State Government in the Home 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 the receipt of reply from the State Government.

Petition how;  
be forwarded.

9. (i) Where a convicted criminal prisoner submits a petition after the period prescribed in rule 8, the Superintendent shall at once forward it to the State Government and at the same time telegraph the substance of it, requesting orders whether the execution may be postponed, and stating, that pending reply, the sentence shall not be carried out.

Petition submitted  
after period  
prescribed.

(ii) If such petition is received by the Superintendent later than noon on the day preceding 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.

10. In the event of its coming to the knowledge of the Superintendent at any time before the execution of sentence that altogether exceptional circumstances have arisen which plainly demand a reconsideration of the sentence, he may, notwithstanding anything contained in the foregoing rules, report the circumstances by telegraph to the State Government and ask for its orders, and defer-execution till they are received.

Execution of  
sentence to be  
deferred under  
exceptional-  
circumstances.

11. (i) The Superintendent shall at once repeat back to the Secretary to the State Government in the Home Department all telegrams communicating orders to him regarding petitions of mercy, by way of acknowledgment of their receipt.

Acknowledgment  
of orders.

(ii) All acknowledgments whether by telegram or by express letters shall be addressed to the Secretary to the Government in the Home Department by designation and not by name.

(iii) The words “Death Sentence” shall be inserted before the address in telegram and express letters relating to capital sentence.

Sentence not to be  
executed till  
appeal or  
application is  
dismissed.

12. Whenever a sentence of death has been passed by any Court or Tribunal, the sentence shall not be executed until after the dismissal of the appeal to the Supreme Court or of the application for special leave to appeal to the Supreme Court is received or, in case no such appeal has been preferred or no such application has been lodged, until after the expiry of the period allowed for an appeal to the Supreme Court or for lodging of an application for special leave to appeal to the Supreme Court;

Provided that if a petition for mercy has been submitted by or on behalf of the convicted criminal prisoner, execution of the sentence shall further be postponed pending the orders of the President thereon :

Provided further that if the sentence of death has been passed on more than one person in the same case and an appeal to a higher court or an application for special leave to appeal to the Supreme Court is lodged by or on behalf of, only one or more but not all such persons the execution of sentence shall be postponed in the case of all such persons.

Petition of appeal  
and applications  
of a judicial  
nature.

13. (i) Any convicted criminal prisoner lawfully entitled to submit a petition of appeal desires to do so, or desires to file any application of a judicial nature, whether for revision or otherwise, shall be granted every facility to submit such petition or application to the Court concerned, including the following facilities, that is to say :—

(a) an application by a prisoner for a copy of the judgment or order shall, at once, be forwarded to the Court by which the judgment or order was passed (and any application subsequently received from a prisoner who has been convicted at the same trial may not be forwarded unless the applicant wishes to have a copy for his personal use);

(b) a prisoner’s friend or counsel shall be allowed to communicate with the prisoner for the purpose of assisting him in drawing the petition of appeal or application;

(c) the Superintendent shall make the necessary arrangement for having the petition of appeal or application written out for a prisoner who cannot write or who has no friends or agents who can draw up the petition for him.

- (ii) A petition of appeal shall be accompanied by—
  - (a) a certified copy of the judgment or order appealed against,
  - (b) a copy of the Register of Petitions.
- (iii) An application for revision shall be accompanied by—
  - (a) a certified copy of the judgment or order sought to be revised ;
  - (b) a certified copy of the judgment or order of the trial Court if the judgment sought to be revised happens to be a judgment or order passed by the lower Court in its appellate or revisional jurisdiction;
  - (c) a copy of the Register of Petitions.
- (iv) The Superintendent shall apply for necessary copies as required by sub-rules (ii) and (iii) and arrange for the submission of the petition of appeal or application within the prescribed time along with the necessary accompaniments.
- (v) A petition of appeal or an application duly made by a prisoner shall be countersigned by the Superintendent, and subject to the provisions of sub-rule (iv), forwarded without delay to the Court concerned with all the relevant documents.
- (vi) Before forwarding a prisoner's appeal or application, the Superintendent shall himself ascertain, after verifying the Register of Petitions and after questioning the prisoner or obtaining information from the prison in which he was confined prior to his transfer to the prison in which he is confined at the time of the application, whether any appeal or application has previously been filed by the prisoner in the same matter either through the prison authorities or independently thereof (through some agent or lawyer acting on his behalf), and if he has made any such appeal or application, how it has been disposed of, and how the present appeal or application is competent. The Superintendent shall, after ascertaining these facts, make an endorsement to that effect on the petition of appeal or application in his own hand and record the result of the inquiry and shall also mention the number of the case on the Magistrate's file, if quoted on the warrant.
- (vii) Where a prisoner, whose petition of appeal or revision application is to be forwarded to the High Court or, as the case may be, to the Supreme Court, desires to be released on bail, a prayer to that effect shall be included in the memorandum of appeal or, as the case may be, in the revision application.

14. (i) A petition of appeal or application may be presented either to the Superintendent by the prisoner himself, or to the Court by his pleader.

Presentation of  
petition of appeal  
or application by  
prisoners.



(ii) The appointment of a pleader shall be in writing, signed by the prisoner and attested by the Superintendent.

Superintendent  
not to accept  
petition of appeal  
or application,  
without certain  
documents.

15. (i) Except under circumstances mentioned in rule 16, no petition of appeal or application shall be accepted by the Superintendent unless in the case of appeals and applications for revision, it is accompanied by documents provided in sub-rule (ii) or (iii) of rule 13.

(ii) In the case of petition of appeal of several prisoners convicted together at the same trial, the petition may be accompanied by a single copy of the judgment or order appealed against.

Reminder for  
copy of  
judgment.

16. Where a prisoner under sentence of death has applied for a copy of the judgment or order, and for some reason, the delivery to him of the copy is delayed so that he cannot prepare his petition of appeal thereon and present it to the Superintendent within the period of seven days allowed to him by law, the Superintendent shall, on the seventh day after sentence, enquire of the prisoner whether he desires to submit a petition of appeal and shall forward to the High Court a simple statement of the reply given and signed by the prisoner, and a note thereon that a copy of the judgment or order had been applied for but it is not obtained in time. A note of prisoner's wish in regard to the appeal shall also be taken in his history ticket.

Petition for appeal  
or application for  
revision to high  
Court or Supreme  
Court how to be  
forwarded.

17. (i) A petition of appeal or an application for revision addressed or purporting to be addressed to the High Court or a petition of appeal or special leave to appeal addressed to the Supreme Court of India, by a prisoner shall together with the accompanying documents, be forwarded in a sealed envelope by the Superintendent with the utmost expedition to the Registrar, High Court of Judicature at Bombay, Bombay, or to the Special Officer, High Court of Judicature at Bombay, Nagpur Bench, Nagpur (in case of appeals and applications arising from the judicial districts of the Vidarbha area), or to the Registrar, Supreme Court of India, New Dehli, as the case may be. \*[ ]\*

(ii) On receipt of intimation of the intention of a convicted criminal prisoner (whether under sentence of death or otherwise) to lodge an application for special leave to appeal to the Supreme Court of India, in accordance with the Supreme Court Rules, 1960, the Superintendent shall immediately report the fact by telegram to Government in the Home Department.

---

\*\* Deleted by Government Notification, Home Department No. PEP/41589 (XXXIX)-XVI, dated 4th November 1972.

18. (i) If the result of an appeal is not communicated within fifteen days, or, in the case of High Court or the Supreme Court, within one month of the date on which the appeal was submitted, the Superintendent shall send a reminder to the Appellate Court or to the Registrar of the High Court of Judicature at Bombay, Bombay, or to the Special Officer, High Court of Judicature at Bombay, Nagpur Bench, Nagpur or to the Registrar of the Supreme Court, as the case may be enquiring about the result of the appeal, and shall, thereafter, repeat the enquiry at reasonable intervals.

Reminder dor  
intimating result  
of appeal.

(ii) The result of the appeal when intimated shall be communicated to the prisoner, and the fact of such communication shall be certified on a writ which shall be attached to the prisoner's warrant, and reported to the Court concerned.

## FORM I

[ See rule 2 (ii) (b) ]

Nominal roll of a prisoner who has submitted a petition to Government.

Prisoner's Register Number	Name of Prisoner, Occupation and Residence	Crime and Section of Indian Penal Code under which convicted	Sentence	Date of sentence	Adjudicating Court	Appellate Court and Result of Appeal
Age at the time of sentence	State of health	Conduct in prison	Number of previous convictions, if any	Number and date of previous Orders of Government, if any	Details of the remissions granted	Remarks

Superintendent,  
Prison.

*SECTION II: NON-STATUTORY RULES*

1. The procedure governing the submission of petition of Special Leave to Appeal to the Supreme Court is contained in rules 1, 2, 3 and 4 of Order XIII and rules 1 and 4 Order XVIII, read with rule 2 of order XXI of the Supreme Court Rules, 1960. These Rules lay down that a petition for Special Leave to Appeal should be drawn up in the proper form and should be accompanied by the following documents :—

(i) a certified copy of the judgment of the Court or Order appealed from :—

(ii) an affidavit to the effect that notice of the intended petition for Special Leave to Appeal has been served upon the respondents ;

(iii) an affidavit in support of the petition as required by rule 4 of Order XVII of the Supreme Court Rules, 1960 ;

(iv) 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 XIII read with rule 2 of Order XXI; and

(v) certified copies of the judgments of the lower courts if the petitioner wishes to rely upon the same.

2. Since all proceedings in the Supreme Court are conducted in the English language (vide Articles 348 (1) of the Constitution of India), petitions addressed to the Supreme Court in a language other than English must be accompanied by their English translation, duly authenticated.

3. The Superintendent should see that before forwarding petitions for special leave to appeal to the Supreme Court, the procedure governing the presentation of such petitions detailed in the preceding rules is explained by the Jailor to the intending convict petitioner and such facilities, as the Jail rules permit, e. g., swearing of affidavits obtaining certified copies of judgments of the lower courts, consulting their legal advisers are afforded to them. The Superintendent should also see that such petitions should on no account be withheld, even if the period of limitation has expired.

4. The attention of the Superintendents is specially invited rules 2, 3, 7, 11 and 12 of Order XXI and they are requested that if any condemned convict desires to appeal to the Supreme Court or apply to that Court for special leave to appeal at Government cost, his appeal of application should be forwarded to the Registrar; Supreme Court of India, direct

(under intimation to Government in Home Department and the Inspector General of Prisons) in accordance with the Supreme Courts Rules referred to above.

5. If an appeal or application to the Supreme Court is not lodged within the period prescribed by the Supreme Court Rules, the Superintendent should immediately submit a report to Government accordingly stating whether the condemned prisoner intends to submit a mercy petition.

6. (1) The periods allowed under the Indian Limitation Act (Act IX) of 1908 for appeal to the different courts are as follows.

Appeal from a subordinate Magistrate's decision to the Sessions Judge or the District Magistrate if authorised by Government under proviso to Section 406 Criminal Procedure Code to receive appeal against the orders of subordinate Executive Magistrate ..... 30 days.

Appeal to the High Court where the sentence against which the appeal is made is not a sentence to death passed by Sessions Judge..... 60 days.

Appeal to the High Court against a sentence of death passed by a Sessions Judge ..... 7 days.

*Note :—*(i) In computing the above periods there shall be excluded (a) the day from which such period is reckoned; and (b) the time required for obtaining a copy of the judgment appealed against.

(ii) The court may admit appeals after the period of limitation for sufficient cause under Section 3 of the Indian Limitation Act of 1908.

7. The periods allowed by the Supreme Court under paragraph 12 of Order XXI of the Supreme Court Rules, 1960 for Criminal Appeals are as follows :—

Appeal under article 132 (1) and article 134 (1) (C) of the constitutions.	30 days from the date of certificate granted by the High Court.
--	---

Appeal under article 134 (1) (a) and (b) of the constitution or under any other provision of law.	30 days from the date of the judgment, final order or sentence appealed from.
---	---

*Note :—*In computing the above period, the time requisite for obtaining a copy of the judgment or order appealed from, and, where the appeal is on a certificate, of the certificate, shall be excluded.

8. The requisite particulars in respect of every appeal, shall be entered in a Register (Jail form No. 132) which shall be placed before the Superintendent regularly every Monday. The Superintendent shall pass such orders as are deemed necessary about the issue of reminders for copies of judgments or results of appeal.

---

CHAPTER XXX  
**PRISONERS WELFARE FUND**

*SECTION I : NIL*

SECTION II : NON-STATUTORY RULES

(Framed under G. R., H. D., No. AFP-2056/1067-IV, dated 17-5-1962  
and brought into force w. e. f. 1st July 1962)

- |  |                             |
|--|-----------------------------|
| 1. * [There shall be a fund called the Prisoners' Welfare Fund at each of the central, special and district prison]  | Title.                      |
| 2. The object of the Fund is to give :—  | Object.                     |
| (i) aid to prisoners in the various items of collective welfare activities in the jail during the period of imprisonment, such as educational, recreational, vocational etc. |                             |
| (ii) aid to deserving prisoners in shape of money grants and   |                             |
| (iii) aid to individual prisoners for equipment for trade or clothing at the time of release.  |                             |
| 3. The fund shall be raised mainly from voluntary contributions from prisoners, donations from public, entertainment programmes staged by prisoners.†                        | Sources of Income.          |
| 4. (a) The fund shall be administered by an Executive Committee consisting of the following members :—   | Administration of the Fund. |
| (i) The Superintendent of the Prisons ...  | Chairman                    |
| (ii) Senior jailor ...   | Secretary                   |
| (iii) Medical Officer of the prison ...  | Member                      |
| (iv) Jailor ...  | Member                      |
| (v) Steward or Head Clerk where there is no steward.   | Treasurer                   |
| (vi) Subhedar ...  | Member                      |
| (vii) One Convict Overseer ...   | Member                      |
| (viii) One Convict Nightwatchman ...   | Member                      |
| (ix) Three prisoners preferably from the prison panchayat.   | Members                     |

---

\* Substantiated by the Home Department Resolution No. AFP-2072/25646-XVI, dated 15th August 1972.

† Deleted *vide* Govt. corrigendum No. AFP-2056/1067-IV, dated 8th March 1965.

(b) (i) The members referred to at serial numbers vii, viii and ix of the sub-clause (a) should be nominated by the Superintendent for a period of one year.

(ii) To become eligible for nomination the prisoner must have :

(1) undergone at least one year's imprisonment with very good record on the date of nomination; and

(2) at least one year's sentence still to undergo on the date of nomination.

(iii) Detenues and unconvicted criminal prisoners should not be eligible for being nominated as representatives on the committee.

Meeting of the  
Committee.

5. (a) The committee shall meet once every two months, and earlier if the Chairman considers it desirable for adequate reasons to be recorded in the Minute Book.

(b) Two-third of the total number of the committee shall form the quorum.

(c) The secretary should receive written requests from the prisoners desiring to have aid from the fund and place them before the committee. The decision of the Chairman shall be final. The chairman should ensure that aid is not given where not really needed.

(d) The minutes of the meeting shall be recorded in the book.

(e) The Chairman, may however, grant monetary help from the fund to those prisoners whose cases could not be placed before the Committee and who require help urgently, provided that the amount of such help does not exceed Rs. 10 in each case and in aggregate Rs. 50 during the period intervening two meetings of the committee.

(f) Aid granted by the committee to an individual prisoner shall not exceed an amount of Rs. 25. The Inspector General of Prisons is authorised to sanction a further amount not exceeding Rs. 25 to a deserving prisoner on the recommendations of the committee.

Method of  
Collection and  
Accounting.

6. (a) A sealed wooden box shall be kept at a conspicuous place between the two gates of the jail to collect voluntary contributions which could not be made over personally to the Secretary or the treasurer. The key of the box shall always be in the personal custody of the Chairman. A paper band with the signature of all the members of the committee thereon shall be affixed to the box in such way that the box cannot be opened without tampering the paper seal. The box should be opened on

the first of every month in the presence of at least 2/3 members of the committee, and the cash collected therein should be handed over to the treasurer for being credited to the account of the fund. A report about the amount found in the box, the names of the members present etc., should be recorded in the Minute Book, under the signature of the Chairman.

(b) All amounts received by the secretary and/or the treasurer shall be immediately accounted for and a regular receipt passed to those who pay the amount personally.

(c) Money in excess of Rs. 100 shall be deposited in the personal ledger account already opened in the name of the superintendent by keeping a subsidiary account separate from other accounts within the same personal ledger account.

(d) Proper accounts of receipts and expenditure shall be maintained by the Treasurer and checked by the Secretary. The account shall comprise of the following registers and books :—

- (i) Cash Book ;
- (ii) Receipt book and Register ;
- (iii) Minute Book ;
- (iv) \*.....\*.

(e) (i) Transactions of receipt and expenditure shall be entered in the relevant register immediately as soon as they take place.

(ii) Vouchers shall be defaced, numbered consecutively for the year in order of payment and filed on a separate file kept for the purpose.

(iii) Cash-book shall be checked in detail and signed by the Secretary whenever there are fresh entries in it.

(iv) On the first day of every month the Chairman shall physically verify the actual cash on hand and the balance in the Pass Book and satisfy himself that the total amount in the fund as on the last day of the preceding month is correct. He shall also check 10% of the vouchers collected during the month and satisfy himself about the correctness of the accounts maintained by the Treasurer. A certificate of such verification should be recorded by him in the relevant registers under his signature.

7. The accounts shall be audited every year by the Departmental Auditors and also by the auditors from outside audit department.

Checking of  
Accounts by  
Audit.

---

\*—\* Deleted by Government, Home Department Resolution No. AFP-2056/1067-IV, dated 19th December 1962.



Submission  
of half yearly  
report.

8. \*[The Superintendents of Prisons shall submit a half yearly report to the Inspector General of Prisons through the Regional Deputy Inspector General of Prisons indicating the initial balance in the fund, the details of disbursements from the fund and the final balance in the fund.]\*

---

---

•Substituted by Government, Home Department; No. APP-2070/XVI, dated 12th September 1970.

## CHAPTER XXXI

### FACILITIES TO PRISONERS

#### SECTION I : STATUTORY RULES

[Government Notification, Home Department, No. RJM-1058-XXXVII-XXXVIII)-IV, dated 28th April 1962]

In exercise of the powers conferred by clause (28) of section 59 of the Prisons Act, 1894 (IX of 1894), and of all other powers enabling it in that behalf and in supersession of the rules relating to facilities to prisoners in force in any part of the State, the Government of Maharashtra hereby makes the following rules, namely :—

1. (i) These rules may be called the Maharashtra Prisons (Facilities to Prisoners) Rules, 1962.

Short title and  
commencement.

(ii) They shall come into force on the 1st day of June 1962.

2. A printed post card in Form I shall be sent at Government cost to the relatives of a prisoner admitted to the prison.

Intimation to  
relatives of  
prisoner.

3. (i) Every prisoner on admission shall submit a list of persons who are likely to seek interviews with him. This list shall be kept on record with the Jailor detailed for conducting interviews, for scrutiny as and when required.

List of relatives.

(ii) Interviews shall be granted only to near relatives, friends and legal adviser of the prisoner.

(iii) Interviews between prisoners (including those released on parole or furlough) shall not be allowed unless they are members of their families, that is to say, spouse, children, father, mother, brother and sister.

4. (i) An unconvicted, criminal prisoner (undertrial prisoner) shall be entitled to reasonable facilities, for interviewing or otherwise communicating either orally or inwriting with his relatives, friends and legal adviser during the hours prescribed by the Superintendent in each case.

Interviews and  
communications  
of prisoner.

(ii) Subject to the provisions of sub-rule (3), and the following rules, every newly convicted prisoner (including a prisoner committed under Chapter VIII of the Code of Criminal Procedure, 1898) shall, during the

shall, during the period of appeal, be entitled to see his relatives or friends and communicate with them once a week or oftener at the discretion of the Superintendent for the purpose of enabling the prisoner to prepare or file an appeal or to arrange for procuring bail or security, or to arrange for payment of fine or to manage his property or other family affairs.

(iii) A prisoner under sentence of death shall be allowed such interviews and other communications with his relatives or friends and legal advisers as the Superintendent thinks reasonable.

(iv) Civil prisoners may see their friends and relatives between the hours fixed for interviews for the particular prison under such conditions as may be adjudged suitable by the Superintendent.

Scale of  
interviews.

5. A convicted criminal prisoner in Class I shall be entitled to have one interview every fortnight; and a convicted criminal prisoner in Class II shall be entitled to have one interview within a period of one month.

Special interviews  
in discretion of  
Superintendent.

6. The Superintendent may, notwithstanding the misconduct, if any, grant the prisoner interviews or allow him despatch of letters at shorter intervals than those provided for in these rules, regard being had to special or urgent grounds such as, the serious illness of the prisoner, the occurrence of death of his near relative, the arrival of his friends or relatives from a distance to see the prisoner and undue hardship that may be caused to them if interview is refused, the fact that the prisoner is nearing release and wishes to secure employment or to make any other arrangement for his rehabilitation in society after release or any other sufficient cause.

Interviews.

7. (i) Unless the persons desiring interviews are illiterate, applications for interviews shall be in writing. All applications for interviews shall be entered in order of their receipt in a register in Form II.

(ii) Where a legal adviser desires an interview with an unconvicted criminal prisoner (undertrial), he shall apply in writing to the Superintendent stating his name, address, profession and the name of the prisoner and satisfy the Superintendent or any other Officer of the prison specially empowered by the Superintendent in this behalf, 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.

(iii) When a prisoner is not entitled to an interview, the applicant shall be informed accordingly.

(iv) Where an interview or letter is permissible, but the same is refused by the relevant authority, the reasons for such refusal shall be recorded in the Interview Register.

(v) Prior consent of the prisoner shall be obtained before granting an interview with him.

(vi) No interview which is not permissible shall be allowed without the prior approval of the Superintendent.

(vii) The Superintendent shall scrutinise every day the entries regarding interviews recorded in the Interview Register before he signs it.

8. (i) Interviews in respect of the following categories of prisoners shall be permitted only with the prior sanction of the Superintendent that is to say :—

Competent authorities to sanction interviews.

(a) class I convicted prisoners and class I undertrials;

(b) Prisoners and undertrials of political background, irrespective of the class in which they are placed;

(c) notorious and dangerous convicts, irrespective of their term of sentence and class;

(d) notorious and dangerous undertrials ; and

(e) Prisoners sentenced to death.

(ii) The interviews of the following categories of prisoners shall be permitted in prisons, where there is a Deputy Superintendent, with the prior sanction of the Deputy Superintendent, and in other cases with the prior sanction of the Senior Jailer, that is to say :—

(a) Class II convicted prisoners whose unexpired sentence is more than 10 years.

(b) Class II undertrials.

(iii) Interviews to prisoners not falling in any of the categories mentioned in sub-rule (i) or (ii) shall be permitted with the prior sanction of the Senior Jailer.

(iv) In prisons, where the Jailer acts as a Superintendent also, interviews of all prisoners shall subject to the provisions of these rules, be arranged, with the prior sanction of the Jailer-*cum*-Superintendent.

9. (i) Interviews shall ordinarily be granted on working days from 9-00 a. m. to 12 noon and from 3 p. m., to 5 p. m., subject to such adjustment as the Superintendent may direct according to local conditions and requirements. The hours of interviews so adjusted shall be notified in front of the prison gate, the visitors' waiting room and the inquiry office, if there is one.

Hours, procedure and place of holding interviews with prisoners.

(ii) Except with the permission of the Superintendent, no interviews shall be granted on Sundays and prison holidays. Such interviews shall be entered in the Interview Register, after recording the reasons in brief of the exceptional circumstances in which the interview was given in column No. 10 of the register.

(iii) The duration of an interview shall normally not exceed twenty minutes, except with the permission of the Jailor who may, for adequate reasons to be recorded in the history tickets of the prisoner, and also in the Interview Register, extend this period by not more than another ten minutes.

(iv) Not more than two persons shall be permitted to be present at an interview ; provided that when a prisoner has an interview with father, mother, brother, sister, husband, wife and children or a joint interview with his friends and relatives, the number of persons permitted to interview the prisoner shall not exceed five.

(v) In the case of dangerous prisoners, or prisoners who present disciplinary or custody risks, interviews shall necessarily be granted in a room where appropriate precautionary barriers have been installed. Prison authorities shall decide in their discretion as to which prisoners should be granted interviews in such a room.

(vi) Prisoners shall be thoroughly searched before they enter the interview area and also after the interview is over.

(vii) During an interview, prisoners, may be allowed to discuss domestic and family welfare matters and to give instructions as to how the lawful business, which they were conducting prior to their conviction, should be transacted. The prisoners shall not be allowed to use these interviews for any other purpose. If objectionable matters start getting discussed, the Jailor in charge of the interview may discontinue the interview forthwith.

(viii) Approved books and clothing articles brought by interviewers may be deposited in the prison office. Any other articles like money, food, eatables, fruits, toilet articles, cigarettes or bodies shall not be allowed to be received by prisoners at the time of the interview, and shall also not be received at the prison office.

(ix) A prisoner on hunger strike shall not be granted interviews and other facilities.

(x) Where a prisoner is admitted in the prison hospital as an indoor patient and the Medical Officer certifies that he is unable to go to the interview room, the interview shall be granted in the hospital.

(xi) Where a prisoner is admitted in a Civil Hospital as an indoor patient, every interview shall be granted by the Officer in charge of the interviews of the prison, from which the prisoner is sent to the Civil Hospital but with the concurrence of the medical officer at the Hospital.

(xii) Prisoners may not be granted interviews for reasons of security or discipline or during periods of emergencies. The decision of the Superintendent in such matters shall be final.

(xiii) Every interview shall be granted at a place reserved for the purpose, which shall generally be at or near the main gate of the prison.

(xiv) The interviews to women prisoners shall, as far as possible, be given at the Women's section of the prison. In a prison where there is no separate women's section, interview to women prisoners shall be given singly and shall not be given along with other men convicts.

(xv) Notwithstanding anything contained in this rule, the Superintendent may for reasons to be recorded in writing refuse any interview to which a prisoner is entitled under these rules, if in his opinion, such an interview is likely to be against the public interests.

10. (i) A senior Jail Guard shall be present at the place where interviewers are generally collected during the hours prescribed for interviews. It shall be his duty to collect all information regarding the names and number of prisoners to be interviewed and guide the interviewers in all matters.

Conduct of  
interviews;  
Complaint Book.

(ii) A complaint book with serially numbered pages with prison seal on each page shall be maintained at the Visitors waiting room in charge of the guard on duty who shall make it available for the visitors on demand. He shall place the book before the Superintendent every day after the interview hours.

11. Every interview with a convicted criminal prisoner, unconvicted criminal prisoner or a civil prisoner shall take place in the presence and hearing of a Jailor specially appointed by the Superintendent for the purpose, and it shall be the duty of such Jailor to see that no irregularity occurs and that no article is passed between the parties concerned, except through the prison authority present. During the interview a prisoner under sentence of death and his friends or legal advisers shall not be allowed to approach each other.

Jailor to be  
present at every  
interview.

12. (i) No political matters shall be discussed during an interview between convicted criminal prisoner or an unconvicted criminal prisoner or a civil prisoner and his interviewers who may be his relatives, friends or legal advisers.

Political matters  
not to be  
discussed at  
interviews—  
termination of  
interviews.

(ii) An interview may be terminated at any moment if the jailor present considers that there is sufficient cause to terminate such interview, and he shall forthwith report the reasons for orders of the senior officer present in the prison. The orders shall then be recorded in the history ticket of the prisoner with reasons and also in the Interview Register.

Language of  
conversion at  
interview.

13. No conversion at an interview in a language not readily understood by the Jailor present shall be permitted, unless an interpreter is available on the prison staff.

Which interview  
to be within sight  
but out of hearing.

14. Every interview between an unconvicted criminal prisoner and his legal adviser shall take place within the sight, but out of hearing of a prison official. A similar concession may, subject to the provisions of rule 11, be allowed by the Superintendent in the case of an interview with near relatives that is to say, father, mother, brother, sister, husband, wife and children of such prisoner.

An Interview by  
Consular Officers.

† 14. (i) Subject to the provisions of foregoing rules, the Superintendent shall on a request made in that behalf, in writing, grant permission and provide reasonable facilities to foreign consular officers to visit any national of their state, who is in prison, custody or detention for the purpose of conversing with him or for arranging for his legal representation.

Provided that, where special instructions have been issued by the State Government or special circumstances, in relation to any such national exist, the Superintendent shall obtain permission of the State Government before granting such permission.

*Explanation :—*The facility to visit a prisoner conferred by this sub-rule does not include interviews in private or inspection of accommodation in which the prisoners are confined or detained.

(ii) Every interview of a foreign national in prison by the Consular Officer shall take place in the presence and within the hearing of the Superintendent, the Deputy Superintendent or the Senior Jailor.†

Power of State  
Government to  
withhold  
privileges of  
interview.

15. Notwithstanding anything contained in these rules, the State Government may, at any time, direct that any convicted criminal prisoner or a class of convicted criminal prisoners shall not be allowed the privileges of interview.

†—† Added by Government Notification, Home Department, No. RJM-1064/80265-XVI, dated 4th July 1970 and subsequently substituted by Government Notification, Home Department, No. RJM-1064/80265-XVI, dated 14th April 1972.

16. The Senior Jailor may remove any visitor (other than an official or non-official visitor on duty) whose conduct is improper and he may search any person suspected of bringing in or taking out of the prison any articles prohibited under the rules in force.

Senior Jailor may remove any visitor and such persons.

17. (i) Each prison shall have a mail branch for handling all matters pertaining to mail of the prisoners. This branch may be equipped with necessary screening and other equipment required for through censoring. Prisoners' mail, both incoming and outgoing, shall be carefully censored.

Letters of prisoners.

(ii) On initial admission, a prisoner may be asked to give a list of persons with whom he is likely to correspond during his period of imprisonment. As far as practicable, this list shall be scrutinised.

(iii) Prisoners may be allowed to write letters at the scale mentioned below :

- |                        |     |   |
|------------------------|-----|---|
| (a) Class I Prisoners  | ... | Four letters per calendar month;<br>two at Government cost and<br>two at prisoner's cost. |
| (b) Class II Prisoners | ... | Two letters per calendar month;<br>one at Government cost and one<br>at his own cost.     |

(iv) Ordinarily prisoners may be allowed inland letters and post cards. Envelopes may be issued or permitted only, when considered essential by the Superintendent.

(v) A prisoner may be allowed to write letters to his near relatives and friends only. Where it is found that the prisoner is corresponding with undesirable persons or *vice-versa* or if any correspondence is considered detrimental to the prisoners' rehabilitation, such letters, both incoming and outgoing, shall be withheld. Prisoners may be informed of the action taken without divulging the contents of such letters received. If necessary, they may be warned in this respect.

(vi) A prisoner may at the discretion of the Superintendent be allowed additional letters for legal purposes, normally at his own cost and if he has not enough money, at Government cost.

(vii) There shall be no limit on the number of incoming letters of prisoners.

(viii) Facilities for sending telegram and registered letters may be extended in suitable cases at prisoner's cost.

(ix) Prisoners shall not be allowed to correspond with inmates of other prisons. If, however, a prisoner has got his near relative in another prison, he may be permitted to send welfare letters only.



(x) Letters both incoming and outgoing with objectionable cryptic or suspicious contents shall be withheld under intimation to the prisoner.

(xi) The right to disallow letters to prisoners for reasons of security, discipline or during periods of emergencies will be exercised by the authorities concerned as and when necessary.

(xii) A letter from a prisoner merely arranging an interview shall not be counted as a letter for the purpose of this rule.

(xiii) A prisoner may with the permission of the Superintendent substitute a letter for an interview or *vice-versa*.

(xiv) The withdrawal or curtailment of the privileges under this rule shall be treated as specific punishment for a specific offence and not as a direct result of any other punishment for any other offence.

(xv) A civil prisoner shall be allowed to write a letter when he wishes to do so if he provides himself with his own writing materials. The Senior Jailor may under the orders of the Superintendent open and examine any letter to and from a civil prisoner and withhold a letter which appears to him to be objectionable until the prisoner is entitled to be released. Where a civil prisoner is found to be abusing the privilege of writing or receiving letters, it may be withheld under the orders of the Superintendent who shall record his reasons in Form III. No visitor shall be allowed to take within the prison any articles without the permission of the Superintendent.

(xvi) The provisions of these rules providing for privileges in respect of interviews and letters shall *mutatis mutandis* apply to civil prisoners as they apply in relation to unconvicted criminal prisoners.

Facility of certain  
transactions to be  
permitted to  
prisoners.

18. If the Superintendent is satisfied about the merits of each case and that the privilege shall not be misused, he may allow a prisoner in Class I or Class II,

(a) to effect sale, transfer or disposal of his property outside the prison in accordance with law, or ;

(b) to draw cheques in the absence of any relatives or friends to operate his accounts, if the money is required for a legitimate purpose such as payment of taxes or other dues or maintenance of his dependants.

19. (i) Writing material shall be supplied at Government cost to any convicted criminal prisoner who is entitled to write a letter. All letters shall be written at such time and place as the Superintendent may appoint on a fixed day of the week, preferably Sunday. All letters written by or for a prisoner shall be immediately censored, recorded in the history ticket and posted or delivered without delay.

Supply of writing material, service post cards etc. to prisoners for writing communication.

(ii) The Superintendent may allow a convicted criminal prisoner under sentence of simple imprisonment to use his own writing materials.

20. A prisoner who is entitled to write a letter and who desires to do so, may correspond on personal and private matters; but he shall not include any matter likely to become the subject of political propaganda or any strictures on the administration of the prison, or any reference to other persons confined in the prison who have their own opportunities for communication with their families.

Subjects on which prisoners may correspond.

21. (i) If none of the prison employees understands the language in which any letter is written by a prisoner or is received for him, it shall be submitted to the Inspector General with a view to obtaining a reliable translation of the same in English, Marathi or Hindi.

Procedure when communications are in language not understood by any jail employees.

(ii) No letter written in ciphers shall be despatched, or as the case may be, given to a prisoner.

22. All communications between an unconvicted criminal prisoner or a convicted criminal prisoner or a civil prisoner who is a member of any house of Parliament or of a State Legislature and the presiding authority of such House of which he is a member or any officer thereof or the Chairman of a Committee (including a Committee of Privileges) of such House or a Joint Committee of both the Houses of Parliament or of the State Legislature shall be forwarded direct to the addressee. Any question which such prisoner wishes to be asked in any such House shall also be forwarded to the presiding authority thereof.

Communications from members of Parliaments or State Legislatures

Provided that if any such prisoner has not made or subscribed an oath or affirmation as required by the Constitution and has not taken his seat in such House, the Superintendent shall bring that fact to the notice of the presiding authority of that House while forwarding to him any such communication or question from such prisoner.

Communications  
addressed to the  
dignitaries of the  
Central  
Government.

\* 22-A. Memoranda or applications from prisoners, including unconvicted criminal prisoners, addressed to the President, Prime Minister of other dignitaries of the Central Government shall be forwarded to the addressee, unless the statements contained therein are untrue or they are couched in objectionable language. When any communication is withheld, the Superintendent shall inform the prisoner concerned and the addressee of the reasons for which the communication is withheld. \*

Censoring and  
withholding of  
prisoners' letters  
and other  
communications.

23. (i) All communications addressed to and by a prisoner shall be censored by the Jailor specially empowered by the Superintendent. The Jailor shall himself scrutinise all communications of, or by, prisoners. The word 'censored' shall be stamped on all letters so censored under the dated initials of the Jailor. A rubber stamp may be used for this purpose.

(ii) The Superintendent may withhold for reasons to be recorded in Form III, any incoming or outgoing letter of a prisoner which seems to him to be improper or objectionable or he may erase any improper or objectionable passages in such letters.

(iii) The work of censoring shall not be entrusted directly or indirectly to prisoners or convict officers.

Communications  
addressed by  
foreign national.

† 23-A. The Superintendent shall forward without undue delay, communication addressed to the foreign consulates by a foreign national in prison, to the State Government through the Inspector General of Prisons.

Provided that whenever any incoming or outgoing letter of foreign national in prison is withheld or any passage is erased therefrom, the Superintendent shall bring the fact to the notice of the State Government in the Home Department, for apprising the Government of India, Ministry of Home Affairs.†

Communication  
addressed by  
prisoner to  
Government  
Departments on  
matters not  
pertaining  
to prison  
administrations.

24. All communications addressed by a prisoner to Government Departments with respect to matters not pertaining to the prison administration shall be forwarded by the Superintendent direct to the addressee. Such communications shall not be included in the scale prescribed in sub-rule (iii) of rule 17.

Communications  
pertaining to  
foreign nationals

‡ 24-A. The Superintendent shall not correspond directly with the foreign consulates or friends and relatives of a foreign national in a prison on matters pertaining to the foreign national. Such correspondence shall be routed through the Inspector-General of Prisons and the State Government. ‡

\*—\* Added by Government Notification, Home Department, No. RJM-1072/2-XVI, dated 23rd March 1973.

†—† Added by Government Notification, Home Department, No. RJM-1064/80265-XVI, dated 4th July 1970.

‡—‡ Added by Government Notification, Home Department, No. RJM-1064/8065-XVI, dated 4th July 1970.

25. (i) A prisoner who abuses any privilege or infringes any condition in relation to interviews, or letters or communication to any person outside the prison, shall be excluded from such privileges for such period as the Superintendent may determine and shall be subjected to such further restrictions as the Superintendent may direct.

Punishment for abuse or infringement of privilege of interviews and communications or any condition relating thereto.

(ii) The Superintendent may if he considers it sufficient, merely caution the prisoner concerned against the withdrawal of the privileges in case of further abuse or infringement.

26. The Superintendent shall report to the Inspector-General every quarter on the 1st of January, April, July and October all cases where such privileges are withheld or curtailed.

Report regarding withholding or curtailment of privilege.

27. All letters delivered to prisoners shall be destroyed after a week from the date of delivery, unless the Jailor allows any letter to be retained by a prisoner by putting on the letter his initials and the words "allowed to be retained."

Destruction of letters delivered to prisoners. .

28. Every Central, District Prison Class I and Special Prison shall have a library for the use of prisoners free of charge. The Superintendent shall make arrangements for the proper custody and issue of books to prisoners.

Every prison to have Library.

29. (i) Daily newspapers which are in the list approved by the State Government shall be supplied free of charge to convicted criminal prisoners in the following manner :—

Supply of newspapers.

(a) One copy of such newspaper in English or in one of the regional languages or in Hindi at the discretion of the Superintendent for every 15 prisoners or less in Class I, and

(b) One copy of such newspaper in English or in one of the regional languages at the discretion of the Superintendent for every 20 prisoners or less in Class II.

(ii) No newspapers shall be supplied to unconvicted criminal prisoners and civil prisoners at Government cost.

(iii) The Superintendent may allow a prisoner to have at his own cost any newspaper or a periodical which is on the list approved by the State Government.

(iv) A newspaper or a periodical which is not on the list approved by the State Government shall not be supplied to a prisoner except with the permission of the State Government.

Number and type of books which prisoner may keep in their possession.	<p>30. (i) In addition to the books which may be issued from the prison library, a convicted criminal prisoner shall be permitted to have in his possession at a time not more than two religious books and ten non-religious books of his own:</p> <p>Provided that the non-religious books are not, in the opinion of the Superintendent, *.....* obscene, of an objectionable nature, or prescribed by Government.</p> <p>(ii) A convicted criminal prisoner desiring to prosecute higher studies may possess any number of text books, with the permission of the Superintendent.</p>
Books in excess.	<p>31. Books brought by a prisoner or which are sent to him in excess of the number specified in the preceding rule shall be kept with the Superintendent who shall keep a list of such books and they may be issued to the prisoner in exchange for the books that he may already have in his possession. All such books shall be returned to him when he is released.</p>
Unconvicted criminal prisoners may purchase books.	<p>32. An unconvicted criminal prisoner shall be permitted to purchase at his own expense or to obtain from private sources such number of books as the Superintendent considers reasonable;</p> <p>Provided that no such book is in the opinion of the Superintendent *.....* obscene, of an objectionable nature or prescribed by Government.</p>
Civil prisoners may purchase books.	<p>33. Subject to safeguards against the introduction of improper literature, and at the discretion of the officer in charge of a civil prison, a civil prisoner may have books (or newspapers and periodicals which are on the list approved by the State Government) at his own expense.</p>
Legal aid.	<p>34. Prisoners of all categories may be given necessary facilities for—</p> <p>(a) appeal and petition according to the provisions of any law;</p> <p>(b) legal defence;</p> <p>(c) delegation of power of attorney (property, land, civil suits, business transactions etc.); and</p> <p>(d) execution of Will.</p>
Smoking.	<p>† 35. (i) A prisoner shall not keep bodies or Cigarettes in his possession.</p> <p>(ii) Prisoners will be permitted to smoke only at such places and during such periods as may be specified by the Superintendent in that behalf.†</p>

\*—\* Omitted by Government Corrigendum, Home Department No. AFP-1072/3-XVI, dated 3rd October 1972.

†—† Substituted by Government Notification, Home Department No. RJM-105S (XXXVII-XXXVIII)-IV, dated 8th February 1965.

36. Prisoners may be allowed to keep with them photographs of their family members up to post-card size and small size religious photographs. The Superintendent may use his discretion as to which photographs and religious pictures should be allowed to be kept with prisoners. Such pictures and photographs shall not be allowed to be pasted or hung in dormitories or cells or on other jail buildings. Photographs.
37. The Inspector-General may accept a gift of a radio set or gifts which are of the nature of public collections offered to prison department, for the benefit and use of prisoners. Gifts to Prison Department.
38. Necessary arrangements to exhibit suitable films for the benefit of prisoners shall occasionally be made by the District Publicity Officer in consultation with the Superintendent. Exhibition of films.
39. The Superintendent may request the District Publicity Officer to inform him the names and subject-matter of the films he intends to exhibit so as to enable him to consider the suitability of the films for exhibition to the prisoners. Superintendent may ascertain names of films from District Publicity Officer.
40. The Superintendent shall submit a monthly report to the Inspector-General on the following lines :— Superintendent to report about film shows.
- (i) Number of film-shows exhibited by the District Publicity Officer, with the dates and the names and the subjects of the film-shows exhibited.
- (ii) The days fixed for such shows and how many times during a month they are arranged.
41. (i) The District Publicity Officer shall also record his visit to the prison in a register maintained for the purpose together with the names of the films exhibited by him and his remarks thereon, if any. District Publicity Officer to record his visit.
- (ii) The Superintendent shall submit every month an extract of such register to the Inspector-General together with his remarks.
42. The Inspector-General may authorize the Superintendent to allow prisoners to take part in tournaments of Hu-tu-tu, Volley ball or the like, both inside and outside the prison : Tournaments.
- Provided that teams of only well behaved prisoners shall be sent out to play with outside teams.
43. Prisoners in Class I shall be allowed to play chess draughts and carrom at their own cost. Playing of indoor games by class I prisoners.
44. Wages may be paid to prisoners for work done with a view to— Wage system.

- (a) offering incentive and stimulus for effort, work and industry;
- (b) making prison work purposive and meaningful;
- (c) developing a sense of self-responsibility and self-respect amongst the inmates;
- (d) enabling prisoners to purchase their sundry daily extra requirements from the prison canteen ; and
- (e) helping inmates to effect saving for their post-release rehabilitation and also for extending economic help to their families.

Eligibility for  
wages.

45. (i) Subject to the provisions of this rule, all convicted criminal prisoners under sentence of more than three months and who have completed the first three months of their sentence, and unconvicted criminal prisoners or civil prisoners who have volunteered to work shall be paid wages at such scale as may, from time to time, be determined by Government on condition that they complete their daily quota of task to the satisfaction of the prison authorities.

(ii) A prisoner who does conservancy work shall be allowed to earn wages at such scale as may, from time to time, be determined by Government, even during the first three months of his sentence.

(iii) Subject to the provisions of rule 46 a prisoner may be permitted to remit a portion of wages paid to him under sub-rule (i) or (ii) to any of the following members of his family:—

Spouse, children, father, mother, brother and sister.

Savings and  
Expenditure.

46. (i) A prisoner shall be allowed to utilise not more than \*nine-tenth\* of his earnings (the remainder being kept as compulsory savings for his rehabilitation needs) for the following purposes, that is to say :—

- (a) purchasing articles from the prison canteen ;
- (b) purchasing post-cards, envelopes and the like ;
- (c) remittance to family members as provided by sub-rule (iii) of rule 45 ;
- (d) purchase of approved books;
- (e) payment of fine or other legal obligations ;
- (f) other items as approved by the Superintendent such as purchase of National Savings Certificate.

---

\*—\* Substituted by Government Notification. Home Department, No. AFP I667/20069-IV, dated 25th October 1967.

(ii) Wages earned by a prisoner shall be credited in the wage account of each prisoner. All wage disbursements shall be done through debit adjustments in the prisoner's wage account.

(iii) All matters pertaining to tasks and wages shall be handled by respective staff members. Prisoners shall not be used for computation of tasks and wages, entries in wage account and wage disbursements.

(iv) At the time of a prisoner's release on parole or furlough, the balance or a portion of the balance of his wages after reserving \*one-tenth\* portion of the total earnings may, at the discretion of the Superintendent, be paid in cash if the prisoner so desires.

47. There shall be a canteen run on self-supporting basis in every Central Special and District Prison, Class I and Class II, and wherever possible, also in District Prison Class III.

Canteen for  
prisoners

(i) The following articles may be stocked in every such canteen, namely :—

- (a) Tea, coffee, milk ;
- (b) such etables and articles as the Inspector-General may, from time to time, approve;
- (c) soap, oil, combs and the like;
- (d) fruits, like bananas, mangoes;
- (e) Biddies, cigarettes, tobacco;
- (f) tooth paste, tooth powder, tooth brush ; and
- (g) stationery articles like pencil, exercise books, papers.

(ii) No prisoner other than one working in the canteen shall have access to the canteen. Arrangements shall be made to sell the articles therefrom to prisoners by means of trolleys kept outside the canteen at the places selected by the Superintendent during such hours as may be fixed by the Superintendent.

(iii) No short-term prisoner with sentence of less than three months and no long-term prisoner who has not completed the first three months of his sentence shall work in the canteen.

(iv) Subject to the provisions of this sub-rule, prisoners shall be permitted to purchase the articles referred to in sub-rule (1) from the canteen, either from the amount of wages standing to their credit or from

---

\*—\* Substituted by Government Notification, Home Department, No. AFP-1667/20069-IV, dated 25th October 1967.



their private cash or both \* provided also that, no article purchased under this sub-rule shall be received in exchange from or be transferred to any other prisoner and such articles shall be used by prisoners for their personal use only \* in accordance with following provisions, namely:—

(a) Prisoners under substantive sentence of rigorous imprisonment or simple imprisonment for a term of three months or more and who have completed the first three months of their sentence may purchase any of the articles specified in sub-rule (1) from the amount standing to their respective credit on account of wages earned by them.

(b) All prisoners during the first three months of their sentence may purchase only soap and other articles of toilet from their private cash;

(c) Prisoners who have volunteered to do and actually do conservancy work shall be permitted to purchase any of the articles referred to in sub-rule (i) from the canteen either from the amount of wages standing to their credit or from their private cash or from both.

*Explanation.*—For the purpose of this clause, conservancy work means the work of cleaning latrines and removing night soil and cess-pool water.

(d) The Superintendent may permit a prisoner, who— (i) though entitled to work cannot be suitably employed; or (ii) is unable to work due to physical or other disability; or (iii) does work, but does not earn sufficient wages for reasons beyond his control; to purchase tea, coffee, tobacco and eatables from his private cash;

(e) An unconvicted criminal prisoner or a Civil Prisoner may be permitted to purchase any of the articles specified in sub-rule (i) either from the amount of wages standing to his credit, or from his private cash ;

Provided that no prisoner shall be in possession of more than one cake of soap or article of toilet at any one time ;

Provided further that no prisoner who has not attained the age of † twenty-three years † shall purchase tobacco in any form.

(v) The Superintendent shall maintain a record of the reasons for which permission has been granted by him under clause (d) of sub-rule (iv) and

---

\*—\* Added by Government Notification, Home Department, No. RJM/6173/2 (b)—XVI dated 10th October 1973.

†—† Substituted by Government Notification, Home Department No.AFP 1665/84052-IV dated 8th July 1966.

of the prisoner who are subject to the restrictions contained in the second proviso to sub-rule (iv) and shall keep or cause to be kept such record in the canteen. He shall also make or cause to be made a note of such reasons and restrictions in the wage-sheet of the prisoner concerned.

48. (i) Subject to the provisions of sub-rule (2), a refractory prisoner confined in a special prison on disciplinary grounds shall not be—

No facility to refractory prisoners.

- (a) eligible for any privileges given to a well behaved prisoner or
- (b) permitted to play any outdoor game.

(ii) Such prisoner may be allowed to purchase toilet articles required on hygienic grounds.

49. An offender who is transferred to prison under section 12 of the Bombay Borstal School Act, 1929, shall not be —

Certain facilities not to be given to offenders under the Borstal School Act transferred to prisons.

(a) given canteen facilities except soap, tooth powder and the like till he begins to earn remission in accordance with the Maharashtra Prisons (Remission System) Rules, 1962;

(b) given wages or remission earlier than provided for under clause (i) unless he volunteers and actually does the conservancy work ;

(c) permitted to buy tobacco in any form if he is below \* twenty three years \* of age.

† 50. Notwithstanding anything contained in these rules, if the State Government, the Inspector General or the Superintendent is of opinion that it is necessary or expedient so to do for maintaining discipline in the prison or for reducing chances of escape of any prisoner therein (regard being had to the nature of the offence committed by him, his previous record, his temperament or any special characteristics noticed by the Superintendent in that behalf) the State -Government, the Inspector General of Prisons or the Superintendent may, after recording reasons therefor, by order direct, that the prisoner mentioned in the order shall not be allowed, or shall not avail of, such facilities or privileges provided by these rules as are specified therein.†

Power to withdraw facilities.

\*—\* Substituted by Government Notification, Home Department No. AFP-1665/84052, IV, dated 8th July 1966.

†—† Added by Government Notification, Home Department No. AFP-1667 (a)-IV, dated 7th October 1967.

## FORM I

(See rule 2)

*Letter to Relatives of Prisoners*

“Dear Sir/Madam,

Prisoner .....is admitted to this Prison and his prison number is..... He is allowed to interview his relatives or friends once a month/fortnight. You can interview him/her on any week day, except Sundays and holidays between .....hours. You may also write to him/her by post at any time c/o Superintendent, ..... Prison. The prisoner is allowed to write only two/four letters per month provided his conduct in prison is good. The interviews and letters must be restricted to domestic matters only. No eatables and other articles should be sent to the prisoner or given to him/her at the time of the interview. You may, however, send to the prisoner ‘money’ by money order for his/her use.

Yours faithfully,

Superintendent,

.....Prison.”

## FORM II

(See rule 7)

*Interview Register*

Serial No.	Date	Time	No. and Name of Prisoner to be interviewed	Name of the interviewer	Relationship with prisoner	Address of the interviewer
1	2	3	4	5	6	7

Occupation of the interviewer	Purpose of interview	Whether interview is due, or whether extra interview granted	Signature/thumb impression of the interviewer	Signature of the jailor conducting the interview	Signature of the Superintendent
8	9	10	11	12	13

## FORM III

[ See rule 17 (XV) ]

Order No.	Details of letters ordered to be withheld by the Superintendent and the reasons therefor	Action taken by the Jailor
-----------	--	----------------------------

*SECTION II : NON-STATUTORY RULES*

1. Delivery and despatch of prisoners' mail should be done expeditiously.

2. Letters addressed to Ministers of State Government and Central Government by prisoners who are Members of Legislatures or Parliament shall not be counted in the normal quota of letters allowed to them.

3. Applications sent by prisoners should not be treated as letters.

4. (i) The entire sale proceeds, including profits accruing from the Jail Canteen, should be treated as Government money and credited to Government under "056-JAILS".

Amenities to prisoners.

(ii) A provision not exceeding an amount equal to the profit may be made in the normal budget as an item of expenditure to provide prisoners with the amenities mentioned in sub-clause (iv) below, Profit and loss account statements and balance sheets should be prepared and submitted to the Inspector General to facilitate the provision of the amount required for the purpose in the budget estimates.

(iii) Since the jail canteens are ordinarily run on 'No profit, No loss basis' pro forma accounts should not be maintained on commercial lines. The overhead charges for running a jail canteen should not also be levied to the canteen accounts.

(iv) Amenities in the various forms mentioned below may be sanctioned by the Inspector General for the benefit of the prisoners ;

- (a) Replacement, repair and purchase of new articles of canteen dead stock;
  - (b) Purchase and repair of radios and accessories;
  - (c) Books and publications and accessories for libraries and reading rooms for prisoners;
  - (d) Sports outfit;
  - (e) Simple musical instruments required for increasing the solemnity of prayers;
  - (f) Accessories for the performance of dramas by prisoners in the prisons;
  - (g) Celebrations, such as Independence Day, the Birth Day of Mahatma Gandhi in which prisoners take part;
  - (h) Any other item which is calculated to promote the welfare of prisoners.
-

## CHAPTER XXXII

### PRISONERS' PROPERTY AND DOCUMENTS

#### SECTION I : STATUTORY RULES

[Home Department, Notification No. RJM-1058 (XXX)-IV, dated the 6th October 1964]

In exercise of the powers conferred by clause (28) of section 59 of the Prisons Act, 1894 (IX of 1894), and of all other powers enabling it in that behalf and in supersession of the rules relating to Prisoners' property and Documents in force in any part of the State, the Government of Maharashtra hereby makes the following rules, namely :—

1.(i) These rules may be called the Maharashtra Prisons (Prisoners' Property and Documents) Rules, 1964.

Short title and commencement

(ii) They shall come into force on the 2nd day of November 1964.

2. For the purpose of discharging his responsibility under section 18, the Senior Jailor shall be provided with a box or press with a good lock and a separate box for the safe custody of jewellery, if any, taken from prisoners. The keys of both these boxes shall be with the Senior Jailor.

Senior Jailor responsible for the safe custody of prisoners' private property.

3. Property delivered with, or found on a prisoner on admission, or afterwards sent to him openly and through the Superintendent or Jailor, shall be dealt with, as follows:—

Private property of prisoners-how to be dealt with.

(i) Where the property consists of obscene pictures or literature, opium, or any other drug or liquor or when it consists of ragged or worthless clothing, it may be destroyed and the prisoner to whom such property belongs shall not be entitled to any compensation. The fact of such destruction shall be recorded in the Register concerned.

(ii) Where the property consists of perishable articles of any value, it may be sold and the proceeds shall be dealt with under Rule 9.

(iii) (a) Where the property consists of clothing, cash, jewellery and other property received with or found on the person of a prisoner on admission, the Senior Jailor shall enter in Form Nos. I, II and III, as the case may be, and he shall read over to the prisoner the entry which specifies in detail the nature of the property, the number or quantity and

the estimated value of each item and obtain signature or thumb impression of the prisoner against such entry and the Senior Jailor himself shall also sign against that entry in the column for that purpose.

(b) The list of property shall be read over to the prisoner in the presence of the Superintendent who shall also sign the Register after satisfying himself that the entries are correct.

(c) In describing the articles and stating their value so much description of an article shall be mentioned as will facilitate identification and prevent pilferage thereof (e. g. whether a coat is woollen or cotton, its colour, design and condition etc.) and the genuine value of each article shall be shown.

(d) When any counterfeit coin is found with the prisoner it shall be cut and handed over to him on release.

(iv) Where the property consists of animals or cattle or unwieldy articles such as charpoys, the Senior Jailor may hand it over to the relation or friend who is willing to take charge of the same on behalf of the prisoner or may sell the same by public auction and the money received shall be credited to the prisoners' account by a red ink entry initialled by the Superintendent in Form No. I.

(v) Where the property found with a prisoner before his admission to a prison consists of reptiles or any dangerous animals it shall, if the prisoner concerned is not able to make immediate arrangements for their disposal, be destroyed.

Senior Jailor responsible for safe custody of prisoner's private property and delivery thereof to the prisoner on his release.

4. The Senior Jailor is responsible for the safe custody and due delivery, on release, of all property other than property dealt with under rules 8 and 13 brought by a prisoner into prison or received there on his account.

Destruction of insanitary clothing of prisoners etc.

5. Where the Medical Officer considers that there are sanitary objections to the retention of the clothing of any prisoner, or where any prisoner on admission into prison is suffering from any infectious or contagious disease, the clothing shall, under the written order of the Medical Officer in Form No. IV be burnt.

Storing of prisoner's property.

6. Clothing of prisoners after washing or fumigation shall be made up into a bundle and endorsed, in both English and the regional language, with the prisoners name, register number and ordinary date of release. Lota, cooking pots, and other non-perishable articles shall be stored in a place set apart for the purpose. These bundles shall, as far as possible, be arranged in

open wooden racks, baskets or nets. They shall be arranged chronologically in groups of 50 or 100 so as to facilitate their location and distribution.

7. (i) Valuable articles of jewellery including coins of foreign country shall be put into a packet (Form No. V) in the presence of the prisoner concerned and carefully closed and sealed. A paper cross-band shall be stuck all round the packet and the prisoner shall put his signature or thumb impression on the joints of the slip so pasted.

Preservation of jewellery, cash, etc. belonging to prisoners.

(ii) Cash belonging to the prisoner shall be brought to account in Form No. I and Form No. VI, and shall be kept either in the Treasury on a pass book or in the Prison safe. Cash required for the month's disbursement only shall be kept in the cell.

8. Concealed property of any kind found on a prisoner, after his being searched on admission, shall be forfeited under an order of the Superintendent in Form No. VII and the value carried to the credit of Government, a certain proportion, not exceeding one third being awarded to the finder under a written order of the Superintendent, a copy of which shall be forwarded to the Inspector General for information.

Forfeiture of concealed property found with prisoner after his search on admission.

9. (i) Where the term of imprisonment is for two years and upwards, clothing and other perishable articles legitimately received with a convicted prisoner may, at the discretion of the Superintendent, be sold by auction at the Mamlatdar's Court, and the money received shall be carried to the prisoner's credit by a red ink entry initialled by the Superintendent in Form No. I.

Discretionary power of Superintendents to sell by auction certain articles belonging to long term prisoners.

Provided that, where an appeal is made by the prisoner against his conviction or sentence, clothing other than perishable articles, should not be disposed of until the appeal is decided.

(ii) No property of a prisoner shall be auctioned without informing the prisoner and where the prisoner requests that, this may not be done, his wishes shall be complied with, provided that there is room in the godown and the property is worth keeping.

(iii) The prisoner shall always be informed of the amount realised by the sale of his property and the fact shall be noted on his history ticket. (Form No. VIII).

10. (i) The prisoners private property and clothing store shall be in charge of a Senior Jailor who shall be assisted by a Jail Guard of the rank of a Havildar or the Senior Jail Guard not below the rank of a Naik, if a Havildar is not available.

Senior Jailor to be in charge of prisoner's private property and clothing stores.



(ii) The Senior Jailor shall attend all auction sales of clothing and be responsible for the amounts received. It shall be his duty to see that a fair price is obtained for the auctioned articles.

Prison staff not to  
buy prisoners'  
property at  
auctions

11. No member of the Jail staff shall directly or indirectly buy any prisoner's property at an auction sale held under the provisions of these rules.

Prisoners may be  
provided on  
release with  
clothing in certain  
cases

12. Where under the provisions of these rules, the clothing of a prisoner has been summarily disposed of, the prisoner shall, on release, if he has not sufficient money to purchase other clothing, be provided with suitable clothing at the expense of the State Government. Such clothing shall consist of one shirt of the type popularly known as "Nehru shirt", one Gandhi cap and four yards of cloth or a pair of trousers, these articles being made of white cloth of similar texture to that used for convict clothing but without the regulation stripes.

Delivery of  
prisoner's  
property to friends  
etc. or sale  
thereof, with the  
prisoners'  
consent.

13. (i) Any property or money belonging to a prisoner may, at, any time during his imprisonment with the consent of the prisoner and the approval of the Superintendent be delivered to the prisoner's friends or sold, and the proceeds of the sale of such property may be disposed of in such manner as the prisoner may direct, provided that they shall not be applied to the personal use of the prisoner during his confinement, nor so disposed of with the object of escaping payment therefrom of any fine imposed on him by Court. Where the prisoner's sentence is below two years, sufficient clothing must also be retained to enable him to leave the prison decently clothed.

(ii) Where permission to remit or hand over money or property is given, the Superintendent shall enter the same on the history-ticket of the prisoner,

(iii) The Superintendent shall satisfy himself as far as possible that the person to whom the cash or property is to be delivered is a relative of the prisoner or has a legal claim on him.

(iv) Money or property shall not be sent by post to an address within 32 Kilometers of the prison. In such a case the addressee shall be asked to take delivery of the money or property personally in the presence of the Superintendent and the prisoner.

(v) Cash shall be remitted by money order only and signed by the Superintendent. The Post Office receipt and the addressee's acknowledgment shall first be shown to the prisoner concerned, and, thereafter be attached to the prisoner's warrant for delivery to him on release.

(vi) Other property shall be packed, sealed and addressed in the presence of the Superintendent and the prisoner and despatched by registered post the receipt being dealt with as in the case of a Money Order acknowledgment. All postal charges shall be paid by the prisoner.

(vii) An entry recording the method of disposal of money or property shall be made in Form Nos. I, II, and III, as the case may be, and the prisoner's history-ticket and signed by the Superintendent.

14. No prisoner shall transfer money or any other private property to any other prisoner for any purpose whatsoever.

Transfer of prisoner's private property from one prisoner to another prisoner prohibited

15. (i) Where a prisoner is transferred from one prison to another, the whole of his property of every description shall be sent with him, with a full and correct statement of the description and the estimated value of each article.

Prisoner's private property to be sent with him on his transfer.

(ii) Whereafter the transfer of a prisoner any property is received on his behalf, it shall be forwarded to the prison to which he has been sent.

(iii) In either case, proper receipt shall be obtained from the Senior Jailor in token of the receipt of the prisoners' property.

16. (i) On the occasion of the release of a prisoner, the property shall be made over to him in the presence of the Senior Jailor. The prisoner concerned shall duly pass a receipt by signing the relevant registers (Form Nos. I, II and III as the case may be and such signature shall be attested by the Senior Jailor. The Superintendent shall also attest such entries at the time of checking daily Cash Books. The same procedure shall also be adopted whenever the property of a prisoner is disposed of under Rule 13.

Return of prisoner's property on their release.

(ii) Where any part of a prisoner's property is not found and delivered to a prisoner on his release, a note thereof shall be made against the relevant entry in the property book, and appropriate compensation determined by the Superintendent shall be given to the prisoner.

(iii) The Superintendent shall also make proper enquiries with a view to ascertaining the cause of such loss, fix responsibility therefor, recover the loss from the person responsible and if he is competent so to do take disciplinary action against the persons concerned or submit a report to the authority who is competent to take such disciplinary action.

(iv) The Superintendent shall report every case falling under sub-rule (2) or (3) to the Deputy Inspector General of Prisons (Regional).

Receipts

17. Whenever deposits of private cash exceeding Rs. 20 are returned to prisoners on release, the Superintendent may not demand a duly stamped receipt in acknowledgements of the amount returned to prisoners.

Disposal of  
unclaimed  
property of  
prisoner.

18. If the property of a prisoner, including an undertrial prisoner, who is released, discharged, or acquitted or who dies in a prison is not claimed by or on behalf of the prisoner within a period of six months, from the date of such release, discharge, acquittal or, as the case may be, death, it shall be handed over to the police for disposal in accordance with the provisions of sections 82 to 88 of the Bombay Police Act, 1951 :

Provided that where the property is claimed within the aforesaid period by the prisoner himself, it shall be handed over by the Superintendent to him if he satisfies the Superintendent about his identity, establishes his claim to the property and passes a receipt for having received it:

Provided further that where the property is claimed within the aforesaid period on behalf of a prisoner by any other person, it shall be handed over by the Superintendent to such person if he establishes his claim thereto, executes an indemnity bond, and passes a receipt for having received the property.

Disposal of the  
property of an  
absconding  
prisoner.

19. The property of a prisoner who has escaped from a prison shall, after the expiry of a period of one year from the date of ' escape, be handed over to the Police for disposal in accordance with the provisions of sections 82 to 88 of the Bombay Police Act, 1951, unless such prisoner is recaptured within such period.

Prisoner's  
property to be  
sent with him in  
case of his  
transfer to Mental  
Hospital.

20. Where a prisoner is sent to a Mental Hospital all property in the prison belonging to him shall be sent with him and a receipt obtained.

---

**\*Register showing particulars of private cash of convicted/undertrial Prisoners confined in the prison during the year.....**

Balance	Signature or thumb impression of the Prisoner	Initials of Senior Jailor	Initials of Superintendent	Signature or thumb impression of the Prisoner on transfer or on release
8	9	10	11	12
Rs. P.				

Total					
Opening Balance as on					
Date		Amount	Date		Amount
		Rs. P.			Rs. P.
1st April 19	...		1st April 19		
1st April 19	...		1st April 19		
1st April 19	...		1st April 19		
1st April 19	...		1st April 19		
1st April 19	...		1st April 19		

\* Substituted by Government Notification, Home Department No. RJM-1071/45938 (b) XVI, dated 5th September 1972.

## FORM No. II

Book No.

**\*Register showing particulars of receipts and disposal of valuable articles and jewellery of convicted/undertrial prisoners confined in the prison during the year 19**

Register No.	Date of admission	Name in full	Description of the article/ jewellery	Estimated value of the article/ jewellery	Signature or thumb impression of the prisoner	Initials of Senior Jailor
1	2	3	4	5	6	7

Initials of Superintendent	Date of disposal	How disposed	Signature or thumb impression of the prisoner	Initials of the Senior Jailor	Initials of Superintendent	Signature or thumb impression of the prisoner on transfer/ release
8	9	10	11	12	13	14

## FORM No. III

**\*Register showing particulars of clothing of convicted and [ undertrial ]  
prisoner confined in prison during the year 19.....**

Register No.	Name in full	Date of Admission	Name and description of article	Estimated value	Date of release/ transfer to other jail
1	2	3	4	5	6

How disposed of	Signature or thumb impression of the prisoner	Initials of Senior Jailer	Initials of the Superintendent	Signature or thumb impression of the prisoner on transfer or on release
7	8	9	10	11

•Substituted by Government Notification, Home Department No. RJM-1071/45938 (b)-XVI,  
dated 5th September 1972.

456

FORM No. IV

(Rule 5)

**MEDICAL OFFICER'S JOURNAL**

---

Serial No.	Date	Suggestions and observations of the Medical Officer	Orders of the Superintendent	Action taken by the Jailor and/or other official concerned
1	2	3	4	5

---

---

FORM No.V

Rule 7 (1)

Register No :—

Name :—

Sentence :—

Arrival in Prison :—

Release date :—

Party :—

## FORM No. VI

## Rule 7 (2)

## RECEIPTS

## Cashbook of the

## Prison

Dr.

Licensees

Date, month and year	Particulars	Permanent address	Prisoner's Private Cash		Garden Realisations	Contin- gencies
			Convicted	U. T. P.		
1	2	3	4		5	6

RECEIPTS—*contd.*

## DISBURSEMENT

Pay and Travelling allowance	Miscellaneous Receipts Security Deposits etc.	Total	Particulars	Permanent Advance	Prisoner's Private Cash	
					Convicted	U. T. P.
7	8	9	10	11	12	

DISBURSEMENTS—*contd.*

Garden payment into Treasury	Contingencies Payment on account of .....	Pay and travelling allowance disbursed	Miscellaneous payments	Total	Initials of	
					Steward of Head Clerk	Superinten- dent
13	14	15	16	17	18	



458

FORM No. VII

(Rule 8)

**Prison for the year 19**

No. and Date	Orders of Superintendent	Reports of Jailor etc. on Superintendent's order
1	2	3

FORM No. VIII

[Rules 8 (iii) and 13 (7)]

Class I/II

**History Ticket**

*(2) For prisoners above three months and not more than one year*

No.	Name and Father's name	
Caste—	Age— Height	Weight in Kg. Physical equivalent in kg.
Previous Occupation—	Prisons in which confined	Date of Admission
No. of Previous Convictions	<div>Habitual</div> <div>Non-Habitual</div>	
*Health and Labour on Admission—		
Crime	Sentence—	
Sentencing Court	Date of Sentence—	
	Date of Release —	
	Probable Date of Release—	

\*It a prisoner is not in good health or fit for hard labour the reason should be stated.  
N. B.—All alterations in this ticket must be made in red ink.

*Ordinary and Special Remissions*

Date	Entries	Initials	Date	Entries	Initials
------	---------	----------	------	---------	----------

--

*Ordinary and Special Remissions*

*Hospital Entries*

Date	Entries	Initials	Date	Entries	Initials
------	---------	----------	------	---------	----------

--

460

**Class I/II**

**HISTORY TICKET**

*(3) For Prisoners above One Year*

Number		Name and Father's Name	
Caste	Age	Weight in Kg.	
	Height	Physical equivalent in kg.	
Previous Occupation	Prisons in which confined	Date of Admission	
Number of Previous Convictions		<u>Habitual</u> Non-Habitual	
*Health and Labour on Admission			
Crime—		Sentence—	
		Date of Sentence—	
Sentencing Court—		Date of Release—	
		Probable Date of Release—	
*If a prisoner is not in good health or fit for hard labour the reason should be stated. N.B.—All alterations in this ticket must be made in red ink.			

<i>Ordinary and Special Remissions</i>			<i>Hospital Entries</i>		
Date	Entries	Initials	Date	Entries	Initials

<i>Ordinary and Special Remissions</i>					
Date	Entries	Initials	Date	Entries	Initials

Date	Entries	Initials	Date	Entries	Initials
------	---------	----------	------	---------	----------

||
||
||

462

**Class I/II**

**HISTORY TICKET**

*(1) For Prisoners of 3 Months or less*

No.	Name and Father's Name		
Caste	Age—	Weight in Kg.	
	Height—	Physical equivalent in Kg.	
		Prisons in which confined.	Date of Admission
Previous Occupation—			
Health and Labour on Admission*			
Crime—	Sentence—		
		Date of Sentence—	
Sentencing Court—			
Date of Release—			

\* If a Prisoner is not in good health or fit for hard labour the reason should be stated.

463

*Weight Chart (2 Years)*

*Name* *Register No.*

Date

Kgs.  
70

65

60

55

50

45

40

35

30

Date	Entries	Initials	Date	Entries	Initials
------	---------	----------	------	---------	----------

## CHAPTER XXXIII

### BEDDING CLOTHING AND EQUIPMENT

#### SECTION I : STATUTORY RULES

[Government Home Department Notification No. RJM-1058 (XXXI)-IV, dated 11th October 1965]

In exercise of the powers conferred by clauses (11) and (19) of section 59 of the Prisons Act, 1894 (IX of 1894), in its application to the State of Maharashtra, and of all other powers enabling it in that behalf and in supersession of any rule relating to bedding, clothing and equipment in force in any part of the State, the Government of Maharashtra hereby makes the following rules, namely :—

Short title and commencement.

1. (i) These rules may be called the Maharashtra Prisons (Bedding, Clothing and Equipment) Rules, 1965.

(ii) They shall come into force on the 20th day of December 1965.

Prisoners to wear prison dress of uniform pattern in all prisons.

2. All articles of prisoners' clothing provided for in these rules for different classes of prisoners shall be of one uniform pattern for all prisons.

Prison-clothing and other articles for Class I prisoners.

3. (i) The Superintendent may permit Class I prisoners to use their own clothing other than clothing depicting symbols used by various political organisations. The prisoners shall be provided with the following prison clothing and other necessities on the following scale if they so desire or if the Superintendent considers it necessary.

Subject to the provisions of sub-rule (ii) the prisoners shall, if they so desire or if the Superintendent desires it necessary, be provided with the following articles, subjects, to such additions or alterations as the Inspector-General may sanction in this behalf, namely :—

Article		Men	Women
Cap (cotton)	..	1	..
Shirt (cotton) with long sleeves	..	2	..
Pyjamas (cotton) or dhoti	..	2	..
Lungoti	..	1	2
Towels	..	1	2
Sari Cotton	..	..	2
Cotton jacket	..	..	1
Cotton bodice	..	..	2

Article		Men	Women
Cotton socks	..	2	..
Stockings (if required)	..	..	2
Slippers or chappals or boots	..	1 pair	1 pair
C. W. Chaddar	..	1	1
Warm tunics	..	I	1
Mattress, thin, or if not available loom carpet (1-829 m x 60.96 centimeters).		1	1
Pillows	..	2	2
Pillow-slips	..	4	4
Cotton sheet	..	1	1
Brush	..	1	1
Comb	..	1	1
Diapers	..	..	8 per year
Aluminium Mug	..	1	1
Aluminium Katora	..	1	1
Aluminium Thali	..	1	1
Body Ticket	..	1	1

(ii) The Superintendent, may on the request of a Class I Prisoner of other than Indian domicile who is accustomed to dress in the western style, provide him with the following articles in addition to those enumerated in sub-rule (i) namely : —

Article		Men	Women
Cotton coat	..	2	..
Night-dresses	..	..	2
Petticoat	..	..	1
Hat (Pith)	..	1	1

4. \*(i) A class II convicted criminal prisoner under sentence of rigorous imprisonment or life imprisonment or death or an un-convicted criminal prisoner (undertrial) accused of murder shall wear clothing prescribed under rule 5 and use such bedding as may be supplied to him under these rules free of cost.

Clothing, bedding  
etc. for Class II  
convicted  
criminal prisoners  
and other  
prisoners.

(ii) Every class II convicted criminal prisoner under sentence of simple imprisonment desiring to avail himself of canteen facilities or who has volunteered for work or who, in the opinion of the Superintendent or the Deputy Inspector General of Prisons (Regional) is likely to escape shall also wear clothing as prescribed under rule 5 for class II convicted criminal prisoner.

\*—\* Substituted by Government Notification, Home Department No, RJS-1471/D-837-XVI, dated 27th February 1974.



(iii) Notwithstanding anything contained in rule 34, every civil prisoner who volunteers for work and who, in the opinion of the Superintendent or the Deputy Inspector General of Prisons, (Regional) is likely to escape shall wear such clothing as is prescribed for class II convicted criminal prisoner.\*

Clothing, bedding  
etc. of Class II  
convicted  
criminal prisoners

5. The clothing, bedding and other necessities of a Class II convicted criminal prisoner shall consist of:—

Article	Men	Women
Cotton, woollen chaddar (according to climate) (2.13m. x 1.219 m.)		
Cotton sheet (2.13 m. x 1.219 m.) ..	1	1
Loom carpet (1.829 m. x 60.96 centimeters).	1	1
Cotton shirt ..	2	..
Cotton woollen jacket ..	1 in cold weather.	
Cotton trousers or shorts ( 1 long and 1 short).	2	..
Lungoti ..	1	2
Cotton cap ..	1	..
Sarees (5.486 m. x 106-68 centimeters)	..	2
Cotton bodice ..	..	2
Diapers ..	..	8
Pillow ..	1	1
Pillow-slips ..	1	1
Aluminium mug ..	1	1
Aluminium thali ..	1	1
Aluminium Katora (4.535 hectograms) or similar vessel.	1	1
Body ticket ..	1	1

Provided that the Superintendent may, with the sanction of the Inspector General, alter or add to the above items according to the season or climate.

Unconvicted  
criminal prisoners  
(undertrials) and  
convicted  
criminal prisoners  
under sentence of  
simple  
imprisonment  
may wear private  
clothing.

6. \*Subject to the provisions of rule 4, unconvicted criminal prisoners (undertrials) (save those accused of murder) and convicted criminal prisoners under sentence of simple imprisonment who are not likely to escape may be allowed to wear their private clothing.

\*—\* Substituted by Government Notification, Home Department No. RJM-1471-D-837-XVI, dated 27th February 1974.

\*7. The Superintendent shall, on the request of an unconvicted criminal prisoner (undertrial) or of a convicted criminal prisoner under sentence of simple imprisonment who has no sufficient clothing or bedding, or both, of his own, provide him with the same from the prison stock.\*

Clothing and bedding for unconvicted criminal prisoners (undertrials) and convicted criminal prisoners under sentence of simple imprisonment.

8. Criminal prisoners sentenced to rigorous imprisonment other than those employed in conservancy work shall, during the first three months of their sentence of imprisonment, be supplied with clothing with green lines to identify them as prisoners who are not given canteen facilities; and on the expiry of the said period they shall be supplied with clothing with black or blue lines.

Clothing of convicted criminal prisoners sentenced to rigorous imprisonment

9. Men and women prisoners who desire to use under-garments in addition to clothing provided by these rules may be permitted by the Superintendent to have two sets of underwear of plain white cotton cloth. All such under-garments shall be marked with the prisoner's number before issue.

Under-garments for prisoners

10. Sikh prisoners shall be given white turbans (measuring 3.658 metres X 60.96 centimetres) and Kachas in lieu of caps and cotton trousers.

Issue of certain special articles to Sikh prisoners

11. The dress of a convict night watchman shall, except for the cap which shall be of Gandhi pattern with white and purple stripes, be the same as that of an ordinary convict.

Uniform of convict night watchman

12. The uniform of a convict overseer shall consist of a white coat with five plain zinc buttons, canary yellow knicker-bocker trousers with or without putties according to the climate of the locality in which he is employed and a leather belt with a zinc belt plate 76.2 millimetres X 56.43 millimetres on which the words 'convict overseer' shall be engraved or stamped and a cap of Gandhi pattern with yellow and white stripes. He shall carry a \*[cane stick]\*.

Uniform of convict overseers

13. The uniform for a Class I convict overseer shall consist of a white coat with five plain zinc buttons, white trousers, and white hat with a blue turban round it. He shall also wear a belt like that of a Class II convict overseer, and shall carry a baton.

Uniform of Class I convict overseers

14. Women convict officer shall wear the same clothing as women convicts except that the sari shall be ‡ [light orange] ‡

Uniform of women convict officers

‡—‡Substituted by Government Notification. Home Department No. MIS/5164/44233-IV, dated 5th September 1967.

†—†Added by Government Notification, Home Department No. RJS/1471/D-837-XVI, dated 27th February 1974.

\*—\*Substituted by Government Notification, Home Department No. RJS/1471/D 837-VI, dated 27th February 1974.

Prohibition  
against purchase  
of clothing and  
bedding in open  
market

15. No clothing or bedding shall be purchased in the market by the local prison authorities without the sanction of the Inspector General which shall be accorded in very special circumstances only.

Senior Jailor to  
supervise issue  
of clothing

16. The Senior Jailor shall check all demands for clothing, and he shall be held responsible that no extra clothing is issued without the authority of the Superintendent. He shall see that all clothing and bedding is brought on the books before being issued to prisoners, and that a proper stock is maintained.

Pattern of  
different articles  
to be issued to  
different  
categories of  
prisoners

17. The patterns of articles of clothing to be provided to different categories of prisoner's shall be as follows:—

(a) All Class I and Class II prisoners shall be provided with plain caps of convict clothing of 88.9 millimetres in height.

(b) Shirts.—(i) Shirts for Class I prisoners made from the ordinary convict cotton cloth with a stand up collar of 12.7 millimetres, three cloth buttons down the front and sleeves to the wrist and one breast pocket (15.24 centimetres X 10.6 centimetres) on the left side.

(ii) Shirts for Class II prisoners made of the type popularly known as 'Nehru Shirt' which shall be of sufficient length to be worn approximately upto the knee, with one pocket (15.24 centimetres X 10.6 centimetres) on the chest and three buttons in the front.

(iii) Coloured bands shall be stitched on both the sleeves of shirts immediately above elbows to denote the category of the prisoner, as follows, namely:—

Category of prisoner	Kind of Band
1. Casual prisoners with sentence of 5 years or more.	Yellow band of 50.8 millimetres in diameter.
2. Casual prisoners who have escaped from any type of lawful custody with a sentence of less than 5 years.	Red band of 50.8 millimetres in diameter.
3. Casual prisoners who have escaped from any lawful custody with a sentence of 5 years or more.	Red band with a yellow stripe 25.4 millimetres at the top.
4. Habitual prisoners with a sentence of less than 5 years.	Dark blue band of 50.8 millimetres in diameter.

Category of prisoner	Kind of Band
5. Habitual prisoners with a sentence of 5 years or more.	Yellow band with a dark blue stripe 25.4 millimetres in width at the bottom.
6. Habitual prisoners who have escaped from any lawful custody with a sentence of less than 5 years.	Red band with a dark blue stripe 25.4 millimetres in width at the bottom.
7. Habitual prisoners who have escaped from any lawful custody with a sentence of 5 years or more.	Red band at the top with yellow stripe 25.4 millimetres in the middle and dark blue stripe 25.4 millimetres at the bottom.

(c) *Dhotis, Sarees and Pyjamas.*—(i) Dhotis for Class I prisoners made out of 20s count with the prescribed lengthwise blue stripes, 8.230 metres per pair in length and 106.68 centimetres in width.

\* (ii) The following coloured sarees denoting the category of women prisoners made out of 2.40s warp and 20s weft, with prescribed lengthwise blue stripes to be issued to women prisoners.

Casual convicted women prisoners—Light green sarees with white cholies.

Habitual women prisoners—Light blue sarees with white cholies.

(iii) Pyjamas for Class I prisoners made of convict cotton cloth and extending to the ankles.

(iv) Cotton trousers for Class II prisoners consisting of shorts to be issued during the summer (1st April to 30th June) and Pyjamas which shall reach 10.16 centimetres above the ankles to be issued during the remaining period of the year.

Cotton trousers and Pyjamas shall be provided with a fold at the top with a cotton tape 1.27 centimetres broad.

(d) Other articles for Class I and II prisoners.—(i) Towels measuring 121.92 centimetres X 60.96 centimetres.

(ii) Langotis measuring 91.44 centimetres X 30.48 centimetres with a tape of sufficient length.

(iii) Aluminium mug and katora of the following dimensions:—

---

\*Substituted by Government Notification, Home Department No. MIS/5164-44233-IV, Dated 5th September 1967.

(a) *Mug*.—Height 15.24 centimetres and diameter 10.16 centimetres.

(b) *Katora*.—Diameter of top 20.32 centimetres at base 10.74 centimetres and depth 5.8 centimetres.

(iv) C. W. Chaddar and blanket coats shall be made with cotton warp and woollen weft. A cross stripe 50.8 millimetres wide of white wool shall be woven into each blanket and on this stripe the year of manufacture and the initial letters of the manufacturing Jail shall be indelibly marked with Dhobi nut or other permanent marking ink. The stripes on hospital blanket coats shall be red.

(v) Loom carpets (15.24 centimetres X 5.8 centimetres) may be issued to Class II prisoners and to Class I prisoners only when mattresses are not available.

(vi) Warm tunics for Class I prisoners shall be made of C. W. cloth with 5 plain zinc buttons after the pattern of convict overseer's coat.

Pattern of  
clothing not to be  
departed from

18. No pocket or opening in the clothing other than those authorised by these rules shall be allowed and the pattern of clothing shall in no way be departed from.

Legitimate use of  
articles of  
clothing and  
bedding

19. No article of clothing and bedding shall be used for any purpose other than its legitimate use.

Clothing required  
for prisoners  
while at work

20. (i) It shall be the duty of the Jailor to see that during cold and rainy weather a prisoner is properly and sufficiently clad.

(ii) A prisoner employed in garden work or other active operations in closed workshops, kitchen or stores may, when on duty, be allowed to wear such clothing only as is essential.

(iii) Where a prisoner is required to work in rain, he may be allowed extra old blanket or covering to keep warm and to protect his clothing and his person from getting unduly wet.

Duty of prisoner  
to preserve  
clothing for  
specified period

21. A prisoner shall see that the following articles given to him under these rules last for a period not less than that specified against them :—

Cotton clothing except sheet	... 8 months.
Cotton Woollen Jacket	... 2 years.
Cotton sheets	... 1 year.
C. W. Chaddar	... 2 years.
Loom Carpet	... 5 years.

22. A prisoner who keeps his clothing and bedding in good order beyond the period specified in the preceding rule may be rewarded by the Superintendent by grant of special remission.
23. A prisoner, whose conduct and work is exemplary may be allowed to have private clothing and bedding, at his own cost, on the standard and scales laid down in rules 5 and 6 respectively, as the case may be:
- Provided that if such a prisoner is unable to procure private clothing he may with the previous sanction of the Inspector General be allowed by the Superintendent a set of clothing without the regulation stripes at Government cost.
24. The Superintendent shall report to the Inspector General of Prisons and Deputy Inspector General of Prisons (Regional) the names of all prisoners who are allowed the concession in the foregoing rule either at their cost or at Government cost and it shall be lawful for the Inspector General or the Deputy Inspector General of Prisons to review these cases during their periodical inspections.
25. (1) A prisoner appearing before a court shall wear his private clothing provided that where a prisoner is tried for an offence committed while in prison, he shall appear before the Court in prison clothes.
- (2) Where a prisoner's private clothing has been destroyed or otherwise disposed of he shall be provided for the purpose of sub-rule (1) temporarily at Government cost with clothing of the type mentioned in rule 12 of the Maharashtra Prisons (Prisoners' Property and Documents) Rules, which shall be similar to that issued to released prisoners who have no clothing of their own.
26. The Superintendent may on the recommendation in writing of the Medical Officer provide any sick, weakly or infirm prisoner, with such extra clothing and bedding as he thinks fit.
27. The Medical Officer shall be in charge of the clothing and bedding on the hospital premises and it shall be his duty to see that the prison clothing of a prisoner who is dead is destroyed, or fumigated, washed and returned to store.
28. The articles of cotton clothing and bedding shall be steeped in boiling water with alum to destroy vermin in them. Woollen articles shall be dried in the sun so as to secure effective disinfection.

Special remission to prisoners for keeping clothing and bedding in good order

Private clothing and bedding prisoners having exemplary conduct and work

Report of special concessions

Where convicted prisoners to appear before courts in Prisoner clothing

Extra clothing and bedding to sick, weak or infirm prisoners

Medical Officer to see to fumigation, washing or destruction of clothing of dead prisoners

Maintenance of cleanliness clothing

Cleanliness of  
women prisoners'  
clothing etc.

29. It shall be the duty of the Woman Jailor or the Senior Matron to see that a woman prisoner:—

(a) is clean in her person and clothes and she combs and cleans her hair properly,

(b) has required amount of clothing and bedding and that they are properly aired; and

(c) wears on her body the ticket in the lace assigned for the same.

Mirrors and  
combs to be  
provided in  
women prisoners'  
barracks

30. A mirror 22.86 centimetres X 30.48 centimetres shall be permanently fixed in each women prisoners' barrack with a reasonable number of cheap combs.

Clothing for  
children  
permitted 10  
remain with their  
mothers in prison

31. Children upto three years of age who are allowed to remain with their mothers in prison and are in need of clothing shall be supplied with clothing at Government cost. The clothing issued to each child shall consist of two coloured cotton frocks, two coloured cotton undergarments and two coloured cotton chaddies per year.

Nursery for each  
women's prison or  
ward

32. A small nursery with cradles and other reasonable equipment shall be provided in each women's prison or women's ward.

Blanket, bedding  
and other  
equipment of  
simple  
imprisonment  
prisoners

33. A prisoner undergoing simple imprisonment shall be provided with the same clothing, bedding, and other necessities as are provided for a labouring prisoner. He shall wash his own clothes and keep them neatly arranged and folded.

Clothing, bedding  
and other  
equipment of civil  
prisoners

34. A civil prisoner shall be allowed to use his own clothing, bedding and eating and drinking vessels.

Equipment  
in each cell of  
Class I prisoners

35. In the case of Class I prisoners, each cell shall contain as part of its equipment the following furniture :—

Bed-hospital pattern (space permitting)	...	1
Table, wooden	...	1
Chair, wooden	...	1
Book-shelf, wooden, small	...	1
Mosquito net	...	1
Basin wash-stand	...	1
Jug water	...	1
Table lamp	...	1

36. A reasonable amount of private furniture may be permitted for use of a prisoner of Class I, at the discretion of the Superintendent. Private furniture for Class I prisoner
37. A basin wash-stand shall be supplied to a Class I prisoner, on request, provided the prisoner is ordinarily accustomed to using a basin. Wash-basin for Class I prisoners
38. Class I prisoners may be permitted to use their own cooking and feeding utensils, at the discretion of the Superintendent. Use of private cooking and feeding utensils may be permitted to Class I prisoner
39. A mirror (22.86 centimetres X 30.48 centimetres) shall be provided at Government cost, it shall be fixed in frame which again will be fixed to a wall in each yard where Class I prisoners are confined. Mirrors in yards of Class I prisoners
40. Every prisoner sentenced to rigorous imprisonment shall be provided with a zinc or wooden body ticket (76.2 millimetres X 50.8 millimetres with a leather tab attached-to it. The ticket shall be suspended from a button above the breast pocket in such a way as to rest the body ticket inside the pocket. Tickets for each convicted prisoners
- Women prisoners shall attach the body ticket to a button on their left sleeve. Particulars of tickets
41. The following particulars shall appear on the ticket:—
- (1) Prisoner number.
  - (2) Name and father's or husband's name.
  - (3) Section under which convicted.
  - (4) Date of sentence.
  - (5) Sentence.
- In the right hand top corner 'Hard' or 'other than hard' according to class of labour given to prisoner.
- (6) In the left hand top corner 'C' or 'H' according to whether the prisoner is a 'casual' or 'habitual'.
42. The Superintendent shall see that all articles of prisoners' clothing, bedding, equipment, etc. are inspected at least once in a month to ensure that proper standards are maintained.
43. On admission of every convicted criminal prisoner, there shall be maintained a history ticket for him with the particulars on the opening page duly filled in and therein shall be recorded all the results of the fortnightly weighments, all admissions into and discharges from hospital, all changes of labour. All issues of clothing and equipment particulars Maintenance of History tickets of criminal prisoners



regarding appeals or petitions, all remissions and gratuities, all punishments and all indulgence granted under prison rules such as interviews allowed, special diets, shall be entered on the last page of the ticket.

*Note.*—Entries in the History ticket shall generally be made by the different Jail Officers concerned as under:—

(1) All medical entries shall be made by the Medical Officer including the entries regarding weight of a prisoner, diet, special diet and labour.

(2) Punishments, promotions, indulgences granted and other Administrative orders about a prisoner, award of special remission, shall be recorded by the Superintendent.

(3) Entries regarding letters, interviews, issue of clothing, bedding, appeal, petitions and such other miscellaneous points shall be entered by the jailor concerned.

Sheets in History  
tickets of  
prisoners

44. History tickets of prisoners sentenced to three months or less shall consist of a single sheet, from three months to 'one year of a double sheet, and over one year of four or more sheets as required. Charts for recording weighments shall be included in the history tickets of all prisoners sentenced to rigorous imprisonment for three months or more.

Preservation of  
History tickets of  
prisoners

45. (i) The History ticket of a prisoner shall be preserved for one year after his release or death. Where a prisoner is transferred from one prison to another his History ticket shall be sent with him except in the case of prisoners transferred to a Taluka Sub-Jail for release.

(ii) The History ticket of an escaped convicted criminal prisoner shall be preserved till such time as he is arrested and admitted into prison; and shall then be disposed of in accordance with sub-rule (i).

History tickets for  
criminal prisoners

46. A criminal prisoner shall be provided with a history ticket in which shall be entered, the date of his arrest, the nature of the charge against him, the date of his arrival in prison and the date of such subsequent examination and remand; and also the dates of interview and letters, and records of punishment.

The ticket of a criminal prisoner shall also show the class to which he belongs.

History tickets  
to be kept in  
boxes

47. History tickets shall be kept in locked wooden boxes in Prison Office. They shall be systematically arranged so that they may be easily accessible for references.

---

*SECTION II : NON-STATUTORY RULES*

1. All prison clothing shall be of uniform pattern; and manufactured by prison labour out of 2/20s 40 read and 10s (2) and 24 picks per inch [2/20s warp and 10s (2) weft] and shall be distinguished by lengthwise (i. e. vertical) blue or black or green stripes 12.7 millimetres wide woven into the cloth at interval of 30.48 centimetres. In the case of hospital clothing the stripes shall be red instead of blue. The width of the convict cloth used for shirts and trousers shall be 66.6 centimetres.

Prison Cloth

2. Only the raw material required for the manufacture of the prison clothing shall be charged to Government.

3. A clothing estimate as in Form No. I of the requirements for twelve months shall be prepared in April every year by the Jailor in charge of the clothing store, and submitted to the Inspector General for sanction. Save in emergency, no clothing or bedding shall be issued from the prison factory except on an estimate duly sanctioned by the Inspector General. Issues made in grave emergency, under the orders of the Superintendent, shall require the Inspector General's post sanction. One cotton jacket and two cotton coats shall be provided for every convict overseer in the clothing estimates.

Clothing  
estimates

4. A Jailor shall be placed in charge of the clothing store and he shall see that sufficient stocks are always manufactured and stored and that they are frequently moved and exposed to the sun and air by the prisoners working in the clothing store. Clothing and bedding received back in store from prisoners shall be thoroughly washed (sunned in the case of woollen clothing) and repaired before it is placed in stock. The old worn-out blankets and clothing shall be periodically examined by the Senior Jailor to find out such clothing as can be cleaned and made into pads to be used by the prisoners, employed in carrying baskets of earth, grain, etc. The condemned clothing of convicts which cannot be so used by prisoners should not be sold but utilised in Hand Made Paper Industry. The Superintendent shall examine unserviceable and irreparable clothing and bedding every month along with the clothing register and shall pass orders for its disposal in his order book as he thinks fit. The number and date of such order shall be quoted against the entries of condemned articles in Clothing Register as in Form No. II. No clothing which has not lasted for the prescribed period shall be condemned except with the sanction of the Deputy Inspector General (Regional).

A Jailor to be in  
charge of clothing  
store

Estimate of Clothing Articles for

II Class

for the

Annual Require- ment per prisoner	Name of the article	Balance as on 1st of April	Received during 1962-63			Total of Cols. 3 and 4	Written of during 19      -19			In store on 1-4-19		
			Manufac- tured in prison or purchased	Received with prisoners on transfer	Total		Con- demned	Sent with prisoner and not returned	Total	New	Service- able	Repairable and will last for 3 months
1	2	3		4		5		6			7	

**No. I****Prisoners in the****Prison,****year**

On prisoners on 1-4-19		Total number of new and serviceable articles as per Cols. 7 and 8	Number of articles required for 19   -19		No. of prisoners for whom clothing is required for 19   -19	Quantity of cloth required for each article			Rate of each article to be manufact- ured in prison	Total cost of article to be manufact- ured in prison
Service- able	Repairable will last for about 3 months					Length	Breadth	Total Sq. ft.		
	8	9	10		11		12		13	14

# FORM No. II

Clothing Register of the ..... Prison for the month of ..... 19 ..

	Under trial convicts	Strength at close of month		Males and Females				Males						Females			Convict Officers														
		M	F	Bedding		Blankets		Jackets		Socks		Pants			Female clothing	Coats															
				Mattresses	Mats, Coir	Mats, moonja	Pillows	Sheets	Cotton-woollen	Woollen		Caps, cotton	Cotton	Cotton-woollen	Gunny, coarse	Woollen	Long	Short	Lungoties or cloth strips	Overcoats	Towels	Cloth length or saris	Bodies or Cholies	Trousers	Cotton	Cotton-woollen	Sandals or shoes	Socks	Pants, cotton	Turbans	Gaiters, leather

Balance on last day of previous month.

Received.

From Factory on

By Transfer (not to be returned) from.

Total ...

*Deduct*

Used in mending and repairing on

Used in making pads etc. on

478

Transferred (not  
to be returned to)  
Sold by auction ...

Total ...

Balance at end of  
month.

*Details of Balance on  
prisoner's body*

1. Issued new during  
past months.

2. In good condition.

3. Ragged, to be  
condemned next  
month

Total ...

*In Store -*

1. New never issued.

2. Part-worn, in good  
condition, fit for  
immediate in use.

3. Repairable,..

Total ...

479

Dated

19 .

Superintendent.

## CHAPTER XXXIV

### EXECUTION OF THE ORDERS OF THE COURTS AND RELEASE OF PRISONERS

#### *SECTION I : STATUTORY RULES*

[Government Notification, Home Department No. RJM-1058 (XXVII)-  
XVI dated 26th September 1972]

In exercise of the powers conferred by clauses (7), (18), (27) and (28) of Section 59 of the Prisons Act, 1894 (IX of 1894), and of all other powers enabling it in that behalf the Government of Maharashtra hereby makes the following rules, namely:—

Short title and  
commencement.

1. (i) These rules may be called the Maharashtra Prisons (Execution of the Orders of the Courts and Release of Prisoners) Rules, 1972.

(ii) They shall come into force on the 1st day of November 1972.

#### *PART I*

#### *EXECUTION OF THE ORDERS OF THE COURTS*

Execution of  
Solitary  
Confinement.

2. On the admission into a prison of a prisoner who is sentenced to a period of solitary confinement, entries shall be made by the Jailor in the Release Diary as in Form No. I, showing the dates on which each period of solitary confinement is to commence, and when such period is carried out, a remark to that effect shall be entered in the diary under the initials of the Jailor in charge of judicial work and the Senior Jailor. When a prisoner is sentenced to imprisonment under two separate warrants, of which the second alone awards any period of solitary confinement, the solitary confinement shall not be executed during the duration of the first term of imprisonment. Similarly, if the term of solitary confinement under one warrant cannot for any reason be completed during the term of imprisonment awarded by that warrant, the balance shall not be carried out during any subsequent term of imprisonment under another warrant. The execution of a sentence of solitary confinement shall not be postponed on account of appeal.

3. No prisoner shall undergo a punishment of cellular or separate confinement within seven days before or after a period of judicial solitary confinement.

Punishment of cellular or separate confinement

4. No prisoner shall be placed in solitary confinement until he has been examined by the Medical Officer and certified in Form II to be fit to undergo the punishment.

Medical examination before placing a prisoner in solitary confinement

5. If during any period of solitary confinement which is being undergone by a prisoner, it becomes necessary to remove him \*from the solitary confinement\* on the ground of injury to his mind or health the Superintendent shall report the case of the prisoner to the Inspector General and if the prisoner's health is such that the award of the solitary confinement is not likely to be carried out during the sentence, the Superintendent shall report the case to the Court which awarded the sentence.

Injury to mind or health of a prisoner during solitary confinement.

6. Outside the cell door of a prisoner undergoing solitary confinement, a ticket shall be placed showing the number and name of the prisoner, the date on which he was placed in solitary confinement, the number of days to be so confined, and the date on which he was last in cell.

Maintenance of History Tickets.

7. Every prisoner in solitary confinement shall be visited daily by the Superintendent and Medical Officer.

Superintendent and medical Officer to visit Prisoner in solitary confinement.

8. On the expiry of the sentence of every prisoner awarded judicial solitary confinement, the Senior Jailor shall certify the execution of the sentence stating the total period of such solitary confinement the prisoner has undergone, and if any portion of such sentence has not been duly executed, the Senior Jailor shall record the reasons therefor.

Expiry of the sentence of solitary confinement.

## *PART II*

### *RELEASE OF PRISONERS*

9. On receipt of a warrant of discharge or order of revision or bail directing the release of an under-trial prisoner, he shall at once be released (unless the order is 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 order of release shall be returned to the Court which issued it, with an endorsement by the Superintendent certifying that the order of release has been carried out. Any property which was taken possession of under the rules shall be made over to the prisoner.

Release of under-trial prisoners.

\*—\*Inserted by Government Notification, Home Department No. RJM-0172/15 (XXVII) XVI, dated 13th March 1973.



Method of  
calculating date of  
release of  
prisoner.

10. (i) The duration of a prisoner's sentence shall be calculated by the year or month unless stated in days. When a prisoner's sentence consists of so many months, with or without fraction of a month, the date of release shall be calculated by adding the number of months to the date of the sentence, the fraction, if any, being reduced to days. For this purpose one month shall be deemed as equivalent to 30 days.

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

(ii) If the month in which the sentence of a prisoner expires has no date corresponding to the date of sentence, the last day of the said month shall be taken as the day of expiry of sentence.

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

(iii) In calculating the date of expiry of a sentence of imprisonment, the day on which the sentence was passed and the day of release shall both be included and considered as days of imprisonment. Similarly if a convict is released on bail pending appeal or if he escapes, the day on which he is readmitted or recaptured shall both be counted as days of imprisonment.

(iv) A prisoner sentenced to one day's imprisonment must be released on the same day, but if he is sentenced to imprisonment for 24 hours he must be kept in imprisonment for that period.

(v) In calculating the date of release of a prisoner the number of days of remission earned by him shall be converted into years, months and days, at the rate of 30 days to each month and 12 months a year and the remission so earned shall then be deducted from the substantive sentence by subtracting years first then months and then the days.

(vi) Where a prisoner has earned such remission as entitles him to release, the Superintendent shall release him.

(vii) Where a prisoner is released under sub-rule (6), the total amount of remission earned by him shall be endorsed on his warrant, and the endorsement shall be signed by the Superintendent.

Calculation of  
date of release of  
prisoner released  
on bail.

11. To calculate the date of release of a prisoner who after conviction is released on bail and is afterwards remanded to prison to serve out his sentence or who escapes and is at large for a certain period and is then recaptured, or who is released on parole and surrenders himself to any prison authority to

Undergo the remaining term of his sentence, the number of day the prisoner is on bail or at large (exclusive of the days of release and committal into custody or of escape and recapture shall be added to the term of his sentence; the date on which the sum of these periods will elapse, counting from the date of conviction shall be the date of expiration of sentence.

*Note.*—(a) A prisoner released on bail in court on the day he is sentenced without having been sent to prison shall not be deemed to have served any part of his sentence.

(b) If the sentence of any prisoner is suspended and the prisoner is kept in confinement, the period of suspension shall reckon as part of his sentence.

(c) The rule does not apply to a prisoner detained until such time as he may furnish security under the provision of Chapter VIII of the Code of Criminal Procedure, 1898. Such a prisoner cannot be legally detained after the expiration of the period specified in the warrant however short a time he may actually have spent in prison.

(d) In the case of an escaped prisoner subsequently arrested in connection with another offence any period spent on that account in Police Custody or as an undertrial prisoner shall not be reckoned as imprisonment under the original sentence.

(e) Convicted prisoners from other States removed to a Jail in this State to answer charges or to give evidence should be treated as convicted prisoners and not as undertrial prisoners.

(f) Convicted prisoners removed from a prison in the State of Maharashtra to a prison in another State under the provisions of the Transfer of Prisoners Act, 1950 (XXIX of 1950), would be deemed to be undergoing their sentences during their absence from the prison in the State of Maharashtra.

(g) The period spent out by a prisoner released on furlough will reckon towards the term of sentence in accordance with the provisions of the Prisons (Bombay) Furlough and Parole Rules, 1959 ;

(h) Day on which a prisoner is released on parole and the day on which the prisoner comes back to the prison will be counted towards sentence.

12. Date of release shall be recalculated and fixed in case of prisoners released on parole after taking into account the period for which the prisoner was out on parole.

Calculation of date of release of prisoners released on parole.

Calculation of  
date of release of  
escaped  
prisoners.

13. If a prisoner escapes, and on his recapture is awarded any fresh sentence for escape, the date of release shall be recalculated in accordance with the provisions of Section 396 of the Code of Criminal Procedure, 1898, and the date of release fixed accordingly.

Prisoners whose  
release dates fall  
on Sundays and  
Holidays.

14. A prisoner whose date of release falls on a Sunday or Holidays as may be prescribed by Government shall be released on the preceding day and an entry to that effect shall be made in the Register as in Form No. III.

Before release a  
prisoner to be  
produced before  
Medical Officer  
and Senior Jailor.

15. On the day before the date on which a prisoner becomes entitled to release, he shall be produced before the Medical Officer and his state of health and weight duly recorded in Health Register in Form No. IV. On the day of release, the Jailor in-charge of Judicial work shall place him before the Senior Jailor together with his warrant, history ticket, Registers in Forms Nos. I, II, V, VI, VII and VIII, his clothing and other property.

All dues of  
prisoner to be  
released shall be  
settled and his  
private property  
returned to him.

16. The Senior Jailor shall satisfy himself that the prisoner bears the identification marks recorded in Register in Form No. III that the entries in the warrant tally with those in the Register and the sentence passed on the prisoner by the Court has been duly executed. The endorsements of release in the relevant registers shall be signed by both the Senior Jailor and the Jailor in charge of Judicial work. Private property (including jewellery) and the amount due to the prisoner under his respective accounts (i. e. private cash, motor-fare, subsistence money and wages) shall be paid to him in the presence of the Senior Jailor after obtaining his acknowledgment of receipt in Registers as in Form Nos. V, VI, VII and IX. The prisoner shall be released at the main gate. The Senior Jailor shall be responsible for seeing that the prisoner does actually receive his dues and property correctly and that his complaints, if any, on this score shall be attended to immediately.

Prisoners  
suffering from  
contagious or  
dangerous  
diseases not to be  
discharged.

17. (i) Prisoners suffering from any contagious or dangerous disease may, on release, be removed to the nearest Government hospital for further treatment and may be kept in such hospital until the Medical Officer considers that he can be safely discharged from the hospital.

(ii) Prisoners who are seriously ill and are not in a condition to be moved from the prison hospital to the nearest Government hospital may, on release, be detained in the prison hospital, unless consent is declined, till such time as they can be safely removed or discharged.

18. The discharge of a prisoner shall usually take place in the forenoon except when his prison kit is dirty in which case he may be detained till it is washed or till 5 p. m., whichever is earlier.
19. Notwithstanding anything contained in the preceding rule, the Superintendent may, having regard to any special reasons given by the District Magistrate in that behalf, release any prisoner between the hours of 6 p. m. and 7 a. m.
20. After the prisoner is released, the warrant shall at once be returned to the Court which issued it, with an endorsement certifying the manner in which the sentence has been executed and the reason, if any, such remissions, pardon, reversal of sentence (with the number and date of the order of Government or authority of the Court for the same) why the prisoner has been discharged from the custody before the execution thereof.
21. Where a prisoner has to undergo two or more sentences under separate warrants and if all the warrants are not issued by the same Court, at the expiry of each sentence the warrant relating to it shall be separately endorsed and returned to the Court. In such case the endorsement shall state that the prisoner is retained in prison to undergo sentence under warrant of another Court.
22. The Superintendent shall furnish nominal roll of conditionally released prisoners to the Superintendent of Police of the District of which the released prisoner is a native and in the case of Greater Bombay, Pune and Nagpur to the Commissioners of Police, concerned, where a prisoner, coming under the Finger Print Rules is to be released conditionally, his finger impression shall first be taken by a duly qualified Police Operator before he is allowed to leave the prison.
23. (i) All rules relating to execution of the orders of the court and release of prisoners in force in any part of the State before the endorsement of these rules which correspond to these rules shall stand repealed.
- (ii) For the avoidance of any doubt, it is hereby declared that nothing in sub-rule (1) shall apply to the Maharashtra Prisons (Prisoners Sentenced to Death) Rules, 1971.

Title for discharge of a prisoner from a prison.

Special Circumstances.

Warrant to be returned to the court after release of a prisoner.

Procedure in regard to more than one warrant.

Intimation of release of certain prisoners to be given to the Police.

Repeal.

## FORM I

(See rule 2)

*Release Diary ..... day of ..... 19*

Serial No.	Register Number	Name of convict with father's or husband's name (names of women to be entered in red ink)	Date of sentence	Period of sentence, including fines i. e. such fines as have not been paid before admission into the prison
1	2	3	4	5

On admission of convict or transfer of entry from another page initials of—		On transfer to another page of convict's name or certifying to the convict on proper date, initials of—		Amount paid to convict on release	
Judicial Jailor	Senior Jailor	Judicial Jailor	Senior Jailor	Wages	Private cash
6	7	8	9	10	11

Places to which convict has to travel to enable him to reach his home		Allowance (if any) granted		Articles of Jewellery handed over on release
By Rail (give name of station)	By Road (state number of miles)	Cost of lowest class ticket by railway train	Subsistence allowance	
12	13	14	15	16

Register Numbers of Prisoners due to surrender to Jail to-day	Remarks as to whether the prisoner surrendered or otherwise	Initial of Senior Jailor
17	18	19

487

## FORM II

(See rule 4)

*Medical Officer's Journal*

Date	Suggestions and observations of the Medical Officer	Orders issued by the Superintendent of the Prison and action taken by the Jailor	No. and date under which extract submitted to I. G.	Number of visits paid during the month and class of M. M. S. officer
1	2	3	4	5

**FORM III**  
(See rule 14 and 16)

*Register showing the description of convicted Prisoners in the Prison/Jail during the year*

<p>1. Number</p> <p>2. Name in full</p> <p>3. Nationality— Caste</p> <p>4. Religion</p> <p>5. Age on sentence and height</p> <p>6. Finger impression taken or not</p> <hr/> <p>7. <i>Marks of identification :</i> (indelible marks to be given here)</p> <hr/> <p>8. City or Village, Taluka and District</p> <p>9. Home Address</p> <p>10. Name and address of next of kin</p> <p>11. Previous occupation</p> <p>12. Able to read and write or illiterate</p> <hr/> <p>13. <i>Details of previous convictions :</i></p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th style="width: 15%;">Serial</th> <th style="width: 20%;">No. and date of offence</th> <th style="width: 25%;">Offence</th> <th style="width: 20%;">Length and nature of sentence</th> <th style="width: 20%;">Sentencing authority</th> </tr> <tr> <th></th> <th>1</th> <th>2</th> <th>3</th> <th>4</th> </tr> </thead> <tbody> <tr><td>1st on</td><td></td><td></td><td></td><td></td></tr> <tr><td>2nd on</td><td></td><td></td><td></td><td></td></tr> <tr><td>3rd on</td><td></td><td></td><td></td><td></td></tr> <tr><td>4th on</td><td></td><td></td><td></td><td></td></tr> </tbody> </table> <hr/> <p>14. <i>Details of present conviction :</i></p> <table style="width: 100%;"> <tr> <td style="width: 50%;">(a) Section and Act under which convicted</td> <td style="width: 5%;">..</td> <td style="width: 45%;"></td> </tr> <tr> <td>(b) Sentencing authority</td> <td>..</td> <td></td> </tr> <tr> <td>(c) Date of sentence</td> <td>..</td> <td></td> </tr> <tr> <td>(d) Date of arrival in Prison</td> <td>..</td> <td></td> </tr> <tr> <td>(e) Nature of Punishment (R. I.-S. I )</td> <td>..</td> <td></td> </tr> <tr> <td>(f) Length of sentence</td> <td>..</td> <td></td> </tr> <tr> <td>(g) Solitary confinement and dates on which it has been carried out</td> <td>..</td> <td></td> </tr> <tr> <td>(h) Fine or sentence in default</td> <td>..</td> <td></td> </tr> </table>	Serial	No. and date of offence	Offence	Length and nature of sentence	Sentencing authority		1	2	3	4	1st on					2nd on					3rd on					4th on					(a) Section and Act under which convicted	..		(b) Sentencing authority	..		(c) Date of sentence	..		(d) Date of arrival in Prison	..		(e) Nature of Punishment (R. I.-S. I )	..		(f) Length of sentence	..		(g) Solitary confinement and dates on which it has been carried out	..		(h) Fine or sentence in default	..		<p>22. Class</p> <hr/> <p style="text-align: center;">Furlough</p> <hr/> <table style="width: 100%;"> <tr> <th style="width: 10%;">Release</th> <th style="width: 10%;">Date of Release</th> <th style="width: 10%;">Date of surrender</th> <th style="width: 10%;">Over stayal</th> <th style="width: 10%;">Authority for release</th> <th style="width: 10%;">Remarks</th> </tr> <tr> <th>1</th> <th>2</th> <th>3</th> <th>4</th> <th>5</th> <th>6</th> </tr> <tr><td>1st</td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td>2nd</td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td>3rd</td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td>4th</td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td>5th</td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td>6th</td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td>7th</td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td>8th</td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td>9th</td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td>10th</td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td>11th</td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td>12th</td><td></td><td></td><td></td><td></td><td></td></tr> </table> <hr/> <p>23.</p> <hr/> <p style="text-align: center;">Parole</p> <hr/> <table style="width: 100%;"> <tr> <th style="width: 5%;">Release</th> <th style="width: 5%;">Period</th> <th style="width: 10%;">Total number of days</th> <th style="width: 10%;">Date of release</th> <th style="width: 10%;">Date of surrender</th> <th style="width: 10%;">Over srtayle</th> <th style="width: 10%;">Authority for release</th> <th style="width: 10%;">Remarks</th> </tr> <tr> <th>1</th> <th>2</th> <th>3</th> <th>4</th> <th>5</th> <th>6</th> <th>7</th> <th>8</th> </tr> </table>	Release	Date of Release	Date of surrender	Over stayal	Authority for release	Remarks	1	2	3	4	5	6	1st						2nd						3rd						4th						5th						6th						7th						8th						9th						10th						11th						12th						Release	Period	Total number of days	Date of release	Date of surrender	Over srtayle	Authority for release	Remarks	1	2	3	4	5	6	7	8
Serial	No. and date of offence	Offence	Length and nature of sentence	Sentencing authority																																																																																																																																																							
	1	2	3	4																																																																																																																																																							
1st on																																																																																																																																																											
2nd on																																																																																																																																																											
3rd on																																																																																																																																																											
4th on																																																																																																																																																											
(a) Section and Act under which convicted	..																																																																																																																																																										
(b) Sentencing authority	..																																																																																																																																																										
(c) Date of sentence	..																																																																																																																																																										
(d) Date of arrival in Prison	..																																																																																																																																																										
(e) Nature of Punishment (R. I.-S. I )	..																																																																																																																																																										
(f) Length of sentence	..																																																																																																																																																										
(g) Solitary confinement and dates on which it has been carried out	..																																																																																																																																																										
(h) Fine or sentence in default	..																																																																																																																																																										
Release	Date of Release	Date of surrender	Over stayal	Authority for release	Remarks																																																																																																																																																						
1	2	3	4	5	6																																																																																																																																																						
1st																																																																																																																																																											
2nd																																																																																																																																																											
3rd																																																																																																																																																											
4th																																																																																																																																																											
5th																																																																																																																																																											
6th																																																																																																																																																											
7th																																																																																																																																																											
8th																																																																																																																																																											
9th																																																																																																																																																											
10th																																																																																																																																																											
11th																																																																																																																																																											
12th																																																																																																																																																											
Release	Period	Total number of days	Date of release	Date of surrender	Over srtayle	Authority for release	Remarks																																																																																																																																																				
1	2	3	4	5	6	7	8																																																																																																																																																				

15.	Date of receipt of intimation of payment of fine from Magisterial authorities and amount.	1st
	(b) Date of receipt of fine by jailor and amount	2nd
16.	Date of release on expiry of sentence and/or on expiry of sentence in default of payment of fine.	3rd
		4th
17.	Date of release on part or full payment of fine	5th
		6th
18.	Date and result of appeals	7th
		8th
19.	Date of A. B. and result of A. B.	9th
		10th
20.	Due date of fourteen year's report	11th
		12th
21.	Result of fourteen years report	13th
25.	<i>How disposed of (Date to be entered)</i>	14th
	(i) Expiry of sentence	15th
	(ii) Payment of fine	16th
	(iii) Transfer to other prisons	17th
	(iv) Bail	18th
	(v) Remission	19th
	(vi) Sickness or other grounds	20th
	(vii) Transfer to Mental Hospital	
	(viii) Escape	
	(ix) Execution	
	(x) Death	
	(xi) Appeal	
24.	MODIFICATION IN DATE OF RELEASE	
26.	INTENDED PLACE OF RESIDENCE (TO BE ENTERED WHEN FURNISHING INFORMATION TO POLICE ABOUT HABITUALS)	
27.	Initials of Clerk Judicial Jailor Senior Jailor Superintendent.	



## FORM IV

(See rule 15)

*Register of Prisoners showing particulars of health on their admission and discharge from the Prison/Jail for the year 19*

Serial No. as per Admission	Prisoner's Name	Age	Date of admission	State of health on admission	Class of Labour (Hard or other than hard)	Weight on admission
1	2	3	4	5	6	7

On admission vaccinated for small-pox Weight on or un-protected	Weight on discharge	State of health on discharge	Date of discharge	Gained, lost or stationary	Remarks (if a convict is disposed of otherwise than discharged it should here be stated what became of the convict)	Medical Officer's Initials
8	9	10	11	12	13	14

## FORM V

(See rule 15)

Book No.

*Register showing particulars of private cash of \*convicted undertrial prisoners\* confined in the prison during the year 19*

Date	Name and Register No. of Prisoner	Particulars of Receipts	Amount	Date	Particulars of expenditure	Amount
1	2	3	4	5	6	
			Rs. P.			Rs. P.

Balance	Signature or thumb impression of the prisoner	Initials of Senior Jailor	Initials of Superintendent	Signature or thumb impression of the prisoner on transfer or on release
8	9	10	11	12

Total

Opening Balance as on

Date	Amount	Date	Amount
	Rs. P.		Rs. P.
1st April 19	..	1st April 19	..
1st April 19	..	1st April 19	..
1st April 19	..	1st April 19	..
1st April 19	..	1st April 19	..
1st April 19	..	1st April 19	..

\*—\* See Government Notification, Home Department, No. RJM-1071-45938 (a)-XVI, dated 5th September 1972.

## FORM VI

(See rule 15)

Book No.

*Register showing particulars of receipts and disposal of valuable articles  
jewellery of convicted \*Undertrial\* prisoners confined in the prison  
during the year 19*

Register No.	Date of admission	Name in full	Description of the article jewellery	Estimated value of the article jewellery	Signature or thumb impression of the prisoner	Initials of Senior Jailer
1	2	3	4	5	6	7

Initials of Superintendent	Date of disposal	How disposed	Signature or thumb impression of the prisoner	Initials of Senior Jailer	Initials of Superintendent	Signature or thumb impression of the prisoner on transfer/ release
8	9	10	11	12	13	14

\*—\* See Government Notification, Home Department, No. RJM-1071/45938 (a)-XV], dated 5th September 1972,

## FORM VII

(See rule 15)

*Register showing particulars of clothing of convicted and 'Undertrial'\*  
criminal prisoners confined in prison during the year 19*

Register No.	Name in full	Date of Admission	Name and description of article	Estimated value	Date of release/ transfer to other Jail
1	2	3	4	5	6

How disposed of	Signature or thumb impression of the prisoner	Initials of Senior Jailor	Initials of the Superintendent	Signature or thumb impression of the prisoner on transfer or on release
7	8	9	10	11

\*—\* See Government Notification, Home Department, No. RJM-1071/45938 (a)-XVI, dated 5th September 1972.

## FORM VIII

(See rule 15)

## REMISSION REGISTER

*Remission Register of the.....Prison for the Year*

Serial No. of the year	Register No.	Name of prisoner	Sentence Years..... Months.....Days.....				
			Date of Sentence—      Date of Release—				
Payment of Fine			Jailor in-charge of Judicial-Work.      Senior Jailor.				
Amount      Authority and date							
Released on parole					Released on furlough		
Date of Release	Period granted	Date of Surrender	Sanctioning Authority	Total Number of Days on Parole	Date of Release	Date of Surrender	Authority's Remarks
Result of Advisory Board		1st Advisory Board		2nd Advisory Board		3rd Advisory Board	
14 Years Report due on.....				Modification in date of release on account of			
Date of Submission .....				1 .....			
Result of 14 Years Report .....				2 .....			
.....				3 .....			
.....				4 .....			
.....				5 .....			
.....				6 .....			
.....				7 .....			
.....				8 .....			
.....				9 .....			
.....				10 .....			
.....				11 .....			
.....				12 .....			
.....				13 .....			
Promoted to <u>Night Watchman</u> on .....				14 .....			
<u>Convict Overseer</u>				15 .....			
.....				16 .....			
.....				17 .....			
Conservancy Work				18-22 .....			

Particulars	Half yearly Remissions in days for the period ending															
	19		19		19		19		19		19					
	June	December	June	December	June	December	June	December	June	December	June	December				
1. Ordinary Remission ..																
2. Annual Good Conduct Remission																
3. Special Remission ..																
4. State Remission ..																
5. Total ..																
6. Forfeiture ..																
7. Balance ..																
8. Grand Total ..																
					Total of Remissions in Days on Transfer/Release											
					Total Remission brought over ..										Days	
					Other earnings ..											
					Total earnings ..											
					Jailor										Senior Jailor	
					Signature of Superintendent											

FORM IX

(See rule 16)

PART II

Received from the Superintendent of ..... prison for the balance of private cash the sum of Rupees, .....only.

Date :

Superintendent.

Prisoner No. ....

Received from the Superintendent of .....prison for Motor fare for ..... K. Metre at the rate of ..... per K. Metre the sum of Rupees .....only.

Date :

Superintendent.

Prisoner No. ....

Received from the Superintendent of ..... prison for subsistence the sum of Rupees.....only.

Date :

Superintendent.

Prisoner No. ....

Received from the Superintendent of .....prison for the balance of wages the sum of rupees ..... only.

Date:

Superintendent.

Prisoner No. ....

SECTION II : NON-STATUTORY RULES

PRODUCTION OF PRISONERS IN COURTS, EXECUTION OF SENTENCES AND ORDERS OF THE COURTS AND RELEASE OF PRISONERS

[Framed under Government Resolution, Home Department No. RJM-1058 (XXVII)-XVI, dated 26th September 1972 and brought into force with effect from 1-11-1972]

*PART I*

## PRODUCTION OF PRISONERS IN COURTS

1. (i) On the date specified in the original warrant, (i. e. committal warrant) in case of undertrial prisoner and in the production order in case of convicted criminal prisoner or on the date fixed in case of both undertrial and convicted prisoners by any subsequent order, the Senior Jailor shall see that the prisoner is placed in the custody of the police for being taken to the Court concerned at the appointed hour. Provided that the prisoner is physically fit to be removed.

Production of  
undertrial and  
convicted  
prisoners in  
Courts.

Provided further that the production order is made in accordance with section 3 of the Prisoners Attendance in Courts Act of 1955 and bears the seal of the Court of issue.

(ii) In the case of a convict who has to attend the court on the very day of his release for a case for which he is not on bail he should be treated as released in the morning and sent to the court as an unconvicted criminal (undertrial) prisoner. If he receives additional sentence on that very date he should be treated as a fresh admission.

2. The warrants and/or production order as the case may be/ shall be handed over to the officer in charge of the Police escort, from whom a receipt shall be taken which shall specify the name of the prisoner and the number of remand warrants and/or production orders handed over. At the same time a memorandum shall be attached to the warrant under which the prisoner is being produced in Court that day, stating that he has to be produced in another Court on a particular date for the hearing of certain other charges against him.

Delivery of  
prisoners to the  
Police Escort.

3. If an undertrial prisoner has any remand warrants for his production in Court's other than the court before which he is already scheduled to be produced on any day, the Superintendent, shall inform the Court before which the undertrial prisoner is to be produced that the undertrial prisoner is facing trials in other Court/s and give the date/s on which he is to be produced.

Undertrial  
Prisoners when  
required in  
different courts.

4. All property belonging to each undertrial prisoner except cash shall be made over to the officer in charge of the Police escort, from whom a receipt shall be taken.

Delivery of  
Property belong to  
undertrial  
prisoners.



Delivery of cash belonging to Prisoners.	5. The prisoner (convicted as well as undertrial) be allowed to take cash upto *[Rs. 10] at a time with him from his money. Under no circumstances should he be allowed to take more cash than *[Rs. 10] and/or jewellery with him except on a written order from the Magistrate concerned in which case the Superintendent shall inform the police of the passing of such an order.
Supply of meals to Prisoners going to Court.	6. Every prisoner shall be given his morning meal before he is handed over to the police under rule (1) above and arrangements shall be made to enable him to have his food when he returns. If an undertrial prisoner has not been in the jail previously, it is the duty of the police to see that he has taken his food before he is taken to the Jail if he is likely to arrive there after lock-up.
Conditions under which the Superintendent abstain from carrying out orders of the Court.	7. The Superintendent may abstain from carrying out the orders of any Court in accordance with the provision of section 6 of the Prisoners Attendance in Courts Act of 1955.
Production of prisoners under sentence of death in courts.	8. No prisoner, under sentence of death, shall be transferred under the Prisoners Attendance in Courts Act of 1955 from the Prison in which he is confined without the special sanction of Government provided that such prisoner may be removed from the Prison without such sanction, if his attendance is required by a High Court or a Court of Sessions for the purpose of taking any additional evidence, under Section 428 of the Code of Criminal Procedure, 1898.
Procedure when prisoners are not produced in Courts on due dates.	9. When the prisoner cannot be produced in the Court on the due date, the reasons thereof shall be immediately reported to the Court concerned by a letter, the acknowledgment of the receipt of which should invariably be obtained from the Court and kept on Jail records.
Procedure for handing over prisoners to the Police for investigation.	10. No convicted prisoner shall be handed over to the Police for the purpose of investigation by the Police authorities unless his sentence is suspended under Section 401 of the Criminal Procedure Code by the Competent Authority.
Production of prisoners in Courts in time.	11. In order that undertrial prisoners may be produced in Courts in time, the Superintendent shall inform the Officer in charge of the Police Headquarters on the previous evening of the number of prisoners that has to be sent to Courts on the next day and request him to send an additional van, if necessary, so that all prisoners are produced in the Courts at the proper time.

\*—\*Substituted by Government Resolution, Home Department, No. RJM 0172/15 (XXVII)-XVI, dated 13th March 1973.

In case the additional van required is not available, the Superintendent shall request the Police to send the van earlier, so that it can make two or more trips to convey the prisoners to the Courts in time.

12. Unless a definite direction has been given to the contrary in writing by the Court and/or the Superintendent or when there is a reasonable expectation that the prisoner himself will use violence or attempt to escape or that an attempt will be made by others to rescue him, no prisoner, who is being escorted to and from Court or from one Jail to another by the Police, shall be secured by handcuffs nor shall be appear in Court in fetters.

Use of handcuffs and fetters.

13. Magistrates and Superintendents of Police should intimate to the Prison authorities the fact of the admission of any undertrial prisoners in whose case special precautions are necessary. An approver, who has been granted a pardon under Section 337 (1), Criminal Procedure Code, and is committed to Jail under Section 337 (3) shall invariably be confined separately from the accused in the case. The subsistence allowance and railway fare of undertrial prisoners discharged by trying courts shall be borne by such Courts.

Intimation for special precaution for guarding undertrial prisoners.

14. Every Superintendent of a Jail shall, on the first day of each month, submit to the Sessions Judge or the Chief Presidency Magistrate as the case may be within whose jurisdiction the jail is situated a statement in the prescribed form in respect of case of all undertrial prisoners pending for more than three months in the Court of the Judicial Magistrate or Magistrates, subordinate to such Sessions Judge or the Chief Presidency Magistrate. Such statement shall also specify separately the names of prisoners in such Jail received on transfer from other Jails whose total period of detention exceeds three months.

Monthly report about pendency of cases of undertrial prisoners in Courts.

15. In any case when an undertrial prisoner is seriously ill, the Superintendent shall report the circumstances to the Magistrate or if the prisoner is awaiting trial before the Sessions Court to the Sessions Judge, in order that, if the law permits and the Court thinks it proper the prisoner may be released on bail.

Report about serious illness of undertrial prisoners.

16. 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 convicted previously. On its becoming available, information on this point shall invariably be communicated to the Police.

Information about previous convictions of undertrial Prisoner.

*PART II*

## EXECUTION OF SENTENCES AND ORDERS OF COURTS

Sentences of  
Judicial Solitary  
confinement.

17. The law regarding the award of sentences of judicial solitary confinement and the manner in which the punishment is to be inflicted are contained in Sections 73 and 74 Indian Penal Code. Any warrant containing an order on the subject which appears to be illegal shall be referred to the Inspector General of Prisons, for orders.

18. One month of judicial solitary confinement shall be regarded as equivalent to thirty days.

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

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

(ii) Sentences imposed in default of payment of fine cannot run concurrently. They shall always be carried out on the expiration of substantive sentence or sentences whether or not the latter are annexed to the sentences in lieu of payment of fine.

Date of  
commencement of  
sentence.

20. Subject to the provisions of the last preceding rule, the period of imprisonment to be undergone under the sentence of a Criminal Court shall be calculated from the date on which the sentence was passed.

Two or more  
sentences to be  
run consecutively  
unless otherwise  
directed.

21. When prisoner is sentenced to two or more sentences the date of release shall in the absence of any instructions from the Convicting Court, be calculated as though the sum of the terms was awarded in one sentence.

Prisoner to serve  
aggregate terms of  
sentences.

22. In case of doubt in regard to the order in which sentences shall take effect under Rule 19 the instructions of the Court imposing the latest sentences shall be taken. In whatever order the Sentences are served, a

sentences are served, a prisoner is liable to serve the aggregate of the terms of all his sentences, provided that under no circumstances shall a prisoner be detained in jail beyond the period indicated by the terms of the warrant of commitment.

23. When a person is sentenced to imprisonment that sentence begins to operate at once even if the prisoner is at the same time under an order of detention for failure to give security under the Criminal Procedure Code. The sentence imposed in default of payment of fine shall take effect after the expiry of sentence for failure to give security.

Detention of prisoners for failure to give security under the Criminal Procedure Code.

This covers that class of cases where a substantive sentence is passed after an order under Section 123 of Criminal Procedure Code for an offence committed prior to the date of the order passed under Section 123 Criminal Procedure Code.

If, however, the offence was committed subsequent to the date of the order under Section 123, Criminal Procedure Code, the execution of the sentence for that offence must be postponed and the case of the prisoner referred to the Sessions Judge or District Magistrate as the case may be as required under note (ii) to the next Rule.

*Note.*— Detention for failure to give security is not a substantive sentence of imprisonment within the meaning of Section 397, Criminal Procedure Code.

24. If a prisoner, who is detained until such time as he may furnish security under the provisions of Chapter VIII of the Code of Criminal Procedure, is later sentenced to a further term of imprisonment for any other offence committed prior to the date of order under Section 123, Criminal Procedure Code, the sentence of imprisonment awarded in default of furnishing security shall run concurrently with the subsequent sentence of imprisonment on conviction.

Sentence in default of furnishing security and additional sentence of imprisonment.

*Note* :—(i) If a prisoner, who is detained for failing to furnish security under Sections 106 and 108 of the Criminal Procedure Code, expresses to the Superintendent or Jailor his willingness to furnish the security required of him, the Superintendent shall at once communicate with the Magistrate with a view to the necessary action being taken under Section 123 of the Criminal Procedure Code.

(ii) Where a prisoner, who is already undergoing a substantive sentence of imprisonment, has been ordered to undergo a further sentence in default

of furnishing security for keeping peace or good behaviour under Chapter VIII of the Code of Criminal Procedure, 1898 then—

(a) If such order has been passed by a Judicial Magistrate, the order should be brought to the notice of the Sessions Judge to whom such Judicial Magistrate is subordinate ; and

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

(iii) Sentences awarded under Section 52 of the Prisons Act commence on the expiry of imprisonment in default of furnishing security or from the date of receipt at the Prison of an intimation that the Security has been furnished.

(iv) If a foreigner apprehended and detained under Section 4 of Foreigners' Act, 1946, is sentenced to a term of sentence, the period of detention under Section 4 of the Foreigners' Act will be exclusive of and in addition to the period of imprisonment passed upon him.

(v) The maximum period of detention ordered in two consecutive Chapter Cases (i. e. under Section 123, Criminal Procedure Code) cannot exceed 3 years. Any case in which this is exceeded should be reported to the High Court, Bombay for action with an appeal petition from the Convict.

(vi) An accused person falling under Section 123 (2) Criminal Procedure Code, must be treated as an undertrial prisoner until his case has been decided by the Sessions Court or High Court.

(vii) The period mentioned in the proviso to Section 123 (3), Criminal Procedure Code, must be counted from the date of the order of the Sessions Judge or High Court unless the latter specifically directs in the warrant that it is to be counted from some other date. In such a case the directions of the Superior Court must be complied with.

(viii) In the case of convicts committed to Jail under Chapter VIII, Criminal Procedure Code, the amount of Bond and Sureties should be recorded in Registration No. 3 as follows :—

Section 112, Criminal Procedure Code.

Rs. 100 bond.

Rs. 50 each, 2 Sureties.

25. Should a Court direct under Section 123 (4) of the-Criminal Procedure Code that the Superintendent or other officer in charge

Release of  
prisoners detained  
in default of  
furnishing  
securities.

of the Jail, shall release a prisoner upon his furnishing securities to be approved by the Superintendent, the Superintendent shall call on the prisoner to furnish such securities. The Superintendent, however, is not bound to accept any securities that are produced, and, if he is not personally acquainted with the sureties, or is otherwise not fully satisfied as to the sufficiency, he shall not accept them but shall refer to the nearest Magistrate or to any Magistrate to whom reference is desired, to make enquiries as to the sufficiency of the sureties produced.

*Note* : For form of bond *see* Schedule V annexed to the Criminal Procedure Code.

Sentences how and when to take effect.

26. When an Appellate Court simply modifies a sentence passed by a lower Court without change of section, or when the Appellate Court passes a new sentence by changing the conviction section or the punishment section or otherwise, the sentence finally passed shall count, unless otherwise specially directed, from the first day of imprisonment under the original sentence.

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

Sentences how and when to take effect.

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

Action after realising fines.

*Note* : If the fine is paid before the transfer of a prisoner from the subsidiary Jail in which he first confined to another Jail, the fine realization statement should be sent to the subsidiary Jail.

29. A month shall be deemed equivalent to 30 days.

Definition of month for the purposes of calculating duration of sentences.

30. \* \_\_\_\_\_ \*

31. If a prisoner who is sentenced to a fine and in default to imprisonment for a certain number of months, pays any part of

Calculation of date of release in part payment of fine.

\*—\* Deleted by Government Resolution, Home Department, No. RJM 0174/6-XVI, dated 13th May 1974.

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:—

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

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

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

Here remission for payment of Rs. 63 is one month and eight days.

If the prisoner has 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 same date in May is 30 days, as follows:—

$$\frac{26}{100} \times 30 = \frac{78}{10} = 7 \frac{8}{10} \text{ days. so that in}$$

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

Intimation of  
Recovery of fines  
by Court.

32. (i) When fines inflicted on prisoners are recovered by a Court, intimation of the same will be received by the Superintendent from the Court in Form (G) at page 208 of the High Court Criminal Order Book (1947 Edition).

(ii) When by the terms of warrant under which a prisoner is confined, non-payment of fine entails detention beyond the date on which he would be otherwise released and no intimation of the recovery of the fine has been received, the Senior Jailor shall one month before the date of release above referred to cause enquiry to be made of the Magistrate concerned as to whether the fine has been paid or not in whole or in part.

Payment of fine to  
be noted in the  
register etc.

33. When intimation of payment of fines are received from the Courts, the prisoner concerned shall be informed thereof and the payment shall be duly noted in the register and on the prisoner's History Ticket. The entries in the register and on the warrants and History Ticket shall be signed by the Superintendent and the Senior Jailor. A separate Inward Register for the receipt of fine intimation should be maintained.



34. No action shall be taken on fine intimations which do not bear the seal of the Court but it should be returned, to the Court for affixing the seal. Likewise, no action shall be taken on telegrams intimating the recovery of a fine or any portion of a fine. When intimation of payment of the fine of a prisoner is received from a Police Officer, it shall be returned to that Officer with a request that it may be forwarded through the Sentencing Court.

Intimation of  
payment of fines.

35. In all prisons a Fine Statement Book shall be maintained in the prescribed form. Each book will contain one hundred forms, and supplies of the same may be had from the Treasury Officer or the Government Central Press, Bombay.

Fine Statement  
Book.

36. If a payment of a fine or a portion of a fine imposed on a prisoner as a sentence or part of sentence by a Judicial Magistrate, is tendered at the Prison, it shall be received by the Superintendent or the Senior Jailor between the hours of 8 a. m. and 5 p. m. and a receipt in Jail Form No. 75 issued. On receipt of such a fine the prisoner shall receive such remissions of sentence as the amount of payment made in his behalf will entitle him to; and acknowledgment shall be sent at once by the Prison Authorities to the Sentencing Court.

Payment of fines.

37. All cash received in payment of fine shall be accounted for in Register No. 16-Prison Cash Book.

Accounts of fines

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

Receipt and  
realisation of fine.

39. If a prisoner sentenced to a term of imprisonment in default of payment of fine is also either at the same time or subsequently, sentenced to another term or to other terms of imprisonment, imprisonment in default of payment of fine shall be kept in abeyance till the expiration of all the

Imprisonment in  
default of  
Payment of fine  
Exception.



substantive sentences of imprisonment and shall be annulled wholly or partially by the payment of the fine in whole or in part, before that period or so long as imprisonment continues.

*Illustration* : A prisoner is sentenced on the 9th June 1970 to two years' rigorous imprisonment and a fine of Rs. 5, or in default six months' rigorous imprisonment; on the 17th July of the same year he is sentenced on another account to an additional imprisonment for 18 months; and on the 6th October 1971, 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 Rs. 5 should begin from the 9th December 1975 (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 that period, or so long as the imprisonment continues.

*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 sentence, and the imprisonment in default of payment of fine shall take effect last, although a portion of it may have been already served when the substantive sentences were awarded, unless the imprisonment is of a different denomination to that of the substantive sentences, in which case the imprisonment in default of payment of fine shall be completed before the substantive sentence of imprisonment shall take effect.

Additional  
sentence on an  
escaped convict.

40. When an additional sentence of imprisonment, or life imprisonment is passed on an escaped convict who has been recaptured, such sentence shall take effect according to the following rules :—

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

*Explanations* :—(a) A sentence of life imprisonment penal servitude is severer than one of imprisonment.

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

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

41. When a conditionally released prisoner is re-admitted within two years owing to an infringement of the terms on which he was released the unexpired portion of his sentence should be carried out without waiting for the receipt of Government Orders which should, however, be applied for immediately on admission of the prisoner through the Inspector General.

Execution of the unexpired portion of sentence of conditionally released prisoners.

### *PART III*

#### RELEASE OF PRISONERS

42. Under Section 426 of the Criminal Procedure Code an Appellate Court may order that the execution of a sentence of order appealed against be suspended and if the convicted prisoner be in confinement, that he be released on bail or on his own bond. Superintendents or Jailors shall obey the terms of such order.

Release on bail.

43. In all cases of premature release, no prisoner shall be actually released from the prison, unless an order under Section 401 of the Code of Criminal Procedure, 1898 is duly made by the appropriate Government.

Premature release of prisoners.

44. No prisoner shall be released on the authority of a telegram, unless orders in original issued by Government relating to the release or remission of a sentence of prisoners are received by the Superintendent.

Original orders of Government are necessary for releasing prisoners prematurely.

45. Whenever any Superintendent receives orders by telephone to release a prisoner from the Government, the Inspector General, the District Magistrate or any Court, he shall ring back the Officer concerned or, as the case may be, the court competent to issue such an order and get the orders confirmed before taking action in the matter.

Confirmation of orders before taking action.

46. The date on which a prisoner is entitled to be released shall be calculated by the clerk in charge of Judicial work and checked by the Jailor in charge of Judicial work. An entry giving the register number, name and sentence of the prisoner shall be made in the Release Diary No. 4 under the due date. In case the term of imprisonment is changed either by the judicial imposition of additional imprisonment or by payment of fine or by remission of any part of the sentence or by absence from custody on bail, parole or after escape, the original entry shall be scored through, and a reference made to the date of release under the new order under which date a new entry shall be made.

Responsibility for correctness of date of release.

(ii) To all these entries the Senior Jailor and the Jailor in charge of Judicial work shall affix their initials in the columns provided and they shall be personally responsible for the correctness of such entries and for any illegal detention of a prisoner and failure to execute a sentence due to neglect of the provisions of this rule.

(iii) The Senior Jailor and the Jailor in charge of the Judicial Work shall every day or at frequent intervals personally check each fresh entry in the register of convicted prisoners and shall see that for each entry therein a corresponding entry has been made against the proper date in the Release Diary.

Illegal detention  
and unauthorised  
premature release.

47. The cases of illegal detention and unauthorised premature release of prisoners shall be reported by the Superintendent of Prison to the Deputy Inspector General of Prisons of the region concerned alongwith statements of responsible parties. The Deputy Inspector General of Prisons shall take suitable disciplinary action against those at fault in respect of whom he is competent to take such action. In respect of whom he is not competent to take disciplinary action, the Deputy Inspector General of Prisons shall submit detailed report to the Inspector General of Prisons. The Inspector General of Prisons shall take such action as he may deem fit in case of non-gazetted Government servants and report to Government cases of Gazetted Officers for further action.

Intimation of  
release of certain  
prisoner to the  
police.

48. The approaching release of the following prisoners only need be intimated to the Superintendent of Police of the District or the Commissioner of Police on Form-1 (Jail Form No. 82).

(1) Habitual Offenders.

(2) Prisoners sentenced to one year or more for the following offences;

- (a) Under Chapter VI, Indian Penal Code (of Offences against the State),
- (b) Under the Arms Act.

(3) Prisoners sentenced to six months and upwards under Chapters XII, XVII and XVIII, I. P. C.

Intimation of release of all other prisoners such as those convicted of murder, assault, rape etc. is unnecessary.

Release of  
Prisoner under the  
system of Police  
Registered  
Transfer.

49. Where a Police Registered Transfer prisoner is released before the anticipated date either by payment of fine, furnishing security or on appeal immediate intimation thereof shall be sent to the Superintendent of Police of the District to which he was to have been transferred and the Police Station Officer shall also be Informed of the circumstances.

50. Whenever a member of the Parliament or of Legislative Assembly or Legislative Council is arrested restrained or detained and confined in a prison and he is subsequently released on bail pending trial/Appeal or even otherwise released, an intimation about his release shall be sent forthwith by the Superintendent of the Prison to the Speaker of the Lok Sabha or the Speaker of the Legislative Assembly or the Chairman of the Legislative Council as the case may be, in the form prescribed in the rules 229 and 230 of the Rules of Procedure on Conduct of Business in the Lok Sabha or in the rules 270 and 271 of the Maharashtra Legislative Assembly or in the Rules 244 and 245 of the Maharashtra Legislative Council Rules reproduced in the Appendix.

Intimation of release of members of Parliament, Legislative Assembly/ Council.

51. The canteen and private cash account of a prisoner shall be completed by the Canteen Jailor and the clerk in charge of Judicial work respectively, before the prisoner is produced before the Senior Jailor.

Canteen and private cash accounts to be completed.

52. (i) Every prisoner shall on the morning of his release, (a) be given a full meal before he leaves the Jail premises; (b) be provided with travelling allowance on the following scale sufficient to enable him to reach either his home or the place where he was arrested or a rehabilitation centre at the discretion of the Superintendent.

Meals and payment of travelling allowance.

(a) *By rail*.—Class I prisoner—II Class. Class II prisoner—Lowest Class.

(b) *By Sea* :—Class I Prisoner—II Class, if not available, Upper Class. Class II Prisoner—Lowest Class.

(c) *By Road* :—Motor warrants for travel by State Transport. Bus whenever such buses are available or allowances at the rate of 21 paise per 6 kilometers or part thereof shall be paid to prisoners; provided that no allowance shall be given for a road journey of 8 kilometers or less.

(ii) If the journey by rail or sea is of longer duration than 12 hours, he shall be given subsistence allowance at the rate of 40 paise for each 12 hours or a fraction thereof in the case of Class I prisoners and at the rate of 25 paise for class II prisoners.

(iii) A prisoner whose home or place of destination is situated 8 Kilometers or more from the prison from which he is released, shall, if there is neither train service nor boat or stage carriage service and he is required to perform the journey or part thereof by road, be granted a subsistence allowance at the rate of 75 paise per day or part thereof in the case of Class I prisoners and 50 paise per day for Class II prisoners.

*Explanation* : 24 Kilometers of such road journey shall be considered a day's journey for the purpose of this sub-rule.

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

(v) Every child of a woman prisoner on release shall be granted subsistence allowance at the rate of 25 paise per diem for each 12 hours or fraction thereof.

*Note* :—(1) If the correct home address of a prisoner is not given by the Court in the committal warrant, the Superintendent shall return the warrant to the Court for completion, unless it is specifically stated by the Court in the Committal warrant that the information is not available, in which case the Superintendent shall obtain the same from the Police concerned.

(2) In cases in which the prisoner's home address is not available, the prisoner shall be provided with travelling allowance sufficient to enable him to reach the place where he was arrested.

(3) The provision of this rule shall not apply to undertrial prisoners accused of ticketless travelling but shall apply to other undertrial prisoners released on bail and to ex-military prisoners released on the expiry of court martial sentences.

(4) Undertrial women prisoners, accused of the offence of travelling on a railway without a ticket and released on bail should be paid travelling allowance if the Superintendent considers that it is necessary to do so in the interest of the released women prisoners.

(5) Care shall be taken when an adolescent prisoner is released that he is as far as possible handed over to his relative or friend.

---

(Vide Government Resolution, Home Department, No. FFP 1760/7955 IV, dated the 4th February 1961 and Government Resolution, Home Department, No. SAT 1669/98120-IV, dated the 18th August 1960.)

# FORM I

( See rule 48 )

*Return of Habitual Offenders and Prisoners sentenced to one Year and above to be released in ..... 19*

Number as per Register No. 3 1	(a) Name of Prisoner and father's or husband's name  (b) Caste or Tribe 2	Police Station Case Number 3	Of what offence convicted 4	Sentence		Date of arrival in Prison or Jail 7	Previous Convictions						Date of release 14	Intended place of residence and name of identifying Jail guard 15	Finger Impressions taken or not 16
				Length and nature of sentence 5	Date of sentence 6		Number of 8	Date of 9	Offence for which convicted 10	Length and nature of sentence 11	Where and by whom sentenced 12	Name of Prison or Jail in which confined 13			

115

N. B.—To be furnished to the Superintendent of Police by 20th of the month preceding that to which this return refers. An extract from this list should be sent to the Superintendent of Police of the place where the prisoner is to be sent on his release.

No. \_\_\_\_\_ of 19 \_\_\_\_.

.....Prison Office :

Dated :

Forwarded to the Superintendent of Police,

Superintendent.

## APPENDIX

(See rule 50)

## PART III

*Extract from Rules of Procedure and Conduct of Business in Lok Sabha (page No. 100-101).*

*(b) Intimation to Speaker of arrest, detention etc. and release of a member.*

Intimation to  
Speaker by  
Magistrate of  
arrest, detention  
etc. of a member.

229. When a member is arrested on a criminal charge or for a criminal offence or is sentenced to imprisonment by a court or is detained under an executive order, the Committing Judge, Magistrate or executive authority, as the case may be, shall immediately intimate such fact to the Speaker indicating the reasons for the arrest, detention or conviction, as the case may be, as also the place of detention or imprisonment of the member in the appropriate form set out in the Third Schedule.

Intimation to  
Speaker on  
release of a  
member.

230. When a member is arrested and after conviction released on bail pending an appeal or otherwise released, such fact shall also be intimated to the Speaker by the authority concerned in the appropriate form set out in the third schedule.

## THIRD SCHEDULE

(See rules 229 and 230)

Place:

Date:

To

The Speaker,  
Lok Sabha, New Delhi.

Dear Mr. Speaker,

A

I have the honour to inform you that I have found it my duty  
in the exercise of my powers under section of

M. P., was accordingly arrested/  
(time) on \_\_\_\_\_ date and  
Jail,

I have the honour to inform you that Shri Member of the Lok Sabha, was tried at the Court, before me on a charge (or charges) of (reasons for the conviction).

[His application for leave to appeal to  
(Name of the Court) is pending consideration].

I have the honour to inform you that Shri \_\_\_\_\_  
Member of the Lok Sabha, who was arrested/detained/convicted/  
on \_\_\_\_\_ (date), for \_\_\_\_\_ (reasons for arrest/  
detention/conviction), was released on \_\_\_\_\_ (date)  
on \_\_\_\_\_ (grounds for release).

(Judge, Magistrate or Executive Authority).

(b) *Intimation to Chairman of arrest, detention, etc. and release of a member.*

Intimation to  
Chairman of  
arrest, detention,  
etc. of a member



Intimation to  
Chairman on  
release of a  
member.

245. When a member of the Council is released on bail pending his trial or pending an appeal against his conviction, or otherwise, such fact shall also be intimated to the Chairman by the authority concerned in the appropriate form set out in the second schedule.

*Extract from Maharashtra Legislative Assembly Rules  
(fourth Editions) Rules 270-271 (page 147)*

*(b) Intimation to Speaker of arrest, detention, etc. and release of a member.*

Intimation to  
Speaker of arrest,  
detention, etc. of a  
member.

270. When a member of the Assembly is arrested on a criminal charge or for a criminal offence or is sentenced to imprisonment by a court or is detained under an executive order, the Committing Judge, Magistrate or executive authority, as the case may be, shall immediately intimate such fact to the Speaker indicating the reasons for the arrest, detention or conviction, as the case may be, as also the place of detention or imprisonment of the member in the appropriate form set out in the Second Schedule.

Intimation to  
Speaker on  
release of a  
member.

271. When a member of the Assembly is released on bail pending his trial or pending an appeal against his conviction or otherwise, such fact shall also be intimated to the Speaker by the authority concerned in the appropriate form set out in the Second Schedule.

## SECOND SCHEDULE

(See Rules 270 and 271 of the Legislative Assembly Rules).

(See Rules 244 and 245 of the Legislative Council Rules).

*Form of communication regarding arrest, detention, conviction or release, as the case may be of a member*

Place:

Date:

To

\*The Speaker/The Chairman,  
Maharashtra Legislative Assembly/\*Council,  
Bombay.

Dear Sir,

A

I have the honour to inform you that I have found it my duty, in the exercise of my powers under section of

the (Act), to direct that Shri  
Member of the Maharashtra Legislative Assembly/Council\* be arrested/  
detained for (reasons for the arrest or  
detention as the case may be).

Shri \*M. L. A./M. L. C, was accordingly  
arrested/taken into custody at  
(time) on (date) and is at present lodged in the  
Jail, (place).

### *B*

I have the honour to inform you that Shri  
Member of the Maharashtra Legislative \*Assembly/Council was tried at  
the Court before me on a charge (or charges)  
of (reasons for the conviction).

On (date) after a trial lasting for  
days, I found him guilty of and sentenced him  
to imprisonment for (period).

[His application for leave to appeal to  
(name of the court) is pending consideration.]

### *C*

I have the honour to inform you that Shri  
Member of the Maharashtra Legislative \*Assembly/Council, who  
was \*arrested and/or detained/convicted on  
(date) for (reasons for arrest)\* and imprisoned  
for (period) for /reasons for conviction).

\* released on bail pending trial.

\*released on bail pending appeal.

\*released on the sentence being set aside on appeal.

\*released on completion of his term of imprisonment, discharged by the Court.

\*acquitted by the Court.

on (date).

Yours faithfully,

(Judge, Magistrate or Executive Authority).

## CHAPTER XXXV

## REMOVAL OF PRISONERS

## SECTION I : STATUTORY RULES

[Government Home Department Notification No. RJM-1058 (XXXIX)-IV, 3rd April 1965]

## Order

In exercise of the powers conferred by sub-section (1) of Section 29 of the Prisoners Act, 1900 (III of 1900), the Government of Maharashtra hereby makes the following order, namely:—

Short title      1. (i) This order may be called the Removal of Prisoners Order, 1965.  
(ii) This order shall come into force on *31st day of May 1965*.

Definitions      2. In this Order, unless the context requires otherwise.—  
(a) “Act” means the Prisoners Act, 1900 ;  
(a-1) Central Region means the area comprising the Districts of Aurangabad, Parbhani, Nanded, Bhir, Osmanabad, Nasik, Ahmdnagar and Solapur.

(b) Eastern Region means the area comprising the Districts of Nagpur, Wardha, Yeotmal, Chandrapur, Amravati, Akola, Bhandara, Buldhana, Jalgaon and Dhulia.

(c) “prisoner” means a prisoner referred to in sub-section (1) of Section 29 of the Act ;

(d) “Regional Deputy Inspector General” means the Deputy Inspector General of the central eastern or western region ;

(e) “Superintendent” means the Superintendent of Prisons appointed under the Prisons Act, 1894 ;

(f) Western Region means the area comprising the City of Bombay, Bombay Suburban District and the Districts of Thana, Kolaba, Ratnagiri, Poona, Satara, Sangli and Kolhapur.

Circumstances of removal      3. Prisoners may be removed from one prison to another prison in the State for the following reasons, that is to say :—

(a) “custody and treatment in a prison in accordance with the classification of prisons by the State Government ;

(b) attendance in court for the purpose of standing trial, giving evidence, and the like ;

(c) medical grounds ;

(d) humanitarian grounds, and in the interests of their rehabilitation ;

---

\* Substituted *vide* Government Order No. RJM-1071 (XXIX) 68804-XUI, dated 20th May 1974.

- (e) post-release vigilance by the police;
- (f) providing essential services in prisons ;
- (g) grounds of security, expediency or overcrowding in prisons or
- (h) any other ground recorded in writing in that behalf.

4. (i) Subject to the provisions of this Order, no prisoner from one prison to another prison in the State shall be removed by a Superintendent without previous sanction of the Inspector General of Prisons or as the case may be, the Regional Deputy Inspector General of Prisons ;

Superintendent to  
remove prisoners  
with sanction

Provided that no such sanction shall be necessary—

- (a) in any case which in the opinion of the Superintendent is emergent;
- (b) in the following cases, that is to say:—

- (1) removal of prisoners according to classification of prisoners as per standing orders in force ;
- (2) removal of prisoners required to give evidence, or to undergo trial for an offence in another State ;
- (3) removal of police registered prisoners within the State; and
- (4) removal of prisoners on urgent medical grounds.

(ii) The Superintendent shall immediately after the removal, report the following removals falling under the proviso to sub-clause (i) to the Inspector General or as the case may be the Dy. Inspector General of Prisons that is to say (a) removals falling under paragraph (a) and entry (iv) of paragraph (b) and (b) removals falling under entries (ii) and (iii) of paragraph (b) when the Inspector General or the Dy. Inspector General of Prisons by general or special orders require such reports.

*Explanation.*—Police registered prisoners referred to in proviso (b) (3) in this clause, are those prisoners against whom either of the following orders has been made and is in force :—

- (1) Order to notify residence under Section 565 of the Code of Criminal Procedure, 1808,
- (2) Order of restriction under the provisions of the Bombay Habitual Offenders Act, 1959.

5. If in the opinion of the Superintendent any prisoner is of so depraved and vicious a character as to exercise an evil influence on other prisoners, the Superintendent shall refer the cases of removal of such prisoners to the Inspector General through the Regional Deputy Inspector General, for his orders.

Removal of  
certain prisoners  
to Special Prison  
or Prisons where  
habitual offenders  
are confined

\* Substituted *vide* Government order No. RJM-1071 (XXIX) 68804-XVI, dated 20th May 1974.

Removal on medical grounds	6. Where the Medical Officer is of the opinion that the removal of a sick prisoner to another prison is absolutely necessary to save his life and if such removal is likely to lead to his recovery, he shall submit a brief statement of the case to the Superintendent and point out the prison to which he considers the prisoner's removal is desirable. The Superintendent shall submit the recommendation to the Regional Deputy Inspector General who may issue necessary orders for the removal of the prisoner.
Removal of prisoners sentenced to solitary confinement	7. Prisoners sentenced to solitary confinement shall not be removed to prisons where there are no solitary cells.
Removal of convict officers	8. No convict officers of any grade shall be removed to another prison without the sanction of the Regional Deputy Inspector General.
Restrictions on manner of removal of prisoners	9. Prisoners shall not, as far as possible, be removed so as to reach their destination on a Sunday or other prison holiday, or before the lock up of the prison.
District Magistrate and District Superintendent of Police or Commissioner of Police. Bombay to be informed of certain removals before hand	10. Where the removal of any prisoner is likely to attract public attention, the Superintendent shall send an advance intimation of such removal to the District Magistrate and the District Superintendent of Police or the Commissioner of Police, Bombay, as the case may be.
Extension of special facilities to prisoners before removal	11. The Superintendent may extend special facilities for writing welfare letters to any prisoner before removing him to another prison.
Procedure before removal	12. (i) No prisoner shall be removed without first ascertaining whether accommodation is available at the receiving prison to which he is to be removed.  (ii) The Superintendent of the removing prison shall inform the Superintendent of the receiving prison, of the date of departure and the probable date and time of arrival of the removed prisoner.
Details about prisoners to be supplied before hand to Police	13. Full details of the following classes of prisoners shall always be supplied before hand to the Police by the Superintendent of the removing prison :—  (a) Dangerous prisoners in the party of long-termers ;

(b) Prisoners sentenced under Section 224 of the Indian Penal Code and those known to have attempted to escape or having a tendency to escape ;

(c) Prisoners with bad record in the prison and who are being sent to Special Prisons as dangerous criminals;

(d) Prisoners who are members of a gang and are removed as such; and

(e) Prisoners of any one of the above categories among a party of prisoners being removed to any prison.

Responsibility of  
officer in charge  
of escort

14. (i) All prisoners prior to their removal shall be carefully searched and their fetters, if any, shall be examined in the presence of the officer in charge of the escort, who shall then take over the charge of the prisoners with a list of property and articles, if any. The officer in charge of the escort shall then be entirely responsible for the safe custody of prisoners till their admission to the respective prisons. The prisoners shall be handed over to the Senior Jailor of the receiving prison, who shall give the officer-in-charge of the escort a receipt for his having received the prisoners as well as the property.

(ii) The officer in charge of the escort shall see that the different types of prisoners while in transit do not mix with each other, and that the prisoners do not—

(a) communicate with outsiders;

(b) receive forbidden articles including cash from their friends and relatives while in transit ;

(c) handle any cash or jewellery or other private property. (iii) Any unauthorised cash, jewellery or other private property possessed by the prisoners at the receiving prison shall be forfeited to the State Government.

15. When a prisoner becomes ill in transit and is unable to continue his journey, he shall be taken by the Officer in charge of the escort to the nearest hospital or lock up for treatment by a Medical Officer, and a report of the circumstances shall be made to the Superintendent of the Prison to which the prisoner was being removed.

Incapacitated  
prisoners to be  
kept in hospitals  
for treatment

16. Where any prisoner escapes during transit, intimation shall at once be given by the officer in charge of the escort to the authorities of the nearest police station to enable them to take steps for the recapture of the prisoner. The Superintendent of the prison to which the prisoner was being taken and of

Escape of  
prisoners on  
route.

the removing prison shall also be informed by the Police of the escape, and the latter shall take the prescribed measures for the prisoner's capture and also forward a detailed report to the Inspector General and the Regional Deputy Inspector General. On recapture, the prisoner shall be sent to the prison to which he was being removed before escape.

Enquiry to be held  
in case of  
discrepancy

17. If it is found that there is any discrepancy in the cash, or jewellery or other property delivered at the prison where the prisoner is removed, immediate notice of the same shall be given by the Superintendent of that prison to the Superintendent of the removing prison who shall institute an inquiry into the matter.

Removal of  
prisoners from  
and to prisons  
where epidemic,  
etc., prevail

18. (i) No Superintendent of a prison in which an epidemic or infectious disease prevails or where there has been a case of such disease or any unusual sickness, shall receive any prisoner on removal from another prison in the State, nor shall he remove any prisoner from that prison to another until twenty-one days have elapsed from the date on which such epidemic, infectious disease or unusual sickness ceased to exist.

(ii) If any prisoner is removed from any prison in which there has recently been infectious disease or unusual sickness, he shall not be received into any other prison until he has been examined by the Medical Officer who shall decide the necessary period of his quarantine. If the Medical Officer considers it advisable that the prisoner should not be admitted into the prison, special provision for his accommodation outside the prison shall be made and the circumstances reported to the Inspector General or the Deputy Inspector General of Prisons for the orders of the State Government.

(iii) If the epidemic or the infectious disease or unusual sickness is actually prevailing in the village, town, or city where the prison is situated (though not in the prison itself), the Superintendent shall report the fact (giving all details) to the Regional Deputy Inspector General for orders in the matter of removal of prisoners.

Death of prisoner  
while in transit

19. Where a prisoner dies while in transit from one prison to another, the officer in charge of the escort shall at once report the circumstances to the Coroner in Greater Bombay and elsewhere, to the nearest Magistrate, who shall enquire into the case and forward his report to the Inspector General and the Regional Deputy Inspector General direct. The officer in charge of the escort shall then arrange for the disposal of the dead body. The Superintendent of the receiving prison shall inform the

relatives of the deceased prisoner regarding the prisoner's death. The fact of death shall be entered in the relevant register of the removing prison.

20. The prisoners on removal shall be provided with travelling allowance in the following scale:—

Grant of travelling allowance to prisoners on removal

*By Rail—*

(a) Class I Prisoners	...	*Second Class, or next Higher Class, Second Class, accommodation is not provided.
Class II Prisoners	...	Third Class.

*By Sea—*

(b) Class I Prisoners	...	Upper Class if not available Second Class.
Class II Prisoners	...	Third Class.

*By Road—*

(c) If Police vans are not available and the prisoners are to be conveyed by State Transport buses, bus warrants shall be issued or bus fares paid on routes in respect of which the system of bus warrants has not been introduced.

21. (i) On the day previous to the removal of the prisoners, the Medical Officer shall give a certificate that the prisoners are in a fit state of travel and that they are free from any illness likely to render them dangerous to others. No prisoner, who is not fit to travel, shall be sent.

Medical Officer to certify fitness of a prisoner to travel before his removal

(ii) The Medical Officer shall see that prisoners who are sick are provided with proper diet for the journey.

22. Requisition for travel by Rail, steamer or State Transport buses shall be signed by the Superintendent, and, in his absence, by the Senior Jailor who shall place the counterfoil of the requisition before the Superintendent for his countersignature.

Requisition for travel to be signed by the Superintendent

23. (i) When prisoners are removed from one prison to another, the Superintendent of the removing prison shall send to the Superintendent of the receiving prison their history tickets Warrants and property including jewellery as also the following forms duly filled in :—

Documents to be sent along with prisoners on their removal from one prison to another

\* Substituted Government Order, Home Department No. MIS 1073/152-XVI dated 7th February 1974.



(a) Nominal roll and descriptive roll and other particulars, as in Form A.

(b) List of warrants, orders on appeal and other connected papers, as in Form B.

(c) List of private property, as in Form C.

(d) List of Government property, as in Form D.

(e) Certificate of receipt (cash to be entered in words), as in Form E.

(ii) Private clothing shall be worn by prisoners at the time of their removal from one prison to another, and the surplus private clothing, if any, shall be got sewn in bundles which shall be carried by the prisoners themselves.

(iii) If a prisoner's private clothing has been destroyed or otherwise disposed of, the prison authorities shall provide him, at the expense of Government, with such suitable clothing as is issued to release prisoners who have no clothing of their own.

(iv) Documents and jewellery shall be made up into one or more secure parcels which shall be sealed and handed over to the officer in charge of the escort.

*Note.*—(1) Refusal on the part of prisoners to carry their private effects constitutes a prison offence, unless the property is such as cannot be reasonably carried by the prisoner, in which case it shall be sent at Government cost.

(2) The fact whether finger impressions have or have not been taken at the removing prison, shall be invariably noted in column 8 or Form 103.

Responsibility of  
the Medical  
Officer and the  
Senior Jailor

24. It shall be the responsibility of the Medical Officer to ensure that before removal of any prisoner all hospital entries are made in the History Ticket of the prisoner, and of the Senior Jailor to ensure that the other forms are duly filled in and that the History Ticket is duly completed in every respect.

Total amount of  
remission to be  
endorsed on the  
warrant

25. (i) The total amount of remission to the credit of every removed prisoner up to the end of the preceding month shall be endorsed on the warrant and entered on the prisoners' History Ticket. The entries shall be signed by the Senior Jailor.

(ii) The Senior Jailor of the removing prison shall be responsible for supplying the above information correctly.

26. The Superintendent of the prison from which a prisoner is removed shall immediately send to the Superintendent of the receiving prison, by registered post, any notice which may be received regarding the annulment or modification, if any, of the prisoner's sentence on appeal, and any warrant received from a court after correction or for an additional sentence.

Superintendent of removing prison to send notices, etc. to the receiving prison

27. If a prisoner, whose appeal is not decided, or who has been committed to a prison in default of payment of fine or in default of furnishing security, is removed to a prison other than that specified in the warrant, the Superintendent of the removing prison shall give intimation thereof to the sentencing Court.

Action when appeal of prisoner is not decided

28. In the case of removal of prisoners on disciplinary grounds, all facts regarding the behaviour of the prisoner, his punishment record, his response to prison treatment and his complete history shall be furnished by the Superintendent of the removing prison to the Superintendent of the receiving prison.

Superintendent of removing prison to furnish all facts about prisoners

---

## FORM A

**Nominal and Descriptive Roll of Prisoners removed from the  
Prison to the                      Prison on the day of 19                      ,  
under authority from**

No.		dated		19		.									
Serial No.	Number of Register	Name of Prisoner and father's or husband's Name	Caste, Race or Tribe	Religion	Age on sentence and height	Measurement, inches	Finger impressions taken or not	Description of Convict especially size and description of scars or indelible marks, with their exact position	Native of what	City of Village	Taluka	District	Previous occupation	Able to read and write or able to read only or illiterate	Remarks
1	2	3	4	5	6	7	8	9		10	11	12	13	14	15

*Note.*—The undernoted papers accompany this Nominal Roll.

B—List of Warrants and papers.

C—List of Private Property.

D—List of Government Clothing and other property to be returned to removing Prison.

E—Certificates of receiving Prison.

Office :

Dated

19                      .

Jailor.

Superintendent.

## FORM B

**List of Warrants and Papers sent with the undermentioned Prisoners,  
removed from the                      Prison to the                      Prison  
under Orders from No.                      , dated                      19**

Serial number of Prisoner in Nominal Roll A	Name of Prisoner and father's or Husbands name (Names of females to be entered in red ink)	Number of warrants	Number or original orders on appeal	Number and nature of other papers that may be sent
1	2	3	4	5

Office :

Dated                      19                      .

\_\_\_\_\_  
Superintendent.

## FORM C

**List of Private Property belonging to, and sent with, the undermentioned  
Prisoners removed from the                      Prison  
to the                      Jail                      under orders from  
No.                      dated                      19                      .**

Serial number of Prisoner in Nominal Roll A	Name of Prisoner and father's or Husband's name (Name of Females to be entered in red ink)	Description and estimated Value of property excluding Cash	Amount of Cash
		Articles                      Estimated Value	

Office:

Dated                      19                      .                      Jailor.                      Superintendent.

## FORM D

**List of Government Clothing and Articles sent with .....  
prisoners removed from Prison to the ..... Prison  
under Orders from ..... dated ..... as  
named and described in Nominal Roll A, annexed.**

Name of Articles	Number	Remarks
------------------	--------	---------

Dated 197 . Jailer Superintendent.

## FORM E

Certified that prisoner removed from the .....  
Prison to the ..... Prison under orders  
from ..... No. .... dated ..... 19  
arrived at this Prison on the ..... day of ..... 19 .

2. Certified that the prisoners have been compared with Nominal and Descriptive Roll A, and the latter found correct.

3. Certified that warrants received have been compared with List B, and found correct.

4. Certified that private property of the prisoners received has been compared with List C, and found correct. Rs. ....  
(in words) .....as mentioned in the List  
have also been received.

5. Certified that the Government clothing and other Government property received with the prisoners have been compared with List D, and found correct and have this day been returned to the Prison in charge of.

Jailor.	Superintendent
No.	of
19 .	

PRISON OFFICE :

Dated	19 .
-------	------

Returned with compliments, to the Superintendent of

Superintendent.

---

### *REMOVAL OF PRISONERS*

#### *SECTION II : NON-STATUTORY RULES*

1. The receiving prison on receipt of a removal intimation shall immediately take steps to inform the removing prison whether or not any accommodation is available at the jail. A copy of the intimation should be simultaneously sent by the receiving prison to the Regional Deputy Inspector General of Prisons.

2. Parties of prisoners to be removed shall, as far as possible be made into batches of 10 including the escort (*vide* Rule 410 (6) of the Bombay Police Manual, Eighth Edition).

3. *Issue of articles of diet to prisoners under removal* :— Prisoners under removal are to receive, before starting, the articles of diet requisite for the journey. In removals involving a break of journey with temporary incarceration while in transit in a prison on the way, the articles of diet requisite for the journey shall be supplied for the first portion of the journey by the prison from which the removals are made and subsequently by the prison where they are temporarily incarcerated. Money for road expenses and dieting of the prisoners shall, if necessary, be given to the officer in charge of the escort or jail guard who goes with the party who shall furnish the Senior Jailor with a written account of the expenditure on his return. Should his advance through unforeseen circumstances run short he shall apply to the Superintendent of the nearest prison for an

advance of cash. The Superintendent of the prison thus approached shall make a reasonable advance to the officer in charge of the escort under intimation to the Superintendent of the removing prison.

\* 4. In the quarterly report to be submitted to Government about escapes of prisoners from prison custody, and their non-surrender on expiry of the period of parole or furlough *vide* Government Circulars, Home Department No. EOP 1771/34205-XVI, dated the 16th February 1972 and dated 2nd August 1972, the Inspector General of Prisons shall also report escapes of prisoners while in transit *inter-alia* indicating therein the circumstances under which prisoners escaped and the action taken against the persons concerned for negligence if any.

5. (i) While removing prisoners from Jail to Jail, they shall ordinarily be conveyed in a vehicle at Government expense in the following instances.

- (a) If they are women, adolescents, sick or infirm prisoners;
- (b) If undersirable demonstration is envisaged;
- (c) If the distance is in excess of 5 kilometres in the mofussil or 2 kilometres in Bombay;

In other cases, it shall be open to the Police or Prison authorities; to provide or not to provide conveyance depending on the circumstances in each individual case.

(ii) Wherever Police vans are available, they will be used generally for the conveyance of prisoners, between the local jails including sub-jails, if the distance excess is 2 kilometres in the mofussil and irrespective of the distance in City of Bombay. Similar arrangements will also be made for the conveyance of the sick and the leprosy affected prisoners in Police vans between Jails and Hospitals, irrespective of the distance, whenever, such vans are not required for more urgent Police work. No charges should be recovered from the Jail Department for providing such transport facilities. Whenever, however the Jail Department requires police vans for transporting leper or other prisoners from one District to another District, charges should be recovered from it like any other Government Department.

(iii) While conveying prisoners at Government expense otherwise than in Police vans in the mofussil, the cheapest modes of conveyance, except bullock carts, shall generally be provided.

---

\* Substituted under G.R.H.D, No. EOP-0372/2-XVI, dated 9th May 1974.

(iv) In supplying an escort, the Police authorities shall select the shortest and the cheapest route,

(v) In respect of prisoners under removal the Superintendent shall issue Railway, Steamer or Motor warrants or pay bus and other fares for the same route for which the escorting party has been issued warrants or paid fares by the Police authorities,

6. Forms A, B and C shall each contain particulars relating to each removed prisoners. If the fine has been paid fully or in part, the facts and details of the reduction in sentence on account of payment of fines shall invariably be recorded in block letters in rod ink on the warrant of Committal.

7. Whenever an intimation is sent by a Court to a Superintendent that a fine or a portion of a fine has been recovered on behalf of a prisoner, and such prisoner has been removed to another prison, the Senior Jailor shall at once forward such intimation by a registered letter to the Superintendent of the Prison to which such prisoner has been removed and simultaneously inform the Court of his having done so and shall also ensure that such intimation is duly acknowledged by the receiving Jail, This acknowledgment shall be passed on to the court.

8. Form E (Certificate of receipt) shall be filled in and signed by the Senior Jailor of the receiving prison and shall be forwarded to the Superintendent of the removing prison with officer in charge of the escort or by post. If for any valid reason the Senior Jailor is unable to sign the certificate, a report explaining the reasons therefor shall be immediately made by the Superintendent of the removing prison who will at once send it on with his explanation to the Inspector General or the Regional Deputy Inspector General of Prisons.

9. While making removals of prisoners on disciplinary grounds it should be ensured that such prisoners are not ordinarily included in a common party of other prisoner but that they are sent separately.

10. (a) *Transfer of prisoners under Reciprocal arrangements.*— Transfer under reciprocal arrangements is the transfer of a prisoner convicted in a State which is not his home State, to his home State. This State has entered into reciprocal arrangements with the following States.

Madras, Punjab, Bihar, Assam, Orissa, Uttar Pradesh, Andhra Pradesh, Mysore; Rajasthan, West Bengal, Delhi, Kerala, Madhya Pradesh and Gujarat.



(b) The following rules are framed under the Reciprocal Arrangements :—

1. (i) Prisoners including ex-military prisoners convicted by Court other than Courts Martial and sentenced to 3 months and above, shall be transferred to their Home State after ascertaining their willingness. The Inspector General of Prisons shall transfer the prisoner to the home State in direct consultation with the Inspector General of Prisons of that State.

(ii) Notwithstanding the unwillingness of a prisoner to be transferred to his home State, he shall be transferred to that State if there are adequate reasons e. g. his being out of mind, or obstreperous or his aged parents request his transfer. Such cases should be referred to Government for issuing orders under the Transfer of Prisoners Act.

(iii) Transfer of Police Registered prisoners shall be made to their home States even though they are sentenced to less than 3 months. Their willingness to such transfers should be obtained. In case they are not willing for such transfers, such cases should be referred to Government for issuing orders under the Transfer of Prisoners Act.

2. Nepalese ex-military prisoners convicted by Court Martial shall be transferred to suitable prisons in the State of Uttar Pradesh, Bihar or West Bengal nearest to their home in Nepal.

3. No prisoner shall be transferred under reciprocal arrangements till his appeal period is over, and if he has filed an appeal till the appeal is decided.

4. *Cost of transfers.*—The cost of transfer should be borne by the transferring State and the cost of maintenance of the prisoners should be borne by the State to which the prisoners are transferred from the date on which the prisoner is confined in a prison in that State.

5. *Transfer of Police Registered prisoners.*—(i) Police Registered prisoners sentenced to more than 3 months and who are not transferred to the State of their origin under the reciprocal arrangement shall be transferred to the Home State 2 months before the expiry of the sentence.

(ii) Police Registered prisoners sentenced to 3 months or less shall be transferred to their Home State 2 months before the expiry of their sentence, even if they are unwilling for the transfers.

(iii) P. R. T. prisoners belonging to the State of Nepal, Bhutan, Sikkim, Jammu and Kashmir shall be transferred to suitable prisons in the States of Uttar Pradesh, West Bengal, Bihar and Punjab.

(iv) Cases covered by this rule shall be submitted to Government for issuing orders under the Transfer of Prisoners Act, 1950.

6. (i) When a prisoner is to be transferred to his home State, the Superintendent shall send to the Inspector General.

(a) immediately after the appeal period is over or if the appeal is filed immediately after the appeal is decided;

(b) Four months before the expiry of the sentence of a prisoner who had previously expressed his unwillingness for the transfer;

(c) immediately after admission in the case of a :—

(ii) Military prisoner convicted by Court Martial, the nominal roll and the written declaration of the prisoner in duplicate which should contain the details and correct address of the prisoner and his relatives in the Home State.

7. The Inspector General shall furnish the particulars of the prisoner to the Inspector General of the State to which the prisoner is to be transferred and ascertain the name of the prison to which the prisoner should be transferred.

8. (i) The cases of transfer of prisoners sentenced to shorter periods e. g. for four months or so, should be processed expeditiously so that all the preliminary arrangements are finalised early and the prisoners transferred as quickly as possible.

(ii) Gratuity and/or wages earned by the prisoner upto the date of his transfer may be sent along with the prisoner to the prison in his home State.

(iii) The District Superintendent of Police of the District in which the prisoner was convicted shall be informed of the transfer of the prisoner.

9. A prisoner transferred under the reciprocal arrangements shall be governed by the Prison Rules of the State to which he has been transferred. The appropriate Government as defined in section 402 Criminal Procedure Code will be the authority to order premature release of such prisoners under section 401, Criminal Procedure Code.

---

## CHAPTER XXXVI

**DEATH OF PRISONERS***SECTION I—STATUTORY RULES*

[Government Notification, Home Department No. RJM-1058/  
(XXVIII)-IV, dated 25th September 1967]

Prisons Act, 1894.

In exercise of the powers conferred by clause, (27) and (28) of Section 59 of the Prisons Act, 1894 (IX of 1894), in its application to the State of Maharashtra, and of all other powers enabling it in that behalf and in supersession of the rules relating to death of prisoners in force in any part of the State, the Government of Maharashtra hereby makes the following rules, namely :

Short title and  
commencement.

1. (i) These rules may be called the Maharashtra Prisons (Death of Prisoners) Rules, 1967.

(ii) They shall come into force on the 4th day of December 1967.

Reports to be  
submitted to  
various  
authorities on  
the death of  
prisoner.

2. (i) Where the Superintendent is informed of the death of a prisoner under section 17, the Superintendent shall arrange to return at once the warrant to the Court from which it is issued, with an endorsement certifying the cause and date of death, and shall forward a casualty report to the Inspector General of Prisons.

(ii) Where the death of the prisoner is reported to the Coroner under section 10 of Coroners Act, 1871, as in force in the State of Maharashtra, the Coroner may, unless he holds an inquest under section 9 of that Act, sign the casualty report and return it to the Superintendent of the Prison who shall submit the same to the Inspector General of Prisons.

(iii) Subject to the provisions of the Coroners Act, 1871, where a prisoner dies as a result of any epidemic disease and the Medical Officer certifies that it is not desirable to keep the body of the prisoner in the prison any longer, the body shall be disposed of and the fact and cause of death shall be reported to the Coroner.

Information  
about prisoner's  
serious illness  
and death to be  
conveyed to  
nearest relatives.

3. (i) Where a prisoner is suffering from any serious illness or dies in a prison, the Superintendent shall, as early as practicable, inform the nearest relatives of the prisoner either direct if their address is known, or through the District Magistrate of the district in which the prisoner's home is situated or through the Police.

(ii) Where a prisoner dying in a prison or in any local hospital is a woman and leaves a child, the Superintendent shall in the information report made under sub-rule (1) mention that the prisoner leaves a child and if any relative of the deceased desires to take the child, he may arrange to receive the child within a period of 7 days from the date of the receipt of information, failing which the Superintendent shall arrange to place the child in some approved institution where orphans are received and educated.

4. (i) The Superintendent shall send an intimation of death of all prisoners, whether their finger prints have been taken or not, immediately to the Chief Operator, Finger Print Bureau, of the district, in which the prison is situated.

Dead body of prisoner to be handed over to friends or relative for disposal.

(ii) Unless there are special reasons to the contrary (to be recorded in writing), the body of a prisoner dying in a jail or in a local hospital or executed in prison may be made over to the near relative of the deceased prisoner if claimed by them within two days of the date of death excluding the day on which death takes place :

Provided that, if in the opinion of the authority in charge of a prison or hospital, where a prisoner dies, there are good and sufficient reasons for believing that the dead body of the prisoner is likely to be claimed by his near relative, it may keep the dead body in its possession for a further period of two days.

(iii) In order to prevent the decomposition of the dead body, the Superintendent or as the case may be the officer-in-charge of the hospital where the prisoner has died shall arrange forthwith for the embalming of the dead body in the nearest hospital or dispensary.

5. (i) Where no relations or friends express willingness to perform the last rites for prisoners who have been executed or who have died in a prison or in a local hospital, the Superintendent shall arrange for the disposal of their bodies in accordance with their religious practices, that is to say, Hindus shall ordinarily be burnt and Muslims, Jews and Christians buried.

Disposal of unclaimed dead bodies.

(ii) The Superintendent shall arrange to bring the unclaimed body of a prisoner who has died in a local hospital to the prison in a municipal

hearse, where it is available and the amount charged by the municipality for its hire shall be borne by Government. Where no hearse is available, the body may be brought either in a prison cart, if one is available, or in a hired cart. The body shall be brought to the prison in a decent manner properly covered during transport.

(iii) The Superintendent shall be responsible to see that the funeral ceremonies are invariably performed by prisoners belonging to the same religion as the deceased and that facilities are given for carrying out funerals with decency and in accordance with the prevalent religious rites.

(iv) Where a Superintendent arranges to dispose of an unclaimed body under sub-rule (1),—

(a) he shall arrange in each case for clean new shroud or plain wooden coffin, as the case may be, at Government cost.

(b) he may incur an expenditure subject to a maximum of Rs. 10 in each case for performing the last rites for the deceased.

Superintendent  
to report death  
of prisoners in  
prison to  
coroner etc.

6. (i) The Superintendent shall, as required by Section 10 of the Coroners Act, 1871, forthwith report the death of a person dying in a prison in Greater Bombay, to the Coroner, and elsewhere, in cases where a person commits suicide, or is killed by an animal, or by machinery, or by an accident, or dies under circumstances raising a reasonable suspicion that some other person has committed an offence, he shall report the death of the person to the nearest Magistrate, empowered to hold inquests.

(ii) The Superintendent shall also inform the Regional Deputy Inspector General of Prisons concerned, the Inspector General of Prisons and the State Government of such death; and, after the inquest is over, the Superintendent shall submit without delay a full report on the circumstances relating to the death, to the Regional Deputy Inspector General and the Inspector General and send a copy of the report, simultaneously, to the State Government, for information, and dispose of the dead body in accordance with the provisions of rules 4 and 5.

Reports to be  
submitted to  
various  
authorities on  
death of  
prisoner.

7. (i) Where a Superintendent is informed of the death of a prisoner under section 17, the Superintendent shall arrange to return forthwith the warrant to the Court which issued it, with an endorsement certifying the cause and date of death, and shall forward a casualty report to the Inspector General of Prisons.

(ii) Where the death of a prisoner is reported to the Coroner, or as the case may be, the Magistrate, under rule 6, the Coroner or Magistrate may, unless he holds an inquest, sign the casualty report and return it to the Superintendent who shall submit it to the Inspector General of Prisons.

(iii) Subject to the provisions of the Coroners Act, 1871, or any law for the time being in force, where a prisoner dies of an epidemic disease and the Medical Officer certifies that it is not desirable to keep the body of the prisoner in the prison any longer, the body shall be disposed of, and the fact and the cause of his death shall be reported to the Coroner or the District Magistrate. In the event of several deaths occurring from an epidemic or prevailing disease, the Coroner or the District Magistrate, as the case may be, shall direct the Civil Surgeon or the Medical Officer authorised by him on his behalf to perform post-mortem examination of only one or a few selected cases.

8. No officer of a prison shall be called as *panch* and to express any opinion as to the cause of death of any prisoner.

Officer of prison  
not to be called  
as panch.

9. If a prisoner is found in a suspended position, and there is reason to believe that life is not extinct or whether or not life is extinct is doubtful, his body shall be at once raised to relieve the pressure and all measures should be taken to restore consciousness without waiting for medical assistance which, however should be called for without delay. If the body of the prisoner found in such suspended position is certified to be dead, then the Superintendent shall keep the body of the deceased prisoner for inspection and for orders of the officer holding the inquest.

Action when a  
prisoner is found  
in suspended  
position.

10. The Superintendent shall send a notice of the death of every prisoner to the Municipal Officer of Health, if the prisoner is situated within the limits of a Municipal Corporation or municipality, constituted under any law for the time being in force and, in any other law for the time being in force and, in any other cases, to the District Magistrate of the district.

Notice of death  
of prisoner to be  
sent to  
Municipal  
Officer of Health

11. If a deceased prisoner belonged to, or was sentenced to imprisonment in a district not being the district in which the prison is situated, his nominal roll shall be sent in Greater Bombay to the Commissioner of Police, Greater Bombay, and elsewhere to the Commissioner of Police, if any, or the District Superintendent of Police concerned.

Nominal roll of  
deceased prisoner  
to be sent to  
Superintendent  
of Police or to  
Commissioner of  
Police in Greater  
Bombay.

Intimation of  
Death of  
military prisoner  
to be sent to  
Commanding  
Officer

12. Where a prisoner (who was a serving member of the Armed Forces of the Union) dies while in prison, the Superintendent shall report the death forthwith to the Commanding Officer who sent him to that prison.

Intimation of  
death of foreign  
prisoner to be  
sent to District  
Magistrate and  
Inspector  
General of  
Prison, etc.

13. Where a prisoner who is a foreigner dies while in prison, the Superintendent shall report the death forthwith to the District Magistrate and the Inspector General of Prisons for further communication to the State Government. The State Government shall, then inform the appropriate diplomatic or consular representative about the death of the foreigner in prison.

## SECTION II-NON-STATUTORY RULES

### DEATH OF PRISONERS

1. Whenever a sudden or violent death or death from suicide or accident takes place in a prison, immediate notice shall be sent to the Superintendent and the Medical Officer, and the body shall, if life be extinct, be left in the position in which it was found, pending inspection by the officers concerned.

Particulars to be  
recorded by  
Medical Officer  
on the death of a  
prisoner

2. On the death of any prisoner the Medical Officer shall forthwith record in the Hospital Register the following particulars :—

- (a) The day on which the deceased first complained of illness or was observed to be ill,
- (b) The labour, if any, in which he was engaged on that day,
- (c) the scale of his diet on that day,
- (d) the day on which he was admitted to Hospital,
- (e) The day on which the Medical Officer was first, informed of his illness,
- (f) the nature of the disease,
- (g) when the deceased was last seen before his death by the Medical Officer,
- (h) when the prisoner died ;
- (i) in cases where a post mortem examination is made on account of the appearance after death giving all details required for a correct diagnosis of the disease, and
- (j) any special remarks that appear to the Medical Officer to be recorded.

3. The Medical Officer shall report to the Superintendent about the happening of the natural death of a prisoner and see that the body is decently removed to the mortuary.

Natural deaths

4. The body of any prisoner dying in jail or in local hospital or the body of any condemned prisoner who has been executed, shall not be handed over to the relatives or friends of the deceased if there are grounds for supposing that the funeral will be made in occasion for a demonstration.

Special instructions regarding disposal

If the death is due to infectious disease the body shall not be made over to the relatives or friends of the deceased unless the medical officer certifies that the body may be made over to them,

*Note* :—If the circumstances require the Superintendent of the prison may approach the highest Executive Magistrate available for issue of orders under section 144 of the Criminal Procedure Code upon the person to whom the body is delivered directing them not to take it outside the prison but to dispose it of within the Prison precincts.

5. A cemetery shall be maintained at each prison, as far as possible. It shall be distinctly marked and properly enclosed and used for burning and burying deceased prisoners. Graves shall be dug in a regular line and each used grave shall be marked by an angle iron piece and metal board showing the deceased prisoner's number, name and date of death.

Maintenance of cemetery at each prison

6. In the selection of a burial and cremation ground for a prison, care should be taken that the plot selected is not only near the prison itself or to any city, town, or village; that it is not too near a well, or other source of drinking water, used either by the prison or the free population; that the prevailing wind does not blow from it towards the prison, and that sufficient ground is secured to answer all the requirements of the prison for at least fifteen years.

Selection of a burial or cremation ground

7. No grave shall be less than six feet deep. One or more graves should be kept ready for occupation.

Graves

8. Care should be taken in filling a grave to press down the earth well, so as to protect the body from the depredations of wild animals. The earth should be heaped up one foot above the surrounding surface of the ground, and heavy stones or thorns if procurable placed on the top.

9. The Superintendent and Medical Officer shall periodically visit the burial ground and see that it is properly kept.



Record. 10. 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 prison. But if during this period he dies of a different disease or dies subsequently of the disease on account of which he was transferred, his death shall be included in the returns of the prison wherein he dies. In the former case, his admission shall not be included in the statistics of the despatching prison.

11. Entries should be made about the death of the prisoner in the relevant registers and in the History sheet of the prisoner in detail. The prisoner's history sheet and other hospital record such as temperature chart, etc. shall be preserved for two years.

-----

## CHAPTER XXXVII

[Home Department Notification No. MIS-5157/74036 (XXIV)—IV dated 22nd June 1959]

**FURLOUGH AND PAROLE TO PRISONERS**

No. MIS-0198/20/CR-69/PRS-2.—In exercise of the powers conferred by Clause (5) and (28) of Section 59 of the Prisons Act, 1984 (IX of 1894) and of all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the following rules further to amend the Maharashtra Prisons (Bombay Furlough and Parole) Rules, 1959, namely :

Prisons Act,  
1894

(1) The rules may be called the Maharashtra Prisons (Bombay Furlough and Parole) (Amendment) Rules, 2003.

Short title and  
extent

(2) In Chapter XXXVIIth of the Maharashtra Prison Manual 1974 regarding the Maharashtra Prisons (Bombay Furlough and Parole) Rules, 1959. In rules 13 of the Principal Rules,

“For such further period as may be specified in such order on the same conditions on which the prisoner was originally granted furlough or on such other conditions as the sanctioning Authority may determine”.

shall be deleted and substituted by “The sanctioning authority may determine the extension of furlough leave shall be granted for only 14 days once in a calender year and no further extension shall be granted to prisoner” on the same conditions.

**Rules Regulating the Grant of Furlough**

2. The Inspector General of Prisons or the Deputy Inspectors General of Prisons (hereinafter referred to as “the Sanctioning Authority”) shall, subject to these rules, be competent to grant furlough to convicted prisoners as hereinafter mentioned.

Sanctioning  
Authority

3. (1) A prisoner, who is sentenced to imprisonment for a period exceeding one year but not exceeding five years, may be released on furlough for a period of two weeks at a time for every year of actual imprisonment undergone.

When prisoner  
may be granted  
furlough

(2) A prisoner, who is sentenced to imprisonment for a period exceeding five years may be released on furlough for a period of two weeks at a time of every two years of actual imprisonment undergone.

Provided that a prisoner sentenced to imprisonment for more than five years but not to imprisonment for life may be released on furlough every year instead of every two years during the last five years of his unexpired period of sentence :

Provided further that a prisoner sentenced to life imprisonment may be released on furlough every year instead of every two years after he completes seven years' actual imprisonment.

**Note 1.**—The period of imprisonment in this rule includes the sentence or sentences awarded in lieu of fine in case of amount of fine is not paid.

Provided that if fine is paid during the period of imprisonment and the total sentences thereby reduced to a term not exceeding 5 years, he shall thereafter be eligible for release every year in accordance with sub-rule (1) instead of every two years under sub-rule (2).

**Note 2.**—For the purposes of this rule, the period of imprisonment shall be computed as the total period for which a prisoner is sentenced even though one or more sentences be concurrent.

**Note (3).**—If at any time, a prisoner who could have been granted furlough is either not granted or is refused the same the period for which he could have been granted the furlough shall not be carried forward but shall lapse.

**Note 4.**—The period of two weeks may be initially extended upto three weeks in the case of prisoners desiring to spend the furlough outside the State of Bombay.

**Note 5.**—An order sanctioning the release of a prisoner on furlough shall cease to be valid if not given effect to within a period of two months of the date thereof.

When prisoners  
shall not be  
granted  
furlough

4. The following categories of prisoners shall not be considered for release on furlough :—

(1) Habitual prisoners.

(2) Prisoners convicted of offences under Sections 392 to 402 (both inclusive) of the Indian Penal Code.

(3) Prisoners convicted of offences under the Bombay Prohibition Act, 1949.

(4) Prisoners whose release is not recommended in Greater Bombay by the Commissioner of Police and elsewhere, by the District Magistrate on the ground of public peace and tranquility.

---

\*Added *vide* Govt. Home Department notification No. MIS. 5175/74036 (XXIV)-IV, dt.13-12-59.

(5) Prisoners who, in the opinion of the Superintendent of Prison show a tendency towards crime.

(6) Prisoners whose conduct is, in the opinion of the Superintendent of the Prison, not satisfactory enough.

(7) Prisoners confined in the Ratnagiri Special Prison, (other than prisoners transferred to that prison for Jail services).

(8) Prisoners convicted of offences of violence against person or property committed for political motives, unless the prior consent of the State Government to such release is obtained.

(9) A prisoner or class of prisoners in whose case the State Government has directed that the prisoner shall not be released or that the case should be referred to it for orders.

(10) Prisoners who have at any time escaped or attempted to escape from lawful custody or have defaulted in any way in surrendering themselves at the appropriate time after release on parole or furlough.

5. Ordinarily furlough shall not be granted to a prisoner within a period of six months from the date of his return from parole.

Furlough not to be granted after return from parole

6. A prisoner shall not be granted furlough unless he has a relative willing to receive him while on furlough and ready to enter into a surety bond in Form A appended to these rules for such amount as may be fixed by the Sanctioning Authority. Provided that the Sanctioning Authority may dispense with the recruitment of execution of such bond by relative of prisoners confined in open Prisons as defined in clause (b) of rule 2 of Maharashtra open Prisons Rules 1971.

Furlough not to be granted without surely

7. Every prisoner desirous of release on furlough shall be required to give a personal bond of the required amount in Form B appended to these rules.

Prisoners to give personal bond before release on furlough

8. (1) Two months before a prisoner becomes eligible to be considered for release on furlough, the Superintendent of Prison shall inform the prisoner accordingly. If the prisoner desires to be considered for such release he shall make an application (in duplicate) to the Inspector General of Prisons/Regional Dy. I. G. of Prisons\* through the Superintendent of Prison stating clearly the name and full address of the place where he desires to spend the furlough, the full name of the relative willing to receive him on furlough and prepared to execute the surety bond, and shall also

How application for grant of furlough should be dealt with

---

\*Added *vide* Govt. Home Department notification No. RJM-0174/16 XXX, dt. 17-10-1975.

state whether he is in a position to bear the expenses of the journey both ways or either way and, if not, the amount of expenses that may be required by him for such journey.

(2) On receipt of the application under sub-rule (1), the Superintendent of Prison shall, unless the prisoner is **prima facie** not entitled to release on furlough, forward it expeditiously to the District Magistrate concerned through the District Superintendent of Police of that District or to the Commissioner of Police, Greater Bombay, as the case may be, with such remarks as he deems fit. A copy of this communication together with the Prisoner's Nominal Roll shall be endorsed by the Superintendent of Prison to the Inspector General of Prisons/Regional Dy. I. G. of Prisons and such endorsement shall *inter alia* state :—

- (a) the amount of money the prisoner has to his credit including the amount he may have earned in Prison,
- (b) the amount of money required for the journey both ways,
- (c) the amount of security the Superintendent considers proper,
- (d) the name of the village, taluka and district and the State in which the prisoner proposes to spend his furlough,
- (e) the name of the District from which he hails,
- (f) the name of the District in which he was convicted.

The District Magistrate or the Commissioner of Police, Greater Bombay as the case may be, should be requested to furnish, alongwith his opinion the following information regarding the relatives of the prisoner with whom he intends to stay while on furlough :—

- (a) Their relationship with the prisoner concerned.
  - (b) Whether such relatives are willing to keep the prisoner while on furlough.
  - (c) Whether they (viz., relatives) are willing to enter into surety bond.
- (3) The District Magistrate or the Commissioner of Police Bombay, as the case may be, shall thereafter forward the application to the Inspector General of Prisons/Regional Dy. I. G. of Prisons together with his recommendations.

(4) The District Superintendent of Police shall, before forwarding the application to the District Magistrate concerned and the Commissioner of Police, Greater Bombay shall, before forwarding the application to the Inspector General of Prisons / Regional Dy. I. G. of Prisons cause inquiries to be made regarding the prisoner's statement, if any, that he is not able to bear the expenses of the journey both ways or either way, as the case may be, and make recommendations accordingly.

(5) If furlough is not recommended, adequate reasons therefor shall be given.

(6) If on receipt of the application together with the recommendations under sub-rule (3), the Sanctioning Authority considers that furlough be granted, it shall make an order for the release of the prisoner on furlough on such conditions as may be specified in the order.

9. A prisoner may, if he so desires make a fresh application for furlough six months after the rejection of his previous application.

Fresh application  
for furlough

10. The Sanctioning Authority shall grant furlough to a prisoner subject to his executing a personal bond or giving cash security in Form C appended to these rules and also subject to a surety executing a bond, in Form A appended to these rules, if so required. The release may further be subject to all or any of the following conditions :—

Conditions of  
release

(1) that the said prisoner shall reside at Taluka ..... in the ..... District/Greater Bombay during the period of release on furlough and shall not go beyond the limits of the said District/Greater Bombay without the permission of the District Magistrate, ...../Commissioner of Police, Greater Bombay, or such Officer as the said District Magistrate/Commissioner of Police may appoint in this behalf;

(2) that the said prisoner shall be of good behaviour and shall not commit any offence punishable by or under any law in force in India,

(3) that the said prisoner shall not associate with bad characters or lead a dissolute life,

(4) that the said prisoner shall, in case he proposes to change his religion during the period of furlough, give a minimum of seven days' prior intimation to the said District Magistrate/Commissioner of Police as also the Superintendent of the Prison from which he has been released, about such intention and he shall also furnish them with information regarding the new religion and the new name, if any, which he proposes to adopt.

(5) that the said prisoner will surrender himself to the Superintendent of the Prison from which he was released on the expiry of the period of furlough.

(6) that the said prisoner will report once a day to the Officer-in-charge ( ) Police Station during the period of furlough.

**or**

that the said prisoner shall, immediately on arrival at the place mentioned in (1), above report at the Police Station nearest to the said place, and thereafter.

Declaration  
before release

11. Before releasing a prisoner on furlough, declaration as under shall be taken from him on the release order itself:—

“I hereby accept and agree to abide by the above conditions of the release order and I acknowledge that should I fail to fulfil these conditions or any portion of them, the Sanctioning Authority may revoke the order of release and forfeit the amount of security furnished by me, and I may be arrested by any Police Officer without warrant and remanded to undergo the unexpired portion of my sentence, and I further acknowledge that should I fail to fulfil these conditions or any portion of them, I am liable to be punished, on conviction, with imprisonment for a term which may extend to two years or with fine which may extend to Rs. 1,000 or with both, under Section 51-B of the Prisons Act, 1894, as applicable to the State of Bombay.”

Prisoner  
ordinarily to bear  
journey expenses

12. When a prisoner is released on furlough, the cost of his journey both ways shall be borne by the prisoner concerned.

Provided that, if in the opinion of the Sanctioning Authority, the Prisoner is not able to bear the expenses of journey both ways or either way, as the case may be, the Sanctioning Authority may direct that the whole or a portion of such expenses be borne by the State Government.

Extension of the  
period of  
furlough

13. Notwithstanding anything contained in the foregoing rules, the Sanctioning Authority may, on the application of a prisoner or otherwise, by an order in writing extend the period of furlough for such further period as may be specified in such order on the same conditions on which the prisoner was originally granted furlough or on such other conditions as the Sanctioning Authority may determine.

Intimation of  
release and of  
non-surrender of  
prisoner

14. (1) Whenever any prisoner is released on furlough an intimation of his release on furlough shall forthwith be given by the Superintendent of Prison:—

(i) to the Inspector General of Prisons/Regional Dy. I. G, of Prisons.

(ii) to the District Magistrate and the District Superintendent of Police of the District in which the prisoner intends or agreed to spend his furlough and if the prisoner intends or agreed to spend his furlough in Greater Bombay, to the Commissioner of Police,

(iii) to the District Magistrate and the District Superintendent of Police of the District in which the prisoner was convicted and if the prisoner was convicted in Greater Bombay, to the Commissioner of Police,

(iv) if the prisoner belong to this State, to the District Magistrate and the District Superintendent of Police of the District from which the prisoner hails and if the prisoner hails from Greater Bombay, to the Commissioner of Police.

(2) Where a prisoner does not surrender himself to the prison authorities after the expiry of the period of furlough, the Sanctioning Authority may, if it is satisfied that any of the conditions on which the furlough was granted has not been fulfilled, cancel its order granting such furlough. An intimation regarding such cancellation shall forthwith be given by the Superintendent of Prison to the Officers specified in clauses (ii), (iii) and (iv) of sub-rule (1). Upon such intimation, the police authorities may arrest the prisoner, if at large, and remand him to undergo the unexpired portion of his sentence.

15. As soon as a prisoner released on furlough surrenders himself to the prison authorities, his order of release shall become in operative. Where therefore, a prisoner who is released on furlough has applied for the extension of the period of furlough and before his application has been sanctioned surrenders himself to the prison authorities he shall not be released after such surrender without obtaining a fresh order from the Sanctioning Authority.

Release order inoperative on a Prisoner's surrender to be the prison authorities.

16. The furlough period shall be counted as a remission of sentence :

Furlough to be counted as remission of sentence.

Provided that where any furlough period has been extended under Note 4 below rule 3 or under rule 13, the period of extension shall not be counted as a remission of sentence.

17. Nothing in these rules shall be construed as conferring a legal right on a prisoner to claim release on furlough.

No legal right to furlough.



### Rules regarding the Grant of Parole

Authorities  
competent to  
sanction parole

18. The authority competent to sanction release of a convicted prisoner on parole (hereafter referred to as “the Competent Authority”), shall be :—

(a) the State Government in the following cases :—

(i) prisoners convicted by Courts situated outside the State of Maharashtra.

(ii) prisoners convicted by Courts situated within the State of Maharashtra, but confined in prisons situated outside the State\*.

(iii) prisoners convicted of political offences.

(iv) any other case or class of cases wherein the State Government has directed that the case of specified class of cases be referred to it for orders.

(b) In other cases the Commissioner or the Additional Commissioner, and when the both are out of headquarters, the Assistant Commissioner of the Division in which the prisoner is lodged.

\* Notwithstanding anything contained in these rules, the Superintendent of Prison shall also be competent authority in cases where the convicted prisoner is to be released on parole for a period not exceeding seven days on account of death of his father, mother, brother, sister, spouse or child.

Provided that when the Superintendent of Prison sanctions release of any prisoner under this sub-rule he shall report the matter to the Divisional Commissioner and get his action approved by the Divisional Commissioner within seven days from the date of release.

When a prisoner  
may be released  
on parole

19. A prisoner may be released on parole for such period as the Competent Authority referred to in rule 18 in its discretion may order, in case of serious illness, or death of any member of the prisoner’s family or of his nearest relatives or for any other sufficient cause.

Parole not to be  
counted as  
remission of  
sentence

20. The period spent on parole shall not count as remission of the sentence.

\*Amended by Govt. notification H. D., No. MIS-5157/74036-(XXV)-IV, dt. 11th July 1960.

†Amended by Govt. notification H. D., No. RJM-017311-XXV, dt. 13th October 1976.

21. A prisoner may be granted parole either on his own application made by his relatives or friends, or legal adviser.

Application for grant of parole.

22. (1) Any prisoner desiring to be released on parole shall ordinarily submit his application (in triplicate) in Form D appended to these rules to the Superintendent of Prison who shall endorse his remarks thereon and submit one copy direct to the Competent Authority along with the nominal roll of the prisoner and the other to the District Superintendent of Police of the district in which the prisoner proposes to spend his parole period and to the Commissioner of Police if such place is in Greater Bombay.

Applications for parole how to be dealt with.

*Note.*—Prisoners who apply for parole on false grounds or who abuse the concession or commit breach of any of the conditions of parole are liable to be punished under Section 51-B of the Prisons Act, 1894, as applicable to the State of Bombay.

(2) The District Superintendent of Police concerned or the Commissioner of Police, Bombay, as the case may be, shall immediately make enquiries to ascertain whether the ground or grounds on which parole is applied for is or are genuine and submit immediately his report to the Competent Authority mentioning *inter alia* whether it recommends the grant of parole and also whether there is a likelihood of breach of peace if the prisoner is released on parole.

23. On receipt of an application for parole, the Competent Authority may make such enquiries as it considers necessary, and pass such orders as it considers fit. If the Competent Authority considers that there is no objection to release the prisoner concerned on parole it shall make an order for his release on parole.

Enquiries may be made on receipt of application.

24. The Competent Authority may grant parole to a prisoner subject to his executing a surety bond and a personal bond in Forms A and B respectively to observe all or any of the conditions mentioned therein and also subject to such other conditions, if any, as may be specified by the Competent Authority :

Conditions subject to which prisoners may be granted parole.

Provided that when prisoners convicted of serious offences are released on parole, a condition shall be included in the parole order directing or requiring the prisoner to report at the Police Station nearest to the place where he intends to spend his or twice a week at such intervals as may be considered expedient :

Provided further that when a prisoner applied for parole for the purpose of appearing at an examination he will not be eligible to be released on parole unless the Inspector-General of Prisons has passed an order permitting him to appear at such examination.

- |   |   |
|---|---|
| <p>Extension of<br/>the period of<br/>Parole.</p>                         | <p>25. The Competent Authority may, on the application of the prisoner or otherwise, by an order in writing, extend the period of parole for such further period or periods as may be specified in such order on the same conditions on which the prisoner was originally granted parole or on such other condition as the Competent Authority may determine.</p>   |
| <p>Parole order<br/>ineffective on<br/>Prisoners<br/>surrender</p>        | <p>26. As soon as a prisoner released on parole surrenders to the Prison Authority, his original order of release will be inoperative. Where, therefore, a prisoner who is released on parole has applied for the extension of the period of parole and before his application has been sanctioned surrenders himself to the Prison Authority he shall not be released after such surrender without obtaining a fresh release order passed by the Competent Authority.</p>  |
| <p>Intimation of<br/>release and of<br/>non-surrender of<br/>prisoner</p> | <p>27. (1) Whenever any prisoner is released on parole, an intimation of his release on parole shall forthwith be given by the Superintendent of Prison to the authority which granted him parole and copies thereof shall also be sent:—</p> <p style="margin-left: 40px;">(i) to the Inspector-General of Prisoners, Regional Dy. I. G. of Prisons.</p> <p style="margin-left: 40px;">(ii) to the District Magistrate and the District Superintendent of Police of the District in which the prisoner intends to spend his parole and if the prisoner intends to spend his parole in Greater Bombay, to the Commissioner of Police.</p> <p style="margin-left: 40px;">(2) Where a prisoner does not surrender himself to the prison authorities after the expiry of the period of parole, the Competent Authority may, if it is satisfied that any of the conditions on which the parole was granted has not been fulfilled cancel its order granting such parole. An intimation regarding such cancellation shall forthwith be given by the Superintendent of Prison to the officers specified in clause (ii) of sub-rule (1). Upon such intimation, the police authorities may arrest the prisoner, if at large, and remand him to undergo the unexpired portion of his sentence.</p> |
| <p>Application of<br/>certain rules to<br/>parole cases.</p>              | <p>28. The provisions of rules 8 (5), 10, 11 and 12 shall <b>mutatis mutandis</b> apply in the case of release of prisoners on parole.</p>  |

**Miscellaneous**

29. Every order of release on furlough or parole shall be made in Form E.

Form of order of release on furlough or parole

30. The Forms appended to these rules with such variations as the circumstances of each case requires, may be used for the respective purposes therein mentioned, and if used, shall be sufficient.

Forms in general

31. Reference to "District Magistrate" in these rules shall be construed, in relation to the Hyderabad area of the State of Bombay, as references to the Collector and Additional District Magistrate.

Reference to District Magistrate to be construed as reference to collector and Additional District Magistrate  
Repeal

32. The following rules and orders (including the forms referred to therein), that is to say:—

(i) rules, 1500, 1500-A, 1500-B, 1500-C, 1501, 1502, 1503, 1504, 1505, 1506, 1507, 1508, 1509, 1510, 1511, 1512, 1513 and 1514 contained in the Bombay Jail Manual, 1955;

(ii) rules 757, 758, 759, 760, 761, 762, 763, 764 and 765 of the Hyderabad Prisons Rules, 1955;

(iii) all rules and orders made by the Governments of the pre-reorganisation States of Saurashtra, Madhya Pradesh and Kutch in the matter of grant of furlough or parole and in force in the Saurashtra area, Vidarbha region and Kutch area of the State of Bombay, immediately before the commencement of these rules are hereby repealed.

Provided that such repeal shall not affect any furlough or parole granted under the rules or orders so repealed or the conditions on or subject to which such furlough or parole was granted, unless and until superseded or modified under the Act or these rules.

**FORM A****SURETY BOND**

(See Rules 6, 10 and 24)

I, \_\_\_\_\_ inhabitant of \_\_\_\_\_ hereby declare myself surety for \_\_\_\_\_ prisoner No. \_\_\_\_\_ and give the guarantee that he shall duly observe the conditions of release on furlough/parole set out in Schedule 'A' and shall appear himself before the Superintendent of \_\_\_\_\_ Prison at \_\_\_\_\_ on the expiration of the period of \_\_\_\_\_

his release on furlough/parole and in case of his making default herein, I hereby bind myself to pay to the Government of Bombay, the sum of Rs.

And I agree that the Government of Bombay may, without prejudice to any other rights or remedies of Government, recover from me the said sum as an arrear of land revenue.

And I agree that any extension of time given to prisoner will discharge me from my liability to pay the said amount.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

Signed by the abovenamed Surety in the present of:

1

2

Signature of the Surety.

**\* Schedule A**

(To be filled in)

\_\_\_\_\_

FORM 'B'

**PERSONAL BOND**

(See rules 7 and 24)

Whereas I (Name) \_\_\_\_\_ inhabitant of (Place) \_\_\_\_\_  
have been sentenced to undergo imprisonment for  
the term of \_\_\_\_\_ years.

And whereas the Government of Bombay/the Inspector General of Prisons, State of Bombay/the Deputy Inspector General of Prisons (Head Quarter) Dy. I. G. of Prisons (Regional)/Commissioner Division /the Assistant Commissioner has been pleased to release me on parole/furlough for the term of ( \_\_\_\_\_ ) commencing from \_\_\_\_\_

\*The conditions of release should be attached to this bond as a schedule.

and ending on \_\_\_\_\_ on condition of my executing a Personal Recognition Bond for my appearance on the following date viz.,

I hereby agree with and bind myself unto the Government of Bombay to abide by the conditions mentioned, in the Schedule attached and further agree to appear and surrender myself before the Superintendent of Prison at

O'clock on the following date viz., \_\_\_\_\_ and in case the period of parole/furlough is extended then on the date following the date of expiry of such extended period of parole/furlough and in case of my making default herein I bind myself to pay to the Government of Bombay a sum of Rs. \_\_\_\_\_ and I agree that the Government of Bombay, may without prejudice to me any other rights or remedies, recover the said sum from me as an arrear of land revenue.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19

Before me

Superintendent,  
Prison.

Signature of Prisoner.

### **Schedule**

(To be filled in)

-----

FORM C

### **BOND GIVING A CASH SECURITY**

(See Rule 10)

Whereas I (Name) \_\_\_\_\_ inhabitant of (Place) \_\_\_\_\_

\_\_\_\_\_ have been sentenced to undergo imprisonment for the term of \_\_\_\_\_ years.

And whereas the Government of Bombay/Inspector General of Prisons, State of Bombay/the Deputy Inspector General of Prisons (Headquarters)/Dy. I. G. of Prisons (Regional/Commissioner, Division/the Assistant Commissioner \_\_\_\_\_ has

been pleased to release me on furlough/parole for the term of  
 commencing from                      and ending on                      on  
 condition of my giving a cash security for my appearance on the  
 following date                      viz.,

I hereby agree with and bind myself unto the Government of Bombay  
 to abide by the conditions mentioned in the appended Schedule and further  
 agree to appear and surrender myself to the Jail Authorities at  
 at                      O'clock on the following date viz.,  
 in case the period of furlough/parole is extended then on the date following  
 the date of expiry of such extended period of furlough/parole and in case  
 of my making default herein I bind myself to forfeit to the Government  
 the sum of Rs.

Dated this                      day of                      19

Before me.

Superintendent,  
 Prison.

Signature of the Prisoner.

*Schedule*

(To be filled in)

-----

FORM D

# **FORM OF APPLICATION FOR RELEASE ON PAROLE**

(See Rule 22)

To

The Commissioner,

Division.

Sir,

I (Name of Prisoner)                      Prisoner's No. confined in  
 Prison hereby apply for parole for  
 days/weeks to go to my native place at (full address to be

given here) for the following reasons :—

Signed by the Prisoner  
before me,

Signature of Prisoner.

Jailor Prison.

Date

The prisoner confirms that the facts stated by him are true. He is prepared for the action that may be taken against him if they prove to be false.

Superintendent,  
Prison.

### IMMEDIATE

No. of  
Prison Office.

Dated,

Forwarded to the District Superintendent of Police with request  
Commissioner of Police, Bombay

to make immediate enquiries to ascertain if the ground or grounds on which parole is applied for is or are genuine and to submit his report immediately to the Commissioner,

Division mentioning **inter alia** whether he recommends the grant of parole and, if so for what period, and also whether there is a likelihood of breach of peace if the prisoner is released on parole.

Superintendent,  
Prison.

Copy, with the Nominal Roll of the Prisoner, submitted to the  
Commissioner, Division.

Superintendent,  
Prison.

Date

Place

-----



**FORM E**

(See Rule 29)

Form of order of release on furlough/parole

No. \_\_\_\_\_ .—In exercise of the powers conferred by  
rule 2/18 of the Prisons (Bombay Furlough and Parole) Rules, 1959,  
the Government of Bombay.

Inspector General of Prisons,  
Deputy Inspector General of Prisons,  
Commissioner of the Division of  
Assistant Commissioner of the Division of

hereby suspends for a period of \_\_\_\_\_ days with  
effect.

\_\_\_\_\_

CHAPTER XXXVIII  
REMISSION SYSTEM

*SECTION I : STATUTORY RULES*

[Government Notification, Home Department, No. RJM 1058 (XL)—  
IV, dated 8th March 1962]

In exercise of the powers conferred by clause (5) of section 59 of the Prisons Act, 1894 (IX of 1894), and of all other powers enabling it in that behalf and in supersession of the rules relating to remission system in force in any part of the State, the Government of Maharashtra hereby makes the following rules, namely:—

1. (i) These rules may be called the Maharashtra Prisons (Remission System) Rules, 1962.

Short title and  
commencement

(ii) They shall come into force on the 1st day of April 1962.

2. In \* [these rules,] unless the context requires otherwise—

Definitions

(a) “Act” means the Prisons Act, 1894;

(b) “prescribed standards” means the standards which in relation to different kinds of work entrusted to prisoners are considered adequate by the Jailor in charge of such work.

(c) † .....

(d) “sentence” means a sentence of imprisonment ‡ (either substantive or in lieu of fine) as finally passed on appeal or 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 and a sentence awarded by any Military Court.

3. Subject to the provisions of these rules, remission may be granted as hereinafter provided as a matter of concession only and not as of right.

Remission as  
concession and  
not right

\* Substituted by Government Corrigendum, Home Department, No. RJM. 1058 (XL)-IV, dated the 19th April 1962.

† Deleted by Government Notification, Home Department, No. RJM. 1058 (XL)-IV, dated the 2nd April 1964.

‡ Added by Government Notification, Home Department, No. RJM. 1058 (XL)-IV, dated 2nd April 1964.

Kinds of remissions	<p>4. Remission may be of the following kinds, that is to say:—</p> <p>(a) Ordinary remission;</p> <p>(b) Annual Good Conduct Remission;</p> <p>(c) Special remission; and</p> <p>(d) State remission.</p>
Authority to grant ordinary remission	<p>5. (i) The Superintendent or subject to his superintendence and control, the Senior Jailor or any other officer specially empowered by the Superintendent in this behalf shall be the authority to grant ordinary remission under these rules except that the Superintendent shall be the authority to grant such remission to prisoners confined in District Prisons, Class III.</p> <p>(ii) The grant of remission shall be made every month by the authorities mentioned in sub-rule (i) above.</p>
Prisoners eligible for ordinary remission	<p>6. Subject to the provisions of these rules, ordinary remission at the scales prescribed in rule 8 may be granted to the following classes of prisoners, that is to say—</p> <p>(a) non-habitual prisoners having a substantive sentence of rigorous imprisonment of three months and more;</p> <p>Explanation.—For the purpose of ascertaining whether or not narily be treated as standard reference;</p> <p>(b) prisoners sentenced to simple imprisonment of three months a prisoner is a habitual, the entries in court papers shall ordi-and more who volunteer to work and actually work;</p> <p>(c) * prisoners undergoing imprisonment (whether simple or rigorous) irrespective of the length of imprisonment, whether substantive or in lieu of payment of fine, who are working on conservancy jobs.*</p> <p>(d) prisoners undergoing imprisonment in lieu of fine which immediately follows and is in continuation of the sentence which makes the prisoner otherwise eligible to remission.</p> <p>(e) ex-military prisoners for the period they pass while in transit or in military custody before their admission to prisons in the State of Maharashtra.</p>
	<p>† 6A. Subject to the provisions of these rules, ordinary remission at the scales prescribed in sub-rule (iii) of rule 10 may be granted to the following classes of prisoners, that is to say:—</p> <p>(a) habitual prisoners having a substantive sentence of rigorous imprisonment of one year and more;</p>

\* \* Substituted by Government Notification, Home Department, No. RJM. 1058 (XL)-IV, dated the 2nd April 1964 and R S R 1167/55062-IV Dt. 6-1-1969.

† † Added by Government Notification, Home Department, No. RJM. 1058 (XL)-IV dated the 2nd April 1964.

(b) habitual prisoners sentenced to simple imprisonment who volunteer to work and actually work and whose unexpired portion of the sentence on the date they so volunteer to work is one year or more.†

7. Ordinary remission may not be granted to a prisoner,

Non-eligibility  
for ordinary  
remission

(a) \* If he is undergoing a sentence of imprisonment in lieu of fine or simpliciter; \*

(b) if term of sentence or the aggregate of sentences passed against him is reduced on appeal or otherwise to a period of less than three months;

(c) in whose case, the State Government has ordered that remission should not be granted.

(d) transferred to the Ratnagiri Special Prison on disciplinary grounds so long as he is confined in that prison on these grounds ;

† Note.—Prisoners transferred to Ratnagiri Special Prison on disciplinary grounds should not be granted ordinary remission during the period of their temporary confinement in other prisons on the grounds of medical treatment, attendance in Courts or the like.†

(e) (i) who, due to self-inflicted injuries, is detained in a hospital as indoor patient, or

(ii) who has resorted to hunger-strike or work-strike, for such periods as may be decided by the Superintendent.

(f) during out-periods which are not reckoned as part of sentence (being periods during bail, parole, escape, extradition and other periods which are treated as out-periods and not reckoned as part of sentence under specific orders of the State Government issued in that behalf).

8. (i) Subject to the provisions of these rules (including this rule), ordinary remission may be granted to the prisoners mentioned in column 1 of the Table below (being prisoners who are eligible for remission under rule 6) for the number of days not exceeding those shown against them in column 2 thereof :—

Scale of ordinary  
remission

\*—\* Substituted by Government Notification. Home Department, No. RJM. 1058 (XL) IV, dated the 2nd April 1964.

† — † Added by Government Order, H. D., No. RSR-1167/42671-IV, dated 28th July 1968.

Table

Category of prisoners 1	Scale of remission 2
(a) Convict Overseers ...	<p>(i) Four days per month, for good behaviour, discipline and participation in the various institutional activities, such as physical training, educational programmes and the like; and</p> <p>(ii) Five days per month, for satisfactorily performing the allotted work in accordance with the prescribed standards.</p>
(b) Night Watchmen ...	<p>(i) Three days per month, for good behaviour, discipline and participation in the various institutional activities, such as physical training, educational programmes and the like; and</p> <p>(ii) Five days per month, for satisfactorily performing the allotted work in accordance with the prescribed standards.</p>
(c) Other prisoners ...	<p>(i) Three days per month, for good behaviour, discipline and participation in the various institutional activities, such as physical training, educational programmes and the like ; and</p> <p>(ii) Four days per month, for performing the allotted work in accordance with the prescribed standards.</p>
(d) Prisoners working on conservancy jobs.	Three days per month, being a remission, in addition to the remission earned under clause (c).

(ii) Where a prisoner eligible for remission under rule 6 is unable, for reasons beyond his control (such as, court attendance or transit from one prison to another), to participate in the institutional activities during any month or if no work is allotted to him in any month, he may, if his conduct during that month was good, be granted remission at the scale earned by him during the month immediately preceding such month.

(iii) Unless otherwise directed by the Inspector General , a prisoner may be granted ordinary remission for the month in which he is released on furlough at the scale earned by him during the month immediately before his release on furlough.

(iv) Remission at the scale prescribed in clause (c), sub-rule (i) may be granted to a prisoner who is eligible for remission under rule 6, if—

(a) the inability referred to in sub-rule (ii), arises soon after his admission into the prison, or

(b) if a Medical Officer has duly certified that the prisoner being a *bona fide* indoor patient in a hospital or being convalescent, invalid or infirm, was unable to perform the allotted work in accordance with the prescribed standards during the month.

(v) Where a prisoner has been punished during any month otherwise than by a formal warning, then if he is punished for bad conduct or for any violation in relation to his work which in the opinion of the Superintendent was a minor one, the monthly remission for good conduct or for work shall be reduced by one day ; but if the misconduct or any such violation in the opinion of the Superintendent, was of a serious nature, the prisoner shall not be entitled to any remission for good conduct, or as the case may be, for work, for that month. The Superintendent shall record his reasons in writing for deciding misconduct or violation in relation to work as of a minor or serious nature.

9. (i) Subject to the provisions of these rules (including this rule), ordinary remission shall be calculated from the first day of the calendar month, if a prisoner was sentenced on that day, and in any other case, from the first day of the calendar month next following the date of his sentence.

Procedure of  
calculating  
ordinary  
remission

\*Provided that, where the broken periods spent in a jail in the months in which a prisoner is released and readmitted together exceed 30 days, the prisoner may, in respect of these months be given remission as if he had been in prison for the calendar month.\*

*Explanation.*—(1) For the purposes of sub-rule (1), all out-periods, that is to say, release on furlough or transfer from one prison to another (which are reckoned as part of sentence) shall not be treated as broken periods.

---

\*—\* Added by Government Notification, Home Department, No. RJM 0172/J-XVI, dated 7th December 1972.

[ *Explanation.*—(2) If a prisoner is promoted as a convict officer in the course of any month and as such he has got a broken period in that capacity, he shall get ordinary remission admissible to the prisoners other than the convict officers in that month.]

(ii) In the case of prisoners falling under clause (f) of rule 7, they may be eligible for remission from the first day of the calendar month next following the date of their re-admission into the prison.

(iii) No prisoner shall be granted ordinary remission for the month in which he is released.

(Iv) In the case of a prisoner, transferred from a sub-jail to a prison, the period spent by him in the sub-jail (excluding the period spent as an undertrial prisoner), shall be computed along with the period spent by him in the prison for calculating remission.

(v) If a prisoner is undergoing two consecutive sentences, one of which is for a term of three months or more, and one of the sentences is remitted on appeal or otherwise, and the other sentence is not less than three months, any remission granted to him in respect of the sentence so remitted shall be taken into consideration for shortening his consecutive sentence.

Ordinary  
remission in case  
of habitual  
prisoners.

10. (i) A habitual prisoner shall not be entitled to any ordinary remission during the period of six months commencing on the date of his first admission into the prison.

(ii) The Jailor shall, in the first week of the seventh month from the admission of such prisoners into the prison, forward a report in the Form I to the Senior Jailor of the prison about the conduct and work of each such prisoner. The Senior Jailor shall forward the report, together with his own remarks thereon, to the Superintendent, who shall, in consultation with such other officers as he thinks fit, decide upon the prisoners and the month from which they should be made eligible for the remission system provided by these rules. The Superintendent shall cause a list of such prisoners to be maintained and kept in the prison.

†[(iii) Subject to the provision of these rules (including this rule) ordinary remission may be granted to the habitual prisoners mentioned in column 1 of the Table below for the number of days not exceeding those shown against them in column 2, thereof :—

---

†—† Added by Government Notification, Home Department, No. RJM. 1058 (XL)-IV, dated the 2nd April 1964.

*Table*

Category of prisoners 1	Scale of remission 2
(a) Convict Overseers ..	<p>(i) Three days per month, for good behaviour, discipline and participation in the various institutional activities, such as physical training, educational programmes and the like ; and</p> <p>(ii) Four days per month, for satisfactorily performing the allotted work in accordance with the prescribed standards.</p>
(b) Night Watchmen ..	<p>(i) Two days per month, for good behaviour, discipline and participation in the various institutional activities, such as physical training, educational programmes and the like ; and</p> <p>(ii) Four days per month, for satisfactorily performing the allotted work in accordance with the prescribed standards.</p>
(c) Other prisoners ..	<p>(i) Two days per month, for good behaviour, discipline and participation in the various institutional activities, such as physical training, educational programmes and the like ; and</p> <p>(ii) Two days per month, for satisfactorily performing the allotted work in accordance with the prescribed standards.</p>
(d) Prisoners working on conservancy jobs.	Three days per month, being a remission, in addition to the remission earned under clause (c).

*Explanation.*—For the purpose of this rule, prisoners, initially classified as casuals and subsequently classified as habituals, shall be governed by the provisions of this rule from the date, the order of reclassification is received by the Superintendent.]†



Remission to  
prisoners  
transferred from  
Borstal School.

11. (i) An offender transferred to a prison under Section 12 of the Bombay Borstal Schools Act, 1929, shall not be entitled to any remission under these rules during the period of six months commencing on the date of his final admission into the prison after transfer.

(ii) On the expiry of such six months, the Superintendent shall, in consultation with such other officer as he thinks fit, decide upon the prisoners and the month from which they should be made eligible for the remission system provided by these rules. The Superintendent shall cause a list of such prisoners to be maintained and kept in the prison.

(iii) The prisoners specified in the list maintained under sub-rule (ii) may be granted ordinary remission according to the scale provided by the preceding rule to habitual prisoners ; and annual good conduct remission after a period of one year commencing on the date on which the prisoners became for the remission system under sub-rule (ii).

Granting of  
annual good  
conduct  
remission.

12. Where any prisoner eligible for according remission has not committed any prison offence (not being a warring) for a period of one year (excluding the period during which the prisoner is removed from the remission system), reckoned from the date of his sentence, or as the case may be, from the date on which he was last punished for a period offence, he may be granted thirty days' annual good conduct remission, in addition to any other remission.

*Example.*—A prisoner sentenced and admitted to a prison on 2nd August 1955, was removed from remission system for a period of three months from 6th December 1959. He will not be eligible for annual good conduct remission on 6th December 1960, but on 6th March 1961.

Authorities to  
grant special  
remissions.

13. The Superintendent, the Inspector General and the State Government shall be the authorities to grant special remission under these rules.

Grant of Special  
Remission.

14. Special remission at the scale prescribed in rule 16, may be granted to prisoners :—

(a) for saving the life of a Government employee or prison visitor or inmate ;

(b) for protecting Government employee or prison visitor or inmate from attack ;

(c) for preventing or assisting in preventing escape of a prisoner or apprehending a prisoner attempting to escape or intimating the attempted escape of a prisoner ;

(d) for assisting prison officers in emergencies like fire, or outbreak of a riot, strike or other like eventuality ;

(e) for assisting in preventing or detecting serious breach of prison regulates ;

(f) for marked diligence and success in imparting education and in teaching arts and crafts ;

(g) for outstanding contribution or performance in cultural activities that is to say, drama, music, sports and the like in the prison ;

(h) for consist good work in the prison industries, or agriculture, or in important prison services ; or

(i) for any other sufficient cause.

15. Subject to the provisions of sub-rule (ii) special remission (in addition to ordinary remissions) may be granted to prisoners who are eligible for ordinary remission. (ii) Where the Superintendent is of the opinion that a prisoner, notwithstanding that he is not eligible for ordinary remission, should be granted special remission under rule 14, he shall submit a report in that behalf with his recommendation in Form II to the Inspector General for orders, and on receipt of orders from the Inspector General, grant special remission to the prisoner.

Prisoners eligible  
for special  
remission

16. Subject to the provisions of rule 17, the Superintendent and the Inspector General may each grant special remission to any prisoner not exceeding 30 days in a year ; and the State Government may grant such remission to any prisoner not exceeding 120 days in a year.

Scale of Special  
remission.

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

17. (i) Each Jailor or Agricultural Officer as the case may be, shall, regard being had to the provisions of rule 14, recommend prisoners in his charge to the Superintendent.

Mode of granting  
special  
remission.

(ii) The Superintendent in consultation with the Deputy Superintendent, if any the Senior Jailor, and the prison in charge of any factory or industry run with the assistance of prisoners shall meet once a quarter or earlier if required so to by the Superintendent, to consider grant of special

remission to prisoners; and the Superintendent may grant such special remission in accordance with the scale provided by rule 16 as he thinks fit.

(iii) Where the Superintendent, after considering the recommendations submitted to him under sub-rule (i) and after consulting the officers aforesaid, is of opinion that a prisoner should be granted remission exceeding 30 days, he shall make a recommendation in that behalf to the Inspector General.

(iv) The Inspector General shall pass orders on all cases of remission submitted to him under sub-rule (iii).

State remissions,

18. The State Government may, on such occasions of national importance or public rejoicing as the State Government may determine grant remission to such prisoners for such number of days as the State Government may by order specify in this behalf.

Total of  
ordinary and  
special  
remission not  
to exceed one-  
third of  
sentence.

19. (i) The aggregate of the ordinary and special remissions granted to a prisoner shall not without the special sanction of Government exceed one-third of the sentence.

(ii) Nothing in sub-rule (i) shall apply to prisoners sentenced to imprisonment for life.

Maintenance of  
record of  
remissions.

20. (i) The Superintendent shall cause a remission sheet in Form III and a remission register in Form IV to be maintained in the prison in which, he shall cause entries about grant and cancellations, if any, of remissions to be made in accordance with the provisions of this rule.

(ii) The Section or Circle Jailor shall, on or before the last day of every month send to the Senior Jailor, a report in Form V in respect of every prisoner who does not deserve ordinary remission for that month and a report in Form VI in respect of every prisoner who deserves special remission. After taking into consideration the recommendations of the Section or Circle Jailor contained in the report, the Senior Jailor in relation to ordinary remission and the Superintendent, in relation to special remission, shall pass orders granting or refusing to grant the relevant remission in respect of each prisoner specified in the report.

Provided that, no order refusing to grant remission shall be passed without the previous sanction of the Superintendent.

(iii) The clerk in charge of the judicial work of the prison shall then enter in the remission sheet, the remission earned by each prisoner in terms of the orders passed under sub-rule (2); and such entries shall be attested by the Senior Jailor after due verification. The Senior Jailor shall report every month that the remission record in respect of each prisoner in the remission sheet has been maintained up-to-date.

(iv) The clerk in charge of the judicial work of the prison shall before the 15th day of January and 15th day of July every year, ledger these entries from the remission sheet in the remission register.

(v) The Superintendent or any officer authorized by him in his behalf may cause every prisoner to be informed not later than 15th day of February and 15th day of August, every year, of the remission granted to him during the period of six months immediately preceding the 1st day of January and 1st day of July and the total remission standing to his credit on these latter days :

Provided that remission record shall be kept confidential, and no prisoner shall be entitled to have any access thereto.

21. (i) The Superintendent shall, on or before the 15th of June and of December, each year, forward to the Inspector General, a list of prisoners who are granted special remission by him and the Inspector General during the six months immediately preceding the said dates.

Report of  
special  
remission.

(u) The Inspector General shall, after the expiry of every six months commencing on the 1st day of January, each year, submit to the State Government, a consolidated statement showing the special remissions granted to prisoners by him and the Superintendents during the period of such six months.

22. (i) Where a prisoner escapes from legal custody, the total remission earned by him up to the date of his escape shall stand \*forfeited\*.

\*Forefeiture of  
remissions.

(ii) Where a prisoner attempts to escape from legal custody or plans or abets escape, the Superintendent shall, with the previous approval of the Inspector General, pass such orders thereon as the circumstances of the case may require.

(iii) Where a prisoner, after his admission into the prison, is convicted of an offence under Sections 147, 148, 152, 224, 302, 304, 304-A, 306, 307, 308, 323, 324, 325, 326, 327, 332, 333, 352, 353 or 377 of the Indian

---

\*—\* Substituted by Government Notification, Home Department, No. RJM/0173/I-XVI, Dated 31st May 1975.

the previous sanction of the Inspector General, \*forfeit\* any remission earned by such prisoner.

Power of Superintendent to 'Forfeit' remissions by way of punishment etc.

23. Subject to the provisions of rule 22, a Superintendent may punish any prison-offence under †[Section 46 of the Act, in either of both the following methods, that is to say, by]†

(a) \*forfeiting\* any ordinary or special remission for a period not exceeding 60 days. ‡ ..... ‡

(b) removing any prisoner from the remission system for a period not exceeding one year :

Provided that where the Superintendent is of opinion that higher punishment by way of forfeiture of remission or removal from the remission system §(or both)§ is necessary in the case of any prisoner, he may, with the previous sanction of the Inspector General, award such higher punishment (including permanent removal from the remission system).

Removal and restoration to remission system.

24. (i) Where a prisoner is temporarily removed from the remission system under rule 23, the order of temporary removal shall state specific period for which the prisoner has been so removed from the remission system.

(ii) The Superintendent may, with the previous sanction of the Inspector General, readmit to the remission system any prisoner, who has been permanently removed therefrom under rule 23, if his conduct in prison justifies it subsequently :

Provided that where, after the order of permanent removal from the remission system is made, the prisoner is transferred to another prison the Superintendent of the prison, where the prisoner is transferred, shall submit his recommendation for restoring him to the benefits of remission system, to the Inspector General through the Superintendent who removed him from the remission system and such prisoner may be made eligible for remission from the commencement of the month next following the month of his readmission to the remission system.

\*.....\* Substituted by Government Notification, Home Department, No. RJM-0173/1-XVI, dated 31st May 1975.

†.....† Substituted by Government Notification, Home Department, No. RJM-0173/1-XVI, dated 17th July 1973.

‡.....‡ Deleted by Government Notification. Home Department, No. RJM-0173/1-XVI, dated 17th July 1973.

§.....§ Added by Government Notification, Home Department, No. RJM-0173/1-XVI, dated 17th July 1973.

25. When the prisoners on the remission system are transferred to other prisons, the remission sheets, duly checked and attested by the Jailor and the Senior Jailor shall be sent to the prison where the prisoner has been transferred.

Transfer of prisoners on the remission system.

26. The State Government or the Inspector General may, at any time, call for the record of the case regarding remissions granted to a prisoner and if it or he is satisfied that any prisoner was granted remission without sufficient reasons, by order, revoke, in whole or in part, any ordinary or special remission granted to such prisoner or remove him from the remission system for the period specified in the order.

Power of State Government and Inspector General of revoke remission.

-----  
FORM I

[Rule 10 (ii)]

*Report regarding conduct and work of a habitual prisoner*

- |                           |    |
|---------------------------|----|
| 1. Number of prisoner     | .. |
| 2. Name of prisoner       | .. |
| 3. Sentence               | .. |
| 4. Date of sentence       | .. |
| 5. Conduct and discipline | .. |
| 6. Work                   | .. |
| 7. General remarks        | .. |

Date :

Signature of Jailor.

Signature of Senior Jailor.

Signature of Superintendent.

-----  
FORM II

[Rule 15 (ii)]

*Report of Superintendent recommending grant of special remission to prisoners*

- |  |    |
|--|----|
| 1. Number of prisoner  | .. |
| 2. Name of prisoner  | .. |
| 3. Sentence  | .. |
| 4. Date of sentence  | .. |
| 5. Conduct and discipline  | .. |
| 6. Grounds on which the prisoner deserves to be granted special remission. |    |

Date :

Signature of Superintendent.

-----

FORM III  
[ Rule 20 (i) ]  
*Remission Sheet*

Prisoner's Number ..... Prison. Sentence .....

Prisoner's Name ..... Date of Sentence .....

Probable of date of release .....

Month	Ordinary Remission	Remission for conservancy	Annual Good Conduct Remission	Special Remission	State Remission	Total of 2, 3, 4, 5 and 6	Forfeiture of Remission	Balance	Signature of  Junior Jailor Clerk
1	2	3	4	5	6	7	8	9	10

568

Signature of Senior Jailor.

Date :

-----

Form IV

# Remission Register



FORM

[ Rule

*Remission*

## REMISSION REGISTER OF THE

Serial No. of the year	Register No.	Name of Prisoner	Sentence				
			Years ..... Months ..... Days .....				
			Date of Sentence— Date of Release .....				
Payment of Fine			Jailor-in-charge of Judicial Work. Senior Jailor.				
Amount Authority and date.							
Released on Parole					Released on furlough		
Date of Release	Period granted	Date of Surrender	Sanctioning Authority	Total Number of Days on Parole	Date of Release	Date of Surrender	Authority's Remarks
Result of Advisory Board		1st Advisory Board		2nd Advisory Board		3rd Advisory Board	
<div> <div> 14 Years Report due on .....  Date of Submission .....  Result of 14 years Report .....  .....  .....  .....  Promoted to <u>Night Watchman</u> on .....  <u>Convict Overseer</u>  Conservancy Work </div> <div> Modification in date of release on account of  1 ..... 12 .....  2 ..... 13 .....  3 ..... 14 .....  4 ..... 15 .....  5 ..... 16 .....  6 ..... 17 .....  7 ..... 18 .....  8 ..... 19 .....  9 ..... 20 .....  10 ..... 21 .....  11 ..... 22 ..... </div> </div>							

## IV

20 (i) ]

*Register*

..... PRISON FOR THE YEAR

Particulars	Half yearly Remission in days for the period ending													
	19		19		19		19		19		19			
	June	Decem-ber	June	Decem-ber	June	Decem-ber	June	Decem-ber	June	Decem-ber	June	Decem-ber		
1. Ordinary Remission.														
2. Annual Good Conduct Remission														
3. Special Remission.														
4. State Remission														
5. Total ..														
6. Forfeiture ..														
7. Balance ..														
8. Grand Total ..														
					Total Remissions in Days on Transfer/Release									
					Total Remission brought over ...								Days	
					Other earning ...									
					Total earning ...									
					Jailor.								Senior Jailor.	
					Signature of Superintendent.									

-----

## FORM V

[ Rule 20 (ii) ]

*Report about prisoners who do not deserve ordinary remission*

Yard/Section/Barrack

Month ..... Year .....

1. Number of prisoner ...
2. Name of prisoner ...
3. Conduct and discipline ...
4. Work ...
5. Education ...
6. Participation in institutional activities  
(Physical training, recreational activities etc.)
7. General remarks ...

Date :

Signature of Jailor.

Signature of Senior Jailor.

Signature of Superintendent.

## FORM VI

[ Rule 20 (ii) ]

*Report about prisoners who deserve special remission*

1. Number of prisoner ...
2. Name of prisoner ...
3. Grounds on which the prisoner  
deserves to be granted special remission.

Date :

Signature of Jailor.

Signature of Senior Jailor.

Signature of Superintendent.

## SECTION II : NON STATUTORY RULES

Purpose of  
remission.

1. Remission is intended to be an incentive for good behaviour, discipline, work and participation in physical training, educational programmes and other institutional activities. It should be granted in consideration of the Prisoner's behaviour, discipline, work and general response to the various institutional programmes.

State Remission  
not to be  
forfeited.

2. State Remission granted under rule 18 shall not under any circumstances, be forfeited.

## CHAPTER XXXIX

## REVIEW AND REMISSION OF SENTENCES

## PART I

## SECTION I : STATUTORY RULES

[Government Notification, Home Department No. RJM-1058 (XLII)-XVI, dated 11th December 1970]

In exercise of the powers conferred by clauses (5) and (27) of Section 58 of the Prisons Act, 1894 (IX of 1894), in its application to the State of Maharashtra, and of all other powers enabling it in that behalf and in supersession of the rules relating to review and remission of sentences in force in any part of the State, the Government of Maharashtra hereby makes the following rules, namely:—

1. (i) These rules may be called the Maharashtra Prisons (Review and Remission of Sentences) Rules, 1970.

Short title and commencement.

(ii) They shall come into force on the 10th day of January 1971.

## REVIEW AND REMISSION OF SENTENCES

2. (i) Every case of a Woman convicted criminal prisoner, sentenced to death or life imprisonment for infanticide (where the child is killed by the mother within six months of its birth) and cases of other deserving women prisoners\* sentenced to death, life imprisonment or to any term of imprisonment, shall be immediately reported by the †Superintendent to the Inspector General† for orders of the State Government with a view to commutation or remission of the sentences passed upon such prisoner. The following documents shall be sent along with the report:— (a) a copy of the judgment, (b) a copy of the warrant, (c) nominal roll, as in Form I, (d) Social History as in Form II.

Cases of Women prisoners to be submitted to Government.

(ii) It shall be stated in the report as to whether the prisoner has preferred an appeal or not. The Superintendent shall also ascertain and report whether the prisoner can be admitted to a selected Home for women and whether the prisoner is willing to reside in such Home and abide by the conditions set out.

\* Deleted by Government Notification, Home Department No. RJM-1058 (XLII)-XVI, dated 21st July 1971.

† Substituted by Government Notification, Home Department No. RJM-1058 (XLII)-XVI dated 21st July 1971.

(iii) Where a women prisoner is transferred to a Home referred to in sub-rule (2) under orders of Government to pass the unexpired portion of the sentence, the Superintendent, shall communicate the date of her release to the †Officer-in-Charge the Home and the Inspector General.

Certain cases of women prisoners not to be reported to Government under preceding rule.

3. Cases of women convicted criminal prisoners, sentenced for causing miscarriage or abortion or cases in which step children have been murdered shall, however, not to be reported to the State Government under the preceding rule.

Detention of Youthful Offenders in Borstal School.

4. Where a prisoner who is admitted into a prison is not more than twenty-one years of age and is sentenced to imprisonment for a term of more than three years the Superintendent shall, having regard to the prisoner's social status and previous record, if any, immediately on his admission into the prison, submit his nominal roll to the Inspector General for orders for detaining him either in a Borstal School or in a prison for Youthful Offenders.

Review of cases of adolescent prisoners.

5. (i) Where in any case the sentence passed by a Court other than the High Court or the order passed under Section 123 of the Code of Criminal Procedure, 1898 in the consequence of which† an adolescent prisoner †is undergoing imprisonment seems to require further consideration, the Superintendent shall at once report the case to the Inspector General together with a copy of the nominal roll, a copy of the judgment or order and the form of preliminary enquiry, if any, of the prisoner. The Inspector General after considering the report may decide that:—

(i) No action is necessary, and return the report along with its accompaniments to the Superintendent informing him of his decision, or

(ii) The High Court may be moved to exercise its revisional jurisdiction and he may send his proposal to do so, (a) in the case of a sentence passed by a court in Greater Bombay other than the High Court, to the High Court through the Public Prosecutor for Greater Bombay, (b) in the case of a sentence passed by a Judicial Magistrate elsewhere, to the Sessions Judge to whom such Judicial Magistrate is subordinate, and (c) in the case of sentence passed by a Sessions Judge, to the High Court.

(iii) The case is fit for orders to be passed under Section 11 of the Bombay Borstal School Act, 1929 and may pass orders himself where he is competent to do so.

---

† Subsisted by Government Notification, Home Department No. RJM-1058 (XLII)-XVI, dated 21st July 1971.

## FORM I

(Rule 2)

*Nominal Roll of Prisoners*

Serial No.	Register No.	Name	Age	Crime	Sentence and date		Result of Appeal	Conduct	Remarks
					Sentence	Date of Sentence			

## FORM No. II

(Rule 2)

*Social History*

1. Name of the Prisoner ...
2. Number of the prisoner ...
3. Age ...
4. Sentence ..
5. Section ...
6. Habitual or casual ...
7. Legal history and statement of the prisoner regarding present and previous crimes if any
8. Social History—
  - (a) Childhood ...
  - (b) Family history ...
  - (c) Health history ...
  - (d) Neighborhood ...

- (e) Educational Background ..
- (f) Adolescence ..
- (g) Economic background ..
- (h) Employment history ..
- (i) Associations, companionship etc., ..
- (j) Habits attitude etc. ..
- 9. Personality (general impressions only).
- 10. Clues regarding sequence of criminal behaviour.
- 11. Is she a social or individual criminal ?  
Is she an ordinary criminal “careerist or\*  
a professional criminal/an organised  
criminal ? Is her criminal act, behaviour of  
the moment or is it eruptive behaviour ?
- 12. Is her maladjustment at the surface level  
or at deep level ?
- 13. What are her defects and weaknesses ?
- 14. What are her assets ?
- 15. Which are the favourable/unfavourable  
points for her rehabilitation ?

## SECTION II : NON-STATUTORY RULES

[Framed under Government Resolution, Home Department, No. RJM-1058 (XLII)-XVI, dated 11th December 1970]

In determining whether a prisoner is eligible for admission to an Industrial School or other institution for Juveniles, the age as recorded by the convicting courts in the warrant shall be accepted.

---

\*—\* Substituted by Government Notification, Home Department No. RJM-1058 (XLII)-XVI, dated 21st July 1971.

**Part—II****SECTION I : STATUTORY RULES**

[Government Notification, Home Department, No. RJM-1058 (XLI).  
XVI, dated 6th September, 1972.]

In exercise of the powers conferred by clauses (5), (7) and (27) of section 59 of the Prisons Act, 1894 (IX of 1894), in its application to the State of Maharashtra, and of all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the following rules, namely :—

1. (i) These rules may be called the Maharashtra Prisons (Review of Sentences) Rules, 1972.

Short title and  
commencement

(ii) They shall come into force on the 1st day of November 1972.

2. In these rules, unless the context requires otherwise,—

(a) “Act” means the Prisons Act, 1894 ;

(b) “imprisonment” includes imprisonment imposed by a Court in default of payment of fine;

(c) “Classification Committee” means the Work Assignment Committee constituted at a prison under rule 14 of the Maharashtra Prisons (Employment of Prisoners) Rules, 1965 ;

(d) “Form” means a form appended to these rules.

3. (i) With a view to reviewing from time to time and assessing how far a sentence had salutary and reformatory influence with reference to the record of a prisoner, there shall be constituted an Advisory Board, at—

Constitution of  
Advisory Board

(a) Bombay Central Prison, Sane Guruji Road, for prisoners confined in the prisons in Greater Bombay ;

(b) Each Central Prison, for prisoners confined therein;

(c) Such other prisons as may be specified by the State Government.

(ii) Cases of prisoners eligible for review by Advisory Boards (being prisoners confined in prisons for which no Advisory Board is constituted) shall be reviewed by such Advisory Board as the Inspector General of Prisons may specify in that behalf.

4. (i) Greater Bombay, the Advisory Board shall consist of the Chief Presidency Magistrate, the Commissioner of Police, Greater Bombay, the Superintendent, Bombay Central Prison, and three non-official members nominated by the State Government. The Chief Presidency Magistrate shall be the President of the Board, and the Superintendent, Bombay Central Prison, Sane Guruji Road, shall be its Member-Secretary.

Members of  
Advisory Board.



(ii) Elsewhere, the Advisory Board shall consist of the District Magistrate, the Sessions Judge, the Deputy Inspector General of Police of the Range at a Central Prison and the Superintendent of Police of the District at any other prison and the Superintendent of Prison and three non-official members nominated by the State Government. The District Magistrate shall be the President of the Advisory Board and the Superintendent of the Prison shall be its Member-Secretary.

Appointment of  
nominated  
members

5. The appointment of the three nominated members under rule 4 shall be made for a period not exceeding three years, preferably from amongst—

(a) Members of the State Legislature, or

(b) Social scientists or social workers interested in correctional work, in prison administration and in prisoner's welfare generally:

Provided that, the State Government may, at any time without assigning any reasons terminate the appointment of any nominated member before the expiry of the period of his appointment.

Nature of cases  
to be reviewed by  
Advisory Board.

6. (i) The Advisory Board shall meet every six months to review the sentences of non-habitual offenders sentenced to terms of imprisonment of three years or more. The cases of such prisoners sentenced to terms of imprisonment indicated in column 2 of the table below shall, subject to the provisions of sub-rule (2), be submitted to the Board on completion of the period of imprisonment (inclusive of the periods of remissions earned), as indicated in column 3 of the table :—

*Table*

Category of prisoners	Terms of imprisonment	Completion of period of imprisonment
1	2	3
(i) Women-prisoners ..	3 years or more	On undergoing half of substantive sentence inclusive of remissions.
(ii) Old and infirm prisoners.	Do.	Do.
(iii) Prisoners other than those mentioned in (ii).	5 years or more	On undergoing two-thirds of substantive sentence inclusive of remissions.
(iv) Prisoners sentenced to life imprisonment.	Imprisonment for life.	On undergoing 12 years of substantive sentence inclusive of remissions.

(ii) Where any such non-habitual offender is found to be guilty of committing a prison offence for which he is awarded a major prison punishment within a period of one year before the date on which his case is due for submission to the Advisory Board, his case shall not be submitted to the Advisory Board for a period of six months after it is due for submission.

7. There shall be maintained a Review File for each prisoner whose case is eligible for review. The File shall contain— Review File.

- (i) A copy of the judgment or heads of charges to the Jury ;
- (ii) The social history as in Form I;
- (iii) Initial classification sheet in Form II and progress report in Form III;
- (iv) A report from the Superintendent as in Form IV;
- (v) A report from the Medical Officer about the physical and mental condition of the prisoner and his fitness for release ;
- (vi) A summary sheet in Form V;
- (vii) The opinion of the Superintendent of Police and the District Magistrate, or the Commissioner of Police, concerned, as the case may be;
- (viii) The recommendation of the Advisory Board;
- (ix) The Government order ;
- (x) A close-up sheet.

8. (i) On the admission of a convicted criminal prisoner, whose case may become eligible for review, the Superintendent shall obtain a record of his character and antecedents in Greater Bombay, from the Commissioner of Police, Greater Bombay, in the City of Pune from the Commissioner of Police, Poona and in the City of Nagpur from the Commissioner of Police, Nagpur and from the Superintendent of Police concerned elsewhere and a copy of the judgment or heads of charges to the jury from the court which passed the sentence. Where neither the judgment nor the heads of charges has been recorded in the case of a convicted criminal prisoner tried by the City Sessions Court, Bombay, the Superintendent shall call for copies of depositions in the Committing Magistrate's Court from the Clerk of the Court.

Procedure for  
keeping records  
of prisoners  
ready.

(ii) If the original sentence is modified in appeal, the Superintendent shall obtain direct from the appellate court concerned, a copy of the judgment soon after the decision of the appellate court is made known to him by the court concerned.

(iii) In the case of prisoners sentenced by Court Martial, the Superintendent shall obtain the information about the antecedents and character together with a brief statement of the offence from the Adjutant-General of India. The Superintendent shall, in cases where a Court Martial does not record any judgment, obtain all possible relevant information about the ex-military prisoner from the authorities concerned.

(iv) The Superintendent shall, in the case of a prisoner who is a resident of the State but who has been convicted by a court in any other State, obtain all relevant information as detailed above, from the authorities of the district in which the offender had lived and where the offence was committed.

Copies of  
judgement to be  
in Review File.

9. The copy of judgment received from the Court shall, on receipt, be immediately attached to the warrant of the prisoner concerned. A note about the receipt of the copy of judgment shall be recorded in the history-ticket of the prisoner under the initials of the Senior Jailor.

Supply of finger  
print impressions  
of prisoners.

10. Where information regarding character and antecedents of a prisoner is to be called for from the police for placing it before the Advisory Board, the Superintendent shall, if the prisoner is not sentenced under Chapter XII or Chapter XVII of the Indian Penal Code, or sentenced for an offence for which finger print impressions are usually taken, furnish to the police copies of finger print impressions of the prisoner.

Superintendent  
to obtain  
opinions of local  
officers before  
submitting case  
to Advisory  
Boards.

11. (i) Where sentence is due for review, the Superintendent shall, for the purpose of placing it before the Advisory Board, obtain definite recommendation in Form VI for or against the release of the prisoner, in Greater Bombay from the Commissioner of Police, Greater Bombay, in the City of Pune from the Commissioner of Police, Pune in the City of Nagpur, from- the Commissioner of Police, Nagpur, and elsewhere, from the Superintendent of Police and District Magistrate of the district in which the prisoner is ordinarily residing as well as from the Superintendent of Police and District Magistrate of the district in which he was convicted.

(ii) The Superintendent shall, before the case of any prisoner is re-submitted for review to the Board, obtain fresh opinions of the officers referred to in sub-rule (1).

Classification  
Committee to  
prepare progress  
report of  
prisoner.

12. During the month preceding the month in which the meeting of the Advisory Board is fixed, the Classification Committee shall take an overall review of the progress made by prisoner, whose case is to be placed before the Advisory Board in reshaping his individual and social behaviour and prepare a comprehensive progress report in Form III,

containing amongst other things, specific recommendations for or against the premature release of the prisoner for being placed before the Advisory Board.

13. (i) On the 15th of February and 16th August since the last meeting, if any, of the Board, the Senior Jailer shall, with the help of the jailor and the clerk to whom the work has been entrusted by the Superintendent, prepare a statement of all convicted criminal prisoners, whose sentences have become due for such review according to the provisions of the foregoing rules, and submit the statement to the Advisory Board.

Procedure for placing cases before meeting of Advisory Board.

(ii) The Advisory Board shall, on receipt of the statement under sub-rule (1), hold the meeting as soon as possible after the 31st March and 30th September, but not later than April and October every year, to consider, with regard to each convict, the information placed before it.

14. The Advisory Board shall meet at the respective prisons to review the cases of non-habitual offenders coming within its scope in accordance with the provisions of these rules.

Place of meeting of Advisory Boards.

15. The date of each meeting of the Advisory Board when fixed by the President of the Board shall be communicated at least seven days before the meeting by the Superintendent of Prison to the Inspector General and, to the official and non-official members of the Board.

Intimation of date of meeting of Advisory Board.

16. (i) The Board shall consider the social history of the prisoner, the circumstances of his criminal behaviour, conduct in the prison, response to training and treatment, marked changes in habits, attitude and character, degree of criminality, health and mental condition and the possibility of his resettlement after release. The Board may also take into consideration such circumstances as were not before the court when the sentence was awarded. The Board shall also consider the opinion of the Commissioner of Police concerned, the Superintendent of Police and the District Magistrate. On the basis of such overall examination of the case, the Board may recommend deserving prisoners for premature release, after recording the reasons for the recommendation in every case.

Proceedings of Board.

(ii) The Board shall not interview any prisoner, unless it has special reasons to see him (e.g. when release is proposed on the ground of infirmity) or to ask him pertinent questions in connection with his release.

(iii) Where the Advisory Board, after consideration of a case, decides not to make any recommendation for premature release, it may order that the case shall be placed before it for review after such period not exceeding three years as it may specify in the order. The Board may also recommend alternate measures in respect of treatment of the prisoners.

(iv) The minutes of the meetings shall be recorded in the Register specially kept for the purpose under the signatures of all the members present at the meeting.

(v) No prisoner or any of his relatives shall be informed of the Boards recommendation for the release of the prisoner except the orders of the State Government for his release.

Recommendations  
of Advisory  
Boards to be  
submitted to  
Government for  
orders.

17. The Superintendent shall submit the recommendations of the Advisory Board together with the documents relating to the prisoners recommended for premature release to the State Government through the Inspector General. The Inspector' General shall forward the papers to the State Government with his remarks for orders.

Cases once  
recommended  
for premature  
release by  
Advisory Boards  
not to be placed  
before them  
again.

18. (i) Cases of prisoners sentenced to imprisonment for a period of three years or more and imprisonment for life which are recommended by the Advisory Board for premature release and ordered by the State Government to be postponed for consideration at a further date shall not be placed by the Superintendent before the Advisory Board, again.

(ii) If the case of a prisoner becomes due for review by the Advisory Board, two months\* before the date on which the prisoner's case is due for submission under rule 25, the Superintendent shall submit the case of the prisoner to the State Government under rule 25 after it is reviewed by the Advisory Board.

(iii) The Superintendent shall not place cases of prisoners submitted to the State Government under rule 25 before the Advisory Board.

Obtaining of  
fresh opinions of  
local Officers  
before  
resubmission of  
case to State  
Government.

19. The Superintendent shall, before resubmitting cases of prisoners (being cases which have been ordered by the State Government to be postponed for consideration), obtain fresh opinions of all the officers concerned again.

Submission of  
information  
about co-accused.

20. The Superintendent shall send to the Inspector General information regarding co-accused of a prisoner along with papers for the Advisory Board in Form VII in duplicate.

---

\* Substituted by Government Notification, Home Department No. RJM 0172/14 (XLI)-XVI, dated 7th April 1973.

21. (i) With a view to reviewing sentences of prisoners who at the time of commission of the offence were not less than 16 years and not more than 23 years of age (hereinafter referred to as adolescent prisoner) by taking into consideration factors like nature of the crime, circumstances of criminal behaviour, the period of sentence already undergone, interruption in education, conduct in jail, response to training and treatment, there shall be constituted a Special Advisory Board in prisons which are classified for confinement of such prisoners.

Constitution of Special Advisory Boards for prison where adolescent prisoners are confined.

(ii) The Board shall consist Of the District Magistrate and the Sessions Judge of the District, in which the prison is situated, the Superintendent of the prison and three non-official members to be nominated by the State Government.

(iii) The District Magistrate shall be the President, and the Superintendent shall be the Member-Secretary, of the Board.

(iv) The appointment of the three nominated members shall be made for a period not exceeding three years preferably from amongst—

(a) The members of the State Legislature, or

(b) Social scientists or social workers interested in correctional work in prison administration and prisoners' welfare generally:

Provided that, it shall be lawful to the State Government at any time to terminate the appointment of any nominated member before the expiry of the period of his appointment,

22. (i) The Special Advisory Board shall meet every six months to review the sentences of adolescent prisoners sentenced to a term of imprisonment of three years and above. The cases of such prisoners shall be put up on their undergoing half of the substantive sentence inclusive of remissions, if any.

Meeting of Special Advisory Board.

(ii) The Superintendent shall arrange to have record and relevant documents prepared and placed before the Special Advisory Board. The Special Advisory Board shall examine the records placed before it and may (regard being had to the nature of the crime, offence, the period of imprisonment undergone by the prisoner, conduct in the prison, response to training and treatment therein and other like factors) make any of the following recommendations in each case, namely:—

(a) That the adolescent prisoner may be released either conditionally or otherwise. If any conditions are to be imposed, the Special Advisory Board shall state specifically those conditions, or

(b) That the adolescent prisoner may be retained in the prison for adolescent till he attains the age of 23 years when his case may again be reviewed, or

(c) That the adolescent prisoner concerned may be transferred to a prison where adult prisoners are confined.

Further action  
on  
recommendations  
of Special  
Advisory Board.

23. (i) The Superintendent shall forward the proceedings of the Special Advisory Board to the Inspector General with his remarks.

(ii) The recommendations of the Special Advisory Board for the release of the adolescent prisoner in question shall be submitted by the Inspector General to the State Government for orders together with his remarks.

(iii) The recommendations of the Special Advisory Board regarding the further retention of a \prisoner in the prison for adolescents after attaining the age of 23 or his transfer from that prison shall be submitted to the Inspector General for orders.

Review of cases  
of habitual  
offenders.

24. (i) The cases of habitual offenders undergoing imprisonment shall not be brought before the Advisory Board:

The Inspector General shall review the cases of habitual offenders (not being sentenced to life imprisonment) who have undergone at least five years' actual imprisonment and, if he is of the opinion that any such habitual offender deserves to be released prematurely, he shall submit such cases to the State Government for orders.

(ii) The Superintendents of those prisons where habitual offenders sentenced to imprisonment for a term exceeding five years are confined shall submit to the Government for orders, through the Inspector General, the cases of those habitual offenders (not being sentenced to life imprisonment) who have undergone three years' actual imprisonment but who, on account of their exemplary conduct in the prison coupled with other weighty considerations, such as, extremely advanced age, extreme infirmity, or serious illness not falling within the scope of rule 30, are considered fit for premature release.

*Explanations.*—Where a casual prisoner is convicted in a second case and classified as a habitual offender at the time of awarding the second sentence, the provisions of this rule shall apply in his case from the date of his second conviction.

Submission of  
cases of  
prisoners  
sentenced to life  
imprisonment,  
etc., to the State  
Government.

25. (i) The Superintendent shall report cases of all prisoners sentenced to : (1) More than fourteen years' imprisonment, (2) life imprisonment, or (3) imprisonment for a term exceeding fourteen years in the aggregate, to the Inspector General one month in advance of the date on which



the term of imprisonment undergone together with all remissions granted amounts to fourteen years. The following documents shall be sent alongwith the report, namely:—(a) nominal roll (in duplicate) in Form VIII. (b) a copy of judgment, (c) a copy of warrant (in duplicate), (d) the register of prisoner (Review Board) in Form IX( (e) the statement of character and antecedents.

(ii) The Superintendent shall send the report alongwith a forwarding letter which shall contain the following information, namely :—(a) nature of the crime committed by the prisoner :

(b) factors in the causation of crime apart from those mentioned in the copy of judgment, (c) opinion of officers, obtained under rule 26, (d) whether the reformatory treatment programme helped in the transformation of the prisoner concerned, and if so, in what way, (e) the post-release programme of the prisoner, (f) the position about the case of co-accused of the prisoner, if any.

(iii) On receipt of the report under sub-rule (1), the Inspector General shall forward all the papers to the Government for orders, with his remarks as respects the desirability or otherwise of premature release of the prisoner.

(iv) the orders of the State Government referred to in sub-rule (3) shall be communicated to the prisoner or any of his relatives.

26. (i) Where a convicted criminal prisoner prior to his conviction resided—

(a) in a district and was convicted by any court in that district, the Superintendent shall consult the Superintendent of Police and the District Magistrate of that district;

(b) in a district, but was convicted by any court in Greater Bombay, in Pune City, in Nagpur City or *vice versa*, the Superintendent shall consult both the Superintendent of Police and District Magistrate of the District, and the Commissioner of Police concerned ;

(c) in Greater Bombay, or in Pune City or in Nagpur City and was convicted by any court therein, the Superintendent shall consult the Commissioner of Police concerned, alone;

(d) in a district and was convicted by any court therein which is neither his place of origin, nor his place of ordinary residence, nor any offence was committed in that district, then the Superintendent shall consult the Superintendent of Police and the District Magistrate of the district in which the offence was committed, as well as the Superintendent of Police and the District Magistrate of the district to which the prisoner originally

Opinions of  
officers to be  
obtained by  
Superintendent.



belonged, and the Superintendent shall obtain the opinion of these officers regarding the premature release of the prisoner.

Premature  
release of  
prisoner in  
danger of death  
on medical  
grounds.

27. (i) Where a prisoner is suffering from illness, other than an acute infectious disease, of such nature or severity, that there is no hope of recovery, and it is considered desirable to allow him the comfort of dying out of prison, the Medical Officer shall send a certificate in Form X together with a detailed report of the case to the Superintendent.

(ii) Where a Medical Officer considers that any prisoner is in danger of death from illness other than acute infectious disease, and that the illness will be aggravated by keeping him in the prison, and that the prisoner's release is desirable, he shall send a certificate to that effect together, with a detailed report of the case to the Superintendent.

(iii) On receipt of the certificate, the Superintendent shall immediately address the prisoner's relatives or friends, if any, and ascertain from them whether they are willing to look after the prisoner. If they are willing, then the Superintendent shall require them to execute a security bond to the effect that they shall hand over the prisoner committed to their care to the Superintendent at any time required by the Superintendent. The security bond shall be for such amount not less than five hundred Rupees and not more than one thousand rupees as the Superintendent may think fit.

(iv) Where the unexpired period of sentence of a prisoner (not being a prisoner who has not been habitually associated with other persons for the commission of murder, dacoity or other heinous crime), exceeds six months, the Superintendent shall enquire of the District Magistrate of the district in which the crime was committed, and in Greater Bombay, of the Chief Presidency Magistrate, whether there is any objection to the release of the prisoner on medical grounds.

(v) The case shall then be forwarded to the Inspector General with the following documents, namely:—

(a) Forwarding letter stating that the prisoner's relatives or friends are willing to take care of him, if released :

(b) The nominal roll in duplicate ;

(c) A copy of warrant in duplicate ;

(d) A copy of judgment;

(e) The medical case ;

(f) The Medical Officers certificate ;

(g) The opinion of the District Magistrate;

(h) The security bond signed by the prisoner's relatives or friends (if taken) (when the bond is not taken, then a remark that it will be taken at the time of release should be made in the note under which the case of the prisoner is forwarded to the Inspector General).

(vi) The Inspector General shall forward all the documents to the State Government for orders, together with his remarks. Before passing orders, the State Government may, if it considers necessary, refer the case to the Standing Medical Board for , opinion.

(vii) Where the unexpired sentence of the prisoner does not exceed six months, the Superintendent shall submit the case with all the papers mentioned in sub-rule (5) (except the opinion of the District Magistrate) to the Magistrate of the district in which the offence was committed, and to the Chief Presidency Magistrate, if the prisoner was sentenced by a Court in Greater Bombay, who, if he agrees with the proposal, shall order the prisoner's release subject to the subsequent sanction of the State Government.

28. Where a prisoner has undergone less than three months of imprisonment (exclusive of remissions earned) or where the District Magistrate, or as the case may be, the Chief Presidency Magistrate, does not agree with the proposal of release of the prisoner submitted to him, the District Magistrate in respect of his District, or the Chief Presidency Magistrate in respect of Greater Bombay, shall submit the case of release of the prisoner to the State Government for orders together with his remarks.

Nature of cases to be submitted to Government by District Magistrates and Chief Presidency Magistrate, Bombay.

*Explanation.*—In this rule, a prisoner means a prisoner who is in danger of death from illness other than acute infectious disease and whose illness will be aggravated by keeping him in the prison and the release is desirable in the opinion of the medical officer.

29. The Superintendent shall report the date of release of a prisoner to the Inspector General together with the bond signed by the prisoner's relatives or friends.

Date of release to be reported to Inspector General

30. If a prisoner detained under sentence of imprisonment in default of furnishing security.—

Release of prisoner sentenced in default of furnishing security who is sick.

(a) is in danger of death from sickness, not produced or aggravated by his wilful act and provided the unexpired term of his sentence does not exceed six months, or

(b) is in such state of health as, in the opinion of the Superintendent, to render it highly unlikely that he will, during the period for which he is ordered to be detained commit a breach of the peace, or be not of

good behaviour within the meaning of Section 110 of the Code of Criminal Procedure, 1898, the Superintendent shall refer his case with full particulars to the Magistrate of the district in which he was ordered to furnish security or if the order to furnish security was passed in Greater Bombay, to the Chief Presidency Magistrate, who may, in exercise of the discretion given to him by Section 124 of the Code, release the prisoner without referring his case to the State Government. All such release cases shall be reported immediately to the Inspector General.

Repeal. 31. (i) All rules relating to the review of sentences in force in any part of the State before the commencement of these rules which correspond to these rules shall stand repealed.

(ii) For the avoidance of any doubt, it is hereby declared that nothing in sub-rule (1) shall apply to the Maharashtra Prisons (Review and Remission of Sentences) Rules, 1970.

#### FORM I

(Rule 7)

#### SOCIAL HISTORY

1. Name of the prisoner ..
2. Number of the prisoner ..
3. Age ..
4. Sentence ..
5. Section ..
6. Habitual or casual ..
7. Legal history and statement of the prisoner regarding present and previous crimes if any.
8. Social History—
  - (a) Childhood ..
  - (b) Family history ..
  - (c) Health history ..
  - (d) Neighbourhood ..
  - (e) Educational background ..
  - (f) Adolescence ..
  - (g) Economic background ..

- (h) Employment history ..
- (i) Associations, companionship etc. ..
- (j) Habits, attitudes etc. ..
- 9. Personality (general impressions only) ..
- 10. Clues regarding sequence of criminal behaviour
- 11. Is he/she social or individual criminal ? Is he/she ordinary criminal/careerist or a professional criminal/an organised criminal ? Is his/her criminal act, behaviour of the moment or is it eruptive behaviour ?
- 12. Is his/her maladjustment at the surface level or at deep level ?
- 13. What are his/her defects and weaknesses ?
- 14. What are his/her assets ? ..
- 15. Which are the favourable/unfavourable points for his/her rehabilitation ?

---

## FORM II

(Rule 7)

### INITIAL CLASSIFICATION SHEET

- 1. Prison ..
- 2. Name of the prisoner ..
- 3. Number and age of the prisoner ..
- 4. Sentence and section ..
- 5. Recommendations about transfer, if any ..
- 6. Gradation in custody (Maximum or medium) Accommodation in barrack or cell; place of work; area of movement and activity, degree of supervision; type of restrictions, etc.
- 7. Health and medical matters ..

8. Individual problems of the inmate.  
(Family welfare, appeal, family adjustments,  
economic problems, land; litigation, legal  
help, institutional adjustment etc.)
  9. Work ..  
(Apprenticeship training, allocation to  
production unit, etc.)
  10. Education ..  
(Health, academic, social, vocational, Moral  
and cultural education)
  11. Social adjustment ..  
(Recreation, group work activities, guidance  
and counseling etc.)
  12. Special instructions to the institutional  
personnel, if any. (Collection of more  
information; special precautions to be taken  
if any etc.)
  13. Date of review ..
- } Chairman of the  
classification  
Committee.
- Date of initial classification \_\_\_\_\_

## FORM III

(Rule 7)

## PROGRESS REPORT

1. Number of the prisoner ..
2. Name of the prisoner ..
3. Sentence ..
4. Date of initial classification ..
5. Physical and mental health ..
6. Work (Task, proficiency, quality, etc.) ..
7. Attainments in Education ..
8. Interest taken in institutional activities (P. T.,  
Prayers, recreational and cultural activities)

9. Discipline ..
10. Changes in habits, attitudes and behaviour
11. Attitude towards staff ..
12. Attitude towards inmates ..
13. Prison offences and punishments ..
14. Individual problems, if any, about family,  
land, litigation, business, etc.
15. General assessment about progress ..

Jailor,  
Circle/Yard.

Recommendation of the Classification Committee Orders of the  
Superintendent.

Date

Superintendent,  
Prison.

FORM IV

(Rule 7)

SUPERINTENDENT'S REPORT REGARDING REVIEW

1. Name of the prisoner ..
2. Number of the prisoner ..
3. Education ..
4. Performance of work ..
5. Vocational training ..
6. Recreational and cultural activities ..
7. Discipline ..
8. Interest in prison activities ..
9. Effort ..
10. Group adjustability ..
11. Conduct ..

12. Attitude towards Government and law ..
13. Attitude towards family and community ..
14. Record of release on furlough ..
15. Record of release on parole ..
16. Possibilities of employment and resettlement.
17. Points favourable or unfavourable for rehabilitation.
18. General remarks ..
19. Suggested conditions if recommended for conditional release.
20. Recommendations ..

Signature of Superintendent.

FORM V

(Rule 7)

SUMMARY SHEET (REVIEW OF PRISONER)

1. Name of the prisoner ..
2. Register number of the prisoner ..
3. Age on sentence ..
4. Previous occupation ..
5. Offence ..
6. Sentence ..
7. Date of sentence ..
8. Court ..
9. Sentence undergone ..
10. Unexpired sentence ..
11. Remission ..
12. Summary of Superintendent's report ..
13. Recommendation of Commissioner of Police/Superintendent of Police.
14. Recommendation of District Magistrate ..
15. Summary of Medical Report ..
16. Summary of Report from After Care Agency (if any). ..

## FORM VI

(Rule 11)

1. Prisoner's and his father's or her husband's name
2. Prison where confined ..
3. Offence ..
4. Sentence ..
5. Date of sentence ..
6. Date (s) of release on parole/furlough ..
7. Antecedents and character of the prisoner
8. Remarks about conduct of the prisoner while out on parole/furlough.
9. Recommendations for or against the premature release of the prisoner.  
  
(Full justification to be given here in case release is not recommended in spite of the prisoner having good past record during releases on parole/furlough).
10. Conditions which need to be imposed if prisoner is to be released prematurely.

District Magistrate/District  
Superintendent of Police/  
Commissioner of Police.

\_\_\_\_\_



## FORM VII

(Rule 20)

*Statement showing the particulars in case of co-accused Prisoner  
No. .... at present confined in the .....*

Name of co-accused	Sentence	Date of sentence	Name of Jail where confined	If alive	If released
1	2	3	4	5	6

## FORM VII—contd.

Date of release or date of execution as the case may be with Government order	Remission earned upto	Period spent in Jail upto	Jail punishment	Conduct	Remarks
7	8	9	10	11	12

# FORM VIII

[Rule 25 (1)]

*Normal Roll of Convict No. .... whose term of imprisonment including Remissions  
earned has reached 14 years*

Register No.	Class	Name	Age on the date of conviction and present age	Village	Police Station	District	Sentencing Authority	Date of sentence	Crime i.e. section of I.P.C., Cr. P. C. etc.	Sentence	Result of appeal	Recommendation of the Advisory Board and orders of Government with number and date (if any)	Actual period passed in the Jail upto Y. M. D.
1	2	3	4	5	6	7	8	9	10	11	12	13	14

595

## FORM VIII—contd.

Remission earned under Jail Rules						Total of columns 14 and 15	Date of completion of 14 years including all remissions	Conduct in the Jail	Conduct while out on parole and furlough	Total No. of major and minor Jail punishments	Present state of health	Opinion of the S. P.	Opinion of the D. M.	Recommendation of the Supdt. of Jail
Work Remis- sion	Conduct Remis- sions	Special Remis- sion	State Remis- sion	Blood Remis- sion	Total	16	17	18	19	20	21	22	23	24
						15								

## FORM IX

(See rule 25)

1. Number ..
2. Name of prisoner and Father's or husband's name
3. Caste, Race or Tribe ..
4. Age on sentence ..
5. District or Country ..
6. Previous occupation ..
7. Of what offence convicted ..
8. Sentencing authority ..
9. Date of sentence ..
10. Sentence ..
11. Fine or punishment in default ..
12. Conduct :— ..

Conduct including No. of jail punishments and total remission earned.	No. of jail Punishment :	Ordinary and Special remission upto : State remission
<hr/>		
13. Previous convictions.	Total period undergone : Period remained to be undergone Total :—	
<hr/>		
14. Opinion and decision of Advisory Board.		

Superintendent,  
Prison.

Chairman,  
Advisory Board Committee.

-----

## FORM X

[Rule 27 (i) ]

*Medical Certificate*

I hereby certify that convict No. .... is suffering from .....  
 ..... and that there is no hope of his recovery either  
 in or outside the prison. His illness is such as to incapacitate him absolutely  
 from the commission of further crime and has not been produced or  
 aggravated by any wilful act on the part of the prisoner.  
 In my opinion he will probably die within ..... months”.

Medical Officer,  
 .....Prison.

## SECTION II : NON-STATUTORY RULES

[Framed under Government Resolution, Home Department No, RJM-  
 1058-(XLI)-XVI dated 6th September 1972 and brought into force  
 with effect from 1st November 1972]

1. The Superintendent shall move the Chief Presidency Magistrate or  
 as the case may be, the District Magistrate to make proposals for the  
 appointment of non-official members six months before the expiry of  
 tenure of their appointment. The Chief Presidency Magistrate and District  
 Magistrate, shall forward such proposals to the State Government through  
 the Inspector General of Prisons.

Proposals in  
 respect of  
 nominated  
 numbers of the  
 Advisory Boards:  
 Special Advisory  
 Board.

2. The conveyance allowance shall be granted to the non-official  
 members of the Boards at such scales as may be sanctioned by the State  
 Government from time to time.

Conveyance  
 allowance to the  
 non-official  
 members of the  
 Advisory Boards.

*Note.*—The provisions of this rule are also applicable to the non-official  
 members of the Special Advisory Board.

3. A release under clause 1 of rule 27 shall count as death in the  
 statistical records of the prison.

-----



Part II–D

## **Miscellaneous**



## CHAPTER XL

**CONVICT OFFICERS***SECTION I : STATUTORY RULES*

[Government Notification, Home Department, No. RJM-1058-(XIII)-IV,  
dated 30th April 1962]

In exercise of the powers conferred by clause (20) of section 59 of the Prisons Act, 1894 (IX of 1894), and of all other powers enabling it in that behalf and in supersession of the rules relating to officers of Prisons in force in any part of the State, the Government of Maharashtra hereby makes the following rules, namely:—

1. (i) These rules may be called the Maharashtra Prisons (Convict Officers) Rules, 1962.

Short title and  
Commencement.

(ii) They shall come into force on the 1st day of July 1962.

2. (i) There shall be two grades of convict officers:—

Grades of  
Convict Officers.

1. Convict Overseers.

2. Convict Night Watchmen.

(ii) Subject to the provisions of these rules, selection to these grades shall be subject to the prisoner being physically fit to perform the duties of the office.

3. (i) Subject to the provision of sub-rule (ii) and rules 4 and 5 and sub-rule (ii) of rule 7 no prisoner shall be appointed as a Convict Officer unless—

Eligibility for  
appointment as  
Convict Officers.

(a) he has been granted remission; or

(b) he has been sentenced to simple imprisonment and desires to be appointed as a Convict Officer:

Provided that, other things being equal, preference shall be given to those prisoners who—

(i) have proved their industriousness,

(ii) have attained proficiency in a trade,

(iii) have shown good progress in educational activities like literacy classes or physical training,

(iv) have shown marked usefulness in the prison in other fields, and

(v) are reliable and trustworthy :

Provided further that—

(a) Convict officers required for employment in yards or barracks reserved for prisoners sentenced to simple imprisonment shall, as far as possible, be drawn from among the prisoners sentenced to simple imprisonment who desire to work.



(b) female prisoners shall ordinarily be appointed direct to the post of a Convict Overseer, but no appointment of a female prisoner to the post of a Convict Night Watchman shall be made except with the permission of the Deputy Inspector General of Prisons (Regional).

(c) Class I prisoners shall be eligible for direct appointment as Convict Overseers but the number of Class I Convict Overseers shall in no case exceed 4 per cent of the number of such class of prisoners confined in the prison and the total number of Convict Officers shall not exceed 11 per cent of the prison population without the sanction of the Inspector General.

(ii) A prisoner sentenced to imprisonment for a term specified in column 2 of the Appendix to this Chapter shall be eligible for appointment as a Convict Officer specified in column 1 of the Appendix if he has completed the period of his term of imprisonment specified in column 3 of the Appendix and earned a remission for the period specified against him in column 4 thereof.

Appointment of  
Habitual  
Prisoners as  
Convict Officers.

4. (i) A prisoner belonging to the habitual class of prisoners (hereinafter in this rule, referred to as 'habitual prisoner') with not more than four previous convictions may if he is eligible for appointment under rule 3 and his record in the prison is good be appointed as a Convict Night Watchman for night patrol inside the barracks occupied by habitual prisoners.

(ii) A habitual prisoner with not more than two previous convictions may if he is eligible for appointment under rule 3 be appointed as a Convict Overseer in the prison in which habitual prisoners are kept.

(iii) A habitual prisoner shall not under any other circumstances be appointed as a Convict Overseer except with the special prior sanction of the Deputy Inspector General of Prisons (Regional).

Prohibition  
against certain  
prisoners from  
being appointed  
as Convict  
Officers.

5. No prisoner, whether male or female who has been sentenced for the offence of rape, unnatural offence, or kidnapping for the purpose of prostitution shall be appointed as a Convict Officer.

Selection of  
Convict  
Overseers.

6. Subject to the provisions of these rules, Convict Overseers shall ordinarily be selected from the ranks of Convict Night Watchmen.

Authority  
competent to  
appoint Convict  
Officers.

7. (i) The Superintendent may appoint Convict Officers from amongst the prisoners under him who are eligible for such appointment under these rules.

(ii) Where there is no prisoner eligible for appointment to any grade of Convict Officers in which there is a vacancy, the Superintendent may either—

(a) apply to the Deputy Inspector General of Prisons (Regional) for the transfer of a prisoner, who is eligible for such appointment, from another prison in the concerned region, or

(b) with the previous sanction of the Deputy Inspector General of Prisons (Regional), appoint a prisoner of the prison in his charge who, though not so eligible, has in the opinion of the Superintendent the first claim on such vacancy.

(iii) Where a prisoner has been appointed as a Convict Officer with the sanction of the Deputy Inspector General of Prisons (Regional), the number and date of the order conveying such sanction shall be entered at the head of the page in the Remission Register in which the Convict Officer's name appears and in his History ticket.

\*(iv) Where a convict officer reduced indefinitely as an ordinary convict as a measure of punishment, shows marked improvement in his work, conduct, discipline, the Superintendent may, after two years from the date of imposing the punishment submit a report to the Inspector General of Prisons for his repromotion as a convict officer *inter-alia*, giving therein full details about the circumstances leading to the imposing of the punishment and the grounds on which he recommends to reappoint the convict as a convict officer. The Inspector General of Prisons may after considering the report order the reappointment of the convict as a convict officer.\*

8. A convict officer shall cease to hold office if he becomes, permanently incapacitated physically or mentally, to perform his duties or with the sanction of the Deputy Inspector General of Prisons (Regional) if, in the opinion of the Superintendent, he is unfit to perform his duties.

Reduction of a  
Convict Officer.

9. (i) A Convict Officer shall not be transferred to any other prison under rule 7 without special sanction of the Deputy Inspector General of Prisons (Regional).

Transfer of  
Convict Officers  
to other prison.

(ii) Whenever a Convict Officer is appointed by transfer from another prison under rule 7, he shall, on ceasing to hold office of a Convict Officer under rule 8, be transferred to the prison from which his transfer was secured.

---

\*—\* Added by Government Notification, Home Department, No. POP/1067/64808/(b) XVI, dated 9th January 1974.

Duties of Convict Overseers.	<p>10. A Convict Overseer shall—</p> <p>(a) whenever required so to do perform all or any of the duties of a Convict Night Watchman;</p> <p>(b) supervise the labour of prisoners and maintain order and discipline among them;</p> <p>(c) look after factory tools and appliances;</p> <p>(d) see that bathing and other parades are properly carried out, and prisoners keep themselves, their clothing, pots and plates and fetters clean;</p> <p>(e) escort prisoners about the prison when so required.</p>
Duties of Convict Night Watchman.	<p>11. (i) A Convict Night Watchman shall in addition to his daily allotted labour during the day,—</p> <p>(a) patrol the inside of the wards and assist in maintaining discipline and order at night;</p> <p>(b) prevent prisoners from leaving their berths except with permission and for a necessary purpose;</p> <p>(c) count prisoners frequently, satisfy himself that all are present and answer challenging patrols ;</p> <p>(d) prevent, as far as lies in his power, any breach of prison rules by any prisoner in his charge, and report the same ;</p> <p>(e) report cases of sickness and the use of latrines otherwise than at the time specified for that purpose;</p> <p>(f) assist in quelling any disturbance and, in cases of necessity, defend any official;</p> <p>(g) assist the Jail guards in discharge of their duties;</p> <p>(h) do everything in his power to prevent escapes;</p> <p>(i) bring immediately to the notice of the Prison Officers the introduction or removal of any prohibited article in or out of the prison, and</p> <p>(j) report any plot to escape or any projected emeute by other prisoners which may come to his knowledge.</p> <p>(ii) A Convict Night Watchman, may, whenever required, be employed to act as a gate keeper of a workshed or barrack or yard during the day time.</p>
Remuneration of Convict Officers.	<p>12. Convict Officers shall be eligible to receive remuneration for every working day (including Sundays and Jail Holidays) at the rate of 31 nP. per day. Where a Convict Officer is employed on any work other than that of a Convict Officer, he -shall receive wages on his out-turn of work at such rates as the competent authority may fix in this behalf.</p>

## Appendix

[See rule 3 (ii)]

Convict Officer		Term of imprisonment	Completion of period of term of imprisonment	Period of remission
1		2	3	4
Convict Overseer	..	Six months or more but not exceeding twelve months.	4 months	20 days
Convict Night Watchman	..	Do.	3 months	15 days
Convict Overseer	..	Twelve months or more but not exceeding eighteen months.	6 months	30 days
Convict Night Watchman	..	Do.	4 months	20 days
Convict Overseer	..	Eighteen months or more but not exceeding two years.	8 months	40 days
Convict Night Watchman	..	Do.	5 months	25 days
Convict Overseer	..	Two years or more but not exceeding three years.	12 months	80 days
Convict Night Watchman	..	Do.	7 months	35 days
Convict Overseer	..	Three years or more but not exceeding four years.	16 months	100 days
Convict Night Watchman	..	Do.	9 months	45 days
Convict Overseer	..	Four years or more but not exceeding five years.	20 months	120 days
Convict Night Watchman	..	Do.	11 months	55 days
Convict Overseer	..	Five years or more but not exceeding five years.	24 months	160 days
Convict Night Watchman	..	Do.	13 months	85 days
Convict Overseer	..	Six years or more but not exceeding seven years.	28 months	180 days
Convict Night Watchman	..	Do.	15 months	95 days
Convict Overseer	..	Seven years or more but not exceeding ten years.	40 months	260 days
Convict Night Watchman	..	Do.	21 months	125 days
Convict Overseer	..	Ten years or more but not exceeding fourteen years.	52 months	340 days
Convict Night Watchman	..	Do.	27 months	175 days
Convict Overseer	..	Exceeding fourteen years or imprisonment for life.	84 months	560 days
Convict Night Watchman	..	Do.	60 months	400 days

## SECTION II : NON-STATUTORY

Employment of  
Convict Officers  
for night duty.

1. (i) The number of Convict Night Watchmen employed on supervision or guarding duty during the day must however be as small as possible.

(ii) The Superintendents may utilise the services of well-behaved Convict Overseers for doing patrolling duty outside the sleeping barracks but inside the Jails at night time. This duty should however be confined to only those Convict Overseers who are reliable and whose conduct has been good, who have not more than two years unexpired sentence and who if released on furlough or parole have returned from furlough or parole punctually.

(iii) Convict Overseers, who are not entitled to furlough and whose furlough applications have been -rejected shall not be entrusted with this duty.

(iv) The duties of Convict Overseers, allotted such Night patrolling, should be confined only to the inner circle of the Prison as far as possible and they should not move from one circle to another. The main wall and the outer yards should always be manned for duty by the guarding staff.

(v) The duties of the Convict Overseers employed for night patrolling duty inside the Jail should be so fixed that they do not get more than three hours duty at night.

The normal number of Convict Overseers should not be increased for this work and no extra expenditure should be incurred for the purpose.

Convict Officers  
not to be given  
independent  
charge.

2. (i) No Convict Officer shall have independent charge of any file, gang, or other body of prisoners, nor shall he have independent power to issue orders to prisoners but there shall always be a Jail guard in superior charge under whose control and orders the Convict Officer shall work;

Provided that within the main walls of the Jail a reliable Convict Officer may be temporarily entrusted with charge of a gang employed on fatigue duty, or of a convalescent gang or a small gang of Mehtars or water carriers or compound sweepers.

(ii) No Convict Officer of the casual class shall ordinarily be placed in charge of habituels. This prohibition does not, however, apply to a casual Convict Officer of some status and education who has been sentenced to imprisonment for a crime against the person committed in passion and who but for this lapse is a respectable member of society and is unlikely to be contaminated by evil association.

-----

CHAPTER XLI  
**WOMEN PRISONERS**

*SECTION I : Nil*

*SECTION II—NON-STATUTORY RULES*

[Framed under Government Resolution, Home Department No. RJM-1063 (XLVIII)-XVI, dated 18th January 1971 and brought in to force with effect from 25th February 1971]

In every central prison or district prison in which women prisoners are confined there shall be one or more matrons. Where ever necessary one or more women jailors may also be appointed at such prisons. Staff.

The Women Jailor or Matron shall be in charge of the Women's Section of the prison under the general directions, supervision and control of the Superintendent.

Work pertaining to photographing, measuring, finger and foot printing etc. of women prisoners shall be done in the presence and with the assistance of the Women Jailors or Matrons. Photography and finger Printing.

3. *Separation.*—(i) Habitual women prisoners; prostitutes and procuresses and young women prisoners shall be segregated. Separation.

(ii) If adequate arrangements do not exist for segregation in a women's section of a prison, such women prisoners as need to be segregated should be transferred to the prison for women prisoners irrespective of length of their sentences or to such other prisons where such facilities exist.

4. (i) No men officers or prisoners shall on any pretext enter the women's section of the prison except as provided in rules 5 to 7 of the Maharashtra Prison (Discipline) Rules 1963, rule 13 (6) of the Maharashtra Prisons (Staff Functions) Rules 1965, and rule 17 of the Maharashtra Prisons (Routine) Rules, 1965. Precautionary measures.

(ii) In time of serious emergencies and for performance of legitimate duties, for which women staff members are not available, such male staff members may enter the women's section of the prison as are specifically permitted to do so by the superintendent or the Deputy Superintendent. As soon as the emergency or work is over all such members shall withdraw from the women's section of the prison. All such events shall be recorded in form I (Jail form No. 13).

(iii) Night inspection rounds shall be taken only by Women Jailors or Matrons and/or woman convict officer, if any, appointed with the permission of the Dy. Inspector General of Prisons, in pursuance of proviso (b) to rule 3 of the Maharashtra Prisons (Convict Officers) Rules, 1962.

Facilities to  
women  
prisoners.

5. (i) A woman prisoner shall be supplied with shikakai or soap nuts or any suitable substitute at Government cost for washing her hair every Sunday at the rate of 28 grams per head.

(ii) A woman prisoner shall be allowed to retain her glass or conch bangles. Where religion custom makes wearing of bangles obligatory, women prisoner requesting for the supply of bangles at Government cost shall be supplied with two of a suitable type of unbreakable bangles for each hand, and shall be allowed to retain these bangles at the time of release. Glass bangles shall not be supplied at Government cost.

(iii) Every woman prisoner who desires to do so shall be allowed to apply a vermilion mark (kunku) to her forehead; and the vermilion should be supplied to her at Government cost.

(iv) Every woman prisoner who desires to do so shall be allowed to wear her nose ring, earrings and a mangalsutra or its equivalent.

(v) Every woman prisoner shall be supplied suitable clothes for sanitary and hygienic purposes during menstruation period. Any woman prisoner who desires to do so shall be permitted to buy sanitary napkins at her own cost.

Medical aid.

6. (i) Every woman prisoner shall be examined by the Medical Officer of the prison in the presence of Woman Jailor/Matron. Such examinations will also be conducted on readmission after bail, parole and furlough. In case the Woman Jailor and/or Matron suspects pregnancy the woman prisoner concerned shall be sent to the Civil Hospital for examination and report.

(ii) Every woman prisoner shall be examined once a month by the Medical Officer and his observations shall be recorded in the medical sheet of the prisoner concerned.

Pregnancy.

7. (i) When a woman prisoner (convict or undertrial) is found or suspected to be pregnant at the time of her admission or at any time thereafter, the Medical Officer shall report the fact to the Superintendent. As soon as possible arrangements shall be made to get such prisoner medically examined at the hospital for ascertaining the state of her health, pregnancy, duration of pregnancy probable date of delivery etc.

After ascertaining necessary particulars a report shall be sent to the Dy. Inspector General of Prisons, stating the date of her admission, term of sentence the date of release, duration of pregnancy, probable date of delivery etc.

(ii) Gynaecological examination of pregnant prisoners shall be got done at the Hospital. Proper prenatal and postnatal care shall be taken according to the requirements of each case as per medical advise.

8. Births in prison shall be registered in the local birth registration office. But the fact that the child has been born in a prison should not be recorded in the birth register. As far as circumstances permit, all reasonable facilities for the naming rites of children born in prisons may be extended.

Births in prisons

9. (i) A woman prisoner admitted to a prison with a child depending on her for nursing or otherwise for whom no friend or relative can be found to take charge; or to whom a child is born while in prison, shall be allowed to retain the child with her till the child completes the age of four years.

Children of woman prisoners.

(ii) Children of women prisoners should be weaned away from the mothers between the ages of 3 and 4 years, taking into consideration the development of the child, its attachment to the mother and the other relevant factors.

10. The following articles shall be supplied to children of women prisoners who are admitted into the prison along with the mothers and whose mothers cannot afford to make these articles available to them at their own cost namely:—

Toilet articles for children of women prisoners.

Name of articles	Quantity
1. Jail made carbolic soap	.. 58 grams per month per child.
2. Coconut oil	.. 28 grams per week per child.

11. (i) Children of a prisoner under sentence of death, or other children who have to be removed from the prison on attaining the age of four years, shall be made over to their nearest relative but where no such relative is found, they shall be handed over to Officer in charge of the nearest institution set up under the Bombay Children Act, 1948 for the care of destitute children after obtaining orders of the competent authority.

Care of children of prisoners.

(ii) The same procedure shall be followed in the case of a woman prisoner dying in prison and leaving young children whose relatives cannot be found.



Work 12. (i) Women prisoners as far as possible shall be employed on such work as will be useful to them after release.

(ii) Women prisoners shall not be employed on work outside the prison.

(iii) In the women's section of the prison, conservancy work shall be allotted to women prisoners only, provided they volunteer for it. Where no women prisoners are available for conservancy work, one or more men sweepers may be employed for the conservancy work under proper supervision.

*Note.*—As far as possible, in the women's section of the prison, sanitary latrines may be provided. Where it is not possible w. cs, may be so constructed that conservancy service can be conducted from outside without entering the place, where women prisoners are confined.

Education and Vocational Training. 13. (i) Literacy classes shall be held for illiterate women prisoners.

(ii) As far as possible, women prisoners shall be imparted training in one or more of the following vocations:—

Domestic and home sciences, mother craft, dai work, sewing work, embroidery, knitting and tatting, home decorating, toy making, artificial flowers making, tailoring and cutting, bidi making, basketry, spinning, handloom weaving, wool weaving, soap hosiery, umbrella making, cane and bamboo work, paper craft paper machine, pottery ceramics, stationery articles, wax making, crayons and candles, slates, pencils, chalk sticks, fibre work, torch bulbs, lamp shade making, painting and drawing, local handicrafts and cottage industries, bee-keeping, flower gardening, kitchen gardening, poultry and preservation of fruits and vegetables.

Training of women prisoners as Dais. 14. (1) The Superintendent may select deserving women prisoners, for training as Dais, and submit their cases along with his report and the following documents to the Inspector General of Prisons for orders of the State Government, if necessary.

1. Nominal roll,

2. Copy of judgement,

3. Declaration from the prisoner accepting the conditions for release as in form II.

(2) The report shall state as to whether the women prisoner has an inclination for training and whether she possesses sufficient educational and other qualities for successfully completing the training.

15. (i) The following may be kept in view while organizing recreational activities for women prisoners:—

Cultural activities and recreation.

Indoor games like draughts and carrom, outdoor games according to local customs, group music, community and folk dances, dramatics, educational films, arts and crafts.

16. (i) At least a month before a woman prisoner is due for release a letter shall be sent to her relatives, intimating to them the date of release and asking them to be present at the prison to take her home. If the woman prisoner is sentenced to a period of imprisonment for less than a month, such letter shall be sent immediately on her admission in the prison.

Release.

(ii) As far as possible, women prisoners shall be handed over to their relatives after release. If no relative comes on the day of her release, a Matron shall escort the released prisoner to the nearest station or transport bus stand.

(iii) Women prisoners shall, on release be provided with conveyance or bus fare where the distance to be traversed by them exceeds two miles. Conveyance or bus fare may also be provided for shorter distance if for reason of health or for other valid reasons, failure to do so might cause hardship to released women prisoners.

(iv) In case the woman prisoner so desires arrangements may be made if possible, to lodge her in a shelter home for women or a similar institution.

#### FORM I

[See rule 4 (ii)]

Report Book of		for	Prison 19
Serial No. and date	Report	Orders of the Superintendent	Compliance report
1	2	3	4

## FORM II

[See rule 14 (i) ]

*Conditions for the release of women prisoners as Dais*

1. The prisoner shall reside in the ..... for a period of six months from the date of her admission to the;

2. She shall not leave the ..... under any pretext whatever without first obtaining a pass from the Officer-in-charge of the ..... and she shall comply all the conditions of the pass;

3. She shall obey all rules and orders that may be from time to time in force in the ..... for the maintenance of discipline and order, or for the welfare of the inmates;

4. If it appears to the Government of Maharashtra that the prisoner's presence in the..... is or is likely to be harmful to the good management of the ..... conditions of the remission of sentence shall be deemed not to have been fulfilled, and she shall be liable to undergo the unexpired portion of her remitted sentence;

5. If she, during her stay in the ..... under conditional release, commits any offence and is sentenced to imprisonment or fine therefor, she shall be liable to be sent back to jail to complete her remitted sentence and the conditions of the remission of sentence shall be deemed not to have been fulfilled and she shall be liable to undergo the unexpired portion of her remitted sentence;

6. She will be liable, during her stay in the ..... to be removed to a suitable medical institution for purposes of observation or treatment without prejudice to the pendency of order of conditional release.

\_\_\_\_\_

## CHAPTER XLII

**PRISONERS SENTENCED TO DEATH***SECTION I : STATUTORY RULES*

[Government Notification, Home Department, No. RJM-1058 (XLVI)/  
12,495-XVI, dated 18th January 1971]

In exercise of the powers conferred by clauses (18) and (28) of section 59 of the Prisons Act, 1894 (IX of 1894), in its application to the State of Maharashtra, and of all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the following Rules, namely :—

1. (i) These Rules may be called the Maharashtra Prisons (Prisoners Sentenced to Death) Rules, 1971.

Short title and  
commencement.

(ii) They shall come into force on the 25th day of February 1971.

2. In these Rules, unless the context requires otherwise,—

(a) “Act” means the Prisons Act, 1894;

(b) “Convict” means a prisoner who is sentenced to death ;

(c) “Form” means a Form appended to these Rules;

(d) “relative” in relation to a convict means spouse, children, grandchildren, parents, grand-parents, parent’s brother or sisters, parents-in-law, grand-parents-in-law, brothers or sisters of spouse, children of brothers or sisters and children of brothers or sisters of the spouse ;

(e) “section” means a section of the Act.

3. (i) On admission of a convict in a prison the Superintendent shall report the admission to the State Government. The Superintendent shall also report to the State Government the date fixed for his execution by the Court of Session on confirmation of the sentence of death by the High Court, and solicit orders of the State Government regarding stay of his execution.

Admission.

(ii) On admission a convict shall be thoroughly searched by the Jailor or by order of the Jailor as provided in Section 30 of the Act. A woman convict shall be searched by a woman Jailor or under her orders, by a Matron. In the absence of a woman Jailor or Matron, such search may be made by any other suitable woman or by a woman convict officer as ordered by the Jailor.

(iii) Subject to the provisions of Section 30, all private property shall be removed from the convict.

Issue of articles  
on admission.

4. (i) The Senior Jailor shall ensure that the following articles are issued to a convict; on his admission to a prison:—

(a) a pant without cord;

(b) \*two all wool blankets or two cotton wool blankets, one for spreading and another for coverage;\*

(c) a pot, plate and a mug of thin light aluminium.

(ii) Two cotton series and bodies may be issued to female convicts. However, if it is considered unsafe to issue series to any such convicts; pyjamas without cord and Kurta may be issued to her.

(iii) A thin Kasti may be issued to a Parsee convict.

(iv) A sheet in form I shall be maintained by the Superintendent for every convict and it shall be displayed outside his cell.

Confinement in  
cell in special  
yard.

5. (i) Every convict shall (whether or not the sentence of death has been confirmed by the High Court), from the date of his admission to a prison, be confined in a cell in a special yard, apart from all other prisoners as required by section 30 of the Act. The cell or room in which a convict is confined shall before he is placed in it, be always examined by the Senior Jailor who shall satisfy himself about its fitness and safety. No prisoner except convicts shall be kept in the special yard.

(ii) Where there is more than one such cell in a prison, the convict shall be changed daily from one cell to another.

Guarding.

6. (i) The convict shall be under observation of the guard on a twenty-four hours basis. Convict officers shall not be employed on this duty of guarding convicts.

(ii) A guard shall in no case be given more than two hours' duty at a stretch.

(iii) Every guard shall be equipped with a regulation baton and shall be so posted that the convict shall be under continuous watch. A convict shall not be taken out of his cell, unless the requisite number of guards are present.

(iv) If an attempt to commit suicide by a convict is noticed, the guard on duty or the matron shall raise alarm for help, and enter the cell.

(v) The guard in whose charge a convict is put shall allow no one to approach the cell, or communicate with him in any manner

---

\*—\* Substituted by Government Notification, Home Department, No. RJM 1071-XLVI-11574-(ii)-XVI, dated 12th July 1971.

except the Superintendent and any officer authorised by the Superintendent in that behalf.

7. Every convict shall be thoroughly searched daily in the presence of the Jailor-in-charge immediately on opening of the cell in the morning when guards on duty are changed, and before lock-up. Search.

8. A case history in Form II shall be compiled in respect of each convict. Observation.

9. Convicts shall not be removed to any prison hospital for treatment without the previous sanction of the Inspector-General: Restriction on removal.

Provided that, the Superintendent may, if the Medical Officer of the prison certifies that the convict is in danger of death, and requires immediate treatment in a prison hospital, order the removal of the convict to the prison hospital in anticipation of such sanction. If a convict is removed to a prison hospital, he shall be segregated from all other prisoners in the hospital, and a special guard or guards shall be posted according to the requirements of each case of a convict.

10. (i) The Superintendent may permit a convict to have interviews with the relatives, friends or legal advisers, once a week, or more often if the Superintendent is of opinion that such interviews may be granted in the case of any convict. Interviews.

\*(The convict shall be brought from the cell to the interview room under proper escort at the time of interview and the interviewers and the convict shall be separated by expanded metal barriers). The Jailor shall before granting interviews, ensure that all precautionary and security measures are taken before hand\*.

(iii) A Minister of the faith to which a convict belongs may be summoned once a week † (at the cost of Government, if the convict so desires) †. The Superintendent may permit a Minister to be summoned oftener for adequate reasons to be recorded in the History Ticket of the convict.

(iv) Convict may also be visited by a Minister of the persuasion or religious denomination to which he belongs.

11. (i) A convict may be allowed the following facilities at the discretion of the Superintendent, namely :—(a) religious books ; (b) religious pictures ; Facilities.

\*—\* Substituted by Government Notification, Home Department, No. RJM 0172-3-B-XVI, dated 24th April 1973.

†—† Substituted by Government Notification, Home Department, No. RJM 1071 (XLVI)-11574-XVI, dated 20th January 1972.

- (c) rosary and essential religious emblems subject to security requirements;
- (d) newspapers, books.

(ii) A convict may, on the recommendation of the Medical Officer, be allowed exercise in open air and within the prison walls, morning and evening, under the care of the guard. \*If the Superintendent considers it expedient so to do, the convict may be fettered\* or handcuffed, when he is taking exercise.

(iii) A convict may be given tobacco and other indulgences as the Superintendent may think fit.

Appeals.

12. (i) Immediately on receipt of a warrant of execution consequent of the confirmation by the High Court of the sentence of death, the Superintendent shall inform the convict 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 (hereinafter referred to as "appeal and application" respectively), he may do so within the period prescribed in the Supreme Court Rules, 1960.

(ii) Whenever a sentence of death has been passed by any Court or Tribunal, the sentence shall not be executed until after the dismissal of the appeal or of the application or, in case no such appeal has been preferred, or no such application has been made, until after the expiry of the period allowed for an appeal or for making of such application:

Provided that, if a petition for mercy has been submitted by or on behalf of a convict, the execution of the sentence shall further be postponed, pending the orders of the President thereon :

Provided further that, if the sentence of death has been passed on more than one person in the same case, and if an appeal or an application is made by or on behalf of only one or more but not all of them, the execution of the sentence shall be postponed in the case of all such persons (convicts) and not only in the case of the person or persons by whom, or on whose behalf, the appeal or the application is made.

Petition for  
mercy-stay of  
execution.

13. (i) On receipt of an intimation of the dismissal by the Supreme Court of the appeal, or as the case may be the application lodged by or on behalf of the convict the Superintendent shall unless he has already made an application for mercy, forthwith inform him that if he desires to submit such petition, it should be submitted in writing within seven days from the date of such intimation.

---

\*—\* Substituted by Government Notification, Home Department, No. RJM 1071 (XLVI)-11574-XVI, dated 20th January 1972.

(ii) In cases where no appeal or no application has been made by or on behalf of a convict, the said period of seven days shall be counted from the date next after the date on which the time allowed for making an appeal or an application, expires. On the expiry of such time, or a convict has made no previous petition for mercy, it shall be the duty of the Superintendent to inform him that if he desires to submit a petition for mercy, he should do so in writing within seven days from the date of such intimation.

14. (i) Except in cases where a convict has already submitted a petition for mercy, every convict shall be allowed for the preparation and submission of a petition for mercy, seven days after and exclusive of, the date on which the Superintendent of the Jail informs him of the dismissal by the Supreme Court of his appeal, or as the case may be, of his application:

Petition for mercy.

Provided that, in cases where no appeal has been preferred or no application has been made, the said period of seven days shall be computed from the date next after the date on which the period allowed for an appeal or for making an application expires.

(ii) If a convict submits a petition within the period of seven days prescribed \*[in rule 13] it shall be addressed to the Governor and the [13] President of India. The Superintendent shall forthwith forward it by registered post to the Secretary to the Government of Maharashtra in the Home Department together with a covering letter stating that the date fixed for the execution has been stayed, pending receipt of the orders of the State Government on the petition.

(iii) If any person has been sentenced to death by Court Martial then any such petition shall be addressed to the President of India and forwarded to the Government of India, Ministry of Defence for consideration.

15. *Petition submitted after period prescribed.*—Where a convict submits a petition after the expiry of the period prescribed in rule 13, the Superintendent shall at once forward it to the State Government, and at the same time telegraph the substance of it, requesting orders whether the execution may be postponed, and stating that pending reply, the sentence shall not be carried out.

Petition submitted after period prescribed.

(ii) If such petition is received by the Superintendent later than noon on the day preceding that fixed for the execution, he shall at once forward

\* Substituted by Government Notification, No. RJM 1071 (XLVI)-11574-XVI, dated 20th January 1972.



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.

Insanity. 16. (i) if any prisoner awaiting sentence of death shows signs of insanity which, in the opinion of the Medical Officer, are not feigned, or require observation to determine whether or not they are feigned, the circumstances shall at once be reported to the State Government by the Superintendent, under intimation to the Regional Deputy Inspector General for orders along with the following documents, that is to say—

- (a) the nominal roll of the prisoner;
- (b) a copy of the warrant under which he is confined (in duplicate);
- (c) the Medical Officer's certificate in the prescribed form No. III;
- (d) the medical history sheet in form IV (in duplicate).

*Note.*—A copy of the judgment should also be sent as soon as possible.

(ii) If the State Government orders the appointment of a Special Medical Board for the purpose of examining the mental condition of a convict, he shall be kept under observation in the prison by the Mental Specialist in charge of the nearest Mental Hospital or the Civil Surgeon for a period of ten days or longer if considered necessary prior to his examination by the Medical Board.

(iii) The Superintendent and the Medical Officer of the prison in which the convict is confined shall give all facilities to the Mental Specialist or the Civil Surgeon for the physical examination of the convict including serological tests and for the observation of the convict without his knowledge.

(iv) As soon as possible after the Medical Board is appointed and the convict is placed under observation, the Superintendent shall collect information about the convict through the police or other sources and place it at the disposal of the Mental Specialist or the Civil Surgeon.

(v) As soon as the Mental Specialist or the Civil Surgeon is ready with his report, he shall request the Director of Health Services to fix a date for the meeting of the Special Medical Board.

(vi) The Mental Specialist or the Civil Surgeon shall place all the record before the Special Medical Board. The Chairman of the Board shall forward all its proceedings together with their own opinion to the Secretary, Home Department through the Inspector General and the Director of Health Services.

17. (i) Where a woman convict is certified by the Medical Officer to be pregnant, the Medical Officer shall inform the Superintendent of the same, and the Superintendent shall make a note to that effect on the warrant, and return the warrant to the Sessions Judge for endorsing thereon an order for the suspension” of the execution of the sentence, until the orders of the High Court have been taken under Section 382 of the Code of Criminal Procedure, 1898.

Pregnancy.

(ii) Where a women convict declares herself to be pregnant, and the Medical Officer is unable to certify the truth or otherwise of the statement, he shall state the interval of time necessary to enable him to satisfy himself on the point. The Superintendent shall report the case to the State Government for further orders through the Inspector General of Prisons for postponing the date of the execution. If the Medical Officer confirms the fact of pregnancy, the provisions of sub-rule (1) of this rule shall apply.

(iii) Where execution of the capital sentence on a women convict has been suspended under either of the proceeding sub-rules, the sentence shall not afterwards be executed without the express orders of the State Government for which the Superintendent shall apply immediately through the Inspector General of Prisons.

18. (i) The State Government shall fix the date of the execution of a convict if his/her Mercy Petition is rejected.

Action on final confirmation of sentence.

(ii) On receipt from the State Government of the final confirmation and the date of execution of a convict.

(a) the convict and his relatives shall be informed about the date of execution by the Superintendent;

(b) the convict, if he so desires, be permitted to prepare his will in accordance with his wishes. If the Convict does not desire to prepare his will, his statement to that effect shall be recorded by the Senior Jailor.

19. All executions shall take place at the prison to which the warrant is directed, unless expressly ordered otherwise in the warrant. They shall usually be carried out in a special enclosure attached to, or within the walls of the prison. To this enclosure, adult male relatives of the convict and other respectable adult males may be admitted as spectators up to a

Execution of death sentence.

maximum of twelve, with the permission of the Superintendent who shall have full discretion to refuse admission altogether, or to particular individuals in cases where he considers the circumstances to justify such as course.

No execution on public holiday.

20. No convict shall be executed on a day which has been notified as a public holiday.

Postponement of execution of sentence on medical grounds.

21. (i) The execution of a convict shall not be carried out on the date fixed if he is physically unfit to receive the punishment, but in determining the degree of physical disability sufficient to justify postponement of the execution, the illness shall be both serious and acute (not chronic) before postponement is considered.

(ii) The Superintendent shall at once submit to the Inspector General a detailed report of such cases together with the medical opinion regarding the degree of physical disability of the prisoner and the probable date, if any, on which the prisoner is likely to become physically fit for execution.

Delay in capital sentence.

22. Should any extraordinary or unavoidable delay occur in carrying out a capital sentence into execution from any cause other than the submission of an appeal or application, the Superintendent shall immediately report the circumstances to the Sessions Judge and return the original warrant either for the issue of a fresh warrant, or for an endorsement upon the same warrant, of an order containing a definite date for carrying the postponed sentence into effect.

Report of execution of death sentence.

23. The Superintendent shall, immediately after each execution, send a report thereof to the Inspector General in Form V and he shall return the warrant duly endorsed to the Court which issued it.

#### FORM I

[Rule 4 (iv)]

#### *Sheet for a Prisoner Sentenced to Death*

Date of execution by Sessions Judge

- |                     |    |
|---------------------|----|
| 1. Register No.     | .. |
| 2. Name             | .. |
| 3. Neck measurement | .. |
| 4. Weight           | .. |

5. Result of Medical examination, special points, etc.
6. Date of sentence by the Court of Sessions
7. Date of appeal to the High Court of Judicature at Bombay
8. Date of decision of the High Court ..
9. Date of petition for special leave for appeal to the Supreme Court
10. Date of appeal to the Supreme Court ..
11. Date of decision of the Supreme Court ..
12. Date of submission of 'Mercy Petition' ..
13. Date of result of 'Mercy Petition' ..
14. Final date of execution ..

-----

FORM II

(Rule 8)

*Case History of Convict*

1. Name ..
2. Number ..
3. Age ..
4. Sentence ..
5. Section ..
6. Habitual or casual ..
7. Legal history and statement of the prisoner regarding present and previous crimes, if any
8. Social History—
  - (a) Childhood ..
  - (b) Family history ..
  - (c) Health history ..
  - (d) Neighbourhood ..
  - (e) Educational background ..

- (f) Adolescence ..
- (g) Economic background ..
- (h) Employment history ..
- (i) Associations, companionship, etc. ..
- (j) Habits, aptitude, etc. ..
- 9. Personality (general impression only) ..
- 10. Clues regarding sequence of criminal behaviour
- 11. Is he a social or individualised criminal ?...  
Is he an ordinary criminal or careerist or professional criminal? Is his criminal act behaviour of the moment, or eruptive behaviour ?
- 12. Is his maladjustment at the surface level or at the deep emotional level ?

Date on which the case history was prepared. \_\_\_\_\_

Prison : \_\_\_\_\_

### FORM III

[See rule 16 (1)]

#### *Medical Certificate*

In the matter of.....  
of\*..... in the town of ..... or the  
sub-division of.....in the district of .....  
an alleged lunatic.

I, the undersigned ..... do hereby certify  
as follows:—

1. I am a gazetted medical officer (or a medical practitioner/  
a holder of † .....  
or declared by Govt. to be medical officer under Act IV of 1912).  
local Govt. to be a medical practitioner under Act IV of 1912 and I am  
in the actual practice of the medical ..... profession.

\* Insert residence of patient.

† Insert qualification to practice medicine and surgery registerable in the United Kingdom.

2. On the.....day of..... 19  
 at ‡ ..... in the town ..... (or the  
 village of  
 sub-division of in the district of ..... ) (Separately  
 from any other practitioner) § I personally examined the said  
 ..... and came to the conclusion that  
 the said .....is a lunatic and a proper person  
 to be taken charge of, and detained under care and treatment.

3. I formed this conclusion on the following grounds viz.,

(a) Facts indicating insanity observed by myself, viz :— ¶

(b) Other facts (if any) indicating insanity communicated to me by other,  
 viz:—

(Signed) .....  
 (Designation as above).

-----  
 FORM IV

[See rule 16 (1)]

*Medical History Sheet of Lunatics*

(N. B.—The ultimate responsibility for the preparation of this form rests with the committing officer, who must see that the requisite information is supplied by the police and the Medical Officer without undue delay).

Questions to be answered upon information supplied by the Police alone :—

1. Name of patient in full and caste or race.
2. Name of patient's father.
3. Married or single or widowed.
4. Condition of life and previous occupation  
 (if any).
5. Religion

---

‡ Insert place of examination.

§ Omit this where only one certificate is required.

¶ Here state the information and from whom.

6. Place of birth and recent place of abode\* or domicile.†
7. Whether homeless or living with relatives.‡
8. Whether any member of patient's family has been or is affected with insanity.
9. Whether the attack is the first attack of insanity or not.
10. Age (if known) at onset of first attack.
11. Previous history and habits and facts indicating insanity §
12. Duration and nature of any previous attacks.
13. Supposed cause of insanity ¶ ..
14. Duration of existing attack. ..
15. Details of injuries, if any, and how caused.

Signature.

---

\* Here the name of the lane, or street, village, police station and district and length of residence should be stated. As much detail as possible should be given.

† Government Notification, G. D. No. 3107, dated the 23rd April 1928.

‡ This heading should show the names and addresses of the relatives or persons legally bound to maintain the lunatic (if any) and whether they are able and willing to take charge of him or to bear the cost of his maintenance in the asylum and, if not, why not.

§ In this the mode of life the patient led, his conduct, reasons for suspecting insanity, history of any particular illness which may have helped to produce this condition of mind, his temperament or any habit of taking or smoking any drug should be mentioned, in the case of criminal lunatics, also the nature of the crime the detailed circumstance under which it was committed, how he came to be arrested by the police, and the section under which the lunatic was charged and the result of trial in addition to other particulars which may be available.

¶ Whether he is addicted to any spirits or drugs and, if so, for how long he has been so addicted and what is the quantity habitually taken, whether he is a member of any particular religious or political society, or whether he suffered from loss of property, loss of relatives, domestic trouble or ill-health immediately before the attack.

*Questions to be answered by the Medical Officer alone :*

1. Sex and age of Patient ..
2. Marks whereby the patient may be identified.
3. State of bodily health ..
4. Symptoms exhibited
5. Supposed exciting cause of present attack
6. Whether subject to epilepsy or any other disease.
7. Whether suicidal ..
8. Whether dangerous to others ..

Signature.

-----  
FORM V

(Rule 23)

*Report of Execution*

From the Superintendent,

To

The Inspector General of Prisons,

No. Office Dated

The execution of the convict referred to below was carried out in a  
 \*proper manner this morning at.....  
 O'clock in the presence of the .....  
 Magistrate .....

Register No. ....

Name of convict—

Superintendent. ....

† If any mishap or accident occurs, details should be given on the  
 reverse.

*Note.*—This report should be submitted to the Inspector General of  
 Prisons on the same day on which the capital sentence of a  
 convict is carried out in any prison or Jail.

---

\* In this the general health of the patient as well as any abnormality of feature or development should be entered. It is desirable that special mention be made as to whether the patient is not suffering from any tubercular disease.

† Here the name of the lane, or street, village, police station and district and length of residence should be stated. As much details as possible should be given.



## SECTION II : NON-STATUTORY RULES

[Framed under Government Resolution, Home Department No. RJM 1058 (XLVII)/12495-XVI, dated 18th January 1971 and brought into force with effect from 25th February 1971]

## PRISONERS SENTENCED TO DEATH

Guarding of  
prisoners  
sentenced to  
death.

1. The guards shall not be armed with fire-arms, bayonet or sword or any sharp weapon. The guards shall be posted in front of the grated door of the cell. The key of the cell-lock shall be kept with the guard/Matron on duty so as to be immediately available in case of emergency. The Lock must be such as cannot be opened by any other key in use in the prison.

Observation.

2. (i) The Jailor in charge of the Yard/Circle should carefully observe the behaviour of a prisoner sentenced to death from the date of his admission in the Prison till final disposal of the case with special reference to the following points:—

- (a) His reactions towards Police, Courts, Witnesses, Co-accused, etc.
- (b) His reactions towards the family of the victims,
- (c) Whether he shows signs of repentance,
- (d) Whether he admits his crime to a prison official and/or his friend/relatives,
- (e) Whether he shows any vindictiveness,
- (f) Whether he shows interest in material things or in spiritual matters,
- (g) Whether he spend his time in meditation or engages himself in phantasy (i. e. day dreaming),
- (h) Attitude towards the staff, (i) Attitude towards other prisoners,
- (j) Emotional stability (i. e. whether he shows sign of nerveousness or excitement),
- (k) His demeanour-particularly on the day of execution and during the previous night,
- (l) His actions immediately before the hanging rope is put around his neck.

(ii) The notes of psychological observation kept by the Jailor should be checked daily by the Superintendent who should ensure that the data required for the compilation of the notes is collected by the Jailor in

an intelligent manner and that the same have a factual base. Two copies of the case history of the prisoner and the notes shall be sent by the Superintendent to the Inspector General of Prisons immediately after the final disposal of the case.

(iii) A copy of the case history and psychological notes shall be sent by the Inspector General of Prisons to Government immediately on receipt together with his own remarks thereon if any.

3. (i) The Superintendent of the Prison in which Prisoners sentenced to death are confined, may incur expenditure upto Rupees thirty for each deserving prisoners for amenities provided in rule 11 of the Maharashtra Prisons (Prisoners sentenced to death) Rules, 1971 and/or securing the presence of his relatives to visit him.

Facilities.

(ii) The I. G. of Prisons may incur further expenditure upto Rupees twenty per prisoner sentenced to death in urgent and deserving cases.

4. Where a petition for mercy from a convict under sentence of death is forwarded to the Secretary to Government in the Home Department in accordance with the rule 14 of the Maharashtra Prisons (Prisoners Sentenced to Death) Rules, 1971 (Statutory) and if no reply is received within 15 days from the date of despatch of the petition for mercy, the Superintendent shall telegraph to the Secretary to the Government drawing his attention to the fact, but he shall in no case carry out the execution before the receipt of reply from the State Government.

Petition for Mercy.

5. Where State Government orders appointment of Special Medical Board for examining the mental condition of a convict under sentence of death under rule 16 (2) of the Maharashtra Prisons (Prisoners sentenced to Death) Rules, 1971, (Statutory) the Superintendent shall obtain the history of such convict from institutions or individuals with whom he has had contacts. The Mental Specialist under whose observation the convict is kept pending examination by the Special Medical Board, shall furnish the Superintendent with a questionnaire for collecting the information. Factual material concerning the mental condition of the convict shall be obtained either from records or from eye-witnesses including the officer who arrested him. For the purpose of an estimation of the convicts state of mind just prior to, at the time of and soon after the commission of the offence, reports shall be obtained from eye-witnesses including relatives of the convict.

Insanity of Convict Under Sentence of Death.

*Note* :—Evidence regarding the behaviour of the prisoner at the time of the trial and especially during examination in court will be available

from the proceedings of the court including the evidence and the summing up and judgment. Reports on the convict shall be obtained from individuals who have been in contact with him during his remand and subsequent detention in the prison. While collecting this information, utmost care shall be taken to see that the object within which it is collected is not divulged. It should also be remembered that the relatives of the convict are likely to be specially interested and the information supplied by them shall be used with the greatest care.

Execution of  
Death Sentence.

6. A batch of guards with arms consisting of one Havildar, one Naik and nine Sepoys shall be present at every execution of sentence of death. The reserved guard, Jamadar shall also be present.

Postponement  
of execution of  
Death Sentence  
on medical  
grounds,

7. Ordinarily the criterion for postponing the execution of sentence of death on medical grounds under rule 21 of the Maharashtra Prisons (Prisoners Sentenced to Death) Rules, 1971 shall be that the mere act of moving the prisoner from his bed in hospital and placing him in an erect position on the scaffold might in itself be sufficient to cause death.

Identification of  
convict under  
sentence of  
Death.

8. Before the condemned criminal is taken for execution of the sentence from his cell, his hands shall be pinioned behind his back, and the Superintendent and the Senior Jailer shall then identify the convict by a reference to the prison registers as the individual named in the warrant.

Witnessing the  
execution of  
Death Sentence  
by prisoners.

9. Prisoners shall never be made to attend an execution, save in the case of an execution arising out of a capital offence committed by one of their number when undergoing a lesser sentence either within or without the prison walls. In such cases, it shall rest with the Superintendent with the prior sanction of the Inspector General to determine what prisoners shall be selected to witness the execution.

Publicity of  
execution of the  
convict.

10. If orders are received from the Government that publicity shall be given to the execution of any prisoner carried out within the Jail precincts, the Superintendent shall notify the fact of the execution to the District Magistrate who shall then cause it to be proclaimed by beat of drum in the village or locality in which the crime was committed and shall cause a notice to the following effect to be posted in the village Chowri:—

“A. B. convicted of the murder of ..... was hanged on ..... at ..... Jail. Let all evil minded persons take warning.”

*Note.*—For sentences passed by Court Martial see Government Resolution, Judicial Department No. 6049, dated the 7th September 1898.

11. (i) The gallows shall be erected and the rope tested in the presence of the Superintendent the evening before the execution, he being personally responsible that these arrangements are properly made. A new rope need not necessarily be used for every execution, but the Superintendent shall see that the rope is carefully tested. As a rule, a bag of sand weighing  $1\frac{1}{2}$  times the weight of the prisoner to be hanged and dropped between 1.830 and 2.440 metres will afford a safe test of the rope. Two spare ropes for each prisoner sentenced to death shall be kept ready in reserve on the scaffold in the event of accidents.

Arrangements  
for Execution.

(ii) (a) If a prisoner weighs less than 45.360 kg., he shall be given a drop of 2.440 metres.

(b) If a prisoner weighs from 45.360 kgs. to 60.330 kgs. (both inclusive) he should be given a drop of 2.290 metres.

(c) If a prisoner weighs more than 60.330 kg. but not more than 75.300 kgs. he shall be given a drop of 2.130 metres.

(d) If a prisoner weighs more than 75.300 kgs. but not more than 90.720 kgs., he shall be given a drop of 1.980 metres.

(e) If a prisoner weighs more than 90.720 kgs. he shall be given a drop of 1.830 metres.

Provided that, so long as the extreme limits of 1.830 metres on the one hand and 2.440 metres on the other are adhered to, if owing to any physical peculiarity of the prisoner the Medical Officer is of the opinion that the drop should be increased or decreased, effect should be given to the view of the Medical Officer.

(iii) The following measures shall be adopted in the fixing of the rope to allow of a given drop:—

(a) The height of the prisoner sentenced to death to the angle of the jaw immediately below the left ear shall be accurately measured,

(b) The height from the drop shutter, when fixed in position to the lower portion of the ring in the beam to which the rope will be affixed shall also be accurately measured.

These two measurements will determine the distance, when the prisoner is standing in position on the drop from the point of the latter's jaw to the ring in the beam. The measurement of the prisoner's neck shall also be carefully taken, the neck measurement and the height measurement to angle of jaw being carried out immediately after the convict has been

sentenced to death. The length of rope for any given drop shall be length of that drop plus the in stance distance from the angle of the prisoner's jaw to the ring in the beam. That is to say, that assuming the distance between the angle of the jaw and the iron ring to be 1.220 metres and the desired drop to be 2.130 metres, the amount of free hanging from the ring shall be 3.350 metres from the ring to the leather washer maintaining the loop in position on a pillow of gunny cloth, filled with sand, of the same thickness as the neck of the prisoner.

Presence of  
Officers at  
Execution of  
Convict. 12. The Superintendent, Deputy Superintendent, Senior Jailor, and the Medical Officer shall be present at all executions. An Executive Magistrate deputed by the District Magistrate shall attend the execution and countersign the return thereof to the Sessions Judge.

Execution. 13. (i) The Superintendent shall invariably see that the rope round the neck of the prisoner is adjusted properly and the knot place in the proper position.

(ii) The body shall remain suspended for half an hour before being taken down and until the Medical Officer has certified that the life is extinct.

Hangman's fee. 14. A hangman shall be paid at the rate of Rs. 10 for execution of a convict but the Inspector General of Prison may sanction a higher rate not exceeding Rs. 25 in any special case, see G. R. H. D. No. MIS-5162/15252-IV, dated 21-5-1962.

Disposal of  
Body. 15. (i) Subject to the provision of this rule, the body of the executed convict shall be disposed of according to the requirements of the religion to which the executed convict belonged.

(ii) If any relative of the executed convict makes a written application for performing his last rites, the Superintendent may, in his discretion, allow such request, provided that the relative gives an undertaking in writing that he shall not make public demonstration of any kind in relation to the cremation or burial of the executed convict. In case the Superintendent thinks that there is likelihood of public demonstration he may refuse such permission and his discretion shall be final.

(iii) In any case of the disposal of the body of an executed convict there is likelihood of public demonstration, the Superintendent shall consult the District Magistrate, and the arrangements for disposal of the body shall be made according to the requirements of the situation as per directions given by the District Magistrate.

(iv) Except as provided in sub-rule (2) the body of an executed convict shall be taken out of the prison with all solemnity. Where possible, a municipal hearse or ambulance may be hired for the transport of the body to the jail cremation/burial ground and the Superintendent may incur reasonable expenditure upto Rs. 50 (fifty rupees), required for the transport and disposal of the dead body of the convict.

-----

## CHAPTER XLIII

### CIVIL PRISONERS

#### SECTION I : STATUTORY RULES

[Government Notification, Home Department, No. RJM-1058 (XXVI)  
IV, dated the 25th May 1963]

In exercise of the powers conferred by clauses (11) and (28) of Section 59 of the Prisons Act, 1894 (IX of 1894) and of all other powers enabling it in that behalf and in supersession of the rules relating to Civil Prisoners, the Government of Maharashtra hereby makes the following rules, namely :—

Short title and  
commencement.

1. (i) These rules may be called the Maharashtra Civil Prisoners Rules, 1963.

(ii) They shall come into force on the 1st day of July 1963.

Application of  
Rules.

2. The provisions of these rules apply to civil prisoners confined to prisons in Greater Bombay.

Separation of  
civil prisoners.

3. Every civil prisoner shall be confined in a civil jail or portion of the criminal prison set apart for the purpose, and shall not be allowed to hold communication or be associated with criminal prisoners.

*Note.*—A separate room need not be provided for each prisoner individually.

Bar against  
transfer of civil  
prisoners.

4. No civil prisoner shall be transferred from or to a civil prison, except as provided in the Prisoners Act, 1900.

Diet for civil  
prisoners other  
than Judgment-  
debtors.

5. Civil prisoners other than judgment debtors shall be allowed diet on the scale provided for non-labouring criminal prisoners at the expense of Government and shall have their food cooked and supplied by convicts. All extras ordered by the Medical Officers shall be paid for by Government.

Diet for  
Judgment-  
debtors.

6. Judgment debtors may be supplied with good and wholesome food by their friends, through the Jailor, at such hours as the Superintendent shall fix. On the failure of friends to supply the food, the Superintendent shall arrange to supply the Judgment debtors with good and wholesome food having regard to the scale of monthly allowance fixed with reference to the class to which the Judgment debtor belongs.

7. 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 an attempt to escape, the prisoner shall be prosecuted before a criminal court.

Escape of civil prisoners.

8. A civil prisoner who has been committed to prison may be released therefrom by the State Government on the ground of his suffering from any infections or contagious disease, or by the committing court, or any court to which that court is subordinate, on the ground of his suffering from any serious illness. Whenever a civil prisoner is found to be suffering from any serious illness to cause his death, the case shall be immediately reported by the Superintendent to the committing court.

Release of civil prisoner suffering from disease.

9. (i) After a civil prisoner has been released, if there is any balance of diet money, it shall, if it is received from a civil court officer, be returned to the court, and if it is received from the decree-holder it shall be returned to the decree-holder, on his applying for it. If such balance remains unclaimed for more than two months, it shall be remitted to the Treasury to the credit of Government. For every refund of diet money to the decree-holder a receipt shall be taken and pasted into the admission register opposite the account to which it relates.

Disposal of balance of diet money and other necessities.

(ii) All articles such as utensils, clothing, bedding and other necessities supplied, by or at the cost of the decree-holder, for the use of the judgment-debtor, while detained in prison, shall in the event of the decree-holder failing to take them back on the judgment-debtor's release from prison be sent to the Registrar of the Civil Court concerned.

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

## SECTION II : NON-STATUTORY RULES

1. Extracts from the Code of Civil Procedure, containing the provisions relating to insolvency, shall be posted up in the civil jail, and civil prisoners shall be allowed to make the necessary application under the Code, should they desire, to be declared insolvents.

2. 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; and any civil prisoner committing an offence under Section 42 of the Act IX of 1894 shall be prosecuted before a Magistrate.

3. The following note should be read with reference to rule 5 of the Maharashtra Civil Prisoners Rules, 1963.

*Note* :—Judgment-debtor means any person against whom a decree has been passed or an order capable of execution has been made, *vide* section 2 (10) of the Code of Civil Procedure, 1908.

---

## CHAPTER XLIV

### HABITUALS AND HARDENED CRIMINALS

#### *SECTION I : STATUTORY RULES*

[Government Home Department Notification No. RJM-1058-(XLIII)-IV,  
dated 1st June 1965]

In exercise of the powers conferred by clause (17) of Section 59 of the Prisons Act, 1894 (IX of 1894), in its application to the State of Maharashtra, and of all other powers enabling it in that behalf and in supersession of the rules relating to habituals and hardened criminals in force in any part of the State, the Government of Maharashtra hereby makes the following rules, namely :—

1. (i) These rules may be called the Maharashtra Prisons (Habituals and Hardened Criminals) Rules, 1965.

Short title and  
commencement

(ii) They shall come into force on the 12th day of July 1965.

2. The following prisoners shall be classified as habitual criminals, that is to say,—

Prisoners to be  
classified as  
habitual  
criminals

(1) Any person convicted of an offence punishable under Chapters XII, XVII and XVIII of the Indian Penal Code whose previous conviction or convictions taken in conjunction with the facts of his case, show that he is by habit a robber, house-breaker, dacoit, thief or receiver of stolen property or that he habitually commits extortion cheating, forgery or in the habit of counterfeiting coins, currency notes and stamps;

(2) Any person convicted of an offence punishable under Chapter XVI of the Indian Penal Code, or under the Prevention of Prostitution Act, 1923 or any law corresponding thereto or under the Suppression of Immoral Traffic in Women and Girls Act, 1956, whose previous conviction or convictions taken in conjunction with the facts of his case show that he habitually commits offences against person or is habitually engaged in immoral traffic in women or children;

(3) Any person committed to or detained in prison under Section 123 (read with Section 109 or 110) of the Code of Criminal Procedure, 1898;

(4) Any person convicted of any of the offences specified in clauses (1) and (2), when it appears from the facts of the case, even though no previous conviction has been proved, that he is by habit 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 purpose;

(5) Any person convicted by a \* [Court or] Tribunal acting outside India, of an offence which would have rendered him liable to be classified as a habitual criminal, if he had been convicted in a Court established in India ;

(6) Any person who is a habitual offender under the Bombay Habitual Offenders Act, 1959 (Bom. LXI of 1959).

*Explanation.*—For the purposes of this rule, the word ‘conviction’ includes an order made under Section 118 read with section 110 of the Code of Criminal Procedure, 1898.

Authorities who  
may classify  
prisoners

3. Classification of a convicted person as habitual criminal may be made by the convicting Court. If the convicting Court omits to do so, the Superintendent shall, on the basis of information at his disposal, send a report about the prisoner’s social background, circumstances of the crime, known previous convictions, if any, and other like information to the Inspector General. The Superintendent shall move the Finger Print Bureau, Modus Operandi Section and concerned police authorities to forward all available information regarding such prisoner from police record, to the Inspector General. On receipt of all relevant information, the Inspector General shall issue orders regarding the classification of the prisoner. Pending orders of the Inspector General, the Superintendent may, on the basis of any information available with him, temporarily classify any prisoner as a habitual criminal; provided that if the Superintendent is doubtful about the correct classification of any prisoner, he shall refer such case to the Inspector General for orders.

*Explanation.*—For the purposes of this rule, a ‘convicting Court’ includes a Court Martial and a Court passing an order under section 123 of the Code of Criminal Procedure 1898.

Study.

4. (i) The case of each habitual criminal shall be studied with reference to the following factors during the quarantine period, that is to say—

- (a) repetition in crime resulting in gain and against property,
- (b) repetition in crime of aggression against person,

---

\* Substituted by Government, Home Department Notification No. RJM-1058 (XLII-I) IV, dated 19th December 1966.

(c) involvement in vices like alcoholism, drug addition gambling and the like;

(d) involvement in, or repetition of, organised crime, traffic in drugs, narcotics, liquor and women, brothels; commercialised and organised gambling, illicit distillation, distribution and sale of liquor or of prohibited tinctures; organised underworld vulgar recreation; organised cheating; frauds; black marketing, swindling, gangsterism and the like;

(e) repetition of anti-social activities connected with occupations, professions and service, black marketing, corruption, illegal trade practices and the like ;

(f) repetition and continuation in crime owing to situational and environmental pressures;

(g) repetition of crime owing to mental and emotional factors (criminal psychopathy, criminal psychoneurotic symptom, sex offences and the like);

(h) symptoms of professional criminality;

(i) skills, techniques and levels of criminal operations;

(j) specialization in certain criminal activities;

(k) connection with agencies of moral risk like, gambling dens, drinking places, brothels, shops dealing in stolen property and the like;

(l) extent of repetition or continuity in crime;

(m) age on initial and subsequent conviction;

(n) gaps in between convictions;

(o) previous stay in a correctional institution;

(p) the manner and mode in which the offences are committed;

(q) prisoner's criminal connections ;

(r) prisoner's attitude towards crime;

(s) place of criminal activity in the total employment and scheme of life of the prisoner.

(ii) On a comprehensive study of each habitual prisoner, the Classification Committee shall\* [x x x]\* place a prisoner in one of the following categories of habitual prisoners, that is to say,—

(a) prisoners who have still not gone deep into a life of vice and criminality and who show hopes of being re-aligned to a socially adjusted way of life;

(b) prisoners who show signs of deep involvement in criminal activity and who have become hardened and persistent offenders;

---

\*—\* Deleted by Government, Home Department Notification No. RJM-1058-(XUII)-VI, dated 20th September 1967.

(iii) The Classification Committee shall decide, \*[x x x]\* the line of training and treatment and the special emphasis to be given in the case of each individual prisoner.

†(iv) Notwithstanding anything contained in this rule, it shall be lawful to the Inspector General to make such changes as respects placing of prisoners in the categories of habitual criminals under sub-rule (ii) or in the line of training treatment and special emphasis decided under sub-rule (iii) as he may, after recording his reasons therefor think fit†

Response to  
treatment and  
transfer of  
hardened  
criminals to  
Special Prison

5. Where the Classification Committee recommends that prisoners (not being adolescent prisoners and women prisoners), who do not respond to training and treatment should be transferred to the Ratnagiri Special Prison and such transfer is in the interest of the prisoners as well as of the institution, then such prisoners may be so transferred.

Institution for  
hardened and  
Persistent  
offenders

6. Habitual criminals who show signs of deep involvement in criminal activity and who have become hardened and persistent offenders shall be sent to the Special Prison at Ratnagiri.

Stage system

‡7. (i) On admission to a prison, all habitual criminals shall be admitted to Stage I; and accordingly he shall be provided with cellular accommodation (at night), if such accommodation is available, work in small groups if considered essential and practicable by the Superintendent, smokes, tea, and essential toilet articles from the amount standing to his credit. The prisoner shall not, however, be granted any remission.

(ii) At the end of six months, the case of each habitual criminal shall be reviewed by the Classification Committee. If the prisoner has maintained good institutional discipline and has made efforts for self-improvement, he shall, \*[x x x]\* be promoted by the Superintendent to Stage II; and accordingly, he shall be provided with cellular accommodation at night, if such accommodation is available, with work in association and in larger groups and with more liberal canteen facilities than are admissible to those in Stage I, as the Superintendent may think reasonable and shall be granted remission of four days per month.

\*—\* Deleted by Government, Home Department Notification No. RJM-1058 (XLIII)-IV, dated 20th September 1967.

†—† Substituted by Government, Home Department Notification No. RJM-1058 (XLIII)-IV, dated 19th December 1966.

‡—‡ Substituted by Government, Home Department Notification No. RJM-1058 (XLIII)-IV, dated 20th September 1967.

(iii) At the end of the year from such admission, the case of each habitual criminal shall be reviewed by the Classifications Committee. If the prisoner has maintained good institutional discipline and has made further efforts for self-improvement, he shall ~~\*[x x x]\*~~ be promoted by the Superintendent to Stage III and accordingly, he shall be provided with accommodation in dormitories work in association, and all canteen facilities; and shall be granted remission of ~~\*[five]~~ days per month.

(iv) On admission to Stage I or promotion to Stage II or III, the Superintendent shall issue in respect of prisoners in each stage an identification band to indicate such stage.

(v) The remission for prisoners promoted to stages II or III, shall, subject to provisions of the Maharashtra Prisons (Remission System) Rules, 1962, be counted from the date of promotion to each such stage.

†(b) Notwithstanding anything contained in this rule, it shall be lawful to the Inspector General to make such changes in the promotion of habitual criminals as he may after recording his reasons therefor think fit.†

‡8. The case of each habitual criminal shall be examined by the Classification Committee once in six months to evaluate his progress. After such examination the Superintendent may effect any changes in the training and treatment if he thinks it necessary so to do.‡

Review

9. The Superintendent shall endeavour to take all steps necessary for the re-education and improvement of habitual criminals, to maintain discipline in the prison and also shall take all security measures against their escape or otherwise.

Security and discipline

10. (i) If any habitual criminal fails to keep up efforts at self-improvement [§or if there is marked deterioration§] in character or habits or violation of prison discipline, he will be demoted from Stage III to Stage II or from Stage II to Stage I, as the case may be.

Demotion

(ii) The cause of demotion and punishment order of demotion of the prisoner concerned shall be classified as a major offence and major

\*Substituted by Government, Home Department Notification No. RJM-105S (XLII)-IV, dated 19th December 1966.

\*—\* Deleted by Government, Home Department Notification No. RJM-1058 (XLIII)-IV, dated 20th September 1967.

†—† Added by Government Home Department Notification No. RJM-1058 (XLIII)-IV, dated 20th September 1967.

‡—‡ Substituted by Government, Home Department Notification No. RJM-1058(XLIII) IV, dated 19th December 1966.

punishment, respectively, for all practical purposes and compilation of the relevant statistical returns.

Habitual  
criminals to be  
employed on  
essential service

11. Habitual criminals may be employed on essential service only in a prison meant for habitual criminals; and non-habitual criminal shall, on no account, be employed along with habitual criminals.

Habitual  
criminals not to  
be confined in  
particular prison  
for long

12. Where habitual criminals are frequently confined in a particular prison or have become too familiar with the locality and surroundings, then the Superintendent shall, with the previous sanction of the Inspector General, transfer them to another prison meant for habitual criminals.

Special Prison

13. The following convicted prisoners may be kept in the Special Prison, Ratnagiri, that is to say—

- (a) those who have committed serious violations of prison discipline,
- (b) those who show tendency towards violence and aggression, and
- (c) any other prisoners in whose case the Inspector General or the State Government or both have issued specific orders.

*Note.*—The decision of the Inspector General to transfer a prisoner to the Special Prison as a punishment shall be final.

Habitual  
criminals to be  
allotted to  
cellular  
accommodation

14. (i) On admission to Special Prison, the habitual criminal shall be allotted cellular accommodation for three months during which period, he shall be under observation and shall not be allowed to associate with other prisoners therein. The jailor shall maintain brief notes of his observations of the Prisoner's behaviours. During this period, he may be provided with suitable work.

(ii) During such time as a prisoner is kept in the Special Prison, he shall not be granted the concessions of (a) remission, (b) furlough, \*[x x xj\*.

(iii) The prisoner shall not be eligible for being appointed as a 'Pancha' or as a 'Convict Officer' so long as he is confined in the Special Prison, and unless during the first six months of his transfer to another prison he maintains good prison record, he may not be eligible to either of the appointments subsequently.

---

\*—\*Deleted by Government, Home Department Notification No. RJM-1058 (XLII)-I, IV, dated 19th December 1966.

(iv) The following facilities shall be extended to prisoners kept in the Special Prison :—

(a) *Exercise*.—He may be allowed to take exercise one hour in the morning and one hour in the evening but shall not be allowed to join physical training, drill and games.

(b) *Work and wages*.—He shall be employed on suitable work inside the prison and paid wages under rule 45 of the Maharashtra Prisons (Facilities to Prisoners) Rules, 1962.

(c) *Newspapers and Books*.—The same facilities as are admissible under rules 29 and 30 of the Maharashtra Prisons (Facilities to Prisoners) Rules, 1962, except that he may not be allowed to purchase any newspapers at his cost, or to have more than two books in his possession at a time \*[            ]\*.

(d) *Canteen facilities*.—Tea and Smokes only may be permitted at his own cost :

Provided the total amount of purchases does not exceed Rs. 10 per month.

(e) *Diet and Medical Aid*.—He shall be entitled to the same facilities as are admissible to other prisoners.

(f) *Cinema and Bhajans and the like*.—He shall not be allowed to witness dramatic performances and cinema shows, folk dances, bhajans and the like; if arranged in prison during the first six months of his admission.

15. On the basis of the response shown by a prisoner in the Special Prison, the Superintendent may grant to such prisoner concessions like accommodation in a dormitory and association with other prisoners for exercise and work. An order authorising the grant of concessions shall be recorded in the History Ticket (as in Form No. I), of the prisoner under the signature of the Superintendent or in his absence, that of the Senior Jailor.

Grant of  
Concessions

16. (i) The Superintendent shall forward to the Inspector General a quarterly progress report in respect of every habitual criminal confined in the Special Prison. After completion of one year, the case of every such prisoner shall be reviewed by the Inspector General. If the prisoner has shown sufficient progress and improvement in his behaviour and discipline,

Transfer of  
habitual  
criminals to  
Central Prison

\*—\* Deleted by Government, Home Department Notification No. RJM-1058-(XLIII)-IV, dated 20th September 1967.



the Inspector General may issue orders transferring him to a Central Prison. Where a prisoner's behaviour and discipline is extraordinarily satisfactory, the Inspector General may issue orders transferring the prisoner to a Central Prison even before the completion of one year.

(ii) Cases of prisoners who continue to remain at the Special Prison for more than a year shall be reviewed by the Inspector General every six months thereafter for being transferred to a Central Prison.

-----

## APPENDIX

## History Tickets (Rule 16)

## “ Class I/II”

**History Ticket***(3) For Prisoners above one year*

No.	Name and Father's Name		
Caste	Age	Weight in kg.	
	Height	Physical equivalent in Kg.	
Previous-Occupation	Prisons in which confined	Date of Admission	
No. of Previous Convictions	Habitual Non-Habitual		
Health and Labour on Admission			
Crime	Sentences		
Sentencing Court	Date of Sentence		
	Date of Release— Probable Date of Release		

If a prisoner is not in good health or fit for hard labour the reason should be stated.

*N. B.*—All alterations in this ticket must be made in red ink.

Date	Entries	Initials	Date	Entries	Initials

*Ordinary and Special Remissions*

Date	Entries	Initials	Date	Entries	Initials

*Ordinary and Special Remissions*

*Hospital Entries*

Date	Entries	Initials	Date	Entries	Initials

645

WEIGHT CHART (2 YEARS)

Name :

Register No.

Date						
kg. 70						
65						
60						
55						
50						
45						
40						
35						
30						

**“ Class I/II”****History Ticket***(1) For Prisoners of 3 months or less*

No.	Name and Father's Name :		
Caste :	Age :	Weight in kg. :	
	Height :	Physical equivalent in Kg. :	
Previous-Occupation :	Prisons in which confined	Date of Admission	
Health and Labour on Admission :			
Crime :	Sentences :		
Sentencing Court :	Date of Sentence :		
	Date of Release :		

If a prisoner is not in good health or fit for hard labour the reason should be stated.  
*N. B.*—All alterations in this ticket must be made in red ink.

Date	Entries	Initials	Date	Entries	Initials

(2) *For Prisoners above 3 months and not more than 1 year*

\*If a prisoner is not in good health or fit for hard labour the reason should be stated.  
N. B.—All alterations in this ticket must be made in red ink.

Date	Entries	Initials	Date	Entries	Initials

### Ordinary and Special Remissions

Date	Entries	Initials	Date	Entries	Initials

### Ordinary and Special Remissions

*Hospital Entries*

Date	Entries	Initials	Date	Entries	Initials

*SECTION II : NON-STATUTORY RULES*

1. The main emphasis at the Ratnagiri Special Prison shall be on keeping the hardened and persistent offenders out of circulation from society as long as possible as per provisions of law. Such corrective and remedial measures may be adopted as would be practical. Necessary opportunities for self-improvement and re-education should be provided to hardened and persistent offenders.

2. The programme at this institution should consist of work, social and moral education, character training, vocational training, psychiatric treatment, where necessary and possible.

3. Necessary facilities for taking finger-prints, footprints, photographs, measurements etc. of habitual prisoners should be extended to the police according to the provisions of law. Intimation about the date of release of habitual prisoners in whose case Police Registration slips have been received in the jail office should be sent sufficiently in advance of the date of release to the District Superintendent of Police concerned.

4. The daily routine and programme should be so organised that a rigorous standard of discipline will always be maintained.

5. Emphasis should be given on work, individual guidance and counselling, where possible arrangements for psychological and psychotherapeutic examination and treatment should be made.

6. On re-transfer to a Central Prison, the prisoner should be kept under proper observation. His case should be reviewed once in every three months to examine his behaviour, discipline and general progress.

7. \*[When it is decided that a prisoner need not be kept any longer at the Special Prison, Ratnagiri, he should not be sent back to the same institution but to a different Central Prison.]\*

8. (i) The following prisoners will be eligible for being classified as habitual criminals, that is to say :—

---

\*—\* Added by Government, Home Department, Letter No. RJM-(XLIII)-IV, dated 19th December 1966.

\*\*Added *vide* G. B. H. D. N. RJM-0272/1-XXVI-J, dated 30th January 1977.



(a) Any person convicted of an offence punishable under Chapters XII, XVII, and XVIII of the Indian Penal Code who in the opinion of the Superintendent is by habit a robber, house breaker, dacoit, thief or receiver of stolen property or that he habitually commits extortion cheating, forgery or in the habit of counter-feiting coins, currency notes and stamps.

(b) Any person convicted of an offence punishable under Chapter XVI, of the Indian Penal Code, or any law corresponding thereto or under the Suppression of Immoral Traffic in Women and Girls Act, 1956 who in the opinion of the Superintendents, habitually commits offences against person or is habitually engaged in immoral traffic in Women or children.

(c) Any person committed to or detained in prison under Section 123 (read with Section 109 or 110) of the Code of Criminal Procedure, 1898.

(d) Any person convicted by a Court of Tribunal acting outside India, of an offence which would have rendered him liable to be classified as a habitual criminal, if he had been convicted in a Court established in India.

(e) Any person who is a habitual offender under the Bombay Habitual Offenders Act, 1959 (Bom. LXI of 1959).

*Explanation* :— For the purposes of this rule, the word ‘conviction’ includes an order made under Section 118 read with section 110 of the Code of Criminal Procedure, 1898.

2. The classification committee should examine critically and carefully the case histories of the prisoners eligible for being classified as “habitual” under sub-rule (1) above and recommend to the Superintendent of the Prison only those of the prisoners whose descent into criminal behaviour, well pronounced and hence they need to be classified as habitual.

3. The Superintendent of the Prison shall having regard to the recommendations of the classification committee, the social background of the prisoner, his previous convictions, if any, the circumstances of the crime and all other information which may be available to him classify a convicted criminal as habitual or non-habitual criminals, as the case may be.

---

## CHAPTER XLV

### LUNATICS

#### *SECTION 1 : STATUTORY RULES*

[Home Department Notification No. RJM-1058 (XXV)—IV,  
dated 25th March 1965]

In exercise of the powers conferred by clause (23) of Section 59 of the Prisons Act, 1894 (IX of 1894), and of all other powers enabling it in that behalf and in supersession of the rules relating to criminal lunatics in force in any part of the State, the Government of Maharashtra hereby makes the following rules, namely :—

1. (i) These rules may be called the Maharashtra Prisons (Lunatics) Rules, 1965.

(ii) They shall come into force on the 17th day of May 1965.

Short title and  
commencement

2. In these rules, unless the context requires otherwise.—

(i) “asylum” means an asylum (or mental hospital) for lunatics established or licensed by Government;

Definitions

(ii) “criminal lunatic” means any person for whose detention in or removal to a prison or other place of safe custody, an order has been made in accordance with the provisions of Section 464, Section 466 or Section 471 of the Code of Criminal Procedure, 1898, or of Section 30 of the Prisoners Act, 1900 or of Section 145 of the Army Act, 1950.

(iii) “lunatic prisoner” means a prisoner who has become insane after his conviction and admission into a prison.

3. (i) Criminal lunatics shall be classified as follows, namely :—

(a) persons accused of crime and supposed to be of unsound mind and placed under the observation of the Medical Officer in accordance with the provisions of Section 464 of the Code of Criminal Procedure, 1898,

Classification of  
Criminal lunatic

(b) persons accused of crime and found incapable of making their defence owing to unsoundness of mind and detained in accordance with the provisions of Section 466 of the Code of Criminal Procedure, 1898,

(c) persons who have been tried for a criminal offence and have been found to have committed the alleged offence, but have been acquitted

on the ground of being insane when the offence was committed, and are detained in accordance with the provisions of Section 471 of the Code of Criminal Procedure, 1898, either permanently or for a period they are transferred to an asylum.

(ii) Criminal lunatics referred to in clause (2) or clause (3) of sub-rule (1) shall be dealt with in accordance with the orders of the Government passed in each case.

Transfer of  
Criminal lunatic

4. (i) Where a criminal lunatic falling under clause (b) of sub-rule (1) of rule 3 is detained in a prison, the Superintendent shall apply to the Magistrate who passed the order of his detention, for the transfer of the prisoner to an asylum.

(ii) The Superintendent of a prison shall report to the Inspector General all cases of criminal lunatics falling under clauses (a) and (b) of sub-rule (1) of rule 3 who have been detained in the prison for more than a month.

(iii) Where in accordance with the orders of the State Government a criminal lunatic falling under clause (2) or clause (3) of sub-rule (1) of rule 3 is removed to an asylum, the Superintendent shall send with him a certificate in Form No. 3 in the Schedule annexed to the Indian Lunacy Act, 1912.

Certificate under  
Section 473 of  
Criminal  
Procedure Code

5. Where the Inspector General grants a certificate under Section 473 of the Code of Criminal Procedure, 1898, in respect of a criminal lunatic falling under clause (b) of sub-rule (i) of rule 3, the Superintendent of the prison shall at once forward a copy of such certificate together with the medical history of the criminal lunatic including information regarding his conduct in the prison, to the Magistrate or Court which passed an order for his detention in order to enable the Magistrate or Court to take immediate measures to dispose of the case of such criminal lunatic.

Transfer of  
lunatic prisoner

6. (i) Where a prisoner is suspected to be a lunatic prisoner, the Superintendent of the prison shall, at once, ascertain by telegram from the Surgeon General the asylum to which he may be transferred, and shall also immediately report the matter direct to the Secretary to Government in the Home Department stating therein, whether accommodation in a certain asylum is available or that as information in that respect has been called for and will be sent as soon as possible by telegram.

(ii) Where such a prisoner is sentenced to death, the Superintendent shall also send a report to the Inspector-General, and the execution of the sentence shall not be carded out.

(iii) The report under sub-rule (i) or sub-rule (ii) shall be accompanied by—

(1) nominal roll of the lunatic prisoner showing in the last column thereof—

- (a) the date of admission in prison,
- (b) the date on which the signs of insanity were first observed,
- (c) the date on which he was placed under medical observation, and
- (d) the date on which he was declared by the medical officer to be a lunatic;

(2) a copy of warrant (in duplicate) under which he is confined;

(3) Medical Officer's certificate, in duplicate;

(4) Medical history sheet in duplicate;

(5) a copy of the judgment of the court which ordered his detention, and

(6) information regarding—

(a) sentence undergone in prison,

(b) remission earned,

(c) if the Advisory Board has examined his case,

(i) the date on which, the case was examined;

(ii) the date on which the case is again submitted to the Advisory Board as directed by it,

(d) if the case has not been examined by the Advisory Board, the term of sentence at the end of which it would have been so brought for examination before that Board had the prisoner continued to be in prison.

7. (i) Where a special medical board is appointed for examining the state of mind of a convicted criminal prisoner under sentence of death, prior to his examination by such board, the mental specialist in charge of the nearest asylum shall keep the prisoner under observation in the prison for a period of ten days or longer, if necessary.

Examination by  
Special Medical  
Board

(ii) The Superintendent and the Medical Officer of the prison in which the prisoner is confined shall give all facilities to the Mental Specialist for physical examination including serological tests and for his observation without the prisoner's knowledge.

(iii) As soon as possible after the special Medical Board is appointed and the prisoner is placed under observation in accordance with sub-rule (1), the Superintendent shall collect the following information regarding the prisoner, through the Police or otherwise, and forward it to the mental specialist, namely :—

(a) history of the prisoner obtained from institutions or individuals with whom he had contacts, prior to the commission of offence, during his remand and after his detention in prison, in accordance with the questionnaire furnished to him in that behalf by the Mental Specialist,

(b) matters of fact concerning the state of mind of the prisoner just prior to, at the time of and soon after the commission of the offence obtained either from the records, or eye-witness including officers who arrested him,

(c) evidence regarding the behaviour of the prisoner, at the time of his trial and especially during the examination by the Court, from the notes of the proceedings of the Court, notes of evidence, and summing up of the case and the judgment.

(iv) While collecting the information referred to in sub-rule (3), the Superintendent shall see that the object with which it is collected is not divulged, and shall use with care the information given by the relatives of the prisoner.

(v) As soon as the mental specialist has prepared his report he shall request the Surgeon General to fix a date for the meeting of the special medical board.

(iv) The mental specialist shall place all the records at the disposal of the special medical board, and the chairman of the board shall forward the proceedings of the board to the Secretary to the Government in the Home Department through the Inspector-General and Surgeon-General.

Criminal lunatics  
or lunatic  
prisoners to be  
transferred to  
asylum if fit

8. (i) No criminal lunatic or lunatic prisoner shall be transferred to an asylum unless the Medical Officer certifies immediately before his transfer that he is fit both mentally and physically for travel, and such certificate of fitness shall be sent to the Superintendent of the asylum by post. Every precaution shall be taken to secure that the criminal lunatic or lunatic prisoner is properly looked after in respect of his food, clothing and bedding as prescribed in the rules relating to transfers except that two suits of clothing shall be provided instead of one.

(ii) It shall be the duty of the Prison Officer who transfers the criminal lunatic or lunatic prisoner to see that the escort is provided with sufficient means to purchase suitable and necessary articles of diet for the use of

the criminal lunatic or lunatic prisoner during his journey to the asylum and to direct that in case the criminal lunatic or lunatic prisoner refuses food or becomes sick he shall be taken to the nearest hospital for advice or treatment.

(iii) No fetters shall be imposed unless they are absolutely necessary.

9. A female criminal lunatic or a female lunatic prisoner sent to or from an asylum shall be accompanied by a female attendant or a relative in addition to the usual escort. The Police Department shall, in the absence of a female relation, make arrangements for a female attendant and shall bear the travelling and other expenses incurred on behalf of the attendant.

Transfer of  
female lunatics

10. Criminal lunatics whether recovered or unrecovered, when travelling by train shall be placed with their escort or attendants in a separate compartment, and shall not be allowed to mix with other passengers.

Transfer of  
criminal lunatic  
by train

11. The warrant under which the lunatic prisoner was confined in prison shall be returned, duly endorsed, to the court that issued it, immediately after the lunatic prisoner is transferred to an asylum.

Return of  
warrant

12. (i) Where a lunatic prisoner in an asylum has been certified to have recovered, he shall be re-transferred to the prison by orders of the State Government to undergo such period of probation before release as may be specified by it and shall in no case be employed as a convict officer.

Treatment of  
lunatic prisoner

(ii) Within a month of the expiry of the probationary period in prison and provided there has been no recurrence of symptoms of insanity, he shall be transferred to the prison nearest to his home.

13. Where a lunatic prisoner who on his recovery has been re-transferred into a prison from an asylum, his name shall be entered in Form No. I and the period of probation he has to serve, according to the rules, shall be shown in column 14 (f) of the Form.

Re-transfer of  
lunatic prisoner  
on recovery in  
prison

14. Where a lunatic prisoner on his recovery is undergoing probation in a prison has a relapse of insanity, he shall be immediately returned to the asylum in anticipation of the orders of the State Government and the case shall be reported to the Inspector General, With every such lunatic transfer either from the asylum to prison or *vice versa* full details of his medical history up-to-date shall be forwarded.

Release of  
insanity

Employment on light labour of lunatic prisoner on recovery	15. A lunatic prisoner who has recovered shall be employed on labour other than hard labour. He shall wear prison clothing and shall be treated in all respects as an ordinary convicted criminal.
Procedure for recommending lunatic prisoner on recovery for release	16. Where it is proposed to recommend a lunatic prisoner on recovery for release, the Superintendent shall place his case before the official visitors at a quarterly meeting and the official visitors may record any remarks thereon they may consider to be necessary. The recommendation together with the remarks shall then be submitted to the Inspector General for being forwarded to Government.
Information to be given in submission of case	17. While submitting a case under the preceding rule a nominal roll of the lunatic prisoner who has recovered along with the following information shall be forwarded with a covering letter to the Inspector General, namely :— <ol style="list-style-type: none"> <li>(1) the date of committal to asylum;</li> <li>(2) the asylum from which received;</li> <li>(3) the number and date of Government orders sanctioning removal to the prison;</li> <li>(4) the date of arrival in the prison;</li> <li>(5) the opinion of the Medical Officer on prisoner's condition;</li> <li>(6) the conduct of prisoner in prison; and</li> <li>(7) the work on which he was employed in prison.</li> </ol>
Certificate of receipt of lunatic	18. Whenever a lunatic is received in a prison, a certificate of receipt shall be given by the person in charge of such prison to the person handing over the lunatic.
Confinement of lunatic in cell	19. Where a criminal lunatic or a lunatic prisoner is found to be dangerous, noisy or filthy in his habits, he shall be confined in cell and he shall be visited daily by the Medical Officer. The observations made by the Medical Officer regarding such prisoner shall be recorded in Form No. II. Other lunatics falling under clauses (a) to (c) of sub-rule (i) of rule 3 may be detained either in the prison hospital or in the criminal prisoners' ward at the discretion of the Medical Officer. A criminal lunatic or a lunatic prisoner confined in a cell shall at all times be under strict watch by a sufficient number of specially selected convict watchmen by day and by convict overseers by night.
Certificate on discharge	20. Every lunatic shall, on discharge, be furnished with a certificate of discharge signed by the Superintendent.

# FORM I

(See rule 13)

## Register showing the description of convicted Prisoners in the Prison/Jail during the year

1.	Number	Class 22					
2.	Name in full						
3.	Nationality— Caste	Furlough					
4.	Religion	Release	Date of Release	Date of surrender	Over stayal	Authority for release	Remarks
5.	Age on sentence and height	1	2	3	4	5	6
6.	Finger impression taken or not	1st					
7.	<i>Marks of identification :</i> (indelible marks to be given here)	2nd					
8.	City or Village, Taluka and District	3rd					
9.	Home Address	4th					
10.	Name and address of next of kin	5th					
11.	Previous occupation	6th					
12.	Able to read and write or illiterate	7th					
13.	<i>Details of previous convictions :</i>	8th					
	Serial No. and date of offence	Offence	Length and nature of sentence	Sentencing authority			
	1	2	3	4			
	1st on	10th					
	2nd on	11th					
	3rd on	12th					
	4th on						



14.	<i>Details of present conviction :</i>	23.
(a)	Section and Act under which convicted	..
(b)	Sentencing authority	..
(c)	Date of sentence	..
(d)	Date of arrival in Prison	..
(e)	Nature of Punishment (R. I.-S. I )	..
(f)	Length of sentence	..
(g)	Solitary confinement and dates on which it has been carried out	..
(h)	Fine or sentence in default	..
15.	Date of receipt of intimation of payment of fine from Magisterial authorities and amount.	1st
	(b) Date of receipt of fine by jailor and amount	2nd
16.	Date of release on expiry of sentence and/or on expiry of sentence in default of payment of fine.	3rd
17.	Date of release on part or full payment of fine	4th
18.	Date and result of appeals	5th
19.	Date of A. B. and result of A. B.	6th
20.	Due date of fourteen year's report	7th
21.	Result of fourteen years report	8th
25.	<i>How disposed of (Date to be entered)</i>	9th
	( i ) Expiry of sentence	10th
	( ii ) Payment of fine	11th
	( iii ) Transfer to other prisons	12th
	( iv ) Bail	13th
	( v ) Remission	14th
	( vi ) Sickness or other grounds	15th
	( vii) Transfer to Mental Hospital	16th
	(viii) Escape	17th
	( ix ) Execution	18th
	( x ) Death	19th
	( xi ) Appeal	20th
26.	INTENDED PLACE OF RESIDENCE (TO BE ENTERED WHEN FURNISHING INFORMATION TO POLICE ABOUT HABITUALS)	24. MODIFICATION IN DATE OF RELEASE
27.	Initials of Clerk	Modified date of release
	Judicial Jailor	Initials of
	Senior Jailor	Clerk
	Superintendent.	Judicial Jailor
		Senior Jailor

## FORM II

(See rule 19)

**Medical Officers' Journal**


---

Serial No.	Date	Suggestions and observations of the Medical Officer	Orders of the Superintendent	Action taken by the Jailor and/or other official concerned
1	2	3	4	5

---



---

LUNATICS
*SECTION II : NON-STATUTORY RULES*

1. When under Section 16 (1) of the Indian Lunacy Act, 1912 (IV of 1912), a Magistrate authorises the temporary detention of an alleged non-criminal lunatic in order to enable the Medical Officer to determine whether he is a person in respect of whom a medical certificate may be properly given he shall, at the time of such authorization, or as soon after as may be practicable, send to the Medical Officer a statement of the particulars prescribed in Form No. I so far as they have been ascertained, together with an abstract of any information which may have been recorded by himself or acquired in the course of investigation.

Rules governing  
supposed lunatics  
under  
observation  
under the Indian  
Lunacy Act,  
1912.  
Rules

2. The following rules regulating the detention, care and treatment of supposed lunatics under observation under the provisions of the Indian Lunacy Act, 1912 (IV of 1912) have been made by Government under Section 91 (1) of that Act.

1. A person ordered to be detained under Section 16 of the Indian Lunacy Act 1912 in any district where there is a Mental Hospital shall be sent to such Hospital.

2. If there is no Mental Hospital within the District the supposed lunatic shall be sent to a Jail, lockup, hospital or dispensary as may seem most appropriate to the Magistrate or in Bombay the Commissioner of Police, regard being had to the supposed lunatic's apparent condition and the means of accommodation and guarding and the facilities of skilled observation available in each case.

(3) The Magistrate or in Bombay the Commissioner of Police may in his discretion make special provision for the guarding of the supposed lunatic by Police Officers.

3. Under Section 16 of the Indian Lunacy Act 1912 the maximum period during which a person arrested under Section 13 can be detained for observation is thirty days. Immediately on the expiry of this period the Superintendent shall address the Court under whose warrant the person is detained, pointing out that the maximum authorised period of detention has expired and requesting that an order for the release of the person detained or for his transfer to the Mental Hospital be furnished. If by the end of seven days more, the Superintendent has not received the orders of the Court to release the person detained or to transfer him to the Mental Hospital, he shall report the matter to the Deputy Inspector General (Regional).

Maintenance of  
certain records in  
respect of non-  
criminal lunatics

4. In every jail where non-criminal lunatics are confined there shall be maintained :—

(a) In respect of all lunatics so confined a nominal roll in Form No. II.

(b) In respect of each lunatic so confined a medical history sheet in Form No. III wherein the events in the medical history of the lunatic together with recorded opinions as to his mental condition with dates shall be entered.

Non-criminal  
lunatics to be  
excluded from all  
statistical returns

5. 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 the Mental Hospital shall be recovered from the court under whose authority they were received.

6. Under Section 471 (2) of the Code of Criminal Procedure the State Government has empowered Superintendents of Prisons to discharge all the functions imposed on the Inspector General by the Sections 473 or 474 of the Code.

Superintendents  
to discharge  
functions of  
Inspector  
General under  
Sections 473 and  
474, Criminal  
Procedure Code

7. Sub-Section (2) of Section 30 of the Prisoners Act, provides that the time during which a prisoner is confined in a lunatic asylum under sub-Section (1) of Section 30 of the Prisoners Act, shall be reckoned as part of the term of detention or imprisonment which he may have been ordered or sentenced by the Court to undergo and it is clear from these provisions that the transfer of a prisoner to a mental hospital and his retransfer to a prison do not affect the period of imprisonment which he has to undergo and the total period spent in the mental hospital and the prison has to be taken into account and the prisoner has to be released on expiry of that period and, therefore, the question of specifying the period of probation does not arise. It is, therefore, not necessary to issue a fresh warrant in such cases. The prisoner is remanded to the prison under a warrant issued by Government under Section 30 (2) of the Prisoners Act and the original warrant of the Court is the authority for the detention of the Prisoner in Jail. Therefore, the original warrant which is not fully executed and which has been returned to the Court under rule 11 of the Maharashtra Prisons (Lunatics) Rules, 1965, may be called for by the Jail authorities and this original warrant read with the warrant issued by Government under Section 30 (2) of the Prisoners Act will be the authority for the detention of the prisoner in Jail.

Rules 12 and 13 of the Maharashtra Prisons (Lunatics) Rules, 1965 and rule 8 apply to recovered lunatics remanded from a Mental Hospital to a Prison with a view to ultimate release and have no application to lunatic prisoners.

8. Particulars regarding recovered criminal lunatics shall be shown in the registers in which convicts are usually accounted for, but they must be omitted from the figures appearing in the monthly and annual judicial statements. A note however, should be made at the foot of these returns showing the number of this class of prisoners in confinement.

Accounting of  
recovered  
criminal lunatics

-----

## FORM I

[See Rule (I)]

**Descriptive Roll of Lunatic**

(N. B.—The ultimate responsibility for the preparation of this form rests with the committing officer, who must see that the requisite information is supplied by the Police and the Medical Officer without undue delay)

*(If any of the particulars in this statement are not known  
the fact should be so stated)*

## ENTRIES TO BE MADE BY THE POLICE ALONE

Name of patient in full	Father's name	Race	Caste	Religion	Sex	Age	Married or single
1	2	3	4	5	6	7	8

2. Marks whereby the patient may be identified ...2
  3. Condition of life and previous occupation (if any) ...3
  4. Place of birth, recent place of abode and length of residence in each ... 4 (1) Birth Place  
(2) Recent abode  
Village  
Police Station  
District  
Length of residence
  5. Whether homeless or living with relatives\* ...5
  6. Duration of existing attack ...6
  7. Whether the present attack is the first attack of insanity or not ...7
  8. Mode of life, habits and insane acts (with dates) or other reasons for detention ...8
  9. In the case of a criminal lunatic the nature of the crime (with dates) and the detailed circumstances under which it was committed. The Section under which the lunatic was charged and the result of the trial should also be stated in addition to any other particulars ...9
  10. Supposed exciting cause of present attack ... 10
  11. Duration and nature of any previous attack ... 11
  12. Age (if known) at onset of first attack ...12
  13. Supposed cause of insanity ...13
- 

\*The headings should show the names and addresses of the relatives or persons legally bound to maintain the lunatic (if any) and whether they are able and willing to take charge of him or to bear the cost of his maintenance in the asylum and, if not why not ?

A statement of any ascertainable facts which may throw light on his past or present condition is required.

14. Whether suicidal\* ..14
15. Whether dangerous to others ..15
16. Whether any member of patient's family has been or is affected with insanity, epilepsy or tuberculosis ..16
17. Previous history and habits ..17

Signature and designation of  
Police Officer/Compiling  
Officer.

Dated 19

#### ENTRIES TO BE MADE BY MEDICAL OFFICER ALONE

- (1) Period under observation ..
- (2) State of Bodily health ..
- (3) Symptoms exhibited ..
- (4) Whether subject to epilepsy or other kind of fits or any other disease ;
- (5) Whether suicidal ..
- (6) Whether dangerous to others.

Signature and designation  
of Medical Officer.

Dated 19

Forwarded to the Superintendent of the Mental Hospital at

Dated Magistrate.

\*Under this heading should be stated whether the lunatic suffered from loss of property, loss of relatives, domestic trouble or ill-health immediately before the attack.

State here whether he is addicted to any spirits or drug and if so, for how long he has been so addicted and what is the quantity habitually taken also whether he is a member of any particular religious or political society.

Unless the answer is in the negative or "not known" a detailed Statement of this shall invariably be furnished. Such answers as "possibly" "said to be" "may be" or 'Yes' only are prohibited.

The mode of life the patient led, the history of any particular illness which may have helped to produce his condition of mind, his temperament or any habit of taking or smoking drug or any ground for supposing that the insanity is hereditary should be mentioned.

The general health of the patient as well as any abnormality of feature of development should be entered. It is desirable that special mention be made whether the patient is, or is not, suffering from tubercular-disease.

Unless the answer is in the negative or "not known", a detailed statement of this shall invariably be furnished.

## FORM No. II

[See rule 4 (a)]

**Nominal Roll**

Number in Roll Register	Name, caste and occupation	Sex and age	Village, Taluka and District	Section of Indian Penal Code, under which charge	Class A, B or C	Date of Admis- sion	Date of discharge transfer or death	Number and date of order	
								For admission	For discharge
1	2	3	4	5	6	7	8	9	10

## FORM No. III

[ See rule 4 (b) ]

**Medical History Sheet (Case Book)**

Date	Medical History	Treatment, diet etc.
------	-----------------	----------------------





**PART III**

**Central and States Acts**

**(Relevant to Prison Administration)**



PART III

APPENDIX

**THE PRISONS ACT, 1894**

[In its application to the State of Maharashtra]

ARRANGEMENT OF SECTIONS

CHAPTER I

PRELIMINARY

Sections

1. Title, extent and commencement.
2. (Repealed.)
3. Definitions.

CHAPTER II

MAINTENANCE AND OFFICERS OF PRISONS

4. Accommodation for prisoners.
5. Inspector General.
6. Officers of prisons.
7. Temporary accommodation for prisoners.

CHAPTER III

DUTIES OF OFFICERS

*Generally*

8. Control, and duties of officers of prisons.
9. Officers not to have business dealings with prisoner.
10. Officers not to be interested in prison-contracts.

*Superintendent*

11. Superintendent.
12. Records to be kept by Superintendent.

*Medical Officer*

13. Duties of Medical Officer.
14. Medical Officer to report in certain cases.
15. Report on death of prisoner.

*Jailor*

16. Jailor.
17. Jailor to give notice of death of prisoner.

*Prisons*

18. Responsibility of Jailor.
19. Jailor to be present at night.
20. Power of Deputy and Assistant Jailors.

SECTIONS

*Subordinate Officers*

21. Duties of gate-keeper.
22. Subordinate officers not to be absent without leave.
23. Convict officers.

CHAPTER IV

ADMISSION, REMOVAL AND DISCHARGE OF PRISONERS

24. Prisoners to be examined on admission.
25. Effects of prisoners.
26. Removal and discharge of prisoners.

CHAPTER V

DISCIPLINE OR PRISONERS

27. Separation of prisoners.
28. Association and segregation of prisoners.
29. Solitary confinement.
30. Prisoners under sentence of death.

CHAPTER VI

FOOD, CLOTHING AND BEDDING OF CIVIL AND  
UNCONVICTED CRIMINAL PRISONERS

31. Maintenance of certain prisoners from private sources.
32. Restriction on transfer of food and clothing between certain prisoners.
33. Supply of clothing and bedding to civil and unconvicted criminal prisoners.

CHAPTER VII

EMPLOYMENT OF PRISONERS

34. Employments of civil prisoners.
  35. Employment of criminal prisoners.
  36. Employment of criminal prisoners sentenced to simple imprisonment.
  37. Confinement of prisoners under sentence of transportation in irons.
  38. Prisoners not to be ironed by Jailer except under necessity.
  39. Power to make rules.
  40. *(Repeated)*.
  41. Exhibition of copies of rules.
  42. Exercise of powers of Superintendent and Medical Officer,
- THE SCHEDULE—*(Repeated)*,

## THE PRISONS ACT, 1894

(Act No. 9 of 1894)

[22nd March 1894]

[In its application to the State of Maharashtra]

An Act to amend the law relating to Prisons

Whereas it is expedient to amend the law relating to prisons in \*(India except the territories which immediately before the 1st November, 1956, were comprised in Part-B states) †(other than any such territories forming part of the State of Bombay by Section 8 of the States Reorganisation Act, 1956) and to provide rules for the regulation of such prison; it is hereby enacted as follows :—

### CHAPTER I

#### PRELIMINARY

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

Title extent and application.

‡(2) It extends to the whole of India except §(the territories which, immediately before the 1st November, 1956, were comprised in part-B states); †(other than any such territories forming part of the State of Bombay by Section 8 of the State Reorganisation Act, 1956).

(3) ¶ X X X

(4) Nothing in this Act shall apply to civil jails in the ††(State) of ‡‡ [Maharashtra] §§(out-side Greater Bombay and those jails shall be administered) under the provisions of Sections 9 and 16 (both inclusive) of Bombay Act 2 of 1874, as amended by subsequent enactments.

2. *[Repeals—Rep, by the Repealing Act, 1938 (I of 1938), s. 2 and Sch.*

---

\* Subs. by the Adaptation of Laws (No. 2) Order, 1956, or “Part A States and Part C States”.

† Inserted by *ibid.*

‡ Subs. by the A. O. 1950, for the former sub-Section.

§ Subs. by the Adaptation of Laws (N-2) Order, 1956, for “Parts B States.”

¶ Deleted by Bombay Act XXIII of 1959. (S.2) (2b).

\*\* The word “application” Subs. for the word “commencement,” by *ibid* S.2 (2).

†† Subs. by the A. O. 1950 for “Province” which was subs by the A. O. 1948 for “ Presidency.”

‡‡ Subs. for the words “State of Bombay “ by the Central Acts on State and Concurrent subjects ( Maharashtra Adaptation ) (Amendment) order 1961.

§§ Subs. for the words “as it existed to be administered” by Bombay Act XXIII of 1954.

Definitions.

3. In this Act—

(1) “prison” means any jail or place used permanently or temporarily under the general or special orders of a State Government for the detention of prisoners, and includes all lands and buildings appurtenant thereto, but does not include—

(a) any place for the confinement of prisoners who are exclusively in the custody of the police;

(b) any place specially appointed by the State Government under Section 541 of the “Code of Criminal Procedure 1882 (X of 1882); or

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

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

(3) “convicted criminal prisoner” means any criminal prisoner under sentence of a Court or Court-martial, and includes a person detained in prison under the provisions of Chapter VIII of the \*Code of Criminal Procedure, 1882 (X of 1882) or under the †Prisoners Act, 1871 (V of 1871);

(4) “civil prisoner” means any prisoner who is not a criminal prisoner;

(4-A) ‡ X X X

§[(5) ‘remission system’ means the system of regulating the award of marks to, and the consequent shortening of sentences of, prisoners in jail in accordance with the rules for the time being in force :]

(5A) ‘furlough system’ means the system of releasing prisoners in jail on furlough in accordance with the rules for the time being in force ¶[(5B), parole system’ means the system of releasing prisoners in Jail on parole, by suspension of their sentences in accordance with the rules for the time being in force.]

(6) “history-ticket” means the ticket exhibiting such information as is required in respect of each prisoner by this Act or the rules thereunder;

\* The relevant provisions of the Code of Criminal Procedure, 1898 (V of 1898) to be referred to.

† See now the Prisoner Act, 1900 (III of 1900).

‡ Clause (4 A) inserted by Bombay Act, XXIII of 1959, deleted by-Maharashtra Act, XVI of 1960.

§ Substituted for clause 5 by Bombay Act, XXVII of 1953 (S.2).

¶ Inserted by Bombay Act, XXIII of 1959 (S.3)

- (7) “Inspector General” means the Inspector General of Prisons;  
 (8) \*X X X;  
 (9) “prohibited article” means an article the introduction or removal of which into or out of a prison is prohibited by any rule under this Act.

## CHAPTER II

### *Maintenance and Officers of Prisons*

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

Accommodation  
for prisoners.

5. †(1) An Inspector General shall be appointed for the territories subject to each State Government and shall exercise, subject to the orders of the State Government the general control and Superintendence of all Prisons situated in territories under such Government.

Inspector  
General.

¶(2) The State Government may also appoint one or more Deputy Inspectors General of Prisons for the whole of such territories or any part thereof, and they shall exercise, carry out or discharge all or any of the powers, duties and functions of the Inspector General under this Act, or under any law for the time being in force, as the Inspector General may delegate to them, with the prior approval of the State Government.”

6. (1) Officers of Prisons.—For every prison there shall be a Superintendent, †† (who may be a Deputy Inspector General of Prisons) a Medical Officer (who may also be the Superintendent), \*\* X X X a jailor and such other officers as the State Government thinks necessary; provided that ‘(the State Government of Maharashtra‡:] may § x x x declare by order in writing that in any prison specified in the order the office of jailor shall be held by the person appointed to be Superintendent.

†‡ (2) Where one or more deputy Superintendents are appointed for a prison, they shall, subject to the general or special orders of the

\* Deleted by Bombay Act XLV of 1952 (5.2).

† Renumbered as sub-sec. (1) by Bombay Act XXIII of 1959 (S. 3).

‡ Subs. by the A. O. 1937 and A. O. 1950 for the words “Governor of Bombay in Council “Farther subs. by the words’ State Government of Maharashtra “ by the Central Acts on State and concurrent subject (Maharashtra Adaptation) (Amendment) Order, 1961.

§ The words “ with the previous sanction of the Governor-General-in-Council “ omitted ibid.

¶ Added by ibid.

\*\*The words “ a Medical Subordinate “ deleted by ibid.

†† Inserted by ibid.

‡‡ Section 6 renumbered as sub-sec. (1) of that section and sub. sec. (2) inserted by ibid.



Inspector General, exercise, carry out or discharge all or any of the powers, duties and functions of a Superintendent under this Act, or any law for the time being in force, as the Superintendent may delegate to the††

Temporary  
accommodation  
for prisoners.

7. Whenever it appears to the Inspector General that the number of prisoners in any prison is greater than can conveniently or safely be kept therein, and it is not convenient to transfer the excess number to some other prison,

or whenever from the outbreak of epidemic disease within any prison, or for any other reason, it is desirable to provide for the temporary shelter and safe custody of any prisoners ;

provision shall be made, by such officer and in such manner as the State Government may direct, for the shelter and safe custody in temporary prisons of so many of the prisoners as cannot be conveniently or safely kept in the prison.

### CHAPTER III

#### *Duties of Officers*

##### *Generally*

Control, and  
duties of officers  
of prisons.

8. All officers of a prison shall obey the directions of the Superintendent; all officers subordinate to the Jailor shall perform such duties as may be imposed on them by the Jailor with the sanction of the Superintendent or be prescribed by rules under section \* [59].

Officers not to  
have business  
dealings with  
prisoners.

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

Officers not to  
be interested in  
prison-contracts,

10. No officer of a prison shall, nor shall any person in trust for or employed by him, have any interest, direct or indirect, in any contract for the supply of the prison ; nor shall be derive any benefit, directly or indirectly, from the sale or purchase of any article on behalf of the prison or belonging to a prisoner.

##### *Superintendent*

Superintendent

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

---

\* Subs. *ibid.*, for "60".

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

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

Records to be kept by Superintendent.

- (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

†X X X

#### *Medical Officer*

13. Subject to the control of the Superintendent, the Medical Officer shall have charge of the sanitary administration of the prison, and shall perform such duties as may be prescribed by rules made by the State Government under section ‡[59].

Duties of Medical Officer.

14. Whenever the Medical Officer has reason to believe that the mind of a prisoner is, or is likely to be, injuriously affected by the discipline or treatment to which he is subjected, the Medical Officer shall report the case in writing to the Superintendent, together with such observations as he may think proper.

Medical Officer to report in certain cases.

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

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

Report on death of prisoner.

- (1) the day on which the deceased first complained of illness or was observed to be ill,

\* The words and figures “ or section 60 “ omitted by the A. O, 1937.

† The words “ a central prison or “ omitted by Bombay Act, XLV of 1959 (S,4)

‡ Subs. *ibid* for “60”.

- (2) the labour, if any, on which he was engaged on that day,
- (3) the scale of his diet on that day,
- (4) the day on which he was admitted to hospital,
- (5) the day on which the Medical Officer was first informed of the illness,
- (6) the nature of the disease,
- (7) when the deceased was last seen before his death by the Medical Officer \* XXX,
- (8) when the prisoner died, and
- (9) (in cases where a post-mortem examination is made) an account of the appearances after death, together with any special remarks that appear to the Medical Officer to be required.

### *Jailor*

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

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

Jailor to give notice of death of prisoner. 17. Upon the death of a prisoner, the Jailor shall give immediate notice thereof to the Superintendent and the † [Medical Officer]

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

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

Powers of Deputy and Assistant Jailors. 20. Where a Deputy Jailor or Assistant Jailor is appointed to a prison, he shall, subject to the orders of the Superintendent, be competent to perform any of the duties, and be subject to all the responsibilities, of a Jailor under this Act or any rule thereunder.

### *Subordinate Officers*

Duties of gate-keeper. 21. The officer acting as gate-keeper, or any other officer of the prison, may examine anything carried in or out of the prison, and may stop

\* The words "Medical Subordinate" omitted by Bombay Act, XLV of 1959 (S. 5).

† Subs, for the words " Medical Subordinate " by Bombay Act, XLV of 1959 (S. 6).

and search or cause to be searched any person suspected of bringing any prohibited article into or out of the prison, or of carrying out any property belonging to the prison, and, if any such 'article or property be found, shall give immediate notice thereof to the Jailor.

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

Subordinate  
officers not to be  
absent without  
leave.

23. Prisoners who have been appointed as officers of prisons shall be deemed to be public servants within the meaning of the Indian Penal Code (45 of 1860).

Convict officers.

#### CHAPTER IV

##### *Admission, Removal and Discharge of Prisoners*

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

Prisoners to be  
examined on  
admission.

(2) Every criminal prisoner shall also, as soon as possible after admission be examined under the general or special orders of the Medical Officer, who shall enter or cause to be entered in a book, to be kept by the Jailor, a record of the state of the prisoner's health, and of any wounds or marks on his person, the class of labour he is fit for if sentenced to rigorous imprisonment, and any observations which the Medical Officer thinks fit to add.

(3) In the case of female prisoners the search and examination shall be carried out by the matron under the general or special orders of the Medical Officer.

25. All money or other articles in respect whereof no order of a competent Court has been made, and which may with proper authority be brought into the prison by any criminal prisoner or sent to the prison for his use, shall be placed in the custody of the Jailor.

Effects of  
prisoners.

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

Removal and  
discharge of  
prisoners.

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

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

## CHAPTER V

*Discipline of Prisoners*

Separation of  
prisoners.

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

(1) in a prison containing female as well as male prisoners, the females shall be imprisoned in separate buildings, or separate parts of the same building, in such manner as to prevent their seeing, or conversing or holding any intercourse with the male prisoners;

(2) in a prison where male prisoners under the age of \*[twenty-one] are confined, means shall be provided for separating them altogether from the other prisoners and for separating those of them who have arrived at the age of puberty from those who have not;

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

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

Association and  
segregation of  
prisoners.

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

Solitary  
confinement.

29. No cell shall be used for solitary confinement unless it is furnished with the means of enabling the prisoner to communicate at any time with an officer of the prison, and every prisoner so confined in a cell for more than twenty-four hours, whether as a punishment or otherwise, shall be visited at least once a day by the Medical Officer †[or any officer authorised by the Medical Officer in this behalf].

Prisoners under  
sentence of  
death.

30. (1) Every prisoner under sentence of death shall, immediately on his arrival in the prison after sentence, be searched by, or by order of, the Jailor and all articles shall be taken from him which the Jailor deems it dangerous or inexpedient to leave in his possession.

(2) Every such prisoner shall be confined in a cell apart from all other prisoners, and shall be placed by day and by night under the charge of a guard.

---

\* Subs. by Act VI of 1930, s. 2, for “ eighteen “.

†Subs, for the words “ or Medical Subordinate “ by Bombay Act XLV of 1959 (S.7).

## CHAPTER VI

*Food, Clothing and Bedding of Civil and Unconvicted Criminal Prisoners*

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

Maintenance of certain prisoners from private sources.

32. No part of any food, clothing, bedding or other necessities belonging to any civil or unconvicted criminal prisoner shall be given, hired or sold to any other prisoner; and any prisoner transgressing the provisions of this section shall lose the privilege of purchasing food or receiving it from private sources, for such time as the Superintendent thinks proper.

Restriction on transfer of food and clothing between certain prisoners.

33. (1) Every civil prisoner and unconvicted criminal prisoner unable to provide himself with sufficient clothing and bedding shall be supplied by the Superintendent with such clothing and bedding as may be necessary.

Supply of clothing and bedding to civil and unconvicted criminal prisoners.

(2) When any civil prisoner has been committed to prison in execution of a decree in favour of a private person, such person, or his representative, shall, within forty-eight hours after the receipt by him of a demand in writing, pay to the Superintendent the cost of the clothing and bedding so supplied to the prisoner; and in default of such payment the prisoner may be released.

## CHAPTER VII

*Employment of Prisoners*

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

Employments of civil prisoners.

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

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

Employment of criminal prisoners.

(2) The Medical Officer shall from time to time examine the labouring prisoners while they are employed, and shall at least once in every

fortnight cause to be recorded upon the history-ticket of each prisoner employed on labour the weight of such prisoner at the time.

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

Employment of  
criminal  
prisoners  
sentenced to  
simple  
imprisonment.

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

## CHAPTER VIII

### *Health of Prisoners*

Sick prisoners.

37. (1) The names of prisoners desiring to see the \* [Medical Officer] or appearing out of health in mind or body shall, without delay, be reported by the officer in immediate charge of such prisoners to the Jailor.

(2) The Jailor shall, without delay, call the attention of the \* [Medical Officer] to any prisoner desiring to see him, or who is ill, or whose state of mind or body appears to require attention, and shall carry into effect all written directions given by the Medical Officer or Medical Subordinate respecting alterations of the discipline or treatment of any such prisoner.

Record of  
directions of  
Medical Officer.

38. All directions given by the Medical Officer [†X X X X] in relation to any prisoner, with the exception of orders for the supply of medicines or directions relating to such matters as are carried into effect by the Medical Officer himself or under his superintendence, shall be entered day by day in the prisoner's history-ticket or in such other record as the State Government may by rule direct, and the Jailor shall make an entry in its proper place stating in respect of each direction the fact of its having been or not having been complied with, accompanied by such observations, if any, as the Jailor thinks fit to make, and the date of the entry.

Hospital.

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

\* Subs. for the words "Medical Subordinate" by Bombay Act, XLV of 1959 (s. 8)

† The words "or Medical Subordinate" deleted by *ibid* (s. 8+9).

## CHAPTER IX

*Visits to Prisoners*

40. Due provision shall be made for the admission, at proper times and under proper restrictions, into every prison of persons with whom civil or unconvicted criminal prisoners may desire to communicate, care being taken that, so far as may be consistent with the interests of justice, prisoners under trial may see their duly qualified legal advisers without the presence of any other person.

Visits to civil and unconvicted criminal prisoners.

41. (1) The Jailor may demand the name and address of any visitor to a prisoner, and, when the Jailor has any ground for suspicion, may search any visitor, or cause him to be searched, but the search shall not be made in the presence of any prisoner or of another visitor.

Search of visitors.

(2) In case of any such visitor refusing to permit himself to be searched the Jailor may deny him admission; and the grounds of such proceeding, with the particulars thereof, shall be entered in such record as the State Government may direct.

## CHAPTER X

*Offences in Relations to Prisons*

42. Whoever, contrary to any rule under Section \*[59,] introduces or removes, or attempts by any means whatever to introduce or remove, into or from any prison, or supplies or attempts to supply to any prisoner outside the limits of a prison, any prohibited article,

Penalty for Introduction or removal of prohibited articles into or from prison and communication with prisoners.

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

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

and whoever abets any offence made punishable by this section, shall, on conviction before a Magistrate, be liable to imprisonment for a term not exceeding six months, or to fine not exceeding two hundred rupees, or to both.

---

\* Subs. by the A. O. 1937, for "60".



Power to arrest  
for offence under  
Section 42.

43. When any person, in the presence of any officer of a prison, commits any offence specified in the last foregoing section, and refuses on demand of such officer to state his name and residence, or gives a name or residence which such officer knows or has reason to believe, to be false, such officer 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.

Publication of  
penalties.

44. The Superintendent shall cause to be affixed, in a conspicuous place outside the prison, a notice in English and the \* [regional language] setting forth the acts prohibited under Section 42 and the penalties incurred by their commission.

## CHAPTER XI

### *Prison-Offences*

Prison-offences.

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

- (1) such wilful dis-obedience to any regulation of the prison as shall have been declared by rules made under Section 59 to be a prison-offence;
- (2) any assault or use of criminal force ;
- (3) the use of insulting or threatening language;
- (4) immoral or indecent or disorderly behaviour;
- (5) wilful disabling himself from labour;
- (6) continuously 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;

---

\*Subs. for the words "Vernacular" by Bombay Act, XXUI of 1959 (S. 3).

(15) omitting or refusing to report, as soon as it comes to his knowledge, the occurrence of any fire, any plot or conspiracy, any escape, attempt or preparation to escape, and any attack or preparation for attack upon any prisoner or prison-official; and

(16) conspiring to escape, or to assist in escaping, or to commit any other of the offences aforesaid.

46. The Superintendent may examine any person touching' any such offence, and determine thereupon, and punish such offence by—

Punishment of  
such offences.

(1) a formal warning:

*Explanation.*—A formal warning shall mean a warning personally addressed to a prisoner by the Superintendent and recorded in the punishment-book and on the prisoner's history-ticket;

(2) change of labour to some more irksome or severe form \*[for such period] as may be prescribed by rules made by the † [State Government] ;

(3) hard labour for a period not exceeding seven days in the case of convicted criminal prisoners not sentenced to rigorous imprisonment ;

(4) such loss of privileges admissible under the ‡[ remission or furlough or parole system] for the time being in force as may be prescribed by rules made by the †[State Government] ;

§[(5) exclusion from the privilege of earning wages for a specified period ;

(5A) temporary or permanent reduction from a higher to lower grade or class, or forfeiture of the grade or class, or of all or specified prison privileges] ;

(6) imposition of handcuffs of such pattern and weight, in such manner and for such period, as may be prescribed by rules made by the † [State Government] ;

(7) imposition of fetters of such pattern and weight, in such manner and for such period, as may be prescribed by rules made by the ‡ [State Government] ;

---

\* Ins. by Act, XVII of 1925, s. 2.

† Subs. successively by the A. O. 1937 and A. O. 1950 for "Governor-General-in-Council".

‡ Subs. for the words " remission system " by Bombay Act, XXVII of 1953 (s. 3).

§ Subs. for clause 5 by Bombay Act, XXIII of 1959 (s. 3).

(8) separate confinement for any period not exceeding \* [three] months :

*Explanation.*—Separate confinement means such confinement with or without labour as secludes a prisoner from communication with, but not from sight of, other prisoners, and allows him not less than one hour's exercise per diem and to have his meals in association with one or more other prisoners;

(9) † X X X;

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

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

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

‡ X X X X X X

(11) § X X X;

(12) ¶ X X X.

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

Plurality of  
punishments  
under Section 46.

47. ‡‡(1) Any two of the punishments enumerated in the last foregoing section may be awarded for any such offence in combination, subject to the following exceptions, namely :—

(1) formal warning shall not be combined with any other punishment except loss of privileges under clause (4) of that section ;

(2) ‡‡ X X X X ;

---

\* Subs. by Act XVII of 1925, s. 2, for "six".

† Deleted by Bombay Act XXIII of 1959 (s. 3).

‡ Original clause (11) rep. and clause (12) and (13) renumbered as (11) and (12) respectively by Act XVII of 1925 (s. 2) and clause (11) further deleted by Bombay Act XXIII of 1959 (s.3).

§ Deleted by *ibid.*

¶ Deleted by Bombay Act XXXIX of 1957 (s. 4).

\*\* Deleted by *ibid.*

‡‡ The original s. 47 renumbered as sub-Section (1) of that section by Act XVII of 1925 (s. 3).

+ Deleted by Bombay Act XXIII of 1959 (s. 3).

\*[(3) cellular confinement shall not be combined with separate confinement so as to prolong the total period of seclusion to which the prisoner shall be liable;]

(4) †X X X† ,

[(5) no punishment shall be combined with any other punishment in contravention of rules made by the § [State] Government].

[(2) No punishment shall be awarded for any such offence so as to combine with the punishment awarded for any other such offence, two of the punishments which may not be awarded in combination for any such offence.]

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

A ward of punishments under sections 46 and 47.

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

¶ ["48A. If any prisoner fails without sufficient cause to observe any of the conditions on which his sentence was suspended or remitted or furlough \*\*[or release on parole] was granted to him, he shall be deemed to have committed a prison offence and the Superintendent may, after obtaining his explanation, punish such offence by

Punishment for breach of conditions of suspension of sentence, etc.

(1) a formal warning as provided in clause (1) of Section 46 ;

(2) reduction in grade if such prisoner has been appointed an officer of prison;

(3) loss of privileges admissible under the remission or furlough

\*\*[or parole] system; or

(4) loss of such other privileges as the State Government may by a general or special order directed".

49. Except by order of a Court of Justice, no punishment other than the punishments specified in the foregoing sections shall be inflicted on any prisoner, and no punishment shall be inflicted on any prisoner otherwise than in accordance with the provisions of those sections.

Punishments to be in accordance with foregoing sections.

\*Subs. by Act XVII of 1925, s. 3, for the original exception (3).

† Deleted by Bombay Act XXXIX of 1957 (s. 4).

‡ Ins. by Ac' XVII of 1925, s. 3.

§ Subs. successively by the A. O. 1937 and A. O. 1950 for "Governor-General-in-Council.

¶ Inserted by Bombay Act XXVII of 1953 (s. 5).

\*\* Inserted by Bombay Act XXIII of 1959 (s. 3).

Medical Officer  
to certify to  
fitness of  
prisoner for  
punishment.

50. (1) No punishment \*[x x x] or †(x x x) of change of labour under section 46, clause (2), shall be executed until the prisoner to whom such punishment has been awarded has been examined by the Medical Officer, who, if he considers the prisoner fit to undergo the punishment, shall certify accordingly in the appropriate column of the punishment-book prescribed in Section 12.

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

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

Entries in  
punishment-  
book.

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

(2) In the case of every serious prison-offence, the names of the witnesses proving the offence shall be recorded ‡

(3) Against the entries relating to each punishment the Jailor and Superintendent shall affix their initials as evidence of the correctness of the entries.

Power to arrest  
without warrant  
person  
committing  
breach of  
conditions of  
suspension of  
sentence, etc.

§51A. If any condition on or subject to which a sentence has been suspended or remitted or release on parole or furlough is granted is in the opinion of the authority exercising such power, not fulfilled, such authority may cancel its order granting such suspension, remission or release on parole or furlough, and thereupon the person in whose favour such order was made may, if at large, be arrested by any Police Officer without warrant and remanded to undergo the unexpired portion of his sentence.

---

\* Deleted by Bombay Act XXIII of 1959 (s.3).

† Deleted by Bombay Act XXXIX of 1957 (s.4).

‡ The words beginning with the words "and in the case and ending with the words" "reasons therefor" deleted by Bombay Act, XXXIX of 1957 (s. 4).

§ Inserted by Bombay Act. XXIII of 1959 (s. 3).

\*51B. (1) If any prisoner fails without sufficient cause to observe any of the conditions on or subject to which his sentence was suspended or remitted, or release on parole or furlough was granted to him, he shall, on conviction, be punished (such punishment being in addition to any punishment which such prisoner was undergoing when he committed such offence) with imprisonment for a term which may extend to two years or with fine which may extend to one thousand rupees, or with both.

Criminal liability for breach of conditions of suspensions of sentence etc.

(2) No court shall take cognizance of an offence under this section except with the previous sanction of the State Government or the authority which granted suspension or remission of the sentence].

52. If any prisoner is guilty of any offence against prison discipline which, by reason of his having frequently committed such offences or otherwise, in the opinion of the Superintendent, is not adequately punishable by the infliction of any punishment which he has power under this Act to award, the Superintendent may forward such prisoner to the Court† [x x x] of any Magistrate of the first class ‡[or Presidency Magistrate] having jurisdiction, together with a statement of the circumstances, and such Magistrate shall thereupon inquire into and try the charge so brought against the prisoner, and, upon conviction, may sentence him to imprisonment which may extend to one year, such term to be in addition to any term for which such prisoner was undergoing imprisonment when he committed such offence, or may sentence him to any of the punishments enumerated in section 46 :

Procedure on committed of heinous offence.

§ [Provided that any such case may be transferred for inquiry and trial ¶[X X X by a Chief Presidency Magistrate to any other Presidency Magistrate : and]

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

\*\*53. X X X X.

54. (1) Every Jailor or officer of a prison subordinate to him who shall be guilty of any violation of duty or wilful breach or neglect of any rule or regulation or lawful order made by competent authority, or who shall withdraw from the duties of his office without permission, or without having given previous notice in writing of his intention for the period of two months, or who shall wilfully overstay any leave granted to him, or who shall

Offences by prison-subordinates.

\* Inserted by *ibid*

†The words “ of the District Magistrate or “ deleted by Bombay Act, XXIII of 1951.

‡Ins by Act, XIII of 1910 s. 2.

§Subs. by s. 2 *ibid* for the original proviso.

¶The words “ by the District Magistrate to any Magistrate of the first class and “deleted by *ibid*.

\*\* Deleted by Bombay Act, XXXIX of 1957 (s. 4.)

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

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

## CHAPTER XII

### *Miscellaneous*

Extramural  
custody, control  
and employment  
of prisoners.

55. A prisoner, when being taken to or from any prison in which he may be lawfully confined, or whenever he is working outside or is otherwise beyond the limits of any such prison in or under the lawful custody or control of a prison officer belonging to such prison, shall be deemed to be in prison and shall be subject to all the same incidents as if he were actually in prison.

Confinement in  
irons

56. Whenever the Superintendent considers it necessary (with reference either to the State of the prison or the character of the prisoners) for the safe custody of any prisoners that they should be confined in irons, he may, subject to such rules and instructions as may be laid down by the Inspector General with the sanction of the State Government, so confine them.

Confinement of  
prisoners under  
sentence of  
transportation in  
irons.

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

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

Prisoners not be  
ironed by Jailer  
except under  
necessity.

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

Power to make  
rules.

59. †[The State Government may] make rules consistent with this Act—

(1) defining the acts which shall constitute prison offences ;

\* Subs. by the A. O. 1937, for "60".

† Subs., *ibid*, for "The Governor-General-in-Council may for any part of British India and each Local Government with the previous sanction of the Governor-General-in-Council may for the territories under its administration,"

(2) determining the classification of prison offences into serious and minor offences ;

(3) fixing the punishments admissible under this Act which shall be awardable for commission of prison offences or classes thereof;

(4) declaring the circumstances in which acts constituting both a prison offence and an offence under the Indian Penal Code (Act 45 of 1860) may or may not be dealt with as a prison offence;

\*(5) for the award of marks, the suspension, or remission and consequent shortening of sentences, and the grant of release on parole or furlough and determining the conditions on which and the authority by which the sentences may be suspended or remitted and the prisoners may be released on parole or furlough.

(6) regulating the use of arms against any prisoner or body of prisoners in the case of an outbreak or attempt to escape ;

(7) defining the circumstances and regulating the conditions under which prisoners in danger of death may be released;

†(8) for the classification of prisons, and description and construction of wards, cells and other places of detention;

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

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

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

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

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

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

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

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

---

\* Subs. for clause 5 by Bombay Act XXIII of 1959 (s. 3).

† Subs. by the A. O.1937, for original clauses (8) and (9).



- (17) for the classification and the separation of prisoners;
- (18) for regulating the confinement of convicted criminal prisoners under Section 28 ;
- (19) for the preparation and maintenance of history tickets;
- (20) for the selection and appointment of prisoners as officers of prisoners ;
- (21) for rewards for good conduct;
- (22) for regulating the transfer of prisoners whose term of transportation or imprisonment is about to expire; subject, however, to the consent of the State Government of any other State to which a prisoner is to be transferred ;
- (23) for the treatment, transfer and disposal of criminal lunatics of recovered criminal lunatics confined in prisons;
- (24) for regulating the transmission of appeals and petitions from prisoners and their communications with their friends;
- (25,) for the appointment and guidance of visitors of prisons;
- (26) for extending any or all of the provisions of this Act and of the rules thereunder to subsidiary jails or special places of confinement appointed under Section 541 of the \*Code of Criminal Procedure, 1882 (10 of 1882), and to the officers employed, and the prisoners confined, therein ;
- (27) in regard to the admission, custody, employment, dieting, treatment and release of prisoners; and
- (28) generally for carrying into effect the purposes of this Act.

†60. *[Power of Local Government to make rules.] Omitted by the Government of India (Adaptation of Indian Laws) Order, 1937.*

Exhibition of  
copies of rules.

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

Exercise of  
powers of  
Superintendent  
and Medical  
Officer.

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

*THE SCHEDULE.—[Enactments Repealed.] Rep. by the Repealing Act, 1938 (I of 1938), s. 2 and Sch.*

\* The relevant provisions of the Code of Criminal Procedure, 1898 (5 of 1898) to be referred to.

† The provision of this section have been incorporated with slight modifications in clauses (8) to (27) of s. 59.

‡ Subs. by the A. O. 1937, for “ Sections 59 and 60.”

§ Subs. for the words “ Vernacular “ by Bombay Act XXIII of 1959 (s. 3).

## APPENDIX

**THE PRISONERS ACT, 1900**

[Act No. 3 of 1900 \*(2nd February, 1900)]

(In its application to the State of Maharashtra)

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

Whereas it is expedient to consolidate the law relating to prisoners  
confined by order of a Court; it is hereby enacted as follows :—

*PART I*

## PRELIMINARY

1. (1) This Act may be called the Prisoners Act, 1900; †(2) It extends  
to the whole of India except ‡ (the territories which, immediately before  
the 1st November, 1956, were comprised in Part B State)§ XXXX ¶ (Other  
than the Hyderabad and the Saurashtra areas of the State of Bombay).

Short title and  
extent.

2. In this Act, unless there is anything repugnant in the subject or  
context,—

Definitions.

(a) “Court” includes a Coroner and any officer lawfully exercising civil,  
criminal or revenue jurisdiction; and

(b) “prison” includes any place which has been declared by the State  
Government, by General or special order, to be a subsidiary jail.

\*\*(c) “States” means the territories to which this Act extends.

---

\* The Act has been amended in its application to C. P. and Berar by the C. P. and Berar  
Prisoners (Amendment) Act, 1939 (C. P. and Berar 4 of 1939).

† Subs. by the A. O. 1950 for sub-section (2).

‡ Subs. by the Adaptation of Laws (No. 2) Order, 1956 for “ Part B State “.

§ The word “ and “ and sub-section (3) rep. by Act 10 of 1914, s. 3 and Sch. II.

¶ Ins. by Bombay Act XV of 1959. S.4 and Maharashtra A. L. O. (Amendment), 1961.

\*\* Subs. by the Adaptation of Laws (No. 2) Order, 1956 for the former clause (c) which  
had been ins. by the A. O. 1950.

## PART II

## GENERAL

Officers in charge of prisons to detain persons duly committed to their custody.

3. The Officer in-charge of a prison shall receive and detain all persons duly committed to his custody, under this Act or otherwise, by any Court, according to the exigency of any writ, warrant or order by which such person has been committed or until such person is discharged or removed in due course of law.

(Part II—General Part III—Prisoners in the Presidency towns)

4. The officer in-charge of a prison shall forthwith, after the execution of every such writ, order or warrant as aforesaid other than a warrant of commitment for trial, or after the discharge of the person committed thereby, return such writ, order or warrant to the Court by which the same was issued or made, together with a certificate, endorsed thereon and signed by him, showing how the same has been executed, or why the person committed thereby has been discharged from custody before the execution thereof.

## PART III

## PRISONERS IN \*(GREATER BOMBAY)

Warrants etc. to be directed to Police Officers.

5. Every writ of warrant for the arrest of any person issued by the High Court in the exercise of the ordinary, extra-ordinary or other criminal jurisdictions †(or by the court of Sessions for Greater Bombay) shall be directed to and executed by a Police Officer within the local limits of such jurisdiction, †(or within the limits of Greater Bombay, as the case may be).

Power for State Governments to appoint Superintendents of Presidency prisons.

6. The State Government may appoint officers who shall have authority to receive and detain prisoners committed to their custody under this part.

*Explanation.*—Any officer so appointed, by whatever designation he may be styled, is hereinafter referred to as “the Superintendent”.

Delivery of persons sentenced to imprisonment or death by High Court † (or the Sessions Court).

7. Where any person is sentenced by the High Court in exercise of its original ‡(or appellate criminal jurisdiction or by the Court of Sessions for Greater Bombay) to imprisonment or to death §(the High Court or Sessions Court as the case may be) shall cause him to be delivered

\* The words “Greater Bombay “ subs. for “the Presidency Town” by Bombay Act VII of 1949, s. 2.

† Inserted by Bombay Act, VII of 1949, ss. 3, 4, 5, 6.

‡ Subs. for “Criminal Jurisdiction” *ibid* 5, 4, 5, 6.

§ Subs. for “the Court” *ibid* s. 4, 5.

to the Superintendent together with its warrant, and such warrant shall be executed by the Superintendent and \*(when executed returned by him to the High Court or the Sessions Court as the case may be).

8. Where any person is sentenced by the High Court in the exercise of its original †(or appellate criminal jurisdiction or by the Court of Sessions for Greater Bombay) to transportation ‡xxx ¶ (the High Court or ‘the Sessions Court as the case may be) shall cause him to be delivered for intermediate custody to the Superintendent, and the transportation †xxx of such person shall be deemed to commence from such delivery.

Delivery of persons sentenced to transportation by High Court, †(or the sessions Court).

9. Where any person is committed by the High Court ¶ (the Bombay City Civil Court of the Court of Session for Greater Bombay whether in execution of a decree or for contempt of Court or for any other cause.

Delivery of persons committed by.

*(Part III—Prisoners in the Presidency towns)*

\*\* (The High Court, City Court or Sessions Court as the case may be) shall cause him to be delivered to the Superintendent, together with warrant of commitment.

High Court, (City Court or Sessions Court) in execution of a decree or for contempt.

10. Where any person is sentenced by a Presidency Magistrate to imprisonment, or is committed to prison for failure to find security to keep the peace or to be of good behaviour, the Magistrate shall cause him to be delivered to the Superintendent, together with his warrant.

Delivery of persons sentenced by Presidency Magistrates.

11. Every person committed by a Magistrate, ‡‡(or Justice of the Peace) for trial by the High Court in the exercise of its original criminal jurisdiction ‡‡(or by the Court of Session for Greater Bombay) shall be delivered to the Superintendent together with a warrant of commitment directing the Superintendent, to produce such person before §§(the High Court or the Sessions Court as the case may be) for trial; and the Superintendent shall as soon as practicable, cause such person to be taken before §§(the High Court or the Sessions Court as the case may be) at a criminal session thereof, together with the warrant of commitment, in order that he may be dealt with according to law.

Delivery of persons committed for trial by High Court If (or Sessions Court).

\* Subs. for “ returned..... .when executed “ *ibid*.

† Subs for “ Criminal Jurisdiction” *ibid* 5, 4, 5, 6.

‡ Subs for “ the Court “ *ibid* Sections 4, 5.

‡ The words “ or penal servitude “ omitted by Act 17 of 1949, s. 4.

¶ Inserted by Bombay Act, VII of 1949 Sections 3, 4, 5, 6.

\*\* Subs. for words “ The Court “ by Bombay Act VII of 1949, s. 6.

†† Subs. by Act 4 of 1908, s. 13, for “ Justice of the Peace, or Coroner “.

‡‡ Inserted by *ibid* s. 6 and 7.

§§ Subs. for the words “ The Court “ by *ibid* s. 7.

Custody pending hearing by High Court under Section 350 of the Code of Civil Procedure of application for insolvency.

12. The High Court may, pending the hearing, under Section 350 of the Code of Civil Procedure, \* of any application for a declaration of insolvency, cause the judgment debtor to be delivered to the Superintendent, subject to the provisions as to release on security of †Section 349 of the said Code, and the Superintendent shall detain the said judgment-debtor in safe custody until he is re-delivered to an officer of the High Court for the purpose of being taken before it in pursuance of its order, or until he is released in due course of law.

Delivery of persons arrested in pursuance of warrant of High Court or Civil Court in †Greater Bombay).

13. (1) Every person arrested in pursuance of a writ, warrant or order of the High Court in the exercise of its original civil jurisdiction or in pursuance of a warrant of any Civil Court established in †(Greater Bombay) under any law or enactment for the time being in force, or in pursuance of a warrant issued under Section 5, shall be brought without delay before the Court by which, or by a Judge of which the writ, warrant or order was issued, awarded or made, or before a Judge thereof, if the said Court or a Judge thereof, is then sitting for the exercise of original jurisdiction.

(Part III.—Prisoners in the Presidency-towns.

Part IV.—Prisoners outside the Presidency-towns.)

(2) If the said Court, or a Judge thereof, is not then sitting for the exercise of original jurisdiction, such person arrested as aforesaid shall, unless a Judge of the said Court otherwise directs, be delivered to the Superintendent for intermediate custody, and shall be brought before the said Court, or a Judge thereof, at the next sitting of the said court, or of a Judge thereof, for the exercise of original jurisdiction in order that such person may be dealt with according to law; and the said Court of Judge shall have power to make or award all necessary orders or warrants for that purpose.

#### PART IV

#### PRISONERS OUTSIDE ‡(GREATER BOMBAY)

References in this part to prisons, etc. to be construed as referring also to Reformatory Schools.

14. In this Part all references to prisons or to imprisonment or confinement shall be construed as referring also to Reformatory School or to detention therein.

\* This reference should be construed as applying to the Provincial Insolvency Act, 1920 (5 of 1920), see s. 83 (2) of that Act.

† Subs. for the words “ Presidency Towns “ s. 8.

‡ Subs. for the words “ The Presidency Towns “ by Bombay Act VII of 1949 s. 9 and 10.

\*15. (1) Officers in-charge of prisons outside †(Greater Bombay) may give effect to any sentence or order or warrant for the detention of any person passed or issued.

Power for officers in charge of prisons to give effect to sentences of certain Courts.

(a) by any Court or tribunal acting, whether within or without the States under the general or special authority of the Central Government, or of any State Government, or of the Government of Burma or by any Court or tribunal, which was before the commencement of the Constitution acting under the general or special authority of His Majesty, or of the Crown Representative; or

(b) before the 26th January, 1950, by any Court or tribunal in any Indian State—

(1) if the presiding Judge, or if the Court or tribunal consisted of two or more Judges, at least one of the Judges, was an officer of the Crown authorised to sit as such Judge by the State or the Ruler thereof or by the Central Government or the Crown Representative; and (iii) If the reception, detention or imprisonment in any province of India of persons sentenced by any such.

*(Part IV—Prisoners outside the Presidency-towns.)*

Court or tribunal had been authorised by general or special order by the State Government † ..... (†) ..... Provided that effect shall not be given to any sentence or order or warrant for detention passed or issued by any Court or tribunal in Burma without the previous sanction of the State Government concerned.

(2) Where a Court or tribunal of such an Indian State as aforesaid had passed a sentence which could not have been executed without the concurrence of an officer of the Crown, and such sentence had been considered on the merits and confirmed by any such officer specially authorised in that behalf, such sentence, and any order or warrant issued in pursuance thereof, shall be deemed to be the sentence, order or warrant of a Court or tribunal acting under the authority of the Central Government or the Crown Representative.

16. A warrant under the official signature of an officer of such Court or tribunal as is referred to in Section 15 shall be sufficient authority for holding any person in confinement, or for sending any person for transportation, in pursuance of the sentence passed upon him.

Warrant of officer of such Court to be sufficient authority.

\* Subs. by the A. O. 1950.

† The word “ or “ Cl. (c) omitted by the A. O. (No. 2). 1956.

Procedure where  
officer in-charge  
of prison doubts  
the legality of  
warrant sent to  
him for  
execution under  
this part.

17. (1) Where an officer in-charge of a prison doubts the legality of a warrant or order sent to him for execution under this Part, or the competency of the person whose official seal or signature is affixed thereto pass the sentence and issue the warrant or order, he shall refer the matter to the State Government, by whose order on the case he and all other public officers shall be guided as to the future disposal of the prisoner.

(2) Pending a reference made under sub-Section (1) the prisoner shall be detained in such manner and with such restrictions or mitigations as may be specified in the warrant or order.

Execution in the  
States of certain  
capital sentences  
not ordinarily  
executable there.

18. (1) Where a \*(Court established by the authority of the Central Government) exercising, in or with respect to territory beyond the limits of the States, Jurisdiction which †(the †Central Government) has in such territory,—

(a) has sentenced any person to death, and

*(Part IV—Prisoners outside the Presidency towns.  
Part V—Persons under sentence of penal servitude.  
Part VI—Removal of Prisoners)*

(b) being of opinion that such sentence should, by reason of there being in such territory no secure place for the confinement of such person or no suitable appliances for his execution in a descent and humane manner, be executed in the States has issued its warrant for the execution of such sentence to the officer in-charge of a prison in the States.

Such officer shall, on receipt of the warrant, cause the execution to be carried out at such place as may be prescribed therein in the same manner and subject to the same conditions in all respects as if it were a warrant duly issued under the provisions of Section 381 of the Code of Criminal Procedure, 1898.

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

---

\* Subs. by the A. O. 19-18 for "British Court".

† Subs. by the A. O. 1937 for the G.-G.-in-Council".

‡ Subs. by the A. O. 1948 for "Crown".

§ Subs. by the A. O. 1937 for "shall be such as the G. G. in C. or a L. G. authorised by the G.-G.-in-C. in this behalf".

## PART V

## PERSONS UNDER SENTENCE OF PENAL SERVITUDE

19-27 Rep. by the Criminal Law (Removal of Racial Discriminations) Act, 1949 (XVII of 1949) s. 4.

\* .....

## PART VI

## REMOVAL OF PRISONERS

28. In this Part, all references to prisons or to imprisonment or confinement shall be construed as referring also to Reformatory Schools or to detention therein.

References in this part to prisons, etc. to be construed as referring-also to reformatory Schools. Removal of prisoners.

†29. (1) The ‡State Government) may, by general or special order, provide for the removal of any prisoner confined in a prison.

(a) under sentence of death, or

(b) under or in lieu of, a sentence of imprisonment or transportation, or

(c) in default of payment of a fine, or

(d) in default of giving security for keeping the peace or for maintaining good behaviour, to any other prison in §(the State¶ XXX).

(2) \*\* [Subject to the orders, and under the control, of the State Government, the Inspector General of Prisons may, in like manner, provide for the removal of any prisoner confined as aforesaid in a prison in the State to any other prison in the State††X X X].

30. (1) Where it appears to the State Government that any person detained or imprisoned under any order or sentence of any Court is of unsound mind order his removal to a lunatic asylum or other place of safe custody within the State, there to be kept and treated as the

Lunatic prisoners how to be dealt with.

\* Sub-Section (3) and the proviso thereto omitted by the A. O. 1950.

† Subs. by Act I to 1903, s. 3 and Sch. II, for the original Section.

‡ Subs. by the A. O. 1937 for " G.-G.-in-C."

§ Subs. by the A. O. 1937 for " British India or to any prison in Berar "The words" or to any prison in Berar " had been added by Act XVII of 1923, s. 2.

¶ The words " or, with the consent of the State Government concerned, to any prison in any other State " omitted by Act XXIX of 1950, s. 4.

\*\* Subs. by the A. O. 1937 for "The L. G., and (subject to its orders and under its control)".

†† The words " or in the case of a prisoner so confined in a prison in the C. P., for his removal to any other prison in the Province or to any prison in Berar ", which had been added by Act XVII of 1923, s. 2 were omitted by the A. O. 1937.



State Government directs during the remainder of the term for which he has been ordered or sentenced to be detained or imprisoned, or, if on the expiration of that term it is certified by a medical officer that it is necessary for the safety of the prisoner or others that he should be further detained under medical care or treatment, then until he is discharged according to law.

(2) Where it appears to the State Government that the prisoner has become of sound mind, the State Government shall, by a warrant directed to the person having charge of the prisoner, if still liable to be kept in custody, remand him to the prison from which he was removed, or to another prison within the State, or, if the prisoner is no longer liable to be kept in custody, order him to be discharged.

*(Part VI—Removal of prisoners.*

*Part VII—Persons under sentence of transportation.)*

(3) The provisions of Section 9 of the \*Lunatic Asylums Act, 1858, shall apply to every person confined in a lunatic asylum under sub-section (1) after the expiration of the term for which he was ordered or sentenced to be detained or imprisoned; and the time during which a prisoner is confined in a lunatic asylum under that sub-section shall be reckoned as part of the term of detention or imprisonment which he may have been ordered or sentenced by the Court to undergo.

†[(4) In any case in which the State Government is competent under sub-section (1) to order the removal of a prisoner to a lunatic asylum or other place of safe custody within the State, the State Government may order his removal to any such asylum or place within any other State or within ‡any part of India to which this Act does not extend) by agreement with the State Government of such other State § XXX; and the provisions of this Section respecting the custody, detention, remand and discharge of a prisoner removed under sub-section (1) shall, so far as they can be made applicable, apply to a prisoner removed under this sub-section.]

31. (Removal of prisoners from territories under one Local Government to territories under another). Rep. by the Amending Act, 1903 (1 of 1903), s. 4 and Sch. III.

---

\* See now the Indian Lunacy Act, 1912 (4 of 1920).

† Subs. by Act XXXVIII of 1920, s. 2 and schedule I, for the original sub-section (4).

‡ Subs. by the Adaptation of Laws (No. 2) Order, 1956 for “any Part of British State”.

§ The words “ or with such State or the Ruler thereof, as the case may be omitted”, *ibid.*

## PART VII

## PERSONS UNDER SENTENCE OF TRANSPORTATION

32. \*(1) The †(State Government) may appoint places within ‡(the State) to which persons under sentence of transportation shall be sent; and the †(State Government), shall give orders for the removal of such persons to the places so appointed, except when sentence of transportation is passed on a person already undergoing transportation under a sentence previously passed for another offence.

Appointment of places for confinement of prisons under sentence of transportation and removal thereto.

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

## PART VIII

## DISCHARGE OF PRISONERS

33. ¶ (Any High Court) may, in any case in which it has recommended to Her Majesty the granting of a free pardon to any prisoner, permit him to be at liberty on his own recognizance.

Release, on recognizance, by order of High Court, of Prisoner recommended or for pardon.

## PART IX

## PROVISIONS FOR REQUIRING THE ATTENDANCE OF PRISONERS AND OBTAINING THEIR EVIDENCE

34-52. Rep. by the Prisoners (Attendance in Courts) Act, 1955 (XXXII of 1955), s. 10.

53. (Repeals) Rep. by the Repealing and Amending Act, 1914 (X of 1914), s. 3 and Sch. II.

(The first Schedule.) Rep. by the Prisoners (Attendance in Courts) Act, 1955 (XXXII of 1955), s. 10.

(The second schedule.) Rep. by s. 10, *ibid.*

(The Third schedule.) Rep. by the Repealing and Amending Act, 1914 (X of 1914), s. 3 and Sch. II.

\* S. 32 was re-numbered as sub-Section (1) of that Section by Act XXXVIII of 1920 s. 2 and Sch. I.

† Subs. by Act XXXVIII of 1920, s. 2 and Sch. I, Part I for G.-G.-in-C.

‡ Subs. by s. 2 and Sch. I, Part I, *ibid.*, for "British India"

§ Ins. by Act XXXVIII of 1920, s. 2 and Sch. I.

¶ Subs. by the Adaptation of Laws (No. 2) Order, 1956 for "Any Court which is a High Court for a Part A State".

## APPENDIX

**THE TRANSFER OF PRISONERS ACT, 1950**

(Act, XXIX OF 1950) [12th April, 1950]

*An Act to Provide for the Removal from one State to another of persons confined in a prison.*

Be it enacted by Parliament as follows:—

Short title, and  
extent.

(1) This Act may be called the Transfer of Prisoners Act, 1950.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

In this Act :—

Definitions.

2. (a) “Court” includes any officer lawfully exercising civil, criminal or revenue jurisdiction;

\*[(b) “Government” or “State Government”, in relation to a Union Territory, means the administrator thereof].

(c) “Prison” includes any place which has been declared by a State Government, by general or special order to be a subsidiary Jail.

Removal of  
Prisoners from  
one state to  
another.

3. (1) Where any person is confined in a prison in a State,

(a) under sentence of death, or

(b) under, or in lieu of, a sentence of imprisonment or transportation,  
or

(c) in default of payment of a fine, or,

(d) in default of giving security for keeping the peace or for maintaining good behaviour: Government of that State may, with the consent of the Government of any other State, by order provide for the removal of the prisoner from that prison to any prison in the other State.

(2) The Officer in charge of the prison to which any person is removed under sub-section (1) shall receive and detain him, so far as may be according to the exigency of any writ, warrant or order of the Court by which such person has been committed or until such person is discharged or removal in due course of law.

4. Rep. by the Repealing and Amending Act, 1957 (XXXVI of 1957) S. 2, Schedule I.

---

\* Subs. by the Adaptation of Laws (No. 3) Order, 1956 for the former clause.

## APPENDIX

**THE PRISONERS (ATTENDANCE IN COURTS) ACT, 1955**

(Act XXXII OF 1955) (20th September 1955)

*An Act to provide for the attendance in courts of persons  
confined in prisons for obtaining their evidence  
or for answering a criminal charge*

Be it enacted by Parliament in the Sixth Year of the Republic of India  
as follows:—

1. (1) This Act may be called the Prisoners (Attendance in Courts) Act, 1955.

Short title,  
extent and  
commencement.

(2) It extends to the whole of India except the State Jammu and Kashmir.

(3) It shall come into force on such date\* as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act,—

Definitions.

(a) “confinement in a prison” references to confinement in a prison, by whatever form of words, include references to confinement or detention in a prison under any law providing for preventive detention,

(b) “Prison” includes—

(i) any place which has been declared by the State Government, by general or special order, to be a subsidiary jail; and

(ii) any reformatory, Borstal institution or other institution of a like nature ;

†[(c) “State Government”, in relation to a Union territory, means the administrator thereof.

3. (1) Any civil or criminal court may, if it thinks that the evidence of any person confined in any prison is material in any matter pending before it, make an order in the form set forth in the First Schedule, directed to the officer in charge of the prison :

Power of courts  
to require  
appearance of  
prisoners to give  
evidence or  
answer a charge.

Provided that no civil court shall make an order under this sub-Section in respect of a person confined in a prison situated outside the State in which the court is held.

\* 1st January 1956. vide Notification No. S. R. O. 344, dated 8th November 1955, Gazette of India, 1955, Part II, Sec. 3, Page 2229.

† Subs. by the Adaptation of Laws (No. 3) Order, 1956 for the former clause.

(2) Any criminal court may, if a charge of an offence against a person confined in any prison is made or pending before it, make an order in the form set forth in the Second Schedule, directed to the officer in charge of the prison.

(3) No order made under this Section by a civil court which is subordinate to a district judge shall have effect unless it is countersigned by the district judge ; and no order made under this Section by a criminal court which is inferior to the court of a Magistrate of the first class shall have effect unless it is countersigned by the district magistrate to whom that court is subordinate or within the local limits of whose jurisdiction that court is situated.

(4) For the purposes of sub-Section (3), a court of small causes outside a presidency town or the city of Hyderabad shall be deemed to be subordinate to the district judge within the local limits of whose jurisdiction such court is situated.

Power of State Government to exempt certain prisons from operation of Section 3.

4. (1) The State Government may having regard to the matters specified in sub-Section (2), by general or special order, direct that any person or class of persons shall not be removed from the prison in which he or they may be confined, and thereupon so long as any such order remains in force, the provisions of Section 3 shall not apply to such person or class of persons.

(2) Before making an order under sub-Section (1), the State Government shall have regard to the following matters, namely:—

- (a) The nature of the offence for which or the grounds on which the confinement has been ordered in respect of the person or class of persons;
- (b) The likelihood of the disturbance of public order if the person or class of persons is allowed to be removed from the prison ;
- (c) The public interest, generally.

Prisoners to be brought up.

5. Upon delivery of any order made under Section 3 to the officer in charge of the prison in which the person named therein is confined, that officer shall cause him to be taken to the court in which attendance is required, so as to be present in the court at the time in such order mentioned, and shall cause him to be detained in custody in or near the court until he has been examined or until the judge or presiding officer of the court authorises him to be taken back to the prison in which he was confined.

Officer in charge of prison when to abstain from carrying out order.

6. Where the person in respect of whom an order is made under Section 3—

- (a) Is, in accordance with the rules made in this behalf, declared to be unfit, to be removed from the prison where he is confined by reason of sickness or other infirmity; or

- (b) Is under committal for trial; or
- (c) Is under remand pending trial or pending a preliminary investigation; or
- (d) Is in custody for a period which would expire before the expiration of the time required for removing him under this Act and for taking him back to the prison in which he is confined;

The officer in charge of the prison shall abstain from carrying out the order and shall send to the court from which the order had been issued a statement of reasons for so abstaining.

Provided that such officer as aforesaid shall not so abstain where—

- (i) The order has been made by a criminal court; and
- (ii) The person named in the order is confined under committal for trial or under remand pending trial or pending a preliminary investigation and is not declared in accordance with the rules made in this behalf to be unfit to be removed from the prison where he is confined by reason or sickness or other infirmity; and
- (iii) The place, where the evidence of the person named in the order is required, is not more than five miles distant from the prison in which he is confined.

7. In any of the following cases, that is to say.—

- (a) Where it appears to any civil court that the evidence of a person confined in a prison is material in any matter pending before it and that the attendance of such person in court cannot be secured by reason of the provisions of Section 6 or of an order under Section 4 or of the District Judge declining under sub-Section (3) of Section 3 to countersign an order for removal; or

Commissions for examination of prisoners.

- (b) Where it appears to any civil court as aforesaid that the evidence of a person confined in a prison which is situated outside the State in which, or is more than fifty miles distant from the place at which, such court is held is material in any such matter; the court may, if it thinks fit, issue a commission under the provisions of the Code of Civil Procedure, 1908, for the examination of the person in the prison in which he is confined.

V of 1908.

8. Save as otherwise provided in this Act and any rules made thereunder, the provisions of the Code of Civil Procedure, 1908, and the Code of Criminal Procedure, 1898, as the case may be, shall so far as may be, apply in relation to the examination on commission or otherwise

Certain provisions of the Code of Criminal Procedure and the Code of Civil Procedure to apply.

of any person confined in a prison as they apply in relation to the examination on commission of any other person.

Power to  
make rules.

9. (1) The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) The procedure for obtaining the countersignature of an order made under Section 3;

(b) The authority by whom and the manner in which a declaration that a person confined in prison is unfit to be removed therefrom, may be made;

(c) The conditions, including payment of costs and charges subject to which an order made under Section 3 by a Civil Court may be executed;

(d) The manner in which a process directed against any person confined in a prison issued from any court may be served upon him;

(e) The escort of persons confined in a prison to and from courts in which their attendance is required and for their custody during the period of such attendance ;

(f) The amount to be allowed for the costs and charges of such escort; and

(g) The guidance of officers in all other matters connected with the enforcement of this Act.

Repeal of 1900.

10. (1) Part IX of the Prisoners Act, 1900 and the First and Second Schedules to the said Act are hereby repealed.

(2) If immediately before the commencement of this Act there is in force in any Part B State to which this Act extends any law corresponding to the provisions of this Act, that law shall, in so far as it relates to matters dealt with in this Act, stand repealed on such commencement:

Provided that anything done or any action taken under any such law shall be deemed to have been done or taken under the corresponding provisions of this Act and shall continue to have effect accordingly, unless and until superseded by anything done or any action taken under this Act.

## THE FIRST SCHEDULE

[ See sub-Section (1) of Section 3 ]

Court of .....

To the officer in-charge of the ..... (State name of Prison).

You are hereby required to produce ..... now confined in under safe and sure conduct before the Court of.....at ..... on the ..... day of ..... next by ..... of the clock in forenoon of the same day, there to give evidence in a matter now pending before the said Court and after the said has then and there given his evidence before the said Court or the said Court has dispensed with his further attendance, cause him to be conveyed under safe and sure conduct back to the prison.

The ..... day of .....

(A. B.).

(Countersigned) (C. D.)

## THE SECOND SCHEDULE

[ See sub-Section (2) of Section 3 ]

Court of .....

To the officer in-charge of the ..... (State name of Prison).

You are hereby required to produce ..... now confined in ..... under safe and sure conduct before the court of ..... at ..... on the ..... day of ..... next by ..... of the clock in the forenoon of the same day, there to answer a charge now pending before the said Court and after such charge has been disposed of or the said Court has dispensed with his further attendance, cause him to be conveyed under safe and sure conduct back to the said prison.

The ..... day of .....

(A. B.)

(Countersigned) (C. D.)



## THE INDIAN LUNACY ACT, 1912 (ACT IV OF 1912)

(16th March 1912)

**[In its application to the State of Maharashtra]**

*An Act to consolidate and amend, the law relating to Lunacy.  
Whereas it is expedient to consolidate and amend, the law  
relating to lunacy; it is hereby enacted as follows :*

## PART I

## PRELIMINARY

## Chapter I

Short title and  
extent.

1. (1) This Act may be called The Indian Lunacy Act, 1912.

†[(2) It extends to the whole of India, ‡(except the State of Jammu and Kashmir)].

Saving.

2. Nothing contained in part II shall be deemed to affect the powers of any High Court (§XXX), over any person found to be lunatic, by inquisition or over the proper of such lunatic, or the rights of any person appointed by such Court as guardian of the person or manager of the estate of such lunatic.

Definitions.

3. In this Act, unless there is anything repugnant in the subject or context,—

(1) “asylum” means an asylum ¶[(or mental hospital) for lunatics established or licensed \*\*[by ††the Central Government or any State Government].

(2) “cost of maintenance” in an asylum includes the cost of lodging, maintenance, clothing, medicine and care of a lunatic and any expenditure incurred in removing such lunatic to and from an asylum¶ (together with any other charges specified in this behalf by the ‡‡ [State Government] in exercise of any power conferred upon §§ [it] by this Act :

\* For statement of objects and Reasons see Gazette of India 1911 Pt. V. P. 147 for Report of Select Committee see ibid 1912 Pt. V. P. 87, and for proceedings in Council see ibid, 1911, Pt. VI, P. 655 and ibid 1912.Pt.VI, PP 3,30,187 and 458.

It has been amended in Bombay by Bom. Acts XV of 1936. XV of 1938 and LV[ of 1959

† Subs. by the A. O. 1950 for the former sub-Section.

‡ Subs. by Act III of 1951, Section 3 and Sch. for except part B States”.

§ The words “for a part A States” omitted by the A. O. (No. 2) of 1956.

¶ Ins. by Act. VI of 1922, Section 2.

\*\* Subs. by the A. O. 1937 for “ by Government”.

†† Subs. by the A. O. 1948 for “ any Govt. in British India.”

‡‡ Subs. by the A. O. 1937 for “ G. G. in C”.

§§ Subs. ibid for “him”.

(3) “District Court” means the principal Civil Court of original jurisdiction in any area outside the local limits for the time being of the presidency-towns:

(4) “criminal lunatic” means any person for whose \*(detention) in, or removal to an asylum, jail or other place of safe custody an order has been made in accordance with the provisions of Section 466 or Section 471 of the Code of Criminal Procedure, 1898, or of Section 30 the Prisoners Act, 1900, †[or of Section 103-A of the †Indian Army Act, 1911] :

§[(4-A) “India” means the territory of India excluding the State of Jammu and Kashmir].

(5) “Lunatic” means an idiot or person of unsound mind :

¶“(6) ‘Magistrate’ means in Greater Bombay, Presidency Magistrate and elsewhere a Magistrate of the first class.”

\*Bom. Acts VIII of 1954, S. 2 and Sch. and XCVII of 1958, :

(7) “medical officer” means a gazetted \*\* [medical officer in the service of the Government] and includes a medical practitioner declared by general or special order of the State Government to be a medical officer for the purpose of this Act :

(8) “medical practitioner” means a holder of a qualification to practise medicine and surgery which can be registered in the United Kingdom in accordance with the law for the time being in force for the registration of medical practitioners, and includes any person declared by general or special order of the State Government to be a medical practitioner for the purposes of this Act,

(9) “prescribed” means prescribed by this Act or by rule made thereunder :

(10) “reception order” means an order made under the provisions of this Act for the reception into an asylum of a lunatic other than a lunatic so found by inquisition :

(11) “relative” includes any person related by blood, marriage or adoption : and

(12) “rule” means a rule made under this Act.

†† x x x x.

---

\* Subs. by Act X[ of 1923, Section 2 and Sch. I for and Confinement”.

† Ins. by Act HXXIII of 1923. Section 5.

‡ See now the Army Act, 1950 (46 of 1950).

§ Ins. by Act III of 1951, Section 3 and Sch.

¶ Subs. by Bom. Acts VIII of 1954, Section 2 and Act XLVH of 1958, Section 2.

\*\* Subs. by the A. O. 1937 for “medical officer of Govt.”.

†† Cl. 13 which has been ins. by the A. O. 1950 rep. by Act III of 1951, Section 3 and Sch.

*PART II*

## RECEPTION, CARE AND TREATMENT OF LUNATICS

*Chapter II*

Reception of  
persons in  
asylum.

4. (1) No person other than a criminal lunatic or a lunatic so found by inquisition shall be received or detained in an asylum without a reception order save as provided by Sections 8, 16 and 98.

Provided that any person in charge of an asylum may, with the consent of two of the visitors of such asylum, which consent shall not be given except upon a written application from the intending boarder, receive and lodge as a boarder in such asylum any person who is desirous of submitting himself to treatment.

(2) A boarder received in an asylum under the proviso to sub-Section (1) shall not be detained in the asylum for more than twentyfour hours after he has given to the person in-charge of the asylum notice in writing of his desire to leave such asylum.

Application for  
reception order.

5. (1) An application for a reception order shall be made by petition accompanied by a statement of particulars to the Magistrate within the local limits of whose jurisdiction the alleged lunatic ordinarily resides, shall be in the form prescribed and shall be supported by two medical certificates on separate sheets of paper, one of which certificates shall be from a medical officer.

(2) If either of the medical certificates is signed by any relative, partner or assistant of the lunatic or of the petitioner, the petition shall state the fact and, where the person signing is a relative, the exact manner in which he is related to the lunatic or petitioner.

(3) The petition shall also state whether any previous application has been presented for an inquiry into the mental capacity of the alleged lunatic in any Court; and if such application has been made, a certified copy of the order made thereon shall be attached to the petition.

(4) No application for a reception order shall be entertained in any area outside the Presidency towns unless the State Government has, by notification in the Official Gazette, declared such area as an area in which reception orders may be made.

6. \*[(1) Subject to the provisions of sub-section (3), the petition shall be presented by the husband or wife of the alleged lunatic, or, if there is no husband or wife or the husband or wife is prevented by reason of insanity, absence from India or otherwise from making the presentation by the nearest relative of the alleged lunatic who is not so prevented]\*.

Application by  
whom to be  
presented.

(2) † [If the petition is not presented by the husband or wife, or where there is no husband or wife, by the nearest relative of the alleged lunatic, the petition]† shall contain a statement of the reasons why it is not so presented, and of the connection of the petitioner with the alleged lunatic, and the circumstances under which he presents the petition.

(3) No person shall present a petition unless he has attained the age of majority as determined by the law to which he is subject, and has within fourteen days before the presentation of the petition, personally seen the said lunatic.

(4) The petition shall be signed and verified by the petitioner, and the statement of prescribed particulars by the person making such statement.

7. (1) Upon the presentation of the petition the Magistrate shall consider the allegations in the petition and the evidence of lunacy appearing by the medical certificates.

Procedure upon  
petition for  
reception order.

(2) If he considers that there are grounds for proceedings further, he shall personally examine the alleged lunatic unless for reasons to be recorded in writing he thinks it unnecessary or in-expedient so to do.

(3) If he is satisfied that a reception order may properly be made forthwith, he may make the same accordingly.

(4) If he is not so satisfied, he shall fix a date (notice whereof shall be given to the petitioner and to any other person to whom in the opinion of the Magistrate notice should be given) for the consideration of the petition, and he may make such further or other inquiries of or concerning the alleged lunatic as he thinks fit.

8. Upon the presentation of the petition, the Magistrate may make such order as he thinks fit for the suitable custody of the alleged lunatic pending the conclusion of the inquiry.

Detention of  
alleged lunatic  
pending inquiry,

9. The petition shall be considered in private in the presence of the petitioner, the alleged lunatic (unless the Magistrate in his discretion otherwise directs), any person appointed by the alleged lunatic to represent him and such other persons as the Magistrate thinks fit.

Consideration of  
petition.

---

\*—\* Subs. by Act, V of 1926, Section 2 for sub-Section (1).

†—† Subs. *ibid* for “ if the petition is not so presented, it”.

Order. 10. (1) At the time appointed for the consideration of the petition, the Magistrate may either make reception order or dismiss the petition, or may adjourn the same for further evidence or inquiry and may make such order as to the payment of the costs of the inquiry by the person upon whose application it was made, or out of the estate of the alleged lunatic if found to be of unsound mind, or otherwise as he thinks fit.

(2) If the petition is dismissed, the Magistrate shall record in writing his reasons for dismissing the same, and shall deliver or cause to be delivered to the petitioner a copy of such order.

Further provisions as to reception orders on petition.

11. No reception order shall be made under Section 7 or Section 10, save in the case of a lunatic who is dangerous and unfit to be at large, unless—

(a) the Magistrate is satisfied that the person in-charge of an asylum is willing to receive the lunatic, and

(b) the petitioner or some other person engages in writing to the satisfaction of the Magistrate to pay the cost of maintenance of the lunatic.

Power to appoint substitute for the person upon whose application a reception order has been made.

\*11-A. (1) The Magistrate may subject to the provisions of this Section by order in writing (hereinafter referred to as an order of substitution), transfer the duties and responsibilities under this Act of the person on whose petition a reception order has been made to any other person who is willing to undertake the same, and such other person shall thereupon be deemed for the purposes of this Act to be the person on whose petition the reception order was made, and all references in this Act to such last mentioned person shall be construed accordingly.

Provided that no such order of substitution shall release the person upon whose petition the reception order was made, or if he is dead, his legal representative from any liability incurred before the order of substitution was made.

(2) Before making any order of substitution, the Magistrate shall send a notice to the person upon whose petition the reception order was made, if he is alive, and to any relative of the lunatic to whom, in the opinion of the Magistrate, notice should be given; the notice shall specify the name of the person in whose favour it is proposed to make such order and the date, which shall be not less than twenty days from the sending of the notice, upon which any objection to the making of the order will be considered.

---

\* Ins. by Act V of 1926, Section 3.

(3) On such date or any subsequent date to which the proceedings may be adjourned, the Magistrate shall consider any objection made by any person to whom notice has been sent, or by any other relative of the lunatic, and shall receive all such evidence as may be produced by or on behalf of any such person and such further evidence, if any, as the Magistrate thinks necessary, and may thereafter make or refrain from making an order of substitution ;

Provided that, if the person on whose petition the reception order was made is dead and any other person is willing and, in the opinion of the Magistrate, fitted to undertake the duties and responsibilities under this Act of such first mentioned person, the Magistrate shall make such an order.

(4) If in proceedings under this section any question arises as to the person to whom the duties and responsibility under this Act of a person upon whose petition a reception order has been made shall be entrusted, the Magistrate shall give preference to the person who is the nearest relative of the lunatic unless, for reasons to be recorded in writing, the Magistrate considers that such preference would not be in the interests of the lunatic.

(5) The Magistrate may make such order for the payment of the costs of an inquiry under this section by any person who is a party thereto or out of the estate of the lunatic, as he thinks fit.

(6) Any notice under sub-section (2) may be sent by the post to the last known address of the person for whom it is intended.\*

\*[11.B.]\* (1) When an arrangement has been made with any foreign European State with respect to the reception of lunatics in asylums in †India† the Central Government may, by notification in the Official Gazette, direct that reception orders may be made under this Act in the case of any lunatic or class of lunatics or class of lunatics residing in the territories in India of such foreign European State, and shall in such notification specify the State or States within which such reception orders may be made.

Reception order  
in case of  
lunatics from  
foreign States in  
India.

(2) On publication of a notification under sub-section (1), the provisions of this Act as to the making of reception orders on petition and for temporary detention in suitable custody shall apply in the case of such lunatics, with the following modifications, namely :—

\*—\* This section was originally, ins. as, s. 11A by Act XII of 1916 s, 2 and was renumbered as s, 11B by Act V of 1926, s. 3.

†—† Subs. by Act III of 1951, s. 3 and Sch. for “the States”.

(a) an application for a reception order may be made by petition presented by such officer or agent of the foreign State in which the alleged lunatic ordinarily resides, as may by general or special order be approved by the State Government in this behalf.

(b) the functions of the Magistrate shall be performed by such officer as the State Government may, by general or special order, appoint in this behalf and such officer shall be deemed to be the Magistrate having jurisdiction over the alleged lunatic for all the purposes of the said provisions.

(c) for the purposes of Sections 5 and 18 (1), the expressions “medical officer”, and “medical practitioner” shall include such person or class of persons as the State Government may specify in this behalf.

(d) The Magistrate may in his discretion extend the period prescribed by Section 19 within which the alleged lunatic must have been medically examined; and

(e) Sections 6 (1), (2), (3), 11, \*[11-A] and 34 of the Act, shall not apply, and with such other modifications, restrictions or adaptations as the Central Government may, by notification in the Official Gazette, direct for the purpose of facilitating the application of the said provisions.

(3) A reception order made under this Section shall be deemed to be reception order made under Section 7 or Section 10 as the case may be.

Reception order  
in case of a  
European lunatic  
soldier, sailor or  
airman.

12. When any European who is subject to the provisions of the Army Act †[the Naval Discipline Act or that Act as modified by the †Indian Navy (Discipline) Act, 1934], §[the Air Force Act or by the Indian Air Force Act, 1932]‡, has been declared a lunatic in accordance with the provisions of the military† (Naval)† \*\*[of Air Force] regulations in force for the time being, and it appears to any administrative medical officer that he should be removed to an asylum, such administrative medical officer may, if he thinks fit, make a reception order under his hand for the admission of the said lunatic into any asylum which has been duly authorized for the purpose by the Central Government.

---

\* Ins. by Act V of 1926, s. 4.

† Ins. by Act. XXXV of 1934, s. 2 and Sch.

‡ Rep. by the Navy Act, 1957 (62 of 1957).

§ Subs. by Act XIV of 1932, s. 130 and Sch. for “ or the Air Force Act “.

¶ See now the Air Force Act, 1950 (45 of 1950).

\* Ins. by Act, X of 1927, s. 2 and Sch 1.

13. (1) Every officer in-charge of a police station may arrest or cause to be arrested all persons found wandering at large within limits of his station whom he has reason to believe to be lunatics, and shall arrest or cause to be arrested all persons within the limits of his station whom he has reason to believe to be dangerous by reason of lunacy. Any person so arrested shall be taken forthwith before the Magistrate.

Powers and duties of police in respect of wandering or dangerous lunatics and lunatics cruelly treated or not under proper care and control.

(2) Every officer in-charge of a police station who has reason to believe that any person within the limits of his station is deemed to be a lunatic and is not under proper care and control, or is cruelly treated or neglected by any relatives or other person having the charge of him, shall immediately report the fact to the Magistrate.

14. Whenever any person is brought before a Magistrate under the provisions of sub-Section (1) of Section 13, the Magistrate shall examine such person, and if he thinks that there are grounds for proceeding further, shall cause him to be examined by a medical officer, and may make such other inquiries as he thinks fit; and if the Magistrate is satisfied that such person is a lunatic and a proper person to be detained, he may, if the medical officer who has examined such person gives a medical certificate with regard to such person, make a reception order for the admission of such lunatic into an asylum;

Reception order in case of wandering and dangerous lunatics.

Provided that, if any friend or relative desires that the lunatic be sent to licensed asylum and engages in writing to the satisfaction of the Magistrate to pay the cost of maintenance of the lunatic in such asylum, the Magistrate shall if the person in-charge of such asylum consents, make a reception order for the admission of the lunatic into the licensed asylum mentioned in the engagement.

Provided further that if any friend or relative of the lunatic enters into a bond with or without sureties for such sum of money as the Magistrate thinks fit, conditioned that such lunatic shall be properly taken care of, and shall be prevented from doing injury to himself or to others, the Magistrate, instead of making a reception order, may if he thinks fit, make him over to the care of such friend or relative.

15. (1) If it appears to the Magistrate, on the report of a police officer or the information of any other person, that any person within the limit of his jurisdiction deemed to be a lunatic is not under proper care and

Orders in case of lunatic cruelly treated or not under proper care and control.

---

†—† Subs. by Bombay Act LVI of 1959, S-3 for "presidency towns."



control or is cruelly treated or neglected by any relative or other person having the charge of him, the Magistrate may cause the alleged lunatic to be produced before him, and summon such relative or other person as has or ought to have the charge of him.

(2) If such relative or other person is legally bound to maintain the alleged lunatic, the Magistrate may make an order for such alleged lunatic being properly cared for and treated, and, if such relative or other person wilfully neglects to comply with the said order, the Magistrate may sentence him to imprisonment for a term which may extend to one month.

(3) If there is no person legally bound to maintain the alleged lunatic, or if the Magistrate thinks fit so to do, he may proceed as prescribed in Section 14, and upon being satisfied in manner aforesaid that the person deemed to be a lunatic is a lunatic and a proper person to be detained under care and treatment may, if a medical officer gives a medical certificate with regard to such lunatic, make a reception order for the admission of such lunatic into an asylum.

Detention of  
alleged lunatic  
pending report  
(by medical  
officer)

16. (1) When any person alleged to be a lunatic is brought before a Magistrate under the provisions of Section 13 or Section 15, the Magistrate may, by an order in writing, authorise the detention of the alleged lunatic in suitable custody for such time not exceeding ten days as may be in his opinion, necessary to enable the medical officer to determine whether such alleged lunatic is a person in respect of whom a medical certificate may be properly given.

(2) The Magistrate may, from time to time, for the same purpose by order in writing, authorise such further detention of the alleged lunatic for periods not exceeding ten days at a time as he thinks necessary :

Provided that no person shall be detained in accordance with the provisions of this Section for a total period exceeding thirty days from the date on which he was first brought before the Magistrate.

Commissioner of  
Police etc. to act  
2 (in the area  
under his  
charge).

17. All acts which the Magistrate is authorised or required to do by Sections 14, 15 or 16 may be done \*(in the areas for which the Commissioners of Police have been appointed) † ..... † by the Commissioner of Police, and all duties which an officer in-charge of a

---

\*— \* The words or “Rangoon” rep, by the A. D. 1937.

Police Station is authorised or required to perform, may be performed in †(any of the said areas)† by an officer of the Police force not below the rank of an Inspector.

Further provisions as to reception orders and medical certificates.

18. (1) Every medical certificate under this Act shall be made and signed by a medical practitioner or a medical officer, as the case may be, and shall be in the form prescribed.

Medical  
certificates,

(2) Every medical certificate shall state the facts upon which the person certifying has formed his opinion that the alleged lunatic is a lunatic, distinguishing facts observed by himself from facts communicated by others; and no reception order on petition shall be made upon a certificate founded only upon facts communicated by others.

(3) Every medical certificate made under this Act shall be evidence of the facts therein appearing and of the judgment therein stated to have been formed by the person certifying on such facts, as if the matters therein appearing had been verified on oath.

19. (1) A reception order required to be founded on a medical certificate shall not be made unless the person who signs the medical certificate, or where two certificates are required, each person who signs a certificate has personally examined the alleged lunatic, in the case of an order upon petition, not more than seven clear days before the date of the presentation of the petition, and, in all other cases not more than seven clear days before the date of the order.

Time and  
manner of  
medical  
examination of  
lunatic.

(2) Where two medical certificates are required, a reception order shall not be made unless each person signing a certificate has examined the alleged lunatic separately from the other.

20. A reception order, if the same appears to be in conformity with this Act, shall be sufficient authority for the petitioner or any person authorised by him, or in the case of an order not made upon petition, for the person authorised so to do by the person making the order, to take the lunatic and convey him to the place mentioned in such order and for his reception and detention therein, or in any asylum to which he may be removed in accordance with the provisions of this Act, and the order may be acted on without further evidence of the signature or of the jurisdiction of the person making the order.

Authority for  
reception.

\* [Provided that no reception order shall continue to have effect :—

(a) after the expiry of thirty days from the date on which it was made, unless the lunatic has been admitted to the place mentioned therein within that period or

(b) after the discharge, under the provisions of this Act, of the lunatic from such place or from any asylum to which he may have been removed.]\*

Copy of  
reception order  
to be sent to  
person in charge  
of asylum.

21. Any authority making a reception order under this part shall forthwith send a certified copy of the order to the person in charge of the asylum into which such lunatic is to be admitted.

Restriction as to  
asylums into  
which reception  
orders may direct  
admission.

22. Subject to the provisions of Section 85, no Magistrate shall make a reception order for the admission of any lunatic into †[any Government asylum] † outside the State in which the Magistrate exercises jurisdiction.

Detention of  
lunatics pending  
removal to  
asylum.

23. When any reception order has been made under Sections 7, 10, 14 or 15 the Magistrate may, for reason to be recorded in writing, direct that the lunatic, pending his removal to an asylum, be detained in suitable custody in such place as the Magistrate thinks fit.

Reception and  
detention of  
criminal lunatics.  
V of 1898 III of  
1900 VIII of  
1911.

24. An order under Section 466 or Section 471 of the Code of Criminal Procedure, 1898, or under Section 30 of the Prisoners Act, 1900 ‡[or under Section 103-A of the §Indian Army Act, 1911] directing the reception of a criminal lunatic into any asylum which is prescribed for the reception of criminal lunatics shall be sufficient authority for the reception and detention of any person named therein in such asylum or in any other asylum to which he may be lawfully transferred.

Reception after  
inquisition.

25. A lunatic so found by inquisition may be admitted into an asylum

(1) in the case of an inquisition under Chapter IV, on an order made by, or under the authority of the High Court;

(2) in the case of an inquisition under Chapter V, on an order made by the District Court.

Order for  
payment of cost  
of maintenance  
of  
lunatic.

26. (1) When any lunatic has been admitted into an asylum in accordance with the provisions of Section 25, the High Court or the District Court, as the case may be, shall on the application of the Person in charge

\* — \* Ins. by Act XXXH of 1923, s. 2.

† ... † Subs. by the A. O. 1937 for “ any asylum established by Government.”

‡ ... ‡ I s. by Act XXXIII of 1923, s. 5.

§ ... § See now the Army Act. 1950 (46 of 1950).

of the asylum, make an order for the payment of the cost of maintenance of the lunatic in the asylum, and may from time to time direct that any sum of money payable under such order shall be recovered from the estate of the lunatic or of any person legally bound to maintain him :

Provided that if at any time it shall appear to the satisfaction of the Court that the lunatic has not sufficient property, and that no person legally bound to maintain such lunatic has sufficient means for the payment of such cost, the Court shall certify the same instead of making such order for the payment of the cost as aforesaid.

(2) An order under sub-section (1) shall be enforced in the same manner and shall be of the same force and effect and subject to the same appeal as a decree made by the Court in a suit in respect, of the property or person therein mentioned.

27. If, after the reception of any lunatic into any asylum on a reception order, it appears that the order upon which he was received or the medical certificate or certificates upon which such order was made is or are defective or incorrect, the same may at any time afterwards be amended by the person or persons signing the same with the sanction of two or more of the visitors of the said asylum, one of whom shall be a medical officer.

Amendment of order or certificate.

### Chapter III

#### CARE AND TREATMENT

28. (1) The State Government shall appoint for every asylum not less than three visitors, one of whom at least shall be a medical officer.

Appointment or visitors

(2) The Inspector General of Prisons (where such office exists) shall be a visitor *ex-officio* of all the asylums within the limits of his jurisdiction.

29. Two or more of the visitors, one of whom shall be a medical officer, shall, once at least in every month, together inspect every part of the asylum of which they are visitors, and see and examine, as far as circumstances will permit, every lunatic and border therein, and the order and certificate for the admission of every lunatic admitted since the last visitation of the visitors, and shall enter in a book to be kept for that purpose any remarks which they may deem proper in regard to the management and condition of the asylum and the inmates thereof.

Monthly inspection by visitors.

Inspection of  
criminal lunatics  
by Inspector  
General or  
visitors. V of  
1898 VIII of  
1911.

30. (1) When any person is \* [detained] under the provisions of Section 466 or Section 471 of the Code of Criminal Procedure, 1898 † [or under the provisions of Section 103-A of the ‡Indian Army Act, 1911] the Inspector General of Prisons, if such person is \* (detained) in a jail or the visitors of the asylum or any two of them, if he is (detained) in an asylum, may visit him in order to ascertain his state of mind; and he shall be visited once at least in every six months by such Inspector General or by two of such visitors as aforesaid; and such Inspector General or visitors shall make a special report as to the state of mind of such person to the authority under whose order he is (detained).

(2) The State Government may empower the officer in-charge of the jail in which such person may be (detained) to discharge all or any of the functions of the Inspector General under sub-Section (I).

Order of  
discharge from  
asylum by  
visitors.

31. (1) Three of the visitors of any asylum, of whom one shall be a medical officer, may, by order in writing, direct the discharge of any person detained in such asylum, and such person shall thereupon be discharged :

Provided that no order under this sub-Section shall be made in the case of a person detained under a reception order under Section 12 or, in the case of a criminal lunatic otherwise than as provided by Section 30 of the Prisoners Act III of 1900.

(2) When such order is made, if the person is detained under the order of any public authority, notice of the order of discharge shall be immediately communicated to such authority.

Discharge of"  
lunatics in other  
cases and of  
European  
military lunatics.

32. (1) A lunatic detained in an asylum under a reception order, made on petition, shall be discharged if the person on whose petition the reception order was made so applies in writing to the person in-charge of the asylum :

Provided that no lunatic shall be discharged under the provisions of sub-Section (1) if the officer in-charge of the asylum certifies in writing that the lunatic is dangerous and unfit to be at large.

(2) A person detained in an asylum under a reception order made under Section 12 shall be detained therein until he is discharged therefrom in accordance with the military §[Naval] ¶[or air force] regulations in force for the time being, or until the officer making the order applies for his transfer to the military (naval) (or Air Force) authorities in view to his removal to England.

---

\* Subs. by Act XI of 1923 s. 2 and Sch. 1 for "confined".

† Ins. by Act XXXIII of 1923. s. 5.

‡ See now the Army Act, 1950 (46 of 1950).

§ Ins. by Act XXXV of 1934, s. 2 & Sch.

¶ Ins, by Act X of 1927. s. 2 and Sch. I,

(3) Whenever it appears to the officer in-charge of an asylum that the discharge of a person therein detained under an order made under Section 12 is necessary either on account of his recovery, or for any other purpose, such person shall be brought before the visitors of the asylum, and on the visitors recording their opinion that the discharge should be made, the General or other Officer Commanding the division, district, brigade, or force, or other officer authorised to order the admission of such persons into an asylum, shall forthwith direct him to be discharged, and such discharge shall take place in accordance with the military \* [naval] †[or air force]‡ regulations in force for the time being.

33. When any relative or friend of a lunatic detained in any asylum under the provisions of Sections 14, 15 or 17 is desirous that such lunatic shall be delivered over to his care and custody, he may make application to the authority under whose order the lunatic is detained, and such authority, if it thinks fit, in consultation with the person in-charge of the asylum and with the visitors or with one of them being a medical officer, and upon such relative or friend entering into a bond with or without sureties for such sum of money as the said authority thinks fit conditioned that such lunatic shall be properly taken care of and shall be prevented from doing injury to himself or to others, may make an order for the discharge of such lunatic, and such lunatic shall thereupon be discharged.

Order of  
discharge on  
undertaking of  
relative for due  
care of  
the lunatic.

‡ [“33-A. Temporary release of lunatics (1) When any relative or friend of a lunatic detained in any asylum under the provisions of Sections 7, 10, 14, 15 or 17 is desirous that such lunatic shall be temporarily released and delivered over to his care and custody, he may make an application to the person in-charge of the asylum, who shall make an order for the temporary release of such lunatic for a period not exceeding sixty days, unless for any reason he considers that such release is undesirable and such lunatic shall, thereupon, be so released.

(2) No order under sub-Section (1) for the temporary release of a lunatic detained under Section 7 or 10 shall be passed except on an application to the petitioner on whose petition such lunatic was detained or without the consent in writing of such petitioner :

---

\* Inserted by Act XXXV of 1934, S. 2 and Sch.

† Inserted by Act X of 1927 S. 2 and Sch.

‡ Inserted by Bombay Act XV of 1938.

Provided that, if in any such case, it appears to the person in-charge of the asylum that such petitioner refuses, without sufficient reasons, to accord such consent, he shall refer the application made to him under sub-Section (1) to the Magistrate who would have jurisdiction to detain such lunatic under Section 7 or 10 and such Magistrate may, after making such enquiry as he thinks fit, order the temporary release of such lunatic for the period specified in sub-Section (1).

(3) Any order made for the release of a lunatic under sub-Section (1) may, on the application of any relative or friend, at any time during the period of his release, be set aside or varied by the Magistrate who would have jurisdiction to detain such lunatic in any asylum under Sections 7, 10, 14, 15 or 17 on any ground other than that the lunatic was not in a state of mind fit to be released at the time the order for his release was made under sub-Section (1). If the order of release is so set aside, the lunatic shall be re-admitted and detained in the asylum.

(4) If a lunatic released under sub-Section (1) or (2) is, at any time during the period of his release, found to be unmanageable or dangerous and unfit to be at large, the person who applied for his release may take the lunatic to the asylum, and such lunatic shall thereupon be re-admitted and detained in the asylum.

(5) If a lunatic released under sub-Section (1) or (2) does not return to the asylum at the expiration of the period for which he was released and if no order for his discharge has been passed under Section 31 or Section 33 or if he is, at any time during the period of his release, found to be unmanageable or dangerous or unfit to be at large and the person who applied for his release states by a written application to the person in-charge of the asylum that he is unable to bring him to the asylum, such lunatic shall be deemed to have escaped from the asylum and may at any time within one month after the expiration of the said period be retaken to and detained in the asylum in the manner provided in Section 36 :

Provided that such a person shall be deemed to be discharged if on or before the expiry of the period for which he was released, the Board of Visitors is satisfied either (a) as a result of investigations conducted by the person in-charge of the asylum concerned or (b) on receipt of a certificate signed by a medical practitioner that the person may with safety be discharged.

34. If any lunatic detained in an asylum on a reception order made under sections 7, 10, 14, 15 or 17 is subsequently found on an inquisition under Chapter IV or Chapter V not to be of unsound mind and incapable of managing himself and his affairs the person in-charge of the asylum shall forthwith, on the production of a certified copy of such finding, discharge the alleged lunatic from the asylum.

Discharge of person subsequently found on inquisition not to be of unsound mind.

35. (1) \*Any lunatic may, in accordance with any general or special order of the State Government, be removed from †(any Government asylum) to any other asylum within the State or to any other asylum in any other State with the consent of the State Government of that State:\*

Removal of lunatics and criminal lunatics.

Provided that no lunatic admitted into an asylum on a reception order made on petition shall be removed in accordance with the provisions of this sub-section until notice of such intended removal has been given to the petitioner.

(2) The ‡(State Government)‡ may make such general or special order as §[it] [thinks fit directing the removal of any person for whose¶ [detention] an order has been made under section 466 or section 471 of the Code of Criminal Procedure, 1898, \*\*[or under section 103A of the ††Indian Army Act, 1911]‡‡, from the place where he is for the time being § [detained] § to any asylum, jail or other place of safe custody [in the State, or to any asylum, jail or other place of safety in any other State with the consent of the State Government of that State].

V of 1898 VIII of 1911

36. Every person received into an asylum under any such order as is required by this Act, may be detained therein until he is removed or discharged as authorised by law, and in case of escape may, by virtue of such order, be retaken by any police officer or by the person in charge of such asylum, or any officer or servant belonging thereto, or any other person authorised in that behalf by the said person in charge, and conveyed to and received and detained in such asylum ;

Order to justify detention and recapture after escape.

---

\*\* Substituted by Act XXXVIII of 1920, S.2 and schedule 1 for; certain works.

† Substituted by the A. O. 1937 for "any asylum established by Govt."

‡‡ The words "G.-3. in-C" were successively substituted by Act XXXVIII of 1920s.2. and Sch. I, the A. O. 1937, and the A. O. 1950.

§ Substituted by Act, XXXVIII of 1920, S. 2 and Sch. I for "he".

¶ Substituted by Act, 11 of 1923, S. 2 and "Sch. 1 for "Confinement."

\*\* Inserted by Act. XXXIII of 1923, s. 5.

†† See now the Army Act. 1950 (XIV of 1950),

‡‡ Substituted by Act, XI of 1923, S. 2 and Sch. I for "Confined".

§§ Substituted by Act, XXXVIII of 1920, S. 2 and Sch. 1 for "in British India".



Provided that in the case of a lunatic not being a criminal lunatic or a lunatic in respect of whom a reception order has been made under section 12, the power to retake such escaped lunatic under this section shall be exercisable only for a period of one month from the date of his escape.

---

*PART III*

JUDICIAL INQUISITION AS TO LUNACY

*Chapter IV*

*Inquisition*

- |   |  |
|---|--|
| <p>Jurisdiction in lunacy in Presidency towns.</p>                          | <p>37. The Courts having jurisdiction under this Chapter shall be the High Courts of Judicature at Fort William, Madras and Bombay.</p>  |
| <p>Court may order inquisition as to persons alleged to be insane.</p>      | <p>38. (1) The Court may upon application by order direct an inquisition whether a person subject to the jurisdiction of the Court who is alleged to be lunatic, is of unsound mind and incapable of managing himself and his affairs.</p> <p>(2) Such order may also contain directions for inquiries concerning the nature of the property belonging to the alleged lunatic, the persons who are his relatives, the time during which he has been of unsound mind, or such other matters as to the Court may seem proper.</p>        |
| <p>Application by whom to be made.</p>                                      | <p>39. Application for such inquisition may be made by any relative of the alleged lunatic, or by the Advocate General.</p>  |
| <p>Notice of time and place of inquisition.</p>                             | <p>40. (1) Notice shall be given to the alleged lunatic of the time and place at which it is proposed to hold the inquisition.</p> <p>(2) If it appears that personal service on the alleged lunatic would be ineffectual, the Court may direct such substituted service of the notice as it thinks fit.</p> <p>(3) The Court may also direct a copy of such notice to be served upon any relative of the alleged lunatic and upon any other person to whom in the opinion of the Court notice of the application should be given.</p> |
| <p>Powers of Court in respect of attendance and examination of lunatic.</p> | <p>41. (1) The Court may require the alleged lunatic to attend at such convenient time and place as it may appoint for the purpose of being personally examined by the Court or by any person from whom the Court may desire to have a report of the mental capacity and condition of such alleged lunatic.</p>  |

(2) The Court may likewise make an order authorising any person or persons therein named to have access to the alleged lunatic for the purpose of a personal examination.

42. The attendance and examination of the alleged lunatic under the provisions of section 41 shall, if the alleged lunatic be a woman who, according to the manners and customs of the country, ought not to be compelled to appear in public, be regulated by the law and practice for the examination of such persons in other civil cases.

Rules respecting attendance and examination of females alleged to be lunatic,

43. (1) If the alleged lunatic is not within the local limits of the jurisdiction of the Court, and the inquisition cannot conveniently be made in the manner hereinbefore provided, the Court may direct the inquisition to be made before the District Court within whose local jurisdiction the alleged lunatic may be; and such District Court shall accordingly proceed to make such inquisition in the same manner as if the alleged lunatic were subject to its jurisdiction, and shall certify its finding upon the matters of inquisition to the Court directing the inquisition.

Power to direct District Court to make inquisition in certain cases.

(2) The record of evidence taken upon the inquisition shall be transmitted, together with any remarks the Court may think fit to make thereon, to the Court by which the inquisition was directed.

44. If the finding of the District Court appears to the Court directing the inquisition to be defective or insufficient in point of form it may either amend the same or refer it back to the Court which made the inquisition to be amended.

Amendment of finding of District Court if defective or insufficient in form.

45. The finding of the Court on the inquisition or the finding of the District Court to which the inquisition may have been referred under the provisions of section 43 with such amendments as may be made under the provisions of section 44, as the case may be shall have the same effect and be proceeded on in the same manner in regard to the appointment of a guardian of the person and a manager of the estate of the lunatic as the findings referred to in section 12 of the \*Lunacy (Supreme Courts) Act, 1858\* immediately before the commencement of this Act.

Proceeding"; on finding of Court.

XXXIV of 1858.

#### *Judicial powers over person and estate of lunatic*

46. (1) The Court may make orders for the custody of lunatics so found by inquisition and the management of their estates.

Custody of lunatics and management of their estates,

---

\* Replaced by this Act.

(2) When upon the inquisition it is specially found that the person to whom the inquisition relates is of unsound mind so as to be incapable of managing his affairs, but that he is capable of managing himself, and is not dangerous to himself or to others, the Court may make such orders as it thinks fit for the management of the estate of the lunatic including proper provision for the maintenance of the lunatic and of such members of his family as are dependent on him for maintenance, but it shall not be necessary to make any order as to the custody of the person of the lunatic.

Powers of manager in respect of management of lunatic's estate.

47. The Court, on the appointment of a manager of the estate of a lunatic, may direct by the order of appointment or by any subsequent order, that such manager shall have such powers for the management of the estate as to the Court may seem necessary and proper, reference being had to the nature of the property, whether moveable or immovable, of which the estate may consist:

Provided that no manager so appointed shall without the permission of the Court—

(a) mortgage, charge or transfer by sale, gift, exchange or otherwise, any immovable property of the lunatic; or

(b) Lease any such property for a term exceeding five years. Such permission may be granted subject to any condition or restriction which the Court thinks fit to impose.

Power to make order concerning any matter connected with the lunacy.

48. The Court may, on application made to it by petition concerning any matter whatsoever connected with the lunatic or his estate, make such order, subject to the provisions of this Chapter, respecting the application, as in the circumstances it thinks fit.

### *Management and administration*

Power to dispose of lunatic's property for certain purpose,

49. The Court may, if it appears to be just or for the lunatic's benefit, order that any property, moveable or immovable, of the lunatic, and whether in possession reversion, remainder, or contingency, be sold, charged, mortgaged, dealt with or otherwise disposed of as may seem most expedient for the purpose of raising or securing or repaying with or without interest money to be applied or which has been applied to all or any of the following purposes, namely—

- (1) the payment of the lunatic's debts or engagements;
- (2) the discharge of any incumbrance on his property ;

(3) the payment of any debt or expenditure incurred for the lunatic's maintenance or otherwise for his benefit;

(4) the payment of or provision for the expenses of his future maintenance and the maintenance of such members of his family as are dependent on him for maintenance, including the expenses of his removal to Europe, if he shall be so removed, and all expenses incidental thereto;

(5) the payment of the costs of any inquiry under the Chapter, and of any costs incurred by order or under the authority, of the Court.

50. (1) The manager of the lunatic's estate shall, in the name and on behalf of the lunatic, execute all such conveyances and instruments of transfer relative to any sale, mortgage or other disposition of his estate as the Court may order.

Execution of conveyances and powers by manager under order of Court.

(2) Such manager shall, in like manner, under the order of the Court, exercise all powers whatsoever vested in a lunatic, whether the same are vested in him for his own benefit or in the character of trustee or guardian.

51. Where a person, having contracted to sell or otherwise dispose of his estate or any part thereof, afterwards becomes lunatic, the Court may, if the contract is such as the Court thinks ought to be performed, direct the manager of the estate to execute such conveyance and to do such other acts in fulfilment of the contract as it shall think proper.

Court may order performance of contract.

52. (1) Where a person, being a member of a partnership firm, is found to be a lunatic, the Court may, on the application of the other partners, or of any person who appears to the Court to be entitled to require the same, dissolve the partnership.

Dissolution and disposal of property of partnership on a member becoming lunatic.

(2) Upon such dissolution, or upon a dissolution by decree of Court or otherwise by due course of law, the manager of the estate may, in the name and on behalf of the lunatic, join with the other partners in disposing of the partnership property upon such terms, and shall do all such acts for carrying into effect the dissolution of the partnership as the Court shall think proper.

53. Where a lunatic has been engaged in business the Court may, if it appears to be for the lunatic's benefit that the business premises should be disposed off, order the manager of the estate to sell and dispose off the same, and the moneys arising from such sale shall be applied in such manner as the Court may direct.

Disposal of business premises.

Manager may  
dispose of lease.

54. Where a lunatic is entitled to a lease or under lease, and it appears to be for the benefit of his estate that it should be disposed off the manager of the estate may, by order of the Court, surrender, assign or otherwise dispose off the same to such person for such valuable or nominal consideration, and upon such terms, as the Court thinks fit.

Assumption of  
charge by Court  
of Wards of land  
belonging to a  
lunatic in certain  
Cases.

55. If a lunatic is possessed of any immovable property situate beyond the local limits of the jurisdiction of the Court which, by the law in force in the State wherein such property is situated, subjects the proprietor, if disqualified, to the jurisdiction of the Court of Wards, the said Court of Wards may assume the charge of such property and manage the same according to the law for the time being in force for such management:

Provided that:—

(1) in such case, no further proceedings in respect of the lunacy shall be taken under any such law, nor shall it be competent to the Court of Wards or to any Collector to appoint a guardian of the person of the said lunatic or a manager of the estate except of the immovable property which so subjects the proprietor as aforesaid :

(2) the surplus of the income of such property, after providing for the payment of the Government revenue and expenses of management, shall be disposed off from time to time in such manner as the High Court may direct:

(3) Nothing contained in this section shall affect the powers given to the High Court by sections 49, 50 and 51 or (except so far as relates to the management of the said immovable property which so subjects the proprietor as aforesaid) the powers given by any other section.

Power to apply  
property for  
lunatic's  
maintenance  
without  
appointing  
manager in  
certain cases.

56. (1) If it appears to the Court, having regard to the situation and condition in life of the lunatic and his family and the other circumstances of the case to be expedient that his property should be made available for his or their maintenance in a direct and inexpensive manner it may, instead of appointing a manager of the estate, order that the property if money or if of any other description the produce thereof, when realized, be paid to such person as the Court may think fit, to be applied for the purpose aforesaid.

(2) The receipt of the person so appointed shall be a valid discharge to any person who pays any money or delivers any property of the lunatic to such person.

*Vesting orders*

57. Where any stock or Government securities or any share in a company [transferable within \*(India) or the dividends of which are payable there] is or are standing in the name of or vested in, a lunatic, beneficially entitled thereto, or in a manager of the estate of a lunatic, or in a trustee for him, and the manager dies intestate, or himself becomes lunatic, or is out of the jurisdiction of the Court, or it is uncertain whether the manager is living or dead, or he neglects or refuses to transfer the stock, securities or shares, or to receive and pay over thereof the dividends to a new manager or as the Court directs, within fourteen days after being required by the Court to do so, then the Court may order some fit person to make such transfer, or to transfer the same, and to receive and pay over the dividends in such manner as the Court directs.

Power to order transfer of stock belonging to lunatic in certain cases.

58. Where any such stock or Government securities or share in a company is or are standing in the name of, or vested in, any person residing out of \*(India) and not in any part of the United Kingdom, the Court upon being satisfied that such person has been declared lunatic, and that his personal estate has been vested in a person appointed for the management thereof, according to the law of the place where he is residing, may order some fit person to make such transfer of the stock, securities or shares or of any part thereof, to or into the name of the person so appointed or otherwise, and also to receive and pay over the dividends and proceeds as the Court thinks fit.

Power to order transfer of stock of lunatic residing out of India and United

*General*

59. If it appears to the Court that the unsoundness of mind of a lunatic is in its nature temporary, and that it is expedient to make temporary provision for his maintenance or for the maintenance of such members of his family as are dependent on him for their maintenance, the Court may, in like manner as under section 56, direct his property or a sufficient part of it to be applied for the purpose aforesaid.

Kingdom.  
Power to apply property for lunatic's maintenance in case of temporary

60. (1) When any person has been found under this Chapter to be of unsound mind, and it is subsequently shown to the Court that there is reason to believe that such unsoundness of mind has ceased, the Court may make and order for inquiring whether such person is still of unsound mind and incapable of managing himself and his affairs.

lunacy.  
Proceedings in lunacy to cease or to be set aside if court finds that the unsoundness of mind has ceased.

---

\* Substituted by Act 111 of 1951, s. 3 and Schedule for "the states".

(2) The inquiry shall be conducted as far as may be in the manner prescribed in this Chapter for an inquisition into the un-soundness of mind of an alleged lunatic; and if it is found that the unsoundness of mind has ceased, the Court shall order all proceedings in the lunacy to cease or to be set aside on such terms and conditions as to the Court may deem fit.

Power of Court  
to make rules.

61. The Court may, from time to time, make rules for the purpose of carrying into effect the provisions of this Chapter in matters of lunacy.

### *Chapter V*

## PROCEEDINGS IN LUNACY OUTSIDE PRESIDENCY TOWNS

### *Inquisition*

Power of District  
Court to institute  
inquisition as to  
persons alleged  
to be lunatic.

62. Whenever any person not subject to the jurisdiction of any of the Courts mentioned in section 37 is possessed of property and is alleged to be a lunatic, the District Court, within whose jurisdiction such person is residing may, upon application by order direct an inquisition for the purpose of ascertaining whether such person is of unsound mind and incapable of managing himself and his affairs.

### *Lunacy*

Application by  
whom to be  
made.  
XIX of 1841 V  
of 1908.

63. (1) Application for such inquisition may be made by any relative of the alleged lunatic or by any public Curator appointed under the \*Succession (Property Protection) Act, 1841 (hereinafter referred to as the Curator), or by the Government Pleader, as defined in the Code of Civil Procedure, 1908, or if the property of the alleged lunatic consists in whole or in part of land or any interest in land, by the Collector of the district in which it is situated

(2) If the property or any part thereof is of such a description that it would by the law in force in any State where such property is situated subject the proprietor, if disqualified, to the jurisdiction of the Court of Wards, the application may be made by the Collector on behalf of the Court of Wards.

Regulation of  
proceedings of  
District Courts.

64. The provisions of sections 40, 41 and 42 shall regulate the proceedings of the District Court with regard to the matters to which they relate.

---

\* See now the Indian Succession Act, 1925 (XXXIX of 1925).

65. (1) The District Court, if it thinks fit, may appoint two or more persons to act as assessors to the Court in the said inquisition.

Inquisition by District Court and finding thereon.

(2) Upon the completion of the inquisition, the Court shall determine whether the alleged lunatic is of unsound mind and incapable of managing himself and his affairs or may come to a special finding that such alleged lunatic is of unsound mind so as to be incapable of managing his affairs, but that he is capable of managing himself and is not dangerous to himself or to others.

66. (1) If the alleged lunatic resides at a distance of more than fifty miles from the place where the District Court is held to which the application is made, the said Court may issue a Commission to any subordinate Court to make the inquisition, and such subordinate Court shall thereupon conduct the inquisition in the manner hereinbefore provided in this Chapter.

Inquisition by subordinate Court on Commission issued by District Court and proceedings thereon.

(2) On the completion of the inquisition the subordinate Court shall transmit the record of its proceedings with the opinions of the assessors if assessors have been appointed, and its own opinion on the case; and the District Court shall thereupon proceed to dispose of the application in the manner provided in section 65, sub-section (2) ;

Provided that the District Court may direct the subordinate Court to make such further or other inquiries as it thinks fit before disposing of the application.

#### *Judicial powers over person and estate of lunatic*

67. (1) The Court may make orders for the custody of lunatics so found by inquisition and the management of their estates.

Custody of lunatics and management of their estates.

(2) When upon the inquisition it is specially found that the person to whom the inquisition relates is of unsound mind so as to be incapable of managing his affairs, but that he is capable of managing himself and is not dangerous to himself or to others, the Court may make such orders as it thinks fit for the management of the estate of the lunatic including proper provisions for the maintenance of the lunatic and of such members of his family as are dependent on him for maintenance, but it shall not be necessary to make any order as to the custody of the person of the lunatic.

68. If the estate of a lunatic so found or any part thereof consists of property which, by the law for the time being in force, subjects the proprietor, if disqualified, to the jurisdiction of the Court of wards, the Court of wards shall be authorised to take charge of the same.

Court of Wards to be authorised in certain cases to take charge of estate of lunatic,



Power to direct  
Collector to take  
charge of person  
and estate of  
lunatic in certain  
cases.

69. (1) If the estate of a lunatic so found consists in whole or in part of land or any interest in land but is not of such a nature that it would subject the proprietor, if disqualified, to the jurisdiction of the Court of Wards, the District Court may direct the Collector to take charge of the person and estate of the lunatic:

Provided that no such order shall be made without the consent of the Collector previously obtained.

(2) The Collector shall thereupon appoint a manager of the estate, and may appoint a guardian of the person of the lunatic.

Control over  
proceedings of  
Collector.

70. All proceedings of the Collector in regard to 'the person or estate of a lunatic under this Chapter shall be subject to the control of the State Government or of such authority as it may appoint in this behalf.

Power of District  
Court to appoint  
guardian and  
manager and  
take security  
from manager.

71. (1) In all other cases the District Court shall appoint a manager of the estate of the lunatic and may appoint a guardian of his person:

Provided that a District Court may, instead of appointing a manager of the estate of a lunatic, exercise any of the powers conferred on the High Court under sections 56 and 59.

(2) Any person who has been appointed by the District Court or Collector to manage the estate of a lunatic shall, if so required, enter into a bond in such form and with such sureties as to the Court or the Collector, as the case may be may deem fit, engaging duly to account for what he may receive in respect of the property of the lunatic.

Restriction on  
appointment of  
legal heir of  
lunatic to be  
guardian of his  
person.

72. The legal heir of a lunatic shall not be appointed to be the guardian of the person of such lunatic unless the Court or the Collector, as the case may be, for reasons to be recorded in writing, considers that such an appointment is for the benefit of the lunatic.

Remuneration of  
managers and  
guardians.

73. A guardian of the person of a lunatic or a manager of his estate appointed under this Chapter shall be paid such allowance, if any, as the Court or the Collector, as the case may be, thinks fit for his care and pains in the execution of his duties.

Duties of  
guardian.

74. (1) The person appointed to be guardian of a lunatic's person shall have the care of his person and maintenance.

(2) When a distinct, guardian is appointed, the manager shall pay to the guardian such allowance as may be fixed by the District Court or the Collector, as the case may be, for the maintenance of the lunatic and such members of his family as are dependent on him for their maintenance.

75. (1) Every manager of the estate of a lunatic appointed as aforesaid may exercise the same powers in the management of the estate as might have been exercised by the proprietor if not a lunatic, and may collect and pay all just claims, debts and liabilities due to or by the estate of the lunatic.

Powers of  
manager.

Provided that no manager so appointed shall without the permission of the Court—

(a) mortgage, charge, or transfer by sale, gift, exchange or otherwise any immovable property of the lunatic,

(b) lease any such property for a term, exceeding five years.

Such permission may be granted subject to any condition or restriction which the Court thinks fit to impose.

(2) Before granting any such permission, the Court may cause notice of the application for such permission to be served on any relative or friend of the lunatic, and may make or cause to be made such inquiries as to the Court may seem necessary in the interests of the lunatic.

76. (1) Every person appointed by the District Court or by the Collector to be manager of the estate of a lunatic shall, within six months from the date of his appointment, deliver in Court or to the Collector as the case may be an inventory of the immovable property belonging to the lunatic and of all such money or other moveable property, as he may receive on account of the estate, together with a statement of all debts due by or to the same.

Manager to  
furnish  
inventory and  
annual accounts.

(2) Every such manager shall also furnish to the Court or to the Collector annually, within three months of the close of the year of the era current in the district, an account of the property in his charge, exhibiting the sums received and disbursed on account of the estate and the balance remaining in his hands.

77. If any relative of the lunatic, or the Collector by petition to the Court, impugns the accuracy of the said inventory and statement, or of any annual account, the Court may summon the manager and inquire summarily into the matter and make such order thereon as it thinks fit;

Proceeding if  
accuracy of  
inventory or  
accounts is  
impugned.

or the Court, at its discretion, may refer any such petition to any subordinate Court or to the Collector if the manager was appointed by the Collector.

Payment into  
public treasury  
and investment  
of proceeds of  
estate.

II of 1882

78. All sums received by a manager on account of any estate in excess of what may be required for the current expenses of the lunatic or of the estate, shall be paid into the public treasury on account of the estate and shall be invested from time to time in any of the securities specified in section 20 of the Indian Trusts Act, 1882, unless the Court or the Collector, as the case may be, for reasons to be recorded in writing, directs that such sums be in the interest of the lunatic otherwise invested or applied.

Relative may sue  
for an account.

79. Any relative of a lunatic may with the leave of the District Court sue for an account from any manager appointed under this chapter, or from any such person after his removal from office or trust, or from his legal representative in case of his death in respect of any estate then or formerly under his care or management or of any sums of money or other property received by him on account of such estate.

Removal of  
managers and  
guardians,

80. (1) The District Court for any sufficient cause, may remove any manager appointed by it not being the Curator, and may appoint such Curator or any other fit person in his place, and may compel the person so removed to make over the property in his hands to his successor, and to account to such successor for all money received or disbursed by him.

(2) The Court may also for any sufficient cause, remove any guardian of the person of the lunatic appointed by it, and may appoint any other fit person in his place.

(3) The Collector, for any sufficient cause, may remove any manager of the estate of a lunatic or guardian of the person of a lunatic appointed by him, and may appoint any other fit person in place of such manager or guardian; and the District Court, on the application of the Collector, may compel any manager removed under this section to make over the property and all accounts in his hands to his successor and to account to such successor for all money received or disbursed by him.

Penalty on  
manager for  
refusing to  
deliver accounts  
or property.

81. The District Court may impose a fine not exceeding five hundred rupees on any manager of the estate of a lunatic who wilfully neglects or refuses to deliver his accounts or any property in his hands within the time fixed by the Court, and may realize such fine as if it were a sum due under a decree of the Court, and may also commit the recusant to the civil jail until he delivers such accounts or property.

82. (1) When any person has been found under this Chapter to be of unsound mind, and it is subsequently shown to the District Court that there is reason to believe that such unsoundness of mind has ceased, such Court may make an order for inquiring whether such person is still of unsound mind and incapable of managing himself and his affairs.

Proceedings in lunacy to cease or to be set aside if Court finds that the unsoundness of mind has ceased.

(2) The inquiry shall, as far as may be, be conducted in the same manner as is prescribed in this Chapter for an inquisition into the unsoundness of mind of an alleged lunatic, and if it is found that the unsoundness of mind has ceased, the Court shall order all proceedings in the lunacy to cease or to be set aside on such terms and conditions as to the Court may deem fit.

83. An appeal shall lie to the High Court from any order made by a District Court, under this Chapter.

Appeals.

#### *PART IV*

### MISCELLANEOUS

#### *Chapter VI*

84. The State Government may establish or licence the establishment of asylums at such places as it thinks fit \*(if it is satisfied that provision has been or will be made for the curative treatment therein of person suffering from mental diseases).

State Government may establish or license the establishment of asylums.

\* [84-A. If in any licensed asylum no provision for curative treatment has been made, or the State Government considers that the provision made is insufficient) the State Government may require the person in charge of the asylum to take such measures for making or supplementing such provision as it may deem necessary, and, if such person does not comply with the requisition within a reasonable time, the State Government may revoke licence.]

Power to cancel licence if provision for curative treatment is insufficient.

†(85. The Magistrates or Courts exercising jurisdiction in any State may send lunatics or any class of lunatics to any asylum situate in any other State in accordance with any general or special order of the State Government made in that behalf with the consent of the State Government of such other State.)

Provision for admission of lunatics in asylums outside a State.

---

\* Added. by Act, VI of 1922 S. 3 and 4.

† Substituted by Act, XXXVTIJ of 1920. s. 2 and Sell. I for S. 85.

## Chapter VII

Payment of cost  
of maintenance  
in licensed  
asylums  
in certain cases,  
by Government.

86. (1) When any lunatic is admitted to a licensed asylum under a reception order or an order under section 25, and no engagement has been taken from the friends or relatives of the lunatic or order made by the Court for the payment of expenses under the provisions of this Act, the cost of maintenance of such lunatic shall, subject to the provision of any law for the time being in force, be paid by the Government to the person in charge of such asylum.

(2) The paymaster of the military circle within which any asylum is situated shall pay to the officer in-charge of such asylum the cost of maintenance of every lunatic received and detained therein under an order made under section 12.

Application of  
property in the  
possession of a  
lunatic found  
wandering.

87. Any money in the possession of a lunatic found wandering at large may be applied by the Magistrate towards the payment of the cost of maintenance of the lunatic or of any other expenses incurred on his behalf, and any moveable property found on the person of the lunatic may be sold by the Magistrate, and the proceeds thereof similarly applied.

Applications to  
civil Court for  
order (or the  
payment of cost  
of maintenance  
out of the  
lunatic's estate,  
"or by person  
bound to  
maintain him or  
by local  
authority liable  
for such cost"

88. If a lunatic detained in an asylum on a reception order made under section 14, section 15 or section 17 has an estate applicable to his maintenance, or if any person legally bound to maintain such lunatic has the means to maintain him, \*[or if any local authority liable for the cost of maintenance of such lunatic under any law for the time being in force]\* the authority which made the reception order †† may apply to the High Court or District Court within the local limits of the original jurisdiction of which the estate of the‡ lunatic is situate or the person legally bound to maintain him resides, ‡or the local authority liable for the cost of his maintenance is constituted‡ for an order for the payment of the cost of maintenance of the lunatic.

order of Court  
and enforcement  
thereof.

89. (1) The Court shall inquire into the matter in a summary way, and on being satisfied that such lunatic has an estate applicable to his maintenance, or that any person is legally bound to maintain and has the means of maintaining such lunatic §or that any local authority is liable for the cost of maintenance of such lunatic under any law for the time being in force§ may make an order for the recovery of the cost of maintenance of such lunatic, together with the costs of the application

\* — \* Ins. by Bombay Act, XV of 1936, s. 2 (1) and (iv).

†—† Deleted by *ibid*, s. 2 (ii).

‡—‡ Inserted by Bombay Act, XV of 1936, s. 2 (iii).

§§ Inserted by *ibid* s. 2 (i) (a).

out of such estate or from such person \*or from such local authority\*  
 †provided that no order for the recovery of the cost of maintenance of  
 such lunatic from a local authority shall be made if he has an estate  
 applicable to his maintenance or if there is any person legally bound, and  
 having the means, to maintain him.†

(2) Such order shall be enforced in the same manner, and shall be of  
 the same force and effect and subject to the same appeal as a decree  
 made by the said Court in the suit in respect of the property or person  
 ‡for the local authority‡ therein mentioned.

§89-A. (1) In computing the amount payable on account of the cost  
 of maintenance of lunatics detained in any asylum for the cost of whose  
 maintenance any State Government is liable, charges may be included on  
 account of the upkeep of the asylum and of the capital cost of  
 establishment thereof.

Fixation of cost  
 of maintenance.

(2) In the case of any such lunatic under detention immediately before  
 the commencement of Part III of the Government of India Act, 1935,  
 the amount payable by any State Government on account of the cost of  
 his maintenance shall be determined in accordance with any general or  
 special orders of the Governor General in Council in force immediately  
 before that date and applicable to his case \*\*.

††[89-B. (1) When under the provisions of this Act the cost of the  
 maintenance of a lunatic is payable by the Government, then such cost  
 shall be payable—

Incidence of cos  
 of maintenance  
 payable by  
 Government.

(a) in the case of a lunatic not domiciled in ‡‡ (India) ‡‡ by the State  
 Government of the State in which the reception order or the order under  
 section 25, as the case may be was made; and

(b) in the case of a lunatic domiciled in ‡‡ (India) ‡‡, by the State  
 Government of the State in which the lunatic has last resided for a period  
 of five years before the reception order or the order under section 25,  
 as the case may be, was made; or, if the lunatic has not been resident  
 in any one State for such period, by the State Government of the State  
 in which such order was made.

¶¶ ..... ¶¶

\*—\* Inserted by *ibid* s. 2 (i) (a).

†—† Inserted by *ibid* s. 2 (1) (c).

‡—‡ Inserted by *ibid* s. 2 (b).

‡—‡ Substituted by the A. O. 1937 for s. 89 A which was inserted by Act, VI of 1922, s. 5

\*\*—\*\* 1st April 1937.

††—†† Inserted by Act, VI of 1922 s. 5.

‡‡—‡‡ Substituted by Act, III of 1951, s. 3 and Sch. for "the State".

‡‡—‡‡ Deleted section (2) rep. by the A. O. 1937.

Saving of  
liability of  
relatives to  
maintain lunatic.

90. The liability of any relative or person to maintain any lunatic shall not be taken away or affected by any provision contained in this Act.

### Chapter VIII

Power of State  
Government to  
make rules,

91. (1) \*The State' Government may make rules for all or any of the following purposes, namely:—

(a) To prescribe forms for any proceeding under this Act other than a proceeding before a High Court.

†—†

(b) To prescribe places of detention and regulate the care and treatment of persons detained under section 8 or section 16 ;

(c) To regulate the ‡( detention)‡, care, treatment and discharge of criminal lunatics.

(d) To regulate the management of asylums and the care and custody of the inmates thereof and their transfer from one asylum to another;

(e) To regulate the transfer of criminal lunatics to asylums ;

(f) To prescribe the procedure to be followed by District Courts and Magistrates before a lunatic is sent to any asylum established by Government;

(g) To prescribe the §(Government asylums)§ within the province to which lunatics from any area or any class of lunatics shall be sent;

(h) To prescribe conditions subject to which asylums may be licensed;

(1) Save as otherwise provided in this Act, generally to carry into effect the provisions of the Act.

(2) In making any rule under this section, the State Government may direct that a breach of it shall be punishable with fine which may extend to fifty rupees.

Publication of  
rules.

92. All rules made under section 91 shall be published in the Official Gazette, and shall thereupon have effect as if enacted in this Act.

\* The words "subject to the control of the G.-G.-in-C. replaced by Act, XXXVIII of 1920, 2 and Sch.I.

†† The words "for a part A State" replaced by Act, (I) of 1951, s. 3 and Sch.

‡‡ Substituted by Act, XI of 1923, s. 2 and Sch. I for "Confinement".

§§ Substituted by the A. O. 1937 for "Asylums established by Government".

## Chapter IX

93. Any person who—
- (a) otherwise than- in accordance with the provisions of this Act receives or detains a lunatic or alleged lunatic in an asylum, or
- (b) for gain detains two or more lunatics in any place not being an asylum, shall be punishable with imprisonment which may extend to two years or with fine or with both.
94. The provisions of Chapter XLII of the Code of Criminal Procedure, 1898 shall, so far as may be, apply to bonds taken under this Act.
95. (1) When any sum is payable in respect of pay, pension, gratuity, or other similar allowance to any person \*by the Central Government or any State Government\* and the person to whom the sum is payable is certified by a Magistrate to be a lunatic, the Government officer under whose authority such sum would be payable if the payee were not a lunatic may pay so much of the said sum as he thinks fit to the person having charge of the lunatic, and may pay the surplus, if any, or such part thereof, as he thinks fit for the maintenance of such members of the lunatics family as are dependent on him for maintenance.
- (2) †The ‡.....‡ Government concerned† shall be discharged of all liability in respect of any amounts paid in accordance with this section.
96. Subject to any rules, the forms set forth in the first schedule, with such variation as the circumstances of each case may require, shall, be used for the respective purposes therein mentioned, and if used shall be sufficient.
97. No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act.
98. Any officer in charge of an asylum may give effect to any order or warrant for the reception and detention of any lunatic made or issued by any Court or tribunal beyond the limits of §India§ ¶established or continued by the Central Government¶.

Penalty for improper reception or detention of lunatic.

Provision as to bonds.  
V of 1898.

Pension of lunatic payable by Government.

Use of forms in Schedule.

Protection to persons acting under Act.

Power to give effect to warrants and orders of certain Courts outside India.

\* Substituted by the A. O. 1948 for "by the Secretary of the State or any Government in British India."

† Substituted by the A. O. 1937 for "the Secretary of State for India in Council."

‡ The words "Secretary of State as the case may be" replaced by the A. O. 1948.

§ The words "British India" successively substituted by the A. O. 1953 and Act, III of 1951, s. 3 and sch. to read as above.

¶ Substituted by Act, XXXVI of 1957. s. 3 and sch. II, for certain words.



Power to make  
rules for  
reception of  
lunatics received  
from outside  
India.  
Orders under  
repealed Acts.  
XXXVI of 1858

99. The \*State Government\* may make rules regulating the procedure for the reception and detention in asylums in †the State† of lunatics whose reception and detention are provided for by Section 98.

100. (1) In the case of order made before the commencement of this Act under Section 7 of the ‡Indian Lunatic Asylums Act, 1858, for the reception of persons into an asylum, the persons who signed the order shall have all the powers and be subject to the obligations by this Act conferred or imposed upon the petitioner for a reception order, and the provisions of this Act relating to persons upon whose petition a reception order was made shall apply in the case of a person who has signed an order, under Section 7 of the Indian Lunatic Asylums Act, 1858, before the commencement of this Act as if the order had been made after the commencement of this Act upon a petition presented by him.

(2) All orders for the detention of lunatics made and all undertakings given under any enactment hereby repealed shall have the same force and effect as if they had been made or given under this Act and by or to the authority empowered thereby in such behalf.

§100-A. (Ranchi European Mental Hospital) Replaced by the A. O. 1950.§

101. (Repeal of enactments) Replaced by the Second Repealing and Amending Act, 1914, s. 3 and sch. II.

#### *SCHEDULE I—FORMS*

(See Section 96)

##### *FORM 1*

#### APPLICATION FOR RECEPTION ORDER

(See Sections 5 and 6)

In the matter of A. B\*\*, residing at \_\_\_\_\_ by occupation \_\_\_\_\_  
\_\_\_\_\_, son of \_\_\_\_\_, a person alleged to be a lunatic  
to \_\_\_\_\_ Presidency Magistrate, for \_\_\_\_\_ (or District  
Magistrate of \_\_\_\_\_ or Sub-Divisional Magistrate of \_\_\_\_\_  
or Magistrate specially empowered under Act IV of 1912 for \_\_\_\_\_  
The petition of C. D. \*\*residing at \_\_\_\_\_, by occupation \_\_\_\_\_  
\_\_\_\_\_, son of \_\_\_\_\_, in the town of \_\_\_\_\_ (or  
sub division of \_\_\_\_\_, in the district of \_\_\_\_\_

\* The words “ G. G. in C “ have been successively substituted by Act, XXXVIII of 1920, s. 2 and Sch. I, A. O. 1937 and A. O. 1950 to read as above.

† Substituted by Act, XXXVIII of 1920 s. 2 and Sch. I-for “British India.”

‡ Replaced by this Act.

§ Inserted by the A. O 1937.

¶ Full name, caste and titles.

1. I am \_\_\_\_\_ \*years of age.
2. I desire to obtain an order for the reception of A. B. as a lunatic in the \_\_\_\_\_ asylum of \_\_\_\_\_ situate at†
3. I last saw the said A. B. at \_\_\_\_\_ on the ‡day of \_\_\_\_\_
4. I am the \_\_\_\_\_ §of the said A. B.  
(or if the petitioner is not a relative of the patient, state as follows.)  
I am not a relative of the said A. B. the reasons why this petition is not presented by a relative are as follows: (state them).  
The circumstances under which this petition is presented by me are as follows: (state them).
5. The persons signing the medical certificate which accompany the petition are \*\*.
6. A statement of particulars relating to the said A. B. accompanies this petition.
7. (If that is the fact) an application for an inquiry into the mental capacity of the said A. B. was made to the \_\_\_\_\_ on the \_\_\_\_\_ and a certified copy of the order made on the said petition is annexed hereto.

(or if that is the fact)

No application for an inquiry into the mental capacity of the said A. B. has been made previous to this application.

The petitioner therefore prays that a reception order may be made in accordance with the foregoing statement.

Dated \_\_\_\_\_ (Sd.) C. D.

The statements contained or referred to in paragraphs are true to my knowledge; the other statements are true to my information and belief.

Dated \_\_\_\_\_ (Sd.) C. D.

---

\* Enter the number of completed years. The petitioner must be at least eighteen or twenty-one whichever is the age of majority under the law to which the petitioner is subject.

† Insert full description of the name and locality of the asylum or the name, address and description of the person in charge of the asylum.

‡ A day within 14 days before the date of the presentation of the petition is requisite.

§ Here state the relationship with the patient.

\*—\* Here state whether either of the persons signing the medical certificates is a relative, partner or assistant of the lunatic or of the petitioner and if a relative of either the exact relationship.

*Statement of particulars*

(If any of the particulars in this statement is not known,  
the fact to be so stated.)

The following is a statement of particulars relating to the said A. B.

Name of patient at length ..  
 Sex and age ..  
 Married, single or widowed ..  
 Previous occupation ..  
 Caste and religious belief, as far as known. ..  
 Residence at or immediately previous to the date  
 hereof.  
 Names of any near relatives to the patient who  
 are alive.  
 Whether this is first attack of lunacy Age  
 (if known) on first attack  
 When and where previously under care and  
 treatment as a lunatic. Duration of existing  
 attack.  
 Supposed cause ..  
 Whether the patient is subject to epilepsy  
 Whether suicidal  
 Whether the patient is known to be suffering  
 from phthisis or any form of tubercular disease.  
 Whether dangerous to others, and in what way..  
 Whether any near relative (stating the  
 relationship) has been affected with insanity.  
 Whether the patient is addicted to alcohol, or the  
 use of opium, ganja, charas, bhang, cocaine or  
 other intoxicant.

(The statements contained or referred to in paragraphs are true to  
my knowledge. The other statements are true to my information  
and belief.)

(Signature by person making the statement)

\_\_\_\_\_

## FORM 2

## RECEPTION ORDER ON PETITION

(See sections 7, 10)

I, the undersigned E. F., being a Presidency Magistrate of (or the District Magistrate of or the Sub-Divisional Magistrate of or a Magistrate of the first class specially empowered by Government to perform the functions of a Magistrate under Act (IV of 1912) upon the petition of C. D., of [ \* ] in the matter of A. B., [\*] a lunatic, accompanied by the medical certificates of G. H., a medical officer, and of J. K., a medical practitioner (or medical officer), under the said Act, hereto annexed, hereby authorise you to receive the said A. B. into your asylum. And I declare that I have (or have not) personally seen the said A. B. before making this order.

(Sd.) E. F.

(Designation as above).

To†

## FORM 3

## MEDICAL CERTIFICATE

(See sections 18, 19)

In the matter of A. B. of (‡) in the town of (or the sub-division of in the district of an alleged lunatic.

I the undersigned C. D., do hereby certify as follows:—

1. I am a gazetted medical officer (or a medical practitioner declared by Government to be medical officer under Act IV of 1912.

I am a holder of§ (or declared by State Government to be a medical practitioner under Act IV of 1912).

and I am. in the actual practice of the medical profession.

---

\* Address and description.

† To be addressed to the officer or person in charge of the asylum.

‡ Insert residence of patient.

§ Insert qualification to practise medicine and surgery registrable in the United Kingdom.

2. On the \_\_\_\_\_ day of 19\_\_\_\_ at (‡) \_\_\_\_\_  
 in the *town/village of* (or the sub-division of \_\_\_\_\_ in the district of \_\_\_\_\_  
 (separately from any other practitioner) [§], I personally examined the  
 said A. B. and came to the conclusion that the said A. B. is a lunatic  
 and a proper person to be taken charge of and detained under care and  
 treatment.

3. I formed this conclusion on the following grounds, viz.

(a) Facts indicating insanity observed by myself,

(b) Other facts (if any) indicating insanity communicated to me by  
 others, viz:—Here state the information and from whom.

(Sd.) C. D.

(Designation as above)

FORM 4

RECEPTION ORDER IN CASE OF LUNATIC SOLDIER

(See section 12)

Whereas it appears to me that A. B., a European, subject to the Army  
 Act, who has been declared a lunatic in accordance with the provisions  
 of the military regulations, should be removed to an asylum, I do hereby  
 authorise you to receive the said A. B. into your asylum.

(Sd.) E. F.

(Administrative Medical Officer).

To\*

FORM 5

RECEPTION ORDER IN CASE OF WANDERING OR DANGEROUS  
 LUNATICS OR LUNATICS NOT UNDER PROPER CONTROL  
 OR CRUELLY TREATED (SENT TO AN ASYLUM  
 ESTABLISHED BY GOVERNMENT)

(See sections 14, 15, 17)

I, C. D., Presidency Magistrate of \_\_\_\_\_ (or Commissioner of  
 Police for \_\_\_\_\_) (or the District Magistrate of \_\_\_\_\_ or  
 the Sub-Divisional Magistrate of \_\_\_\_\_)

\* Insert place of examination .

† Omit this where only one certificate is required.

‡ To be addressed to the person in charge of an asylum duly authorised by Government  
 to receive lunatic Europeans subject to the Army Act.

or Magistrate specially empowered by Government under Act IV of 1912) having caused A. B. to be examined by E. F., a Medical Officer under the Indian Lunacy Act, 1912 and being satisfied that A. B. [describing him] is a lunatic who was wandering at large (or is a person dangerous by reason of lunacy) (or is a lunatic not under proper care and control or is cruelly treated or neglected by the person having the care of charge of him) and a proper person to be taken charge of and detained under care and treatment, hereby direct you to receive the said A. B. into your asylum.

(Sd.) C. D.

(Designation as above)

Dated the

To the Officer in charge of the asylum at

\_\_\_\_\_

*FORM 6*

**SAME WHEN SENT TO A LICENCED ASYLUM**

I, C. D., (as above down to “care and treatment”) and being satisfied with the engagement entered into in writing by G. H. of (here insert address and description) who has desired that the said A. B. may be sent to the asylum at (here insert description of asylum and name of the person in charge) to pay the cost of maintenance of the said A. B., in the said asylum, hereby authorize you to receive the said A. B. into your asylum.

(Sd.) C. D.

(Designation as above)

Dated the

To the person in charge of the asylum at

\_\_\_\_\_

## FORM 7

BOND ON THE MAKING OVER OF A LUNATIC  
TO THE CARE OF RELATIVE OR FRIEND

(See sections 14, 15, 17)

Whereas A. B., son of \_\_\_\_\_ inhabitant of \_\_\_\_\_ has been brought up before C. D., a Presidency Magistrate for the town of \_\_\_\_\_ (or Commissioner of Police for \_\_\_\_\_) (or the District/Sub-Divisional Magistrate of, or a Magistrate of the first class specially empowered under Act IV of 1912) and is a lunatic who is believed to be dangerous (or deemed to be a lunatic who is not under proper care and control or is cruelly treated or neglected by the person having the charge of him) and whereas I, E. F., son of \_\_\_\_\_, inhabitant of \_\_\_\_\_ have applied to the Magistrate (or Commissioner of Police), that the said A. B. may be delivered to my care :

I, E. F., abovenamed hereby bind myself that on the said A. B. being made over to my care, I will have the said A. B. properly taken care of and prevented from doing injury to himself or to others: and in case of my making default therein, I hereby bind myself to forfeit to \*(the Government)\* † ..... †, the sum of rupees.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

(Sd.) E. F.

(Where a bond with sureties is to be executed add) we do hereby declare ourselves sureties for the abovenamed E. F., that he will on the aforesaid A. B. being made over to his care, have the said A. B., properly taken care of and prevented from doing injury to himself or to others; and in case of the said E. F. making default therein, we bind ourselves jointly and severally, to forfeit to \*(the Government)\* † ..... the sum of rupees.

Dated this \_\_\_\_\_ day of 19\_\_\_\_

(Signature)

---

\* Substituted by the A. O. 1950 for " His Majesty the king."

† The words "Empror of Intia" rep. by the A. O. 1948.

## FORM 8

BOND ON THE DISCHARGE OF A LUNATIC FROM AN ASYLUM  
ON THE UNDERTAKING OF RELATIVE OR FRIEND  
TO TAKE DUE CARE

(See section 33)

Whereas A. B., son of \_\_\_\_\_, inhabitant of \_\_\_\_\_  
is a lunatic who is now detained in the asylum at \_\_\_\_\_ under an  
order made by C. D., a Presidency Magistrate for the town of \_\_\_\_\_  
(or Commissioner of Police for \_\_\_\_\_) (or the District/  
Sub-Divisional Magistrate of \_\_\_\_\_, or a Magistrate of the first  
class specially empowered under Act IV of 1912) under section 14 (or  
section 15) of Act IV of 1912, and whereas I, E. F., son of  
inhabitant of \_\_\_\_\_ have applied to the said \_\_\_\_\_ Magistrate  
(or Commissioner of Police) that the said A. B., may be delivered to  
my care and custody:

I hereby bind myself that on the said A. B. being made over to my  
care and custody, I will have him properly taken care of and prevented  
from doing injury to himself or to others; and in case of my making  
default therein, I hereby bind myself to forfeit to \*(the Government)\*  
† ..... † the sum of rupees.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_.

(Sd.) E. F.

(Where a bond with sureties is to be executed add)

We do hereby declare ourselves sureties for the above named E. F.  
that he will, on the aforesaid A. B. being delivered to his care and custody  
have the said A. B. properly taken care of and prevented from doing  
injury to himself or to others; and in case of the said E. F. making default  
therein, we bind ourselves, jointly and severally, to forfeit to \*(the  
Government)\* † ..... †. the sum of rupees.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_.

(Signature).

---

\* Substituted by the A. O.1950 for "His Majesty the King."

† The words "Emperor of India" rep. by the A. O.1948.



SCHEDULE II.—(Enactments Repealed.) Rep. by the Second Repealing and Amending Act, 1914 (17 of 1914) s. 3 and Sch. 11.

-----  
(THE CIVIL JAILS ACT, 1874)\*

(Bom. Act II of 1874)

(15th January 1874)

Repealed in Part by Act 9 of 1894.

Repealed in part by Bom. 3 of 1886.

Amended by Bom. 2 of 1882.

Adapted and modified by the Adaptation of Indian Laws order in Council.

Adapted and modified by the Adaptation of laws order, 1950. Amended by Bom. 23 of 1959.

Adapted and modified by Mah. Adaptation of Laws (S. and C. Sub.) order 1960 .

An act for the regulation of jails in the †[(State of Maharashtra) excluding Greater Bombay]† and the enforcement of discipline therein.

*Preamble* (Rep. Act IX of 1894).

## APPENDIX I

### *Parts I and II*

## PRELIMINARY CLASSES OF JAILS

1 to 7 (Rep. ‡Act IX of 1894)

### *Part III*

## CIVIL JAILS

§[8. This Act shall apply to Civil Jails in the §§State of Maharashtra§§ outside Greater Bombay.] §

---

\* The short title was given by the Bombay Short Title Act, 1929 (Bombay 2 of 1921). Civil Jails to the Presidency of Bombay outside the city of Bombay are administered under sections 9 to 16 of this Act as amended by subsequent enactments see the Prisons Act, 1894 (9 of 1894) Section 1 (3) Contracts Acts.

† Substituted for the words city and Presidency of Bombay by Bombay 23 of 1959. S. 4 (2).

‡ Central Act.

§ Inserted by Bombay 23 of 1959, S. 4 (2).

9. There shall be a Civil Jail at the Seat of District Court for each District created under Section 3 of Act¶ XVI of 1869 \*[or any corresponding law for the time being in force in any part of the State]\*. Provided that it shall be in the power of the ††(State) ††Government]†† to establish Civil Jails at other convenient places.

10. The Nazir of the District Court \*(or the corresponding officer by whatever name called hereinafter referred to as Nazir) or of the Chief Civil Court at the place where the Civil Jail is located shall be ex-officio keeper of the Civil Jail, and shall be responsible for the safe custody of the prisoners and for the preservation of cleanliness and good order in the Jail and among the prisoners, and shall have such establishment under him as the District Judge, with the sanction of the†† ‡‡State‡‡ Government]†† may direct.

11. The Judge or the Assistant Judge of the District in which a Civil Jail is situated shall visit such Civil Jail at least once in each month, and shall issue in writing such orders connected with the economy of the Jail the good management, health and accommodation of the prisoners, as he may think fit.

He shall record the. date of his visit and any remarks he may have to make, in a book to be kept for the purpose.

12. A Medical Officer to be appointed by the ††[(State)‡‡ Government]†† shall attend the Civil Jail, and shall be bound to offer such advice to the District Judge, or other Officer in charge of the Civil Jail, as may seem expedient to him with regard to the sanitary state of the Jail and of the prisoners.

He shall also administer remedies at the expense of the ††[(State)‡‡ Government] †† to the sick: Provided that nothing contained in this section shall prevent a prisoner in a Civil Jail from employing at his own expense any medical man he may think fit to consult.

13. The Civil Jail shall be opened daily for the admission of those wishing to visit prisoners from 9 a. m. till 3 p. m. and no stranger shall be allowed to remain in the Civil Jail beyond the abovementioned hours

---

\* The Bombay Civil Courts Act, 1869.

† Ins. by Bombay 23 of 1959, S. 4 (2)

‡ Substituted for the words ' Governor in Council' by the words 'Provincial Government State' by Adaptation of Indian Laws Order in Council.

§ Substituted for the word 'Provincial' by Adaptation of Laws Order, 1950.

¶ Substituted for. the words'State of Bombay' by Maharashtra Adaptation of Laws (S. & C. Sub.) Order 1960. This Act is extended and shall be in force, throughout the State by Bombay 23 of 1954. S. 4.

except by the permission of the Judge, the Assistant Judge of the District, or on the recommendations of the Medical Officer by the permission of Nazir in charge of the Jail.

14. (1) Prisoners, in the Civil Jail, may either make their own arrangements for their subsistence, or may, within the amount of subsistence money or Bhatta furnished by the party at whose suit they are detained, require, the Nazir to furnish their food or other necessities out of the subsistence money fixed for them by the Court by which they are committed : Provided that excess in the use of intoxicating liquors or drugs be strictly prohibited. A tariff of prices approved by the District Judge on the first day of each month shall be kept in each Civil Jail and shall be accessible to all the prisoners.

(2) Every Civil Prisoner unable to provide himself with sufficient clothing and bedding shall be supplied by the Nazir with such clothing and bedding as may be ordered by the Judge or Assistant Judge under the provisions of. Section 11 of this Act.

When any such prisoner has been committed to prison in execution of a decree in favour of a private person, such person, or his representative, shall be liable to pay to the Nazir on demand in writing the cost of the clothing and bedding so supplied to the prisoner, and in default of such payment the prisoner shall be released.

15. When a prisoner shall die in the Civil Jail, the Nazir shall immediately report such death to the nearest Magistrate, who shall thereupon inquire into the cause of such death, and make a written report thereon to the Inspector General of Prisons, and the corpse of such prisoner shall after the Medical Officer appointed under Section 12 \* .....\* has certified to his death, be made over to his relatives or friends †(if any be present and willing to take charge of it)‡.

‡(If no relatives or friend of a prisoner, who has died in prison is present and willing to receive and dispose of his corpse, it shall be buried, burnt or otherwise disposed of)‡.

---

\* The words ' of this Act' repealed by Bombay 3 of 1886 Sch. B. This schedule has been printed as an Appendix to the Bombay hon. clauses Act, 1904 (Bom. 1 of 1904).

† Substituted for the words beginning with the words ' or in failure' and ending with the words 'as hereinafter provided' by Bom. 2 of 1882, s. 1.

‡ Added by Bom. 2 of 1882, s. p.

16. § If, at the time of a prisoner's death or release, any of the subsistence money furnished by the party at whose suit such prisoner was detained remains unexpended, notice shall be forthwith given to the party paying the same, and the balance so remaining unexpended shall be returned to such party or his representatives : Provided that he or they claim payment thereof within three months from the date of such notice; failing which such balance shall become the property of the State Government.

The cost of disposing of the corpse of deceased prisoners under clause 2 of the last preceding section, and of procuring comforts for sick prisoners, and generally for the maintenance of the Civil Jail, shall be provided by ¶¶ (the State Government)¶¶ subject to such rules as \*\*the ††(State)†† Government may from time to time prescribe in this behalf\*\*.

#### *Parts IV to XIV*

(Criminal Jails; Superintendents of Criminal Jails, and their duties; Jailors and their duties; Medical Officer: Prison Offences : Offences in relation to Jails; Visits to, and Correspondence of, Prisoners: Discharge of Prisoners. Visitors of Jails extramural Gangs; Miscellaneous) 17 to 52 Rep. ‡‡Act IX of 1894.

#### THE BOMBAY BORSTAL SCHOOLS ACT, 1929

(Bom. Act No. XVIII of 1929†) (25th November, 1929)

Amended by Bom. 10 of 1932.

Amended by Bom. 3 of 1934.

Amended by Bom. 18 of 1935.

Amended by Bom. 2 of 1936.

Adapted and modified by the Adaptation of Indian Laws Order in Council.

---

\* Substituted for section 16 *ibid*, s. 2.

† Substituted for the words 'the crown for the purposes of the province by Adaptation of Laws Order, 1950.

‡ Substituted for the word 'Provincial Government' by Adaptation of Indian Laws Order in Council.

§ Substituted for the word 'Provincial' by Adaptation of Laws Order, 1950. *See* Central Acts.

¶ For Statement of Objects and Reasons, *see* Bombay Gazette, 1929, Part V, p. 12, for Report of the Select Committee, *see* *ibid*, 1929, Part V, p. 143, and for Proceedings in Council, *see* Bombay Legislative Council debates, 1929, Vols. XXVI and XXVII.

Amended by Bom. 3 of 1948.

Adapted and modified by the Adaptation of Laws Order, 1950.

Amended by Bom. 23 of 1951.

Adapted and modified by the Bombay Adaptation of Laws (State and Concurrent Subjects) Order, 1956.

Adapted and modified by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

Amended by Mah. 21 of 1960.

# AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF BORSTAL SCHOOLS IN THE (STATE OF MAHARASHTRA)

Whereas it is expedient to provide for the establishment of Borstal schools in the (State of Maharashtra) ; §.....§. It is hereby enacted as follows:—

- |                          |  |
|--------------------------|--|
| Short title.             | 1. This Act may be called the Bombay Borstal Schools Act, 1929.  |
| Extent and commencement. | 2. ¶ (1) It extends to the whole of the State of Maharashtra.<br>(2) It shall come into operation **in the pre-Reorganisation State of Bombay on **such date as the ††State‡‡ Government may, by notification in the §§official Gazette§§, appoint ¶¶ in this behalf; and in the Vidarbha and Hyderabad areas of the State of Maharashtra, it shall come into operation on the commencement of the Bombay Borstal Schools (Extension and Amendment) Act, 1960¶¶. |
| Definitions.             | 3. In this Act, unless there is anything repugnant, in the subject or context:—<br><br>(a) “Borstal school” means a place in which young offenders, whilst detained in pursuance of this Act, are given such industrial training and   |

\* These words were substituted for the words “Presidenoy of Bombay “ by Mah. XXI of 1960, sec 3 and 4.

† The portion beginning with “ and whereas “ and ending with “ Passing of this Act” was deleted, *ibid* s. 4(2).

‡ Sub-Section (1) was substituted for the original, *ibid.*, s. 5 (1).

§ These words were inserted, *ibid*, s. 5 (2).

† The words “Provincial Government” were substituted for the words “Governor-in-Couocil” by the Adaptation of Indian Laws Order in Council.

¶ The word was substituted for the word “Provincial” by the Adaptation of Laws Order, 1950.

\* The words “Official Gazette” were substituted for the words “Bombay Government Gazette”, by the Adaptation of Indian Laws Order in Council.

¶ This portion was substituted for the words “in this behalf “ by Mah. XXI of 1960 s. 5 (2)

other instruction and are subjected to such disciplinary and moral influences as will conduce to their reformation and the prevention of crime;

(b) “Inspector General” means the Inspector General of Prisons and includes \*\*\*a Deputy Inspector General of Prisons to whom the Inspector General may delegate all or any of his duties under this Act, with the prior approval of the State Government, and also\*\*\* any officer appointed by the †††‡State†† Government:)†† to perform all or any of the duties imposed by this Act on the Inspector General;

(c) “Prescribed” means prescribed by rules made under this Act.

4. (1) For the purposes of this Act the (State Government) may establish one or more Borstal schools.

Establishment of  
Borstal Schools.

†††(1A) (For every Borstal School there shall be a Principal and such other officers and servants as the State Government thinks necessary)†††.

(2) For every Borstal School, a visiting committee shall be appointed in such manner as may be prescribed.

5. Subject to any alterations, adaptations, and exceptions made by this Act and the rules framed under it, the Prisons Act, 1894, and the \*Prisoners Act, 1900 and the rules framed thereunder shall apply in the case of every Borstal School established under this Act as if it were a prison and †[the inmates prisoners, and the Principal Superintendent.]†

Application of  
the Portions  
Act, 1894, and  
the Prisoners  
Act, 1900.

6. When an offender is found guilty of an offence for which he is liable to be sentenced to transportation or imprisonment, or is liable to imprisonment for failure to furnish security under Chapter VIII of the Code of Criminal Procedure, 1898, whether any previous conviction is proved against him or not, and it appears to the Court.

Court may pass  
order for  
detention in a  
Borstal School.

\* This Act, was extended to, and shall, by virtue of such extension, be in force in, that part of the State of Maharashtra to which, immediately before the commencement of Mah. XXI of 1960, it did not extend (vide Mah. XXI of 1950, s. 2)

† This portion was inserted, by Mah. 21 of 1960, s. 6.

‡ Sub-section (1A) was inserted by Mah. XXI of 1960, s. 7.

§ See Central Act.

¶ These words were substituted for the words “and the inmates prisoners” by Mah-XXI of 1960, s. 8.

(a) that the offender is not less than sixteen or, in any district or place in which ‡the Bombay Children Act 1948 C. P. and Berar Children Act of 1928 or Hyderabad Children Act of 1951‡ is not in operation less than fifteen nor more than twenty one years of age; and

(b) that by reason of his criminal habits or tendencies of association with persons of bad character it is expedient that he should be subject to detention for such term and under such instruction and discipline as appears most conducive to his reformation.

It shall be lawful for the Court, if empowered in this behalf, to pass, in lieu of a sentence of transportation or imprisonment, or of an order of imprisonment under Section 123 of the Code of Criminal Procedure, 1898, an order for the detention of the offenders in a Borstal School §established under this Act or subject to the provisions of Section 13-A, in a Borstal School in any other ¶(State)¶ in \*\*India§ for such term, not being less than ††three†† years nor more than five years, as the Court subject to rules made under this Act, thinks fit:

Provided that before passing such an order the Court shall give an opportunity to the parents or guardians of the said offender to be heard and shall consider any report or representation which may be made to it as to the suitability of the case for treatment in ‡‡(such Borstal School)‡‡ and shall be satisfied that the character, state of health and mental condition of the offender and the other circumstances of the case, are such that the offender is likely to profit by such instruction and discipline as aforesaid.

Power of (State)  
Government to  
exempt.

7. The §§¶¶(State)¶¶ Government§§ may, by rules made under this Act direct that any class or classes of persons specified in such rules shall not be ordered to be detained in a Borstal School.

\* This portion was substituted for the words and figures “the Bombay Children Act, 1924”, *ibid*, s. 9.

† These words, figures and letter was inserted by Bom. II of 1936, s. 2 (1).

‡ This word was substituted for the word “Province” by the Adaptation of Laws Order, 1950.

§ The word ‘British’ was omitted by the *ibid*.

†† The word “ three” was substituted for the word “two” by Bom. XVII of 1935, s. 2.

¶ The words “ such Borstal school” were substituted for the words “a Borstal school” by Bom. II of 1936, s. 2 (2).

\* The words “Provincial Government” were substituted for the words “Governor-in-Council” by the Adaptation of Indian Laws Order in Council.

‡ This word was substituted for the word “Provincial” by the Adaptation of Laws Order, 1950.

8. The powers conferred on Courts by this Act shall be exercised only by the High Court a Court of Sessions\*\*\*, a salaried Presidency Magistrate, or a Magistrate of the first class and may be exercised by such Courts whether the case comes before them originally, or on appeal or in revision.

Courts  
empowered to  
pass order for  
detention.

9. (1) When any Magistrate not empowered to pass an order for detention under this Act, is of the opinion that an offender who has been found guilty by him or who has failed to furnish the security which the Magistrate has ordered him to furnish under Chapter VIII of the Code of Criminal Procedure, 1898, is a proper person to be detained in a Borstal School, he may, without passing any order, record such opinion and submit his proceedings and forward the offender to the \*(Magistrate of the first class)\* or the Chief Presidency Magistrate, as the case may be to whom he is subordinate.

Procedure when  
Magistrate is not  
empowered to  
pass an order  
under this Act.

(2) The \*(Magistrate of the first class)\* or Chief Presidency Magistrate to whom the proceedings are so submitted may transfer the proceedings to any Magistrate, subordinate to him competent to pass an order under this Act, or, as the case may be, to a salaried Presidency Magistrate.

(3) The \* [Magistrate of the first class]\* or Chief Presidency Magistrate to whom the proceedings are so submitted or any Magistrate to whom the proceedings are so transferred may make such further enquiry (if any) as he may think fit and may pass such order for the detention of the offender in a Borstal school, or such other sentence or order, as he might have passed if such offender had originally been brought before or tried by him.

10. Any offender detained in a Borstal School for failure to furnish security when ordered to do so under Section 106 or Section 118 of the Code of Criminal Procedure, 1898, shall be released on furnishing such security or on the passing of an order under Section 124 of the said Code.

Limitation on  
powers conferred  
by Section 6.

‡11. (1) If the Inspector General is satisfied that a person undergoing transportation or imprisonment in consequence of a sentence §(passed under any law or undergoing imprisonment under an order made under Section 123 of the Code of Criminal Procedure, 1898, for failure to give security)§ being within the limits of age within which persons may be ordered to be detained in a Borstal School, by reason of his criminal

Transfer from  
prison to Borstal  
School.  
for *vice versa*)

\* The words "a District Magistrate, a Sub-divisional Magistrate" were deleted by Bom. XXIII of 1951, s. 2, Schedule Part III.

† These words were substituted for the words "District Magistrate" by Bom. XXIII of 1951, s. 2, Schedule-Part III.

‡ This Section was substituted for the original s. 11 by Bom. III of 1934, s. 2.

§ These words were substituted for the original by Bom. XXXIX of 1948. s. 2.



habits or tendencies or association with persons of bad character, might with advantage be detained in a Borstal school the Inspector General may by order in writing direct such person to be transferred from Prison to a Borstal school \*\*established under this Act or subject to the provision of Section 13-A, to a Borstal school in any other \*State\* in †India† and to be detained in such school, in lieu of the unexpired residue of his sentence ‡or of the period of imprisonment which he is liable to undergo for failure to give security, as the case may be‡ for such period as together with the period of transportation or imprisonment already undergone will not exceed the maximum period for which such person could have been ordered to be detained by a Court under Section 6;

Provided that the Inspector General shall not, without the previous sanction of §the ¶[State¶] Government§, direct such person to be detained in a Borstal school for a period which including the period of imprisonment or transportation undergone exceeds the period of imprisonment or transportation to which such person has been sentenced ‡or the period of imprisonment which he is liable to undergo for failure to give security, as the case may be‡

(2) A person transferred to a Borstal School under sub-Section (1) shall upon transfer to such school be deemed to be an offender ordered to be detained by a Court under the provisions of Section 6 and the provisions of the Act shall apply to such person accordingly.

---

\* These words, figures and letters were inserted by Bom. 2 of 1936, s. 3.

†—† This word was substituted for the word "Province" by the Adaptation of Laws Order, 1950.

‡—‡ These words were inserted by Bombay 39 of 1948, s. 2.

§—§ The words "The Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

The word "British" was omitted by the Adaptation of Laws Order, 1950.

\*\* These words were added, *ibid*, s. 10 (2).

\*—\* This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

\*(3) Where a person transferred to a Borstal School under this Section is at any time found unsuitable for training in the School, the I. G. may on the recommendation of the visiting Committee, commute the unexpired residue of the term of detention to such term or imprisonment as he may determine but in no case exceeding the term of imprisonment in consequences of which such person was transferred to the Borstal School reduced by the period of imprisonment already undergone and of the period of detention in the Borstal School and issue a warrant for confinement of the offender in a prison and thereupon the provisions of sub-Section (2) of Section 12 shall apply to such offender as if he had been so ordered to be confined in the prison by warrant under the hand of a Secretary to the State Government.\*

(4) Where any person after he has been detained in a Borstal School has been found guilty of an offence committed before his detention therein and sentenced to imprisonment mentioned in sub-Section (i) by a court of law, then the Inspector General may be order in writing commit the period of such imprisonment to that of detention in a Borstal School and notwithstanding anything contained in this Act direct that such person be detained in the Borstal School beyond the normal period of detention therein for such period as together with the period of imprisonment already undergone will not exceed the maximum period for which such person could have been ordered to be detained by a Court under Section 6.

Provided that no such person shall be detained in the Borstal School after he has attained the age of twenty-five years.

12. (1) Where an offender detained †by a Court† in a Borstal School escapes, or is reported to the ‡State‡ Government by the Inspector General to be incorrigible or to exercise

Transfer of incorrigibles, etc. to prison.

---

These words were inserted by Bom. 39 of 1948, s. 2.

These words were inserted by Bombay 39 of 1948, s. 3.

†—† These words were inserted by Mah. 21 of 1960, s. 11 (1).

The words "Provincial Government" were substituted for the words "Government in Council" by the Adaptation of Indian Laws Order in Council.

\*—\* Sub-Section (3) was added by Mah. 21 of 1960, s. 10 (1).

‡—‡ This word was substituted for the word "Provincial" by the Adaptation of Laws of Order, 1950.

\*or to be likely to exercise\* a bad influence on the other inmates of the school, †or to be more than twenty years of age† ..... ‡or is, in the opinion of the (State) Government, otherwise unsuitable for training in a Borstal School, the §¶State¶ Government§ may commute the unexpired residue of the term of detention to such term of imprisonment of either description as the §¶State¶ Government§ may determine, but in no case exceeding the shorter of the following two periods:—

(a) the unexpired residue of the term of detention, or

(b) the maximum period of imprisonment provided by law for the offence of which the offender was found guilty or the failure to give security, as the case may be, in consequence of which the offender was ordered to be detained in a Borstal School \*.....\*

(2) Such offender may be confined in any prison within the †† State of Maharashtra †† by warrant under the hand of a Secretary to ¶ the State Government ¶ and effect shall be given to such warrant and the sentence of imprisonment passed upon such offender shall be executed in the same manner as if such person had been sentenced by a competent court of criminal jurisdiction.

State Government to determine the Borstal School in which a person shall be detained and may order removal.

13. (1) Every offender ordered to be detained in a Borstal \*\*school shall be detained in such Borstal school as the ¶State¶ Government\*\* may, by general or special order, or in the prescribed manner, appoint for the reception of persons so ordered to be detained :—

Provided, that, if accommodation in a Borstal school is not immediately available for such offender, he may be detained in a special ward, or such

† This word was substituted for the word “Provincial” by the Adaptation of Laws Order, 1950.

†—† The words “or to be more than twenty years of age”, were inserted by Bom. 10 of 1932, s. 2.

‡—‡ This portion was inserted by Bom. 39 of 1948, s. 3.

\*—\* The words “or where a licence granted under Section 14 is revoked by the State Government under clause (ii) of the proviso to sub-Section (1) of Section 15” were deleted by Mah. 21 of 1960. s. 11 (2).

\*\*—\*\* The words “or ordered to be transferred to and detained in such school by the Inspector General” were deleted, *ibid*, s. 11 (3).

††—†† These words were substituted for the words “State of Bombay” by the Maharashtra Adaptation of Laws ( State and Concurrent Subjects) Order, 1960.

§—§ The words “the Provincial Government” were substituted for the word “Government” by the Adaptation of Indian Laws Order in Council.

\* The words “Provincial Government” were substituted for the words “Governor-in-Council” by the Adaptation of Indian Laws Order in Council.

other suitable part of a prison as the [(State) Government] may direct until he can be sent to a Borstal School. The period of detention so undergone shall be treated as detention in a Borstal school.

(2) The “Inspector General\* may order the removal of any offender from any one Borstal school to any other Borstal school, ‡established under this Act or to a Borstal school in any other †(State) in ‡India]§.....§ Provided that the whole period of his detention in a Borstal school shall not be increased by such removal.

¶13-A. (1) No order for the detention in or transfer or removal to a Borstal School in any other § State § in ‡India § ..... § shall be passed except with the previous concurrence of the officer in charge of such Borstal school and unless the \*\*†State† Government\*\* of the said †State† †† ..... †† under any law in force therein or by general or special order, has consented, or is empowered, to receive such offender for detention in such Borstal School.

Power to order detention in, or removal of offenders to, a Borstal School in another (State).

(2) The officer in charge of a Borstal school established under this Act may, subject to the rules made in this behalf, give effect to any order for the detention therein of any person passed by any authority under any enactment in force in any other §State§ in ‡ India § ..... §. A person detained in such Borstal school under this provision shall be deemed to be an offender ordered to be detained under the provisions of Section 6 and the provisions of this Act shall apply to such person accordingly.¶

Power to accept transfers of offenders from another State to a Borstal School in the Presidency.

† This word was substituted for the word “Provincial” by the Adaptation of Laws Order, 1950.

\*—\* These words were inserted by Bom. 2 of 1936, s. 4.

This word was substituted for the word “Province” by the Adaptation of Laws Order 1950.

‡ The word “British” was omitted, *ibid.*

The words “or in an Acceding State” were omitted, *ibid.*

¶—¶ Section 13A was inserted by Bom. 2 of 1936, s. 5.

The words “Provincial Government” were substituted for the words “Local Government” by the Adaptation of Indian Laws Order in Council.

§—§ The words “or the Government of the said Acceding State” were omitted by the Adaptation of Law Order, 1950.

Removal of  
person detained  
to civil hospital  
in (State) for  
medical  
treatment.

¶¶13-B. (1) If an offender detained in a Borstal school is suffering from any illness and the Inspector General is satisfied that it is not possible to render to him proper medical care or treatment in the School, the Inspector General may provide for the removal of such offender to any civil hospital in the §State§ for the purpose of undergoing medical treatment and for his return to the school after such treatment is undergone¶¶.

\*(2) The period during which an offender is absent from a Borstal school under sub-Section (1) shall, for the purposes of computing his term of detention in the school, be deemed to be part of that detention.

Power to release  
on licence.

14. (1) Subject to the prescribed conditions, the Inspector General may on the recommendation of the Visiting Committee at any time after the expiration of six months from the commencement of the detention of an offender in a Borstal school, if he is satisfied that there is a reasonable probability that the offender will abstain from crime and lead a useful and industrious life, discharge him from the Borstal School and grant him a written licence in the prescribed form and on the prescribed conditions permitting him to live under the supervision and authority of such

(a) \*Government Officer\*,

(b) secular institution,

(c) religious society, or

(d) responsible person as may be approved by the Inspector General and willing to take charge of the offender.

†(1A) The Inspector General may, subject to the prescribed conditions, discharge any offender who had been previously granted a licence but whose licence was subsequently revoked under Section 15 and grant him a fresh written licence and in such case the provisions of this Act shall apply as if such fresh licence had been granted under sub-Section (1)†

(2) A licence under this Section shall be in force until the expiry of the term for which the offender was ordered to be detained in a Borstal school, unless sooner revoked.

---

\* The Section was inserted by Bom. 39 of 1948, s. 6.

† This word was substituted for the word "Province" by the Adaptation of Laws Order, 1950.

‡ These words were substituted for the words "servant of the Crown" by the Adaptation of Laws Order, 1950.

§ This sub-Section was inserted b.v Bom, 39 of 1948, s. 7.

(3) The period during which an offender is absent from a Borstal school during the continuance of a licence granted to him under this Section shall, for the purposes of computing his term of detention in such school, be deemed to be part of that detention.†

‡15. (1) Subject to any general or special directions of the State Government, a licence granted under Section 14 may at any time be suspended by the Principal of the Borstal School or the I. G. for a period not exceeding three months or be revoked by the I. G. in consultation with the Visiting Committee. For the purpose of such revocation, the I. G. or the Visiting Committee may make such enquiry as he or it deems necessary, either through a Probation Officer or otherwise.

Suspension or  
revocation of  
licence.

(2) If an offender removes himself from the supervision of the institution, society or person under which he was by licence permitted to live, his licence shall be deemed to have been revoked from the date on which he has so removed himself.

(3) When any licence is suspended or revoked or deemed to be revoked, the offender shall forthwith return to the Borstal school and if he fails to do so he may be arrested by any Police Officer without a warrant and sent back to the school.

(4) On the suspension or revocation of a licence, the period beginning from the date on which the licence is suspended or revoked or deemed to be revoked till the date on which the offender returns to the School or is arrested, whichever is earlier, shall, subject to the provisions of Section 17 be executed in computing the period for which he has been ordered to be detained in a Borstal School.‡

16. (1) When the Inspector General and the Visiting Committee report that the conduct \*or progress\* of any offender detained in a Borstal school has been such that it is expedient that he shall remain under supervision for a further period after the end of the term of detention, the †‡State‡ Government † may direct that he shall, on the expiration of the term of his detention, remain for a further period not exceeding one year under the supervision of such authority, society or person as the Inspector General, subject to rules made under this Act, may direct.

Subsequent  
supervision.

\* Section 15 was substituted for the original by Mah. 21 of 1960, s. 12,

† These words were inserted by Bom. 39 of 1948, s. 9.

‡ The words "Provincial Government" were substituted for the words "Governor-in-Council" by the Adaptation of Indian Laws Order in Council.

§ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

§(2) The ‡State‡ Government may, ¶on a further report by the I. G. and the Visiting Committee or otherwise and after making such enquiry as it considers necessary¶ direct that the offender who is under supervision in accordance with sub-Section (1) shall—

(a) again be detained in a Borstal school for such period as it may think fit, or \*\*.....\*\*.

(b) undergo imprisonment of such description and for such period as it may direct.

Provided that the total period of supervision, detention and imprisonment, under this Section shall not exceed one year.

(3) The provisions of sub-Section (2) of Section 12 shall apply when an offender is directed to undergo imprisonment under sub-Section (2) of this Section. §

Period of  
detention.

17. No person shall be detained in a Borstal school after he has, in the opinion of the [†‡(State)‡ Government]†, attained the age of twenty three years, or if in any particular case the [†‡(State)‡ Government]† so directs, after he has attained the age of twenty-five years.

Discharge from  
Borstal School.

17-A. The [††(State)‡ Government]‡ may at any time order any person detained in a Borstal school to be discharged from such school either absolutely or on such conditions as may be imposed††.

Arrest of  
offender  
escaping from  
Borstal School,  
or  
escaping from  
supervision.

18. Any offender who, in contravention of the provisions of this Act, has escaped from a Borstal school ‡‡or has escaped from a civil hospital to which he was removed for treatment under Section 13 B‡‡ or has escaped from the supervision of any authority, institution, society or person under whose supervision he has been directed to remain, or has been permitted to live by licence under Section 14, (or has committed a breach of any of the conditions imposed under Section 17A) may be arrested by any officer of Police without warrant and without the order of a Magistrate and sent back to the Borstal school §§or to the civil hospital §§ or to such authority, institution, society or person, as the case may be.

Rules.

19. (1) The \*†State† Government\* may make rules for the regulation and management of any Borstal school and for the carrying into effect of the provisions of this Act.

\* This sub-Section was substituted by Bom. 39 of 1948, s. 9.

† These words were substituted for the words “ after considering the report of the investigating Committee forwarded to it under Section 17-B by Mah. 21 of 1960, s. 13 (1).

‡ The words “if the Investigating Committee report that the conduct of the offender has been such that he is unfit for detention in a Borstal school were deleted, *ibid* s. 13 (2).

§ Section 17-A was inserted by Bom. 3 of 1934, s. 4.

‡‡ These words were inserted by Bom. 39 of 1948, s. 11.

§§ These words, figures and letter were inserted by Bom, 3 of 1934, s. 5.

\* The words “Provincial Government” were substituted for the words “Governor-in” Council” by the Adaptation of Indian Laws Order in Council.

(2) In particular, and without prejudice to the generality of the foregoing power such rules may provide for or determine.

(a) the control and management of Borstal schools established under this Act ;

(b) the appointment, powers and duties of officials in such schools;

(c) the constitution, powers and duties of visiting committees; and allowances to be paid to the non-official members thereof.

(d) the classification, control, discipline, training instruction and treatment of offenders ordered to be detained in a Borstal School and for the temporary detention of such offenders until arrangements can be made for sending them to such school;

(e) the regulation of visits to, and communication with, offenders detained in such school;

(f) the restriction or prohibition of the supply to or possession by, offenders detained in such school of any specified articles or kinds or articles ;

(g) the period for which offenders or any class or classes of offenders may, within the limits fixed by this Act, be ordered to be detained in such school;

(h) the class or classes (if any) of offenders who shall not be ordered to be detained in such school;

†(hh) the removal of offenders to Borstal Schools in other §State§ in ¶[India¶ and the reception and detentiton in a Borstal Schools established under this Act of offenders transferred from other §States;‡

(i) the form and conditions of licences granted under Section 14.

(j) the supervision of offenders after the expiration of the term of their detention ;

(k) the transfer of incorrigible offenders from a Borstal school to prison.

\*\* (1) the conditions on which an offender may be discharged under Section 17-A ;\*\*

---

† This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

‡ Clause (hh) was inserted by Bom. 2 of 1936, s. 6.

§ This word was substituted for the word "Provinces" by the Adaptation of Laws Order, 1950.

¶ The word "British" was omitted, *ibid.*

\*\* Clause (i) was added by Bom. 3 of 1934, s. 6.



††(m) for the award of marks, the suspension or remission and consequent shortening of the term of detention in a Borstal School and the grant of release on parole or furlough and determining the conditions on which and the authority by which the term of detention may be suspended or remitted and the offenders may be released on parole or furlough.††

(3) The making of rules under this Section shall be subject to the condition of previous publication. ‡‡All rules made under this Section shall be laid before each House of the State Legislature as soon as may be after they are made and shall be subject to such modifications as the State Legislature may make during the session in which they are so laid or the session immediately following.‡‡

Removal of  
disqualification.

20. The \*†State† Government\* may, on the recommendation of the Inspector General and the Visiting Committee, or otherwise remove any disqualification incurred by an offender ordered to be detained in a Borstal School on account of such detention.

Appeal or  
revision.

21. For the purposes of appeal and revision under the Code of Criminal Procedure, 1898 an order of detention under Section 6 of this Act shall be deemed to be a sentence of imprisonment for the same period.

‡ ..... ‡.

Repeal of C. P.  
and Berar IX of  
1928 and  
Hyderabad of  
1956 and  
Laving.

§22. On the commencement of the Bombay Borstal Schools (Extension and Amendment) Act, 1960 the Central Provinces and Berar Borstal Act, 1928, in its application to the Vidarbha region of the State of Maharashtra, and the Hyderabad Borstal Schools Act, 1956, in its application to the Hyderabad area of the State of Maharashtra, shall stand repealed:

Provided that, the repeal shall not affect:—

(a) the previous operation of any of the laws so repealed, or

(b) any right, privilege, obligation or liability acquired or incurred under any of the laws so repealed or.

\* Clause (m) was substituted for the original by Mah. 21 of 1960. s. 15 (1).

† This portion was substituted for the portion beginning with "Such rules" and ending with "may rescind the rule" by Mah. 21 of 1960, s. 15 (2).

‡ The words "Provincial Government" were substituted for the words "Governor-in-Council" by the Adaptation of Indian Laws Order in Council.

§ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

¶ The proviso was deleted by Bom. 39 of 1948 s. 13.

\*\* Section 22 was added by Mah. 21 of 1960 s. 16.

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any of the laws so repealed, or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability penalty, forfeiture or punishment, as aforesaid,

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if the Bombay Borstal Schools (Extension and Amendment) Act, 1960 had not commenced in the area in which the repealed law was in force :

Provided further that, subject to the proviso, anything done or any action taken (including any appointment) made, detention order passed, notification, order or direction issued, rule or form framed, licence or certificate granted under any such law shall, in so far as it is not inconsistent with this Act be deemed to have been done or taken under the corresponding provisions of this Act, and shall continue to be in force accordingly, unless and until superseded by anything done or any action taken under this Act§.

#### THE MAHARASHTRA BORSTAL SCHOOL RULES, 1965

(Government Notification, Home Department No. BSA-1058/41652-XXII, dated 13th January 1966)

In exercise of the powers conferred by sub-Section (1) and clauses (a), (b), (c), (d), (e), (f), (i), (k) and (m) of sub-Section (2) of Section 19 of the Bombay Borstal Schools Act, 1929 (Bom. XVIII of 1929), and of all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the following rules, the same having been previously published as required by sub-Section (3) of the said Section 19, namely:—

1. These rules may be called The Maharashtra Borstal Schools Rules, 1965. Short title.

2. Definitions:—In these rules, unless the context otherwise requires :— Definitions.

(a) “Act” means the Bombay Borstal Schools Act, 1929 ;

(b) “inmate” means a young offender detained in a Borstal School under the Act or any law corresponding thereto in force in any other State in India ;

(c) “Medical Officer” includes the Assistant Medical Officer in charge of the Borstal School Hospital ;

(d) “Principal” means the Principal of a Borstal School ;

(e) “Probation Officer” means a probation officer appointed or recognised as such by the State Government under the Bombay Children Act, 1948;

(f) “School” means a Borstal School;

(g) “Section” means a Section of the Act.

Certain offenders not be detained in Borstal School:—

Certain offenders  
not to be  
detained in  
Borstal School.

\*2-A. The following classes of persons shall not be ordered to be detained in a Borstal School, that is to say;—

(a) Offenders who cannot take and follow instructions in Marathi for the purposes of training in a Borstal School in this State, and

(b) Female Offenders, so long as a Borstal School for females is not established by the State Government.\*

Control and  
management of  
Borstal School.

3. Subject to the orders of the Inspector General of Prisons, the control and management of a Borstal School shall vest in the Principal.

Appointments  
and transfers,  
etc. of officers.

4. (1) For the purpose of control and management of a Borstal School, the State Government shall appoint in addition to the Principal, a Medical Officer and such other officers as it thinks necessary.

(2) The Principal and officers so appointed shall be liable to be transferred for service in connection with any prison in the State and *vice-versa*.

(3) The Principal, the Medical Officer and the officers so appointed shall during the term of their office in the Borstal school, also be subject to the rules made under the Prisons Act, 1894, except in so far as rules made thereunder are inconsistent with the Act and these rules.

Duties of  
Principal.

5. The Principal shall—

(a) exercise close and constant personal supervision ;

(b) daily visit and inspect the school premises where inmates work or live ;

(c) give special attention to every inmate who is a hospital patient ;

(d) at least once a fortnight, visit the school during the night and satisfy himself that everything is in order ;

(e) carry out all the duties specifically imposed upon him under these rules.

---

\* Added by Government Notification, Home Department No. 135A/0372/32077-VII, dated 6th April, 1973.

6. (1) A visiting committee referred to in sub-Section (2) of Section 4 shall consist of eleven members of these seven shall be officials and four shall be non-officials.

Constitution of visiting committee.

(2) (a) The official members shall be:—

- (i) The District Magistrate (who shall be the Chairman),
- (ii) The Chief Inspector of Certified Schools, State of Maharashtra or his nominee,
- (iii) The District Judge,
- (iv) The Civil Surgeon,
- (v) The Principal of the School,
- (vi) The Zilla Parishad Educational Inspector, and
- (vii) The Superintendent of Police.

(b) Out of four non-official members, two shall be nominated by the State Government from amongst the members of the State Legislature and two from social workers.

(c) In the absence of the District Magistrate the senior most official member present shall act as the Chairman.

7. (a) The non-official members of the visiting committee shall hold office for a period of three years from the date of their appointment or for such further period as the State Government may by general or special order, direct.

Term of office of non-official members of visiting committee.

(b) The non-official members shall be eligible for re-nomination on the expiry of the term of their office.

\*7-A. The non-official members of a visiting committee shall be eligible for such travelling allowance, daily allowance or conveyance charges, as may be admissible according to Appendix XLII-A of the Bombay Civil Services Rules, 1959, Volume 11.\*

Travelling allowance etc. to the non-official members.

8. (1) The visiting committee shall—

(a) visit the Borstal school on such occasion as may be fixed by the regulations in that behalf for the purpose of ensuring that the provisions of the Act are duly given effect to: provided that it shall be lawful to individual members of the Committee to visit the school on like occasions;

Powers and duties of Visiting Committee.

(b) make such suggestions for the improvement in the training imparted to the inmates as is considered necessary and to report to the Inspector General from time to time any matter which in its opinion should receive his attention ;

\* Added by Government Notification, Home Department, No. BSA 1065/45624-VII, dated 21st June 1972.

(c) consider all cases of release on licence under Section 14 as may be placed before it by the Principal ;

(d) consider such action as may be necessary in regard to the inmates whose term of detention is about to expire ;

(e) consider cases recommended by the Principal for release after being satisfied that there is a reasonable probability that the objects of training have been achieved ;

(f) consider cases of inmates who, owing to mental deficiency or other reasonable cause, are unfit for borstal training ;

(g) inspect all parts of the Borstal school and see every inmate detained therein ;

(h) satisfy itself that the necessary disciplinary and reformatory measures are being carried out ;

(i) give every inmate an opportunity for making an application or a complaint to the Committee and inquire into the same.

(j) inquiry into the details of the past history, the nature of the offence committed, the conduct and character in the Borstal School and the future intentions and prospects of every inmate whose case may be placed before it for consideration by the principal and if it thinks fit, to recommend him to the Inspector General for discharge on licence.

(2) A member of the visiting committee or any of the inmate's dependants shall not have any interest in any contract made in respect of the Borstal School.

Meetings of  
Visiting  
Committee.

9. (1) The Visiting Committee shall meet once in every two months. The Principal shall send a notice fixing date, time and place of the meeting to all the members at least seven days before the date fixed for the meeting together with a statement of the business to be transacted thereat.

(2) Five members shall form a quorum.

(3) Where at any meeting there is no quorum, the Chairman shall adjourn the meeting to such hour on the following day or on some other future date as he may reasonably fix. A notice of such adjournment shall be issued to every member of the Committee, and put up at the office of the Principal. The business which would have been brought before the original meeting, had there been a quorum there at shall be brought before the adjourned meeting and may be disposed of at such meeting or at any subsequent adjournment thereof whether there be quorum present or not.

(4) The proceedings of each meeting of the Visiting Committee shall be recorded in a book kept for the purpose, a copy whereof shall be sent to the Inspector General for his information and orders.

10. The Borstal School shall observe all Sundays and such other holidays as the Inspector General may in this behalf direct. A special cultural and recreational programme should, as far as possible, be organised on these days by the Principal. Holidays.

11. (1) The inmates in a Borstal School shall be classified and segregated into dormitories or House,— House System.

(a) According to age groups (i. e. those between 15 to 18 years of age those above 18 years but less than 20 years and those above 20 years of age), and

(b) On the basis of institutional treatment (i. e. those having previous institutional experience and those having no previous institutional experience).

(2) Each House shall have a House Master, who shall be responsible to the Principal for—

(a) The tone and general behaviour of the inmates in the House.

(b) The training of each inmate therein.

(c) The cleanliness of the yards, rooms, clothing, bedding and utensils.

(3) The House Master shall be present in the: common dining hall at the time of the distribution of food. He shall ensure that the food served is wholesome and according to the prescribed scale and the inmates take their food in a congenial and healthy atmosphere and in an orderly manner.

(4) A group of 10 inmates shall be under a Monitor selected by the House Master from amongst the inmates in the group. The Monitor shall wear a distinguishing mark.

(5) The Principal shall select from amongst the Monitors a Head Monitor for each House who shall wear a special mark distinguishing his rank.

(6) Each House shall be known by a “Name” and be distinguished by its “House Colour”.

(7) The inmates of the House shall wear a band of cloth having the “House Colour” on the sleeve of left arm.

12. The programme of daily routine of the inmates in a Borstnl School shall be as follows. Daily routine and programme of inmates.

(A) *Early morning* :—(i) Toilet, (ii) Meditation, (iii) Preparation for opening, (iv) Unlocking at day-break according to conditions of visibility, (v) Counting, (vi) Search, (vii) Leaving the House.

(B) *Morning*.—(i) Toilet, (ii) Prayers in groups, (iii) Morning conjee, (iv) Physical Training, drill, individual and group exercises, light yogasanas, (v) Educational classes (two hours), (vi) Vocational training (two hours), (vii) Bath, (viii) Meal and rest.

(C) *Afternoon* :—(i) Work and School, (ii) Outdoor games of Gymnastics upto 5-30 p. m., (iii) Toilet.

(D) *Early Evening* :—(i) Wash, (ii) Evening meal, (iii) Evening prayers, (iv) House Master's talk to the offenders in the House followed by lock-up, (v) Reading in Houses, listening into radio on loudspeaker, or other hobbies as may be allowed by the Principal, (vi) Lights out at 9 p. m.

Programme for  
Sundays and  
Holidays.

13. The programme for Sundays and holidays shall be as follows:—

(A) *Early Morning* :—(i) Toilet, (ii) Meditation, (iii) Preparation for opening, (iv) Unlocking at day break according to conditions of visibility, (v) Counting, (vi) Search, (vii) Leaving the House.

(B) *Morning* :—(i) Toilet, (ii) Prayers in groups, (iii) General cleaning of houses, open spaces, etc., (iv) Cleaning of equipment, (v) Washing of clothes, (vi) Bath, (vii) Inspection of equipment, (viii) Meal and rest.

(C) *Afternoon*:—(i) Cultural or social programme, (ii) News papers, books, radio, (iii) Toilet, (iv) Games.

(D) *Early evening*.—(i) Wash, (ii) Evening meal followed by prayers, etc., (iii) Preparation for lock-up.

*Note* :—(a) The above is a general outline of programme and daily routine.

(b) The Principal is authorised to make necessary changes in the daily routine or programme to suit the needs of the institution.

Searches of new  
inmates.

14. (1) Every new inmate before he is received in a Borstal School shall be searched thoroughly and carefully at the gate of the school.

(2) Every article (including private clothing, money and jewellery) shall be entered in the Property register and deposited in the Store room. Tobacco in any form, if found with an Offender on admission shall on no account be allowed to remain with him. It shall be disposed of in a suitable manner as may be decided by the Principal.

(3) Jewellery and other valuable articles shall be preserved in the manner detailed in Form “A”.

15. Every new inmate shall be made to wash himself thoroughly immediately, after his admission and where such admission is given late after lock up early next morning, for this purpose, every inmate shall be issued carbolic soap lotion at the scale of 57 M. L. of lotion. The private clothing of every such inmate shall also be washed and disinfected, before it is stored in the store room.

Wash on admission of new inmates.

16. (1) The Principal shall be responsible to see that every newly admitted inmate is brought on the day or the day following his admission into a Borstal School for examination according to rules before the Maharashtra Medical Service Officer, who shall examine him thoroughly and record in the Health register in Form “B”, the following details; that is to say—

Medical Examination of new inmates.

- (a) Weight (both actual and physical equivalent).
- (b) Height.
- (c) State of health.
- (d) Class of labour for which the inmate is fit.
- (e) Whether the inmate has been vaccinated or has/had smallpox.
- (f) Any other remarks.

(2) If an inmate is not in a state of good health or is not fit for hard labour, reasons therefor shall be recorded in the register referred to in sub-rule (1) and also in the personal Record Sheet of the inmate.

(3) The Maharashtra Medical Service Officer shall admit any sick inmate to the hospital for treatment.

(4) Every offender shall, on his admission to a Borstal School be kept in quarantine for such period, not being less than ten days as the Medical Officer may consider necessary.

(5) Where any epidemic disease is prevalent and accommodation for new admission has been provided outside the Borstal School, then offenders shall not be admitted within such school except in accordance with the orders of Medical Officer or, in his absence, by the Maharashtra Medical Service Officer.

(6) Offenders shall, on admission into a Borstal School, be provided with clothing and other equipment.



Principal to  
submit nominal  
roll to Inspector  
General.

17. The Principal of every Borstal School shall each Friday submit to the Inspector General, a nominal roll of all inmates admitted to the School during the week together with full details of the delinquency and the detention period of such inmates.

Principal to  
report cases of  
incorrigibles, etc.  
to the Inspector  
General.

18. Where the principal considers, whether on a report of the Medical Officer or otherwise, that any inmate detained in the Borstal School is unsuitable for training in a Borstal School, he shall immediately make a report to that effect to the Inspector General. The Inspector General shall decide whether the inmate should be transferred to a prison after obtaining the requisite orders of Government under Section 12 of the Act.

Grades.

19. (1) The inmates of a school shall be divided by the Principal into the following grades :—(a) Grade I, (b) Grade II, (c) Grade III, (d) Penal Grade \*(as provided in rule 26).

(2) (a) All inmates, on their admission into a Borstal School, shall be placed in Grade III and promotion shall be regulated in the manner hereinafter specified by close personal observation of the inmates, attention being specially paid to their general behaviour, their amenability to instructions, both literary and industrial.

(b) Every inmate shall remain in Grade III for at least six months after his admission to a Borstal School. During this period a suitable program of work, vocational training and over all education shall be designed for the inmate commensurate with his physical and mental condition. The inmate shall be carefully observed by the House Master, teachers and other officials of the Borstal School, with special reference to his character, mental disposition and fitness for a special trade.

Facilities for  
inmates in  
Grade III.

20. An inmate shall, on his admission into a Borstal School, be permitted at the cost of Government, to write one letter, and every month thereafter have one interview with his relatives and friends, and write one letter.

Maintenance of  
record of  
inmates in  
Grade III.

21. (1) A record of the conduct and industry of each inmate in Grade III shall be maintained in a register to be kept for the purpose. The Principal shall record therein every day his remarks, "Very good", "Good", "Fair" and "Bad" against the name of each inmate. Marks on the basis of these remarks shall be awarded to every inmate as shown below :—

Very good	..	3 marks.
Good	..	2 marks.
Fair	..	1 mark.
Bad	..	Nil.

\* Added by Govt. Notification, Home Department No. BSA-1066/45624—VII, dated 21st June 1972.

(2) The full marks for a month of 26 working days shall be 78 to which the Principal may, when he thinks fit, and 22 marks, to make up a monthly total of maximum of 100 marks.

22. (1) An inmate in Grade III shall be required to earn at least 500 marks before he can be promoted to Grade II. A progress report in Form C shall be maintained in respect of each such inmate by the House Master under the supervisions of the Principal.

Eligibility and promotion to Grade II.

(2) The progress reports so maintained shall be scrutinised by the Visiting Committee once in every two months, and indication of its approval or disapproval of the progress of the inmate in his demeanour, educational standard and daily out-turn of work, shall be given by the Visiting Committee to the House Master, who shall communicate the same in an intelligible manner to the inmate concerned so that the inmate could take it as a reward or a warning as the case may be, for showing better results in future.

(3) In the first week of the seventh month from the date of admission of an inmate, the Principal shall review the progress of the inmate and his response to the institutional training. The Principal shall decide as to whether the inmate deserves promotion to Grade II immediately or after such period as the Principal thinks fit.

(4) The decision of the Principal shall be communicated to the inmate concerned. If the inmate is required to remain for more than six months in grade III, the number of additional marks to be obtained by him for promotion shall be increased by such number, as the Principal may consider necessary depending on the merits of each case.

(5) Every inmate promoted to Grade II shall remain in that grade atleast for six months from the date of his promotion. A suitable programme consisting of work, vocational training, overall education, and recreational and cultural activities shall be designed for such inmate.

23. Every inmate, on his promotion to Grade II, shall be permitted to accompany members of the staff on route marches; to write one letter at Government cost and one more at his own cost, and have one interview with relatives and friends, every month.

Facilities to inmates in Grade II.

24. In the first week of the seventh month from the date of promotion of an inmate to Grade II, the Principal shall examine the case sheet,

Promotion to Grade I.

progress reports and other relevant records of the inmates and if it appears to him that any such inmate can safely be placed in a position of special trust, he may be promoted to Grade I. Every inmate so promoted to Grade I shall wear a distinctive badge.

Facilities to  
inmates in  
Grade I.

25. (1) Every inmate on promotion to Grade I shall be given the following facilities, namely :—

- (a) To play in the school matches on out-side play grounds.
  - (b) To accompany members of the staff on route marches.
  - (c) To write one letter at the Government's cost, and two at his own cost every month.
  - (d) To have one interview with his relatives and friends, every fortnight.
- (2) The Principal shall select from among the inmates in Grade I, Monitors not exceeding ten percent, of the total number of such inmates.
- (3) A monitor shall be eligible for being released on furlough for a period of 10 days every year. The period of release shall be treated as detention in the School.

Penal Grade.

26. Where there are reasons to believe that an inmate in a school is exercising a bad influence, or is guilty of any serious misconduct, the Principal shall place him in the penal grade for such period, as he may deem necessary, in the interest of the other inmates in the school for similar reasons, an inmate in Grade I or Grade II may be placed in Grade III or penal grade, as the Principal may think necessary.

(2) While in the penal grade, an inmate shall be employed separately on hard and laborious work, and shall forfeit all privileges previously allowed to him. The Principal shall record in his Order Book particulars of every case in which he orders any offender to be placed in the penal grade, with the reasons therefor, stating the period during which he is to be so retained. This record shall be placed before the Visiting Committee at each visit. If an inmate has been placed in the penal grade, or if he is reverted to Grade III, or Grade II he shall not be restored to the Grade, from which he was degraded, until he has served such period in the lower grade as the Principal may determine.

Wages.

27. Wages may be paid to the inmates for work done by them at such scales as may from time to time be determined by the State Government

on condition that they complete their daily quota of work to the satisfaction of the Borstal school authorities, with a view to :—

- (a) Offering an incentive and stimulus for effort, work and industry ;
- (b) Making school work purposive and meaningful;
- (c) Developing a sense of responsibility and self respect amongst the inmates;
- (d) Enabling inmates to purchase their Sundry daily extra requirements from the school canteen, and
- (e) Helping inmates to effect savings for their post release rehabilitation and also for extending economic help to their family members, that is to say, father, mother, brother and sister.

28. (1) Every inmate shall be allowed to utilise not more than two-thirds of his earnings (the remainder being kept as compulsory savings for his rehabilitation needs) for the following purpose, that is to say :—

Savings and  
Expenditure.

- (a) Purchasing articles from the school canteen,
- (b) Purchasing post cards, envelopes and the like,
- (c) Remittance to family members,
- (d) Purchase of approved books, and
- (e) Other items as approved by the Principal, such as purchase of National Savings Certificates.

(2) Wages earned by an inmate shall be credited in the wage account of each inmate. All wage disbursement shall be done through debit adjustments in the inmate's wage account.

(3) All matters pertaining to work and wages shall be handled by the concerned staff members.

(4) At the time of an inmate's release on parole or furlough if the inmate so desires, the Principal may, in his discretion pay him in cash the balance or portion of his balance after reserving one-third portion of his total earnings.

29. All inmates, provided they are medically fit shall be required to labour for nine hours on every working day. The day's work shall ordinarily be divided as follows :—

Hours of Work.

- |   |              |
|---|--------------|
| (a) Drill and Physical exercises        | ... 1 hour.  |
| (b) Recreation                          | ... 1 hour.  |
| (c) Literary instructions               | ... 2 hours. |
| (d) Manual Work (including agriculture) | ... 5 hours. |

Clothing, bedding  
and equipment

30. The items to be supplied at Government cost to inmates of the School shall be as follows :—

- (1) *Clothing* :—(i) Shirts-half sleeves with thread buttons and with arms and seal of the Borstal School, stitched on the breast of the shirt with collar, made of white double dungaree pattern with broad blue checks forming square no pockets. ... 3
- (ii) Half Pants-deep blue drill with flaps, thread buttons without pockets. ... 2
- (iii) Caps-Deep blue drill ... 2
- (iv) Triangular Langotas-white ... 2
- (v) Bandi Cotton or wool. ... 1
- (vi) Standard Convict Towel ... 2
- (vii) Neck cloth made out of 2/40s X 20s (size 0.61 X 0.61 Merte) deep blue drill with a school monogram in red in all four corners ... 1
- (2) (1) Monitors and inmate in Grade I shall have to wear armed bands of red and saffron colours respectively, (2) Cotton or woollen bandi shall be issued every two years.

(3) *Bedding and other equipment* :—

- ( i ) Chaddar cotton or woollen ... 1
- ( ii ) Pillow and pillow-case ... 1
- ( iii ) Cotton sheet ... 1
- ( iv ) Loom carpet ... 1
- ( v ) Aluminium mug ... 1
- ( vi ) Aluminium bowl ... 1
- ( vii ) Aluminium katora ... 1

(4) Cotton or woollen chaddar and cotton sheet shall be given every two years, the loom carpet every five years and the aluminium mug, bowl and Katora every three years.

(5) In addition to the clothing supplied as above, the inmates may be allowed by the Principal to receive from their relatives or friends one vest and one pair of shorts to be used for recreational purposes.

(6) Every inmate on release may be supplied with one outfit of suitable clothing at Government cost, if he has no suitable clothing of his own.

Diet.

31. (1) The inmate in a Borstal School shall receive his daily food according to the scale laid down in Appendix I.

(2) The rules of the Chapter under the caption “Dietary” of the Bombay Jail Manual of 1955 shall apply *mutatis mutandis* in relation to inmates in the Borstal School so far as they are not inconsistent with the Act and these rules.

32. (1) There shall be a canteen in every Borstal School run on self-supporting, basis.

Canteen for inmates.

(2) The following articles may be stocked in every such canteen, namely :—

- (a) Tea, coffee, milk;
- (b) Such eatables and articles as the Inspector General may, from time to time approve;
- (c) Soap, oil, combs, and the like;
- (d) Fruits like bananas and mangoes;
- (e) Tooth paste, tooth powder, tooth brushes; and
- (f) Stationery articles like pencil, exercise books and papers.

(3) No inmate other than one working in the canteen shall have access to the canteen stores. Arrangements shall be made to seal the articles therefrom to the inmates by means of trolleys kept outside the canteen at such places and during such hours as may be fixed by the Principal.

(4) The inmates shall be permitted to purchase the articles referred to in sub-rule (2) from the canteen either from the amount of wages standing to their credit or from their private cash or both.

33. (1) Necessary arrangements to exhibit suitable films for the benefit of the inmates shall occasionally be made by the District Publicity Officer of the State Government in consultation with the Principal.

Exhibition of Films.

(2) The Principal may request the District Publicity Officer to communicate to him the names and subject-matter of the films he intends to exhibit so as to enable him to consider the suitability of the films for exhibition to the inmates of the school.

(3) The District Publicity Officer shall record his visit to the school in a register maintained for the purpose together with the names of the films exhibited by him and his remarks thereon, if any.

(4) The principal shall submit a monthly report to the Inspector General stating therein the number of films soexhibited with the dates and the names and subjects of the films exhibited. He shall also forward along with his report the relevant extract of the register referred to in sub-rule (3).

Annual Sports. 34. (1) The Principal shall arrange for the Borstal School annual tournaments and for distribution of prizes of an amount not exceeding Rs. 75, to the first three inmates in each item of sport as under :—

First Prize of Rs. 7.

Second Prize of Rs. 5

Third Prize of Rs. 3.

Provided that, the Principal may, with the previous sanction of the Inspector General, distribute prizes not exceeding Rs. 150.

Discipline. 35. (1) The Principal shall be responsible for maintaining discipline in the Borstal School.

(2) In dealing with an inmate, no officer shall use force unnecessarily. When force has to be applied, no more force shall be used that is necessary. No officer shall act in a manner calculated to provoke or annoy any inmate.

(3) If the Principal is satisfied that the behavior of any inmate is such that in the interest of his own training or for the good of the other inmates, he should be temporarily removed from the normal community life, he may order the removal of the inmate from his House for a specific period, and the inmate may be accommodated in a separate room under such restrictions regarding association and privileges as the Principal may impose.

School offences and punishment therefor. 36. (1) Every offence against school discipline shall be reported forthwith to the Principal who shall investigate into the same as early as possible. If the offence is proved, the Principal may award one or more of the following punishments; that is to say

(a) *Minor punishment* :—(a) Formal warning, (b) Change of labour, (c) Forfeiture of wages for a period not exceeding three months, (d) Extra drill, (e) Deduction of marks upto a maximum of 50 at a time. (f) Penal Grade not exceeding one month, (g) Forfeiture of any of the privileges of the grade for a period not exceeding three months.

(b) *Major punishment* :—(a) Reduction in grade for more than three months, (b) Combination of any of the punishments, specified in clause (a), (c) Deduction of marks over 50 but not exceeding 100 at any one time. (d) Penal grade exceeding one month but not exceeding three months, (e) Forfeiture of any of the relevant privileges of the grade for a period exceeding three months, but not exceeding six months.

(2) No punishment as aforesaid shall be awarded to any inmate by any person other than the Principal or in his absence the officer exercising his functions.

(3) If the Principal is of the opinion that an inmate has committed any of the offences specified in Section 45 of the Prisons Act, 1894, he shall report the case to the Inspector General.

37. (1) In every, School, there shall be provided by the State Government a hospital for the treatment of sick inmates. It shall be properly equipped and furnished. Medical Care.

(2) The Medical Officer in charge of the Hospital shall have the care of the Mental and Physical health of every inmate. He shall visit the sick inmates every day. Every inmate, who complains of illness shall be immediately brought before the Medical Officer who shall examine and decide whether the inmate should be treated in the hospital or detained therein for observation or treated in any hospital outside.

(3) The Medical Officer shall advise the Principal regarding the fitness of an inmate for games, exercise and training.

(4) All raw and cooked food shall be approved by the Medical Officer before it is used.

(5) The Medical Officer may alter the scale or diet in any deserving case on medical grounds, which shall be recorded in the Report Book.

38. (1) No inmate shall be eligible for release on licence under Section 14 of the Act, unless he has completed a period of at least *six months in the School*. The Principal shall obtain the opinion of District Probation Officer regarding the suitability for discharge on licence of an inmate and place it before the Visiting Committee. The recommendations of the Committee shall state whether any society or responsible person is willing to take charge of the inmate under its or his supervision and provide work for him and whether the inmate is willing to be placed under the authority and supervision of such society or person. Cases of release recommended by the Visiting Committee shall be submitted for the orders of the Inspector General. Release on  
Licence under  
Section 14.

(2) The licence granted under Section 14 of the Act shall be in the form D appended to these rules.

(3) An inmate discharged on licence shall ordinary be accompanied by a member of the School staff to the place of his destination.



(4) When the release of an inmate is about to fall due, the Visiting Committee shall take such measures as it thinks fit, inclusive of the following :—

- (a) sending the inmate to his home.
- (b) finding employment for him, or
- (c) otherwise assisting him.

(5) The Visiting Committee may recommend the grant of an award not exceeding Rs. 20 to a deserving inmate at the time of his release. The amount so recommended shall be paid through the Probation Officer to such inmate if he does not go home or does not find any employment.

Form of Licence

39. Every licence granted in Form D appended to the rules shall contain following conditions that is to say :—

(a) that the licensee shall proceed forthwith to the place mentioned in his licence and report himself to the Probation Officer;

(b) that he shall remain under the supervision of the Probation Officer under whose care an inmate has been placed or any other Probation Officer to whose supervision he may be transferred by the Inspector General during the period of the licence and he shall obey all the instructions of the Probation Officer issued to him either verbally or in writing regarding his residence, employment and conduct;

(c) that he shall not proceed beyond the limits of the places within which he may be restricted from time to time by the Probation Officer, without the permission in writing of the said Officer, and that he shall proceed to any place indicated by the Probation Officer and by the route specified by him.

(d) that he shall report himself at such time and at such places and to such persons as the Probation Officer may from time to time, direct;

(e) that he shall apply himself, with due industry and to the satisfaction of the Probation Officer, to the work upon which the said officer may permit him to be employed;

(f) that he shall not commit any criminal offence and shall not associate with men of known bad character;

(g) that he shall receive such remuneration for his work, as the said Probation Officer may settle;

(h) that the licence shall be liable to be revoked if there is a breach of any of the condition mentioned in clause (a) to (f).

40. (1) No inmate shall be sent out from a Borstal School without his consent, and no inmate shall be licenced, unless the conditions of the licence are personally explained to him by the Principal and are accepted by him. The fact that the conditions are explained to the inmate and are accepted by him shall be certified on the licence by the Principal.

General provisions regarding release on licence.

(2) On the suspension or revocation of the licence, the licensee shall return to the Borstal School named in the order of suspension or revocation on or before the date specified in the said order.

(3) If an inmate to whom a licence has been granted becomes unfit or incapacitated to leave the school, whether due to disease or otherwise, his licence shall be cancelled by the Inspector General, unless in the opinion of the Visiting Committee, his un-fitness or incapacity is of a temporary nature in which case the licence shall be kept pending with the Principal.

(4) The Principal in such cases, shall obtain the opinion of the District Probation Officer regarding the suitability for discharge on licence or parole, as well as of his surety and place it before the Inspector General.

(5) If at any time during the period of licence, a Probation Officer under whose care an inmate is placed is of the opinion that the inmate has not made any efforts to show progress in his work or finds that his conduct is not satisfactory, he shall immediately report the matter to the Principal who shall immediately report to the Inspector General for his orders.

(6) Unless especially recommended by the Principal and the Visiting Committee, no inmate who escaped or attempted to escape from a Borstal School or from an employer shall be released on licence.

(7) Every inmate shall, for a period of one year from the date of his discharge from the School excluding the period under licence be under the supervision of such society or person (being the Probation Officer) as may be approved by the Inspector General and while under supervision he shall be under an obligation to comply with such requirements as may be specified. Such society or person shall send a half-yearly report on the conduct and work of the ex-inmate to the Principal of the Borstal School.

(8) A register of licences shall be maintained by the Principal, and shall be laid before the Visiting Committee at least once in every two months.

Release on Parole and Furlough	41. The provisions of rules 2 to 31 (both inclusive), of the Prisons (Bombay Furlough and Parole) Rules, 1959 shall mutates mutandis apply in relation to an inmate detained in a Borstal as if the School were a prison, the inmates prisoners, and Principal, Superintendent.
Report on death of inmate.	42. On the death of any inmate, the Medical Officer shall forthwith record in a register the following particulars so far as they can be ascertained, namely :— (1) the day on which the deceased inmate first complained of illness or was observed to be ill, (2) the labour, if any, on which the inmate was engaged on that day, (3) the scale of diet on the day of the death of the inmate, (4) the day on which the inmate was admitted to hospital, (5) the day on which the Medical Officer was first informed of the illness, (6) the nature of the disease, (7) when the inmate was last seen before his death by the Medical Officer, (8) when the inmate died, (9) any other remarks that may in the opinion of the Medical Officer be made.
Temporary detention of inmates pending admission in Borstal School.	43. (1) If accommodation for an adolescent offender, who has been directed by a Court to be detained in a Borstal school, is not immediately available in the Borstal school in the State, he may be sent for detention, to a juvenile section of any prison. (2) The period so spent in the juvenile section shall be computed towards the term of detention ordered by the Court.
Maintenance of records etc.	44. (1) The Principal shall be responsible for the maintenance of records and registers and for the preparation and submission of the reports and returns required under the Act and these Rules or as may be ordered from time to time, by the State Government. (2) Statistics shall be maintained of all inmates who are— (a) discharged from the Borstal school and who are settled down; and (b) reconvicted by Courts.
Repeal and Saving	45. On the commencement of these rules, the rules made under the Central Provinces Borstal Act, 1928 and the Hyderabad Borstal Schools Act, 1956 and in force in Vidarbha and Hyderabad areas of the State shall stand repealed except as respects things done or omitted to be done before such repeal.

## FORM "A"

[See rule 14(3)]

Register No. ..  
 Name ..  
 Sentence ..  
 Arrival in School ..  
 Release date ..  
 Party ..

## FORM "B"

[See rule 16(1)]

Register of lads showing Particulars of Health on their  
 Admission and Discharge from the.....  
 School for the year 19 ..

Sr. No. as per Register No. 3	Lad's Name	Age	Date of admission	State of Health on admission	Class of Labour H. (Hard), M. (Medium), L. (Light)	Weight on admission
1	2	3	4	5	6	7

On admission vaccinated, smallpox or unprotected	Date of Discharge	Weight on discharge	State of Health on Discharge	Gained lost or stationary	Remarks (If a lad is disposed of otherwise than by discharge, it should be indicated here)	Medical Officer's Initials
8	9	10	11	12	13	14

## FORM C

[ See rule 22 (1) ]

*Progress Report*

1. Number ..
2. Name ..
3. Date of initial classification ..
4. Physical and Mental Health ..
5. Work (task, proficiency, quality, etc.).
6. Education ..
7. Interest taken in institutional activities  
(P. T., Prayers, recreational and cultural activities).
8. Discipline ..
9. Changes in habits, attitudes and behaviour
10. Attitude towards staff ..
11. Attitude towards inmates ..
12. Borstal offences and punishments
13. Individual problems, if any (about family,  
land litigation, business, etc.).
14. General assessment about progress ..

House Master/Principal,  
Borstal School.

Date

Recommendation of the Visiting Committee.  
Orders of the Principal.

Principal,  
Borstal School.

Date

\_\_\_\_\_

**FORM D**

(See rule 38)

*Order for discharge on licence*

I, the Inspector General of Prisons, State of Maharashtra, do by this licence permit ..... son of. .... residence ..... number ..... who was ordered to be detained in a Borstal School by the ..... Court..... under Section 6 of the Bombay Borstal Schools Act, 1929 (Bom. XVIII of 1929) for a term of ..... on the ..... day of ..... 19 ..... and who is now detained in the Borstal School, at ..... to be discharged from the said school on condition that he be placed under the care, supervision, and authority of ..... during the remaining portion of the aforesaid period of detention.

This licence is granted subject to the conditions endorsed hereon, upon the breach of any of which, it will be liable to be revoked.

Inspector General of Prisons,  
State of Maharashtra.

*Conditions*

1. The licensee shall proceed forthwith to the place mentioned in his licence and report himself to the Probation Officer there.

2. The licensee shall

(a) remain under the supervision of the said Probation Officer or any other Probation Officer to whose supervision he may be transferred by the Inspector General during the period of the licence;

(b) Obey all the instructions of the Probation Officer issued to him, either verbally or in writing regarding his residence, employment and conduct.

(c) report himself at such time and at such places and to such persons as the Probation Officer may, from time to time, direct.

(d) apply himself with due industry and to the satisfaction of the Probation Officer, to work upon which the said officer may permit him to be employed ;

(e) not proceed beyond the limits of the places within which he may be restricted from time to time, by the Probation Officer without the permission in writing of the said Officer and shall proceed only to the place indicated by the Probation Officer and by the route indicated by him;

(f) neither commit any criminal offence, nor associate himself with persons of bad character.

(3) The licensee may receive such remuneration for his work as settled by the Probation Officer.

I hereby acknowledge that I am aware of the above conditions which have been explained to me.

Signature or mark of the inmate  
of the Borstal School at

Certified that the conditions specified in the above order for discharge on licence have been read over to the inmate named in the said order, and that he has accepted them as the conditions under which he is discharged before the expiry of the term of his detention.

Principal,  
Borstal School.

Certified that the inmate in the above order for discharge on licence has been discharged on  
and made over to.

Principal,  
Borstal School at

(Here the Signature of the person under  
whose supervision and authority the  
inmate is required to live.....).

-----

## APPENDIX I

(See rule 31)

## Statement No. 1

*Showing the Diet Scales for Borstal lads confined in the  
Borstal School*

(On all days except Sundays)

[All articles are expressed in grams]

Article	Hard Labour	Medium and Light	Non-labouring lands	Remarks
1. Rice conj	.. 28	28	28	
2. Jowar or wheat flour.	.. 680	624	567	
3. Gur	.. 14	14	14	
4. Milk	.. 85	85	85	
5. Dal	.. 142	113	113	*Vide note below
6. Vegetables	.. 227	227	227	
7. Onions	.. 7	7	7	
8. Salt	.. 14	14	14	
9. Sweet Oil	.. 14	14	14	
10. Tamarind	.. 4	4	4	
11. Fuel	.. 680	680	680	
12. Condiments	.. 7	7	7	†Vide note below

\*Note.— 2 issues of Tur dal.  
2 issues of Gram dal.  
2 issues of Moong whole.

†Composition of Condiments :—

Turmeric	..	½ gram.
Coriander	..	½ gram.
Garlic	..	½ gram.
Chillies	..	4 gram.
Jira	..	¼ gram.
Rai	..	½ gram.
Methi	..	½ gram.
Asafoetida	..	¼ gram.
		<u>7</u> grams



## STATEMENT No. 2

*Showing the Diet Scales for Borstal lads confined in the  
Borstal School ( Sunday )*

Article	Hard labour		Medium and light labour		Non-labouring lad	
	Vegetarian	Non-Vegetarian	Vegetarian	Non-Vegetarian	Vegetarian	Non-Vegetarian
1. Rice Conji ..	28	28	28	28	28	28
2. Rice ..	142	142	142	142	142	142
3. Wheat (ground)..	57	..	57	..	57	..
4. Besan ..	57	57	57	57	57	57
5. Gur ..	42	..	42	..	42	..
6. Government wheat	340	340	312	312	283	283
7. Onions ..	57	57	57	57	57	57
8. Vegetable Ghee..	14	14	14	14	14	14
9. Meat ..	..	57	..	57	..	57
10. Vegetables ..	227	227	227	227	227	227
11. Salt ..	14	14	14	14	14	14
12. Sweet Oil ..	14	14	14	14	14	14
13. Tamarind ..	4	4	4	4	4	4
14. Fuel ..	680	680	680	680	680	680
15. Condiments ..	7	7	7	7	7	7

*Vide* G. R., H. D., No. B. S. A. 1263-VIL dated the 5th October 1964.

-----

**\* THE BOMBAY CHILDREN ACT, 1948 \***

(31st December 1948)

(*Bom. Act No. LXXI of 1948* †)

Amended by Bom. 53 of 1949.

Adapted and modified by the Adaptation of Laws Order, 1950.

Amended by Bom, 23 of 1951.

Amended by Bom. 8 of 1954.

---

\* This was extended to the rest of the State of Maharashtra by Mah. 38 of 1963 s. 2.

† For statements of objects and Reasons see Bombay Government Gazette 1948 part V page 421.

Adapted and modified by the Bombay Adaptation of Laws (State and Concurrent Subjects) Order, 1956.

Adapted and modified by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

Amended by Maharashtra 38 of 1963.

Amended by Maharashtra 31 of 1966.

An Act to consolidate and amend the law for the custody, protection, treatment and rehabilitation of children and youthful offenders and for the trial of youthful offenders in the ‡State of Maharashtra.‡

WHEREAS it is expedient to consolidate and amend the law for the custody, protection, treatment and rehabilitation of children and youthful offenders and for the trial of youthful offenders in the State of Maharashtra and for certain other purposes specified herein. It is hereby enacted as follows:—

## PART I

### Preliminary

1. (1) This Act may be called the Bombay Children Act, 1948.

Short title and extent.

§(2) It extends to the (State of Maharashtra). §

2. Section I shall come into force at once. The rest of the Act, or any provision thereof, shall come into force in any area on such date as the ¶State¶ Government may, by notification in the Official Gazette \*\*specify :

Commencement.

Provided that on the commencement of the Bombay Children (Extension and Amendment) Act, 1963, all the provisions of this Act (except Parts V and VI thereof) shall also come into force in each of the areas in which the Central Provinces and Berar Children Act, 1928, or the Hyderabad Children Act, 1951 was in force immediately before such commencement.

3. The ¶State¶ Government may, by notification in the Official Gazette, direct that all or any of the provisions of the Act shall not apply to any

Saving.

\* Substituted for the words 'Province of Bombay' by Mah. 38 of 1963 s. 3.

‡‡ Substituted for sub-section (2) *ibid*, s 4.

§§ Substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.

\*\* This portion was substituted for the word 'Specify' by Mah. 38 of 1963 s. 5.

class of children or youthful offenders in the whole (of the ††State of Maharashtra††) or in any particular area.

Definitions. 4. (1) In this Act, unless there is anything repugnant in the subject or context,—

(a) “adult” means a person who is not a child ;

‡‡(b) “begging” means begging as defined in the Bombay Prevention of Begging Act, 1959 ;

(c) “brothel” means a brothel as defined in the Suppression of Immoral Traffic in Women and Girls Act 1956; ‡‡

(d) “certified school” means an industrial school established or any other school or institution certified by the ¶[State¶] Government under section 25;

(e) “child” means a boy or a girl who has not attained the age of sixteen years;

(f) “dangerous drug” means any article defined ‘as “dangerous drug” in the Dangerous Drugs Act, 1930;

(g) “final order” means an order passed by a juvenile court or any court empowered under section 8 to exercise the powers of a juvenile court, under the following sections, namely:— 45 to 47, 71 to 76, 79, 81 to 84, 90 to 92, 101 and 103 ;

(h) “fit person” includes a fit person in situation which in relation to the care of any child means any association or body of individuals whether incorporated or not established for or having for its object the reception or protection of children or the prevention of cruelty to children and which undertake to bring up or to give facilities for bringing up any child entrusted to its care in conformity with the religion of its birth;

(i) “guardian” in relation to a child or youthful offender includes any person who in the opinion of the court having cognizance of any proceedings in relation to the child or youthful offender has for the time being the actual charge of, or control over, the said child or youthful offender;

(j) “immoral behaviour” includes any act or conduct which is indecent or obscene;

(k) “Juvenile Court” means a court established under section 7 of this Act;

---

†† Substituted for the words “Bombay area of the State of Maharashtra” ibid s. 6.

‡‡ Clause (b) & (c) were substituted ibid s. 7 (i)

¶ Substituted for the word ‘Provincial’ by the Adaptation of Laws Order, 1950.

(1) “place of safety” includes a remand home, or any other suitable place or institution, the occupier or manager of which is willing temporarily to receive a child or where such remand home or other suitable place or institution is not available, in the case of a male child only, a police station in which arrangements are available or can be made for keeping children in custody separately from other offenders;

(m) “prescribed” means prescribed by rules made under this Act;

(n) “probation of good conduct” means the release of a youthful offender on probation of good conduct on his personal recognizance. The expression “probation of good conduct order” shall be construed accordingly;

\*(o) “prostitution” means prostitution as defined in the Suppression of Immoral Traffic in Women and Girls Act 1956\*;

(p) “society” means a body or association of individuals, whether incorporated or not;

(q) “supervision” means the placing of a child under the control of a probation officer or other person for the purpose of securing proper care and protection of the child by his parent, guardian, relation or any other fit person to whose care the child has been committed. The expression “supervision order” shall be construed accordingly.

(r) “voluntary home” means any place for the reception of children maintained wholly or partly by voluntary contributions; and

(s) “youthful offender” means any child who has been found to have committed an offence.

(2) Words and expressions used and not defined in this Act but defined in the Code of Criminal Procedure, 1898, shall have the meanings assigned to them in that Code.

5. For the purposes of this Act, person shall be deemed to be a child, if at the time of the initiation of any proceedings against him under this Act or at the time of his arrest in connection with which any proceedings are initiated against him under this Act, such person has not attained the age specified in clause (e) of section 4.

Continuation of proceedings against attaining child on his specified age.

Provided that if during the course of the proceedings under this Act such person attains the age specified in the said clause, the proceedings already

---

\*\* Clause (o) was substituted by Mah. XXXVIII of 1963 s. 7 (2).

commenced shall be continued and orders may be passed in respect of such person under this Act as if such person was a child notwithstanding anything to the contrary in this Act.

Provisions of Act VIII of 1897 V of 1898 and of CV of 1956 not to apply to area in which this Act is brought in operation or to any certified school, etc.

6. \*(1) The provisions of the Reformatory Schools Act, 1897, and of sections 29-B and 399 of the Code of Criminal Procedure, 1898, shall cease to apply to any area in which parts II to XI of this Act have been brought into operation.

(2) Any youthful offender detained in a reformatory school in any area in pursuance of an order made under the Reformatory Schools Act, 1897, who continues to be detained therein on the date on which that Act ceases to apply to such area shall, as from that date, be deemed to have been detained under an order made under this Act as if he had been originally ordered to be detained in a certified school and the reformatory school in which he is detained shall be deemed to be a certified school established under this Act and the provisions of this Act shall, so far as may be, apply in respect of such offender, accordingly.

(3) The Women's and Children's Institutions (Licensing) Act, 1956 shall not to apply to any industrial school established any industrial school or educational institution certified, any place declared as a remand home, any institution or association recognised as approved place or fit person institution, or any voluntary home recognised, under this Act.\*

## PART II

### *Powers and Functions of Courts having Jurisdiction under the Act*

\*Juvenile courts.

7. For the purposes of this Act, the ‡(State) Government may, by notification in the Official Gazette, establish one or more juvenile courts for any local area.

Courts empowered to exercise powers of juvenile courts.

8. The powers conferred upon a juvenile court under this Act shall, subject to the provisions thereof, be also exercisable by the following courts, whether trying any case originally, or on appeal or in revision, as the case may be—

- (a) the High Court,
- (b) a Court of Session,

\*\* Section 6 was renumbered as sub-section (1) and sub section (2) and (3) were added by Mah. 38 of 1963 s. 8 (2).

†† This marginal note was substituted *ibid* s.8 (2).

‡‡ Substituted for the word 'Provincial' by the Adaptation of Laws order 1950.

§(c) .....

(d) .....§

(e) a salaried Presidency Magistrate.

(f) a salaried Magistrate of the First Class.

9. Save as otherwise provided in this Act,—

(1) where a juvenile court has been established for any local area, such court shall try all cases in which a child is charged with commission of an offence and shall deal with and dispose of all other proceedings under this Act, but shall not have power to try any case in which an adult is charged with an offence under part VI of this Act;

Powers of  
juvenile courts  
and other courts  
mentioned in  
section 8.

(2) where a juvenile court has not been established for any local area, no court other than courts empowered under section 8 to exercise the powers of a juvenile court shall have power to try any case in which a child is charged with the commission of an offence or to deal with or dispose of any other proceedings under this Act.

10. (1) Notwithstanding anything contained in section 239 the Code of Criminal Procedure, 1898, or any other law for the time being in force, no child shall be charged with or tried for any offence together with an adult if a juvenile court has been established for the area where the trial of such case is to take place.

No joint trial of  
child and adult in  
area where  
juvenile court  
exists.

(2) If a child is accused of an offence for which under section 239 of the Code of Criminal Procedure, 1898, or any other law for the time being in force, such child and the adult could, but for the provisions of sub-section (1), have been tried together the court taking cognizance of the offence shall direct separate trials of the child and the adult; if a juvenile court has been established for the local area the child shall be tried by the juvenile court and the adult shall be tried separately by a court having jurisdiction to try the offence.

11. A juvenile court and in a case in which a child is not being tried jointly with an adult, a Magistrate empowered under section 8 to exercise the powers of a juvenile court shall, as far as practicable and subject to the provisions of this Act, follow the procedure provided by the Code of Criminal Procedure, 1898, for summary trials in summons cases in which an appeal lies.

Procedure in  
appealable  
summons cases  
to be followed by  
juvenile courts  
and magistrates  
courts in trials of  
children.

12. (1) A juvenile court shall hold its sittings at such places, on such days and in such manner as may be prescribed.

Sitting, etc. of  
juvenile courts,  
etc.,

(2) In the trial of a case in which a child is charged with an offence and is not being tried jointly with an adult a court shall, as far as may be practicable, sit in a different building or room from that in which the ordinary sittings of the court are held, or on different days, or at different times from those at which the ordinary sittings of the court are held.

Adult to be  
committed to  
sessions in a case  
to be committed  
to sessions.

13. In the trial of a case in which a child is being tried together with an adult in accordance with the provisions of this Act, if the Magistrate trying the case comes to the conclusion that the case is a fit one for committal to the Court of Session, he shall separate the case in respect of the child from that in respect of the adult and shall direct the adult alone to be committed to the Court of Sessions for trial and shall proceed with the trial of the case in respect of the child notwithstanding anything in the Code of Criminal Procedure, 1898, or any other law for the time being in force.

Appearance of  
legal  
practitioners  
before juvenile  
courts.

14. Notwithstanding anything contained in any law for the time being in force, a legal practitioner shall not be entitled to appear in any case or proceeding before a juvenile court, unless the juvenile court is of opinion that in public interests the appearance of a legal practitioner is necessary in such case or proceeding and authorises, for reasons to be recorded in writing a legal practitioner to appear in such case or proceeding.

Presence of  
persons in  
juvenile Courts.

15. Save as provided in this Act, no person shall be present at any sitting of a juvenile court except—

(a) the members and officers of the court,

(b) the parties to the case before the court and other persons directly concerned in the case including the Police Officers,

(c) such other persons as the court specially authorises to be present.

Withdrawal of  
persons from  
juvenile courts.

16. If at any stage during the course of a trial of a case or proceeding, a juvenile court considers it expedient in the interest of the child to direct any person including the parent, guardian or the spouse of the child or the child himself to withdraw, the court shall be entitled to give such direction and thereupon such person shall withdraw. If any person refuses to withdraw, the court may take steps to remove him.

Dispensing with  
attendance of  
child.

17. If at any stage during the course of the trial of a case or proceeding, the juvenile court is satisfied that the attendance of a child is not essential for the purposes of the hearing of the case or proceeding, the court may dispense with his attendance and proceed with the trial of the case in the absence of the child.

18. If at any stage during the course of a trial of a case or proceeding in relation to an offence against, or any conduct contrary to decency or morality, a child is summoned as a witness, any court trying the case or holding the proceeding may direct such persons as it thinks fit, not parties to the case or proceeding, their legal advisers and the officers concerned with the case or proceeding to withdraw. Such persons shall then withdraw. If any person refuses to withdraw the court may take steps to remove him.

Withdrawal of persons from court when child examined as witness.

19. (1) Where a child brought before a court under this Act has a parent or guardian, such parent or guardian may in any case, and shall, if he can be found and if he resides within a reasonable distance, be required to attend the court before which any proceeding is held under this Act, unless the court is satisfied that it will be unreasonable to require his attendance.

Attendance at court of parent of child charged with offence, etc.

(2) The parent or guardian whose attendance shall be required under this section shall be the parent or guardian having the actual charge of, or control over, the child: Provided that if such parent or guardian is not the father, the attendance of the father may also be required.

(3) The attendance of the parent of a child shall not be required under this section in any case where the child was, before the institution of the proceedings, removed from the custody or charge of his parent by an order of a court.

20. (1) When a child who has been brought before a court under any of the provisions of this Act is found to be suffering from a disease requiring prolonged medical treatment or physical or mental complaint that will respond to treatment the court may send the child to a remand home or to any other place recognised to be an approved place in accordance with the rules made under this Act for such period as it may think necessary for the required treatment.

Committal approved place of child suffering from dangerous disease and its future disposal.

(2) Where a child is found to be suffering from leprosy or is of unsound mind, he shall be dealt with under the provisions of the Lepers Act, 1898, or the Indian Lunacy Act, 1912, as the case may be.

(3) Where a court has taken action under sub-section (1) in the case of a child suffering from an infectious or contagious disease, the court before restoring the said child to his partner In marriage, if there has been such or to the guardian, as the case may be, shall where it is satisfied that such action will be to the interests of the child call upon his partner



in marriage or the guardian, as the case may be, to satisfy the court by submitting to medical examination that such partner or guardian will not re-infect the child in respect of whom the order has been passed.

Factors to be taken into consideration in passing orders by courts.

21. For the purpose of any order which a court has to pass under this Act, the court shall have regard to the following factors:—

- (a) The character and age of the child,
- (b) The circumstances in which the child is living,
- (c) The reports made by the Probation Officer and
- (d) Such other matters as may, in the opinion of the court, require to be taken into consideration in the interests of the child.

Provided that where a youthful offender is found to have committed an offence, the above factors shall be taken into consideration after the court has recorded a finding against the youthful offender that he has committed the offence.

Reports of Probation officers and other reports to be treated confidential.

22. The report of the Probation Officer or any other report considered by the court under section 21 shall be treated as confidential:

Provided that if such report relates to the character, health or conduct of, the circumstances in which, the child or parent is living, the court may, if it thinks expedient, communicate the substance thereof to the child or parent concerned, as the case may be, and may give the child or parent an opportunity to produce evidence as may be relevant to the matters stated in the report.

Prohibition on publication of names addresses, etc. of children involved in cases of proceedings under the Act.

23. No report in any newspaper, magazine or news-sheet of any case or proceeding in any court under this Act in which a child is involved shall disclose the name, address or school or include any particulars calculated to lead to the identification of any such child, nor shall any picture be published as being or including a picture of any such child.

Provided that for reasons to be recorded in writing the court trying the case or holding the proceeding may permit the disclosure of any such report, if in its opinion such disclosure is in the interests of child welfare and is not likely to affect adversely the interests of the child concerned.

24. Except as expressly provided under this Act or the rules made thereunder, the procedure to be followed in the trial of cases and the conduct of proceedings under this Act shall be in accordance with the provisions of the Code of Criminal Procedure, 1898.

Provisions  
Criminal  
Procedure Code,  
1898 to apply to  
trial of cases and  
conduct of  
proceedings  
under the Act  
unless excluded.

### *PART III*

#### *Certified Schools, Remand Homes and other institutions*

25. (1) The (State) Government may establish and maintain industrial schools for the reception of children and youthful offenders.

Establishment  
and Certification  
of Schools.

(2) The (State) Government may certify that any industrial school or other educational institution not established under sub-section (1) is fit for the reception of children or youthful offenders.

26. The (State) Government may by notification in the Official Gazette, declare any particular place as a remand home for the purposes of this Act.

Declaration of  
places as Remand  
Homes.

27. The (State) Government may prescribe conditions subject to which institutions or associations shall be recognised as “fit person institutions” and “approved places” for the purposes of this Act.

Conditions to be  
prescribed for fit  
person  
institutions and  
approved places.

28. (1) For the control and management of every school established under sub-section (1) of section 25 a Superintendent and a committee of visitors shall be appointed by the (State) Government and such Superintendent and committee shall be deemed to be the managers of the school for the purposes of this Act.

Management of  
certified school.

(2) Every school certified under sub-section (2) of section 25 shall be under the management of a governing body, the members of which shall be deemed to be the managers of the school for the purposes of this Act.

29. (1) The managers of a certified school whether established or recognised by the (State) Government and the managers of a fit person institution shall be constituted by the Court before any child is committed to it.

Liabilities of  
managers.

(2) The managers of a certified school recognized by the (State) Government may decline to receive any child committed to it, under this Act :

Provided that when such school has once accepted any child, it shall be bound to teach, train, lodge, clothe and feed him during the whole period for which he is liable to be detained in the school, or until the withdrawal or resignation of the certificate of the school.

Medical  
inspection of  
Certified schools  
and its person  
institutions.

30. Any registered medical practitioner empowered in this behalf by the (State) Government may visit any certified school or fit persons institution at any time with or without notice to its managers in order to report to the Chief Inspector on the health of the inmates and the sanitary condition of the school or institution.

Power of (State)  
Government to  
withdraw  
certificate.

31. (1) The \*(State)\* Government if dissatisfied with the condition, rules, management or superintendence of a certified school may at any time by notice served on the managers of the school declare that the certificate of the school is withdrawn as from a date specified in the notice and on such declaration the withdrawal of the certificate shall take effect and the school shall cease to be a certified school.

(2) The \*(State)\* Government may, instead of withdrawing a certificate under sub-section (1), by notice served on the managers of the school, prohibit the admission of children or youthful offenders to the school for such time as may be specified in the notice or until the notice is revoked:

Provided that before the issue of a notice under sub-section (1) or (2) a reasonable opportunity shall be given to the managers of the school to show cause why the certificate may not be withdrawn or admission to the school may not be prohibited, as the case may be.

Resignation of  
certificate by  
managers.

32. The managers of a certified school may, on giving six months<sup>^</sup> notice in writing to the (State) Government through the Chief Inspector of Certified Schools of their intention so to do, resign the certificate of the school and accordingly as the expiration of six months from the date of notice, unless before that time the notice is withdrawn, the resignation of the certificate shall take effect, and the school shall cease to be a certified school.

Effect of  
withdrawal or  
resignation of  
certificate.

33. A child or youthful offender shall not be received into a certified school under this Act after the date of the receipt by the managers of the school of a notice of withdrawal of the certificate or after the date of a notice or resignation of the certificate.

---

\*\* Substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.

Provided that the obligation of the managers to teach, train, lodge, clothe and feed any children or youthful offenders detained in the School at the respective dates aforesaid shall, except so far as the (State) Government otherwise directs, continue until the withdrawal or resignation of the certificate takes effect.

34. When a school ceases to be a certified school the children or youthful offenders detained therein shall be either discharged absolutely or on such conditions as the \*(State)\* Government may impose or transferred by order of the Chief Inspector of Certified schools to some other certified school or fit person institution in accordance with the provisions of this Act relating to discharge and transfer.

Disposal of inmates on withdrawal or resignation.

35. (1) The \*(State)\* Government may cause any voluntary homes to be visited and inspected from time to time at all reasonable hours by the Chief Inspector of certified schools or any member of the inspecting staff for the purpose of securing the health and welfare of the children and the sanitation of the premises.

Inspection voluntary home

(2) The Chief Inspector of Certified Schools or any member of his inspecting staff shall have power to enter a voluntary home at all reasonable hours and to make a complete inspection thereof and of all registers relating thereto for the aforesaid purposes.

(3) Where any voluntary home is for the reception of girls, the inspection shall, where practicable, be conducted by a woman authorised or appointed by the Chief Inspector of Certified Schools.

(4) If the \*(State)\* Government is satisfied that the management of any voluntary home, or the accommodation for, or the treatment of, the children therein is unsatisfactory, it may cause to be served upon the person responsible for the management of the voluntary home such general or specific direction with respect to the matters aforesaid or any of them as it thinks expedient for the welfare of the children in the institution.

(5) A direction under the foregoing sub-section may be varied by a subsequent direction or withdrawn by the (State) Government.

(6) Where any such direction is not complied with, the District Magistrate in the mofussil or the Chief Presidency Magistrate in Greater Bombay

---

\*\* Substituted for the word 'provincial' by the Adaptation of Laws, Order 1950.

may, on the complaint of any person appointed for the purpose by the (State) Government cause a summons to be served upon the person in charge of the voluntary home and upon such other person as he may think fit and upon hearing the persons summoned, may if he thinks fit, make an order for the removal of all children from the voluntary home.

(7) The District Magistrate or the Chief Presidency Magistrate, as the case may be, may, if he thinks fit, order that the direction shall be deemed to be modified to such extent as may be specified in such order and the direction shall have effect accordingly.

(8) Any order for the removal of all children from such voluntary home shall operate as an authority to any person named in the order and to any police officer not below the rank of an Inspector to enter the voluntary home and to remove the children therein to a place of safety.

(9) Where an order has been made for the removal of all children from such voluntary home, the home shall not be used for the reception of children without the consent of the \*(State)\* Government.

Inspection of  
certified schools  
and visits to fit  
person  
institutions.

36. (1) Every certified school shall be liable to inspection at all times and in all its departments by the Chief Inspector, Inspector or Assistant Inspector and shall be so inspected at least once in every year.

(2) The Chief Inspector, Inspector or Assistant Inspector shall also have a right to visit a fit person institution at any time.

Provided that where any such certified school or fit person institution is for the reception of girls mainly and such inspection' or visit is not made or paid by the Chief Inspector, the visitor shall, wherever practicable, be a woman.

#### *PART IV*

##### *Officers, their Powers and Duties*

Appointment of  
officers.

37. (1) The \*(State)\* Government may for the purposes of this Act appoint the following officers :—

- (a) The Chief Inspector of Certified Schools.
- (b) Inspectors and Assistant Inspectors of Certified Schools.
- (c) The Probation Officer.
- (d) Such other officers as may be necessary.

---

\*\* Substituted for the word 'Provincial' by the Adaptation of Laws Order 1950.

†(The State Government may, subject to such restrictions and conditions (if any) as it may impose, by order, delegate its power of appointment of officers of and below the rank of Probation Officer to any Officer not below the rank of Chief Inspector of Certified Schools)†

(2) Any society recognized in this behalf by the (State) Government may also appoint a Probation Officer.

(3) Notwithstanding anything contained in sub-section (1) or (2), a juvenile court or any court empowered under section 8 to exercise the powers of a juvenile court may for the purposes of any particular case or proceeding, appoint any other person as a Probation Officer, if in its opinion such appointment is expedient or necessary.

38. A Probation Officer in the performance of his duties under this Act shall be an Officer of the Court, and shall be under the supervision and guidance of the juvenile court, where such court exists and § [elsewhere of the court which passes any order under this Act in respect of the child.]§

Supervision and control of Probation Officers.

Nothing in this section shall derogate from the powers of supervision of the Chief Presidency Magistrate and the Chief Inspector of Certified Schools in Greater Bombay and the District Magistrate and the Chief Inspector of Certified Schools elsewhere.

39. The powers and duties of the Chief Inspector, Inspectors and Assistant Inspectors of Certified Schools and of Probation Officers shall be as those provided under the provisions of this Act and the rules made thereunder and in accordance with the general or special orders which the (State) Government or any Officers authorised in this behalf may make for the purpose of carrying out the provisions of this Act.

Powers and duties of Probation Officers and Inspectors.

## PART V

### *Measures for the care and Protection of Destitute and Neglected Children, Etc.*

40. Any Police Officer, or other person authorised in this behalf in accordance with the rules made by the (State) Government, may bring—

Children found homeless, destitute, etc.

(i) before a juvenile court if such court is established for the area and is sitting,

† This portion was added by Mah. 31 of 1966 s. 2.

§ Substituted for the words beginning with the word elsewhere and ending with the words is situated by Bombay 8 of 1954 s. 2 Sch. Part III.

(ii) If a juvenile court is not established for the area or if it is not sitting, before a magistrate empowered under section 8 with the powers of a juvenile court, or

(iii) if there is no court of the kind specified in items (i) and (ii) above, before any Magistrate, any person, who in his opinion is a child and who

(a) Has no home, or is found wandering without any settled place of abode and without visible means of subsistence, or is found begging or is found doing for a consideration any act under circumstances contrary to the well-being of the child; or

(b) Is destitute or is illegitimate without means of subsistence, other than that of charity, or has no parent or guardian, or has a parent or guardian unfit to exercise or incapable of exercising proper care and guardianship; or

(c) Is known to associate or live with any prostitute or persons of criminal or drunken habits; or

(d) Is lodging or residing in or frequently going to a places used for the purposes of prostitution; or

(e) Is otherwise likely to fall into bad association or to be exposed to moral danger, or to enter upon a life of crime.

Procedure when  
Magistrate is  
empowered to  
pass order under  
this Act.

41. When any magistrate not empowered to exercise the powers of juvenile court is of opinion that a person brought before him is a child, he shall record such opinion and submit the proceedings and forward the child to the nearest juvenile court having jurisdiction in the case or where such court does not exist to the \*Sessions\* Judge to whom he is subordinate.

Police officer to  
make report if  
child has parent.

42. If the child requiring care and protection on any of the grounds mentioned in clauses (a) to (e) of section 40, has a parent or guardian who has the actual charge of, or control over the child, the Police Officer or other person authorised under section 40 shall, in the first instance make a report to the juvenile court established for the area or if one has not been established to the nearest magistrate empowered under section 8 of to exercise the powers of a juvenile court or to any other nearest magistrate.

Court or  
Magistrate may  
direct production  
of child by  
parent or  
guardian.

43. The juvenile court, magistrate, or the other court to which or whom a report is made under section 42, may call upon such parent or guardian to produce the child before it or him in order to show cause why the said child should not during pendency of the proceedings, be removed from his care; and

\*—\* Substituted for the words 'District Magistrate or Sub-Divisional Magistrate' by Bom, XXIII of 1951 s, 2., Sch. Part III.

may on suitable sureties being offered for the safety of such child and for his being brought before it or him, permit the child to remain in the actual charge or control of his parent or guardian, or may immediately order his removal, if necessary by issuing a search warrant for the immediate production of the child to a place of safety, if it appears to the court or magistrate that the child is likely to be removed from the jurisdiction of the court or to be concealed.

44. (1) The court before which a child is brought under section 40 or 41 shall examine the Police Officer or the authorised person who brought the child or made the report and record substance of such examination and shall, as provided in section 43, send the child to a remand home for further inquiries.

Examination of  
Police Officer or  
person producing  
or reporting.

(2) On the date fixed for the production of the child or for the inquiry or on any subsequent date to which the proceedings may be adjourned, the court shall hear and record all evidence which may be adduced and consider any cause which may be shown why an order committing the child to a certified school or to the care of a fit person should not be passed and make any further inquiry it thinks fit.

45. (1) If the court is satisfied on the inquiry that such person is a child and is as described within the provisions of section 40 and that it is expedient so to deal with him, the court may order him to be committed to a certified school or to the care of a fit person named by the court until such child attains the age of eighteen years, or in exceptional cases for a shorter period, the reasons for such shorter period to be stated in writing.

Committal of  
child to certified  
school or to fit  
person.

(2) The court which makes an order committing a child to the care of a relative or other fit person may, when making such order, require such relative or other person to execute a bond, with or without sureties, as the court may require, to be responsible for the good behaviour and well being of the child and for the observance of such other conditions as the court may impose for securing that the child may lead an honest and industrious life.

(3) The court which makes an order committing a child to the care of a relative or other fit person under this section may in addition order that he be placed under supervision for any period not exceeding three years.

Provided that when the court thinks fit, it may allow such child to remain in the custody of a parent or guardian with a direction that he be placed



under supervision, on such parent or guardian executing a bond with or without sureties in a prescribed form, and the court may from time to time during the supervision period adjourn the case and compel the production of the child in court to satisfy itself that the conditions of the said bond are being carried out:

Provided further that if it appears to the court on receiving a report from the Probation Officer or otherwise, that there has been a breach of the supervision order it may, after making such inquiries as it deems fit order the child in respect of whom the supervision order has been made to be detained in a certified school or committed to the care of a fit person.

Sending of child  
having place of  
residence outside  
Jurisdiction.

46. (1) In the case of a child whose ordinary place of residence lies outside the jurisdiction of the court before which it is brought, the court may, if satisfied after due inquiry that it is expedient so to do, send the child on his own bond back to a relative or a fit person who is fit and willing to receive him at his native place and exercise proper care and control of him.

(2) Any breach of the said bond shall render the child liable to be committed to a certified school or to the care of another fit person.

Uncontrollable  
children.

47. (1) Where the parent or guardian of a child complains to the juvenile court or if a juvenile court is not established for the area to a Magistrate empowered under section 8 to exercise the powers of a juvenile court that he is not able to control his child, the court or Magistrate, as the case may be, if satisfied on inquiry that case appears to be one of which cognizance should be taken, shall remand the child for observation or treatment and any further inquiries necessary.

(2) If the court or Magistrate is satisfied that it is expedient so to deal with the child under this Act, the court or Magistrate may order the child to be committed to a certified school, or a fit person institution.

(3) The court or Magistrate may also, if satisfied that home conditions are satisfactory and what is needed is supervision, commit the child to the care of the person or guardian or relative or any other proper person under a bond with or without sureties and place him under supervision for a period not exceeding three years.

**PART VI***Special Offences in respect of Children*

48. (1) Whoever having the actual charge of, or control over, a child willfully assaults, ill-treats, neglects, abandons or exposes him or causes or procures him to be assaulted, ill-treated, neglected, abandoned or exposed or negligently fails to provide adequate food, clothes, or medical aid or lodging for a child in a manner likely to cause such child unnecessary mental and physical suffering shall, on conviction, be punished with imprisonment of either description for a term not exceeding two years or with fine which may extend to one thousand rupees or with both.

Punishment for cruelty to children.

Provided that in case of married juveniles the court trying the offence under this section may sanction its composition for reasons to be recorded in writing.

(2) The infliction of reasonable punishments on a child for a proper reason shall not be deemed to be an offence under this section.

49. Whoever employs any child for the purposes of begging or causes any child to beg or whoever having the custody, charge or care of a child connives at or encourages the employment for the purpose of begging of the causing of a child to beg and whoever uses a child as an exhibit for the purpose of begging shall on conviction, be punished with imprisonment of either description for a term which may extend to one year or with fine which may extend to three hundred rupees or with both.

Employing children for begging.

50. If any person is found drunk in any public street or other public place, whether a building or not, while having the charge of a child, and if such person is incapable by reason of his drunkenness of taking due care of the child, such person shall, on conviction, be punished with fine which may extent to two hundred rupees.

Penalty for being drunk while in charge of child, etc.

51. Whoever in any public street or other public place, whether a building or not gives or causes to be given to any child any intoxicating liquor or dangerous drugs except upon the order of a duly qualified medical practitioner in case of sickness or other urgent cause shall, on conviction, be punished with fine which may extend to two hundred rupees.

Penalty for giving intoxicating liquor or dangerous drug to child.

52. Whoever takes a child to any place where intoxicating liquor or dangerous drugs are sold or whoever being the proprietor, owner or a person in charge of such place permits a child to enter such place or

Penalty for permitting child to enter places where liquor or dangerous drug is sold.

whoever causes or procures a child go to such place shall, on conviction, be punished with fine which may extend to two hundred rupees.

Inciting child to  
bet or borrow.

53. Whoever by words either spoken or written or by sign. or otherwise, incites or attempts to incite a child to make any bet or wager or to enter into or take any share or interest in any betting or wagering transaction or so incites or attempt to incite a child to borrow money or to enter into any transaction involving the borrowing of money shall, on conviction, be punished with imprisonment of either description for a term which may extend to one month or with fine which may extend to one hundred rupees or with both.

Taking on pledge  
or purchasing  
articles from  
child.

54. Whoever takes an article on pledge from child, whether offered by that child on his own behalf or on behalf of any person shall on conviction, be punished with imprisonment of either description for a term which may extend to one year or with fine which may extend to five hundred rupees or with both.

Allowing or  
permitting child  
to be brothel.

55. Whoever allows or permits a child over the age of four years to reside in or frequently go to a brothel shall, on conviction be punished with imprisonment of either description for a term which may extend to two years or with fine which may extend to one thousand rupees or with both.

Causing or  
encouraging  
seduction, etc.

56. (1) Whoever having the actual charge of or control over a girl under the age of eighteen years causes or encourages the seduction (which shall include inducement to indulge in immoral behaviour) or prostitution of that girl or causes or encourages any one other than her husband \*.....\* to have sexual intercourse with her shall, on conviction, be punished with imprisonment of either, description for a term which may extend to two years or with fine which may extend to one thousand rupees or with both.

(2) For the purposes of this section a person shall be deemed to have caused or encouraged the seduction of a girl or to have induced her to behave immorally if he has knowingly allowed the girl to consort with, or to enter or continue in the employment of, any prostitute, or person of known immoral character.

---

\* The words provided his wife has attained the age of fourteen years were deleted by Bom. III of 1949, s. 2. first schedule.

57. Whoever seduces or indulges in immoral behaviour with a girl under the age of eighteen years shall, on conviction be punished with imprisonment of either description for a term which may extend to two years or with fine which may extend to one thousand rupees or with both.

Seduction or  
outrage of  
modesty.

58. If it appears to a court on the complaint of any person that a girl under the age of eighteen years is, with or without the knowledge of her parent or guardian, exposed to the risk of seduction or prostitution, the court may direct the parent or guardian to enter into a recognisance to exercise due care and supervision in respect of such girl.

Young girls  
exposed to risk  
of seduction, etc.

59. (1) Whoever secures a child ostensibly for the purpose of menial employment or for labour in a dock, factory or other establishment, but in fact exploits the child for his own ends, withholds or lives on his earnings, shall, on conviction be punished with fine which may extend to one thousand rupees.

Exploitation of  
child employees

(2) Whoever secures a child ostensibly for any of the purposes mentioned in sub-section (1), but exposes such child to the risk of seduction, sodomy, prostitution or other immoral conditions, shall, on conviction, be punished with imprisonment of other description for a term which may extend to two years or with fine which may extend to one thousand rupees, or with both.

(3) Any person who avails himself of the labour of a child exploited in the manner referred to in sub-section (1) or (2) or for whose immoral gratification such child is used shall be liable as an abettor.

60. Whoever—

Penalty for  
abetting escape  
of child or  
youthful  
offender.

(a) knowingly assists, or induces, directly or indirectly, a child detained in or placed out on licence, from a certified school or a fit person institution to escape from the school or fit person institution or from any person with whom, as the case may be, he has been placed out on licence, or any child to escape from the person to whose care he has been committed under the provisions of this Act, or

(b) knowingly harbours, conceals, connives at or prevents from returning to school or fit person institution or to any person with whom he is placed out on licence or to whose care he is committed under this Act, a child who has so escaped or knowingly assists or connives at so doing shall, on conviction, be punished with imprisonment of either description for a term which may extend to three months or with fine which may extend to five hundred rupees or with both.

Penalty for use  
of voluntary  
home in  
contravention  
of section 35.

61. Whoever uses or knowingly permits to be used any voluntary home in contravention of the provisions of section 35 shall, on conviction, be punished with fine which may extend to five hundred rupees and to a further fine not exceeding fifty rupees in respect of each day during which the institution is so used or permitted to be used after the conviction.

Penalty for  
publication of  
report or picture  
relating to  
children.

62. Whoever publishes any report or picture in contravention of the provisions of section 23 shall, on conviction, be punished with imprisonment of either description for a term not exceeding two months or with fine which may extend to five hundred rupees or with both.

Offences under  
this part  
cognizable.

63. All offences under this part shall be cognizable.

## *PART VII*

### *Youthful Offenders*

Bail of Children  
arrested.

64. Where a boy or a girl apparently under the age of sixteen years is arrested on a charge of a non-bailable offence and cannot be brought forthwith before a court, the officer-in-charge of the police station, or section to which such boy or girl is brought may release the child on bail, if sufficient security is forthcoming but shall not do so where the release of the child shall bring him into association with any reputed criminal or exposes him to moral danger or where his release would defeat the ends of justice.

Custody of  
children not  
enlarged on bail.

65. (1) Where a boy or a girl apparently under the age of sixteen years having been arrested is not released under section 64 or otherwise, the officer-in-charge of the police station or section shall cause him or her to be detained in the prescribed manner until he or she can be brought before a juvenile court or a court empowered under section 8 to exercise the powers of a juvenile court.

(2) A court, on remanding or committing for trial a child who is not released on bail, shall order him to be detained in the prescribed manner.

Submission of  
information to  
Probation  
Officer and  
officer-in-charge  
of remand home  
by Police after  
arrest.

66. Immediately after the arrest of a child, it shall be the duty of the Police Officer or any other person effecting the arrest to inform the Probation Officer and officer-in-charge of a remand home of such arrest in order to enable the said Probation Officer and officer-in-charge of the remand home to proceed forthwith in obtaining information regarding his antecedents and family history and other material circumstances likely to assist the juvenile court in making final order.

67. Where the child is arrested, the officer-in-charge of the police station or section to which he is brought shall cause the parent or guardian of the child, if he can be found to be summoned at the court before which the child will appear.

Attendance of parent of guardian.

68. (1) Notwithstanding anything to the contrary contained in any law, no youthful offender shall be sentenced to death or transportation or imprisonment.

Sentences that may not be passed on child.

(2) When a child is found to have committed an offence of so serious a nature that the court is of opinion that no punishment, which under the provisions of this Act it is authorised to inflict is sufficient or when the court is satisfied that the child is of so unruly or of so depraved a character that he cannot be committed to a certified school or detained in a place of safety and that none of the other methods in which the case may be legally dealt with is suitable the court, shall order the offender to be kept in safe custody in such place or manner as it thinks fit and shall report the case for the orders of the (State) Government.

69. Save as provided in this Act, the words “conviction” and “sentence” shall cease to be used in relation to children dealt with under this Act and any reference in any enactment to a person convicted, a conviction or a sentence shall in the case of a child be construed as including reference to a person found guilty of an offence, finding of guilty or an order made upon such a finding, as the case may be.

Expressions “conviction” and “sentence” not to be used in relation to children.

70. Notwithstanding anything to the contrary contained in the Code of Criminal Procedure, 1898, no proceedings shall be instituted and no order shall be passed against a child under Chapter VIII of the said Code.

No Proceeding under Chapter VIII of Cr. P. C. against child of Criminal Procedure Code against child.

71. Where a child is found to have committed an offence, the court, if satisfied on inquiry that it is expedient so to deal with the child, may order him to be committed to a certified school or a fit person institution for such period of detention as will not subject to the provisions of section 5, extend beyond the time when the child will attain the age of eighteen years or in exceptional cases for a shorter period, the reasons for such shorter period to be recorded in writing.

Commitment of child to certified school or fit person institution.

72. A court may, if it shall think fit, instead of directing any youthful offender to be detained in a certified school or committed to the care of a fit person institution under section 71.

Other order of the Court.

(i) order him to be discharged after due admonition;

(ii) without passing any final order, direct that he be released on probation of good conduct and committed to the care of his parent or guardian or other adult relative or other fit person on such parent, guardian, relative or person executing a bond, with or without sureties, as the court may require to be responsible for the good behaviour and well being of the youthful offender for any period not exceeding three years and for the observance of such other conditions as the court may impose for securing that the youthful offender may lead an honest and industrious life;

(iii) if the offence committed by the youthful offender is punishable with fine and the youthful offender himself is over the age of fourteen years, order the offender to pay a fine.

Repatriation.

73. (1) In the case of a youthful offender whose ordinary place of residence lies outside the jurisdiction of the court before which he is brought, if the court is satisfied after due inquiry that it is expedient so to do, the court may send the youthful offender on his own bond to a relative or a fit person, who is fit and willing to receive him at his native place and exercise proper care and control of him, notwithstanding the fact that the youthful offender has to be sent to a place outside the (State).

(2) Any breach of the said bond shall render the youthful offender, if found at any time at any place within the (State) liable to be committed to a certified school or to the care of another fit person.

Power to order  
parent to pay  
fine etc., instead  
of child.

74. (1) Where the offence committed is punishable with fine and if the youthful offender is under fourteen years of age, the court shall order that the fine be paid by the parent or guardian of the child, unless the court is satisfied that the parent or guardian cannot be found or that he has not conduced to the commission of the offence by neglecting to exercise due care of the child.

(2) An order under this section may be made against a parent or guardian who, having been required to attend, has failed to do so, but save as aforesaid, no such order shall be made without giving the parent or guardian an opportunity of being heard.

(3) Where a parent or guardian is directed to pay a fine under this section, the amount may be recovered in accordance with the provisions of the Code of Criminal Procedure, 1898.

75. The court shall wherever possible order that the youthful offender released under Section 72 be placed under supervision ;

Release of youthful offenders under supervision.

Provided that if it appears to the court on receiving a report from the Probation officer or otherwise, that the youthful offender has not been of good behaviour during the period of supervision, it may proceed to pass such final order as it would have done, had it not placed the youthful offender on probation of good conduct.

76. Notwithstanding anything contained in the foregoing provision, the court may adjourn the case of a youthful offender since die, and may re-open at the stage of the proceedings at which it was left when adjourned, on additional grounds or material being placed before the Court.

Postponement since die.

77. In passing an order in respect of a youthful offender under this Part, it shall be lawful to the Court to exercise its powers, under any one or more of the foregoing provisions at the same time, if it is necessary and expedient to do so in the interests of the offender.

Court empowered to exercise powers under one or more of proceeding provisions.

### *PART VIII*

#### *Measures for Detention Etc. of Children and Youthful Offenders*

78. (1) Any police officer, not below the rank of sub-inspector, or a police officer or a person authorised in this behalf in accordance with rules made by the (State) Government may take to a place of safety any child in respect of whom an offence has been, or there is reason to believe has been, or is likely to be committed.

Detention of child in place of safety.

(2) A child so taken to a place of safety and also any child, who seeks refuge in a place of safety may be detained until he can be brought before the court;

Provided that such detention shall not in the absence of a special order of the court exceed a period of twenty-four hours exclusive of the time necessary for the journey from the place of detention to the court.

(3) The court may thereupon make such order as hereinafter provided.

79. (1) Where it appears to the court that an offence as stated in Section 78 has been committed or is likely, to be committed in respect

Court's powers for care detention of child.



of any child who is brought before it and that it is expedient in the interests of the child that action should be taken under this Act, the court may make such order as circumstances may admit and require for the care and detention of the child until a reasonable time has elapsed for the institution of proceedings against the person for having committed the offence in respect of the child or for the purpose of taking such other lawful action as may be necessary.

(2) The order of detention made under sub-Section (1) shall remain in force until such time as the proceedings instituted against any person for an offence referred to in sub-Section (1) terminate in either conviction, discharge or acquittal.:

Provided that if the proceedings terminated in conviction of the person, the order of detention shall remain in force for a further period of one month.

(3) An order passed under the Section shall be given effect to, notwithstanding that any person claims the custody of the child.

Victimised child  
to be sent to  
juvenile Court  
or First Class  
Magistrate.

80. Any court by which a person is convicted of having committed an offence in respect of a child, or before which a person is brought for trial for any such offence or by which a person is bound over to keep the peace towards a child shall direct that the child against whom the offence has been committed, or in relation to the alleged offence against whom the trial is in progress, or in relation to keeping/the peace towards whom the adult concerned has been bound over shall be produced before a juvenile court with a view to that court making such interim and final orders as may be proper, provided that in an. area where no juvenile court has been established, \*the Court if it is not competent to exercise the powers of juvenile court under Section 8 shall submit the proceedings and forward the child to the salaried First Class Magistrate.\*

Order for  
committal of  
victimised  
children.

81. The court before which a child is produced in accordance with Section 79 may order the child in the prescribed manner.

(a) to be committed to a certified school or fit person institution, until such child attains the age of eighteen years or in exceptional cases for a shorter period the reasons for such shorter period to be recorded in writing, or

(b) to be committed to the care of a relative or other fit person, on bond, with or without surety, as the court may require, such relative or

\*—\* Substituted for the words beginning with the word's the court shall submit and ending with the words it is subord. XXII of 1951, s. 2, Schedule.

†—† Substituted for the words District Magistrate

fit person being willing and capable of exercising proper care, control and protection of the child and of observing such other conditions, including, where necessary supervision for any period not exceeding three years, as the court may impose in the interest of the child.

Provided that, if the child has a parent or guardian, fit and capable, in the opinion of the court, of exercising proper care, control and protection, the court may allow the child to remain in his custody or may commit the child to his care on bond, with or without surety, in a prescribed form and for the observance of ' such conditions as the court may impose in the interest of the child.

82. The court which makes an order committing a child to the care of his parent, guardian or other fit person under the foregoing provisions may in addition order that he be placed under supervision.

Supervision of  
victimised  
children.

83. If it appears to the court on receiving a report from the probation officer or otherwise, that there has been a breach of the supervision order relating to the child in respect of whom the supervision order had been passed it may after making such inquiries as it deems fit, order the child to be detained in a certified school or to the care of a fit person.

Breach of  
supervision.

84. (1) In the case of a child, the ordinary place of whose residence is outside the jurisdiction of the court before which he is produced if the court is satisfied after due inquiry that it is expedient so to deal with the child, the court may order the child to be sent on his own bond back to a relative or a fit person who is fit and willing to receive him at his native place and exercise proper care and control of him notwithstanding the fact that the place of residence of such child may be at any place outside the \*State\*.

Repatriation of  
victimised child.

(2) For breach of a bond taken under sub-section (1) the child shall be liable to be committed to a certified school or to the care of a fit person if found again in the \*State\*.

85. The reasons for every order made under Sections 81 to 84 shall be recorded in writing and may be made by the court in the absence of the child.

Reasons to be  
recorded for  
order under  
Sections 81 to  
84.

86. Where an order is made under Sections 81 to 84 and the conviction or order binding the person to keep the peace is set aside or the person is acquitted, the order made under the said sections shall remain in force

Order under  
Sections 81 to  
84 to be in force  
even if  
conviction of  
alleged  
victimisation is  
set aside.

---

\*—\* Substituted for the word ' Province' by the Adaptation of Laws Order 1950.

but it shall be open to the person so acquitted or discharged from his bond to keep the peace to apply for a reconsideration of the said order in consequence of the altered circumstances.

Warrant to  
search for child.

87. (1) If it appears to a juvenile court or any other court duly empowered under this Act from information on oath or solemn affirmation laid by any person who in its opinion, is acting in the interests of the child, that there is reasonable cause to suspect that an offence has been or is being committed or unless immediate steps be taken will be committed in respect of the child, the court may issue, a warrant authorising any police officers named therein to search for such child and if it is found that he has been or is being willfully ill-treated or neglected in manner aforesaid or that any offence has been or is being committed in respect of the child to take him to and detain him in a place safety until he can be brought before it and the court before whom the child is brought may in the first instance remand him in prescribed manner to a place of safety.

(2) The court issuing a warrant under this section may in its discretion by the same warrant direct that any person accused of any offence in respect of the child be apprehended and brought before it, or direct that if such person executes a bond with sufficient sureties for his attendance before the magistrate at a specified time and thereafter until otherwise directed by the magistrate, the officer to whom the warrant is directed shall take such security and shall release such person from custody.

(3) The police officer executing the warrant shall be accompanied by the person laying the information if such person so desires and may also, if the magistrate by whom the warrant is issued so directs, be accompanied by a duly qualified medical practitioner.

(4) In any information or warrant under this section the name of the child shall be given if known.

Information to  
Probation officer  
and officer in  
charge of remand  
home by police  
or any person  
effecting arrest.

88. (1) It shall be the duty of a police officer immediately after effecting the arrest of a child to inform a Probation officer and officer-in-charge of a remand home for the purpose stated in section 66.

(2) It shall be the duty of any other person effecting such arrest to inform a Probation officer and officer-in-charge of a remand home for the like purpose as provided in section 66.

(3) The juvenile court for the purpose of such inquiry may, remand the child even in his absence from time to time for a period of not more than fourteen days at a time until available information has been obtained.

*Maintenance and Treatment of Committed Children*

89. Notwithstanding anything contained in this Act, the period of detention in the case of a person under the age of fifteen years shall be such as will result in the person being detained until he reaches the age of eighteen years.

Period of  
detention.

Provided that the period of detention in the case of a child over fifteen years of age shall be not less than two years :

Provided further that where special circumstances exist and the interest of the child so demands, it shall be open to the court for reasons to be recorded in writing, to pass an order for a shorter period of detention.

90. (1) The court which makes an order for the detention of a child or youthful offender in a certified school or for the committed of a child or youthful offender to the care of a relative or other fit person may make an order on the parent or other person liable to maintain the child or youthful offender, to contribute to his maintenance if able to do so, in the prescribed manner.

Contribution of  
parents.

(2) The court before making any order under sub-section (1) shall inquire into the circumstances of the parent or other person liable to maintain the youthful offender or child and shall record evidence if any, in the presence of the parent or such other person, as the case may be.

(3) Any order made under this section may be varied by the court on an application made to it by the party liable or otherwise.

(4) The person liable to maintain a child or youthful offender shall for the purpose of sub-section (1) include in the case of illegitimacy his putative father.

Provided that where the child or youthful offender is illegitimate and an order for his maintenance has been made under Section 488 of the Code of Criminal Procedure, 1898, the court shall not ordinarily make an order for contribution against the putative father but may order the whole or any part of the payments accruing due under the said order for maintenance of such person or persons as may be named, to be applied by him or them, as the case may be towards the maintenance of the Child or youthful offender.

(5) Any order under this section may be endorsed in the same manner as an order under Section 488 of the Code of Criminal Procedure, 1898.

Provision as to  
religion.

91. (1) In determining the certified school, fit person or other person to whose custody a child is to be committed or entrusted under this Act, the Court shall ascertain the religious denomination of the child and shall, if possible, in selecting such certified school, fit person or other person have regard to the facilities which are afforded for instruction in his religion.

(2) When a child is committed to the care of a certified school in which facilities for instruction in his religion are not afforded, or is entrusted to the care of a fit person or other person under circumstances in which it appears that no special facilities for the bringing up of the child in his religion exist, the authorities of such certified school or such fit person or such other person shall not bring the child up in any religion other than his own.

(3) Where it is brought to the notice of the Chief Inspector of Certified Schools or of the court that a breach of sub-section (2) has been committed, it shall be open to the Chief Inspector or the court to transfer the child from the custody of such institution or person.

Placing out on  
licence.

92. (1) Subject to the prescribed conditions, the Chief Inspector of Certified Schools may, at any time after the expiration of six months from the commencement of the detention of a child in a certified school or fit person institution, on the recommendation of the visitors or the managers of the certified school or fit person institution, or on application by a parent, other relation or guardian reinforced by local inquiries made through the \*[Maharashtra State]\* Probation and After-Care Association, or otherwise, release such child from the school or institution and grant him a written licence in the prescribed form and on the prescribed condition permitting him to live under the supervision and authority of such responsible person or society willing to take charge of the child and approved by the Chief Inspector.

(2) Any licence granted under sub-section (1) shall be in force until revoked or forfeited by the breach of any of the conditions on which it was granted.

(3) The Chief Inspector may at any time by order in writing revoke any licence and order the child to return to the certified school or fit person institution and shall do so at the desire of the person or society with

---

\*—\* Substituted for the words 'Bombay Province' by Mah. 38 of 1953 s. 9.

whom or under whose supervision he is licenced to live. If the child refuses or fails to return to the school or fit person institution the Chief Inspector may, if necessary, call for the papers and deal with the case himself making such order as he thinks fit in the interest of the child and cause him to be placed before the court or taken back to the school or fit person institution.

(4) When a licence has been revoked or forfeited and the child or youthful offender, refusing or failing to return to the school or fit person institution, has been arrested and placed before the court under the provisions of sub-section (3) the court may, if satisfied by information on oath or solemn affirmation that there is reasonable ground for believing that his parent or guardian could produce the child or youthful offender issue a summons requiring the parent or guardian to attend at the court on such day as may be specified in the summons and to produce the child or youthful offender, and if he fails to do so without reasonable excuse, he shall, in addition to any other liability to which he may be subject under the provisions of this Act, on conviction, be punished with fine which may extend to fifty rupees.

(5) Where a parent or guardian is directed, to pay a fine under this section the amount may be recovered in accordance with the provisions of the Code of Criminal Procedure, 1898.

(6) The time during which a child is absent from a certified school or fit person institution in pursuance of a licence granted under this section shall be deemed to be part of the time of his detention in the school or institution; provided that, where a child has failed to return to the school or institution on the licence being revoked or forfeited, the time which elapses after his failure so to return shall be excluded in computing the time during which he is to be detained in the school or institution.

93. (1) Notwithstanding anything to the contrary contained in any law for the time being in force any police officer may arrest without a warrant a child who has escaped from a certified school or a fit person institution or from the supervision of a society or a person under whose supervision he was directed to remain, and shall send the child back to the certified school, institution, society or the person without registering any offence or prosecuting the child, and the said child shall not be deemed to have committed any offence by reason of such escape but he shall be dealt with by authorities of the institution concerned in such manner as they think fit.

Action by Police  
with escaped  
children.

(2) When a child absconding from a certified school or fit person has been arrested at a different place, he shall be detained in a place of safety pending his removal to the certified school or fit person.

## PART X

### Appeals

Appeals. 94. (1) Any person aggrieved by a final order may appeal to the courts hereinafter mentioned.

(2) If a final order is passed;

(a) by a juvenile court, an appeal shall lie in the Greater Bombay to the Chief Presidency Magistrate and in other places to the [Court of Session];

(b) by a Magistrate (not being a Presidency Magistrate) empowered under Section 8 to exercise the powers of a juvenile court, an appeal shall lie to the Court of Session;

(c) by a Presidency Magistrate or a Court of Session an appeal shall lie to the High Court.

(3) Except as provided in this Section no appeal shall lie from any order passed under this Act by a juvenile court or any other court empowered to exercise the powers of a juvenile court under Section 8.

Application of  
Criminal  
procedure Code  
to appeals.

95. The provisions of Sections 419 to 431 (both inclusive) of the Code of Criminal Procedure, 1898, shall *mutatis mutandis* apply to appeals against final orders as if the said orders were the orders of conviction and sentence passed by a Criminal Court.

Period of  
limitation of  
appeals.

96. (1) The period of limitation for an appeal against a final order shall be thirty days in the case of appeals to courts other than the High Court and sixty days in the case of an appeal to the High Court from the date of the order appealed against.

(2) The provisions of Sections 5, 7 and 12 of the Indian Limitation Act, 1908, shall apply to the filing of such appeals.

## PART XI

### Miscellaneous

Discharge and  
transfer.

97. (1) The \*State\* Government may at any time order a child or youthful offender to be discharged from a certified may on suitable

\* Substituted for the words 'District Magistrate', by Bom 'XXIH of 1951, s. 2 Sch. Part III.

\*—\* Substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.

school or fit person institution, either absolutely or on such conditions as the (State) Government approves.

(2) (a) The \*State\* Government may order a youthful offender who has attained the age of sixteen years detained in a certified school to be transferred to a Borstal School established under the Bombay Borstal Schools Act, 1929 in the interest of discipline or for other special reasons;

(b) any boy or girl over the age of sixteen years, who has been released on licence, and who has committed a breach of licence, conditions and whom it is not advisable to send back to his own school or institution, may be transferred to a Borstal School:

Provided that the whole period of the detention of the child or youthful offender shall not be increased by the transfer.

(1) Upon the transfer of a child or youthful offender to a Borstal School under sub-section (2) the provisions of the Bombay Borstal Schools Act, 1929, shall apply to such offender as if he had been originally ordered to be detained in a Borstal School under that Act.

(4) The \*State\* Government may at any time in its discretion discharge a child from the care of any person to whose care he is committed under this Act, either absolutely or on such conditions as the \*State\* Government approves.

98. (1) The \*State\* Government may in consultation with the managers of any certified school or fit person institution, consent to the transfer to that school or made by a competent authority in any other part of India of the nature of an order under this Act directing him to be sent to a certified or reformatory school or institution of a like nature and upon such transfer the provisions of this Act shall apply to such child or youthful offender.

Transfers  
between  
institutions and  
those of like  
nature in  
different parts of  
India.

(2) The \*State\* Government may direct any child or youthful offender to be transferred from any certified or reformatory school or fit person institution to any school or institution of a like nature in any other part of India † ..... † in respect of which provision similar to that in the ‡State of Maharashtra‡ is made by the Government of that part under any law in force therein :

---

\*\* Substituted for the word ' Provincial' by the Adaptation of Laws Order, 1950.

\* Substituted for the words 'Province/Provincial ' by Adaptation of Laws order, 1950.

†† The words 'or in an Acceding State' were deleted, *ibid*.

‡‡ Substituted for the words 'State of Bombay' by Mah. Adaptation of Laws(S.&C. subjects) order 1961 (Fifth Amendment).



Provided that no such child or youthful offender shall be transferred under this section to any other (State) ‡.....‡ without the consent of the Government §of that State§.

Transfer of  
children of  
unsound mind or  
suffering from  
leprosy.

99. (i) Where it appears to the (State) Government that any child detained in a certified school or fit person institution under any order of a court is of unsound mind or leper the \*State\* Government may, by an order setting forth the grounds of belief that the child is of unsound mind or a leper, order his removal to a mental hospital or leper asylum or other place of safe custody, there to be kept and treated as the \*State\* Government directs during the remainder of the term for which he has been ordered to be detained or, if on the expiration of that term it is certified by a medical officer that it is necessary for the safety of the child or of others that he should be further detained under medical care or treatment, then until he is discharged according to law.

(2) Where it appears to the '(State) Government that the child has become of sound mind, or is cured of leprosy', the (State) Government shall, by an order directed to the person having charge of the child if still liable to be kept in custody, send him to the certified school or fit person institution from which he was removed, or if the child is no longer liable to be kept in custody, order him to be discharged.

(3) The provisions of section 31 of the Indian Lunacy Act, 1912, or subject to the provisions of sub-section (2) of section 14 of the Lepers Act, 1898, shall apply to every child confined in a mental hospital or leper asylum under sub-section (i) after the expiration of the period for which he was ordered to be detained; and the time during which a child is confined in a mental hospital or leper asylum under that sub-section shall be reckoned as part of the period for which he may have been ordered by the court to be detained :

Provided that where the removal of a child due to unsound-ness of mind or leprosy is immediately necessary, it shall be open to the authorities of the institution in which the child is detained to apply to a court having jurisdiction under the Indian Lunacy Act, 1912, or the Lepers Act, 1898, as the case may be, for an immediate order of committal to mental hospital or leper asylum until such time as the orders of the \*State\* Government can be obtained in the matter.

---

‡—‡ Substituted to the words ' State of Bombay ' by Mah. Adaptation of Laws (s. & C, subjects) order 1961 (Fifth Amendment).

§—§ Substituted for the word concerned *ibid*.

|| Substituted for the words Province/Provincial by Adaptation of Laws order 1950.

100. The Chief Inspector may direct any child or youthful offender to be transferred from one institution to another whether a certified school or fit person institution.

Transfer from one institution to another.

Provided that the total period of detention of the child or youthful offender shall not be increased by such transfer.

101. (1) If in any case in which an information has been laid by any person under the provisions of section 87, the magistrate after such inquiry as he may deem necessary is of opinion that such information was false and either frivolous or vexatious, the magistrate may for reasons to be recorded in writing direct that compensation to such an amount not exceeding one hundred rupees as he may determine be paid by such informer to the person against whom the information was laid.

Compensation for false and frivolous or vexatious information.

(2) Before making any order for the payment of compensation, the magistrate shall call upon the informer to show cause why he should not pay compensation and shall consider any cause which such informer may show.

(3) The magistrate may by the order directing payment of the compensation further order that in default of payment the person ordered to pay such compensation shall suffer simple imprisonment for a term not exceeding thirty days.

(4) When any person is imprisoned under sub-section (3) the provisions of sections 68 and 69 of the Indian Penal Code shall, so far as may be, apply.

(5) No person who has been directed to pay compensation under this section shall by reason of such order be exempted from any civil or criminal liability in respect of the information given by him but any amount paid as compensation shall be taken into account in any subsequent civil suit relating to such matter.

(6) When an order for the payment of compensation is made under sub-section (1) the compensation shall not be paid to the person ordered to receive it before the period allowed for the presentation of an appeal has expired.

102. When a youthful offender is found to have committed any offence, the fact that he has been so found shall not have any effect under section 75 of the Indian Penal Code or section 565 of the Code of Criminal Procedure, 1898, or operate as a disqualification for office or any employment or election under any law.

Removal of disqualification attaching to convictions.

Power to amend  
orders.

103. Without prejudice to the powers of courts of appeal and revision any custody order, supervision order or probation order may be amended by the court which made such order in respect of the person named as custodian, supervision or Probation officer and such other details as may be deemed necessary, provided that in the case of an order committing a child to an institution no such order shall, subject to the proviso herein below, be amended except in relation to the period of duration, such amendment being by way of extension of the period only;

Provided that in case of emergency and for immediate necessity a committal order may be varied by way of change in the institution to which the order relates such variation being subject to confirmation by the Chief Inspector of Certified Schools.

Control over  
custodian of  
child.

104. Any person to whose care a child is committed under the provisions of this Act shall, while the order is in force, have the like control over the child as if he were his parent, and shall be responsible for his maintenance, and the child shall continue in his care for the period stated by the court notwithstanding that he is claimed by his parent or any other person.

Power to  
authorities to  
send to remand  
homes or  
voluntary instead  
of to certified  
schools or fit  
Person  
institutions.

105. Whenever under the provisions of this Act it is provided that a child shall be committed to a certified school or a fit person institution, it shall be lawful for the authority concerned to order such child to be sent to a remand home or a voluntary home instead, if, in the opinion of such order shall be in the interest of the child.

Bonds taken  
under the Act.

106. The provisions of Chapter XLII of the Code of the Criminal Procedure, 1898 shall, so far as may be, apply to bonds taken under this Act.

Probation  
Officers Chief  
Inspectors and  
person  
authorised to be  
deemed to be  
public servants.

107. The Probation officers, Inspectors of Certified Schools including the Chief Inspector of Certified Schools and all other persons authorised or entitled to act under any of the provisions of this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

Protection of  
action taken  
under this Act  
Rules.

108. No suit, prosecution or other legal proceeding shall be instituted against any person for anything which is in good faith done or intended to be done under this Act.

109. (1) The \*State\* Government may make rules for carrying out the purposes of this Act.

---

\*—\* Substituted for the word Provincial by Adap. of Law Order, 1950.

(2) In particular and without prejudice to the generality of the foregoing provision such rules may be made for all or any of the following matters, namely :—

(a) the procedure to be followed by juvenile courts and other courts empowered to exercise the powers of juvenile courts under section 8 in the trial of cases and the conduct of proceedings under the Act;

(b) the places at which days on which and the manner in which juvenile court shall hold its sittings under sub-section (1) of section 12 ;

(c) the conditions subject to which institutions and associations shall be recognized as approved places for the purpose of sub-section (1) of section 20 ;

(d) the establishment or certification, management, maintenance, records and accounts of certified schools; the education and industrial training of inmates in such institution, and their leave of absence; the appointment of visitors and their tenure of office; the inspection of such certified schools and other institutions for the reception of \*.....\* children; and the internal management and discipline of schools either established or certified by the †State† Government, and release on license of inmates therein ;

(e) the conditions subject to which institutions and associations shall be recognised as “fit person institutions” and “approved places” under section 27 ;

(f) the powers and duties of Chief Inspectors, Inspectors and Assistant Inspectors of Certified Schools and Probation officers under section 39;

(g) the recruitment and training of personnel responsible for work under the Act;

(h) the conditions in which societies may be recognised by the (State) Government for providing Probation officers, their employment and matters incidental to their appointment authorization, resignation and removal, and remuneration and expenses payable to them ;

(i) the manner of authorising persons for the purposes of sections 40 and 78;

(j) the manner in which a child or youthful offender shall be sent back to his native place under sections 46 and 73.

---

\*—\* The word ‘ poor ’ was deleted by Bom. LIII of 1949, s. 2 first Schedule.

†—† Substituted for the word Provincial by Adaptation of Laws Order, 1950.

(k) the manner in which children shall be detained in custody by officers in charge of police stations or sections under sub-section (1) and manner in which children shall be ordered to be detained by courts under sub-section (2), of section 65;

(l) the manner in which child shall be ordered to be committed to a certified school or fit person institution or to the care of a relative or other fit person under clauses (a) and (b) of, and the form of bond under the proviso to section 81 ;

(m) the manner in which a child shall be remanded under sub-section (1) of section 87 ;

(n) the manner in which contribution for the maintenance of a child may be ordered to be paid under sub-section (1) of section 90 ;

(o) the conditions under which a child may be released from a certified school or fit person institution on licence and the form and conditions of such licence under sub-section (1) of section 92 ;

(p) the conditions subject to which children may be committed to the care of person under this Act and the obligations of such persons towards the children so committed;

(q) any other matter which is or may be prescribed under the Act.

(3) The power to make rules under this Act shall be subject to the condition of previous publication.

(4) The rules made under this Act shall be published in the Official Gazette and on such publication shall have effect as if enacted in this Act.

\*[(5) Every rule made under this section shall be laid, as soon as may be, after it is made, before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made the rule shall from the date of publication of a notification in the Official Gazette of such decision, have effect only in such modified form or be of no effect, as the case may be so however that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.]\*

---

\*-\* Sub-section (5) was inserted by Mah. 38 XXXVIII of 1963, s. 10.

110. The Bombay Children Act, 1924, is hereby repealed:

Repeal of Bom.  
XIII of 1924.

Provided that—

(a) juvenile courts established under the repealed Act shall be deemed to be juvenile courts established under this Act;

(b) certified schools established or certified fit person institutions, remand homes, approved places and voluntary homes recognized under the repealed Act shall be deemed to be recognised under this Act;

(c) all licences and certificates granted and transfers made under the repealed Act shall be deemed to be granted or made under this Act;

(d) all cases, proceedings and appeals pending before any court under the repealed Act shall be continued and disposed of by the said court notwithstanding anything in this Act as if they were cases, proceedings and appeals under this Act;

(e) all appeals against orders of courts appointed under the repealed Act which would have laid under that Act shall be deemed to be appeals from orders made by courts under this Act and shall be presented to the courts empowered to hear appeals under this Act and shall be disposed of accordingly;

(f) any appointment, notification, notice, order, rule or form made or issued under the repealed Act shall continue to be in force and be deemed to have been made or issued under the provisions of this Act, in so far as such appointment, notification, notice, order, rule or form is not inconsistent with the provisions of this Act and shall continue to be in force unless and until it is superseded by any appointment, notification, notice, order, rule or form made or issued under this Act.

\*111. (1) On the commencement of the Bombay Children (Extension and Amendment) Act, 1963, the Central Provinces and Berar Children Act, 1928 and Hyderabad Children Act, 1951 shall stand repealed :—

Mah. XXXVIII  
of 1963.C-P.and  
Berar Act, X of  
1928 Hyd. Act,  
XXXII of 1951,  
Bom. I of 1904.

Provided that, anything done or any action taken (including any appointment, notification, notice, order, rule or form made or issued any juvenile court established or any certified school established or certified, any place of safety or fit person recognised, any license or certificate granted or withdrawn, any Warrant issued, any bail granted, any committal for trial or custody, any discharge, or transfer of a child or youthful offender made or any contribution directed to be paid) under any such law shall in so far as it is not inconsistent with the provisions of this Act,

---

\*—\* Section III was inserted by Mah. XXXVIII of 1963, s. 11.

be deemed to have been done or taken under the corresponding provisions of this Act, and shall continue in force accordingly, unless and until superseded by anything done or any action taken under this Act.

(2) The mention of particular matters in this section shall not affect the general application to this Act of section 7 of the Bombay General Clauses Act, 1904 (which relates to the effect of repeals).\*

### BOMBAY CHILDREN RULES, 1950

[Government Notification, Home Department, No. 9370, dated 7th September 1950]

In exercise of the powers conferred by section 109 of the Bombay Children Act, 1948 (LXXI of 1948), and in supersession of the Bombay Children and Juvenile Court Rules, 1936, the Government of Bombay is pleased to make the following Rules, namely :—

Short title. 1. These rules may be called the Bombay Children Rules, 1950.

1-A. †[These rules shall extend to the whole of the State of Maharashtra]†

Interpretation. 2. In these rules unless there is anything repugnant in the subject or context—

(1) “Act” means the Bombay Children Act, 1948;

(2) “section” means a section of the Act;

(3) “Schedule” means a schedule to these Rules.

3‡ ..... ‡

Recognition of  
an institution or  
association as fit  
person  
institution.

§3-A. (1) If manager of any institution or association desires that the institution or association should be recognised as a fit person institution for the purposes of this Act, he shall make an application in the Form in Schedule A1 to the Chief Inspector or Certified Schools.

(2) The Chief Inspector, on receipt of an application shall cause the institution or association, as the case may be, to be inspected and if he is satisfied that it is suitable for recognition, he may, subject to the provisions of rule 3-B, recognise it as a fit person institution for the purpose of the Act§.

†-† Inserted by Government Notification, E. & S. W. D. No. BCA-1065-N, dated 2nd August 1965.

‡-‡ Deleted by Government Notification, dated 7-8-58.

§-§ Inserted by Government Notification, E. & S. W. D. No. JDE-1060/77727-N, dated 30th October 1964.

3-B. (1) An institution or association may be recognised if it fulfils the following conditions, that is to say:—

Conditions for  
recognising  
institution or  
association as fit  
person  
institution.

(a) The premises of the institution are maintained in a sanitary condition to the satisfaction of the Inspecting staff of the Juvenile Branch of Social Welfare Department;

(b) The sleeping and dining accommodation for the number of inmates is adequate ;

(c) Wholesome and sufficient food is provided for the inmates;

(d) Adequate provision exists for indoor and outdoor games;

(e) Medicines, such as are ordinarily required for household use are kept in stock; and proper arrangements for medical attendance on the inmates in case of sickness is made. (A visiting Medical Officer shall, as far as possible, be employed to keep periodical check on the children's health) ;

(f) Arrangement is made for the inmates to attend regularly an organised course of instruction in a school or other institutions recognised by the Education Department or suitable arrangement for elementary instruction is made on the premises; (Instructions in a craft or craft in addition to the academic education being preferred);

(g) The Directorate of Social Welfare, Juvenile Branch is supplied by the managers of the institution or association with such information pertaining to the institution as may be required from time to time ;

(h) Proper lighting arrangements and water facilities (for bathing and drinking) and sanitary arrangements are provided;

(i) Separate kitchen is provided;

(j) If both boys and girls are admitted to the institution or association, suitable arrangements for housing boys and girls separately, (including sufficient means of separating the inmates at night with proper supervising staff, including a matron or female attendant or both for the girls' section) are made to the satisfaction of the Chief Inspector of Certified Schools;

(k) In an institution or association for girls only a lady with sufficient qualifications or previous experience is appointed as Superintendent;

(1) Proper case record of every child committed by Juvenile Court is maintained in the manner required by the Chief Inspector of Certified Schools; and proper accounts, registers of income and expenditure and other general registers, e. g., attendance register, medical register, and other records are kept;



(m) Adequate and qualified staff as approved by the Chief Inspector of Certified Schools is employed and quarters are provided on the premises for essential staff as may be directed by the Chief Inspector of Certified Schools;

(n) A high standard is maintained of the discipline and behaviour of children in the institution.

(2) It shall be lawful to the Chief Inspector to scrutinize the accounts of the institution or association or cause them to be scrutinised in respect of any grant paid by Government.

(3) Maintenance charges may be claimed by the institution or association in such form as may be specified by the Chief Inspector.

(4) If the Chief Inspector is dissatisfied with the management of any fit person institution, he may, at any time without prejudice to any other section which he may deem fit to take and after serving a notice on the managers and after giving them an opportunity to be heard, withdraw the recognition granted to such institution or association:

Provided that the managers may appeal to the State Government against the order of the Chief Inspector withdrawing such recognition, within thirty days from the date of such order.

(5) If any institution or association is recognised as a fit person institution, the institution shall during the period in which such recognition is in force be entitled to receive a grant-in-aid at such rate as the State Government may determine from time to time:

Provided that if in any case it is found on inspection that any provisions laid down in sub-rule (1) above are not properly observed, deduction may be made in the grant for the year in lump sum to such extent as the Chief Inspector may decide.

Recognition of  
an institution or  
association as a  
remand home.

\*3-C. (1) If the manager of any institution or association desired that the institution or association should be declared by the State Government as a remand home under section 26, he shall make a written application in this behalf in the form in schedule A-2 to the Chief Inspector of Certified Schools.

(2) The Chief Inspector shall, on receipt of the application, cause the institution or association, as the case may be, to be inspected and shall make a report to the Government as to the suitability of the institution or association for such declaration.

---

\*—\* Inserted by Government Notification, E. & S. W. D., No. RDH 1064-N, dated 8th October 1965.

(3) In addition to the provisions of the Act, the applicant shall have to abide by and comply with the conditions laid down in rule 3-D.\*

3-D. An institution or association may be declared as a remand home for the purposes of the Act if it fulfils the following conditions, that is to say—

Conditions for  
declaration of  
places as remand  
homes.

(a) the premises of the institution or association are maintained in a sanitary condition to the satisfaction of the Inspecting staff of the Juvenile Department;

(b) the sleeping and dining accommodation for the number of inmates is adequate;

(c) wholesome and sufficient food and adequate clothing and bedding are provided for the inmates;

(d) adequate provision exists for indoor and outdoor games;

(e) medicines, such as are ordinarily required for household use are kept in stock, and proper arrangements for medical attendance on the inmates in case of sickness is made (A visiting Medical Officer shall, as far as possible, be employed to keep periodical check on the Children's health);

(f) arrangement is made for the inmates to attend regularly an organised course of instruction in a school or other institution recognised by the Education Department, or suitable arrangements for elementary instructions are made on the premises (Instructions in a craft or crafts in addition to the academic education being preferred);

(g) the Chief Inspector is supplied by the managers of the institution or association with such information pertaining to the institution as may be required from time to time;

(h) proper lighting arrangements water facilities (for bathing and drinking) and sanitary arrangements are provided;

(i) separate kitchen is provided;

(j) if both boys and girls are admitted to the institutions or association, suitable arrangements for housing boys and girls separately (including sufficient means of separating the inmates at night with proper supervising staff, including a matron of female attendant or both for the girls section) are made to the satisfaction of the Chief Inspector;

(k) in an institution or association for girls only, a lady with sufficient qualifications or previous experience is appointed as Superintendent;

---

\* Inserted by Government Notification, E. & S. W. D., No. RDH 1064-N, dated 8th October 1965.

(1) proper case record of every child sent by the Juvenile Court is maintained in the manner required by the Chief-Inspector and proper accounts, registers of income and expenditure and other general registers, e.g., attendance register, medical register and other records are kept;

(m) adequate and qualified staff as approved by the Chief Inspector is employed and quarters are provided on the premises for essential staff as may be directed by the Chief Inspector;

(n) a high standard is maintained of the discipline and behaviour of children in the institution or association.

Other provisions  
applicable to  
remand homes.

3-E. (1) It shall be lawful for the Chief Inspector to scrutinize the accounts of the institution or association or cause them to be scrutinised in respect to any grant paid by Government.

(2) Maintenance charges may be claimed by the institution or association in such form as may be specified by the Chief Inspector;

(3) If the Chief Inspector is dissatisfied with the management of any remand home he may at any time, without prejudice to any other action which he may deem fit to take and after serving a notice on the manager and after giving him an opportunity of being heard withdraw the declaration made under section 26 in respect of such remand home:—

Provided that, the manager may appeal to the State Government against the order of the Chief Inspector withdrawing such declaration within thirty days from the date of such order.

(4) If any institution or association is declared as a remand Home under section 26 for the purposes of the Act, the institution or association shall, during the period in which such declaration is in force, be entitled to receive a grant-in-aid at such rate as the State Government may, from time to time, determine:

Provided that, if in any case it is found on inspection that any of the conditions laid down in rule 3-D is not properly observed, deduction may be made in the grant for the year in, lump sum to such extent as the Chief Inspector may decide, after giving the management a reasonable opportunity of being heard.

4. \*.....\*

---

\*—\* Deleted by Government Notification, dated 7th August 1958.

5. The Chief Inspector may visit any certified school at any time, hear any complaints of the inmates, and make suggestions to the managers thereof.

Inspection by  
the Chief  
Inspector.

6. (1) Every Chief Inspector, Inspector and Assistant Inspector shall, during his inspection of certified school give every child committed to its care an opportunity to make any complaint or application to him which such child may wish to make. (2) Every such Inspector shall at the conclusion of his inspection note in the visiting book of the certified school the fact that he has inspected it on a particular date. (3) The Inspector and the Assistant Inspector shall submit to the Chief Inspector a detailed report of his inspection. (4) The Chief Inspector shall communicate to the certified school inspected by him any suggestions he has to make or such suggestions as he may deem fit and necessary to communicate after receiving the report of the Inspector or the Assistant Inspector.

Duties of the  
inspecting staff.

7. In addition to the Inspectors and the Officers appointed under section 37, the Educational Inspector in charge of a District or Districts as the case may be, or the Deputy or the Assistant Educational Inspector authorised by him in this behalf shall also be an ex officio Inspector of Certified Schools within his jurisdiction. He shall carry out purely educational inspection of certified schools whose educational curriculum is recognised to be in accordance with the curriculum approved by the Department of Education. He shall also carry out inspection of such certified schools within his jurisdiction as require recognition of the educational curriculum prescribed by them. He shall comply with such directions as the Chief Inspector may consider it necessary to give him through the Director of Education or through the Director of Education and the Educational Inspector, as the case may be, and shall submit inspection reports of certified schools to the Chief Inspector through the Director of Education or through the Educational Inspector and Director of Education.

Educational  
inspection.

Such Inspector shall inspect the premises of each such certified school within his jurisdiction, see the children and satisfy himself that all the registers pertaining to literary education are maintained according to the rules for the time being in force and that proper arrangements are made for the safe custody of all such records. Each year he shall personally arrange for the examination of the literary classes of each such school and shall submit an inspection report of each school annually to the Director of Education together with any suggestions he may wish to make. The Director of Education shall forward such reports to the Chief Inspector.

Inspection of  
another  
industrial classes.

8. The industrial, technical, agricultural or other classes attached to certified schools shall be examined by the Director of Technical Education or by an officer authorised by him in this behalf or by the Agricultural or other Departments concerned. The Director or the Department concerned shall forward the inspection report to the Chief Inspector.

Detention of  
destitute or  
neglected  
children.

8-A. If a child requiring care and protection on any of the grounds mentioned in clauses (a) to (e) of section 40 has no parent or guardian, having actual charge of, or control over, the child, such child shall be detained in a certified school or place of safety :

Provided that, if the child be a girl, such girl shall be forwarded with the least possible delay to a Court empowered to pass an order under the Act.

Detention of  
Juveniles not  
released on bail  
after arrest.

9. When a child is arrested and is not released on bail under the provisions of section 64 or otherwise, he shall be detained in a Certified School or place of safety. If no place of safety or Certified School is available such child may be detained at a police station but in any case apart from adult prisoners :

Provided that, if the child be a girl, such girl shall be forwarded with the least possible delay to a court empowered to pass an order under sub-section (2) of section 65. The fact of the arrest and detention shall be forthwith communicated to the parent or guardian of the child and also to the Probation Officer of the Court exercising Juvenile Court jurisdiction in the area of the Police Station.

Remand of  
committal of  
juveniles to  
custody.

10. (1) When a child is remanded or committed for trial under the provisions of section 65, he shall, unless the charge be one of culpable homicide or any other offence punishable with death or transportation, be detained in Certified School or place of safety. Where no certified school or place of safety is available such child may be detained in jail or sub-jail, but apart from adult prisoners.

(2) If the charge be one of culpable homicide or any other offence punishable with death or transportation, such child instead of being detained in the manner prescribed in sub-rule (1) shall be confined in the \* [Greater Bombay], in the absence of any general or special orders that the Chief Presidency Magistrate may make to the contrary in the House of Correction, Bombay, and elsewhere, in the absence of any general or

\* Substituted for the words 'City of Bombay' by Government Notification, E. & S. W. D. No. BCA-1065-N, dated 2nd August 1965.

special orders that the District Judge may make to the contrary, in the nearest Jail, but in any case in a separate cell apart from adult prisoners.

11. (1) Any place of safety in Greater Bombay in which a child is detained shall be open to inspection by the Chief Presidency Magistrate, Bombay, or any Magistrate deputed by the Chief Presidency Magistrate; and elsewhere, it shall be open to inspection by the District Magistrate or any Magistrate deputed by the District Magistrate. In all areas, places of safety shall be liable to be inspected by the Chief Inspector and his inspecting staff.

Inspection of a place of safety.

(2) The occupier or manager of such place of safety shall give every facility to the Probation Officer who visits the child for the purpose of making inquiries into his case.

12. Any society desiring to be recognised under section 37 may apply to the State Government in writing through the Chief Inspector of Certified Schools.

Application for recognition of Societies for appointment of Probation Officers.

13. (1) A Probation Officer shall carry out all directions given to him by the court and perform the following duties :—

Duties of Probation Officers.

(i) to make initial inquiries regarding the home and School conditions, and the conduct, character and health of the children under his supervision ;

(ii) to attend regularly the court and submit reports ;

(iii) to keep diary, case files, and registers ;

(iv) to visit regularly children placed under probation or supervision and also places of employment or school attended by such children, and to submit regular monthly reports ;

(v) to take children, wherever possible, from court or remand home to certified schools or fit person institutions ;

(vi) to bring before the court immediately children who have not been of good behaviour during the period of supervision ;

(vii) to advise and give guidance and assistance to the children placed under supervision or released on licence and to endeavour to find them employment ;

(viii) to run recreation clubs ; and

(ix) to perform any other duty which may be prescribed by the court or any releasing authority in respect of children under his supervision.

(2) A Probation Officer shall not employ a child or youthful offender placed under his supervision, for his own private purposes or take any private service from him.

Constitution and  
Procedure of  
Juvenile Courts.

14. (1) Every Juvenile Court established under section 7 shall consist of—

(a) a special salaried Presidency Magistrate in Greater Bombay, or a salaried First Class Magistrate elsewhere, appointed by the State Government ; or

(b) a bench of a special salaried Presidency Magistrate in Greater Bombay or a salaried First Class Magistrate elsewhere and such Honourable Magistrates not exceeding two in number, one of whom shall be a woman, appointed by the State Government, with the salaried Magistrate as President of the bench in each case.

(2) The State Government may, upon the recommendation of the High Court, constitute one or more additional Juvenile Courts in Greater Bombay or elsewhere, consisting of Honourable Magistrates not exceeding three in number, one of whom shall be a woman, with such one of them as President as the High Court, on the recommendation of the Chief Presidency Magistrate in Greater Bombay, and of the District Judge elsewhere, may appoint in this behalf.

(3) In the absence of any of the Magistrates other than the President, the President sitting singly or with such Magistrate as is present, shall exercise all or any of the powers of a Juvenile Court.

(4) In the case of disagreement between the members of the bench the opinion of the President shall prevail.

(5) Subject to the control of the High Court, the Chief Presidency Magistrate in Greater Bombay, and the District Judge elsewhere may determine the place at which, the day on which, and the manner in which the Juvenile Court shall hold its sittings.

Medical opinion,  
regarding age  
and physical and  
mental condition  
of children.

15. In every case concerning a child, the court shall obtain medical opinion regarding his age and physical and mental condition and when passing orders in such case shall, after taking into consideration the medical opinion and such other evidence as may be available, record a finding in respect of his age.

Supply of  
information  
regarding  
children by  
courts.

16. Whenever the court orders a child to be detained, in a certified school or a fit person institution, he shall forward to the managers of such school or institution a copy of its judgment, if any, or orders, together with information regarding the age and address of the child, if known, and any particulars of his home and previous record that may have been discovered.

17. (1) The court making an order under sub-section (1) of section 90 may direct the parent or other person liable to maintain the child or youthful offender, to pay in court, in advance, in the beginning of each month such sum of money as the court may think fit not exceeding Rs. 50 in the whole per mensem, towards the maintenance of such child or youthful offender.

Contribution of parent or other person.

(2) All such recoveries shall be credited by the courts into Government Treasury as Miscellaneous Receipts of Government.

18. (1) The court making an order committing a child or youthful offender to the case of or allowing a child to remain in the custody of a parent, guardian, relative or other fit person, as the case may be, under sections 45 (2), 72 (ii) or 81 (b) may direct such parent, guardian, relative or person to enter into a bond in the form in Schedule A, with or without sureties, and in such sum of money as the court may think fit to keep him under proper care and control, and to be responsible for his good behaviour. In addition to the conditions prescribed in the form in Schedule A, the court may impose such other conditions as it may think fit for securing that the child or youthful offender, as the case may be, may lead an honest and industrious life.

Manner in which a child or youthful offender may be committed to the care of a parent, guardian, relative or other fit person.

(2) Where a child or youthful offender has been placed under the supervision of a Probation Officer, the court shall impose a condition that all necessary assistance shall be rendered by the parent, guardian, relative or other person, as the case may be, to the Probation Officer to enable him to carry out the duties of supervision.

(3) Where a child or youthful offender has been ordered to be sent on his own bond back to a relative or fit person to his own native place under section 46 or section 73 or section 84 the court shall take his bond in the form prescribed in Schedule B.

19. After committal of a child by a court to a certified school or a fit person or institution with collateral branches the managers of such school or institution may send the child to any of the branches of such school or institution after giving an intimation to the Chief Inspector.

Power to managers to transfer a child to another branch of the same school.

20. (1) The Chief Presidency Magistrate in Greater Bombay and the District Judge elsewhere may authorise such persons as they think fit to take action under section 40.

Authorisation of person to act under section 40 and of person and Special Police Officers to act under section 78.



(2) The Chief Presidency Magistrate in Greater Bombay, and the District Judge elsewhere may authorise such person as they think fit, and in consultation with the Commissioner of Police, or the District Superintendent of Police, as the case may be, such Police Officers as may be necessary to take action under section 78 (i).

Release on  
licence under  
section 92.

21. (1) A child detained in a certified school or fit person institution shall not be released by the Chief Inspector under section 92 (1) except on the conditions prescribed in Schedule C.

(2) On the release of any child on licence by order of the Chief Inspector, information shall be sent by the school or the institution to the committing court of the actual date of release of the child.

Short leave of  
absence to  
inmates of  
Certified  
Schools.

22. (1) The manager of a certified school or fit person institution may, on sufficient cause being shown to his satisfaction, grant permission in writing to an inmate to absent himself for short period not exceeding 15 days in aggregate in the year exclusive of the time required for going to and returning from the destination, for the purpose of visiting parents or relations:

Provided that as far as possible the previous consent of the Chief Inspector shall be obtained for granting leave exceeding a week at a time.

(2) The permission granted under sub-rule (1) may at any time be cancelled by an order in writing by the manager and the inmate may be recalled by him without giving any reasons therefor.

(3) The Chief Inspector on the application of parents recommended by the managers of a certified school or fit person institution may in selected cases grant vacation leave upto six weeks, excluding the days of journey, at a time to inmate from certified schools or fit person institutions. Such permission may be cancelled by the Chief Inspector by an order in writing and the inmate may be recalled by him without giving any reasons therefor.

(4) The time during which an inmate is absent from the school or institution under sub-rule (1) or (3) deemed to be part of the time of his detention in the school or institution.

(5) If any inmate fails to return to the school or institution at the expiry of the period permitted under sub-rule (1) or (3) or when recalled under

sub-rule (2) or the manager shall report the matter to the Chief Inspector and any Police Officer may, on the application in writing of such manager or Chief Inspector, arrest the inmate without warrant and send him back to the school or institution.

(6) The time which elapses after the failure of an inmate under sub-rule (5) to return to the school or institution shall be excluded in computing the time of his detention in the school or institution.

(7) Any parent or guardian contributing towards the maintenance of his child in a certified school or a fit person institution under an order passed by a court under section 90 (1) shall be exempt from the payment of such contribution for the period during which the child is absent from the institution under sub-rule (1) or sub-rule (3) above.

\*23. A Juvenile Court or any Court empowered under section 8 to exercise the powers of Juvenile Court or the Chief Inspector of Certified Schools may direct any Police Officer not below the rank of a Sub-Inspector to provide escort to the child in respect of whom an order of committal, transfer or repatriation or any order granting leave is made under the Act or these rules, as the case may be.\*

Escort of  
children.

#### SCHEDULE A

*Form of bond to be executed by a parent, guardian, relative or a fit, person to whose care a child or youthful offender is committed [vide rule 18 (1)].*

Whereas I, \_\_\_\_\_ being the parent, guardian, relative or person in whose custody/to whose care \_\_\_\_\_ has been allowed to remain/ordered to be committed by the juvenile Court/Magistrate \_\_\_\_\_ have been directed by the said juvenile court/Magistrate to execute a bond in the sum of Rupees. (Rs. \_\_\_\_\_), with one surety†/Two sureties, I hereby bind myself on the said \_\_\_\_\_ being allowed to remain in my custody/committed to my care I shall have the said \_\_\_\_\_ properly taken care of and I do further bind myself to be responsible for the good behaviour of the said and to observe the following conditions for a period of years commencing from

(1) that I shall not change my place of residence without giving previous intimation in writing to the Court through the probation Officer;

---

\*—\* Added by Government Notification, dated 28th April 1963.

†—† Omit where no surety is required.

(2) that I shall not remove the said \_\_\_\_\_ from the limits of the jurisdiction of the Court without previously obtaining the written permission of the Court;

(3) that I shall send the said \_\_\_\_\_ \*daily to school/to such daily work as is approved by the Court, unless prevented from so doing by circumstances beyond my control;

(4) that I shall report immediately to the Court through the probation officer, if the said \_\_\_\_\_ misbehaves or absconds from my custody;

(5) that I shall produce the said \_\_\_\_\_ before the Court whenever so required by the Court;

†(6) that I shall render all necessary assistance to the probation officer to enable him to carry out the duties of supervision;

‡(7)

‡(8)

‡(9)

§(10) in the event of my making default herein, I bind myself to forfeit to the \*\*Government\*\* for the purposes of the \*\*State\*\* the sum of rupees \_\_\_\_\_ (Rs. \_\_\_\_\_).

Dated this the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

Before me,

(Signed)

Signature of person executing the Bond.

(Where a bond with sureties is to be executed add) I/We

\_\_\_\_\_ of \_\_\_\_\_ in the taluka of \_\_\_\_\_ in the district of \_\_\_\_\_ hereby declare myself surety/ourselves sureties for the aforesaid that he shall do and perform all that he has undertaken to do and perform and in case of his making default therein, I/We hereby bind myself/ourselves jointly and severally to forfeit to the Government for the purposes of the State the sum of rupees \_\_\_\_\_ (Rs. \_\_\_\_\_).

Dated this the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ .

In the presence of \_\_\_\_\_

Before me,

(Signed)

---

\* To be retained in the case of a child or youthful offender of school age.

† These words should be omitted if the supervision by a Probation officer has not been ordered.

‡ The additional conditions, if any by the Court may be entered numbering them properly.

§ To be renumbered where necessary.

\*—\* Substituted by Government Notification, E. & S. W. D. No. BCA 1066-N, dated 30th December 1966.

## \*SCHEDULE A-1

*Form of application for recognition as fit person institution*

(Vide rule 3-A)

- (1) Name of the Institution with full address.
- (2) Year of its foundation ...
- (3) Names of persons on the managing body..
- (4) Name of the Superintendent of the Institution with his or her qualifications, experience and other particulars.
- (5) Name of the correspondent, with his postal address.
- (6) Minimum and maximum number of children that the institution is prepared to admit.
- (7) Actual number of children in the institution on the date of the application.
- (8) Type of children that the institution is prepared to admit, viz. Educable Destitute, Neglected, Mentally deficient, Physically handicapped, crippled untainted children of Leper affected person, Blind, Deaf or Mute.
- (9) Whether the Institution admits both boys and girls and their age groups.
- (10) Building whether (a) owned, (b) rented, (c) walled, (d) open.
- (11) Provision for games, such as play ground; arrangements for outdoor and indoor games.
- (12) Whether furniture and equipment for the institution are adequate.
- (13) Sources of income of the Institution other than Government grant.

Place

(Signature of applicant)

Date

(Designation)

*N. B. .*—Statement of receipts and expenditure of the institution for the previous official year and a copy of the Administrative Report for the same year if available should accompany this application.\*

---

\* Inserted by Government Notification, E. & S. W. D., No. ODE 1060/77727-N, dated 30th October 1964.

## SCHEDULE A-2

*Form of application for declaring institutions or associations as  
remand home*

(See rule 3-C)

- (1) Name of the institution or association with full address.
- (2) Year of its foundation ...
- (3) Names of persons on the managing body ...
- (4) Name of the Superintendent of the institution or association with his or her qualifications, experience and other particulars.
- (5) Name of the correspondent, with his postal address.
- (6) Minimum and maximum number of children that the institution or association is prepared to admit.
- (7) Actual number of children in the institution or association on the date of application.
- (8) Whether the institution or association admits both boys and girls and their age groups.
- (9) Building whether—
  - (a) owned.
  - (b) rented.
  - (c) walled.
  - (d) open.
- (10) Provision for games, such as playground, arrangements for outdoor and indoor games.
- (11) Whether furniture and equipment for the institution or association are adequate.
- (12) Sources of income of the institution or association other than Government grant.

---

\* Inserted by G. N. E. & S. W. D., No. RDH 1064-N, dated 8th October 1965.

- (13) If the institution or association is registered under any law for the time being in force, the name of the Act under which it is registered and the date of registration.

Place

Date

Signature of Applicant.

(Designation)

*N. B.*—Statement of receipt and expenditure of the institution or association for the previous financial year and a copy of the Administrative Report for the same year, if available, should accompany this application.

#### SCHEDULE B

Bond to be signed by a child or youthful offender who has been repatriated or sent to a relative or a fit person to his native place *vide* Rule 18 (3).

Whereas I, \_\_\_\_\_ inhabitant of \_\_\_\_\_ have been ordered to be repatriated or sent back to my native place by the Juvenile Court/Magistrate of \_\_\_\_\_ under sub-section \_\_\_\_\_ of section of Bombay Children Act, 1948 on my entering into a bond to observe the conditions mentioned here-in-below. Now, therefore, I do solemnly promise to abide by these conditions during the period specified in the order made by the court.

I hereby bind myself as follows :—

(1) That during the period of \_\_\_\_\_ I shall not leave the place of a relative or fit person \_\_\_\_\_ to which I am repatriated or sent and shall not return to or go anywhere else.

(2) That during the said period I shall attend work/school in the place to which I am repatriated or sent.

(3) That I shall be of good behaviour and shall not in any way commit any breach of conditions laid down in this bond and accepted by me.

(4) That during the period specified in the order I shall particularly observe the following conditions :—

(a) That I shall accept the guidance and assistance of the relative or fit person to whom I am repatriated or sent or to whose care and custody I am

entrusted as named in the order and will obey the directions given to me from time to time by the said person ;

(b) That I shall not play truant from home, school, work or place to which I am repatriated or sent;

(c) That I shall live honestly and peaceably and will endeavour to earn an honest livelihood/attend school regularly and obey the authorities and shall not change my employment/school without the permission of the relative or fit person to whom I am repatriated or sent.

(d)

(e)

(f)

In case of my making default in observing any of the conditions specified above I shall on my reappearance before the Court receive such order as the Court deem fit.

Signature or mark of

#### SCHEDULE C

##### *Form of order of release on licence*

[Vide rule 21 (1)]

I \_\_\_\_\_ Chief Inspector of Certified \_\_\_\_\_ Schools,  
State of Bombay, do by this licence permit son/daughter of \_\_\_\_\_  
caste \_\_\_\_\_ residence \_\_\_\_\_ number who was ordered  
to be detained in certified school by the courts under section of the  
Bombay Children Act, 1948, for a term of \_\_\_\_\_ on the  
day of \_\_\_\_\_ 19 \_\_\_\_\_ and who is now detained in the  
school at \_\_\_\_\_ to be discharged from the said school on condition  
that he/she be placed under the supervision and authority of Secretary/  
Society/ Advisory Board during the remaining portion of the aforesaid  
period of detention.

This licence is granted subject to the conditions endorsed hereon, upon the breach of any of which it shall be liable to be revoked.

Chief Inspector of Certified  
Schools \*State of Maharashtra.\*

Dated the \_\_\_\_\_

---

\* Substituted by Government Notification, dated 3rd August 1965.

*Conditions*

(1) The licensee shall proceed to \_\_\_\_\_ and live under the supervision and authority of the Secretary/Society/Advisory Board until the expiry of the period of his/her detention unless the remission is sooner cancelled.

(2) He/She shall not, without the consent of the said Secretary/ Society/ Advisory Board remove himself/herself from that place or, any other place which may be named by the said Secretary/ Society/Advisory Board.

(3) He/She shall obey such instructions as he/she may receive from the said Secretary/Society/Advisory Board with regard to punctual and regular attendance at employment or otherwise.

(4) He/She shall abstain from committing any offence and shall lead a sober and industrious life to the satisfaction of the Secretary/Society/ Advisory Board.

\*(5) .....\*

(6) In the event of his/her committing a breach of any of the above conditions the remission of the period of detention hereby granted shall be liable to be cancelled and on such cancellation he/she shall be dealt with under sub-section (3) of section 92 of the Bombay Children Act, 1948.

I hereby acknowledge that I am aware of the above conditions which have been read over/explained to me and that I accept the same.

(Signature or mark of the licensee)

Certified that the conditions specified in the above order have been read over/explained to (name) and that he has accepted them as the conditions upon which the remission of the period of detention has been granted to him/her and that he/she has been released accordingly on the \_\_\_\_\_

19

Signature and designation of the Certifying  
authority (i. e. Superintendent of the School).

---

\* Additional conditions, if any, to be imposed by the Chief Inspector may be inserted here.



## THE BOMBAY PROBATION OF OFFENDERS ACT, 1938

(Bom. Act XIX of 1938)

Amended by Bombay 17 of 1945. Rep. in Part by Bom. 38 of 1947.  
Amended by Bom. 23 of 1949.

Adapted and modified by the Adaptation of Laws Order, 1950.  
Amended by Bom. 23 of 1951.

Amended by Bom. Adaptation of Laws (State and Concurrent subjects)  
Order, 1956.

Amended by Maharashtra Adaptation of Laws (State and Concurrent  
subjects) Order, 1960.

Amended by Bom. Act XLVII of 1958.

An Act to provide for the release on probation of offenders.

Whereas it is expedient to provide for the release on probation of  
offenders in certain cases and for other matters incidental thereto; it is  
hereby enacted as follows :

Short Title,  
Extent and  
commencement

1. (1) This Act may be called the Bombay Probation of Offenders Act,  
1938.

(2) It extends to the \*Bombay area of the State of Maharashtra\*

(3) This Act shall come into force in such area and on such date as  
the (State) Government may by notification in the Official Gazette, direct,

Definitions

2. (a) In this Act, unless there is anything repugnant in the subject or  
context;

(a) The “Code” means the Code of Criminal Procedure, 1898;

(b) “Court” means a Court empowered to exercise powers under this  
Act;

(c) “Probation Order” means an order made under sub-section (1) of  
section 5 ;

(d) “Recognised society” means a society recognised by the (State)  
Government for the purposes of section 10 ;

---

\* Substituted by the words “Pre-reorganised state of Bombay excluding the transferred  
territories” by Bombay Adaptation of Laws (S. and C. sub) Order, 1956 and substituted  
by the words “Bombay area of the State of Maharashtra” by Mah. Adaptation of Laws  
S. and C. sub) Order, 1960.

(e) “Supervision order” means an order made under sub-section (2) of section 5; and

(f) Words and expressions used but not denied in this Act shall have the meanings assigned to them in the Code.

3. (1) The following courts are hereby empowered to exercise powers under this Act namely :—

Courts  
empowered to  
pass orders under  
the Act.

(a) The High Court,

(b) A Court of Sessions.

(c) † ..... †

(d) † ..... †

(e) A salaried Presidency Magistrate.

(f) A Magistrate of the first class.

(g) Any other Magistrate specially empowered in this behalf.

(2) The powers conferred under sub-section (1) may be exercised by such Court whether the case comes before them originally or on appeal or in revision.

(3) Where any offender is convicted by a Magistrate not empowered to exercise powers under this Act, and such Magistrate is of opinion that the powers conferred by section 4 or 5 should be exercised, he shall record his opinion to that effect and submit the proceedings to a Magistrate of the first class † ..... † forwarding the offender to, or taking bail for his appearance before such Magistrate, who shall dispose of the case in the manner provided by section 380 of the Code.

4. Notwithstanding anything contained in any enactments for the time being in force in any case in which a person is convicted of any offence punishable with not more than two years’ imprisonment or fine or both and no previous conviction is proved against him, the Court by which he is so convicted, may if it thinks fit having regard—

Power of court  
to release certain  
convicted  
offenders after  
admonition.

(a) To the age, character, antecedents or physical or mental condition of the Offender, and

(b) To the nature of the offence of any extenuating circumstances under which the offence was committed for reasons to be recorded in writing instead of sentencing him to any punishment release him after due admonition.

5. (1) Notwithstanding anything contained in any enactment for the time being in force, when—

Power of court  
to release certain  
convicted  
offenders on  
probation of  
good conduct.

(a) Any male person is convicted of an offence not punishable with death or transportation for life, or

---

\*Deleted by Bom. Act XLVII of 1958, s, 2 (c) Sch. II Part II.

(b) Any woman is convicted of an offence of any kind if it appears to the Court by which the offender is convicted that regard being had to the age, character, antecedents of physical or mental condition of the offender, or to the circumstances in which the offence was committed, it is expedient that the offender should be released on probation of good conduct, the Court may, for reasons to be recorded in writing instead of sentencing him at once to any punishment direct that he be released on his entering into a bond, with or without sureties, to appear and receive sentence when called upon during such period not being less than one year and not exceeding three years as the Court may direct, and in the mean time to keep the peace and be of good behaviour.

(2) Where the offender appears to the Court to be under the age of twenty-five years, the Court may for reasons to be recorded in writing make an order hereinafter called a supervision order, directing that the bond to be entered into under sub-section (1) shall contain a condition that the offender shall be under the supervision of a probation officer named in the order during the period specified therein and such other conditions as in the opinion of the Court may be necessary for securing such supervision:

Provided that the period so specified shall not extend beyond the date on which, in the opinion of the Court the offender shall attain the age of twenty-six years.

(3) While making a supervision order the Court may also direct that the bond shall contain such additional conditions with respect to residence abstention from intoxicants and any other matters which the Court may, having regard to the particular circumstances of the case, consider necessary for preventing a repetition of the same offence or a commission of other offences by the offender.

(4) A Court making a supervision order shall furnish the offender with a written statement of the conditions which he is required to observe.

Report of  
probation officer  
before making  
release probation  
or supervision  
order.

5-A. (1) Before making an order of release under section 4, or a probation or supervision order under section 5, the Court may require any probation officer to submit to it a report as to:

(a) The character and age of the offender;

(b) The antecedents of the offender and the circumstances in which he is living and

(c) Such other matters as may, in the opinion of the Court, require to be taken into consideration before making such order.

(2) Any report submitted by the probation officer under sub-section (1) shall be treated as confidential:

Provided that the Court may, if it thinks expedient, communicate the substance thereof to the offender and may give the offender an opportunity to produce evidence as may be relevant to the matters stated in the report.

6. (1) A court directing the release of an offender under section 4 or section 5 may order the offender to pay such compensation for loss or injury caused to any person by the offence and such costs of the proceedings as the Court thinks reasonable.

Power of court to require released offender to pay damages and costs and recovery of such damages and costs.

Provided that the amount of compensation and costs so awarded shall in no case exceed the amount of fine which the court could have imposed in respect of the offence.

(2) At the time of awarding compensation in any subsequent civil suit relating to the same matter, the Court shall take into account any sum paid or recovered as compensation under sub-section (1).

(3) The amount ordered to be paid under this section may be recovered as a fine in accordance with the provisions of sections 386 and 387 of the Code.

7. (1) Notwithstanding anything contained in the Code except in cases in which the offender has pleaded guilty, or where the order is passed by the High Court, an appeal shall lie from an order of conviction in every case in which an order passed under section 4 or 5 to the Court to which appeals ordinarily lie under the Code.

Appeal and Powers and Court in Appeal and Revision.

(2) The Appellate Court or the High Court in the exercise of its powers of revision may pass any such order as it could have passed under the Code, or may set aside an order under section 4 or 5 and in lieu thereof pass sentence on such offender according to law :

Provided that the Appellate Court or the High Court in revision shall not inflict a greater punishment than might have been inflicted by the Court by which the offender was convicted.

8. (1) if the Court before which an offender is bound by his bond under section 5 to appear and receive sentence when called upon, or any court which could have dealt with the offender in respect of his original offence, has reason to believe that the offender has failed to observe any of the conditions of his bond. It may issue a warrant for his arrest or may, if it thinks fit,

Provision in case of offender failing to observe Condition of Release.

issue a summons to the offender and his sureties, if any, requiring him or them to attend before it at such time as may be specified in the summons.

(2) The Court before which an offender is brought or appears under sub-section (1) may either remand him to custody until the case is heard or admit him to bail, with or without sureties to appear on the date of hearing.

(3) If the Court after hearing the case is satisfied, that the offender has failed to observe any of the conditions of his bond, including any conditions which may have been imposed under sub-section (2) or sub-section (3) of section 5, it may forthwith :—

(a) A sentence him for the original offence, or

(b) Without prejudice to the continuance in force of the bond, impose upon him a fine not exceeding one hundred rupees ;

Provided that the court passing a sentence of fine under clause (a) or (b) shall take into account the amount, of compensation ordered to be paid under section 6.

(4) If a fine imposed under clause (b) of sub-section (3) is not paid within such period as the Court may fix, the court may sentence the offender for the original offence.

Provisions as to  
Bonds.

9. The provisions of sections 122, 126A, 406A, 514, 514A, 514B and 515 of the V of Code, shall so far as may be apply in the case of sureties given under this Act.

Appointment of  
Probation  
Officers.

10. (1) A probation officer named in a supervision order may be—

(a) Any person appointed to be a probation officer by the Provincial Government, or

(b) Any person nominated for this purpose with the previous approval of the Provincial Government by a recognized society, or.

(c) Any other person who, in the opinion of the Court, is a fit person to act as a probation officer in the special circumstances of the case.

(2) A probation officer named under sub-section (1) shall be a person who shall possess such qualifications as may be prescribed by rules made in this behalf.

(3) A probation officer, in the exercise of his duties under any supervision order, shall be subject to the control of the District Magistrate of the District in which the offender for the time being resides.

(4) The Court before which an offender is bound by his bond under section 5 to appear and receive sentence when called upon, may at any time appoint another probation officer in place of the person named in the supervision order.

*Explanation.*—In this section, in the Greater Bombay, “District Magistrate” means the “Chief Presidency Magistrate” and “district” means the area comprising the Greater Bombay.

11. A probation officer shall, subject to the provisions of section 10 and rules made under this Act :—

Duties of  
Probation  
Officer

(a) visit or receive visits from the offender at such reasonable intervals as may be specified in the supervision order or, subject thereto, as the probation officer may think fit ;

(b) see that the offender observes the conditions of the bond ;

(c) report to the Court as to the behaviour of the offender ;

(d) advise, assist and befriend the offender, and, when necessary, endeavour to find him suitable employment ; and

(e) perform any other duty which may be prescribed by rules made under this Act.

12. (1) The Court before which any person is bound by a bond under section 5 to appear and receive sentence may at any time upon the application of the probation officer or of its own motion, if it thinks that it is expedient that the terms or conditions of the bond should be varied, summon the offender to appear before it, and, if he fails to show cause why such variation should not be made, vary the terms of the bond by extending or diminishing the duration thereof or by altering any of the conditions thereof or by inserting additional conditions therein :

Variations of  
Conditions of  
Probation on  
Application by  
Probation  
Officer.

Provided that, in no case, shall the duration of the bond be less than one year or more than three years from the date of the original order and where a supervision order has been made under sub-section (2) of section 5, the duration of the period of supervision extend beyond the date on which, in the opinion of the Court, the offender shall attain the age of 26 years ;

Provided further that in the case of a bond with a surety or sureties, no such variations shall be made without the consent thereto of such surety or sureties and that in the absence of such consent the court

shall in all such cases require the offender to enter into a new bond with or without sureties.

(2) Such Court may also, on the application made by the probation officer or of its own motion, on being satisfied that the conduct of the offender has been such as to make it unnecessary that he should be kept any longer under supervision discharge the bond.

Probation  
Officers to be  
Public Servants.

12-A. All probation officers acting under any of the provisions of this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (XLV of 1860).

Protection of  
Persons Acting  
in Good Faith.

12-B. No suit, prosecution or other legal proceeding shall be instituted against any person for anything which is in good faith done or intended to be done under this Act.

Power to make  
Rules.

13 (1) The Provincial Government may make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, the Provincial Government may make rules—

(a) Regulating the appointment, resignation and removal of probation officers and prescribing the qualifications of such officers ;

(b) Prescribing and regulating the duties of probation officers ;

(c) Regulating the remunerations and expenses payable to probation officers ; and

(d) Specifying conditions on which societies may be recognised for the purpose of clause (b) of sub-section (1) of section 10.

(3) All rules made under this section shall be subject to the condition of previous publication.

Barring of  
Operation of  
Section 562 of  
Act V of 1898.

14. In any area in which this Act is in force, no Court shall make an order under section 562 of the Code in respect of any first offender.

Savings of the  
Bombay Children  
Act and the  
Bombay Borstal  
Schools Act.

15. Nothing in this Act shall affect the provisions of the Bombay Children Act, 1924, or the Bombay Borstal Schools Act, 1929. (Bom. XIII of 1924 Bom. XVIII of 1929).

-----

## THE PROBATION OF OFFENDERS ACT, 1958

(Act XX of 1958) (16th May, 1958)

[In its application to the State of Maharashtra]

An Act to provide for the release of offenders on probation or after due admonition and for matters connected therewith.

Be it enacted by Parliament in the Ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Probation of Offenders Act, 1958. Short title,  
exten and  
commencement.
- (2) It extends to the whole of India except the State of Jammu and Kashmir.
- (3) It shall come into force in a State on such date as the State Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different parts of the State.
2. In this Act, unless the context otherwise requires,
  - (a) “Code” means the Code of Criminal Procedure, 1898; Definitions V of  
1898.
  - (b) “Probation officer” means an officer appointed to be a probation officer or recognised as such under section 13 ;
  - (c) “Prescribed” means prescribed by rules made under this Act;
  - (d) Words and expressions used but not defined in this Act and defined in the Code of Criminal Procedure, 1898, shall have the meanings respectively as signed to them in that Code. V of 1898.
3. When any person is found guilty of having committed an offence punishable under section 379 or section 380 or section 381 or section 404 or section 420 of the Indian Penal Code of any offence punishable with imprisonment for not more than two years, or with fine, or with both under the Indian Penal Code of any other law, and no previous conviction is proved against him and the court by which the person is found guilty is of opinion that, having regard to the circumstances of the case including the nature of the offence and the character of the offender, it is expedient so to do, then, notwithstanding anything contained in any other law for the time being in force, the court may instead of sentencing him to any punishment or releasing him on probation of good conduct under section 4 release him after due admonition. Power of court  
to release certain  
offenders after  
admonitionXLV  
of 1860.



*Explanation.*—For the purposes of this section, previous conviction against a person shall include any previous order made against him under this section or section 4.

Power of court  
to release certain  
offenders on  
probation of  
good conduct.

4. (1) When any person is found guilty of having committed an offence not punishable with death or imprisonment for life and the court by which the person is found guilty is of opinion that, having regard to the circumstances of the case including the nature of the offence and the character of the offender, it is expedient to release him on probation of good conduct, then, notwithstanding anything contained in any other law for the time being in force, the court may, instead of sentencing him at once to any punishment, direct that he be released on his entering into a bond, with or without sureties, to appear and receive sentence when called upon during such period, not exceeding three years, as the court may direct, and in the meantime to keep the peace and be of good behaviour:

Provided that the court shall not direct such release of an offender unless it is satisfied that the offender or his surety, if any, has a fixed place of abode or regular occupation in the place over which the court exercises jurisdiction or in which the offender is likely to live during the period for which he enters into the bond.

(2) Before making any order under sub-section (1), the court shall take into consideration the report, if any, of the Probation Officer concerned in relation to the case.

(3) When an order under sub-section (1) is made, the court may, if it is of opinion that in the interests of the offender and of the public it is expedient so to do, in addition pass a supervision order directing that the offender shall remain under the supervision of a probation officer named in the order during such period, not being less than one year, as may be specified therein, and may in such supervision order impose such conditions as it deems necessary for the due supervision of the offender.

(4) The Court making a supervision order under sub-section (3) shall require the offender, before he is released, to enter into a bond, with or without sureties, to observe the conditions specified in such order and such additional conditions with respect to residence, abstention from intoxicants or any other matter as the court may, having regard to the particular circumstances, consider fit to impose for preventing a repetition of the same offence or a commission of other offences by the offender.

(5) The court making a supervision order under sub-section (3) shall explain to the offender the terms and conditions of the order and shall forthwith furnish one copy of the supervision order to each of the offenders, the sureties, if any, and the probation officer concerned.

5. (1) The court directing the release of an offender under section 3 or section 4, may, if it thinks fit, make at the same time a further order directing him to pay:—

Power of court to require released offenders to pay compensation and costs.

(a) such compensation as the court thinks reasonable for loss or injury caused to any person by the commission of the offence; and

(b) such costs of the proceedings as the court thinks reasonable.

(2) The amount ordered to be paid under sub-section (1) may be recovered as a fine in accordance with the provisions of sections 386 and 387 of the Code.

(3) A civil court trying any suit, arising out of the same matter for which the offender is prosecuted, shall take into account any amount paid or recovered as compensation under sub-section (1) in awarding damages.

6. (1) When any person under twenty-one years of age is found guilty of having committed an offence punishable with imprisonment (but not with imprisonment for life), the court by which the person is found guilty shall not sentence him to imprisonment unless it is satisfied that having regard to the circumstances of the case including the nature of the offence and the character of the offender, it would not be desirable to deal with him under section 3 or section 4, and if the court passes any sentence of imprisonment on the offender, it shall record its reasons for doing so.

Restrictions on imprisonment of offenders under twenty-one years of age.

(2) For the purpose of satisfying itself whether it would not be desirable to deal under section 3 or section 4 with an offender referred to in sub-section (1) the court shall call for a report from the Probation Officer and consider the report, if any, and any other information available to it relating to the character and physical and mental condition of the offender.

7. The report of a Probation Officer referred to in sub-section (2) of section 4 or sub-section (2) of section 6 shall be treated as confidential:

Report of Probation Officer to be confidential.

Provided that the court may, if it so thinks fit, communicate the substance thereof to the offender and may give him an opportunity of producing such evidence as may be relevant to the matter stated in the report.

Variation of  
conditions of  
probation.

8. (1) If, on the application of a Probation Officer, any court which passes an order under section 4 in respect of an offender is of opinion that in the interests of the offender and the public it is expedient or necessary to vary the conditions of any bond entered into by the offender, it may, at any time during the period when the bond is effective, vary the bond by extending or diminishing the duration thereof so, however, that it shall not exceed three years from the date of the original order or by altering the conditions thereof or by inserting additional conditions therein :

Provided that no such variation shall be made without giving the offender and the surety or sureties mentioned in the bond an opportunity of being heard.

(2) If any surety refuses to consent to any variation proposed to be made under sub-section (1), the court may, require the offender to enter into a fresh bond and if the offender refuses or fails to do so, the court may sentence him for the offence of which he was found guilty.

(3) Notwithstanding anything hereinbefore contained, the court which passes an order under section 4 in respect of an offender may, if it is satisfied on an application made by the Probation Officer, that the conduct of the offender has been such as to make it unnecessary that he should be kept any longer under supervision, discharge the bond or bonds entered into by him.

Procedure in case  
of offender  
failing to observe  
conditions of  
bond.

9. (1) If the court which passes an order under section 4 in respect of an offender or any court which could have dealt with the offender in respect of his original offence has reason to believe, on the report of a Probation Officer or otherwise, that the offender has failed to observe any of the conditions of the bond or bonds entered into by him, it may issue a warrant for his arrest or may, if it thinks fit, issue a summons to him and his sureties, if any requiring him or them to attend before it at such time as may be specified in the summons.

(2) The court before which an offender is so brought or appears may either remand him to custody until the case is concluded or it may grant him bail, with or without surety, to appear on the date which it may fix for hearing.

(3) If the court, after hearing the case, is satisfied that the offender has failed to observe any of the conditions of the bond or bonds entered into by him, it may forthwith—

(a) Sentence him for the original offence; or

(b) Where the failure is for the first time, then, without prejudice to the continuance in force of the bond, impose upon him a penalty not exceeding fifty rupees.

(4) If a penalty imposed under clause (b) of sub-section (3) is not paid within such period as the court may fix, the court may sentence the offender for the original offence,

10. The provisions of sections 122, 126, 126A, 406A, 514, 514A, 514B and 515 of the Code shall, so far as may be, apply in the case of bonds and sureties given under this Act.

Provision as to  
Sureties.

11. (1) Notwithstanding anything contained in the Code or any other law, an order under this Act may be made by any court empowered to try and sentence the offender to imprisonment and also by the High Court or any other court when the case comes before it on appeal or in revision.

Courts  
competent to  
make order the  
Act, appeal and  
revision and  
powers of courts  
in appeal and  
revision.

(2) Notwithstanding anything contained in the Code, where an order under section 3 or section 4 is made by any court trying the offender (other than a High Court). An appeal shall lie to the court to which appeals ordinarily lie from the sentences of the former court.

(3) In any case where any person under twenty-one years of age is found guilty of having committed an offence and the court by which he is found guilty declines to deal with him under section 3 or section 4, and passes against him any sentence of imprisonment with or without fine from which no appeal lies or is preferred, then, notwithstanding anything contained in the Code or any other law, the court to which appeals ordinarily lie from the sentences of the former court may, either of its own motion or on an application made to it by the convicted person or the Probation Officer, call for and examine the record of the case and pass such order thereon as it thinks fit.

(4) When an order has been made under section 3 or section 4 in respect of an offender, the Appellate Court or the High Court in the exercise of its power of revision may set aside such order and in lieu thereof pass sentence on such offender according to law:

Provided that the Appellate Court or the High Court in revision shall not inflict a greater punishment than might have been inflicted by the court by which the offender was found guilty.

12. Notwithstanding anything contained in any other law, a person found guilty of an offence and dealt with under the provisions of section 3 or section 4 shall not suffer disqualification if any, attaching to a conviction of an offence under such law ;

Removal of  
disqualification  
attaching to  
conviction.

Provided that nothing in this section shall apply to a person who, after his release under section 4, is subsequently sentenced for the original offence.

Probation  
officers.

13. (1) A Probation Officer under this Act shall be—

(a) a person appointed to be a Probation Officer by the State Government \*or by such officer as the State Government may subject to such restrictions and conditions (if any) as it may impose, by order authorise in this behalf\* or recognised as such by the State Government or

(b) a person provided for this purpose by a society recognised in this behalf by the State Government; or

(c) in any exceptional case, any other person who, in the opinion of the court, is fit to act as a Probation Officer in the special circumstances of the case.

(2) A court which passes an order under section 4 or the district Magistrate of the district in which the offender for the time being resides may, at any time, appoint any Probation Officer in the place of the person named in the supervision order.

*Explanation* :—For the purposes of this section, a presidency town shall be deemed to be a district and chief presidency Magistrate shall be deemed to be the district Magistrate of that district.

(3) A Probation Officer, in the exercise of his duties under this Act shall be subject to the control of the district Magistrate of the district in which the offender for the time being resides. .

Duties of  
Probation  
officers.

14. A Probation Officer shall, subject to such conditions and restrictions, as may be prescribed—

(a) Inquire, in accordance with any directions of a court, into the circumstances or home surroundings of any person accused of an offence with a view to assist the court in determining the most suitable method of dealing with him and submit reports to the court;

(b) Supervise probationers and other persons placed under his supervision and, where necessary, endeavour to find them suitable employment;

(c) Advise and assist offenders in the payment of compensation or costs ordered by the court;

---

\*—\* Inserted by Maharashtra Act, XXXI of 1969.

(d) Advise and assist, in such cases and in such manner as may be prescribed, persons who have been released under section 4; and

(e) Perform such other duties as may be prescribed.

15. Every Probation Officer and every other officer appointed in pursuance of this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

Probation  
Officers to be  
public servants.  
XLV of 1860.

16. No suit or other legal proceeding shall lie against the State Government or any Probation Officer or any other officer appointed under this Act in respect of anything which is in good faith done or intended to be done, in pursuance of this Act or of any rules or orders made thereunder.

Protection of  
action taken in  
good faith.

17. (1) The State Government may, with the approval of the Central Government, by notification in the official Gazette, make rules to carry out the purposes of this Act.

Power to make  
rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(a) Appointment of Probation Officers, the terms and conditions of their service and the area within which they are to exercise jurisdiction ;

(b) Duties of Probation Officers under this Act and the submission of reports by them ;

(c) The conditions on which societies may be recognised for the purposes of clause (b) of sub-section (1) of section 13 ;

(d) The payment of remuneration and expenses to Probation Officers or of a subsidy to any society which provides Probation Officers ; and

(e) Any other matter which is to be, or may be prescribed.

(3) All rules made under this section shall be subject to the condition of previous publication and shall, as soon as may be after they are made, be laid before the State Legislature.

18. Nothing in this Act shall affect the provisions of section 31 of the Reformatory Schools Act, 1897, or sub-section (2) of section 5 of the Prevention of Corruption Act, 1947 or the Suppression of Immoral Traffic in Women and Girls Act, 1956, or of any law in force in any State relating to juvenile offenders or borstal schools.

Saving of  
operation of  
certain enact-  
ments.  
VIII of 1897.  
II of 1947 : CIV  
of 1956.

19. Subject to the provisions of section 18, section 562 of the Code shall cease to apply to the States or parts thereof in which this Act is brought into force.

Section 562 of  
the Code not  
apply in certain  
areas.

THE MAHARASHTRA PROBATION OF OFFENDERS ACT  
RULES, 1966

[Government Notification, Home Department, No. POA-1158/ 83536-XXII, dated 13th October 1966]

In exercise of the powers conferred by section 17 of the Probation of Offenders Act, 1958 (XX of 1958) and of all other powers enabling it in this behalf and with the approval of the Central Government, the Government of Maharashtra hereby makes the following rules, the same having been previously published as required by sub-section (3) of the said section 17, namely—

*I. PRELIMINARY*

Short title. 1. These rules may be called the Maharashtra Probation of Offenders Rules, 1966.

Definitions. 2. In these rules, unless the context otherwise requires,—

(a) “Act” means the Probation of Offenders Act, 1958 (XX of 1958);

(b) “Chief Controlling Authority” means the officer appointed under rule 4 ;

(c) \* “Chief Probation Superintendent” means the Deputy Director of Correctional Services, Maharashtra State;\*

(d) “Director” means the † Director of Correctional Services, Maharashtra State† ;

(e) “District Probation Officer” means the District Probation Officer designated as such under sub-rule (2) of rule 3 ;

(f) “Form” means a form appended to these rules;

(g) “Part-time Probation Officer” means a Probation Officer other than salaried Probation Officer, recognised by the State Government under clause (a) of sub-section (1) of section 13 of the Act or provided by a Society under clause (b) of sub-section (1) of section 13 of the Act, who is remunerated by fees or honorarium and not by salary or who works without remuneration ;

---

\*—\* Substituted for clause (c) by Government Notification, Home Department, No. POA 1167/4517-VII. dated 9th November 1970.

†—† Substituted for the words ‘Director of Social Welfare’ *ibid.*

(h) “Probationer” means any offender in respect of whom a supervision order is in force ;

(i) “Probation district” means a district or a bigger or smaller area as may be specified by the State Government for organisation of probation work under the Act;

(j) “Probation Home” means an institution or other premises mentioned in rule 33 ;

(k) “Probation Superintendent” means the officer appointed as such by the State Government to assist the Chief Probation Superintendent;

(l) “Salaried Probation Officer” means a whole time Probation Officer appointed or recognised by the State Government under clause (a) of sub-section (1) of section 13 of the Act, or provided by a society under clause (b) of sub-section (1) of section 13 of the Act who is remunerated by salary and not by fees or honorarium ;

(m) “Society” means a society recognised by the State Government under clause (b) of sub-section (1) of section 13 of the Act and under sub-rule (3) of rule 24 ;

(n) “Special Probation Officer” means a Probation Officer named by the Court under clause (c) of sub-section (1) of section 13 of the Act;

(o) “Supervision order” means an order passed under sub-section (3) of section 4 of the Act.

## *II. DEPARTMENTAL CONTROL OF PROBATION OFFICERS*

3. (1) The State Government may appoint for each probation district such number of persons as it thinks fit to be Probation Officers for the purposes of the Act.

Probation  
Officers and  
their control.

(2) All Probation Officers (whether appointed or recognised by the State Government) in each probation district shall be under the control of a Probation Officer specified by the State Government in this behalf and designated as District Probation Officer.

(3) All such Probation Officers in the State shall be under the control of the Chief Probation Superintendent.



Chief  
Controlling  
Authority.

4. The Chief Controlling Authority for the purposes of these rules shall be the Director, who shall exercise administrative control superintendence over all the Probation Officers, District Probation Officers, Probation Superintendent and Chief Probation Superintendent and shall perform such other functions as may, from time to time, be assigned to him by the State Government. The Director shall also :—

- (a) Deal with recognised societies ;
- (b) Contact other associations and the public who are interested in the propagation of work relating to probation;
- (c) Submit statistical returns and such periodical or special returns or other reports in such manner as the State Government may require from time to time.
- (d) Inspect the work and offices of the Chief Probation Superintendent and District Probation Officers annually and the offices of the Probation Officers' and probation homes once in such period as may be fixed by the State Government.
- (e) Submit to the State Government in such manner as may be prescribed by them an annual report on the working of the Act and work of probation in the State.

Chief Probation  
Superintendent.

5. Subject to the control and supervision of the Chief Controlling Authority, the chief Probation Superintendent shall be responsible for administering the work of probation throughout the State; and his duties and responsibilities shall include:—

- (a) Control, guidance and supervision of the work of District Probation Officers and other Probation Officers;
- (b) Assisting and fostering after-care work in the State and other activities for the purpose of rehabilitation of offenders, and maintaining contact with other related Associations and the public ;
- (c) Submission of statistical or other returns and reports as required, to \*the Chief Controlling Authority\* and
- (d) Such other functions as may be assigned to him by \*the Chief Controlling Authority\* or the State Government.

Probation  
Superintendent.

6. The Probation Superintendent shall, subject to the control and supervision of the Chief Probation Superintendent, perform such functions as are assigned to him by the Chief Probation Superintendent.

---

\*—\* Substituted for the words "the Director" by Government Notification, Home Department, No. POA-1167.4517-VII, dated 9th November 1970.

7. (1) The head-quarters of a District Probation Officer shall be the head-quarters of the district or such other place as may be fixed by †the Chief Controlling Authority†. The jurisdiction of the District Probation Officer shall extend to the whole of the probation district in which he is posted.

District  
Probation  
Officer.

(2) He shall—

(a) Be responsible for the working of probation in the whole area within his jurisdiction ;

(b) Control, guide and supervise the work of Probation Officers in the district;

(c) Be the drawing and disbursing officer in respect of all expense connected with the probation work in the district;

(d) Submit to the Chief Probation Superintendent a half yearly report on the conduct and progress of all probationers in his jurisdiction and reports of cases dealt with under section 9 of the Act;

(e) Submit to the State Government, [the Chief Controlling Authority], the Chief Probation Superintendent the District Magistrate and the Court such other reports as may be required by the State Government, [the Chief Controlling Authority], the Chief Probation Superintendent, the District Magistrate or the Court ;

(f) Perform such other functions as may be assigned to him by the Chief Probation Superintendent [(or) the Chief Controlling Authority].

8. (1) Casual leave may be granted:

Leave.

(a) To District Probation Officer by the Chief Probation Superintendent and

(b) To any Probation Officer and other staff in his office employed by State Government in a district, by the District Probation Officer.

(2) All other leave shall be granted to the District Probation Officers Probation Officers and other staff by \*[the Chief Controlling Authority] \*.

(3) A Probation Officer must apply in advance for leave of absence to the authority empowered to grant it.

†—† The former words were substituted by the words 'or the Director' by Government Corrigendum, Home Department No. POA-1167-4517-VII, dated 17th March 1970. The words 'the Director' were substituted by the words 'the Chief Controlling Authority' by Government Notification, Home Department, No. POA-1167-4517-VII, dated 9th November 1970.

\*—\* Substituted for the words 'the Director' by Government Notification, Home Department, No. POA-1167-4517-VII, dated 9th November 1970.

(4) Subject to the provisions of the Act relating to appointment of Probation Officers, the authority granting leave to a Probation Officer or transferring him shall (a) take necessary steps for substitute arrangements or carrying out the duties of the Probation Officer, and (b) inform the District Probation Officer and the District Magistrate of the District.

### *III. PROBATION OFFICER'S QUALIFICATIONS FOR APPOINTMENT AND CONDITIONS OF SERVICE*

General  
attributes of  
Probation  
Officer.

9. While appointing Probation Officers, due regard shall be had to the following general attributes of a Probation Officer, that is to say :—

(a) Adequate educational attainments;

(b) Good character and personality, suitable for influencing persons placed under his supervision in two essential respects, namely, (i) conforming to law during the period of probation, and (ii) reformation of character and attitude to social behaviour, so as not to revert to crime ;

(c) Maturity of age and experience; (a Probation Officer in order to have independent charge of a probationer should not be less than 30 years of age); and

(d) Aptitude, zeal and a “calling” for probation work.

Qualifications of  
Salaried  
Probation  
Officers.

10. (1) A salaried Probation Officer shall be

(a) A graduate, and

(b) Not less than 25 years and not more than 40 years of age at the time of first appointment (exclusive of periods of training).

(2) A salaried Probation Officer appointed by the State Government shall possess other qualifications prescribed by the State Government for posts of similar status and responsibility.

(3) Every salaried Probation Officer, before being entrusted with supervision of a probationer shall have received adequate training.

Qualifications of  
part-time  
Probation  
Officers.

11. A part-time Probation Officer appointed in a district shall be :—

(a) A person who has passed S. S. C. Examination and is not less than 30 years of age. While making appointments preference should be given to graduates ;

(b) A resident of the district;

(c) In a position to devote adequate time to the supervision of probationers;

(d) A person having sufficient practical experience in social welfare work or in teaching or in moulding of character; and

(e) Fully conversant with the Act and these Rules.

12. (1) The procedure relating to the appointment of Probation Officers by the State Government shall be in accordance with general rules relating to recruitment of officers to posts of similar status and responsibility.

Appointment  
and registration  
of Probation  
Officers.

(2) Names of individuals in different localities for recognition as part-time Probation Officers submitted by a Society or by the District Magistrate or the Chief Probation Superintendent may be considered by the State Government.

(3) (a) The names of all Probation Officers recognised by the State Government with their addresses shall be entered in a register kept by the Chief Probation Superintendent.

(b) Lists containing the names of (i) Probation Officers appointed by the State Government, (ii) salaried Probation Officers provided by Societies, and (iii) part-time Probation Officers, for service in the district or in specified areas of the district or allocated to specified courts in the district, shall be kept by the District Probation Officer and made available to the courts whenever necessary.

13. (1) The court may appoint a Special Probation Officer under clause (c) of sub-section (1) of section 13 of the Act in view of the special circumstances of a particular case, when no Probation Officer on the lists referred to in clause (b) of sub-rule (3) of rule 12 is available or is considered suitable enough to attend to the case. A court or a District Magistrate may also appoint a Special Probation Officer under sub-section (2) of section 13 of the Act.

Special  
Probation  
Officer.

(2) In deciding whether a person is suitable for appointment as a Probation Officer in a particular case, under clause (c) of sub-section (1) of section 13 or sub-section (2) of section 13 of the Act, the court or the District Magistrate may take into consideration (a) the general attributes specified in rule 9 and the provisions of rule 13, (b) his age, position character and attainments and relationship to the offender, and (c) his ability to follow these rules and to discharge the duties of Probation Officers.

14. *Precautions* : (1) Female probationers should not ordinarily be placed under the supervision or control of male Probation Officers.

Choice of  
Probation  
Officers.

(2) Religious persuasions of the probationer and the Probation Officer should be taken into consideration.

(3) While choosing a Probation Officer for supervision in a particular case, the court may, where necessary, consult the District Probation Officers.

Terms and  
conditions of  
service.

15. (1) (a) Subject to the provisions of these rules, the general terms and conditions of service applicable to Probation Officers appointed by the State Government shall be the same as those prescribed for other Officers of the State Government of similar status and responsibility.

(b) Salaries, allowances and other terms and conditions of service applicable to salaried Probation Officers appointed by a Society shall be prescribed by the Society in accordance with these rules and the instructions issued by \*[the Chief Controlling Authority] \* or the State Government under clause (b) of sub-rule (3) of rule 24.

(c) A part-time Probation Officer may be paid (i) a fixed remuneration with due regard to the nature and extent of the duties he is required to perform, or (ii) An honorarium; or he may work without accepting any remuneration.

(d) A special Probation Officer may be paid, if the court so directs, remuneration or allowances for supervision of probationers at rates similar to those prescribed for part-time Probation Officers.

(2) (a) Every Probation Officer shall be furnished with an identity card in Form I. The identity card shall be used only when necessary in connection with his work and shall be returned to the Chief Probation Superintendent on suspension or termination of his appointment.

(b) Probation Officers shall not wear any uniform or badge.

(3) A Probation Officer shall give at least three months' notice in writing, if he wished to resign his appointment. If a part-time Probation Officer is unable, owing to ill-health or other cause, to perform his duties, he shall at once report the fact to the District Probation Officer.

#### *IV. PROBATION OFFICERS—DUTIES AND RESPONSIBILITIES*

Departmental  
responsibility.

16. (1) Every Probation Officer shall carry out the directions of the Chief Probation Superintendent and the Chief Controlling Authority.

---

\*—\* Substituted for the Words 'the Director' by Government Notifications, Home Department No. POA-1167-4517- VII dated 9th November 1970.

(2) Every Probation Officer shall inform the District Probation Officer, as soon as a probationer is placed under his supervision, of that fact and of the particulars with such other facts as may be directed by the Chief Probation Superintendent.

(3) Every Probation Officer shall submit:—

(a) To the District Probation Officer a monthly report on the progress of each probationer placed under his supervision (in Form II) and copies of pre-sentence report and of other reports submitted to a court or the Chief Probation Superintendent, and

(b) To the Chief Probation Superintendent and the District Probation Officer such periodical reports and statistics as may be required.

17. (1) For the purpose of Section 14 (a) of the Act, the Probation Officer shall, after making discreet inquiries regarding the offender's character and antecedents, his social and environmental conditions, the financial and other circumstances of his family, the circumstances in which the alleged offence was committed and any other facts which the court has directed him to enquire into, put down the relevant facts fully and faithfully in the report, as nearly as may be in Form III.

Pre-sentence  
report.

(2) The summary of the case shall include an objective statement of facts along with the Probation Officer's assessment of the case, so as to help the court in determining the most suitable method of dealing with the offender after he is found guilty.

(3) The report shall be treated as "confidential" and delivered to the court on the date specified by it; it should be enclosed in a sealed cover, if sent to the court or delivered on a date prior to the date of delivery of judgment.

18. (1) The Probation Officer shall act as a friend and guide of the probationer. For this purpose, he shall, subject to any provision of the supervision order, require the probationer to report to him at stated intervals, meet him frequently and keep in close touch with him.

Supervision  
Probationers.

(2) At the first meeting the Probation Officer shall:—

(a) Explain to the probation officer, the conditions of the supervision order :

(b) Advise him as to how he should conduct himself;

and

(c) Specify the days on which he should report to the officer, the time and place of reporting being so arranged as to avoid unnecessary hardship

to the probationer and to secure proper privacy, and inform the probationer that any omission on his part in so reporting will have to be satisfactorily accounted for.

(3) The Probation Officer shall visit the probationer periodically in his home surroundings and, where appropriate, his occupational environment, in order to see the progress made by the probationer and the difficulties if any, met with by him :

Provided that in the case of young offenders attending school or college, the Probation Officer shall not visit the probationer in the institution, but may make discreet enquiries of the teacher or tutor or head of the institution regarding his attendance, conduct and progress, without prejudicing the probationer's interest in any way.

(4) The frequency of the meetings, including visits by the Officer, should depend upon the conduct and mode of life of the probationer and upon the progress he is making. But the number of meetings should be unless the court directs otherwise, not less than :—

(a) Once a week, during the first month ;

(b) Once a fortnight, during the rest of the first half of the period of probation ; and

(c) Once a month, during the remaining period.

(5) The Probation Officer shall endeavour, by example, advice, persuasion and assistance and, where necessary, by warning, to ensure that (a) the probationer does not violate the conditions of the supervision order or commit any further offence and behaves in conformity with law and (b) his behaviour, attitude to society, habits, character and moral improves, so that he may not revert to crime.

(6) The Probation Officer shall also take such action as he deems necessary for better regulation of the conduct and mode of life of the probationer or for closer supervision over him.

(7) The Probation Officer shall also advise and help the probationer in attending hospital, psychiatric clinic, occupational training centre and other similar matters if and when necessary for the improvement of the probationer's prospects.

Duties in relation  
to courts.

19. (1) The Probation Officer may move the court before which the probationer is bound, to vary the conditions of the bond by way of tightening or,relaxing them, as may be required by the conduct of the probationer.

(2) If the Probation Officer considers that the probationer has made sufficient progress and further supervision is not necessary, he shall make an application to the court in consultation with the District Probation Officer under intimation to the Chief Probation Superintendent for discharging the bond under sub-section (3) of Section 8 of the Act.

(3) If a probationer fails to observe any of the conditions of the bond or behaves in a manner indicating that he is not likely to fulfil the purpose of the supervision order, the Probation Officer shall report the fact to the court and the District Magistrate, through the District Probation Officer for such action as may be considered necessary.

(4) The Probation Officer shall consult the District Probation Officer with regard to appeal or revision under Section 11 of the Act.

20. The Probation Officer shall :—(1) Carry out any directions that the Chief Probation Superintendent or other Officer not below the rank of a District Probation Officer duly authorised by him to act on his behalf, may give regarding supervision of a probationer ;

Responsibilities  
in relation to  
Chief Probation  
Superintendent.

(2) Submit such reports to the Chief Probation Superintendent on the progress of probationers as may be required, as nearly as may be in Form II;

(3) Report to the Chief Probation Superintendent

(a) Cases where conditions of the supervision order or bond are not adhered to, which would include *inter alia*—

(i) The probationer changing his residence,

(ii) Any fresh offence committed by the probationer.

(iii) Any serious violation of the conditions of the supervision order, and

(iv) Any plan of the probationer to abscond ;

(b) Any attempt by any person to aid or abet the probationer in commission of a crime or otherwise influence him so as to adversely affect his conduct and reformation; and

(c) The factors, if any, obstructing the rehabilitation of the probationer.

21. (1) The Probation Officer shall assist the probationer's rehabilitation in society, so that he does not revert to crime. For this purpose, the Probation Officer shall endeavour to secure for the probationer—

Rehabilitation  
and after care of  
probationer.

(a) Training facilities.



(b) Employment opportunities,

(c) Any necessary financial aid, and

(d) Contacts and associations with normal individuals and congenial organisations like Boy Scouts and Girls Guides, Youth Organisations and Community Projects.

(2) The Probation Officer shall try to maintain constant touch with discharged probationers to follow up the progress made by them towards their rehabilitation for such periods as may be prescribed by the Chief Probation Superintendent and submit follow up report to the District Probation Officer and the Chief Probation Superintendent.

(3) The Probation Officer shall participate, wherever possible, in After Care Schemes and organisations like Nav Jeeven Mandals (Released Prisoners Aid Societies), District Probation and After Care Association, Youth Clubs.

Other duties of  
Probation  
Officers.

22. The Probation Officer shall also undertake the following functions under the guidance of the District Probation Officer; (—) namely :—

(1) Educating the public and mobilising support for the probation system;

(2) Mobilising public assistance and co-operation in the field of social defence ;

(3) Being in charge of any institution or other premises referred to in rule 33 that may be assigned;

(4) Any other duties of a cognate nature which may be assigned by order of \*[the Chief Controlling Authority]\* or State Government.

Probation  
Officer not to  
divulge  
information.

23. A Probation Officer shall not divulge information concerning his inquiries or work of probation to any person other than the authorities to whom he is required to report, except in so far as it is necessary to do so in the interest of the probationer.

#### V. RECOGNITION OF SOCIETY

Recognition of  
society.

24. (1) A society primarily devoted to any of the following kinds of work will be eligible for seeking recognition under clause (b) of sub-section (1) of Section 13 of the Act, that is to say :—

(a) Social defence, including care, after-care or aid to offenders or discharged prisoners and protection and training of rescued or destitute women or children ;

---

\*—\* Substituted for the words 'the Director' by Government Notification, Home Department, No. POA-1167-4517-VII, dated 9th November 1970.

(b) Education or other social welfare work; and

(c) Religious or charitable work, with interest in aiding and rehabilitating such persons as are mentioned in clause (a).

(2) Any society eligible under sub-rule (1) and desiring recognition shall make an application through \*[the Chief Controlling Authority]\* to the State Government, together with a copy of each of its rules, bye-laws, articles of association (if any), list of its members and office-bearers and a statement showing its status and past record of social or public service.

(3) The State Government may, after making such inquiry as it considers necessary into the status, past record of social or public service and present conditions of the society and after satisfying itself that the society possesses sufficient financial means to carry out its obligations, grant recognition to the society, on condition that it shall undertake to—

(a) Provide such Probation Officers as may be required by the State Government or the court;

(b) Abide by these rules and any instructions issued by the State Government and the Chief Controlling Authority and see that the same are followed by the Probation Officers and the personnel of any institution or other premises referred to in rule 33 under it; and

(c) Furnish to the State Government, whenever required, a statement of its financial position including the balance-sheet and audited report, if any.

(4) The State Government may withdraw the recognition granted to a society under sub-rule (1) after giving notice of three months to the society. The recognised society may also get its recognition withdrawn on the recommendation of [the Chief Controlling Authority], by the State Government after giving to it a notice of three months.

25. (1) A recognised society requiring subsidy from the State Government in aid of its activities relating to probation shall forward to [the Chief Controlling Authority] through the Chief Probation Superintendent an application accompanied by a copy of—

Subsidy to  
society.

(a) its rules regarding salaries, allowances and conditions of service of Probation Officers and its rules regarding the management of institutions or other premises referred to in rule 33 if any, under it;

(b) such other particulars as may be required.

---

\*—\* Substituted for the words 'the Director' by Government Notification, Home Department, No. POA-1167-4517-VII, dated 9th November 1970.

(2) The State Government may, in deserving cases and on the recommendations of \*[the Chief Controlling Authority]\* pay to recognised society such subsidy and for so long as it may deem fit.

(3) The society which has been granted a subsidy shall

(i) Submit its annual report and audited accounts and such other reports as may be called for by \*[the Chief Controlling Authority] \*.

(ii) Maintain, standards of supervision, work and manage institutions or other premises referred to in rule 33, if any, under it to the satisfaction of the \*[the Chief Controlling Authority]\*

(iii) Provide all facilities for inspection by the officers concerned.

Control of  
Probation  
Officers.

26. (1) (a) If a Probation Officer appointed by a society fails to perform the duties imposed on him by the Act or these Rules or to abide by orders, of the Chief Probation Superintendent or the Chief Controlling Authority or the State Government for regulations of the work and conduct of Probation Officers, the court or the District Magistrate or the District Probation Officer may report the fact to the society; and thereupon, the society shall take suitable action on that report, and inform the District Probation Officer of the action taken.

(b) The Society shall consider every complaint against such Probation Officer relating to any matter which affects his fitness for office and shall investigate every such complaint which is in its opinion calls for investigation; and take further disciplinary action, wherever necessary and inform the Chief Probation Superintendent.

(2) The work of Probation Officers provided by the Society will be subject to guidance, supervision and control by \*[the Chief Controlling Authority]\* or any officer empowered by the State Government to act on his behalf.

#### VI. PROCEDURE FOR COURTS AND DISTRICT MAGISTRATES

Court Procedure.

27. (1) The court may direct a Probation Officer (as nearly as may be in Form IV) to enquire into the character and antecedents of the accused, the circumstances in which the offence was committed and other matters and submit a report on a †.....† date, which should ordinarily be the expected date of delivering judgment. The Court shall consult

\*—\* Substituted for the words 'the Director' by Government Notification, Home Department No. POA-1167-4517-VII. dated 9th November 1970.

†—† The word 'prescribed' deleted *ibid.*

the report only after finding the accused guilty. If he is not found guilty, the report should be returned to the Probation Officer concerned for record for purposes of future reference.

(2) The court may direct the Probation Officer to make any further investigations, and, where required, with the help of Police, to have a medical or psychiatric examination of the offender, and report to the court for enabling it to decide action to be taken under sections 3, 4, 5, 6 and 7 of the Act.

(3) The Court may order Police escort whenever required by the Probation Officer for the purposes of making enquiries or for obtaining medical or psychiatric report.

28. The following forms may be used for the purpose noted against each :—

(a) Form V Bond for good behaviour under sub-section (1) of the Act.

(b) Form VI-Supervision order under sub-section (3) of section 4 of the Act.

(c) Form VII-Undertaking by probationer under sub-section (4) of section 4 of the Act.

29. The court may require a Probation Officer to submit a report on a stipulated date or periodical reports on the progress, conduct and mode of living of the probationer placed under his supervision for purposes of sections 8 and 9 of the Act.

30. Where a court passed a supervision order under sub-section (3) of section 4 and appoints a Probation Officer provided by a society, the court shall forward a copy of it to the society.

31. The District Magistrate or any other officer not below the rank of Sub-Divisional Magistrate duly authorised by him may :

(1) Inspect the work and any record in the office of any Probation Officer working within his jurisdiction;

(2) Give any directions to Probation Officers that he considers to be immediately required for the due performance of their work relating to supervision ; and

(3) Send his observations or report on the foregoing or other facts to the District Probation Officer and Chief Probation Superintendent.

32. The District Magistrate may form a Probation Committee for supervising the work of the Probation Officer under the Act in the district. The Committee will review from time to time the arrangements made

Forms.

Report by  
Probation  
Officer.

Court appointing  
Probation  
Officer provided  
by society to  
send copy of  
supervision order  
to that society.

Functions of  
District  
Magistrate.

Functions of  
District  
Probation  
Committees.

for enforcement of the Act and make suggestions, if necessary, to the Chief Probation Superintendent for improving the tone of work under the Act.

The constitution of the District Probation Committee shall be framed by the State Government.

#### VII. RESIDENCE OF PROBATIONERS

Institutions or  
other premises  
for reception of  
probationers.

33. (1) The State Government may maintain, or approve, subject to such conditions (including conditions relating to management and inspection) as it may deem fit to impose, any Probation Home, institution or other premises for the reception of probationers who may be, required to reside therein by a supervision order.

(2) Any such Probation Home, institution or other premises shall be maintained, managed and inspected in accordance with such instructions as may be issued by the \*the Chief Controlling Authority\* from time to time.

Residence of  
probationer in  
such institution  
or other  
premises.

34. (1) When a Probation Officer is of opinion that it is necessary or desirable for a probationer to reside in any Probation Home, institution or other premises referred to in rule 33 on the ground that the probationer has no fixed abode or no abode suitable for due supervision, or that his home surroundings are not suitable for due supervision, or that his home surroundings are not suitable for achieving the objects of probation would be better served by his staying in such Probation Home, institution or premises, the probationer may be asked to reside therein.

(2) A probationer may also be required to reside in any such institution or premises in pursuance of any order of the court which passed the supervision order, or in terms of the bond entered into by the probationer.

Change of  
residence.

35. (1) Where a probationer under supervision, consistent with the conditions of the supervision order, changes or proposes to change his place or residence and the place of such residence is outside the jurisdiction of the Probation Officer, he shall obtain the permission of—

(a) The Probation Officer, if the period of such stay does not exceed a fortnight;

(b) The District Magistrate on the recommendation of the Probation Officer, if such period exceeds a fort-night but does not exceed three months; or

---

\*—\* Substituted for the words 'the Director' by Government Notification, Home Department, No. POA-1167-4517-XII, dated 9th November 1970.

(c) The court on application made through the Probation Officer, if such period exceeds three months.

(2) Any such change of residence should be reported to the court concerned.

(3) Where the period of stay referred to in sub-rule (1) exceeds a fortnight, the probationer shall report to the Probation Officer having jurisdiction in the changed place of residence on or before a specified date.

(4) The Probation Officer in the changed place of residence shall send to the original Probation Officer a report of the arrival of the probationer and send copies of the report and such other reports as may be required by the Chief Probation Superintendent to the District Magistrate or District Magistrates concerned and to the District Probation Officers of the Districts concerned.

(5) Where the period of stay referred to in sub-rule (1) exceeds one month, a new Probation Officer may be appointed under sub-section (2) of section 13 of the Act by the District Magistrate having jurisdiction over the changed place of residence or by the court. Such appointments of Probation Officers shall be reported to the Chief Probation Superintendent.

### VIII. RECORDS

36. (1) A Probation Officer shall maintain the following records that is to say :—

Records to be maintained by Probation Officers.

(a) A diary showing his day-to-day work, including preliminary enquiries attendance at courts, meetings with probationers, contacts with societies and visits to institutions and premises referred to in rule 33, a copy of the diary being submitted every week to the District Probation Officer. The work diary shall be treated as confidential record and shall be preserved carefully. In case of loss or misplacement of the work diary, the Probation Officer shall immediately report the same to the Chief Probation Superintendent;

(b) A file containing copies of all reports of preliminary inquiries submitted to courts;

(c) A register showing the receipt and disposal of all orders of courts to the Probation Officer for making enquiries;

(d) A probationer's case-file as in Form VIII containing—

(i) A front cover page indicating the main particulars of the probationer and the case;

(ii) A summary of the probationer's antecedents, character, his family and other environment and the circumstances of the offence, further

progress of supervision and all other important events during the period of probation; and

(iii) Copies of pre-sentence report, orders of court, bonds or undertakings, and all other records relating to him including a history sheet;

(e) An index card, and chronological Register (as nearly as may be in Form IX) of probationer ;

(f) A register of payments made on account of probationers showing :—

(i) Payments to institution or premises to in rule 33 for maintenance of probationers;

(ii) Payments to probationers for travelling expenses to such institutions or premises and back;

(iii) Fares for reporting to a Probation Officer;

(iv) Other financial aid to probationers, and

(g) Such other records as may be prescribed by the Chief Probation Superintendent or the Director from time to time.

(2) In the case of part-time Probation Officers, the records mentioned in clauses (b), (c), (e) and (f) of sub-rule (1) shall be kept in the office of the District Probation Officer.

(3) A Special Probation Officer shall maintain the records mentioned in clauses (a) and (d) of sub-rule (1) and send such other information to the District Probation Officer, the Chief Probation Superintendent and the Director as may be prescribed by the State Government from time to time.

Preservation of  
records.

37. (1) Each probationer's case file with the Probation Officer shall be preserved for not less than ten years from the date of the expiry of the supervision order to which it relates.

(2) The diary shall be closed on the 31st December of each year and thereafter be deposited as a confidential record in the office of the Chief Probation Superintendent. Each volume of the diary shall be preserved for not less than ten years from the date of its closure.

(3) The index card and the chronological register shall be preserved for at least ten years more after the destruction of the history sheets to which they relate.

38. An inspection book shall be maintained at each Probation Officer's office; and a copy of the inspection book relating to a part-time Probation Officer shall be maintained in the District Probation Officer's office. \*The Chief Controlling Authority\*, Chief Probation Superintendent, District Magistrate, District Probation Officer and such other persons as may be appointed by the Chief Controlling Authority for inspecting the work of Probation Officer shall record their observations in the book. The observations made therein shall be forwarded to the Chief Probation Superintendent alongwith the comments of the District Probation Officer of the District.

Inspection book.

39. The District Probation Officer shall maintain in his office in such manner as may be prescribed by the Chief Controlling Authority\*.

Records to be maintained by District Probation Officers.

(1) lists of Probation Officers in the district or area under his jurisdiction ;

(2) list of probation homes, institutions or premises referred to in rule 33, in that area;

(3) a dossier for each probationer under supervision in the district, containing a summary of the case and duplicates of important documents in the case record with the Probation Officer ;

(4) register of probationers in the district (as nearly as may be in Form II), received from Probation Officers;

(5) an inspection file containing notes of inspection of offices of Probation Officers and copies of reports of inspection submitted to the Chief Probation Superintendent;

(6) register of probationers staying in homes, institutions or premises referred to in rule 33, in the district;

(7) register of payments to probationers in the districts ;

(8) register of payments to societies in the district; and

(9) such other records as may be directed to be maintained by \*the Chief Controlling Authority\*.

40. A Probation Officer shall not employ any offender placed under his supervision for his own private purpose or take any private service from him.

Probationers not to be employed on private work of Probation Officer.

---

\*—\* Substituted for the words ' the Director' by Government Notification, Home Department, No. POA-1167-4517-VII, 9th November 1970.



Submission of  
statistics.

41. Every Probation Officer shall collect and submit in January and July the following statistics for the preceding half year to the District Probation Officer concerned, who, in turn, will consolidate these statistics for the probation district and submit the same to the Chief Probation Superintendent, namely—

- (1) The number of probationers;
- (2) Employment of Probationers;
- (3) The number of cases of variation of orders under section 8 of the Act and of failure to observe condition of bond dealt with under section 9 of the Act;
- (4) The number of offenders in his jurisdiction : (a) discharged after admonition under section 3 of the Act, (b) released under sub-section (1) of section 4 of the Act without supervision, (c) sentenced to imprisonment though under 21 years of age, (d) committed to Borstal School, (e) number of cases closed as “Successful” (f) number of cases closed as “Unsuccessful”, (g) number of cases closed as “Otherwise”.

The statistics mentioned above should be shown separately according to sex; age (over 21, between 21 and 16, below 16); nature of offender (i. e. first offender, second offender, habitual offender), and gravity of crime:

Provided that in the case of part-time Probation Officer the statistics mentioned in this rule shall be collected and maintained by the District Probation Officer.

—————

(Front Cover)

## FORM I

[See rule 15 (2) (a)]

GOVERNMENT OF MAHARASHTRA

DIRECTORATE OF CORRECTIONAL SERVICES\*

(Back Cover)

## IDENTITY CARD

THE MAHARASHTRA PROBATION OF OFFENDERS RULES,  
1966, RULE 15 (2) (a)

## (Instructions)

1. This card is meant for establishing the identity of the holder as a District Probation Officer/Salaried Probation Officer/Part time Probation Officer/Special Probation Officer.
2. The holder shall keep the card in his personal custody and shall be responsible for the safe custody thereon. Any loss or subsequent recovery of this card must be immediately reported to the Head of Department.
3. This card shall be returned to the †Director of Correctional Services† when the holder is placed under suspension or ceases to hold office.
4. Holder of the card will be liable for disciplinary action, if the card is misused in any way.

## (Inside)

Serial No.....

Name (in full in BLOCK letters)

.....

Designation of the post held (in  
BLOCK letters).....

Head-quarter.....

Full signature of the holder

.....

Date.....

(Signature).....

Chief Probation Superintendent.

Date.....

Station.....

F  
o  
l  
d  
  
h  
e  
r  
e


Photograph of Holder

\* Substituted for the words 'Social Welfare Department' by Government Notification, Home Department No. POA-1167-4517-VII, dated 9th November 1970.

† Substituted for the words 'Director of Social Welfare' *ibid*.

## FORM II

[Rules 16 (3) (a), 20 (2) ]

## MONTHLY REPORT ON PROGRESS OF PROBATIONER

## PART I

Probation Office .....	For the month of .....
Register No. ....	Court .....
Probationer's name .....	Case No. ....
.....	Date of .....
Probationer's address .....	Supervision Officer (Order).....
.....	Period of probation .....

## PART II

Place of Interview	Dates
.....	.....
.....	.....
.....	.....
.....	.....

1. Where the probationer is residing.
2. Progress made in any educational training course.
3. What work he is doing and his monthly average earning.
4. Savings kept in the Post Office Savings Bank Account in his name.
5. Probationer's health ...
6. Remarks on his general conduct and progress.

## PART III

7. Any proceedings before Court/ District Magistrate for—
  - (a) variation of conditions of bond under section 8 (1) or 9 (1) of the Act; or
  - (b) change of residence, *vide* rule; or
  - (c) discharge under section 8 (3) of the Act; or
  - (d) any other matter.
8. Probation period completed on ..... (Date)
9. Result of probation, with remarks (if any).
10. Occupation and address after discharge.

Probation Officer,  
Date of report

To, District Probation Officer/  
Court. Address,

Copy to Chief Probation Superintendent.

## FORM III

[See Rule 17 (1)]

*Report on Preliminary Enquiries*

Serial No.

(Under the Probation of Offenders Act, 1958)

In the Court of the Magistrate,

(Place)

(District)

C. C. No. 19 . Date of hearing

\*Offence :

State (Police station) Crime No. / 19 .

Name of offender † ..

Address (Place of residence) ..

Age ..

Sex and religion ..

*Personal History*

Behaviour and habits (moral, recreational etc.).

Temperament (outstanding character and personality traits).

Physical and mental history and present condition.

Leisure-time activities ..

*External Influences*

School record and report of teachers, if available.

Employment history ..

Present occupation and wages (give also conditions of labour, leisure etc.)

Report of employer, if any ..

Associates ..

---

\* Give section and brief description. † In BLOCK letters.

Contact with social and religious organisations,  
if any.

Home conditions :

Family history of—

- |  |    |
|--|----|
| (a) Father                             | .. |
| (b) Mother                             | .. |
| (c) Step-father                        | .. |
| (d) Step-mother                        | .. |
| (e) Brothers                           | .. |
| (f) Sisters                            | .. |
| (g) Wife                               | .. |
| (h) Children                           | .. |
| (i) Other interested relations, if any | .. |

Economic condition of the family ..

Any social agencies, institutions or individuals  
interested in family.

Report of parents and relations ..

Attitude of family towards offender and extent  
of its influence on him/her

Report of neighbours ..

Home surroundings and general outlook ..

Is poverty or unsettled life the cause of  
offence ?

### *Legal History*

Previous institutional record, if any, statement of  
the present offence and circumstances in which  
it was committed.

Offender's own reaction to the offence and his  
attitude towards possible punishment.

Any special information required by Court.

*Summary*

(a) Factual background of offender and his environment and offence.

(b) Diagnosis (offender's attitudes, defects in character or family, motivations and other factors regarded as casual factors for the offence).

(c) Prognosis (treatment considered most suitable and estimates of chances of improvement).

(d) Recommendation (if asked for by Court).

Name and address of the Probation Officer :

State.....District Head Quarter.....

Date

Nature of disposal of the case.

Probation Officer.

Date of disposal :

---

FORM IV

[See rule 27 (1)]

*Order under Sub-section (2) of Section 4 of the Probation of Offenders Act, 1958*

Probation Officer, ..... Whereas a report under sub-section (2) of section 4 of the Probation of Offenders Act, 1958 (XX of 1958), or under the provision of..... is required for dealing with (name) ..... Son of/daughter of.....of (full address) ..... who has been brought before the court under section ..... in case No. .... , you are hereby directed to collect or arrange to collect the necessary information after making an enquiry and place the same before this Court on .....

Magistrate in Court of Session.

Seal of the Court.

*Bond to keep the Peace and to be of good behaviour under Sub-Section (1) of section 4 of the Probation of Offenders Act, 1958*

Case No. \_\_\_\_\_ of 19 \_\_\_\_\_

I hereby bind myself :—

- (1) To appear and receive sentence when called upon to do so ;
- (2) Not to commit a breach of the peace or do any act that may occasion a breach of the peace ; and
- (3) To be of good behaviour to Government and all the citizens of India during the said period and to abide by the instructions of the Probation Officer during the period of this bond of good conduct. In case of my making default therein, I hereby bind myself to forfeit to Government the sum of Rupees .....

Dated this                      day of                      19

Signature

Executed before me.

Magistrate.

I/We do hereby declare myself/ourselves surety/sureties for the abovenamed.....

- (1) To appear and receive sentence when called upon to do so ;
- (2) That he will not commit a breach of the peace or do any act that may occasion a breach of the peace ; and
- (3) That he will be of good behaviour to Government and all the citizens of India during the said period.

In case of his making default therein, I/We bind myself/ourselves jointly and severally to forfeit to Government a sum of Rupees .....

Dated this                      day of                      19

Signature

Signature

Executed before me.

Magistrate.

\_\_\_\_\_

## FORM VI

[ See rule 28 (b) ]

*Supervision Order under Sub-Section (3) of Section 4 of the  
Probations of Offenders Act, 1958*

In the Court of the                      Magistrate.

Case No.                      of 19

Whereas ..... has this day been found guilty of an offence under section ..... ;

And the Court is satisfied that it is expedient to deal with the said person by making an order placing him under supervision;

It is hereby ordered that the said person be placed under supervision of....., a Probation Officer, for a period of ..... subject to the following conditions, namely: —

(1) That he will present himself, within fourteen days from the date of this order, before the Probation Officer named herein, and will produce copies of the order and the bond executed by him;

(2) That he will submit himself to the supervision of the Probation Officer or any other officer appointed in his place;

(3) That he will (a) during the period specified herein, keep the Probation Officer advised of his place of residence and means of livelihood, (b) reside at ..... for a period of ..... ;

(4) That he will not quit the district or jurisdiction of ..... without the written permission of the competent authority, viz. ....

(5) that he will not associate with bad characters or lead a dissolute life ;

(6) that he will live honestly and peaceably and will endeavour to earn an honest livelihood;

(7) that he will not commit any offence punishable by any law in force in India. ;

(8) that he will abstain from taking intoxicants;

(9) that he will carry out such directions as may, from time to time, be given by the Probation Officers for the due observance of the conditions mentioned above.

Dated this                      day of                      19

Judge or Magistrate.

\* Seal of the Court.

\*—\* Added by Government Notification, Home Department No. POA/1167/4517-VII dated 9th November 1970.



*Undertaking by Probationer under Sub-Section (4) of Section 4  
of the Probation of Offenders Act, 1958*

Case No. \_\_\_\_\_ of 19\_\_\_\_

(10) That I will carry out such directions, as may from time to time be given by the Probation Officer, with regard to attending hospital, psychiatric clinic and occupational centre etc. for the improvement of my prospects and also such directions for the due observance of the conditions mentioned above.

In case of my making default therein, I hereby bind myself to forfeit to Government the sum of Rupees. ....

Dated this                      day of                      19

Signature.

Executed before me

Magistrate.

I/We do hereby declare myself/ourselves surety/sureties for the abovenamed.....that he will observed the conditions specified in the supervision order and in the bond and in case of his making default therein I/We bind myself/ourselves jointly and severally to forfeit to Government the sum of Rupees

Dated this                      day of                      19

Signature.

Executed before me.

Signature of Magistrate.

-----

#### FORM VIII

[ See rule 36 (l) (d) ]

#### *Probationer's Case File*

##### A. ( Front Cover Page)

Probation Office	..	Court	..
Office Registration No.	..	Case No.	..
Name of Probationer	..	Date of Supervision Order	..
Address	..	Offence (Section) :	
Occupation	..		
Home Address	..		
Mother-tongue	..		
Sex	Age		
Date, time and place of arrest	..		
Facts of the case (in brief)	..		
Previous conviction (s)	..		
Referred for enquiry on	..		

Enquired by	..	
Enquiry report submitted on	..	
Monthly progress report submitted on	..	
Final disposal and date	.. 1st year 3rd year	2nd year

#### B. Summary

1. Brief family history and home conditions.
2. School record and employment history ..
3. Delinquencies ..
4. Health ..
5. Mental condition ..
6. Neighbourhood conditions ..
7. Any other outstanding feature and additional information.
8. Chronological development of the case ..
9. Suggestions made by the Probation Officer.
10. Final order (with date) of the court ..
11. Name and address of the surety/sureties while under supervision.
12. (a) Restrictions as the residence in any area/ probation hosted or otherwise.
- (b) Other restrictions ..
13. Salient points in Progress Reports ..
14. Amendments to order, if any, under sections 8 and 9 of the Act.
15. Final disposal ..

#### C. Other Contents of Dossiers

1. Pre-sentence Report ..
2. Order of the Court ..
3. Copy of bond undertaking ..
4. Correspondence ..
5. Monthly report ..

**FORM IX**

[See rule 36 (1) (e)]

### *Chronological Register of Probationers*

Sr. No.	Name of Probationer, father's name and address	Sex, age, religion, identification marks etc.	Offence (give section and brief description of the offence)	Court passing the supervision order and Case No.	Date of supervision order and period of supervision
1	2	3	4	5	6

Name of Probation Officer	Pre-sentence report submitted or not (if submitted give P. R. No. and date)	Whether the Probationer is residing in a Probation Hostel, if so, give the name and address of the hostel	Name and address of sureties, if any	Occupation, if any, and wages, name and address of employer, if any	Any variation in original supervision order and the date of such variation
7	8	9	10	11	12

No. of visits paid	No. of visits received	No. of (progress) reports submitted	Result of probation and remarks of Probation Officer, if any	Subsequent history after completion of probation				
				First year (a)	Second year (b)	Third year (c)	Fourth year (d)	Fifth year (e)
13	14	15	16	17				

**THE BOMBAY HABITUAL OFFENDERS' ACT, 1959**

(Bom. Act LXI of 1959) (26th October, 1959)

*An Act to make better provision for the treatment and training of habitual offenders and for certain other matters*

Whereas it is expedient to make better provision for the treatment and training of habitual offenders, • and for certain other matters; it is hereby enacted in the tenth year of the Republic of India as follows :—

**CHAPTER I***Preliminary*

Short title extent  
and  
commencement

1. (1) This Act may be called 'the Bombay Habitual Offenders Act, 1959'.

(2) It extends to the whole of the \* [State of Maharashtra] \*

†(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires—

V of 1898.

(a) "Code" means the Code of Criminal Procedure, 1898;

(b) "Corrective settlement" means any place established, approved or certified as a corrective settlement under section 14;

(c) "District" includes Greater Bombay;

(d) "District Magistrate"—

(i) During any consecutive period (whether before or after the

(ii) \*.....\*

(e) "Habitual offender" means any person who, since his attaining the age of eighteen years,

(i) In Greater Bombay, means the Commissioner of Police commencement of this Act, or partly before and partly after such commencement) of five years, has been sentenced on conviction, on not less than three occasions, to a substantive term of imprisonment for one or more of the scheduled offences committed on separate occasions, being offences which are not so connected together as to form parts of the same transaction, and

(ii) Such sentence has not been reversed in appeal or revision :

\* Substituted for the word, 'State of Bombay by the Maharashtra Adaptation of law (S. & C. subjects) order 1960.

† This Act has come in to force from 1st January 1961 *vide* Government Notification, Home Department, No. BOH-1059-16907-1V dated 26th December 1960.

\*—\* Substituted clause (ii) was deleted by Maharashtra Act, 14 of 1960. s. 2 (2) sch.

Provided that in computing the consecutive period of five years aforesaid, any period spent in jail either under a sentence of imprisonment or under detention shall not be taken into account ;

(f) “Prescribed” means prescribed by rules made under this Act;

(g) “Registered offender” means a habitual offender registered or re-registered under this Act;

(h) “Scheduled offence” means an offence specified in the schedule or an offence analogous thereto;

(i) “Superintendent of Police” in Greater Bombay means any officer appointed by the State Government to perform the duties of a Superintendent of Police under this Act.

## CHAPTER II

### *Registration of Habitual Offenders and Restriction of Their Movements*

3. The State Government may direct the District Magistrate to make a register of habitual offenders within his district, by entering therein the names and other prescribed particulars of such offenders.

Power of State Government to direct registration of habitual offenders.

4. For the purpose of carrying out the direction given under section 3, the District Magistrate or any officer appointed by him in this behalf shall, by notice in the prescribed form to be served in the prescribed manner, call upon every habitual offender in the district—

Procedure for preparing a register of habitual offenders.

(a) To appear before him at a time and place specified in the notice ;

(b) To furnish such information as may be necessary to enable him to enter the name and other prescribed particulars of the habitual offender in the register ; and

(c) To allow the finger and palm impressions, footprints and photographs of the habitual offender to be taken :

Provided that the name and other prescribed particulars of a habitual offender shall not be entered in the register, unless he has been given reasonable opportunity of showing cause why such entry should not be made.

5. (1) The register shall be placed in the keeping of the Superintendent of Police of the district who shall, from time to time, report to the District Magistrate any alterations which ought, in his opinion, to be made therein.

Charge of register and alterations therein.

(2) After the register has been placed in the keeping of the Superintendent of Police no fresh entry shall be made in the register, nor shall any entry be cancelled, except by or under, an order in writing of the District Magistrate.

Power to take  
finger and palm  
impressions,  
footprints and  
photographs at  
any time.

6. The District Magistrate or any officer appointed by him in this behalf, may at any time order the finger and palm impressions, foot-prints and photographs, of any registered offender to be taken.

Registered  
Offenders to  
notify change of  
report  
themselves.

7. (1) Every registered offender shall notify to such authority, and in such manner, as may be prescribed, any change or intended change of his ordinary residence:

Provided that where such offender changes, or intends to change, his ordinary residence to another district (whether within the State or not) he shall notify the change or intended change to the District Magistrate.

(2) The District Magistrate may, by order in writing, direct that any registered offender shall—

(a) Report himself once in each month, or where the District Magistrate for reasons specified in the order so directs, more frequently, to such authority, and in such manner, as may be specified in the order, and

(b) Notify any absence or intended absence from his ordinary residence to the aforesaid authority:

Provided that the District Magistrate may exempt any such offender from notifying any absence or intended absence from his ordinary residence for such period and under such conditions, as to him appear reasonable.

Procedure by  
District  
Magistrates on  
change of  
residence of  
habitual offender  
to other district.

8. (1) Where any registered offender changes his ordinary residence to another district within the State, the District Magistrate of the district in which the offender is registered shall inform the District Magistrate of the other district of such change, and at the same time furnish him with the name and other particulars relating to the registered offender in the register.

(2) On the receipt of such information, the District Magistrate of the other district shall enter in his register the name and other particulars of the registered offender furnished to him, and inform the District Magistrate of the first district of such registration, and thereupon such District Magistrate shall cancel from his register the entry relating to that offender:

Provided that where a registered offender changes his ordinary residence to another district outside the State, the District Magistrate

of the first district shall, while furnishing the District Magistrate of the other district with the name and other particulars of the registered offender, make a request to that District Magistrate that he may be informed of the steps, if any, which may have been taken in relation to the offender under any law for the time being in force in that other district; and upon the receipt of such information the District Magistrate of the first district shall cancel from his register the entry relating to that offender.

(3) Upon the entry of the name and other particulars of a registered offender in any register in the State under sub-section (2), the provisions of this Act and the rules made thereunder shall apply to him as if he has been registered, in pursuance of a direction given under section 3, in the register of the district to which he has changed his ordinary residence.

9. (1) Subject to the provision of sub-section (3), the registration of a habitual offender under this Act shall, unless earlier cancelled, cease to be in force on the expiry of five years from the date of such registration, and on such cancellation or expiry the habitual offender shall cease to be a registered offender.

Duration of registration and re-registration of habitual offenders.

(2) Notwithstanding the cancellation, or expiry of duration, of registration a habitual offender may be re-registered in accordance with the provisions of Act relating to registration, as often as he is convicted of one or more of the scheduled offences at any time after such cancellation, or expiry; and subject to the provisions of sub-section (3), the re-registration shall, unless earlier cancelled, cease to be in force on the expiry of five years from the date of such re-registration.

(3) Where a registered offender is, during the period of registration or re-registration, convicted of one or more of the scheduled offences and sentenced to a substantive term of imprisonment, the duration of registration or re-registration shall be extended for a period of five years from the date of his release from such imprisonment.

10. (1) Any person aggrieved by the registration or re-registration of his name under section 4, or as the case may be, section 9 or by an order under sub-section (2) of section 7, may within the prescribed period make a representation to the State Government against such registration, re-registration or order.

Right to make representations against re-registration etc.

(2) The State Government shall, after considering the representation, and giving the aggrieved person an opportunity of being heard, either confirm or cancel the registration, re-registration or order, as the case may be, and shall in the case of confirmation record a brief statement of the reasons therefor.



Power to restrict  
movements of  
registered  
offenders.

11. (1) If in the opinion of the State Government it is necessary or expedient in the interests of the general public so to do, the State Government may, subject to the provisions of sub-section (4), by order direct that any registered offender shall be restricted in his movements to such area, and for such period not exceeding three years, as may be specified in the order.

(2) Before making any such order the State Government shall take into consideration the following matters, that is to say,—

(a) The nature of the offences of which the registered offender has been convicted, and the circumstances in which the offences were committed ;

(b) Whether the registered offender follows any lawful occupation and whether such occupation is conducive to an honest and settled way of life and is not merely a pretence for the purpose of facilitating the commission of crime;

(c) The suitability of the area to which his movements are to be restricted ; and

(d) The manner in which the registered offender may earn his living within the restriction area, and the adequacy of arrangements which are or are likely to be, available therefor.

(3) A copy of the order shall be served on the registered offender in the prescribed manner.

(4) The period specified in an order under sub-section (1) shall in no case extend beyond the period of registration or re-registration, as the case may be, referred to in section 9.

Power to cancel  
or alter  
restrictions of  
movements.

12. The State Government may by order, cancel any order made under section 11, or alter any area specified in an order under that section.

Provided that before making such order, the State Government shall consider the matters referred to in sub-section (2) of section 11 in so far as they may be applicable.

Powers under  
sections 11 and  
12 also  
exercisable  
by certain  
Magistrates.

13. (1) Subject to the provisions of sub-section (3), the powers of the State Government under sections 11 and 12 may be exercised also by a Magistrate having power to act under section 110 of the Code, but without prejudice to the exercise of his powers under that section of the Code.

(2) A Magistrate acting under section 11 or 12 shall follow, as nearly as may be the procedure laid down in sections 112, 113, 114 115 and 117 of the Code for an order requiring security for good behaviour.

Provided that the order in writing referred to in section 112 of the Code shall, in addition to setting forth the substance of the information received, state the term, not exceeding three years, during which the order of restriction shall be in force.

(3) Where the State Government has already made an order under section 11 in respect of a habitual offender, the Magistrate shall not exercise any powers conferred by this section in respect of the same habitual offender, during any period in which the order of the State Government is in force.

### CHAPTER III

#### *Corrective Training of Habitual Offenders*

14. (1) For the purpose of placing therein such habitual offenders as are directed to receive corrective training under this Act, the State Government may by notification in the Official Gazette, establish and maintaining in the State as many corrective settlements as it thinks fit.

Establishment of  
corrective  
settlements.

(2) The State Government may, also approve or certify any privately managed institution (whether known as a settlement or otherwise) as a corrective settlement for the purposes of this Act.

15. (1) Where the State Government is satisfied from the report of the District Magistrate or otherwise, that it is expedient with a view to the reformation of a registered offender and the prevention of crime, that the registered offender should receive training of a corrective character for a substantial period, the State Government may by order in writing direct that the registered offender shall receive training of a corrective character for such period, not exceeding the duration of his registration or re-registration, as may be specified in the order.

Power to direct  
habitual  
offenders to  
receive  
corrective  
training.

(2) Where a habitual offender, who is not more than forty years of age ;

(a) Is convicted of any offence punishable with imprisonment or

(b) Is required in pursuance of section 110 of the Code to execute a bond for his good behaviour, and the court or the Magistrate is satisfied from the evidence in the case and other materials on record that it is expedient with a view to his reformation and the prevention of crime, that he should receive training of a corrective character for a substantial period, the Court or the Magistrate may in lieu of sentencing him for such offence or, as the case may be, requiring him to execute such bond, direct that he shall receive corrective training for such term of not less than two nor more than five years, as the Court or the Magistrate may determine.

(3) Before giving any direction under sub-section (1) or sub-section (2) the State Government, the court or the Magistrate, as the case may be, shall—

(a) Consult the officer prescribed on the capacity of the corrective settlements to receive the habitual offender,

(b) Take into consideration the physical and mental condition of the offender, and his suitability for receiving corrective training in a corrective settlement, and

(c) Give a reasonable opportunity to the offender to show cause why such direction should not be given.

(4) A habitual offender, in respect of whom a direction to receive corrective training has been made, shall be placed in a corrective settlement for the term of his training, and while in such settlement shall be treated in such manner and receive such training as may be prescribed.

Power to transfer or discharge from corrective settlement.

16. The State Government, or any officer authorised by it in this behalf, may at any time by order in writing direct any habitual offender who may be in a corrective settlement to be transferred to another corrective settlement or to be discharged therefrom; and accordingly he shall be so transferred or, as the case may be, discharged.

## CHAPTER IV

### *Penalties and Procedure*

Penalty for failure to comply with certain provisions of the Act.

17. A habitual offender who without lawful excuse, the burden of proving which shall lie upon him,—

(a) Fails to appear in compliance with a notice issued under section 4, or

(b) Intentionally omits to furnish any information required under that section, or furnishes as true any information which he knows, or has reason to believe, to be false or does not believe to be true, or

(c) Refuses to allow his finger and palm impressions, footprints and photographs to be taken by any person acting under an order passed under section 6 or

(d) Fails to comply with the provisions of sub-section (1) of section 7 or with an order of the District Magistrate under sub-section (2) thereof or with an order under section 11, may be arrested without warrant, and shall be punished.

(i) On first conviction, with imprisonment for a term which may extend to six months or with fine which may extend to two hundred rupees, or with both, and

(ii) On a second or subsequent conviction, with imprisonment for a term which may extend to one year or with fine which may extend to five hundred rupees, or with both ;

Provided that, if the court, after taking into consideration the offender's age and physical and mental condition and his suitability for receiving training of a corrective character in a corrective settlement, is satisfied that it is expedient with a view to his reformation and the prevention of crime, that he should receive training of a corrective character for a substantial period the court may, in lieu of sentencing the offender to any punishment under this section, direct, after giving him an opportunity of showing cause (and after consulting the officer prescribed on the capacity of the corrective settlements to receive him) that he shall receive corrective training in a corrective settlement for such term not exceeding three years, as it may determine.

18. If any person—(a) Is found outside the area to which his movements have been restricted in contravention of the conditions under which he is permitted to leave such area, or (b) escapes from any corrective settlement in which he is placed, he may be arrested without warrant by a police officer, police patil or village watchman and taken before a Magistrate who, on proof of the facts, may order him to be removed 'to such area or to such corrective settlement, there to be dealt with in accordance with this Act and the rules made thereunder.

Arrest of persons found outside restriction area or corrective settlement.

19. (1) Whoever, being a person in respect of whom a direction has been made under section 11 or section 15, and having been convicted of any of the scheduled offences falling under Part I of the schedule, is convicted of the same or of any other scheduled offence falling in that Part shall, on conviction, be punished with imprisonment for life or with imprisonment for a term which may extend to ten years.

Enhanced punishment for certain previously convicted persons.

(2) Nothing in this section shall affect the liability of such person to any further or other punishment to which he may be liable under the Indian Penal Code or any other law.

XLV of 1860.

20. Whoever, being a person in respect of whom a direction has been made under section 11 or section 15, is found in any place under such circumstances as to satisfy the court.—(a) that he was about to commit, or aid in the commission of, theft or robbery, or (b) that he was making

Punishment for certain registered offenders found under suspicious circumstances.

preparation for committing theft or robbery, shall on conviction, be punished with imprisonment for a term which may extend to three years, and shall also be liable to a fine which may extend to one thousand rupees.

Penalty for failure to arrest a habitual offender.

21. If a police patel or a village watchman having an opportunity to arrest any person under section 18, fails to arrest him in circumstances which are not beyond his control, he shall on conviction be punished with simple imprisonment for a term which may extend to one month or with fine which may extend to five hundred rupees, or with both.

## CHAPTER V

### *Miscellaneous*

Bar of jurisdiction.

22. No court shall question the validity of any direction or order issued under this Act.

Bar of legal proceedings.

23. No suit, prosecution or other legal proceedings shall lie against the State Government or any person for anything which is in good faith done or intended to be done under this Act.

Power to delegate.

24. The State Government may, by notification in the Official Gazette, direct that any power exercisable by it under this Act except the power under section 25 may also be exercised subject to such conditions (if any) as may be specified in the notification, by such officer not below the rank of a District Magistrate as may be specified therein.

Power to make rules.

25. (1) The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power such rules may provide, for all or any of the following matters, namely :—

(a) The form of notice under section 4 and the manner in which such notice may be served;

(b) The form of the register of habitual offenders and the particulars to be entered therein;

(c) The authority to whom and the manner in which any change or intended change of ordinary residence shall be notified under sub-section (1) of section 7 ;

(d) The nature of restrictions to be observed by registered offenders whose movements have been restricted;

(e) The grant of certificate of identity to registered offenders and inspection of such certificates;

(f) The conditions under which the offenders may be permitted to leave the area to which their movements have been restricted or the corrective settlements in which they have been placed;

(g) The terms upon which offenders may be discharged from corrective settlements;

(h) The working, management, control and supervision of corrective settlements including the discipline and conduct of persons placed therein ;

(i) The conditions for, and the manner of, approving or certifying privately managed settlements;

(j) The appointment of non-official visitors for corrective settlements;

(k) The conditions and circumstances under which members of the family of a habitual offender may be permitted to stay with him in a corrective settlement.

(l) The periodical review of the cases of all persons whose movements have been restricted or who are placed in corrective settlements under this Act.

(m) Any other matter which is to be or may be prescribed under this Act.

(3) In making rules under this Act the State Government may provide that a contravention of any of the rules shall be punishable with fine which may extend to one hundred rupees.

(4) \*Every rule made under this section shall be laid, as soon as may be, after it is made, before each house of the State Legislature while it is in session for a total period of 30 days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session, in which it is so laid or the session immediately following, both houses agree in making any modification in the rule or both houses agree that the rule should not be made, and notify such decision in the Official Gazette, the rule shall, from the date of publication of

---

\*—\* Sub-section 4 was substituted for the original by Maharashtra 35 of 1965, s. 2.

such notification, have effect only in such modified form or be of no effect, as the case may be; so however that any each modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule\*.

26. Nothing in this Act shall affect the powers of any competent authority under Savings, any other law for the time being in force to make an order of restriction or detention, and any order passed or direction made under this Act in so far as it conflicts with any order made by a competent authority under such law shall be deemed to be inoperative while the order under such law remains in force.

Repeal and  
savings.

27. On the commencement of this Act, the following Acts, that is to say,—

Bom. LI of  
1947.  
HYd. XXII of  
1954.

(1) The Bombay Habitual Offenders Restriction Act, 1947.

(2) The Hyderabad Habitual Offenders (Restriction and Settlement) Act, 1954, and.

Sau. XXXI of  
1951.

(3) The Saurashtra Habitual offenders Restriction Act, 1951 shall stand repealed :

Provided that such repeal shall not affect—

(a) The previous operation of any Act so repealed, or anything duly done or suffered thereunder;

(b) Any right, privilege, obligation or liability acquired, accrued or incurred under any Act so repealed;

(c) Any penalty, forfeiture or punishment incurred in respect of any offence committed against any Act so repealed;

(d) Any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid; and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed, as if this Act had not been passed :

Provided further that, subject to the proceeding proviso, anything done or any action taken (including orders or rules made, notices issued and settlements established or approved) under any Act so repealed shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provisions of this Act, and shall continue in force accordingly unless and until superseded by anything done or any action taken under this Act.

---

\*—\* Sub-section (4) was substituted for the original by Maharashtra 35 of 1965, s.2.

THE SCHEDULE

[ *See* section 2 (h) ]

XLV OF 1860—OFFENCES UNDER THE INDIAN PENAL CODE

CHAPTER XII

Sections.

- 231 Counterfeiting coin.
- 232 Counterfeiting Indian coin.
- 233 Making or selling instrument for counterfeiting coin.
- 234 Making or selling instrument for counterfeiting Indian coin.
- 235 Possession of instrument or material for the purpose of using the same for counterfeiting coin.
- 239 Delivery of coin possessed with knowledge that it is counterfeit.
- 240 Delivery of Indian coin, possessed with knowledge that it is counterfeit.
- 242 Possession of counterfeit coin by person who knew it to be counterfeit when he became possessed thereof.
- 243 Possession of Indian coin by person who knew it to be counterfeit when he became possessed thereof.

CHAPTER XVI

- 304 Culpable homicide not amounting to murder.
- 307 Attempt to murder.
- 308 Attempt to commit culpable homicide.
- 311 Being a thug.
- 324 Voluntarily causing hurt by dangerous weapons or means.
- 325 Voluntarily causing grievous hurt.
- 326 Voluntarily causing grievous hurt by dangerous weapons or means.
- 327 Voluntarily causing grievous hurt to extort property, or to constrain to an illegal act.



- 328 Causing hurt by means of poison, etc., with intent to commit an offence.
- 329 Voluntarily causing grievous hurt to extort property, or to constrain to an illegal act.
- 332 Voluntarily causing hurt to deter public servant from his duty.
- 333 Voluntarily causing grievous hurt to deter public servant from his duty.
- 347 Wrongful confinement to extort property, or constrain to illegal act.
- 365 Kidnapping or abducting with intent secretly and wrongfully to confine person.
- 366A Procuration of minor girl.
- 366B Importation of girl from foreign country.
- 368 Wrongfully concealing or keeping in confinement, kidnapped or abducted person.
- 369 Kidnapping or abducting child under ten years with intent to steal from its person.

## CHAPTER XVII

### Sections.

- 379 Theft.
- 380 Theft in dwelling house, etc.
- 382 Theft after preparation made for causing death, hurt or restraint in order to the committing of the theft.
- 384 Extortion.
- 385 Putting person in fear of injury in order to commit extortion.
- 386 Extortion by putting a person in fear of death or grievous hurt.
- 387 Putting person in fear of death or of grievous hurt in order to commit extortion.
- 392 Robbery.
- 393 Attempt to commit robbery.
- 394 Voluntarily causing hurt in committing robbery.

- 395   Dacoity.
- 397   Robbery or dacoity, with attempt to cause death or grievous hurt.
- 398   Attempt to commit robbery or dacoity when armed with deadly weapon.
- 399   Making preparation to commit dacoity.
- 400   Belonging to a gang of dacoits.
- 401   Belonging to a gang of thieves.
- 402   Assembling for purpose of committing dacoity.
- 411   Dishonestly receiving stolen property.
- 414   Assisting in concealment of stolen property.
- 451   House-trespass in order to commit offence punishable with imprisonment.
- 452   House-trespass after preparation for hurt, assault or wrongful restraint.
- 453   Lurking house-trespass or house breaking.
- 454   Lurking house-trespass or house breaking in order to commit offence punishable with imprisonment.
- 455   Lurking house-trespass or house breaking after preparation for hurt, assault or wrongful restraint.
- 456   Lurking house-trespass or house breaking by night.
- 457   Lurking house-trespass or house-breaking by night in order to commit offence punishable with imprisonment.
- 458   Lurking house-trespass or house breaking by night after preparation for hurt, assault, or wrongful restraint.
- 459   Grievous hurt caused whilst committing lurking house-trespass or house breaking.
- 460   All persons jointly concerned in lurking house trespass or house-breaking by night punishable where death or grievous hurt caused by one of them.

## II

CIV of 1956.—Offence under the Suppression or Immoral Traffic in  
Women and Girls Act, 1956

Section.

- 4     Living on the earnings of prostitution.

## THE MAHARASHTRA HABITUAL OFFENDERS RULES, 1960

[Government Notification, Home Department No. Bom-1159-IV,  
dated 24th December 1960]

In exercise of the powers conferred by section 25 of the Bombay Habitual Offenders Act, 1959 (Bom. LXI of 1959), the Government of Maharashtra hereby makes the following rules, namely :—

1. These rules may be called the Maharashtra Habitual Offenders Rules, 1960.

2. In these rules, unless there is anything repugnant in the subject or context—

(a) “Act” means the Bombay Habitual Offenders Act, 1959;

(b) “Authorised officer” means any officer authorised by the State Government under section 16 ;

(c) “Form” means a form appended to these rules;

(d) “Order of restriction of movements” means an order made under section 11 requiring a person to restrict his movements to any area;

(e) “Order of restriction of report” means an order made under sub-section (2) of section 7 requiring a person to report himself to the ;

\*(f) Director of “Correctional Services or Deputy Director of Correctional Services” means an officer appointed as such by the State Government for the Settlement\* ;

(g) “Restricted person” means a registered offender in respect of whom an order of restriction has been made;

(h) “Section” means a section of the Act;

(i) “Settler” means a registered offender or a habitual offender ordered by the State Government, the Court or the Magistrate under section 15 to be placed in a corrective settlement;

(j) “Superintendent” means a Superintendent of a Corrective Settlement;

(k) Words and expressions used but not defined in these rules shall have the meanings assigned to them in the Act;

3. A notice under section 4 shall be in Form “A”. It may be served by any officer or servant working under the control of the District Magistrate or any officer appointed by him for the purposes of section 4 by giving or tendering it to the person to whom it is addressed.

---

\*—\* Substituted by G. N. H. D. No. BOH-0172-5-VII, dated 4th July 1973.

4. The register of habitual offenders for each district shall be maintained in Form "B".

5. Every registered offender shall notify any change or intended change of his ordinary residence by reporting in person on the Officer-in-Charge of the Police Station within whose jurisdiction he is residing and also the village Police Patel if he is residing in a village. When making the report for change or intended change of residence, he shall notify the location of his intended new residence and the day on which he proposes to move to such residence.

6. Any habitual offender aggrieved by the registration or re-registration of his name under section 4 or as the case may be under section 9 or by an order under sub-section (2) of section 7, may within one month (from the date of receipt by him of the intimation of the registration, re-registration or, as the case may be the order) make a representation to the State Government against such registration, re-registration or order.

7. A copy of the order made under sub-section (1) of section 11 shall be served on the registered offender in the manner provided in rule 3.

8. (1) Every registered offender in respect of whom an order or restriction of report has been made shall, unless otherwise directed by the order, report himself between the hours of 7 and 9 p. m. to the Police Patel of the village or the officer-in-charge of the Police Station within whose jurisdiction he resides, (i) for the first six months commencing on the date of the order of restriction, on every day, (ii) for the next six months, at an interval of not more than 4 days and; (iii) for the remaining period, at an interval of not more than 10 days; Provided that if during any of the periods mentioned above, such offender—

(a) is convicted of any non-bailable offence, or (b) is reasonably suspected in Greater Bombay by the Commissioner of Police and elsewhere by the District Magistrate concerned for reasons to be recorded in writing of having been concerned in the commission of a non-bailable offence, he shall report himself in the manner prescribed in clauses (i), (ii) and (iii) for the full periods mentioned therein, beginning, in the case mentioned in clause (a) with the date of the expiry of the sentence, and in the case mentioned in clause (b) with such date as the Commissioner of Police or the District Magistrate, as the case may be, may direct.

(2) if such offender is a female, she may, if she so desires cause the required report to be made by any male relative. She shall not, however, thereby be exempted from any penalty to which she may be liable if such report is proved to be not true.

(3) The place of report shall unless otherwise directed by the order of restriction of report, be such as the Commissioner of Police in Greater Bombay and the District Magistrate elsewhere may by general or special order direct, provided that if such offender resides outside the radius of two miles from the place appointed by the District Magistrate, he shall report himself to such person as the District Superintendent of Police may direct.

9. \*[(i)]\* Any Police Officer not below the rank of a Sub-Inspector †( may at any time after issuing a notice in Form 'BB' hold)† a special roll call of all restricted persons residing within his jurisdiction and it shall be the duty of each such person to attend and answer to his name when the roll call is held.

1. [\* (2) The notice under sub-rule (i) may be served by the Police Patel of the village or any Officer or Servant working under the control of the officer issuing such notice who shall obtain the signature of the restricted person on the duplicate copy of the notice in token of his having received the same and make a report to that effect to the officer issuing the notice before the roll call is held.

(3) The roll call shall be held within the area to which the movements of such persons have been restricted and at such place as is not more than five miles away from the residence of any such person.]\*

10. (1) When any registered offender in respect of whom an order of restriction of report has been made intends to absent himself from his residence for one or more nights, he shall notify his intended absence (a) if he is residing in a village (i) to the Police Patel of the village, when the period of intended absence does not exceed seven days ; (ii) to the Police Patel of the village, when and the Officer-in-charge of the Police Station concerned when the period of intended absence exceeds seven days; (b) if he is residing in a place other than a village to the Officer-in-charge of the Police Station within whose jurisdiction he is residing.

---

\*—\* Ins. by G. N., H. D., No BOH-5361-87031-XXII, dated 15th July 1969.

†—† Substituted *ibid*.

(2) Such offender shall, at every place where he halts for the night, notify to the village Police Patel or in the case of a town to the Officer-in-Charge of the Police Station his arrival at and departure from that place as also the place to which he next intends to proceed and halt for the night.

(3) On arrival at his destination such offender shall report himself to the village Police Patel or in the case of a town to the Officer-in-Charge of the Police Station concerned.

(4) For recording the temporary absence of such offender temporary absence form as in Form C shall be used. The village Police Patel may issue this absence form when the registered offender is residing in a village and when the period does not exceed 7 days and in other cases the form shall be issued by the Officer-in-Charge of the Police Station concerned.

11. When a registered offender in respect of whom an order of restriction of report has been made fails to report himself as specified in the order or as laid down in rule 8 it shall be competent for the Police Patel of the village in case such offender is residing in a village or in other cases for the Officer-in-Charge of the Police Station, within whose jurisdiction such offender is residing, to pay a domiciliary visit by day or night to verify the presence of the registered offender in his place of residence. It shall then be the duty of such offender if he is present, to appear personally before the Police Patel or such officer, as the case may be, or in the case of physical unfitness to appear, otherwise to satisfy the Police Patel or such officer of his presence.

*Note :—*The provisions of this rule do not authorise the officer paying a visit to enter the residence of any registered offender.

12. The area to which the movements of a registered offender in respect of whom an order of restriction of movement has been made shall, unless otherwise directed by order be—

(a) If the place of his residence is in Greater Bombay the area of the Police Station in whose jurisdiction he resides, from 9-00 p. m. to 5-00 a. m. and the limits of Greater Bombay from 5-00 a. m. to 9-00 p. m.,

(b) If the place of residence is in a village, the limits of the village from 9-00 p. m. to 5-00 a. m. and the limits of the Police Station from 5-00 a. m. to 9-00 p. m.,

(c) If the place of residence is in a town, the limits of the town.

13. A registered offender in respect of whom an order of restriction of movement has been made shall not leave or be absent from the limits of the area to which his movements have been restricted, without having obtained a pass in Form D in the manner laid down in rule 14 :

Provided that where the area of restriction is smaller than the area of the Police Station within which it is situated nothing contained in this rule shall be deemed to render it illegal for a restricted person to quit the limits of that area for the purpose of appearing at the Police Station within the limits of which he is residing or before any court in obedience to any process of the court or before any court having jurisdiction to complain of an offence affecting himself or his family or to apply for a pass under these rules :

Provided further that such person shall before leaving the area give notice to the Police Patel of his village or the Officer-in-Charge of the Police Station and shall proceed straight to the Police Station of the Court, as the case may be.

14. (1) The Police Patel of the village in which a restricted person resides may grant to such person a pass in Form D authorising him to leave the area to which his movements have been 'restricted for one day between the hours of sunrise and sunset.

(2) The Officer-in-Charge of a Police Station within whose jurisdiction a restricted person resides may on due cause being shown grant to such person leave of absence not exceeding 15 days and issue the pass.

(3) In Greater Bombay the Commissioner of Police and elsewhere the District Superintendent of Police concerned may grant to a restricted person leave of absence for any period exceeding 15 days and issue the pass.

(4) Any pass granted under this rule shall be drawn up in triplicate and each part be signed by the officer granting the leave. One part shall be retained by such officer, the second shall be given to the restricted Person to whom leave has been granted and the third shall be sent to the Officer-in-Charge of the Police Station within the limits of which the destination of the holder of the pass lies.

15. (1) A restricted person who obtains leave of absence under rule 14 shall travel to his destination and return to his residence by the route specified in the pass. He shall have the time and the date of his arrival

endorsed on the pass by the Police Patel of the village of the destination or if his destination be a town by the Officer-in-Charge of the Police Station concerned.

(2) During the time such person is on leave he shall report himself every evening to the Police Patel of the village or the Officer-in-Charge of the Police Station within whose jurisdiction he happens to be and while at destination he shall report himself to the Officer-in-Charge of the Police Station and produce his pass for endorsement.

(3) Such person shall not overstay the period of leave.

(4) During the period of residence at his destination such person shall not be absent from his residence at any time between sunset and sunrise or go beyond the limit of 5 miles from his residence during day time.

(5) Before returning to his residence such person shall have the time and date of departure endorsed on the pass by the Police Patel or the Officer-in-Charge of the Police Station concerned and on his return to his residence he shall deliver up the pass to the Officer-in-Charge of the Police Station or the village Police Patel through whom he received it. Such pass, if originally issued by the Commissioner of Police or the District Superintendent of Police, shall be forwarded to him by the Officer-in-Charge of the Police Station.

16. A pass granted under rule 14 may at any time be withdrawn by the authority granting it and the leave granted shall thereby be cancelled.

17. (1) Exemption from reporting at intervals and from taking passes for leave of absence may be granted to any restricted person by the Commissioner of Police or the District Magistrate if he is satisfied on enquiry that such person has shown a marked improvement and given unmistakable evidence of good conduct and sustained industry in earning his livelihood and has not been reasonably suspected of committing a non-bailable offence. In any area outside Greater Bombay such exemption shall be intimated to the District Superintendent of Police concerned.

(2) The case of every restricted person shall be reviewed by the Commissioner of Police or the District Magistrate or other Officer authorised in this behalf for the purpose of such exemption after a year from the date of the order of restriction and every six months thereafter.

18. Every restricted person who has been exempted in accordance with the provision of rule 17 shall be granted by the Commissioner of the Police



or the District Superintendent of Police, as the case may be, a certificate of identity in Form E specifying the nature of exemption granted.

19. In Greater Bombay the Commissioner of Police and elsewhere the District Superintendent of Police concerned may issue to any restricted person a permanent pass in Form F, specifying the days and the hours during which such person may visit the nearest bazar or market place outside the area to which his movements have been restricted, for making purchases or sales.

20. The general control of all settlements shall vest in the Director of Social Welfare who may be assisted by the \* (Deputy Director of Correctional Services)\*

†[20-A. The officer for the purpose of clause (a) sub-section (3) of section 15 of the Act shall be the \*(Director of Correctional Services)\*]†

21. Every settlement shall be under the supervision of a Superintendent and the Superintendent shall be responsible for the enforcement of these rules, for the internal administration of the settlement and the general welfare of the settlers.

22. \*Director of Correctional Services/or the Deputy Director of Correctional Services \* nominated by the Director shall be responsible to visit the settlements under their control once in every six months and conduct inspection.

23. (1) Separate sections shall be provided in every settlement for the following types of settlers :—(i) for single male settlers; (ii) for single female settlers, and (iii) for settlers belonging to the same family. Separate settlements shall also be provided on the basis of types and intensity of the criminal behaviour.

(2) Settlers of one type shall not be allowed to visit another type or section of the same † ..... † settlement nor settlers of one-settlement shall be allowed to visit another settlement.

24. Every settler shall, unless he is by old age, physical infirmity or illness unfit for manual labour, be employed on some kind of labour of industry or work suited to his physical condition as may be approved for each settlement by the 2 (Director of Correctional Services).

---

\*—\* Ins. by G. N., H. D., No. BOH-1066-55496-VII dated 22nd August 1970.

†—† Substituted by G. N., H. D., No. BOH-0172-5-VII dated 4th July 1973.

\*—\* Substituted by G. N., H. D., No. BOH-0172-5-VII dated 4th July 1973.

†—† Deleted by G. N., H. D., No. BOH-5361-87031-XXII dated 15th July 1969.

25. The Superintendent in-charge of a settlement shall satisfy himself that every settler residing in the settlement is provided with sufficient means of subsistence and he shall report forthwith to the (Director of Correctional Services).

26. (1) In an industrial settlement every settler, shall be paid during the period of his apprenticeship of 200 days from the date of his admission subsidy amount sufficient for his maintenance or diet according to scale, and taught some trade provided in the settlement.

(2) The Director, of Correctional Services may in respect of any settler increase the apprenticeship period up to 300 days.

(3) On the expiry of the apprenticeship period the settler shall be given work as far as possible on the contract system of payment by piece work, the worker being paid at least 3/4th of the estimated value of the work done by him.

(4) Notwithstanding anything contained in this rule the Superintendent may, either during the apprenticeship period or thereafter, employ any settler on any remunerative job with which the settler is familiar such as mill work or work under private contractors.

27. When a settler earns in a settlement more money than is necessary for his maintenance, the Superintendent may deposit the surplus, from time to time, in Savings Bank account opened in the name of such settler. When an account on this nature has been opened, the pass book shall be made over to the depositor who shall produce it whenever called upon by the Departmental Officers for inspection or for the purpose of making further deposits.

28. Every settler shall be provided at Government cost a set of clothings and beddings once only on admission according to the sanctioned scale. At the discretion of the \*Director of Correctional Services\* a settler may be supplied clothing and bedding a second time if the settler is unable to purchase them on account of his physical or mental disability.

29. Unless exempted under sub-rule (3) of rule 30 no settler shall leave the limits of the settlement without a pass. The limits of the settlement shall be such as may be specified by the "Director of Correctional Services\*.

30. (1) A pass in form G permitting the settler to proceed to any place in the State may be granted by the Superintendent for a period not

---

\*—\* Substituted by G. N., H. D., No. BOH-0172-5-VII dated 4th July 1973.

exceeding two months, subject to such restrictions as may be imposed by the \*Director of Correctional Services\*.

(2) A pass to proceed to any place for any specific period may be granted to any settler by the \*Director of Correctional Services\*

(3) The \*Director of Correctional Services\* may in special circumstances exempt any settler from taking a pass for proceedings to any place.

31. A settler using a pass granted under rule 30 shall notify his arrival immediately to the authority specified in the pass in the village, town or settlement at which he has arrived and shall thereafter report himself at such times and places as shall have been specified in the pass.

32. Except when absent on a pass granted under rule 30 or when exempted from the roll call by the \*Director of Correctional Services\* every settler shall attend the roll call held daily at such time or times as may be fixed by the \*Director of Correctional Services\* and before such persons and at such places as may be appointed for this purpose by the Superintendent.

33. The Superintendent or any member of the staff of the settlement authorised in this behalf by the \*Director of Correctional Services\* may search any settler on admission and subsequently whenever necessary and inspect his personal effects and his residence. Any article forbidden such as liquor, opium, ganja and also articles which are used” as weapons of offence or any property suspected to be stolen, found with the settler shall be attached. After attachment an inquiry shall be held by the Superintendent who shall record the statement of the person from whom the article was attached as to his possession. The Superintendent may then dispose of the property according to law.

34. \*Director of Correctional Services\* may decide what domestic animals may be kept by any settlers in the settlement and issue orders to ensure that they are kept under proper control and sanitary condition. The animals of any settler who disregards the order may be sold and the proceeds given to the owner.

---

\*—\* Substituted by G. N. H. D. No. BOH.0172-5.VII, dated 4th July 1973.

35. A settler shall not—

- (a) Refuse to perform any suitable work provided for him nor shall he engaged in any work prohibited by the Superintendent,
- (b) Commit any act of indecency,
- (c) Refuse to obey any orders issued by the Superintendent to ensure proper sanitation of the settlement,
- (d) Without a permit partake of or possess liquor, opium, ganja or other intoxicants,
- (e) Misbehave or cause any disturbance by the violent conduct of quarrelling,
- (f) Gamble or bet,
- (g) Join any trade union or political organisation,
- (h) Beg,
- (i) Resist or refuse to obey any lawful order issued by the Superintendent or refuse to give a true account of his movements,
- (j) Without a permit from the Superintendent mortgage or sell moveable property exceeding Rs. 5 in value,
- (k) Have in his possession any article which has been forbidden by the Superintendent as capable of use as a weapon of offence,
- (l) Fail to assist in the maintenance of discipline or to give assistance to an officer of the settlement when called upon to do so in the interests of the institution,
- (m) Do or omit to do any act with intent to cause to himself any illness, injury or disability,
- (n) Leave without permission the working party to which he is assigned or the part of the premises in which he may be required to be present at any particular time,
- (o) Endeavour to escape from the settlement limits within which he is legally required to stay.

36. Any breach of these rules on the part of a settler may at the discretion of the Superintendent be dealt with according to the nature of the offence or for other reasons to be recorded in writing in any one or more of the following ways:—

- \* (i) Formal warning to be recorded in history sheets,
- (ii) Requiring him to furnish a bond with or without personal or cash sureties in an amount not exceeding Rs. 25,
- (iii) Stoppage of wages, (iv) Fine not exceeding Rs. 10.\*

---

\*—\* Substituted by G. N., H. D., No. BOH-5361-87031-VII. dated 18-7-1970.

Provided that if the Superintendent considers that a particular contravention of the rules should be punished with fine exceeding ten rupees, then he shall refer such case to the \*Director of Correctional Services\* who shall punish such contravention with fine not exceeding one hundred rupees.

37. The Superintendent may deal departmentally in any of the ways provided in rule 36 with any settler he considers guilty of a trivial offence of theft, cheating, extortion or receiving or disposing of stolen property (the property in each case being less than Rs. 10), which comes directly to the notice of his settlement staff, or for which investigation has been refused by the Police under the proviso to sub-section (1) of section 157 of the Code of Criminal Procedure, 1898 or for which the case has been withdrawn under section 495 of the said Code on condition that the offence is dealt with departmentally, provided that the alleged offender may elect to be tried in a Criminal Court.

38. The Superintendent shall have power to recover any fine imposed under rule 36 and the amount due from a surety either in a lump sum or by instalments and where there is a wilful default in the payment of the fine or the amount of surety bond, he shall have power to attach and sell the movable property of the person fined and of the surety, if such surety be a settler.

39. The Superintendent or any member of the staff of the Settlement authorised in this behalf by the \*Director of Correctional Services\* may attach any intoxicant found with any settler without a permit under clause (d) of rule 35 or any betting money or instrument of gaming use for the purpose of gambling. After attachment, an inquiry shall be held by the Superintendent as to the possession of the articles attached. Where the articles attached consist of an intoxicant or do not exceed in value Rs. 10 the Superintendent shall, after the inquiry either return the articles to the person appearing to be entitled thereto or order them to be sold and the sale proceeds given to such person or in the case of intoxicants and instruments of gaming order them to be destroyed. In other cases, the Superintendent shall, after the inquiry, forward the articles to the \*Director of Correctional Services\* who may dispose of them in a similar manner.

---

\*—\* Substituted by G. N., H. D., No. BOH-0172-5-VII, dated 4th July 1973.

40. The Superintendent or any member of the settlement staff authorised in this behalf by the Superintendent or any Police Officer may bring under arrest any habitual offender ordered to be placed in a settlement or who being an inmate of a settlement is released from custody or imprisonment and may arrest any such person who escapes or attempts to escape from the limits of the settlement specified under rule 29.

41. The Superintendent may report to the \*Director of Correctional Services\* the name of any person residing in a settlement whose presence in the settlement he considers to be undesirable. The \*Director of Correctional Services\* may take order of the State Government or the authorised Officer for the transfer of such person to another settlement where he can be placed under stricter discipline.

42. (1) A settler may be discharged conditionally on licence by the State Government or the authorised Officer if in its or his opinion, such person has given unmistakable evidence of good conduct and sustained industry, and is not likely to commit an offence again and is capable of maintaining himself and his dependents by honest means and fulfills the following conditions, namely :—

- (a) The settler has resided in a settlement for not less than 1 year.
- (b) The settler has not been awarded any disciplinary punishment for serious breach of these rules during six months preceding the date of discharge.
- (c) The settler has completed the training in the settlement and a certificate to that effect from the Superintendent is produced;
- (d) The settler has saved at least Rs. 100.
- (e) The guardian or employer or relative of the settler is willing to receive him and gives an assurance that the settler will not be allowed to take to criminal activities and that he shall support the settler or arrange to give the settler an honest means of living and the guardian or employer or relative is also willing to execute a surety bond for such amount as may be fixed by the \*Director of Correctional Services\*

(2) A settler discharged under sub-rule (1) shall be granted a licence in Form H.

(3) The period of the licence shall not extend beyond the date on which the period of order of restriction expires.

---

\*—\* Substituted by G. N., H. D., No,BOH-0172-5-VII, dated 4th July 1973.

43. (1) A person discharged on licence from a settlement under rule 42 shall be required to observe the following conditions :—

(a) He shall reside in such place as the \*Director of Correctional Service\*;

(b) He shall refrain from joining any trade union or political organisation;

(c) He shall be of good conduct;

(d) He shall abide by such conditions as to roll call and taking of passes as may be ordered by the \*Director of Correctional Services\*;

(e) He shall be under the supervision of such Local Officer or Probation Officer or voluntary Social Worker as may be appointed in this behalf by the \*Director of Correctional Services\* for the unexpired portion of the period for which he was ordered to receive training in the settlement.

(2) Failure to comply with any of the conditions mentioned in sub-rule (1) shall at the discretion of the \*Director of Correctional Services\* render the discharged settler liable to recommitment to a settlement.

44. The \*Director of Correctional Services\* (i) may himself exercise any of the powers of a Superintendent under these rules, or (ii) may delegate to any \*Deputy Director of Correctional Services\* of the said powers exercisable by the Superintendents or any powers vested in himself under these rules except that of discharge of a settler on licence, or of exempting a settler from taking passes.

45. (i) The Superintendent may permit any *bona fide* dependents of a settler to reside with him in the settlement in case of emergency. In all other cases, the \*Director of Correctional Services\* may, if they so desire, permit them to reside in the settlement:

Provided that before such permission is granted the \*Director of Correctional Services\* shall (i) ascertain by making such enquiries as he deems fit that according to the custom of the community to which the settler belongs, he is responsible for the maintenance of the dependents and that the settler and his dependents cannot suitably live apart, and (ii) obtain an undertaking from the settler that the dependents shall observe the

---

\*—\* Substituted by Government Notification, Home Department, No. BOH-0172-5-VII, dated 4th July 1973.

\*—\* Substituted by G. N., H. D., No. BOH-0711-5-VII, dated 4th July 1973.

discipline of the settlement and that the settler shall be responsible for the breach of the provisions of rule 35 specified in sub-rule (2) committed by any of his dependents.

(2) The dependents of the settler shall, so long as they reside in the settlement, observe the discipline of the settlement and particularly the provisions contained in clauses (b) to (i) and clause (k) of rule 35.

(3) The settler shall exercise proper supervision over his dependents and shall not be an accessory to any breach of the provisions of rule 35 specified in sub-rule (2) committed by any of his dependents.

(4) Any breach of the provisions of the rule 35 specified in sub-rule (2) by any of the dependents may, at the discretion of the Superintendent, be dealt with as provided in clauses \*(i) to (iv) of rule 36 and the punishment imposed on the settler concerned, if the Superintendent after making the necessary inquiry is satisfied that the settler did not exercise proper supervision over his dependents or that the settler was accessory to the breach.

*Explanation.*—For the purposes of this rule, dependents means the wife of the settler and his children under 16 years of age.

46. (1) For every settlement there shall be a Visiting Committee consisting of (a) ex-officio members and (b) non-official members.

(2) The following officers shall be the ex-officio members of the Committee namely :—

- (i) † ..... †
- (ii) The District Magistrate of the district.
- (iii) The District Superintendent of Police.
- (iv) The Civil Surgeon of the district.
- (v) †..... †
- (vi) †..... †
- (vii) †..... †
- (viii) The Inspector General of Prisons;
- (ix) The Deputy Inspector General of Prisons of the region concerned.

(3) There shall be seven non-official members of the committee who shall be appointed by the State Government.

---

\*—\* Substituted by G. N., H. D., No. BOH-5361-87031-VII, dated 18th June 1970.

†—† Deleted by G. N., H. D., No. BOH-0172-5-VII, dated 4th July 1973.



(4) The District Magistrate shall be the Chairman, and the Superintendent of the Settlement shall be the ex-officio Secretary of the Committee.

(5) A non-official member should ordinarily have experience of social work at least for five years. He should not be less than 30 years and more than 60 years of age. The State Government may, however, relax the provisions of this sub-rule in favour of any person whom the State Government considers suitable for appointment as non-official member of the Committee.

(6) Every non-official member shall hold office for a period of three years from the date of his appointment:

Provided that a non-official member is eligible for reappointment on the expiry of his period of appointment:

Provided further that the State Government may at any time terminate the appointment of any non-official member before the expiry of his term of appointment without assigning any reason.

\* ..... \*

47. (1) It shall be the duty of the members of the Visiting Committee—

(a) To visit the Settlement once a month according to a rota which shall be drawn up by the Chairman after consulting the members;

(b) To attend quarterly meetings which shall be held in the months of January, April, July and October ;

(c) To inspect all parts of the Settlement and see every settler detained therein with a view to finding out if the settler is benefited by the training given to him.

(2) It shall be the duty of the Visiting Committee—

(a) To satisfy itself that necessary measures for discipline, employment and medical care are being taken:

(b) To give every settler an opportunity of making applications and complaints to it and to enquire into the same ;

(c) To inspect the accounts and other registers and the records of settlers ;

(d) To consider any-other matter connected with the progress of the settlement and welfare of the settlers.

---

\*—\* Deleted by G. N., H. D., No. BOH-5361-87031-XXII, dated 15th July 1969.

48. A copy of the proceedings of each meeting of the Visiting Committee and also of the remarks recorded by the members of the Visiting Committee at the time of their visits shall be sent to the \*Director of Correctional Services\* with such remarks as the Superintendent may desire to offer in explanation or otherwise and thereupon the \*Director of Correctional Services\* shall pass such orders as he thinks necessary. The Superintendent shall place a copy of such orders before the quarterly meeting of the Committee or send it to the member making the remarks, as the case may be.

49. (1) The State Government may approve or certify any privately managed institution (whether known as a settlement or otherwise) as a corrective settlement for the purposes of the Act, on application made on behalf of such institution, subject to the conditions mentioned in sub-rule (2).

(2) The privately managed settlement approved or certified by the State Government shall abide by the following conditions:—

(i) A privately managed settlement may at its discretion choose a settler according to its choice. Once it accepts a settler he will not be transferred to another settlement except on unusual or unexpected circumstances ;

(ii) Per Capita Re. 1 will be given during the apprenticeship period.

(iii) A privately managed settlements should have at least four intra-mural industries with qualified staff to supervise and train.

(iv) Inspection of the privately managed settlements will be done by the Departmental Officer with or without notice.

(v) All the accounts in respect of committed settlers are liable for audit by the department.

(vi) Case sheets of the settlers committed should be properly maintained with due regard to case work of a standard set by the \*Director of Correctional Services\*.

(vii) The premises of the privately managed settlements should be maintained clean and tidy.

(viii) Clothing and bedding on the arrival of the inmates should be provided by privately owned agency.

(ix) Wages as determined by the \*Director of Correctional Services\* in consultation with privately owned agency should be paid to settlers after the training is over.

---

\*—\* Substituted by G. N., H. D., No. BOH-0172-5-VII, dated 4th July 1973.

(x) All medical help should be provided by the privately owned agency, during the training period of the settler within the sanctioned per capita grant.

(xi) All the registers prescribed by the \*Director of Correctional Services\* from time to time should be maintained properly and should be shown to inspecting officers from time to time.

50. (1) The cases of all persons whose movements have been restricted or who are placed in corrective settlements under this Act shall be reviewed every six months by a Board consisting of the District Magistrate of the District the \*Deputy Director of Correctional Services\* and the District Superintendent of Police of the district. The District Magistrate shall be the Chairman, and the Superintendent of the Settlement shall be the ex-officio Secretary of the Board.

(2) If the Board considers it advisable or desirable to discharge a settler before the expiry of the term of his training, it may make a suitable recommendation to the State Government or to the officer authorised by it in this behalf.

51. The Bombay Habitual Offenders Restriction Rules, 1948 and any other rules corresponding thereto made under the Hyderabad Habitual Offenders (Restriction and Settlement) Act, 1954 (hereinafter referred to as "the said rules"), are hereby repealed:

Provided that anything done or any action taken under the said rules shall, so far as it is not inconsistent with these rules, be deemed to have been done or taken under the corresponding provision of these rules, as if the said provision was in force when such thing was done or such action was taken, and shall continue in force accordingly, unless and until superseded by anything done or any action taken under these rules.

#### FORM 'A'

(See rule 3)

#### *Notice to Habitual Offender to appear in person*

To

(Name, description and place of residence)

Whereas the Government of Maharashtra has directed that a register of habitual offenders should be made;

---

\*—\* Substituted by G. N., H. D., No. BOH-0172-S-VII, dated 4th July 1973.

And whereas you are a habitual offender as defined in clause (e) of section 2 of the Bombay Habitual Offenders Act, 1959 ;

Now, therefore, as required by the provisions of section 4 of the said Act, I call upon you—

(a) To appear before me in person on the \_\_\_\_\_ day of  
19\_\_\_\_, at \_\_\_\_\_ O'clock;

(b) To furnish the following information, namely:—

(Here insert the particulars required).

(c) To allow your finger and palm impressions foot prints and photographs to be taken;

for the purposes of making an entry in the register and to show cause why such entry should not be made in the register.

District Magistrate

\_\_\_\_\_  
Officer appointed by the District Magistrate.

Dated :

FORM "B"

(See rule 4 )

*Register of Habitual Offenders under the Bombay Habitual  
Offenders Act, 1959*

(To be entered by the Officer making the Register)

Serial No.

\*\_\_\_\_\_\*

No. and date of the order of registration ..

(1) Name with aliases of the habitual offender  
Father's/Husband's name.

(2) Residence at the date of the order—

Village ..

Police Station ..

District ..

(3) Place of origin —

Village ..

Police Station ..

District ..

---

\*—\* Deleted by Government Notification, Home Department, No. BOH-5361/187031-VII, dated 18th June 1970.

- |        |  |    |
|--------|--|----|
| (4)    | Place of proposed residence—   |    |
|        | Village  | .. |
|        | Police Station   | .. |
|        | District   | .. |
| (5)    | Descriptive roll—  |    |
|        | Age  | .. |
|        | Height   | .. |
| (6)(a) | Area to which movements are restricted—  |    |
|        | Village  | .. |
|        | Police Station   | .. |
|        | District   | .. |
|        | (b) Manner in which required to report—  |    |
| (7)    | Left thumb impression of the habitual offender—  |    |
| (8)    | Signature and designation of the Officer making the Register with date.  |    |
| (9)    | Date of placing the Register in the keeping of the Commissioner of Police/the District Superintendent of Police. |    |
| (10)   | Signature and designation of the Officer-in-charge of the Register with date.                                    |    |

(Entries to be made by the Commissioner of Police/the District Superintendent of Police).

S. No. according to each Police Station.

Date on which  
finger impression  
slip sent to the  
Bureau.

## Finger Impression Classification.

## Convictions

(Convictions before registration to be shown in red ink)

No.	Name under which convicted	District and Court	Date	Section	Sentence	Name of Jail in which Confined and number on Jail register
1	2	3	4	5	6	7

1. Date and name of district to which transferred.
2. Name of settlement where sent with date of despatch.
3. If put on probation, the date and nature of exemption granted.
4. Date to which restrictions reimposed.

\*Commissioner of Police, Bombay.\*  
Superintendent of Police.

‡ FORM 'BB'

[See rule 9 (1)]

*Notice to restricted person to attend the special roll call*

To

(Name, description and place of residence)

Whereas the District Magistrate                      District under his order  
 No.                      dated                      of                      the                      has  
 registered you as a habitual offender in accordance with section 4 or re-  
 registered you under section 9 (2) of the Bombay Habitual Offenders Act,  
 1959 ;

And whereas, an order to report yourself under section 7 (2) of the  
 said Act†/to restrict your movements under section 11 of the said Act,  
 has been made ;

Now, therefore, I call upon you to present yourself on the  
    day of                      at                      O'clock,                      at the  
    place in                      village to answer to your name at  
 the special roll call.

Police Sub-Inspector,  
 Police Sub-Inspector,

---

\*—\* Deleted, by .Government Notification Home Department No. BOH 5361-187031-VII, dated 18th June 1970.

\*—\* Added by G. N. H. D. No. BOH-5361/87031-VII dated 18th June 1970.

† Strike out what is inapplicable.

\* Inserted by Government Notification, H. D. No. BOH-5361/87031-XXII dated 15th July 1968.

FORM 'C'

(See rule 10)

Temporary Absence Form

Temporary Absence Form

Issued to (Name)

Son/Wife of

\*.....\*

Reg. No.

\*.....\*

Resident of village

who has

Notified his/her intention to be temporarily absent from his/her residence.

Place or places he/she proposes to visit and persons he/she proposes to stop with.

Place	Probable date	Persons or place where he/she will stop	Probable period of halt
-------	---------------	---	-------------------------

Age and marks of identification or thumb mark.

Name of Police Station/Village..

Date of issue ..

Signature of the Officer-In-charge of the Police Station or the Police Patel of the village issuing the Form.

\*—\* Deleted by G. N. H. D. No. BOH-5361-87031-VII, dated 18th June 1970.

## FORM 'D'

(See rules 13 and 14)

(Pass to be handed over to the restricted person to whom  
leave of absence from the area has been granted).

1. Serial No. ..
2. Name and father's or husband's name ..
3. Sex and age ..
4. \*Registration number \* ..
5. Period of absence sanctioned .. From To
6. Place to which proceeding .. { When proceeding.—  
When returning.—
7. Route to be taken ..
8. Business on which proceeding ..
9. Name of the Police Station from which  
leave was granted and the date of issue.
10. Left thumb impression of the person granted  
leave.

Signature of the Officer issuing the pass.

Date and Hour of					
Leaving Home	Arrival at	Reporting at Police Station	Departure from	Return Home	Signature of the person to whom the holder has reported himself

Remarks by the Officer-in-charge of the Police Station.

\*—\* Substituted by G. N. H. D. No. BOH-5361/87031-VII, dt.18th June 1970.



## FORM "E"

(See rule 18)

(To be given to the Restricted Person)

*Certificate of Identity to be given to a Restricted Person who  
has been given exemptions under rule 17*

Register Number	*_____*
1. District	..
2. Name with aliases	..
3. Father's/Husband's name	..
4. Place of original residence	..
5. Descriptive marks of identification with impression of left thumb.	
6. Date of exemption	..
7. Nature of exemption	..
8. Date of final discharge	..

*Note.*—This certificate is granted in accordance with rule 18 of the Maharashtra Habitual Offenders Rules, 1960.

(1) It should be produced on demand by any Police Officer or Magistrate.

(2) It should not be handed over to any other person for use.

(3) The holder is bound to give his finger impression if demanded by any officer-in-charge of a Police Station.

Date of issue :

Signature of The Commissioner of Police, Bombay.  
The District Superintendent of Police.

---

\*—\* Deleted by G. N. H. D. No. BOH-5361-87031-VII, dated 18th June 1970.

923

FORM "F"

( See rule 19)

*Permanent pass for Visiting Bazar, etc.*

1. Register No. ..
2. Name and father's or husband's name ..
3. Age ..
4. \* ..
5. Place of nearest bazar ..
6. Days and hours when permitted to visit ..
7. Period of absence sanctioned .. From To
8. Name of the Police Station within whose jurisdiction the person resides.
9. Left thumb impression of the person granted pass.

Date of issue :

Signature of The Commissioner of Police, Bombay.  
The District Superintendent of Police.

FORM "G"

(See rule 30)

*Pass permitting a Settler to leave the limits of the Settlement*

1. Name of person to whom pass is granted.
2. Register No. ..
3. Village or settlement ..
4. Taluka ..
5. Period for which pass is valid .. From To

---

\*—\* Deleted by G. N. H. D. No. BOH-5361-87031-VII, dated 18th June 1970.

6. Name of the village or settlement to which he is permitted to go.
7. Name of the person to whose house he is going.
8. Purpose of journey
9. Places at which he must report on the way.
10. Time or times at which he should give roll call.
11. Authority before whom he should give roll call.

Date :

Signature of the officer granting pass.

(On the reverse of the pass )

Village or settlement	Date and hour of report of arrival	Date and hour of report of departure	Signature of the person to whom the holder has reported himself

### FORM 'H'

(See rule 42)

#### *Licence discharging a Settler Conditionally*

Name

\* ..... \*

Register No.                      may be discharged from

Settlement under the provision of rule 42 of the Maharashtra Habitual Offenders Rules, 1960, provided he accepts the following conditions during the period of licence which shall be valid upto.

(a) He shall reside at                      Village

Taluka    District

(b) He shall refrain from joining any trade union or political organisation.

---

\*—\* Deleted by G. N. H. D., No. BOH-5361/87031-VII, dated 18th June 1970.

(c) He will be of good conduct.

(d) He will give weekly roll call on Friday before the Police Patel of the village or other person appointed for this purpose.

(e) He will notify whenever he intends to be absent from his place of residence for the night to the police patil of his village or to the officer-in-charge of a Police Station in the same way as other restricted persons living in the area are required to do. For sanction to move beyond the limits of the above district the Superintendent, of Settlement may give him a pass valid upto six months. The †(Director of Correctional Service)† or the Commissioner of Police or the District Superintendent of Police may give such pass for any period.

In the event of the breach of any of the above conditions of which the †(Director of Correctional Services)† shall be the sole judge, the settler shall be liable to be replaced in a settlement by the †(Director of Correctional Services)† the discharge on the licence being cancelled.

The period of licence will date from the time the settler moves from the limits of the settlement to reside in the above village after accepting the above conditions.

Secretary to the State Government  
Signature of the authorised Officer.

Date :—

The above conditions have been read over to me and I accept them.

Signature of the settler.

Explained by me and accepted by him.

Superintendent, Settlement.

He left the settlement limits to reside in the above village on.

Superintendent, Settlement.

---

†—† Substituted by G. N. H. D. No. BOH-0172-5-VII, dated 4th July 1973.

**EXTRACTS OF SECTIONS 82 TO 88 OF BOMBAY POLICE  
ACT, 1951**

(Bom. Act No. XXII of 1951)

82. (1) The Police shall take temporary charge:—

(a) of all unclaimed property found by or made over to them and also.

(b) of all property found lying in any public street, if the owner or person in charge of such property on being directed to remove the same, refuses or omits to do so.

(2) \*In any area for which a Commissioner has been appointed\* the property of which the Police have taken charge under sub-section (1) shall be handed over to the Commissioner.

83. (1) \*In any area under the charge of a Commissioner\* if any property of the nature referred to in section 82 appears to have been left by a person who has died intestate and not to be under four hundred rupees in value, the Commissioner shall communicate with the Administrator General with a view to its being dealt with under the provisions of the Administrator General's Act, 1913 or other law for the time being in force.

(2) In areas out side †the charge of a Commissioner† the property shall be delivered to the police patel, if any, of the town or village in which the same was found, and a receipt therefor taken from the Police Patel who shall forward such property to the Magistrate to whom such Police Patel is subordinate. If in any such case there be no police patel of such town or village, the Police shall forthwith report to such Magistrate as the Magistrate of the district shall, from time to time, appoint in this behalf, and act thereafter, as the said first mentioned Magistrate shall direct.

84. If the property regarding which a report is made to a Magistrate, under section 83 or under section 19 of the Bombay Village Police Act, 1867 ‡or of that Act as in force in the Kutch area of the State of Bombay, or under section 21 of the Sourashtra Village Police Ordinance, 1949‡ appears to such Magistrate to have been left by a person who has died

---

\*—\* These words were substituted for the words 'In Greater Bombay' by Bom. 56 of 1959, S. 3, Sch.

†—† These words were substituted for the words 'In area outside the Greater Bombay' by *ibid.*

‡—‡ These words and figures were inserted by Bom. 34 of 1959. S. 27.

intestate, and without known heirs and to be likely, if sold in public auction, to realise more than four-hundred rupees net proceeds, he shall communicate with the District Judge with a view to its being dealt with under the provisions of section 10 of Bombay Regulation VIII of 1827 (a Regulation to provide for the formal recognition of heirs etc.) or other law in force.

85. (i) In any case not covered by section 83 or 84 the Commissioner or the Magistrate concerned as the case may be, shall issue a proclamation specifying the articles of which such property consists and requiring any person who may have a claim thereto to appear before himself or some other officer whom he appoints in this behalf and establish his claim within six months from the date of such proclamation.

(2) If the property or any part thereof, is subject to speedy and natural decay or consists of live-stock, or if the property appears to be of less value than five rupees it may forthwith sold by auction under the orders of the Commissioner or the Magistrate concerned, as the case may be, and the net proceeds of such sale shall be dealt with in the same manner as is hereinafter provided for the disposal of the said property.

86. (1) The Commissioner or the Magistrate concerned, as the case may be, shall, on being satisfied of the title of any claimant to the possession or administration of the property specified in the proclamation issued under sub-section (1) of section 85, order the same to be delivered to him, after deduction or payment of the expenses properly incurred by the Police in the seizure and detention thereof.

(2) The Commissioner or the Magistrate concerned as the case may be, may at his discretion, before making any order under sub-section (1), take such security as he may think proper from the person to whom the said property is to be delivered and nothing hereinbefore contained shall affect the right of any person to recover the whole or any part of the same from the person to whom it may have been delivered pursuant to such order.

87. If no person establishes his claim to such property within the period specified in the proclamation it shall be at the disposal of the State Government, and the property, or such part thereof as has not already been sold under sub-section (2) of section 85 may be sold by auction under the orders of the Commissioner, or the Magistrate concerned as the case may be.

88. Nothing in the Indian Succession Act, 1925, or in the Administrator General's Act, 1913 shall apply to intestate property which is dealt with by the Commissioner under sub-section (1) of section 85 nor shall the provisions of 10 of Regulation VIII of 1927 \*or of any corresponding law in force\* likewise be deemed to apply to intestate property which is dealt with by a Magistrate under sub-section (1) of section 85.

-----

---

\*—\* The words were inserted by Bom. 34 of 1959, S. 28 (1).

**PART IV**

**All Other Appendices**



**APPENDIX I**  
**STATEMENT SHOWING THE PRESENT PAY SCALES OF THE POSTS IN THE**  
**MAHARASHTRA PRISON DEPARTMENT**

Sr. No.	Posts	Pay Scale	Authority
1	Dy. Inspector General of Prisons ..	1100-50-1450.	G. R., H. D., No. EST/1069/63284-II-XVI, dated 11-1-1972.
2	Superintendents of Central Prisons/Principal, Jail Officers Training School, Yeravda.	830-45-1100-50-1200.	G. R., F. D., No. PCR/1269/PC, dated 15-1-1969.
3	Superintendents of District Prisons, Class-I/Principal Borstal School, Kolhapur.	560-30-740-45-1010.	G. R., H. D., No. RJM/1071/(1)/47373-XVI, dated 22-8-1972.
4	Superintendents of District Prisons, Class-II/Deputy Superintendents, Central Prisons.	410-30-650-EB-45-875. (Fixed Pay of Rs. 380 during the Period of probation, promotee to start on Rs. 460.)	G. R., F. D., No. PCR/1269/PC, dated 15-1-1969.
5	Jailor Group-I/Superintendents of District Prisons, Class-III/Vice-Principal, Borstal School, Kolhapur.	320-15-425-20-525.	G.R., F. D., No. PCR/1269/PC, dated 15-1-1969.
6	Jailor Group-II/Orderly Officer/Asstt. Vice-Principal Borstal School, Kolhapur.	160-170-10-250-EB-10-280-15-370.	G.R., F. D., No. PCR/1269/PC, dated 15-1-1969.
7	Woman Jailor, Group-II ..	160-170-10-250-EB-10-280-15-370.	G. R., F. D., No. PCR/1269/PC, dated 15-1-1969.
8	Superintendent of Jail Industries ..	410-30-650-EB-45-1100-50-1200 (fixed pay of Rs. 410 during probationary period.)	G. R., F. D., No. PCR/1272/Amdt/154/5-I, dated 3-7-1972.
9	Superintendent of Prison Textile Industries ..	300-20-460-EB—20-500-25-650-EB-30-830. (Fixed pay of Rs. 280 during the probationary period.)	G. R., F. D., No. PCR/1269/PC, dated 15-1-1969.

**APPENDIX I—contd.**

Sr. No.	Posts	Pay Scale	Authority
9A	Technical Officer (Prison Agriculture) ..	300-20-460-EB-20-500-25-650—EB—30-830.	G. R., H. D., No. EST/1071/29936-XVI dt.-9-5.73.
10	Research Officer ..	300-20-460-EB-20-500-25-650-EB-30-830.	G. R., H. D., No. EST/1067/34038/38591-IV dated 23-12-1969.
11	Personal Assistant to I. G. of Prisons/ Regional Dy. I. G. of Prisons/O. & M. Officer/ Administrative Officer.	420-20-500-25-625.	G. R., F. D. No. PCR/1269/PC, dated 15-1-1969 G. R., H. D., No. EST/1069/63284-I-XVI, dated 14-1-72/G. R., H. D., No. EST/0172/8-XVI, dt. 26-4-73.
12	Office Superintendent/Sr. Auditor/Sr. Assistant/Accountant.	260-10-280-15-430.	G. R., F. D., No. PCR/1269/PC, dated 15-1-1969.
13	Asstt. Superintendents in I. G.'s Office/Head Clerks in Regional Dy. I. G.'s Office and I. G. Prisons' Office/Steward.	200-10-290-15-350.	G. R., F.D., No. PCR/1269/PC, dated 15-1-1969 G. R., H. D., No. EST/2570/8644/XVI, dt. 28-4-72.
14	Senior Clerk (Supervisory) Junior Canteen Accountant.	150-10-230-EB-10-270-15-300.	G. R., F. D., No. PCR/1269/PC, dated 15-1-1969 G. R. H. D. No. EST/2570/8644/XVI, dt. 28-4-72.
15	Senior Clerk/Junior Auditor ..	150-8-190-10-220-EB-10-270.	G. R., F. D., No. PCR/1269/PC, dated 15-1-1969 G. R. H. D., No. EST/2570/8644/XVI, dt. 28-4-72,
16	Storekeeper/Accounts ..	Do.	G. R., H. D., No. JIM/1468/38078-XVI, dt. 29-5-71 and G. R., H. D., No. JIM/1 168/47339-B-XVI, dt. 23-4-1973 and JIM/1568/38078-XVI, dt. 25-4-73.
17	Clerk/Typist ..	115-4-135-5-160-EB-5-185-6-215.	G. R., F.D., No. PCR/1269/PC, dated 15-1-1969, G. R., H. D., No. EST/2570/8644/XVI, dt. 28-4-72, G. R., H. D., No. JIM-1168/47339-B-XVI, dt. 23-4-73.

18	Statistician	..	170-10-250-EB-10-280-15-340.	G. R., F. D., No. PCR/1269/PC, dated 15-1-1969.
19	Stenographer	..	180-6-210-8-250-EB-10-310-15-340-EB-15-400.	G. R., F. D., No. PCR/1269/PC, dated 15-1-1969.
20	Stenographer Junior Grade	..	135-5-170-6-188-EB-6-200-8-240-10-290.	G. R., H. D., No. EST/0172/5/XVI, dated 9-10-1972.
21	Liaison Officer	..	160-170-10-250-EB-10-280-15-370.	G. R., H. D., No. MIS/1 070/20526 (b)-XVI, dated 13-12-1971.

MEDICAL DEPARTMENT

22	Maharashtra Medical and Health Officer, Class-II.	Relevant scales fixed by the Urban and Development Department according to the qualifications.	..	
23	Laboratory Technician	..	150-10-230-EB-10-270-15-300.	G. R., F.D., No. PCR/1269/PC, dated 15-1-1969.
24	Compounder	..	115-4-135-5-160-EB-5-185-6-215.	G. R., F. D., No. PCR/1269/PC, dated 15-1-1969.
25	Male Nurse	..	135-5-170-6-188-EB-6-200-8-240-10-250.	G. R., F. D., No. PCR/1269/PC, dated 15-1-1969.
26	Nursing Orderly	..	80-2-100-EB-2-110.	G. R., F.D., No. PCR/1269/PC, dated 15-1-1969.

TECHNICAL SECTION

27	Agricultural Officer / Asstt. Officer.	Agricultural	Relevant scales according to the qualifications prescribed by Agricultural Department.	..
28	Field Kamgar	..	115-4-135-5-160-EB-5-185-6-203-EB-6-215-7-250.	G. R., F. D., No. PCR/1269/PC, dated 15-1-1969.

**APPENDIX I—contd.**

Sr. No.	Posts	Pay Scale	Authority
29	Textile Foreman	.. 300-15-390-20-430-EB-20-550-25-575	G. R., H. D., No. JIM/1 168/47339-B-XV1, dated 23-4-73.
30	Textile Officer	.. 300-15-390-20-470.	G. R., F. D., No. PCR/1269/PC, dated 15-1-1969.
31	Jobber-cum-Textile Demonstrator	.. 220-10-280-15-340.	G. R., H. D., No. JIM/1 168/47339-B-XVI, dated 23-4-1973.
32	Warper	.. 135-5-170-6-188-EB-6-200-8-240-10-250.	G. R., F. D., No. PCR/1269/PC, dated 15-1-1969.
33	Supervisor (Weaving )	.. 210-10-280-15-310-EB-15-385-20-445	G. R., F. D., No. PCR/1269/PC, dated 15-1-1969, G. R., H. D., No. RJM-1058(ii)/99802/I-XVI, dated 21-4-1971, EST-0272/11-XVI, dated 13-4-1972.
34	Jobber	.. 160-5-170-6-200-8-224-EB-8-240-10-290.	G. R., F. D., No. PCR/1269/PC, dated 15-1-1969.
35	Instructor ( Carpet Weaving)	.. 135-5-170-6-1-188-EB-6-200-8-240-10-250.	G. R., F. D., No. PCR/1265/PC, dated 15-1-1969 and G. R., H. D., No. RJM/1058 (ii )/9980-I-XVI. dated 21-4-1971.
36	Instructor (Weaving)	.. 135-5-170-6-188-EB-6-200-8-240-10-250.	G. R., F. D., No. PCR/1269/PC, dated 15-1-1969 and G. R., H. D., No. RJM/1058 (ii)/99802-I-XVI, dated 21-4-1971.
37	Instructor ( Tailoring )	.. 135-5-170-6-188-EB-6-200-8-240-10-250.	G. R., F. D., No. PCR/1269/PC, dated 15-1-1969, G. R., H. D., No. RJM/1058 (ii)-99802-I-XVI, dated 21-4-1971 and EST/0272/11/ XVI, dated 13-4-1972.

38	Supervisor ( Tailoring )	..	160-5-170-6-200-8-224- EB-8-240-10-290.	G. R., F. D., No. PCR/1269/PC, dated 15-1-1969, G. R., F. D., No. RJM/1958(ii)-99802-I-XVI, dated 21-4-1971 and EST/0272-11/XVI. dated 13-4-1972.
39	Lady Instructor ( Tailoring )	..	135-5-170-6-188- EB-6-200-8-240-10-250.	G. R., F. D., No. PCR/1269/PC, dated 15-1-1969 and G. R., H. D., No. RJM/1058/(ii)/99802-I-XVI, dated 21-4-1971.
40	Supervisor ( Carpentry )	..	160-5-170-6-200-8-224-EB-8-240-10-290.	G. R., F. D., No. PCR/1269/PC, dated 15-1-1969, and G. R., H. D., No. RJM-1058/( ii )/99802-I-XVI, dated 21-4-1971.
41	Instructor (Carpentry)	..	135-5-170-6-188-EB-6-200-8-240-10-250.	G. R., F. D., No. PCR/1269/PC., dated 15-1-1969, G. R., H. D., No. RJM-1058/(ii)/99802-I-XVI, dated 21-4-1971, EST/0272/11-XVI, dt. 13-4-1972.
42	Instructor (Laquor)	..	135-5-170-6-188-EB-6-200-8-240-10-250.	G. R., F. D., No. PCR/1269/PC, dated 15-1-1969, G. R., F. D., No. RJM-1058/(ii)/99802-I-XVI, dated 21-4-1971.
43	Supervisor (Black Smithy and Metal Sheet)		160-5-170-6-200-8-224-EB-8-240-10-290.	Do.
44	Instructor (Turner)	..	135-5-170-6-188-E B-6-200-8-240-10-250.	Do.
45	Instructor (Fitter)	..	135-5-170-6-188-EB-6-200-8-240-10-250.	Do.

**APPENDIX I—contd.**

Sr. No.	Posts	Pay Scale	Authority
46.	Instructor (Black Smithy)	.. 135-5-170-6-188-EB-6-200-8-240-10-250.	G.R., F. D., No. PCR/1269/PC, dated 15-1-1969, G. R., F. D., No. RJM-1058/(ii)/99802-I-XVI dated 21-4-1971.
47	Supervisor (Leather Industries)	.. 160-5-170-6-200-8-224-EB-8-240-10-290.	Do.
48	Instructor (Leather Industries)	.. 135-5-170-6-188-EB-6-200-8-240-10-250.	Do.
49	Instructor (Bakery)	.. 135-5-170-6-188-EB-6-200-8-240-10-250.	Do.
50	Supervisor (Paper Industries)	.. 160-5-170-6-200-8-224-EB-8-240-10-290.	Do.
51	Instructor (Paper Industries)	.. 135-5-170-6-200-8-224-EB-8-240-10-250.	Do.
52	Supervisor (Chemical)	.. 160-5-170-6-200-8-224-EB-8-240-10-290.	Do.
53	Craftsmen-cum-Machine Operators	.. 160-5-170-6-200-8-224-EB-8-240-10-290.	G. R., H. D., No. JIM/1568/38078-XVI, dated 29-5-1971 and dated 25-4-1973.
54	Sawyer	.. 170-8-210-10-280.	G. R., H. D., No. JIM/0371/I-XVI, dated 24-8-1972.
MISCELLONEOUS SECTIONS			
55	Braille Instructor	.. 115-4-135-5-160-EB-5-210.	G.R., H. D., No. EST/1168/1154-XVI, dated 13-4-1971.
56	Head Master	.. 145-5-175-6-187-EB-6-205-9-250.	G. R., H. D., No. EST/1064/88579-XVI, dated 15-9-1970.

57	Physical Training Instructor (Senior)	..	320-15-425-20-525	G. R., F. D., No. PCR-1269-PC, dated 15-1-1969
58	Physical Training Instructor (Junior)	..	120-4-140-5-165-EB-5-190-6-220	G. R., H. D., No. EST-1064-88957-XVI, dt. 15-9-70.
59	Teachers/House Master	..	Relevant scales according to qualifications prescribed for School Teachers in Education Department.	...
60	Asstt. Librarian	..	135-5-170-6-188-EB-6-200-8-240-10-290	G. R., H. D. No. EST-1071-56774-XVI, dt. 30-3-1972.
61	Tractor Driver	..	80-2-100-EB-2-110	G. R., F. D., No. PCR-1269-PC, dated 15-1-1969.
62	Driver	..	110-3-122-4-150	G. R., H. D., No. MAJ-1564-93979-IV, dt. 7-5-68, MAJ-1968-37772-IV, dt. 30-10-1969, MAJ-1468-37705-1V, dated 23-12-1968, MAJ-2270-56261-XVI, dated 24-4-1971, MIS-1070-20526 (h)-XVI dt. 13-12-71.
63	Water-man	..	75-1-81-2-90-EB-2-100	G. R., H. D., No. MIS-1070-20526 (b)-XVI, dt. 13-12-1971.
CLASS-IV GOVERNMENT SERVANTS				
64	Daftar-band	..	85-2-105-EB-3-120	G. R., F. D., No. PCR-1269-PC, dated 13-12-1971.
65	Naik	..	80-2-98-3-110	G. R., F. D., No. PCR-1269-PC, dated 15-1-1969.
66	Peon/Aya/Sweeper	..	75-1-80-2-90-EB-2-100	G. R., F. D., No. PCR-1269-PC, dated 15-1-1969.

**APPENDIX I—contd.**

Sr. No.	Posts	Pay Scale	Authority
GUARDING STAFF.			
67	Subedar/Chief Supervisor	.. 125-4-145-5-150	G. R., F. D., No. PCR-1269-PC, dated 15-1-1969.
68	Jamadar/Sr. Supervisor (Higher Grade)	.. 110-3-122-4-150	G. R., F. D., No. PCR-1269-PC, dated 15-1-1969
69	Havildar	.. 95-2-105-3-120	G. R., F. D., No. PCR-1269-PC, dated 15-1-1969.
70	Naik/Sr. Supervisor (Lower Grade)	.. 85-2-105-3-120	G. R., F. D., No. PCR.1269-PC, dated 15-1-1969.
71	Sepoy/Jr. Supervisor	.. 80-2-100-EB-2-110	G. R., F. D., No. PCR-1269-PC, dated 15-1-1969.
72	Senior Matron	.. 110-3-122-4-150	G. R., F. D., No. PCR-1269-PC, dated 15-1-1969.
73	Junior Matron	.. 85-2-105-EB-3-120	G. R., F. D., No. PCR-1269-PC, dated 15-1-1969.



*Statement showing Special Pay attached to various post in Jail Department*

Sr. No.	Designation		Rate of Special Pay	Authority
			Rs.	
1	Jailor Group I (Senior Jailor) in Central Jails	..	50	G. R., F. D., No. SSP-1870-1344 (H. D.) XXVI, dated 30-6-70.
2	Jailor Gr. II at Jail Officers' Training School, Yeravda	..	20	G. R., F. D., No. SSP-1870-1344 (H. D.) XXVI, dated 30-6-70.
3	Nursing Orderlies	..	7	G. R., F. D., No. SSP-1870-1344 (H. D.) XXVI, dated 30-6-70.
4	Compounder	..	10	G. R., F. D., No. SSP-1870-1344 (H. D.) XXVI, dated 30-6-70.
			15	(At Akola D.P.) G. R., F. D., No. SSP-1870-1344 (H. D.) XXVI, dated 30-6-70.
5	Sepoys in charge of Oil Engines (Flour Mills)	..	5	G. R., F. D., No. SSP-1870-1344 (H. D.) XXVI, dated 30-6-70.
6	Sepoys workings as lamp man	..	5	G. R., F. D., No. SSP-1870-1344 (H. D.) XXVI, dated 30-6-70.
7	Tractor Driver	..	15	G. R., F. D., No. SSP-1870-1344 (H. D.) XXVI, dated 30-6-70.
8	Subhedar at J. O. T. S.	..	7	G. R., F. D., No. SSP-1870-1344 (H. D.) XXVI, dated 30-6-70.
9	Jamadar at J. O T. S.	..	7	G. R., F. D., No. SSP-1870-1344 (H. D.) XXVI, dated 30-6-70.
10	Clerks working in Revenue Department at Taluka places for performing Jailors duties.		5	G. R., F. D., No. SSP-1870-1344 (H. D.) XXVI, dated 30-6-1970, G. R., F. D., No. PAA-5471-1-XVI, dated 17-8-73.

Sr. No.	Designation		Rate of Special Pay	Authority
			Rs.	
11	Tahsildar Atpadi (Swatrantrapur colony, Atpadi)	..	50	G. R., F. D., No. SSP-1870-1344 (H. D.)-XXVI, dated 30-6-70 and G. R., H. D., No. RSR 1071-7245-XVI, dated 27-3-73.
12	Medical Officers Visiting Prison and Sub-Jails	..	15	G. R., F. D., No. SSP-1870-1344-(H. D.)-XXVI, dated 30-6-70.
			20	G. R., F. D., No. SSP-1870-1344 (H. D.) XXVI, dated 30-6-70.
13	Lady Medical Officer from the Mental Hospital, Yeravda		25	G. R., F. D., No. SSP-1870-1344-(H. D.)-XXVI, dated 30-6-70.
14	Dy. Superintendent, Mental Hospital Nagpur	..	50	G. R., F. D., No. SSP-1870-1344-(H. D.)-XXVI, dated 30-6-70.
15	Chief Medical Officers (M. M. S. Cl. II) Yeravda/Nasik Road.		75	G. R., F. D., No. SSP-1870-1344-(H. D.)-XXVI, dated 30-6-70.
16	Chief Medical Officers (M. M. S. Cl, II) Nagpur. Aurangabad.		50	G. R., F. D., No. SSP-1870-1344-(H. D.)-XXVI, dated 30-6-70.
17	M. M. S. Class III Officer	..	40	G. R., F. D., No. SSP-1870-1344-(H. D.)-XXVI, dated 30-6-70.
18	M. M. S. Class III Officer	..	35	G. R., F. D., No. SSP-1870-1344-(H. D.)-XXVI, dated 30-6-70.
19	Civil Surgeon, Thana (Visiting Medical Officer)	..	75	G. R., F. D , No. SSP-1870-1344-(H. D.)-XXVI, dated 30-6-70.
20	Superintendent, G. T. Hospital, Bombay (Visiting Medical Officer).		80	G. R., F. D., No. SSP-1870-1344-(H. D.)-XXVI, dated 30-6-70.

21	Civil Surgeon, Nagpur (Visiting Medical Officer)	..	25	G. R., F. D., No. SSP-1870-1344-(H. D.)-XXVI, dated 30-6-70.
22	Civil Surgeon, Dhulia (Visiting Medical Officer)	..	40	G. R., F. D., No. SSP-1870-1344-(H. D.)-XXVI, dated 30-6-70.
23	Civil Surgeon, Ratnagiri (Visiting Medical Officer)	..	50	G. R., F. D., No. SSP-1870-1344-(H. D.)-XXVI, dated 30-6-70.
24	Civil Surgeon, Sangli (Visiting Medical Officer)	..	30	G. R., F. D., No. SSP-1870-1344-(H. D.)-XXVI, dated 30-6-70.
25	Civil Surgeon, Akola (Visiting Medical Officer)	..	100	G. R., F. D., No. SSP-1870-1344-(H. D.)-XXVI, dated 30-6-70.
26	Civil Surgeon, Amravati (Visiting Medical Officer)	..	100	G. R., F. D., No. SSP-1870-1344-(H. D.)-XXVI, dated 30-6-70.
27	Civil Surgeon, Kolhapur (Visiting Medical Officer)	..	50	G. R., F. D., No. SSP-1870-1344-(H. D.)-XXVI, dated 30-6-70.

---

APPENDIX II  
INSPECTION POINTS

**Judicial Section**

( PRISON REGISTERS )

*Register No. 1*

( *Undertrial Register* )

Sr. No.	Item	Authority
i	Is every prisoner examined by the Medical Officer ? ..	Rule 2 (2) in Part I of the Maharashtra Prisons (Admission, Classification and Separation of Prisoners) Rules, 1966.
ii	Has full personal description, giving a general account of his physiognomy complexion etc. recorded in admission register in respect of every prisoner?	Rule 7 (1) in Part I of the Maharashtra Prisons (Admission, Classification and Separation of Prisoners) Rules, 1966.
iii	Are atleast three marks of identification recorded in case of every newly admitted prisoner ?	Rule 7 (2) in Part I of the Maharashtra Prisons (Admission, Classification and Separation of Prisoners) Rules, 1966.
iv	Are prisoners received from court with regular remand warrants ?	Rule 2 (2) in Part I of the Maharashtra Prisons (Admission, Classification and Separation of Prisoners) Rules, 1966.
v	Are remarks about marks of violation if any recorded by the Medical Officer in Col. 8 of the Register ?	Rule 2 (2) of the Maharashtra Prisons (Admission, Classification and Separation of Prisoners) Rules, 1966.
vi	Is the report about marks of violence if any sent to the District Magistrate?	Rule 16 of the Maharashtra Prisons (Admission Classification and Separation of Prisoners) Rules, 1966.

vii	Is the undertrial prisoner allowed to take cash with him while going to the Court strictly in accordance with the provisions of the marginally quoted rule ?	Rule 5 of the non-statutory rules relating to production of prisoners in Courts, execution of sentences, orders of the Courts and Release of Prisoners, 1972.
viii	Is a prisoner detained in Jail over 15 days without producing him before the remanding Court ?	...
ix	Is the statement of undertrial prisoners detained in Jail over three months sent to the authority concerned ?	Rule 14 of the non-statutory rules relating to production of prisoners in Courts, Execution of sentences, orders of the Courts and Release of Prisoners, 1972.
x	Is a remark made against the names of those undertrial prisoners whose cases are committed to Sessions ?	...
xi	Are undertrial prisoners, who are recommended Class I by trial Court, placed in Class I provisionally ?	Rule 2 (2) Part II of Maharashtra Prisons (Admission, Classification and Separation of Prisoners) Rules, 1966.
xii	Are the recommendations of the trial courts in the case of such undertrial prisoners immediately forwarded to the authority concerned for approval ?	Rule 2 (2) of Part II of Maharashtra Prisons (Admission, Classification and Separation of Prisoners) Rules, 1966.
xiii	Is the register number of convicted prisoner recorded in Column 18 of this register ?	Serial No. 12 of notes on Jail form No. 1 in Bombay Jail Accounts Manual.
xiv	Are particulars about disposal of undertrial prisoners recorded in Column 18 ?	...
xv	Is the register checked and inspected by the officers authorised to do so by the marginally noted rule ?	Rule 12 (iii) of rules relating to Office Procedure, 1970.

### Register No : 2

*(Register showing particulars of private cash of convicted and Unconvicted Criminal Prisoners)*

i	Is the amount of prisoners delivered to their relatives strictly according to the provisions of the marginally quoted rule ?	Rule 13 (1) of Maharashtra Prisons (Prisoners' Property and Documents) Rules, 1964.
ii	Whether postal receipt and addressee's acknowledgement are attached to the prisoner's warrant in case of remittances by Money Order?	Rule 13(5) of Maharashtra Prisons (Prisoners' Property and Documents) Rules, 1964.

---

## APPENDIX II—contd.

Sr. No.	Item	Authority
iii	Whether unclaimed amount of private cash of Prisoners' is handed over to Police for disposal as required by the marginally quoted rules ?	Rule 18 of Maharashtra Prisons (Prisoners' Property and Documents) Rules, 1964.
iv	Whether permission to remit or hand over property is recorded by the Superintendent in the History Ticket of the prisoner.	Rule 13 (2) of Maharashtra Prisons (Prisoner Property and Documents) Rules, 1964.
v	Is the transfer of money or property from one prisoner to another allowed in contravention of the provisions of marginally quoted rule ?	Rule 14 of Maharashtra Prisons (Prisoners' Property and Documents) Rules, 1964.
vi	Whether private cash of escape if he is not recaptured within the specified period is sent to police for disposal?	Rule 19 of Maharashtra Prisons (Prisoners' Property and Documents) Rules, 1964.
vii	Whether register is checked and inspected by the officers concerned in the manner prescribed in marginally quoted rule?	Rule 12 (III) of Rules relating to Office Procedure, 1970.
<i>Register of Jewellery and Valuable Articles of Prisoners</i>		
i	Are worthless articles classified as Jewellery and preserved unnecessarily for indefinite period in contravention of the marginally quoted orders ?	I. G.'s Cir. No. MJM/1561/56878-V (III), dated 24-11-1971.
ii	Is the property of prisoner consisting of perishable articles sold and the sale proceeds credited to prisoners account ?	Rules 3 (2) and 9 of Maharashtra Prisons (Prisoners' Property and Documents) Rules, 1964.
iii	Is the prisoners' property properly valued and described ?	Rule 3 (3) (c) of Maharashtra Prisons (Prisoners' Property and Documents) Rules, 1964.
iv	Are jewellery packets properly sealed ?	Rule of Maharashtra Prisons (Prisoners' Property and Documents) Rules, 1964.
v	Is the prisoners property handed over to his friends or relatives strictly in accordance with the provisions of the marginally quoted rule?	Rule 13 of Maharashtra Prisons (Prisoners' Property and Documents) Rules, 1964.

vi	Are postal charges paid by prisoner whenever articles of property are sent by post ?	Rule 13 (6) of Maharashtra. Prisons (Prisoners' Property and Documents) Rules, 1964.
vii	Are entries regarding disposal of money or property made in the prisoner's H. T. and signed by the Superintendent ?	Rule 13 (7) of Maharashtra Prisons (Prisoners' Property and Documents) Rules, 1964.
viii	Whether property of prisoner is sent with him on his transfer to another prison/mental hospital.	Rules 15 and 20 of Maharashtra Prisons (Prisoners' Property and Documents) Rules, 1964.
ix	Is the unclaimed property of prisoners handed over to the Police as required by the marginally quoted rule ?	Rule 18 of Maharashtra Prisons (Prisoners' Property and Documents) Rule, 1964
x	Whether property of escapee who is not recaptured within the specified period is sent to Police for disposal as required by marginally quoted rule ?	Rule 19 of Maharashtra Prisons (Prisoners' Property and Documents) Rules, 1964.
xi	Are timely steps taken to dispose off the property of prisoners as per marginally quoted orders ?	I. G.'s Cir. No. MJM/1561/56878/V (III), dated 24th November 1971.
xii	Are the entries about private property read out to prisoners to ascertain the correctness of such entries as required by marginally quoted rule ?	Rule 3 (3) of Maharashtra Prisons (Prisoners' Property and Documents) Rules, 1964.
xiii	Is a report about loss of prisoner's property sent to the Regional Dy. I. G. of Prisons ?	Rule 16 (4) of Maharashtra Prisons (Prisoners' Property and Documents) Rules. 1964.
xiv	Whether the register is checked and inspected by the Officers concerned in the manner prescribed in marginally quoted rule ?	Rule 12 (III) of Rules relating to Office Procedure 1970.

*Register of Private Clothing of Convicted and Unconvicted Criminal Prisoners*

i	Is private clothing of prisoners property preserved as required by marginally quoted rule ?	Rule 6 of Maharashtra Prisons (Prisoners' Property and Documents) Rules, 1964.
ii	Are the prisoner's private clothing bundles occasionally checked?	I. G.'s No. Audit/Jails, dated 7-7-1953.
iii	Are the private clothes of prisoners sentenced to two years or over auctioned after the period of appeal is over ?	Rule 9 (I) of Maharashtra Prisons (Prisoners' Property and Documents) Rules, 1964.
iv	Is estimated value shown in Col. 5 of the register?	I. G.'s Cir. No. IDP/2665/2078-II, dated 12-6-1968.

## APPENDIX II—contd.

Sr. No.	Item	Authority
v	Whether the register is checked and inspected by the Officers” concerned in the manner prescribed in marginally quoted rule ?	Rule 12 (iii) of Rules relating to Office Procedure 1970.
<b>Register No. 3</b>		
<i>Convicted Prisoners Register</i>		
i	Is registration of admission entries done in this register as required by marginally quoted rule ?	Rule 6 in Part I of the Maharashtra Prisons (Admission, Classification and Separation of Prisoners) Rules, 1966.
ii	Whether at least three identification marks in case of each newly admitted prisoner are clearly and fully recorded.	Rule 7 (2) in Part I of the Maharashtra Prisons (Admission, Classification and Separation of Prisoners) Rules, 1966.
iii	Whether the requisite details to be taken under admission are recorded in the Health Register and History Ticket as required by the marginally quoted rule ?	Rule 15 (1) in Part I of the Maharashtra Prisons (Admission, Classification and Separation of Prisoners) Rules, 1966.
iv	Whether History forms in respect of prisoners sentenced to six months and above are prepared ?	Rule 19 (2) in Part I of the Maharashtra Prisons ( Admission, Classification and Separation of Prisoners) Rules, 1966.
v	Are the entries of age, sentence, release etc. verified and initialled by the Senior Jailor ?	Rule 11 (iii) (iv) and (viii) of in Part I of the Maharashtra Prisons (Admission, Classification and Separation of Prisoners) Rules, 1966 I. G.’s Circular No. IDP-2665-2078-II, dated 12-6-1968.
vi	Are warrants of released prisoners returned to courts promptly ?	Rule 14 of the Maharashtra Prisons (execution of the orders of the Court and Release of Prisoners) Rules, 1972.
vii	Are nominal rolls of Juvenile prisoners sent to I. G. ?	Rule 4 of the Maharashtra Prisons (Review and Remission of Sentences ) Rules, 1970.



- |      |  |   |
|------|--|---|
| viii | Are prisoners belonging to other States transferred to their origin in accordance with the marginally quoted rules?                          | Non-statutory rules 6 to 9 of the Removal of Prisoners Order, 1965.   |
| ix   | Is the result of appeal communicated to the prison and noted in the appropriate column of the register?                                      | Rule 18 (2) of the Maharashtra Prisons (Petition and Appeal) Rules, 1962.                                     |
| x    | Is the chart of admission of prisoners maintained as per marginally noted orders?  | I. G.'s Circular No. ADM-PR-XIII, dated 7-5-53, 13-5-53, 27-9-53 and 9-3-54.                                  |
| xi   | Is a separate inward register for fine intimation maintained?  | ...   |
| xii  | Is fine intimation received from Court after the prisoner is transferred to other prison sent by "Registered Post" to the prison concerned ? | Rule 7 of non-statutory rules relating to removal of Prisoner Order, 1965.                                    |
| xiii | Are admissions of prisoners indexed alphabetically in this register ?  | See notes on jail form 3 in Bombay Jail Accounts Manual I. G.'s Circular No. IDP-2665-2078-II, dated 12-6-68. |
| xiv  | Whether the register is checked and inspected by the officers concerned in the manner prescribed in the marginally quoted rule?              | Rule 12 (iii) of Rules relating to Office Procedure, 1970.  |

#### **Register No. 4**

##### *Release Diary*

- i Are entries of release initialled by the Officers concerned ?
  - ii Are jail holidays and Sundays marked on the register? ..
  - iii Are nominal rolls of conditionally released prisoners submitted to the Police?
  - iv Are the correct home addresses of prisoners entered ?..
  - v Are deaths of prisoners reported to the Chief Operator ?
-

## APPENDIX II—contd.

Sr. No.	Item	Authority
vi	Is place upto which the prisoner is given Railway ticket mentioned in Col. 12 of this Register ?	I. G's Circular No. IDP/2665/2078-II dated 12-6-68.
vii	Are the transactions of P. P. C. and wages recorded in Col. 10 and 11 of this register verified by the Superintendent while checking cash books ?	I. G's Circular No. IDP/2665/2078-II dated 12-6-68.

### Register No. 6

#### *Remission Register*

i	Check with Register No. 3 to see whether the names of long termers are brought into this register ?	Rule 6 of the Maharashtra Prisons (Remission system) Rules, 1962.
ii	Are six monthly awards of remissions recorded in this Register ?	Rule 20 (4) of the Maharashtra Prisons (Remission system) Rules, 1962.
iii	Are reports regarding grant of special remission to deserving prisoners made in Form No. VI ?	Rule 20 (2) of the Maharashtra Prisons (Remission system) Rules, 1962.
iv	Are entries about special remissions and about forfeiture of remission made promptly in remission sheet and in this register ?	Rule 20(1) and (3) of the Maharashtra Prisons (Remission system) Rules, 1962.
v	Are entries about remission promptly attested by the Senior Jailor ?	I. G's Circular No. IDP/2665/2078-II,dated 12-6-68.
vi	Is a list of Habitual prisoners who are brought on remission system maintained ?	Rule 10 (2) of the Maharashtra Prisons (Remission system) Rules, 1962.

- |      |  |  |
|------|--|--|
| vii  | Are reports regarding recommendations for special remission sent to I. G. in form II ?   | Rule 15(2) of the Maharashtra Prisons (Remission system) Rules, 1962.  |
| viii | See that prisoners who have been removed from the remission system for punishment do not get remission.  | Rule 24 (1) of the Maharashtra Prisons (Remission system) Rules, 1962. |
| ix   | Is forfeiture of remission noted in the Register ? ( See notes in Register No. 7).   | Rule 22 of the Maharashtra Prisons (Remission system) Rules, 1962.     |
| x    | Are the entries about promotion, authority thereto result of appeal, A. B.; 14 years report, release on parole and furlough made regularly and promptly in this register ? | Rule 7 (3) of Maharashtra Prisons (Convict Officers) Rules, 1962.      |
| xi   | Is the special remission Register maintained ?   |  |
| xii  | Are the totals of remission verified and attested by the Judicial Jailer and Senior Jailer at the time of discharge of prisoners ?   | I. G's Circular No. IDP/2665/2078-II, dated 12-6-68.                   |
| xiii | Are remission sheets of released prisoners preserved properly for audit purpose ?  |  |
| xiv  | Is prisoner informed of the remission granted to him not later than 15th of February and 15th day of August every year ?   | Rule 20 (5) of Maharashtra Prisons (Remission system) Rules, 1962.     |

949

### **Register No. 7**

#### *Punishment Register*

- |    |   |   |
|----|---|---|
| i  | Are details of jail offences noted and analytical note furnished to I. G. ?                                 | Order No. MJM-1561-39466, dated 2-7-64. |
| ii | Is sanction of the competent authority obtained where necessary for punishments awarded for jail offences ? | Order No. MJM-1561-39466, dated 2-7-64. |
-

## APPENDIX II—*contd.*

Sr. No.	Item	Authority
iii	Are punishments properly classified (major and minor) ?	Rule 5 of the Maharashtra Prisons (Punishment*) Rules, 1963.
iv	Is the concurrence of Medical Officer obtained for the execution of punishments of fetters, flogging or imposing hand cuffs. ?	Rules 11 and 23 of the Maharashtra Prisons (Punishments) Rules, 1963.
v	Is report about placing a prisoner in iron or under mechanical restrain by the jailor in his own authority made in the Report Book? (Register No. 13).	Rule 2 of the Maharashtra Prisons (Punishments) Rules. 1963.
vi	Is the interval of not less than 14 days kept between two periods of cellular confinements ?	Rule 22 of the Maharashtra Prisons (Punishment*) Rules, 1963.
vii	Is the prisoner punished twice for the same offence in contravention of the marginally quoted rules ?	Rule 26 of the Maharashtra Prisons (Punishments) Rules, 1963.
viii	Are hand cuffs and/or fetters imposed on woman prisoner in contravention of marginally quoted rules ?	I. G's Cir. No. MJM-1561-39466, dated 3.0-11-63.
ix	Is approval of Govt. obtained for reducing prisoner from class I to class II as a punishment ?	I. G's Cir. No. MJM-1561.39466, dated 8.8-64.
x	Is report about inspection of fetters made by the officers concerned in Report Book (Reg. No. 13).	Rule 10 of the Maharashtra Prisons (Punishment) Rules, 1963 and I. G's Cir. No. MJM-1561-39466, dated 8-8-64.
xi	Is report about visits of relieving and relieved guard commanders together to the punishment cells, made in Report Book (Reg. No. 13)?	Rule 13 (3) of the Maharashtra Prisons (Punishment) Rules, 1963.
xii	Is this Register checked and inspected by the officers concerned in the manner prescribed in the marginally quoted rule ?	1 Rule 12 (iii) of Rules relating to office procedure, 1970.

*I. G's Special No. 88 (Old Regr. Std. Jail 9)*

*Escape Register*

- |     |   |  |
|-----|---|--|
| i   | Is a report about escape or attempt to escape sent by wireless message/telegram to I. G. under intimation to Govt. ?    | I. G.'s Cir. No. EOP-2660-55563-II, dated 26-11-1966.              |
| ii  | Is the notice of escapes given to the District Superintendent of Police and Dist. Magistrate ?                          | Rule 39 (1) I. G.'s Cir. No. EOP-2660-55563-II, dated 26-11-1966.  |
| iii | Are escapes notified immediately to the Finger Print Bureau, Pune ?   | Rule 39 (ii) I. G.'s Cir. No. EOP-2660-55563-II, dated 26-11-1966. |
| iv  | Are details of escapes noted in a tabular form ?  | Rule 39 (iii) of the Maharashtra Prisons (Discipline) Rules, 1963. |
| v   | Is the register checked and inspected by the officers concerned in the manner prescribed in the marginally noted rule ? | Rule 12 (iii) of rules relating to Office Procedure, 1970.         |
| vi  | Is the result of prosecution noted in Col. 10 of the Register?  | See notes on Jail form No. 9 in Jail Accounts Manual.              |

951

**Register No. 11**

*Gate Register*

- |     |  |   |
|-----|--|---|
| i   | Do all jailors attend unclocking in the morning regularly ?  | Rule 5 of the Maharashtra Prisons (Routine) Rules, 1965.  |
| ii  | Do the staff members put in the prescribed hours work ?  | Rule 2 (2) of the Maharashtra Prisons (Management of Prisons and Maintenance of Records) Rules, 1970. |
| iii | Is one jailor always present inside the jail during working hours.   | Rule 2 (3) of the Maharashtra Prisons (Management of Prisons and Maintenance of Records) Rules, 1970. |
| iv  | Is a subsidiary register maintained for recording the ingress and egress of head loads and cart loads etc. | Rule 47 of the Maharashtra Prisons ( Staff function ) Rules, 1965.                                    |
-

## APPENDIX II—contd.

Sr. No.	Item	Authority
v	Does the senior jailor carry out a sample check of the entries with these in the Gate Register ?	
vi	Is the subsidiary register (Head load and cart load) checked by the Senior Jailor every Monday ?	
vii	Are entries of receipts of stores etc. verified and attested by the officers concerned ?	Rule 50 of the Maharashtra Prisons (Staff Function) Rules, 1965.
viii	Do the orderly officers remain present at the gate on twenty four hours basis ?	Rule 19 (1) and 20 (1) of the Maharashtra Prisons (Staff Function) Rules. 1965.
ix	Is the register checked and inspected by the officers concerned in the manner prescribed in the marginally noted rule ?	Rule 12 (iii) of the rules relating to office procedure 1970.

### Register No. 12

#### *Superintendent's Order Book*

a	Are the following reports recorded in the Register ?	...
i	Reports regarding Night visits.	.. Rule 31 of the Maharashtra Prisons (Routine) Rules, 1965.
ii	Reports regarding Superintendent's absence	.. ...
iii	Reports about fixing of working hours of Dy. Supdt., Jailors, Clerks and Medical and Technical staff.	Rule 2 (3) of the Maharashtra Prisons (Management of Prisons and Maintenance of Record) Rules, 1970.
iv	Reports regarding withholding of prisoner's letter	.. Rule 23 (2) of the Maharashtra Prisons (Facilities to Prisoners) Rules, 1962.
v	Reports regarding refusal of interview to prisoners.	.. Rule 9 (15) of the Maharashtra Prisons (Facilities to Prisoners) Rules, 1962.

vi	Reports regarding refusal of any of the privileges to U. T. prisoners.	Rule 23 of Maharashtra Prisons (Discipline) Rules 1963.
vii	Reports regarding management and discipline of the jail ..	Rule 1 of non-statutory rules relating to Discipline.
viii	Reports regarding punishment to jail officers ..	Rule 31 of Staff Discipline Roles (Put II).
ix	Reports regarding inspection of cooked food ..	Rule 50 of the Maharashtra Prisons (Diet for, Prisoners) Rules 1970.
x	Reports regarding keeping of the keys of the gate ..	Rule 18 of the (Staff Discipline) Rules Part II, Rule 22 of the Maharashtra Prisons (Routine) Rules 1965.
xi	Reports regarding actual counting of prisoners. ..	Rule 13 (2) of the Maharashtra Prisons (Staff Function) Rules 1965.
xii	Reports regarding count of arms and ammunition ..	Rule 23 of Maharashtra Prisons (Staff Uniform equipment) Rules 1971.
xiii	Reports regarding periodical stock takings ..	Rule 6 of rules relating to stores and office Records 1966.
xiv	Report regarding forfeiture of concealed property ..	Rule 8 of the Maharashtra Prisons '(Prisoners' Property and Document) Rules, 1964.
b	Are the reasons for borrowing or lending money from one head to another in the prison account are recorded in this Register?	Rule 13 (16) of the Maharashtra Prisons (Staff Function) Rules 1965.
c	Are the orders of the Superintendent noted by the officers concerned and action taken accordingly?	
d	Is the inspection of registers carried out? ..	Rule 13 (i) of rules relating to Office Procedure 1970.
e	Are quarterly reports about inspections sent regularly to I. G. or D. L. G. as the case may be ?	Rule 13 (ii) rules relating to Office Procedure 1970.

## APPENDIX II—contd.

Sr. No.	Item	Authority
<b>Register No. 13</b>		
<i>Report Book</i>		
i	Are all matters which require Superintendent's attention noted by the Jailor in this Register?	See notes on jail form 13 in Bombay Jail Accounts Manual.
ii	Do Jail guards remain absent from the quarters without permission of the senior Jailor ?	Rule 16 of Staff Discipline Rules 1963 Part II.
iii	Does the Senior Jailor visit the extramural working parties regularly and enter his observations in this Register?	Rule 14 (3) of the Maharashtra Prisons (Staff Function) Rules, 1965.
iv	Do the orderly Officers make entries of their night visits to the jail in this register?	Rule 20 (c) of the Maharashtra Prison (Staff Function) Rules, 1965.
v	Are surprise searches of prisoners' barracks and cells regularly taken and the results noted in the register ?	Rule 14 (12) of the Maharashtra Prisons (Staff Function) Rules 1965.
vi	Are reports about clean washing of clothes of released prisoners and about correct maintenance of clothing accounts recorded in this register by the Senior Jailor every month ?	I.G's Circular No. RMP-5060-61164-III dated nil January 1964.
vii	Are reports about bad debts arising out of credit sales of factory, garden, dairy and poultry products made by the Senior Jailor ?	Rule 7 of Staff Concession and Reward Rules 1964.
viii	Does the Section Head make weekly reports in this register about maintenance of jail register ?	Rule 1 (b) of the rules relating to Office Procedure, 1970.
ix	Does the Agriculture Officer (in his absence the Sr. Jailor) regularly enter here all garden receipts except vegetables ?	See notes on Jail form No. 8 in Bombay Jail Accounts Manual.
x	Is the contraband money found with prisoners and recorded in this register credited to the Cash book and also credited to Government without any undue delay ?	Rule 8 of the Maharashtra Prisons (Prisoners, Property and Document) Rules 1964.



- |      |   |   |
|------|---|---|
| xi   | Is report about inspection of Fetters made in this Register ?   | Rule 10 of the Maharashtra Prisons (Punishment Rules) 1963 and I. G's. Cir. No. MJM-1561-39466, dated 8-8-1964. |
| xii  | Is monthly report about maintenance of upto date record of remissions in remission sheets made by the Sr. Jailor in this Register ? | Rule 20 (3) of Maharashtra Prisons (Remission System) Rules, 1962.  |
| xiii | Is report about educational programme made by the Jailor in charge of each yard in this register on the last date of each month ?   | I. G's. Circular No. RPE-1964-III, dated 14-12-1966.  |
| xiv  | Is the Register checked and inspected by the officers concerned in the manner prescribed in the marginally noted rule ?             | Rule 12 (iii) of rules relating to Office Procedure, 1970.  |

### I. G's. Special 89

#### *Visitor's Book*

- |     |   |  |
|-----|---|--|
| i   | Are extract of the visitor's remarks which require special attention submitted to the Regional Dy. I. G. without delay ?                                  | Rule 18 (1) of the Maharashtra Prisons (Visitors) Rules, 1962. |
| ii  | Is a copy of every entry made by the visitor in the visitor's book submitted to the Regional Dy. I. G. on the first day of the following month regularly? | Rule 18 (1) of the Maharashtra Prisons (Visitors) Rules, 1962. |
| iii | Are the visitors informed of the action taken on their remarks ?  | Rule 18 (2) of the Maharashtra Prisons (Visitors) Rules, 1962. |
| iv  | Is the register checked and inspected by the officers concerned in the manner prescribed in marginally noted rule ?                                       | Rule 12 (iii) of the rules relating to Office Procedure, 1970. |

### Register No. 21

#### *Clothing Register*

- |   |  |  |
|---|--|--|
| i | Is any article of clothing prematurely condemned ? | Rule 4 of non-statutory rules relating to clothing, bedding and equipment, 1965. |
|---|--|--|
-

## APPENDIX II—contd.

Sr. No.	Item	Authority
ii	Are articles of clothing, bedding etc. issued according to sanctioned scale ?	Rules 3 and 5 of the Maharashtra Prisons (Clothing, Bedding and Equipment), Rules, 1965.
iii	Are the articles recorded in the Register as unserviceable actually inspected by the Superintendent before they are condemned by him (in case of clothing) or reported to I. G. for his sanction ?	Rule 10 of the rules relating to Stores and Office Records, 1966.
iv	Is there sufficient stock of clothing and bedding kept in reserve for issue to prisoners ?	I. G.'s Cir. No. D. III/13612, dated 2-6-52.
v	Is the account of clothing collected in the store from the released prisoners maintained in the prescribed register ?	I. G.'s Cir. No. RMP/5060-III, dated nil January 1964.
vi	Is the clothing register checked and inspected by the officers concerned in the manner prescribed in the marginally noted rule ?	Rule 12 (iii) of rules relating to Office Procedure, 1970.

956

### Register No. 132

#### *Register of Appeals*

i	Are the appeals of prisoners sent to the Appellate Court in time ?	Rules 6 and 7 of non-statutory rules relating to Petition and Appeal Rules, 1962.
ii	Are reminders issued punctually to the Court authorities ?	Rule 18 of the Maharashtra Prisons (Petition and Appeal) Rules, 1962.
iii	Is the Register placed before the Superintendent every Monday ?	Rule 8 of non-statutory rules relating to Petition and Appeal Rules, 1962.
iv	Is the Register checked and inspected by the Officers concerned in the manner prescribed in the marginally noted rule ?	Rule 12 (iii) of rules relating to Office Procedure, 1970.

### Register No. Jail 149

#### *Night Report Book*

- |     |  |  |
|-----|--|--|
| i   | Is the locking up time as prescribed in the standing orders ?                | I. G's Circular No. D-11-32807, dated 27-11-1952 and Rule 2 of the Maharashtra Prisons (Routine) 1965. |
| ii  | Are certificates of examination of Bars, Locks, etc. recorded every day ?    | ...  |
| iii | Are night visits by the Jail officers properly arranged and carried out ?    | Rule 31 of Maharashtra Prisons (Routine) Rules, 1965.  |
| iv  | Are the guards posts visited by the orderly officer at thrice during night ? | Rule 20 (2) (c) & (d) of the Maharashtra Prisons (Staff Functions) Rules, 1965.                        |
| v   | Is the register checked and signed by the Superintendent ?                   | ...  |

#### *Orderly Officer's Diary*

- |     |   |   |
|-----|---|---|
| i   | Are important events such as visits of persons, searches under sections 21 and 41 of .Prisons Act, 1894 recorded in the Diary ? | Rule 20 (d) of the Maharashtra Prisons (Staff Functions) Rules, 1965. |
| ii  | Are night visits paid by Prison Officers recorded in the Diary ?  | Rule 20 (d) of the Maharashtra Prisons (Staff Functions) Rules, 1965. |
| iii | Is the diary checked and signed by the Senior Jailor daily ?  | Rule 21 of the Maharashtra Prisons (Staff Functions) Rules, 1965.     |

### Jail Form No. 141

#### *Register of Prisoners sent to Courts under Prisoners Act III of 1900*

- |   |  |     |
|---|--|-----|
| i | Are the entries of all prisoners (sent out to give evidence or to answer a charge pending in a Court outside the local limits of the city, town or village in which the jail is situated) made regularly ? | ... |
|---|--|-----|
-

## APPENDIX II—*contd.*

Sr. No.	Item	Authority
ii	Are History Tickets and warrants of all prisoners out under testimony kept separately ?	...
iii	Are the prisoners out under testimony for an unduly long period ?	...
iv	Are the courts concerned expedited to send the prisoners back ?	...
v	Are any prisoner's handed over to the Police for enquiry without their sentence being suspended ?	...

### *Judicial Returns*

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>i Do the number of prisoners admitted and released agree with those recorded in Register Nos. 3 and 4 respectively ?</li> <li>ii Are there any prisoners out for standing trial in other cases or for giving evidence for a considerable period of time ?</li> <li>iii Do the details of age, education, previous occupation etc. as recorded on page 2 of the return agree with those recorded in Register No. 3 ?</li> <li>iv Is the account of escapees given here agrees with the entries of such prisoners in Register No. 9 (Escape Register) ?</li> <li>v Do the details of punishments recorded on page 3 of the return agree with those in Register No. 7 (Punishment Register) ?</li> </ul> | <p><i>See notes on Jail Form 53 in the B. J. A. M.</i></p> <p><i>See notes on Jail Form 53 in the B. J. A. M.</i></p> |
|--|---|
- (*See that punishments awarded to Undertrial prisoners are not included here.*)

# CASH BOOKS (CONTINGENCY) AND RELATED ACCOUNTS

## Register No. 17

### (Contingent Register)

- |      |   |  |
|------|---|--|
| i    | Are the sanctioned budget grants noted in the Register ?  | I. G.'s circular No. 11324, dated 12-5-1952.                 |
| ii   | Are the progressive totals regularly worked out and carried over to the next month ?  |  |
| iii  | Is the register maintained in three parts i. e. (1) for contingency, (2) for adjustments with other Government Departments and (3) for jail to jail adjustments ?           | See notes in Jail Form No. 17 in B. J. A. M.                 |
| iv   | Is the grand total of expenditure worked out after adding the amount adjusted with other Government Departments and the amount communicated by I. G. for Railway Warrants ? | See notes in Jail Form No. 17 in B. J. A. M.                 |
| v    | Are the balances of budget grants shown in red ink below the progressive totals ?   | See notes in Jail Form No. 17 in B. J. A. M.                 |
| vi   | Is the numbering of Abstract Bills done from each financial year ?  | See notes in Jail Form No. 17 in B. J. A. M.                 |
| vii  | Are entries of abstract bills which are not encashed before the close of month carried forward to the first page of next month ?  | See notes in Jail Form No. 17 in B. J. A. M.                 |
| viii | Are the amounts of jail to jail adjustments added to the progressive totals worked out at the end of March ?  | See notes in Jail Form No. 17 in B. J. A. M.                 |
| ix   | Are the amounts drawn from the Treasury after 10th of the month without submitting D. C. Bills for the period ending last day of the month preceding the last month ?       | Rule 303 of the Maharashtra Treasury Rules, 1968.            |
| x    | Are the amounts which are not required for immediate payment drawn on Abstract Bills in contravention of the rules ?  | Rule 282 (2) of the Maharashtra Treasury Rules, 1968 Vol. I. |
| xi   | Is a treasury verification memo. sent to Treasury regularly for verification of the details of amounts withdrawn from Treasury during the month ?                           |  |
-

## APPENDIX II—*contd.*

Sr. No.	Item	Authority
xii	Is the register checked and inspected by the Officers concerned in the manner indicated in marginally quoted rules ?	Rule 12 (iii) of rules relating to Office Procedure Rules, 1970.
xiii	Are the expenditure statements and receipt statements submitted on due dates ?	
xiv	Are treasury voucher slips collected from the Treasury promptly ?	Finance Department Circular No. Try/1066/1610/M. T., dated 9-7-1966.

### Jail Form 152

#### *Money Order Book*

- i Is the register placed before the Superintendent for his signature regularly ?
- ii Are the amounts received for prisoners credited immediately to their respective accounts in the relevant register and wage sheets ?
- iii Are the amounts received by M. O. credited to the Cash Book, on the same day ?

### Register No. 16

#### *Cash Book*

- i Is the amount of permanent advance recouped regularly? Rule 56 (viii) of F. P. No. IX (Maharashtra Contingent Expenditure Rules, 1965).
- ii Are regular receipts passed for all the amounts received by the Superintendent ? Rule 104 (i) of F. P. No. II (i.e. The Maharashtra Treasury Rules, 1968).

iii	Are all moneys received in the Jail promptly accounted for and credited to the Treasury where necessary ?	Rule 8 (i) and 48 (viii) of F. P. No. II (Maharashtra Treasury Rules), Rule 10 of the Maharashtra Prisons (Management of Prisons and Maintenance of Record) Rules, 1970.
iv	Is a receipt obtained from the payee for every payment made ?	Rule 212 of F. P. No. II.
v	Are the amounts of Pay, T. A. etc. promptly disbursed ?	Rule 277 of F. P. No. II.
vi	Is the physical verification of cash made daily by the Superintendent and a certificate about it recorded in the Cash Book ?	I. G.'s circular No. CBR/5063/III, dated 7-7-1963 and 6-2-1970.
vii	Is a Certificate about handing over cash from the Custody of Superintendent to Head Clerk/Steward recorded in the daily cash balance report ?	I. G.'s circular No. CBR/5063/III, dated 7-7-1963 and 6-2-1970.
	Is the Steward/Head Clerk holding large amount of cash ?	
viii	Is the cash book checked and inspected by the officers in the manner prescribed in marginally quoted rule ?	Rule 12 (iii) of rules relating to Office Procedure, 1970.
ix	Is the borrowing of money from one head to another in the prison account sanctioned by Superintendent ?	Rule 13 (16) of the Maharashtra Prisons (Staff Functions) Rules, 1965.
x	Is a requisition book showing therein the name (s) of Jail guard (s) and the amount sent with the escort maintained ?	I.G.'s circular No. CBR-5063/III, dated 9-7-1963 and 6-2-1970.
xi	Is a Statement of drawls obtained from the Treasury Officer every month ?	I. G.'s circular No. CBR 5063/III, dated 9-7-1963 and 6-2-1970.
xii	Is surprise check of the cash made once a month and requisite certificate submitted to regional Dy. I. G. ?	I. G.'s circular No. ADM/PR/II, dated 25-9-1959 and CBR/5063-III, dated 26-8-1967.
xiii	Are pay orders issued by Superintendents only in accordance with the rules over his signature ?	Sr. No. 20 of notes on Jail form No. 16 in B. J. A. M. and I. G.'s No. DCB/3264/13603-V, dated 11-10-1968.
xiv	Are all subsidiary registers placed before the Superintendent at the time of checking cash book ?	

## APPENDIX II—contd.

Sr. No.	Item	Authority
<b>Register No. 18</b>		
<i>Receipt Book</i>		
i	Are vouchers and receipts (upto Rs. 100 and below) defaced and, cancelled regularly ?	Rule 304 of the Maharashtra Treasury Rules, 1968 and notes on Jail Form 16 in B. J. A. M.
ii	Are all receipts obtained in this register during a financial year serially numbered from one onwards ?	See notes on jail form 18 in B. J. A. M.
iii	Do the receipts above Rs. 20 bear revenue stamp excepting those obtained from prisoners ?	
iv	Is the register checked and inspected by the officers concerned in the manner indicated in marginally quoted rules ?	Rule 12 (iii) of the rules relating to Office Procedure Rules, 1970.
<i>Jail Form Nos. 41 and 44 (i. e. D. C. Bill and P. M. Bill)</i>		
i	Are the marginally noted orders strictly followed while preparing and also for timely submission of the bills to the countersigning authority ?	D. C. B./4965/64893-V, dated 6-1-1966, D.C. B./4965/V, dated 19-1-1966, D. C. B./4966-V. dated 21-5-1966, 8-11-1966, D. C. B./4967-V, dated 16-3-1967, D. C. B./3265/36209-V, dt. 28-11-1967, D. C. B./4765/52525, dated 11-3-1968, D.C.B./4965/64893-V, dated 17-3-1970.
ii	Is a statement showing progress of disposal of D. C. Bills/ P. M. Bills in the prescribed proforma sent to I. G. every month ?	D. C. B./OBJ/5067/V, dated 18-10-1968.
iii	Are D. C. Bills/P. M. Bills submitted punctually by the 10th of subsequent month ?	I. G.'s circular No. DCB/OBJ/5070/V, dt. 22-12-1970.
iv	Are the amounts withdrawn from Treasury after 10th of the month without submitting the detailed contingent bill of the preceding month to the Dy. I. G./I. G. of Prisons ?	I. G.'s circular No. ACT/PR-VII, dated 2-2-1954.



- v Are the provisions of rule 282(2) of the Maharashtra Treasury Rules, 1968 Vol. I, strictly followed in case of drawls of amounts from the Treasury ? I. G.'s No. ACT-35, dated .2-6-19 54.
- vi Are the points in the marginally quoted circular verified before the submission of the P. M. Bills ? I. G.'s No. FCT/PR-II-B, dated 29-1-1954.
- vii Are the extra diet statement and statement of wages prepared in the prescribed form ? I. G.'s circular No. 25804, dated 13-9-1952.

*L. and F. Return*

- i Is the number of prisoners unemployed unduly large ?
- ii Are the percentages fixed for the employment of prisoners on prison services as convict officers etc. exceeded ? Rule 9 of the Maharashtra Prisons (Employment of Prisoners) Rules, 1965.
- iii Are the authorities or excesses and writes off noticed under R.M. and T, P. recorded against the relevant entries in the Return ? Rule 9 of the Maharashtra Prisons (Employment of Prisoners) Rules, 1965 and Rule No. 59 rule relating to stores and Office Records 1966.
- iv Is the adjustment bill for the amount of commission paid on the factory sales submitted ? See notes on T. O. Form 13 in the Bombay Jail Accounts Manual.
- v Are articles of Tools and Plants purchased without obtaining the requisite sanction of the Regional Dy. I. G. of Prisons or I. G. of Prisons as the case may be ?
- vi Are the delayed payments for purchases made under T. P. and R. M. effected without obtaining I. G.'s prior sanction ? I. G.'s circular No. DCB/3271-20604-V, dated 5-11-1971.
- vii Are the necessary steps taken to recover the outstanding amounts of credit sales from the customers concerned ? ADM 37, dated 7-5-1964 and R. 7 of Staff Concessions and Reward Rules 1964.
- viii Are any articles supplied to customers against the amounts of advances paid by them ? If so, have necessary steps taken to carry out the adjustments for the same ? See notes on Jail form 26 in B. J. A. M.
- ix Does the amount of wages paid to prisoners exceed the prescribed limit of 1/5th of total convict labour earned by the Factory during the month concerned ? I. G.'s No. 20987, dated 29-12-1950.

## APPENDIX II—contd.

Sr. No.	Item	Authority
x	Is the amount of Railway freight in excess of Rs. 10 paid in cash instead of using credit notes ?	Rule 74 of the Maharashtra Contingent Expenditure Rules 1965.
xi	Are the expenses over jail Dairy divided in proportion to the supply of dairy milk to the jail use ?	(See notes on jail form 56 in B. J. A. M.)
xii	Do the amounts of expenditure ( <i>vide</i> page 3) as allocated against the sub-heads of contingencies agree with the following corresponding records ?	(See notes on jail form 56 in B. J. A. M.)
	(a) Amounts in col. 1 to agree with pay bills. D. C. Bill and T. A. Bills.	
	(b) Amounts in col. 3 to agree with Grain Statement.	
	(c) Amounts in col. 3 to agree with Grain Statement.	
	(d) Amounts in col. 4 to agree with amounts of adjustment recorded in monthly expenditure statement.	
	(e) Amounts in col. 5 to agree with Register No. 23.	
xiii	Do the totals of debit and credit sides of page 1 of the return agree with each other ?	
<i>Stores Account</i>		
i	Do the cost of non-consumable stores both in balance at the beginning and end of the year agree with those recorded in the Dead Stock registers ?	
ii	Has the authority in support the excesses and shortages accounted for in the Store Accounts been specified ?	I. G.'s Cir. No. ASA/5070-III, dated 17-5-1973 and ACT-SR 23, dated 22-5-1958.
iii	Are the Stores Account Parts I and II compiled in accordance with the orders issued under marginally noted circular ?	ACT-SR 23, dated 22-5-1958, 19-10-1958, ASA/5063-III, dated 18-1-1964. ASA/5069/III, dated 10-2-1970, ASA/5069/III, dated 20-10-1970 and ASA/5070-III, dated 17-5-1973.

- iv Are the wages properly and correctly exhibited in the Store Account and L. F. Return ?
- v Do the figures shown in the Statements 'A' to 'E' of Part II agree with those shown in L. and F. Return ?
- vi Are non-consumable articles, as are centrally purchased by the I. G. for distribution to subordinate Offices inadvertently included in the Stores Accounts ? F. D. Cir. No. P 259/26413-VII, dated 2-5-1961.
- vii Are articles of furniture, tools and plants and the items intended for administrative use included in the Stores Accounts inadvertently in contravention of the marginal quoted orders ? F. D. Cir. No. P 259/26413-VII, dated 2-5-1961.

#### PRISON AGRICULTURE

#### **Register No. 8**

#### *Garden Register*

- i Are maps of Garden lands maintained ? I. G.'s Circular No. 24105, dated 27-5-1953.
- ii Are thefts in jail garden dealt with properly ? ...
- iii Are varieties of vegetables issued to prisoners ? I. G.'s Circular No. ADM/199, dated 27-7-1953.
- iv Do vegetables issued to prisoners consist of 50 per cent leafy vegetables ? I. G.'s Circular No. 21322, dated 17-12-1947.
- v Are issues of vegetables properly accounted for ? See notes on jail form No. 8 in Jail Accounts Manual.
- vi Are surplus vegetables disposed off according to the instructions issued by I. G. from time to time ? I. G.'s Circular No. UPG/4969/24116-V, dated 7-2-1969.
- vii Is an account of grazing charges recovered for the staff cattle kept ? Rule 13 of rules relating to Jail Garden, Dairy and Poultry 1963.

## APPENDIX II—contd.

Sr. No.	Item	Authority
viii	Is the register checked and inspected by the officers concerned in the manner indicated in marginally quoted rule ?	Rule 12 (iii) of rules relating to Office Procedure, 1970.
ix	Are details of yield and issues of dry grass and green grass accounted for in Register No. 8 ?	I. G.'s Circular No. PLS/4963/7490-V, dated 23-1-1967.
GARDENS		
i	Is every portion of available jail land brought under cultivation and utilised in the best possible manner ?	Rule 6 of rules relating to Jail Garden, Dairy and Poultry 1963. I. G.'s circular No. UPG/4963/V, dated 4-2-1963 and UPG/4966/V., dt. 27-5-66.
ii	Are efforts made to increase irrigation facilities ?	Rule 7 of rules relating to Jail Garden, Dairy and Poultry. I. G.'s circular No. (1) UPG/2766/25981-V, dt. 15-12-66, (2) UPG/4967/V, dated 20-6-1967, (3) OJJ/JIRC/XIV/IV-(i), dated 24-2-68, (4) UPG/2771/4978/V, dated 5-8-1971.
iii	Is the prison self-sufficient in respect of requirements of vegetables ?	I. G.'s circular No. UPG/5067/23179-V, dated 7-4-1967.
iv	Is cropping scheme for prison farms and gardens prepared and sent to I. G. every year ?	I. G.'s circular No. UPG/4370/74823-V, dated 24-12-1971.
v	Is indent for manures placed with the Maharashtra Agro-Ind., Development Corporation and copy of indent sent to I. G. ?	I. G.'s circular No. UPG/5070/79774-V, dated 14-2-1972.
vi	Are quarterly D. Os. about agricultural activities sent to I. G. regularly.	I. G.'s circular No. UPG/4171/D. O/V, dated 14-2-1972.
vii	Are prison cattle maintained economically ?	I. G.'s Cir. No. PLS/1870-37542-V, dated 21-9-74 and 28-2-75.
	Are Prison Cattle periodically got inspected by local veterinary authorities ?	
	Is Regional D. I. G.'s sanction obtained for selling by auction the animals which are certified as unfit for retaining at Prison farm ?	

- |      |  |   |
|------|--|---|
| viii | Are efforts made to make prison self-sufficient in regard to requirement of fodder ?                                       | I. G.'s circular No. UPG/4366/D.O/V, dated 8-3-1967, PLS/4963/7490-V, dt. 23-1-1967.  |
| ix   | Are sugras and fodder issued to cattle according to the prescribed scales ?  | I. G.'s circular No. PLS/4770/53258-V, dated 19-4-1972 and 16-6-1972 and 24-10-1972 and 13-12-1972 and PLS/4772/62541-V, dated 23-5-73. |
| x    | Is sanction of Regional Dy. I. G. obtained for purchase of fodder ?  | Do.   |
| xi   | Are special remission and wages at the prescribed rate given to prisoners doing the work of removing skin of dead animals? | G. R., H. D., No. MIS/5164/59264/IV, dated 9-5-1967.  |
| xii  | Are fruits from jail gardens sold at the most favourable rates ?   | I. G.'s circular No. ACT/28, dated 16-8-1954.   |
| xiii | Is a proper account of trees on the jail premises maintained ?   | I. G.'s No. ADM/347, dated 3-5-1954.  |

DIETARY  
*Contract*

- |      |   |   |
|------|---|---|
| i    | Are the requirements of the articles of provision obtained strictly according to the prescribed procedure ?   | I. G.'s circular No. CFA/4961/65459-V, dated 13-1-1965, CFA-5965/66459-V, dated 13-2-1965, CFA/5966/10165-V, dated 16-2-1966, CFA/4966/8024-V, dt. 14-6-66 and CFA/4973/62186-V, dt. 23-3-73. |
| ii   | Are the amounts of security deposit taken to the security register and receipts of the contractor obtained in that register on the return of their deposits ? |   |
| iii  | Are agreement bonds taken from all contractors on a court fee stamp of the proper value ?   | See Stamp Act.  |
| iv   | Are the black listed contractors given any jail contracts ?   |   |
| v    | Are samples of articles for which a bid is accepted are preserved under the seal of contractor and Superintendent ?   |   |
| vi   | Are the supplies weighed by the weighment committee and the details recorded in weighment register?   | Purchase and Stores Rules 1966 and I. G.'s circular No. CFA/4961/6549-V, dt. 23-1-1965.   |
| vii  | Are precautions taken to ensure that rejected supplies are stored properly and are not pilfered ?   | Do.   |
| viii | Has one-month's stock always kept on hand ?   | I. G.'s circular No. CFA/4965/46319-V, dated 19-7-65.   |
| ix   | Are the articles of provisioning which are unwholesome or in any respect unfit for human consumption rejected forthwith ?                                     | Statutory rule 13 (5) of the Maharashtra Prisons (Diet for Prisoners Rules 1970.)   |

## APPENDIX II—*contd.*

Sr. No.	Item	Authority
<b>Register No. 5</b>		
<i>Employment Register</i>		
i	Is the register written daily ?	Rule 12 (iii) of rules relating to Office Procedure Rules 1970.
ii	Do the figures of admission, release, sick, etc. agree with the following corresponding Registers ? (a) Register No. 4—Morning Releases. (b) Register No. 15— Diet. (c) Register No. 7—Punishments. (d) Register No. 11—Release and Admission. (e) Morning Report for sick.	
iii	Is the ratio of prison servants and convict officers correct ?	Rules 9 of the Maharashtra Prisons (Employment of Prisoners) Rules, 1965.
iv	Is allotment of labour done properly ?	I. G.'s No. F. 35056. dated 15-12-1952.
v	Is the register checked and inspected by the officers concerned in the manner indicated in marginally quoted rule ?	Rule 12 (iii) of rules relating to -Office Procedure Rules, 1970.
vi	Is the number of prisoners unemployed unduly large ? (If so investigate reason and take steps to provide employment to as many prisoners as possible ?	
<i>Employment</i>		
i	Are convict clerks employed in the Prison Office in contravention of the marginally noted rules ?	Rule 12 of the Maharashtra Prisons (Employment of Prisoners) Rules, 1965.
ii	Are wages paid to prisoners only at the sanctioned rates and in accordance with task performed by them ?	I. G.'s No. 17167, dated 3-7-1952. I. G.'s No. 26445, dated 29-9-1952. I. G.s No. FCT/38, dated 26-9- 1953. Rule 45 of the Maharashtra Prisons (Facilities to Prisoners) Rules, 1962, Rule 17 of the Maharashtra Prisons (Employment of Prisoners) Rules, 1965.

- |      |  |  |
|------|--|--|
| iii  | Are labour charges at full rates recovered from staff members required for prison labour supplied to clean the compounds of chawls and common latrines of the Jail Staff ? | I. G.'s No. EST-60, dated 7-7-1953.  |
| iv   | Are prisoners employed by the Prison Staff and Officers for private work at their residence and gardens attached thereto in contravention of the rules ?                   | Rules 28 of the Maharashtra Prisons (Employment of Prisoners) Rules, 1965.   |
| v    | See that prisoners who are convicted for forgery etc. are not employed as convict clerks.  | Rule 12 of the Maharashtra Prisons (Employment of Prisoners) Rules, 1965.  |
| vi   | Are all attempts made to provide suitable work to all prisoners who can work ?   | Rule 10 of the Maharashtra Prisons (Employment of Prisoners) Rules, 1965.<br>Para. (ii) under Rule 4 of I. G.'s Circular No, MJM-1561/1740, dated 5-10-1966. Para. (d), under Rule 7 of I. G.'s Circular mentioned above.                  |
| vii  | Are prisoners employed to do conservancy work in combination with any other employment ?   | Rule 11 (c) of the Maharashtra Prisons (Employment of Prisoners) Rules, 1965 Para. (ii) under Rule 4 of I.G.'s Circular No. MJM-1561/1740, dated 5-10 1966, Para. (d) under rule of I. G.'s Circular No. MJM-1560/1740, dated 5-10-1966.   |
| viii | Are prisoners employed for work (except menial and necessary work) on Sundays and other prison holidays in contravention of rules ?  | Rule 18 (2) of the Maharashtra Prisons (Employment of Prisoners) Rule, 1965. Para. (ii) under Rule 4 of I. G.'s Circular No. MJM-1561/1740, dated 5-10-1966, Para. (d), under Rule of I. G.'s Circular No. MJM-1561/1740, dated 5-10-1966. |
| ix   | Is adequate escort provided for the prisoners who are sent for work outside the prison with implements such as axes, crown bars etc. ?                                     | Rule 32 of the Maharashtra Prisons (Employment of Prisoners), Rule 1965. Para. (ii) under Rule 4 of I. G.'s Circular No. 1561/1740, dated 5-10-1956, Para (d), under Rule of I. G.'s Circular No. MJM-) 561/1740, dated 5-10-1966.         |
| x    | Are charts of vacancies in each section of prison services and prison industries put up before the classification committee ?  | Para. ( f) under Rule 7 in I. G.'s Circular No. MJM" 1561/1740, dated 5-10-1966.   |
- Register No. 15**  
(Diet) Register
- |   |   |  |
|---|---|--|
| i | Is the register filled in daily by the Ration Clerk ? | Rule 12 (iii) of rules relating to Office Procedure Rules, 1970. |
|---|---|--|

## APPENDIX II—contd.

Sr. No.	Item	Authority
ii	Are the issues noted in the Diet Register checked by the Steward/Head Clerk or Senior Clerk as the case may be and Senior Jailor with reference to those of the preceding day and actual number of prisoners in the Jails ?	
iii	Is the scale of diet issued to prisoners according to the labour ( <i>i. e.</i> hard, medium or light) actually done by them ?	Rule 29 of the Maharashtra Prisons (Diet for Prisoners) Rules, 1970.
iv	Are the cereals and pulses issued according to the prescribed scales ?	Rule 34 of the Maharashtra Prisons (Diet for Prisoners) Rules, 1970.
v	Are changes made for a section or group of prisoners in the sanctioned diet scales reported to I. G. ?	Rule 24 of the Maharashtra Prisons (Diet for Prisoners) Rules, 1970.
vi	Is the register checked and inspected by the officers concerned in the manner prescribed in the marginally noted rule ?	Rule 12 (iii) of rules relating to Office Procedure Rules, 1970.
vii	Are children of prisoners admitted to prisons, issued dietary according to the prescribed scale ?	Rule 27 of the Maharashtra Prisons (Diet for Prisoners) Rules, 1970.
viii	Are nursing mothers issued diet according to the prescribed scale ?	Rule 28 of the Maharashtra Prisons (Diet for Prisoners) Rules, 1970.
ix	Are the actual issues of raw articles of rations agree with the account of issues maintained in this register ?	Rule 32 of the Maharashtra Prisons (Diet for Prisoners) Rules, 1970

970

### Register No. 31

#### *Store Requisition and Receipt Book*

i	Are articles purchased for the prison without making a proper requisition in this Register ?	See notes on Jail form 31 in Bombay Jail Accounts Manual.
ii	Are columns 6 and 7 ( <i>i. e.</i> particulars of monthly average consumption and stock on hand) invariably filled in ?	See notes on Jail form 31 in Bombay Jail Accounts Manual.
iii	Are full particulars such as home address of the supplier etc. obtained in respect of credit purchases ?	See notes on Jail form 31 in Bombay Jail Accounts Manual.
iv	Is the quantity recorded in column 11 by the Jailor concerned or steward himself ?	See notes on Jail form 31 in Bombay Jail Accounts Manual.



- |      |  |  |
|------|--|--|
| v    | Is the voucher number recorded in column 20 of the Register as soon as payment is made ?   | See notes on Jail form 31 in Bombay Jail Accounts Manual.  |
| vi   | Is the summary of the transactions drawn up at the end of the month and details of the outstanding amounts due by the Prison entered in the Register ?                                 | See notes on Jail form 31 in Bombay Jail Accounts Manual.  |
| vii  | Are all articles purchased ledgered to the respective stock registers regularly ?  | See notes on Jail form 31 in Bombay Jail Accounts Manual.  |
| viii | Are the entries of the articles ( as recorded in columns 2 to 8) which are not supplied by the parties before the end of the next month over the signature of the concerned officers ? | See notes on Jail form 31 in Bombay Jail Accounts Manual.  |
| ix   | Are steps taken to obtain bills for articles purchased on credit so as to expedite the payment before the end of the month ?   | See notes on Jail form 31 in Bombay Jail Accounts Manual and I. G.'s Circular No. OCB/3271/20604-V, dated 5-11-1971. |
| x    | Is I. G.'s sanction obtained for making delayed payments ?   | I. G.'s Circular No. OCB/3271/20604-V, dated 5-11-1971.  |
| xi   | Is the register checked and inspected by the officers concerned in the manner prescribed in the marginally noted rule ?  | Rule 12 (iii) of the rules Relating to Office Procedure Rules, 1970.   |
| xii  | Is payment for sugar made at two different rates for the purchase effected at one time ?   | D. C. B/3267/18704-V, dated 24-1-1969.   |

**Jail form No. 163**

*Grain Store Register*

- |     |  |  |
|-----|--|--|
| i   | Is the Register written daily by the Ration Clerk and checked by the Steward/Head Clerk and Senior Jailor regularly ?  | Rule 12(iii) rules relating to Office Procedure Rules, 1970.       |
| ii  | Are sufficient stocks of articles of provision always in store ?   | CFA-4965/66459-V, dated 8-9-1965.                                  |
| iii | Are orders placed with the suppliers and the articles procured well before the stocks are exhausted ?  | CFA-4965/66459-V, dated 8-9-1965.                                  |
| iv  | Are the stocks in single lock and double lock checked by the officer concerned and monthly/quarterly stock verification reports sent to I. G./Regional Dy. I. G. regularly ? | Rules 4 and 5 of rules relating to Stores and Office Record, 1966. |
-

## APPENDIX II—*contd.*

Sr. No.	Item	Authority
v	Are the purchases of other articles which dry or deteriorate quickly restricted to a week's or fortnight's supply in order to prevent loss ?	I. G.'s Circular No. CFA/4965/66459-V, dated 8-9-1965
vi	Is sanction of the I. G./Regional Dy. I. G. obtained to write off shortages or to take to book the excesses found in the monthly or periodical stock takings ?	Rule 5 of rules relating to Stores and Office Records, 1966.
vii	Is the actual stock of any of the article of provision unduly large ?	
viii	Are the totals of receipts and issues worked out and the summary of the month ( as given at the end of every account) drawn up regularly ? ( Take total of daily issues of a few articles and make sure that the totals shown in the prescribed columns are correct.)	
ix	Are the actual issues of any articles in excess of the book balance ?	
x	Is the register inspected by the officers concerned as indicated in the marginally noted rule ?	Rule 12 (iii) of rules relating to Office Procedure Rules, 1970.

### Jail Form No. 164

#### *Grinding and Wastage Account*

i	Are the wastages charged within the sanctioned percentages ? (make sure that the maximum wastages are not charged automatically but are charged according to the actual wastages found.)	Rule 12 of the Maharashtra Prisons (Diet for Prisoners) Rules, 1970.
ii	Have the wastages percentages which exceed the prescribed limits reported to Regional Dy. I. G. ?	Note 2 under rule 12 of the Maharashtra Prisons (Diet for Prisoners) Rules, 1970.

- iii Is the bran account correctly maintained in this Register ?  
(Make sure that the bran received from the flour mill on jowari, bajari and wheat ground during the month is accounted for under receipts in this account).
- iv Is the register written daily by the ration clerk ? Rule 12 (iii) of rules relating for Office Procedure Rules, 1970.
- v Is the register checked, and inspected by the Officers, concerned in the manner prescribed in the marginally quoted rule ? Rule 12 (iii) of rules relating for Office Procedure Rules, 1970.

*Miscellaneous*

- i Are the daily requirements of firewood weighed in the presence of the weighment committee and not by a single officer ? I. G.'s circular No. 25743, dated 22-9-1952.
- ii Is sweet oil weighed and added to the dall or vegetables in the presence of the Ration Jailer ? Rule 48 (3) of the Maharashtra Prisons (Diet for Prisoners) Rules, 1970.
- iii Is the schedule of weights of uncooked ration and cooked food kept in the kitchen circle or octagon office ? (carry out a sample weighment and see whether the weight of cooked food is correct or not.) Rule 33 of the Maharashtra Prisons (Diet for Prisoners) Rules, 1970.
- iv Is the inspection of cooked food regularly done by the M. O. and Superintendent ? Rules 50 and 51 of the Maharashtra Prisons (Diet for Prisoners ) Rules, 1970.
- v Are the prisoners given full meal on the morning of their release ? Rule 51 of Non-statutory rule relating to Execution Production of Prisoners in courts, Execution of sentences, orders of courts and release of prisoners, 1972.
- vi Are three breads made out of the sanctioned quota of dough instead of two as per marginally noted orders ? Rule 44 of the Maharashtra Prisons (Diet for Prisoners) Rules 1970 and I. G.'s. circular No. ADM-57, dt. 14-6-1954.
- vii Is oil mixed while preparing the dough of wheat breads ? I.G.'s No. ADM-PR-XXII. dated 5-6-1953.

## APPENDIX II—contd.

Sr. No.	Item	Authority
viii	Are two batches of cooks employed and the arrangements of cutting vegetable made in accordance with the marginally noted orders ?	I. G.'s circular No. 19485, dated 27-4.-1952.
ix	Are vegetables obtained from prison gardens ?	Rule 4 of the Maharashtra Prisons (Diet for Prisoners) Rules, 1970.
x	Are articles received for consumption of prisoners jointly inspected by the Jailor i/c of ration store and the store keeper/ Accountant ?	Rule 7 of the Maharashtra Prisons (Diet for Prisoners) Rules 1970.
xi	Is prior approval of the Civil Surgeon (if the Civil Surgeon is not holding the post of the Medical Officer of the jail) obtained for prescribing extra or special diet for a period exceeding one month ?	Rule 22 of the Maharashtra Prisons (Diet for Prisoners) Rules, 1970.
xii	Are sample weighments taken daily by the Superintendent, Deputy Superintendents-Senior Jailor or Medical Officer ?	Rule 35 (2) of the Maharashtra- Prisons (Diet for Prisoners) Rules 1970.
xiii	Are prisoners provided with extra diet on the Republic Day ?	Rule 60 (3) of the Maharashtra Prisons (Diet for Prisoners) Rules 1970.
xiv	Is Sunday diet issued on Sunday immediately following the three National Days as prescribed in the marginally noted orders?	G. R. H. D. No. DFP-5070-22757-XVI, dated 2-5-1972.
xv	Is actual scale of firewood got sanctioned from the Regional Dy. I. G. of Prisons concerned.	Rule 14 (9) of the Maharashtra Prisons (Diet for Prisoners) Rules. 1970, and I. G.'s Circular No. MJM-1561-V, dated 19-8-1970.
xvi	Is rice issued once a week to Class II prisoners (if available).	Maharashtra Prisons (Diet for Prisoners') (Amendment) Rules, 1971 and I. G.'s No. CFA-4970-42010-V, dated 5-2-1971.

## CASH BOOKS (FACTORY) AND OTHER RELATE ACCOUNTS

### Register No. 24

#### *Factory Contingent Register*

- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li>i Are the sanctioned budget grants noted in the prescribed columns ?</li> <li>ii Are the progressive totals worked out regularly and carried over to the next months ?</li> <li>iii Are the balances of budget grants shown in red ink below the Progressive totals ?</li> <li>iv Is the numbering of Abstract Bills done from each financial year ?</li> <li>v Are entries of Abstract Bills which are not encashed before the close of the month carried forward to the first page of the next month ?</li> <li>vi Are the amounts drawn from the Treasury after 10th of the month without submitting D. C. Bills for the period ending last day of the month preceding the last month ?</li> <li>vii Are the amounts which are not required for immediate payment drawn on Abstract Bills in contravention of rules ?</li> <li>viii Is the page of the Register left blank at the beginning of each financial year to show adjustments for supplies made for Prison factory or from other prisons ?</li> <li>ix Is the register checked and Inspected by the officers concerned in the manner indicated in the marginally noted rule ?</li> </ul> | <ul style="list-style-type: none"> <li>(I. G.'s circular No. 11324, dated 12-5-1952) <i>see</i> notes on jail form 24 in the B. J. A. M.</li> <li></li> <li></li> <li></li> <li></li> <li>Rule 303 of the Maharashtra Treasury Rules, 1968.</li> <li>Rules 282 (2) of the Maharashtra Treasury Rules, 1968 Vol. I.</li> <li><i>See</i> notes on jail form 24 in B. J. A. M.</li> <li>Rule 12 (viii) of the rules relating to office procedure rule, 1970.</li> </ul> |
|---|--|

975

### Register No. 25

#### *Factory Cash Book*

- |   |   |
|---|---|
| <ul style="list-style-type: none"> <li>i Is the amount of factory permanent advance regularly recouped ?</li> </ul> | <ul style="list-style-type: none"> <li>Rule 56 (viii) of F. P. No. IX (Maharashtra Contingent Expenditure Rules, 1965)</li> </ul> |
|---|---|
-

## APPENDIX II—*contd.*

Sr. No.	Item	Authority
ii	Are regular receipts made out for the amounts received by the Superintendent and promptly sent to the party concerned ?	Rule 104 (i) of F. P. No. II (Maharashtra Treasury Rules, 1968).
iii	Are all revenue receipts promptly accounted for and credited to Treasury ?	Rule 8 (i) and 98 (viii) of F. P. No. II, Rule 10 of the Maharashtra Prisons (Management of prisoners and maintenance of Record) Rules, 1970.
iv	Is a receipt Obtained from the payee for every payment made ?	Rule 212 of P.P. No. II.
v	Are articles which are required to be purchased through the C. S. P. O. purchased locally without obtaining sanction of the stores Purchasing Officer (This must be avoided unless indispensable) ?	Government Resolution, D. Department, No. SPO-3252, dated 25-11-1953.
vi	Does the actual cash on hand agree with the book balance ?	Rule 97 (IV) of F. P. No. II <i>see</i> Notes on Jail form 25 in B. J. A. M.
vii	Whether the physical verification of cash is made daily by the Superintendent and a certificate about it recorded in the cash book ?	I. G.' circular No. CBR/5063/III, dated 9-7-1963 and 6-2-1970.
viii	Are loans inadvertantly taken from one account head to another.	<i>See</i> notes on Jail form 25 in B. J. A. M.
ix	Is a certificate about handing over cash from the custody of the Superintendent to Head Clerk/Steward recorded in the daily cash balance report ?	I. G.'s circular No. CBR/5063-III, dated 9-7-1963 and 6-2-1970.
x	Is the Steward/Head Clerk holding large amount of cash ?	I. G.'s circular No. CBR/5063-III, dated 9-7-1963 and 6-2-1970.
xi	Is the borrowing of money from one head to another in the prison account sanctioned by Superintendent ?	Rule 13 (16) of the Maharashtra Prisons (Staff Function) Rules, 1965.

- |      |   |  |
|------|---|--|
| xii  | Is a requisition book showing therein the name (s) of a Jail guard (s) and the amount sent with the escort maintained ? | I. G.'s circular No. CBR/5063/111, dated 9-7-1763 and 6-2-1970.                                  |
| xiii | Is a statement of drawals obtained from the Treasury Officer every month ?  | I. G.'s circular No. CBR/5063/111, dated 9-7-1963 and 6-2-1970.                                  |
| xiv  | Is surprise check of the cash made once a month and requisite certificate submitted to Regional Deputy I. G. ?          | I. G.'s circular No. ADM/PRII, dated 25-9-1959 and CBR/5063/III, dated 26-8-1967.                |
| xv   | Are pay orders issued by the Superintendent only in accordance with the rules over his signature ?                      | See notes on jail form 25 in B. J. A. M.I. G.'s circular No. DCB/3265/13603-V, dated 11-10-1968. |
| xvi  | Is the register checked and inspected by the officers concerned in the manner indicated in marginally noted rule?       | Rule 12 (iii) of rules relating to Office Procedure, 1970.                                       |

### **Register No. 30**

#### *Factory Order Book*

- |     |  |  |
|-----|--|--|
| i   | Is adequate advance taken from all private customers?  | See notes on jail forms 27 and 30 in B. J. A. M.           |
| ii  | Are orders executed promptly and in order of priority as far as possible?  |  |
| iii | Is a summary of all pending work orders recorded here at the end of every month ?  | See notes on jail form 30 in B. J. A. M.                   |
| iv  | Is the register checked and inspected by the Officers concerned in the manner as indicated in the marginally noted rule? | Rule 12 (iii) of rules relating to Office Procedure, 1970. |

### **Register No. 27**

#### *Ledger of Daily Expenditure of Raw Material*

- |   |   |  |
|---|---|--|
| i | Is a work order (Jail form No. 161) invariably made out for every work before its execution is undertaken in the Jail Factory ? | See notes on jail form 27 in B. J. A. M. |
|---|---|--|
-

## APPENDIX II—contd.

Sr. No.	Item	Authority
ii	Is the actual quantity of raw material required for the article under manufacture as per form No. 161 charged in this register and surplus if any returned to the stores room ?	I. G.'s circular No. 7, dated 10-7-1940. <i>See notes on jail form 27 in B. J. A. M.</i>
iii	Does the Superintendent or Dy. Superintendent where there is one see the work order (Jail form No. 161) and the articles manufactured simultaneously when he signs the register and fixes the selling prices of the articles manufactured ?	I. G.'s circular No. 7, dated 10-7-1940. <i>See notes on jail form 27 in B. J. A. M.</i>
iv	Are the wastages charged within the sanctioned percentages ? (Make sure that the maximum wastages are not charged automatically but they are charged according to the actual wastage found. )	I. G.'s circular No. 7, dated 10-7-1940. <i>See notes on jail form 27 in B. J. A. M.</i>
v	Is the selling price of Jail made articles fixed as per instructions issued by I. G. ?	Government Resolution Home Department No, JIM-1054/2035-IV dated 9-6-1959.

### Register No. 28 and Register No. 29

#### *Ledger of Raw Material*

#### *Ledger of M. A.*

i	Are the opening and closing balances checked and initialled by the Superintendent ?	I. G.'s circular No. 5, dated 17-7-1936.
ii	Are the periodical stock verification certificates submitted to the Dy. I. G. or I. G. regularly ?	Rules 4 and 6 of the rules relating to stores and office Record 1966.
iii	Are excesses and shortages accounted for together with their values ?	<i>See notes on jail form 28 and 29, B. J. A. M.</i>
iv	Is I. G.'s. sanction for excesses and shortages obtained after each stock taking ?	I. G. is circular No. 13 dated 22-12-1939, <i>see notes on Jail form 28 and 29 in B. J. A. M.</i>



- |      |  |  |
|------|--|--|
| v    | Are there any unsaleable or surplus articles in stock ?<br>(See that a report of such article if any is submitted to I. G.)  |  |
| vi   | Are the iron packing patties received along with bales etc. taken to book regularly ?  | I. G.'s No. FCT/PR/V, dated 13-5-1954.<br>See notes on Jail form No. 28. |
| vii  | Is a proper watch kept over the receipts of bales of yarn etc. for which advances were paid by the Jail ?                    |  |
| viii | Is separate account of packing and forwarding charges opened in register No 29 ?   | See notes on Jail form No. 29 in B. J. A. M.                             |
| ix   | Is account of articles repaired and their disposal maintained in Register No. 29 ?   | See notes on Jail form No. 29 in B. J. A. M.                             |
| x    | Are balance sheets in jail form 151e drawn up regularly immediately after the close of the month?                            | See notes on Jail form 28 and 29 in B. J. A. M.                          |
| xi   | Are cross reference page number of register (31, 27, 23 W. O. numbers) given in these registers ?                            | See notes on Jail form 28 and 29 in B. J. A. M.                          |
| xii  | Is summary of work orders executed during the month drawn up at the end of every month in register No. 28 ?                  | See notes in Jail form 28 in B. J. A. M.                                 |
| xiii | Is register 29 maintained in the form as prescribed in marginally noted circular ?   | I. G.'s circular No. OJI/1970/71/R/IV (i), dated 18-3-1972.              |
| xiv  | Are the registers checked and inspected by the officers concerned in the manner as indicated in the marginally quoted rule ? | Rule 12 (iii) of rules relating to Office Procedure, 1970.               |

### Register No. 23

#### *Sales Journal*

- |   |   |  |
|---|---|--|
| i | Are bills for articles sold on credit to consumers prepared and issued immediately and the signature of the purchaser or his authorised agent taken on the office copy of the bill in token of his having received the articles ? | I. G.'s circular No. FCT-56, dated 19-12-53<br>see Sr. No. 10 of notes on jail form 23 in Bombay Jail Accounts Manual, 1956. |
|---|---|--|
-

## APPENDIX II—contd.

Sr. No.	Item	Authority
ii	Are invoices for the articles supplied to Government Departments sent regularly and steps taken to get back the countersigned invoices as expeditiously as possible ?	Rule 44 of the Maharashtra Contingent Expenditure Rules, 1965.
iii	Is page No. of Register 25 where the amount of cash sales has been accounted for, shown in the sub-column of the register prescribed for this purpose.	See Sr. No. 7 (a) of notes on Jail form 23 in B. J. A. M. 1956.
iv	Is page No. of Register No. 26 (Personal Ledger Account) where credit purchase is entered shown in the sub-column prescribed for the purpose in the register ?	See Sr. No. 7 (b) of notes on Jail form 23 in B. J. A. M. 1956.
v	Does the invoice received back duly countersigned from the officer contains complete account of classification and other details such as month and year of account etc. ?	Rule 44 of the Maharashtra Contingent Expenditure Rules 1965. (See Sr. No. 7 (c) of the notes on jail form 23 in the B.J. A. M., 1956.
vi	Are entries of cash sales supported by cash memos ?	Rule 44 of the Maharashtra Contingent Expenditure Rules 1965. (See Sr. No. 9 of the notes on jail form 23 in the, B. J. A. M., 1956.
vii	Is the summary of transactions drawn up regularly at the end of the month ?	Rule 44 of the Maharashtra Contingent Expenditure Rules 1965. (See Sr. No. 13 of the notes on jail form 23 in the, B. J. A. M., 1956.
viii	Does the total value of articles supplied to other jail and Government Departments agree with the amount shown in the 'B' Statement for the month ?	
ix	Is the register checked and inspected by the officers concerned in the manner indicated in the marginally noted rule ?	Rule 12 (iii) of the rules relating to office Procedure Rules, 1970.

986

### Register No. 26

#### *Personal Ledger Account*

- |   |  |
|---|--|
| i Are the personal ledgers always kept up to date ? | (I. G.'s circular No. ACT/PR/PX/V, dated 20-8-53). |
|---|--|

- |      |   |  |
|------|---|--|
| ii   | Are the bills and reminders issued regularly to the credit customers (see that maximum credit limit is not exceeded).   | Rules 6 and 7 of the Staff Concession and Reward Rule, 1964.   |
| iii  | Are I. G.'s orders directing to effect recoveries promptly carried out ?  | I. G.'s circular No. ACT-50, dated 14-9-54.                    |
| iv   | Is the account of advances kept properly ?  | See notes on Jail form 26 in B. J. A. M.                       |
| v    | Is a statement of balance due from customers prepared every month ?   | See notes on Jail form 26 in B. J. A. M.                       |
| vi   | Are receipts in Jail form 75 issued to outside customers immediately on receipt of amount ?   | See notes on Jail form 26 in B. J. A. M.                       |
| vii  | Does the total amount due from all customers including staff members as worked out in the statement prepared at the close of the month agree with that shown under "Outstanding Amount due to Prisons in the L. F. Return for the month ? | See notes on Jail form 26 in B. J. A. M.                       |
| viii | Is the register checked and inspected by the officers concerned in the manner indicated in the marginally noted rule ?  | Rule 12 (iii) of the rules relating to officer Procedure 1970. |
| ix   | Is page number of register 26 recorded in appropriate columns ?   | See notes on Jail form 25 in B. J. A. M.                       |
| x    | Is cash memo number recorded in column 3 of the register in red ink ?   | See notes on Jail form 25 in B. J. A. M.                       |
| xi   | Is the amount of sales tax collected from customers paid in to Treasury every Monday ?  | See notes on Jail form 25 in B. J. A. M.                       |

#### MISCELLANEOUS

- |     |   |   |
|-----|---|---|
| i   | Does the price list of jail made articles accompany the jail cost which carriages jail made articles for sale in the local market ? | I. G.'s No. F. 8907, dated 5-3-53.                              |
| ii  | Are the new rags and tailor's cuttings sent to Yeravda Central Prison regularly ?   | I. G.'s No. FCT-PR-I, dated 31-12-53.                           |
| iii | Is the record of the articles hired out to the staff kept in the register prescribed in marginally noted rule ?                     | Rule 4 of rules relating to staff concession and Rewards, 1964. |

## APPENDIX II—contd.

Sr. No.	Item	Authority
iv	Is rent for articles hired out fixed in consultation with the Executive Engineer concerned ?	Rule 3 of rules relating to staff concession and Rewards, 1964.
v	Is the rent recovered regularly from the salary of the staff concerned ?	Rule 3 of rules relating to staff concession and Rewards.
vi	Is the procedure of sales tax prescribed vide marginally noted orders followed correctly ?	I. G.'s No. FCT-6, dated 15-12-1953 ( <i>see</i> notes on Jail Forms 23, 25 and 26 in B. J. A. M.)
vii	Are the articles which are not easily saleable at sale-room-only given to merchants for sale on commission ?	I. G.'s No. FCT-30, dated 11-12-1953.
viii	Is the account of jail contractors checked by the jail authorities ?	I. G.'s No. FCT-30, dated 29-4-1954.
ix	Are the marginally noted orders about prohibition of smoking in godowns, weaving section etc., followed scrupulously ?	I. G.'s No. FCT-32, dated 15-5-1953.
x	Are orders from Government Departments and public entered in the Registers and remarks of cancellation of orders or diversion of orders etc., made against the relevant entry in the register ?	I. G.'s No. FCT-35, dated 2-2-1954 <i>see</i> notes on jail form 27 in B. J. A. M.
xi	Is the staff recovery book maintained in the prescribed form ?	I. G.'s No. 3, dated 11-5-1937 and FCT-56, dated 8-10-1954.
xii	Is the despatch of jail made articles to be sent to other jails and departments unduly delayed ?	I. G.'s No. FCT/PR-I (Stn/54-55), dated 17-9-1954.
xiii	Are steps taken to manufacture articles (indented by other departments) of the standard quality and within the scheduled period ?	I. G.'s No. FCT-PR-I (Medical 53-55), dated 6-1-1954.

- |     |   |   |
|-----|---|---|
| xiv | Are steps taken to train an adequate number of prisoners in industries like carpentry, tailoring, mochi, smithy etc. ?  | I. G.'s No. D-III/8906, dated 5-3-1953                    |
| xv  | Are the jail made articles to be sent to Foreign countries got insured ?  | I. G.'s No. EST-42, dated 18-10-1955.                     |
| xvi | Is the report about satisfactory supply of stores by the suppliers sent to the central stores purchase organisation before the expiry of the prescribed warranty period ? | I. G.'s Cir. No. FCT-1074/48 748-IV (i), dated 8-11-1974. |

#### CANTEEN ACCOUNTS

- |     |  |  |
|-----|--|--|
| i   | Are the following registers maintained in Canteen Section properly and whether they are checked and signed by the officers concerned in the manner prescribed in the marginally quoted rule ?<br><br>Register No. 18, 23, 26, (P. L. A. of prisoners) 27, 28, 29, 31, Canteen Cash book, coupons Account Books, Canteen Work Orders, Requisition and Issue slip books. Register showing collection of canteen coupons for morning and evening sales as prescribed in I. G.'s circular No. Jcc 4969/42861-V, dated 22-7-1969. | Rule 12 (iii) of rules relating to Office Procedure Rules 1970.  |
| ii  | Are the periodicals prescribed for canteen section sent to I. G., Regional Dy. I. G. on due dates ?  | Rule 12 (i) of rules relating to Office Procedure Rules, 1970.   |
| iii | Is tea powder of 2nd quality purchased through the wholesale authorised dealers ?  | I. G.'s Cir. No. CMT-Misc.-3264-1278-V, dated 7-5-1964.  |
| iv  | Are bidies purchased from the Co-op. Societies in accordance with the procedure prescribed by the marginally quoted orders ?   | I. G.'s endt. No. CNT-5063-41530-V, dated 4-12-1969.   |
| v   | Are only the cigarettes of the companies authorised by I. G. kept for sale in prison canteens ?  | I. G.'s Cir. No. SJC-4961-3828-V, dated 8-2-1963.  |
| vi  | Are the articles of toilet, carbolic and washing soap required for sale in prison canteen obtained from the Nasik Road Central Prison ?  | I. G.'s Cir. No. CNT-Misc.-5063-4295-V, dated 27-2-1963, I.G's Cir. No. CNT-2371-28251-V, dated 6-11-1971. |
| vii | Are the articles for which there exists a contract purchased from the concerned contractor ?   | I. G.'s No. 22681, dated 21-8-1952.  |

## APPENDIX II—contd.

Sr. No.	Item	Authority
viii	Is sugar quota obtained from Government ? (District Collector and Controller of Rationing Bombay.) ?	I.G.'s endt. No. SUG-1172-8518-C, dated 4-4-1972.
ix	Are the details of articles obtained from Grain Store or Factory shown in Regr. No. 31 (canteen) and taken over to Stock Register ?	I.G.'s Cir. No. PCR-4767-22929-V, dated 5-10-1968.
SALES AND COUPONS		
i	Are eatables kept for Sale in prison canteens prepared according to the prescribed recipe ?	
ii	Is recipe of Tea fixed in accordance with instructions issued in the marginally noted circular ?	I.G.'s Cir. No. CNT-Metric-4962-28383-V, dated 29-4-1972.
iii	Is tinopal kept in Prison Canteen for sale in contravention of orders issued in marginally noted circular ?	I.G.'s Cir. No. SJC-1664-59830-V, dated 17-8-1965.
iv	Are selling prices of Canteen articles fixed at 5 Ps. or multiple of 5 ?	I.G.'s Cir. No. CNT-1567-14569-V, dated 2-6-1967 and 6-1-1968.
v	Are Umbrellas sold to C-Os and N-Ws strictly in the manner prescribed in the marginally noted circular ?	I.G.'s Cir. No. DSA-3067-44519-V, dated 9-12-1967.
vi	Are plastic bottles and bags instead of glass kept for sale to prisoners for keeping coconut Oil, pickle and tooth powder ?	I.G.'s Cir. No. FTP-3267-31263-V, dated 6-12-1967.
vii	Are coupons issued to Under trial prisoners the next day of their admission ?	JCC/1568/59816-V dated 27-9-1968.
viii	Are coupons to be issued in a month marked in ink of the particular colour as required by the marginally quoted orders ?	I. G's Cir. No. JCC/4969/42861 V dated 22-7-1969.
ix	Are coupons of a particular colour made valid for a period of one month ?	I.G.'s Cir. No. JCC/4969/42861-V, dated 9-1-1970 and 22-7-1969.

x	Is review of coupons taken on expiry of validity period of coupons of the particular colour ? (i. e. on 14th of the month succeeding the month in which coupons of a particular colour were issued.—	I. G's Cir. No. JCC/4969/42861-V, dated 22-7-1969 and 9-1-1970.
xi	Are invalid coupons forfeited and credited to canteen as profit ?	I. G's Cir. No. JCC/4969/42861-V, dated 22-7-1969.
xii	Is the wooden box to be kept with canteen cart sealed before the sale starts ?	I. G's Cir. No. JCC/4969/42861-V, dated 21/22-7-69.
xiii	Are coupons encashed half torn before they are dropped in wooden box ?	I. G's Cir. No. JCC/4969-42861-V, dated 21/22-7-69.
xiv	Are body tickets necessary worn by prisoners who want to purchase from canteen ? (The Amaldar incharge of canteen cart has to ensure that the prisoner's register number tallies with the number on canteen booklets).	I. G's Cir. No. JCC/4969/42861-V, dated 21/22-7-69.
xv	Are loose coupons accepted by the salesman ?	I. G's Cir. No. JCC/4969/42861-V, dated 21/22-7-69.
xvi	Is the account of coupons encashed in the morning and evening maintained in the prescribed proforma ?	I. G's Cir. No. JCC/4969/42861-V, dated 21/22 7-69.
xvii	In the Register mentioned at Sr. No. XVI above daily cheked and signed by the Sr. Jailor and Dy. Superintendent/ Superintendent ?	I. G's Cir. No. JCC' 4969/42861-V, dated 21/22 7-69.
xviii	Are coupons collected in canteen taken by the Suprintendent every day and kept in his possession for being destroyed ?	I. G's No. CNT/SR/I dated 17-12-1953.
xix	Are the instructions regarding renewal of radio license followed strictly ?	I. G's Cir. endorsement No. UCP 2765/BSK/ 80241-V, dated 12-7-66 UCP/2266/49397-V, dated 12-10-66.
xx	Are instructions regarding amenities to prisoners issued under marginally noted circular followed and programme of purchases chalked out ?	I. G's Circular No. DBE/1065-V-A, dated 16-1-1968.
xxi	Is the account of articles purchased from local market at prisons where there are no canteens for being supplied to prisoners and/or wages maintained in the prescribed register ?	I. G's Memo No. CNT/4969/34997-V, dated 12-6-1969.

## APPENDIX II—contd.

Sr. No.	Item	Authority
<i>Sub Canteens at Central and District Prisons, Class-I</i>		
i	Are the sub canteens organised in various circles-yards at Central and District Prisons Class I as required by the marginally quoted orders ?	I. G's letter No. CNT-4968-31549-V, dated 30-4- 1969.
ii	Are the articles which are to be sold through sub canteens sold to prisoners through main canteen ?	I. G's letter No. CNT-4968-31549-V, dated 30-4-1969.
iii	Are the following registers maintained by the jailor i/c. of sub canteens ? (a) Stock Register. (b) Requisition slip file. (c) Daily sales slip file.	I. G's letter No. CNT-4968-31549-V, dated 30-4-1969.
iv	Is weekly indent sent by the jailor i/c of sub canteen to main canteen ?	I. G's letter No. CNT-4968-31549-V, dated 30-4-1969.
v	Is acknowledgement of articles issued to sub canteen obtained from the jailor incharge of sub canteen ?	I. G's letter No. CNT-4968-31549-V, dated 30-4-1969.
vi	Are the sales slips collected by the Jailor in accordance with the marginally noted orders ?	I. G's letter No. CNT-4968-31549-V, dated 30-4-1969.
vii	Is the register showing details of articles issued to sub canteens and sold daily by sub canteen maintained by the jailor i/c of main canteen ?	I. G's letter No. CNT-4768-31549-V, dated 30-4-1969.
viii	Are the accounts of the items received from main canteen properly and correctly maintained ?	I. G's letter No. CNT-4968-31549-V, dated 30-4-1969.



- |    |   |  |
|----|---|--|
| ix | Is the physical verification stocks in sub canteen done at the end of each month and report sent to the Main Canteen in the prescribed proforma ?                         | I. G's letter No. CNT-4968-31549-V, dated 30-4-1969. |
| x  | Are the stocks and accounts of each sub canteens checked regularly every month by the Senior Jailor? Verify from Reg. No. 13.   | I. G's letter No. CNT-4968-31549-V, dated 30-4-1969. |
| xi | Is surprise checking of sub canteens carried out by the Dy. Superintendent/Addl. Dy. Superintendent/Superintendent and observations recorded by them in Register No. 12 ? | I. G's letter No. CNT-4968-31549-V, dated 30-4-1969. |

*Muster Rolls and Wages*

- |      |   |  |
|------|---|--|
| i    | Are muster rolls, wage cards and Register No. 26 ( P. L. A. of prisoners) maintained properly ?   | I. G's Cir. No. OJI/JIRC-XII-IV (i), dated 27-12-1966 and INS-5068-52283-V, dated 11-9-1968. |
| ii   | Are muster rolls allowed to be maintained by the convict clerks in contravention of orders issued in marginally noted circular ?                                      | I. G's Cir. No. OJI-JIRC-XII-TV (i), dated 27-12-1966.                                       |
| iii  | Are separate muster rolls maintained for each section ( <i>i. e.</i> for prisoners employed on prison service, agriculture, factory Prison Press etc. ?               | I. G's Cir. No. OJI-JIRC-XII-IV (i), dated 27-12-1966.                                       |
| iv   | Is the responsibility for maintaining muster rolls for each section specifically fixed by the Superintendent as required by marginally quoted orders ?                | I. G's Cir. No. OJI/JIRC/XII-1V (i), dated 27-12-1966.                                       |
| v    | Are work sheets and muster rolls maintained in the prescribed proforma ?  | I. G's Cir. No. OJI/JIRC/XII-1V (i), dated 27-12-1966.                                       |
| vi   | Is every wage sheet signed by the jailor concerned and then countersigned by the Manager (for Factory Section) and by the Senior Jailor in case of contingency etc. ? |  |
| vii  | Are wages paid at the prescribed rates ?  | I. G's Cir. No. OJI/JIRC/XII-1V (i), dated 27-12-1966.                                       |
| viii | Are wages paid only to those prisoners who are entitled to earn wages ?   | Rule 45 of the Maharashtra Prisons (Facilities to prisoners) Rules, 1962.                    |

## APPENDIX II—contd.

Sr. No.	Item	Authority
ix	Are C'Os paid wages both for the work they do in prison factory etc. and for the work they do in the capacity of C'O., in contravention of orders ?	I. G's Cir. No. PWS/4969/36375-V, dated 3-7-1969.
x	Are the instructions about fixation of task and wages in textile industry followed scrupulously ?	I. G's Cir. No. OJI/1760/IV-2, dated 21-7-1961.
xi	Are monthly wages statements signed by the concerned officers ? (Factory Jailor, Factory Manager, Senior Jailor for contingency, agriculture etc.)	I. G's Cir. No. OJI/JIRC/XII-IV (i), dated 27-12-1966.
xii	Are wages drawn regularly every month and adjustment from wages to Canteen sales carried out correctly after ascertaining the value of coupons issued to prisoners during the month concerned ?	I. G's Cir. No. PWS/3264/26258-V, dated 17-8-1965.
xiii	Are the amount of wages drawn under contingency and the amount of private cash accounted for separately in prison cash book ?	I. G's Cir. No. OJI/JIRC/XII-IV (i), dated 27-12-1966 and INS/5068/52283-V, dated 11-9-1968.
xiv	Does the amount of wages drawn agree with the relevant record ?	I. G's Cir. No. OJI/JIRC/XII-IV (i), dated 27-12-1966 and INS/5068/52283-V, dated 11-9-1968.
xv	Is there any amount found surplus under wages due to non payment of wages to prisoners released or transferred to other prisons ?	I. G's Cir. No. PWS/4363/18869-V, dated 30-3-1964 and PWS/4364/23719-V, dated 11-6-1965.
xvi	Are prisoners allowed to purchase canteen articles from the amount of their wages and / or P. P. C. strictly in accordance with provisions of marginally noted rules ?	Rule 47 of the Maharashtra Prisons (Facilities to Prisoners) Rules, 1962 and I. G's Letter No. CNT/Misc./1665/79113-V, dated 21-4-1966 addressed to the Superintendent Aurangabad, Central Prison.

xvii	Are prisoners allowed to spend from the compulsory savings of 1/10th of their earnings in contravention of rules ?	Rule 46 (i) of the Maharashtra Prison (Facilities to Prisoners) Rules, 1962 as amended by the Maharashtra Prisons (Facilities to Prisoners) (Second Amendment) Rules, 1967.
xviii	Are the account of wages and private cash furnished separately in transfer of prisoners and not accounted under one head in cash book ?	I. G.'s Cir. No. CNT-Misc-3167-1776- V, dated 24-2-1967.
xix	Is the account of earnings and expenditure maintained in Regr. No. 26 ( P. L. A of Prisoners ) each month in accordance with wage cards ?	Sr. No. 16 of the notes on wage system in the Bombay Jail Accounts Manual.
xx	Are signatures of prisoners taken on wage sheets whenever debit entries are recorded on wage sheets ?	I. G.'s Cir. No. PWS-4969-36375-V, dated 3-7-1969.
xxi	Whether stamp receipts are obtained from prisoners to whom amount of wages exceeding Rs. 20 is paid ?	Sr. No. 14 (i) of the notes on wage system in the B. J. A. M.
xxii	Are Canteen facilities wrongly given to those prisoners who are not entitled ?	Statutory rule 47 (4) (a) & (b) and 48 (i) of the Maharastra Prisons Facilities to prisoners Rules, 1962.

989

#### STORES

i	Is the consignment of stores inspected within a week's time at least by three members ?	Rule 5 A of rules relating to purchase of Store Rules, 1966.
ii	Are immediate steps taken to replace rejected articles ?	Rule 6 of rules relating to purchase of Stores Rules, 1966.
iii	Are the claims in respect of loss, non delivery, destruction etc. of the goods lodged in time ?	Amended sub-rule 4(a) of rule 4 of Purchased and Stores Rules, 1966.
iv	Are any articles of clothing and bedding purchased in the market without I. G's sanction ?	Rule 10 of the Purchase of Stores Rules, 1966.
v	Are medicines purchased locally without I. G's sanction in contravention of provisions of the marginally noted rules ?	Rule 30 (3) of the Purchase of Stores Rules, 1966.

## APPENDIX II—*contd.*

Sr. No.	Item	Authority
vi	Are articles of stationery purchased locally in contravention of the provisions of the marginally quoted rules ?	Rule 42 of the Purchase of Stores Rules, 1966.
vii	Are double lock and single lock rooms provided for stores ?	Rule 1 of rules relating to Stores and Office Records, 1966.
viii	Is report about verification of weights and measures sent to Regional Dy. I. G. ?	Rule 2 (2) of rules relating to Stores and Office Records, 1966.
ix	Are bin cards' in the prescribed form maintained in double lock and Single lock room ?	Rule 3 of rules relating to Stores and Office Records, 1966.
x	Are stocks in double lock room verified by the Sr. Jailor and Store Keeper jointly in each quarter of the year ?	Rule 4 of rules relating to Stores and Office Records, 1966.
xi	Are the old records properly preserved ?	Rule 12 of the Stores and Office Record Rules, 1966.
xii	Is the destruction of old record done regularly and correctly ?	...
xiii	Are the costly articles kept in galvanised iron sheet containers ?	I. G's Cir. No. ACT, PR 39, dated 9-3-1954.
xiv	Is the periodical sale of Misc. articles such as leather cuttings etc. done ?	I. G's No. ADM 3-dated 9-7-54 and ACT 28, dated 22-3-1954.

066

### PRISON STAFF AND OTHER RELATED MATTERS

#### *Office Procedure etc.*

- |    |   |   |
|----|---|---|
| i  | Is separate inward register maintained for registering confidential and secret letters ?              | Rule 2 (vi) of rules relating to Office Procedure, 1970,  |
| ii | Is a register kept with Superintendent for entering references about legislative assembly questions ? | Rule 2 (vii) of rules relating to Office Procedure, 1970. |

- |      |  |   |
|------|--|---|
| iii  | Is worksheet maintained upto date by each official in the prescribed form ?  | Rule 4 (i) of rules relating to Office Procedure, 1970.   |
| iv   | Is the weekly abstract of arrears in the prescribed form drawn up regularly and put up to the Dy. Supdt./Supdt. by the Section head in accordance with the marginally quoted rules ? | Rule 5 of rules relating to Office Procedure, 1970.       |
| v    | Is a control Register maintained for timely submission of reports/replies to urgent cases ?  | Rule 6 (ii) of rules relating to Office Procedure, 1970.  |
| vi   | Are files and papers arranged in six pads by the officials concerned as indicated in the marginally noted rule.  | Rule 7 of rules relating to Office Procedure, 1970.       |
| vii  | Are await cases arranged chronologically for the purpose of issuing reminders ?  | Rule 8 of rules relating to Office Procedure, 1970.       |
| viii | Are standing order files maintained and kept up to date for each subject ?   | Rule 10 of rules relating to Office Procedure, 1970.      |
| ix   | Are D Class papers kept with the official concerned ?<br>(These papers are not to be sent to Record room but to be destroyed after a period of one year.)                            | Rule 11 (ii) of rules relating to Office Procedure, 1970. |
| x    | Are periodical reports/returns submitted to the I. G/Regional Dy. I. G. on due dates ?   | ...   |
| xi   | Is monthly inspection of registers and other record carried by the Superintendent regularly ? ( <i>see</i> Regr. No. 12).  | Rule 13 (i) of rules relating to Office Procedure, 1970.  |
| xii  | Is report about maintenance of registers are recorded by the section head regularly in jailors Report Book, Reg. No. 13.   | Rule 1 (b) of rules relating to Office Procedure, 1970.   |
| xiii | Is a regular account of waste news papers maintained and disposal of the waste paper done regularly ?  | I. G.'s Cir. No. ACT-SR-X, dated 3-12-1953.               |
| xiv  | Is the stamp account checked by the Head Clerk regularly ?   |   |

## APPENDIX II—contd.

Sr. No.	Item	Authority
xv	Is a separate account of receipt books (jail form 75) and cash memos (jail form No. 142 ) kept by the Steward or Head clerks as the case may be ? <i>Service Book</i>	
i	Is a service book prepared for every member of the establishment ?	Rule 167, B. C. S. R. Vol. I.
ii	Are all entries 'affecting the services made in the Service Books of staff members and attested regularly by the official concerned Superintendent/Dy. I. G. ?	Rule 167, 170 and 171 B. C. S. R. Vol. I.
iii	Are the service verification certificates recorded in the Service Books of all staff members regularly in the month of January every year ?	Rule 177 B. C. S. R. Vol. I.
iv	Is the leave account in the prescribed forms maintained in respect of the staff ?	Rule 649, B. C. S. R. Vol. 1 and G. R. F. D. No. 2706 dated 13-3-35 (Revised Leave Rules) I. G's Cir. No. EST 177 dated 21-1-1960.
v	Is a confidential report maintained for each member of the staff in the form and in the manner as prescribed by marginally quoted Government orders ?	G. R., G. A. D., (Confdl.) CFR-D, dated 4-8-1969, I. G's Confdl. Endt. No. CFR-1569, 2835-1, dated 13-11-1969, E. P. R.-1570-I dated 20-10-70 EPR/ 1571/1834.I dated 26-8-71, EPR/ 1571-1, dated 2-3-1972 and 14-3-72.
vi	Are duplicate copies of service books maintained upto date ?	G. R. F. D., No. ROS-1063-74-63.X, dated 15-2-1963 ROS-0065-112176-1873-X, dated 20-9-65-I. G's No.'EST-166-I, dated 20-11.1965.
vii	Are six monthly reports about completion of service books in every respect sent to I. G. ?	I. G's No. PEN-116-1, dated 9-1-1967.

- viii Are personal files of staff maintained in the manner prescribed in marginally quoted I. G.'s orders ? I. G.'s confdl. No. EST-1070-341-I, dated 5-10-1970.
- ix Are the G. P. F. Account Nos. written in red ink on 4th page of the Service Book as required by the marginally quoted order ? G. R. F. D. No. MIS-2866-4659-V, dated 19-7-1967.
- x Are the Service Book and last pay certificates of the person transferred to other institution sent duly completed in all respects within a month ? G. R. F. D. No. MIS-2866-4659-V, dated 19-7-1967.

#### MUSTER ROLLS FOR STAFF MEMBERS

- i Is the summary of casual leave kept up to date in col. 6, 7 and 8 ?
- ii Is the sanctioned strength of establishment, pay scales and orders creating posts entered on the opening page of the Register ?
- iii Is excess grant of casual leave (if any) regularised ?

#### *Leave, Promotion etc.*

- i Are the marginally noted orders observed in the matter of grant of leave to the Jail staff ? I. G.'s circular No. EST-177. dated 23-7-1959, EST-177-I, dated 2-5-67, GLIS-5070-284-I, dated 11-5-1970.
- ii Are the registers for grant of Earned leave for the purpose of surrender of Earned Leave maintained as per marginally noted orders ? I. G.'s No. LPS-1070-34136-I, dated 28-8-1970 and 30-1-1971.
- iii Is the register of increments maintained ? I. G.'s No. EST-99, dated 19-10-1953.
- iv Are notes about due dates of expiry of the tenure of posts kept in register No. 4 ? I. G.'s No. 1014, dated 9-3-45.
- v Are the claims (according to seniority) of jail guards on deputation to sub-jails taken into consideration at the time of granting promotions ?

## APPENDIX II—contd.

Sr. No.	Item	Authority
vi	Is a medical certificate of fitness produced by all newly entertained members of the jail staff ?	Rule 10, 11 and 14 of B. C. S. R. Vol. I.
vii	Is the requisite undertaking taken from every Government Servants ?	I. G.'s No. C-iii-8753, dated 3-3-1953.
viii	Is the training programme prescribed for Jail Guards carried out regularly ?	Rule 1 staff Training (still to be finalised).
ix	Has every members of ministerial and executive staff passed the prescribed examination ?	Rule 12 of the Staff Training (still to be finalised).
x	Is I. G's sanction obtained by the staff member for keeping cow, bullock or buffalo ?	(4) Rule 13 of non statutory rules relating to jail Garden, Dairy and Poultry ?
xi	Are charges at the prescribed rate recovered from the staff member for keeping cow, bullock or buffalo ?	Rule 13 of nun-statutory rules relating to Jail Garden, Dairy and Poultry ?
xii	Is the subscription of family welfare fund recovered from the staff members regularly at the prescribed rates ?	Rule 10 of the non-statutory rules relating to staff concessions and Rewards Rules 1964.
xiii	Is the account of the Family Welfare Fund regularly maintained (the cash on hand should not exceed Rs. 25 at any time) ?	EST-72 dated 8-4-54 and 29-9-54 Rule 10 (e) of the non-statutory rules of 1964 relating to staff concessions and Rewards.
xiv	Is adequate security taken from the staff members ?	Rule 9 (a) of rules relating to staff appointment, pay and allowances (still to be notified).
xv	See whether the superintendent visits.— (a) The female section regularly	I. G's Cir. No. ADM-PRI dt. Nil May 54 Rule 13 (6) of the Maharashtra Prisons (Staff function Rules, 1965).



	(b) Solitary cells daily (if there are prisoners)	Rule 13 (3) of the Maharashtra Prisons (staff function Rules, 1965).
	(c) Jail Hospital frequently enough.	Rule 13 (4) of the Maharashtra Prisons (staff function Rules, 1965).
	(d) All other parts of the Prison Staff Quarters and garden once a week on uncertain days.	Rule 13 (5) of the Maharashtra Prisons (staff function Rules, 1965).
	(e) The prisoners at suitable intervals at meal times ?	Rule 50 of the Maharashtra Prisons (Diet for Prisoners) Rules, 1970.
xvi	Are the prisoners actually counted daily by the Sr. Jailor and once a month by the Superintendent ?	Rule 14 of the Maharashtra Prisons (Routine) Rules 1965 and 13(2) of the Maharashtra Prisons (staff function) Rules, 1965).
xvii	Is the periodical verification of stocks of R. M., grains Canteen articles, drugs, instruments and dead stocks etc. carried out ?	Rule 6 of the non statutory rules of 1966 relating to stores and office Records and Rule 3 (4) of the Maharashtra Prisons (Prison Hospital) Rules, 1970.
xviii	Is the requisition of extra diet, clothing etc. made by the Medical Officer Promptly complied with ?	
xix	<i>See</i> that more than one sepoy is not taken by the Superintendent as personal orderly.	Rule I of non-statutory rules of 1964 relating to staff concessions and Rewards.
xx	Does the Agricultural Officer or Field man supervise the distribution of surplus milk of Jail Dairy ?	I. G's No. ADM-SR-X (L. S.) dated 6-1-1954.
xxi	Are any patent medicines and injections supplied to staff members and their families at Government cost ?	Rule 2 of non statutory rules relating to staff concession and Reward Rules, 1964.
xxii	Does a member of the staff on his transfer draw actual cost of carriage for kit by goods train ?	Rule 490 A (III) of B. C. S. R. Vol. I.
xxiii	Are staff meetings held regularly ?	I. G's Circular No. ADM-PRI dated 28-1-1955.
xxiv	Is the inspection parade of kit held regularly ?	Rule 10 of the Maharashtra Prisons (staff uniform and equipment) Rules, 1971.

## APPENDIX II—contd.

Sr. No.	Item	Authority
xxv	Is practice in ceremonial parades taken regularly ?	Rule 10 staff training (still to be finalised).
xxvi	Is every vehicle purchased by a jail officer with the help of advance insured according to Government orders ?	
xxvii	Are promotions given strictly in accordance with standing orders on the subject ?	
xxviii	Is use of telegrams and telephones restricted to the minimum and is the prescribed register maintained up to date ?	I. G's Cir. No. 30838 10-11-1952.
xxix	Has the physical verification of the conveyance purchased with the aid of advance done by the superintendent regularly ?	
xxx	Is proper care taken for the custody of National flags ?	Rule 15 of the Purchase of stores Rules 1966.
xxxi	Is stamp account register checked by the Head Clerk regularly ?	
xxxii	Are recovery register for staff, Bill register, Registers for Festival advance. Cycle advance maintained upto date ?	
<i>T. A. BILLS</i>		
i	Are the T. A. Bills of jail staff correctly prepared and sent to I. G. within one month from the date of completion of journey.	I. G's No. TAB-5061-12761-V dated 12-8-1961. I. G's Cir. No. TAB 3961-46115-V dard 10-6-1962.
ii	Is the register for T. A. advances maintained and recoveries of advances watched ?	I. G's Cir. No. TAB 3261-41439-V dated 21-9-1961 and rule 2 of rules relating to Advance, 1964.
iii	Are the original details of T. A. claims furnished by the parties concerned in time and kept on record along with the office copy of the T. A. Bill ?	I. G's No. TAB 3961-1862-V dated 3-7-1962.

- |    |   |   |
|----|---|---|
| iv | Is the list of T. A. Bills pending in I. G's office sent on 10th of every month ?   | I. G's No. TAB 4461-63345-V dated 6-9-1962.           |
| v  | Are the T. A. advances adjusted in time ?   | I. G's Cir. No. TAB 5066-1565-1633-V dated 29-7-1966. |
| vi | Is sanction regarding declaration of 'Home Town' by the Government Servants for the purpose of T. A. taken as required by the marginally noted orders ? | G. R. F. D. No. TRA 1165-170-XVIII dated 12-3-1965.   |

*Pension Papers*

- |     |   |   |
|-----|---|---|
| i   | Is a copy of list of the employees retiring within next six months sent to District Magistrate regularly every quarter ?                              | G. F. D., Cir. No, 3266-33-X, dated 26-8-1952.  |
| ii  | Are periodical progress reports regarding disposal of pension cases sent to the Director-Deputy Director of Accounts and Treasuries/ I. G. Regularly. | G. R., F. D., No. VGP-1059, V-I dated 15-6-59, I. G's No. EST-116, dated 2-7-59, G. C. F. D., No. VGP-1061-XIX, dated 30-12-61, I. G's No. PGP-62-1808-I, dated 29-1-62, BST-116-I, dated 29-1-62, EST-116-I. dated 15-9 65, G. C., F. D., No. PEN-1767-3511-68, X, dated 10-3-69, I. G's No. PEN-116-1, dated 25-6-71. |
| iii | Is the preparation of pension papers taken in hand in time and the pension papers completed sent to Audit office within the prescribed time limit ?   | G. C., F. D., No. PEN-1062-2643-X, dated 13-11-62, I. G's No. PEN-116-69437-I, dated 31-12-1966, PEN-116-I, dated 12-1-1968, 15-3-69, 6-2-71 and 13-8-1971.   |
| iv  | Are pension papers prepared immediately after the report regarding death of Government Servant concerned is recorded ?                                | G. C., F. D., No. PEN-1762-2800-X, dated 14-5-1963.   |
| v   | Is control register maintained for pension cases ?  | I. G's No. PEN-116-1, dated 20-6-70, G. A. D, Cir. No. PEN-1070-O, and M., dated 1-6-70.  |

997

PRISONERS AND VARIOUS PRISON PROGRAMMES

*Women Prisoners*

- |   |  |   |
|---|--|---|
| i | Is the date of release of women prisoner communicated to her relatives in accordance with the provisions of the marginally quoted rule ? | Rule 16 (i) of rules relating to women prisoners Rules, 1971. |
|---|--|---|

## APPENDIX II—contd.

Sr. No.	Item	Authority
ii	Are case papers of women prisoners who are to be trained as Dai sent to I. G.	Rule 14 (i) of rules relating to women prisoners Rules, 1971.
iii	Are cases of women prisoners reported to I. G. for commutation or remission of the sentence as per marginally quoted rules ?	Rule 2 (i) Review and Remission of sentence Rules, 1971.
iv	Are details of visits paid by the male officer or visitor as the case may be to women section-prison recorded in the Register specifically prescribed for the purpose ?	Rule 7 (2) of the Maharashtra Prisons (Discipline) Rules, 1973.
v	Are entries register women prisoners taken out of prison or women section recorded in this Register ?	Rule 7 (2) of the Maharashtra Prisons (Discipline) Rules, 1973.
vi	Has women jailor or matron accompanied the male officer whenever the latter entered the women section-Prison ?	Rule 6 of the Maharashtra Prisons (Discipline) Rules, 1963.
vii	Have the women prisoners mentioned in the marginally quoted rule segregated ?	Rule 3 (i) of the Maharashtra Prisons (Women Prisoners) Rules, 1971.
viii	Are the women prisoners transferred to the prison for women prisoners in accordance with the provisions of marginally quoted rules ?	Rule 3 (ii) of the Maharashtra Prisons (Women Prisoners) Rules, 1971).
ix	Are night inspection rounds inside the prison/section meant for women prisoners taken by only those prison officers who are permitted to do so by the marginally quoted rule ?	Rule 4 (iii) of the Maharashtra Prisons (Women Prisoners) Rules, 1971.
x	Are medical examinations of women prisoners conducted periodically as prescribed by the marginally quoted rules ?	Rule 6 of the Maharashtra Prisons (Women Prisoners) Rules 1971.
xi	Are cases of pregnant women prisoners examined and proper prenatal and postnatal care taken ?	Rule 7 of the Maharashtra Prisons (Women Prisoners), Rules 1971.

- |      |   |   |
|------|---|---|
| xii  | Are births in prison got recorded in the local birth registration office as per provisions of marginally quoted rules ?   | Rule 8 of the Maharashtra Prisons (Women Prisoners) Rules, 1971.      |
| xiii | Are the children aged four year and above of prisoners sentenced to death handed over to the relative or the officer concerned as per marginally quoted rules ? | Rule 11 of the Maharashtra Prisons (Women Prisoners) Rules, 1971.     |
| xiv  | Are there any women prisoners who are fit for being trained as dais ?   | Rule No. 14 of the Maharashtra Prisons (Women Prisoners) Rules, 1971. |

*Scientific Classification of Prisoners*

- |      |  |   |
|------|--|---|
| i    | Have all prisoners sentenced to one year and above been brought under the system of classification on scientific basis ? (This may be ascertained with reference to register of convicted prisoners) | Rule 2 of classification Rules 1965.                        |
| ii   | Is a register showing the particulars about prisoners to be classified maintained by the jailor in charge of classification ?  | ...   |
| iii  | Are the meetings of classification committee held at frequent intervals to clear off the load of new admissions within 10 days of quarantine period ?  | Rule 3 (2) of Rules relating to classification Rules, 1965. |
| iv   | Are history sheets of prisoners maintained in the prescribed form by the jailor ?  | Rule 5 (2) of Rules relating to classification Rules, 1965. |
| v    | Are initial classification sheets maintained in the prescribed form and decision of the committee recorded in the appropriate column ?   | Rule 6 (2) of Rules relating to classification Rules, 1965. |
| vi   | Is the type of training and treatment needed by prisoners indicated by the committee?  | Note 1 under rule 7 of classification Rules, 1965.          |
| vii  | Are necessary entries recorded in the History Tickets of prisoners under initial of Senior Jailor ?  | Rule 8 of classification Rules, 1965.                       |
| viii | Are progress reports about prisoners adjustment to institutional life, discipline, interest in programmes prepared ?   | Rule 9 of classification Rules, 1965.                       |
-

## APPENDIX II—contd.

Sr. No.	Item	Authority
ix	Is periodical review of progress made by prisoners taken by the classification Committee ?	Rule 10 of Classification Rules 1965.
x	Are case files of prisoners maintained in the prescribed form ?	Rule 11 of Classification Rules 1965.
xi	Are vocational training programmes organised properly ?	I.G.'s Cir. No. VTP 1967-III, dated 6-3-1967.
xii	Are psychological notes of prisoners sentenced to death maintained by the Jailor i/c of classification of prisoners?	I.G.'s Cir. No. MJM 1561-17402-III, dated 20-9-68.
xiii	Are pre-release and post-release rehabilitation programmes chalked out for prisoners two months in advance of actual date of the release ?	
xiv	Are quarterly reports containing information in reply to questionnaire prepared for evaluating the procedure of classification work, sent to I.G.	I.G.'s Cir. No. MJM 1561-17402-III, dated 11-3-1970.
xv	Is the register maintained by the circle/yard jailor about individual problems of prisoners inspected by the Superintendent every month ?	I.G.'s Cir. No. RMP-1561-17402-III, dated 8-4-1970.
xvi	Is there qualitative improvement in the work of scientific classification of prisoners ? (This may be ascertained with the aid of questionnaire sent to prisons under I.G.'s No. MJM-1561-17402-III, dated 11-3-1970).	I.G.'s Cir. No. MJM-1561-17402-III, dated 28-3-1970.

### *Temporary Release (Parole and Furlough)*

i	Are the release and surrender reports of prisoners released on parole and furlough submitted to the officers concerned promptly ?	Rules 14 and 27 of the Prisons (Bombay Furlough and Parole) Rules 1959. (I.G.'s Cir. No. IDP-2665-2078-II, dated 12-6-1968).
---	---	---

- ii Is a fresh release order obtained from the competent authority in accordance with the marginally quoted rule ? Rules 15 and 26 of the Prisons Bombay Furlough and Parole 1959.
- iii Does the Nominal Roll of the prisoner who has applied for furlough contain information about his co-accused ? I.G.'s Cir. No. IDP-2665-2078-II, dated 12-6-1968.

#### *Transfer*

- i Are prompt steps take to transfer prisoners to other prisons where they are eligible for being confined in accordance with marginal quoted orders ? G. R. H. D. No. MIS-5157-102389-IV, dated 10-3-1964 and standing orders on the subject.
- ii Are proposals of transfer of prisoners on reciprocal basis and the requisite documents sent to I.G. in time. Rule 6 of non-statutory rules relating to Removal of Prisoners of Order 1965. I.G.'s Cir. No. IDP-2665-2078-II, dated 12-6-1968.

#### *Review of Cases*

- i Are registers of A. B. and 14 years reports maintained ? I.G.'s Cir. No. 6124, dated 10-2-1953.
- ii Are the cases of prisoners not recommended placed again before the A. B. after a period not exceeding three years ? Rule 16 (3) of the Maharashtra Prisons ( Review of Sentences) Rules 1972.
- iii Are prisoners whose cases are under investigation under rule 5 (i) of the Maharashtra Prisons (Review and Remission of Sentences) Rules 1970. Segregated as far as accommodation permits ? I. G.'s Cir. No. 14721 Dated 20-3-1942.
- iv Are the orders remitting the sentences of prisoners carefully scrutinised by the Sr. Jailor and Superintendent before they are executed ? I.G.'s Cir. No. 18736 dated 3-11-1942 and 13613, dated 13-8-1943.

#### *Discipline, Routine, Punishment*

- i Is the physical counting of the prisoners done properly and the results recorded in Register No. 12 or 13 as the case may be ? [Rule 14 of the Maharashtra Prisons (Routine) Rule 1965 and 13 (2) of the Maharashtra Prisons (Staff Functiones) Rules 1965].
- ii Are articles which facilitate escape left without surveillance in the yard ? Rule 14 (5) of the Maharashtra Prisons (Staff Function) Rules 1965.

## APPENDIX II—contd.

Sr. No.	Item	Authority
iii	Is the periodical weighing of prisoners carried out ?	Rule 6 of non-statutory rule relating to Prison Hospitals.
iv	Is any prisoner put in fetters beyond 15 days without sanction of I. G. or Regional Dy. I. G. ?	Rule 9 of the Maharashtra (Punishment) Rules 1963.
v	Is strict supervision maintained over prisoners entrusted with a Razor ?	I. G.'s Cir. No. 148 dated 5-1-1943.
vi	Is the advisory committee of prisoners (Panchayat) formed at regular intervals ?	Rule 8 of the non-statutory rules relating to Discipline.

### *Facilities*

i	Is every wage earning prisoner made to save 1/10 of his earnings as required by marginally quoted rules ?	Rule 45 (4) of the Maharashtra Prisons (Facilities to prisoners) Rule 1962 amended by Maharashtra Prisons (Facilities to Prisoners) (Second Amendment) Rules, 1967.
ii	Are the printed post cards regularly sent to the relatives of prisoners ?	Rule 2 of the Maharashtra Prisons (Facilities to prisoners) (Second Amendment) Rules 1967. Rule 2 of the Maharashtra Prisons (Facilities to prisoners) Rules 1962.
iii	Are the prisoners' letters (i. e. both incoming and outgoing) attended to promptly ?	Rule 19 of the Maharashtra Prisons (Facilities to Prisoners) Rules 1962.
iv	Are news papers other than those approved by Government supplied to prisoners in contravention of the marginally quoted rules ?	Rule 29 of the Maharashtra Prisons (Facilities to Prisoners) Rules 1962.
v	Is the censoring of prisoners' letters properly done by the jailor concerned ?	Rules 20, 23 and 25 of the Maharashtra Prisons (Facilities to Prisoners) Rules 1962.



vi	Are periodicals supplied to prisoners at Government cost in contravention of marginal quoted rules ?	Rule 29 of the Maharashtra Prisons (Facilities to Prisoners) Rules 1962.
vii	Are application for interview entered in the Register prescribed for the purpose ?	Rule 7 of the Maharashtra Prisons (Facilities to Prisoners) Rules 1962.
viii	Are cases of prisoners in respect of whom facilities privileges are required to be stopped or withdrawn reported to I. G.?	I. G.'s Cir. No. MJM-4967-66863-V, dated 8/10-4-1970.
ix	Are interviews granted at the sanctioned scales ?	Rule 5 of the Maharashtra Prisons ( Facilities to Prisoners) Rules 1962.
x	Are reasons for refusing interview recorded in interview Register ?	Rule 7 (4) of the Maharashtra Prisons ( Facilities to Prisoners) Rules 1962.
xi	Is the interview Register checked and signed by the Superintendent daily ?	Rule 7 (7) of the Maharashtra Prisons ( Facilities to Prisoners) Rules 1962.
xii	Are quarterly reports about withholding or curtailment of privilege sent to I. G. regularly ?	Rule 26 of the Maharashtra Prisons (Facilities to Prisoners) Rules 1962.

1003

#### *Admission Classification and Confinement*

i	Are cases of Cl. II prisoners confined in the yard meant for Cl. I prisoners reported to I. G. ?	I. G.'s Cir. No. 26465 dated 29-9-1952.
ii	Is a review of cases of prisoners requiring to be classified as habitual taken by the Superintendent and the deserving cases reported to I. G. ?	Rule 3 of the Maharashtra Prisons (Habituals and Hardened Criminals) Rules 1965.
iii	Are orientation talks given by the prison staff (including M. O.) during quarantine period ?	Rule 19 of the Maharashtra Prison (Admission, Classification and Separation of Prisoners) Rules 1966.
iv	Do the figures of admission, release etc. of prisoners as recorded in weekly return agree with those in Lock-up and employment Register.	...
v	Do the jail officers pay night visits to the jail regularly and record the time etc. in lock-up register in their own hand ?	...

## APPENDIX II—contd.

Sr. No.	Item	Authority
vi	Was the practice alarm sounded during the month concerned ?	I. G.'s Cir. No. 8 dated 19-5-1920.
EDUCATIONAL, CULTURAL AND RECREATIONAL ACTIVITIES		
i	Is suitable educational programme chalked out for every newly admitted prisoner in the manner indicated in the marginally noted circular ?	I. G.'s Cir. RPE-1964-III, dated 1-10-1969.
ii	Are all illiterate prisoners attend literacy classes as required by marginally quoted orders ?	I. G.'s Cir. No. D-I-17937, dated 9-7-1952.
iii	Is social educational programme organised ?	...
iv	Are books dealing with ethical and moral subjects distributed to prisoners for reading ?	I. G.'s Cir. No. MJM-1561-1740, dated 5-10-1966.
v	Is literature on social education prepared by the education department distributed regularly amongst the prisoners ?	...
vi	Are prisoners who participate in educational activities given remission ?	Rule 8 of Maharashtra Prisons (Remission system) Rules 1962.
vii	Have vocational training units been organised at the prison ?	I. G.'s Cir. No. VTP-1967-II1, dated 6-3-1967 and MJM-1561-17402, dated 3-4-1970.
viii	Is training course for orienting the selected inmates in conducting educational classes organised ?	I. G.'s Cir. No. FTP-4766-606-11, dated 26-12-1967.
ix	Does every instructor give talks to prisoners as per standing orders ?	Para. (g) under rule 7 in I. G.'s Cir. No. MJM 1561-1740, dated 5-10-1966.
x	Are programmes for adolescent offenders organised as indicated in marginally noted circular ?	I. G.'s Cir. No. PAO-1967-III, dated 6-3-1967.
xi	Are recreational and cultural activities organised regularly ?	Para. (n) (i) under rule 7 in I. G.'s Cir. No. MJM-1561-1740, dated 5-10-1966.

- |       |  |  |
|-------|--|--|
| xii   | Is the jail radio entrusted to some responsible jail guard ?   | ...  |
| xiii  | Are the prescribed timings for working of the radio observed ?   | I. G.'s Cir. No. 22546, dated 20-8-1952.   |
| xiv   | Is the jail library organised and used in accordance with the marginally noted orders ?  | I. G.'s No. BAP-1969-1772-III, dated 31-3-1970.  |
| xv    | Are books for library purchased as per model list of books ?   | I. G.'s Cir. No. RPE-1964-III, dated 5-10-1967 and BAP-1969-1772-III, dated 31-3-1970. |
| xvi   | Are matches between prisoners team and school or college students team arranged inside the prison in contravention of orders ?         | I. G.'s confdi. Cir. No. RPE-1964-III, dated, 10-1-1968.                               |
| xvii  | Is the P. T. of prisoners taken and the monthly statement submitted to Dy. I. G. regularly ?   | I. G.'s Cir. No. 24954, dated 19-8-1950, 17063, dated 2-7-1952.                        |
| xviii | Are the provisions of the marginally quoted rule followed strictly in inviting officials and non-officials at functions held in jail ? | Rule 15 of the staff Discipline Rules, 1963 Part I.                                    |

#### PRISON BUILDINGS HOSPITAL AND SANITARY CONDITIONS

- |     |   |  |
|-----|---|--|
| i   | Are all the prescribed notice boards posted at the proper places ?  | Rules 13 (12) and (20) of the Maharashtra Prisons (Staff Function) Rules 1965.                 |
| ii  | Are the requisite articles kept in the passage between the two main gates ?   | Rule 54 of the Maharashtra Prisons (Staff Functions) Rules 1965.                               |
| iii | Are wells from which water is drawn for the jail cleaned once a year regularly ?  | Rule 34 of the Maharashtra Prisons (Prison Buildings and Sanitary arrangements) Rules 1964.    |
| iv  | Are jail buildings and staff quarters white washed regularly and are they in a state of proper repair ? (Point out deficiencies). | Rule 4 (2) of the Maharashtra Prisons (Prison Buildings and Sanitary arrangements) Rules 1964. |
| v   | Is a register showing the details of repairs and white washing maintained ?   | I. G.'s Cir. Bid. 50, dated 29-11-1954.  |

## APPENDIX II—*contd.*

Sr. No.	Item	Authority
vi	Are night latrines annexed to every sleeping barrack and ward ?	Rule 20 of the Maharashtra Prisons (Prison Buildings and Sanitary arrangements) Rules 1964.
vii	Are fruit trees planted inside the prison walls in contravention of the marginally quoted rules.	Rule 8 (2) of the Maharashtra Prisons (Prison Buildings and Sanitary arrangements) Rule 1964.
viii	Is every part of the prison and that of the staff quarters inspected by the Superintendent.	Rule 13 (5) and (b) of the Maharashtra Prisons (Staff Function) Rules 1964.
ix	Is surprise visit paid to the prison kitchen by the Superintendent daily to ensure that cleanliness is always maintained in the kitchen ?	I. G's Cir.No. MJM-1561-40620, dated 23-4-1964.
x	Is a report about surprise night visit to the sleeping barracks paid by the Superintendent and M. O. recorded on Regr. No. 12 and 32 respectively ?	Rule 23 of the Maharashtra Prisons (Prisons Bldg. and Sanitary arrangements) Rule, 1964 and I. G's Cir. No. MJM-1561-40620, dated 23-4-1964.
xi	Whether barracks, wards and cells have verandah.	Rule 19 of the Maharashtra Prisons (Prisons Bldg. and Sanitary arrangements) Rule, 1964 and I. G's Cir. No. MJM-1562-40620, dated 23-4-1964.

1006

### HOSPITAL AND SANITATION

i	Is there a special squad for taking prophylactic measures against the spread of epidemics ?	Rule 45 of non-statutory rules relating to Prison Hospital.
ii	Are all malaria patients in the jail Hospitals provided with mosquito curtains ?	Rule 5 of the Maharashtra Prisons (Prison Hospital) Rules, 1970.
iii	Are the extra diets issued to prisoners as per marginally quoted rule ?	Rule 16 of Non-statutory rule relating to Prison Hospitals.

- |      |   |  |
|------|---|--|
| iv   | Is the prison hospital visited frequently by the Superintendent to ensure that proper arrangements are made for sick prisoners ?              | Rule 13 (4) of the Maharashtra Prisons (Staff Function) Rules, 1964. |
| v    | Are the walls of hospital scrapped and white washed at least every six months ?   | Rule 4 of the Maharashtra Prisons (Prison Hospital) Rules, 1970.     |
| vi   | Are lunatic sick prisoners kept in separate cells ?   | Rule 4 of the Maharashtra Prisons (Prison Hospital) Rules, 1970.     |
| vii  | Is medical case record maintained in the prescribed form ?  | Rule 5 of the Maharashtra Prisons (Prison Hospital) Rules, 1970.     |
| viii | Are prisoners suffering from leprosy segregated from other prisoners and whether a cell/ward or temporary shed is set apart for its purpose ? | Rule 12 of the Maharashtra Prisons (Prison Hospital) Rules, 1970.    |

---

*Note* :—In addition to above Government Circular Home Department No. INP 1075/2646-XLIII, dated 23-3-1977 may be perused.

*Vegetable cultivation practices on Prison gardens in Maharashtra State*

STATEMENT NO. 1—ROOTS AND BULBS

Sr. No.	Name of vegetable	Local Name	Planting Season	Life of the vegetable crop days	Seed requirement per ha.		Distance between in meter/cms		F. Y. M. or compost per ha. C.L.S.	Fertilizer Dose/hectare			Expected yield in quintals per ha.	Remarks
					Kg.	Grams	Rows	Plants		Nitrogen Kg.	Phosphorous Kg.	Potash Kg.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
1	Beet root ..	Beet root	K/R	901-100	7	..	30 cms.	30 cm.	50-70	100	100	..	115-135	Ridges or furrows.
2	Sweet Potato	Ratali	K/R/S	150	1,25,000	20 cms. cutting each	30 cms.	20 cms.	50-70	40	20	..	115-135	Do.
3	Cabbage ..	Kobi	R	90-105	..	500	75 cms.	45 cms.	50-100	100	100	..	100-125	Flat bed
4	Cauli Flower..	Fulawar	R	90-105	..	500	75 cms.	45 cms.	50-100	100	100	..	100-125	Flat bed
5	Knowl kol ..	Nawal kol	R	60	..	800	75 cms.	45 cms.	50-100	100	100	..	100-125	Flat bed along side *or bed Ridge
6	Raddish ..	Mula	K/R/S	90	8	..	40 cms.	15 cms.	50	100	50	..	54-60	Ridges and furrows.
7	Carrot ..	Gajar	R/S	135	1	500	40 cms.	15 cms.	50	50	50	..	100-110	Flat beds
8	Onion ..	Kanda	K/R	150	10	..	10 cms.	10 cms.	50-70	50	25	..	200-215	Flat beds
9	Garlic ..	Lasun	K/R	120	Petties	..	10 cms.	10cms.	50	50	50	..	60-80	Flat beds

\*Should be taken as mix crop.

*Vegetable cultivation practices on Prison gardens in Maharashtra State*

STATEMENT NO. 2—FRUIT VEGETABLES BEANS AND PUMPKINS

Sr. No.	Name of vegetable	Local Name	Planting Season	Life of the vegetable crop days	Seed requirement per ha.		Distance between in meters/cms		F. Y. M. or compost per ha. C.L.S.	Fertilizer Dose/hectare			Expected yield in quintals per ha.	Remarks
					Kg.	Grams	Rows	Plants		Nitrogen	Phosphorous	Potash		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
1	Cucumber ..	Khira	} K S	90	2	500	1.5 cms.	1.5 cms.	50	50	50	..	60-65	Ring method
2		Kakadi												
3	Bitter gourd..	Karale	K	165	5	..	1 m.	1 m.	50	50	50	..	30-33	do.
4	Snake gourd..	Padawal	} K S	110	2	500	75 cms.	75 cms.	50	50	50	..	110-112	Mandap for
5		Abai												Padwal
6	Ridge gourd ..	Dodake	K	165	4	..	1.5 m.	1.5 m.	50	50	50	..	65-70	Ring method
7	Smooth gourd	Gilake or Ghosali	K	165	2	500	1.5 m.	1.5 m.	50	50	50	..	65-70	do.
8	Red Pumpkin	Kashifal	} K	150	1	250	3 m.	3 m.	50	50	50	..	135-140	do.
9	White Pumpkin	Chakri												
10	Bottle gourd..	Dudhiya Bhopala	K S	150	1	250	2 m.	2 m.	50	50	50	..	54-60	do.
11	Tondali ..	Tondali	K	Annul	Cutting No. 5000	..	3 m.	3 m.	50	50	50	..	280-300	Crop can Survive for 3 years.
12	Brinjal ..	Wangi	K.R.S.	200	..	800	50 cm.	50 cm.	50-65	150	50	..	300	Ridges and furrow.
13	Tomato ..	Tomato	K.R.S.	160	1	..	50 cms.	50 cms.	50	75	38	38	200	do.
14	Frensh bean..	Shrawan Ghewada	K.R.	90	10	500	50 cms.	50 cms.	50	50	50	..	22-30	Ridges and furrows.
15	Chawalee ..	Chavali	K.R.S.	90	25	..	45 cms.	45 cms.	50	50	50	..	30-35	do.
16	Cluster beans	Gowar	K.S.	120	12	..	75 cms.	75 cms.	25	50	50	..	50-90	do.
17	Lady's fingre	Bhendi	K.S.	95	8	..	30 cms.	30 cms.	50	50	50	..	75	do.
18	Chillies ..	Mirachi	K.R.S.	180	1	200	50 cms.	50 cms.	50	75	50	..	60-62	do.
													(.75 to 7.50)	(dry)

*Vegetable cultivation practices on Prison gardens in Maharashtra State*

STATEMENT NO. 3—LEAFY VEGETABLES

Sr. No.	Name of vegetable	Local Name	Planting Season	Life of the vegetable crop days	Seed requirement per ha.		Distance between in meters/cms		F. Y. M. or compost per ha. C.L.S.	Fertilizer Dose/hectare			Expected yield in quintals per ha.	Remarks
					Kg.	Grams	Rows	Plants		Nitrogen Kg.	Phosphorous Kg.	Potash Kg.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
1	Methi	.. Methi	K.R	60	50	..	2.3 cm.	2.3 cm.	20	100	50	..	150	flat beds broadcasting 3 cuttings.
2	Palak	.. Palak	K.R.	87	25	..	do.	do.					180	flat beds broadcasting 7 cuttings.
3	Shepu	.. Shepu	K.R.	45	25	..	do.	do.					65-76	flat beds broadcasting
4	Pokala	.. Pokala	} K.R.S.	45	10	..	do.	do.					50	do.
5	Chandan-batwa	Chandan-batwa												
6	Rajgira	.. Rajgira	K.R.S.	45	10	..	15 cms.	15 cms.					60	do.
7	Chuka	.. Chuka	K.R.S.	45	10	..	30 cms.	15 cms.					50	flat bed line showing
8	Lettuce	.. Lettuce	R.	45	10	..	30 cms.	30 cms.					50	do.
9	Ambadi	.. Ambadi	} K.R.S.	45	25	..	2.3 cms.	2.3 cms.					50-60	flat beds broadcasting
10	Rossele	.. Lal-Ambadi												
11	Chakwat	.. Chakwat	K.R.	45	50	..	do.	do.					90	do.
12	Corriander	.. Kothimbir	K.R.S.	45	50	..	do.	do.					50	mix crop in ridges and furrows.

*Note.*—Leafy vegetable—cutting starts from 30 days.



## APPENDIX III

**EXAMINATIONAL RULES**

1. The Maharashtra Prison Department (Executive Officers-Post Recruitment Examination) Rules, 1977 framed under Government Notification No. TJS. 0172/1-XXVL-J, dated 7-11-1977.

2. The Maharashtra Prison Department (Executive Officers, Qualifying Examination) Rules, 1977 framed under Government Notification No. 1765/69965-(B)-XXVI. J, dated 7-11-1977.

3. The Maharashtra Prison Department Ministerial Staff Post Examination Rules, 1977 framed under Government Notification No. TJS. 1765/69965-(A)-J, dated 7-11-1977.

4. The Maharashtra Prison Department Ministerial Staff Qualifying Examination Rules, 1977 framed under Government Notification No. 1765/69965-(B)-XXVI. J, dated 7-11-1977.

**1. The Maharashtra Prison Department (Executive Officers Post Recruitment Examination) Rules**

[Government Notification, Home Department, No. TJS-0172/1-XXVI-J, dated 7th November 1977 ]

Constitution of India.

In exercise of the powers conferred by the proviso to article 309 of the Constitution of India and in supersession of all existing rules and orders issued in this behalf and in force in the State or any part thereof, the Governor of Maharashtra is hereby pleased to make following rules, namely :—

Short title and commencement.

1. (1) These rules may be called the Maharashtra Prison Department (Executive Officers Post Recruitment Examination) Rules, 1977.

(2) They shall come into force on the 1st December 1977.

Definitions.

2. In these rules, unless the context requires otherwise.—

(a) “Department” means the Prison Department of the Government of Maharashtra ;

(b) “Executive Officer” means a person in the cadres of Jailors (Group I) or (Group II) and in the cadre of Superintendents of District Prisons—Class II, the Research Officer ;

(c) “Examination” means the Departmental examination prescribed under these rules;

(d) “Inspector General” means the Inspector General of Prisons, Maharashtra State.

3. (1) Every person recruited to the post of an Executive Officer after the commencement of these rules shall be required to undergo a course of training at the Jail Officers’ Training School and. to pass the examination according to these rules within a period of two years from the date of recruitment and within three chances.

Necessity of  
passing the  
Examination.

A candidate from (1) Scheduled Caste, Scheduled Tribe and Denotified Tribes and Nomadic Tribe, shall be given one more chance and one more year to pass the examination.

(2) Every person working as an Executive Officer on the date of the commencement of these rules shall, unless he has passed an equivalent Examination under any rules in force immediately before such commencement, be required to pass the Examination according to these rules within a period of two years from the date of coming into force of these rules and within three chances.

*Explanation.*—An Executive Officer, may appear at the examination even before he completes his training at Jail Officers’ Training School.

(3) Notwithstanding anything contained in sub-rule (1) or (2)—

(a) the Inspector General, may in his discretion grant permission to a candidate to appear at one more Examination, and

(b) the State Government may, in exceptional circumstances, either grant further extension of time or condone the failure of any candidate.

(4) (a) No person, who is required to pass the Examination under these rules, shall hereafter be confirmed unless he has passed the Examination.

(b) If an Executive Officer, who is required to pass the examination under these rules, fails to pass the examination within the time mentioned in sub-rule (1) or (2), as the case may be, or within such extended time as may be granted to him under sub-rule (3), shall be liable to be discharged or reverted, as the case may be.

Exemption. 4. The following persons shall be exempted from the operation of these rules, namely :—

\* (1) Allocated Government servants who were absorbed as on the 1st November, 1956 in the cadres, mentioned in clause (b) of rule 3.

(2) Persons who have attained the age of 48 years or more or have completed twenty five years or more of service on the date of coming into force of these rules;

(3) Persons confirmed in any post in any of the cadres mentioned in clause (b) of rule 2;

\* (4) Persons who have at any time before passed the departmental examination in accounts and service matters under the rules in force before the commencement of these rules;

\* (5) Persons appointed as Jailors Group-II by promotion from amongst Subhedars, Jamadars and departmental technical personnel;

\* (6) Persons who attain the age of 45 years on or after the 1st November, 1977.

Examination  
when to be held.

5. The examination under these rules shall ordinarily be held twice a year in the months of January and July by the Inspector General. The date of Examination shall be notified in the *Official Gazette*. If the Inspector General considers it necessary, he may hold the Examination in any other month.

Consequences, if  
an Examination  
is not held.

6. If for any reasons, the Examination is not held in a particular year or a candidate is not allowed to appear for any particular Examination by the Inspector General, as the case may be, that year or chance shall be excluded in computing the period or chances laid down in sub-rule (1) or (2) of rule 3. The person whose increments would have been withheld due to non-passing the Examination in that year, shall be allowed to draw his increments for a further period of one year.

Syllabus

7. The Examination shall be in the papers as shown in the Appendix hereto or such other subjects as the State Government may by order from time to time direct. The papers shall be set in English but the candidates may answer the papers either in English or in Marathi.

---

\* Substituted *vide* Govt. Notification No. TJS/0172/1/PRS-2, dt. 21-2-1979.

8. (1) The standard of passing the Examination shall be 45 per cent in each paper. Percentage of Passing etc.

(2) Condonation upto 5 per cent of marks in any one paper shall be granted to a candidate who is thereby able to pass the examination, provided that the candidate appears for all the papers at one and the same time.

(3) A candidate who obtains at least seventy-five per cent of the aggregate marks obtainable shall be considered to have passed the Examination with credit. Provided that, a candidate who has secured an exemption or exemption under sub-rule (4) and passes at the second or subsequent attempt in the remaining subject or subjects shall not be declared to have passed the Examination with credit.

(4) An unsuccessful candidate, who has obtained 55 per cent or more of the total number of marks obtainable under any subject, shall be exempted from appearing again in that subject. The exemption secured by a candidate in a previous examination should be claimed by applying for it in the subsequent examination and that if it is not claimed, it will be presumed that the candidate does not wish to avail of it.

9. (1) Failure in the first or the second attempt shall not result in the stoppage of increments. If however, a person (except a person holding the post of Jailors Group II) fails to pass the Examination within the time limits laid down in sub-rule (1) or (2) of rule 3 and is granted permission to appear at fourth or any subsequent chance then, he shall not be allowed to draw the increment after his failure in the third attempt, until he passed the Examination or the failure is condoned by Government. Drawal of increments.

(2) On passing the Examination in the fourth or subsequent chance or on condonation of the failure by Government, he shall draw the increments which were withheld and all subsequent increments shall accrue to him, as if, no increments were withheld. He shall not, however, be entitled to arrears.

1012

APPENDIX

(See rule-7)

SYLLABUS FOR THE MAHARASHTRA PRISON DEPARTMENT  
EXECUTIVE OFFICER POST RECRUITMENT EXAMINATION

PAPER I (with books)

Office Organisation and Service Matters

PART-I

[50 Marks—1½ hours]

(a) *Organisation of the Maharashtra Prison Department and its functions.*

Brochure under the caption “Prison Administration in Maharashtra”.

(b) *Important organisational concepts), i. e. Delegation of Powers, Central Mechanism, Inspection and Office Discipline).*

(i) Chapters III and V to VII of Part-I of the Hand Book for Training of Ministerial Staff (Clerical).

(ii) Staff Discipline Rules, 1965.

(iii) Maharashtra Prisons (Management of Prisons and Maintenance of Record Rules, 1970).

(iv) Administrative and Financial Powers delegated to Prison Officers.

(c) *Office Procedure*

(i) Part-II of the Hand Book for Training of Ministerial Staff (Clerical).

(ii) Rules on Office Procedure in the Prison Manual.

PART-II (with books)

[100 Marks—3 hours]

Detailed study of the following :—

(a) *Bombay Civil Services Rules Vol. I.*

Chapter I, II, III, IV, V, VII, VIII, IX, X, XI, XII, (Part-IV & V), XIV and XV.

(b) *Bombay Civil Services Rules Vol. II.*

Appendices I to XIX, XXIII to XXVI, XXIX, XXX, XXXII, XXXIII, XXXV, XXXVI to XXXVIII, XL, XLII to XLIV and XLIV-A, LI-A to LVII.

(c) *Bombay Civil Services (Conduct, Discipline and Appeal) Rules.*

(d) *Manual of Departmental Enquiries.*

(e) *Bombay General Provident Fund Rules.*

(f) *Maharashtra Contingent Expenditure Rules, 1965.*

(g) *Bombay Budget Manual.*

(i) All except chapters IV, XII, XVI, Appendices 1 to 6.

PAPER-II (with books)

Rules and Regulations pertaining to Prison Administration.

PART-I

[50 Marks—1½ hours]

Detailed study of the following :—

- (i) The Prisons Act IX of 1894.
- (ii) The Prisoners Act III of 1900.
- (iii) Transfer of Prisoners Act, 1950.
- (iv) Prisoners (Attendance in Courts) Act, 1955.
- (v) Civil Jails Act, 1874 (Bombay II of 1874).

PART-II

[50 Marks—1½ hours]

General knowledge of the following:—

- (i) Bombay Borstal Schools Act, 1929 and the rules framed thereunder.
- (ii) Untouchability (Offences) Act, 1955.
- (iii) Probation of Offenders Act of 1958 and the rules framed thereunder.
- (iv) Habitual Offenders Act, 1959 and the rules framed thereunder.
- (v) Indian Lunacy Act of 1912.
- (vi) Bombay Children Act, 1948.

PAPER—III (with Books)

[100 Marks—3 hours]

- (i) Maharashtra Prison Rules (Unified).
- (ii) Bombay Sub-Jail Manual of 1954.
- (iii) Bombay Jail Accounts Manual.
- (iv) Model Prison Manual prepared by All India Jail Manual Committee.

PAPER—IV (without Books)

[100 Marks—3 hours]

Correctional Administration.

*PART-I*

Types of crime and criminals, White collar crime, organised crime, Delinquency and crime, Crime as deviant behaviour, Crime and personality disorganisation, Crime and Social disorganisation, Crime and Society, Delinquency and crime in India.

*PART-II*

Correctional Administration :—

- ( i ) Definition and scope of penology.
- (ii) Evaluation of punishment and forms of punishments.
- (iii) Origin and growth of prison system, co-ordination between law enforcement agencies and correctional services.
- (iv) Modern Correctional principles and practices.
- ( v ) Correctional institutions, prison architecture, classification of prison, classification of prisoners, segregation of prisoners.
- (vi) Object and manner of enforcement of prison rules and regulations.
- (vii) Relationship between prisoners and the prison staff, basic needs of prisoners and role of prison staff in their fulfilment.
- (viii) Classification of prisoners on scientific basis.
- (ix) Correctional treatment programmes in prisons, educational, recreational, cultural and vocational.

- (x) Prison discipline, punishment, discontent amongst prisoners, disciplinary problems, hunger strike and emergencies.
- (xi) Modernisation of prison industries, prison agriculture and employment of prisoners.
- (xii) Prison dietary and medical care of prisoners.
- (xiii) Parole and furlough systems.
- (xiv) Reviews, conditional and unconditional premature release of prisoners.
- (xv) Rehabilitation of prisoners and aftercare of the released prisoners.

## **2. The Maharashtra Prison Department (Executive Officers Qualifying Examination) Rules**

[Government Notification, Home Department, No. TJS-0172/1-XXVI-J,  
dated 20th August 1977 ]

In exercise of the powers conferred by the proviso to article 309 of the Constitution of India and in supersession of all existing rules and orders issued in this behalf and in force in the State or any part thereof, the Governor of Maharashtra is hereby pleased to make the following rules for the Qualifying Examination for Executive Officers of the Prison Department, namely :—

Constitution of India.

1. (1) These rules may be called the Maharashtra Prison Department (Executive Officers Qualifying Examination) Rules, 1977.

Short title and commencement.

(2) These rules shall come into force on 1st September 1977.

Definition.

2. In these rules, unless the context requires otherwise ;

(a) “Examination” means the Departmental examination prescribed under these rules ;

(b) “Prison Department” means the Prison Department of the Government of Maharashtra ;

(c) “Inspector General” means the Inspector General of Prisons ;



(d) "Executive Officer" means a person working in the cadre Jailors (Group-I) or (Group-II) and in the cadre of the Superintendents of District Persons Class-II.

Necessity of  
passing the  
Examination.

3. (1) Every person appointed directly to any post in the cadres of Jailors Group I or Group II or in the cadre of Superintendents of District Prisons, Class II after commencement of these rules, shall be required to pass the Examination in accordance with these rules within a period of five years from the date of his appointment and within three chances.

A candidate from (1) Scheduled Caste, Scheduled Tribe and Denotified Tribes and Nomadic Tribes, shall be given one more chance and one more year to pass the examination.

(2) Every person working in any post in the cadre of Jailors, Group-I or Group-II or in the cadre of Supdts. of District Prisons Class-II on the date of commencement of these rules, shall, be required to pass the examination within three years and within three chances.

(3) Save as otherwise provided in sub-rule (6), no Executive Officer shall hereafter be promoted in a regular vacancy in any higher cadre, unless he has passed the Examination.

(4) An Executive Officer who does not pass the Examination within the period prescribed under sub-rules (1) and (2) above or within the period extended under rule 11 will lose his seniority to all those who have passed the Examination.

(5) Subject to the loss of seniority under sub-rule (4) and Executive Officer shall be allowed to pass the Examination in any number of chances.

(6) During the interim period, that is, the period from the date of the commencement of these rules to the date on which the results of the first Examination under these rules are declared, promotion of the Executive Officers to any of the higher cadres shall be made according to seniority and suitability of persons. However persons so promoted shall have to pass the Examination under these rules within a period of three years and within 3 chances from the date of commencement of these rules failing which they shall be reverted.

Exemptions.

4. The following persons shall be exempted from the operation of these rules, namely :—

(a) persons who have attained the age of 48 years on the date of coming into force of these rules;

(b) the allocated Government servants who were absorbed as on the 1st November 1956 in the cadres of Jailors (Group-I) or (Group-II) or Superintendent of District Prison Class-II and

(c) Persons who have at any time before passed the examination in accounts and service matters under the rules in force before the commencement of these rules.

5. The Examination will be conducted by the Maharashtra Public Service Commission in January every year on dates to be notified in the official Gazette.

Commission to  
conduct  
Examination.

6. The Examination shall be conducted according to the syllabus shown in the Appendix hereto. The papers will be set in English but the candidates may answer the papers either in English or in Marathi.

Syllabus.

7. (a) Every person who desires to appear at an examination shall apply in writing stating his intention of appearing at such Examination. Such application shall be made before the end of August of the preceding year of examination.

Application for  
Examination.

(b) The applicant shall also clearly state the previous chances, if any, availed of by him and the year in which they were availed of.

(c) On the basis of the applications received, the Inspector General shall draw up a list of candidates for the Examination and forward it to the commission, so as to reach them on or before the prescribed date.

8. No person whose name has been included in the list of candidates for the Examination, shall be permitted to withdraw his name, except for valid reasons acceptable to the Inspector General.

Candidates not  
to withdraw their  
names from the  
list.

9. If, for any reasons, the Examination is not held during a year or the candidate is not allowed to appear for the Examination by the Inspector General in any particular year, that year or chance shall be excluded in computing the period of chances laid down in sub-rule (1) or (2) of rule 3.

Consequences if  
Examination is  
not held.

10. If a person whose name is included in the list of candidates drawn up under rule 7 in a particular year remains absent for reasons beyond his control, his absence shall not be treated as a loss of chance. In all other cases, such absence shall be treated as a loss of chance. The decision of the Inspector General as to whether the absence was due to reasons beyond the control of the candidate shall be final.

Absence of  
persons due to  
reasons beyond  
control not to be  
treated as less of  
chance

Extra chances. 11. In exceptional circumstances, the Inspector General, may, in his discretion, allow one extra chance to a candidate to appear for the Examination by extending the period for passing the Examination by one year.

Standard of passing etc. 12. (1) The Standard of passing the Examination shall be 45 per cent in each paper.

(2) Condonation upto 5 per cent of marks in any one paper shall be granted to a candidate who is thereby able to pass the examination.

(3) An unsuccessful candidate who had obtained 55 per cent or more of the total number of marks obtainable under any subject shall be exempted from appearing again in that subject.

The exemption secured by a candidate in a previous examination should be claimed by applying for it in the subsequent examination and that if it is not claimed, it will- be presumed that the candidate does not wish to avail of it.

(4) A candidate who obtains atleast 75 per cent of the aggregate marks obtainable shall be considered to have passed the Examination with credit.

Provided that, a candidate who has been granted an extra chance under rule 11 or has passed the Examination in instalments shall not be considered to have passed with credit.

## APPENDIX

(See rule-6)

### Syllabus for the Maharashtra Prison Departments

(Executive Officers' Qualifying Examination) Rules, 1977 :—

#### PAPER-I (with books)

[100 Marks—3 hours]

Organisation of Government and Service matters.

(i) *Organisation of Government of Maharashtra.*

Part-I of Hand Book of Training of Supervisory Staff (Ministerial).

(ii) *Organisation of Government of India (Brief outline).*

Part-II of Hand Book of Training of Supervisory Staff (Ministerial).

(iii) *Organisation, control and discipline.*

- (a) Principles of organisation;
- (b) Delegation of powers;
- (c) Inspections;
- (d) Measures for avoidance of delays;
- (e) Technique of supervision;
- (f) Public relations;
- (g) Drafting of minutes of meeting, and
- (h) Drafting of reports.

PAPER-II (with books)

[100 Marks—3 hours]

Searching knowledge of the following:—

- (i) B. C. S. R., Vols. I and II;
- (ii) Bombay Civil Services Conduct, Discipline and Appeal Rules;
- (iii) Manual of Departmental Enquiries;
- (iv) Maharashtra General Provident Fund Rules;
- (v) Maharashtra Contingent Expenditure Rules, 1965;
- (vi) Bombay Budget Manual (all except chapters IV, XII, XIV, Appendices 1 to 6), and
- (vii) Manual of Financial powers pertaining to prison Deptt.

PAPER-III (with books)

[100 Marks—3 hours]

Rules and Regulations pertaining to Prison Administration

#### PART-I

Detailed study of the following:—

- (i) The Prisons Act IX of 1894;
- (ii) The Prisoners Act III of 1900;
- (iii) Transfer of Prisoners Act, 1850;
- (iv) Prisoners (Attendance in Courts) Act, 1955;
- (v) Civil Jails Act, 1874 (Bom. II of 1874) and
- (vi) Bombay Borstal Schools Act, 1929.

PART-II

General knowledge of the following:—

- (i) Criminal Procedure Code;
- (ii) Indian Penal Code;
- (iii) Probation of Offenders Act of 1858 and Maharashtra Probation of Offenders Rules;
- (iv) Habitual Offenders Act, 1959 and the rules framed thereunder;
- (v) Indian Lunacy Act, 1912;
- (vi) Bombay Children Act of 1948;
- (vii) Bombay Police Act, 1951; and
- (viii) Untouchability (Offences) Act, 1955.

PAPER-IV (with books)

[100 Marks—3 hours]

Detailed study of the following:—

- (i) Maharashtra Prison Rules;
- (ii) Bombay Sub-Jail Manual of 1954 ;
- (iii) Bombay Jail Accounts Manual; and
- (iv) Model Prison Manual prepared by All India Jail Manual Committee.

PAPER-V (without books)

[100 Marks—2 hours]

**Correctional Administration**

Types of crime and criminals, white collar crime, organised crime, Delinquency and crime. Crime as deviant behaviour. Crime and personality disorganisation. Crime and social disorganisation. Crime and Society. Delinquency and crime in India.

- (i) Definition and scope of penology.
- (ii) Evaluation of punishment and forms of punishments.
- (iii) Origin and growth of prison system co-ordination between law enforcement agencies and correctional services.

- (iv) Modern Correctional principles and practices.
- ( v ) Correctional institutions, prison architecture, classification of prison, classification of prisoners, segregation of prisoners.
- (vi) Object and manner of enforcement of prisons rules and regulations.
- (vii) Classification of prisoners;
- (viii) Relationship between prisoners and the prisons staff, basic needs of prisoners and role of prison staff in their fulfilment.
- (ix) Correctional treatment programmes in prisons, educational, recreational, cultural and vocational.
- ( x ) Prison discipline, punishment, discontent amongst prisoners, disciplinary problems, hunger strike and emergencies.
- (xi) Modernisation of prison industries, prison agriculture and employment of prisoners.
- (xii) Prison dietary and medical care of prisoners.
- (xiii) Parole and Furlough systems.
- (xiv) Reviews, conditional and unconditional premature release of prisoners.
- (xv) Rehabilitation of prisoners and after-care of the released prisoners.

### -----

### **3. The Maharashtra Prison Department Ministerial Staff Post Examination Rules**

[Government Notification, Home Department, No. TJS. 1765/ 69965-A/XXXVI-J, dated 7th November 1977]

In exercise of the powers conferred by the proviso to article 309 of the Constitution of India and in supersession of all existing rules and orders issued in this behalf and in force in the State or any part thereof, the Governor of Maharashtra is hereby pleased to make the following Post Recruitment Examination Rules for the Ministerial Staff of the Prison Department in the State of Maharashtra, namely:—

1. (a) These rules may be called the Prison Department Ministerial Staff Post Recruitment Examination Rules, 1977.

Short title and commencement.

(b) These rules shall come into force on the 1st December 1977.

Definitions.

2. In these rules, unless the context requires otherwise,—

(a) “Examination” means the examination prescribed under these rules;

(b) “Department” means the Prison Department;

(c) “Inspector General” means the Inspector General of Prisons;

(d) “Deputy Inspector General” means the concerned Deputy Inspector General of Prisons in charge of the Region.

Necessity of  
passing  
Examination

3. (1) These rules shall apply to every person working in the cadre of clerks including clerk-typists and of Senior Clerks and Junior Auditors.

(2) Every person working in the cadres specified in sub-rule (1) on the date of coming into force of these rules, shall be required to pass the Examination within a period of three years from the date of coming into force of these rules and within three chances. A candidate from (1) Scheduled Caste and Scheduled Tribe and Denotified Tribes and Nomadic Tribe, shall be given one more chance and one more year to pass the examination.

(3) Every person recruited after the commencement of these rules in the cadres specified in sub-rule (1) shall be required to undergo a course of training and to pass the Examination within a period of four years from the date of recruitment and within three chances.

(4) A candidate who fails to fulfil the requirements of sub-rule (2) or, as the case may be, of sub-rule (3), shall subject to the provisions of rule 4, be liable to lose seniority to all those who have passed the Examination.

(5) A candidate who is not admitted to the Examination on account of his attendance in training classes being below the minimum to be determined by the Inspector General, shall be deemed to have failed in that Examination and lost one chance.

(6) No candidate shall be confirmed or promoted to a post higher than the one he is holding on the date of coming into force of these rules, unless he has passed or exempted from passing Examination.

4. The following persons shall be exempted from operation of rule 3, namely :— Exemption.

(1) allocated Government servants absorbed on 1st November 1956 and persons appointed from 1st November 1956 to 30th April 1960;

(2) persons who attain the age of 48 years or more at the time of coming into force of these rules;

(3) Jail Guards promoted to the post of clerks who had attained the age of 48 years at the time of their promotion;

(4) persons who are appointed in the Department by transfer from other departments of Government who had attained the age of 48 years at the time of such transfer;

(5) persons confirmed in the posts in the cadre of clerks and senior clerks;

(6) persons who have completed three years of service as Clerks or Senior Clerks, as the case may be, on the day these rules come into force;

(7) persons who have passed the departmental examination in accounts and service matters under the rules in force prior to coming into force of these rules;

(8) Senior Clerks or Junior Auditors who have passed this Examination while in the cadre of clerks.

5. If, for any reasons, the examination is not held in a particular year or a person is not allowed to appear for the examination by the Inspector General or the Deputy Inspector General, as the case may be, that year shall be excluded in computing the number of years under these rules. Consequences if an Examination is not held.

6. If a person remains absent at the Examination for reasons beyond his control, his absence shall not be treated as a loss of chance. In all other cases, the absence of the person shall be treated as a loss of chance. The decision of the Inspector General as to whether the absence was due to reasons beyond the control of the candidate, shall be final. Absence of persons due to reasons beyond control not to be treated as a loss of chance.

7. In exceptional circumstances, the Inspector General or the Deputy Inspector General in his discretion, may allow one extra chance to a candidate to appear for the examination and correspondingly, may extend the period of three years to four years and that of four years to five years, respectively. If a candidate fails even in this extra chance, his case shall be dealt with in accordance with sub-rule (4) or (6) of rule 3 : Discretion of Inspector or Deputy Inspector General of Prisons.



Provided that Government may, in exceptional circumstances, either grant further extension of time to a candidate on merit or condone his failure.

Syllabus.	8. The Examination shall, under the general control of the Inspector General be conducted according to the syllabus shown in the Appendix hereto. The papers will be set in English but the candidates may answer the papers either in English or in Marathi.
Examination when to be held.	9. Normally, the Examination shall be held once a year in the month of December. If the Inspector General or the Deputy Inspector General considers it necessary for valid reasons, two Examinations may be held in the same year.
Percentage of passing etc.	10. (1) The percentage of passing in the examination shall be 45 per cent in each paper. (2) Condonation upto 5 per cent of marks in any one paper shall be granted to a candidate who is thereby able to pass the examination. (3) A candidate who has passed in all the papers and obtains at least 75 per cent of the aggregate marks shall be considered to have passed the examination with credit. (4) An unsuccessful candidate who has obtained fifty-five per cent or more of the total number of marks in any subject shall be exempted from appearing again in that subject. The exemption secured by a candidate in a previous examination should be claimed by applying for it in the subsequent examination and that if it is not claimed, it will be presumed that the candidate does not wish to avail of it.
Drawal of increments.	11. (1) Failure in the first and second attempt shall not result in the stoppage of increment. If a person fails in all the three chances and is allowed a fourth chance or subsequent chance or chances, then he shall not be allowed to draw the increment after his failure in the third attempt, until he has passed the examination or his failure has been condoned by Government. (2) On passing the examination in the fourth or subsequent attempt or on condonation by Government, he shall draw the increments which were withheld and all subsequent increments shall accrue to him, as if no increments were withheld. He shall not, however, be entitled to arrears.
Eligibility for Examination.	12. (1) Every person under rule 3 to whom these rules apply and who will be completing one year's continuous service on 1st of June every year, shall be eligible for the examination to be held in December and

shall accordingly apply in writing to the Inspector General or Deputy Inspector General in June informing him of his eligibility and intention of appearing at the ensuing examination to be held in December next following.

(2) Every person who has availed of one chance under these rules, and wishes to avail of a second or third chance, as the case may be, shall, submit his application to the Inspector General or the Deputy Inspector General in writing before 30th June of the year informing him of his intention to appear at the Examination to be held in December in that year, stating clearly the number of chances he has already availed of and the year in which they were availed of.

(3) Failure on the part of any person to comply with the provisions of sub-rules (1) and (2), shall result in reduction of the chances admissible to him.

13. The Inspector General of Prisons shall make arrangements every year for the training and Examination under these rules. He shall decide persons who shall undergo the course of training or appear at the Examination in any year.

Training.

14. No person who has applied under rule 12, shall be permitted to withdraw his name, either before the commencement of the examination or thereafter, except for valid reasons.

Persons not to withdraw after putting an application.

15. No person who has already availed of training facilities as provided for under rule 13, shall be eligible for such training again.

Eligibility of training.

## APPENDIX

(See rule 8)

Syllabus for the Prison Department (Ministerial Staff Post Recruitment Examination) Rules, 1977 .—

PAPER-I (with books)

[100 Marks—3 hours]

- (i) The Prisoners Act IX of 1894.
- (ii) The Prisoners Act III of 1900.
- (iii) Transfer of Prisoners Act, 1950.

- (iv) Prisoners Attendance in Courts Act, 1955.
- (v) The Maharashtra (Unified) Prison Rules other than those covered under Paper III.
- (vi) The Bombay Sub-Jail Manual of 1954.

PAPER-II (without book)

[100 Marks—3 hours]

The Bombay Jail Accounts Manual.

PAPER-III (without books)

[50 Marks—3 hours]

*(a) Office Organisation*

- (i) Hand Book for Training of Ministerial Staff (Clerical), Part I, Chapters 1 to 8.
- (ii) The Maharashtra Prisons (Staff Functions) Rules, 1965.

*(b) Office Procedure and Noting and Drafting*

[50 Marks]

- (i) Hand Book for Training of Ministerial Staff Part II, II-A, Part III, III-A.
- (ii) The Maharashtra Prisons (Management of Prisons and Maintenance of Records) Rules, 1970.
- (iii) Working and Management of Prison Offices Rules, 1970.
- (iv) Brochure under the Caption A B C D list of records in Prison Department.

PAPER IV—Rules and Manuals of General Applications.  
(with books):

[100 Marks—3 hours]

The portion comprised in Chapters 1 to 8 of Part IV of Hand Book for Training of Ministerial Staff (Clerical) as detailed below:—

- (i) General Provident Fund Rules.
- (ii) Contingent Expenditure Manual.

- (iii) Budget Manual.
- (iv) Departmental and Language Examination Manual.
- (v) Recruitment to Government Service.
- (vi) Introduction to the Bombay Civil Services Rules.
  - Section I—Posts and Appointments.
  - Section II—Pay.
  - Section III—Joining time.
  - Section IV—Allowances.
  - Section V—Leave.
  - Section VI—Pension.
  - Section VII—Miscellaneous.
- (vii) Printing and Stationery Manual (only portions relevant to the Prison Department).
- (viii) Handling of Government money.

#### **4. The Maharashtra Prison Department Ministerial Staff Qualifying Examination Rules**

[ Government Notification, Home Department, No. TJS 1765/69965  
(B) XXVI-J, dated 7th November 1977 ]

In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India and in supersession of all existing rules and orders issued in this behalf and in force in the State or any part thereof, the Governor of Maharashtra is hereby pleased to make the following Rules for the Qualifying Examination for Ministerial Staff of the Prison Department in the State of Maharashtra, namely:—

1. (1) These rules may be called the Prison Department Ministerial Staff Qualifying Examination Rules, 1977. Short title and commencement.
- (2) These rules shall come into force on the 1st December 1977.—
2. In these rules, unless the context requires otherwise— Definitions.
  - (a) “Examination” means the examination prescribed under these rules;
  - (b) “Department” means the Prison Department;
  - (c) “Inspector-General” means the Inspector-General of Prisons.

Necessity of  
passing the  
Examination.

3. (1) Every person appointed in any of the following cadres in the Department after coming into force of these rules, shall be required to pass the Examination within a period of three years, from the date of his appointment and within three chances available to him.

A candidate from Scheduled Caste, Scheduled Tribe and Denotified Tribes and Nomadic Tribe shall be given one more chance and one more year to pass the examination:—

- (a) Senior Clerk (Supervisory),
- (b) Head Clerk,
- (c) Statistician,
- (d) Office Superintendent.

(2) Every person working in the cadres specified in sub-rule (1) on the date of coming into force of these rules, shall be required to pass the examination within three years and within three chances available to him on his completion of training. A candidate from Scheduled Caste, Scheduled Tribe and Denotified Tribes and Nomadic Tribe, shall be given one more chance and one year to pass the examination.

(3) Every person who has completed five years of continuous service or more in the cadre of senior clerks on the date of coming into force of these rules, shall be required to pass the examination within a period of three years from the date of his completion of training and within three chances provided that he had passed or exempt from passing the examination under the Prison Department Ministerial Staff Post Recruitment Examination Rules, 1977.

(4) Except as provided in sub-rule (7), no person working in any of the cadres specified in sub-rules (1) and (3) shall, hereafter, be promoted in a regular vacancy in higher cadre, unless he has passed the examination.

(5) A person who does not pass the examination within three years and within the period extended under rule 14, will lose his seniority to all those who have passed the examination and have been promoted to the higher cadres in regular vacancies before he passes the examination under sub-rule (6).

(6) Subject to loss of seniority under sub-rule (5), a candidate shall be allowed to pass the examination in any number of chances.

(7) During the period from the commencement of these rules and the date on which the results of the first examination are declared, promotion to the higher cadres shall be made according to the seniority and suitability of persons. However, persons so promoted shall have to pass the examination within a period of three years from the date these rules come into force, failing which they shall be reverted.

4. The following persons shall be exempted from the operation of these rules, namely:— Exemptions.

(a) persons who had attained the age of 48 years or more on the date of coming into force of these rules;

(b) the allocated Government servants who were absorbed as on the 1st November 1956 in the cadres specified in sub-rule (1) of rule 3 and the persons appointed to the post in the said cadres from the 1st November 1956 to 30th April 1960 (both inclusive);

(c) persons who have passed examination in Accounts and Services Rules prescribed in rule 132 of Bombay Jail Manual, 1955 or the Accountant's Examination conducted by the ex-Government of Hyderabad State;

(d) persons who are appointed in the Department by transfer from other Departments of Government and who have attained the age of 48 years at the time of such transfer.

5. A candidate who does not pass the examination within the prescribed period or chances shall be reverted to the next lower cadre, unless he is eligible for exemption under rule 4. This rule shall not apply to a person who is holding the post in a substantive capacity. Reversion.

6. The Inspector General shall make arrangements for the training of the staff who are required to appear for the examination. He shall also determine the number of persons to be trained from each cadre. In such cadre, the order of selection for training shall be, as far as possible, in the order of seniority. The Inspector General shall decide which particular person should undergo training. Training of Staff.

7. In exceptional circumstances, the Inspector General may, in his discretion, exempt any person from the training and allow him to appear for the examination. Discretion of the  
Inspector  
General.

8. No person who has once undergone training provided for under rule 6, shall be eligible for such training a second time. Eligibility of  
training.

Examination when to be held.	9. The Examination under these rules shall ordinarily be held twice a year in the months of January and July by the Inspector General of Prisons according to the syllabus shown in the Appendix hereto or such other subjects as the State Government may, by order from time to time, direct. The papers will be set in English but the candidates may answer the papers either in English or Marathi.
Applications for Examination.	10. (a) Every person who desires to appear at an examination shall apply in writing stating his intention of appearing at such examination. Those intending to appear for the examination in the month of July shall apply before the end of the preceding February and those intending to appear in January, before the end of the preceding August.  (b) The applicant shall also clearly state the previous chances, if any, availed of by him and the year and the month in which they were availed of  (c) On the basis of the applications received, the Inspector General shall draw up a list of candidates for the examination.
Candidates not to withdraw their names from the List.	11. No person whose name has been included in the list of candidates for the examination shall be permitted to withdraw his name, except for valid reasons acceptable to the Inspector General.
Consequence if Examination is not held.	12. If, for any reason, any examination is not held during a year, the period allowed for passing the examination shall be extended by six months on each occasion the examination is not held.
Absence of persons due to reasons beyond control not to be treated as a loss of chance.	13. If a person whose name is included in the list of candidates under rule 10, remains absent for reasons beyond his control, his absence shall not be treated as a loss of chance. In all other cases, such absence shall be treated as a loss of chance. The decision of the Inspector General as to whether the absence was due to reasons beyond the control of the candidate, shall be final.
Discretion of Inspector General.	14. In exceptional circumstances, the Inspector General may, in his discretion, allow one extra chance to a candidate to appear for the examination by extending the period for passing the examination by one year.
Percentage of passing and distinction.	15. (1) The percentage for passing the examination shall be 45 per cent in each paper.  (2) Condonation upto 5 per cent of marks in any one paper shall be granted to a candidate who appears for all the papers at one and the same time and is thereby able to pass the Examinations ;

(3) A candidate who obtains at least 75 per cent of the aggregate marks shall be considered to have passed the examination with credit.

Provided that, a candidate who has been granted an extra chance under rule 14 or one who has passed the examination in instalments shall not be considered to have passed with credit.

(4) An unsuccessful candidate who had obtained 55 per cent or more of the total number of marks in any subject, shall be exempted from appearing again in that subject. The exemption secured by a candidate in a previous examination should be claimed by applying for it in the subsequent examination and that if it is not claimed, it will be presumed that the candidate does not wish to avail of it.

16. (1) Failure in the first and second attempt shall not result in stoppage of increments. If a person fails in his third chance and is allowed a fourth chance under rule 14, no increments shall be drawn by him, until he has passed the examination. Increments.

(2) On passing the examination, he shall draw the increments which were withheld and all increments shall accrue to him, as if no increments were withheld. He shall not, however, be entitled to any arrears.

## APPENDIX

(*See rule 9*)

Syllabus for the Prison Department (Ministerial Staff Qualifying Examination) Rules, 1977 :—

### PAPER-I (with books)

[100 Marks—3 hours]

- (1) The Prisons Act, 1894 (IX of 1894) and the rules made thereunder.
- (2) The Prisoners Act, 1900 (III of 1900) and the rules made thereunder.
- (3) The Transfer of Prisoners' Act, 1950 (XX of 1950).
- (4) The Prisoners (Attendance in Courts)' Act, 1955 (XXXII of 1955).
- (5) The Probation of Offenders Act, 1959.



- (6) The Indian Lunacy Act, 1912.
- (7) The Bombay Borstal Schools Act, 1929 and the rules made thereunder.
- (8) The Habitual Offenders Act, 1959.
- (9) The Bombay Civil Jails Act, 1874.

PAPER-II (with books)

[100 Marks—3 hours]

- (1) The Bombay Jail Accounts Manual, 1956.
- (2) The Bombay Sub-Jail Manual, 1954.

PAPER-III (with books)

[100 Marks—3 hours]

*Organisation, Control and Discipline.—*

Parts I and II of the Hand Book for Training of Supervisory (Ministerial) Staff.

PAPER-IV (with books)

[100 Marks—3 hours]

*Rules and Manuals of General Application.—*

- (1) Bombay Civil Services Rules  
Vol. I—Chapters I to V, VII to XI, XII (Part IV and V), XIV and XV.
- (2) Bombay Civil Services Rules.—  
Vol. II—Appendices I to XIX, XXIII to XXVI, XXIX, XXX, XXXII, XXXIII, XXXV, XXXVI to XXXVIII, XL, XLII to XLIV and XLIV-A, LLA to LVII.
- (3) Bombay Civil Services (Classification and Recruitment) Rules.
- (4) General Provident Fund Rules.
- (5) Bombay Civil Services Conduct, Discipline and Appeal Rules.
- (6) Manual of Departmental Enquiries.

PAPER-V (with books)

[100 Marks—3 hours]

- (1) Budget Manual.
- (2) The Maharashtra Contingent Expenditure Rules, 1965.
- (3) The Bombay Financial Rules, 1959.
- (4) Manual of Financial Powers.
- (5) "Printing and Stationery Manual".

## APPENDIX IV

**INSTRUCTIONS FOR GROWING VEGETABLES ON  
PRISON FARMS**

1. In the enclosed statements the following short forms are used :—

K—Kharif.                      R—Rabi.                      S—Summer  
F. Y. M.—Farm Yard Manure.                      C. L. S.—Card loads.  
H.—Hectare.

Various vegetables should be planted during the seasons as mentioned below :—

Kharif	... 15th May to 15th July.
Rabi	... 1st September to 15th November.
Summer	... 1st February to 15th March.

2. Approximately 100 Gunthas make one hectare or 2.5 acres-1 hectare. 100 ares make one hectare.
3. The measures and rates are approximate and actual issues will depend on the local conditions.
4. While using fertilizers Nitrogen should be given in two instalments. The first half should be given at the time of planting and the second half in the 3rd or 4th week. The whole quantity of phosphorous and potash should be given at the time of planting only.
5. In case of chillies, if Groundnut cake is given instead of fertilizer the shedding of flowers is supposed to be reduced.
6. The lands where the vegetables are to be grown should not have depth less than 60 cms. The soil should be well drained.
7. The vegetables are grown seasonwise as tabulated below :—

*Three season crops :—*

- (1) Sweet Potato
- (2) Raddish.
- (3) Tomato (Green).
- (4) Chavali.
- (5) Pokala.
- (6) Chandan Batwa.
- (7) Rajgira.
- (8) Chillies.
- (9) Chuka.
- (10) Rosella
- (11) Ambadi.
- (12) Tondali.
- (13) Brinjal.
- (14) Corriander.

*Seasonwise Vegetables :*

	<i>Kharif</i>	<i>Rabi</i>	<i>Summer</i>
(15)	Beet root	Beet root	..
(16)	..	Cabbage	..
(17)	..	Coli flower	..
(18)	..	Knol kol	..
(19)	..	Carrot	Carrot
(20)	Onion	Onion	..
(21)	Garlic	Garlic	..
(22)	Cucumber	..	Cucumber
(23)	Bitter gourd	..	..
(24)	Snake gourd	..	Snake gourd
(25)	Abai	..	Abai
(26)	Ridge gourd	..	..
(27)	Snake gourd	..	..
(28)	Red pumpkin	..	..
(29)	White pumpkin	..	..
(30)	Bottle gourd	..	..
(31)	French bean	French bean	..
(32)	Cluster beans	..	Cluster beans
(33)	Lady's fingers	..	Lady's fingers
(34)	Methi	Methi	..
(35)	Palak	Palak	..
(36)	Shepu	Shepu	..
(37)	..	Lettuce	..
(38)	Chakwat	Chakwat	..

On the bunds of the gardens if Hadaga and Shevga is planted in rainy season, they give constant yield for 10 to 15 years successively.

## INDEX

	A	Rule	Page
<b>Acts—</b>			
The Bombay Borstal Schools Act, 1929	...	—	749-763
The Civil Jails Act, 1874	...	—	746-749
The Indian Lunacy Act, 1912	...	—	706-745
The Prisons Act, 1894	...	—	669-690
The Prisoners Act, 1900	...	—	691-699
The Prisoners (Attendances in Courts) Act, 1955	...	—	701-705
The Transfer of Prisoners Act, 1950	...	—	700
<b>Acts and Rules made thereunder—</b>			
(i) Bombay Children Act	...	—	786
Bombay Children Rule 1950	...	—	824
(ii) Probation of Offender Act 1958	...	—	849
Probation of Offenders Rules 1966	...	—	856
(iii) Bombay Habitual Offenders Act 1959	...	—	886
The Bombay Habitual Offenders Rules, 1960	...	—	900
(iv) Offences under the Suppression of Immoral Traffic in Women and Girls Act 1956.	...	—	899
(v) Bombay Police Act 1951 (Extracts of Sections 82 to 88) of—	...	—	926
(vi) Offences under the Indian Penal Code	...	—	897-898
<b>Admission—</b>			
Every prisoner on—to be searched	...	3	310
Jailor to be present at the time of—	...	3	310
No. of new prisoners before opening and after lock-up	...	1	309
No—without warrants	...	2	309
Recording of date etc. in warrant on—	...	10	314
Registration of entries of prisoners in Jail Register	...	6	311
State of Education of Prisoners to be recorded on—	...	9	314
Verification of—documents by Senior Jailor	...	11	314
<b>Adolescent prisoners—</b>			
—to be kept separate from other prisoners both day and night...	...	10	321
Delay in case of trial of—	...	4	333
Review of cases of—	...	5	574
<b>Advances—</b>			
Application for grant of—	...	4	161
Competent authorities to sanction—of Pay and T. A.	...	1	160
Conveyance purchased through—not to be disposed off without I. G's sanction.	...	3	161
Recovery of—	...	2 (ii)	161
Recovery register of—	...	2	160
<b>Advisory Board—</b>			
Appointment of nominated members of—	...	5	578
Cases of habitual offenders—not be put up before—	...	24	584
Constitution and purpose of—	...	3	577
Information re : character and antecedents of prisoners to be obtained for—	...	11	580
	...	10	580
Information of co-accused prisoners to be sent to I. G. alongwith papers of—	...	20	582
Members of—	...	4	577
Meetings of—	...	15 } 14 }	581

A—contd.		Rule	Page
Nature of cases to be reviewed by—	...	6	578
		9	580
Opinion of local officers to be obtained before putting up cases to—		11	580
Procedure for keeping records of prisoners ready for—	...	8	579
Procedure for putting cases before	...	13	581
Proceedings of—	...	16	581
Recommendations of—	...	17	582
Rules for special—for prisons of	...	21	583
Adolescent prisoner	...	22 } 23 }	584
<b>Age—</b>			
—recorded on warrant to be accepted in determining eligibility for juvenile section etc.		—	576
Procedure for verification of—	...	7-A	312
<b>Agriculture officer—</b>			
—to be incharge of jail garden, poultry cattle etc. at prisons etc.		1	62
<b>Deputation of—</b>			
—responsible for ensuring economic supply of vegetable	...	3	63
—responsible for health and needs of the cattle	...	8 (vii)	64
<b>Alarm—</b>			
No—to be raised for minor troubles	...	26 (Note)	390
<b>Allowances for Boarding School—</b>			
Prison staff at Visapur District Prison entitled to—	...	29 (3)	157
<b>Amenities—</b>			
Provision of—to prisoners from canteen profits	...	4 (iv)	445
<b>Ammunition—</b>			
—to be kept in guard room	...	21	123
—not to be piled outside where prisoners could seize them	...	22	123
—to be possessed by armed guard on duty	...	34	204
—Annual Indent of—to be submitted	...	34	269
		36 to 38	270
—Classification of arms and scales for supply of—	...	31 } 32 } 33 }	268
<b>Animals—</b>			
Grazing charges for—	...	13 (i)	53
Maintenance of draught—	...	8	63
Sanction of the I. G. for keeping—by prison staff	...	13 (i)	64
<b>Appeals—</b>			
Facilities to be given to prisoners for—	...	13	416
Petitions for—	...	13	416
Petition for—may be presented to Supdt. by prisoner or to court by Pleader,		14	417
Petition of revision of—	...	17	418
Periods for—	...	6	421
Periods for criminal	...	7	421

	A—contd.	Rule	Page
Particulars of—to be entered in Register	...	8	422
Rules regarding—	...	1	412
Petition of—without certain documents	...	15	418
<b>Appointing Authority—</b>			
—for the posts of Jail Department	...	1, 2, 3	144 to 146
—Nature of powers of—	...	5	147
<b>Appointments—</b>			
Declarations to be made before—	...	12	150
Every officer to know the provision of B. C. S. R. Conduct Appeals Rules etc. on—	...	10	150
Government servant to resign—if selected for appointment elsewhere.	...	18	151
Undertakings to be taken before	...	4	147
<b>Assaults etc.—</b>			
—on prison officials to be reported to District Magistrate for information.	...	6	398
<b>B</b>			
<b>Bail—</b>			
Release on—	...	42	507
<b>Births in prisons—</b>			
Registration of—	...	8	609
<b>Body Ticket—</b>			
For every prisoner sentenced to R. I. to be provided with—	...	40	473
Particulars on the—	...	41	473
<b>Borstal School—</b>			
Arrest of offender escaping from—	...	17 (A)	
	...	18	
Diet scale for lads in—	...	—	785
Period of detention in—	...	17	760
Removal of disqualification in respect of person detained in—	...	20	762
Rules for—re : management etc. of—	...	—	763 to 784
Transfer from prison to—	...	11	753
Transfer of incorrigible lads from ..... to prison	...	12	755
<b>Buildings—</b>			
Care to be taken during construction of—	...	11 (i)	55
	...	(ii)	
Fruit trees to be away from prison—	...	8 (i)	53
No addition alteration to—without sanction of I. G. or Dy. I. G. (R.).	...	9	54
Prison—to be incharge of B. and C. Department	...	2	53
Use of land in vicinity of—	...	3	53
<b>Bus Fares—</b>			
Prison employees entitled to—	...	29 (2)	157
<b>C</b>			
<b>Canteen—</b>			
Management of—	...	47	441
Prisoners below 23 years not to be allowed to purchase tobaccos in any form from the—	...	4	445
	...	49 (e)	443

	C—contd.	Rule	Page
Powers to withdraw—facility	...	47 (e)	442
		50	443
<b>Carbolic soap—</b>			
Supply of jail-made—to prisoners, cooks and conservancy workers.		33 (iii)	301
<b>Cell—</b>			
Definition of—	...	21	405
Guard in charge of—not to accept any prisoner without orders from the Jailor etc.		6	410
Strict watch to be kept and discipline maintained in—	...	14	404
			15
Sweepers, cooks etc. allowed to enter—	..	19	404
Two or more male prisoners be confined in one—	...	13	403
Use of—	...	4	409
<b>Central Prison—</b>	...	2	1
		4	2
<b>Children—</b>			
Care of—of women prisoner after her death etc.	...	11	609
Retention of—with women prisoners etc.	...	9	609
Toilet articles for—of women prisoners	...	10	609
<b>Civil Jail—</b>			
Extracts of provisions relating to insolvency etc. to be pasted up in—		1	633
<b>Civil Prisoners—</b>			
—not to be searched in the presence of other prisoners	...	3 (c)	310
—to be kept in civil ward etc.	...	2	319
—may be permitted to use their own clothes ...	...	34	472
—Action to be taken in case of escape of—	...	7	633
—not to be transferred from or to a civil prison etc.	...	4	632
—Diet for—	...	5	632
—Disposal of balance of diet money etc. in case of—	...	9	633
Release of—on medical grounds	...	8	633
Separation of—	...	3	632
—Shall not transfer his food etc. to other prisoners	...	2	633
Classes of District Prisons	...	5 (1)	2
<b>Classification—</b>			
—of prisons	...	2	1
—of undertrial prisoners	...	2	318
—of convicted prisoners	...	3	318
—to be explained to prisoners	...	13	321
—Revision of—of prisoners	...	4	319
		1	332
<b>Classification Committee—</b>			
—to prepare progress report of prisoners whose case is to be put up before A. B.		12	580
Cases of prisoners transferred to open to be put up before—	...	6	8
Decisions to be taken by—	...	7	337
Implementation of decisions taken by—	...	8	337
Meetings of—	...	9	335
Review by—	...	10	338

C—contd.	Rule	Page
—Case of each of habitual criminal to be reviewed by the—...	7 (ii)	638
—Recommendation of—for transfer of prisoners to Ratnagiri Special Prison.	5	639 638
<b>Clothing--</b>		
Articles of—not to be purchased in market without sanction...	10	264 472
Civil prisoners to use their own—	34	...
—not to be purchased in open market	15	468
Extra—to sick, weak or infirm prisoners	26	471
Indent of—to be submitted to I. G.	9	264
Life of—	21	470
Legitimate use of article of—	19	470
Maintenance of cleanliness of—	28	471
M. O. shall be in charge of—on the hospital premises	27	471
Newly admitted prisoners to be provided with—before sending inside.	15 (iv)	316
Pattern of—not to be departed from	18	474
Pattern of cloth to be used for manufacture of—	1	475
Private—to be used by prisoners whose conduct and work is exemplary.	23	471
Prisoners appearing before court to wear private—	25	471
(a) Prisoners employed in garden work etc. to wear such—as is essential	20	470
Report about concession of private—to be sent to I. G. and Dy. I. G.	24	471
Scale of—	2	464
Scale of—to class-II prisoners	5	466
Senior Jailor to supervise issue of—	16	468
Supdt. to inspect—of prisoners once a month	42	473
Additional—to foreigners etc.	3 (ii)	465
—of prisoners to be—of one uniform pattern	2	464
—Convicted criminal prisoners sentenced to S. I. to wear prison—	4 (ii)	465
—Pattern of articles of—to be issued to different categories of prison	17	468
—Prisoners sentenced to S. I. or U. T. if they have not their own	7	467
—to be provided with—Prisoners to wear prison—with green lines during 1st 3 months.	8	467
Scale of—to class-II	5	466
Scale of—to prisoners	3	464
U. Ts. and S. I. prisoners to wear private—	6	466
Women Jailors or Senior Matrons responsible to cleanliness of women prisoners.	29	472
<b>Clothing allowance—</b>		
Initial—to Dy. I. G., Superintendent Central Prison and Principal	17	122
—to jail executive		
<b>Clothing and Bedding—</b>		
Estimates of—to be submitted to I. G.	3	475
Jailor to be incharge of—store	4	475
<b>Complaints—</b>		
—by prisoners can be investigated by Collectors etc.	22	181
<b>Compounders—</b>		
Duties of—	52	52



	C—contd.	Rule	Page
<b>Concessions—</b>			
Superintendent, Dy. Suptds. and Jailor Gr. I entitled to employ one Jail Guard.		1	163
Free medical aid to jail staff and families	...	2	163
Surplus furniture articles to be given on hire—	...	3	163
Register to be maintained for such articles	...	4	163
Purchase of produce of jail factories, bakery, dairy, garden etc. etc. with credit limit 3 months.		5 and 6	163-164
6¼ commission for sale of jail made articles during spare time		3	164
<b>Conservancy—</b>			
Prisoners who do—work may be permitted to purchase articles from the canteen—during 1st three months.		47 (iv) (c)	442
<b>Conservancy work—</b>			
Assignment of—to prisoners	...	11	347
—In women prisons to be allotted to women prisoner only	...	12 (iii)	610
<b>Control—</b>			
I. G. of Prisons to exercise general—and superintendence over prisons.		2	4
<b>Conveyance allowance—</b>			
—to members of Advisory Board	...	Ns 2	597
<b>Convict overseer—</b>			
—To report to sepoy when light goes off	...	30	300
Appointment of habitual prisoners as—	...	4	602
Appointment of female prisoners as—	...	Proviso (b) to Rule 3	602
Competent authority for appointment as—	...	7	602
—for yards reserved for prisoners sentenced to S. I.	...	Proviso (a) rule 3	601
Duties of—	...	10	604
Eligibility for appointment as—	...	3	601
Eligibility conditions for Appendix appointment as—	...	—	605
Grades of—	...	2	601
Non-eligibility for appointment as—	...	5	602
Powers of—	...	Ns 2 (i)	606
Reduction of—	...	8	603
Remuneration of—	...	12	604
Sanction of Dy. I. G. of Prisons appointment of—	...	7 (ii) (a) (iii)	603
Selection of—	...	6	602
<b>Courts (Production of prisoners in)—</b>			
Conditions under which the Supdt. may abstain from carrying out orders of—		7	498
Delivery of cash to U. Ts. going to—	...	5	498
Execution of orders of—	...	2	480
Precaution for production of prisoners in time	...	11	498
Prisoner under death sentence not to be sent to—without special sanction of Government.		8	498
Procedure when prisoners are not produced in on due dates, due to illness, etc. etc.		9 15	498 499
Production of prisoners when required in different—	...	3	497
Supply of meals to prisoners going to—	...	6	498

	C—contd.	Rule	Page
<b>Cultural activities—</b>			
—to be organised for women prisoners	...	15	611
<b>Cycle allowance—</b>			
Prison employees entitled to—	...	29	157
	<b>D</b>		
<b>Date of release—</b>			
Method of calculating	...	10	482
Calculation of date of release of prisoners released on bail	...	11	482
Calculation of date of release of prisoners released on parole...			483
Calculation of date of release of escaped prisoners	...	13	484
Prisoners due for release on Sunday and jail holidays to be released on preceding days.		14	484
Calculation of in last payment of fine	...	31	503
Responsibility for correctness of	...	46	507
<b>Dead stock—</b>			
Local purchase of articles upto Rs. 50 and repair charges	...	11	264
—to submit estimate for over Rs. 50	...	12	265
—etc. to I. G. and further action	...	13	
—date of purchase and cost to be marked	...	14	265
National flag to be entered into Register	...	15	265
Batons, hand-cuffs, badges, whistles, chains, belts, belt plates, kit-boxes and haver-socks to be treated as.			265
<b>Dead body—</b>			
—of prisoners to be handed over to friends or relatives for disposal.		4 (ii)	533
<b>Death—</b>			
Release to count as—in statistical records	...	Ns (3)	597
<b>Death of prisoner—</b>			
Reports to be submitted to various authorities about	...	13	536
		12	
		10	535
		2	532
Information about prisoners' serious illness and death to be conveyed to nearest relatives		6	534
		7	
		3	
Re : Arrangements of child which is left by dead woman prisoner		3 (ii)	532
Intimation of—to be given to finger print bureau. Dead body of prisoners to be handed over to friend or relatives etc.		4 (i)	533
		4	533
Circumstances when not to be handed over to—	...	4	537
Disposal of dead body if not claimed	...		
Action to be taken—	...	5	533
No Prison Officer shall be called as panch in case of cause of death	...	8	535
Nominal roll of deceased prisoner to be sent to police	...	11	535
Particulars to be recorded by M. O. on the	...	2	536
		3	537
Maintenance of cemetery, selection of a burial or cremation grounds		5	537
		6	
Instructions re : grounds	...	7 to 9	537

D—contd.	Rule	Page
Instruction as to which prison record should borne, the death of prisoner in case of transfer of prisoner.	—	538
<b>Death of prisoners—</b>		
—to be included in the returns ...	Note	43
<b>Death sentence—</b>		
(1) M. O. to attend execution ...	3 (35)	25
(2) to be confined in cell apart from other prisoners ...	9 (i)	321
(3) Before opening and lock-up to be searched in presence of Jailor-in-charge.	9 (ii)	321
(4) Woman prisoners—to be kept in women jail and section guarded by women officials.	9 (iii)	321
(5) Summoning minister of faith for attending prisoners under death sentence.	4	355
(6) Petition for mercy by prisoner under—and how to deal with—	7	414
	8	415
	9	
Execution of—to be deferred under exceptional circumstances.	10	415
Acknowledgement of orders of— ...	11	415
Sentence of—not to be executed till appeal or application is dismissed.	12	416
Re : copy of judgment in case of— ...	16	418
Application of—prisoner to appeal to Supreme Court etc. at Government to be forwarded direct etc.	4	421
Report to be submitted to Government if prisoner—does not appeal to Supreme Court etc.	5	421
Prisoner under—shall not be transferred under the prisoner attendance in court—Act 1955 from the prison etc.	8	498
Admission of— ...	3 (i)	613
—to be given to Government.		
—to be searched thoroughly on admission, daily on opening and closing.	3 (ii)	613
	7	615
Articles to be issued to— ...	4	414
—To be confined in a cell in special yard and cells to be changed daily.	5	614
—Case history to be compiled for each ...	8	615
—Not to be removed to any prison hospital, without previous sanction of I. G.	9	615
—Interview in case of—and precautions to be taken at the time of—	9	615
—A minister of faith to be allowed ..		
—Guards of 24 hours over— ...	6	614
—Facilities to be allowed to—religious books, exercise etc....	11	615
—Regarding appeals and postponement of Execution etc....	12	616
—Petition for mercy—stay of Execution in case of ...	13	616
	14	617
	15	617
Procedure and action to be taken in case the prisoner show signs of insanity.	16	618
	5	627
—Procedure and Action to be taken in case pregnant woman prisoner.	17	619
—Action to be taken on final confirmation of— viz. fixation of date etc.	18	619

D—contd.	Rule	Page
—Observation of—from the date of admission etc. ...	2	626
—points of— ...		
—Expenditure to be incurred on facilities etc. ...	3 (i)	627
	(ii)	627
	11	615
—Reminder—Telegraph to be sent to Government for result of Mercy petition.	4	627
—To be kept under observation for 10 days before the Medical Board's examination.	7	653
—Action to be taken by the prison authority for special Medical Board.	7	654
<b>Diet</b>		
Issue of articles of—to prisoner under removal ...	3	527
Change in—on M. G. ...	24	364
Cases to be referred to Dy. I. G. (R.) ...	30	365
—for orders in case of doubt of above ...	25	364
—for children of women prisoners allowed to stay with them.	27	365
Extra diet for nursing mothers ...	28	365
Highest diet scale for hard labour prisoners ...	29	365
Dietary for lunatic prisoners ...	31	365
Extra diet to be provided to prisoners on <b>Republic Day</b> ...	60 (iii)	371
Scale of Diet class II prisoners ...	—	371
Scale of Diet (No. 2) class II prisoners ...	—	372
Scale of Diet (No. 3) class I convicted and under-trial prisoners ...	—	374
Scale of Diet (No. 4) Hospital ...	—	375
Scale of Diet (No. 5) open prison ...	—	376
—For civil prisoners ...	5	632
—Judgement Debtors ...	6	632
—Disposal of balance of—money and other necessities ...	9	633
Orders of extra to sick prisoners ...	3 (24)	23
	3	359
Change of diet etc. ...	3 (25)	23
Medical grounds, nominal roll etc. of prisoners who are given—	3 (28)	24
Unauthorised food etc. not to be consumed ...	2	359
—Responsibility of prison officials for ensuring proper quality of—articles of—	13	361
Modified—for foreigners ...	16	363
—Scale of—C. O. S. ...	17	363
Dietary to be sanctioned by I. G. for each prison ...	18	363
—Scale of—for S. I. conviction clothing to labour ...	19 (i)	363
—of prisoners sentenced to deaths ...	20	363
M. O. to decide—of prisoners in hospitals ...	21	363
—Extra or special—to be recommended by M. O. ...	22	363
<b>Discipline by staff—</b>		
Rules for—amongst jail subordinates ...	1	177
Employee—not to contract second marriage ...	2	177
No association or participation in political bodies ...	3	178
	14	179
Not to use physical force amongst prisoners ...	6	178
No unbecoming language to be used ...		
Not to correspond or hold unauthorised discussion with prisoners ...		
	7	178
	8	381
—to prevent escapee, unauthorised articles etc. etc. ...	8	178-179
Not to allow any unauthorised visitors or friend in prison ...	9	179

	D—contd.	Rule	Page
Not to allow contractors etc. at quarters	...	10	179
Re : dispute of duty points, change	...	11	179
		12	
No guard to be absent from quarters during night	...	16	180
Employees are subject to C. D. S. Rules	...	23	181
Officers and C. Os. shall see that their directions are obeyed by prisoners.		4	397
<b>Discipline and Duties by prisoners—</b>			
Maintenance of discipline	...	2	380
—to be maintained and custody of women prisoners being duty of women Jailor or metrons.		5	380
Movement of prisoners to be conducted in an orderly manner...		9	382
Parade of prisoners	...	11	382
Prisoners how to be behave etc.	...	12	382
Duties of prisoners	...	13	382
Prisoners not to leave work for making representations	...	14	384
Rules and discipline to be observed by prisoners sentenced to S. I. also.		20	389
Military prisoners sentenced to S. I. not to wear uniform	...	21	389
Relaxation of—on grounds of sickness—	...	24	390
District Prison	...	2	1
		5	2
		5	3
<b>Disturbances in Jail—</b>			
Action to be taken by Armed Guard on the occurrence of—	...	29	390
Action when officer is assaulted on the occurrence of	...	30	390
Appointment of place for assembly of guards in case of	...	25	390
Police aid to be called for in the event of	...	35	391
Prisoners to resort to places of security on the occurrence of	...	27	390
Prisoners outside prison to be collected and halted under guard of their escort until the—is over.		28	390
Steps to be taken in case of—	...	26	390
Use of sword etc. against prisoners engaged in outbreak or—	...	31	391
<b>Duties of—</b>			
Medical Officer	...	3 (1)	20 to 25
		to (35)	
The Dy. Inspector General of Prisons (H. Qrs.)	...	4 (i)	4
To be in the immediate charge of the office of the I. G. of Prisons		4 (i)	4
To be assisted by Supdt. of Jail Industries, Supdt. of Prison Textile Industries Research Officer, P. A. to I. G. of Prisons and O. and M. Officer.			
<b>Dy. Inspector General of Prisons (Regional)—</b>			
Places and H. Qrs. and jurisdiction	...	(a)	4
To be assisted by the P. A.	...	4 (ii)	
Immediate control over the prisons in his Region	...	4 (ii)	4-5
		(b)	
To inspect prisons	...	10	192
Ex-officio visitor to all Mental Hospital in the region except at Yeravda.		2	229
Assistance of—for management	...	5	5

	Rule	Page
<b>E</b>		
<b>Education and Vocational Training—</b>		
—Women prisoner to be imparted training or certain vocation	13	610
—of women prisoner as Dais ...	14	610
<b>Employment—</b>		
—of convict officers for night duty ...	Ns 1	616
—of convict officers in charge where habituals are confined ...	Ns 2 (ii)	606
<b>Employment of prisoners—</b>		
Prisoners to be employed in works of repairs ...	27	351
Re: employment of prisoners on public works ...	29	351
Prisoners not to be employed with outside labourers ...	30	352
Guard on prisoners in employment scale of— ...	31	352
Prisoners on extramural work if falls sick ...	33	353
Rules for— ...	1 and 2	344
Classification of labour ...	3	344
—Forms of labour— ...	4	344
—Labour for class I prisoner ...	5	345
—Employment of S. I. prisoner ...	6	346
—U. Ts. not to be employed unless desires ...	7	346
—of civil prisoner ...	8	346
—Percentage of prison servants, C. Os. N. Ws. ...	9	346
No prisoner to be employed on private work ...	9 (iii)	346
	28	351
No prisoner shall be employed to assist in clerical work ...	12	347
Re : employment of C. Os. and adolescent ...	13	347
—Hours of employment ...	18	349
—employment of prisoners under solitary confinement ...	19	349
—employment of prisoners on extra-mural work ...	23	349
—Prisoners employed on blasting etc. ...	22	349
<b>Epidemic—</b>		
Report re : epidemic to be sent to Director of Public Health, Chief Sanitary Inspector of District.	42 (g) (r)	49
Plague inoculation to be resorted in consultation with Director of Public Health.	43	49
Training of squad of prisoners and C. Os. for preventive measures	45	49
Clothing to be disinfected ...	44	49
All jail employees and families in quarters to be vaccinated ...	46	49
(1) In case out break of— ...	3 (8)	21
(2) Change of diet of entire prison during— ...	3 (25)	23
(3) Report re : ...	3 (31)	24
(4) Names of diseases under— ...	23	43
(5) Report re :—to be sent to I. G. etc. ...	24	44
(6) Care to be taken in— ...	25	44
	26	44
	27	44
	3 (8)	21
Conditions for camping grounds in case of ...	29	44
	30	45
	32	45
	33	45
	35	46
Supply of tents for camping grounds ...	36	46
	37	46

<b>E—contd.</b>	<b>Rule</b>	<b>Page</b>
Arrangements of Hospital, conservancy in camping ground ...	38 } 39 } 41 }	46
Care to be taken when prisoners, in epidemic period not to be removed to camping grounds,	42	47
No removal of prisoners should be effected from and to prison where epidemic etc. prevails and precautions to be taken.	(a) to (f) 18	48 520
<b>Escape—</b>		
Notice re : to be given to District Magistrate and Superintendent of Police etc.	39	392
Telegraphic report to (R) Dy. I. G. and I. G., copy to Government	39	392
Action when escape from extramural work ...	49	392
Recaptured prisoner to be received on original warrant ...	41	392
Precautions to be taken to prevent— ...	10 } 11 } 12 }	398
Parties to be punished for negligence and slackness in— ...	13	399
Escapee prisoner to be prosecuted ...	14	399
If prisoner escapes during transit nearest Police Station to be informed by escort Amaldar.	16	519
<b>Escort (Police)—</b>		
Prisoners to be given in custody by of—for production before court.	1	497
Procedure of delivery of prisoner to the— ...	2	497
Property belonging to U. Ts. except cash—to be made over to...	4	497
No prisoner to be hand-cuffed by—unless directed by court or Superintendent of prison etc.	12	499
<b>Escort of prisoners—</b>		
If death of prisoner takes place while in transit ...	19	520
—Responsibility of officer in charge of— ...	14	519
—Ill prisoners in transit to be taken to nearest Hospital or lock-up for treatment.	15	519
—To give intimation of escape of prisoner during transit to nearest police station and Superintendent of prison.	16	519
<b>Execution—</b>		
Arrangement for—viz. ropes, gallows, drops etc. ...	11	629
Presence of officers at— ...	12	630
Superintendent to see that the rope round the neck of prisoner is adjusted properly.	13	630
Disposal of dead body after execution ...	15	630
—Not to be carried out on a day which has been notified as a public holiday.	20	620
—Postponement of—on medical grounds ...	21	620
—Re : delays in carrying out ...	7	628
—Re : of death sentence to be sent to I.G. ...	22	620
Report re : of death sentence to be sent to I.G. ...	23	620
Armed guards batch to be present at— ...	6	628
Identification of convict before— ...	8	628
Prisoners not to be allowed to attend ...	9	628
Re : publicity of execution of the convict ...	10	628
<b>Ex-Military prisoners—</b>		
Military prisoners if sentenced for purely military offences to be kept separate from others.	12	321
Military prisoners sentenced to S. I. not to wear uniforms ...	21	389

<b>E—contd.</b>	<b>Rule</b>	<b>Page</b>
<b>Extramural work—</b>		
Prisoner on—not to leave the gang ...	38	392
<b>F</b>		
<b>Facilities—</b>		
Supply of Note Book to class-I at his cost Powers to withdraw by I. G., Govt. Supdts.	26 35 50	300 301 443
—to undertrial prisoners ...	28	389
—Intimation to relatives of prisoner, list of relatives etc. ...	3	427
—of certain transactions (viz. operating bank account, disposal of property) to be permitted.	18	434
Supply of writing material ...	19	435
Quarterly report re : stoppage of— ...	26	437
—of legal aid ...	34	438
—re : smoking ...	35	438
—keeping photograph of family-members ...	36	439
Class-I prisoners allowed to play chess draughts etc. ...	43	439
No—to refractory prisoners ...	48	443
<b>Facilities to prisoners—</b>		
Certain facilities not to be given to offenders under the Borstal School Act transferred to prison.	49	443
<b>Factory—</b>		
—Work sheds to be used as sleeping wards in case of over crowding.	17	56
—Work shed floors to be filled-with damp proof pit looms ...	6	54
—All work sheds to be amply lighted and ventilated ...	21	56
—Fixing of selling price of articles ...	26	351
<b>Fast—</b>		
Days of fast for prisoners who wish to do so ...	59	370
<b>Female Jail (or Section)—</b>		
Discipline and custody of women prisoners ...	5	380
No male officer to enter— ...	6	381
Register of visits to—to be maintained ...	7	381
Hair of women prisoner shall not be cut—etc. ...	16	385
There shall be block of cells in woman section for punishment etc.	12 5	409 410
Mirror to be fixed in each barrack with cheap combs ...	30	472
There shall be a small Nursery with cradles and other equipment in—	32	472
<b>Films—</b>		
Exhibition of—to prisoners ...	38 39 40 41	439 439 439 439
<b>Fine—</b>		
Action after realizing fines ...	28	503
Month shall be deemed equivalent to 30 days ...	29	503



F—contd.	Rule	Page
Calculation of date of release in part payment of fine ...	31	503
Intimation of recovery of fines by court ...	32	504
Senior Jailor to enquire with the court concerned about payment of fine etc. }	32 (ii)	
Payments of—to be noted in the Register etc. Action not to be taken of fine intimation with no seal of court, and also on telegram re: payment of fine. }	34	504
	33	505
Intimation of payment of fine should come through sentencing court.		
Fine statement book to be maintained ...	35	505
Payment of fine intimation to be received between 8.00 a.m. to 5.00 p. m. and report sent to court.	36	505
Cash re: payment of fine to be accounted for in prison cash book.	37	505
Receipt and realization of fine ...	38	505
Imprisonment in default of payment, of fine to be held in abeyance etc.	39	506
<b>Fire—</b>		
Precautions to be taken against ...	9	398
<b>Firewood—</b>		
Surplus-grown on prison land after meeting requirements of jail, to be sold to jail staff at current bazar rates.	10	64
Supply of—to prisoners on Sunday for washing clothing in boiling water.	33	301
<b>Fodder—</b>		
To be stocked for consumption by jail cattle during Dry seasons.	14	64
	19	266
<b>Food—</b>		
Re : tampering with or scales by cooks ...	38	366
How to prepare breads etc. ...	44	367
How to prepare Dough ...	45	367
How to use Amchur ...	47	368
How to use Oil ...	48	368
Quality of cooked food to be tested ...	49	368
M. O. to exercise vigilance in case of ...	51	368
Defect in quality of— ...	52	368
Shortage of—complaint by prisoners ...	54	369
Consumption of—and disposal of surplus ...	55	369
C. Os. to eat—apart from others ...	56	369
Supply of—to an unconvicted or convicted prisoner, before going to court.	57	369
Supply of—to prisoners on transfer ...	58	370
<b>Forfeiture—</b>		
—of concealed property found with prisoner etc ...	8	449
<b>Furlough and Parole—</b>		
Period to be counted as remission of sentence but not extension	16	545
Period of parole not to be counted as remission of sentence ...	20	546
Punishment for applying for parole on false ground ...	Note	547
—of concealed property found with prisoner etc. ...	23	547
Every order for release' should be in Form-B ...	29	549
Conditions of furlough ...	10	543
	28	548
Declaration by prisoner before release on furlough ...	11	544
	28	548

# 1053

	F—contd.	Rule	Page
Journey expenses to be borne by prisoner released on furlough			12
544			
28 545			
Extension of period of	...	13	544
		25	548
Intimation re : release and surrender of prisoner received on		14	544
furlough to be given to—		27	548
Release order in-operative on a prisoners surrender to prison	...	15	544
		26	548
No legal right	...	17	545
When and to whom furlough not to be granted	...	4	540
		5	541
Prisoners to give personal bond before release on furlough	...	7	541
		24	547
How application for grant of furlough should be dealt with	...	8	541
		22	547
		21	
Fresh application for furlough six months after rejection of		9	541
previous application.			
Sanctioning authority for grant of furlough	...	2	539
		18	546
Rules as to when furlough may be granted	...	3	539
		19	546
Instruction re: counting of period of sentence, duration of		Notes	540
furlough and validity of order.		1 to 5	
Rules applicable to Borstal School lads	...	41	780
<b>Forms</b>			
—of History ticket—for prisoners above one year	...	—	643
—History ticket for prisoners of 3 months and less	...	—	646
—of History ticket for prisoners above 3 months and not more		—	647
than 1 year.			
Form-I—Register showing the description of convicted		657	658
prisoners in jail during the year.			
Form-II M. O's Journal	...	—	659
Description Roll of Lunatic	...	—	662
Nominal Roll of Lunatic	...	—	665
Medical History sheet (Case book)	...	—	665
—of report of local officers for premature release of prisoners...		—	593
—of nominal roll of convicted prisoner who has completed		—	595
14 years of imprisonment.			
—medical certificate in case of prisoner to be released on		—	597
medical grounds.			
—Sheet for a prisoner sentenced to death	...	—	620
Case of history of convict sentenced to death	...	—	621
—Form-III—Medical certificate	...	—	622
Form-IV—Medical History sheet of lunatic	...	—	624
Form-V—Report of execution	...	—	625
Report book of—Form-I	...	—	611
—Form-II—Conditions for release of women prisoners as Dais		—	612
Form of Register of D. S. moveable property Form-II	...	—	291
Form of statement of Excesses shortage—Form-III	...	—	292
Report Book of (Rule 7)	...	—	172
Jail Form No. 12	...	—	186
Annexure-II Powers of punishment	...	—	187-188
Gate Register	...	—	210
Stores requisition and Receipt Book	...	—	211
Receipt (Form IV)	...	—	212
Form-V	...	—	213
Orderly Officers' Diary	...	—	213
Head Load and cart load Register Form-VII	...	—	214
Lock up Register Form-VIII	...	—	215 to
			217

F—contd.	Rule	Page
Order Book of the Supdt. Form-I ...	—	234
Specimen of Form-I to be recorded in No. 13 ...	—	242
Form of Work sheet ...	—	243
Abstract of work sheet ...	—	243
—Details of letters ordered to be with-held ...	—	445
—Estimates of clothing articles for class-II prisoners ...	—	476
—Clothing Register (Form-II) ...	—	477
—Release Diary ...	—	478-479
Form No. II M. O's. Journal ...	—	486
Form-III—Register showing the description of convicted prisoners in the prison during the year. ...	—	487
Form-IV Register of prisoners showing particulars of health on their admission and discharge from the prison for the year. ...	—	488
Form No. I [Rule 11 (d) 18 and 34] ...	—	490
Form No. II (Rule 15) History sheet ...	—	353
Form No. 13 (Rule 2) (Report Book of—) ...	—	353
Form; Name of prisoner to be punished for prison offences with prior approval of I. G., Dy. I. G. ...	—	407
Jail form No. 12 (Rule No. 3) ...	—	408
Letter to relative of prisoner ...	—	410
—Interview Register ...	—	444
<b>Forms and Envelopes—</b>		
Instruction re: Annual Indents ...	43	272
To be kept in good order and properly accounted for— ...	44	272
I. G. to ascertain once in 3 years requirements of special forms ...	45	272
<b>Family Welfare Fund—</b>		
Rules for the management of— ...	10	164 to 170
<b>G</b>		
<b>Gang—</b>		
Formation of—infirm prisoners for special treatment ...	9 (i) and (ii)	26
Gang of infirm prisoners rules re : ...	24	350
<b>Garden—</b>		
Shall have strong hedge to prevent stray cattle ...	4	63
Shall be neat and clean ...	4 Note	
Shall be utilised for various purposes ...	5	63
Water and night soil to be used in ...	6	63
Surplus vegetable (after meeting the needs of prisoners) to be sold to staff at current bazar rates. ...	7	63
Vegetables such as onions, potatoes red—pumpkins to be stored for issue when needed. ...	9	64
	12	64
<b>Gate Keeper—</b>		
Duties of— ...	45	206
Duties of—when passing articles out of prison ...	46	207
To maintain a Register for recording ingress and egress of articles ...	47	207
Duties of—opening prison gates ...	48	207
To prevent embazzlement of prison property etc. ...	49	208
To take receipt of articles passing out ...	50	208
To search persons passing in or out of prison ...	51	208

	G—contd.	Rule	Page
To search even an exempted person if doubtful	...	52	208
To maintain gate Register in his own handwriting	...	53	208
To be responsible for entries lying in Gate	...	54	209
<b>Gifts—</b>			
Acceptance of—of Radio for benefit of prisoners	...	37	439
<b>Grains and Grain Ration—</b>			
—Inspection of—etc. received from contractors and Govt. godown.	...	7	360
—cleaning of—before grinding	...	9	360
—Preservation of stock of—	...	8	360
—Shifting of flour of grinding of—	...	10	360
—Supply of rice and wheat	...	16	364
<b>Guards (Armed)—</b>			
Rules to be framed by Supdt. in case of	...	31	204
Not to take part-in daily routine of prison	...	32	204
Charge of Sentries etc.	...	33	204
Ammunition to be possessed by guard on duty	...	34	204
Conditions to be observed by Sentry and guard commander...	...	35	205
Duties of guard on sentry duty	...	36	205
Fire arms to be kept in Guard room etc.	...	37	205
Guard on sentry duty to be in uniform	...	38	205
Guard commander not to leave his command unless relieved.	...	39	205
Relief of sentries for lunch	...	40	205
Guards on duty not to communicate with any person	...	41	205
—to resist all attempts made to break into prison	...	42	206
—how to act on general alarm—	...	43	206
—to check sentry post twice in night	...	44	206
<b>Guards (Unarmed)—</b>			
Changes in duties	...	23	202
Responsibility of—incharge of work shed	...	24	202
Duties and responsibilities	...	25	202-203
—to explain duties to relieving guards	...	26	203
Guard on prisoner in employment scale of	...	31	352
Strength of escort in extra-mural camps	...	34	353
<b>Guarding of prisoners (sentenced to death)—</b>			
Rules for guarding the prisoners	...	6	614
—under sentence of death	...	1	626
<b>H</b>			
<b>Habitual and Hardened Criminals—</b>			
—the category of—prisoners to be classified as—	...	2	635
		8	649
—Authorities who may classify prisoners	...	3	636
Case of each—to be studied with reference to factors shown	...	4	636
—to be transferred to Ratnagiri Spl. Prison on recommendations of—Classification Committee.	...	5	638
Shall be transferred to Ratnagiri Spl. Prison	...	6	638
—Stage system in case of—for promotion etc.	...	7	638
		15	641
Demotion of—if fails to keep up efforts at self-improvement.	...	10	639
Shall be employed on essential service only in a prison meant for habituals.	...	11	640

	H—contd.	Rule	Page
Case of retransferred—to be reviewed in every 3 months ...	...	6	649
—Not to be confined in particular prison for long ...	...	12	640
—to be allotted to cellular accommodation ...	...	14	640
—Quarterly progress report in respect of every habitual criminal ...	...	16	641
—submission of to I. G.			
<b>Habitual Prisoners—</b>			
—To be confined in special prison for habituals ...	...	6	320
—Habitual adolescent prisoners in ordinary prisons shall be kept entirely separate from other prisons day and night.		10	321
<b>Hand-cuffs and Bar fetters—</b>			
For escaped prisoners and security risk prisoners ...	...	1 to 4	379
Prisoners in—to be examined only by Jailor ...	...	4	379
Powers of Jailor to place prisoners in— ...	...	2	400
Pattern and weight of hand-cuff and when and how to impose... ..	...	6	401
Circumstances in which—not to be imposed ...	...	7	402
Pattern weight of 7 fetters etc. and which and how to impose ...	...	8	402
Period of imposition, condition and when not to be imposed and on whom.		9, 10, 11	403
M. O. to certify fitness for ...	...	23	405
Hand-cuffing can be imposed in addition to fetters ...	...	3	409
<b>Hangman's Fees—</b>			
—Fees of ...	...	14	630
<b>Hard Labour Ration—</b>			
Highest scale of diet in case of— ...	...	29	365
<b>History Ticket—</b>			
Maintenance of—of criminal prisoners ...	...	43	473
		46	474
Entries in—to be made by— ...	...	Note	474
		(43)	
Sheets of—for different duration of sentence ...	...	44	474
Preservation of—period upto which— ...	...	45	474
Wooden Boxes for— ...	...	47	474
Maintenance of—in case of prisoner sentenced to solitary confinement.		6	481
History sheet from ...	...	5 (ii)	9
History sheet of prisoners.....open prisons ...	...	11	16
History sheet of prisoners—open colonies ...	...	—	18
<b>Hospital—</b>			
—To be in charge of the M. O. as specified ...	...	2 (8) (1)	20
		to 4	
—walls of—to be white washed every six months, etc. ...	...	4	25
		4 (ii)	53
Cots, pillows, mattresses, mosquito curtains to be provided etc....		5	25
Prisoners may be detained in hospital for not more than 24 hours without his name being entered in Form II.		8	25
<b>I</b>			
<b>Identification Marks—</b>			
Recording of— ...	...	7	312
Shall be checked before release of prisoner ...	...	16	484

I—contd.	Rule	Page
<b>I. G. of Prisons—</b>		
(1) General Control and Superintendence over all prisons ...	2	4
(2) Duties and powers to Dy. I. G. of Prisons by—with prior approval of Government.	3	4
(3) Conditions to be prescribed by—to open colony inmates for bringing families and dependents and provide employment to them.	12 (i)	16
	14	17
	15	17
(4) Have right to ask any or all the family members of the inmates at open colonies to leave with reasonable time.	12 (ii)	16
(5) To provide accommodation to inmates at open colonies and their families.	13 (i)	16
(6) To issue instructions re : daily routine, discipline, etc. etc. in the open colonies.	18	17
(7) To nominate the Superintendent of Central or District Prison nearest to open colonies to visit the colony.	19 (ii)	18
(8) Can censure or suspend M. M. S. Officer after receiving report of his conduct and report to S. G.	20	180
(9) To sanction employment on extra temporary basis ...	3	190
—Controlling authority for expenditure of prisons ...	4	190
—to audit—all bills ...	5	190
—to sanction expenditure ...	6	190
—to submit A. A. R. ...	7	190
—Competent to release material to press for publication ...	8	191
—to inspect prisons and make out reports ...	9	191
—Ex-Officio visitor to Central Mental Hospital Yeravda and Yeravda Industrial School.	1	229
To ascertain once in 3 years requirements of special forms...	46	272
—to invite quotation for repair of locks and hand-cuffs ...	11	288
—To examine from time to time scales of task that prisoners produce.	17	348
—To sanction dietary for each prison ...	18	363
<b>Illegal detention—</b>		
—Cases of—and unauthorised premature release to be reported to Dy. I. G. (R) with statements of parties responsible etc. etc.	47	508
<b>Interviews and Letters—</b>		
Rules about grant of— ...	3 to 16	427 to 431
Prisoner on hunger strike not to be granted ...	9 (ix)	430
Sick prisoners interview to be granted in Hospital and Civil Hospital etc. ...	9 (x)	430
	9 (xi)	
Jailor to be present at—		
During—prisoner under sentence of death not allow to approach his friends etc.	11	431
Political matters not to be discussed at ...	12	431
Interview of a foreign national to take place and within the hearing of the—Superintendent /Dy. Superintendent or the Sr. Jailor.	14 (ii)	432
Power of State Government to withhold privileges of interview	15	432

	I—contd.	Rule	Page
<b>Investigation (by Police)—</b>			
Procedure for handing over prisoner to the Police for investigation 498			10
<b>J</b>			
<b>Jailors duties—</b>			
In absence of Sr. Jailor his duties to be performed by— ...	15		199
—to look after complaints of prisoners under his charge etc. 199	...		16
In absence of Junior Jailor his duties can be performed by H. C.	17		199
<b>Jewellery—</b>			
To be taken from prisoners and dealt with as per rules (Prisoners Property and Documents) Rules, 1964.	3		310
<b>Junior M. O.—</b>			
Duties of—	...	51	50 to 52
—to supervise food, extra diet	...		
—to maintain order discipline in hospital etc.	...		
—to see safe custody or medicines etc.	...		
—to examine newly admitted prisoners	...		
—to accompany C. M. O.	...		
—to inspect Kitchen daily	...		
—to attend all members of the prison staff and their families when—required etc.	...		
<b>K</b>			
<b>Keys—</b>			
Custody of—	...	15	298
		16	
Break-open glass of key box in emergency	...	17	299
Custody of—Treasure chest	...	18	299
Loss of—	...	19	299
<b>Kitchen—</b>			
No prison employee to be allowed to cook his food inside the 366 prison.			37
Unlocking of cooks working in—	...	39	366
Supply of aprons to prisoners working in the—	...	40	367
Number of cooks (4 per cent of prison population)	...	41	367
Cleanliness in—	...	42	367
Cooking in—	...	43	367
<b>L</b>			
<b>Latrines—</b>			
Accommodation for— at the rate of—	...	25 (i)	56
		(ii)	
—and construction of etc.	...	25 (i) (a)	56
		to (e)	
Cleaning of—	...	26	57
Night latrines	...	27	57
—to be painted with coal, tar etc.	...	28	57
Disposal of refuse etc.	...	29	57
Urine etc.	...	30	57
Night soil etc.	...	31	57
		32	58
Use of—by prisoner during day	...	16	61
<b>Leave—</b>			
—to maintain roster for grant of leave	...	27	155, 156

	L—contd.	Rule	Page
<b>Leprosy—</b>			
Segregation of prisoners	...	12	26
—suffering from—and care to be	...	47	50
—taken in case of leper prisoners	...	48	50
		49	50
		50	50
<b>Letters of prisoners—</b>			
Communication addressed to and pertaining to Foreign nationals		23-A	436
		24-A	
Letters addressed to Government not pertaining—to prison administration can be sent direct.		24	436
Destruction of—	...	27	437
Application by prisoners not to be treated as letter	...	3	445
Letters addressed to Government, Ministers etc.	...	2	445
not to be treated as letters.			
<b>Letters to prisoners—</b>			
Scale of letters allowed to be written	...	17	433
No limit for incoming letters	...		
Not to be allowed to write letters to prisoners in other prison.			
Letters can be substituted for interview and <b>vice-versa</b>			
Every incoming and outgoing letters of prisoners to be censored.		23	436
No letter on political subject, structures on Adm. allowed.	...	20	435
Letters written in languages not known to any prison employees to be sent to I. G. for further action.		21	435
Letters written in ciphers not allowed	...	21	435
Re : communication from members of parliament or State Legislatures.		22	435
Re : communication addressed to dignitaries of Central Government.		22-A	436
<b>Liaison Officer—</b>			
Duties, Function etc. of—at open colonies	...	19 (i)	17-18
		11	16
		7	15
		13 (ii)	16
<b>Library—</b>			
Every prison to have—for use of prisoners	...	28	437
No. and type of books etc. in addition to library books	...	30	438
Rules re : own books of prisoners	...	31	438
		32	
		33	
<b>Light—</b>			
—To be kept burning during night	...	30	300
<b>Literacy class—</b>			
—To be held for illiterate women prisoners	...	13 (i)	610
—Holding of after lock-up	...	24	300
—Supply of stationery for—	...	25	300
<b>Lock-up—</b>			
—No. of prisoners locked-up to be recorded in register	...	20	299
—Report of—to Superintendent	...	21	299
—Ingress and Egress prohibited between	...	22	299
—Opening of barrack or cell during night in emergency	...	23	299



	L—contd.	Rule	Page
<b>Loss or damages—</b>			
Report in case of—	...	8	288
<b>Lunatics—</b>			
Classification criminal lunatics	...	3	651
Transfer of criminal to an asylum	...	4	652
Certificate under section 473 of Cr. P. C. to be granted by I. G.	...	5	652
Transfer of lunatic prisoners procedure and documents to be submitted to.	...	6	652
Criminal lunatic or lunatic prisoners to be transferred to asylum if fit and warrant returned.	...	8	654
—Female criminal lunatic to be transferred to asylum	...	11	655
—Precautions to be taken when—	...	9	655
—Criminal lunatics to be kept in separate compartment while travelling etc.	...	10	655
—Action to be taken after recovery of lunatic prisoners	...	12	655
—Procedure when the lunatic prisoner on recovery is retransferred to prison.	...	13	655
—Action when insanity of recovered prisoner relapse	...	14	655
—To be employed on light labour on recovery	...	15	656
—Procedure for recommending cases of lunatic prisoners for release on recovery.	...	16	656
—Certificate of receipt of lunatic	...	17	656
—Confinement of lunatic in cell	...	18	656
—Discharge certificate to be furnished to lunatic	...	19	656
—Rules governing supposed under observation under the Indian Lunacy Act, 1912.	...	20	656
—Maintenance of certain records in respect of non-criminal lunatics.	...	2	660
—Non-criminal lunatics to be excluded from all statistical returns	...	4	660
—Supdts. to discharge function of I. G. u/ss. 473 and 474, Cr. P. C.	...	5	660
Transfer of a lunatic prisoner to a mental hospital and his retransfer to prison do not affect the period of imprisonment etc.	...	6	661
Procedure re : Accounting of recovered criminal lunatics	...	7	661
Procedure re : Accounting of recovered criminal lunatics	...	8	661
<b>Lunatic prisoners—</b>			
Visits to and reports of I. G. in case of	...	1	218
Supdts. is empowered to discharge all functions of I. G.	...	1 (ii)	218
Certificate u/ss. 473 and 474, Cr. P. C. by I. G. in case of—	...	2	218
Border line cases to be kept at Yeravda Central Prison and Nagpur Central Prison.	...	14	41
<b>M</b>			
<b>Management of prison (working hours)—</b>			
Prison to remain open	...	2 (i)	230
Working hours of staff	...	2 (ii)	230
	...	2 (iii)	
Opening and locking up of prison	...	1	235
	...	4	231
Mustering of jail guards	...	5	231
Prison staff to give intimation of absence	...	6	231
Sr. Jailor, Head Clerk and M. O. not to leave prison without permission of the Superintendent.	...	7	231

	M—contd.	Rule	Page
<b>Matron—</b>			
At prisons in which woman prisoners are confined ...	6	5	
—to be in immediate charge of woman prisoners in absence of		27	
203			
Matron or Woman Jailor, the duties can be discharged by—	28	203	
woman C. O.			
—to attend on woman prisoners given separate confinement ...	29	204	
—to ensure removal of woman prisoner to barrack etc. ...	30	204	
<b>Meals—</b>			
Serving of—	53	369	
Complaint about shortage of—	54	369	
<b>Meals to prisoners—</b>			
To be given to prisoners before release	52	509	
<b>Medical Officer—</b>			
—to be incharge of Prison Hospital and sick prisoners ..	2 (i)	20	
Appointment of—	2 (i) (1)	20	
	to (4)		
—Subordinate to Supdt. of Prison	1	39	
—Debarred from Private Practice	2	39	
—to give treatment to weak, convalescent and old prisoners ...	5	39	
—to visit the prison hospital	2 (ii)	20	
—to see that proper expenditure on medicines and other	3 (i)	20	
medical stock is incurred.			
—to examine all the medicines in store from time to time ...	3 (2)	21	
—to regularly check the accounts of medicines purchased	3 (3)	21	
from market.			
—himself to check the stock of drugs and instruments every	3 (4)	21	
six months and submit certificate to I. G., Dy. I. G. etc.			
—to pay spl. attention to quality and quantity of water supply etc.	3 (5)	21	
and to take action in case of contamination.			
—to inspect sources surrounding and distribution of water	3 (6)	21	
supply etc.	33	58	
—to arrange proper distribution of work amongst staff of hospital	3 (7)	21	
—to visit occasionally prison cemenetry and to keep in view sites	3 (8)	21	
etc. for utilisation of camping grounds in case of outbreak of	28	44	
epidemic etc.			
—to inspect all new cells, wards, etc. and to certify its fitness	3 (9)	21	
for occupation.			
—to visit hospital daily, see all cases	3 (10)	21	
—to personally examine and pass orders re : treatment of all	3 (11)	21	
prisoners received in the previous morning.			
—to examine all prisoners for diseases like V. D.	3 (12)	21	
—to personally treat the sick prisoners as far as possible	3 (13)	21	
—to visit the prison as many times daily	3 (14)	22	
—to acquaint the Supdt. of his absence etc.	3 (15)	22	
—to ascertain that nothing likely to injurious to the health of the	3 (16)	22	
prisoners exist therein, inspect every part of the prison etc.			
—to be present at the time of weekly inspection of prison by the	3 (17)	22	
Supdt. etc.			
—to report at once to the Supdt. the necessity for the removal	3 (19)	22	
of any prisoner, from cells etc. on account of bodily and			
mental infirmity.			

M—contd.	Rule	Page
—to see that the Hospital books, Registers and returns are maintained properly.	9 (20)	22
—to pay special attention to the Register and book viz., M. O.'s Journal etc.	3 (21)	22
—to keep a record in form X (Form Cr. 3) of all cases admitted to the Hospital etc.	3 (22)	23
—to scrutinise the entries made by the Junior M. O. in Health Register etc.	3 (23)	23
—To sign orders for extra diet and other articles required for sick prisoners etc.	3 (24)	23
—to recommend the change of diet of entire prisoners during prevalence of epidemic disease.	3 (25)	23
—to take into account convicted criminal prisoners occupation etc. to form the opinion about the physical fitness.	24	364
—To prepare abstract re : gain or loss of weight in case of prisoner on labour.	3 (26)	23
—To prepare nominal rolls of prisoners issued extra diet ...	3 (27)	23
	6	39
—To report in form-I about the health of prisoners etc. ...	3 (28)	24
—To report to I. G. of Prisons through Supdt. any unusual or excess of sickness or mortality in the prison.	22	363
—To report to the Supdt. in writing the appearance of any epidemic etc.	3 (29)	24
—To give direction re : immediate separation of particular prisoner, from other prisoners, due to suspected infection disease etc.	3 (30)	24
To hold post-mortem in all fatal cases, if possible, etc. ...	4	39
—To examine judiciously all cases which are recommended for release on medical grounds etc.	3 (31)	24
—To examine all prisoners who are awarded corporal punishments and attend all executions of prisoners.	3 (32)	24
—To decide whether the prisoners complaining of illness should be admitted to Hospital or treated as out patient etc.	3 (33)	24
	3 (34)	25
—To permit prisoners to purchase, at his own cost food, patent medicines, clothing etc. on health grounds.	3 (35)	25
	6	25
	12	41
	13	41
—To examine gang of infirm prisoners once a week ...	7	25
—To advice Supdt. re: protection of prisoners from (Cold wet or sun).	17	42
—To examine prisoners at work and, if necessary, advice change of labour.	20	43
—To arrange for convict hospital attendant when necessary ...	9 (ii)	26
—To see that prisoners transferred are fit for journey etc. ...	3	39
—To train prisoners in Nursing work etc. and duties of hospital	7	40
	16	41
	15	
—To issue special drugs etc. if found necessary ...	17	42
—To visit sleeping barracks of prisoners at uncertain intervals for seeing ventilation etc.	23	56
—To attend on all prison officials their families who reside in prison premises.	2	163
—To submit annual medical indent sufficiently in advance to be based on consumption of last 3 years.	21	266
	22	
	23	266
	24	
	25	
—Not to submit extra indent ...	26	266
—To examine U. T. for marks of violence ...	21 (ii)	310

M—contd.	Rule	Page
—Duties as per rule 16 for classification of hard labour etc. ...	16	316
—to examine prisoner on extra-mural work ...	21	349
—to decide diet of prisoners in Hospital ...	21	363
—not to allow malingers in Hospital ...	3	397
<b>Medical Officer—</b>		
Prison Hospital and sick prisoners to be incharge of— ...	2 (ii)	20
Apporintment of— ...	2 (i) (1) to (4)	20
Examination of women prisoners by ...	6	608
—to report to Suptd. about pregnant or suspected to be pregnant women—prisoners	7 (i)	608
—to report to Dy. I. G. of prisons about pregnant women prisoners	7 (i)	608
<b>Milk—</b>		
Dairy shall be run when it is profitable and milk supplied to prisoners.	8 (ii)	63
Surplus—to be supplied to jail staff at current market rates ...	8 (iii)	64
Supplied by contractor to be tested by lacto meter ...	8 (iv)	64
—Calves to be kept in separate enclosure ...	8 (v)	64
—To be examined by the M. O. ...	36	366
<b>Mirror—</b>		
To be provided at Government costs and to be fixed to a wall etc.	15 (i) (a)	384
To be provided in women prisoners' barrack ...	30	472
<b>Moral Lecturers—</b>		
Appointment of social and moral lecturers ...	5	356
Selection of lecturers ...	6	356
No. of lecturers for each category of prisoners ...	7	356
Term of appointment of lecturers ...	8	357
Subject of—and arrangements ...	9	357
Not to interfere with prison routine ...	10	
	11	
Remuneration to and suggestions by— ...	12	357
	13	
Returns—quarterly etc. ...	14	358
<b>N</b>		
<b>National Flag—</b>		
Authorised sizes of—for prison ...	1	173
Flying of—Rules for— ...	2	173
	3	173
Destruction of— ...	4	174
Saluting the National Flag ...	8	174
When to unfurl the—and by whom ...	11	175
Periodical inspection of and their account ...	15	265
<b>News Papers—</b>		
Supply of—at Government cost from approved list ..	29 (i)	437
No supply of—at Government cost to un-convicted criminal and civil prisoners.	29 (ii)	437
Prisoners can read— ...	27	300
<b>Night Duty—</b>		
Employment of convict officers for— ...	Ns	606
	1	

	N—contd.	Rule	Page
<b>Night visits—</b>			
By Superintendent, Jailors, Subhedar, Jamadars etc.	...	31	301
<b>Night Watchman—</b>			
Duties of—	...	11	604
<b>Nursing Orderlies</b>			
Duties of—	...	53	52
to be prescribed by Jr. M. O. to be approved by R. M. O. or Sr. M. O.			
<b>O</b>			
<b>Offences by prisoners—</b>			
Acts constituting prison offences	...	19	387
Lists of—			
Acts constituting both prison offence and offences under I. P. C. and how to be dealt with—		25	405
Supdt. to find out causes of all—in typical cases	...	3	408
<b>Office Organisation—</b>			
Section to be framed in prison office	...	1 (a)	235
Distribution of work	...	1 (b)	235
Opening and marking of Tapal	...	1 (c)	236
		2	236
Action on receipts of Tapal	...	3	237
Work sheets and Abstract	...	4	237
		5	238
Method of disposal	...	6	238
Arrangement of Daftar	...	7	238
Maintenance of Await file	...	8	239
Periodical reports	...	9	239
Maintenance of S. O. file	...	10	239
Papers to go to record	...	11	240
		12	
<b>Office Records—</b>			
Preservation of—	...	12	289
<b>Open Colonies—</b>			
Open Colonies for Temporarily released prisoners	...	1	11
		3	11
Permission to released prisoners to go to native place for 15 days	...	17 (i)	17
Extension of leave be granted by I. G. of Prisons	...	17 (ii)	17
Open Prisons	...	2	1
<b>Opium—</b>			
Issue of—	...	8	40
<b>Orderly Officers (Jailor Gr. II)—</b>			
—for night	...	18	200
Duties of—for day	...	19	{ 200
			{ 201
Duties of—for night	...	20	201
<b>Organisation and method officer—</b>			
Assistance of—to Dy. I. G. of Prisons (H. Q.) in his duties etc.		4 (i)	4
<b>Over Crowding—</b>			
Steps to be taken by the Supdt. in case of—	...	9	333

P	Rule	Page
<b>Panchayat of prisoners—</b>		
Object of—	2 (i)	395
Constitution of—	2 (ii)	395
Eligibility for Election to—	2 (v)	395
Election to—	2 (viii)	396
Meeting—	2 (x)	396
Removal of panch—	2 (xi)	397
Functions	2 (xiii)	397
<b>Pay—</b>		
Procedure re : preparation of first pay bill	6	147
<b>Pension—</b>		
Volunteer of retirement and reduction of pension	36	185
<b>Personal Assistant to the I. G. of Prisons—</b>		
Assistance of—to Dy. I. G. of Prisons (H. Q.) in his duties etc.	4 (i)	4
Personal Assistant to the Regional Dy. I. G. of Prisons.		
Assistance to Dy. I. G., function responsibilities	4 (ii) (4)	5
<b>Petitions by prisoners—</b>		
Rules re :	1	412
Prisoners can submit—to		
Governor through Government for pardon etc.	2 (i)	412
Accompaniments to—	2 (ii)	412
Procedure to be followed, if petitions are addressed to President of India and Supreme Court etc.	2 (v)	413
Scrutiny of—	2 (viii)	413
and to be forwarded with least possible delay.	(ix)	
—for remission of sentence or pardon on M. G.	3	413
Facilities to prisoners for preparation of—	4	413
—when not to be forwarded	5	414
—second petition not to be entertained	6	414
—for mercy by prisoners sentenced to death and how to deal with etc.	7	414
	8	
	9	415
<b>Petty purchases—</b>		
Purchase of articles upto Rs. 20	20	266
<b>Photographs and shooting of scence—</b>		
Ordinarily not to be allowed except with permission of I. G.	16	176
Shooting of scence by <i>bona fide</i> film producers	17	177
<b>Political Prisoners—</b>		
To report to Government through I. G. if any prisoner claims privileges on political grounds.	5	333
<b>Prayers—</b>		
Mass prayer to be allowed to each religion	3	355
<b>Premature release—</b>		
No prisoner to be released unless order u/s. 428, Cr. P. C. received from Government and on telegram etc.	43	507
	44	

	P—contd.	Rule	Page
<b>Premature release of prisoners—</b>			
Nature of cases to be submitted to Government by D. M. and C. P. M., Mumbai.		28	587
The date of release of prisoner shall be reported to I. G. and relatives etc. of prisoner.		29	587
—of prisoner sentenced in default of furnishing security who is sick.		30	587
—of prisoners in danger of death on M. G. ...		27	586
Procedure re : and documents to be submitted in case of ...			
Case for on M. G. whose unexpired sentence does not exceed 6 months to be sent D. M., C. P. M. etc.		27 (vii)	587
Prisons—constitution of—under ...		1	4
<b>Prisoners—</b>			
Appointment of non-eligible—as convict officers ...		7 (ii)	603
Repromotion of—as convict officers ...		7 (iv)	603
No two—in one case confined in one barrack ...			
—who work together can sleep together in one barrack ...			
—To be changed frequently from barrack to barracks ...		28	300
—To sleep only in the place marked ...		29	300
—To wash his clothes at least once a week and have daily bath.		32	301
—To get his clothes washed in jail laundry at his cost. ...		34	301
—to wash their clothes on admission ...		4	311
		1	332
—To be produced before the Supdt. within 10 days on his admission.		12	315
—To be vaccinated on arrival ...		17	317
To be placed in quarantine on admission and instructions there of ...		18	317
		19	317
—Shall not evade work which is allotted ...		10 (ii)	346
—Duties of prisoners—How to behave ...		12 and 13	382
<b>Prisoners Welfare Fund—</b>			
Title, object, source of etc. ...		1 to 3	423
Administration of— ...		4	423
Meeting of the Committee for ...		5	424
—Method of collecting and accounting ...		6	424
To be audited by Department and outside Department Auditor.		7	425
1/2 yearly report—to be submitted ...		8	426
<b>Prohibited articles—</b>			
Names of— ...		17	385
—Other prohibited articles ...		18	386
<b>Property of prisoners—</b>			
Senior Jailor responsible for safe custody of and delivery of—		2	447
		4	448
Procedure re : how to deal with the (Re : perishable articles, obscene picture, liquor, opium, ragges etc. etc.).		3	447
Cash, jewellery to be entered in Form Nos. I, II and III with estimated value etc.		3 (iii)	447
Destruction of insanitary private clothing of prisoners ...		5	448
Delivery of—to friends etc. or sale thereof etc. procedure for—		13	450
Transfer of—to another prisoner prohibited ...		14	451

	P—contd.	Rule	Page
Transfer—on transfer to another prison	...	15	451
		16	451
Return of—on release	...	18	
Disposal of—unclaimed and of absconding prisoners, and of prisoner sent to Mental Hospital.		19	451
		20	
Procedure re : storing of prisoners clothing properly.		6	448
Valuable articles, viz., Jewellery etc. to be sealed in packet and cash taken to books and kept in Treasury.		7	449
—To be sold by auction in case of long term prisoners etc.	...	9	449
—Staff members not allowed to buy the property.	...	11	450
<b>Property of prisoners—</b>			
Any discrepancy in cash or jewellery of prisoners noticed at the receiving prisons should be reported to Prisons from where the prisoner is removed.		17	520
<b>Publicity Material—</b>			
Points to be observed while sending material for	...	3	218
<b>Pulses—</b>			
—To be thoroughly cleaned before being cooked	...	11	360
<b>Punishment to prisoners—</b>			
Forfeiture of remission	...	22	565
		23	566
Removal from—	...	24	566
<b>Punishments for prisoners—</b>			
—Rules re :	...	1	400
—Prisoners not to be punished for complaint ...	...	3	400
—of exclusion from privilege of—earning wages	...	4	400
—Major and Minor punishment	...	5 (a)	401
		5 (b)	
—There shall be block of cells in woman section for—	...	12	403
—Two or more prisoners not to be confined in one cell.	...	13	403
Re : punishment by Magistrate for prison offence	...	24	405
—No prisoner to be punished twice for the same offence	...	26	406
—List of—to be awarded by the Supdt. of prison as ordered by I. G.		1	407
		25	437
—Not to be punished without enquiry and opportunity to defend.		1	409
<b>Punishments (Staff)—</b>			
Prosecution of officials for—	...	24	181
Offences for which dismissal or prosecution should follow...		25	182
I. G.'s sanction for prosecution required	...	26	183
How to deal with officials convicted by court	...	27	183
How to deal with officials convicted when acquitted by court.		28	183
How to deal with officials convicted	...	29	183
Procedure to hold D. Es.	...	30	184
		31	
		32	
		33	



	<b>P—contd.</b>	<b>Rule</b>	<b>Page</b>
—Dismissed Government servants employees	...	34	185
—Discharge of Temporary employee	...	35	185
—Revision from offg. appointments	...	37	185
—Re : punishment of fine	...	38	186
	<b>Q</b>		
<b>Quarantine—</b>			
—On admission prisoners to be placed in—	...	18	317
		19	
—Prisoners put in—to be confined in cells	...	21	318
—Prisoners not to be transferred from quarantine unless certified by M. O.		22	318
Applicability of Rules during—	...	3	380
<b>Quarters—</b>			
Not to allow persons not belonging to family in question.	...	17	151
Shall not leave quarters without permission	...	17	151
Occupants should pay electricity charges etc. and responsible for damages.	Note	1	152
Prison employees should be incharge of—for 4 months during leave etc.	Note	2	152
To be allotted to eligible employees according to seniority and status.	20		153
If quarters not provided to the eligible employers, they are entitled to H. R. A.	21		15
	<b>R</b>		
<b>Rations—</b>			
Scale of—Fixation by Dy. I. G. (R) distribution of—etc.	...	14	362
Ration diet—to be divided into 2 equal parts	...	15	363
Powers of M. O. to reduce—in certain cases	...	23	364
Correctness of supply of—to be checked	...	32	365
Scale of cereals and pulses—weekly	...	34	366
Supdt. to inspect Rations etc.	...	50	368
Sunday—to be issued to prisoners	...	60	370
Supply of—to fasting prisoners during Ramzan months.	...	61	371
<b>Receipts—</b>			
Not to demand stamped receipt from prisoner for the amount returned.	17		452
<b>Recruitment Rules—</b>			
Dy. I. G. of Prisons	...	—	76
Supdt., Central Prison; Principal, Jail Officers' Training School.	...	—	76
Supdt., District Prison, Cl. I; Principal Borstal School, Kolhapur.	...	—	76
Superintendent of Jail Industries	...	—	77
Supdt., District Prison, Cl. II; Dy. Supdt. of Central Prison.	...	—	78
Supdt. of Prison Textile Industries	...	—	79
Research Officer	...	—	80
P. A. to I. G. of Prisons; Dy. I. G. of Prisons and O. and M. Officer.	...	—	81
Jailor, Group-I	...	—	81
Jailor, Group-II	...	—	81
Orderly Officers	...	—	82
Supdt. of Dist. Prison, Cl. III	...	—	—
Women Jailor, Gr. II	...	—	83
Subhedar	...	—	84
Jamadars	...	—	84
Havildar	...	—	84

R—contd.	Rule	Page
Naik	...	85
Sepoys	...	85
N. Os. Junior Supervisor	...	85
Senior Matron	...	86
Junior Matron	...	86
Aya	...	86
Naiks (Cl. IV)	...	86
Daftarband	...	86
Peons	...	86
Office Supdt.	...	87
Head of Branch	...	87
Sr. Auditors, Accountant	...	87
Head Clerk	...	87
Stewards and Canteen Accountants	...	87
Senior Clerks (L. G.)	...	87
Junior Auditors	...	88
Junior Clerks	...	88
Stenographer	...	89
Laboratory Technician	...	90
Compounder	...	90
Statistician	...	91
Head Master	...	91
P. T. I. (H. G.)	...	92
P. T. I. (L. G.)	...	92
Field Kamgar	...	93
Textile Officer	...	94
Supervisor (Weaving)	...	94
Jobber	...	95
Instructor (Weaving)	...	96
Instructor (Carpentry, Weaving)	...	96
Warper	...	97
Supervisor (Tailoring)	...	98
Instructor (Tailoring and Lady Instructor)	...	98
Supervisor (Carpentry)	...	99
Instructor (Lacquer)	...	100
Supervisor (Carpentry)	...	101
Supervisor (Blacksmithy and sheet-metal)	...	102
Instructor (Turner)	...	102
Instructor (Blacksmithy)	...	103
Instructor (Fitter)	...	104
Supervisor (Leather Industry)	...	105
Instructor (Leather Industry)	...	106
Instructor (Bakery)	...	106
Supervisor (Paper Industry)	...	107
Instructor (Paper Industry)	...	108
Supervisor (Chemical)	...	108
Sawyer	...	109
Driver	...	109
Teacher/House Master	...	110
Braille Instructors	...	110
Mess servant (J. O. T. S.)	...	110
Regional Divisions of Prisons	3	1
<b>Release of prisoners</b>		
Re: of U. Ts.	9	481
Prisoners to be produced before M. O. and Sr. Jailor before release	15	484
All dues of prisoners to be settled and private property returned to prisoners before.	16	484
Re : release of prisoners suffering from contagious or dangerous—diseases	17	484
—Time for—	18	485
Spl. circumstances for release after lock-ups	19	485
Intimation of—certain prisoners to be given to Police	22	485
	48	508
	49	508

<b>R—contd.</b>	<b>Rules</b>	<b>Pages</b>
Re : release of prisoners detained in default of furnishing securities.	25	502
No prisoner to be released (prematurely) unless order from Government u/s 428 Cr. P. C. received, and on telegram.	43	507
Re : release—on bail ...	44	507
—Confirmation of orders of—before taking action, if received on—telephone.	42	507
Intimation re: M. Ps. M. L. A. or M. L. C. to be given to respective speaker, speaker or chairman.	45	507
Before—his canteen and private cash account to be completed.	50	509
Meals and T. A. to place of arrest etc. to be given on— ...	51	509
Scale and rate of T. A. to prisoners ...	52	509
Intimation re: Admission and Release of M. Ps., M. L. A., M. L. C. to speaker, chairman etc.	229	512
		513 to 515
<b>Release suit</b>		
Prisoners to be provided within certain cases ...	12	450
<b>Religious facilities</b>		
—Religious instructions prohibited ...	2	355
—Summoning minister of faith for attending prisoners under death sentenced and—serious illness.	4	355
<b>Remission</b>		
Total of ordinary and spl. remission not to exceed 1/3rd of sentence without spl. sanction of Government.	19	564
Maintenance of record of remission ...	20	564
6 monthly return of Spl remission from Supdt. to I. G. and I. G. to Government	21	565
Rules re: forfeiture of— ...	22	565
	23	
Removal from and restoration to remission system ...	24	566
Powers of State Government and I. G. to revoke remission ...	26	567
<b>Remissions</b>		
Kinds of—and purpose ...	1	572
	4	556
Authority to grant— ...	5	556
Prisoners Eligible for— ...	6	556
Scale of— ...	8	557-559
	9	559
and procedure for calculating— ...	10	560-561
Non-Eligibility for—offenders transferred from Borstal School.	7	557
Kolhapur to prison not eligible for 6 months from admission...	11	562
Annual Good Conduct remission ...	12	562
(i) Scale of—to prisoners at open prison ...	7	9
(ii) Scale of—to prisoners released to open colonies. ...	9	15
(iii) Record of remission of prisoners at open colonies to be maintained by prison from which he is received.	10	16
Remission is concession and not right ...	3	555
<b>Removal of prisoners—</b>		
Batches should be of 10 including escort ..	2	527
Circumstances under which Govt. vehicles and police vans, shall be used for—	5	528

R—contd.	Rule	Page
Shortage and cheapest route shall be selected ...	5-IV	529
Action to be taken while death of prisoner in transit ...	19	520
Scale of T. A. to prisoners while— ...	20	520
M. O. to certify fitness of prisoners before—etc. ...	21	520
Rly. steamer or S. T. warrant to be issued and signed by Superintendent. ...	22	521
Documents reports to be sent with all entries re : Remission, discipline etc. ...	5-A	523
	23	521
	24	
	25	
	28	
Papers re: modification, amendment in sentence ..	26	523
if received, after transfer of the prison to be sent to that prison by Reg. post.	7	259
Intimation re: transfer of prisoners whose appeals are pending and prisoners undergoing sentence in default of fine to be given to court concerned.	27	523
Enquiry re: accommodation to be made ...	1	527
Issue of articles of Diet to prisoner under removal ...	3	537
Grounds for— ...	3	516
	5	517
	6	518
Previous sanction of I. G. for necessary ...	4	516
—Where previous sanction of I. G. for—not necessary ...	4	516
Prisoners sentenced to solitary confinement not to be—to prisons where there is no such cell.	7	518
C. Os. not to be removed without I. G.'s sanction ...	8	518
Restriction and procedure for ...	9	518
	12	
Intimation of—likely to attract public attention to be given to Police, D. M. etc.	10	518
Dangerous etc. escapees ...	13	518
		519
No removal of prisoners should be effected from and to prison where epidemic etc. prevails, and precautions to be taken if effected.	18	520
<b>Re-promotion—</b>		
—of prisoners as convict officers ...	7 (iv)	603
<b>Research Officer—</b>		
Assistance of—to Dy. I. G. of Prisons (H. Q.) in his duties etc.	4 (i)	4
<b>Resignation—</b>		
To resign if selected for appointment by India Government and Corporation etc.	18	151
Pending—if remain absence etc.—Procedure for ...	28 (2)	156
Acceptance of— ...	28 (3)	157
<b>Returns and Registers—</b>		
List of periodical returns to be put up before ...	8	232
Registers to be maintained at—List of— ...	9	232
List of returns and periodicals ...		245
Quarterly and six monthly return about lectures ...		358
Half yearly report regarding prisoners ...	—	—
Welfare Fund to be submitted by the Supdt. to I. G. through Dy. I. G. (H. Q.).	8	426
Quarterly report re: stoppage of facilities etc. ...	26	437
Monthly report about pending of cases of U. Ts. in cases ...	14	499

R—contd.	Rule	Page
6 monthly returns of spl. remission ...	21	565
Supdt. to I. G. and I. G. to Government ...		
Release Diary—Form VI ...	—	330
Register of Prisoners showing particular of health of prisoners on admission and discharge. ...	—	331
Form—VII for the year ...		
Appendix-A History sheet ...	—	339
Appendix-B Initial Classification sheet ...	—	340
Appendix 'C' Progress report ...	—	341
Appendix 'D' Prisoners case file ...	—	342
Register of Extra Diet ...	—	377
M. O.'s Journal Form-II ...	—	378
Order Book of Supdt. Form-III ...	—	378
Jailor's Report Book—Form-IV ...	—	378
Report Book (Rule 4) Prison ...	—	379
Proforma of Register of visits to women section ...	—	393
Jail Form No. 12 ...	—	393
Jailor Form No. 9 ...	—	394
Nominal roll of prisoner who has submitted petition to Government. ...	—	419
Register showing particulars of Private cash ...	—	453
Register showing particulars of receipts and disposal of valuable articles, ...	—	454
Register showing particulars of clothing of Medical Officers' Journal. ...	—	455
Form-V Rule 7 (1) Prisoners Ticket ...	—	456
Form-VI Cash Book ...	—	457
Form No. VII (Rule 8) orders of Supdts. ...	—	458
Form No. VIII History Ticket (for prisoners above 3 months and not more than 1 year). ...	—	458
History Ticket for prisoners above 1 year ...	—	460
History Ticket for prisoners for 3 months or less ...	—	462
Weight chart (2 years) ...	—	463
Form No. I Rule 1 I(d) 18 and 34 ...	—	353
Form No. II (Rule 15) History sheet ...	—	353
Form No. 13 (Rule 2) (Report book of—) ...	—	407
Form, Name of prisoner to be punished for prison offences with prior to—approval of I. G./Dy. I. G. ...	—	408
Jail Form No. 12 (Rule No. 3) ...	—	410
Letter to relative of prisoners ...	—	444
Interview Register ...	—	444
Register showing particulars of private cash of convicted undertrial prisoners confined in the prison during the year. ...	—	491
Register showing particulars of receipts and disposal of valuable articles—jewellery of convicted undertrial prisoners confined in the Prison during the year. ...	—	492
Register showing particulars of clothing of convicted and under-trial criminal—prisoners confined in prison during the year. ...	—	493
Remission Register ...	—	494-495
Form IX—Receipts ...	—	496
Form—Return of Habitual offenders and Prisoners—sentenced to 1 year and above to be released on—	—	511
Form 'A', 'B', 'C', 'D', 'E' re: transfer of prisoners ...	—	524 to 527
	6	529
	8	529
Form 'A' Security Bond ...	—	549
Form 'B' Personal Bond ...	—	550
Report re: conduct and work of habitual prisoner ...	—	567
Report of Supdt. recommending grant of Spl. remission to prisoners. ...	—	567

R—contd.	Rule	Page
Remission sheet ...	—	568
Remission Register ...	—	569
Report about prisoner who do not deserve ordinary remission.	—	571
Report about prisoner who deserve spl. remission ...	—	571
Nominal roll of prisoners (Jail 89e) ...	—	575
Social History of prisoners ...	—	575
Register of lads showing particulars of health on their admission and discharge	—	781
Body Ticket—Borstal lad ...	—	781
Progress report ...	—	782
Orders of discharge on licence ...	—	783
Form 'C' Bond giving cash security ...	—	551
Form 'D' application for release on parole ...	—	552
		553
Form 'E' order of release on furlough/parole ...	—	554
Form-I Social History of Prisoner ...	—	588
Form-II Initial Classification sheet ...	—	589
Form-III Progress report ...	—	590
Form-IV Supdt.'s Report re: review ...	—	591
Form-V Summary sheet (Review of prisoners) ..	—	592
(vii) Register of extra Diet Form-V ...	—	32
(viii) Hospital Requisition Form VI ...	—	33
(9) Register of D. S. articles Form-VIII etc. ...	—	33
(10) Clothing Register Form VIII ...	—	34-35
(11) Expense—Book—Form IX ...	—	36
(12) Medical case Record Form X ...	—	37-38
(13) Monthly report of P. T. and Drill of guarding staff Form-I.	—	118
(14) Jailor's report Book Form-I ...	—	159
(15) Supdts. order Book Form-II ...	—	159
(16) Register of Advance of Pay and T. A. ...	—	162
(17) Register for articles hire out ...	—	171
(i) History Sheet—open Prison Form-A ...	—	9
(ii) History sheet—open Colony Form-I ...	—	18-19
(iii) Medical Officers' Journal Form-I ...	—	27
(iv) Register of prisoners showing particulars form-II of health etc.	—	28-29
(v) Register of sick prisoners Form-III ...	—	30
(vi) Register of old, infirm prisoner etc. Form-IV. ...	—	31
Register showing particulars of files of prisoners— Form-I...	—	302
Lock-up Register—Form-II ...	—	303
Lock-up Register Circle/Yard—Form III ...	—	306
Report Book—Form No. IV ...	—	308
Register showing the description of convicted prisoners in Prison during year—Form-I.	—	322 to 325
Register of unconvicted prisoners admitted to the prison during—Form-II.	—	326
Register showing particulars of private cash of convicted/U. T. confined in prison during— Form-III.	—	327
Register showing particulars of receipts and disposal of valuable articles and jewellery of convicted and U. Ts. Form-IV.	—	328
Register showing particulars of clothing of convicted and (U. T.) prisoner during the year Form-V.	—	329
Control register for submission of Return ...	—	244
List of returns and periodicals etc. ...	—	245
Maintenance and checking of Registers ...	—	248
Clothing indent—Form-I ...	—	273
Estimate of articles—Form-II ...	—	274
Registry of D. S. articles and Factory Form-III ...	—	275
Indent of uniform for guards Form-IV ...	—	276

<b>R—contd.</b>	<b>Rule</b>	<b>Page</b>
Fore-cast requirements of stores of ordinance original Appendix II.	—	284
Consolidated indent for arms for the year ...	—	284
Consolidated indent for service ammunition for the year. ...	—	285
Form-I Commodity ...	—	290
<b>Returns and Reports—</b>		
—Quarterly progress report of habitual prisoners to I. G. for review.	16	641
<b>Review and remission of sentence—</b>		
Cases of woman prisoners to be submitted to Government etc.	2	573
Cases of woman prisoners which are not to be reported to Government.	3	573
<b>Review of sentences—</b>		
Submission of cases of prisoners sentenced to life imprisonment on completion of 14 years etc. to State Government for— one month in advance when due etc. with documents.	25	584
Opinions of local officers to be obtained ...	26	584
<b>Rewards—</b>		
I. G. to sanction—Rs. 15 per individual for meritorious service to jail employee and outsider.	9 (i) 9 (ii)	164 164
<b>Routine—</b>		
Rules re :	1	295
Daily routine of prisoners except on Sunday and holidays. ...	2	295
Ringling of bell for each item of routine ...	3	296
Morning prayers ...	4	296
Opening prison ...	5	296
Morning ablutions ...	6	296
Bath and issue of coconut oil ...	7	296
Physical training and drill parades and gangs for work. ...	8 and 9	297
Distribution of work to prisoners ...	10	297
Mid-day meals ...	11	297
Games, evening meals, mustering of prisoners before lock-up.	12 13 14	298
<b>S</b>		
<b>Safe custody of prisoners—</b>		
Strength of jail guards to be. determined by I. G. for ...	2 (i)	411
Prisoners should be under strict watch and no prisoner to be allowed to leave place etc.	2 (ii) 2 (iii)	411
Police help for—in certain cases ...	3	411
<b>Salute from guard—</b>		
Persons entitled to— ...	9	174
Mode of— ...	10	174
<b>Scientific Classification of prisons—</b>		
Meaning of— ...	1	335
Prisoners sentenced to 1 year and above to be classified. ...	2	335
Phases of Classification— ...	4	335
Basis for— ...	5	336
Procedure for initial— ...	6	336

S—contd.	Rule	Page
Decisions to be taken by Committee ...	7	337
Maintenance of progress reports of prisoners in— ...	9	337
Case file to be maintained for each prison ...	11	338
<b>Searches—</b>		
Guards to be searched ...	15	180
Guards to keep quarters clean ...	17	180
Member of staff not to take keys of locks outside the prison. ...	18	180
<b>Security—</b>		
to be furnished by permanent non-gazetted official. ...	8 (i)	148
Solvency of—Bonds ...	8 (1) (2) (3) (4)	149
Security Bond to be entered ...	8 (5)	
Old security bond to be preserved after fresh is entered into.		
M. Os. exempted from— ...	Note	149
Re: Prison employee is on contract service ...	28	156
<b>Security and Discipline—</b>		
—to take measures against escape etc. of habitual prisoners.	9	639
<b>Segregation—</b>		
—of prisoners suffering from attack of dysentery, cerebro-spinal Meningitis etc.	10 (i)	26
—of prisoners suffering from skin or other contagious disease.	10 (ii)	26
—of prisoners suffering from leprosy ...	12	26
<b>Selection—</b>		
—of prisoners for open prison ...	4 (i) and (ii)	6 and 7
Committee for—of prisoners for open prison ...	3 (i)	6
—of prisoners for open colonies ...	5	13
Procedure for—open prison ...	5	8
—of prisoners for being released to open colonies.	4 (i)	11
	6	13
—Non-eligibility of prisoners to be released to open colonies.	4 (ii)	12
<b>Senior Jailors (Duties)</b>		
Not to allow any unauthorised person to remain in jail for night	17	151
Not to allow any person (not belonging to family) of any member of staff to remain in quarters.	17	151
—to see that no prison guard left the premises without permission	17	151
—to make a report in 1st week of each month ...	7	164
re : outstanding amount.		
To ensure safe custody of prisoners to enforce discipline etc. ...	14 (a) to (n)	197-199
Duties of—to be performed by Jailor in absence ...	15	199
—to sign diary of night and day O. O. ...	21	201
—to verify admission documents by— ...	11	314
	5	332
—to check admission Register Daily ...	14	315
—to see that every newly admitted prisoner is brought before M. O. for examination for weighment, labour etc.	15	315
—to see to proper distribution of work ...	20	349



S—contd.	Rule	Page
—to take care of clothing etc. of prisoner ...	4	380
—responsible for safe custody of prisoners' private property and incharge of clothing etc.	2 10	447 449
<b>Sentence—</b>		
Sequence of—when they include both R. I. and life imprisonment.	19	500
Re : —in default of payment of fine ...	19 (ii)	500
Date of commencement of— ...	20	500
Two or more sentences to be run consecutively unless otherwise directed.	21	500
Prisoners to serve aggregate terms of sentence ...	22	500
Detention for failure to give security is not substantive sentence of—imprisonment etc.	23 and Note	501
Re : sentence in default of furnishing security and additional sentence of imprisonment.	24	501
Re : sentences, how and when to take effect ...	26 27	503
Re : Additional sentences on an escaped convict ...	40	506
Re : severity of sentence ...		
Execution of unexpired portion of sentence of conditionally released prisoners.	41	507
<b>Separate confinement—</b>		
Prisoners in—shall not be out of sight of other prisoners ...	20	404
Guard not to accept any prisoner for—without order from the Jailor etc.	6	410
<b>Separation of prisoners—</b>		
—of civil prisoners from other ...	3	632
If educated prisoner voluntarily desires to be kept separate	Note	334
In case of women prisoners—instruction re : ...	2	334
An approver, who has been granted a parden, and committed to jail to be—confined separately.	13	499
Class-I prisoner to be provided celluar accommodation, and where not available to be kept separate from other Class-II prisoners.	1	319
U. T. prisoners shall be in separate cells at night ...	3 1	319 334
Separation of confessing U. T. prisoners ...	4	320
U. Ts. accused of henious offences to be kept separate from other U. T.	5	320
Prisoners convicted of rape, kidnapping etc. to be kept separate from others.	7	320
Prisoners sentenced to S. I. to be kept separate from other ...	8	320
Non-habitual prisoners sentenced to S. I. from other habitual prisoners.	8 (ii)	321
Adolescent habitual prisoners in ordinary prison to be kept entirely separate from other prisoners day and night.	10	321
Prisoners under observation for insanity or suffering from contagious diseases to be isolated as per M. Os. Advice.	11	321
Ex-Military prisoners to be kept separate from other prisoners if sentenced for purely military offence.	12	321
<b>Shaving—</b>		
Class-I prisoners allowed shaving with their own safety razors	15	384
—Class-I prisoners allowed to utilise services of prison barber at Government cost etc. etc.		

S—contd.	Rule	Page
—Class-II prisoners allowed services of prison barber per week and if oftener at their own cost.		
—Soap and brushes provided at Government cost ...	15 (b)	385
	(iii)	
	5	397
<b>Solitary confinement (Judicial)—</b>		
Procedure re : Execution of prisoner shall not undergo cellular or separate confinement within 7 days before or after a period of judicial solitary confinement.	2	480
	17	500
	3	481
Medical examination before placing a prisoner in— ...	4	481
Procedure, if there is injury to mind or health of prisoner during—	5	481
Prisoner in—shall be visited by Superintendent and M. O. ...	7	481
Sr. Jailor to certify execution of—one month of—to be 30 days.	18	500
<b>Special facilities—</b>		
—of writing welfare letters, to be given to prisoner before removal	11	518
<b>Special Prisons—</b>		
...	2	1
	6	4
Category of prisoners to be kept at—Ratnagiri and purpose....	13	640
	1	649
—Facilities to be given to prisoners at—Routine and programme at—	14 (10)	641
	2	649
	4	649
	5	649
<b>Special Remission—</b>		
Grant of—to prisoners for keeping clothing and bedding in good orders.	22	471
Authorities, reasons and scale to grant special remission ...	13	562
	14	563
	15	563
	16	563
For purpose of rule 16 years shall be reckoned from date of Expl. sentence and any fraction of a year to be a complete year.		563
Mode of granting ...	17	563
<b>Stuff Recruitment—</b>		
I. A. S. I. G. of Prisons ...	I (a)	69
M. J. S. (State Cl. I. II) ...	II (a) to	69
	(c)	
M. J. S. (Class-III and IV) Executive ...	III (a) to	70
	(k)	
Ministerial Branch ...	IV (a) to	70
	(i)	
Medical Branch ...	V (a) to	71
	(f)	
Technical Branch ...	VI	71
Misc. Branch ...	VII	72
Class IV ...	VIII	72
Percentage for reservation ...	2	72
Mode of filing up reserved posts ...	3	73
Procedure re : doubtful certificate of B. C. ...	4	73
Recruitment to posts within purview of P. S. C. ...	5	74
	6	74
Preference to N. C. C. ...	7	74
Conditions and qualification for recruitment ...	8	74

S—contd.	Rule	Page
	9	74
Conditions for lending services to M. J. Department of Medical and Health Services Officers Cl. III.	10	75
<b>Staff Function—</b>		
Mode of correspondence ...	2	189
How to treat prisoners ...	1	189
<b>State Remission—</b>		
—State Government may grant ...	18	564
—shall not under any circumstances be forfeited. ...	2	572
<b>Stationery—</b>		
Annual Indent—instructions re : ...	40	271
Information—in addl. Indent is submitted ...	41	271
No local purchase of— ...	42	271
<b>Stock—</b>		
—of Drugs and instruments to be checked by M. O. ...	3 (4)	21
<b>Stocks and Store—</b>		
Separate accommodation for double lock and single lock ...	1	286
Verification of weights and measures etc. ...	2	286
Counting of stocks, and procedure ...	3	286
Verification of stocks in stores ...	4	287
Stock verification certificates etc. ...	5	287
Supdt. to verify stock ...	6	287
How to prefer medical indent ...	21 to	266
	29	267
How to prefer medical indent for medicines not supplied by M. S. D.	30	267
Rules for ordnance stores ...	31	268
List of articles to be purchased without reference to C. S. P. O.	—	277
Forecast requirements of stores of ordnance original. ...	—	284
<b>Stocks and Stores and Store—</b>		
Articles unfit for use to be kept aside ...	9	288
Unserviceable articles of clothing and bedding etc. to be brought before Superintendent on 1st November and 1st May.	10	288
Repairs to typewriters ...	12 (ii)	289
<b>Store and Stores—</b>		
Annual requirements of—to be submitted to S. C. P. O. ...	1	258
Indents to be submitted ...	1	258
Items in which cases Indents not to be submitted to S. C. P. O.	1 (ix)	259
Regional Dy. I. G. to consolidate the Annual requirements and send to I. G.	2	260
I. G. of Prisons to arrange supply as per provisions of rules ...	2 (i) to (iv)	261
	Note	
Instruction to be observed while sending and receiving goods...	4	262
Claim to be preferred for loss damage of goods ...	5	263
Panel of 3 members for inspection of stores received from contractors etc.	5-A	263

S—contd.	Rule	Page
Rejection of materials etc. ...	6	264
Articles to be taken to stock Register ...	7	264
Aluminium Mugs and bowles to be numbered separately ...	8	264
<b>Subsistence allowance</b>		
To prisoners on release go to home or place where he was arrested—scale of—	52	509
<b>Suicide</b>		
Action when a prisoner is found in suspended position ...	9	535
Precautions to be taken against ...	37	392
Precautions, re: wells, drainage ...	8	398
<b>Superintendent</b>		
—to initiate proposals for appointment of nominated members of Advisory Board.	—	597
<b>Superintendent of Female Jail—</b>		
There should be woman jailors and/or matron where woman prisoners are confined.	6	5
Woman prisoners to be examined for diseases like V. D. by lady Doctors.	3 (12)	21
Lady Drs. to be called for to attend female prisoners etc. ..	10	40
Regarding their fees etc. ..	10 (a) (1)	40
	10 (a) (2)	
	10 (b)	
	10 (c)	
No member of prison establishment allowed to enter woman's ward or prison except matron etc.	5	178
<b>Superintendent of Jail Industries—</b>		
Assistance of—to Dy. I. G. of Prisons, Prisons (H. Q.) in his duties etc.	4 (i)	4
<b>Superintendent of Prison Textile Industries—</b>		
Assistance of—to Dy. I. G. of Prisons (H. Q.) in his duties etc.	4 (i)	4
<b>Superintendent of Prison</b>		
(1) To be incharge of the prison ...	5	5
(2) To be assisted by Jailor Jail Guards in Management of Jail...	4	178
(3) Not to leave H. Q. without permission ...	11	193
(4) Handing over charge etc. ...	12	193
(5) Function and Duties of— ...	13	193
To be present at Capital punishment ...	13 (1)	193
—To see all prisoners are counted once a month...	13 (2)	193
—to visit prison and prisoners inslatory confinement every day	13 (3)	193
—to visit prison hospital ...	13 (4)	194
—to inspect barracks, yard, cook room etc. ...	13 (5)	194
—to visit woman prison ...	13 (6)	194
—to hold inspection parade ...	13 (7)	194
—to submit report of out-break of epidemic, I. G., etc. ...	13 (8)	195
—to take precaution to prevent escape ...	13 (9)	195
—to ensure cleanliness in prison ...	13 (10)	195
—to take surprise rounds ...	13 (11)	195
—to see that a notice re: non-bringing of prohibited articles is put-up.	13 (12)	195

	S—contd.	Rule	Page
—to enquire into complaint by prisoner and staff	..	13 (13)	195
—to see that prison is run with ut-most economy	..	13 (14)	195
—to see that articles are entered in requisition book	..	13 (15)	195
—to see that P. A. is used properly and no loans taken	..	13 (16)	195
—to make prompt payment of bills	..	13 (17)	195
—to see that D. O. Bills are submitted	..	13 (18)	196
—to see proper distribution of work	..	13 (19)	196
—to see that notice re: supply of articles under Supdt. order is put up.		13 (20)	196
—to sign regular receipts	..	13 (20)	196
—to see that all amounts are properly disposed of etc.	..	13 (21)	196
—any other duties	..	13 (22-228)	197
—to give intimation of absence to I. G. of Dy. I. G.	..	3	231
—to ensure that the office work etc. is kept up to date and inspect record etc. in last week of every month.		13	241
—to verify stock twice a year	...	6	287
—To report on the state of the health and condition of live stock along with half yearly report of stock.		6	287
—To be responsible and answerable for all prison property, store, money etc.		7	288
—to call for unserviceable articles for inspection on 1st Nov. and 1st May.		10	288
—to be in communication with Police for character and antecedents of prisoners.		4	332
—to frame dietary as per rules	...	18	363
—To provide suitable work for prisoners in quarantine.	...	20	317
<b>T</b>			
<b>Tamarind—</b>			
How to use	...	46	367
<b>Tournaments—</b>			
Permission to prisoners to take part in—	...	42	439
<b>Training—</b>			
—of prison officers and guards at J. O. T. S. Yeravda	...	2	112
		7	114
Aims of—	...	3	112
Function of—at J. O. T. S.	...	4	112
Personnel at—	...	5	113
Duties and powers of Principal and staff at—	...	6	113-114
J. O. T. S.	..	6 (2)	114
Courses at—	...	8 (1) (2)	114
Facilities to trainees, and their duties	...	9	115
		10	115
Tests for—and reports	...	11	115
Re-fresher courses for officers 2 months every 3 years	...	12	116
Re-Fresher courses for guard 1 month every 4 years	...	—	—
Specialised courses viz. P. T. drill etc. for	...	13	116
of Matrons—	...	14	116
of Parade and Musketry	...	15	116
of Ceremonial Parade	...	16 (i)	117
		(ii)	

	T—contd.	Rule	Page
of Annual Musketry	...	17 (i) (2)	117
		(3)	117
of language examination for every person	...	18	
<b>Transfer</b>			
—of sick prisoners to Civil hospital	...	11	26
		18	42
		19 (1)	43
		19 (2)	
		22	43
—of a prisoners eligible for appointment as convict officer from a prison in the region.		7 (ii)	603
—of convict officers to other prison	...	9	603
—of woman prisoners for segregation	...	Ns	607
		3 (ii)	
<b>Transfer of</b>			
Procedure in case of—to another prison	...	8	313
Influential prisoners to be transferred to jail in other Districts	...	13	315
Remission sheets etc. to be sent to prison on transfer of—	...	25	567
<b>Transfer of prisoners (Reciprocal)</b>			
Documents to be sent to I. G. for action in case of—	...	6	531
Action to be taken by I. G. in case of and documents etc.	...	7	531
Transferred prisoner shall be governed by the prison rules of that State etc.		8	
		9	531
Meaning of—and the names of States which entered into—	...	10	529
Rules framed under Reciprocal arrangement	...	10 (b)	530
No transfer till appeal is decided etc	...	3	530
Cost of transfers and cost of maintenance	...	4	530
Re: Transfer Police Register Prisoners etc. under—	...	5	530
<b>Travelling allowance—</b>			
Dy. I. G. (Regional) and P. A. to I. G. and P. A. to Dy. I. G. (R) to countersign T. A. bills.		22	153
—Furnish details of claim within 15 days of completion of Journey etc.		23	154
Journey by S. T.	...	24	154
Season tickets	...	25	154
Concession of free travel—once in 3 years to prison.	...	26	155
Option for leave travel concession	...	Note 4	155
<b>T. A.—</b>			
Scale of—while removing from one prison to another.	...	20	521
Railway, S. T. Steamer, Warrant to be issued by Supdt.	...	22	521
—to prisoners on release to reach home and place where arrested—Scale of—		52	509
Not to be given to U. Ts. accused of Ticketless Travelling.	...	Note (3)	510
In case of U. T. woman prisoners accused of ticketless travelling Supdt. to use discretion.		Note 4	510

## U

### Undertrial prisoners—

Custody of—	...	22	389
Facilities to—	...	23	389

U—contd.	Rule	Page
Court and Police to intimate the prison the fact of admission of any U. T. prisoners requiring special precaution of guarding.	13	499
Monthly report about pendency of cases of U. Ts. in courts	14	499
Information re: previous conviction of to be communicated to Police.	16	499
<b>Uniforms—</b>		
Every executive employee to wear—Jail Guards and Drivers to be provided.	(1) (2)	119 119
Night duty with guard to be provided with durry, pillow, bed sheets etc.	2	119
over coats etc. ...	3	119
Rain coats to be supplied to guard ...	5	119
Life of articles of ...	6	119-121
and replacement of— ...	7	121
To keep record of and marking on— ...	8	121
Kit parade of— ...	9	121
	10	121
to be manufactured in prison ...	11	121
Provision of—to jail guards on deputation ...	12	121
Stock of extra suits of— ...	13	121
Custody of—during leave ...	14	121
—articles of—to be surrendered after dismissal etc. ...	15	122
Disposal of replaced articles ...	16	122
Articles of uniform for Dy. I. G. ...	Appendix-I	124
Kit parade of— ...	—	125
Articles of uniform for Supdt. Central Prison and Principal, J. O. T. S. ...	—	126
Articles of uniform for Supdt. Dist. Prisons Cl. I. ...	—	128
Articles of uniform for Supdt. District Prison Cl. II and Dy. Supdt. Central Prison. ...	—	130
Articles of—Supdt; District Prison Cl. III ...	—	132
Jailor Group-II ...	—	134
Women Jailor ...	—	136
Matrons ...	—	136
Subhedar ...	—	136
Jamadars ...	—	138
Havildar ...	—	139
Naiks ...	—	141
Sepoys ...	—	142
Articles of—for Driver and ...	—	143
Indent for—to be submitted ...	16	265
Rain coats, great coats and umbrellas to be— ...	17	265
Buttons, badges, crests to be—stocked at Yeravda Central Prison	18	266

## V

<b>Vegetables—</b>		
—To be obtained from prison garden ...	4	359
—Supply of—from one prison to another ...	5	359
—Supply of—for dietary of prisoners ...	6	360
—Scale of— ...	35	366
<b>Visitors</b>		
Action on remarks by visitors ...	18	226
Permission to visit prison for persons other than prison officer or visitors.	19	226

	V—contd.	Rule	Page
Powers of Police Officer to visit prison	...	20	227
Powers of certain officers to interrogate prisoner	...	21	228
I. G.—Ex-officio visitor to Central Mental Hospital, Yeravda and Yeravda Industrial School.		1	229
Dy. I. G. (R) ex-officio visitors of all Mental Hospital in the Region except at Yeravda.		2	229
Rules regarding	...	1 and 2	220
Board of visitors	...	3	220
Ex-Officio visitors	...	4	221
Non-official visitors	...	5	221
Appointment of non-official visitors	...	6	222
Chairman of the Board	...	7	223
Termination of appointment of visitors	...	8	223
Copy of rules to be provided to—	...	9	223
List of visitors at prison gate	...	10	223
Meetings of Boards—Visits to prisons	...	11	224
Conveyance allowance to non-official visitors	...	12	224
Not to visit prison on Sunday holidays and after lock-ups	...	13	224
Visitors to be escorted	...	14	224
Function of visitors	...	15	225
		16	
No access of—to certain prison	...	17	225
<b>W</b>			
<b>Wages—</b>			
—to prisoners released to the open colonies	...	16	17
—rules re-: wages with a view	...	44	439
Eligibility for-	...	45	440
Savings and expenditure	...	46	440
<b>Warrants—</b>			
Without—no admission	...	2	309
Prison authorities not responsible for any mistake in—	...	5	311
Blank form of—to be kept in jail	...	2	332
Doubt about legality of—Procedure re:	...	3	332
To be returned to court after release etc. etc.	...	20	485
		21	
<b>Washing allowance—</b>			
Grant of—to—	...	19	123
		20	123
<b>Washing Soap—</b>			
Supply of—to class-I prisoners per week	...	33 (iv)	301
<b>Washing Soda—</b>			
to be provided to prisoner on every Sunday	...	33	301
<b>Wastages—</b>			
—Percentage of—	...	10	360
—Re : Actual—	...	Note	261
		(iv) 2	
<b>Water Supply—</b>			
Sources, Purity etc. to be inspected by O.	...	33	58
Supdt. etc.	...	34	58
		35	58
		3 (b)	21
		17	61
Supply of to extramural working prisoners	...	18	61



W—contd.	Rule	Page
<b>Weights—</b>		
Schedule of—of uncooked rations and cooked food etc. to be kept in kitchen.	33	365
<b>Woman Jailor</b>		
—At prisons in which woman prisoners are are confined	6	5
Duties of—to perform duties of Sr. Jailor Jr. Jailor	22	201
<b>Woman Prisoners</b>		
—To be employed on work which will be useful to them ...	12	610
—Not to be employed outside the prison ...	13	610
—Shall be imparted in certain vocation ...	14	610
—Training of—as Dais		
—Games etc. to be organised for ...	15	611
—Release of—to be intimated to relatives one month in advance.	16	611
—On release—to be handed over to relatives, or escorted to Railway—station and Bus stop by Matron.	16 (ii)	611
—Conveyance and bus fare to be paid to— ...	16 (iii)	611
—arrangements on release to be made in shelter home if desired by prisoner.	16 (iv)	611
Staff for— ...	—	607
Separation of ...	3	607
Facilities for— ...	5	608
Medical aid to— ...	6	608
Medical examination of pregnant— ...	7 (i)	608
Cases of—to be reported to Govt. ...	2	573
Cases of—which are not to be reported to Government ...	3	573
<b>Women's section</b>		
—Entry into—of ...	Ns	607
Staff members in times of emergency ...	4 (ii)	
Men officers and prisoners, Not to enter— ...	4 (i)	607
To be provided with sanitary latrine etc. ...	Note	610
	(R. 12)	
<b>Work Assignment Committee—</b>		
—All menial and other duties in prison to be assigned by—	10	346
	14	347
—Members of		
—Sheet of every prisoner to be scrutinised by— ...	15	348
—Incidents of assignment of work ...	16	348