

THE MILITARY PRISONS RULES, 1962¹

In exercise of the powers conferred by section 177 of the Army Act, 1950 (46 of 1950), and in supersession of the notification of the Government of India in the late War Department No. 859, dated the 9th June, 1945, insofar as it relates to the category of persons mentioned in section 2 of the said Act, the Central Government hereby makes the following rules providing for the Government, management and regulation of military prisons, namely:

INTRODUCTION

1. **Short title.**—These rules may be called the Military Prisons Rules, 1962.
2. **Definitions.**—In these rules, unless the context otherwise requires,—
 - (a) “Commandant” means the officer commanding the Military Prison and includes the officer officiating as such;
 - (b) “Military Prison” means any military prison established by the Central Government at any place in India in exercise of the powers conferred on it by the Army Act, 1950 (46 of 1950);
 - (c) “Soldier” means a person who is subject to the provisions of the Army Act, 1950.
3. These rules shall also be applicable to Air Force prisoners when sent to a military prison.

PART I

COMMAND, CONTROL, VISITS AND INSPECTIONS

1. The Military Prisons shall be under the control of the Central Government.
2. Military Prisons shall be under the command of the General Officer Commanding-in-chief of the Army or Command acting through the Area (or equivalent formation) Commander (hereinafter called the General Officer Commanding the Area) who shall inspect them from time-to-time.
3. Every Military Prison shall be in-charge of a Commandant, who shall be assisted by an Assistant Commandant and other staff namely, Chief Jailor, Assistant Jailors, Warders, Assistant Warders and Gatekeepers. The staff of Military Prison shall comprise of members of the Corps of Military Police.
4. The Adjutant General, acting through the Provost Marshal, shall be responsible for the administration of the Military Prisons in respect of all matters not specified in rule 5 and shall inspect at least once a year every Military Prison either personally or through his representative.
5. A Sub-Area (or equivalent) Commander, in whose area or jurisdiction the Military Prison is situated (hereinafter referred to as the Local Commander) shall, subject to the orders of the General Officer Commanding the Area, be responsible for the general management of the Military Prison in respect of all matters relating to discipline, labour, expenditure, punishment, control and security of the Prison.

1. *Vide* S.R.O. 283, dated 25th October, 1962, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 25th October, 1962.

6. The Local Commander, or his representative shall inspect the Military Prison at least once monthly, and shall ascertain whether any soldier under sentence has any complaints.

7. Provost Marshal or his assistant on his behalf is entitled to visit a Military Prison at any time.

8. A quarterly audit Board shall be assembled under the orders of the Local Commander which shall audit the accounts and forward its report in accordance with the Regulations for the Army in India (*vide* Instructions 745-747).

PART II

ADMINISTRATION

Section I

ADMINISTRATION

9. The Military Prison shall be administered by the Commandant in accordance with these rules, and instructions received from the Adjutant General on policy matters relating to the general prison administration, and the orders of the local Commander on matters stated in rule 5.

10. All rules, regulations, orders, directions and instructions made or issued by or under the authority of the Central Government or of the Chief of the Army Staff insofar as they are not inconsistent with the provisions of these rules, shall apply to the administration of a Military Prison.

Section II

DUTIES OF STAFF

Commandant

11. He shall prepare and keep up-to-date "Standing Orders" for the Military Prison. These orders shall include Fire Alarm Orders, Escape Alarm Orders, the duties of the members of the staff, extracts from these rules which directly affect the soldiers under sentence or the staff and all orders he may issue which are important and of a permanent nature. These standing orders shall be read over quarterly to all members of the staff and immediately on the arrival of a new member of the staff.

12. He shall not permit any member of the staff to be employed in any private capacity, either for any other officer of the prison, or for any soldier under sentence.

13. He shall himself, once each day, parade and carefully inspect all soldiers under sentence and shall cause members of the staff in charge of parties of soldiers under sentence to inspect them every time they parade for drill, exercise or work out of their rooms, and require a high standard of cleanliness and neatness in regard to their person, clothing and equipment.

14. He shall visit the whole of the prison including the quarters of the soldiers under sentence once at least every week and in default of such visits or inspections referred to in rule 13, he shall state in his journal how far he has omitted them, and the cause of such omissions. He shall, at least once during the week, go through the prison at an uncertain hour of the night, and record in his journal the hour of the visit and the state of the prison at the time.

15. He shall take an early opportunity of seeing all soldiers under sentence on their admission and satisfy himself that they understand the rules and regulations to which they are required to conform and the privileges they may gain by industry and good conduct.

16. Upon the death of a soldier under sentence, he shall give immediate notice thereof to the Local Commander and to the Medical Officer.

17. In case of death, arrest or temporary absence, of any member of the staff, he shall make such temporary arrangement for his duties as may be required.

18. He shall exercise his authority with firmness, good temper and humanity, and enforce similar conduct on the staff. He shall endeavour to instil soldier-like and moral principles into the mind of every soldier under sentence, letting the soldier see that he (the Commandant) takes an interest in the soldier's welfare, and shall by his good advice and kindly admonition endeavour to convince the soldier of his error, and to encourage him to aim at future good conduct and the attainment of a respectable character in the service and in civil life.

19. He shall promote the utmost economy in every department, and shall take care to save all needless expense in the wear and consumption of articles used.

20. He shall keep the records and books detailed in Appendix IV.

21. He shall, once at least in each quarter, lay his journal before the Local Commander, at such time as the latter may appoint. The Journal shall be signed by the Local Commander in proof of having been produced to him.

22. He shall take care that the work of all the soldiers under sentence is made use to the best advantage and shall promote their military and industrial training. He shall not employ, or allow to be employed, any soldier under sentence in any private work whatever, for himself or for any member of the staff.

23. He shall not be absent from the station for a night without permission in writing from the Local Commander. Any leave of absence granted to him shall be entered in his journal.

24. When the Commandant is temporarily absent on leave, or his services are not available by reason of sickness or other unavoidable cause, the Assistant Commandant shall act as his substitute.

25. The Commandant shall not allow any person to view the prison except on an order from the Local Commander or a person authorised according to instruction which may be issued from time to time, care being taken that no visitor holds any communication with any soldier under sentence unless duly authorised to do so (*See also rules 142-151*).

26. He shall submit to the Adjutant General, by the 15th October of each year, an annual report containing the information detailed in Appendix V which shall be prepared as soon as possible after the 30th September in each year.

27. When the Medical Officer orders any soldier under sentence to be removed from the Prison to hospital, the Commandant shall take the necessary steps for the safe custody of the soldier until he is in hospital or properly handed over to an escort.

28. He shall take care that every soldier under sentence having a complaint to make or request to prefer to him should have ample facilities for doing so, and shall redress any grievance or take such steps as may seem necessary.

29. He shall warn all soldiers under sentence that complaints, if any, relating to ill-treatment or other occurrences during the period under sentence, must be made by them before leaving the Military Prison, so that such complaints can be investigated without delay. Complaints made after leaving the Military Prison will not normally be considered.

30. He shall enforce the observance of silence and prevent all intercourse or communication between soldiers under sentence except as permitted by rule 167.

31. He shall take care that no soldier under sentence is subjected to any punishment which the medical officer is not satisfied he is capable of undergoing.

32. He shall arrange for the censoring of every letter addressed to or written by, a soldier under sentence, and use his discretion in communicating to or withholding from, a soldier under sentence, at any time, the contents of any letter addressed to such soldier, but every case in which he may think it proper to withhold the contents of a letter, or to withhold the letter itself on the release of the soldier, shall be noted in his journal. He may communicate to a soldier under sentence, or to his friends, any matter of importance to the soldier, in case the soldier should not be entitled to write or receive a letter.

33. In the event of stoppage being awarded to a soldier under sentence in respect of any loss, damage, or destruction of any article, the property of the Military Prison, or in respect of damage done by the soldier to his room, furniture or any part of the prison the officer commanding the soldier's unit shall be informed with a view to the recovery of the stoppages awarded being made from the pay of the soldier on his return to his unit.

34. Immediately on the escape of a soldier under sentence a report shall be made by the Commandant to the civil police, to the provost of unit of the formation concerned and also to the local Commander in order that a Court of Inquiry may be assembled to enquire into the circumstances of the case.

35. The escape shall also be reported to the Provost Marshal and a copy of the proceedings of the Court of Inquiry transmitted to him as soon as possible.

36. If the soldier is not apprehended, or does not surrender and remains absent for a period of 30 days, the Commandant shall, on the expiry of this period, apply to the Local Commander for the assembly of Court of Inquiry, as laid down in sub-section (1) of section 106 of the Army Act, 1950 (46 of 1950), or sub-section (1) of section 107 of the Air Force Act, 1950 (45 of 1950), as the case may be.

37. The original proceedings of the Court of Inquiry shall be sent to the Commanding Officer of the unit to which the soldier belongs, in order that an original entry may be made in the Court-Martial Book.

Assistant Commandant

38. The Assistant Commandant shall be responsible for seeing to it that all duties are detailed correctly. He shall inspect all parties coming in or going out of the Military Prison. He shall see that discipline in the Military Prison is correctly maintained, reporting any infringement to the Commandant.

39. He shall be present on all parades, and be in charge of military training. He shall prepare all training programmes.

40. He shall inspect and initial the Gate Book daily, keep a constant check on the entries and report any irregularities to the Commandant.

41. He shall visit the non-commissioned officers on night duty twice during the week at irregular hours, and shall enter in the morning report "correct" or otherwise.

42. He shall parade and inspect all men for release and shall ensure that they go out clean and properly dressed.

43. He shall inform the Commandant of any report or complaint which any member of the staff may desire to make to the Commandant and shall on no account suppress it.

44. He shall inform the Commandant when any soldier under sentence desires to see him.

45. He shall perform such additional duties as may be entrusted to him by the Commandant.

46. In the absence of the Commandant he shall perform the duties of the Commandant and shall take over entire charge of the Military Prison.

47. When a soldier under sentence is placed in a stripped room he shall report the matter to the Commandant without delay. (*See rule 159*).

48. He shall at all times assist the Commandant to maintain a high standard of discipline and efficiency among the staff and soldiers under sentence.

Medical Officer

49. A Medical Officer shall be appointed for each Military Prison.

50. He shall visit daily, and oftener if necessary, soldiers under sentence who are sick, and when necessary, direct any soldier to be removed to the hospital.

51. He shall inspect weekly every part of the Military Prison, and enter in the diary of medical events the results of each inspection, recording therein any observation he may think fit to make on any want of cleanliness, drainage, warmth or ventilation, any bad quality of the provisions, any insufficiency of clothing or bedding, and deficiency in the quantity or defect in the quality of the water, any other cause which may affect the health of soldiers under sentence.

52. He shall medically examine every soldier under sentence on admission and record his state of health and such other facts connected therewith as may be directed by the Commandant.

53. He shall report to the Local Commander, through the Commandant, the case of any soldier under sentence to which he may think it necessary on medical grounds to draw attention, and whenever he is of opinion that the life of any Military Prisoner is endangered by his continuance in prison he shall state such opinion and the grounds thereof in writing to the Local Commander, through the Commandant, who shall duly report the circumstances to higher authority.

54. Whenever he has reason to believe that the mind of a soldier under sentence is, or is likely to be, injuriously affected by the discipline or treatment, he shall report in writing to the Local Commander, through the Commandant, together with such directions as he may think proper and shall call the attention of the approved religious teacher to any soldier who appears to require his special notice.

55. He shall, forthwith, on the death of any soldier under sentence, enter in the hospital admission and discharge book the following particulars, namely,

when the deceased was taken ill, when the illness was first communicated to the Medical Officer, the nature of the disease, when the soldier died, and an account of the appearance after death (in cases where a post mortem examination is made), together with any special remarks that appear to him to be required.

56. He shall give directions, in writing, for immediately separating any person from the other soldier under sentence having or being suspected of having any infectious, contagious or epidemic disease. In the event of an outbreak of epidemic disease he shall at once make a special report to the Local Commander through the Commandant.

57. (a) He shall, before a soldier under sentence is discharged from the prison, examine him. He shall also examine a soldier under sentence ordered to be transferred from one prison to another and certify that the soldier is free from any illness rendering him unfit for removal.

(b) The Medical Officer shall not recommend discharge of any soldier under sentence against his will if the said soldier is labouring under any acute or dangerous distemper, or until he is safe for discharge. A written statement from the soldier in regard to his unwillingness, should however, be obtained.

58. He may increase the diet of a soldier under sentence should he consider it necessary in the interest of the man's health.

59. When the Medical Officer considers it necessary to apply any test to a soldier under sentence to detect malingering, such test will only be applied by authority of an order from the General Officer Commanding-in-Chief.

Religious Teachers

60. The Commandant shall arrange with the Local Commander for the part-time services of religious teachers serving with local units. While visiting, part-time religious teachers will be under the orders of the Commandant.

61. The religious teachers shall attend soldiers under sentence at the prison at times approved by the Commandant.

Gate keeper

62. A non-commissioned officer posted on gate duty, shall maintain the Gate Book carefully, entering the names, without making any exception, of persons, whether belonging to the staff of the prison or not, passing through the gate.

63. He shall keep a similar record of all stores that pass through the gate.

64. He shall examine all articles carried into or out of the prison, and stop and search or cause to be searched any person suspected of bringing in spirits or other prohibited articles, or of taking out any property belonging to the prison, giving immediate notice thereof to the Commandant.

65. He shall not permit any person, not being a member of the staff, to pass through the gates without an order from the Commandant or other superior authority.

66. He shall search or cause to be searched, any soldier under sentence admitted into the prison, and remove any prohibited articles and weapons if found upon him. (*See also rules 103 and 109*).

67. All money or other articles which are not allowed into the prison or any valuable articles in possession of the soldiers under sentence shall be removed from them and placed in the custody of the Chief Jailor. (*See rule 109*).

Jailor and Warders

68. Duties of the Chief Jailor, Assistant Jailors, Warders and Assistant Warders shall be laid down in the Military Prison Standing Orders by the Commandant and these standing orders shall specifically state the exact duties allotted to each one of them which shall be made known by publication in the Prison Routine Orders.

69. In making the standing orders, the Commandant shall be guided by the provisions of the Prison Act, 1894 (9 of 1894), Jail Manual made under the Prisons Act, 1894, and the Prisoners Act, 1900 (3 of 1900).

Section III**GENERAL RULES AND INSTRUCTIONS FOR THE STAFF**

70. No soldier under sentence shall under any circumstances be entrusted with any duties connected with discipline or employed in the service of any member of the staff.

71. No unauthorised person shall hold any communication with a soldier under sentence.

72. No member of the staff shall sell or let to, nor shall any person in trust for or employed by him, sell or let to, or derive any benefit from the selling or letting of any article to any soldier under sentence.

73. No member of the staff shall, nor shall any person in trust for or employed by him, have any interest, direct or indirect, in any contract for supplies to the prison.

74. No member of the staff shall, at any time receive any money, fee or gratuity of any kind on any pretext whatever from a soldier under sentence or a contractor.

75. All members of the staff shall frequently examine the state of the rooms, bedding, locks, bolts, and shall seize all prohibited articles and deliver them to the Chief Jailor forthwith.

76. It shall be the duty of all members of the staff to listen patiently to and report complaints or grievances of soldiers under sentence.

77. Members of the staff shall inform the Commandant when any soldier under sentence desires to see him, or to make any complaints, or to prefer any request to him to any superior authority.

78. It shall be the duty of every member of the staff to direct the attention of the Commandant to any soldier under sentence who may appear to be ill though he may not complain, or whose state of mind may appear to deserve special notice and care, in order that the opinion and instructions of the Medical Officer may be taken on the case.

79. No member of the staff shall strike a soldier under sentence unless compelled to do so in self-defence, and in any case in which the application of force to a soldier under sentence is needful no more force than is necessary shall be used.

80. No member of the staff shall unnecessarily converse with a soldier under sentence, or allow any familiarity on the part of the soldiers towards himself or any other member of the staff; nor shall he on any account speak of his duties, or of any matter of discipline or prison arrangement within the hearing of soldiers under sentence.

81. No member of the staff shall have any pecuniary dealing whatsoever with any soldier under sentence, or employ any soldier under sentence on his private account, nor shall he correspond or hold any intercourse with the friends or relatives of any soldier under sentence, unless expressly authorised by proper authority, nor shall he make any unauthorised communication with any person whomsoever concerning the prison or soldier under sentence. He shall not without authority, communicate to the public press information derived from official sources or connected with his duties or the prison.

82. All members of the staff shall be careful not to allow any soldier under sentence under their charge to be employed directly or indirectly, for the private benefit or advantage of any person, or in any way not in conformity with the established regulations of the prisons.

83. No member of the staff shall use tobacco, opium, or spirituous or fermented liquors within the walls of the prison, except in his private quarters.

84. Any member of the staff who, contrary to orders, brings in or carries out, or endeavours to bring in or carry out, or knowingly allows to be brought in or carried out, to or for any soldier under sentence, any money, clothing, provisions, tobacco, letters, papers or other articles whatsoever, shall be forthwith suspended from his office by the Commandant, who shall dispose of the case if it is within his powers, and if not, shall report the offence to the Local Commander.

85. All members of the staff shall reside in the quarters provided for them.

86. Offences committed by the staff shall be dealt with by the Commandant, who shall be the Commanding Officer of the Staff, and as such shall have the powers of summarily awarding punishments to them and also of holding summary courts-martial under the Army Act, 1950 (46 of 1950).

87. Swearing, using improper language, knowingly incurring debts which he is unable to pay, keeping bad company, gambling, or any disreputable conduct shall be a sufficient reason for the dismissal or reversion of a member of the staff to his former unit.

88. A member of the staff shall not be allowed to continue in office if there be reasonable ground to believe that he betrays the confidence placed in him, by making any unauthorised communications concerning the prison to the friends of soldiers under sentence or to any other person, or that he by correspondence or otherwise carries on communications, prejudicial to the good discipline and security of the prison.

89. No member of the staff shall, on any account, enter the room of a soldier under sentence at night, unless accompanied by another member of the staff and then only in the case of sickness of the soldier or other emergency.

90. All members of the staff except those on night duty shall be within their quarters at such time of night as may be directed from time to time in order that their services may be available immediately if so required.

91. Every member of the staff shall, on being relieved from any particular duty, or transferred to another part of the prison point out to his successor all matters of special importance connected with his duties, and explain any directions of the Commandant, Medical Officer or other superior officer, affecting any particular soldier under sentence.

92. A member of the staff entrusted with keys shall keep them carefully in his own possession, and shall not leave them lying about.

93. When going off duty for the night, the members of the staff shall deliver over their keys according to instructions, having first seen the doors locked and all safe, and report to the Assistant Commandant accordingly.

94. No member of the staff shall be permitted to receive any visitors in the interior of the prison. No member of the staff occupying Government quarters shall permit any person, not being a regular member of his family, to remain for the night in such quarters without the permission of the Commandant.

95. Members of the staff under whose care soldiers under sentence are placed shall take every practicable precaution for the safe custody of such soldiers at all times.

96. In no circumstances shall a member of the staff allow any soldier under sentence to be left without adequate supervision. A member of the staff shall also be responsible that, when necessary, a soldier under sentence is properly handed over to another member of the staff or locked up.

97. Members of the staff shall also take the utmost care to prevent communication by word or signs between soldiers under sentence, except as permitted by the rule and to preserve silence and decorum amongst such soldiers throughout the time that they are locked up in their rooms.

98. The utmost care shall be taken by all persons connected with the prison to guard against accidents by fire from the lights, or other sources, in and about the prison. No fires shall be left burning unnecessarily or unattended to. Each member of the staff coming on duty during the night shall make a careful examination to guard against danger from fire.

99. Members of the staff employed in charge of soldiers under sentence shall strive to acquire a moral influence over them by performing their duties conscientiously, but without harness. They shall specially try to raise the mind of the soldier to a proper feeling of moral obligation by the example of their own uniform regard to truth and integrity, even in the smallest matters, such conduct will, in most cases, secure the respect and confidence of soldiers and will make the duties of the staff more satisfactory to themselves and more useful to the public.

Section IV

ACCOMMODATION FOR SOLDIERS UNDER SENTENCE

100. Every soldier under sentence shall normally sleep in a room by himself. Epileptic soldiers under sentence or those labouring under disease requiring assistance or supervision in the night, may at any time notwithstanding this rule, be placed by order of the Medical Officer with not fewer than two other soldiers under sentence. Soldiers under sentence who have by their good conduct been upgraded may sleep three or more in a room according to the accommodation provided.

101. No room shall be used for the separate confinement of a soldier under sentence unless it is certified by the Medical Officer to be of such a size, and to be lighted, warmed, ventilated and fitted up in such a manner as may be requisite for health, and furnished with the means of enabling the soldier to communicate at any time with a member of the staff.

Section V

ADMISSION, DISCHARGE AND REMOVAL OF SOLDIERS UNDER SENTENCE

102. Soldiers committed to a Military Prison shall bring with them such articles of equipment and clothing as are specified in Army Orders or Air Force Orders from time-to-time.

103. (a) Soldiers under sentence shall be searched on admission and at such time subsequently as may be directed and all prohibited articles shall be taken from them.

(b) The searching of a soldier under sentence shall be conducted with due regard to decency and self-respect, and in as seemly a manner as is consistent with the necessity of discovering any concealed article. A soldier under sentence shall not be searched in the presence of another soldier under sentence.

104. Every soldier under sentence shall, on admission, be separately examined by the Medical Officer, who shall enter in the diary of medical events a record of the state of health of the soldier.

105. Every soldier under sentence shall take a bath on admission.

106. Every soldier under sentence shall be weighed on admission and on discharge, dressed in shirt and shorts, and the weight shall be recorded.

107. After soldiers under sentence are received at the prison, an abstract of the rules relating to the conduct and treatment of soldiers under sentence shall be read over to them, and proper means taken by the Commandant to make them acquainted with the purport and effect of such rules.

108. Before any soldier under sentence can be received into the prison, whether on first commitment or on removal from another prison, the Commandant must receive for him a separate committal warrant on the prescribed form.

109. A "Property Book" shall be kept in which an entry made shall be signed by the soldier under sentence, and attested by the appointed member of the Prison staff, of the clothes, money or other articles found upon the soldier, which clothes, money and articles, the Commandant shall take into his possession to be returned to the soldier's unit or returned to the soldier on his discharge from the prison. Any other money that may be received for a soldier under sentence shall be placed to the credit of such soldier and similarly accounted for on his discharge.

110. No soldier under sentence shall be released before the termination of his sentence of imprisonment or detention except by written order from competent authority delivered to the Commandant.

111. A soldier under sentence shall invariably be admitted into, and released from a prison before dark. When a sentence expires on a Sunday or Independence Day or Republic Day or a public holiday or restricted holiday pertaining to the soldier's creed *vide* Appendix VI, the soldier under sentence may be released on the previous day.

112. (a) Whenever it may be necessary to remove or release a soldier under sentence before the time stated in his commitment warrant as the termination of his imprisonment or detention, one day's notice, stating the day and hour of release when practicable, shall be transmitted to the Commandant by the Officer authorising the release or the removal of the soldier under sentence.

(b) If removed for transfer to another prison, the original commitment warrant shall be transmitted to the Commandant of the prison to which the soldier under sentence is removed, accompanied by a removal order on the prescribed form, to which shall be attached a certificate from the Medical Officer as to the state of health of the soldier under sentence.

113. Should it become necessary temporarily to remove a soldier under sentence to any place outside the prison, the Commandant shall be responsible that a proper escort is provided, and application may be made, if necessary, to

the nearest officer commanding troops for this purpose. The responsibility of the Commandant shall not cease until a proper receipt has been obtained.

114. Upon the return to his unit of a soldier under sentence the Commandant shall make a report of his conduct and character to the Commanding Officer of the unit.

Section VI

DIET, FOOD, CLOTHING AND BEDDING OF SOLDIERS UNDER SENTENCE

115. Such additional clothing and bedding may be issued during severe weather, or in special cases, as the Medical Officer may consider necessary.

116. (a) The normal scale of diet for soldiers under sentence shall be that authorised for troops in the station in which the prison is situated.

(b) No part of any food, clothing, bedding or other necessities belonging to any soldier under sentence shall be given, hired, or sold to any other soldier under sentence or to a member of the staff.

(c) Cook houses, and dining halls for soldiers under sentence will be separate from those provided for staff.

(d) Sanitary and hygienic rules applicable to a unit's cook house, will be strictly enforced under direction of a non-commissioned officer appointed for the control of cook houses, dining hall and distribution of food.

(e) Any complaints from soldiers under sentence in respect of food, accommodation and connected matters, will first be made by the complainant to the warder of the platoon. The warder shall bring all such complaints to the notice of Commandant for proper and sympathetic consideration and decision.

(f) All cook houses, dining halls and other arrangements concerning food shall be subject to inspection by the Commandant once a week and by the Medical Officer twice a week. The record of such inspections will be kept in a register to be maintained for this purpose.

Section VII

EMPLOYMENT OF SOLDIERS UNDER SENTENCE

117. A soldier under sentence may be employed in the service of the prison, but shall not be employed in the maintenance of discipline thereof, or in the service of any member of the staff thereof.

118. No soldier under sentence shall be employed on hard bodily work or hard manual labour for more than 5 or less than 2 hours a day, exclusive of meals, provided that no such soldier shall be required to perform work of any description unless certified by the Medical Officer to be fit for such work, and that any such soldier who is suffering from a physical or mental infirmity likely to be aggravated by cellular isolation shall be employed only on such work or in such a way as the Medical Officer may direct. (*See rule 123*).

119. No soldier under sentence shall be required to perform any labour other than such as is indispensable to enable the necessary prison services to be carried on, on Sunday, Independence Day, Republic Day, a public holiday or restricted holiday pertaining to the soldier's creed (*vide Appendix VI*).

120. A system of progressive stages shall be established with specific privileges attached to each stage, and every soldier under sentence shall have the opportunity of profiting by this system. (*See rule 167 for instructions*).

121. The promotion of a soldier under sentence from the lower to the higher stages shall be gained by industry, good conduct, and attention to his military training and instruction, but it may be postponed for idleness or misconduct, or he may be removed to the lower stage or forfeit any of the privileges of his stage.

122. A record of the conduct and industry of every soldier under sentence shall be kept.

123. Hard work shall consist of renovating or making articles for the Army Service Corps or Army Ordnance Corps, digging or such other like description of hard bodily or hard manual labour, as may be ordered by the Commandant. Military training will be substituted for hard work to the maximum possible extent. (*See Appendix II*).

Section VIII REMISSION OF SENTENCES

124. A soldier sentenced to imprisonment or detention for a period of more than 28 days shall be eligible, by special industry and good conduct, and proficiency and attention to drill and military training to earn a remission of a portion of his sentence of imprisonment or detention not exceeding one-third of the whole sentence, reckoned from the date of his admission to the prison.

125. The remission of sentence earned shall be ordered by the authority referred to in section 179 of the Army Act, 1950 (46 of 1950), or in section 177 of the Air Force Act, 1950 (45 of 1950).

126. A daily record of the industry of every soldier under sentence shall be kept in marks, the award of which shall be carefully supervised by the Commandant; and a soldier shall, as a condition of becoming eligible for remission, earn the required number of marks, and, in addition, any marks which he may have forfeited for misconduct.

127. The following instructions shall be observed in awarding marks:

- (a) A soldier under sentence shall be able to earn on each week day 8, 7 or 6 marks according to the degree of his industry, good behaviour and attention to military instructions. On Sunday, he will be awarded marks according to the degree of his industry, assessed on the average of the previous week.
- (b) A soldier under sentence who is not at work by reason of his being under punishment or in civil custody or under sentence of a civil court is not entitled to receive marks; but if he is on the sick list, he shall receive marks according to his behaviour and previous industry, provided that his illness has not been brought about by himself. Every soldier under sentence actually at work may receive marks, provided that he completes the minimum task required of him.

128. Marks shall be awarded daily by a responsible member of the staff and will be proportioned to the behaviour and industry of the soldier under sentence, as shown by the amount of work done, his capability being taken into account. When a soldier fails to obtain full marks, the necessary deduction shall be made only under the order of an officer.

129. The Commandant, Assistant Commandant or any officer of the prison staff, to be authorised by the Commandant, shall award marks to each soldier under sentence as per rule 127 and Appendix VII. A record of such marks shall

be kept in a suitable form in each cell or barrack showing the number, rank and name of the soldier under sentence.

Section IX

SUSPENSION OF SENTENCES

130. Soldiers under sentence shall be considered as being under special report. Their sentences may be suspended under such rules as may be laid down in Army Orders or Air Force Orders from time to time. In making his recommendation for suspension of sentence the Commandant shall take into consideration the soldier's conduct in his unit, his conduct whilst in the prison and any recommendation regarding suspension which may have been made by the Commanding Officer of the soldiers's unit.

Section X

HEALTH OF SOLDIERS UNDER SENTENCE

131. Soldiers under sentence, if employed at work in their own rooms, shall be permitted to take such exercise in the open air as the Medical Officer may deem necessary for their health.

132. The names of the soldiers under sentence who desire to see the Medical Officer, or appear to be out of health, shall be reported by the warder/assistant warder to the Chief Jailor on duty, and by him without delay to the Medical Officer.

133. All directions given by the Medical Officer in relation to any soldier under sentence shall be entered day by day in the diary of medical events which shall have a separate column in which entries shall be made by the Commandant stating in respect of each direction of the fact of its having been or not having complied with, accompanied by such observations, as the Commandant may think fit to make, and the date of the entry.

Section XI

RECREATION

134. A library shall be provided in each prison. Books shall be issued to soldiers under sentence under conditions laid down from time-to-time. The library shall be under the care of the Commandant who shall obtain the books required for the maintenance of his library. Books for this library shall be purchased out of the Grants sanctioned for the purpose.

135. A prison canteen may be run under the orders of the Local Commander.

136. Subject to these rules and any other orders by local or other Commanders, a soldier under sentence shall be given facilities for recreation and for this purpose, necessary arrangements may be made by the Commandant under the orders of the Local Commander.

Section XII

MISCELLANEOUS DIRECTIONS—PRECAUTIONS AGAINST FIRE

137. The officer commanding the station shall issue the necessary orders regarding safeguards against "Fire" *vide* Regulations for the Army in INDIA, Instruction 578.

138. The Commandant shall prepare and issue his "Fire Orders". These will form a part of his Standing Orders, which shall be read over once a quarter to all members of the staff.

139. All the prison staff shall be trained in fire duties.

140. In case of fire occurring in any building occupied by soldiers under sentence, or quarters occupied by members of the staff, or contiguous thereto, safety of life shall be the main object to be attended to in the first instance, the securing of the custody of soldiers under sentence and steps for extinguishing the fire shall be the next consideration.

141. In the event of the assistance of the soldiers under sentence being required, the fire party shall be turned out but only as many of these shall be taken at a time as may be necessary for the duty required.

Section XIII

VISITS TO AND COMMUNICATIONS WITH SOLDIERS UNDER SENTENCE

142. The Commandant may demand the name and address of any visitor to a soldier under sentence, and when he has any ground for suspicion may search or cause to be searched, male visitors, such search not being in the presence of any soldier under sentence or another visitor, and if any visitor refuses to be searched, the Commandant may deny him admission. Particulars of any action taken under this rule should be entered in the journal of the Commandant.

143. A soldier under sentence after the expiry of two weeks of the term of his sentence may, provided his conduct and industry have been satisfactory, be allowed to communicate with his relatives and respectable friends by letters, and to be visited by them in prison, and subsequently he may be allowed the same privileges at intervals to be determined according to his good conduct and industry. Not more than three persons shall be admitted to visit a soldier under sentence at one time. No other person shall be allowed to communicate with a soldier under sentence except at the discretion of the Commandant. These privileges may be forfeited at any time for misconduct or breach of regulations of the prison.

144. The Commandant may allow any soldier under sentence entitled to a visit to write a letter and receive a reply in lieu of such visits, should his friends be unable to visit him.

145. No person shall be admitted to visit a soldier under sentence until he has given his name and address and relationship to, or connection with the soldier, if any and these particulars shall be duly recorded.

146. If the Commandant knows any sufficient cause why any visitor should not be admitted, he shall refuse admission, duly recording the circumstances in his journal.

147. Visitors to soldiers under sentence shall be admitted only to the place appropriated for the purpose, except in special cases with the sanction of the Commandant.

148. Soldiers under sentence shall be visited in the presence of a member of the staff.

149. The period of the visit allowed to any soldier under sentence shall normally be 30 minutes but may be extended at the discretion of the Commandant.

150. Police officers may visit soldiers under sentence for the purpose of identification, on production of an order from the proper police or magisterial authority.

151. If these are reasonable grounds for suspecting that any person who is admitted within the prison for the purpose of seeing a soldier under sentence, brings in or takes out any articles for an improper purpose or contrary to the regulations of the prison, the Commandant shall suspend the visit of such person duly recording the fact in his journal. He may remove from the prison any visitor whose conduct is improper, recording the fact in his journal.

PART III

DISCIPLINE AND TRAINING OF SOLDIERS UNDER SENTENCE

Section I

DISCIPLINE

Offences against the discipline of Military Prisons and punishment

152. No punishment or privation of any kind shall be awarded to soldiers under sentence except by, or under orders of the Local Commander or the Commandant.

153. No soldier under sentence shall be placed in close confinement or on reduced diet unless the Medical Officer certifies that the soldier is in a fit condition of health to undergo such punishment.

154. No soldier under sentence shall be punished until he had an opportunity of hearing the charges and evidence against him, and of making his defence.

155. A soldier under sentence shall be deemed to be guilty of an offence against Military Prison discipline if he—

- (a) disobeys any order given by the Commandant or by any member of the staff or disobeys any prison regulations;
- (b) treats with disrespect any member of the prison staff or any visitor or any person employed in connection with the prison or works;
- (c) is idle, careless or negligent at work or military training parade or refuses to work or attend any parade;
- (d) is absent without leave from school instruction or any parade;
- (e) swears, curses or uses any abusive, insolent, threatening or other improper language;
- (f) is indecent in language, act or gesture;
- (g) converses or holds intercourse with another soldier under sentence without authority;
- (h) sings, whistles or creates any unnecessary trouble;
- (i) leaves his room or other appointed location or his place of work without permission;
- (j) in any way wilfully disfigures or damages any part of the prison or any articles to which he may have access;
- (k) commits any nuisance;
- (l) has in his room or possession any article which he is not allowed to have;
- (m) gives to or receives from any soldier under sentence any article whatever without permission;

- (n) is inattentive at drill or other military training parade;
- (o) uses violence to a member of the staff or to a soldier under sentence;
- (p) escapes or attempts to escape or aids an escape or attempted escape, from the prison;
- (q) offends in any other way against good order and discipline.

156. The Local Commander or the Commandant shall examine any person committing any of the offences mentioned in rule 155 and give him reasonable opportunity of showing cause against the accusation and after considering such cause as may be shown by the soldier under sentence, may punish the soldiers under sentence with any one or more of the following punishments, namely:

- (a) reduction of diet — upto three days at a time;
- (b) additional hard labour and punishment drill — not exceeding two hours daily upto seven days at a time;
- (c) close confinement for any period not exceeding six days;
- (d) reduction from the higher stage to the lower stage or postponement of promotion to the higher stage for a period not exceeding 14 days;
- (e) forfeiture of remission of sentence for a period not exceeding 30 days;
- (f) deprivation of charpoys for any period not exceeding 21 days;
- (g) deprivation of library books with the exception of religious or moral books for any period not exceeding 21 days.

157. A soldier under sentence of close confinement shall be kept in confinement in a special room.

158. Any serious offence committed by a soldier under sentence not being an offence declared to be an offence against prison discipline, shall be reported by the Commandant through the Local Commander to the General Officer Commanding the Area or the nearest Air Force Station Commander when the offender is an airman. Where the General Officer Commanding the Area or the Air Force Station Commander decides that the offender should be brought to trial, he shall, if the unit to which the offender belongs is at the station in which the prison is situated, refer the case to the officer commanding such unit who shall prepare the summary of evidence and make the application for trial; if his unit is not at such station the offender shall for the purpose of this rule be attached to such unit at the station as the General Officer Commanding the Area or the nearest Air Force Station Commander may direct. The Commandant may not himself try by summary court-martial a soldier under sentence.

Restraint

159. In cases of urgent necessity, any soldier under sentence may be placed in irons or in a stripped room by the orders of the Commandant or Assistant Commandant. The Assistant Commandant shall report the matter to the Commandant as soon as possible.

160. Every such order shall specify the reason and the time during which the soldier under sentence is to be kept in irons.

161. The irons on ordinary occasions shall be common handcuffs.

162. No soldier under sentence shall be put in irons or under other mechanical restraint as a punishment. Irons or other means of mechanical restraint shall be used only when necessary for the purpose of restraining the soldier.

163. Whenever it is found necessary to place irons on a soldier under sentence (other than handcuffs imposed in circumstances in which such additional security is usual) the order shall specify the date and hour when they are to be put on, and whether the handcuffs are to be placed with the hands in front of, or behind the body. The member of the staff carrying out the order shall state, in the proper place on the form, or order in Appendix III, how the order has been carried out, and the date and hour of removal or change of position of the handcuffs. If, on account of the peculiar violence of the soldier, it is necessary that the handcuffs should be placed behind the body, they shall be removed to the front at meal times and bed times, and replaced after meals and on rising from bed.

164. Where this means of restraint is used upon the recommendation of the Medical Officer, that fact shall be stated in the order, and that officer shall certify that the mode and time of restraint ordered is in accordance with his opinion of the necessity of the case.

Section II

GENERAL INSTRUCTIONS RELATING TO OFFENCES RELATING TO MILITARY PRISONS

165. The provisions of sections 42 and 43 of the Prisons Act, 1894 (9 of 1894), (reproduced as an Appendix VIII), shall apply to all Military Prisons, and in such application all references to rules made under section 59 of that Act shall be construed as references to these rules.

166. The Commandant shall cause to be affixed, in a conspicuous place outside the prison a notice in English, Hindi and the local vernacular setting forth the facts prohibited under section 42 of the Prisons Act, 1894 (9 of 1894), as applied by rule 165 and the penalties incurred by their commission.

Section III

SYSTEM OF PROGRESSIVE STAGES

167. The following instructions shall be observed to give effect to the system of progressive stages:

- (a) There shall be two stages through which a soldier under sentence shall pass, if the term of his sentence admits.
- (b) He shall commence in the first stage, and shall remain in that stage for 14 days, during the remainder of his sentence he will be in the second stage.
- (c) A soldier under sentence who is idle or who misconducts himself or is inattentive to instructions shall, in addition to, or in place of, any punishment which may be inflicted on him in accordance with the rules, be liable:
 - (i) to forfeit any stage privileges;
 - (ii) to retention in the first stage beyond 14 days;
 - (iii) to degradation to the lower stage.
- (d) A soldier under sentence in the first stage shall:
 - (i) be employed on manual labour for not more than 5 or less than 2 hours daily, exclusive of meals at any one time;
 - (ii) perform not less than 7 or more than 8 hours military training daily;
 - (iii) be allowed books of religious and secular instructions;

- (iv) be allowed exercise on Sundays and other prison holidays; (See Appendix VI);
 - (v) receive school instructions, at the discretion of the Commandant;
 - (vi) be allowed a library book which may be changed twice a week;
 - (vii) be allowed to write and receive a letter and to receive a visitor at intervals of not less than 14 days, at the discretion of the Commandant.
- (e) A soldier under sentence in the second stage will be treated as above and in addition be allowed to communicate with other soldiers in the second stage for 20 minutes each day at times selected by the Commandant. All communications shall be under the supervision of one of the staff who shall be in a position to overhear the conversation.

168. No soldier under sentence, who has previously served a sentence of imprisonment or detention awarded by court-martial, shall be eligible for any special employment as cleaner, cook or orderly.

169. All soldiers under sentence shall be locked up for the night not more than 15 minutes after sunset and shall be unlocked not more than 15 minutes before sun-rise.

Section IV

PETITIONS FROM SOLDIERS UNDER SENTENCE

170. When petitions from soldiers under sentence are received by the Commandant, he shall forward such petitions direct to the General Officer-Commanding-in-Chief's Commands in whose command the trial took place.

171. When forwarding a petition, the Commandant shall make no recommendation, but shall attach to the petition a statement showing the date of the trial, and whether the soldier's conduct, whilst under sentence, has been satisfactory.

172. The Commandant shall take care that every soldier under sentence having a complaint or request to make to him shall have ample facilities for doing so, and he shall redress any grievance or take such steps as may deem necessary, recording this in the appointed manner.

Section V

TRAINING OF SOLDIERS UNDER SENTENCE

Time table of daily duties and parade

173. The duties of the staff and the employment of soldiers under sentence shall be regulated in accordance with a time table of daily duties fixed by the Commandant to meet local conditions. For a specimen time table of daily duties, see Appendix II. No alteration in the time table of daily duties shall be made without the concurrence of the Local Commander except under unforeseen circumstances, which shall be reported in writing immediately to him.

174. Every soldier under sentence shall parade and be inspected once on every week day in full marching order and shall periodically drill in this order.

Training

175. The military and physical training of soldiers under sentence shall commence immediately they are committed to the military prison.

176. The training carried out shall be of general military nature *i.e.*, Drill, P.T., Weapon Training.

177. Instructional staff shall be qualified instructors. Instructions shall be given by such qualified instructors only.

178. Syllabus for military training is given in Appendix I. This may be changed under the orders of the Local Commander to suit specific needs of the prison.

179. Educational training shall be carried out for all soldiers under sentence for an hour daily on six days a week.

180. The training shall be carried out, as far as possible, by members of the staff who are qualified educational instructors, assisted by any personnel of the Army Educational Corps in the station who can be made available from time to time.

181. Welfare educational training will also be carried out in addition as a regular parade.

182. The General Officer Commanding-in-Chief, the Command acting through the General Officer Commanding the Area in which the prison is situated, shall be responsible for seeing that the training is efficient and in conformity with that of units in the Command.

183. All members of the staff shall be qualified at Army or local courses to teach one or more of the subjects given in Appendix I.

APPENDIX I

SYLLABUS OF MILITARY TRAINING

1. The courses of military training shall consist of the following subjects :

- (a) Drill, Physical Training and Bayonet Training.
- (b) Rifle weapon training.
- (c) Visual training and judging distance.
- (d) Field craft
- (e) Assault and obstacle course training.
- (f) Educational Training.
- (g) Light Machine Guns and Sten Gun.
- (h) Grenade training.
- (i) Elementary Map Reading.
- (j) First Aid.
- (k) Close Combat training.
- (l) Section Battle drill.
- (m) Digging and Camouflage.

APPENDIX II

SPECIMEN TIME TABLE OF DAILY DUTIES

1. Week days—

- 0630 Bell rings, rise, wash, dress, clean and tidy rooms, prepare for inspection.
0715 Check roll taken, names taken for Medical Officer.
0730 Early morning meals.

- 0800 Physical training parade and games.
- 0900 Clean equipment, rooms etc.
- 0930 Parade in marching order for military training.
- 1230 Mid-day meals and ablutions.
- 1430 Commence work in rooms.
- 1515 Work or military training commences outside rooms.
- 1700 School commences.
- 1800 School work ceases.
- 1805 Ablutions and night meal.
- 1915 Work in rooms.
- 2100 Work ceases, lock up.
- 2200 Lights out

2. Sundays and recognised holidays—

- 0700 Bell rings, rise.
- 0800 Early morning meals and ablutions.
- 1900 Names for Medical Officer.
- 1230 Mid-day meals.
- 1805 Ablutions and night meals.
- 2200 Lights out

3. During inclement weather, it shall be within the discretion of the Commandant to vary the hours laid down for particular work or duty, and to ensure as far as possible that the duty etc., out of doors is not omitted.

4. Kit inspections shall be at the discretion of the Commandant and not daily.

5. The hours noted above may be advanced during the summer season at the discretion of the Commandant.

APPENDIX III

FORM OF ORDER FOR SOLDIERS UNDER SENTENCE TO BE PLACED UNDER RESTRAINT

(See rule 163)

Date.....

Soldier under sentence, No.to be restrained in (a).....
by the wrist, (b) from this hour,.....IST to.....hours IST.

(Signature)
Commandant

Military Prison at..... to the JCO or NCO in charge of.....
Articles of restraint as above ordered, placed on soldier under sentence at.....hours
IST, removed athours IST this day of.....20.....

(Signature)
JCO/NCO Incharge.

(a) Describe the articles of restraint.

(b) Insert whether in front or behind the body. They will in any case be placed in front during meals and bed time.

APPENDIX IV

**LIST OF BOOKS TO BE KEPT AT MILITARY PRISON AND
INSTRUCTIONS FOR KEEPING THEM**

1. The following books shall be kept in the personal custody of the Commandant—
 - (a) The Commandant's Daily Journal in which shall be recorded all occurrences of importance.
 - (b) A Punishment Book, in which shall be entered all offences against prison discipline, the dates on which they were committed, and the punishments awarded to the offenders.
 - (c) A Property Book, in which shall be entered a detailed statement of the money and other effects received with the soldiers under sentence.
 - (d) A Diary of Medical events.
 - (e) An Inspection or Minute Book, for the use of visitors.
 - (f) A register of soldiers under sentence.
 - (g) A Hospital admission and discharge book— the Medical Officer shall make the entries in this Book.
 - (h) A Morning Parade State, showing the number of soldiers under sentence.
 - (i) An Inspection Register of Cook Houses.
 - (j) A Record Book, in which shall be entered the conduct and industry of every soldier under sentence.

APPENDIX V

ANNUAL REPORT OF COMMANDANT

The annual report referred to in rule 26 shall cover the period from October first in the preceding year to September thirtieth and shall contain the following:

- (a) Statement of visits by Commanders, Staff Officers or other officers;
- (b) Statistics showing;
 - (i) Men sentenced to imprisonment;
 - (ii) Men sentenced to detention;
 - (iii) Admissions of soldiers under sentence month by month;
 - (iv) Number refused admission owing to lack of accommodation;
 - (v) Admission into hospital;
 - (vi) Offences against prison discipline;
 - (vii) Average occupation of prison for each month;
 - (viii) Average strength of staff for each month.
- (c) Remarks on the working of any new order issued during the year.
- (d) Results of present system of discipline, training etc.
- (e) Suggestions for reforms.
- (f) Proposals to amend rules.
- (g) Statement of courses undergone by members of staff, showing results.
- (h) State of buildings, whether all work sanctioned has been completed or not, and statement of additions or improvements made during the year.
- (i) Statement of the action taken in all matters brought to notice by the medical officer and now far these have already been remedied.

- (j) Statement of events of special importance, e.g., escapes.
- (k) Report on industrial work done by soldiers under sentence, and report on new employment started for soldiers under sentence.

APPENDIX VI

HOLIDAYS

1. In addition to Sundays, Public Holidays, as declared by the Central Government, will be observed as Prison Holidays.

2. In addition to closed holidays such prisoner irrespective of class/religion belongs to will be permitted to avail of two restricted holidays of his choice. A restricted holiday will pertain to any recognised festival/rite observed by any community.

APPENDIX VII

MEMORANDUM OF THE EARNING AND AWARD OF MARKS UNDER THE PROGRESSIVE STAGE AND REMISSION SYSTEM

1. The awarding of marks under the Progressive stage and remission system is the most important and responsible duty and requires the greatest care and attention.

2. The object of this system is to train and encourage soldier under sentence to habits of Industry and good conduct. If, therefore, marks are given which are not earned by Industry, the whole object of this system is defeated.

3. The principle of this system is that:

Marks must be earned by industry.

Marks so earned may be forfeited by misconduct.

4. Rule 127 provides that a soldier under sentence shall be able to earn each week-day 8, 7 or 6 marks, according to the degree of his industry. There are, therefore, three degrees of industry, each carrying a different reward in the shape of marks, and it is in deciding what has been the degree of industry and in fairly awarding marks that the exercise of care, attention and judgment by the Commandant is most necessary.

5. In order to facilitate the proper awarding of marks, work should be tasked wherever possible and marks awarded on the following scale:

8 for the maximum task *i.e.*, what can be performed in the full number of hours laid down by a man working hard during the whole time; 7 for the medium tasks, or five-sixths of the maximum task; 6 for the minimum task or two-thirds of till maximum task. As there are some kinds of work which cannot be so treated, and as soldiers vary greatly in their capabilities, special care and good judgment are required. In these cases marks should be allotted according to the industry of each soldier

¹6. The number of marks necessary to obtain a full remission will be calculated in the manner indicated below, namely:

Out of the total number of days of sentence deduct 1/3rd ignoring any fraction of days, this being the maximum remission admissible. Multiply the balance by 8, this being the maximum marks which can be earned in a day. The product represents the total marks required to earn a full remission.]

7. Whenever a soldier under sentence fails to complete the full task laid down or what the Commandant considers he is capable of performing, or does not do his best at any work he is called upon to do, the fact must be brought to the notice of the Commandant for investigation and decision as to whether the failure is wilful or otherwise.

8. Marks will not be deducted when men are placed "on report", but they may be taken off as part of the punishment when a man is "cautioned" or "admonished".

1. Subs. by S.R.O. 347, dated 22nd September, 1965.

APPENDIX VIII

PENALTY FOR INTRODUCTION OR REMOVAL OF
PROHIBITED ARTICLES INTO OR FROM PRISON
AND COMMUNICATION WITH PRISONERS*Section 42*

1. Whoever, contrary to any rule under section 59 introduces or removes or attempts by any means whatever to introduce or remove, into or from any prison, or supplies or attempts to supply to any prisoner outside the limits of prison, any prohibited article, and every officer of prison who contrary to any such rule, knowingly suffers any such article to be introduced into or removed from any prison, to be possessed by any prisoner, or to be supplied to any prisoner outside the limits of a prison, and whoever, contrary to any such rule, communicates or attempts to communicate with any prisoner, and whoever abets any offence made punishable by this section, shall on conviction before a Magistrate, be liable to imprisonment for a term not exceeding six months, or to fine not exceeding two hundred rupees, or to both.

Section 43

2. When any person, in the presence of any officer of a prison, commits any offence specified in the last foregoing section, and refuses on demand of such officer to state his name and residence, or gives a name or residence which such officer knows, or has reason to believe, to be false, such officer may arrest him, and shall without unnecessary delay make him over to a Police officer, and thereupon such Police officer shall proceed as if the offence had been committed in his presence.

Section 59—Power to make rules

3. The State Government may make rules consistent with this Act:

- (a) defining the acts which shall constitute prison-offences;
- (b) determining the classification of prison offences into serious and minor offences;
- (c) fixing the punishments admissible under this Act which shall be awarded for commission or prison-offences or classes thereof;
- (d) declaring the circumstances in which acts constituting both a prison offence and an offence under the Indian Penal Code may or may not be dealt with as a prison offence;
- (e) for the award of marks and the shortening of sentences;
- (f) regulating the use of arms against any prisoner or body or prisoners in the case of an outbreak or attempt to escape;
- (g) defining the circumstances and regulating the conditions under which prisoners in danger of death may be released;
- (h) for the classification of prisons and description and construction of wards, cells and other places of detention;
- (i) for the regulation by numbers, length or character of sentences, or otherwise, of the prisoners to be confined in each class of prisons;
- (j) for the administration of prisons and for the appointment of all officers appointed under this Act;
- (k) as to the food, bedding and clothing of criminal prisoners and of civil prisoners maintained otherwise than at their own cost;
- (l) for the employment, instruction and control of convicts within or without prisons;
- (m) for defining articles the introduction or removal of which into or out of prisons without due authority is prohibited;

- (n) for classifying and prescribing the forms of labour and regulating the periods of rest from labour;
- (o) for regulating the disposal of the proceeds of the employment of prisoners;
- (p) for regulating the confinement in fetters of prisoners sentenced to transportation;
- (q) for the classification and the separation of prisoners;
- (r) for regulating the confinement of convicted criminal prisoners under section 28;
- (s) for the preparation and maintenance of history-tickets;
- (t) for the selection and appointment of prisoners as officers of prisons;
- (u) for rewards for good conduct;
- (v) for regulating the transfer of prisoners whose terms of transportation or imprisonment is about to expire, subject however, to the consent of the State Government of any other State to which a prisoner is to be transferred;
- (w) for the treatment, transfer and disposal of criminal lunatics or recovered criminal lunatics confined in prisons;
- (x) for regulating the transmission of appeals and petitions from prisoners and their communications with their friends;
- (y) for the appointment and guidance of visitors of prisons;
- (z) for extending any or all of the provisions of this Act and of the rules thereunder to subsidiary jails or special places of confinement appointed under section 541 of the Code of Criminal Procedure, 1882¹ and to the officers employed, and the prisoners confined, therein;
- (za) in regard to the admission, custody, employment, dieting, treatment and release of prisoners; and
- (zb) generally for carrying into effect the purposes of this Act.

1. Now see the Code of Criminal Procedure, 1973 (2 of 1974).