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:—

Short Title and Commencement.

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

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

Classification of Prison.

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

(a) Central Prisons,

(b) District Prisons,

(c) Special Prisons,

†(d) Open Prisons,†

(e) Civil Jail in Greater Bombay.

Regions.

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

(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, Bhir, 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 (l)-XVI. dated 1st July 1972.

† .... † Added by (G. N.. H. D., No. RJM-1070 (l)-XVJ, 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,

(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 24th 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–*contd.*	(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.

S (Y) 80—l-a

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 hool, 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

(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,

(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 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.

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 adjustibility ;

(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 suitability of Prisoners transferred to open prison.

6. The case of each prisoner transferred to an open prison shall be put and 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 imprison- and prisoners sentenced to more than 14 years in aggregate.	30 days for a calendar ment month.
(ii) Prisoners sentenced to more than and upto 14 years.	20 days for a calendar 5 years 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 erruptive 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 11 : NON-STATUTORY RULES

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

Short Title and extent of Operation.

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

(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).

Definitions.

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

(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.

Open Colonies. up

3. Subject to the approval of Government Open Colonies may be set 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.

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

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.

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.

Section Committee

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:—

(1) The Inspector General of Prisonsor 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.

Procedure for Selection.

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.

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 adjustibility;

(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 lony 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 is 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 l070/ 23199-XVI, dated 2nd November 1974.

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

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 for members of families of inmates.

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.

(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.

Remuneration to inmates.

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.

Permission to inmates to visit native places.

*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.

(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 erruptive 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 .....

———————

S (Y)80—2-a.

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 ke hbourhood 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.

Hospital, six Management

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 Equipment

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 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.

Prisoner complaining of illness to be brought before the Medical Officer

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

Purchase of items at prisoner's cost

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.

Detention of prisoner in hospital

8. A prisoner may be detained for 24 hours but not longer in hospital under observation, without his name being entered in l 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.*

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.

27

FORMI

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

MEDICAL OFFICER'S JOURNAL

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

28

FORM

[*See* rules

Register of Prisoners showing particulars of Health on their admission

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

29

II

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

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

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

30

FORM III

[*See* rule 3 (*21*)]

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

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

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

FORM IV

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

Convalescent Prison

Register of the 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 discharged from this Register	Medical Officer on discharge of Convict from this Register	Initials of marks	Re-
1	2	3	4	5	6	7	8	

FORM V

[*See* rule 3 (*21*)]

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. 1	Name 2	Medical grounds 3	Whether in or out of Hospital 4	Articles allowed 5	Quantity 6	Date on which commenced 7	Period for which sanctioned 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 —— Hospital** **Civil** **Veternity**

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

FORM

[*See* rule

PRISON

CLOTHING REGISTER OF THE FOR THE SUB-JAIL

Under trial ... Convicts ... Total ...	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	Cotton	
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— ...																	
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 issue.																	

Dated 20 .

3 (*21*)]

MONTH OF ..... 19 .

								Females			Convict Officers								Miscellaneous			
Pants								Clothing Females			Coats											
Cotton				Lungoties or cloth	Overcoats strips	Towels		Cloth Lengths or Saries	Bodies or Cholies	Trousers	Cotton	Cotton-woollen		Sandals or shoes	Socks	Pants, Cotton	Turbans		Gaiters, leather	Thongs, leather		

S (Y) 80–3-a.

Superintendent.

36

FORM IX

[*See* rule 3 (*21*)]

EXPENSE BOOK

Name of Article— *Gratis*

Date	Receipts of Issues	Value		Receipts			Issues			Balance			Initials
		Rs.	P.	kg.	gr.	mg.	kg.	gr.	mg.	kg.	gr.	mg.	

FORM X

[*See* rule 3 (*22*) and 5]

MEDICAL CASE RECORD

¹ý••Ö ¯Ö×¡Ö•úÖ

HOSPITAL

¹ý••ÖÖ»ÖµÖ

Regd. No.

-ÖÖêÓ¤ü•Öß

•Îú´ÖÖÓ•ú

Ward

Date¹ý••ÖÖ»ÖµÖ

Admission ×¤ü-

ÖÖÓ•ú

Bed. No.

¤üÖ•Ö»Ö •êú»µÖÖ“ÖÖ

Hour•ÖÖ™ü •Îú´ÖÖÓ•ú

¾Öêôû

M. O.

Under Care of ¾Öîª•úßµÖ †×¬Ö•úÖ¸üß×¾Ö³ÖÖ•Ö ¯ÖÏ´Öã•Ö

Student

×¾ÖªÖ£Öá

Name

Discharge of Date

Death ×¤ü-ÖÖÓ•ú

¹ý••ÖÖ»ÖµÖÖŸÖæ-Ö

ÃÖÖê›ü»µÖÖ“ÖÖHour

Ø•ú¾ÖÖ ´ÖéŸµÖæ“ÖÖ ¾Öêôû

Caste

ÃÖÓ¯Öæ•ÖÔ -ÖÖ¾Ö •ÖÖŸÖ

Age Sex Income

¾ÖµÖ ¯Öã¹ýÂÖ/Ã¡Öß

^Ÿ¯Ö®Ö

(1) Cured

Address (1)ÃÖÓ¯Öæ•ÖÔ ²Ö¸üÖ —ÖÖ»ÖÖ

¯Ö¢ÖÖ

(2) Relieved

Occupation (2)ÃÖã¬ÖÖ¸ü•ÖÖ —ÖÖ»Öß

¾µÖ¾ÖÃÖÖµÖ

(3) Unrelieved

Next of Kin Income (3)´Öãôûß“Ö ÃÖã¬ÖÖ¸ü•ÖÖ —ÖÖ»Öß

•Ö¾Öôû“µÖÖ -ÖÖŸÖê¾ÖÖ‡Ô•úÖ“Öê -ÖÖ¾Ö ^Ÿ¯Ö®Ö-ÖÖÆüß

Address (4) Absconded

¯Ö¢ÖÖ(4)¯ÖôûÖ»ÖÖ

Referred by (5) Died

•úÖê•Öß ¯ÖÖšü×¾Ö»Öê(5)´ÖéŸµÖæ ¯ÖÖ¾Ö»ÖÖ

PROVISIONAL DIAGNOSIS

ŸÖÖŸ¯Öã¸üŸÖê ¸üÖê•Ö×-Ö¤üÖ-Ö

FINAL DIAGNOSIS

×-ÖÛ¿“ÖŸÖ ¸üÖê•Ö×-Ö¤üÖ-Ö

(Case continued)

Name

ÃÖÓ¯Öæ•ÖÔ -ÖÖ¾Ö

Date ×¤ü- ÖÖÓ	Clinical Notes ¾µÖÖ×¬ Ö	Treatment and Diet ^¯Ö“ÖÖ¸ü ³/Ö

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 y 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 less 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 concurrance 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 b« 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 meningits, 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 topes 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 he 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 disinfector is available.

(1) The dejecta of a patient suffering from Cholera shall be received in a vessel containing some disinfectant and be immediately burried 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.

S (Y) 80—4

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. 0. regarding the desirability of removing him to a leper ward.

49. Cells or wards which have been occupied by lepers shall be limewashed and throughly 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 gags ;

(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 ;

(1) 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 forthnightly 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

S (Y) 80—4-a

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 :—

Short title and commencement.

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

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

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

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.

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.

White-washing of wards and prison hospitals.

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

(ii) The walls and ceilings of the wards shall be scraped and white-washed once a year and those of the hospital twice, or of-tener, 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 (X1X) 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 tor 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).

Superintendent to visit frequently work under execution.

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.

(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.

Area of prison.

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.

Minimum space per prisoner in sleeping barracks.

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.

†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.†

Ground area in cells.

14. Cells shall have a ground area of not less than 8.92 square metres and a cubic capacity of at least 33.9

Provision for ventilation in barracks, wards and 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.

Sleeping berths in barracks.

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.

* 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 ward to be indicated on barrack and 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.

Cleaning of latrines and urinals.

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

Night latrines.

27. Receptacles one-forth 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 defoecation and shall not be placed inside a barrack. Receptacles placed in cells shall have close fitting lids.

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

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.

Disposal of foecal matter, refuse etc.

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.

Construction of trenches.

30. The trenches in a prison shall—

(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.

Disposal of urine.

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.

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 of 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.

Repairs.

7. *Repairs are of three kinds* :—(a) Those which as a matter of

regulation are carried out periodically i. e. painting and white-washing.

(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 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.

Administrative approval to wcrks.

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 necessiate 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.

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

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

Orders for commencement of work.

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.

Completion Certificate to be

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.

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).

Use of latrines during day to be discouraged.

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.

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.

Provision for drinking water.

18. When gangs are working outside the prison, special care shall be taken to ensure that they are supplied with good 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 charge of agricultural land, Jail Garden, Dairy, Poultry and 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 Cattle 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 te

(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.

Hedge around every Prison Garden.

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

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.

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

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.

Prison lands to be utilised for various purposes.

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.

Use of water and night soil in the prison gardens.

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.

Farm, Animals and Dairy.

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.

(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 vegetables.

9. Whenever there is surplus of vegetables in the Jail garden after surplus 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, buffaloes, bullock 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.]

Personnel of Prison Departments.

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

(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.

(1)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).

US 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 vacencies 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 out side 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 t s 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 Metropolitian Magistrate or by a Metropolitian Magistrate as authorised by him.

Mode of filling up reserved posts.

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;

(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 Backward Class. Certificate of

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. qualifications

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 being equal.

General Conditions to be fulfilled.

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 *inter alia* be required to be fulfilled by him :—

(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.

(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.

(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.

(d) If a candidate is called for interview, he will have to come to the place of interview at his own expense.

(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.

(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.

Maharashtra Medical and Health Service Officers Class III.

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 :—

(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 (State) Class-I and Class-II.

Appointments shall be made by selection from amongst officers in the Service 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 behaviourial 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 Branch Group-II.

Appointments and IV) Executive

shall be made by promotion from the cadre of Jailors,

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 dep

(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 lime 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 fr rity-*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 deliquents 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 no 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 (*um*-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)-l-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 Certificates 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 r—

(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 Certificates 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 equivalant.

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

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) ate 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 of 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 eduction 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 yearns 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 Maharas wing 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 save 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. 3. The aim of the training programme at the Jail Officers' Training School should be :—.

(i) Acquainting Prison Officers and the guards with essential matters of prison administration and with scientific and progressive methods of correctional administration.

(ii) Making them conscious of their responsibilities and the role they have to undertake in the correctional field.

(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.

(iv) Inculcating *esprit-de-crops* amongst the correctional personnel.

Functions. 4. The functions of the Jail Officers' Training School should be :—

(i) Training of prison personnel,

(ii) Research in correctional field,

(iii) Methods an

(iv) Publication of pamphlets, papers, books and correctional journals etc.

Officers and the Staff.

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.

Duties and Powers of officers and 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.

(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 Officers and Staff.

7. The training for the following officers and staff should be imparted Prison 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.

Facilities to trainees.

9. (1) The trainees shall, during the period of the training be entitled to:—

(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.

Duties of trainees

10. (1) The following should be the duties of every prison employee deputed for training at the Jail Officers' Training School :—

(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.

Tests for and reports on trainees.

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.

(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, batan 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.

Ceremonial Parades

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.

(2) The Senior Jailor 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.

Annual Musketry Training.

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.

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 markmen 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.

Language Examinations.

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.

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]

Uniform and accoutrements for executive service of Jail Department.

(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.

(2) Every jail guard and driver on enlistment shall be provided with the articles mentioned in appendix I.

Supply of durry and blankets to jail guards.

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 over coats to jail guards and drivers.

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.

Jail guards and drivers to carry a whistle, handcuffs and a *cane stick.

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.

Supply of rain coats to jail guards and drivers.

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.

Replacement of uniform of jail guards and drivers.

6. The articles of clothing and other articles will ordinarily be replaced by new ones after the following intervals:—

(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

(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.

Premature replacement of worn-out articles of uniform of jail guards and drivers.

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.

Record of clothing and equipment issued to jail guards and drivers.

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.

Marking on every article of clothing.

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.

Parade.

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.

Manufacture of articles of uniform of jail guards/ drivers.

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.

Provision for uniform of jail guards/drivers who are on deputation.

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.

Stock of extra suits of uniform for jail guards in each jail.

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).

Custody of the uniform of jail guards/drivers during leave.

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 n appointed

by the Superintendent, and in such manner that the uniform shall not be damaged by white ants or other insects or by damp.

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 uniform articles of 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/ Deputy Superintendents at Central Prison †	†Rs. 200.†

- 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.

Washing allowance.

19. Upkeep allowance at the following rates shall be paid to the below

mentioned categories of staff:—

Superintendent of District Prisons—Class-I *Superintendent of District Prisons—Class-II
Deputy Superintendents of Prisons at
Central Prisons*
†Superintendents of District Prisons—
Class-III/Jailors Group-I and Group-II†
... Rs. 12 p. m.

... *Rs. 12 p. m*

... *Rs. 8 p. m.*

Matrons ... Rs. 5 p. m.

Guarding staff/Drivers ... Rs. 2 p. m.

Facilities of free laundry, or washing allowance,

20. In jails having laundry facility, the jail guards may be allowed free washing facility in lieu of allowance.

Guard Room-Arms to be kept in Guard room.

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.

Muskets for Reserve Guard.

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.

— Added by Government Corrigendum. Home Department, No. RJM-0172/1-XVI, dated 30th June 1973.

†-† Substituted by Corrigendum, Home Department, No. RJM-0172/1-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 bottonedge. 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-0l72/l-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* durby 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 Woolen 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-017/3l-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/l-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/l-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 probationery 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 probationery 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 hadge. 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) starts 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 cults, 12.7 centimeters high at the point and 63.5 millimeters behind.—Shoulder straps of same material as—garment, fatened 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

	Name of Article		*Number to be issued*
1.	Cap badge. (Cap badge of the standard size with the words Maharastra 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 "Maha-rashtra Prison Department".)	5	Large and 8 small size (once in three years)
8.	Whistle. (Metropolitan whistle with brilli-ant 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 earliear 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

	Name of Article	*Number to be issued*
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.

	Name of article		*Number to be issued*
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

Name of Article	*No. to be issued*
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.

Name of Article	*Number to be issued*
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 unservicable but not earlier than 5 years).
12. Jersey (Woollen) ...1	(Once in five years).
13. Great coat (Wooiien) ...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 ran art 3	chevrons brilliant blue

part of the right sleeve 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

	Name of Article	*No. to be issued*	
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 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.	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

Name of article		*No. to be issued*
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

	Name of article	*No. to be issued*	
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 unser 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 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

Designation of posts *Appointing authority*

A Executive Branch

(1)Superintendents District Prisons Class III/Jailors Group I.

(2)Jailors Group II and Women Jailors Group II.

(3)Personal Orderlies at the Office ofthe InspectorGeneralof Prisons.

Inspector General of Prisons

Inspector General of Prisons

Inspector General of Prisons

(4)Subhedars ..Deputy Inspector General of Prisons in charge of the Region.

Designation of posts *Appointing authority*

(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.

Designation of posts C. Medical Branch.—

Appointing authority

(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.

D. Technical Branch.—

Technical/Staff ... Inspector General of Prisons.

E.Miscellaneous Branch.—

(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 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:—

	Nature of power		*Bombay Civil Services Rule*
(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 ..... st 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 indentity 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 affairmation 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 llowance

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 Accompani-ment 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. 0. 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	Thane and V. T.
(b) Visapur District Prison	Visapur and Ahmadnagar Byculla and V. T.
(c) Byculla District Prison	Byculla and V. T.
(d) Bombay Central Prison	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.

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 Jailor	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 Jailor 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.

Note 2 : These advances are admissible also to those who are under orders of transfer advances of pay or proceeding on tour.

Recovery of and Travelling Allowance

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.

Sanction of Inspector General necessary before disposing of conveyances

3. Conveyances purchased with the aid of advances shall not be sold or otherwise disposed of without the prior sanction of the Inspector General.

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 Pay advance of T.A. under which it is drawn	T. A. Bills Treasury Vr. No. and date	Signature of Steward or Head Clerk	Superintendent	Details of recovery Try. Vr. Nos. of pay bills in which advance is	Cashed S

the recovered sent on to

I. G.

from Try.

Vr. No.



under

Head Clerk

or

dent

and date

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

Employment of personal orderlies by Officers.

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.

Free Medical aid to Jail Staff and families.

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.

Hire of surplus furniture by Jail Staff.

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."

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.

Jail Employees may avail of services rendered by Jail factory and purchase Jail products.

5. All members of Jail Department may, if they so desire, take advantage of (like other members of the public) facilities such as purchase the produce of the Jail Factories, Bakery, Dairy and Garden, repairing household kit, laundrying their clothes, tinning their utensils etc. provided this involves no concession in the value charged.

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 Jailor 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 6¼ 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 reapprehension 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.

Sources

The fund will be raised as shown below:—

Subscription.

Monthly subscription shall be recovered at the following from officers and all staff members including Class IV Government servants :—

		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-0!74/!5-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 chil-dren 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 6¼ 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 appli-cant may be sanctioned in exceptional cases. The loans should be recov-ered 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. Th uld be charged at such

rate as may be specified by the Central Committee, which should not in any case exceed 6¼ 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.

(l) *(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. of Register No. 26	Date	Name of the staff member and his designation	Name of Initials of article	No. of articles hired out per number	Rate of hire charges per month	Page where account of amount due and received is	or maintained Factory or Jail or
1	2	3	4	5	6	7	8

172

FORM No.

(Rule No. 7)

Receipt Book of ..... for ..... Prison, 197

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

National flag

1. Following are the authorised standard sizes of the National Flag for the Jails in:

(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.

Flying of National Flag*

2. (i) The National Flag should be flown daily, including Sundays and Holidays, on the Central Prison Buildings from sun-rise to sun-set.

(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.

Lowering of National Flag at Sunset.

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.

* Substituted by Government Corrigendum, Home Department, No. PDR-1065-IV, dated 14th June 1966.

Destruction of National Flags unserviceable

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.

Celebration National Festivals.

11. National festivals like Republic Day and Independence Day shall be celebrated in the following manner:—

(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.

Performance of Dramas.

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.

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

Supervising authorities.

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.

Government servant not to contract Second marriage.

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.

* 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.

Ride 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 incharge 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.

Visits of unauthorised persons prohibited.

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 Contractors, etc. to residence of jail Officials, and monetary transactions with them to be discouraged.

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.

Procedure to be followed while handing over and taking over charge.

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.

Disputes about points of duty.

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.

Joint agitations by Jail Employees prohibited.

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.

Cleanliness of person and dress.

Rule 14 : 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.

Rule 15 : 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 Jailor or Junior Jailor, but not, except in case of emergency, in the presence of the prisoners.

Absence from quarters at night by Jail Guards.

Rule 16 : No Jail guard shall absent himself from his quarters during the night without obtaining leave of absence from the Senior Jailor.

Jail Guards to keep their quarters clean and tidy, Inspection of their Quarters.

Rule 17 : 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.

Rule 18 : (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, Jailor, Accountant or Head Clerk.

(ii) In case of loss of keys, the lock should be withdrawn after reporting to the Senior Jailor.

How to deal with complaints against Maharashtra Medical Service Officers.

Rule 19 : 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.

Rule 20 : 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.

Inspector General to report to Surgeon General for awarding major punishments to Maharashtra Medical Service Officers.

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.

Investigation into complaints against Jail employees.

Rule 22 : Normally investigations into complaints against officials of 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 th 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.

Jail Employees to be subject to the Conduct Discipline and Services Rules.

Rule 23 : Every employee of the Jail Department shall, in addition to 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.

PUNISHMENTS

Prosecution of Jail Officials.

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:—

(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 dismissal or prosecution should follow.

Rule 25 : All Jail officials who commit any of the following offences which 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.

Prosecution not to be undertaken without Inspector General's sanction.

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.

How to deal wilh Jail Officials convicted by Courts.

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.

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.

How to deal with Jail Officials acquitted by Courts.

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.

Procedure for holding Departmental Enquiries.

**[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

* 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 sepoy. 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 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 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.

* Added *vide* G. R., H. D., No. RJM-0174/2-XV1, dated 10th May 1974.

Dismissed Government Servants re-employed.

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.

Discharge of temporary Employees.

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.

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.

Volunteer of Retirement.

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.

Reversion from officiating appointments.

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 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 Maharahtra 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 Officer to whom the power of punishment Department	Extent of punishments punishment are delegated	Class of service to which is to be awarded
1	2	3	4
1	Jail Department working in the office of the Inspector General of Prisons.	(i) Deputy Inspector General of Prisons (Head Quarters). Censure (ii) Withholding of increments for a period of one year only. (iii) Fine upto Rs. 5 only.	All Class III Government servants

	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 working in incharge of the region.	(i) All Class III Government servants (i) their offices in respect of whom they are not (ii) the appointing authority. (iii)Fine upto Rs. 5 only.	

Recovery of the whole or part

Censu

Withh

(iv)

Recovery of the whole or p

		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	Extent of punishments	Officer to whom the power of punishment are delegated	Class of service to which punishment is to be awarded
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.	
		of any pecuniary loss caused to Government by negligence		

to the limit of Rs. 500.

(i)Superintendents of Central Prisons.	All Class III Government Servants (except Medical Officers) working under them in respect of whom they are not the appointing authority.	
(ii) The Principal, Borstal School, Kolhapur.		a period of one year only.
(iii) The Principal, Jail Officers Training School, Pune.		
(iv) Superintendents, District Prisons. Class I.		the limit of Rs. 500.

Vide Government Resolution, Home Department, No. RJM. 1064-(VII-VI1I)-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 :—

Short title and commencement.

1. (i) These rules may be called the Maharashtra Prisons (Staff Functions) Rules, 1965.

(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.]*

Communications between the State

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— 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 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.

Inspector-General competent to release material

8. (i) The Inspector General may furnish material for publicity direct to the Director of Publi ute reports published

to in newspapers when approached by press representatives direct informing Government and the Director of Publicity of such confirmation or refutation: 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. Inspection of prisons by Inspector-General

He may also visit any prison without notice for inspection.

(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 contigent 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 Deputy 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 prisons by Inspector General

– 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

Superintendent not to leave head-quarters without previous permission of Inspector General.

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.

(ii) The Superintendent may, in case of emergency, proceed on leave in anticipation of sanction under intimation to the Inspector General.

Handing over of charge.

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.

Functions and duties of Superintendent.

13. The Superintendent shall—

(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 holida

(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 From 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 witnsses 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

Duties of Senior Jailor. 14. The Senior Jailor shall—

(a) ensure safe custody of prisoners ;

(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 ;

(1) 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.

Duties to be performed by only one Jailor in absence of Senior Jailor.

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 of Jailors.

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 Junior Jailor to be performed by Head Clerk etc.

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.

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;

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 ;

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.

Duties of Orderly Officer for night.

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.

(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).

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.

Duties of Women Jailors.

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 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 charge of workshed.

24. A prison guard in charge of worksheds shall be responsible for all guard in 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.

Relieved Prison Guard to explain his duties to the Relieving Guard.

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.

Matron in immediate charge of women prisoners.

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.

Metron's duties to be discharged by a woman Convict Officer

28. In the absence of the woman Jailor if there be one and the Matron, appointed for the purpose shall carry on the

women convict officers. duties of the woman Jailor or the Matron, as the case may be, or of both.

Matron to attend women prisoners given separate confinement. 29. Where a woman prisoner is imprisoned in the female enclosure, on 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.

Conditions to be observed by Sentry and Guard Commander. 35. (1) The sentry and the guard commander shall on no account leave their post, without being properly relieved.

(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.

Duties of the guard on Sentry duty.

36. (1) A Guard on sentry duty shall firmly enforce the order given to him without any discrimination.

(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.

Firearms to be kept in Guardroom when not in use.

37. The firearms of the guard shall always have the bayonet fixed, and shall remain in the guardroom when not in use.

Guard on Sentry duty to be always in uniform.

38. No guard on sentry duty shall on any account take off his clothing or equipment.

Guard Commander not to leave his command unless duly relieved.

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,

(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.

Relief of sentries for lunch.

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 l/3rd of the strength of the guards is let off at one and the same time.

Guards on duty not to communicate with any person.

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.

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.

Duties of gate-keepers when passing articles in out of prison.

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 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 of technical assistant concerned shall sign the pass.

(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 choronological 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 recording ingress register in

Register for

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.

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 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.

exempted

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.

Gate keeper to be responsible for custody of articles.

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 :—

(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 No. of consumption	No. of quantity required
	Initials of						
1	2	3	4	5	6	7 8 9 10	
					Unit	Unit	Unit

FORM No. III–*contd.*

No. of quantity supplied	Rate per unit	No. of Cash purchases	Credit purchases	value Invoice supply	Initials of Ledger sub-voucher Jailor	Date Remarks Superintendent	Initials of Ledger No. 28 Clerk	Page of
11 12	13	14		15 16 17 18 19 20	21	22		
	Rs. P.	Rs. P.		Rs. P. Rs. P.				

212

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. (.....)

in full/part payment of Bill No. ..... of 19

Superintendent.

TEMPORARY RECEIPT

No. 15599 ..... of 19

Received Rs. .....

From

Jailor/s

15599 Prison Office, 19

Received from .....

the sum of Rs. (.....)

in full/part payment of Bill No. 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 sender	Designation and signature of the concerned	Hour when the load was received by official and/or if any noticed	Remarks about receipt Designation and signature of the receiving officer deficiencies
1	2	3	4	5	6	7

*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. Ill
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	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 —

		Time
Main Gate	Orderly Officer Shri	
	Guarding Staff 1. Shri	
	2. Shri	

3. Shri

Circle No. I	...	Amaldar in charge	Shri
		Guarding staff	1.
			2.
			3.
Circle No. II	...	Amaldar in charge	Shri
		Guarding staff	1.
			2.
			3.
Cells	...	Amaldar in charge	Shri
		Guarding staff	1.
			2.
			3.
Hospital	...	Amaldar in charge	Shri
		Guarding staff	1.
			2.
			3.

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)—XVJ, 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 Go

(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-l) '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.

Ex-officio visitors

4. The following officers shall, in respect of prisons located within their respective jurisdiction, be *ex-officio* visitors, namely :—

(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.

Non-official visitors

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.

— 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.

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.

Chairman of Board.

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.]*

Power of Government to terminate appointment of visitors.

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.

Every visitor to be provided with copy of rules.

9. Every visitor shall, on appointment, be provided with a copy of these rules.

List of visitors to be posted at Prison Gates.

10. A list of the visitors of the prison shall be posted in a conspicuous place between the two 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.

Period of undertrial prisoners to be watched by official visitors.

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.

Duties of visitor

16. All visitors may, as far as possible—

(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

(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.

Access to certain prisoners by visitors prohibited.

17. (i) No visitor shall have access to such prisoners or class of prisoners as the State Government may from time to time specify.

(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/XV1, 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."] †

Power of Police Officers to visit prisons.

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.

(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

Inspector General to be *ex officio* visitor of certain institutions.

1. The Inspector General shall be an *ex officio* visitor of the Central Mental Hospital, Yeravda, and the Yeravda Industrial School, Yeravda.

Deputy Inspectors General (Regional) to be *ex officio* visitors of Mental Hospitals.

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.

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.)*

Superintendent to give intimation of his absence.

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).

Opening and locking-up of prison.

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 Jailor shall see that the number of Jailors so fixed attend the prison.

Mustering of Jail guards.

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 Jailor.

Prison staff to give intimation of their absence.

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.

(ii) Where any subordinate officer of a prison is summoned by a court, he shall at once given notice thereof to the Senior Jailor who shall enter the information in the Jailor's Report and shall make such arrangements as may be necessary for the performance of the duty of such officer during his absence.

Absence of Senior Jailor etc. from prison.

7. Senior Jailor, Head Clerk and Medical Officer shall not leave the prison without the permission of the Superintendent.

— 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.

———————

234
APPENDIX

FORM I

[*See* rule 2 (iii)]

Order Book of the Superintendent of the Prison for the Year 19 .

No. and date 1	Orders of Superintendent 2	Reports of Jailor etc. on Superintendent's orders 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 :— Office Organisation.

(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);

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 comm easible. 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.

Await files

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.

Periodical reports

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.

Standing order file.

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.

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 hich 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.

242

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 ...

APPENDIX IV

[*See* rule 6 (*ii*)]

Control register for timely submission of reports, replies to immediate and urgent cases

..... day the .... the of ..... 19 .

Sr. No. 1	Ref. No. and Date 2	Subject 3	To whom reply to be sent 4	Branch or section concerned 5	Remarks of the section head about action taken 6	Initials of the section head concerned 7

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 (*1*)]

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

WEEKLY

1. Weekly Accommodation return ...
   Every Saturday.

MONTHLY

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 1st of each month
the "Preventive Detention Act" at the instance of other States.
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	
1	2	
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.
	QUARTERLY	
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.

HALF YEARLY

1. Return on Securities of Officials ... 1st January and 1st July.

2. List of Government servants due for retirement on super annuation ... 15th January and 15th July. during the next year.

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 5th July and 5th January. year ending 30th June and 31st December.

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 5th February. backward class candidates.

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	Superintendent and officer should check	when to be checked	Which Inspection of district and central by Dy. Supe-

1	2	3	4	5	First check prison 6	Second che 7
	I JUDICIAL SECTION					
1.	*Jail form No. 1.*–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 Jai
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 Jai
3.	*Jail form No. 1-A.*–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 Jai
4.	*Jail form No. 2.*–Prisoner's property register.	Daily or whenever there is a fresh admission.	Orderly officer where there is no orderly officer, judicial be Clerk.	Daily or whenever a fresh entry is made.	Jailor incharge of Judicial section as would specified by the Supdt.	Senior Jai
5.	*Jail form No. 2-A.*– Prisoner's property register.	Daily or whenever there is a fresh admission.	Orderly officer where there is no orderly officer, judicial be Clerk.	Daily or whenever a fresh entry is made.	Jailor incharge of Judicial section as would specified by the Supdt.	Senior Jai
6.	*Jail form No. 3.*–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 Jai
7 .	*Jail form No. 4.*–Release Diary.	Daily or whenever there is a fresh admission.	Clerk concerned. Once a	Daily or whenever a fresh entry is made.	Jailor in-charge of the work as would be specified by the Supdt.	
8 .	*Jail form No. 6.*– Senior Jailor Remission Register.	Whenever there is fresh admission 5th January and July every year *vide* rule 20 (4) of the Remission System Rules,	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.	
9 .	*Jail form No. 7.*– Punishment Register.	Whenever a prison offence is committed.	Jailor concerned.	Whenever a fresh entry is made.	Senior Jailor.	Superintende
	(*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-*	Whenever escape of	Jailor concerned.	Whenever	Jailor as would	Senior Jailor

1962.

	88.– Escape Register.	a prisoner takes			there is a	be specified	
	week.	fortnight.					
		place.			fresh report.	by the	
		Supdt.					
	11. *Jail form No. 92.–*	Whenever a petition	Clerk concerned.	Weekly.	Jailor in-charge		
	Senior Jailor	Once a	Once a				
	Register of Petitions to	is presented by a			of the work		
prisoner for being							
	High Court.	sent to High Court/			as specified		
		Supreme Court.			by the		
		Supdt.					
	12.*Jail form No. 132.–*	Whenever an appeal	Clerk concerned.	Weekly.	Jailor in-charge		
	Senior Jailor		Once a	Once a			
	Register of appeals	petition is presented			of the work		
		as specified					
	preferred by convicts.	by a convict.			by the		
	Supdt.						
	IICANTEEN SECTION						
	13.*Jail form No. 23.–*	Daily or whenever	Canteen Clerk.	W h e n e v e r	Canteen Jailor.	Dy. Supdt. or	
	Sales Journal.	articles are sold.		there is a		Supdt.	
				fresh entry.		there is no	
			Dy. Supdt.				
	14.*Jail form No. 17.–*	Whenever amount is	Steward-Where there	W h e n e v e r	Jailor In-charge		
	Dy. Supdt. or	Once a	Once a				
	For Canteen.	to be withdrawn	is no Steward	there is a	of Canteen.	Supdt.	
from Treasury or							
		whenever abstract	head clerk/where	fresh entry.		there is no	
		bill is to be given	there is no head			Dy. Supdt	
		to contractor	clerk senior clerk.				
s u p pl ie r.							

APPENDIX VI–*contd.*

Sr. No.	Jail form No. and description	When to be written	By whom to be written	Inspection by Superintendent when to be checked	Which officer should check
					of district and central by Dy. Supe-

1	2	3	4	5	First check prison 6	Second che 7
15.	*Canteen 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 incharge of canteen.	Dy. Supdt. or Supdt. if there is no Dy. Supdt.
16.	*Jail form No. 26.*–For Canteen	Daily.	Canteen Clerk.	Daily	Canteen Jailor.	Dy. Supdt.— where there is no Dy. Supdt., Senior Jailor.
17.	*Jail form No. 27.*–Register of Daily manufacture of articles in the canteen.	Daily.	Canteen Jailor.	Daily	Senior Jailor.	Dy. Supdt./— Supdt.
18.	*Jail form No. 28.*–For canteen Ledger of R. M.	Daily.	Canteen Clerk.	Daily	Canteen Jailor.	Dy. Supdt. where there is no Dy. Supdt. Senior Jailor.
19.	*Jail form No. 29.*–For canteen Ledger of M. A.	Daily.	Canteen Clerk.	Daily	Canteen Jailor.	Dy. Supdt. where there is no Dy. Supdt. Senior Jailor.
20.	*Jail form No. 31.*–For canteen store requisition and receipt book.	Whenever requisitions are made and when articles are received.	Canteen Jailor.	Whenever requisitions are made and when atricles are received.	Senior Jailor.	Dy. Supdt./ Superintendent.
21.	Muster rolls of prisoners.	On every working Factory Manday.	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.	Once a Once a ager/wh there is no Factory Ma ager, Factor Jailor/Senio Jailor (wage sheets pertaining t maintenanc services and agriculture.)
22.	*Special I. G. 83.*–Wage sheets.	On every working Factory Manday.	Concerned Jailor.	Daily.	Jailor concerned.	Once a Once a ager/wh there is no Factory Manager, Factory Jailor/Senior Jailor (for wage sheets to

		maintenance services and agriculture.)			
		III DIETARY SECTION			
23. *Jail form No. 5.*– Employment Register.	Daily Once a	Senior Jailor	Clerk Once a	Daily	Jailor In-charge etc.
24. *Jail form No. 8.*– Of- Garden Register.	Daily Once a	Senior Jailor there is no Agricultural officer, Field kamgar.	Clerk Once a	Daily	Agricultural ficer/where
25. *Jail form No. 15.*–Diet Register.	Daily	Senior Jailor steward Head Clerk/ where there is no Head clerk, senior clerk.	Clerk Once a	Daily Once a	Steward/Where there is no

APPENDIX VI–*contd.*

Sr. No.	Jail form No. and description	When to be written	When to be written	By whom to be checked	Superintendent when to be Inspection	Which officer should check
					of district and central	

1	2	3	4	5	6	7
					First check	Second che
				prison		
26.	*Jail form No. 31.*–Store Requisition and receipt book.	Whenever an article is requisitioned and when it is received.	Store keeper/Ration Clerk.	Whenever an article is and when it is received.	Senior Jailor.	Superintende
27.	*Jail form No. 163.*–Grain Store Register.	Daily steward Head Clerk/ where there is no head clerk, senior clerk.	Ration clerk	Daily	Steward/where there is no	Senior Jailor
28.	*Jail form No. 164.*–Register of grinding and wastage account.	Daily steward where there is no head clerk, senior clerk.	Ration clerk	Daily	Steward/where there is no Head Clerk/	Senior Jailor
29.	*Jail form No. 184.*–Register showing the receipt of vegetables and milk.	Daily Once a ficer/where there is no kamgar.	Clerk	Daily	Agricultural week Agricultura l Officer	Of- Senior Jailor

IV. INDUSTRIES SECTION

30.	*Jail form No. 23.*–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.
31.	*Jail form No. 24.*–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.
32.	*Jail form No. 25.*–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.	Whenever there is a fresh entry.	Jailor	Dy. Supdt./ Supdt.
33.	*Jail form No. 26.*–Ledger of sales journal and cash book.	Whenever Jail made articles are sold on the credit and when amounts are recovered. (*Note.*–Dy. Supdt. or Supdt. should check this register with cash book.)	Clerk	Whenever there is a fresh entry.	Jailor	Factory Manager/ factory Jailor.
34.	*Jail form No. 27.*–		Jailor	Whenever	Factory Man-	Dy. Supdt./

Register of daily manufacture of articles showing the expenditure of R. M. Articles.	any work order is completed.		there is a fresh entry.	ager/Factory Jailor	Supdt.
35. *Jail form No. 28.*–Ledger of R. M.	Daily or whenever any work order is completed-when article of R. M. is received.	Clerk	Whenever there is a fresh entry.	Factory Manager/Factory Jailor	Dy. Supdt./ Supdt.
36. *Jail form No. 29.*–Ledger of M. A.	Daily or whenever any work order is completed.	Clerk	Whenever there is a fresh entry.	Factory Manager/Factory Jailor	Dy. Supdt./ Supdt.
37. *Jail form No. 30.*–Factory order book.	Whenever an order is placed for manufacturing an article in the prison factory.	Factory Jailor	Whenever there is a fresh entry.	Factory Manager/ where there is no factory	Dy. Supdt./ where there is no Dy. Supdt./ Supdt.
38. *Jail form No. 31.*–Factory store requisition and receipt book.	Whenever an article is requisitioned and when it is supplied.	Factory Jailor	Whenever there is a fresh entry.	Factory Manager/ where there is no factory manager factory Jailor.	Dy. Supdt./ where there is no Dy. Supdt./ Supdt.

APPENDIX VI–*contd.*

Sr. No.	Jail form No. and description	When to be written	By whom to be written	when to be checked	Superintendent of district Inspection by Dy. Supe-and	Which officer should check central

1	2 3	4	5 6	7 8 9	First check Second check	rintendent

V. ACCOUNTS SECTION

39.	*Jail form No. 16.*–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 Supdt./ Supdt.	Dy. Supdt./ month.

[*Notes.*—(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 *vide* I. G.'s No. CBR-5063-III dated July 1963.]

40.	*Jail form No. 17.*–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 frash entry.	Jailor	Superintenden
41.	*Jail form No. 18.*–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 tendent/ receipt is taken here.	Jailor Dy. Superin- Superinten- dent.	Dy. Superin- Superinten-
42.	*Jail form No. 138.*–Daily cash balance sheet.	Daily	Steward/where there is no steward/Head clerk/where there is no Head clerk senior clerk.	Daily	Jailor Dy. Superin- Superinten- dent.	—

[*Notes.*—(a) The Superintendent should physically verily 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 *vide* 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 Dy. Supdt. Head Clerk.	—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 Dy. Supdt. Head Clerk.	—Once a month.

VI. HOSPITAL SECTION

45.	*Jail form No. 32.*–Medical officers' daily Journal.	Daily O. M. S. O. where there is no C. M. O.	Daily	C. M. O./M. Supdt.		—Once a month.
46.	*Jail form No. 33.*–Daily Register of prisoners showing particulars of health.	Compounder	Daily	M. M. S. O. C. M. O./		Once a M. O.

47. *Jail form No. 34.*–Daily Compounder Register of sick.			Daily	M. M. S. O. C. M. O./	Once a Once a M. O.
48. *Jail form No. 35.*–Daily Compounder Convelscent register.			Daily	M. M. S. O. C. M. O./	Once a M. O.
49. *Jail form No. 36.*–Daily Compounder Register of extra diets to prisoners in and out of			Daily	M. M. S. O. C. M. O./	Once a M. O.
50. *Jail form No. 37.*– Hospital requisition book.	hospital. Whenever article *i. e.* sugar, sweet oil etc. is required from prison store for use in prison hospital or whenever any article (*i. e.* eggs, sweet limes, souriimes, plantains, milk. mutton, butter etc.) is required for being issued to prisoners as extras.	Once a	any Compounder	W h e n e v e r there is fresh entry	M. M. S. O. C. M. O./ Once a M. O.

APPENDIX VI–*contd.*

Sr. No.	Jail form No. and description	When to be written	By whom to be written	Inspection checked	Superintendent when to be of district by Dy. Supe-	Which officer should check

1	2 3	4	5 6	7 8 9	First check Second check	rintendent
	51. *Jail form No. 91*.—Daily Morning report book. C. M. O.	Compounder	Daily	M. M. S. O./	Senior Jailor week	Once a Once a
VII.MISCELLANEOUS SECTION						
	52. *Jail form No. 11*.—Gate register.	Daily Gate keeper	Daily (*Note*.— Orderly officer if there is this one, should daily register check and a certify entries week in this register).	Steward/ Store keeper	Senior Jailor should Factory check Jail-or/ Factory once Manager/ Senior	Once a Once a fortnight
		Jailor/and other concerned officers.				
	53. *Jail form No. 12*.—Supdt.'s order book.	When necessary	Supdt.	W h e n e v e r necessary	—	—
	54. *Jail form No. 13*.—Jailor's report book.	Daily	Jailor	Daily	Senior Jailor	Supdt.
	55. *Jail form No. 14*.—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.
	56. *Jail form No. 21*.—Monthly Clothing regisiter	Jailor	Monthly	Senior Jailor	Superinten- dent	—
	57. *Jail form No. JL.90*.—Dead stock register.	*Spl.* Whwnever there is a fresh purchase of dead stock fresh entry articles and also in November every year.	Clerk	W h e n e v e r there is a May/	Jailor	Senior Jailor
	58. *Jail form No. Spl. JL. 28*.—Evening total book.	Daily Orderly Officer/Jailor	Daily Superinten- dent	Senior Jailor	Dy. Superin-	—— tendent/
	59. *Jail form No. 152*.—Money order book.	Whenever amount is received by M. O. —Once	Orderly Officer/Jailor a	W h e n e v e r there is a clerk/ fresh entry Senior clerk	Steward/Head Dy. Superin- tendent/ Superinten- dent	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 of 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 of deterioration should be noted by the consignees in the delivery books of the Ra s 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 Purchasin ately 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.

National Flags.

Articles of Uniform.

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

Form No. II to the Inspector General for sanction.

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.

National Flags.

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.

(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.

Articles of Uniform.

16. The indent for articles of uniform of Jail Guards shall be submitted

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.

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.

Arrangements for the purchase of Medicines for the Jail Department.

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 along with to the Inspector General through the Superintendent of the Jail one or more of the following certificates to suit the particular case.

(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 Jailor.

(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 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.

General instructions.

35. (i) While forwarding forecasts no reference or comparison will be made to any previous forecasts submitted by indentors.

(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 indentical.

(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

Payment byBook 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.

Stationery articles.

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.

(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 .....

			Received during 197- 197			Written of during 197 - 197	In store on 1-4-197	
Annual requirement per prisoner	Name of the article	Balance of the 1st of April 197	Manufactured in prison or purchased or trans-ferred	Received from prisoners and not demned	Total Col. 3 with 4	Total of Con-demned and 4	Sent to prisoner for 3 months	Total New and Service-able and returned	Repair-able and will last
1	2	3	4	5	6	7			

FORM No. I—*contd.*

On prisoners on 1-4-197		Total number of new and serviceable articles required	Number of prisoners for whom each article is required	Quantity of cloth required for each articles for clothing			Rate of articles to be manufactured in prison	Total cost to be manufactured in prison
Service-able	Repairable, will last as per for			Length	Breadth	Total		
	for about 2 months	Cols. 7 and 8	197-197	for 197-197		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.*

							Budget allotment		
Articles required					Whether the articles indented for are to be made in prison or purchased from bazar	Amount sanctioned already by Government	Amount expended	Amount now available
No.	Name	Rate Per	Amount					
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 | Article and description of quantity | No. of sanctioning the prison and the reference No. and date | How obtained whether on cash payment from factory or from other purchase by the competent authority | Rate per | Original cost | Condemned Balance No. | Amount | Balance Condemned Balance | | | | | | |

FORM No. IV

(*See* Rule l6)

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 (a) (b)	Quantity or No. received till 31st January (c)	Quantity or No. still to be received	
1	2		3		4

FORM No. IV—*contd.*

Scale of articles per or No. head	Total Quantity now required for Jail guards to be shown in Col. 4	Actual stock on hand on 1st February		Quantity or No. to be required	Rate	Value	From whom 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

PRISON/JAIL

No. G/ 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 purchase	Officer authorised to
	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– *contd.*	Jogeshwari, Bombay, The Officer 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.	All Hospitals and the Director of Agriculture, Pune.
		(ii) Rs. 3,000 per year.	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.	Heads of Departments and Institutions concerned.
		(ii) Rs. 10,000 per year.	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 purchase	Officer authorised to
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.	(i) Heads of Departments and Offices.
	(ii) Without any limit.	(ii) Aviation Adviser
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	Value upto which can be purchased	Officer authorised to purchase
	1	2	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 cf Executive Engineers and in the case of other Departments all Gazetted Officers in Class I service of the State provided they arc 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 purchase	Officer authorised to
	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 tion absolute requirements.	Excise and Prohibi-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	Value upto which can be purchased	Officer authorised to purchase
1	2	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 competative 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 quanity 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.	(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) Superintendting Agriculture officers.
	(ii) The aggregate cost not exceeding Rs. 2,000 per annum of 50 per cent of contingent grants.	(ii) Other Gazetted Officers in class of the State Service provided they arc Heads of Departments or Offices.

APPENDIX I–*contd.*

	Articles	Value upto which can be purchased 3	Officer authorised to purchase 1 2
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 1	Authorised scale (quote the relevant scale as mentioned in rule 2	Quantity of ammunition to which entitled on the basis of the scale mentioned in Column 2 3	Actual holdings 4	Difference between Columns 3 and 4 5	Present demand 6	Remarks 7	Consignment instructions 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 1	Authorised scale (quote the relevant scale as mentioned in rule 2	Quantity of ammunition to which entitled on the basis of the scale mentioned in Col. 2	Actual holdings 4	Difference between Columns 3 and 4 5	Present demand 6	Remarks 7	Consign-ment instruc-tions 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 Jailor to get the scales weights and measures tested

2. (i) The Senior Jailor 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 Jailor 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 Jailor 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 Jailor 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 Jailor 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 Jailor 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.

Verifications of stock.

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.

(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.

Stock verification certificates.

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. Ill 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.

Superintendent to verify stock twice a year.

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 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 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 irrepairable, 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 revanges 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 Bretness'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

291

FORM No. II

Form of register of Dead Stock movable property

Sr. No. 1	Designation of article 2	Authority for purchase and date of purchase 3	Number of quantity 4	Value 5	Initials of head or office 6	Final disposal number of quantity and nature of disposasl 7

Authority or Voucher 8	Amount realised and date of credit in the treasury 9	Amount written of 10	Balance in stock		Initials of head of office 12	Remarks 13
			Number 11	Val. 11		

FORM No, III

Statement showing the Excess and Shortages found at the time of Stock Verification as on ..... at ..... Prison

Sr. No. 1	Article 2	Opening Balance 3	Receipts 4	Total 5	Consumption 6	Wastage 7	percentage 8

Total consumption 9	Book balance 10	Actual balance 11	Excess Shortages on quantity			Percentage
			quantity 12	Value	quantity 1	

**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

5-30 a. m. to 6-

00 a. m.—Opening of barracks and cells and counting working days. 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.

Ringing of bell 3. A small bell with a sound distinct from the sound of the alarm bell for each item of shall be rung to announce the beginning and end of each item of routine 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 5. (i) As soon as the barracks and cells are unlocked, each prisoner Prison 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 6. After the prisoners are formed up under sub-rule (2) of rule 5 the ablutions. 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.

Prisoners to bathe themselves daily-Issue of Coconut Oil.

7. (i) All prisoners shall bathe themselves every day regularly unless excused by the Medical Officer.

(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.

Physical Training and drill parades.

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.

Formation of prisoners into gangs for work.

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.

Distribution of work to prisoners.

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.

Mid-day-meals.

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.

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 etc. of barracks

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)-XVl, 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.

Powers of Senior Jail Guard to break open glass of key box of women's barracks in emergency.

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.

Custody of key of Treasure chests.

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.

Withdrawal of locks when keys are lost or mislaid.

19. In the event of any one of the keys being lost or mislaid, the Superintendent shall immediately withdraw the lock from use.

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. Ill (Lock-up Register) the number of prisoners confined in the wards. The register shall be checked up and signed by Superintendent.*

Report to Superintendent at the time of lock-up.

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.

Ingress and egress prohibited between 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) s y 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.

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

Opening of a bairack during night in cases of emergency.

Form IV* about such necessity to open

– 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 barracks or cells.

30. A light shall be kept burning in or near every sleeping barrack or sleeping 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.

Night visits by Prison Officials.

31. The Superintendent, all Jailors, Subhedars and Jamadars shall pay at least one night visit to the prison per week at uncertain hours.

Washing of Clothes.

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.

Issue of washing soda and firewood.

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:—

(i) Washing Soda 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.

Washing of cloths in prison

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.

Power to withdraw facilities.

"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] *

* 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	
1	2	3	4	5	6

Subhedar or Senior

FORM II

*[Rule 14]

Lock-up Register for ..... 197 .

..... Prison

men Women

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	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 ...																				

*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 Cl
	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 night | Orderly Officer for the Senior Jailor

7. *Details of the staff on night duty*

Time

From

To

Main Gate

Orderly Officer ... Shri

_____

Guarding Officer ... 1.Shri

2.Shri

3.Shri

Time

From

To

Circle No. 1

Amaldar in Charge

_____ ... 1.Shri

Guarding Staff 2.Shri

3.Shri

Circle No. 11

Amaldar in Charge

_____ ... 1.Shri

Guarding Staff 2.Shri

3.Shri

Cells–

Amaldar in Charge

_____ ... 1.Shri

Guarding Staff 2.Shri

3.Shri

Hospital–

Amaldar in Charge

_____ ... 1.Shri

Guarding Staff

8. *Details of Night Visits—*

Time of arrival	Name of Visitor	Orderly Officer visited	Places Senior Jailor departure	Time of Superintendent Visitors	Orderly Officer	Initials of night Orderly Officer for the	Orderly Officer for day

† 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.

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:—

Short title and commencement.

1. (i) These rules may be called the Maharashtra Prisons (Admission, Classification and Separation of Prisoners) Rules, 1966.

(ii) They shall come into force on the 22nd day of August 1966.

PART I : ADMISSION OF PRISONERS

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:

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.

Prisoners not to be admitted without warrants.

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.

(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).

Prisoners to wash themselves and their clothing soon after admission.

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.

Prison authorities not to be responsible for any mistake in warrant.

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.

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

Registration of admission entries

of prisoners in Jail Registers.

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.

(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.

Procedure in case of prisoner's transfer to another 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 release and number of convictions shall be endorsed on his warrant. A history ticket shall also be prepared for him.

State of every prisoner's education to be recorded

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.

Recording of date etc. in warrant on prisoner's admission into a prison

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.

Verification of admission documents by Senior Jailor

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—

(a) examine the warrant and endorsement thereon, and initial them;

(b) read out to the prisoner the list of his private property as recorded in Registers in Forms Nos. Ill, IV and V, and initial it if it is acknowl-edged correct, by the prisoner concerned.

(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;

form VI and initial;

(e) examine all entries on the History Ticket particularly as regards previous convictions;

(f) verify and ascertain from the prisoner concerned about the correctness of the entries regarding his past history recorded in the history ticket.

(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;

(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.

(ii) Undertrial prisoners shall also be brought before the Senior Jailor who shall examine the admission entries made in Register of Undertrial Prisoners and satisfy himself that they are correct and put his dated initials in the columns prescribed for the purpose.

Prisoner to be produced before Superintendent within specified time

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.

Prisoners having influence in district to be transferred to another district

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.

Checking of admission registers

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.

Medical Examination

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.—

(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.

Vaccination of prisoners

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.

Placing of prisoners in quarantine

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.

(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.

Instructions to prisoners during period of quarantine

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.

(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.

Superintendent to provide suitable work to prisoners during period of quarantine

20. The Superintendent shall provide suitable work for all prisoners during the 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.

Revision of classification of prisoners

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.

(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.

Classification into habitual and non-habitual prisoners

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.

PART III : SEPARATIONS OF PRISONERS

Accommodation for class I 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.

(ii) Class I prisoners shall, as far as possible, be kept separate from Class II prisoners in separate yards provided for the purpose.

Confinement of civil prisoner

2. Every civil prisoner shall be confined in a Civil ward of prison and not be allowed to hold communication or be associated with criminal prisoners :

Undertrial prisoners

3. Undertrial prisoners shall be accommodated in separate cells at night :

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 undertrials confessing

4. Confessing undertrial prisoners shall, as far as practiable, 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.

Prisoners sentenced to death.

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.

(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.

Adolescent prisoners

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.

Prisoners suffering from insanity or contagious diseases

11. Prisoners under observation for insanity or suffering from contagious diseases shall be so isolated as the Medical Officer considers necessary.

Ex-military prisoners

12. Military prisoners sentenced for purely military offences shall, so far as it is possible, be kept entirely apart from ordinary (convicted criminal prisoners.)

Classification to be explained to 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.

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							

24 Modification in date of Release

Date	Nature	Authority	Period Modified	Initials of		
				date on release	Clerk	Judicial Jailor	Senior Jailor

25 How disposed of (Date to be entered)—

(i) Expiry of sentence ...

(ii) Payment of fine ...

(iii) Transfer to other prison ...

(iv) Bail ...

(v) Remission ...

(vi) Sickness or other grounds ...

(vii) Transfer to Mental Hospital ...

(viii) Escape ...

(ix) Execution ...

(x) Death ...

(xi) Appeal ...

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 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. Dale of admission to prison ...
11. Remarks of the M. O. about marks of beating or violence on the body of the prisoner, ifany, 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. on admission ... on disposal

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	Signature or thumb impression of the Superintendent Initials of prisoner on transfer or on release
8	9	10 11 12

Total

Opening Balance as on

Date	Amount Rs. P.	Date	Amount 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 Jailor	Initials of the Senior Jailor	Signature or thumb impression of the prisoner	Initials of the Superintendent	Date of disposal	How disposed of	Signature or thumb impression of the prisoner	Initials of the Senior Jailor	Initials of the Superintendent	Signature or thumb impression of the prisoner on transfer/ release
1	2	3	4	5	6	7									
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 Jailor	Initials of Senior 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)-XVl, dated 5ih 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 admission	Period of sentence including fines *i. e.*, such fines as have not been paid before into the prison
1	2	3	4	5

On admission of convict or transfer of entry from another page initials of—

Judicial Jailor	Senior Jailor
6	7 8 9

On transfer to another page of convict's name or certifying to the convict on proper date, initials of—

Judicial Jailor	Senior Jailor
10	11

Amount paid to convict on release

Wages	Private cash

Places to which convict has to travel to enable him to reach his home

By Rail (give name of station)	By road (state number of miles)	Cost of lowest class ticket by railway train
12	13	14

Allowance (if any) granted on release

Subsistence allowance	Articles of Jewellery handed over
15	16

Register Numbers of Prisoners due to surrender to Jail to-day otherwise	Remarks as to whether the Prisoner surrendered or	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. Class of Admission as per Prisoner's Register	Name	Age	Date of admission	State of health on admission	(Hard or Labour other than hard)	Weight on admission	Remarks (If a convict is disposed of
1	2	3	4	5	6	7	

On admission vaccinated for small-pox or unprotected	Weight on discharge	State of health on discharge stationary	Date of discharge should here be	Gained, lost or stated what became of the convict)	Medical Officer's discharged, it 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.

ON 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 Superin-tendent of the Prison shall provide sufficient accommodation either by improving additional cells in some other building or by transferring prisoners to other prisons. Before transfering 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, habituals 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]

Meaning of Classification

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.

Prisoners sentenced to imprisonment of one year and above to be classified

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:—

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.

Phases of Classification

4. Classification and review procedure shall be phased as indicated below:—

(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 classification.

6. (i) The following procedure shall be adopted at the time of the initial 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.

Decision to be taken by Classification Committee.

7. The classification committee shall take decisions on the following points in accordance with the needs of each prisoner.

(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.

Implementation of decision taken by the classification Committee.

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 initials of the Senior Jailor.

Maintenance of progress reports of prisoners.

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.

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 erruptive 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 wh mate'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.

Assignment of conservancy work

11. Conservancy work shall, as far as possible, be allotted to a prisoner who was carrying on that occupation immediately before his imprisonment:

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 Jailor 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;

Form No. I discontinue the conservancy services volunteered by a prisoner.

Prisoner not to be employed on clerical work

12. No prisoner shall be employed to assist in the clerical work of a prison:

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.

Employment of convict officers and adolescents

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.

(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.

Work Assignment Committee

14. (i) The Work Assignment Committee of a prison concerned shall consist of—

(a) the Superintendent ... Chairman.

(b) the Deputy Superintendent, if any ... Member.

(c) the Senior Jailor ... Member.

(d) the Medical Officer ... Member.

(e) the Factory Manager or Factory Jailor, 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 Jailor, 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 Jailor-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.

Hours of

18. (i) Except in case of an emergency and by the order in writing

Form No. 1, no prisoner shall be employed on labour for more than nine hours in any one day. 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 Jailor 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 Jailor 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 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. or other

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.

Fixing of selling price of articles

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.

Prisoners to be employed in works of repairs, etc.

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 not to be employed for private work

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.

Employment of prisoners on public works

29. Employment of prisoners on public works and works undertaken by any local authority shall be governed by the following conditions, namely :—

(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 with implements

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.

Prisoner on extramural work, if falls sick.

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.

Strength of escort who in extramural camps.

34. In extramural camps, when the prisoners are guarded by Jail guards are armed with breech-loaders, the strength of the escort will depend

FORM No. I

[Rules 11 (d), 18 and 34]

Prison for the year 19 .

Number and	Orders of Superintendent	Reports of Jailor etc. on date	
	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 ...

(/)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 careeristor professional criminal or organisedCriminal ?

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 expertslike psychiatrist, etc.

17. Indications about other sources fromwhere information about the inmate's social background can be available.

Suggestions about additional material tobe 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-sleves 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:—

Short title

1. These rules may be called the Maharashtra Prisons (Religious Facilities, Moral and Social Education to Prisoners) Rules, 1976.

Religious Instructions prohibited.

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 Facilities to Prisoners.

3. (1) Mass prayers shall be allowed to the followers of each religion on not more than two days in a year.

(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.

Summoning minister of faith for prisoners attending under sentence of death and others.

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. 355

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

5. For imparting social and moral education to prisoners on the subjects enumerated in rule Prisons, Maharashtra State,

Lecturers. 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 St. Georges Hospital, Bombay)	4 at

Term of appointment of Lecturers. 8. The appointment of a lecturer shall ordinarily be made for a period of two years.

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.

Subject to be covered by the lecturers. 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.

Arrangements of lectures. 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.

Lecturers not to interfere with prison routine and discipline.

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.

Remuneration to Lecturers.

12. A lecturer shall be granted an honorarium of Rs. 10 per lecture.

Sugsgestions by 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.

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 llth 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:—

Short title and commencement.

1. (i) These rules may be called the Maharashtra Prison (Diet for Prisoners) Rules, 1970.

(ii) They shall come into force on the 15th day of July 1970.

Prisoners not to consume, receive or possess articles of food or drink unauthorisedly.

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.

Every prisoner to receive prison diet according to his class and labour. on scale

3. A convicted criminal prisoner, an unconvicted criminal prisoner or a civil prisoner who does not maintain himself shall, when not placed special diet on medical grounds by proper authority, daily receive the of prison diet admissible to him in accordance with these rules.

Vegetables to be obtained from prison garden.

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.

Supply of vegetables by one prison to another

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 Suprintendent 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.

(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 sieye 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.

Responsibility of prison officials for ensuring proper quality of articles of diet.

13. It shall be the duty of the Superintendent, the medical officer and the jailor to satisfy themselves that—

(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-I058-(XXXIII)-XV1, 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 s ied in such order.]

(ii) Class I prioners 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 a 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.

Ration diet.

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.

Modified diet for foreigners.

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.

Diet Scales for Convict Officers,

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.

Dietary to be sactioned by Inspector-General for each Prison.

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.

(ii) Subject to the provosions 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.

Scale of diet for simple imprisonment convicts electing to labour.

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.

(ii) The labour on which a prisoner is employed shall be fixed by the Superintendent after consulting the Medical Officer.

Diet of prisoners sentenced to death.

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.

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.]

Extra provisions for prisoners not in hospitals on medical davice.

22. (i) The Medical Officer may recommend extra or special diet for any prisoner out of hospital in accordance with the requirements

* 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.

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 in consistent 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 Inspetcor-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 sample 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 conjee) 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.

Diet for children of women prisoners allowed to stay with them.

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.

Extra diet for nursing mothers.

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.

Highest scale of diet in case of hard labour only.

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.

Change of diet not to be effected without consulting the Medical Officer.

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.

Diety for lunatics confined in Prison.

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.

Correctness of supply of ration to be checked.

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.

• 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	(1) Tur dall—1 issue.
I meal of wheat	available wheat	(2) gram dall—1 issue.
		6 meals of the cheapest grain
		6 meals of the second cheapest

(3) whole moong—2 issues. (4) gram flour—1 issue.

(5) whole masur—1 issue.

grain. (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 Superintended under an order in

form III.

Supply of sprons working in the kitchen.

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.

Number of cooks

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.

(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.

Cleanliness.

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.

(ii) The work of cleaning cereals, pulses, vegetables, kitchen utensils and the kitchen area shall be given to short termors.

Cooking in kitchen only.

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.

Breads.

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.

(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.

Preparation of dough,

45. While preparing dough, the flour shall be slowly mixed with water and kneaded thoroughly on some impermeable surface.

How to use tamarind.

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 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.

(ii) Dall shall be first cooked, and oil and condiments shall be added to it afterwards, and allowed to boil with more water.

(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 inspectrations, 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 Complaint about shortage of food.

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.

Consumption of food and disposal of surplus.

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.

(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.

Convict Officers How to eat food.

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.

Supply of meals to an unconvicted or convicted criminal prisoner before going to court.

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.

* 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 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 ration certain 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.

Supply of ration to fasting prisoners.

61. (i) All Muslim prisoners, shall be allowed to keep Roza during the Ramzan month.

(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.

– Substitued 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 flour.		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
			All values are expressed in grams and are for daily issue, unless otherwise stated
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		

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

(v) Salt

(vi) Fuelfor morning Conji ...

...

5

455

(iv) Rice ... 55

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 liew 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 kg.	g.	Milk kg.	g.	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 No. and date the Superintendent of the Prison and action taken by the Jailor	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 are 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.

No male officer to enter women prisoners enclosure.

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.

Register of visits to be maintained.

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.

(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.

Enforcement of discipline.

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 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;

(1) 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 withdrawn 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.

Cutting of hair of women prisoners etc.

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.

Articles prohibited in prison.

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:—

(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 prihibited article under rule 17.

Other articles prohibited in prison.

18. Every article, of whatever description, shall be deemed to be a prihibited 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 authoriity, 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.

Acts constituting prison Offences.

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 :—

(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) abettitng 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 voilence 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.

Rules to apply to prisoner under sentence of simple imprisonment.

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.

Military prisoners not to wear uniforms.

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.

Custody of under- trial prisoner.

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.

Facilities to undertrial prisoners.

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.

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 lo 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 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 th at, 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.

Use of sword, etc., against prisoners engaged in outbreak or disturbance.

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 arms etc., in presence of Senior Officer.

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.

Minimum force to be used.

33. In all cases requiring the use of force, only the minimum force shall be used.

Dispersion of mob outside prison.

34. Prison authorities shall not attempt to disperse a mob outside the premises of the prison unless the prison itself is threatened.

Calling for police aid.

35. The Superintendent, the Deputy Superintendent, or in their absence, Senior Jailor shall call for police aid as speedily as possible, either by phone or other means, only where such aid is absolutely necessary.

Prisoner not to keep any weapon of offence.

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 upon a prison employee or convict officer, or of any combined outbreak amongst prisoners.

* Deleted by Government corrigendum, Home Department, No. EOP 1166/3174-XVI, dated 15th January 1973.

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 briet	Hours of— entering prison	Hours of— leaving prison	Particulars and purpose in brief of taking a women prisoner out of prison	Hours of— removal from prison	Hours of— return back to prison	Initials of— Woman Jailor	Initials of— Senior Jailor	Initials of— Superintendent
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.	Register number of	Name	Date of	Length	Result of enquiry: Number of	Result of enquiry: Date of	Full particulars of before Magistrate

o f	o f	C r i m e										
						sentence	of previous	escape				
			prisoner sentence				conviction charge the prisoner		Prison Official		recapture	
escape prisoner										escaped		in charge
						punished						
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 Jailor as Ex-Officio members. The woman Jailor 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 Jailor shall be the Chairman and shall conduct the meetings of the Panchayat. The Superintendent, the Deputy Superintendent and the Senior Jailor 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 Amanded *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.

Eelection 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.

Removal of Panch.

(xi) The Superintendent shall have power to remove any member of the Panchayat without assigning any reasons if he considers it necessary.

(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 admini- Functions of Panchayat. stration.

(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 conductive 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. Convists of a sulky, morose, or voilent 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 cam ible 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 pros-ecuted 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

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

mechanical restraint in certain circumstances.

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.

3. No prisoner shall be punished for any statement made to a visitor except with the concurrence of such visitor.

Exclusion from privilege of earning wages.

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 parble system either indefinitely or for a specified period.

(v) Exclusion from the privilege of earning wages for a period exceeding three months.

(vi) * Indefinate 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 voilent 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.

Period of imposition of fetters for prison offences.

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.

Condition of fetters.

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 to the waist by a

strip of leather, no string or rope being allowed for the purpose. When fetters become worn or thin in any part, they shall at once be changed.

Fetters not to be imposed on certain prisoner .

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

(iv) any prisoner in the hospital, except with approval of the Medical Officer.

Cells for women prisoner.

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:

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.

Cellular confinement.

13. (i) Under no circumstances, shall be two or more male prisoners be confined in one cell.

(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.

Cellular confinement.

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.

Intervals between two periods of 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.

Medical Officer to certify fitness of prisoner for imposition of handcuffs.

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.

(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.

Punishment by Magistrate for prison offence.

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.

Acts constituting both prison offence and offence under Indian Penal Code, how to be dealt with.

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:

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. Section 152, Indian Penal Code. Rioting armed with deadly, weapon. Assaulting or obstructing a public servant when suppressing riot.

(b) *Escape*—

Section 222, Indian Penal Code. Intentional ommission to apprehend on part of a public servant.

Section 223, Indian Penal Code.

Section 224, Indian Penal Code.

Escape from confinement or custody negligently suffered by a public servant.

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.

Section 304, Indian Penal Code.

Murder by a person under sentence of life imprisonment.

Culpable homicide not amounting to murder.

Section 304-A, Indian Penal CodeCausing death by rash and negligent act.

Section 309, Indian Penal Code. Section 323, Indian Penal Code. Section 326, Indian Penal Code.

Attempt to commit suicide,

Voluntarily causing grievous hurt. 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 : Provirled 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 net be deemed to be a punishment for the purposes of these rules.

No prisoner to be punished twice for same offence.

JAIL FORM 13

(Rule No. 2)

Report Book of..... for .....Prison 19 .

Serial	Report	Orders of the Superintendent and date	Compliance Report No.
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	Punish-ment 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 :

Inspector General of Prisons, Date :
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.

Handcuffing of prisoners.

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.

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.

Use of cells.

4. Cells may be used—

(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 or 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 women 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 Superintedents	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:—

Short title

1. These rules may be called the Maharashtra Prisons (Safe Custody of Prisoners) Rules 1970.

General provisions regarding safe custody of prisoners

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.

(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.

Police help for safe custody prisoners in certain cases.

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 determine.

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,

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.

Petitions for remission of sentence or pardon on grounds of ill health.

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.

Facilities for preparation or petitions.

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.

(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 Suprintendent 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.

Petition how; be forwarded.

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 submitted after period prescribed.

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.

(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.

Execution of sentence to be deferred under exceptional-circumstances.

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.

Acknowledgment of orders.

11. (i) The Suprintendent 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.

(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 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.

Presaentation of petition of appeal or application by prisoners.

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.

(ii) The appointment of a pleader shall be in writing, signed by the prisoner and attested by the Superintendent.

Superintendent to accept petition of appeal or application, not in the case of appeals and applications for revision, it is accompanied 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 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 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 application 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.

Reminder dor intimating result of appeal.

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.

(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 Sentence Section of Indian Penal Code under which convicted	Date of sentence	Court and Result of Adjudicating Court	Appellate Appeal
Age at the time of sentence	State of health	Conduct in prison previous	Number of date of convictions, if any	Number and Details of the previous Orders of Government, if any	Remarks
				remissions granted	

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 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)

Title.

1. * [There shall be a fund called the Prisoners' Welfare Fund at each of the central, special and district prison]

Object.

2. The object of the Fund is to give :—

(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.

Sources of Income.

3. The fund shall be raised mainly from voluntary contributions from prisoners, donations from public, entertainment programmes staged by prisoners.†

Administration of the Fund.

4. (a) The fund shall be administered by an Executive Committee consisting of the following members :—

(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 y go 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 the

(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.

Checking of Accounts by Audit.

7. The accounts shall be audited every year by the Departmental Auditors and also by the auditors from outside audit department.

— 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 :—

Short title and commencement.

1. (i) These rules may be called the Maharashtra Prisons (Facilities to Prisoners) Rules, 1962.

(ii) They shall come into force on the 1st day of June 1962.

Intimation to relatives of prisoner.

2. A printed post card in Form I shall be sent at Government cost to the relatives of a prisoner admitted to the prison.

List of relatives.

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.

(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.

Interviews and communications of prisoner.

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 ch case.

(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.

Competent authorities to be sanction interviews.

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 :—

(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 Jailor, 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 Jailor.

(iv) In prisons, where the Jailor 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 Jailor-*cum*-Superintendent.

Hours, procedure and place of holding interviews with prisoners.

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.

(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 ons 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.

Conduct of interviews; Complaint Book.

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.

(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.

Jailor to be present at every interview.

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.

Political matters not to be discussed at interviews—or termination of interviews.

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.

(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.

Senior Jailor may remove any visitor and such persons.

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.

Letters of prisoners.

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.

(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; two at Government cost and two at prisoner's cost.
(b) Class II Prisoners	...	Two letters per calendar month; one at Government cost and one 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 the 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.

Supply of writing material, service post cards etc. to prisoners for writing on a fixed communication.

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 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.

(ii) The Superintendent may allow a convicted criminal prisoner under sentence of simple imprisonment to use his own writing materials.

Subjects on which prisoners may correspond.

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.

Procedure when communications are in not understood by any jail employees.

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.

(ii) No letter written in ciphers shall be despatched, or as the case may be, given to a prisoner.

Communications from members of Parliaments or State Legislatures

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.

Provided that if any such prisoner has not made or subscribed an oath or affirmation as required by the Co 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.

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 Government prisoner to Departments on pertaining 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.

matters not to prison

Communications pertaining to 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. ‡

foreign

— 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.

Punishment for infringement of privilege of communications or any condition

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.

abuse or interviews and 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.

Report regarding withholding or curtailment of such privilege.

26. The Superintendent shall report to the Inspector-General every quarter on the 1st of January, April, July and October all cases where privileges are withheld or curtailed.

Destruction of letters delivered to prisoners. .

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 intials and the words “allowed to be retained.”

Every prison to have Library.

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.

Supply of newspapers.

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 :—

(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.

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:

Provided that the non-religious books are not, in the opinion of the Superintendent, *.....* obscene, of an objectionable nature, or prescribed by Government.

(ii) A convicted criminal prisoner desiring to prosecute higher studies may possess any number of text books, with the permission of the Superintendent.

Books in excess.

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.

Unconvicted criminal prisoners may purchase books.

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;

Provided that no such book is in the opinion of the Superintendent *.....* obscene, of an objectionable nature or prescribed by Government.

Civil prisoners may purchase books.

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.

Legal aid.

34. Prisoners of all categories may be given necessary facilities for—

(a) appeal and petition according to the provisions of any law; (b) legal defence;

(c) delegation of power of attorney (property, land, civil suits, business transactions etc.); and

(d) execution of Will.

Smoking.

† 35. (i) A prisoner shall not keep bodies or Cigarettes in his possession.

(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.†

— 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.

Photographs.

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.

Gifts to Prison Department.

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.

Exhibition of films.

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.

Superintendent may ascertain names of films from District Publicity Officer.

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 to report about film shows.

40. The Superintendent shall submit a monthly report to the Inspector-General on the following lines :—

(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.

District Publicity Officer to record his visit.

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.

(ii) The Superintendent shall submit every month an extract of such register to the Inspector-General together with his remarks.

Tournaments.

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 :

Provided that teams of only well behaved prisoners shall be sent out to play with outside teams.

Playing of indoor games by class I prisoners.

43. Prisoners in Class I shall be allowed to play chess draughts and carrom at their own cost.

Wage system.

44. Wages may be paid to prisoners for work done with a view to—

(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.

Canteen for prisoners

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.

(i) The following articles may be stocked in every such canteen, namely :—

(a) Tea, coffee, milk ;

(b) such etables and articles as the Inpector-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 bee se (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.

No facility to refractory prisoners.

48. (i) Subject to the provisions of sub-rule (2), a refractory prisoner confined in a special prison on disciplinary grounds shall not be—

(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.

Certain facilities not to be given to the Borstal School offenders under Bombay Borstal School Act, 1929, shall not be —

49. An offender who is transferred to prison under section 12 of the

(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;

Act transferred to prisons.

(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.

Power to withdraw facilities.

† 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 expendient 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.†

— 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 interviewerd	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 exrra granted	Signature/thumb impression of the conducting interviewer	Signature of the jailor Superintendent the interview	Signature of the
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 :—

Short title and commencement

1. (i) These rules may be called the Maharashtra Prisons (Prisoners' Property and Documents) Rules, 1964.

(ii) They shall come into force on the 2nd day of November 1964.

Senior Jailor responsible for the safe custody of prisoners' private property.

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.

Private property of prisoners-how to be dealt with.

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:—

(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 ond admission into prison is suffiering 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. Lotas, 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.

Preservation of jewellery, cash, etc. belonging to prisoners.

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.

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.

Forfeiture of property found concealed

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 with prisoner after Government, a certain proportion, not exceeding one third being awarded his search on admission. to the finder under a written order of the Superintendent, a copy of which shall be forwarded to the Inspector General for information.

Discretionary power of Superintendents to sell by auction certain articles belonging to long term prisoners.

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.

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).

Senior Jailor to be in charge of prisoner's private property and clothing stores.

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.

(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 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 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 addresse'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.

Transfer of prisoner's private property from one prisoner to another prisoner prohibited

14. No prisoner shall transfer money or any other private property to any other prisoner for any purpose whatsoever.

Prisoner's private property to be sent with him on his transfer.

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.

(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.

Return of prisoner's property on their release.

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.

(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 property of unclaimed

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

prisoner. 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 absconding prisoner.

19. The property of a prisoner who has escaped from a prison shall, property of an 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.

———————

FORM No. I

Book No.

***Register showing particulars of private cash of convicted/undertrial Prisoners confined in the prison during the year.....**

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
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 jewellery	Signature or thumb impression of the prisoner	Initials of Senior Jailor	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
1	2	3	4	5	6	7	8	9	10	11	12	13	14

Substituted by Government Notfication, Home Department No. RJM-1071/45938 (b)-XVI, dated 5th September 1972.

FORM No. III

***Register showing particulars of clothing of convicted and [undertrial] prisoner confined in prison during the year 19.....**

Register No. in full	Name Admission	Date of description	Name amd value of article	Estimated transfer to other jail	Date of release/
1	2	3	4	5	6
How disposed of of the	Signature or thumb impression of the prisoner		Initials of Senior Jailor	Initials of the Superintendent	Signature or thumb impression 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.

FORM No. IV

(Rule 5)

MEDICAL OFFICER'S JOURNAL

Serial No.	Date of the observations	Suggestions and Superintendent Medical Officer	Orders of the Jailor and/or other	Action taken by the 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, mouth and year	Particulars	Permanent address	Cash	Prisoner's Private Realisations	Garden	Contingencies	
							Convincted U. T. P.
1	2	3	4	5		6	

RECEIPTS—*contd.*

Pay and Travelling allowance	Miscellaneous Receipts Security Deposits etc.	Total	Particulars	DISBURSEMENT Permanent Advance	Prisoner's Private Cash Convicted U. T. P.
7	8	9	10	11	12

DISBURSEMENTS—*contd.*

Garden payment into Treasury of	Contingencies Payment on account	Pay and travelling allowance disbursed	Miscellaneous payments	Total	Initials of Steward of Superintendent Head Clerk
13	14	15	16	17	18

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— 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 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

Class l/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 Habitual

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.

Ordinary and Special Remissions *Hospital Entries*

Date	Entries	Initials	Date	Entries	Initials

Ordinary and Special Remissions

Date	Entries	Initials	Date	Entries	Initials

Date Entries Initials Date Entries Initials

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—

Healtb 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.

Weight Chart (2 Years)

Name *Register No.*

Date

Kgs.

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 necessaries 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

Clothing, bedding etc. for Class II convicted criminal prisoners and other prisoners.

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.

(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 necessaries 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 ..	1in 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.

Clothing and bedding for unconvicted

*7. The Superintendent shall, on the request of an unconvicted criminal prisoner (undertrial) or of a convicted criminal prisoner under sentence

criminal prisoners of (undertrials) and of his convicted under sentence simple imprisonment.

simple imprisonment who has no sufficient clothing or bedding, or both, own, provide him with the same from the prison stock.*

Clothing of criminal sentenced to rigorous 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.

Under-garments for prisoners

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.

Issue of certain special articles to Sikh 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.

Uniform of convict night watchman same

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 as that of an ordinary convict.

Uniform of convict overseers with five

12. The uniform of a convict overseer shall consist of a white coat 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 Class I convict averseers coat

13. The uniform for a Class I convict overseer shall consist of a white 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 women convict officers

14. Women convict officer shall wear the same clothing as women convicts except that the sari shall be ‡ [light orange] ‡

‡—‡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 years or more.	Yellow band of 50.8 millimetres of 5 in diameter.
2. Casual prisoners who have escaped any type of lawful custody with a sentence of less than 5 years.	Red band of 50.8 millimetres in from diameter.
3. Casual prisoners who have escaped from any lawful custody with a sentence of 5 years or more.	
4. Habitual prisoners with a sentence	of less than 5 years.

Red band with a yellow stripe 25.4 millimetres at the top.

Dark blue band of 50.8 millimetres in diameter.

469

Category of prisoner	Kind of Band
5. Habitual prisoners with a sentence	of 5 years or more.
6.Habitual prisoners who have escaped from any lawful custody with a sentence of less than 5 years.	
7.Habitual prisoners who have escaped from any lawful custody with a sentence of 5 years or	

Yellow band with a dark blue stripe 25.4 millimetres in width at the bottom.

Red band with a dark blue stripe 25.4 millimetres in width at the bottom.

Red band at the top with yellow stripe 25.4 millimetres in the middle and dark blue stripe 25.4 millimetres at the bottom.

more.

(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 ... 8 months.

Cotton Woollen Jacket	... 2 years.
Cotton sheets	... 1 year.
C. W. Chaddar	... 2 years.
Loom Carpet	... 5 years.

Special remission to prisoners for keeping clothing and bedding in good order

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.

Private clothing and bedding prisoners having exemplary conduct and work

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.

Report of special concessions

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.

Where convicted prisoners to appear before courts in clothing

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.

Prisoner (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.

Extra clothing and bedding to sick, weak or infirm prisoners

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.

Medical Officer to see to fumigation, washing or destruction of clothing of dead prisoners

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.

Maintenance of cleanliness clothing

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.

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 necessaries 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

Private furniture for Class I prisoner

36. A reasonable amount of private furniture may be permitted for use of a prisoner of Class I, at the discretion of the Superintendent.

Wash-basin for Class I prisoners

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.

Use of private cooking and feeding utensils may be permitted to Class I prisoner

38. Class I prisoners may be permitted to use their own cooking and feeding utensils, at the discretion of the Superintendent.

Mirrors in yards of Class I prisoners

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.

Tickets for each convicted 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.

Particulars of tickets

Women prisoners shall attach the body ticket to a button on their left sleeve.

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.

Maintenance of History tickets of criminal prisoners

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 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 impris more.

Preservation of 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. History

(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 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. criminal

The ticket of a criminal prisoner shall also show the class to which he belongs.

History tickets 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. to be

---

SECTION II : NON-STATUTORY RULES

Prison Cloth

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.

2. Only the raw material required for the manufacture of the prison clothing shall be charged to Government.

Clothing estimates

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 ingrave 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.

A Jailor to be in charge of clothing store

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 irrepairable 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).

FORM

Estimate of Clothing Articles for **II Class** **for the**

Require-ment per prisoner	Annual Name of the article	Balance as on 1st April	Received during 1962-63 purchased or Manufac-tured in prison	Received on transfer with prisoners	Total Cols. 3 and 4	Written of during 19 -19 Total of con-demned and not returned	prisoner Sent with	Total	In store on 1-4-19 New	Service-able	Repairable will last for 3 months and
1	2	3	4		5	6		7			

No. I

Prisoners in the **Prison,**

year

On prisoners on 1-4-19 of new and		Total number	Number of articles		No. of prisoners	Quantity of cloth required for each article			Rate of each article to be	Total cost of article to be
Service-able	Repairable will last for about 3 months	serviceable articles as per Cols. 7 and 8	required for 19	-19	for whom clothing is required for -19	Length	Breadth	Total Sq. ft. in	manufact-ured	manufact-ured
									prison	prison
8		9	10	11	12	13		14		

FORM No. II

Clothing Register of the ..... Prison for the month of 19

| | | |

Cotton - woollen
Cotton - woollen
Gaiters, leather
Thongs leather
Gunny, coarse
Pants, cotton
Caps, cotton
Overcoats
Trousers
Woollen
Woollen
Turbans
Pillows
Towels
Cotton
Cotton
Sheets
Socks
Short
Long

Transferred (not to be returned

ed to)

Sold by auction ...

Total ...

Balance at end of month.

Details of Ba

l a n c e o n p r i s o n e r ' s b o d y

1. Issued new during past months.

2. In good condition.

3. Ragged, t

o

b
e

c
o
n
d
e
m
n
e
d

n
e
x
t

m
o
n
t
h

Total ...

In Store -

1. New never issued.

2
.

P
a
r
t
-
w
o
r
n
,

i
n

g
o
o
d

c
o
n
d
i
t
i
o
n
,

f
i
t

f
o
r

immediate in use.

3. Repairable,..

Total ...

Dated 19 . Su

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.

Punishment of cellular or separate confinement

3. No prisoner shall undergo a punishment of cellular or separate confinement within seven days before or after a period of judicial solitary confinement.

4. No prisoner shall be placed in solitary confinement until he has been examined by the Medical Officer and certified in

Medical examination before placing

Form II to be fit to the punishment.

a prisoner in undergo 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 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) Furlongh 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.

Calculation of date of release of prisoners released on parole.

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 escapesed 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

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. and Senior Jailor.

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

16. The Senior Jailor shall satisfy himself that the prisoner bears the identification marks recorded in Register in

Form No. Ill that the entries

settled and his private property returned to him.

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.

Plisoners 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.

Tile for discharge of a prisoner from a prison.

18. The discharge of a prisoner shall usually take place in the fore-noon 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.

Special Circumstances.

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.

Warrant to be returned to the court after release of a prisoner.

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.

Procedure in regard to more than one warrant.

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.

Intimation of release of certain prisoners to be given to the Police.

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.

Repeal.

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 sha

(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.

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
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 Judicial Jailor	Senior Wages Jailor	Private cash Jailor	
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
By Rail (giva name of station)	By Road (state number of miles)	Cost of lowest class ticket by railway train	Subsistence allowance	handed over on release	
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 1	Suggestions and observations of the Medical Officer 2	Orders issued by the Superintendent of the Prison and action taken by the Jailor 3	No. and date under which extract submitted to I. G. 4	Number of visits paid during the month and class of M. M. S. officer 5

	1st on 2nd on 3rd on 4th on			
	14.			
	(f)			
	1			

ona
on
er i
ks
o
eli
bl
or
e a
iou
to
ils

lit
y
se
n
m
p
f i
e
Vi
l
nd
s
o
re
a
of

— Caste
tence and
ression
tak
dentificati
o marks
to be lage,
Taluk
address of
ccupation
d and writ
previous c

height
en or not
n :
given here)
a and District
next of kin
e or illiterate
onvictions :

Length and nature of	Offence sentence
2	3

FORM (*See* rule 14

Sentencing authority

4

III an

2
1
1
1

d 16)
2. Class
Release
1
1st
2nd
3rd
4th
5th
6th
7th
8th
9th
1 0th
1 1th
12th

Details of present conviction :

(a)Section and Act under which convicted .. 23.

(b)Sentencing authority ..

(c)Date of sentence ..

(d)Date of arrival in Prison ..

(e)Nature of Punishment (R. I.-S. I) .. Release Period

Length of sentence ..

(g)Solitary confinement and dates on which it has been carried out .. 1 2

(h)Fine or sentence in default ..

number

o
f

d
a
y
s

T
o
t
a
l

3

D
a
t
e

o
f

release

4

s
u

r
r
e
n
d
e
r

P
a
r
o
l
e

Date of

5

s
r
t
a
y
l
e

O
v
e
r

1. Number

2. Name in full Furlough

3. Date of Date of Over

Authority Remarks

4. Religion Release

surrender stayal for

release

5.

2 3 4 5 6

6.

7.

8.

9. Home Address

10.

11.

12.

13.

Serial No. and date

of offence

15. Date of receipt

of intimation of payment of

fine from Magisterial 1st

authorities and amount. 2nd

(b) Date of receipt of

fine by jailor and

amount 3rd

4th

16. Date of release on

expiry of sentence

and/or on expiry of

sentence in default 5th

of payment of fine.

17. Date of release on part 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 fourteen year's report

21. Result of fourteen years report

25. *How disposed of (Date to be entered)*

(i)Expiry of sentence

(ii)Payment of fine

(iii)Transfer to other prisons

(iv)Bail

(v)Remission

(vi)Sickness or other grounds

(vii)Transfer to Mental Hospital

(viii)Escape

(ix)Execution

(x) Death

(xi)Appeal

26. INTENDED PLACE OF RESIDENC

FURNISHING IN

ABOUT HABITUALS)

ine

E (TO BE E

FORMATI

O

NTERED WHEN N

TO POLICE

	Judicial Jailor Senior Jailor Superintendent.	t.	

6th

7th

8th

9th

10th

11th

12th

13th

14th

15th

16th

1

7
t
h

1
8
t
h

1
9
t
h

2
0
t
h

24. MODIFICATION IN DATE OP RELEASE

DateNature AuthorityPeriod	Modified date of release

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 convict is stationary	Remarks (if a Officer's disposed of otherwise than discharged it should here be stated what became of the convict)	Medical 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 Particulars of Receipts	Register No. of Prisoner	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 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 Senior Jailor	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)-XVl, 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— Jailor in-charge of Judicial-Work. Senior Jailor.
Payment of Fine 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.....

Date of Submission .....

Result of 14 Years Report .....

.....

.....

.....

.....

Night Watchman

Promoted to on .....

Convict Overseer

Conservancy Work

Modification in date of release on account of

1.....

2.....

3.....

4.....

5.....

6.....

7.....

8.....

9.....

10.....

11.....

12.....

13.....

14.....

15.....

FORM VIII—*contd.*

(*See* rule 15)

REMISSION REGISTER

Remission Register of the ..... Prison for the Year

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 Remmission												
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 subsistance 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

Production of undertrial and convicted 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.

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.

Delivery of prisoners to the Police Escort.

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.

Undertrial Prisoners when required in different courts.

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.

Delivery of Property belong to undertrial prisoners.

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 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 may 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

10. No convicted prisoner shall be handed over to the Police for the purpose of investigation by the Police authorities unless his sentence is

Police for investigation.

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.

Use of handcuffs and fetters.

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.

Intimation for special precaution for guarding undertrial prisoners.

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.

Monthly report about pendency of cases of undertrial prisoners in the

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 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. Courts.

15. In any case when an undertrial prisoner is seriously ill, the Superintendent shall report the circumstances to the Magistrate or if the undertrial 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

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. Sentences of confinement. Judicial Solitary

18. One month of judicial solitary confinement shall be regarded as equivalent to thirty days.

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

(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.

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. Date of commencement of sentence.

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, Two or more sentences to be run consecutively

unless otherwise directed.

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.

Detention of prisoners for failure to give security under the Criminal Procedure Code.

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.

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.

Sentence in default of furnishing security and other additional sentence of imprisonment.

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 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.

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.

Release of prisoners detained in default of furnishing securities.

25. Should a Court direct under Section 123 (4) of the-Criminal Procedure Code that the Superintendent or other officer in charge 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.

Sentences how and when to take effect.

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.

Action after realising fines.

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.

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.

Definition of month for the purposes of calculating duration of sentences.

29. A month shall be deemed equivalent to 30 days.

30. *

_____ *

Calculation of date of release in part payment of fine.

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 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.

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

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 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).

— Deleted by Government Resolution, Home Department, No. RJM 0174/6-XVI, dated 13th May 1974.

(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.

Intimation of payment of fines.

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.

Fine Statement Book.

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.

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 Payment of fines.

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.

Accounts of fines

37. All cash received in payment of fine shall be accounted for in Register No. 16-Prison Cash Book.

Receipt and realisation of fine.

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.

Imprisonment in default of Payment of fine Exception.

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 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 ce 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.

Execution of the unexpired portion of sentence of conditionally released prisoners.

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, he applied for immediately on admission of the prisoner through the Inspector General.

PART III

RELEASE OF PRISONERS

Release on bail.

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.

Premature release of prisoners.

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.

Original orders of Government are necessary for releasing prisoners prematurely.

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.

Confirmation of orders before taking action.

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.

Responsibility for correctness of date of release.

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.

(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.

Intimation of release of members of Parliament, Legislative Assembly/ Council.

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.

Canteen and private cash accounts to be completed.

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 ailor.

Meals and a full payment of travelling allowance.

52. (i) Every prisoner shall on the morning of his release, (a) be given 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.

(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)

list should be sent to the Superintendent of Police of the place where the prisoner is to be sent on his release.

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

					Sentence	
			mb		entenc e	
er (a) Name of Prisoner						
and	father's or husband's			rce	ature of s nce	
(	convict					
	ice Station	what offe			ngth and n te of sente	
				Pol Of		Da Le
	2		3	4	5	6

Forwarded to the

Superintendent of Police, No. of 19

.....Prison Office :

Dated :

Superintendent.

.

Return of Habitual Offenders and Prisoners sentenced to one Year and above to be released in 19

Previous Convictions

Name of Prison or Jail in which
Intended place of residence and name of identifying Jail guard
Date of arrival in Prison or Jail
Finger Impressions taken or not
Where and by whom sentenced
Number as per Register No. 3
th and nature of

1						7	8	9	10	11	12	13	14	15	16

sentence
Offence for which convicted
Date of release confined
Number of
Date of

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 detention

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.

arrest, etc. of a member.

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 the (Act), to direct that Shri Member of the Lok Sabha, be arrested/detained for (reasons for the arrest or detention, as the case may be).

M. P., 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 Lok Sabha, 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 Lok Sabha, who was arrested/detained/convicted/ on (date), for (reasons for arrest/ detention/conviction), was released on (date) on (grounds for release).

Yours faithfully,

(Judge, Magistrate or Executive Authority).

Extract from Maharashtra Legislative Council Rules (Fourth Edition) Rules 344 and 245 (pages 131-132)

(b) Intimation to Chairman of arrest, detention, etc. and release of a member.

Intimation to Chairman of arrest, detention, etc. of a member

244. When a member of Council is arrested on a criminal charge or 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 Chairman 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 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,

cutive Authority).

* Strike out whichever is not applicable.

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.

Superintendent to remove prisoners with sanction

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 ;

Provided that no such sanction shall be necessary—

(a) in any case which in the opin 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.

Removal of certain prisoners to Special Prison or Prisons where habitual offenders are confined

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.

* Substituted *vide* Government order No. RJM-1071 (XXIX) 68804-XVl, 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

10. Where the removal of any prisoner is likely to attract public attention, the Superintendent shall send an advance intimation of such

Superintendent of Police or Commissioner of Police. Bombay to be informed of certain removals before hand

removal to the District Magistrate and the District Superintendent of Police or the Commissioner of Police, Bombay, as the case may be.

Extension of facilities to prisoners before removal

11. The Superintendent may extend special facilities for writing welfare special 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 and their

14. (i) All prisoners prior to their removal shall be carefully searched 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.

IncapaciTated prisoners to be kept in hospitals

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 treat nd

for treatment a report of the circumstances shall be made to the Superintendent of the Prison to which the prisoner was being removed.

Escape of prisoners on route.

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 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 be 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 in 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.

Grant of travelling allowance to

20. The prisoners on removal shall be provided with travelling allowance in the following scale:—

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.

Medical Officer to certify fitness of a prisoner to travel before his removal

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.

(ii) The Medical Officer shall see that prisoners who are sick are provided with proper diet for the journey.

Requisition for travel to be signed by the Superintendent for his

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 countersignature.

Documents to be sent along with prisoners on their removal from one prison to .another

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 :—

* 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.

Superintendent of removing prison to send notices, etc. to the receiving prison

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.

Action when appeal of prisoner is not decided

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.

Superintendent of removing prison to furnish all facts about prisoners

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.

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.	Name of Prisoner and father's or husband's Name	Caste, Race or Tribe	Native of Village or City of	Age on sentence and height especially size and Measurement, inches	Number of Register	Previous occupation	Able to read and write or able to read only or illiterate	Description of Convict with their exact position	Finger impressions taken or not	Remarks	Religion	District	Taluka
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 rece

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 be sent red ink)	Number of warrants on appeal	Number or original orders	Number and nature of other papers that may
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 the Prison Jail

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 . Jailor 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 furlugh *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 he 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 of 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 hereb 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 nearest 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.

Dead body of prisoner to be handed over to friends or relative for disposal.

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.

(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.

Disposal of unclaimed dead bodies.

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.

(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 of prisoners in prison to etc. to report death coroner

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.

Officer of prison not to be called as panch.

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.

Action when a prisoner is found suspended in position.

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.

Notice of death of prisoner to be sent to Municipal Officer of Health

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.

Nominal roll of deceased prisoner to be sent to Superintendent of Police or to Commissioner of Police in Greater Bombay.

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 role 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.

Intimation of Death of military prisoner 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 Prisons, 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.

Natural deaths

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.

Special instructions regarding disposal for

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 supposing that the funeral will be made in occasion for a demonstration.

If the death is due to infectious decease 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.

Maintenance of cemetary at each prison

5. A cemetary 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.

Selection of a burial or cremation ground

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 atleast fifteen years.

Graves

7. No grave shall be less than six feet deep. One or more graves should be kept ready for occupation.

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 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 one 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 l.—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 not be granted furlough

4. The following categories of prisoners shall not be considered for release on furlough :— shall

(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.

Furlough not to be granted after return from parole

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 without surely

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.

Prisoners to give personal bond before release on furlough

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.

How application for grant of furlough should be dealt with

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 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

*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 expenditiously 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 *interalia* 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.

Fiesh application for furlough

9. A prisoner may, if he so desires make a fresh application for furlough six months after the rejection of his previous application.

10. The Sanctioning Authority shall grant furlough to a prisoner subject to his executing a personal bond or giving cash security in Conditions of release

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 :—

(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 o 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.

Release order in-the oprarive on a surrender to be the prison authorities.

Prisoner's

15. As soon as a prisoner released on furlough surrenders himself to prison authorities, his order of release shall become in operative. Where therefore, a prisoner who is released on furlogh 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.

Furlough to be counted as remission of sentence.

16. The furlough period shall be counted as a 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.

No legal right to furlough.

17. Nothing in these rules shall be construed as conferring a legal right on a prisoner to claim release on 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 Slate 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. llth July 1960.

†Amended by Govt. notification H. D., No. RJM-017311-XXV. dt, 13th October 1976.

Application for grant of parole.

21. A prisoner may be granted parole either on his own application made by his relatives or friends, or legal adviser.

Applications for parole how to be dealt with.

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.

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.

Enquiries may be made on receipt of application.

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.

Conditions subject to which prisoners may be granted parole.

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 :

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.

Extension of the period of Parole.

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.

Parole order ineffective on Prisoners surrender

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.

Intimation of release and of non-surrender of prisoner

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:—

(i) to the Inspector-General of Prisoners, 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 to spend his parole and if the prisoner intends to spend his parole in 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 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.

Application of certain rules to parole cases.

28. The provisions of rules 8 (5), 10, 11 and 12 shall **mutatis mutandis** apply in the case of release of prisoners on parole.

Miscellaneous

Form of order of furlough or parole

29. Every order of release on furlough or parole shall be made in Form E.

Forms in general

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

Reference to District Magistrate to be construed as reference to collector and Additional District Magistrate.

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.

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

550

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 Singned 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 lo 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

_____

554

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,
De risons,

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:—

Short title and commencement

1. (i) These rules may be called the Maharashtra Prisons (Remission System) Rules, 1962.

(ii) They shall come into force on the 1st day of April 1962.

Definitions

2. In * [these rules,] unless the context requires otherwise—

(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.

Remission as concession and not right

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.

* 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

4. Remission may be of the following kinds, that is to say:—

(a) Ordinary remission;
(b) Annual Good Conduct Remission;
(c) Special remission; and
(d) State remission.

Authority to grant ordinary remission

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.

(ii) The grant of remission shall be made every month by the authorities mentioned in sub-r

Prisoners eligible for ordinary remission

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—

(a) non-habitual prisoners having a substantive sentence of rigorous imprisonment of three months and more;

Explanation.—For the purpose of ascertaining whether or not narily be treated as standard reference;

(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;

(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.*

(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.

(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.

† 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:—

(a) habitual prisoners having a substantive sentence of rigorous imprisonment of one year and more;

* * 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.†

Non-eligibility for ordinary remission

7. Ordinary remission may not be granted to a prisoner,

(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 t

Scale of ordinary remission

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 :—

— 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	Scale of remission
1	2
(a) Convict Overseers ...	(*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 (*ii*) Five days per month, for satisfactorily performing the allotted work in accordance with the prescribed standards.
(b) Night Watchmen ...	(*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 (*ii*) Five days per month, for satisfactorily performing the allotted work in accordance with the prescribed standards.
(c) Other prisoners ...	(*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 (*ii*) Four days per month, for performing the allotted work in accordance with the prescribed standards.
(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.

Procedure of calculating ordinary remission from

9. (i) Subject to the provisions of these rules (including this rule), ordinary remission shall be calculated from the first day of the calender month, if a prisoner was sentenced on that day, and in any other case, the first day of the calendar month next following the date of his sentence.

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 Goverment 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	Scale of remission 1 2
(a) Convict Overseers	..(i)Three days per month, for good behaviour, descipline and participation in the various institutional activities, such as physical training, educational programmes and the like ; and
	(ii)Four days per month, for satisfactorily performing the allotted work in accordance with the prescribed standards.
(b)Night Watchmen	..(i)Two days per month, for good behaviour, discipline and participation in the various institutional activities, such as physical trining, educational programmes and the like ; and
	(ii)Four days per month, for satisfactorily performing the allotted work in accordance with the prescribed standards.
(c)Other prisoners	..(i)Two days per month, for good behaviour, discipline and participation in the various institutional activities, such as physical trining, educational programmes and the like ; and
	(ii)Two days per month, for satisfactorily performing the allotted work in accordance with the prescribed standards.
(d)Prisoners working on conservancy jobs.	Three days per month, being a remission, in addititon 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

11. (i)An offender transferred to a prison under Section 12 of the Bombay Borstal Schools Act, 1929, shall not be entitled to any remisson

School. under these rules during the period of six months commencing on the date of his final admission into the priosn 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 priosn.

(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 1595, 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 priosn 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

Prisoners eligible for special remission

Form II to the
Inspector General for orders, and on receipt of orders from the Inspector General, grant special remission to the prisoner.

Scale of 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.

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.

Mode of granting special remission.

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.

(ii)The Superintendent in consulation 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.

ordinary and special remission not to exceed one-

Total of

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.

third of sentence.

(ii) Nothing in sub-rule (i) shall apply to prisoners sentenced to imprisonment for life.

Form III record of remissions. 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.

Report of special remission.

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.

(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.

*Forefeiture of earned remissions.

22. (i) Where a prisoner escapes from legal custody, the total remission by him up to the date of his escape shall stand *forfeited*.

(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-XVl, Dated 31st May 1975.

the previous sanction of the Inspector General, *forfeit* any remission earned by such prisoner.

Power of Superintendent to 'Forfeit'

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

remissions by way of punishment etc.

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 l7th July 1973.

Transfer of prisoners on the remission system.

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.

Power of State Government and Inspector General of revoke remission.

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.

———

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 grantedspecial remission.

Date : Signature of Superintendent.

FORM III

[Rule 20 (i)]

Remission Sheet

Prisoner's Number .....

Prisoner's Name .....

Month	Ordinary Remission for Good conservancy	Remission Annual Remission Conduct	Special Remission	State Remission
1	2	3	4	5	6

_____

..... Prison. Sentence .....

Date of Sentence .....

Probable of date of release .....

Total of 2, 3, 4, 5 and 6	Forfeiture of Remission	Balance	Signature of Junior Jailor Clerk
7	8	9	10

Signature of Senior Jailor.

Date :

569 569

Form IV

Remission Register

570 570

FORM

[Rule

Remission

REMISSION REGISTEROFTHE

Serial No. of the year	Register No.	Name of Prisoner	Sentence Years ..... Months ..... Days .....
			Date of Sentence— Date of Release ..... Jailor-in-charge of Judicial Work. Senior Jailor.
Payment of Fine 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 .....
Date of Submission .....
Result of 14 years Report .....
.....
.....
.....

Night Watchman
Promoted to on .....
Convict Overseer Conservancy Work

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 .....

571 571

IV

20 (i)]

Register

..... PRISONFORTHE YEAR

	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 Remis-sion. 2. Annual Good Conduct Remission 3. Special Remi-ssion.												
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:—

Short title and commencement.

1. (i) These rules may be called the Maharashtra Prisons (Review and Remission of Sentences) Rules, 1970.

(ii) They shall come into force on the 10th day of January 1971.

REVIEW AND REMISSION OF SENTENCES

Cases of Women prisoners to be submitted to Government.

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.

(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 ...

576

   (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 llth December 1970]

In determining whether a prisoner in 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 :—

Short title and commencement

1. (i) These rules may be called the Maharashtra Prisons (Review of Sentences) Rules, 1972.

(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.

Constitution of Advisory Board

3. (i) With a view to reviewing from time to time and assessing how far a sentence had salutary and reformative influence with reference to the record of a prisoner, there shall be constituted an Advisory Board, at—

(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.

Members of Advisory Board.

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.

(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 lly:

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.

Review File.

7. There shall be maintained a Review File for each prisoner whose case is eligible for review. The File shall contain—

(i) A copy of the judgment or heads of charges to the Jury ;

Form I;

(iii) Initial classification sheet in Form II and progress report in Form III;

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.

Procedure for keeping records of prisoners ready.

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.

(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.

11. (i) Where sentence is due for review, the Superintendent shall, for

Superintendent to obtain

the purpose of placing it before the Advisory Board, obtain definite recommendation in

Form VI for or against the release of the prisoner, opinions of local officers before in Greater Bombay from the Commissioner of Police, Greater Bombay, submitting case in the City of Pune from the Commissioner of Police, Pune in the City to Advisory Boards. 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

12. During the month preceding the month in which the meeting of the Advisory Board is fixed, the Classification Committee shall take an

report of prisoner. 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.

Procedure for placing cases before meeting of Advisory Board.

13. (i) On the 15th of February and 16th August since the last meeting, if any, of the Board, the Senior Jailor 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.

(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.

Place of meeting of Advisory Boards.

14. The Advisory Board shall meet at the respective prisons to review cases of non-habitual offenders coming within its scope in accordance with the provisions of these rules.

Intimation of date of meeting of Advisory Board.

15. The date of each meeting of the Advisory Board when fixed by 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.

Proceedings of 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 Commissoner 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.

(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

17. The Superintendent shall submit the recommendations of the Advisory Board together with the documents relating to the prisoners

submitted to Government for orders.

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 not to be placed before them

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. Advisory Boards 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.

fresh opinions of prisoners

Obtainingof local Officers before resubminion of State Government.

19. The Superintendent shall, before resubmitting cases of (being cases which have been ordered by the State Government to be postponed for consideration), obtain fresh opinions of all the officers concerned again. case to

Submission of informatlon 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.

Constitution of Special Advisory Boards for prison where adolescent prisoners are confined.

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.

(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 Superinten-dent 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,

Meeting of Special Advisory Board.

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.

(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

25. (i) The Superintendent shall report cases of all prisoners sentenced

prisoners to : (1) More than fourteen years' imprisonment, (2) life imprisonment, sentenced to life imprisonment, or (3) imprisonment for a term exceeding fourteen years in the aggregate, etc., to the State to the Inspector General one month in advance of the date on which Government.

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 reformative 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.

Opinions of officers to be obtained by Superintendent.

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 belonged, and the Superintendent shall obtain the opinion of these officers regarding the premature release of the prisoner.

Premature release of prisoner in

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

danger of death recovery, and it is considered desirable to allow him the comfort of dying on medical out of prison, the Medical Officer shall send a certificate in

Form X grounds.

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 thinks 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.

Nature of cases to be submitted to Government by District Magistrates and Chief Presidency Magistrate, Bombay.

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.

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.

Date of release to be reported to Inspector General

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.

Release of prisoner sentenced in default of furnishing security who is sick.

30. If a prisoner detained under sentence of imprisonment in default of furnishing security.—

(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 refering 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 erruptive 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. Antecredents 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 Remission	Period spent Jail		Conduct	Remarks
date of execution as earned in Jail		punishment		
the case may be with	upto	upto		
Government order				
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 Board and present age	Village Station	Police Authority	District section	Sentencing Authority	Date of sentence	Crime i.e. Sentence of the I.P.C., Cr. P. C. etc.	Advisory Board and orders	Result of appeal Jail upto	Recon passed in the of Go with r date
1	2	3	4	5	6	7	8	9	10	11	12	13 14

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 punishments	Prersent state of	Opin of th
Work Remission	Conduct health Remissions	Special S. P. Remissions	State Remission	D. M. Remission	Blood the Supdt. Remission	Total						
15	16	17	18	19		20	21	22	23	24		

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 State remission remission earned.	No. of jail Punishment :	Ordinary and Special remission upto :

13. Previous convictions.

Total period undergone :

Period remained to be undergone Total :—

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]

Proposals in respect of nominated numbers of the Advisory Boards: Special Advisory Board.

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.

Conveyance allowance to the non-official members of the Advisory Boards.

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.

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:—

Short title and Commencement.

1. (i) These rules may be called the Maharashtra Prisons (Convict Officers) Rules, 1962.

(ii) They shall come into force on the 1st day of July 1962.

Grades of Convict Officers.

2. (i) There shall be two 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.

Eligibility for appointment as Convict Officers.

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—

(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 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 being 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.*

Reduction of 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.

Transfer of Convict Officers to other prison.

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).

(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

10. A Convict Overseer shall—

Overseers.

(a) whenever required so to do perform all or any of the duties of a Convict Night Watchman;

(b) supervise the labour of prisoners and maintain order and discipline among them;

(c) look after factory tools and appliances;

(d) see that bathing and other parades are properly carried out, and prisoners keep themselves, their clothing, pots and plates and fetters clean;

(e) escort prisoners about the prison when so required.

Duties of Night Watchman.

11. (i) A Convict Night Watchman shall in addition to his daily allotted Convict labour during the day,—

(a) patrol the inside of the wards and assist in maintaining discipline and order at night;

(b) prevent prisoners from leaving their berths except with permission and for a necessary purpose;

(c) count prisoners frequently, satisfy himself that all are present and answer challenging patrols ;

(d) prevent, as far as lies in his power, any breach of prison rules by any prisoner in his charge, and report the same ;

(e) report cases of sickness and the use of latrines otherwise than at the time specified for that purpose;

(f) assist in quelling any disturbance and, in cases of necessity, defend any official;

(g) assist the Jail guards in discharge of their duties;

(h) do everything in his power to prevent escapes;

(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

(j) report any plot to escape or any projected emeute by other prisoners which may come to his knowledge.

(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.

Remuneration of Officers.

12. Convict Officers shall be eligible to receive remuneration for every Convict 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.

Appendix

[See rule 3 (ii)]

Convict Officer	Term of imprisonment	Completion of Period of	
		period of remission	term of imprisonment
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 ..		s	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 outsite 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

2. (i) No Convict Officer shall have independent charge of any file, gang, or other body ave independent power

charge. 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 habituals. 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]

Staff.

In every central prison or district prison in which women prisoners are confined there shall be one or more matorns. Where ever necessary one or more women jailors may also be appointed at such prisons.

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.

Photography and finger Printing.

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.

Separation.

3. *Separation.*—(i) Habitual women prisoners; prostitutes and procuresses and young women prisoners shall be segregated.

(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.

Precautionary measures.

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.

(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 hygenic 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) Gynaeological 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.

Births in prisons

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.

Children of prisoners.

9. (i) A woman prisoner admitted to a prison with a child depending woman 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.

(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.

Toilet articles for children of women prisoners.

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:—

Name of articles	Quantity
1. Jail made carbolic soap	.. 58 grams per month per child.
2. Coconut oil	.. 28 grams per week per child.

Care of children of prisoners.

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.

(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 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,

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 and activities for women prisoners:— Cultural 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 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.

(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.	Report	Orders of the Superintendent	Compliance report and date
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 pretex 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 of 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 :—

Short title and commencement.

1. (i) These Rules may be called the Maharashtra Prisons (Prisoners Sentenced to Death) Rules, 1971.

(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.

Admission.

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.

(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.

Search.

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.

Observation.

8. A case history in Form II shall be compiled in respect of each convict.

Restriction on removal.

9. Convicts shall not be removed to any prison hospital for treatment without the previous sanction of the Inspector-General:

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.

Interviews.

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.

(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.

Facilities.

11. (i) A convict may be allowed the following facilities at the discretion of the Superintendent, namely :—(a) religious books ; (b) religious pictures ;

— 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.

Petition for for mercy.

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:

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.

Petition submitted after period prescribed.

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 forwar , 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.

(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);

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.

Pregnancy.

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.

(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.

Action on final a confirmation of sentence.

18. (i) The State Government shall fix the date of the execution of convict if his/her Mercy Petition is rejected.

(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.

Execution of death sentence.

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 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 sentence on medical grounds.

21. (i) The execution of a convict shall not be carried out on the date of execution 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.

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 erruptive 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 attach.

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. ——

——

F

(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,

(1) 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.

Facilities.

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.

(ii) The I. G. of Prisons may incur further expenditure upto Rupees twenty per prisoner sentenced to death in urgent and deserving cases.

Petition for Mercy.

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.

Insanity of Convict Under Sentence of death Death.

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.

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 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 Death Sentence

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.

Death of execution on medical grounds,

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 Jailor 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 mined persons take warning."

Note.—For sentences passed by Court Martial see Government Resolution, Judicial Department No. 6049, dated the 7th September 1898.

Arrangements for Execution.

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 1½ 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.

(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 m

(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 prisoners.

3. Every civil prisoner shall be confined in a civil jail or portion of the civil 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.

Escape of civil prisoners.

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, ass d the police in

recapturing him. On recapture after escape, or on an attempt to escape, the prisoner shall be prosecuted before a criminal court.

Release of civil prisoner suffering from disease.

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.

Disposal of balance of diet money and other necessaries.

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.

(ii) All articles such as utensils, clothing, bedding and other necessaries 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 sourcess 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 ssion 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 :—

Short title and commencement

1. (i) These rules may be called the Maharashtra Prisons (Habituals and Hardened Criminals) Rules, 1965.

(ii) They shall come into force on the 12th day of July 1965.

Prisoners to be classified as habitual criminals

2. The following prisoners shall be classified as habitual criminals, that is to say,—

(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, gangesterism 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;

(1) 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 h -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 (XL1II-) 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.†

Review

‡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.‡

9. The Superintendent shall endeavour to take all steps necessary for the re-education and improvement of habitual criminals, to maintain their discipline in the prison and also shall take all security measures against 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 punishment, respectively, for all practical purposes and compilation of the relevant statistical returns.

*Substituted by Government, Home Department Notification No. RJM-105S (XLII1)-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.

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

Grant of Concessions

Form No. I), of the prisoner
under the signature of the Superintendent or in his absence, that of the Senior Jailor.

Transfer of habitual criminals to Central Prison

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,

— 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.

643

APPENDIX

History Tickets (Rule 16)

" Class I/II"

History Ticket

(3) For Prisoners above one year

<table>
<tr><td>No. Name and Father'</td><td colspan="2">Name</td></tr>
<tr><td>Caste</td><td>Age
Height</td><td>Weight in kg.
Physical equivalent in Kg.</td></tr>
<tr><td>Previous-Occupation</td><td>Prisons in which confined</td><td>Date of Admission</td></tr>
<tr><td>Health and Labour on Admission</td><td colspan="2" rowspan="2">Sentences</td></tr>
<tr><td>Crime</td></tr>
<tr><td>Sentencing Court</td><td colspan="2">Date of Sentence</td></tr>
<tr><td></td><td colspan="2">Date of Release—
Probable Date of Release</td></tr>
</table>

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						

646

“ Class I/II”

History Ticket

(1) For Prisoners of 3 months or less

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
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

" Class I/II"

History Ticket

(2) For Prisoners above 3 months and not more than 1 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 Habitual Convictions Non-Habitual

Health and Labour on Admission*

Crime : Sentences :

Sentencing Court : Date of Sentence :

Date of Release :

Pribable 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

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 I : 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 :—

Short title and commencement

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.

Definitions

2. In these rules, unless the context requires otherwise.—

(i) "asylum" means an asylum (or mental hospital) for lunatics established or licensed by Government;

(ii) "criminal luntaic" 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.

Classification of Criminal lunatic

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,

(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 473 of Criminal 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.

Section Procedure

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.

Examination by state Special Medical Board

7. (i) Where a special medical board is appointed for examining the 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.

(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 sha ormation 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 it 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.

Transfer of female lunatics

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 criminal lunatic by train

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.

Return of warrant

11. The warrant under which the lunatic prisoner was confined in prison shall be returned, duly endorsed, to ediately

after the lunatic prisoner is transferred to an asylum.

Treatment of lunatic prisoner

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.

(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.

Re-transfer of lunatic prisoner on recovery in prison

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.

Release of insanity in a prison

14. Where a lunatic prisoner on his recovery is undergoing probation 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.

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 :—

(1) the date of committal to asylum;

(2) the asylum from which received;

(3) the number and date of Government orders sanctioning removal to the prison;

(4) the date of arrival in the prison;

(5) the opinion of the Medical Officer on prisoner's condition;

(6) the conduct of prisoner in prison; and

(7) the work on which he was employed in prison.

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.

FORMI

(*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

Furlough

3. Nationality— Caste

Release of Over Date of Date Authority Remarks

4. Religion

Release su rrender stayal for release

5. Age on sentence and height 1 2 3 4 5 6

6. Finger impression taken or not 1st

7. *Marks of identification :* 2nd
(indelible marks to be given here)

3rd

8. City or Village, Taluka and District

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. *Details of previous convictions :*

Serial	No. and date of offence	Length and Offence	Sentencing nature of sentence	authority	8th
					9 t h
	1	2	3	4	
1st on					10th
2nd on					
		11th			
3rd on					
4th on					12th

14. *Details of present conviction :* 23.

(*a*)Section and Act under which convicted ..

(*b*)Sentencing authority .. Parole

(*c*)Date of sentence ..

(*d*)Date of arrival in Prison ..

Total Authority

(*e*)Nature of Punishment (R. I.-S. I) ..

ReleasePeriod number Date of
Date of Over for Remarks

(*f*) Length of sentence ..

of days release surrender Stayle releas e

(*g*)Solitary confinement and dates on which it has been carried out ..

(*h*)Fine or sentence in default 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

3rd

16. Date of release on expiry of sentence and/or on expiry of sentence in default of payment of fine. 4th

17. Date of release on part or full payment of fine 5th

6th

18. Date and result of appeals
7th
19. Date of A. B. and result of A. B.
8th
20. Due date of fourteen year's report
9th
21. Result of fourteen years report
10th
25. *How disposed of (Date to be entered)* 11th
(i)Expiry of sentence 12th
(*ii*)Payment of fine 13th
(*iii*)Transfer to other prisons 14th
(*iv)*Bail 15th
(*v*)Remission
16th
(*vi*)Sickness or other grounds
(*vii*)Transfer to Mental Hospital 17th
(*viii*)Escape 18th
(*ix*)Execution 19th
(*x*) Death 20th
(*xi*)Appeal

26. INTENDED PLACE OF RESIDENCE (TO BE ENTERED WHEN OP RELEASE
FURNISHING INFORMATION TO POLICE ABOUT HABITUALS)

24. MODIFICATION IN DATE

Date	Nature	Authority	Period	Modified date of release	C

27. Initials of Clerk
Judicial Jailor
Senior Jailor

Superintendent.

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.

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.

Rules

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 records in respect of non-criminal lunatics

4. In every jail where non-criminal lunatics are confined there shall be certain 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. Ill 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.

Superintendents to discharge functions of Inspector General under Sections 473 and 474, Criminal Procedure Code

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.

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 h 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.

Accounting of criminal lunatics

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.

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 4 (1) Birth Place

5.

length of residence in each ... (2) Recent abode
Village
Police Station
District
Length of residence
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, epilopsy 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 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 Admission	Date of discharge or death	Number and date of order For admission	Number and date of order For discharge
1	2	3	4	5	6	7	8	9	10

FORM No. Ill

[*See* rule 4 (*b*)]

Medical History Sheet (Case Book)

Date	Medical History	Treatment, diet etc.