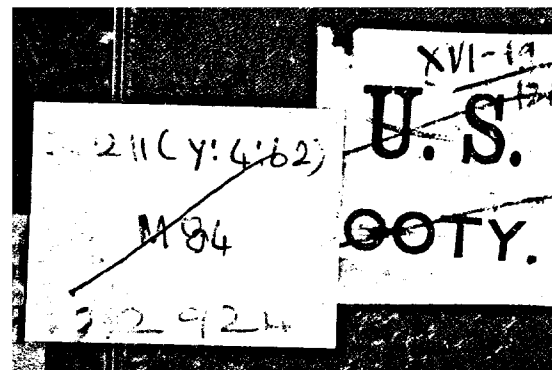




11403

61

Government of Madras.	
—	
SECRETARIAT LIBRARY	
—	
Class	XVI-19
No.	12

Ch. S. III (Library)-1-3,000-17-6-36.

11403

1258
8

COMMENTARY

ON THE

RULES FOR THE SUPERINTENDENCE AND MANAGEMENT OF JAILS

IN THE

PRESIDENCY OF FORT SAINT GEORGE.

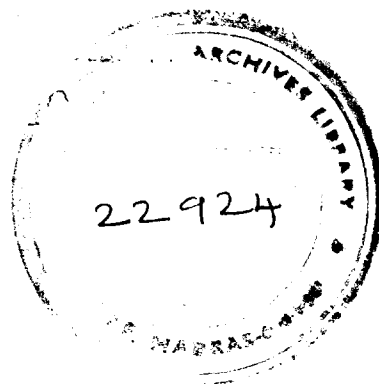
MADRAS:

PRINTED BY R. HILL, AT THE GOVERNMENT PRESS.

1884.

= 211 (7:4:62)

M84.



PREFACE.

THIS Commentary is intended to give such explanation as may be requisite for the comprehension of the plan on which the Code has been framed, and to furnish the authority for the rules.

I take this opportunity to express my grateful acknowledgment to Major W. S. McLeod, Superintendent of the Central Jail at Vellore, for the valuable assistance he has rendered in the preparation of the Jail Code.

COMMENTARY TO ACCOMPANY THE DRAFT JAIL CODE.

PART I.—CLASSES OF JAILS.

Rule 2. This rule has been adopted from Rule 27 of the old Jail Code and has been framed to include convicts sentenced to transportation who are required by Section 319, Act X of 1872, and by Section 33, Act IX of 1882, to be confined in such places as the Governor-General in Council may appoint.

It has also been deemed advisable to give the Inspector-General authority to remove to Central jails convicts sentenced to periods of less than 12 months, in order to meet the cases of women and juveniles so sentenced. In Central jails there is generally better accommodation for these classes of prisoners than in District jails, and it is frequently desirable to remove females and juveniles to Central jails, although sentenced for short periods, rather than detain them in District jails.

Rule 3. The word “ordinarily” has been introduced to meet the provisions made in the previous rule.

Rule 4 provides in cases of overcrowding, for the confinement of subsidiary jail prisoners in District jails. This is in accordance with G.O., No. 3152, dated 11th December 1879, J. D.

Rule 5 provides for the classes of prisoners to be confined in the Madras Penitentiary. Hitherto no such rule has existed although prisoners of all classes are received. The requisite provision is now made, this prison being a composite jail.

Rule 7 defines the jails to which convicts under sentence of transportation may be sent. The jails specified have already been declared by the Governor-General in Council as places to which persons sentenced to transportation may be sent, *vide* G.O., No. 1043, dated 30th June 1868.

Rule 12. The classification here laid down is in accordance with the Resolution of the Government of India, No. ⁸⁵ 1488-1500, dated 18th December 1867.



PART II.—JAIL OFFICERS.

SECTION 1.—INSPECTOR-GENERAL OF JAILS.

Rule 17 is in accordance with old Rule No. 3 but with this addition that the Inspector-General is required to bring to the notice of Government repeated and persistent infringement of orders and rules. This provision is in accordance with the rules in Bengal and appears desirable.

Rule 19 is a modification of old Rule 5. The bills for the charges specified are not now audited by the Inspector-General.

Rule 20. This rule is a modification of old Rule 6 based upon the Accountant-General's Circular No. VII, dated 7th May 1879.

Rule 21. The rule here prescribed is in accordance with the Department Public Works Code, paragraph 1570, so far as the limit of expenditure on any single work.

Rule 22. G.O., No. 762, dated 5th April 1879, authorizes the Inspector-General to sanction rewards up to Rs. 50.

Rule 25. This rule is framed in accordance with G.O., No. 1584, dated 20th July 1875, J.D.

Rule 31 is the same as old Rule 15, with the addition of the word "very" before emergent. It is desirable that all such recommendations should be submitted to Government through the Inspector-General. With the facilities for communication that now exist, it can rarely happen that there is any need for a Superintendent communicating direct with the Government, except "in very emergent cases."

Rule 32 is a modification of old rule 16; no return being now required by Government.

Rule 36. In accordance with the Resolution of the Government of India all jail statistics are for the calendar year.

Rule 39. The rule here inserted is in accordance with Section 11, Act XXXVI of 1858, and G.O., No. 136, dated 2nd February 1882.

SECTION 2.—OFFICIAL VISITORS.

Rule 42. All Presidency Magistrates are appointed, by this rule, *ex-officio* visitors of the Presidency jails. These officers, though heretofore visitors, were not included in the jail rules.

Rule 43. In G.O., No. 1256, dated 7th September 1871, the Government appointed the Sanitary Commissioner an *ex-officio* visitor, and following the spirit of this order it is

now proposed to make the Surgeon-General with the Government of Madras also an *ex-officio* visitor of all jails in the Presidency, confining his remarks to matters of health as in the case of the Sanitary Commissioner.

Rule 45. This rule is in accordance with G.O., No. 1553, dated 26th September 1873. The rule then framed rendered it obligatory for official visitors to call for and inspect all books, &c., of the jail. Inasmuch, however, as jail administration has made great progress, the duties imposed upon official visitors would, if invariably acted upon, occupy several days in the Central and larger District jails where the records are voluminous and the number of convicts large. It is therefore proposed to make it permissive with the official visitors to call for such records as they may desire.

Rule 46. A slight addition has been made to this rule which is otherwise in accord with old Rule 26. The rule makes it discretionary with the Inspector-General to forward to Government the visitors' remarks. The responsibility will rest on this officer in not doing so. If it were compulsory the Government would be loaded with numerous minutes calling for no orders or directions.

SECTION 3.—SUPERINTENDENT OF THE JAIL.

Rule 49. Under the provisions of the Jails Act, V of 1869, Superintendents are vested with certain authority; it is considered desirable to lay down a rule that all appointments of jails should be gazetted. These appointments are made by Government, and, as a matter of fact, they are always gazetted although it is not actually laid down that they should be; moreover, the Accountant-General can recognize only gazetted officers as answerable for the jail accounts and funds; I have therefore entered a rule similar to that entered in the Bengal and other Provincial Codes.

Rule 52. This rule has been inserted as there was reason to fear that Superintendents occasionally regard the charge of the jail as a secondary part of their duty, leaving too much to the Jailer and being content with a casual visit.

Rule 53 has been adopted from the Bengal Code.

Rule 54. Under the Jails Act, Section 13, the substance of the evidence is required to be kept in all cases of punishments. The infliction of punishments is so important a part of the management of a jail that it is thought advisable to define that the Superintendent should keep the record in his own hand-writing, and that no punishment should be inflicted

except when so recorded. It is believed that this rule will be of value in checking undue severity and hasty decision, which may arise through the temper or caprice of an officer.

Rule 55. This rule is the same as old Rule 37 except that it vests the appointment of Jailer with the Inspector-General, which was not clearly defined in the old rules. Practically the Inspector-General does appoint the Jailer. By old Rule 11, the appointment as well as the dismissal rests with the Inspector-General; the present opportunity is therefore taken to correct an apparent contradiction of rules.

Rule 56 is taken from the Bengal Code. Experience shows that an accurate record of all punishments inflicted upon subordinates is very necessary.

Rule 59. This rule has been introduced here from the dietary portion, paragraph 356, of the existing Jail Code in order to draw special attention to a most important matter. It is of little use to fix good dietaries, unless measures are at the same time taken to ensure that the prisoners receive what they are allowed in full, and that their food is properly cooked.

Rule 60. This has been adopted from the rule in English prisons. It is undesirable that Superintendents should themselves smoke in a prison whilst the use of tobacco is forbidden to all others.

Rule 62. It was found necessary to issue a circular upon this subject; owing to Superintendents in some instances communicating direct with Government, in consequence of which, the Inspector-General was often in ignorance of certain matters when referred to him. The circular has been embodied as a rule.

Rule 64 is an adaptation of a portion of old Rule 35. In consequence of the transfer of convicts to Central jails, it has been thought advisable to insert a rule requiring intimation of an escape to be given to the Magisterial and Police authorities of the district in which the convict was sentenced, as well as to the authorities of the district in which the jail is situated. Escaped men not unfrequently return to their own homes, and it is as well the police should have the earliest intimation so that they may be on the look-out.

Rule 66. This rule is based upon a circular of the Inspector-General issued by direction of Government.

Rule 67. At present a quarterly return of "Camping ground" is submitted by Superintendents to the Inspector-General. As this is mere matter of routine, it is thought an annual report, with a special one on the occurrence of any change, will be sufficient.

Rule 69. This rule is a new one, taken from the Bengal Code. It explains itself, whilst its importance is paramount.

Rule 70. Old Rule 35 requires all stock to be inspected once in every quarter. The transactions of jails and especially of Central jails have developed so largely that the quarterly inspection has been found impracticable. All that can be done is, that stock of the manufacture department should be taken annually, and civil stores half-yearly. It is of no use to lay down a rule which practically cannot be carried out. Instead of a report being sent to the Inspector-General, Superintendents will now file a certificate of having taken stock, and the Inspector-General when inspecting the jail will see that this has been done. This arrangement will meet all that is required, as no plant or stores can be disposed of without the sanction of the Inspector-General, and by Rule 71 Superintendents will be responsible for all jail property.

Rule 73. The rule here laid down is in accordance with G.O., No. 683, dated 3rd May 1866. The Surgeon-General, Indian Medical Department, to whom a portion of these rules was demi-officially submitted, takes exception to this rule on the ground that Civil Surgeons in charge of jails must, from time to time, leave their head-quarters for inspecting outlying stations and dispensaries, and that the rule will require modification. The rule as it now stands is in accordance with my own views which have already been laid by me before Government. I am decidedly of opinion that the Superintendent of a jail, as an officer under the control of the Inspector-General of Jails, should not leave his post without the Inspector-General's knowledge except in cases of emergency. The rule has already been laid down by Government, and is now adopted, but as I am aware exception is taken to it, I deem it right to bring the matter prominently to notice in order to avoid misunderstanding in future.

Rule 75. This is a new rule, but is required as a departmental matter.

SECTION 4.—MEDICAL OFFICER.

The rules in this section have already been demi-officially submitted to the Surgeon-General and meet his approval.

Rule 81. This rule defines more fully, than heretofore, the object of the weekly examination of the prisoners. This weekly inspection is an important part of the medical officer's duties, and if carefully carried out does much to control sickness.

Rule 85. This rule is framed upon G.O., No. 1736, dated 11th November 1869. It came to notice that in some cases officers in charge of jails had medically treated prisoners under their charge, for other than curative purposes, as a mode of punishment, especially in the case of supposed malingering. The practice is forbidden. If persons are suspected of offences, their guilt should be ascertained and punished by proper means.

Rule 86. A difference in practice being found to exist in regard to the admission of prisoners for treatment, a general rule became requisite, and a circular was issued from which this rule is taken. In some jails all prisoners absent from labor were admitted as sick, while in other jails the really sick and unfit for labor were treated as out-patients for lengthened periods and not shown in the hospital books, resulting in a great divergence of practice, and an utter want of any reliable statistical comparison. The rule now inserted has been in force for some years, is found satisfactory, and is approved by the Surgeon-General.

Rule 95. Instances having occurred wherein a total change in the dietary of the jail had been made, without any reference, and upon meagre grounds incurring great extra expenses. It is deemed desirable to remind the medical officer that any departure from the established scale is undesirable and should not be recommended without good and sufficient reason, *vide* G.O., No. 2031, dated 15th August 1879. The rule in no degree fetters the action of the medical officer who is responsible for the health and well-being of the prisoners under his charge. He can still direct the issue of extra diet to any individual prisoner whose bodily condition or state of health is such as to render necessary some addition to the ordinary diet, but it restricts indulgence and excess. This rule is adopted in all English prisons.

Rule 109. The rule here laid down has been adopted from a circular issued in consequence of the mortality of some jails being unduly increased by the transfer to them, on medical grounds, of sickly and dying prisoners. A rule is therefore required on the point.

Rule 118. The rule here prescribed is taken from G.O., No. 440, dated 21st March 1873, by which the Head of the Indian Medical Department was directed to notify to all medical officers that when treating jail subordinates they are bound to bring to the notice of the Superintendents of jails such information respecting the causes of illness as may be of importance, with a view to enable them to determine on

the fitness or otherwise of the subordinates for continued employment in jails.

SECTION 5.—CHAPLAINS.

As Ministers visit the European prisoners in the Penitentiary and the Ootacamund prison, and perform regular services, the present opportunity has been taken to lay down brief rules for their ministrations. The principles here laid down are in accordance with the existing rules in English prisons and affirmed by the Indian Jails Conference of 1877.

Rule 122. This rule follows that for English prisons, and is laid down in chapter XIII, clause (a), paragraph 2 of the Indian Jails Conference Report of 1877, page 186.

Rule 124. This rule is taken verbatim from those for English prisons.

Rule 125. The rule here given is an adoption from the Bengal Code.

SECTION 6.—JAILER.

Rule 128. The Inspector-General having the means of knowing all Jailers in his department, and it being desirable to give men some encouragement to remain in the department and prospect of promotion, it has been deemed desirable to vest all appointments of Jailers in the Inspector-General.

Rule 129. The scale here laid down is that approved of in G.O., No. 1838, dated 20th August 1875.

Rule 130. Adopted from the Accountant-General's rules for appointments increasing by annual increments.

Rule 136. As many of the jails are situated at a considerable distance from the towns, with no bazaars or means of obtaining certain supplies, such as meat, except through the jail contractors, it has been thought as well to make the provision in the concluding portion of this rule empowering Superintendents under certain circumstances to allow dealings with jail contractors.

Rule 138. The rule here introduced is new. In order to give Jailers a direct interest in keeping up the jail gardens it is deemed expedient to allow them the small benefit of having a few vegetables daily. The value of vegetables required by Jailers can of itself be small; while there is reason to believe that in some instances the produce of the jail garden at present is not cared for, as it might be; even, if a portion is not in some instances now looked on as a perquisite of the

Jailers. The present rule is considered advisable as tending to greater supervision and economy in jail gardens.

Rule 140. This rule is a modification of old Rule 83 and is in accordance with existing practices. The term "Report book" seems more appropriate than "Order book."

Rule 141. This rule has been adopted from the Bengal rules. Our Jailers are now officers (especially in Central jails), on no inconsiderable salaries, and should be men of some education, competent to supervise and control, under the immediate orders of the Superintendent, the entire working of the jail. In some instances there has been a tendency on the part of Jailers to consider themselves mere disciplinary officers and they do not exercise that supervision over the office and the large manufactures that should be looked for. In fact, in some cases, they regard these duties as extraneous, hence the desirability of the present rule.

Rule 144. Though heretofore the jail registers have been ordinarily kept by the Jailer, no distinct rule on the point existed. It is desirable to define the duty.

Rule 147. Provision has been made to empower Jailers in special cases to place irons upon a prisoner or to lock him up in a cell. This power is essential. The Superintendent cannot invariably be present, and with our large jails there is no telling at what moment the Jailer may be called upon to restrain a refractory prisoner. It is right therefore that he should have the power, subject to immediate report to the Superintendent. With the class of men now employed as Jailers, no fear of any abuse of authority from this rule can exist.

Rule 153. Provision is made in this rule that property found with convicts *after* admission should be forfeited; the object is that all property on admission should be given up, and to distinguish between under-trial prisoners who are not required to give up and forfeit property.

Rule 154. This rule has been introduced to provide for the sale of articles received with prisoners, and the retention of which in the jail is undesirable. The rule is in accordance with that in force elsewhere.

Rule 155 is in accordance with G.O., No. 1688, dated 16th July 1880, and is framed in order to avoid the accumulation of old clothing in the jail stores.

Rule 159. The rule here introduced defines the duty of the Jailer in locking and unlocking and the custody of the ward keys. The practice in District jails varied, and it has been thought as well to lay down one general rule on the

same principle as that before approved of by Government for Central jails.

Rule 160. G.O., No. 2093, dated 3rd December 1873, prescribes the course here laid down. Provision has also been made to allow the chief warder to lock and unlock a portion of the jail, as experience has shown that in jails with a large number of cells or small wards it is impracticable for the whole jail to be locked and unlocked expeditiously by only two persons.

Rules 162 and 163. G.O., No. 2426, dated 30th November 1878, J. D., provides for these rules.

Rules 168, 169, and 170. These rules are taken from the Bengal Code. They are more terse than the old Rule 109, and contain all that is required.

Rule 171. This rule is introduced to prevent undue expenditure being incurred without the Superintendent's knowledge, thus far limiting the powers of the Jailer and ensuring a proper control of expenditure by Superintendents.

Rule 174. This rule has been introduced to provide specially for Central jails. It is undesirable that our large jails should be left on Sundays in the charge of petty subordinates; in fact there is more fear of harm on Sundays, when the prisoners are unemployed, than on other days. While on the other hand Sundays are really the only days of relaxation from work a Jailer has, and hence a rule on the point has been laid down.

Rule 176. In consequence of the frequent changes in the charge of District jails and the appointment of officers unacquainted with the rules of the department, it became necessary to issue a circular upon which the present rule is based.

Rule 177. No distinct rule on this point has heretofore existed. It is sometimes requisite to transfer Jailers, and hence a rule has been deemed advisable. A similar provision exists in the Bengal Code.

SECTION 7.—DEPUTY JAILER.

The rules in this section are in accordance with existing rules. In Rule 183 it has been prescribed that in Central jails the care of clothing, &c., should be entrusted to the Deputy Jailer, the Jailer in Central jails having too much to occupy him, to enable him to keep the detailed books of clothing issues, &c.

SECTION 8.—MATRON.

Matrons being appointed to all Central jails, excepting Cannanore, the present opportunity has been taken to lay down brief general rules for guidance.

Rule 187 provides for the keys of the female's prison being distinct from that of the rest of the jail and for the custody of the keys of the wards by day and night. The provision of separate locks is in accordance with the rules in force in English prisons. It is deemed desirable that the same principle should be carried out in our jails.

Rules 192 and 193. These rules restrict the search of female prisoners to the matron and are in accordance with the rules for prisons in Great Britain.

SECTION 9.—SUBORDINATE MEDICAL STAFF.

This section calls for only brief remark. It has been submitted demi-officially to the Surgeon-General with the Government, who has approved of the same.

Rule 202. Convicts employed as attendants or orderlies in jail hospitals are necessarily not under the same close control as those working in the body of the jail. It has therefore been deemed right to limit, as a rule, the employment of men in such position to those who have completed two-thirds of their sentence, and thus to prevent undue leniency by employing prisoners as orderlies merely because they happen to be men of high caste or possessed of means. As convict hospital orderlies not unfrequently have access to the surgery and records, it has been deemed advisable to prevent the employment in this position of certain classes of prisoners.

Rule 204. The latter part of this rule has been introduced by desire of the Surgeon-General. I am satisfied that one of the chief causes of the high mortality in jails is the want of proper nursing of the sick in hospital. From sunset to sunrise the hospitals are locked up and the patients are left with only the convict hospital servants and orderlies. To avoid in some degree this objection the present rule is framed, *vide* G.O., No. 2765, dated 18th October 1883, J. D.

Rule 205. In consequence of the occasional absence of the medical officer, punishments cannot at times be inflicted. This rule has therefore been inserted to provide for this contingency. The Jails Act (V of 1869), Clause IV, Section 11, provides that corporal punishment shall not be inflicted unless the medical officer of the jail shall state the prisoner can bear it. In the absence of the medical officer, the

medical subordinate must be considered as the medical officer in charge, and hence the rule is believed not to be opposed to the Act. Moreover under these rules before any punishment can be inflicted, either by reduction of diet or separate confinement, the prisoner must be examined and passed by the medical officer, though the Jail Act only renders it necessary in cases of corporal punishment.

SECTION 10.—WARDERS.

The rules in this section define the chief duties and responsibilities of warders, and with a few exceptions require no remarks.

Rule 206. This rule has been introduced as it frequently happens that a short experience of a man's character after appointment proves him unsuited for his duties. It is therefore desirable, with a view to the retention of only really efficient men, that all warders should in the first instance be appointed on probation.

Rule 219. Provision has been made by this rule for supplying warders with uniform. Hitherto no general rule has existed and a diversity of practice prevailed. As a result warders are frequently untidy and much difficulty exists in maintaining uniformity of dress among them. It is therefore now proposed to provide all warders with a simple, convenient, and inexpensive uniform dress, the property of Government. Jailers and Deputy Jailers will supply their own uniform according to an approved pattern. There is no class of public servants harder worked and worst paid than jail warders; and perhaps there is no department of the public service on which the efficiency more depends on the continued vigilance and rectitude of the staff; it is therefore considered desirable to offer some small inducement to respectable men taking warders' appointments. At present there is considerable difficulty in filling these appointments.

SECTION 11.—GATE-KEEPERS.

It is proposed to nominate an individual as gate-keeper at Central jails and perhaps at some of the larger District jails, whose duties will be specially those laid down in this section. Power is given to gate-keepers in Section 223 to stop any person he may have cause to suspect of breaches of rules in introducing or removing articles from the jail, but

the authority to order a search of such persons is vested in the Superintendent.

SECTION 13.—SUBORDINATE OFFICERS.

Rule 233. A rule has been inserted requiring prison officers to give a month's notice of their intention to resign. Inconvenience is felt from subordinates at times leaving their offices without any notice or warning. It is proposed, therefore, that this rule should be a condition of service, and a breach thereof will render the offender liable to forfeiture of salary.

Rule 236 is an adaptation of the rule in English prisons.

Rule 244 is a new rule which, for departmental causes, has been considered advisable to enter.

Rule 246. Convict warders being now largely employed in our jails, the insertion of the present rule prohibiting keys of wards, cells and *outer* gates to be left with prisoners, is considered necessary. Locks and keys for Central jails have been obtained from Home at considerable expense, and their safe custody is of the utmost import; so that to prevent all risk of their being tampered with, the present rule is inserted.

Rule 248. There is often not accommodation in the lines attached to jails for all the warders; but as it is very desirable that these subordinates should reside in the proximity of the jail, to be readily available in cases of emergency, the present rule is introduced in order to arm Superintendents with the power of requiring their subordinates to live within ready access of their jails.

Rule 250. This rule has been introduced to prevent subordinate officers feeding poultry and animals with the refuse food of the jail, which they are apt to look on as a perquisite.

Rule 257. This rule is in accordance with Rule 2, Section 100 of the Civil Pension Code.

Rule 259. The last part of this rule has been inserted to guard against any claim being made by jail servants, who, though regularly employed and duly recognized as jail subordinates, are not regular servants of Government, as they are paid from the profits of manufactures.

Rule 262. This rule has been taken from that in force in Bengal. The rule is desirable and requires no argument.

Rule 263. This rule is based upon a rule in force in Bengal as well as upon Circular No. 204. The Inspector-General of Jails having found it requisite to issue a circular upon the point. The theory of "setting a thief to catch a

thief" is a fallacy in every way in a jail, when the principle is carried beyond that of a recognized "*convict*" servant. The former Inspector-General, Colonel Wilson, having issued a circular on the subject, this rule is laid down.

Rule 268. The practice of prisoners being employed in menial duties and about the houses of jail officials and as gardeners in their private gardens has been recognized, but no definite rule upon the point existed: the employment of free laborers about the houses of jail officials who live within the precincts of the jail is always open to much objection. There can be no question, but that under these circumstances the employment of convict labor is the lesser of two evils, although in some instances it may have been abused. The present rule, it is believed, will put the matter upon a more satisfactory basis and reduce its abuse to a minimum.

Rule 271. This rule has been inserted with a view to enforce the distinct responsibility of jail subordinates for the custody of prisoners, although the actual guarding is entrusted to the police.

Rules 274 and 275. These rules are a slight modification of existing Rules 172*a* and 172*b*. No "register of fines" has heretofore been kept, but all punishments are duly entered in the prison officer's misconduct book, which is in every way suited for the purpose. In order to give the Inspector-General opportunity of control it has been laid down that a copy of the misconduct book shall be forwarded to him quarterly.

Rule 276. The offences here laid down are the same as those under old Rule 172*b* with the following additions: Clauses 2, 6, 15, 16, 17, 18 and 19.

Rule 277. Clauses 8, 9, 10, 11 and 12 are additions to the former rule.

Rule 278. Clause 7, the latter part is an addition in accordance with the explanation before given regarding convict warders, &c.

Clauses 10, 11, 12, 13, 14, 15 and 16 are additions to the former rules.

Rule 279. The punishments prescribed in the previous sections are considered ordinarily sufficient, but there may be special circumstances under which it may be undesirable to retain the services of a prison officer according to the nature of the offence and surrounding circumstances; hence the power of dismissal is considered requisite.

Rule 280. This rule has been inserted as a condition of service to prevent the plea of ignorance of the rules.

Rules 282 to 290 are orders for the submission and disposal of appeals and are based upon instructions issued from time to time by the Inspector-General of Jails.

Rule 291 is in accordance with G.Os., No. 403, dated 21st March 1872, and No. 2913, dated 17th December 1880, and G.O., No. 1073, dated 30th May 1883, Financial.

PART III.—PRISON DISCIPLINE.

SECTION 1.—ADMISSION OF PRISONERS.

The rules in the section refer particularly to convicted prisoners. The rules are much the same as those in Section XII of the old rules.

Rule 292. The rule here laid down is from Section 384 of the Criminal Procedure Code, Act X of 1882.

Rule 295. Paragraph 2, G.O., No. 1141, dated 11th August 1871, lays down the rule here prescribed.

Rule 298. This is taken from the rules for English prisons.

Rule 304. *Vide* G.O., No. 1468, dated 24th October 1871, and Inspector-General's Circular No. 302, dated—January 1872. Provision has also been made not to remove the thalee of females.

Rule 310. See Inspector-General's Circular No. 337, dated 6th October 1873.

Rule 315. The rule here inserted is in accordance with G.O., No. 1465, dated 11th September 1867.

Rule 316. This rule is in accordance with old Rule 184, but a slight addition has been made regarding the hair of convicts before release. This principle is in accordance with the practice adopted in the English prisons.

Rule 317. This rule is similar to the old Rule 186.

Rule 318. This permission is granted under old Rule 197. It also finds place in Section 8, Rule 515, under the head "Visits to and communications with prisoners."

Rule 319. A provision has been made in this rule requiring the committing Magistrate to give authority for the admission of children with their mothers into jail. This is in accordance with the rules in force in England. No rule now exists on the point. Children are admitted to jails more frequently than is desirable, and there is at present no restriction upon children being brought to jail with their mothers even though no necessity for such a course exists.

SECTION 2.—CLASSIFICATION A.

As graphically put in the words of the report of the Indian Jail's Conference, "classification has been too often little more than a name. To the jail officials it has been a nuisance, a thing to be avoided; to the prisoner it has been a matter of entire indifference;" these words accurately describe the attempts that have been made to carry out the system of classification according to crimes as laid down in the Section XI of the existing jail rules. Such a system has been found impracticable, and for many years no attempt at classification has been made, beyond that required for the mark system. The Indian Jail's Conference have, to a certain extent, laid down a system of classification based upon sentence, previous conviction, and nature of imprisonment, but the introduction of any such elaborate system as defined in the "Conference Report," necessitates special legislation. The Government of India though approving generally of the recommendations of the Conference, with regard to classification, when made, have been unable to see their way to applying them. The matter stands therefore as before, and without entering into any discussion upon the merits or demerits of the recommendations of the Conference, it is sufficient to say that for all practical purposes the report must for the present, upon this point, be laid aside.

The question arises, what can now be done to classify in our jails? A classification according to crime has been found impracticable, while a classification based upon sentence, previous convictions, and nature of imprisonment is also impossible even were such considered to recommend itself, but to quote from the Report of the Directors of Convict Prisons in England, it may be accepted "as certain that a prisoner not having a previous conviction recorded against him affords very little guarantee that intercourse with him will be of less corrupting character than with a prisoner known to have been previously convicted." The system adopted in England, and the true one, is based upon conduct in prison. The convict has first to undergo a period of probation in separation and is liable to be relegated to such probationary stage for misconduct, his removal therefrom again and association with his fellows, being thereafter dependent upon his conduct. Our cellular prisons, when built and attached to our Central jails, will enable us to carry out the first probationary period in a satisfactory manner. The principle of separation during probation being already recognized by Government in G.O., No. 3096, dated 5th December

1879, and G.O., No. 1158, dated 5th August 1881, while in G.O., No. 205, dated 18th February 1882, cellular prisons attached to Central jails are approved. The existing remission system contemplates a period of probation, but owing to the want of cellular accommodation, but little effect can practically be given to this period as one of separation. Cellular prisons do not though now exist, and all that can at present be attempted in the way of classification is to prescribe the principles now laid down.

1st. According to class of prisoner and sentence.

2nd. According to conduct, so far as can be carried out under the operation of the remission rules, the principles of which are somewhat analogous to the system in force in English prisons, being based upon good conduct combined with industry.

The classification therefore is based both upon the Indian Prison Conference Report (Classification A) and that in force in the English convict prisons (Classification B).

Rule 327. This rule is drawn up agreeably to G.O., No. 213, dated 24th February 1882.

CLASSIFICATION B.

Rule 328. It will be observed that it is only contemplated to apply this classification to convicts sentenced to two years' rigorous imprisonment and upwards. This is in accordance with the recommendations of the Prison Conference and approved by the Government of India. The grounds for this will be given under the section "Remission."

Rule 329 contemplates the period of probation being passed in separation. This is in conformity with the principle carried out by our English system of imprisonment, and is in accordance with the views of Government as enunciated in G.O., No. 1558, dated 5th August 1881.

Rule 330. This rule contemplates the existence of close cellular prisons and fixes the period of separation at eight months as explained and approved in G.O., No. 1046, dated 18th May 1878. During this period the prisoner will pass his whole time—excepting the period allotted for exercise and bathing—alone in his cell working at some employment of an industrial or remunerative character. After passing the allotted time in close confinement the convict will be allowed to work in association in the regular Central jail.

SECTION 3.—GENERAL DISCIPLINE.

The rules in this section are general rules for the maintenance of order and discipline in jails and require no remarks. The rules themselves are taken from those now in force in jails, together with such rules from the codes of other provinces as appeared suitable.

SECTION 4.—PRISONERS' PROPERTY.

All rules and orders relating to the care and custody of prisoners' property have been brought under this section.

Rule 380 has been adopted from the rule in force in English prisons.

Rule 381. The rule here laid down is prescribed by G.O., No. 1688, dated 16th July 1880. A slight addition to the Government Order has been made requiring the prisoners' clothing to be retained pending "confirmation of sentence or expiration of the time for appeal." Hardships might otherwise result, and it seems desirable to insert the provision now made.

Rule 382. This rule has been deemed desirable, as property is sometimes brought with prisoners which, if sold at once, would realize something, but if retained may become worthless.

Rule 385. The rule is in accordance with Section 6 of the Jails Act. Inasmuch, however, as prisoners sometimes transfer their property and leave themselves no clothes on release, a provision has been made to guard against this misuse of the privilege conferred by the Act.

Rule 387. This rule has been inserted to provide for prisoners to leave the jail decently clad when unable themselves to buy clothing and their own clothes have been destroyed by the jail authorities. No such provision existed before, but it is in accordance with the rules in English prisons and is reasonable, while it is not anticipated that it will entail any undue expense.

Rule 392. Hitherto no rule has obtained on this point though a practice has existed of sending property of deceased convicts to the Magistracy for disposal. In Proceedings of Government, No. 1688, dated 16th July 1880, exception was taken to the return of old clothing to the Magistracy; but as under Rule 381 such worthless property will now be destroyed and only jewellery, money or articles of some intrinsic value be retained in jails, it seems desirable to lay down a rule for the disposal of a deceased prisoner's property. The property is rarely of any large value, but its retention in the

jail is objectionable. The District Magistrate appears the proper officer to whom such property should be sent for return to the relatives of the deceased, or for disposal otherwise.

SECTION 5.—FETTERS.

The use of fetters in their present form in our jails no doubt dates from a remote period. Prior to the promulgation of the Penal Code, "fetters" were in fact a part of the sentence which was required to be one of "hard labor in irons." Their continuance has been probably due to the insecurity of jails, the employments of convicts in large gangs on extramural labor, and the system of guarding, which is based upon the assumption that the convicts are fettered. Of late years, however, much has been done in the construction of large and secure jails, and the employment of prisoners on intramural labor; in consequence of which the same need of "fetters" generally as a means of security no longer exist as hitherto, and their use may now be said to be practically the exception *inside* the larger jails.

No instructions were laid down in the old jail rules regarding the use of fetters, so that the present opportunity has been taken to prescribe some general rules upon this point based principally upon the instructions contained in G.O., No. 1638, dated 8th December 1871, and on recent instructions received from the Government of India.

It will be observed that it is not contemplated to exempt convicts on extramural labor from fetters, beyond that a provision has been made to allow convict warders and maistries to leave the jail unfettered. The strength of police guards has been fixed on the presumption that the men to be guarded are fettered; the convicts employed on extramural labor are provided with pick-axes and implements which might be effectively used, and were fetters to be removed the strength of the guards would in all likelihood require to be increased, necessitating probably considerable extra expenditure and opening up a large question. It has therefore been presumed that the views of Government, as laid down in the Government Order, before quoted, may be accepted as suitable to the present time, and that it is at present undesirable to make any change in the existing practice regarding convicts extramurally employed, beyond allowing the convict servants to be unfettered.

Rule 393. In other provinces the use of fetters is a regular form of jail punishment. The forms of punishment pre-

scribed in this Presidency are laid down in Section 11 of the Jails Act (V of 1869), the imposition of fetters is not a recognized "punishment" as officers are sometimes apt to believe hence it has been deemed desirable to prescribe that their use is merely precautionary and should be limited to the case; of refractory prisoners.

Rule 394. In G.O., No. 1413, dated 25th October 1872, the practice hitherto in force in regard to the imposition of fetters was modified, inasmuch as the removal of fetters three months after admission into jail in the case of convicts employed on intramural labor in Central jails was sanctioned. The sole grounds for the retention of fetters beyond three months being the security of the prisoner or the safety of others. The Government of India, however, considered that this rule required further modification, consequently the present rule limits the imposition of fetters for three months after admission into jail to convicts sentenced to transportation and the retention of fetters even on this class of prisoner beyond a period of three months is only to be resorted to under exceptional circumstances. When close cellular prisons are constructed the use of fetters will practically be abolished, as by Rule 402 their use in such prisons will be confined to violent or dangerous convicts. It is submitted that in the present state of our jails with prisoners living in association it is necessary to retain the power of placing fetters on transportation convicts. These men come to jail smarting under recent conviction and probably feeling desperate; for a period of three months fetters should be imposed on such criminals in order that Superintendents may have an opportunity to judge of a prisoner's disposition and temper, &c., leaving it optional with the Superintendent to dispense altogether with their use in such cases as may appear safe to do so.

Rule 395. With a view of securing uniformity of practice in the different jails and due responsibility in the employment of the means of restraint referred to, an entry in an authorized register ought to be made whenever a prisoner is placed under restraint, the time during which he is kept in irons and the causes for such exceptional treatment. This is the rule adopted in English prisons. An extract from this register will be sent to the Inspector-General quarterly.

Rule 396. With the exception of transportation convicts who, as a general rule, will be kept in fetters for three months, and those convicts who are violent or meditate escape, no prisoners will be placed in fetters in a Central jail or in a District jail when the work is intramural and the jail is

considered safe. An exception is made in the cases of persons accused of murder or dacoity, when security cannot be otherwise assured.

Rule 399. A light iron ring placed on the wrist of run-away convicts enables the guards and prison officials to distinguish such prisoners and to keep a special watch upon them.

Rule 400. The imposition of a light iron ring on the ankle marks a man as being a convict. In this country if a prisoner escapes and throws away his prison clothing, he might pass through the bazaars unnoticed unless there be some indication to show that he is a convict.

Rule 405. The power here given as before explained is considered requisite, as Superintendents cannot invariably be present, and it may at any time be necessary to restrain a refractory prisoner, subject to immediate report to the Superintendent.

Rule 406. The rule here prescribed is based upon G.O., No. 2035, dated 17th September 1875, and is in accordance with the principle more recently enunciated in G.O., dated 17th November 1881, No. 2371.

Rule 412. As certain of our jails are still in an insecure state it has been deemed advisable to prescribe that these rules should apply only to such jails as the Inspector-General may direct.

SECTION 6.—REMISSION SYSTEM.

The principles of the remission system in force in this Presidency are based upon the English mark system, and, having been approved of by Government, have been adhered to in these proposed rules, with certain minor modifications. At page 62 of the Report of the Indian Jails Conference of 1877 certain rules are proposed, which with some slight modifications have met the approval of the Government of India. The method of marking as accepted in England, however, was rejected by the Conference as being beyond the intelligence of the prisoners. There does not, however, seem any adequate reason for adopting the system of marks proposed by the Conference, the principles being to a large extent the same as those now in force in this Presidency and accepted in England, the difference being chiefly in detail, the marks themselves, and the numbers thereof entitling to rewards. Our system has now been in force for some 16 years, it is understood by our prison officers, has heretofore

been found to work efficiently and is in a form easily intelligible to the convicts themselves. Rather, therefore, than make any total change in the existing system, I have carefully considered the recommendations of the Conference Report, and have come to the conclusion that the English system is very complete and can conveniently be maintained, at the same time in deference to the Prison Conference I have accepted some of their suggestions.

At present the remission rules in this Presidency apply to all convicts sentenced to rigorous imprisonment for periods of 18 months and upwards, and where a fine is imposed the period of imprisonment awarded in default of payment thereof is considered as a portion of the aggregate sentence upon which remission may be earned. In Rule I as laid down by the Indian Jail Conference it is recommended that the remission system "shall be confined to convicts whose sentences are not less than two years, exclusive of any term to which they may be sentenced in lieu of fine." This period has been accepted by the Government of India as that upon which remission should be granted, and it may, I think, with advantage, be now accepted in modification of the existing rule. This change in our system, if approved by Government, will have the effect of limiting remissions practically to convicts in Central jails with some few exceptions. In this respect it certainly will be an advantage, as in District jails there is not the same possibility of the close supervision which the scheme requires, while experience has shown that in these jails the mark system is not worked as it should be.

The principle that no remission should be granted upon a sentence of fine seems to me to require but little argument. The sentence of the Court is not an optional one, and by calculating the period of imprisonment imposed in default of payment as a portion of the original sentence as is now done, the effect is frequently to wipe out by a remission of sentence the whole of such period of imprisonment, and to enable the convict to evade the punishment imposed in default of payment. As, moreover, the principle is approved by the Government of India it may be accepted without comment. The most important feature in the satisfactory working of any system of remission must depend upon constant and close supervision, systematic arrangement, the exaction of tasks and accuracy of marking. This has been fully recognized by the Indian Jail Conference, and with this view they proposed that the power of assigning marks should be vested in the Superintendent or in a person appointed by him, but

the Government of India remark that the Superintendent "should not possess the power of appointing others to award marks unless with the consent of the official visitors." A provision is now made (Rule 444) in the proposed rules, requiring marks to be assigned by the Superintendent alone. The effect of this will be to throw a considerable amount of work upon all Superintendents (though in Central jails marks have generally been assigned by them), and as remarked by the Indian Jail Conference Report "the chief fear now is that, although we have limited ordinary marks to prisoners of two years and over * * * the task of awarding marks may be more than Superintendents will be able to perform." The effect, however, of the proposed change will be, so far as District jails are concerned, to limit the remission system to some few convicts retained in these jails as convict servants, and there seems no reason why the Superintendents should not assign the marks in such cases, while in Central jails special officers exist and the assignment of marks is one of their most important duties.

I will now proceed to notice briefly the changes proposed.

Rule 413. The remarks before made apply to this rule.

Rule 414. The principle being laid down that extra marks are assignable for steady industry, a rule is now prescribed that sick men should ordinarily receive the usual six marks, but it will be open to the Superintendent in special cases to assign marks for conduct alone in the case of those who are sick. It may at first sight appear hard that a man who is sick should be deprived of the rewards of the remission system, but the disadvantage attaching by the possible loss of marks will at any rate be an earnest that the man is really unable to labor, while there is no guarantee that if out of hospital he would earn extra marks. The power of increasing the marks in special cases will, it is believed, meet any cases of hardship that may arise.

Rule 415. This rule is taken from that in force in English prisons. As the Directors of Convict Prisons remark, "there is no difficulty in the management of prisoners greater than that of getting them to perform the hardest work they are capable of. Like people who are free, they, of course, prefer the easiest class of employment they can obtain. But this tendency is in a free person corrected by the necessity of performing any work "which offers in order to obtain a subsistence, as well as by the desire for higher wages. A convict has no such stimulus, his subsistence is certain, and he has no more wages for doing very hard work than for light, and no stimulus of any other kind unless the system he

is managed under provides one. If, however, a prisoner requests to be employed on light and accepts the disadvantages attaching thereto he at least gives some proof of his sincerity." The foregoing remarks explain the principle upon which this rule is based. Arrangements under the general rule will be made to relieve prisoners who are really unable to perform hard work from any disadvantage from the operation of the rule which might arise in exceptional cases. The object to be attained will be well understood by those who have had experience in the working of prisoners.

Rule 438. At present, female convicts are not eligible for the benefit of the remission scheme beyond the grade of maistry. There seems, however, no reason why this limit should be made in their case, and it is proposed to extend the same privileges to females as in the case of males.

Rule 443. This rule is in accordance with G.O., No. 42, dated 15th January 1872. If long-sentenced prisoners are, for convenience, kept in District jails, it is not just that they should be deprived of the incentive to good conduct held out to long-sentenced prisoners by the remission rules. At the same time in Central jails hard labor is more effectually carried out and the conduct of the prisoner is more carefully watched than is possible in a District jail. Consequently, it seems to me that if a man in a District jail whose conduct and industry were reported satisfactory, were to be credited with the maximum number of marks, it was possible for him to earn in a Central jail, he would be placed in a better position than if he had been in a Central jail where he would have been regularly tasked and had marks assigned to him with reference to his work. Cases in which men in a Central jail earn a whole additional mark every day throughout the year are rare. For these reasons I think it would be more fair to give the District jail men remission at the rate of half mark a day which will be equivalent to a remission of one month per annum.

Rule 444. As before remarked, the Indian Jail Conference Report and the Government of India lay much stress upon marks being assigned by the Superintendent himself, and there can be no question of the desirability thereof. This rule is therefore now laid down.

Rule 446. See G.O., No. 13, dated 4th January 1875, under which a Superintendent is authorized to detain a prisoner who by bad conduct has forfeited the remission he may have gained by his industry.

Rule 448. This rule is in accordance with G.O., No. 839, dated 4th May 1876. No provision is made in the Army Dis-

cipline Act for soldiers undergoing imprisonment by sentence of Courts-martial being able to *earn* a remission of part of their imprisonment by good conduct and industry, nor is there any such provision in the rules for "Military prisons." If therefore soldiers confined in the prisons of Madras have particular advantages not accorded to those soldiers confined in military prisons generally, it would introduce an element of uncertainty and inconsistency in treating military prisoners in different jails. The remission rules are therefore not held applicable to military prisoners under sentence of Courts-martial, but the Inspector-General should bring to His Excellency the Commander-in-Chief's notice, through the Adjutant-General's Department, the good conduct and industry of any particular military prisoner in view to special consideration being given to the individual case concerned.

Rule 449. See G.O., No. 647, dated 5th April 1876. An escape from jail should cancel all remission previously earned, and the period of a sentence for escape ought not to be diminished under the operation of the remission system, unless there be some special circumstance, such as the escape occurred early during the imprisonment of a long sentenced prisoner, or the like.

SECTION 7.—LABOR.

28

The rules under this section merely prescribe general instructions regarding labor. No attempt has been made to lay down specific tasks, for the various classes of labor or different branches of manufacture, as I believe any such classification would be futile. By paragraph 239 of the existing rules the task of each day is required "to be at least that performed by a free laborer of the same craft," but the members of the Jail Conference remark on page 67 of their report, "we were compelled to recognize the fact—one, not of Indian but universal experience that convicts cannot be *compelled* to work like free laborers;" but they say further on, "it is possible by appropriate rewards to induce them to work nearly up to the free laborer's standard." This is the principle accepted and by our remission system we have adequate rewards for industry. The task for the beginner or man of inferior bodily capacity ought not to be the same as for the practised and capable hand. It should, as remarked by the Indian Jail Conference, be such that convicts put to it may, if they work with the amount of energy which *may be expected from convicts*

be employed during the whole of the working hours. A rule has been prescribed defining the number of hours of labor (Rule 459) at which every task should be estimated, it must be left to individual Superintendents to lay down the tasks required in each case according to the nature and description of the work and capabilities of the individual—a work forming no unimportant part of the Superintendent's duties, requiring much discrimination and care.

Rules 452 and 453. There is generally a laudable desire on the part of jail officers to carry out the law by sending every prisoner, not absolutely in bad health, to hard labor at once on admission. The man is sent to stone-breaking, or earth-work, &c., and is examined only in a cursory way once a week, at the morning inspection, until he gets an attack of diarrhœa or fever and enters hospital broken down by the sudden exaction of labor, for which his mode of life, privation or exposure, had for the time rendered him utterly unfit. It is therefore laid down that a prisoner on admission shall be examined by the medical officer, not only as regards his state of health, but as to his ability to undergo hard labor. It ought to be impressed on the medical officer that the circumstances of each prisoner's constitution on his admission ought to be weighed and that a note be made in the register for the guidance of the Superintendent of the kind of labor on which the prisoner should be employed. If skilled supervision, regular diet, suitable labor and sound sanitation are worth anything, prisoners admitted in weak health ought to improve; therefore there is nothing lost by postponing the period of real hard labor until the convict is fit to undergo it, and the risk of his utterly breaking down and of becoming permanently an inmate of the hospital is thus avoided.

Rule 455. The first object for which jail labor should be devoted is for the jail itself. When this is satisfied the labor should be turned to manufacture articles of large consumption required by the State. There has been a great deal of unreasonable opposition, got up by a clique of interested mill-owners, against jails entering the market as manufacturers and competing with free labor. The Government of India has lately taken up this cry and of course, there are a number of interested persons who are always ready to take advantage of such agitation. I think that those who complain of the injury done to trade by jail manufactures should prove more clearly than they yet have done by giving some reliable statistics of the number of free persons said to be affected, the value of product of free and prison labor respectively, and should show, what I very much doubt, that the withdrawal of

the competition of jail manufacture would raise the value of the free labor, for I suspect that it would only raise the dividends of the share-holders and the profits of the masters. The fallacy of the argument lies in the statement that a man being a convict shall not work for his livelihood. Now it is obvious that as persons who are earning a livelihood while free are competing with some body or other, so it is perfectly reasonable that they should work and therefore compete equally after they are put into jail, and as all prison labor is the property of the State it seems only reasonable that it should be devoted for the benefit of the State. If therefore the Government are not prepared to sanction competition at equal prices with private individuals, it may at least provide for his own requirements. The present rule provides for this.

Rule 458. The probation period here referred to is that before defined under the remission system, during which the hardest description of labor is to be exacted.

Rule 459. By this rule the convict's task is estimated at eight hours of labor per day exclusive of meals. The rule in force in the present jail rules (Rule 240) lays down ten hours as that upon which the task should be estimated. In practice, however, it is not possible to get ten hours of labor, allowing for meal hours, muster of prisoners, &c. The Indian Jail Conference, moreover, at page 67 of their Report have accepted the "convict day of eight working hours," and as in practice no more than eight hours of labor can be attained, the present rule is laid down in modification of the existing one. I would once more quote here from the Indian Jail Conference Report wherein it is remarked, "it must not be supposed that assenting to the foregoing propositions they are in any way disposed to lighten the labor hitherto performed; on the contrary it is the wish of all (of us) to render it more severe."

Rule 464. The rule here laid down is in accordance with G.O., dated 10th January 1872, No. 19 (Circular No. 302, dated 13th January 1872).

Rule 468. By G.O., No. 1246, dated 21st May 1877, Christmas day and Good Friday are recognized jail holidays.

Rules 469 and 470. These rules have been considered necessary to prevent the undue employment of convicts in jail offices; it being undesirable that because a convict is to a certain extent educated, he should be employed, as is sometimes the case, in a position of comparative ease without having undergone his proper share of hard work. It is also intended to prevent Jailers selecting men for special work under them as clerks.

Rule 471 is in accordance with present rules. It is thought desirable that all prisoners before being placed upon the treadmill should be examined by the medical officer.

Rule 474. This is taken from the old rules for out-door labor, Clauses 9 and 10.

Rules 475, 476, 477 and 478. These are taken from the orders in the Account Department.

Rule 480. In order to preserve uniformity in the valuation of prison labor performed for the jail department and for statistical purposes, certain rates have been prescribed in this rule.

Out-door Labor.

In consequence of an accident amongst the convicts working at Ootacamund under the Public Works Department whereby a prisoner was killed, the Government in their Order, dated 9th June 1884, No. 1409, Judicial Department, directed the insertion of the following rule in the Jail Code under the section "Labor."

490-A. "When convicts are employed in blasting, well-sinking, excavations, or on works of a dangerous character, it will be the duty of the Public Works officer to take every reasonable precaution to guard against accidents. In blasting operations no convict shall be employed to fire the charges. In excavations the sides should be sloped or cut in steps. Convicts in fetters are not to be employed on scaffoldings."

The rules under this section differ but little from existing rules under the same heading in the old code.

Rule 491. G.O., dated 14th March 1866, No. 375, prescribing the strength of out-door labor gangs of prisoners.

Rule 495. This rule is based on the Resolution of the Government of India, dated 12th February 1866, and Circular No. 175, dated 4th November 1866, wherein it is laid down that in estimating the value of convict labor it should be calculated at the rate of two-thirds of the wages of a free laborer.

Rule 496 is in accordance with G.O., dated 6th August 1879, No. 1902. Convict labor given without payment is seldom properly cared for, and little or no pains are bestowed to secure its being employed to the greatest advantage. If the authorities have to pay for the labor placed at their disposal, some steps to ensure its economical distribution would perhaps be taken, but it unfortunately happens that very few officers know what a fair day's work is, and fewer take the trouble to enforce it.

Rule 498. This rule is sanctioned by G.O., dated 28th April 1870, No. 595.

Rule 499 is in accordance with G.O., dated 8th March 1875, No. 534.

Rules 500, 501 and 502. G.O., No. 957, dated 7th May 1878, approves of these rules and are in accordance with the principles laid down in the Public Works Department Code.

Jail Garden.

The only rules under this section which call for any remark are Nos. 511, 512 and 513 which have been framed in accordance with the existing practice of the department.

SECTION 8.—VISITS AND COMMUNICATIONS WITH PRISONERS.

The only rules now in force regarding visits and communication with convicted prisoners are those provided under the remission system. A variety of practice therefore exists with regard to this subject, and definite rules for guidance are therefore now proposed.

Rule 516. No rule regarding the period of imprisonment to be undergone before interviews are to be allowed has hitherto existed in the case of convicts not coming under the remission rules. The limit of six months now proposed is the same as that in force in the Bombay Presidency, the Punjab and other parts of India. This limit appears to me reasonable, while under the latter part of the rule the privilege accorded is an inducement to good behaviour and exertion.

Rule 524. Sundays, Christmas day and Good Friday are non-working days in jail. It is not desirable or convenient that interviews should be allowed on these days, except in cases of emergency.

Rule 526. The rule here prescribed is in accordance with G.O., No. 77, dated 16th January 1882. The rule is taken from the Bengal Code based on the practice pursued at home.

Rule 528. This rule is in accordance with that in force in English prisons.

SECTION 9.—ADMISSION OF CHRISTIAN MINISTERS INTO JAILS.

The rules in this section are those prescribed in G.O., No. 738, dated 9th May 1873, and which have been adopted

by the Indian Jail Conference, and appear suitable and proper.

Rule 535. G.O., dated 19th January 1875, No. 105, J. D., lays down this principle.

SECTION 10.—CONVICT SERVANTS.

No very special remarks are required with regard to this section, which merely prescribes the proportion of convict servants and is but little changed from the existing jail rules.

Rule 539. The rule here prescribed is intended specially for District jails and at extramural labor, where the convicts as a rule will be fettered; it is well that the maistries should wear an ankle ring to show that they are prisoners.

Rule 546. As difficulty sometimes exists in District jails in the appointment of maistries, owing to the want of men eligible for promotion under the remission system, it is considered as well to lay down the rule here given.

SECTION 11.—PUNISHMENTS.

The rules in this section have been but slightly altered from those in the existing section (xx) in the present rules, and are based upon the provisions of the Act (V of 1869).

Rule 548. Clause (i) "Ganja or other drug" has been substituted for other "poisonous substances."

- (ii) The words "or to any other prisoner" have been added to the old clause.
- (iii) "Talking at meals, on parade muster or march" have been added.
- (iv) The wording of this clause has been slightly modified, as plantain leaves are not allowed in the jail, and unconsumed food can but be left in the yard.
- (vi) The words "loitering about the yards or any where about the jail after the bell has been rung or muster ordered" have been added to this rule.
- (vii) The words "clean and neat" have been substituted for "perfectly clean" in this rule, and "bedding" and "fettters" have also been added.
- (viii) Or "exchanging it for that of any other prisoner" has been added.

- (ix) The words "committing any nuisance or making water in any part of the jail which has not been assigned for that purpose" have been added to this rule.
- (x) In this clause "or of any intended attack upon any jail officer or prisoner" have been added.
- (xii) The offences in this clause are provided for in Section 10 of the Act, as punishable with the lash; but as by G.O., No. 82, dated 16th January 1882, they have been declared as classifiable under other clauses when corporal punishment is not considered the appropriate punishment, they are here introduced among the general offences.
- (xiii) Same as former Clause xii, with the addition of the words or "wilfully wasting material given for work."
- (xiv) Same as former Clause xiii.
- (xv) Same as former Clause xiv.
- (xvi) Same as former Clause xv.
- (xvii) This is the same as the former clause xvi with the addition of the words "striking, assaulting, or threatening any officer or prisoner, disorderly behaviour."
- (xviii) Same as former Clause xvii.
- (xix) Same as former Clause xviii. with the addition of the words or "those for civil or under-trial prisoners" or with outsiders, civil or under-trial prisoners and holding unauthorized communications with prison officers or guards."

Rule 549. This authority is in accordance with section 9 of the Jails Act.

Rules 551 to 555. The intention of these rules is to draw the special attention of Jail Superintendents to the remission system, the desirability of reducing punishments, and more especially corporal punishments to a minimum, in accordance with the oft expressed wish of Government. It is necessary to prescribe that prisoners under the remission system should be fined marks in *addition* (Rule 554) to other punishments, otherwise there would be the anomaly of convicts obtaining remission of a portion of their sentence, while their conduct in jail has been indifferent or bad. The forfeiture of marks is merely the natural result of misconduct, and will not reckon as a double punishment. The convict must understand that good conduct is necessary as well as industry to obtain marks.

Rule 556. In accordance with G.O., No. 1786, dated 11th November 1869, and the orders of the Government of India.

Rule 559. By Section 11 of the Jails Act it is required that corporal punishment shall not be inflicted unless the medical officer of the jail shall state in writing that the prisoner can bear it without danger to his general health. A similar provision is deemed desirable as a safeguard in cases of separate confinement and penal diet.

Rule 560. This is in accordance with the existing rules and approved in G.O., No. 2031, dated 15th August 1879.

Rule 562. The rule here prescribed is intended to limit as far as possible the use of the rattan. I have not considered it practicable to lay down any definite scale of punishments according to offences. No hard and fast rule can, it appears to me, be prescribed for the punishment of each offence, as the surrounding circumstances connected therewith must vary, and though the offence may come into the same category, it may in one case be far more aggravated than in another; a fixed scale of punishment is therefore impracticable. It must be left to the discretion of individual Superintendents to award the punishment, and all that can be done is to lay down a rule prescribing as far as possible the *principle* to be followed in the award of punishments.

Rule 563. This rule is in accordance with Section 11 of Act V of 1869, and the Code of Criminal Procedure, Section 394, which requires the medical officer to certify that the offender is in a fit state of health to undergo the punishment.

Rule 564. Paragraph 2, G.O., J. D., No. 1646, dated 18th October 1866, prescribes this rule.

Rule 565. By Section 11 of the Jails Act (V of 1869) the instrument to be used in inflicting corporal punishment was the cat-o'-nine tails, but by Act VII of 1882 amending Act V of 1869 the instrument to be used is the rattan and the punishment is to be inflicted on the posteriors. The description of rattan is laid down in Section 394 of Act X of 1882, Criminal Procedure Code.

Rule 566. The rule here prescribed is laid down by Circular No. 304, dated 23rd April 1872.

Rule 568. This rule is in accordance with the existing practice as approved in G.O., No. 2031, dated 15th August 1879, with the addition of the words "no prisoner shall be so punished till passed by the medical officer."

PUNISHMENT DIETS.

The scale of diets here prescribed is that sanctioned in G.O., No. 2031, dated 15th August 1879. These punishment diets have now been a considerable time in use; they are found to answer, and with the precautions adopted to ensure their not being carried to excess may be finally accepted. In English prisons a rule exists limiting prisoners being again placed on punishment diets for a fresh offence, till the lapse of a certain period after the termination of any period of punishment they may have undergone, during which they are required to be placed on the ordinary jail diet of their class. In order to prevent the excessive use of these diets, and their continuation for a fresh offence by merging one punishment into another beyond the periods for which they are prescribed, a similar provision has now been made in Rules 571, 573, 575, 577 and 579, and thus furnishing an additional safeguard.

Rule 580. No. 1, Bread and water diet, has been fixed as a minimum diet during which *no task* of labor is to be enforced. If however no labor is required, and the prisoner is at large, it can be well understood that in our jails, as constituted, means exist whereby food beyond the diet ordered is obtained, and the effect of the punishment ordered thereby nullified; hence the necessity of requiring prisoners on this diet to be confined in cells.

Rule 581. While fully admitting the necessity of punishment diets as prescribed, there is no doubt that no more dangerous form of punishment can exist if not carefully watched; without going in detail into the question it will, I conceive, be readily admitted that in many instances more harm may be done by a reduction of diet (based, it must be recollected, upon merely a sufficiency to keep the convict in sound health) than by any other form of punishment. Hence the necessity of a most careful application of all such diets and the absolute necessity of vesting in the medical officer the power of stopping such diets whenever they may be believed to be injurious to health. It can be readily conceived that, though a convict is pronounced fit for such diets, he may, before the conclusion of the period for which it may have been ordered, be unable to undergo the whole punishment ordered. With famine experience of recent years and famine diets in jails one need not look far for the necessity of this rule.

SECTION 12.—SEPARATE CONFINEMENT.

The rules in this section appear to me to call for no very special remarks. They are generally in accordance with Section XIV of the existing rules. In the European prison at Ootacamund there is a "dark cell," but I doubt whether a thoroughly darkened cell can be healthy without forced ventilation in the plains, I have therefore omitted any mention of "dark cells" as a jail punishment. It will however continue as a punishment as heretofore in the European prison at Ootacamund.

Rule 585. This is a new provision, but requires no argument in its favor.

Rule 594. This is in accordance with the existing practice as sanctioned in G.O., No. 2031, dated 15th August 1879.

Rule 597. This is in addition to the former rules under this section, but speaks for itself.

SECTION 13.—EDUCATION.

The rules in this section are based upon the report of the Indian Jail Conference, and in G.O., No. 2193, dated 25th October 1881, and have met the general approval of Government so far as the classes of prisoners to be educated are concerned.

Rule 599. G.O., No. 1721, dated 11th November 1868, prescribes the standard of education here laid down.

Rule 609. The rule here laid down is based upon G.O., No. 769, dated 22nd March 1877.

Rule 610. The question of some expenditure being incurred on education was affirmed in paragraph 41, page 79 of the Report of the Jail Conference of 1877. For instance in jails where the number of competent teachers is insufficient, or where there may be a large number of juveniles requiring particular instruction, it seems desirable that the power here given should be vested in the Inspector-General.

Rule 611. Practical experience has shown that, unless some penalty attaches to idleness at school, no progress will be made. The convict, as a rule, looks upon the school hour as an hour to be spent, and is indifferent how it is spent. The remission scheme affords suitable means of punishment and vests Superintendents with a power of punishment, whereby the convict is led to see that he is required to be something more than a passive agent while at school.

SECTION 14.—ACCIDENTS, &c.

The rules under this section explain themselves and embody all existing orders thereon.

Rule 620. The latter portion of this rule is in accordance with G.O., No. 97, dated 19th January 1876.

SECTION 15.—ESCAPES.

No general remarks are called for.

Rule 629. The scale of rewards here laid down has been approved in G.O., dated 23rd August 1862, No. 1380.

SECTION 16.—RELEASE AND DISPOSAL OF PRISONERS.

Rule 642. G.O., No. 986, dated 26th May 1876, prescribes the rule to be followed in calculating a sentence of imprisonment. In accordance with the principle therein laid down, prisoners should be released in the evening of the day upon which their sentences expire and the rule is here prescribed; but since this order was passed, it has been directed in G.O., No. 3341, dated 19th December 1883, that prisoners shall be released after the morning meal.

Rule 643. The rule here laid down is in accordance with G.O., No. 1900, dated 22nd November 1867.

Rule 644. This rule is in accordance with G.O., No. 1657, dated 19th December 1870.

Rule 645. G.O., No 1516, dated 26th June 1879, lays this down.

Rule 646. G.O., No. 1328, dated 15th August 1867, and 20th January 1869, No. 89, prescribe this rule.

Rule 647. The rule herein laid down is in accordance with G.O., No. 175, dated 30th January 1882. By Section 400, Code of Criminal Procedure, Act X of 1882, the officer executing the warrant shall return it. By Act X of 1872 if the prisoner was transferred from the jail to which he was first committed, the warrant ought to have been returned through the Superintendent of the jail to which the warrant was originally directed. The period of 36 hours within which the warrant is to be returned being a departmental order now in existence.

Rule 649. In accordance with existing rules, paragraph 67.

Rule 650. This rule is in accordance with the rules of the Telegraph department as affirmed in G.O., No. 3113, dated 8th December 1879.

Rule 651. G.O., No. 1246, dated 21st May 1877, sanctions the rule here prescribed.

Rule 652. This rule is an adaptation of a portion of paragraph 283 of the existing rules, modified to accord with the existing system in Central jails. It likewise provides for notice being given to the authorities of the districts in which the prisoners were convicted.

Rule 653. Old Rule 285, with the addition regarding any remission granted.

Rule 654. This is in accordance with existing rule as prescribed by departmental orders.

Rule 655. This rule is a modification of Rule 284. It will be seen that the rule now proposed does not render the payment obligatory. The old rule was framed before the existence of the remission scheme, and was intended to provide a man with sufficient to maintain him for a time on discharge from jail. In many cases, however, convicts on discharge are not in want of means for their support, while all those coming under the remission scheme obtain the gratuity they may have earned under it. It seems therefore desirable to modify the rule and to give the Superintendent discretionary power to make the payment only in such cases as he may consider it necessary, and not that every man shall receive a sum of Rs. 2, whether in want or not.

Rule 658. The provision here made is new. Difficulty sometimes occurs in the case of long-sentenced prisoners especially, who bring no cloths with them to the jail. To enable them to leave the jail decently clad, it seems only reasonable that they should be provided with suitable clothing. A similar provision exists in Bengal.

Rule 660. The rule here laid down was adopted a few months ago at the request of the Inspector-General of Police.

Rule 661. See property section.

SECTION 17.—TRANSFERS, &c.

The rules in this section seem to require but little explanation. Most of them are at present in force.

Rule 672. The rule here prescribed has before been laid down by circular memorandum.

Rule 675. In Central jails accommodation for juveniles exists; there is also supervision and discipline to an extent that cannot be looked for in District jails, hence the desirability of locating juveniles in Central jails; their transfer,

however, is, as a rule, attended with some expense, while in the case of very short-sentenced prisoners it is, of course, undesirable that they should be transferred, a limit therefore of one month has been fixed.

Rule 679. The rule here laid down is in accordance with G.O., No. 1523, dated 13th July 1881.

Rule 689. See G.O., No. 607, dated 1st April 1876, J. D.

Rule 693. Prescribed in G.O., No. 897, dated 16th April 1875.

Rule 694. This rule is laid down to ensure satisfactory arrangements for the journey being made on the transfer of gangs of prisoners, and to prevent ill-treatment by the warder or officer proceeding in charge.

Rule 701. In accordance with a standing departmental order.

Rule 703. G.O., No. 307, dated 26th February 1867.

PART IV.—PROCEDURE.

SECTION 1.—WARRANTS.

Owing to frequent changes in the office of Superintendents, and the appointment of officers who necessarily are unacquainted with the various enactments and procedure affecting jails, it is very desirable that the more important provisions of the law and rulings should be embodied for easy reference; with this intention this part on procedure, embodying the sections of the Code of Criminal Procedure (Act X of 1882), and other Acts affecting jails, as well as the rulings of the High Court, and orders of Government on various points have been brought together in this section.

Rules 717 to 720 are taken from Sections 5, 6, 16, and 17 of Act V of 1871.

Rule 721. Is Section 384 of Act X of 1882.

Rule 722. Section 18, Act V of 1871, and G.O., No. 2938, dated 17th December 1877.

Rules 723 to 725 and from 728 to 730 are taken from Act X of 1882; Sections 390, 381, 383, 397, 396, and 398.

Rule 726. From High Court Rulings and Circular No. 332.

Rule 731. Sadr Adawlut Proceedings, dated 21st February 1862, and G.O., No. 986, dated 22nd May 1876.

Rule 732. G.O., No. 986, dated 22nd May 1876.

Rule 733. High Court's Proceedings, dated 8th February 1867, and G.O., No. 2809, dated 27th November 1877.

Rule 734. High Court's Proceedings, dated 13th March 1868.

Rule 735. High Court's Proceedings, dated 9th January and 8th February 1867, and 13th March 1868.

Rule 736. High Court's Proceedings, dated 30th October 1869.

Rule 737. G.O., No. 2116, dated 18th October 1878.

Rule 738. High Court's Ruling, dated 22nd September 1879.

Rule 739 and 740. These are departmental orders.

Rule 741 is taken from Section 400 of Act X of 1882, and Section 6, Act V of 1871, and G.O., No. 175, dated 30th January 1882.

Rules 742 to 744 are taken from the Prisoners' Testimony Act XV of 1869.

SECTION 2.—APPEALS.

Rule 745. The rule lays down the course to be followed in drawing up petitions of appeal and is based upon G.O., No. 2777, dated 23rd November 1877, and the rules in force in the Bengal Presidency. While doubtless every facility and assistance should be afforded the convict to enable him to draw up an appeal—should he desire to do so—the duty does not seem to be one properly belonging to the jail establishment. The clerical staff of our jails is very limited, being barely sufficient to carry out the ordinary work thereof, and if appeals are to be written at indefinite length, merely for the asking, a mass would be submitted without grounds, and the privilege abused, as every man would present a “Dhurma appeal,” as the term goes, and the time of the jail clerk would be taken up in this duty alone. It appears to me that, though every reasonable facility should be afforded the convict, such as allowing him to see his relatives or friends in order to appeal, or providing him with materials for the purpose of appealing, the duty of preparing appeals is not one appertaining to this department, but that it should be left to the convict, or his friends. Irrespective of the mere clerical work thrown on the jail establishments having to prepare and copy appeal petitions, there are grave objections to the prison department being concerned in such matters, and I believe such a course is not followed anywhere. It has been suggested that the Government should pay a gomastah to

write petitions and appeals for prisoners in jail, but such an arrangement is open to abuse and objection; and the orders of Government rightly prohibit prisoners being employed on such work. Heretofore no very stringent order existed upon the point, but the present seems a fitting time to prescribe the rule. It is true that convicts, as a rule, are illiterate; but this is no reason why they should not employ a vakeel, or appeal through their friends, while all petitions presented to the Superintendent would be sent free of expense.

With regard to the writing of petitions for pardon or mercy, I conceive such petitions are of quite a different character, and as prescribed in G.O., No. 260, dated 11th February 1874 they should be written by one of the jail establishments, and this is laid down in Rule 762.

Rule 746. Proceedings of High Court, dated 7th August 1864.

Rule 747. Circular 259, dated 6th September 1879, lays this down.

Rule 748. Section 420, Act X of 1882.

Rule 749. Section 426, Act X of 1882.

Rule 750. G.O., No. 1954, dated 6th September 1875.

Rule 751. High Court's Proceedings and General Rules of 13th March 1868.

Rule 752 to 754. Departmental orders.

SECTION 3.—PETITIONS.

Rule 755. G.O., No. 412, dated 19th March 1870, and No. 56, dated 15th January 1871.

Rule 756. G.O., No. 260, dated 11th February 1874.

Rule 757. Notification in the *Fort St. George Gazette*, page 112, dated 3rd March 1881.

Rule 758. G.O., No. 1791, dated 14th August 1875, and also 537, dated 22nd March 1876.

Rule 759. Circulars, Nos. 282, 331, and 364.

Rule 760. Circular, No. 282, dated 19th June 1871.

Rule 761. G.O., No. 214, dated 9th February 1874.

Rule 762. Circular Nos. 331 and 364.

Rule 763. Official Memorandum Circular No. 631 of 1882 from Assistant Secretary to Government.

Rule 764. Is a departmental order.

SECTION 4.—WHIPPING (JUDICIAL).

Rule 765. Section 390, Act X of 1882.

Rule 766. Section 391, Act X of 1882.

Rule 767. Section 392, Act X of 1882.

Rule 768. Section 394, Act X of 1882.

Rule 769. Sections 394 and 393, Act X of 1882.

Rule 770. Section 395, Act X of 1882.

Rule 771. G.O., No. 2,221, dated 18th September 1877.

Rule 772. Circular No. 335.

Rule 773. Circular No. 191, dated 29th March 1867, directs that all punishments of flogging awarded by Superintendents of jails are to be inflicted by jail warders. Sentences of whipping awarded by Judicial and Magisterial officers of any grade are to be carried out by policemen.

Rule 774. A departmental order in accordance with the Code of Criminal Procedure.

SECTION 5.—FINES.

Rule 775. Indian Penal Code, Section 68.

Rule 776. Indian Penal Code, Section 69.

Rule 778. G.O., No. 2332, dated 15th November 1881.

Rule 779. G.O., No. 1315, dated 8th June 1875.

Rule 781. High Court Order, 12th November 1870.

PART V.—RULES FOR SPECIAL CLASSES OF PRISONERS.

SECTION 1.—CIVIL PRISONERS.

The rules in this section embrace generally everything connected with the custody of civil prisoners, and are based upon the existing Jail Rules (Section XVI) and the Procedure Code (XIV of 1882) with the rules in force in other Presidencies and in English prisons.

Rule 782. Section 7, Act V of 1869 (the Jails' Act) requires the provision here made.

Rule 783. In accordance with Section 8, Act V of 1869.

Rule 791. This rule has been adopted from the Bengal Code. By paragraph 362 of the existing rules, civil prisoners are permitted to wear their own clothing, but no provision existed to give clothing to such as are destitute.

This as a mere matter of decency seems desirable, although perhaps its provisions will be rarely put into force.

Rule 795. This rule is introduced to meet the cases of persons committed to the Civil jail under the provisions of the Criminal Law, for whose maintenance no subsistence allowance is furnished. Such persons, as laid down in G.O., No. 1569, dated 16th July 1875, are in fact criminals, though committed to a Civil jail, and must therefore be dieted in the ordinary manner and be treated as criminals in this respect.

Rules 796 and 797. These rules, it will be seen, refer only to *debtors* and lay down the arrangements proposed for their diet. Paragraph 358 of the present jail rules prescribes the existing rule regarding diet. No provision has heretofore existed for a debtor in the mofussil being supplied with articles of food from outside. There seems, however, no valid reason why the debtor should not be permitted to be supplied with articles of food from outside through his friends, instead of being compelled to purchase through the jail authorities. It is permitted in the Presidency jail and in other provinces. The provision made in Rule 797 is an adaptation of the rules in force in England. Heretofore no such provision has existed in mofussil jails, though in the Presidency jail it has been allowed. The time seems now to have arrived when this provision may be generally accepted. Imprisonment for debt in all countries is now regarded in a very different aspect to what it was some years ago, and India is no exception. The tenor of the rules now proposed is based upon the existing rules in Great Britain and Ireland; similar rules have also been in force in other parts of India for some years. It can well be understood that, under special circumstances, the rule here laid down may be desirable, while it is subject, it will be seen, to the control of the Jail Superintendent. The rule perhaps vests a good deal of power in the hands of a Superintendent, but it must be remembered that Superintendents are officers of standing, and that the responsibility may be entrusted to them without fear. No doubt much might be said both for, and against, this rule, but this is hardly the place to enter into any discussion. Suffice it to say that the rule is in accordance with existing rules in all civilized countries.

Rule 798. The necessity of this rule requires but little comment. If the privilege is accorded of allowing debtors to obtain articles of food from outside, it is essential that such articles should be open to inspection in order to guard against the introduction of forbidden or dangerous articles,

as well as to suppress luxury. Such is the rule in England, and the same rule may be accepted here. Possibly it may be said that caste prejudices will be outraged, but it ought to be recollected that no necessity exists for a prisoner obtaining articles from outside as they can be supplied with the prison authorities; further it is absolutely necessary to impose some restrictions with a view to insure security and the good order and government of the prison.

Rule 802. This rule is so far new as it refers to legal advisers, and includes both civil prisoners and debtors. The existing Rule 225 deals only with visits from friends and relatives.

Rule 806. A difference is made in this rule between civil prisoners and debtors, the former being committed for a criminal offence, or a misdemeanour, and hence should not receive the same indulgences as the latter.

Rule 807. The rule here laid down is in accordance with the ruling of the Bengal High Court as laid down in Circular No. 293, dated 10th November 1871.

Rule 808. G.O., No. 2057, dated 23rd August 1880, prescribes the rule here laid down and is in accordance with Section 341 of Act XIV of 1882.

Rule 809. G.O., No. 756, dated 3rd April 1879, lays down this rule.

Rule 812 is in accordance with G.O., No. 1106, dated 4th June 1881, and Section 30, Act V of 1871.

SECTION 2.—PRISONERS AWAITING TRIAL.

The rules in this section are in conformity with Section X of the present Jail Code, though somewhat amplified. The most important point calling for remarks is Rule 831, whereby under certain circumstances extra articles of diet may be allowed to under-trials. This provision is already allowed in the Bengal jails; it is recommended at page 109 of the Indian Jails Conference Report, and is in harmony with the rules in force in English prisons. Paras. 174 and 176a of our present rules recognize the principle of separate accommodation being given to persons of a respectable station, as well as the admission of food to certain classes if in jail. The rules now proposed are merely an extension of this principle, while the existing rules themselves are also adopted.

Rule 816. G.O., No. 1141, dated 18th August 1871, lays this down.

Rule 819. G.O., No. 995, dated 27th April 1875, authorizes this rule.

Rule 821. This rule has been taken from the Bengal Code. The object of removing money, &c., is to prevent its being improperly used, but as an under-trial is one who although brought to a certain extent within the pale of the law, must be considered an innocent man (till proved guilty), it is not desirable to degrade him more than is necessary by the removal of personal ornaments.

Rule 822. This is the old Rule 174, and Circular No. 170, dated 4th September 1866, prescribes about approvers.

Rules 823 and 829. The provisions here made are new and require no comment.

Rule 830. Old Rule 176a.

Rule 831. The rules in force in English prisons vest the visiting committee with the power to grant certain special provisions, which, with regard to the habits and conditions of life, they may consider should be made in respect of any prisoner. The Indian Jail Conference in paragraph 22, page 108 of their report, express an opinion in favor of the provision made. Looking to the circumstances of under-trials, the presumption of innocence, it seems desirable that they should be treated with every consideration, and they should not suffer more inconvenience than is necessary in order to ensure their security. Hence the rule now proposed is introduced, based, as explained, upon that in force in English prisons.

Rule 833. Though under-trials, as a rule, will be supplied with food from convicts' messes, under certain circumstances they need not be compelled to be so supplied and they should be allowed every reasonable privilege that can with propriety be accorded. This is in accordance with the spirit of the rules for English prisons and our own.

Rules 837, 838 and 839. The first of these rules gives the right to a man confined in default of bail to see his friends at any reasonable time to arrange for his bail, the second gives the privilege of seeing his legal advisers, and the third of seeing his friends, this is in accordance with Rule 67a of the existing Code.

Rule 840. This rule is taken from those in force in Great Britain and speaks for itself.

Rule 842. G.O., No. 156, dated 27th January 1882, and G.O., No. 1468, dated 21st June 1880.

Rule 843. An instance having occurred when an under-trial prisoner was by a mistake not returned to the jail. This rule is introduced in order to hold the police responsible for the numbers handed over to them, an instance having occurred when a prisoner was erroneously released while it was alleged that he had not been taken from the jail.

Rule 847. High Court Ruling, dated 30th October 1869, and Circular No. 2, dated 12th November 1883.

Rule 848. G.O., No. 149, dated 20th April 1866.

SECTION 3.—SIMPLE IMPRISONMENT.

This section briefly embodies the rule proposed for prisoners sentenced to simple imprisonment and are in accordance generally with those now in force. A provision before existed (Rule 241 of the old Code) whereby a simple imprisonment prisoner was permitted to work. Inasmuch however as the sentence of the Court is "imprisonment without labor" it does not seem desirable to give the prisoner any option in the matter, and this provision has therefore been withdrawn. In other respects, the rules are in conformity with the existing orders.

SECTION 4.—FEMALE PRISONERS.

The rules under this section are in accordance with the practice now in force, though no separate rules exist in the old Jail Code.

Rule 860. The rule here laid down regarding the separation of females convicted under the Contagious Disease Act is recommended in the Jail Conference Report, paragraph 14, page 104.

Rule 862. The rule here is a new provision and is taken from the rule of English prisons. It is one which requires no argument here.

Rule 867. This rule is also based upon the recommendation of the Conference Report, as above quoted.

Rule 868. It has been found that some women have shown special aptitude or desire to learn and it has been made a privilege to learn to read and a reward for good conduct; this rule has therefore been inserted.

Rules 869, 870 and 871. The admission of children into jail with their mothers is attended with difficulty. Paragraph 193 of the existing Code prescribes the rule upon the point.

This has been accepted, but the practice in force in English prisons has been adopted, requiring an authority from the Magistrate for the admission of a child except when at the breast. That a jail, with the convicts in association, is no place for a child, there can, I presume, be no gainsaying; circumstances may however render such necessary, and if so, the child should be sent under a distinct order of the Magistrate, and without this no child, except an infant at the breast will be received.

Rule 872. Though this has been the practice, no rule on the point before existed.

Rule 877. It is sometime difficult to know how to deal with troublesome female prisoners, and in such cases cutting of the hair has been resorted to. It is in Bengal a recognized jail punishment; but does not seem to me justifiable under any circumstances as a punishment, and should only be resorted to in cases of illness or dirt; hence the present rule has been prescribed.

Rule 879. In some cases women are no doubt extremely troublesome to control, while the knowledge that nothing can be done to them beyond shutting them in the cells which they can brazen out, renders them peculiarly callous to punishment, when therefore they are extremely violent and require restraint, it seems desirable to arm Superintendents with the power given in this rule.

Rules 880 to 882. These rules are in accordance with G.O., No. 1102, dated 7th May 1875.

SECTION 5.—JUVENILES.

The treatment of juveniles in jail is perhaps one of the most difficult subjects to deal with. Out of it arise many questions, such as whether if reformatories were introduced the juvenile should be sent to our jails at all. These and other analogous subjects are questions into which this is not the proper place to enter. I accept the fact that, at present, juveniles *must* be sent to jails, and the rules now submitted are merely intended to maintain discipline and order as well to provide, as far as possible, for that separation without which the juvenile is certainly better away from jail. All that can now be done is, to separate the juvenile and to bring him under a strict but humane discipline in our Central jails and in the Penitentiary.

Rule 888. See remarks on education. I would also set aside certain hours daily for recreation. In the juvenile's

prison at the Penitentiary, I have a gymnasium, where the boys are trained in athletic exercises, affording healthy diversion.

Rule 889. This appears to me to be the only rule requiring remark. Though a diet scale is provided for juveniles, it seems only right that no very hard and fast rule should be prescribed with regard thereto as growing nature requires that it should be liberally nurtured or imprisonment would but sow the seeds of ill-health and misery.

SECTION 6.—EUROPEAN AND EAST INDIAN PRISONERS.

The rules in this section refer to European and East Indian prisoners generally, a separate set of rules being drawn up for the European prison at Ootacamund. The rules require but little explanation and are taken from those in force in England.

Rule 893. Jails in the Mofussil even where declared places for the confinement of European prisoners, not being as a rule suited for the detention of such prisoners beyond a few days, this rule is introduced with a view to enable the Inspector-General at once arranging for the transfer of prisoners if requisite.

Rule 895. Notification by Government.

Rule 902. The rule here inserted has been introduced as exception has before this been taken by Europeans to wearing the prison dress.

Rule 910. The provision of separate cells for such prisoner is in accordance with the recommendation of the Indian Jail Conference Report, page 183, paragraph 10.

Rules 911 and 912. These rules are taken from those in force in English prisons.

Rule 920. The limit here imposed regarding the promotion of Europeans to the grade of convict officers is made as it is found that practically it is undesirable placing European convicts over others of the same class, and places both the convict officer and convict in a false position, leading to irritation and consequent breach of discipline.

Rule 921. In accordance with G.O., No. 839, dated 4th May 1876.

Rules 924 to 934. The scale of rewards and gratuities here prescribed are in accordance with those sanctioned in G.O., No. 591, dated 26th April 1864, and are at present only applicable to the European prison at Ootacamund. It is, however, considered desirable that the same scale of gratuity should be

in force in the Penitentiary, as circumstances frequently arise, necessitating the transfer of a convict from one jail to the other, and a difference of system in the jails leads to discontent among the men on transfer. At present any convict in the Ootacamund prison can earn a gratuity, but it is now proposed to limit the privilege to such convicts as may be sentenced to periods of 18 months and above. This is more in accord with the general principle of the grant of rewards in jails, and though under the remission system two years is fixed as the minimum period on which remission can be earned, it is thought that a gratuity under this scheme may be allowed to convicts of 18 months' sentence and upwards.

SECTION 7.—TRANSPORTATION.

The rules in this section are those now in force regarding transportation of convicts, they are based upon various orders of Government and require no comments.

Rule 935. G.O., No. 161, dated 4th February 1868, and G.O., No. 1067, dated 3rd May 1875.

Rule 936. Circular No. 395 prescribes this.

Rule 939. G.O., No. 161, dated 1st February 1868.

Rule 942. G.O., No. 2734, dated 27th December 1876.

Rule 946. G.O., No. 161, dated 1st February 1868.

Rule 949. Circulars Nos. 366 and 427.

Rule 952. G.O., No. 923, dated 24th April 1879; G.O., No. 65, dated 12th January 1882; G.O., No. 1531, dated 27th November 1872; and G.O., No. 167, dated 4th February 1874.

Rule 954. G.O., No. 2079, dated 26th December 1873.

Rule 962. G.O., No. 1549, dated 30th June 1880.

Rule 964. High Court's Ruling, dated 12th November 1870.

SECTION 8.—PRISONERS CONDEMNED TO DEATH.

The rules in this section embrace existing orders regarding the custody of condemned prisoners, while certain new rules are added as sanctioned in G.O., dated 26th July 1882, No. 788, Judicial department.

Rule 965. In accordance with Section 381 of Procedure Code from 967 to 982, and sanctioned by G.O., No. 788.

Rule 983. Prescribed by Inspector-General's Circular No. 412, dated 8th February 1879.

Rule 984. This is considered a necessary precaution to guard against the introduction of unauthorized substances.

Rule 985. Old Rule 215.

Rule 986. Prescribed by G.O., No. 1244, dated 9th July 1874.

Rule 987. G.O., No. 1791, dated 14th August 1875, lays this down.

Rule 988. Prescribed by Circular No. 330, dated 30th July 1873.

Rule 989. Circular No. 353, dated 12th September 1874, lays this down.

Rules 990 and 991. G.O., No. 1102, dated 7th May 1872, prescribes these rules.

Rule 992. Laid down by G.O., No. 827, dated 23rd May 1873.

Rule 993. G.O., No. 1102, dated 11th September 1875.

Rule 995. Laid down in G.O., No. 879, dated 29th May 1868.

Rule 997. G.O., No. 549, dated 23rd March 1876, and G.O., No. 1083, dated 2nd May 1884, Judicial.

Rule 998. Adopted from the Bengal Government Order of the 4th October 1869.

Rule 999. Section 400, Criminal Procedure Code, requires the return of the warrant on execution of sentence, the form adopted is taken from that in force in the North-West Provinces.

Rule 1000. This rule is in accordance with old Rule 219; but as a jail burial ground has now been prescribed in these rules, the provision regarding the disposal of body of condemned prisoner is defined.

SECTION 9.—SOLITARY CONFINEMENT.

No special remarks are required on this section. Solitary confinement ought not to be confounded with separate confinement. The former is a Judicial sentence under the provisions of the Indian Penal Code whereas the latter is awarded by the officer in charge of the jail for breaches of jail rules. The rules as existing in Section XIII of the present rules have been adopted with some few additions.

Rule 1002 has been introduced as it was found a divergence of practice existed in executing sentences of solitary confinement, while in some jails the periods prescribed in Section 74 of the Penal Code were adhered to, in other such periods were broken.

Rule 1009. Approved of by Government in rules for punishment diets—G.O., No. 1031, dated 15th August 1879.

SECTION 10.—LUNATICS.

In framing the rules under this section it has been accepted that, though it is extremely undesirable to keep lunatics in jails, provision must be made for the detention of alleged lunatics committed to ordinary jails for observation. The Indian Jail Conference at page 105 of their report have brought prominently to notice that other accommodation than that of jails should be provided. No doubt difficulties exist, and these rules are framed in the belief that provision must still be made for the reception of such persons in our jails. The rules prescribe the procedure to be followed and call for no special observations.

Rule 1018. Required by Act XXXVI of 1858.

Rule 1020. In accordance with Sections 464 and 466 of the Code of Criminal Procedure.

Rule 1022. In accordance with Sections 470 and 471 of the Code of Criminal Procedure.

Rule 1024. G.O., No. 752, dated 5th June 1871, prescribes this form of commitment which has been amended by G.O., No. 1905, dated 20th July 1883, Judicial Department.

Rule 1026. No rule has heretofore been prescribed with regard to the diet to be given to persons sent for observation under Act XXXVI of 1858. It has been customary to diet them on the ordinary jail dietary, the present opportunity is therefore taken to prescribe a rule on the point.

Rule 1027. The rule here inserted is adopted from the Bengal Code. It sometimes happens that persons sent for observation are kept for lengthened periods in jails, entailing much watching and care, while frequently no proper arrangements for them exist. Hence it is very desirable that if committed to jail their detention there should be as far as possible curtailed.

Rule 1030. This is sanctioned under G.O., No. 512, dated 22nd February 1883, Judicial Department. The warder may be either a male or a female as required.

SECTION 11.—STATE PRISONERS.

The rules herein prescribed are in accordance with the existing rules regarding State prisoners, and the Government Orders issued thereon.

Rule 1032. Old Rule 229.

Rule 1033. Old Rule 230.

Rule 1034. Old Rule 231 and in accordance with Section 3, Regulation II of 1819.

Rule 1036. Section 7, Regulation II of 1819.

Rule 1037. Rules under Act XV of 1869—Notification, *Fort St. George Gazette*, 25th October 1878.

Rule 1040. Prescribed in Minutes of Consultation, dated 13th March 1854, No. 186.

Rule 1042. This rule is in accordance with G.O., No. 1668, dated 17th October 1873, and G.O., No. 2914, dated 17th December 1880.

Rule 1043. Rule under Act XV of 1869—Notification, *Fort St. George Gazette*, 25th October 1878.

Rule 1044. G.O., No. 2549, dated 3rd October 1879.

PART VI.

SECTION 1.—JAIL GUARDS.

The rules in Section XXVI of the existing Jail Code have been adhered to as far as is compatible with the circumstances of jails as now built.

Rule 1045. Prescribed in paragraph 545, orders of Madras Police.

Rule 1046. Old Rule 312 with the addition of the last sentence.

Rule 1047. Old Rule 313 with a slight modification in wording. The word 'reserve' has been introduced to render it clear from what portion of the Police-guard it should be taken.

Rule 1048. G.O., No. 156, dated 27th January 1882.

Rule 1049. Old Rules 341 and a portion of 313.

Rules 1050 to 1053. These rules lay down the duties of the jail and police in relation to one another, the duties of the police in supporting discipline, and the prohibition of the introduction of forbidden articles, &c. The rules require no explanation.

Rule 1054. This rule has been prescribed so as to have one uniform practice on the point. Though the rule as now prescribed is in force in some jails, a variety of practice is believed to exist, and hence the necessity of the rule.

Rule 1055. Police orders, paragraph 548.

Rules 1056 and 1057. These rules are taken from those in force in Bengal, and though no actual rule upon the point has hitherto existed with us, the spirit of the orders on this point was in tenor with the rules now proposed.

Rules 1058 to 1061. Old Rules 315 to 317.

Rule 1062. Old Rule 318 adapted to meet existing circumstances in jails.

Rule 1063. This rule is a modification of old Rule 319 which is not now suitable to the arrangement of jails and is impracticable.

Rules 1064 to 1066. Old Rules 321, 323 and 324, except that the Jailer or Deputy is allowed to act as it is found impracticable for the Jailer invariably to do this duty. An addition has also been made to the old rule requiring a warder to accompany each gang.

Rules 1067 to 1073. Old Rules 328 to 334.

Rule 1074. Old Rule 335 modified to suit the present arms.

Rule 1075. Old Rule 336. The Deputy Jailer has been introduced into this rule, as the Jailer in large jails cannot always perform this duty, having many more important matters to attend to.

Rule 1076. Same as 337 with the provision regarding Deputy Jailer before alluded to. A provision has also been made requiring all gangs to be searched on return from work.

Rule 1077. Existing Rule 342.

Rule 1078. Inspector-General of Police Circular, dated 9th October 1863, and Police order No. 550.

Rule 1079. Police order No. 563 on examination of wards and prisoners.

Rule 1080. Old Rule 337.

Rule 1081. Old Rule 338 adapted to existing wants.

Rule 1082. Old Rule 326.

Rule 1083. G.O., No. 375, dated 14th March 1866.

Rule 1084. Police order No. 555, on circular of the Inspector-General of Police, No. 136, dated 24th March 1866.

Rule 1085. This is in accordance with existing arrangements.

Rule 1086. This rule is laid down in order that the police may be made aware of the strength of the guard to be provided.

Rule 1087. Present Rule 340.

Rule 1088. The rule here inserted is new. The necessity for the female convicts being kept in strict seclusion is undoubted. The practice of police officers going at night to visit the female wards is very objectionable and is likely to lead to irregularity; hence the provision of this rule.

Rule 1089 is based on G.O., No. 788, dated 26th July 1882, Judicial Department.

Rule 1090. Circular No. 181, dated 26th January 1867.

Rule 1091. G.O., No. 1752, dated 21st July 1880, Judicial Department, lays down this rule.

Rule 1092. This rule is based on Police order No. 562, modified to meet the provisions of the present law as laid down in the Code of Criminal Procedure. I would here call attention to rule 165 of this code defining when the law will justify the use of firearms.

Rule 1093. Vide old Rule No. 343.

Rule 1094 is taken from old Rule No. 331.

PART VII.—DIET, CLOTHING AND GENERAL SANITARY ARRANGEMENTS.

SECTION 1.—DIETARY.

The rules in this section require but few remarks. They speak for themselves, and with few exceptions are the same as exists in the present rules under "dietary."

Rule 1097. The diet scale for European and East Indian convicts has been laid down after consultation with the Surgeon-General. Hitherto there was a great want of uniformity: separate diet scales existed for the European Jail, Ootacamund, the Penitentiary and Mofussil jails. There being no reason for this difference, while by reason of transfer between the Penitentiary and Ootacamund jail, a difference of diet in the two jails was undesirable, the present uniform scale is proposed. I have made provision for a special diet for Portuguese and such East Indian prisoners for whom the medical officer considers the above diets not suitable.

The scales of dietary for foreign convicts, and for natives in Central and in District jails, are in accordance with G.O., No. 1426, dated 18th June 1879. The diet scale under Class II has been increased by $\frac{1}{2}$ oz. of tamarind daily and in Class III 2 oz. of grain. Whilst 2 oz. of dholl have been allowed to foreign convicts on Sundays on the recommendation of Surgeon-General Cornish.

Rule 1104. This has been the practice, though no distinct rule thereon existed.

Rule 1106. This has been laid down by the Surgeon-General and is inserted as a guide to Superintendents.

Rule 1114. The rule here introduced has been adopted from that in force in English prisons.

Rule 1123. No scale of hospital diets for Europeans and East Indians hitherto existed. The scale now proposed has been suggested by the Surgeon-General as suitable to jail hospitals. The Hospital diets for foreign convicts and natives are the same as those in force at present.

Rules 1126 and 1127. Instances having occurred when complete change of a dietary of a jail has been made and continued for lengthened periods without report to the Inspector-General, causing extraordinary expenditure, and a disorganization of the arrangements for dieting, the present rules are deemed necessary. The rules have met the approval of the Surgeon-General.

SECTION 2.—CLOTHING.

The rules under this head are generally in accordance with those prescribed in Section XXVII of the existing rules, and those now in force in the jails.

SECTION 3.—GENERAL SANITARY ARRANGEMENTS.

The rules for the sanitary management of jails divide themselves naturally into two heads, viz. :—those which should be in operation at all times, and those which should be observed during the presence of epidemic and contagious disease, or when great and exceptional sickness of any kind prevails: that is to say, into general and special regulations. The general rules refer to ventilation, purity of air, purity of water, conservancy and absence of overcrowding. The rules here prescribed are an embodiment, &c., of the existing orders as given in Section XXVIII and with some few additions from the rules of other provinces.

Rule 1160. Old Rule 367.

Rule 1161. Old Rule 368.

Rule 1162. Old Rule 369 adopted to the circumstances of wards as now constructed.

Rule 1163. Old Rule 370 adopted to the standard of space now accepted.

Rule 1164. Adopted from old Rule 372 with modification taken from other Jail Codes.

Rule 1165. Old Rule 371.

Rule 1166. Old Rule 367.

Rule 1167 is taken from the Bombay Jail Code.

Rules 1168 and 1169 are taken from Bombay Code.

Rule 1170. Punjab Code, paragraph 528.

Rules 1171 to 1174. These rules are general. The last rule has been found desirable owing to cholera having, it is thought, in some instances been introduced into jails by transfers.

VENTILATION.

Rules 1175 to 1178 are the present Rules 373 to 376.

Rule 1179. Old Rule 376 added to, and Punjab Code, 412.

SLEEPING BARRACKS.

The rules under this head are taken from the rules prescribed by Dr. Mouatt, Inspector-General of Prisons, Bengal, and printed as an appendix to the Bengal Code. No remarks are called for.

CONSERVANCY.

Rule 1184. Taken from Bengal Code, Section 779.

Rule 1184. Bengal Code, 780.

Rule 1185. Punjab Code, 413, and Bengal Code, 781.

Rule 1188. Punjab Code, 471.

Rule 1190. The rule holds the medical officer responsible as the sanitary officer of the Jail for all defects of sanitary arrangements.

Rule 1191. Taken from the Punjab Code.

Rules 1192 and 1193. Old Rule 377.

Rule 1201. Old Rule 378 with the addition of a portion of Bengal Rule 794.

Rules 1203 and 1204 are existing Rules 380 and 381.

Rule 1205. Old Rule 382 adapted to existing arrangements.

Rule 1206. Old Rule 383.

Rule 1207. Iron buckets being found suitable for cells, this rule is introduced.

WATER.

Rules 1208 to 1210. Old Rules 384 to 386.

Rule 1211. Introduced as a general sanitary rule.

Rules 1212 to 1215. Existing Rules 387 to 389.

Rule 1216 and 1217. Circular 394 lays down the directions for filters.

Rule 1218. A practice existed of deducting a portion of the ration to provide for oil and soap-nut for bathing. This objectionable practice has been prohibited by this rule.

SICKNESS.

Rule 1220. The existing rule and Bengal Code, 803.

Rules 1221 to 1225. From Dr. Mouatt's note, appendix to Bengal Code, Chapter II.

Rule 1226. Bengal Code, No 804.

Rule 1227. Bengal Code, No. 805.

Rule 1228. Punjab Code, No. 508.

Rule 1229. Punjab Code, No. 511.

Rule 1230. This rule introduces a new feature regarding the movement of prisoners, inasmuch as it makes such dependent upon the concurrence of the official visitors. This seems desirable.

Rule 1231. Taken from Dr. Mouatt's rules, appendix of the Bengal Rules.

Rule 1232. G.O., No. 1642, dated 16th November, and Circular, dated 24th November 1865.

Rules 1233 to 1238. These are taken from the Bengal Code, 807 to 812.

Rules 1249 and 1250. The rules herein introduced have been sanctioned by Government in Judicial Order, No. 2765, dated 18th October 1883.

BURIAL GROUNDS.

No distinct rules under this head have heretofore existed. Systematic rules regarding the care and custody of burial grounds are needed which this section now provides.

The only rules particularly calling for remark are 1253 and 1254.

The disposal of bodies of those who die in jail and those executed are provided for in these rules. It will be seen that while the bodies of those who die may be given to their friends, so such privilege is accorded to the friends of those executed.

Rule 1253. Provides for the body being buried in a new cloth. This is considered necessary, as sometimes prisoners were buried without any cloth or clothings which was neither decent nor proper.

SECTION 4.—SPECIAL RULES ON THE OCCURRENCE OF EPIDEMIC DISEASES.

Section XXXI of the existing Code contain the most of these rules. Exceptional sickness may be held to prevail when more than five per cent. of the daily average number of prisoners are in hospital.

Rules 1256 to 1266. Existing Rules 400 to 412.

Rule 1267. Old Rule 413 modified so far as to require an annual in lieu of quarterly reports. Jails and the sanitary arrangements thereof are now so well known to the Inspector-General that the rule as proposed meets all requirements.

Rules 1268 to 1272. Existing Rules 414 to 418.

Rule 1273. Existing Rule 419, like 1230, the official visitors have been introduced as a consultive body.

Rule 1275. Tents not being available from the Ordnance Department the Inspector-General of Jails is the channel for obtaining them.

Rule 1276. Circular No. 169, dated 28th August 1866, based on orders from Government.

CHOLERA AND JAIL DIARRHŒA.

The rules here given are those now in force under the same head in existing rules.

PART VIII.—REGISTERS AND RETURNS.

This part deals with all jail records, returns and accounts divided into the four heads, viz. :—General records, Medical records, Financial books, and Manufactory books. A brief description of the method of keeping of each book is given. The financial portion has been scrutinized by the Accountant-General's department and embodies the existing standing rules regarding the custody of money and all expenditure on jail account. Similarly under manufactory books and accounts, all standing orders now in force and some additional rules to ensure accuracy have been inserted. The rules require no particular remarks being in themselves explicit.

PART IX.—RULES FOR THE SUPERINTENDENCE AND MANAGEMENT OF SUBSIDIARY JAILS.

The rules in this section have been framed on the existing rules, which have been modified when required in accordance with various Government Orders. It is proposed to reprint these rules for the use and guidance of the officers in executive charge of these jails.

SECTION 1.—DEFINITIONS.

Rule 1481. The rule here given is in accordance with Section 1 of the existing rules for sub-jails modified to meet G.O., No. 3152, dated 11th December 1879.

SECTION 2.—INSPECTOR-GENERAL OF JAILS.

The Inspector-General being now required under orders of Government to inspect the sub-jails, it is thought that his duties had better be here prescribed than included under those of official visitors. The rules framed therefore embody the old rule, and lay down the duties of the Inspector-General as now required.

SECTION 3.—CLASSIFICATION.

Rules 1484 to 1487. These require no comment.

Rule 1488. G.O., No. 1406, dated 15th July 1878, prescribes this rule.

SECTION 4.—CONTROL.

The rules in this section are in accordance with the existing Section 4. The latter part of Rule 1492 is prescribed by G.O., dated 17th January 1881, No. 73, J. D.

SECTION 5.—VISITORS.

The only point which seems to call for remark in this section is that whereas by the existing rule official visitors are required to apply to the officers in charge before visiting a sub-jail, it is deemed desirable that they should at any time have the power to do so. This provision is in accordance with the general principle of having official visitors to jails and as they are, in one sense, inspecting officers it seems only right they should at all times be able to enter and inspect any jail. Within their respective jurisdiction.

Civil Surgeons have also been included as visitors of sub-jails. These officers are now appointed the sanitary officers of their districts and it seems desirable they should be constituted visitors of sub-jails.

SECTION 6.—MEDICAL OFFICER.

Rule 1506. G.O., No. 3156, dated 11th December 1879, prescribes this rule. All prisoners should be vaccinated.

SECTION 7.—DISCIPLINE.

Brief rules for the maintenance of discipline are deemed desirable. G.Os., No. 1468, dated 21st June 1880, and G.O., No. 2441, dated 19th November 1875, prescribe rules regarding the use of fetters and manacles. The spirit of these Government Orders is adhered to in Rules 1508 and 1509.

Rule 1510. In accordance with G.O., No. 1953, dated 22nd November 1874.

Rule 1511. Police Order—Police Manual, 547, page 312.

SECTION 8.—LABOR.

Rule 1516. This rule is new and has been inserted in accordance with G.O., No. 1837, dated 6th September 1876.

The convicts in these jails, are as a rule, under very short sentences, and owing to their necessarily being under the immediate supervision of a low-paid establishment, in the absence of the closest attention on the part of the Magistrates in charge, little or no work is enacted.

SECTION 9.—DIET.

G.O., No. 2032, dated 1st October 1881. It will be observed that special provision has been made in the Code by which a more indulgent treatment in the case of persons in certain ranks of life and who are under trial, can be allowed for whom the ordinary jail diet may be reasonably distasteful.

Rule 1520. This section has been framed to include all prisoners. In District jails, tobacco, betel, &c., are not allowed to under-trial prisoners and a similar principle seems desirable for sub-jails.

SECTION 10.—PUNISHMENTS.

G.O., No. 649, dated 18th March 1875, gives officers in charge of sub-jails power to punish under the Jails Act. It has therefore been deemed desirable to prescribe the course to be followed under the Act.

SECTION 12.—WARDER PEON.

Rule 1530. This rule is in accordance with G.O., No. 2441, dated 19th November 1875.

SECTION 13.—CONSERVANCY.

Rule 1533. G.O., No. 1267, dated 21st June 1878, prescribes the spirit of this rule, and it is in accordance with the general rule in force in jails.

SECTION 14.—BEDDING.

Rule 1537. G.O., No. 1201, dated 23rd July 1869, prescribes this rule.

SECTION 15.—FORMS.

Rule 1541. Instead of the words European officers as entered in the rule, Government in their Order, No. 2176, dated 17th August 1883, have directed the words "Superior officer" to be inserted. The half-yearly reports should be submitted on the 30th June and 31st December.

T. E. TENNANT,
Inspector-General of Jails.

2211 (7:4:62)

1984

