

Section XIII.—Juvenile Prisoners.

Definition
and separa-
tion of
juveniles.

613. A prisoner up to the age of 18 is considered a juvenile. Under section 27 of the Prisons Act of 1894, male prisoners under the age of 21 years shall be kept altogether separate from adult prisoners, and those who have not arrived at the age of puberty shall be separated from those who have. This applies both to convicted prisoners and to prisoners under trial therefore, in every jail in which male juvenile prisoners are detained, means must be provided for separating these four classes. Female juvenile prisoners may be kept in the female ward allotted to casual prisoners. Juvenile prisoners belonging to the habitual class shall be kept, as much as possible, apart from other juvenile prisoners. For instructions regarding juveniles sentenced to transportation for life (see paragraph 506).

Establish-
ment of
Borstal
School.

Borstal
School at
Thayetmyo
declared to
be a Refor-
matory
School.

Commitment
of juvenile
persons
under 16 to
Training
School and
those
between 16
to 19 to
Borstal
School.

614. (1) In exercise of the powers conferred by sections 6 and 8 of the Prevention of Crime (Young Offenders) Act, 1930, a Combined Borstal and Senior Training School has been established at Thayetmyo for the reception and treatment of young offenders. In exercise of the power conferred by clause (b) of section 3 of the Prevention of Crime (Young Offenders) Act, 1930, the Combined Borstal and Senior Training School at Thayetmyo has been declared by Government to be a Reformatory School.

(2) In exercise of the power conferred by section 16 (e) of the Prevention of Crime (Young Offenders) Act, 1930, any Court empowered under this Act may order on conviction any person under 16 years of age to be sent to a Senior Training School, for a period not less than two years and not extending beyond the age of 18. In any trial against any person between 16 and 19 where a sentence of imprisonment would ordinarily be passed, the Court may, in exercise of the power conferred by section 25 (1) and (3) of the Prevention of Crime (Young Offenders) Act, 1930, instead of passing such sentence, direct that such person shall be sent to a Borstal School for a period of not less than two years and not extending beyond the age of 23.

Cases of
juveniles
under 19
not com-
mitted to
Borstal
School.

615. Whenever persons under 19 years of age are not committed to a Borstal or Senior Training School, the Court will commit such persons to a jail, and, at the same time, forward to Government in the Judicial Department a copy of the judgment of the trial, assigning reasons for not having committed such persons to a Borstal or Senior Training School.

On admission of such persons Superintendents of jails shall take immediate action as indicated below:—

(1) In the case of juveniles under 19 years of age, sentenced to imprisonment for two years and above, nominal rolls of such juveniles shall be forwarded to the Inspector-General soon after the results of their appeals are known, with a view to their cases being transmitted to Government for consideration of the question of their transfer to a Borstal School, under the powers vested in it in section 29 of the Prevention of Crime (Young Offenders) Act, 1930. In submitting nominal rolls information as to whether a copy of the judgment of the trial has been submitted direct to Government by the convicting Court, should invariably be furnished. The age of every such prisoner should be carefully determined by the Superintendent before it is recorded on the nominal roll submitted to the Inspector-General. In the case of juveniles under 18 years of age and who have been sentenced to transportation for life, the nominal rolls of such juveniles should also contain a note to the effect that their cases are to be considered with reference to paragraph 506 in the event of their not being considered eligible for transfer to a Borstal School. Pending the orders of Government, all such juveniles shall be detained in the jail which they were originally committed.

Submission of nominal rolls of juveniles under 19 sentenced to imprisonment for two years and above.

Information as to the submission of copy of judgment. Consideration of cases of juvenile lifers under 18 years with reference to paragraph 506.

(2) Juveniles, who have been convicted for a period of less than two years but not less than three months, and who have been classified as habituals, should be transferred to the Insein Central Jail before the results of their appeals known.

Transfer of habitual juveniles to Insein Central Jail.

(3) Juveniles, who have been convicted for a period of less than two years but not less than three months, and who have been classified as casuals, should be transferred to the Meiktila Juvenile Jail before the results of their appeals are known, provided that at the time of sentence they have attained their fourteenth birthday but have not attained their nineteenth birthday. Before transfer of a juvenile to the Meiktila Juvenile Jail is effected it should be ascertained previously from the Superintendent of Jail, Meiktila, as to whether or not accommodation is available.

Transfer of casual juveniles to Meiktila Jail.

(4) Juveniles, who do not fulfil any of the conditions in clauses (1) to (3) above shall be kept in the jail to serve out their sentence.

Disposal cases of other juveniles.

616. In exercise of the powers conferred by clause (d) of section 30 of the Prevention of Crime (Young Offenders) Act, 1930, the Government may order the transfer from a Borstal School to a prison.

Transfer of juveniles from Borstal School to a prison.

Period of
detention in
Borstal
School
does not
count for
remission.

or Senior School to a prison of any person, whose character, in the opinion of the Committee of that school, is detrimental to the discipline of the School. The period of detention in the School in the case of such juveniles shall not count towards the grant of remission since the inmates of the School do not earn any remission.

Certificate
by Court on
warrant
of persons
eligible for
Borstal,
sentenced
to imprison-
ment.

617. The warrant forms used in cases in which young offenders between the ages of 16 and 19 found not suitable for Borstal Training have been sentenced to imprisonment should bear a certificate indicating that the alternative of committal to a Borstal School had been duly considered and rejected. The Court should endorse in red ink the following certificate on the top of the warrant forms in cases in which such young offenders are sentenced to imprisonment:—

“Certified that this prisoner is found by the Court to be between-and-years of age and that the alternative of committal to a Borstal School has been duly considered and rejected and that a copy of the judgment has been submitted to Government ”

Certificate
by Court
on warrant
of persons
eligible for
Borstal, but
sentenced to
transporta-
tion order.

617A. Under sub-section (1) of section 25 of the Prevention of Crime (Young Offenders) Act, 1930, a Court can only send a young offender between the ages of 16 and 19 to a Borstal School in a case in which a sentence of imprisonment would ordinarily be passed. Consequently the procedure in regard to the Court forwarding a copy of the judgment of the trial to the Government and assigning reasons for not committing persons to a Borstal School, as laid down in the first sentence of paragraph 615, does not apply to cases in which a sentence of transportation would ordinarily be passed. Government exercises the power conferred on it by section 29 (b) of the Act in suitable cases. A copy of the judgment in every case in which persons between the ages of 16 and 19 are sentenced to transportation should be submitted to the Secretary to the Government of Burma, Judicial Department, so that Government may be in a position to consider the question of sending such persons to a Borstal School.

The Court should endorse in red ink the following certificate on the top of the warrant forms in cases in which young offenders are sentenced to transportation:—

“Certified that a copy of the judgment has been submitted to Government, the prisoner being in the opinion of the Court *prima facie* between the ages of 16 and 19.”

618. For the rules framed by Government under section 59 of the Prisons Act, 1894, for the classification of the Meiktila Jail as a juvenile jail, for the government of the said jail, for the treatment of juvenile offenders confined therein and for the regulation of other matters affecting the said Jail, see Appendix XXVII.

Rules to the management of Meiktila Juvenile Jail.

619. In jails where there is no separate ward, juvenile prisoners, who are detained for want of accommodation in the Meiktila Jail, or for any other cause, shall be confined at night in separate sleeping places and, during the daytime, shall be kept rigorously under the eye of an elderly and responsible warder, whose duty shall be to prevent any familiarity between them and the adult convicts.

Confinement of juveniles in jails where there is no separate ward.

620. In jails which have separate wards for juvenile prisoners such wards shall be fitted with cubicles for the separation of the prisoners at night. If there is not a sufficient number of cubicles for all, those who have arrived at the age of puberty should be kept in the cubicles, in preference to those who have not.

Juvenile wards to have cubicles.

621. The diet of juvenile prisoners shall be regulated according to their age and apparent physical requirements. For the bigger boys it shall, as a rule, be the full labouring diet of an adult.

Diet of juveniles.

622. Juvenile prisoners shall be exempt from hard labour ; they shall be taught and employed on some simple handicraft which it is likely that they may carry on as a trade after they leave the jail.

Labour of juveniles.

623. All juveniles under 18 years of age, who are undergoing sentences of a year or more, shall be brought under instruction in reading, writing and arithmetic. They shall be taught for an hour in the morning and an hour in the afternoon. An elderly prisoner may be allowed to teach the boys, and may be awarded additional remission of one day per month, if he performs the duty satisfactorily. The warders who are allowed to enter the juvenile compartments should also be persons of irreproachable character.

Teaching of juveniles.

Warders in charge of juvenile ward to be of irreproachable character.

624. The industrial and other education of juveniles shall be inspected at least once a year by an officer of the Educational Department and a report of the results of this inspection shall be forwarded to the Inspector-General. In the admission register of juveniles (Form No. 90) particulars shall be entered

Inspection of juveniles by an officer of the Education Department

in columns 11 and 15 showing the state of education, on admission and discharge, of all juveniles under instruction, and at the close of each year an abstract therefrom shall be furnished on F. No. 114 to the Inspector-General, showing (1) the number admitted during the year, (2) the daily average number under instruction, (3) the number released and the state of their education on admission and discharge. Information regarding the education of juveniles will be given, by the Inspector-General, in the body of the annual report.

Supply of
School
requisites.

625. In consultation with the Director of Public Instruction such books* shall be chosen as convey useful knowledge or have an improving tendency. Slates and slate pencils shall be provided instead of paper. Charges for books, slates, etc., and lighting (if necessary) shall be included in the Expenditure for the jail under the head "VI. Miscellaneous Services and Supplies," sub-head F (see paragraph 1172).

Discipline
in class
room.

626. No conversation, except the actual teaching, shall be permitted in the class room. Juvenile prisoners who neglect to learn may be reported and suitably punished. The classes shall be visited occasionally by the Superintendent, and once in every month he shall examine their progress.

Exercise of
juveniles.

627. In Central Jails one hour a day should be devoted to the exercise of juvenile prisoners either in marching or by drill or gymnastics.

Treatment of
juveniles
under 16.

Punishment.
Whipping.

628. Except where at variance with the rules in this chapter, all the rules in this Manual, relating to prisoners are applicable to juvenile prisoners, but juveniles, under 16 years of age, shall not be punished by reduction of diet. If whipping is inflicted upon such prisoners, it shall be administered as directed in paragraph 481. Separate confinement shall be resorted to in incorrigible cases.

Male
juveniles
between
18 and 21
years.

629. Male prisoners of each class (casual and habitual) aged between 18 and 21 years whom it may be desirable to separate shall, if possible, sleep in wards altogether apart from

* Compulsory subjects in the indigenous school standards will suffice for adoption in Jails. They are—

Standard I	}	Burmese and Arithmetic.
Standard II		
Standard III	}	Burmese, Arithmetic and Geography or Agriculture.
Standard IV		

The Geography need not consist of more than geographical definitions and the General Geography of India and Burma..

other male prisoners. If there are cubicles in the adult male wards, such prisoners shall be located in them at night.

630. A statement (Form No. 22), showing the number of juvenile prisoners under 15 years of age committed to jail during the year whether for flogging only or for imprisonment, shall be submitted on 31st January to the Inspector-General.

Annual
statement in
respect of
juveniles
under 15
years.

Section XIV.—Condemned Prisoners.

Statutory provisions.

When any person is sentenced to death by a Court of Session, the sentence shall not be executed unless it is confirmed by the High Court (section 374, Criminal Procedure Code). When the sentence has been confirmed by the High Court, the Court of Session shall issue a warrant to the Superintendent of the Jail, in which the prisoner is confined, to cause the sentence to be carried into effect (section 381, Criminal Procedure Code). If a woman sentenced to death is found to be pregnant, the High Court shall order the execution of the sentence to be postponed, and may, if it thinks fit, commute the sentence to transportation for life (section 312, Criminal Procedure Code).

Under Section 30 of the Prisons Act, 1894, a prisoner under sentence of death shall, immediately on his arrival in the prison after sentence, be searched by, or by order of, the Chief Jailor, and all articles shall be taken from him which the Chief Jailor deems it inexpedient or dangerous to leave in his possession. Every such prisoner shall be confined in a cell apart from all other prisoners, and shall be placed by day and by night under the charge of a guard.

Procedure on admission of prisoners.

631. When a prisoner is sentenced to death the police officer who attends the trial will at once inform the Superintendent of the Jail, in writing, of the sentence that has been passed by the Court and, if the sentence is passed by a Sessions Judge, that officer will issue a warrant of commitment pending confirmation of sentence by the High Court. Prisoners under sentence of death shall, as soon as they are admitted to jail, be informed that, if they desire to appeal, they must do so within seven days from date of sentence. When such prisoners elect to appeal, their names must be entered at once in the appeal register and immediate application made to the Committing Court for a copy of its judgment, on receipt of which the appeal should be prepared and submitted to the Appellate Court in the manner prescribed in Chapter VIII, Section III. When the sentence has been confirmed by the High Court, a warrant for the execution of the sentence will be issued by the Sessions Judge to the Superintendent of the Jail in which the prisoner is confined, and it shall specify that the execution is not to be carried out until a day therein named that shall be not less than 14, nor more than 21, days from the date of receipt of the order of confirmation. In the case of prisoners confined in Akyab, Kyaukpyu,

Sandoway, Tavoy and Mergui, the period shall be fixed at not less than 21 and not more than 28 days.

632. Superintendents of Jails shall forward to the Registrar, High Court of Judicature at Rangoon, all appeals to the High Court at Rangoon from condemned prisoners who desire the High Court to provide legal assistance. They shall at the same time inform the Secretary to the Government of Burma, Judicial Department, of the despatch of the appeals. Similar appeals to the Commissioner, Federated Shan States ; Commissioner, Magwe Division, and Commissioner, Sagaing Division, sitting as High Courts, should be forwarded to the Commissioner concerned.

Appeals for
legal
assistance.

633. The result of an appeal decided by the High Court at Rangoon shall be immediately communicated to the prisoner, and, where the intimation received from the High Court is that the death sentence is set aside, the prisoner shall be at once removed from the condemned cell without awaiting the warrant.

Commuta-
tion of
results of
appeals.

The following procedure will be adopted by the High Court to expedite communication of results of appeals decided by it:—

As soon as judgment is delivered—

- (1) If the prisoner is confined in the Rangoon Central Jail, the result of the appeal will be communicated in the form of a memorandum to the Superintendent of Jail, Rangoon. The necessary formal order or warrant will then follow in the ordinary course.
- (2). If the prisoner is confined in a jail outside Rangoon, the result will be communicated to the Superintendent of Jail concerned by telegram. The necessary formal order or warrant will then follow in the ordinary course.
- (3) If in any case the necessary formal order or warrant can be signed by the Hon'ble Judges at the time of delivery of judgment, such formal order or warrant will be issued by the High Court immediately,—
 - (i) If to the Rangoon Jail, instead of the memorandum referred to above.
 - (ii) If to a jail outside Rangoon, by registered post at the *same time* as the telegram referred to above is issued.

Procedure to be observed by Superintendents of Jails in connection with petitions for mercy and appeals to the Judicial Committee of the Privy Council from, or on behalf of, convicts under sentence of death and for suspension of sentence pending appeal.

634. I. Every convict under sentence of death shall have the privilege of petitioning for mercy. The following procedure shall be observed by Superintendents of Jails in connection with petitions to the Governor and His Majesty the King.

II. Immediately on receipt of intimation of a sentence of death passed by the High Court in its Original Criminal Jurisdiction or of the confirmation by the High Court of a sentence of death passed by a Sessions Court, or of intimation of the dismissal by the Judicial Committee of the Privy Council of an application for special leave to appeal in case the convict has made no previous petition for mercy, the Superintendent shall inform the convict concerned that if he desires to submit a petition for mercy it should be addressed to the Governor and that it should be submitted in writing within seven days of the date of such intimation. The calculation of this period shall exclude the date on which the convict was informed of the sentence of, or confirmation by, the High Court, as the case may be.

NOTE.—The condemned convict should be required to acknowledge, in writing, that he has been duly informed of the period allowed for submission of a petition for mercy to the Governor under this Rule. The acknowledgment of the convict should be recorded on the warrant for execution, if the warrant has been received at the time the intimation of the High Court is communicated to him, otherwise the acknowledgment should be recorded separately and attached to the warrant when the warrant is received.

III. (a) A petition to the Governor for the exercise of powers under section 401 of the Code of Criminal Procedure may be in any form which sets forth the grounds and is accompanied by evidence of the identity of the applicant or the authority of the person who makes the application on his behalf.

(b) The Secretary, Judicial Department, will deal with all matters arising under these rules in respect of areas other than those specified in Part I of the Second Schedule to the Government of Burma Act. Matters in respect of the areas so specified will be dealt with by the Secretary, Defence Department.

IV. If the convict submits a petition addressed to the Governor within the period prescribed by Rule II, the Superintendent shall forthwith despatch it to the Secretary to the Government of Burma, Judicial Department, or Defence Department, Rangoon, as the case may be. It should be accompanied by a certificate or covering letter from the Superintendent to the effect that the petition is signed by the convict. The Superintendent shall when forwarding the petition to the Secretary to the Government of Burma, Judicial Department, or Defence Department, as the case may be, report the date fixed for the execution and shall also certify that the execution has been stayed * pending the receipt of the orders of the Governor on the petition. If no reply is received within fifteen days from the date of the despatch of the petition, the Superintendent shall telegraph † to the Secretary to the Government of Burma, Judicial Department, or Defence Department, Rangoon, as the case may be, drawing attention to the fact, but he shall in no case carry out the execution before the receipt of the orders of the Governor.

NOTE (1).—If the date fixed for the execution is not known, the petition should not be delayed, but the fact that the date is unknown should be mentioned in the covering letter. The date should, however, be reported to the Secretary to the Government of Burma, Judicial Department, or Defence Department, as the case may be, by telegram † immediately on receipt of intimation from the Sessions Judge.

NOTE (2).—All petitions for mercy addressed to the Governor should be accompanied by a nominal roll in Jail Form 32, and should be despatched under registered cover to the Secretary to the Government of Burma, Judicial Department, or Defence Department, Rangoon, as the case may be.

NOTE (3).—Petitions addressed to the Governor, etc., should, as far as possible, be written in English and on one side of the paper only.

NOTE (4).—All correspondence regarding condemned convicts should be forwarded in envelopes of a distinctive colour (scarlet) and character, and should have the words "DEATH SENTENCE CASE" marked clearly upon them. In State telegrams relating to capital sentences or reprieves, the words "DEATH SENTENCE" shall be written by the sender before the address in the telegram. The indication "DEATH SENTENCE," will be transmitted free as a Service Instruction immediately before the address. The post copies of these telegrams should be despatched in the special envelopes referred to above.

* The following rule is one of the rules framed under sub-section (6) of section 401 of the Code of Criminal Procedure *vide* Judicial I Branch Notification No. 35, dated the 21st January 1941 :—

"XI. When a petition for clemency from a convict sentenced to death is submitted to the Governor or to His Majesty the King, or when a Superintendent of Jail has reported at any time after a petition has been dismissed and before the execution of sentence that altogether exceptional circumstances have arisen which plainly demand a reconsideration of the sentence, the Superintendent of the Jail concerned shall suspend execution till orders are received. The Superintendent shall similarly suspend execution if intimation is received that an application for a certificate of appeal to the Judicial Committee of the Privy Council has been lodged at the High Court on behalf of a convict sentenced to death. The Superintendent shall immediately report to the Secretary to the Government of Burma, Judicial Department, or Defence Department, as the case may be, that he has taken this action pending the receipt of orders."

† In the case of the Rangoon Jail no intimation by telegram is necessary, unless the Secretary to the Government of Burma, Judicial Department, or Defence Department, as the case may be, is at Maymyo.

V. In the case of juvenile convicts condemned to death declining to exercise the privilege of a petition for mercy to the Governor, the circumstances shall be immediately reported by letter within the approved cover to the Secretary to the Government of Burma, Judicial Department, or Defence Department, as the case may be, for such action under section 401 or 402 of the Code of Criminal Procedure as may be considered necessary.

VI. In the event of the convict submitting a petition addressed to the Governor after the expiry of the period prescribed by Rule II, the Superintendent shall at once forward the petition to the Secretary to the Government of Burma, Judicial Department, or Defence Department, as the case may be, in the manner described above and shall at the same time telegraph * the substance of the petition and the date of the execution, requesting orders whether the execution should be postponed and stating that pending a reply the sentence will not be carried out.† If such a petition is, however, received by the Superintendent later than noon on the day preceding that fixed for the execution, he shall at once forward it to the Secretary to the Government of Burma, Judicial Department, or Defence Department, as the case may be, and at the same time telegraph * the substance of it, giving the date of execution and stating that the sentence will be carried out unless orders to the contrary are received.

VII. If a petition is submitted by an Advocate or other person on behalf of the convict, it should be accompanied by a signed authority certified by the Superintendent as mentioned by Rule IV.

NOTE.—In the case of a petition for mercy submitted to the Governor direct from outside, on behalf of a convict under sentence of death, the Secretary to the Government of Burma, Judicial Department, or Defence Department, as the case may be, shall communicate to the Superintendent concerned the fact of the receipt of such a petition. The Superintendent on receipt of such intimation, will observe the procedure laid down in Rule IV as if the petition was sent by the convict himself.

VIII. If the convict submits a petition addressed to His Majesty the King, the Superintendent shall at once forward it to the Secretary to the Government of Burma, Judicial Department, or Defence Department, as the case may be, stating the date fixed for the execution and certifying that the execution will be stayed† pending the receipt of orders on

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† See rule under sub-section (6) of section 401 of the Code of Criminal Procedure reproduced as a foot-note to Rule IV.

the petition. The Superintendent shall also at the same time telegraph * to the Secretary to the Government of Burma, Judicial Department, or Defence Department, as the case may be, as follows:—

“No. Convict memorialises His Majesty. Execution stayed pending orders.”

NOTE.—Petitions addressed to His Majesty the King should be transmitted within the approved cover duly registered to the Secretary to the Government of Burma, Judicial Department, or Defence Department, Rangoon, or Maymyo, as the case may be, according to whether Secretary is at the former, or at the latter, place.

IX. If intimation is received by the Superintendent from the Secretary to the Government of Burma, Judicial Department, or Defence Department, as the case may be, to the effect that the Judicial Secretary, or Defence Secretary is in receipt of information from the High Court, or from those acting on behalf of the condemned convict, stating that an application for a certificate of appeal to the Judicial Committee of the Privy Council has been lodged at the High Court, the execution will be postponed † and intimation of the result of the application awaited from the Judicial Secretary, or Defence Secretary. If, prior to the receipt by the Superintendent of intimation from the Judicial Secretary, or Defence Secretary, in regard to the application having been lodged at the High Court, the Superintendent is informed direct by the High Court, or by those acting on behalf of the condemned convict, that such application has been lodged at the High Court, the Superintendent shall immediately inform the Judicial Secretary, or Defence Secretary, by telegram * that information in regard to the application having been lodged at High Court has been received by him from the High Court, or from those acting on behalf of the condemned convict, as the case may be, at the same time informing the Judicial Secretary, or Defence Secretary, that execution will be postponed † pending intimation from the Judicial Secretary or Defence Secretary of the result of the application.

NOTE.—If sentences of death have been passed on more than one person in the same case, and if intimation is received from, or on behalf of, only one or more but not all of them of an intention to apply for leave to appeal to the Privy Council the execution of the sentence shall be postponed not only in the case of the person or persons, from whom, or on whose behalf, such intimation has been received but also in the case of the other person or persons from whom, or on whose behalf, no such intimation has been received

X. In the event of its coming to the knowledge of the Superintendent at any time before the execution of the

* In the case of the Rangoon Jail no intimation by telegram is necessary, unless the Secretary to the Government of Burma, Judicial Department, or Defence Department, as the case may be, is at Maymyo.

† See rule under sub-section (6) of section 401 of the Code of Criminal Procedure reproduced as a foot-note to Rule IV.

sentence that altogether exceptional circumstances have arisen which plainly demand a reconsideration of the sentence, he is at liberty, anything in the foregoing rules notwithstanding, to report the circumstances by telegraph * to the Secretary to the Government of Burma, Judicial Department, or Defence Department, as the case may be, and ask for orders, and to defer † execution till they are received.

XI. The Superintendent shall at once repeat back to the Secretary to the Government of Burma, Judicial Department, or Defence Department, as the case may be, all telegrams, communicating orders to him regarding petitions for mercy, by way of acknowledgment of their receipt.

NOTE.—In the case of the Rangoon Jail, acknowledgment will be made in the same way by letter, unless the Secretary to the Government of Burma, Judicial Department, or Defence Department, as the case may be, is at Maymyo.

XII. Telegrams from Superintendents giving the substance of petitions for mercy addressed by convicts under sentence of death to the Governor and to His Majesty the King or reporting exceptional circumstances which demand a reconsideration of the sentence will be invariably acknowledged by telegram by the Secretary to the Government of Burma, Judicial Department, or Defence Department, as the case may be. If such an acknowledgment is not received within a reasonable time, the Superintendent shall repeat his original telegram, and ask for an acknowledgment.

Commuta-
tion of
capital
sentence.

635. No fresh warrant from the Committing Court need be called for in cases where the Governor in Council, acting under the powers conferred under section 401 or section 402 of the Code of Criminal Procedure, or His Majesty the King-Emperor, commutes the capital sentence. The order of commutation shall be a sufficient warranty.

Search and
confinement
of prisoner.

636. Every prisoner sentenced to death shall, on admission, be searched at once in the presence of the Chief Jailer and, without waiting for confirmation of such sentence, shall be confined in a cell by himself, a cell ticket drawn up in Form No. 13 being, at the same time, prepared and suspended over the cell door. No prisoner under sentence of death shall be fettered, or handcuffed, unless there is reason to apprehend that danger may result to his guards or himself from his

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† See rule under sub-section (6) of section 401 of the Code of Criminal Procedure reproduced as a foot-note to Rule IV.

violence. In any case in which mechanical restraint is resorted to, the Chief Jailor shall himself see that it is properly applied.

Mechanical
Restraint.

637. No prisoner under a sentence of death shall be placed in a cell having only a wooden door, and, if there is a wooden door in addition to an iron grated door, the former shall be kept open. It should not be possible to unlock a "condemned" cell with any key but its own.

Security of
cell.

638. The Jailor-in-charge is responsible that nothing is left on the prisoner's person, or in his cell, which he might use to effect his escape, or to commit suicide. For conservancy purposes, wooden vessels shall be supplied.

Precautions
against
escape and
suicide.

639. The prisoner shall be placed, day and night, under the constant charge and observation of a paid warder, armed with a baton only, whose orders shall be to allow no one near, except the Superintendent, the Medical Officer, the Chief Jailor, subordinates on duty, a jail visitor, or such other visitors as are provided for under paragraph 645.

Guarding.

640. The key of the cell door shall be kept during the day by the free warder on special duty on the cell, and during the night either in the key box (paragraph 208) or with the senior officer on duty within the jail, whichever the Superintendent, after taking into consideration the structural arrangements of the jail, considers best for rendering immediate help to the inmate of the cell in a case of a sudden emergency. On such occasions the nearest paid subordinate is empowered to enter the cell and do all he can before the jailor arrives.

Custody of
keys.

Procedure in
emergent
cases.

641. The head warder-in-charge shall visit frequently, during the day and night, at uncertain hours, the sentries posted over the condemned cells. This head warder shall at once report to the jailor, for communication to the Superintendent, any suspicious conduct on the part of condemned prisoners.

Duties of
Head
Warder.

642. A prisoner under sentence of death shall be allowed the ordinary diet of a labouring prisoner, and no indulgences shall be given unless ordered by the Medical Officer.

Diet for
condemned
prisoner.

Serving of
food to con-
demned
prisoner.

643. The prisoner's food shall always be given him in the presence of the jailor on duty, who shall satisfy himself that it has not been tampered with, and that the plates, etc., are removed after the prisoner has had his meal. His person, irons (if imposed) and cell shall be examined at the same time. The prisoner shall not be taken out of his cell for the purpose of bathing or exercise without a jailor being present at the cell. On the recommendation of the Medical Officer, he may be allowed exercise in the open air, at stated hours, under the care of a proper guard.

Exercise of
condemned
prisoner.

Guard over
several
prisoners.

644. Where there are two or more condemned prisoners confined in cells at some distance from one another, a separate guard should be placed over each cell, but, where the cells are contiguous, it will suffice to place one sentry over four cells who will be responsible for the four condemned prisoners under his charge. If more than four cells are thus occupied, an extra sentry should be stationed, even when the cells are contiguous, for every additional four cells or part thereof.

Provision of
books and
tobacco.

645. Any condemned prisoner who can read and write, shall be provided with such books as he may wish for, subject to the Superintendent's approval ; a prisoner who smokes shall be provided with tobacco ; all reasonable indulgences will be allowed in the matter of interviews with relatives, friends and legal advisers ; it shall be the duty of the religious teacher of his persuasion, attached to the jail, to visit the condemned prisoner daily, and, if he wishes to see any other approved religious minister, endeavours will be made to comply with this request.

Interviews
and religi-
ous rites.

Female
prisoners.

646. Paragraphs 631—645 are applicable in the case of female condemned prisoners, except that no female shall in any circumstances, be put in leg irons, that such female shall be guarded by a wardress, and that the daily search shall be made by the matron or wardress, the jailor keeping within hearing distance, but not in sight, of the condemned prisoner while the search is being made. The cell shall, however, be examined by the jailor.

Female
prisoners
found
pregnant.

647. In the event of a female prisoner, sentenced to capital punishment, being found to be pregnant, the fact shall be certified by the Medical Officer, and shall be noted by the Superintendent on the warrant, which shall then be returned to the Sessions Judge under section 382 of the Code of Criminal Procedure, for the orders of the High Court.

648. When a female prisoner sentenced to death declares herself to be pregnant, and the Medical Officer is unable to certify whether the statement is true or not, he shall state the fact in writing, together with the interval of time necessary to enable him to satisfy himself on the point, and the statement shall be attached to the warrant and forwarded therewith to the Sessions Judge. If pregnancy is eventually found to exist, the course prescribed in the last preceding paragraph shall be followed.

Female prisoners alleging pregnancy.

649. When the execution of a capital sentence on a female convict has been suspended under either of the two last preceding paragraphs, it shall not afterwards be carried into execution without the express orders of Government, for which the Superintendent shall apply, through the Inspector-General.

Execution of sentence suspended on account of pregnancy.

650. Should a prisoner develop symptoms of insanity before the capital sentence can be given effect to, the circumstances should be immediately brought to the notice of Government, and the execution deferred pending receipt of orders on the reference. The execution of a condemned prisoner should not be carried out on the date fixed if he is physically unfit to receive the punishment, but in determining the degree of physical disability sufficient to justify postponement of execution the illness should be both serious and acute (*i.e.*, not chronic), before postponement is considered. It is, however, for the Governor in Council to decide whether the degree of illness is sufficient to warrant postponement of execution. The circumstances should be immediately brought to the notice of Government and the execution deferred pending receipt of orders on the reference.

Prisoners becoming insane or physically unfit.

651. Should any extraordinary or unavoidable delay occur in carrying out a capital sentence on the date finally fixed for execution (*e.g.*, the supervention of an epileptic fit of some hours' duration when the prisoner is brought to scaffold), the Superintendent shall postpone the execution to a fresh date and shall report the circumstances necessitating such postponement by telegram, if necessary, for Government's information.

Execution to be suspended, if extraordinary or unavoidable delay occurs

652. The Superintendent shall be solely responsible for the proper execution of a sentence of death. Intimation shall be sent to the Deputy Commissioner of the district on the day previous to that fixed for the execution, and such Deputy Commissioner shall himself, attend, or appoint an Assistant Magistrate to be present before sunrise, at the place of execution.

Responsibility of Superintendent.

Attendance of a Magistrate.

Attendance
of Minister
or Priest.

653. Should a condemned criminal express a wish that a Minister or Priest of his own religion should be present at the execution, permission to attend may be granted, to such Minister or Priest, by the Superintendent.

Place of
execution
and prepara-
tion of
mechanical
appliances.

654. Execution shall be carried out within the walls of the jail. Except in large jails provided with gallows of the Alipore pattern, all gibbets should be temporary. When not required for actual use, they should be taken down and stored away outside the jail. The gallows shall be erected, and the rope tested in the presence of the Superintendent, on the day preceding the execution. A well-made manilla rope, one inch in diameter, should be used, and the rope and noose should be tested * to bear a dead strain of 1,400 lbs. In case of accident, a spare rope should be at hand and available.

Scale of
drop.

655. The following scale of drop, proportioned to the weight of the prisoner, is given for general guidance, but the Superintendent must exercise discretion and be guided by the physical condition of the prisoner:—

			DROP.	
			Ft.	in.
Under 100 lbs. weight	...	..	10	6
Under 120 lbs. weight	...	..	9	6
Under 140 lbs. weight	...	..	9	0
Under 160 lbs. weight	...	..	8	6
Under 180 lbs. weight	...	..	8	0

To these drop measurements should be added the length of rope required for the noose.

Hour of
execution.

656. The early morning shall be selected as the time for execution. The prisoners in the jail shall not be made to attend, and shall, as a rule, be kept in their sleeping-wards until the execution has taken place.

Attendance
of spectators.

657. Members of the general public may be admitted to witness executions only with the permission of the Superintendent. Admission shall be restricted to adult male relatives of the prisoner and other respectable male adults, up to a maximum of 12 in all. The names and addresses of these spectators shall be recorded in the gate register so that they may afterwards, should occasion arise, be called as witnesses. The Superintendent may, at his discretion, refuse admission

* In ganging the tensile strength of the rope, it should not be subjected to a sudden jerk. The dead weight prescribed is approximately the strain developed by a body weighing from 100 to 180 lbs. falling from a height of from eight to ten feet.

altogether, or to particular individuals, in cases where the circumstances justify such a course.

658. Before his removal from the cell to the scaffold, the prisoner shall be formally identified by the Superintendent and the Chief Jailor, as the person named in the warrant. The condemned man shall thereafter be dressed in a cotton gown, long enough to reach to his ankles, and his arms shall be securely pinioned behind his back.

Identification prior to execution.
Dress to be worn by prisoner at execution.

659. On reaching the gallows the duty of the executioner is as follows:—

Duties of executioner.

- (1) Place the convict * *exactly* under the part of the beam to which the rope is attached.
- (2) Strap the convict's legs tightly together.
- (3) Put on the cotton cap, with flap, over face.
- (4) Put the rope round the neck quite tight, the knot or metal eye being just in front of, and below, the angle of the jaw, so as to run up behind the ear when the man falls and receives the jerk. Care must be taken to adjust the rope so that the part with the metal eye shall pass in front of the throat. The noose should be kept tight, as adjusted, by means of a stiff leather washer on the rope. The flap of the cap should hang in front, free from the rope.
- (5) Go *quickly* to the lever, and let down the trap-door.

660. The body shall remain suspended for half an hour and shall then be examined by the Medical Officer. It shall not be taken down until the Medical Officer declares life to be extinct. The bodies of executed criminals shall be buried, unless claimed by relatives or friends. When the body is claimed by friends or relations, and there are no special reasons for refusal (see paragraph 1019) it shall be carried outside the main gate and there delivered over to them.

Examination and disposal of body.

661. When the sentence has been executed the Superintendent shall return the warrant to the court from which it issued, with an endorsement in the following form, certifying the manner in which the sentence has been carried out:—

Certificate of execution.

I do hereby certify that the sentence of death passed upon the prisoner by the has been duly executed, and the said was accordingly hanged by the neck till

* The position may be indicated by a mark, chalked previously on the trap floor of the scaffold.

he was dead within the precincts of the jail at on the day of and that his body, after execution of the sentence, was allowed to hang for the space of half an hour, and was then

I do also certify that no accident or misadventure occurred in the execution of the abovenamed criminal.

Given under my hand and seal this day

(Signed)

**Accident or
misadventure.**

662. In the event of the occurrence of any accident or misadventure during the execution, the Superintendent shall omit the last paragraph of the certificate referred to in paragraph 661, and shall furnish the Inspector-General with a report of the circumstances with a view to precautions being taken for the prevention of similar accidents in future.

**Expenses of
execution
to be borne
by jail.**

663. All expenses, connected with the carrying out of executions, shall be met from jail funds.

Scale of fees.

664. Fees, not exceeding the limit prescribed below, may be paid in respect of each execution to the officiating hangman :—

	Rs.
If an outsider and in no way connected with the jail staff	15
If a prisoner	10
If a member of the jail paid staff	5

Section XV.—Classification of Convicted Prisoners into three classes.

665. Convicted prisoners shall be divided into three classes, Division into classes.
viz., A, B and C.

666. Prisoners shall be eligible for Class A if they fulfil the following conditions:— Eligibility of prisoners to be classed as "A" Class.

- (1) they are non-habitual prisoners of good character ;
- (2) they, by social status, education and habit of life have been accustomed to a superior mode of living ;
and
- (3) they have not been convicted of—
 - (a) offences involving elements of cruelty, moral degredation or personal greed ;
 - (b) serious or premeditated violence ;
 - (c) serious offences against property ;
 - (d) offences relating to the possession of explosives, firearms and other dangerous weapons with the object of committing an offence or of enabling an offence to be committed ;
 - (e) abetment or incitement of offences falling within these sub-clauses.

667. Prisoners shall be eligible for Class B who by social status, education or habit of life have been accustomed to a superior mode of living. Habitual prisoners shall not be excluded automatically ; the classifying authority is allowed discretion to suggest their inclusion in Class B on grounds of character and antecedents. Class B is intended to meet the case of European, Anglo-Indian, and Burman or other prisoners whose standard of living is higher than that of the ordinary jail population. Eligibility of prisoners to be classed as "B" Class.

668. Class C shall consist of prisoners who are not classified in Class A or B. "C" Class prisoners.

669. The High Court, Sessions Judges and District Magistrates, Subdivisional Magistrates and Magistrates of the first class (the two latter through the District Magistrate) in cases tried by them originally, or in any other case, the District Magistrate, shall make the initial recommendation for classification in Class A or B to Government by whom these recommendations shall be confirmed or reviewed. Court to make recommendations in the case of A and B Class prisoners.

Privileges
admissible to
A Class
prisoners.
Diet.

670. The following privileges are admissible to prisoners placed in Class A:—

(1) *Diet*.—They shall be given the diet prescribed in paragraph 1084 and shall be allowed to have additional food at their own expense brought in from outside the jail, subject to medical advice. The food so imported should be of a simple character and the concession should not be made an excuse for the importation of luxuries.

Clothing.

(2) *Clothing*.—They shall be permitted to wear their own clothing but this concession does not cover the wearing of garments of political significance. If they desire to have clothing at Government expense, they will be provided with that prescribed for Class B prisoners. Clothing in excess of requirements, as determined by the Superintendent, shall be returned to the prisoners' relatives, or, if the prisoners have no relatives willing to accept the excess clothing, shall be retained in jail and returned to the prisoners on release.

Bedding.

(3) *Bedding*.—Cots and bedding shall be supplied at Government expense. These prisoners may also, subject to the advice of the Superintendent and the Medical Officer, be allowed the use of their own bedding, but not cots, which will be provided by the jail.

Accommodation.

(4) *Accommodation*.—Till a separate jail can be set apart for Class A prisoners, the Inspector-General shall select, for their confinement, special jails in which they will not come into contact with prisoners of Classes B and C. Prisoners of Class A may be confined in a special dormitory or block of cells. Except when imposed as a jail punishment, the imprisonment in no case should involve anything of the nature of separate confinement.

Tasks.

(5) *Prison Tasks*.—The tasks allotted in the case of those sentenced to rigorous imprisonment should be assigned, after due consideration, on medical grounds, and with careful regard to the capacity, character, previous mode of life and antecedents of the prisoners. They should not be required to pay for the work done for them. On the other hand, they are not allowed to employ other prisoners as their personal servants.

Facilities
for reading.

(6) *Facilities for Reading*.—They may be allowed the use of books from the jail library, and also to read books and magazines from outside (purchased at their own expense), subject to the approval of the Superintendent. Compared

with prisoners in Class B a larger allowance should be made for the provision of reading matter for prisoners in Class A.

(7) *Newspapers*.—In addition to the “Shwe Pyi Daw” Newspapers. copies of which are supplied weekly to all jails, newspapers may be allowed under special circumstances, with the approval of Government, the subject matter being censored by the jail authorities.

(8) *Letters*.—Ordinarily they may be allowed to write Letters. and receive one letter, once a fortnight. On urgent occasions, for example, a death or serious illness in the family, the rule may be relaxed at the discretion of the Superintendent. The contents of all letters should be limited to private affairs, and there should be no reference to jail administration and discipline, to other prisoners, or to politics.

(9) *Interviews*.—Applications for interviews should be Interviews. made on Jail Form No. 6. Interviews are to be permitted once a fortnight. They should take place in the presence of the Superintendent or of an officer deputed by him on this behalf, and should be strictly confined to private and domestic matters. The discussion of political questions should not be allowed. Ordinarily, the number of visitors should not exceed two, but an exception may be made at the discretion of the Superintendent if he considers there are special circumstances that call for a relaxation of the rule. Publication of matters discussed at the interview may be treated as a sufficient ground for the withdrawal of the privilege if the Superintendent has reason to believe that such publication has, in any way, been due to any act or omission on the part of the prisoner.

(10) *Furniture, etc.*.—Cooking and eating utensils and Furniture, etc. furniture of a simple kind (such as a table, chair, commode, etc.) belonging to the prisoners may be allowed into the jail, or, if necessary, they may be allowed from the jail stock without payment.

(11) *Parades*.—The ordinary rules as regards unlock and lock-up, latrine and other parades, work and exercise and similar other details should be followed at the discretion of the Superintendent, who may consult the Inspector-General in case of doubt or difficulty. Such prisoners should be given to understand that they are required to stand and walk in an orderly fashion and behave respectfully to the Superintendent and those in authority.

(12) *Mode of Address*.—Burmese prisoners are to be Mode of address. addressed as “Maung” and “Ma.” Similar respect should

be paid to prisoners of other nationalities by the adoption of the mode of address that they would be entitled to were they free citizens.

Restraint. (13) *Restraint*.—These prisoners should neither be fettered nor handcuffed, except in circumstances stated in paragraphs 327 and 328.

Punishments. (14) *Punishments*.—In the event of a prisoner misconducting himself, the Superintendent is empowered to withdraw individual privileges, this procedure being preferable to the award of other punishments which should be inflicted as rarely as possible. Ordinarily the infliction of punishment is left to the discretion of the Superintendent, but all serious offences should be reported to the Inspector-General and his orders taken before the punishment is inflicted.

Whipping. (15) *Whipping*.—Whipping shall not be awarded, except with the permission of Government.

Removal to lower class. (16) *Removal to a lower class*.—The power to remove a prisoner from Class A to Class B rests solely with Government.

Medical attention. (17) *Medical Attention*.—These prisoners shall be subject to the ordinary rules in the Manual in regard to medical attention. Outside private practitioners should not be allowed to enter the jail to treat the prisoners, and they should only be called for consultation on the recommendation of the Medical Officer of the jail and with the authority of Government. As far as possible, doctors, as are required for consultation, should be Government Medical Officers. No drugs, medical or surgical appliances, etc., shall be permitted to enter the jail, except with the approval of the Medical Officer of the jail.

Privileges admissible to B Class prisoners. **671.** The privileges enumerated in paragraph 670 are admissible to class B prisoners, subject to the following limitations:—

Diet. (1) They are not allowed to supplement the prison diet by private purchases.

Clothing. (2) They are to wear prison clothing modified in certain respects and of a better type than that worn by Class C prisoners, due regard being paid to the health and mode of living to which they are accustomed. In this connection *see* paragraphs 1062 to 1064.

Accommodation. (3) They are to be accommodated separately from prisoners classed in Classes A and C.

(4) They are to be provided with the following furniture Furniture.
from the Jail stock without payment:—

<i>For each "B" Class Prisoner.</i>	<i>Number.</i>
(a) Single wooden bed with mosquito net poles ...	1
(b) Table 3' × 2' × 2½' with one drawer (right hand side).	1
(c) Armless chair with cane seat	1

For every eight "B" Class Prisoners.

(d) Dining Table 6' × 3' × 2½'	...	...	1
(e) Wooden Benches 6' × 1½' × 1½'	...	...	2

(5) They are to be provided with books and magazines Facilities for reading.
(purchased at their own expense), but to a lesser extent than Class A prisoners.

Note Books and Exercise Books may be supplied only as a special privilege and at their own expense.

(6) They may write one letter, and receive one letter, Letters.
and have an interview, once a month.

(7) They are required to perform the duties of "Convict Officers" as defined in Chapter VI. To act as convict officers.

(8) They are liable to be awarded punishments as laid down in Chapter X. Whipping, however, must not be inflicted without the previous sanction of the Inspector-General. Punishments.

(9) For gross misconduct a prisoner in Class B may, with the permission of Government, be reduced to Class C. Removal to Class C.

(10) Each Jail Library will be provided with one Hanging Almirah 2' × 1½' × 2½' from the jail stock for the use of all "B" class prisoners without payment.

672. The following duties shall be performed by "B" Class prisoners:— Duties to be performed by "B" and "C" Class prisoners.

- (1) Cooking for themselves.
- (2) Cleaning their dining tables.
- (3) Dusting their own cells or wards and keeping these clean and tidy.
- (4) Washing their own clothing.
- (5) Keeping their bedding clean and neatly arranged.

"C" Class prisoners, who are not to be regarded as the personal servants of "B" class prisoners, shall, at fixed times, and, in the presence of a Jailor, be employed on:—

- (1) sweeping, scrubbing and washing the floors of the cells or wards occupied by "B" class prisoners, and scrubbing and washing the windows and wood-work of these cells or wards.

- (2) storing of water.
- (3) washing up cooking utensils.
- (4) other manual duties not specifically mentioned above.

**Treatment
of Class C
prisoners.**

673. Prisoners classified in Class C shall be treated as ordinary convicts.

Clothing.

674. Clothing.—“ A ” and “ B ” Class convicted *pongyi* prisoners may be allowed to retain their yellow robes. For the replacement of clothing and other necessities for “ A ” and “ B ” Class *pongyi* prisoners (see paragraph 1064).

Diet.

Diet.—“ A ” and “ B ” Class convicted *pongyi* prisoners will be entitled to the same privilege as others similarly classified, but may be permitted to take only two meals before noon and nothing afterwards.

Discipline.

Discipline.—According to their classification, convicted *pongyi* prisoners of the “ A ” and “ B ” Class shall be subject to the ordinary rules in regard to discipline.

Theins.—Convicted *pongyi* prisoners of the “ A ” and “ B ” class shall be allowed to observe *uposatha* once a fortnight in a consecrated *thein*, provided that there is a *thein* at a distance of not more than two miles from the Jail and the Police are able to arrange necessary escort and transport.

**Second class
accommoda-
tion to be
provided
during
journey.**

675. A and B Class prisoners travelling by rail, or steamer, shall receive second class accommodation. When travelling by Government steamer a daily dieting allowance of Rs. 2 shall be admissible (see paragraph 523).

Section XVI.—European Prisoners.

Section 56 of the Indian Penal Code requires that whenever an European or American is convicted of an offence punishable under that Code with transportation, the Court shall sentence the offender to penal servitude instead of transportation, according to the provisions of Act XXIV of 1855. These provisions are now laid down in Section 19 of the Prisoners Act, 1900, according to which—

Statutory provisions.

- (1) every person under sentence of penal servitude may be confined in such prison within British Burma as the Governor, by General order, directs, and may, while so confined, be kept to hard labour and, until he can conveniently be removed to such prison, be imprisoned, with or without hard labour, and dealt with in all other respects as persons under sentence of rigorous imprisonment may, for the time being by the law be dealt with ;
- (2) the time of such intermediate imprisonment, and the time of removal from one prison to another shall be taken and reckoned in discharge or part discharge of the term of the sentence.

676. Europeans and others who, following European modes of life, are classed with Europeans, shall be included in A, B or C Class, as the case may be, and all the rules relating to the treatment of such A, B or C Class prisoner shall apply to European prisoners, save where exception is, made in special rules relating to European prisoners.

Classification according to European standards of living.

677. Whenever a sentence of penal servitude is passed by a Court-Martial on any military prisoner not being a native of India, he shall, as soon as practicable, be transferred, by the Military authorities, to a penal servitude prison in the United Kingdom (sections 60 and 62 of the Army Act, 1881) Pending such transfer, such military convict, when in civil custody, shall be kept in an "authorized * prison." Provided that, when it is not practicable to place him in an "authorized prison," he may be confined temporarily in any other prison, with the assent of the authority having jurisdiction over that prison (section 60, *ibid.*). The remission system will not be applied in the cases of military prisoners undergoing sentence passed by Courts-Martial.

Military prisoners sentenced by Courts-martial to penal servitude.

Remission system not applicable to Military prisoners.

* Under Military Department Notification No. 163 dated the 18th March 1881 (Burma Rules Manual, page 2), the Central Jail at Rangoon was declared to be an "authorized prison" in accordance with the provisions of the Army Discipline and Regulation Act.

Military
prisoners
sentenced by
Courts-
martial to
imprison-
ment.

678. Whenever a sentence of imprisonment is passed by Court-Martial or a Commanding Officer, on a military prisoner, not being a native of India, he may undergo his term of imprisonment in an "authorized prison." Provided that, when the term of imprisonment exceeds twelve months, he shall be transferred to the United Kingdom * unless the Court, or the Secretary of State otherwise directs (sections 63, 65 and 131 of the Army Act, 1881).

Offences and
punishment
to be record-
ed in regi-
mental
defaulters' sheet.

679. In the case of an European military prisoner, particulars of offences committed and punishments undergone, while in confinement, shall be communicated for entry in the regimental defaulters' book.

Death to be
reported.

680. The death of every European and American prisoner, with details of his parentage and previous residence, if known, shall be reported, by the Superintendent, to the Deputy Commissioner of the district. In the case of a military prisoner, notice shall also be given to the Assistant Adjutant-General, Burma Division.

Clothing, etc.

681. Each European prisoner will be provided with clothing, etc., as detailed in Chapter XVI.

Half-yearly
returns.

682. A half-yearly return, prepared in Form No. 36, of all European prisoners in confinement, shall be submitted to the Inspector-General by the jails in which European prisoners are confined.

* The rules for the provision of clothing and free passages, to England, for all military convicts in civil custody, who were not enlisted in this country, and whose discharge from the Army is ordered, either on conviction or subsequently, are given in paragraph 556.

Section XVII.—Vagrants.

683. Under section 3 of Act IX of 1874, the European Vagrancy Act, “vagrant” means a person of European extraction (including persons born in Europe, America, the West Indies, Australia, Tasmania, New Zealand, Natal or the Cape Colony, the sons or grandsons of such persons, but excluding those commonly called Eurasians or East Indians) found asking for alms, or wandering about without any employment or visible means of subsistence. Such a vagrant, required by a Justice of the Peace exercising the powers of a Magistrate of the first class under the Criminal Procedure Code to go to a work-house, shall be admitted as such into either the Rangoon, Moulmein, Akyab, or Bassein Jails (which have been declared work-houses for the purposes of that Act and made subject to the orders of the Inspector-General) on the authority of a written order, from such Magistrate, issued under section 5 of the Act.

Definition of
vagrant.

Place of
detention.

NOTE.—At Rangoon, separate accommodation, away from the jail proper, is provided for vagrants.

684. Vagrants admitted to any of the above authorized work-houses shall, if the Governor * so orders, be searched, and their bundles, packages, and effects inspected, and the Governor may direct that any money found with, or on, them shall be applied towards the expenses incurred in carrying out the requirements of the Act, and may order that all or any of the said effects shall be sold, and that the proceeds of the sale be applied as aforesaid, but subject to like orders.

Search of
vagrants on
admission.

685. While under detention, the same scale of diet shall be issued to vagrants as is allowed for B Class labouring prisoners. They shall wash their clothing, whether their own or that belonging to the jail, and shall be kept in the same enclosure as European prisoners, but they must be entirely segregated from such prisoners, and they shall be subject to the following rules prescribed by Government for the management and discipline of European vagrants admitted into the work-houses of Burma under the European Vagrancy Act:—

Diet for
vagrants

(1) Vagrants, on admission, shall be kept separate until it has been certified by the Medical Officer that they are clean and are fit to be received amongst the other inmates. Should any of them be in a dirty condition, or afflicted by vermin, the

Segregation
of vagrants.

* The Superintendent of the Jail is *ex-officio* Governor of the work-house.

necessary steps must be taken, after consultation with the Medical Officer, to have them properly cleaned.

Medical
Officer to
certify
appropriate
class of
labour.

(2) Vagrants shall be brought before the Medical Officer of the work-house the morning after admission. The Medical Officer shall examine them and certify as to their fitness for hard, medium, or light labour, their state of health and mental condition. Should he consider any of them unfit for labour, he shall certify to that effect and place them under the necessary medical treatment. If certified as fit for labour, they shall be immediately put to such work as the Governor of the work-house may see fit.

Employ-
ment.

(3) Employment of some sort, and, if possible, profitable employment, shall be provided for all inmates of the work-house. It shall be the duty of vagrants to perform the full tasks allotted to them.

Scale of
clothing and
bedding.

(4) On a vagrant being admitted into the work-house, he shall be provided with the following articles of clothing, namely, one jumper, one pair of *pyjamahs*, one pair of shoes, and one *sola topee*; he shall also receive a towel, a piece of country soap, a tin pot, plate and spoon, and two country blankets.

Disposal of
private pro-
perty of
vagrant.

(5) The clothes and property, belonging to any vagrant and brought by him into the work-house, shall be taken charge of by the Governor, and an inventory thereof shall be immediately made in a book kept for that purpose. Each entry made in respect of the property of a vagrant shall be signed by the vagrant. All such property as the Governor shall not have disposed of under section 13 of the Act shall be kept till the death or discharge of the vagrant to whom it belongs. In the event of his decease, the vagrant's effects shall be sold, and the proceeds disposed of in such manner as may be ordered, in each case, by the Inspector-General of Prisons. Should the clothes of a vagrant, on admission, be in a filthy condition, the Governor may cause them to be burnt immediately after making a note, in the book required to be kept under this rule, showing what they were, and his reasons for destroying them.

Hours of
labour.

(6) Hours of labour shall be fixed according to the seasons, by the Governor, the period of labour not to exceed six hours *per diem*.

Letters.

(7) Vagrants shall be permitted to write letters to their relatives or to persons likely to employ them.

Attendance
at divine
service.

(8) Vagrants shall be permitted to attend divine service and to be visited by the Ministers of their respective persuasions. Vagrants shall not be required to receive the visits of

Ministers of religious persuasions other than those to which they belong.

(9) Vagrants shall behave in a respectful manner to all officials, shall not make use of bad language, shall avoid quarrelling with their fellow inmates, shall not be idle or negligent at work, shall not damage work-house property, shall abstain from disorderly conduct, from singing without permission, and from making disorderly noises.

Strict discipline to be observed.

(10) The Governor, when awarding punishment under the provisions of clauses (a) to (d) of section 14 of the Act, shall at once enter fully the nature of the offence and the punishment awarded in a book to be kept for that purpose, and shall, as soon as may be convenient, lay such book before the Inspector-General for his information and orders.

Award of punishment.

(11) If the Governor considers that any particular breach of any of these rules, by a vagrant, cannot be adequately punished by him, he shall, on receiving permission from the Inspector-General so to do, prosecute such vagrant before a Magistrate under the provisions of section 14 of Act IX of 1874.

Prosecution for breach of rules.

(12) No tobacco or luxuries of any description may be introduced into a work-house save by the express permission of the Governor recorded in the order book.

Tobacco or other luxuries in work-house.

686. Under section 14 of the Act and Government's Judicial Department Notification No. 242, dated the 12th June 1891, any vagrant, who knowingly disobeys or neglects any of the above rules, may be punished by the Governor with any one of the following punishments, namely—

Nature of punishments to be inflicted on vagrant.

- (a) solitary confinement within the work-house for any time not exceeding seven days ;
- (b) solitary confinement within the work-house for any time not exceeding three days upon a diet reduced to such extent as Government may prescribe ;
- (c) hard labour for any time not exceeding seven days ;
- (d) reduction of diet to such extent as Government may prescribe, for any time not exceeding five days ;

or, in lieu of any such punishment, any such vagrant may, on conviction, before a Magistrate, of such disobedience or neglect, be punishable with rigorous imprisonment in jail for a term which may extend to three months.

Reduced
diet.

687. The diet specified below has been prescribed * as "reduced diet" for the purposes of clauses (b) and (d) of the foregoing paragraph:—

	Morning.	Evening.
	Oz.	Oz.
Wheat flour	8	8
Si	$\frac{1}{4}$	$\frac{1}{4}$
Water in sufficient quantity to make porridge.	...	...

Facilities to
secure] 
employment.

688. With the permission of the Governor, vagrants may be allowed to leave the work-house for a specified time for the purpose of seeking employment. On such occasions they shall sign a declaration (*vide* Form No. 29), and they must return not later than the hour mentioned in the declaration.

Vagrants
liable to
imprison-
ment for not
returning to
workhouse
after expiry
of leave.

689. Should a vagrant fail to return on the expiration of the time specified in the declaration, or when the purpose for which he obtained leave has been accomplished or proves to be impracticable, he is, for every such offence, liable under section 20 of the Act, on conviction before a Magistrate, to suffer rigorous imprisonment for a term which may extend to two years.

Employment
secured by
Governor
not to be
refused by
vagrants.

690. The Governor of the work-house is bound, under section 15 of the Act, to endeavour to the best of his ability to obtain employment for vagrants admitted therein, and neglect or refusal on the part of such vagrant to avail himself thereof is, on conviction before a Magistrate, punishable with rigorous imprisonment which may extend to one month.

Disposal of
vagrants if
no suitable
employment
is found.

691. If, after the lapse of a reasonable time, no suitable employment is obtainable for any such vagrant, the Government may, under section 16 of the Act, either cause him to be removed from British Burma, or release him after causing sections 23 and 30 of the Vagrancy Act to be read to him.

Statistics to
be furnished
in monthly
statements.

692. Vagrants shall not be shown in the jail admission registers or returns, but a note should be made at the foot of monthly Statement XVII (Form No. 134), showing the number of vagrants admitted, discharged, or remaining under confinement, during the particular month to which the statement refers.

* Judicial Department Notification No. 243, dated the 12th June 1891, reproduced in the Burma Rules Manual, Volume 11.

Section XVIII.—Undertrial Prisoners.

Under section 27 (3) of the Prisons Act, 1894, unconvicted criminal prisoners (undertrial prisoners) shall be kept apart from convicted criminal prisoners as well as from civil prisoners. Under section 31 of the Act, an undertrial prisoner shall be permitted to obtain, subject to certain restrictions, food, clothing, bedding or other necessities. The Superintendent shall, under section 33, supply clothing and bedding to an undertrial prisoner unable to provide himself with these articles. Section 40 requires that due provision shall be made for the admission to prison of persons, including duly qualified legal advisers, with whom undertrial prisoners may desire to communicate.

Statutory provisions.

693. Where jail accommodation as available, prisoners, under trial are, as a rule, remanded to jail custody. In exceptional cases, however, where the police require to complete their investigation, Courts remand prisoners to police custody. A separate warrant must accompany each undertrial prisoner. Undertrial prisoners, after admission to jail, shall not be interfered with by the police.

General principles concerning undertrials.

When possible, undertrial prisoners shall be conveyed to and from the Court in a special conveyance. Handcuffs shall be used only if they are necessary.

694. There shall be two classes of undertrial prisoners, based only on previous standards of living, "special" and "ordinary." The classifying authority shall be the trying Court, subject to the approval of the District Magistrate. According to their classification special class undertrial prisoners shall be given precisely the same privileges and treatment as are laid down for A and B class convicted prisoners.

Classification of undertrials as "special" or "ordinary."

Undertrial prisoners of the "special" class shall be kept separate from those of the "ordinary" class.

695. The diet provided the Class B convicted prisoners shall be given to undertrial prisoners of the "special" class. Undertrial prisoners of the ordinary class shall be provided with the prison diet prescribed for Class C prisoners.

Diet.

Undertrial prisoners of either class shall be allowed to supplement this diet by private purchase through the jail authorities.

695A. Burmese undertrial prisoners of the special class should be addressed as "Maung" and "Ma." Similar respect

Mode of address.

should be paid to undertrial prisoners of the same class of the other nationalities by the adoption of the mode of address to which they would be entitled were they free citizens.

Segregation.

696. As provided for under paragraph 415 (3), undertrial prisoners shall be kept separate from convicted prisoners. The wards reserved for undertrials shall stand within their own enclosures and be kept strictly segregated from the rest of the jail. Whenever such an arrangement is possible, juvenile undertrial prisoners shall be segregated from adults; and prisoners committed to the Sessions from those charged with minor offences.

Members of the Military Police in custody pending trial.

697. Members of the Military police, in custody pending trial, shall, whenever practicable, be confined in the battalion quarter-guard, and not in a jail or lock-up. Superintendents shall be careful to see that sufficient reason is assigned by the police whenever the police desire to confine such men in the jail.

Complete segregation directed by Court.

698. Whenever a Judge or Magistrate trying a case requires that an unconvicted prisoner be kept entirely apart from all other prisoners, Superintendents shall comply.

Treatment of approvers.

699. When the warrant or remand order of an accused person, who has confessed under section 164 of the Code of Criminal Procedure, contains instructions that he should be kept entirely apart from all other prisoners, Superintendents shall, as far as possible, comply therewith.

Production before Court. Prevention of undue detention. Procedure in cases of undertrials committed to Sessions.

700. An undertrial prisoner, remanded to jail by a Magistrate, shall be accompanied by a written order under section 167 or 344 of the Code of Criminal Procedure specifying, except in the case of prisoners committed to Sessions, the term of remand. Upon the expiration of this term, if the case has not been dealt with in the meantime, the jailor shall produce the undertrial prisoner before the Court, when a new order will be endorsed on Criminal Form 71 * giving reasons therefor if a further remand is ordered. The fact that a prisoner undertrial is too sick to attend Court does not justify his being kept in custody without legal authority, sickness will probably be considered by the Court to form some ground for the issue of

* This form provides for five remands. When further remands are found necessary, a fresh form should be used by the Court and attached to the first, so that the jailor will be in possession of every remand in respect of the prisoner up to the final disposal of his case.

a remand. In Sessions cases, when the date is fixed for the production of a prisoner, it should be endorsed by the jailor on the warrant, which will be drawn up in Criminal Form No. 81 in Lower Burma and No. 123 in Upper Burma. In such cases the prisoner shall be duly informed of the date fixed for the holding of the Sessions, so that he may make all the needful arrangements for the conduct of his defence. The number and name of every undertrial prisoner may be roughly entered in the release register at the foot of the page relating to the date on which each is to be produced in Court, but in central jails, where large numbers of the class are kept under detention, it will be more convenient to keep the warrants in a special pigeon-holed almirah, having a pigeon hole for each day of the month.

701. Undertrial prisoners shall be permitted to maintain themselves, and to purchase or receive from private sources, at proper hours, food, clothing, bedding, or other necessities, but subject to the sanction of the Superintendent and to examination, before delivery, by the jailor. Food, supplied from private sources, shall be examined by the Sub-Assistant Surgeon, who shall report to the Superintendent if it contains any deleterious or prohibited articles. If any prohibited article is found concealed in any food, or other thing, supplied to an undertrial prisoner, such food or thing shall be confiscated to Government, and the privilege of private supplies withdrawn. Paragraph 373 defining prohibited articles, applies to undertrial prisoners, except in so far as certain articles are allowed under this rule.

Supplies from private sources.

Prisoners of this class may be allowed the use of tobacco in reasonable quantities at their own expense at the discretion of the Superintendent and under suitable safeguards; but all purchases shall be made by the Chief Jailor. Supplies of tobacco received from the friends or relatives of such prisoners shall be made over to the Jailor at the jail gate, and be issued by him in terms of orders passed by the Superintendent and the Medical Officer of the jail.

Use of tobacco.

NOTE.—As laid down in paragraph 1076, unconvicted criminal prisoners shall be given two meals, *viz.*, breakfast and dinner. Arrangements shall always be made for such prisoners being given their food before they are sent to, and after their return from, Court.

Arrangements for food.

702. No part of any food, clothing, bedding or other necessities, belonging to any undertrial prisoner, may be given, hired or sold to any other prisoner, and any prisoner, transgressing the provisions of this rule, shall lose the privilege of purchasing food, or receiving it from private sources, for such time as the Superintendent thinks proper.

Privileges not to be abused.

Supply of
clothing at
Government
expense.

703. Every undertrial prisoner, unable to provide himself with sufficient clothing and bedding, shall be supplied by the Superintendent, with such clothing and bedding as may be necessary. The clothing so supplied shall be of suitable materials, and not the usual prison clothing.

Destitute
undertrials,
charged with
murder,
entitled to
services of
an advocate.

704. All undertrial prisoners, who are poor and are charged with offences punishable with death, are entitled to the services of an advocate, and, if none has been provided for, the attention of the District Magistrate shall be drawn to the matter.

General
discipline.

705. Undertrial prisoners shall not be subjected to further restraint than is necessary for their safe custody and the maintenance of jail discipline and the enforcement of rules.

Employment
of under-
trials.

705A. They may be permitted to maintain themselves by working at their trade or calling in their yard, if they desire it, but the earnings of such as are furnished with implements and materials at the expense of the jail shall be subjected to a deduction to be determined by the Superintendent. They shall not be employed outside their yard or outside the jail.

Pongyi
undertrials
allowed to
visit a *thein*
for obser-
vance of the
Sabbath.

706. *Pôngyi* undertrial prisoners shall be allowed to visit a *thein*, outside the jail, under proper escort, for the purpose of observing the Sabbath. It shall be the duty of the Police Department to arrange, in consultation with the Superintendent, to provide the required escort.

Guarding of
undertrials.

707. For the purpose of guarding unconvicted criminal prisoners inside their wards at night, a specially selected overseer and four night watchmen shall be appointed. The selection shall be strictly restricted to prisoners convicted for minor offences. During the day a selected convict night watch or convict overseer shall have charge of the undertrial section.

Persons and
clothing,
etc., to be
maintained
in a clean
condition.

708. Undertrial prisoners shall be required to keep their clothing and person clean. If accustomed to do so in their homes, they shall also keep their wards, yards and bedding clean. They shall not be required to clean their own latrines, or to perform any other degrading work.

Liable to
punishments
for jail
offences.

709. The rules in Chapter X relating to jail offences and punishments, are applicable to unconvicted criminal prisoners. An undertrial prisoner, attempting to escape, should be sent up for trial under section 224, Indian Penal Code, without delay.

710. Unconvicted criminal prisoners shall not be allowed to crop their hair, or in any way to alter their personal appearance, so as to make it difficult to recognize them. Hair-cutting.

They shall not, however, be prevented from changing their clothes, provided that their appearance is not thereby materially altered when they are presented for identification in the jail or when sent to Court for trial. They may also be permitted to wear shoes. Prisoners, who have been more than a month in jail, shall, if they so desire, have their hair cut to the same length as worn at the time of their admission. When the Medical Officer deems it necessary on the ground of the existence of dirt, vermin, or disease, the hair of an unconvicted prisoner shall be cut, but it shall not be cut closer than is necessary for the purposes of health and cleanliness (*see* paragraph 414). Change of wearing apparel.

711. Particulars of all undertrial * prisoners, together with particulars of property brought to jail, shall be entered in the undertrial admission register (Form No. 26), and each shall be provided with a history ticket (Form No. 9), on which shall be entered the particulars of his case, with the dates of admission and of every subsequent remand, and, where remands are frequent, explanation of the cause thereof; the fortnightly weightment shall also be noted. This ticket shall always be shown by the prisoner, to an inspecting officer. Registering of under-trials.
Provisions of history-tickets.

The Superintendent shall, before the seventh of every month, personally examine the Undertrial Admission Register, and submit to the Inspector-General a certificate (in Form No. 207) that it is correctly posted and up to date. Monthly examination of admission registers.

712. The jail authorities are to examine undertrial prisoners detained in the jail in order to ascertain whether they have been previously convicted. Whenever a previous conviction is discovered in this way, intimation of the fact shall be sent to the police immediately, or before the trial of the prisoner. Investigation as to previous conviction.

713. On the date entered in the original warrant, or on the date fixed by any subsequent orders, undertrial prisoners shall be placed in the custody of the police to be taken to Court. At the same time all property belonging to each undertrial prisoner (except cash, which shall, if the prisoner be released in Court, be delivered to him at the jail gate on his application) Production before Court.

* Unconvicted prisoners shall be specially searched for marks of wounds, bruises, etc., and anything which may be useful to the Courts, the result being recorded and reported.

Remand orders to bear cross reference.

shall be made over to the officer in charge of the police escort from whom a receipt for the property made over to the escort including such items as have been issued to the prisoner for the journey, shall be taken in column 7 of the register of prisoners made over (Form No. 74). When an undertrial prisoner has two or more remand orders, a note should be made in red ink on each remand order to the effect that the prisoner has another case or other cases against him.

Release of undertrial.

714. On receipt of a warrant or order of remission, directing the release of an undertrial prisoner, he shall be at once released (unless the order be received after the wards are locked up for the night in which case he shall be released immediately after the wards are opened next morning), and the warrant of detention shall be returned to the Court which issued it, with an endorsement by the Superintendent certifying that the order of release has been carried out. Any property, which has been taken possession of under paragraph 396, shall be made over to the prisoner.

Intimation as to release at the Court of undertrials on bail.

715. If an undertrial prisoner be discharged in open Court, or released on bail whilst attending the Court, a notification of the fact, under the signature of the officer presiding over the Court, will be sent, on the same day, to the Superintendent.

Weighments.

716. On release the weight of every undertrial prisoner shall be recorded in the undertrial register. In the case of undertrial prisoners who are released from Court, the last weighment recorded on the history ticket prior to release, shall be taken to be the weight on release.

Intimation to Court of cases of undertrials able to furnish bail.

717. The Superintendent shall report particulars to the Magistrate when undertrial prisoners, admitted for bailable offences, desire to furnish bail. In such cases the names of the persons, whom the prisoners respectively state are likely to come forward shall be specified.

Excessive detention to be reported to Government.

718. The Inspector-General shall maintain a careful watch over the number of undertrials confined in jails and subsidiary jails, and shall call the attention of Government to cases of excessive detention, when circumstances necessitate this action.

Release on bail owing to serious illness.

718A. In every case when an undertrial prisoner is so seriously ill as to be likely to die, the Superintendent shall report the circumstance to the Magistrate, or, if the prisoner is awaiting trial before the Sessions Court, to the Sessions.

Judge, in order that if the law permits and the Court thinks it proper, the prisoner may be released on bail. Paragraphs 576 to 579 do not apply to undertrial prisoners.

719. On the death of any undertrial prisoner, or suspected lunatic, the warrant shall be duly endorsed, and shall be sent as soon as possible by the Superintendent to the Court or other authority under whose warrant or order such undertrial prisoner or suspected lunatic, was detained.

Death of
undertrials
or suspected
lunatics.

NOTE.—For rule regarding interviews and letters, see Chapter IX, section I. The rules in Chapter VIII, section IX (b), relating to transfers, apply also to undertrial prisoners transferred. The rules in Chapter VII, section I, relating to guardian apply to the undertrial ward.

Section XIX.—Civil Prisoners.**Statutory provisions.**

Under Section 27 (4) of Prisons Act, 1894, a civil prisoner shall be kept apart from criminal prisoners, convicted or unconvicted. Under Section 31 of the Act, a civil prisoner shall be permitted to obtain, subject to certain restrictions, food, clothing, bedding, or other necessities. The Superintendent shall, under Section 33 supply clothing and bedding to a civil prisoner unable to provide himself with these articles. Under Section 34 of the Act a civil prisoner may, with the Superintendent's permission, work and follow any trade or profession and may, with certain reservations, receive the whole of his earnings. Section 40 requires that due provision shall be made for the admission to prison of persons with whom civil prisoners may desire to communicate.

Under Section 46 of the Act, a civil prisoner is exempted from the punishment of hand-cuffs, or fetters or whipping.

Definition.

720. Under clause (4) of section 3 of Act IX of 1894 any prisoner who is not a "criminal prisoner" is a "civil prisoner," and section 27 (4) of that Act directs that civil prisoners shall be kept apart from criminal prisoners.

Division of prisoners.

721. Civil prisoners should be divided into two classes, viz., Special and Ordinary—

- (1) Classification in the Special Division shall be confined to civil prisoners who, by social status, education or habit of life have been accustomed to a superior mode of life.
- (2) Civil prisoners not included in the Special Division shall be classified in the Ordinary Division.

Separate civil jail.

722. If there be a separate civil jail, the Superintendent of the criminal jail shall be Superintendent of the civil jail also ; and the Inspector-General, District Magistrate, official and non-official gazetted visitors, and Medical Officer, jailor and other subordinate jail officials shall have the same powers as regards both civil and criminal prisoners, except where distinction is made in these rules.

Arrangements for confinement when no separate civil jail exists.

723. If there be no separate accommodation available, the best possible arrangement shall be made for their separate confinement, either by utilizing a ward, or section of a ward not made use of by other prisoners, or by confinement in cells, or the undertrial ward.

724. Civil prisoners include six classes, namely:—

Different
classes of
civil
prisoners.

- (1) Persons committed to the civil prison by order of a Civil Court under section 32 (d) of the Code of Civil Procedure, 1908.
- (2) Defendants committed to the civil prison after arrest before judgment.
- (3) Judgment-debtors detained under an order of a Civil Court in execution of a decree.
- (4) Revenue defaulters under Act II of 1876, or Regulation III of 1889.
- (5) Persons imprisoned under order of a Criminal Court under section 318, 332 or 514 of the Code of Criminal Procedure.
- (6) Persons detained in the civil prison under any other law for the time being in force.

725. Under Rule 39, Order XXI, First Schedule of the Code of Civil Procedure, 1908, civil debtors have to be dieted at the expense of the judgment-creditors. In the case of revenue defaulters the committing officer may either forward diet money with the prisoner, or order that he shall be fed on the non-labouring scale at the expense of Government when the amount shall be recovered monthly from the Deputy Commissioner. Civil prisoners of class (5) shall be allowed diet on the ordinary non-labouring scale at the expense of Government. If specially ordered by the committing officer, civil prisoners of both classes (4) and (5) shall receive a more liberal dietary, but in no case, except under the advice of the Medical Officer, shall the allowance exceed that prescribed in paragraphs 1077 or 1084, as the case may be.

Debiting of
cost of diet
of civil
prisoners.

726. No civil prisoner shall be admitted into jail after the prisoners have been locked up for the night.

Admission
after lock up.

727. Under Rule 39, Order XXI, First Schedule of the Code of Civil Procedure, 1908, the first payment of diet money must be made to the proper officer of the Court for such portion of the current month as remains unexpired before the judgment-debtor is committed to jail, and such officer must send the amount paid, with the civil prisoner, to the jailor. No civil debtor shall be received into the jail unless the proper amount of diet money is received with him. Subsequent payments (if any become due) shall be made to the jailor by the decree-holder by monthly payments in advance, to the full amount due for the ensuing month, before the first day of

Payment of
diet money.

Release on non-payment of allowance.

Acknowledgment of receipt of subsistence money.

When payment is to be made.

Monthly examination of registers.

each month. Should the decree-holder omit to pay the allowance as above the Superintendent shall, without reference to the Court, release the judgment-debtor. The release shall be made on the morning of the day for which no allowance has been paid. A receipt from a counterfoil book (Form No. 33) shall be given to the decree-holder for subsistence money paid into the jail. The amount received being credited in the jail cash book (Form No. 34) and noted in column 16 of the admission register of civil prisoners (Form No. 23). Every payment shall be made during ordinary business hours, and money tendered after lockup or on Sundays shall not be received until the next working day. The Superintendent shall, before the seventh of every month, personally examine the admission register of civil prisoners and submit to the Inspector-General a certificate (in Form No. 207) that it is correctly posted and up to date.

Civil prisoners confined at the instance of more than one decree-holder.

Dieting charges of revenue defaulters and civil lunatics.

NOTE 1.—When a civil prisoner is kept in confinement at the instance of more than one decree-holder, he shall receive only the same allowance for his subsistence as if he were detained in confinement on the application of one decree-holder. Each decree-holder shall, however, pay the full allowance for subsistence, and, when the debtor is released, the balance shall be divided rateably among the decree-holder and paid to them.

NOTE 2.—Recoveries effected on account of dieting charges of revenue defaulters and civil lunatics should be—

- (1) credited as revenue, if they are recovered from private bodies or persons and
- (2) taken to the deduct head under expenditure, if they are made from other departments under the control of Government.

In any case, where a recovery is effected after the closing of the accounts of the year, in which the expenditure was incurred, it should be treated as revenue.

Scale of subsistence allowance.

728. (1) For civil prisoners classified in the Special Division the rate of subsistence allowance shall be fixed at a flat rate of Re. 1 per diem.

(2) For civil prisoners classified in the Ordinary Division the rate of subsistence allowance shall be fixed at flat rate of annas 8 per diem.

Calculation of the date of release.

729. (1) The date of release of a civil prisoner shall be calculated according to paragraph 385, and his name shall be entered in the release register under that date.

(2) If a civil prisoner is ordered to be detained in a civil prison under more than one warrant, each warrant shall have full effect from the date thereof, although the prisoner may thus be detained beyond six months.

730. Every prisoner detained in the civil prison in execution of a decree shall be so detained— Period of detention.

- (a) where the decree is for the payment of a sum of money exceeding fifty rupees, for a period of six months, and
- (b) in any other case, for a period of six weeks:

Provided that he shall be released from such detention before the expiration of the said period of six months or six weeks as the case may be—

- (i) on the amount mentioned in the warrant for detention being paid to the officer in charge of the civil prison, or
- (ii) on the decree against him being otherwise fully satisfied, or
- (iii) on the request of the person on whose application he has been so detained, or
- (iv) on his being adjudicated an insolvent, or
- (v) on the omission of the person, on whose application he has been so detained, to pay subsistence allowance, or
- (vi) on the omission of the person (being a private person), on whose application he has been so detained, to pay to the Superintendent the cost of the clothing and bedding supplied by the Superintendent [see section 33 (2), Act IX of 1894].

Releases under clauses (ii), (iii) or (iv) shall not be effected without the order of the Court.

731. After a civil prisoner has been released, the balance of diet money, if any, remaining in the jailor's hands, shall, whether received from a Civil Court or from the decree-holder, be remitted to the Court for disposal, and a receipt obtained therefor. The transaction shall be passed through the jail cash book in Form No. 34, an entry being simultaneously made in column 16 of the admission register (Form No. 23) opposite the account to which it relates. Disposal of balance of diet money.

When a civil prisoner is supplied with clothing or bedding at the expense of the decree-holder, the articles shall, on the prisoner's release, be returned to the decree-holder, on his applying for them. If the articles remain unclaimed for more than two months, they shall be brought on to stock and may be issued, whenever necessary, to released prisoners as laid down in paragraphs 570 and 571. Disposal of clothing and bedding.

Supply of
clothing and
bedding.

732. Civil prisoners shall be allowed to use their own clothes, bedding and cooking utensils, or to purchase and receive, from private sources, food, clothing and bedding or other necessities. If a civil prisoner is unable to provide himself with sufficient clothing and bedding, the Superintendent shall apply such clothing and bedding, as may be necessary.

Clothing
and bedding
supplied by
jail.

733. Whenever clothing or bedding is so supplied to a civil prisoner, who has been committed to jail in execution of a decree in favour of a private person, the Superintendent shall submit to such person an account of the cost of the clothing or bedding, with a demand, in writing, for payment of the cost; and, if payment is not made within 48 hours of receipt of this demand, the Superintendent shall release the civil prisoner in respect of whom the demand was made. The name and address of the judgment-creditor shall be ascertained from the Civil Court which issued the decree. The demand shall be despatched, *by registered letter*, to the address of the judgment-creditor, and, after sufficient time for delivery thereof has elapsed, shall be deemed to have been duly received. On the day the demand is despatched, the jailor shall enter, in the release register, under the date on which the period allowed for delivery of the demand, *plus 48 hours*, will expire, a note of the fact of the demand, having been made. When this date arrives, if payment has not been made, the jailor shall bring the civil prisoner before the Superintendent for release. Before releasing the prisoner, the Superintendent shall satisfy himself that the demand was duly sent, by examination of the receipt for the registered cover containing the demand, and that payment has not been made or tendered, by reference to the counterfoil receipt book (Form No. 33) and cash book and by enquiry from the gate officers.

Release of
prisoners for
non-payment
for clothing
supplied by
jail.

Source of
supply of
food.

734. Civil prisoners of classes (1) to (3) may be supplied with food by their friends, through the jailor, at such hours as the Superintendent shall fix, in which case the subsistence allowance deposited by the detaining creditor may be made over to such friends; but, in other cases, it shall be credited to the jail, and the jailor shall make arrangements, as in the case of criminals, for the prisoners to be fed in a suitable manner according to their habits of life, *see paragraphs 592, 1077 and 1084*. If it is preferred, the money may be given to the prisoner, and arrangements made for allowing him to purchase the food he requires, from the jail contractor or from an approved shopkeeper. Civil prisoners of classes (4) to (6), supplied with food at Government expense under paragraph 725,

shall have their food cooked by convict in the convict's cook-house and supplied by convict cooks. Civil prisoners of class (6) shall cook their own food. If any extra articles of diet are ordered by the Medical Officer for civil prisoners, on medical grounds, any excess of cost beyond the daily diet money shall be paid by Government.

735. Civil prisoners may be allowed to smoke, but not to use intoxicating drugs or liquors, unless prescribed by the Medical Officer. All purchases, or supplies of food, clothing, bedding, or other necessities, shall be made through the jailor, subject to the Superintendent's sanction, and shall be examined by the jailor before delivery to a civil prisoner. Food shall be examined by the Sub-Assistant Surgeon, and shall not be delivered if it contains any intoxicating drug or liquor, or is unwholesome. The Superintendent may refuse to allow the purchase, or delivery, of anything which he considers to be unnecessary, or unsuitable.

Smoking,
Liquor ;
examination
of food.

736. No part of any food, clothing, bedding or other articles delivered to any civil prisoner shall be given, hired, or sold, to any other prisoner. Any civil prisoner, transgressing this rule, shall lose the privilege of purchasing food or receiving it from private sources, for such time as the Superintendent thinks proper ; and any civil prisoner, committing an offence under section 42 of Act IX of 1894, shall be prosecuted before a Magistrate.

Privileges
not to be
abused.

737. Benefactions, or donations of money, or other articles except intoxicating drugs or liquors, may be distributed to civil prisoners according to the desire of the donor, if not contrary to these rules. Books, or newspapers, of an unobjectionable kind, may be allowed at the option of the Superintendent, who shall examine them before delivery to the prisoners. No visitor shall be allowed to take, within the civil jail, any sweetmeats, or other articles of consumption, without the permission of the Superintendent.

Application
of charitable
donations.

Use of
books.

738. Civil prisoners shall be permitted to maintain themselves. They shall be allowed to work at their own trade or calling, and may receive the sale proceeds of the same after a deduction is made to cover the cost of implements and materials supplied, if any. In the case of those maintained at Government expense, a further deduction for maintenance shall also be made from the sale proceeds realized. No civil prisoner

Civil
Prisoners to
be permitted
to maintain
themselves.

shall be compelled to work against his will, but cleanliness of person shall be enforced.

Behaviour and mode of life of civil prisoners.

739. Civil prisoners must be properly dressed when leaving their rooms or wards during the day ; they must stand up when any inspecting officer, or authorized visitor, visits the civil wards, must answer any questions put to them by such officers or visitors in the discharge of their duty, and otherwise treat them with respect, and they must comply with the regulations of the jail and the Superintendent's orders. Any civil prisoner assaulting, or insulting another prisoner, or jail officer, or quarrelling, or talking loudly and boisterously, or guilty of indecent or immoral conduct, or communicating with outsiders in an unauthorized manner, or bribing, or attempting to bribe, any jail officer, or gambling or spitting about and soiling the ward, verandah, or passages, or disobeying the orders of, or showing disrespect to, the jail authorities in any way, is liable to the punishments enumerated in paragraph 811, corporal punishment excepted, or may be punished according to any law in force. Civil prisoners may be fettered in circumstances stated in paragraph 327, or hand-cuffed in circumstances stated in paragraph 328.

Escape of civil prisoner through fault of jail officer.

740. Any jail officer, who may intentionally or negligently suffer a civil prisoner to escape, is liable to be punished under section 222 or 223 of the Indian Penal Code, as the case may be. The civil prisoner, by escaping, commits an offence under section 225B of the Indian Penal Code. He can be arrested by the police or jail staff without warrant, under clause 5, section 54, Act V of 1898. On the occurrence of an escape of a civil prisoner, intimation shall be given to the judgment-creditor, who may, if he be able to ascertain the whereabouts of the prisoner, assist the jail authorities and the police in recapturing him. On recapture after escape, or on the occurrence of an attempt to escape, the prisoner shall be prosecuted before a Criminal Court under section 225B, Indian Penal Code.

Release on grounds of illness.

741. A judgment-debtor, who has been committed to the civil prison, may be released therefrom—

- (a) by Government, on the ground of the existence of any infectious or contagious disease ; or
- (b) by the committing Court or any Court to which that is subordinate, on the ground of his suffering from any serious illness.

In all cases falling under clause (a), an immediate report shall be made by the Superintendent to the Inspector-General, with a view to Government being moved to release the civil prisoner. In cases falling under clause (b), the Superintendent shall, without delay, report the matter direct to the Court concerned.

742. Extracts from the Provincial Insolvency Act V of 1920, containing the provisions relating to insolvency, shall be posted up in the civil ward of every jail, and in addition extracts from the Presidency-Towns Insolvency Act III of 1909, shall be posted up in the Rangoon Jail. Superintendents shall assist civil debtors and revenue defaulters who wish to be adjudged insolvents, in making the necessary petition under either Act. Those petitions shall be drawn up in Form No. 44 in the case of petitions under the Provincial Insolvency Act which applies to District Courts, and in Form No. 21 * of the forms included in the Chief Court Insolvency Manual in the case of petitions under the Presidency-Towns Insolvency Act which applies to the High Court of Judicature at Rangoon. The Superintendent shall see that prisoners, who have not the assistance of an advocate, are duly advised as to the requirements of the law. Whenever courts, exercising jurisdiction under the Act, order the publication in a local newspaper of any notice or other matter required by the Act, the charge for such publication shall be met by the debtor who is applying for the benefit of the Act, but publication in the official *Gazette* will be made free of charge.

Civil prisoners desiring to be adjudged insolvents.

742A. The rules in this Manual in so far as they relate to—

- (1) the payment by the Prison Department of transfer charges and the grant of subsistence allowance in the case of transfers from one jail to another as in paragraphs 523, 525 and 535,
- (2) the grant of travelling expenses and subsistence allowance to prisoners on release, as in paragraph 572 ; and
- (3) the provision of escorts by the Police Department when prisoners are transferred from one jail to another, as in paragraph 521,

Transfer charges and subsistence allowance when civil prisoners are transferred. Travelling expenses when civil prisoners are released. Escorts when civil prisoners are transferred.

are applicable to civil prisoners.

NOTE 1.—For rules regarding interviews and letters, see Chapter IX.

NOTE 2.—Persons detained in the Rangoon Jail at the instance of the Hanthawaddy District Court are required to apply to that Court, and not to the High Court of Judicature at Rangoon for adjudication as insolvents.

* (This petition form is not printed because petitions from the Jail are few in number).

Section XX.—State Prisoners.

Intimation
as to com-
mittal of
State
prisoners.

743. (1) When any person committed for safe custody under the provisions of Regulation III of 1818 is placed in any jail, intimation of the fact shall be given by Government to the Inspector-General of Prisons.

(2) This intimation shall specify any special directions that may have been given for the safe custody, allowances, dieting and treatment of the prisoner.

General
discipline.

744. State prisoners shall, for the purposes of discipline, be subject to such of the rules relating to civil prisoners as are not inconsistent with the orders passed by the Governor in regard to their detention.

Statistics
relating to
State
prisoners.

745. All particulars relating to State prisoners shall be entered (without serial number) in the register of civil prisoners. All statistics of State prisoners shall be shown separately in Jail returns.

Submission
of reports to
Government
on admis-
sion of State
prisoners.

746. Every officer in whose custody any State prisoner may be placed, shall, as soon after taking such prisoner into his custody as may be practicable, report to Government whether the degree of confinement, to which he may be subjected, appears liable to injure his health, and whether the allowance fixed for his support is adequate to the supply of his wants.

NOTE.—The report should be submitted direct to the Secretary to Government in the Home Department, or the Defence Department, as the case may be.

Accommo-
dation.

747. Where no special accommodation is available, and unless otherwise ordered, State prisoners shall ordinarily be confined in the civil ward or jail, but shall in no circumstances be allowed to hold communication, or be associated, with criminal prisoners.

Note of
events of
interest to
be recorded.

748. Every officer, in whose custody a State prisoner may be placed, shall keep a note of events of interest relating to such prisoner. This note shall include a record of health, weight, dates of correspondence and interviews, and other personal details of importance.

Interviews.

749. (1) No State prisoner shall be permitted to hold an interview, except on the written order of Government.

Letters,
newspapers,
etc.

(2) No letter, newspaper or other communication shall be transmitted to, or forwarded from, any State prisoner, except through such officer as Government may direct.

750. The officer, in whose custody any State prisoner may be placed, shall forward, through the Inspector-General of Prisons, with such observations as may appear necessary, every representation which such State prisoner may, from time to time, be desirous of submitting to Government. Representations.

NOTE.—This representation shall be forwarded direct to the Secretary to the Government in the Home Department, or the Defence Department, as the case may be.

751. Every officer, in whose custody any State prisoner may be placed, shall, on the 1st of January and the 1st of July of each year, submit a report to Government on the conduct, the health and the comfort of such State prisoner, in order that it may be determined whether the orders for his detention shall continue in force or shall be modified. Half-yearly reports.

NOTE.—The report shall be submitted direct to the Secretary to the Government in the Home Department, or the Defence Department, as the case may be, through the District Magistrate, and a copy shall be forwarded to the Inspector-General of Prisons.

752. On the death of a State prisoner, the officer, in whose custody he was placed shall make an immediate report by telegraph, direct to Government and shall also make a special report, with full particulars, to the Inspector-General of Prisons, for submission to Government. The order or warrant of the Governor under which the prisoner was detained shall, at the same time, be returned, through the Inspector-General of Prisons, with an endorsement certifying to the prisoner's death. Procedure on occurrence of death.

A similar report shall likewise be made in any case of serious illness of a State prisoner, the nature of the illness being stated and the possibility (if any) of its relief by any alleviations of the conditions of confinement. Report of illness.

753. In the event of the release of a State prisoner, he shall be presented, at the time of release, with such personal effects which have been purchased from the allowance fixed for his maintenance (such as clothing, bedding, cooking utensils, and the like) as he may require for his comfort during the journey to his destination. Release.

A report of such release shall be made to the Inspector-General of Prisons for submission to Government; the report shall be accompanied by the order or warrant of the Governor under which the prisoner was detained, with an endorsement certifying to the release of the prisoner.

754. Orders for the transfer of a State prisoner from one jail to another, or for his removal from the jail in which he Transfer.

may be confined, are governed by Act III of 1858, and can be issued only under the authority of the Governor.

A report of such transfer shall be made to the Inspector General of Prisons for submission to Government.

Custody of warrants.

755. The orders or warrants of the Governor under which prisoners are detained shall be kept separately from the warrants of all other prisoners in the jail.

Application of special rules in individual cases.

756. These rules shall be read subject to any orders which the Governor may issue regarding any particular State prisoner.

Section XXI.—Lunatics.*

The law relating to lunatics, so far as their confinement in jails is concerned, is contained in the Indian Lunacy Act, IV of 1912, in Chapter XXXIV of the Code of Criminal Procedure and in Section 30 of the Prisoners Act, III of 1900. In Section 3 (4) of the Lunacy Act, a "criminal lunatic" is defined to mean any person for whose detention in, or removal to, a Mental Hospital, Jail or other place of safe custody an order has been made in accordance with the provisions of Section 466 or Section 471 of the Code of Criminal Procedure, 1898, or of Section 30 of the Prisoners Act, 1900, or of Section 103A of the Indian Army Act, 1911. Statutory provisions.

(a) Criminal Lunatics.

757. Criminal lunatics are divided into the following four classes, namely— Division into classes.

- (a) prisoners who have developed insanity in jail while undergoing a sentence of imprisonment ; or, in the case of a capital sentence, who become insane before the sentence can be carried out, and have had their sentences commuted ;
- (b) persons charged with some offence, but in respect of whose sanity the Magistrate trying the case has doubts, and who are sent to jail for medical observation under section 464, Criminal Procedure Code ;
- (c) persons charged with a criminal offence, but who, by reason of insanity, are incapable of standing a trial or making a defence, and who, in consequence, are detained under section 466, Criminal Procedure Code, pending the orders of Government ;
- (d) persons charged with a criminal offence, but who, at the time the act was committed, by reason of unsoundness of mind, were incapable of knowing the nature of the act, or that it was wrong or contrary to law, and have been acquitted, but who have, under section 471, Criminal Procedure Code, been ordered to be detained.

* The Medical Officer, who is first called upon to report on the sanity or otherwise of a supposed insane person, has generally the greatest facilities for noting down facts connected with the causation and history of the case and, as these particulars are of considerable importance in determining the line of treatment to be adopted, Superintendents of Jails are expected to make a full and careful investigation in each case, placing on record all the facts gleaned.

Mental
Hospital
Tadagale to
receive
lunatics
Burma.

758. In Public Health Department (Ministry of Education) Notification No. 106, dated the 1st November 1928, the Mental Hospital at Tadagale has been prescribed as a Hospital to which lunatics, from any part of Burma, or any class of lunatics, shall be sent.

Place of
detention of
lunatics.

759. Under Judicial Department Notification No. 64, dated the 5th May 1913, it has been laid down that the place of detention of alleged lunatics, detained under the provisions of section 8 or section 16 of the Indian Lunacy Act, 1912, shall be the lunatic asylum in districts where there is one, and the jail, in districts where there is no such asylum, except as regards the Insein District, alleged female lunatics from which shall be sent, for detention, to the Mental Hospital, Tadagale. The jail for juvenile offenders at Meiktila is not a jail for the purposes of this rule.

Period of
detention for
observation.

760. Under section 16 of Act of 1912 the maximum period during which an alleged lunatic can be detained for observation is ten days. If the Medical Officer certifies further detention to be necessary to enable him to form his opinion on the question, the Magistrate may order, in writing, a further detention of the alleged lunatic in safe custody for such time, not exceeding ten days at a time, as may, in his opinion, be necessary to enable the Medical Officer to determine whether such alleged lunatic is a person in respect of whom a medical certificate may be properly given. In addressing the Magistrate concerned, Form Medical M.H. 2 shall be used when applying for the further detention of a lunatic. Such a person shall not, however, be detained for a total period exceeding thirty days from the date on which he was first brought before the Magistrate. The certificate required by section 18 of the aforesaid Act (*vide* Form Medical M.H. 4) shall be signed by the Medical Officer, who shall himself have made the observations upon which his opinion is based. Detention for the purpose of observation will be ordered by Magistrates on (Lower Burma) Criminal Form No. 118 or (Upper Burma) Judicial Criminal Form No. 143. Subsequent reception orders passed on the prisoner being pronounced insane will be drawn up by the Magistrate on (Lower Burma) Criminal Form No. 119 or (Upper Burma) Judicial Criminal Form No. 142.

Statistics
relating to
criminal
lunatics.

761. All criminal lunatics shall be included in the jail returns, and in the monthly return of sick (Form No. 37); they shall be shown against the particular type of insanity from which they are supposed to be suffering. If the type

is undetermined, the case should be returned as "not diagnosed." If, after a period of observation, the individual is declared to be sane, he shall be discharged from the sick return in the manner laid down by the foot-note on page 1 of the form.

762. A criminal lunatic, who has been ordered by a Court or Magistrate under the provisions of section 466, sub-section (2), or section 471, sub-section (1), of the Code of Criminal Procedure, 1898, to be kept in safe custody in any place other than the Mental Hospital, Tadagale, shall be transferred to the Mental Hospital, Tadagale. Transfer to Mental Hospital.

763. A criminal lunatic, who is sent to a jail for observation under section 464 of the Code of Criminal Procedure, 1898, shall not be transferred to a lunatic asylum until the receipt of such orders authorizing his confinement therein: provided that, if any such criminal lunatic has been detained in the jail for more than a month, the Superintendent of the jail shall make a special report to the Inspector-General, who will take such action as may be necessary in the matter. Lunatics sent to jail for observation.

764. Whenever a lunatic is found to be dangerous, noisy or filthy in habits, he shall be confined in a cell; otherwise, lunatics of classes (b) to (d), inclusive, may be detained either in the jail hospital or in the under-trial prisoners' ward, at the discretion of the Medical Officer. Every lunatic confined in a cell shall at all times be under strict watch. A sufficient number of specially selected convict watchmen may be told off for this duty by day, and of convict overseers by night. Accommodation and guard.

765. Every lunatic shall receive the ordinary jail dietary, unless the Medical Officer otherwise directs; but persons coming under classes (b) and (c) may be supplied with food from outside the jail under the same conditions as are prescribed for under-trial prisoners (*vide* paragraph 701). Diet.

766. If any prisoner becomes insane after his admission to a jail, a report regarding his case shall immediately be submitted by the Superintendent, to the Inspector-General of Prisons, with a view to obtaining the orders of Government for his removal to a lunatic asylum. With this report shall be forwarded:— Prisoners becoming insane.

(1) A Nominal Roll on Form No. 32.

(2) A medical certificate in terms of "Questions to be answered by Medical Officer" as laid down in Form Medical M.H. 3, Section "B."

The Superintendent shall take immediate steps to have the Police Report in Form Medical M.H. 3 filled in and attested by the committing court. This form, when completed, shall be forwarded to the Inspector-General, or, if the prisoner has already been transferred to the lunatic asylum, to the Superintendent of such asylum.

**Precautions
on transfer.**

767. On receipt of a warrant or order for the removal of a criminal lunatic to a lunatic asylum the Superintendent shall forward him to the asylum specified. Regarding the documents to accompany the lunatic, see paragraph 768. No criminal lunatic shall be transferred to an asylum unless the Medical Officer certifies, immediately before despatch, that he is fit to travel; and the original of this certificate shall be sent to the Superintendent of the lunatic asylum, by post. Every precaution shall be taken to secure that the lunatic is properly cared for whilst transit to the asylum; he shall be sent in charge of a police escort, and proper arrangements shall be made regarding his clothing, bedding and food; two suits of clothing shall be provided. Fetters shall not be used, unless absolutely necessary.

**Escort for
female
lunatics.
Intimation
of transfer
to be made
to district
authorities.**

A female lunatic shall always be accompanied by a female attendant or relative, in addition to the police escort.

Where a prisoner is removed to a lunatic asylum the fact should be communicated to the District Superintendent of Police of the District in which the prisoner was ordinarily resident before conviction, or, if his residence is unknown, to the District Superintendent of Police of the District in which the crime for which he was convicted was committed.

**Documents
to accom-
pany lunatics
transferred
to Mental
Hospital.**

768. The following documents shall be sent with every criminal lunatic removed to a lunatic asylum:—

(i) In the case of criminal lunatics under section 466 or section 471, Code of Criminal Procedure—

- (a) Warrant of the Magistrate or Court.
- (b) Medical History Sheet.
- (c) Abstract from the *Jail Medical* case book.
- (d) Extract from the proceedings of the case.
- (e) Descriptive Roll.
- (f) Certificate of fitness for transfer.

(ii) In the case of criminal lunatics under section 30 (1) Prisoners Act, 1900—

- (a) Local Government's warrant.
- (b) Medical History Sheet.
- (c) Abstract from the *Jail Medical* case book.

- (d) Extract from the proceedings of the case.
- (e) Descriptive Roll.
- (f) Certificate of fitness for transfer.
- (g) Committal warrant or warrants, as the case may be, with a note on the back of the committal warrant in respect of the sentence that is being served at the time of transfer to a lunatic asylum, as to the total amount of remission earned up to the date of transfer.

769. In urgent cases (*i.e.*, if the lunatic is noisy, filthy or dangerous) Superintendents are authorized to transfer, in communication with the Superintendent of the lunatic asylum, insane convicted prisoners from jails to lunatic asylums, in anticipation of Government sanction.

Transfer of urgent cases to Mental Hospital.

770. When a criminal lunatic of class (a) of paragraph 757 cannot be transferred under a Government order, so as to reach the lunatic asylum before his sentence expires, he shall be detained until the expiration of his sentence, and then handed over to the police, along with the certificate of the Medical Officer and medical history sheet in Forms Medical M.H. 4, and Medical M.H. 3, respectively.

Expiry of sentence before completion of transfer to lunatic asylum.

771. When it appears to the Government that any convicted prisoner of class (a) of paragraph 757 has become of sound mind, and a warrant has been issued for the remand of the prisoner to the jail from which he was removed, the Superintendent of Jail shall reckon, as part of his term of sentence, the time during which the prisoner has been confined in the lunatic asylum and such prisoners are entitled to remission according to rules in the Burma Jail Manual for the period they are in a lunatic asylum.

Procedure on retransfer of prisoners from Mental Hospital.

772. The rules issued by Government relative to the treatment of recovered male criminal lunatics of class (d) transferred from lunatic asylums to jails in anticipation of their ultimate release, will be found in Appendix II. Lunatics, so transferred, shall be treated strictly in accordance with the orders of Government passed in each case.

Treatment of recovered lunatics of class (d).

773. When a recovered criminal lunatic, undergoing probation in a jail, has a relapse of insanity, he should be immediately returned to the asylum from which he came, and the case should be reported to Government, through the Inspector-General. With every lunatic transferred either from an asylum to a jail, or *vice versa*, full details of his medical history, up to date, shall be forwarded

Recovered lunatics having relapse of insanity.

(b) *Civil or Non-Criminal Lunatics.*

Definition.

774. Civil lunatics are those persons who, though not charged with any crime, have been found wandering, and who have been sent to jail for medical observation as required by Act IV of 1912.

Superinten-
dent not
responsible
for the
despatch of
civil lunatics
to asylum.
Procedure on
transfer to
Mental
Hospital.

775. Superintendents of Jails will not be responsible for the despatch of civil or non-criminal lunatics to the asylum, nor for the cost thereof. When, therefore, a Magistrate has made an order under section 14 of the Act for the detention of a civil lunatic in an asylum, he will arrange, in communication with the police, for the despatch of the insane person, all papers in connection therewith being forwarded to the lunatic asylum by the Magistrate concerned. If, for any reason, the lunatic is unable to start at once for the asylum, he shall be detained in the jail as long as may be necessary, the order under section 14 of the Act being sufficient warrant for this detention.

Statistics
relating to
and treat-
ment of, civil
lunatics.

776. Civil or non-criminal lunatics, shall be entirely excluded from jail admission registers and from all statistical returns relating to jails, and the cost of their maintenance and clothing (if supplied) shall, month by month, be recovered from the Court under whose warrant they are received. The Superintendent shall make the best arrangement in his power for the comfort of civil insanes, having regard to their class and condition in life, and shall keep them, as far as possible, apart from convicts. Instructions contained in paragraphs 764 and 765 shall also be followed in the case of civil lunatics.

Section XXII.—Lepers.

776A. When any convict suffering from leprosy is admitted to Jail notifications on Jail (Leper) Form No. 220 should be issued to the Public Health Authorities concerned so that his contacts may be traced and investigated. See paragraph 397. (For action to be taken in the case of the release of leper prisoners see paragraph 551A.)

Notification to the Public Health Authorities concerned, of the admission of a convict suffering from leprosy.

777. Upon any convict, with a sentence exceeding six months, suffering from leprosy, being admitted into a central or district jail, or upon any such convict, under confinement, developing the disease, a nominal roll regarding him shall be submitted to the Inspector-General, together with a medical history of the case, showing the symptoms and character of the disease, and the Medical Officer's recommendations.

Report of cases sentenced to over six months.

778. If the disease is in an ulcerative or advanced stage or if, for other reasons, it seems advisable, the Inspector-General shall order the transfer of the convict from the jail wherein he is confined to the Pagan Jail, provided that no such transfer shall be made unless the prisoner is in a fit state to travel, and accommodation is available.

Transfer of advanced cases to Pagan.

779. When a leper convict, received into a jail, is not transferred to the Pagan Jail, or until he is so transferred, he shall be segregated from all other convicts, a cell, ward, or temporary shed being set apart for this purpose, care being taken that the confinement is not solitary. Cells or wards, occupied by lepers, shall be lime washed, and thoroughly disinfected before any other prisoner is confined in them.

Segregation of cases not transferred to Pagan.

NOTE.—For further instructions regarding the transfer of leper prisoners, see paragraph 513.

779A. A separate medical history ticket on Jail (Leper) Form No. 217 shall be used when prisoners are treated for leprosy, the Bed Head Ticket, Jail Form No. 59, being used for leper prisoners, in addition to Jail (Leper) Form No. 217, only when leper prisoners are admitted as in-patients to Jail hospitals for treatment of a complaint other than leprosy.

Separate Medical History Ticket to be used when prisoners are being treated for leprosy.

779B. A quarterly return on Jail (Leper) Form No. 219 should be submitted to the Inspector-General by the Superintendent of Jail, Pagan, to enable the Inspector-General to gauge the results of the treatment of leper prisoners at the Pagan District Jail.

Quarterly Return showing results of treatment of leper prisoners.

Report
of the
recurrence of
the disease
of leprosy
in a prisoner
declared free
from the
disease and
transferred
from the
Pagan Jail.

779C. When a prisoner, who has been under treatment for leprosy at the Pagan District Jail and who has been transferred to another Jail from the Pagan District Jail after having been declared to be clinically and bacteriologically free from leprosy for a period of one year by the Superintendent of Jail, Pagan, develops symptoms of the recurrence of the disease, the Superintendent of Jail at which the prisoner is confined should submit to the Inspector-General a statement on Jail (Leper) Form No. 218.

A copy of this statement should also be sent to the Superintendent of Jail, Pagan, so that he can check the value of his treatment.

CHAPTER IX.

INTERVIEWS AND COMMUNICATIONS WITH PRISONERS.

Section I.—General.

Section 40 of the Prisons Act, 1894, requires that due provision shall be made for the admission, at proper times and under proper restrictions into a jail, of persons, with whom civil or undertrial prisoners may desire to communicate, care being taken that, so far as may be consistent with the interests of justice, undertrial prisoners may see their duly qualified legal advisers without the presence of any other person. Statutory provisions.

Under Section 41, the Jailor may demand the name and address of any visitor to a prisoner, and may search any visitor or cause him to be searched, if he has any ground for suspicion but the search shall not be made in the presence of any prisoner or of another visitor. The Jailor may deny admission to any visitor who refuses to permit himself to be searched, entering the grounds of his action in such record as Government may direct.

780. (1) Every newly convicted prisoner shall be allowed reasonable facilities for seeing, or communicating with, his relatives or friends, with a view to the preparation of an appeal or to the procuring of bail. He shall also be allowed to have interviews, or write letters to his friends once or twice, or oftener, if the Superintendent considers it necessary to enable him to arrange for the management of his property or other family affairs. Interviews and letters.

(2) Every prisoner, committed to prison in default of payment of a fine or of finding security under Chapter VIII of the Code of Criminal Procedure, shall be allowed to communicate by letter, and to have interviews at any reasonable time, with his relatives or friends, for the purpose of arranging for the payment of the fine or the furnishing of security.

(3) Every prisoner under sentence of transportation, and about to be transported, shall be allowed to have one or more interviews with his relatives and friends, before transfer from the jail to which he was committed when sentenced.

(4) Every prisoner under sentence of death shall be allowed such interviews and other communications with his relatives, friends and legal advisers as the Superintendent thinks reasonable.

General
procedure
as regards
interviews
and letters
in the case
of "C"
Class
convicted
prisoners.

781. In addition to the privileges granted in the last preceding rule, every convicted prisoner of Class "C" shall be allowed to have an interview with his friends and to write and receive, a letter once a month during the term of his imprisonment, provided that the exercise of this privilege shall be contingent on good conduct and may be withdrawn, or postponed, by the Superintendent for bad conduct.

NOTE 1.—A letter merely arranging an interview shall not be counted as a letter for the purposes of this rule.

NOTE 2.—A prisoner may, with the permission of the Superintendent, substitute a letter with reply for an interview or *vice versa*.

Convict
officers and
letters and
interviews.

782. Prisoners, who are watchmen, and convict overseers shall be permitted to see, and write to, their friends, and receive a letter from them, once in two months, and convict warders once a month.

Superin-
tendent's
discretion to
grant
privileges
of interviews
or letter-
writing at
shorter
intervals.

783. (1) The Superintendent may at his discretion grant interviews, or allow the despatch, or receipt, of letters at shorter intervals than provided in paragraph 781, or, in spite of the prisoner's misconduct, if he considers that special or urgent grounds exist for such concession, as for example, in the event of the prisoner being seriously ill or on the occurrence of the death of a near relative, or if the friends or relatives have come from a distance to see the prisoner and it would inflict an undue hardship on them to refuse an interview, or if the prisoner is nearing release and wishes to secure employment, or for other sufficient cause. Matters of importance, such as the death of a relative, may also be communicated at any time by the friends of a prisoner to the Superintendent, who will, if he thinks it expedient, inform the prisoner of the substance of the communication.

Superin-
tendent's
permission
for
interviews
required.

(2) No convicted prisoner shall be allowed to have an interview or to receive, or write, a letter, except with the permission of the Superintendent, which shall be recorded in writing.

(3) Applications for interviews with prisoner may be oral or in writing at the discretion of the Superintendent. If the prisoner is not entitled to an interview, the applicant shall be informed at once.

Time for
interview.

784. (1) The Superintendent shall fix the days and hours at which all interviews shall be allowed, and no interviews shall be allowed at any other time, except with the special permission of the Superintendent. A notice of the hours

during which prisoners may be interviewed shall be posted outside the jail.

(2) Every interview shall take place in a special part of the jail appointed for the purpose, if possible at, or near, the main gate. Provided that interviews with female prisoners shall, if practicable, take place in the female enclosure. Provided also that, if a prisoner is seriously ill, the Superintendent may permit the interview to take place in the hospital, and a condemned prisoner shall ordinarily be interviewed in his cell. Provided further that the Superintendent may, for special reasons, to be recorded in writing, permit an interview to take place in any part of the jail.

Place of
interview.

(3) Every interview with a convicted prisoner shall take place in the presence of a jail officer, who shall be responsible that no irregularity occurs and who shall be so placed as to be able to see and hear what passes and to prevent any article being passed between the parties. No politics should be allowed to be brought out at the interview.

Interview to
take place
in the
presence of
a jail officer.

(4) Any interview may be terminated at any moment, if the officer present considers that sufficient cause exists. In every such case the reason for terminating the interview shall be reported at once for the orders of the senior officer present in the jail.

Termination
of interview.

(5) The time allowed for an interview shall not ordinarily exceed 20 minutes but may be extended by the Superintendent at his discretion.

Duration of
interview.

(6) Every convicted prisoner, and every unconvicted criminal prisoner, shall be carefully searched before and after an interview.

before and,
Search
after,
interview.

785. (1) No letter shall be delivered to, or sent by a convicted prisoner until it has been examined by the Superintendent or by the jailor or other officer under the Superintendent's order, but no unnecessary delay should be allowed to occur in delivery or despatch. If a letter is written in a language unknown to the Superintendent, he shall take steps to procure a translation before forwarding the letter. No letter written in cipher shall be allowed. The Superintendent may withhold any letter which seems to him to be in any way improper or objectionable, or may erase any improper or objectionable passages.

Examination
despatch,
delivery
and
withholding,
if necessary,
of letters.

(2) If a letter is addressed to a prisoner who is not entitled under the rules to receive it, it may, unless the Superintendent determines to communicate it under sub-paragraph (3) be

Withholding
of letters
and their
disposal.

withheld and kept in the Superintendent's custody until the prisoner is entitled to receive it or is released, when it shall be delivered to him, unless it is improper or objectionable; or it may be returned to the sender with an intimation that the prisoner is not entitled to receive it.

Convicts
may keep
letters if
allowed.

(3) A convict may retain any letter which has been delivered to him with due authority, unless the Superintendent otherwise directs, or the convict may ask that it be kept for him.

Supply
writing
materials
and other
facilities.

786. Writing materials shall be supplied in reasonable quantities to any convict who has permission to write a letter, and all letters shall be written at such time and place as the Superintendent may appoint. A fixed day of the week, preferably Sunday, shall be set apart for letter writing. Service postage stamps and, when postcards can be used, service postcards shall be provided for the correspondence of prisoners.

Superinten-
dent may
refuse to
grant inter-
views, if
such inter-
views
considered
inexpedient.

787. A Superintendent may refuse to allow any interview to which a prisoner would ordinarily be entitled under these rules, but in every such case, if in his opinion it is inexpedient in the public interests to allow any particular person to interview a prisoner, or if other sufficient cause exists, he shall record his reasons such refusal in his journal.

Penalties
liable to be
imposed for
abuse of
privilege.

788. Any prisoner, who abuses any privilege relating to, the holding of an interview, or the writing of letters, or other communication with any person outside the jail, shall be liable to be excluded from such privileges for such time, and may be subjected to such further restrictions, as the Superintendent may direct.

Jailor
search
suspected
visitors and
to refuse
such visitors
interviewing
prisoners, if
necessary.

789. The jailor may demand the name and address of any visitor to a prisoner, and, if he has good grounds for suspecting that any visitor is taking prohibited articles to a prisoner, he may search the visitor, or cause him or her to be searched, before he or she is allowed to enter the jail or see a prisoner, but the search shall not be made in the presence of any prisoner, or of any other person. If the visitor is a female, the search shall be made only by a woman. In the case of such visitor refusing to be searched, the jailor may refuse to allow an interview with a prisoner. In any case, when a visitor is searched, or an interview with an undertrial prisoner is refused, the jailor shall at once report the circumstance,

and the grounds for his action, in his report book and submit his report to the Superintendent at his next visit to the jail.

790. (1) Undertrial and civil prisoners shall be granted all reasonable facilities at proper times and under proper restrictions for interviewing, or otherwise communicating with either orally or in writing, their relatives, friends and legal advisers.

Facilities to be granted to undertrial and civil prisoners as regards interviews and letters.

(2) Every interview between an undertrial prisoner and his legal adviser shall take place within sight, but out of hearing of jail official. A similar concession may be allowed by the Superintendent in the case of an interview with any near relative of the undertrial prisoner.

(3) Where any person desires an interview with an undertrial prisoner in the capacity of the prisoner's legal adviser he shall apply in writing, giving his name and address and stating to what branch of the legal profession he belongs, and he must satisfy the Superintendent that he is the *bôna fide* legal adviser of the prisoner with whom he seeks an interview and that he has legitimate business with him.

(4) Any *bôna fide* confidential written communication prepared by an undertrial prisoner as instructions to his legal adviser may be delivered personally to such legal adviser without being previously examined by the Superintendent. The legal adviser shall inspect the written communication *then and there*. He shall hand it over to the jail official present at the interview *then and there*, if he finds that it is wholly a document not within the purview of the paragraph, and shall report the fact of having done so to the Superintendent at the earliest possible date by a letter addressed to the Superintendent by name. The legal adviser shall return the written communication to the prisoner *then and there*, if he finds that the document contains not only instructions within the purview of the paragraph but also extraneous matter, after endorsing the communication and signing a statement to the effect that it has been so returned. For the purpose of this rule the term 'legal adviser' means a legal practitioner within the meaning of The Legal Practitioners Act.

791. Civil prisoners may see their friends and relatives at such times and under such restrictions as the Superintendent may appoint, and the presence of a jail official shall not be necessary.

Civil prisoners and interviews.

Section II.—Ministers of Religion.

Chaplains
to be
appointed
for the
Insein Jail
Annexe.

792. Chaplains shall be appointed to the Insein Central Jail Annexe for the requirements of Christian prisoners only.

Appoint-
ment of
Chaplains.

793. A Church of England Chaplain and a Roman Catholic Chaplain shall be appointed, and it shall be competent to the Government to appoint a Minister of any other denomination.

Procedure in
regard to the
appointment
of Chaplains.

794. The appointment shall be made by the Government on the advice of the Bishop of the respective communions.

Conduct of
divine ser-
vice.

795. The Chaplains shall each perform divine service, according to the rites of his church, on Sundays and also on Christmas Day and Good Friday. The hours of divine service shall be fixed by the Chaplains in communication with the Superintendent of the Jail.

Attendance
of prisoners.

796. All European, Anglo-Indian, Anglo-Burman and Asiatic prisoners who are Christians shall attend divine service, but no one shall be compelled to attend the services of a Minister of a religion or persuasion different from his own as declared on entering the jail.

Sacrament
of the Lords
Supper.

797. The Sacrament of the Lord's Supper shall be administered in the chapel at such times as the Bishop may direct. The attendance of prisoners at this rite shall be voluntary.

Chaplains
permitted to
make sugges-
tions for im-
provement
of morals
and dis-
cipline of
prisoners.

798. The Chaplain may make any suggestions, to the Superintendent of the Jail, which he considers would tend to improve the morals or discipline of the prisoners, or lead to their reformation, but he should be careful not to interfere with the routine of the jail.

Arrange-
ments for
meetings
during the
week.

799. He may visit the jail during the week, and may collect the prisoners for instruction at such times and in such a way as he and the Superintendent, in consultation, may decide.

Visits to sick
prisoners.

800. He shall visit, at least once a week, the sick in hospital who belong to his church, and he may visit them more frequently, if they require his services.

801. Each Chaplain shall submit to the Inspector-General, through the Superintendent, a general annual report on the religious and moral condition of the prisoners belonging to his church, and the apparent effects of the discipline of the jail.

Chaplains
to submit
annual
reports.

802. On the application of a Christian prisoner, a known Minister of his own religious persuasion, as declared by the prisoner at the time he is admitted to the jail, may be admitted to the jail for religious ministration to such prisoner on Christian Day, Good Friday, and any Sunday, or on any one appointed day of the week, provided that—

Conditions
of admis-
sion of
Chaplains
to Jails.

- (1) the Superintendent may refuse to admit any Minister whose admission he considers inconsistent with the maintenance of discipline in the jail,
- (2) religious ministration shall be subject to such conditions as to time, place, duration, etc., as the Superintendent considers necessary, but a separate room or place not accessible to other prisoners shall, if possible, be provided.

This rule shall not apply to prisoners in the Insein Central Jail Annexe, who belong to the Established Church of England, or are Roman Catholics, for whose religious welfare Chaplains are appointed.

803. On days other than those specified above, Christian Ministers shall have access to a Christian prisoner only if he is dangerously ill, or under sentence of death, and desires to see a Christian Minister. On such desire being expressed, the Superintendent shall, if possible, arrange for a Christian Minister to visit the prisoner.

Christian
Ministers
allowed to
visit
Christian
prisoners on
days other
than those
appointed, in
special cases.

804. No minister of any religious Order should be allowed to have access to any prisoner who does not belong to his own denomination, unless the prisoner voluntarily and spontaneously expresses a wish to see such a minister, in which case the matter should be reported to the Inspector-General of Prisons for orders. Whenever possible, the request of the prisoner should be reduced to writing, and, in every case, the prisoner should be required to state definitely the purpose for which he desires to see the minister.

Minister of
one deno-
mination not
to have
access to
prisoners of
another denomi-
nation.

805. Pôngyis, approved by the Deputy Commissioner of the District in which the jail is situated, may be allowed, on Sundays or other holidays, to preach to Buddhist prisoners.

Attendance
of Pongyis.

Observation
of Sangha
sabbath by
undertrials
and pri-
soners sen-
tenced to
simple im-
prisonment.

806. To enable undertrial prisoners and prisoners undergoing simple imprisonment, who are themselves *pôngyi*s to keep the *Sangha* Sabbath twice a month (*i.e.*, *Labyine* or full moon day, and *Lagwene* or change of moon), they may, at their request and subject to good behaviour, be allowed the ministrations of another *pôngyi* of the same *gaing* or sect, who has been approved by the Deputy Commissioner.

Bible to be
furnished
to every
Christian
prisoner.

807. Every Christian prisoner, confined in the special ward and who can read, shall be furnished with a Bible and prayer book of the denomination to which he belongs. These shall be kept in his cell or ward.

CHAPTER X.

PRISON OFFENCES AND PUNISHMENTS.

The acts which constitute prison-offences are defined in Section 45 of the Prisons Act, 1894. Under clause (1) of that Section, those acts include such wilful disobedience to any regulation of the prison as shall have been declared by rules made under Section 59 to be a prison-offence. Paragraph 809 in the Chapter comprises the rules made in this behalf. Sections 46 et seq. of the Act assign certain powers of punishment to the Superintendent. Sections 47 and 48 of the Act (see paragraphs 812—815) state how the prison punishments should be awarded and by whom. Further provisions regarding the maintenance of the Punishment Book, the medical examination of prisoners prior to the infliction of certain punishments, the presence of the Medical Officer or Medical Subordinates during the infliction of whipping and other connected matters, are included in Sections 50—53.

Statutory
provisions

808. In section 45 of the Prisons Act, 1894, the following acts are declared to be prison offences, when committed by a prisoner :—

Acts declared to be
prison offences.

- (1) such wilful disobedience to any regulation of the prison as shall have been declared, by rules made under section 59, to be a prison offence ;
- (2) any assault or use of criminal force ;
- (3) the use of insulting or threatening language ;
- (4) immoral or indecent or disorderly behaviour ;
- (5) wilfully disabling himself from labour ;
- (6) contumaciously refusing to work ;
- (7) filing, cutting, altering or removing handcuffs, fetters or bars, without due authority ;
- (8) wilful idleness or negligence at work by any prisoner sentenced to rigorous imprisonment ;
- (9) wilful mismanagement of work by any prisoner sentenced to rigorous imprisonment ;
- (10) wilful damage to prison property ;
- (11) tampering with or defacing history tickets, records, or documents ;
- (12) receiving, possessing, or transferring any prohibited article (see also paragraph 373) ;

- (13) feigning illness ;
- (14) wilfully bringing a false accusation against any officer or prisoner ;
- (15) omitting or refusing to report, as soon as it comes to his knowledge, the occurrence of any fire, any plot or conspiracy, any escape, attempt or preparation to escape, and any attack or preparation for attack upon any prisoner or prison official ; and
- (16) conspiring to escape, or to assist in escaping, or to commit any other of the offences aforesaid.

NOTE.—Prison offences should be classified in accordance with the Instructions laid down in Jail Department Circular No. 74—156-Gen., dated the 21st May 1909.

Acts declared
by rules
made under
section 59 of
the Prison
Act, 1894, to
be prison
offences.

809. The following acts are forbidden, and every prisoner who wilfully commits any of the following acts shall be deemed to have wilfully disobeyed the regulations of the prison, and to have committed a prison offence within the meaning of section 45 of the Prisons Act:—

- (1) talking when at file or at unlocking or at latrine, bathing or other parades, or at any time when ordered by any officer of the prison to desist, and singing, loud laughing and loud talking at any time.

NOTE.—For the extent to which talking is admissible, see Appendix XXIX.

- (2) quarrelling with any other prisoner ;
- (3) secreting any article whatever ;
- (4) showing disrespect to any jail officer, or visitor ;
- (5) making groundless complaints ;
- (6) answering untruthfully any question put by an officer of the prison, or a visitor ;
- (7) holding any communication (in writing, by word of mouth or otherwise) with an outsider, with a prisoner of the opposite sex, civil or undertrial prisoner, or a prisoner of a different class, in disobedience of the regulations of the prison ;
- (8) abetting the commission of any prison offence ;
- (9) omitting to assist in the maintenance of discipline by failing to report any prison offence or to give assistance to an officer of the prison when called on to do so ;
- (10) doing any act or using any language calculated to wound or offend the feelings and prejudices of a fellow prisoner ;

- (11) doing any act calculated to create any unnecessary alarm in the minds of the prisoners or officers of the prison ;
- (12) leaving, without permission of an officer of the prison, the gang to which he is attached, or the part of the prison in which he is confined ;
- (13) leaving, without permission of an officer of the prison, the ward, the yard, the place in file, the seat or berth, assigned to him ;
- (14) loitering about the yards, or lingering in the wards when these are open ;
- (15) omitting or refusing to march in file when moving about the prison ;
- (16) visiting the latrines, or bathing platforms, except at stated hours, or without permission of an officer of the prison, or resorting unnecessarily to the night latrine, or omitting or refusing to employ dry earth in the manner directed by the prison regulations ;
- (17) refusing to eat food, or the food prescribed by the prison diet scale ;
- (18) eating or appropriating any food not assigned to him, or taking from, or adding to, the portions assigned to other prisoners ;
- (19) removing, without the permission of an officer of the prison, food from the cook room, or godowns, or from the place where meals are served, or disobeying any order as to the issue and distribution of food and drink ;
- (20) wilfully destroying food, or throwing it away without orders ;
- (21) introducing into food or drink anything likely to render it unpalatable, or unwholesome ;
- (22) omitting or refusing to wear the clothing given to him, or exchanging any portion of it for the clothing of other prisoners, or losing, discarding, damaging or altering, any part of it ;
- (23) removing, defacing or altering any distinctive number, mark, or badge attached to, or worn on, the clothing, or person ;
- (24) omitting or refusing to keep the person clean, or disobeying any order regulating the cutting of hair, or nails ;

- (25) omitting or refusing to keep clean his clothing, blankets, bedding, fetters, iron cups or platters or descriptive zinc labels or other identification token or disobeying any order as to the arrangement or disposition of the such articles ;
- (26) tampering in any way with prison locks, lamps or lights, or other property, with which he has no concern ;
- (27) stealing the prison clothing, or any part of the prison kit, of any other prisoner ;
- (28) committing a nuisance in any part of the prison ;
- (29) spitting on or otherwise soiling any floor, door, wall or other part of the prison building, or any article in the prison ;
- (30) wilfully befouling the wells, latriness, washing or bathing places ;
- (31) damaging the trees and vegetables in the garden of the jail, or maltreating the prison cattle ;
- (32) omitting or refusing to take due care of all prison property entrusted to him ;
- (33) omitting or refusing to take due care of, or injuring, destroying or misappropriating, the materials and implements entrusted to him for work ;
- (34) omitting to report, at once, any loss, breakage or injury, which he may accidentally have caused to prison property, or implements ;
- (35) manufacturing any article without the knowledge, or permission of an officer of the prison ;
- (36) performing any portion of the task allotted to another prisoner, or obtaining the assistance of another prisoner in the performance of his own task ;
- (37) appropriating any portion of the task performed by another prisoner ;
- (38) mixing or adding any foreign substance to the materials issued for work ;
- (39) doing, or omitting to do, any act with intent to cause himself, any illness, injury or disability ;
- (40) causing, or omitting to assist in suppressing, violence or insubordination of any kind ;
- (41) taking part in any attack upon any prisoner, or officer of the prison ;

- (42) omitting or refusing to help any officer of the prison in case of an attempted escape, or of an attack upon such officer or upon another prisoner ;
- (43) disobeying any lawful order of an officer of the prison, or omitting or refusing to perform duties in the manner prescribed.

810. When, in the opinion of the Superintendent, any of the following offences are established against any prisoner, he shall refer the case to the Magistrate exercising jurisdiction, for disposal in accordance with the Code of Criminal Procedure :—

Criminal Proceedings to be instituted when certain offences are committed.

- (1) Offences punishable under sections 147, 148 and 152 of the Indian Penal Code.
- (2) Offences punishable under sections 222, 223 and 224 of the Indian Penal Code.
- (3) Offences punishable under sections 304A, 309, 325 and 326 of the Indian Penal Code.
- (4) Any offence triable exclusively by the Court of Sessions.

It shall be in the discretion of the Superintendent to determine, with respect to any other act which constitutes both a prison offence and an offence under the Indian Penal Code, whether he will use his own powers of punishment, or move the Magistrate exercising jurisdiction to enquire into it in accordance with the Code of Criminal Procedure.

Procedure in regard to punishment when any other offence constituting both a prison offence and an offence under the Indian Penal Code is committed.

NOTE.—An offence committed by a prisoner must not be split up, but must be dealt with as a whole. For example, if a prisoner is judicially punished for an assault with a knife, he must not, in addition, be departmentally punished for possessing a forbidden article.

811. Under section 46 of the Prisons Act, 1894, the Superintendent may examine any prisoner touching any offence specified in paragraphs 809 and 810 above, and, subject to the provisions detailed in this chapter, may determine thereupon and punish such offence by—

Punishments that can be awarded by the Superintendent.

- (1) a formal warning.

Formal warning.

Explanation.—A formal warning means a warning personally addressed to a prisoner, by the Superintendent, and recorded in the punishment book and on the prisoner's history ticket.

- (2) Change of labour, for a stated period, to some more irksome or severe form.

Change of labour.

Change of labour can be awarded only to prisoners undergoing rigorous imprisonment and is a punishment suitable for persistent short work or idleness, but may be awarded also for other offences. It may be given for a definite time, or until good behaviour.

Hard
labour.

(3) Hard labour for a period not exceeding seven days in the case of convicted criminal prisoners not sentenced to rigorous imprisonment.

Loss of
privileges
under the
remission
system.

(4) Such loss of privileges admissible under the remission system, for the time being in force, as may be prescribed by rules made by the Governor.

The following rules * have been prescribed—

For a prison offence any one of the following punishments involving loss of privileges admissible under the remission system may be awarded:—

- (a) Forfeiture of remission earned.
- (b) Temporary forfeiture of class, grade or prison privileges.
- †(c) Temporary or permanent reduction from a higher to a lower class or grade.
- (d) Temporary or permanent exclusion from the remission system.

Provided that—

No order directing the forfeiture of remission in excess of twelve days, or the exclusion of a prisoner from the remission system for a period exceeding three months, shall take effect without the previous sanction of the Inspector-General.

Substitu-
tion of
clothing.

(5) The substitution of gunny or other coarse fabric for clothing of other material, not being woollen, for a period which shall not exceed three months.

Gunny clothing is a suitable punishment for minor offences. The punishment shall not be awarded for more than three months at a time, and a period of 14 days shall elapse after the completion of any term for which this punishment is awarded before it is again inflicted for a new offence. A male prisoner's gunny clothing shall consist of a tunic. All other clothing, except the blanket coat, shall be taken from male prisoners undergoing this punishment, and the gunny clothing shall be worn next the skin. In cold weather the blanket coat shall be worn over the gunny tunic. In the case of females a gunny petticoat or *longyi* shall be worn next the skin, and they shall retain the cotton jacket and blanket coat. Prisoners who have gunny clothing shall wash it weekly and keep it clean.

Separate
confinement.

(6) *Separate* confinement for any period not exceeding three months.

* Rules prescribed by the Governor-General in Council under clause 4 of section 46 of the Prisons Act, 1894.

† NOTE.—Convict officers found guilty of such a serious offence as sleeping on duty should in all cases be reduced from officership, if possible, for a period of not less than six months. In cases where this is not possible, e.g., where their release falls due within six months from the date of offence, a very heavy forfeiture of remission should accompany the officer's reduction.

Explanation.—Separate confinement means such confinement, with or without labour, as secludes a prisoner from communication with, but not from sight of, other prisoners, and allows him not less than one hour's exercise *per diem* and to have his meals in association with one or more other prisoners.

(7) *Penal diet*, that is, restriction of diet in such manner and subject to such conditions regarding labour as may be prescribed by Government: Penal diet.

Provided that such restriction of diet shall in no case be applied to a prisoner for more than ninety-six consecutive hours, and shall not be repeated, except for a fresh offence, nor until after an interval of one week.

The Government has prescribed—

(a) The following scale of penal diet:—

C. Class prisoners.	Daily.		For A and B Class prisoners.		Daily.	
	Morn- ing.	Even- ing.			Morn- ing.	Even- ing.
	Ozs.	Ozs.			Ozs.	Ozs.
Rice flour ...	8	8	Wheat flour ...	...	8	8
Salt ...	$\frac{1}{4}$	$\frac{1}{4}$	Salt ...	...	$\frac{1}{4}$	$\frac{1}{4}$
water sufficient to make into porridge.			Water sufficient to make into porridge.			

(b) and has directed that, when penal diet is imposed, penal or hard labour shall not be exacted, but that, with the approval of the Medical Officer, some light form of labour may be given.

(8) *Cellular confinement* for any period not exceeding fourteen days: Cellular confinement.

Provided that, after each period of cellular confinement, an interval of not less duration than such period must elapse before the prisoner is again sentenced to cellular confinement.

Explanation.—Cellular confinement means such confinement, with or without labour, as entirely secludes a prisoner from communication with, but not from sight of, other prisoners.

(9) Penal diet as defined in clause (7), combined with cellular confinement. Penal diet combined with cellular confinement.

(10) Whipping, provided that the number of stripes shall not exceed thirty (see paragraph 826). Whipping.

Combination
of punish-
ments.

812. Any two of the punishments enumerated in the last foregoing paragraph may be awarded in combination for any offence specified in paragraphs 808 and 809 subject to the following exceptions:—

(1) Formal warning shall not be combined with any other punishment, except loss of privileges under clause (4) of paragraph 811.

(2) Penal diet shall not be combined with change of labour under clause (2) of paragraph 811, nor shall any additional period of penal diet, awarded singly, be combined with any period of penal diet awarded in combination with cellular confinement.

(3) Cellular confinement shall not be combined with separate confinement so as to prolong the total period of seclusion to which a prisoner shall be liable.

(4) Whipping shall not be combined with any other form of punishment, except cellular or separate confinement or loss of privileges admissible under the remission system.

(5) No punishment shall be combined with any other punishment in contravention of rules made by the Governor.

NOTE.—In no circumstances is a combination of more than two punishments permissible.

Irregular
combination
of punish-
ments
awarded for
different
offences not
permissible.

813. No punishment shall be awarded for any such offence so as to combine, with the punishment awarded for any other such offence, two of the punishments which may not be awarded in combination for any such offence.

Powers of
Supdts. in
the matter
of inflicting
punish-
ments.

814. The Superintendent is empowered to award any of the punishments enumerated in paragraphs 811 and 812, subject, in the case of separate confinement for a period exceeding one month, to the previous confirmation of the Inspector-General.

Officers
subordinate
to Supdt. not
empowered
to award
punishment.
Classification
of punish-
ments.

815. No officer subordinate to the Superintendent has power to award any punishment.

816. The punishments enumerated in section 46 of the Prisons Act, including those prescribed under section 46, clauses (4), (6) and (7), shall be classified into minor and major punishments.

Minor pun-
ishments.

817. The following punishments shall be considered minor punishments:—

(1) Formal warning.

(2) Change of labour, for a stated period, to some more irksome or severe form.

(3) Forfeiture of remission earned, not exceeding four days.

(4) Forfeiture of class, grade, or prison privileges for a period not exceeding three months.

(5) Temporary reduction from a higher to a lower class or grade.

(6) Penal diet, with or without cellular confinement, not exceeding 48 hours.

(7) Cellular confinement for not more than 7 days.

(8) Separate confinement for not more than 14 days.

(9) Substitution of gunny or other coarse clothing for the portion of the ordinary prison dress which is not woollen.

818. The following punishments shall be considered major punishments:— Major punishments.

(1) Hard labour in the case of prisoners not sentenced to rigorous imprisonment.

(2) (a) Forfeiture of remission earned, exceeding four but not exceeding twelve days.

(b) Forfeiture of remission earned, in excess of twelve days.

(c) Forfeiture of class, grade, or prison privileges for a period exceeding three months.

(d) Exclusion from the remission system for a period not exceeding three months.

(e) Exclusion from the remission system for a period exceeding three months.

(f) Permanent reduction from a higher to a lower class of grade.

(3) Cellular confinement for a period exceeding 7 days.

(4) Separate confinement for a period exceeding 14 days.

(5) Penal diet combined with cellular confinement for more than 48 hours.

(6) Whipping.

(7) Any combination of minor punishment admissible under section 47 of the Act.

NOTE 1.—The major punishment 2 (b) and 2 (e), and any combination of the major punishments 2 (b), 2 (c) and 2 (e), shall not be awarded by the Superintendent of a prison without the previous sanction of the Inspector-General.

NOTE 2.—The following punishments shall not be carried out in continuation, even when awarded at different times for different offences:—

(a) Penal diet with whipping.

Supdt. to
deal with
all infringe-
ment of
jail rules.

819. Every infringement of jail rules shall be brought to the notice of the Superintendent, who shall decide whether the infringement reported was committed in such circumstances, e.g., wilfully or without excuse, as to constitute an offence. If the Superintendent is of opinion that the infringement of rules was committed through ignorance or excusable carelessness, he shall admonish the prisoner and dismiss the charge without recording it in the punishment book. But if he finds it to be an offence, he shall award some punishment and have it recorded in the punishment book (Form No. 43), giving all details required under the prescribed headings and likewise on the prisoner's history ticket.

Cases in
which minor
or major
punish-
ments may
be inflicted.

820. For petty offences the punishments classed as minor punishments will, in the absence of aggravating circumstances, be ordinarily appropriate. For offences serious in themselves, or for such offences as, by the presence of aggravating circumstances, or by the previous commission of similar offences by the prisoner, are rendered serious in character, punishments classed as major punishment shall be awarded. The frequent commission of minor offences will render the delinquent liable to a major punishment.

Forfeiture
of remission
a suitable
punishment
for petty
offences.

821. Forfeiture of remission in the case of prisoners coming under the remission system is adequate punishment for petty offences, such as short work, etc., unless frequently repeated. This punishment should be awarded for minor offences in preference to all others as long as the prisoner has any remission to his credit.

Cases refer-
red to Inspe-
ctor-General
to contain
full
particulars.

822. When the sanction of the Inspector-General to awards under clauses (a) and (b) of paragraph 811 (4) is required, full particulars of the offence, and the amount of remission which the prisoner has earned, and a brief statement of his history shall be submitted, with a nominal roll on Form No. 32.

Forfeiture
of privileges
allowed to
convict
officers.

823. Temporary forfeiture of prison privileges under the remission system includes any of the special privileges allowed to convict officers by the rules in Chapter VI. One or more of these privileges may be temporarily suspended, and the period for which any privilege is to be forfeited should invariably be stated; the period shall likewise be stated when temporary reduction, from a higher to a lower, grade of convict officer is ordered.

824. Penal diet should be sparingly resorted to, and not at all if the prisoners, as a body, are unhealthy or deteriorating in health as shown by the fortnightly weighments. Penal diet may be combined with cellular confinement. Prisoners ordered penal diet, when not combined with cellular confinement, shall be fed quite apart from others. All prisoners subjected to penal diet shall be visited daily by the Medical Officer, who has authority to direct the discontinuance of the penal diet whenever he may observe, or have reason to apprehend, any injurious effects.

Imposition
of penal
diet.

825. Fetters of every description shall always be kept bright and polished, and soft leather, blanket, or canvas gaiters shall be allowed to prevent abrasion of the skin. Link and bar fetters may be suspended from the waist by a strip of leather, no string or rope being allowed for the purpose. When the fetters become worn or thin in any part, they shall at once be changed. Prisoners shall not be put to work the native oil mill whilst in fetters; this prohibition does not apply to an oil mill worked, by a crank, by hand.

Imposition
of fetters.

826. The punishment of whipping shall be inflicted only for munity or for conduct seriously affecting the discipline of the prison or for incitement thereto, for serious assaults on any public servant or visitor, or after other punishments have failed for other offences of a specially grave nature.

Award of
corporal +
punishment.

A special report, based on the record required by section 51 of the Prisons Act, 1894, to be made in the punishment book in every case in which whipping has been inflicted, shall be promptly submitted to the Inspector-General by the Superintendent of the Jail, Form No. 140 being utilized for the purpose. For carrying out whipping paragraph 481 should be followed.

NOTE 1.—Convict warders and convict overseers are exempt from corporal punishment (*vide* paragraphs 29 and 295).

NOTE 2.—In no case shall such punishment exceed thirty stripes, and, in the case of a person under sixteen years of age, it shall not exceed fifteen stripes, *vide* section 392 (2) of the Code of Criminal Procedure, 1898.

827. When in any jail the number of prisoners punished with whipping during a quarter exceeds 3 *per cent* of the daily average population for that quarter, a special report must be made to the Inspector-General, giving details as to the causes which led to the unusual increase in the number of corporal punishments.

Report to be
submitted to
the Inspec-
tor-General
when there
is an increase
in the
number of
punishments
of whipping.

Female and civil prisoners not to be whipped. Imposition of handcuffs on female, and juvenile prisoners and fetters on juvenile prisoners.

828. No female or civil prisoner, shall be liable to whipping as a punishment for a jail offence. Handcuffs shall only be imposed on female and juvenile prisoners as a measure of restraint in circumstances stated in paragraph 328, and then not for more than 72 hours at a time. Fetters of a suitable weight may be imposed on juvenile prisoners in circumstances stated in paragraph 327.

Medical officers required to examine prisoners before infliction of certain punishments.

829. No punishment of penal diet, either singly or in combination, or of whipping, or of change of labour (minor punishment No. 2), or of hard labour in the case of a prisoner sentenced to simple imprisonment (major punishment No. 1) shall be executed until the prisoner, to whom such punishment has been awarded, has been examined by the Medical Officer, and has been certified by him to be fit to undergo such punishment. The Medical Officer shall record his certificate in the punishment register. If the Medical Officer considers the prisoner unfit to undergo the punishment he shall record his opinion in writing, and state whether the prisoner is absolutely unfit for punishment of the kind awarded or whether he considers any modification necessary. In the latter case, he shall state to what extent he thinks the prisoner can undergo the punishment without injury to his health. If the Medical Officer be the Superintendent, he shall not be bound to make a separate entry under this rule. It will be assumed that, in awarding the punishment, he has duly considered the prisoner's health.

Execution of sentences of whipping at places where there is no jail.

NOTE.—It has been ruled that, at all headquarters of subdivisions and townships, where there is no jail, one of the menial servants of the Court shall be appointed to execute sentences of whipping, where whipping is ordered by itself; where whipping is combined with a sentence of imprisonment, the execution of it should be deferred until after admission into jail. For the training of Court officials in whipping, Deputy Commissioners are authorized to send men, whom it is desired to instruct, to a neighbouring jail where facilities shall be afforded for the acquirement, by them, of the required skill and deftness.

Punishments other than those prescribed not to be inflicted and the infliction should conform to Rules.

830. Except by order of a Court of Justice, no punishment other than the punishments specified in the foregoing rules shall be inflicted upon any prisoner, and no punishment shall be inflicted upon any prisoner otherwise than in accordance with the provisions of these rules.

Supdts. may send up for trial prisoners

831. Under section 52 of Act of IX of 1894, if any prisoner is guilty of an offence against jail discipline, which by reason of his having frequently committed such offence, or otherwise,

in the opinion of the Superintendent, is not adequately punishable by the infliction of any punishment, which he has power to award, the Superintendent may forward such prisoner to the Court of the District Magistrate, or of any Magistrate of the first class having jurisdiction, together with a statement of the circumstances ; and such Magistrate, or any Magistrate of the first class to whom the District Magistrate may transfer the case, will thereupon inquire into and try the charge so brought against the prisoner, and, upon conviction, may sentence him to imprisonment which may extend to one year ; such term * to be in addition to any term for which such prisoner was undergoing imprisonment when he committed such offence, or may sentence him to any of the punishments enumerated in paragraph 811. But no prisoner shall be punished twice for the same offence. When convicts are dealt with by criminal Courts, a detailed account of the circumstances and result of the proceedings shall be furnished as a supplement to yearly Statement VI (Form No. 127).

NOTE.—With regard to the application of these rules to undertrial prisoners' prisoners sentenced to simple imprisonment and to civil prisoners, *see* paragraphs 709, 595 and 739. With regard to the use of handcuffs or fetters for restraint, *see* paragraphs 326 to 330.

committing jail offences when punishment awardable by Supdts. is inadequate.

No prisoners to be punished twice for the same offence. Cases sent up for trial to be detailed in annual report.

Application of rules to undertrial prisoners sentenced to simple imprisonment and Civil prisoners.

* But if imprisonment is for bad livelihood, *see* concluding portion of paragraph 392.

CHAPTER XI.

REMISSIONS AND REWARDS.

Statutory provision. *Rules made under Section 59 (5) of the Prisons Act, 1894, to regulate the shortening of sentences by the grant of remissions.*

Description and local extent. **832.** The following rules regulate the shortening of sentences by the grant of remissions. These rules apply to the whole of British India, inclusive of British Baluchistan, and the Sonthal Parganas.

Definitions. **833.** In these Rules—

- (a) “prisoner” includes a person committed to prison in default of furnishing security to keep the peace or be of good behaviour.
- (b) “class 1 prisoner” means a thug, a robber by administration of poisonous drugs, or a professional, hereditary, or specially dangerous criminal convicted of heinous organized crime, such as dacoity.
- (c) “class 2 prisoner” means a dacoit or other person convicted of heinous organized crime, not being a professional, hereditary, or specially dangerous criminal.
- (d) “class 3 prisoner” means a prisoner other than a class 1 or class 2 prisoner.
- (e) “sentence” means a sentence as finally fixed on appeal, revision or otherwise, and includes an aggregate of more sentences than one and an order of committal to prison in default of furnishing security to keep the peace or be of good behaviour.

NOTE 1.—In every case of a life sentence the convicting Court shall endorse on the warrant of commitment, for the information of the jail authorities, the class to which the prisoner belongs. If, in any case, the classification is not made, the jail authorities should refer the warrant to the Court to supply the omission. If there is any doubt as to the entry to be made, the Court will decide the question by a reference to the records of the case, or by further enquiry, if necessary.

NOTE 2.—The cases of all life convicts and of all prisoners sentenced to more than 14 years imprisonment or transportation or to transportation and imprisonment for terms exceeding in the aggregate 14 years shall, when the terms of imprisonment undergone, together with any remission earned under the rules, amounts to 14 years, be submitted for the orders of Government in accordance with the instructions contained in Home Department No. 159—69 (jails), dated the 6th September 1905. When such cases are submitted Jail Form No. 32A or 32B, as the case may be, should be submitted.

(f) " life convict " means—

- (i) a class 1 or class 2 prisoner whose sentence amounts to 25 years' imprisonment ; or
- (ii) a class 3 prisoner whose sentence amounts to 20 years' imprisonment.

834. No remission shall be earned in respect of any sentence of transportation or imprisonment under section 2 of the Frontier Murderous Outrages Regulation, 1901 (IV of 1901), passed on a person above the age of fifteen years.

Exclusion of sentences under section 2, Act IV of 1901.

835. No ordinary remission shall be earned in the following cases, namely—

Exclusion of certain other sentences.

- (1) in respect of any sentence of imprisonment amounting, exclusive of any sentence passed in default of payment of fine, to less than six months ; but a prisoner shall continue to earn remission while undergoing imprisonment in default of payment provided that his original substantive sentence, exclusive of a sentence in default of payment of fine, amounts to at least six months.
- (2) in respect of any sentence of simple imprisonment except for any continuous period, not being less than one month, during which the prisoner labours voluntarily.

NOTE.—The intention of this rule is that, if a prisoner's sentence, or total of sentences, reduced on appeal to less than six months he shall cease to be eligible for ordinary remission under these rules, and any remission that he may have earned prior to the reduction of his sentence or sentences shall be forfeited. In this connection, see the definition of "sentence" in paragraph 833 (e).

836. If a prisoner is convicted of an offence committed after admission to jail, under sections 147, 148, 152, 224, 302, 304, 304A, 306, 307, 308, 323, 324, 325, 326, 332, 333, 352, 353, or 377 of the Indian Penal Code, or for an assault committed after admission to jail on a warder or other officer, the remission of whatever kind earned by him under these rules up to the date of the said conviction may, with the sanction of the Inspector-General, be cancelled.

Liability of forfeiture of remission for commitment of certain offences.

837. The Superintendent may, with the previous sanction of the Inspector-General, re-admit to the remission system any prisoner who has been removed therefrom under rules framed under section 59, clause (3), of the Prisons Act. Such a prisoner shall earn remission under these rules from the commencement of the month following such re-admission.

Re-admission of excluded prisoner to remission system.

Scale of
ordinary
remission.

838. Ordinary remission shall be awarded on the following scale—

- (a) Two days *per month* for thoroughly good conduct and scrupulous attention to all prison regulations;
- (b) Two days *per month* for industry and the due performance of the daily task imposed.

Explanation.—A prisoner, who is unable to labour through causes beyond his control by reason of being at Court, in transit from one jail to another, in hospital or in an invalid gang, shall be granted remission under clause (a) on the scale earned by him during the previous month if his conduct prior to, and during, the period in question has been such as to deserve such grant. He shall also be entitled to the grant of remission under clause (b) on the scale earned by him during the previous month if he has been in prison during that term; if not, at the rate of two days *per month*:

Provided that if his absence from work is due to his own misconduct in jail, no remission under clause (b) shall be awarded for the period of absence:

Provided also that if he is in hospital or in an invalid gang no remission under clause (b) shall be granted, unless the medical officer certifies that the prisoner's absence from labour is due to causes beyond his control and is in no way caused by any action of the prisoner himself, taken with a view to escape work or to get into, or remain in hospital.

Scale appli-
cable to
convict
officers.

839. In lieu of the remission allowed under paragraph 838 convict warders shall receive eight days' ordinary remission *per month*, convict overseers six days *per month* and convict night watchmen five days *per month*.

NOTE 1.—The remission shall be awarded (a) four, three and three days to convict warders, convict overseers and convict night watchmen, respectively, for good conduct and scrupulous attention to prison regulation; (b) four, three and two days for industry and the due performance of the duties allotted them.

NOTE 2.—A convict officer who, by reason of being at Court, in the hospital, in transit from one jail to another, or in an invalid gang, does not perform his regular duties and is absent from such for a period of one month shall be debarred from earning remission under clause (b) of Note 1 to paragraph 839, but remission under clause (a) shall be awarded according to the convict officer's conduct during the time he has actually been present in the jail.

Date from
which
remission
is to be
calculated.

840. Subject to the provisions of paragraph 837, remission under paragraph 838 shall be calculated from the first day of the calendar month next following the date of the prisoner's sentence: any prisoner, who, after having been released on bail or because his sentence has been temporarily suspended, is afterwards re-admitted to jail shall be brought under the remission system on the first day of the calendar month next following his re-admission, but shall be credited, on his return to jail, with any remission which he may have earned previous to his release on bail or the suspension of his sentence. Remission under paragraph 839 shall be calculated from the first day

of the next calendar month following the appointment of the prisoner as convict warder, convict overseer, or convict night watchman.

841. Prisoners, employed on prison services such as cooks and sweepers, who work on Sundays and holidays, may be awarded three days' ordinary remission *per* quarter, in addition to any other remission earned under these rules.

Additional remission to prison servants.

Explanation.—One day's remission may be credited to the prisoner at the end of every month during which he has been employed on any prison service.

842. Any prisoner, eligible for remission under these rules who, for a period of one year reckoned from the first day of the month following the date of his sentence or the date on which he was last punished for a prison offence, has committed no prison offence whatever, shall be awarded 15 days' ordinary remission, in addition to any other remission earned under these rules.

Yearly award of remission for good conduct.

Explanation.—For the purposes of this rule prison offences punished only with a warning shall not be taken into account.

843. Ordinary remission shall be awarded by the Superintendent or, subject to his control and supervision and to the provisions of paragraph 844, by the Deputy Superintendent, Chief Jailor, Deputy Jailor or any other officer specially empowered in that behalf by him.

Power to grant ordinary remission.

844. An officer awarding ordinary remission shall before making the award, consult the prisoner's history ticket, in which every offence proved against the prisoner must be carefully recorded. If a prisoner has not been punished during the quarter otherwise than by a formal warning, he shall be awarded the full ordinary remission for that quarter under paragraph 838 or, if he is a convict officer, under paragraph 839.

Procedure on award.

If a prisoner has been punished during the quarter otherwise than by a formal warning, the case shall be placed before the Superintendent, who, after considering the punishment or punishments awarded, shall decide what amount of remission shall be granted under paragraph 838, or, if the convict is a convict officer, under paragraph 839. All remissions awarded or forfeited as recorded on the prisoner's history ticket shall be entered quarterly in the prisoner's remission card (Form No. 50) See paragraph 859.

The Superintendent shall, before the seventh of every month, personally examine all remission cards and submit to the Inspector-General a certificate (in Form No. 207) that they are correctly posted and up to date.

Monthly examination of remission register.

Date, and
record of
award.

845. The award of ordinary remission shall be made, as nearly as possible, on 1st January, 1st April, 1st July and 1st October, and the amount shall be intimated to the prisoner and recorded on his history ticket. Remission granted to a prisoner under paragraph 842 shall be recorded on his history ticket as soon as possible after it is awarded.

Exclusion of
last calendar
month.

846. No prisoner shall receive ordinary remission for the calendar month in which he is released.

Circum-
stances
under
special
remission
may be
granted.

847. Special remission may be given to any prisoner, whether entitled to ordinary remission or not, other than a prisoner undergoing a sentence referred to in paragraph 834, for special service, as for example—

- (1) assisting in detecting or preventing breaches of prison discipline or regulations ;
- (2) success in teaching handicrafts ;
- (3) special excellence in, or greatly increased outturn of, work of good quality ;
- (4) protecting an officer of the prison from attack ;
- (5) assisting an officer of the prison in the case of outbreak, fire or similar emergency ;
- (6) economy in wearing clothes ;
- (7) attending on patients suffering from infectious diseases or epidemics, *vide* paragraph 968.

Power to
grant special
remission,
and extent
to which
such remis-
sion may be
granted.

848. Special remission may be awarded by the under-mentioned officers to an amount not exceeding in one year the number of days stated against each:—

The Inspector-General	...	...	60 days.
The Deputy Commissioner	...	...	30 "
A Superintendent of Jail, other than the			
Superintendent of a Camp Jail	...	...	30 "
The Superintendent, Camp Jail, Mòkpalin	}	...	60 "
The Officer-in-Charge, Camp Jail, Alôn			

Explanation.—For the purpose of this rule, years shall be reckoned from the date of sentence, and any fraction of a year shall be reckoned as a complete year.

Record of
special
remission.

849. An award of special remission shall be entered on the history ticket of the prisoner as soon as possible after it is made, and the reasons for every award of special remission by a Superintendent shall be briefly recorded.

850. The total remission awarded to a prisoner under all these rules shall not, without the special sanction of the Government, exceed one-third part of his sentence. Maximum remission awardable.

851. In calculating the date of release of a prisoner the number of days of remission earned shall be converted into months and days, at the rate of 30 days to each month. Calculation of date of release.

NOTE.—In the first week of each month a list in Form No. 96 shall be made out, of those prisoners who, on the supposition that they will earn full ordinary remission during the intervening period will be entitled to release in the course of the month next ensuing. This list shall be submitted to the Superintendent, signed by him and filed in the office. If the prisoner fails to earn the amount of remission assumed in the list, or if, from bad conduct, he forfeits any of the remission already earned, the date of his release will be proportionately deferred; while if, on the other hand, he earns an additional amount of remission on the date of his release will be proportionately accelerated.

852. When a life convict who is either—

- (a) a Class 1 prisoner, or
- (b) a Class 2 or Class 3 prisoner with more than one sentence, or
- (c) a prisoner in whose case Government has passed an order forbidding his release without reference to it,

has earned such remission as would entitle him to release but for the provisions of this rule, the Superintendent shall report accordingly to Government, through the Inspector-General, in order that his case may be considered with reference to section 401 of the Code of Criminal Procedure. When Government has passed orders for the continued detention, in jail, of life convicts, proposals for their special treatment, with a view to mitigating the severity of their punishment, should be submitted to the Inspector-General, who will decide as to the privileges to be granted to such convicts.

Release of life convict and of convicts in whose cases Government has forbidden release without reference to it.

853. Save as provided by paragraph 852, when a prisoner has earned such remission as entitles him to release, the Superintendent shall release him.

Release in other cases.

NOTE to paragraphs 852 and 853.—The intention of these rules is (a) that the cases of Class 1 life convicts, of Class 2 or Class 3 life convicts, who have more than one sentence for offences committed either before their admission to jail or while in jail, and of any other life convicts in whose cases the Government may have deemed it desirable, should be submitted for the special orders of the Government as to whether release should be granted and, if so, on what conditions (such conditions must, it should be noted, be prescribed by order under section 401, Code of Criminal Procedure), and (b) that all other convicts should, on expiry of their sentences, less periods of remission earned, be released automatically without any special orders from the Government.

N.B.—On a reference to Government it has been ruled that it will suffice if the provisions of Chapter VIII, Section X of the Manual, with regard to the release of police registered prisoners, are observed in respect of the disposal, after expiry of sentence, of Class 2 convicts and term convicts of Class 1.

Endorsement
of remission
on warrant.

854. When a prisoner is released under paragraph 853 the total amount of remission earned by him shall be endorsed on his warrant, and the endorsement shall be signed by the Superintendent.

Procedure
on transfer.

855. When a prisoner is transferred to another jail the total amount of remission earned by him up to the end of the previous month shall be endorsed on his warrant and entered on his history ticket, these entries being signed by the Superintendent.

The receiving jail shall be responsible that the above information is duly obtained. Each jail, at which a prisoner serves a portion of his sentence, shall be held responsible for the correct calculation of the remission earned in that jail.

856. *Deleted.*

Promotion to
convict
officers
dependent on
amount of
remission
earned.

857. The appointment of convicts to the posts of convict watchman, convict overseer, and convict warder, authorized by Chapter VI of this Manual, shall be dependent upon the amount of remission earned. These posts and the privileges they carry are therefore "privileges under the remission system" with reference to section 46 (4) of the Prisons Act, 1894 (*see* paragraph 823).

Prisoner to
be made
acquainted
with re-
mission
rules.

858. An abstract of the above remission rules, translated into the vernacular, shall be posted up in every barrack and shall be read to the prisoners every Sunday by a paid warder, or an educated prisoner.

859. (1) On the admission of any prisoner entitled to the grant of ordinary remission under these rules the Superintendent shall cause to be prepared a Remission Card (Jail Form No. 50) in respect of the prisoner. All entries on this card shall be made accurately; the register number of the prisoner must be entered in the appropriate space in bold figures. No erasures shall be permitted, but clerical inaccuracies shall be crossed through, and corrections made shall be initialled and dated in red ink by the Jailer personally.

Any prisoner, who is not entitled to the award of ordinary remission but who has been granted special remission, shall similarly be provided with a remission card, whenever necessary.

(2) The recording of the award, or forfeiture, of remission as required by paragraph 844 shall be done under the initials of the entering officer, who shall, at the same time, verify the accuracy of the various entries in the history ticket of the

prisoner, relating to the award, or forfeiture, of remission during the last quarter. Any extraordinary remission of sentence (such as Coronation remission) that may have been granted by Government shall be entered in red ink in the column for special remission.

(3) During the last year of imprisonment the date of release (after deducting the remission actually earned) shall be entered in the appropriate column, as a guide to the preparation of the monthly roll on Jail Form 65.

(4) Responsibility for the accuracy of entries in the Remission Cards shall rest with the Jailor in charge of the Remission Section who will also be held liable in the event of undue detention, or premature release, of any prisoner where that arises from incorrect calculation of remission earned.

(5) Remission cards shall be kept in a special locked box, or a locked almirah, divided into compartments. The keys of such box or almirah must remain in the personal possession of the Remission Section Jailor. Under no circumstances is a prisoner to be allowed, even temporarily to have custody of these keys.

(6) Cards shall be arranged in each compartment serially according to the register numbers of the prisoners, or in bundles according to the months of release.

The following method has been found satisfactory in certain Jails in India :—

(i) The cards are arranged according to the dates of release.

(ii) The cards are tied in bundles; those of the current twelve months are arranged in pigeon-holes in the almirah which has a separate pigeon-hole for each month.

(iii) The cards for later years, or lesser periods, have a separate pigeon-hole.

(7) No prisoner shall, under any circumstances, be allowed access to any Remission Card.

(8) The Remission Cards of released prisoners whose sentences have not been conditionally remitted by Government, shall be preserved for one year after their release. Those of prisoners whose sentences have been conditionally remitted by Government should be kept permanently.

CHAPTER XII.

RELATING TO THE TREATMENT OF PRISONERS IN CELLS.

NOTE.—The following rules shall not apply to the confinement of female prisoners in cells when at variance with Chapter VIII, Section XII.

Provision of cells.

860. Cells for separate, cellular, and solitary confinement shall, if possible, be provided in all jails. Cells of standard plan, or such as have been certified as fit for the purpose by the Inspector-General, shall be used for the solitary confinement of prisoners.

Description of cells.

“Each cell shall have a yard attached to it, where the prisoner can have the benefit of fresh air without having the means of communication with any other prisoner.” There shall be a general yard in connection with the cell constructed for separate or cellular confinement, in which each prisoner can be bathed, fed, and exercised at regular hours.

Use of cells.

The cells may be used—

- (a) for carrying out sentences of solitary confinement under sections 73 and 74 of the Penal Code;
- (b) for the separate and cellular confinement of prisoners under clauses 8 and 10 of section 46 of Act IX of 1894;
- (c) for the separation of habituals under paragraph 438;
- (d) for the medical observation of lunatics;
- (e) for the medical observation and separation of prisoners supposed to be suffering from bowel complaints or other sickness, or to be producing in themselves sickness or sores by the use of deleterious substances, or who are suffering from contagious affections or from the mental and physical effects of a castigation;
- (f) for the confinement of prisoners condemned to death.

Duties of guard over cells.

861. During the daytime a paid warder, or convict officer, shall always remain within hearing of the prisoners, and, on being called, shall ascertain the requirements of the prisoners. He shall frequently visit the cell blocks, and satisfy himself that the convict officers in charge of cells keep a strict watch over all the prisoners in the cells to prevent them committing suicide, or injuring themselves. The Superintendent, after taking into consideration the structural arrangements and the number of paid warders attached to his jail, shall issue, in writing, such orders as may be necessary, so as to have the

keys of the cells always immediately available by day and night in the case of sickness, or attempted suicide.

862. The paid warder, or convict officer, in charge of the cells shall receive no prisoner for separate, or cellular, confinement without a written order from the Superintendent, which shall generally be on a ticket (Form No. 11 or 12) and affixed to the pocket over the door, so as to be seen at all times and be available when called for by any inspecting officer or visitor. He shall receive no prisoner for separation by day or night, under paragraph 438, without an order in writing from the Superintendent or Chief Jailor.

Superintendent's written orders necessary for confinement of prisoners in cells.

863. A register shall be kept in the vernacular, by the paid warder, or convict officer in charge of the cells, showing the date on which each prisoner is admitted and discharged, the nature of the confinement ordered, and the amount of task work done daily. The Chief Jailor of a central jail shall also record in a register, and the Chief Jailor of a district jail in his report book, the names of all prisoners who sleep in cells at night.

Maintenance of register.

864. Before being put in a cell, each prisoner shall be very carefully searched by the assistant jailor, or paid warder, and all implements and appliances, likely to facilitate escape, or suicide, shall be taken away ; and every cell and every prisoner therein shall be carefully searched daily at lock-up time, and oftener, if necessary.

Search of prisoner and cell.

865. Every prisoner, confined in a cell for more than 24 hours, shall be visited daily by the Superintendent and Chief Jailor, and also by the Medical Officer, or Medical Subordinate. A prisoner, sent to a cell for medical observation, shall be frequently visited by the warder on duty, who shall send information, to the Sub-Assistant Surgeon, of any change which may take place in the prisoner's condition. During the time that the prisoner is under observation, he shall receive such food as the Medical Officer may consider necessary.

Visit by jail officials.

866. At night the guards shall be so posted and arranged that all prisoners in cells shall at all times have means of communicating with a jail officer or sentry ; and each prisoner in solitary confinement shall be inspected at every change of guard. In case of sickness immediate notice shall be given by the guard to the head warder on duty, by passing

Arrangement for night guard.

the word from sentry to sentry. The head warder shall at once report the case to the Chief Jailor and the Sub-Assistant Surgeon, who shall visit the cell, and, if necessary, remove the prisoner to hospital, and inform the Superintendent and Medical Officer of the circumstance at their next visit. Two prisoners shall not be confined in one cell. If male condemned prisoners, or dangerous lunatics, have to be watched by convict officers, they must be placed outside the grated door of the cell.

Visit by head warders.

867. Each cell shall be visited by a head warder once every two hours during the day and night. The relieving and relieved head warders of the night watches shall visit the cells together to see that the correct number is confined in them and that all is well.

Bedding to be aired. Cell to be kept clean by inmate.

868. The bedding of prisoners in cells, except that of prisoners under observation for sickness, or insanity, shall be withdrawn from the cell during the day, and exposed to the sun and air when the weather permits. The inmate of a cell shall, at all times, be compelled to keep it scrupulously clean.

Admission to cells of prison servants for essential services.

869. Convict sweepers, cooks and watermen may enter the cells when necessary, accompanied by a warder. Food shall be cooked and carried to the cells by prisoner cooks, of suitable caste, under the superintendence of a jail officer.

Allotment of task.

870. Labouring prisoners in separate or cellular confinement shall be given suitable, productive forms of labour, according to their capacity. Oakum picking, bag sewing, stitching buttons and rope making are appropriate forms of labour. Labour such as wheat grinding, Indian corn grinding, pounding mortar, cocoanut or aloe fibre, and breaking stones should on no account be given.

Strict silence to be maintained.

871. Strict silence must be maintained among all prisoners in confinement in cells.

NOTE.—For the treatment of condemned prisoners in cells, see Chapter VIII, Section (XIV).

CHAPTER XIII.

PUBLIC WORKS.

872. (a) Public works in jails come under the following Definition. heads:—

					Rs.
A.—Original works	...	{	Major, costing over	...	10,000
			Minor, costing	...	10,000. or less.
			Petty, costing under	...	200
B.—Repairs	...	{	Special.		
			Periodical.		
			Occasional.		

(b) *Class A.*—Includes all new construction, whether entirely new works or additions and alterations to existing works; also substitutions of one kind of work for another, *e.g.*, a corrugated iron roof for a tiled one.

(c) *Class B.*—*Special* repairs are those of an extensive nature which are not classed as periodical, such at the complete renewal of a roof. Special repair estimates do not lapse with the official year but remain current till completion of the work.

(d) *Periodical* repairs are such as are included in an annual estimate and comprise not only such work as painting and white washing, but such miscellaneous repairs as it may be convenient to carry out at the same time.

(e) *Occasional* repairs are such as become necessary from time to time and are not included under any of the above subheads.

873. (a) Every proposal for an original work must be approved by the Inspector-General; all such proposals should be accompanied with a full explanation of the nature of the work and the necessity for it, and with a rough estimate of the cost and sketch of it, if necessary.

Proposal for original works to receive approval of the Inspector-General.

(b) A superintendent may call upon the Executive Engineer to report on any proposal for original works, and to state roughly the probable cost, but Executive Engineer cannot be required, except by their departmental superiors, to prepare detailed drawings and estimates required for the purpose of technical sanction, of projects which they consider likely to cost a sum greater than that which can be sanctioned by the Inspector-General.

Report on proposal for original works, and probable cost, may be obtained from Executive Engineer.

Procedure in applying for administrative approval, financial sanction, and in disposal of estimates.

(c) The following procedure shall be followed in applying for administrative approval, financial sanction and technical sanction to works, and in the disposal of estimates:—

(1) In the case of Major Works, other than those relating to residential buildings, the Inspector-General will submit the proposal to Government in the Judicial Department for approval of the preparation of a Line Plan and Preliminary Estimate. On receipt of Government's approval, the Inspector-General will arrange with the Superintending Engineer for the preparation by the Executive Engineer concerned, of a Line Plan and a Plinth Area, or other approximate estimate. If on receipt of the Line Plan and the estimate, the Inspector-General still considers the execution of the work necessary, he will forward them to Government with a full description of the work and the reasons for recommending its early execution. If Government decides to sanction the proposal, it will grant financial sanction to the estimate of work, include the project in the "Priority List of Projects" and intimate the fact to the Inspector-General. The order of precedence in the Priority List will be determined by Government in the Judicial Department, and the work shall commence as soon as funds are made available and the detailed plans and estimates are technically sanctioned by the Chief Engineer or other officer of the Public Works Department competent to do so.

Maintenance of Permanent Registers of all major works administratively approved.

Permanent Registers of all major works, which have been administratively approved, will be maintained by the Inspector-General, Superintendents of Jails and Superintending and Executive Engineers in the following form, the works being grouped by civil districts under their proper heads:—

Permanent Register of Major Works administratively approved of in the . . . Public Works Division Public Works Circle, of the . . . Civil Division.

Civil district.	Name of work.	Number in Road Schedule.	Date of Administrative approval	Estimated cost (approximate).	Date of sanction to detailed estimate.	Amount of detailed estimate.	Remarks.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

NOTE.—Fill in Column 3 for road projects.

NOTE 1.—For the definition of the term "administrative approval" see paragraph 145 of the Public Works Department Code, Volume I.

NOTE 2.—For the definition of the term "Financial sanction" see Rule 1 (b) of Appendix H to the Burma Budget Manual, Volume I.

NOTE 3.—For the definition of the term "Technical sanction" see Rule 1 (c) of Appendix H to the Burma Budget Manual, Volume I.

(2) In the case of Minor Works, other than those relating to residential buildings, the Inspector-General will pay due regard to the necessity and urgency of the work and the availability of funds at his disposal, and if he considers that the work should be executed, he will call for detailed plans and estimate. On receipt of these he will accord financial sanction to the estimate of work and arrange to allot the necessary funds required for the completion of the work. The detailed plans will then be returned to the Executive Engineer for technical sanction by the competent officer of the Public Works Department, and on completion of these details the execution of the work shall be commenced.

Necessity and urgency of Minor Works other than those relative to residential buildings.

(3) In the case of Minor Works on residential buildings, the Inspector-General will first obtain the administrative approval of Government. If the proposal is for construction of quarters for warders and Head Warders up to a limit of Rs. 10,000 for each work, the Inspector-General will accord financial sanction to the work, provided they are according to type plans approved by Government. If on the other hand, the proposal is for provision of quarters for the jail staff above the rank of Head Warder, the Inspector-General will obtain the necessary financial sanction from the Chief Engineer, Public Works Department, Buildings and Roads Branch, provided the total cost of the work does not exceed Rs. 5,000 in each case. If the cost of the work exceeds Rs. 5,000 the Inspector-General will obtain the sanction of Government in the Forest Department through the Secretary to the Government of Burma, Judicial Department. The execution of the work shall then be commenced after the necessary funds have been made available and the detailed plans and estimates have been technically sanctioned by the officer of the Public Works Department competent to do so.

Approval of Government to be obtained in the case of Minor Works on residential buildings.

NOTE.—Information as to the salary and allowances of the occupant, or intended occupant, of the residential building concerned should invariably, be furnished with each proposal to enable the limits of cost permissible to be arrived at.

(4) In the case of Repairs to jail building, Superintendents shall observe the following procedure:—

Repairs to Jail Buildings.

- (i) The requisition will be made by the Superintendent in P.W.D. Form No. 8A.
- (ii) The Executive Engineer will satisfy himself of the propriety of the repairs.
- (iii) If funds are available the Executive Engineer may order the immediate execution of the repairs, provided their estimated cost does not exceed Rs. 200.

- (iv) If funds are not available, or if the cost will exceed Rs. 200, the estimate must be sanctioned by the Superintending Engineer.

Sanctions
not to be
misapplied.

874. (a) Nothing in these rules is to be construed into a permission to carry out in portions any group of works or alterations, or to make purchases, of which the cost in the aggregate would exceed the powers of sanction of the Inspector-General.

Jail buildings
under sole
charge of
P.W.D.

(b) All jail buildings are in charge of the Public Works Department, and no alterations or additions to a building may be made without the approval of the Superintending Engineer, nor may any building be dismantled without permission obtained through him.

Commence-
ment of
work.

(c) No work may be commenced until it is formally sanctioned by competent authority, except in emergent cases of danger or inconvenience suddenly arising, when a definite written request must be made, and an Executive Engineer will act on his own responsibility.

Barbed Wire
Fence.

(d) The use of barbed wire for fences is objectionable on account of the danger of serious injury to persons and animals. This form of fencing shall not be used for Government lands or buildings.

Jail work
by convict
labour.

875. (a) In the execution of every jail work convict labour shall be utilized to the fullest extent possible. An Executive Engineer is bound to give a Superintendent the option of executing the whole or any part of a jail work, and to assist him in providing employment for prisoners on such work.

NOTE.—The maintenance of jail buildings by convict labour is of more importance than all outside work even of a remunerative nature, and it is not open to Superintendents of jails to decline to provide the labour for carrying out the repairs when more remunerative work is available. In the case of disinfection of cells, etc., in jails, becoming necessary, the disinfection and white washing must be done by convict labour under the orders of the Superintendent.

But as it will not always be possible for jails to carry out jail works, these may be subdivided and classed as follows:—

- (i) Works to be done by prisoners.
- (ii) Works to be done by free labour.

(b) Estimates for works on which it is intended to use prison labour (that is to say, for jail works) will provide for the full market value of the work to be done, but a note of the reduction to be effected by the employment of convicts will be made on the abstract of the estimate.

No charge is made to the Public Works Department when convicts are employed on jail works, but the Executive Engineer

will inform the Superintendent, when requested, of the market value of work done by convicts. When prison labour is employed on other public works, the full market value of work done, as certified by the Executive Engineer, will be charged to the Public Works Department.

(c) The Executive Engineer shall from time to time inform the Superintendent of the probable demand for convict labour, and the Superintendent shall arrange, as far as practicable, for the required number of prisoners being made available.

The Superintendent may apply, if necessary, to the Inspector-General for the transfer of as many more convicts as will make up the required number.

(d) When a sanctioned jail work is to be executed by prison labour, the Superintendent will apply to the Executive Engineer for all tools, plant and materials required for the work. Such tools and materials shall be devoted solely to the purposes sanctioned in the estimate, and shall be properly accounted for in a register (Form No. 179) so that there may be no complaint of loss (for which the jail will be held responsible) when they are returned to the Public Works Department on completion of the work. The register shall also show such articles as may be written off on account of fair wear and tear, also raw materials rendered useless by waste or bad workmanship. Each entry in the register shall be initialled by the Superintendent and the jailor. In order to avoid disputes, the Superintendent shall arrange for all articles, proposed to be written off, being brought before the local Public Works Department officer, his concurrence being obtained, in writing, before they are formally written off.

(e) The Superintendent will also engage such paid, skilled labour and supervision as is considered necessary in consultation with the Executive Engineer, and this will be paid for by the Executive Engineer.

(f) The work to be done shall be laid out by the Executive Engineer, or by his subordinate deputed for the purpose and no deviations from the sanctioned plant shall on any account be permitted without formal sanction.

(g) It shall be the duty of the Executive Engineer to point out to the Superintendent when progress on a work is considered unsatisfactory, and when possible he will frame a table of task work, and instruct his subordinate to report daily to the Superintendent that the task has been completed or otherwise.

(h) All building operations shall be under the sole charge of the Executive Engineer and his subordinate without any interference, and the report of the Executive Engineer as to

short or bad work, spoiling of tools or waste of materials, shall be accepted by the Superintendent as final.

An Executive Engineer will dismantle work not approved by him, as he would in the case of an ordinary contractor. On the other hand, it is expected that Public Works Department supervision will be effectual, so that loss to the jail caused by dismantling of work shall be reduced to a minimum.

(i) The disposal of complaints from Public Works Department officers regarding the work will rest with the Superintendent. On the other hand, the Executive Engineer shall see that his arrangements for materials, etc., are such that full employment is found for the number of prisoners for whom he applies.

**Maintenance
of discipline.**

876. (a) All matters connected with the discipline of the convicts employed, their feeding, clothing and treatment, also their guarding and supervision when at work, shall rest entirely with the Superintendent.

(b) When additional establishment has to be entertained by the Superintendent as guards for prisoners employed on jail works, or other Public Works Department works, the cost will be adjusted in the manner laid down in paragraph 1043.

(c) No scaffolding, loose bamboos, *machans*, planks, tools, etc., likely to facilitate escape, shall be left in the jail at night. If extensive scaffolding, which cannot be removed every evening, is used, a special watch shall be placed by the Superintendent over such scaffolding; the cost of this watch will be dealt with in the same way as that for guards under clause (b) of this paragraph.

(d) Free labourers shall be kept as separate as possible from convict labourers.

When skilled free labour is employed to teach convicts and supervise their work, it must be arranged that the discipline of convicts is interfered with as little as possible.

**Efficient
maintenance
of buildings.**

877. (a) The Executive Engineer is responsible that all jail buildings are efficiently maintained, but it is the duty of the Superintendent to bring it to his notice when he considers that a building requires repairs.

(b) Under paragraph 69 of Burma Public Works Department Code, Volume I, the Executive Engineer is directed to make, as soon as possible after 1st May and 1st November of each year, a careful and thorough examination of all jail buildings, keeping specially in view the security they afford against escapes. The reports of these inspections shall be made to the Superintendent of the jail, who should forward a copy

to the Inspector-General for information not later than the 1st June and 1st December of each year.

(c) Work is not to be carried on on Sundays, except in cases of actual necessity.

(d) On the completion of a work, a completion certificate will be forwarded by the Executive Engineer to the Superintendent, for signature. The signature merely implies that the Superintendent has satisfied himself to the best of his ability that the work has been done properly. If he objects to any statements on this or any other paper presented to him for signature, he should still sign it, adding any remarks he may think proper.

(e) Materials derived from jail buildings dismantled or undergoing repair are at the disposal of the Executive Engineer, to be dealt with by him according to his departmental rules. The same rule applies to surplus materials remaining over from a new work when these have been supplied by the Executive Engineer.

(f) All adjustments of amounts due from either department to the other are to be effected in accordance with paragraph 1150.

878. The Executive Engineer is responsible that jail buildings have appliances for protection from, and extinguishing of, fire as laid down in the rules contained in Burma Public Works Department Circular No. 13 of 1912.

Precautions
against fires.

Superintendents are responsible that due precautions are taken to avoid risk from fire in accordance with the following rules:—

(1) No fires, except in constructed fire-places, are to be allowed in any building or quarters during day or night.

(2) No fires are to be carried about unguarded, nor lights without lanterns or protecting shades.

(3) The Superintendent will keep tanks, or other vessels provided for the purpose, filled with water, and will see that the water is changed from time to time to prevent it becoming offensive. All bathing troughs shall be kept full of water overnight (see paragraph 1018).

(4) The Superintendent will see that ladders provided for or cases of fire are at all times in serviceable condition available for immediate use.

(5) No stacks or collections of grass, straw, or other inflammable materials, no thatched huts, mat enclosures, or temporary cooking-places, enclosed or roofed with thatch, or mats, shall be allowed within 50 yards of any jail building

without special orders, and the greatest care must always be taken that such collection or building of inflammable materials is not subject to any risk of fire.

(6) No fire protective appliances will be provided in residential buildings ; and no patent extinguishers will be provided by the Public Works Department in any Government building.

(7) In every non-residential Government building of the value of Rs. 10,000 and over constructed wholly or in part of mat or plank walls, mat or timber floors, *wagat*, thatch, or shingle roofs, the following fire protection appliances shall be provided :—

- (a) Boxes of dry sand with scoops in each room.
Each box shall measure 2 feet $\times$ 1½ feet $\times$ 1 foot ; and there shall be approximately one box for every 1,000 square feet of floor area, a maximum number of four boxes, and a minimum number of one box for each room.
- (b) One or more serviceable ladders of a minimum length of 20 feet shall be hung in the verandahs or other convenient places.

The initial cost of these boxes, scoops and ladders will be borne by the Public Works Department, but the occupier of the building will be responsible for subsequent renewals and for keeping the boxes full of sand.

CHAPTER XIV.

MEDICAL ADMINISTRATION.

Section I.—Medical Officer.

Under Section 6 of the Prisons Act, 1894, there shall be a Medical Officer (who may also be the Superintendent) for every prison. Section 13 defines the Medical Officer's duties in general terms, Section 14 requires him to report to the Superintendent any case in which he has reason to believe that the mind of a prisoner is likely to be injuriously affected by the treatment to which he is subjected, and Section 15 lays down the procedure which the Medical Officer should adopt on the death of a prisoner.

Statutory provisions.

879. Except in the case of the Rangoon, Insein and Mandalay Central Jails, to each of which a special Medical Superintendent is appointed, the Medical Officer of the district, or subdivision, in which a jail is situated, shall be Medical Officer of such Jail.

Appointment of Medical Officer for each jail.

880. Whenever the Medical Officer of a jail is absent from the station, the powers and duties conferred and imposed by the Prisons Act, on a Medical Officer, may be exercised and performed by the senior Medical Subordinate of the station, or, in the case of Rangoon and Insein, by the Assistant Medical Officer of the Jail.

Officials who may carry out the duties of the Medical Officer when he is absent from the station.

881. Subject to the control of the Superintendent, the Medical Officer shall have charge of the sanitary administration of the prison, and shall perform such duties as are detailed in this Manual, or as may, hereafter be prescribed by due authority.

Charge of Sanitary administration.

882. He shall visit the jail at least once a day, and more frequently, if necessary. Every criminal prisoner shall, as soon as possible, after admission, be examined under the general or special orders of the Medical Officer, who shall enter, or caused to be entered, in the admission register (Form No. 21), a record of the state of the prisoner's health, his weight, the class of labour he is fit for (if sentenced to rigorous imprisonment), and any observations which he thinks fit to add.

Visit to jail, Examination of new admissions.

Search of
female
prisoners.

883. He shall issue such general or special orders as are considered necessary for the search and examination of female prisoners admitted to jail. These prisoners shall on no account be stripped in the presence of the Medical Officer or the Sub-Assistant Surgeon, nor shall any indecent exposure be allowed. The searching shall invariably be carried out with decorum. In cases where a female prisoner is reasonably suspected of having secreted forbidden articles on her person, she shall be required to strip in the presence of a wardress or a paid female or female convict or under-trial, the Medical Officer or the Sub-Assistant Surgeon keeping within hearing distance, but not in sight of the prisoner who is being searched.

Daily visit
to sick, and
admission of
new patients.

884. He shall daily, as soon after sunrise as convenient, visit the sick in hospital, and shall also examine prisoners complaining of illness, and admit them, if necessary, to hospital or, if it seems suitable, recommend any variation of diet, or that they be placed on light labour or exempted from work. In cases of malingering he shall at once make a report to the Superintendent.

Daily visit
to prisoners
in solitary
confinement
or on penal
diet.

885. He shall visit, at least once a day, every prisoner detained in a solitary confinement cell for more than twenty-four hours, whether as a punishment or otherwise, as well as every prisoner on penal diet.

Treatment of
cases affected
by jail
discipline.

886. Whenever the Medical Officer shall, after careful scrutiny (as convicts are prone to feign insanity or to pretend illness), have reason to believe that either the mind or the body of a prisoner is likely to be injuriously affected by the discipline or treatment observed in the prison, he shall report the case in writing to the Superintendent, accompanied by such suggestions as he may think the case requires. The Superintendent shall thereupon, in regard to such prisoner, alter or suspend the discipline, and regulate the prisoner's work accordingly.

Vaccination
of prisoners.

887. He shall vaccinate, or cause to be vaccinated, every healthy prisoner, whether previously protected or not, as soon as convenient after admission into jail. Provided that—

- (i) in the case of prisoners received in a bad or in an indifferent state of health, vaccination or re-vaccination may be postponed ;
- (ii) re-vaccination need not be carried out when the Medical Officer can satisfy himself, from jail records, that a prisoner has been successfully vaccinated within a period of seven years ;

- (iii) either vaccination or re-vaccination may be dispensed with in any case in which the Medical Officer, for reasons to be recorded in the Register of Vaccination Operations Form $\frac{\text{Sanitary}}{6 \text{ Vac.}}$, in the exercise of his discretion, considers it undesirable or unnecessary.

888. He shall, from time to time, examine the labouring prisoners while they are employed, and shall, at least once in every fortnight, record, or cause to be recorded, on the history ticket of each prisoner employed on labour, the weight of such prisoner at the time. These weighments may be conducted by Sub-Assistant Surgeons or by jailors, but the Medical Officer shall frequently check them, and shall be answerable for their accuracy.

Examina-
tion and
fortnightly
weighments,
of labouring
prisoners.

889. When the Medical Officer is of opinion that the health of any prisoner suffers from employment on any kind or class of labour, such prisoner shall not be employed on that labour, but shall be placed on such other kind or class of labour as the Medical Officer may consider suited to him.

Change of
labour on
medical
grounds.

890. He shall, once at least in every week, inspect every part of the jail, and ascertain that nothing exists therein likely to be injurious to the health of the prisoners, and especially that the drainage is satisfactory, that the water-supply is in no way polluted, that due precautions against overcrowding are taken, and that the ventilation * and cleanliness of the barracks, yards, latrines, etc., are provided for and properly attended to. He shall also frequently inspect the cook-rooms, and shall test the weight and quality of the rations, both before and after cooking.

Weekly
inspection of
every part of
jail.

Frequent
testing of
quality and
weight of
rations.

891. He shall make a weekly inspection of all the prisoners so as to ascertain their general state of health; that they are fit for the class of labour on which they are employed, clean in person, free from disease, and provided with adequate clothing and bedding. He shall see that prisoners losing weight are paraded apart from the others, so that their cases may receive special attention.

Weekly ins-
pection of all
prisoners.

892. He shall cause to be maintained a register of the morning report of the jail hospital (Form No. 58) in which he

Maintenance of
register of
morning
report of jail
hospital.

* In the cold months he shall see that measures are adopted to prevent chills excess ventilation in the dormitories being guarded against by the use of suitable screens.

shall enter all recommendations he has to make relative to the health of any prisoner, or of the prisoners generally, the result of his daily and weekly inspections, and all suggestions regarding the general sanitary state of the jail, for the information and guidance of the Superintendent. Under ordinary circumstances, this morning report shall be produced before the Superintendent every morning, but matters of urgency shall be brought to the notice of the Superintendent or Chief Jailor without delay. When the Superintendent is himself the Medical Officer, he shall issue orders, instead of making suggestions or recommendations.

**Maintenance
of hospital
registers.**

893. He shall keep, or cause to be kept—

- (a) a register of sick (Form No. 60) in which he shall enter, or cause to be entered, the names of all prisoners admitted in hospital ;
- (b) a register of casualties (Form No. 61) in which shall be recorded, in detail, the result of all *post-mortem* examinations ;
- (c) a register of all prisoners in the “ convalescent ” and “ special ” gangs: all prisoners admitted to jail in indifferent health, the very aged and infirm, and the convalescents, should be placed in these gangs. The register (Form No. 51) should show the date of admission and discharge from the gang, and the diet ordered ;
- (d) a record, in the admission register (Form No. 21), of the health of all prisoners on admission and discharge ;
- (e) a table showing particulars, year by year, as to—
 - (1) capacity of jail ;
 - (2) daily average population of all classes ;
 - (3) total deaths ;
 - (4) total death rate *per mille* ;
 - (5) death rate, *per mille*, from cholera ;
 - (6) Remarks [under this head should be shown (a) chief causes of death ; (b) if cholera occurred, evidence of importation or otherwise ; (c) changes in articles of diet, *e.g.*, *urhar* or gram *dâl* substituted for *pègya*, *pèyin*, or *mong dâl* two, three, four, five or six times weekly ; (d) additional clothing issued ; (e) changes in source of water-supply ; (f) boiling or sterilization of drinking water, etc.]

This table should be hung up in the-jail dispensary.

894. He shall furnish the Inspector-General with the prescribed periodical reports and returns of sickness and mortality when they become due, and with such other reports or returns as he may, from time to time, be required to submit.

Submission of reports and returns.

895. The Medical Officer's duties and responsibilities in connection with punishment awards are detailed under sections 50 and 53 of the Prisons Act, 1894, and paragraphs 481 and 829 of this Manual.

Duties and responsibilities of Medical Officer when certain punishments have been awarded.

896. He shall give written directions for separating, from the healthy prisoners, those who are suffering, or suspected to be suffering, from infectious complaints; for cleaning or disinfecting any ward or cell, and for cleaning or destroying any clothing or bedding.

Issue of directions for segregation of prisoners suffering from infectious complaints, and for disinfection of clothing and bedding.

897. He shall forward at once to the Director of Public Health and to the Inspector-General, through the Superintendent, notice of the appearance of any case of infectious disease, or such as may be likely to assume an epidemic form, and shall send like intimation to the Inspector-General whenever the number of sick in hospital has reached 10 per cent of the jail population. He shall send the Director of Public Health, immediate telegraphic intimation of serious outbreaks of relapsing fever, pneumonia, cerebro-spinal meningitis and acute poliomyelitis in an epidemic form, a post copy of the telegram being immediately dispatched to the Inspector-General. Weekly progress reports of the epidemics in question shall be forwarded to the Director of Public Health and the Inspector-General, by post, on the Monday following the week to which they relate.

Occurrence of case of infectious disease. Action necessary when number of sick exceed 10 per cent of jail population. Telegraphic intimation to be sent of serious outbreaks in epidemic form. Weekly Progress Reports.

898. He shall keep (in Form No. 186) a special record of cases of cholera and, in cases of outbreaks of epidemic * violence, he shall forward duplicate copies, at the close of each outbreak—one for record in the office of the Inspector-General, the other to be sent to the Director of Public Health, Burma. If the disease has been limited to an isolated case, or cases, the form shall be submitted in duplicate, at the close of the year in which the case, or cases, occurred. All cholera reports shall be written at the time of occurrence,

Special record of cases of cholera.

* Cholera should be considered epidemic if a case is followed by two or more cases within a week.

those on sporadic cases being filed in the cholera register, for submission at the end of the year.

Report in cases of unusual mortality.

899. Whenever the mortality in the jail, during any month, exceeds 1 *per cent* of the daily average population for all classes of prisoners he shall record, on the back of the monthly return of sick prisoners, his explanation ; and, in cases of unusual mortality, he shall submit a special report on the subject to the Inspector-General.

Post mortem Examinations.

899A. 1 (a) Except in the instances mentioned in the sub-paragraph (b) below, *post-mortem* examinations should be made in all cases, and should be conducted under the personal supervision of the Medical Officer. The body should not be opened until his arrival in the *post-mortem* room. In the absence of the Medical Officer from headquarters the Senior Medical Subordinate should carry out the examination.

(b) *Post-mortem* examinations need not be held—

- (1) in cases where death results from Cholera, Small-pox, or Plague when these diseases are epidemic, or from Leprosy, and
- (2) in such special cases as are not medico-legal and where death ensues after illness, the diagnosis of which has been definite.

A medico-legal case is one in which the report or evidence of a medical witness may be required.

2. Nothing in the foregoing will be regarded as precluding a *post-mortem* examination being held in any case where death has occurred under circumstances raising doubt or suspicion as to its cause.

Record of particulars in the register of deaths.

900. On the death of any prisoner, the Medical Officer shall forthwith record in a register (Form No. 61) the following particulars, so far as they can be ascertained, namely—

- (a) the day on which the deceased first complained of illness, or was observed to be ill ;
- (b) the labour, if any, on which he was engaged on that day ;
- (c) the scale of his diet on that day ;
- (d) the date on which he was admitted to hospital ;
- (e) the day on which the Medical Officer was first informed of the illness ;
- (f) the nature of the disease ;

- (g) when the deceased was last seen, before his death, by the Medical Officer, or Medical Subordinate ;
- (h) when the prisoner died ; and
- (i) full particulars of *post-mortem* appearances together with such special remarks as the examination may call for.

901. He shall visit and supervise the jail garden, and see from one prison to another unless the Medical Officer certifies, plentiful supply, throughout the year, of fresh vegetables, condiments and antiscorbutic fruits, and may recommend weak or convalescent prisoners for work in the garden.

Supervi-
sion of jail
garden.

902. He shall examine all prisoners previous to their being removed to any other prison, and no prisoner shall be removed from one prison to another unless the Medical Officer certifies, on the descriptive roll ; that the prisoner is free from any illness rendering him unfit for removal. Moreover, no prisoner shall be discharged against his will from prison, if labouring under any acute or dangerous distemper, nor until, in the opinion of the Medical Officer, such discharge is safe (see paragraph 575).

Medical ex-
amination of
prisoners
prior to
transfer.
Prisoners
labouring
under acute
or dangerous
distemper,
not to be
discharged
against their
will.

903. He shall prepare and submit, for the sanction of the Inspector-General of Civil Hospitals, a yearly indent for medicines and stores. He shall keep, or cause to be kept, a register of medicines, instruments and appliances, which shall be available at any time for the check or inspection of his stock. He shall see that poisons are kept in a separate box, drawer, or almirah under lock and key and that each bottle is properly labelled and distinguished, and that a printed list of poisons is hung up in a conspicuous place adjoining. He shall, from time to time, examine all the medicines kept in store in order to assure himself of their purity, and he shall regularly check the accounts of bazaar medicines. He shall be responsible that all Europe medicines, instruments, etc., debited to the jail, and all bazaar medicines and medical stores charged in the jail accounts, are duly and faithfully expended for the use of the jail. Orders for diet and all other articles required in the medical department shall be signed by the Medical Officer.

Purchase
maintenance
of stock
account and
proper dis-
posal, of
medicines
and stores.

904. He shall attend all officers and servants of the jail establishment including their families residing at or near the jail. He may, however, depute the Sub-Assistant Surgeon to attend all slight cases among the subordinate officials or their

Medical
attendance
of, and
supply of
medicines re-
quired for,

officers and
servants of
jail establish-
ment.
Examination
of applicants
for leave on
medical
certificate.

families. Medicines required for the treatment of jail officials and their families shall be supplied from the jail hospital. Applicants for leave on medical certificate shall be examined, and their cases reported on by the Medical Officer.

Examination
of candidates
for employ-
ment.

905. He shall examine all candidates for employment as subordinate officers of the jail, who may be sent to him for that purpose and shall if he thinks fit grant a certificate in the form prescribed under the provisions of Rule 10 of the Fundamental Rules.

Inspection of
camping and
burial
grounds.

906. He shall occasionally inspect the camping and burial grounds of the jail, and shall acquaint himself with the procedure to be adopted on the appearance of epidemics among the prisoners [*vide* Section VI].

Employment
of convicts
as hospital
attendants.

907. The Superintendent may place at the disposal of the Medical Officer a certain number of well-conducted prisoners for employment as convict hospital attendants. Such prisoners shall be selected from those who have completed at least half their sentences.

Section II.—Assistant Medical Officer.

908. The Assistant Medical Officer shall be in sub-medical charge and shall assist the Medical Officer in all matters regarding sanitation, general hygiene, and health of prisoners.

Duties of Assistant Medical Officer.

909. He shall be responsible for the proper care and treatment of patients in hospital and will accompany the Medical Officer on his daily rounds as well as at the weekly inspection parade.

Care and treatment of patients. To accompany Medical Officer on his rounds.

910. The powers and duties conferred and imposed by the Prisons Act on a Medical Officer shall be exercised and performed by the Assistant Medical Officer whenever the Medical Officer is absent from the jail.

Powers and duties during Medical Officer.

911. No Assistant Medical Officer will be eligible for retention in the Department unless he has a fluent knowledge of Burmese.

Language qualifications in Burmese.

912. The Assistant Medical Officer shall make himself thoroughly acquainted with the Jail Manual and all Acts and Regulations and orders relating to the general health and sanitation of the jail.

To be fully conversant with rules and regulations.

913. He shall daily inspect the jail buildings and compound, and take action in all matters in connection with the sanitation and hygiene of the jail such as incineration, water-supply, chlorination, etc.

Daily inspection of jail.

914. He shall at frequent intervals inspect the food, godowns and kitchens and see that all vessels for cooking and distributing food are clean and that all articles of diet are of good quality and sufficient in quantity.

Inspection of food, godowns and kitchens.

915. He shall be in sub-medical charge of the hospital and be responsible that all records in connection therewith are properly maintained. He shall distribute the duties and supervise the work of the Sub-Assistant Surgeons in the hospital and the Segregation Section, under the orders of the Medical Officer and shall be responsible for the correctness of all records made by the Sub-Assistant Surgeons.

To hold sub-medical charge of hospital and medical sub-ordinates.

Supervision
of entries in
admission
register and
history
tickets.

916. He shall supervise the entries made in the admission register and in prisoners' history tickets, as regards the age health on admission, and the class of labour for which the prisoner is fit.

New admissions to hospital.
Cleanliness
of hospital
area.

917. He shall personally examine all prisoners newly admitted to hospital and issue the necessary instructions as regards diet and treatment, subject to the approval of the Medical Officer. In addition, he must personally attend such cases as are sent to hospital and are referred to him by a Medical Subordinate. He shall be responsible for the maintenance of cleanliness in the hospital and its surroundings.

Section III.—Medical Subordinates.

918. Under section 3 (8) of the Prisons Act, “Medical Subordinate” means an Assistant Surgeon, Apothecary, or qualified Hospital Assistant (now styled Sub-Assistant Surgeon).

Definition
of Medical
Subordinate.

919. The appointment of Medical Subordinates to the Prison Department within the strength sanctioned by Government shall rest with the Inspector-General of Civil Hospitals.

Authority
who appoints
Medical Sub-
ordinates.

920. Every Sub-Assistant Surgeon, whose only duty is in connection with the jail, is entitled to draw the ordinary pay of his grade and such special allowance as Government has sanctioned for the particular jail to which he is attached. The special allowance shall be withheld by the Inspector-General, or by the Superintendent with the sanction of the Inspector-General, for any month during which, in the opinion of either of these officers, the medical work of the subordinate was unsatisfactory.

Pay and
allowances.

Withholding
of special
allowance.

NOTE.—The stoppage of this allowance is not a punishment, but a refusal to pay what has not been earned under the terms on which the allowance is granted, viz., the carrying out of jail duties, which are more onerous and responsible than ordinary medical duties. It must be stopped for the whole month, or not at all.

921. If the jail is his only charge, the Sub-Assistant Surgeon shall reside in or near the jail, so as to be available at all times; he will ordinarily be provided with free quarters furnished on the scale set forth in the footnote to paragraph 149. If free quarters are not available, he will draw house rent in lieu. He shall not engage in private practice, or be absent without leave from the Medical Officer, which shall be notified to the Superintendent.

Quarters.
Not to
engage in
private
practice.
Not to be
absent from
duty without
permission.

922. A Sub-Assistant Surgeon attached to a jail as a collateral duty, may receive, in addition to his ordinary emoluments, Rs. 10 per mensem as a charge allowance which the Inspector-General of Civil Hospitals, Burma, is authorized to grant.

Allowances
for Sub-
Assistant
Surgeon
doing colla-
teral duty.

923. The following punishments are admissible in the case of Sub-Assistant Surgeons doing duty in jails:—

Punishments.

- (a) Official reprimands.
- (b) Fines not exceeding five days' pay and allowances, in any one month.
- (c) Withholding of allowances for additional duties.

Official reprimands, ordered by the Inspector-General of Prisons, shall alone be entered in service books. Official reprimands, administered by the Medical Officer in charge of the jail, should be entered in a black book (to be termed "Reprimand Register"); with a page apportioned to each Sub-Assistant Surgeon. The "Reprimand Register" shall be treated as confidential, and kept in the personal custody of the Medical Officer of the jail, and made over by him, on transfer, to his successor.

The punishments (b) and (c) may be imposed only with the previous sanction of the Inspector-General of Prisons.

Any Sub-Assistant Surgeon accused of taking a bribe, or allowing forbidden indulgences to prisoners, may be suspended by the Superintendent, and the case shall be reported for the orders of the Inspector-General.

Senior
Medical
Subordinate
to perform
duties of
Medical Officer
during
his absence.

924. In the absence of the Medical Officer, the Sub-Assistant Surgeon attached to the jail, if he be the Senior Medical Subordinate of the station (*vide* paragraph 88o), may perform the duties prescribed for that officer.

Duties
described.

925. The following rules are intended for the guidance of Medical Subordinates:—

To obey
Medical
Officer in
matters of
professional
duties, and
Superinten-
dent or
Chief Jailor
in matters
of discipline.

(1) In all matters connected with the feeding, clothing and medical treatment of hospital patients, or other professional duties, the Medical Subordinate shall obey the orders of the Medical Officer; but in matters connected with the maintenance of discipline and order in the jail, he shall obey the orders of the Superintendent and the Chief Jailor. In central jails the Medical Subordinate shall report to the Medical Officer, in his report book, all orders given to him by the Superintendent or Chief Jailor.

Distribution
of duties
among
Medical
Subordi-
nates.

(2) In jails where there are two or more Medical Subordinates, they shall be on duty alternately in such manner and for such hours as the Medical Officer may direct: provided that one or other of them shall always be present throughout the day, and that the one on duty shall not leave the jail until he has been replaced by the other, except when one of them is sick and unfit for duty. They shall also be required to sleep in turn in the hospital from 10 p.m. until the unlocking of the jail. They shall be present in the jail together when the Medical Officer is attending the sick and at such times as he considers necessary. In jails where there is only one Medical Subordinate, whose sole duty is to attend to the jail, he shall be

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

(3) At the opening of the wards he shall at once see prisoners who complain of sickness. If necessary, he will send them at once to hospital, but, if he thinks this unnecessary, he will bring them to the notice of the Medical Officer, on his arrival. He shall also see that medicines are distributed to prisoners of the out-going gangs who need them, and shall then go round the hospital, visiting each patient and doing whatever is needful for him, at the same time making notes of the condition or progress of the cases on the bed-head tickets (Form No. 59), for the information of the Medical Officer.

Early morning duty.

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

Visit to convalescent and special gangs and those under observation.

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

Daily visit to prisoners in cells.

(6) He shall be responsible that all poisons are kept under lock and key in a box, drawer or almirah, the key being retained in his possession; that all bottles or vessels, containing any of the drugs named in the list of poisons, shall be labelled "Poison". He shall keep poisons separate from all other drugs, and on no account shall any poison be placed among other medicines, even though it has been labelled or its nature otherwise indicated, nor shall any non-poisonous drug be placed in the poison box, drawer, or almirah. The poison box, drawer, or almirah shall always be kept locked. He shall on no account allow convict attendants to handle phials or vessels containing poison. A printed list of poisons,

Custody of poisons.

copies of which can be obtained on indent from the Superintendent, Government Printing, should be hung near the poison box, drawer, or almirah.

Hospital
diet book,
and pre-
paration
indents.

(7) He shall write up the hospital diet book (Form No. 187), will make the necessary indents on the proper jail officers, and will see that food for the sick is properly prepared and distributed.

NOTE.—For the scale of hospital diets, see paragraph 1079.

Maintenance
or records
and returns.

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

Custody of
surgical
instruments
and hospital
property.

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

Responsible
for smooth
running of
hospital.

(10) He shall be responsible for the maintenance of cleanliness, order, and discipline in the hospital; that all jail rules are strictly observed in it; that hospital attendants do their duty, and also that any want of, or excess of hospital attendants is brought to notice.

Malingering
cases.
Prisoners
suspected to
be insane.

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

To be
present at
the various
parades.

(12) He shall frequently be present at the various parades and separate for treatment, any prisoner whose appearance or manner denotes that he is not in his usual health.

Treatment
of cases of
bowel com-
plaints.

(13) He shall arrange that all cases of bowel complaint are treated in a separate ward, and that the evacuations of such patients are laid out for the Medical Officer's inspection in such a way as to leave no doubt as to the identity of the patients who passed them, severally. After examination by the Medical Officer, he shall see that such evacuations are properly disinfected and disposed of. When the Medical Officer visits the jail, the Medical Subordinate shall accompany him on his rounds and take notes of any order given by him regarding the treatment of the sick, or the sanitation of the jail.

To accom-
pany Medical
Officers on
his rounds.

Examina-
tion of new
admissions.

(14) He shall carefully examine all new admissions to the jail, and, under the Medical Officer's supervision, record in the admission register their state of health, weight, etc. He

will see that the entries required by paragraph 497 are noted on the history tickets. He will satisfy himself that the private clothing of newly admitted prisoners is cleaned and disinfected, if necessary, before removal to the godown.

(15) Under instruction of the Medical Officer, he shall see that every healthy prisoner and infant in jail is vaccinated as soon as possible after admission (*vide* paragraph No. 887), and the results duly and carefully recorded on the history ticket and in a register maintained on Form

Sanitary
6 Vac.

 In the case of infants, the entry may be made in the history ticket of the mother.

Vaccination
of prisoners
and infants.

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

Female
prisoners
found
pregnant.

(17) He shall at once bring to the notice, both of the Medical Officer and Superintendent, any case of cholera, or of infectious disease. In case of serious injury from accident, or where a major operation is necessary, he shall at once communicate with the Medical Officer, and every serious injury to a prisoner, from an accident, should at once be reported to the Superintendent.

Report of
cases of
cholera,
infectious,
disease or
serious
accident.

(18) He shall inspect the food godowns and kitchens daily, see that they, and all vessels for cooking or distributing food, are clean, and that all food material, vegetables, etc., are of good quality, properly husked, washed and prepared and sufficient in quantity. He shall keep, for the Medical Officer's inspection, samples of anything he considers to be unwholesome. He will see that milk is properly boiled before issue to the prisoners, and also inspect the food supplied to civil prisoners, or to undertrial prisoners, by their friends.

Inspection of
food mate-
rials, go-
downs and
kitchens.

Inspection of
food for
undertrials
and civil
prisoners
supplied by
their friends.

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

Inspection
of cooked
food.

(20) He shall periodically examine the wells, tanks, or other sources of water-supply, and shall bring to notice any deficiency of supply, or likelihood of the water being polluted. He shall satisfy himself that the water for drinking purposes is effectively chlorinated at regular intervals under the directions of the Medical Officer. He shall daily examine the filters,

Inspection of
water-supply
arrangements.

water boilers, and all vessels in which water for drinking or cooking is stored or conveyed, and see that they are clean and in good working order.

Inspection of
conservancy
and sanitary
arrange-
ments.

(21) He shall daily inspect all latrines and urinals, and see that they are kept clean, that the conservancy rules are carried out, and that a sufficient quantity of dry earth is used and stored. He shall also see that the orders about ventilation of hospital wards, sleeping barracks, and workshops are properly attended to, according to the season of the year; that the prisoners, while sleeping, are not exposed to direct draughts or the fall of rain, and that all the batten doors are freely opened during the day.

Supervision
of jail
dairy.

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

Fortnightly
weighment
of prisoners.

(23) The fortnightly weighment of all prisoners, as well as the weekly weighment of those who are infirm, or losing weight, shall be made by the Senior Medical Subordinate, who shall record, with his own hand, the weight of each prisoner, in his history ticket. In central jails he may be assisted the Junior Sub-Assistant Surgeon (if there is one), or by a jailor deputed by the Superintendent. All prisoners steadily losing weight shall be reported to the Medical Officer not later than the day after weighment.

Disposal of
dead bodies.

(24) He shall report all deaths, at once, to the Medical Officer, through the jailor (Form No. 99), see that the body is decently removed to the mortuary, make the necessary preparations for the *post-mortem* examination, assist the Medical Officer in making such examination, and will be responsible that the body is afterwards properly stitched up and covered.

Medical aid
to jail staff.

(25) As provided in paragraph 904, he shall, under the directions of the Medical Officer, afford medical aid to all the jail staff and their families living on the jail premises.

To assist
Medical
Officer in all
matters of
administra-
tion.

(26) In addition to his own proper duties as above detailed, he will render the Medical Officer every assistance, exercising general vigilance over all matters which can in any way affect the health of any of the inmates of the jail, and reporting to the Medical Officer any instance in which he

believes that rules affecting the health of the prisoners have been infringed ; as for example, in such matters as the following :—

- (a) Overcrowding of wards, workshops, or other spaces.
- (b) Incorrect weighment, or distribution, of food.
- (c) Unseasonable, worn out, or dirty clothing.
- (d) Neglect of personal cleanliness.
- (e) Undue exposure of prisoners to wet, or sun.
- (f) Unpunctuality, or curtailment, of meals.
- (g) Neglect to air, dry, or clean, bedding.
- (h) Unsuitable tasks, especially in the case of weakly men.
- (i) The use of workshops as dormitories, or *vice versa*.
- (j) Short or incorrect issue of important articles of diet, such as salt, spices, oils and antiscorbutics.

(27) In central jails, where the Medical Subordinate must spend more time in regular hospital duties than is necessary in district jails, his visits to all the wards, latrines and urinals, and to see the condition of the water and milk receptacles, need not be made daily but at such intervals as the Medical Officer may direct. The Medical Subordinate must, in all cases, give his constant attention to these matters, and will be held personally responsible for any irregularity regarding them.

Medical
Subordinates
in central
jails to
spend more
time in
regular
hospital
duties.

Section IV.—General Precautions.

Importance
of medical
administra-
tion in jails.

926. Efficient medical administration is the most fundamental of all matters affecting jail management. The Medical Officer shall give his careful attention not only to the treatment of the sick but to every matter connected with the hygiene of the jail. A marked increase, or reduction, in the mortality of any jail will be fully set forth and discussed by the Inspector-General in his annual report.

Excessive
mortality
to be
reported.

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

Terms in
which health
of prisoner
is to be
describe.

928. The health of all prisoners shall be described only by the terms "good," "bad," "indifferent." Prisoners who, on admission to jail, are in immediate need of medical treatment, should be recorded as in "bad" health, unless suffering from trivial and temporary ailments; those, who are not fit for transfer to a central jail under proviso (1) to paragraph 512 but do not need hospital treatment, except for trifling and temporary ailments, should be recorded as in "indifferent" health. Instructions in regard to the Medical Officer's duties, on the admission of prisoners, are given in paragraph 399.

Prisoners
admitted
from un-
healthy
districts.

929. Prisoners admitted from unhealthy districts are pre-disposed to ailments which run a rapid and fatal course. They shall, therefore, be kept under special medical observation for one or two weeks after admission in order that the effect of imprisonment and jail diet upon them may be noted; but, if kept in hospital for more than 24 hours, they shall be shown in the hospital register.

Prisoners
addicted to
opium.

930. Prisoners addicted to opium shall, on admission, be placed under medical treatment with a view to their being purged of this habit. Opium shall not be issued to them, except under the orders of the Medical Officer.

931. Every prisoner in the jail shall be weighed once a fortnight, on Sunday, and his weight shall be recorded on his history ticket, in pounds avoirdupois. The Medical Subordinates shall carry out this duty, with assistance, if necessary [vide paragraph 925 (23)]. Properly adjusted beam scales shall be used, not steel yards or spring balances. When a prisoner is put in fetters, the weight of the fetters shall be entered in the history ticket at the time they are put on, so that his net weight, at the fortnightly weighments, may readily be arrived at and recorded. When being weighed, male prisoners shall wear their waist cloths only ; female prisoners shall be fully attired, and articles identical with those worn placed on the opposite end of the beam.

Procedure as to weighment of prisoners.

932. An abstract of the results of each weighment shall be prepared, by the Medical Officer, on the following day showing—

Abstract of results of weighment.

- (1) the number who gained weight ;
- (2) the number whose weight remained stationary ;
- (3) the number who, during the last three successive weighments, have lost under 3 lbs. ;
- (4) the number who, during the last three successive weighments, have lost from 3 lbs. to 5 lbs. ;
- (5) the number who, during the last three successive weighments, have lost above 5 lbs. ;
- (6) the number who have lost more than 7 lbs. since admission ;
- (7) the percentage, to the total number weighed, of those who gained weight and lost weight, respectively.

All prisoners who have lost weight to the extent mentioned in clauses (4), (5) and (6) shall be separately paraded for the inspection of the Superintendent and Medical Officer.

933. The Medical Officer shall form a separate gang of all prisoners who are losing weight to the extent indicated in clauses (4), (5) and (6) of the preceding paragraph, and of any others whom, in the course of his inspections, he selects for special observation and treatment. Every prisoner, who appears to be temporarily or permanently suffering from obscure functional or organic disease, or from malnutrition as indicated by his anæmic and generally unhealthy appearance, or by spongy or ulcerated gums, should be picked out and placed in this gang, which shall be termed the "special gang," and shall be distinct from the "convalescent and infirm gang." At every parade, but especially during the hot weather and

Composition and treatment of special, convalescent and infirm gangs.

rainy season, the Medical Officer should look carefully for such prisoners. The "convalescent and infirm gang" shall include convalescents, discharged from hospital, who are temporarily unfit for any regular task work, and the aged and permanently infirm, who are physically unable to work. But prisoners suffering from active illness shall be treated in hospital and shall not be placed in these gangs. Both these gangs shall be subdivided into casuals and habituals, and the classes shall be kept as separate as possible.

Record and
weighment,
of special
and convalescent
gangs.

934. The "special" and "convalescent" gangs shall be weighed every week, instead of every fortnight, on such days as the Medical Officer may fix, and the progressive weekly weighments shall be recorded in a special register to be shown to him. A separate daily record shall be kept of the numbers in these gangs, and the daily average number in each shall be furnished in the statistical returns. No intermingling of the prisoners of the "special" and "convalescent" gangs should be permitted. Each gang should remain apart from the other and neither gang shall be mixed up with any other gang.

Labour for
special,
convalescent
and infirm
gangs.

935. The labour on which the "special" gangs shall be employed shall be light work suitable to their condition, and if necessary, under cover. The "convalescent and infirm gang" shall be seen every day by the Medical Officer, under whose orders some light work, without task, such as sorting wool, winding yarn, attending the sick, etc., may be given to them, or the Medical Officer may recommend any weak or convalescent prisoner for untasked work in the garden. The "special" gang shall be seen daily by the Medical Subordinate. The midday rest, prescribed in paragraph 354, shall throughout the year be allowed them.

Diet for
special,
convalescent
and infirm
gangs.

936. The Medical Officer shall devise a special diet scale for each of these gangs, or order any special diet necessary in particular cases. They shall be given a better quality of rice than ordinary prisoners. Extras, such as meat, fish, milk, or potatoes, may be allowed. Meat, fish or milk may be given in lieu of quantities of equal nutritive value of *dāl*, to be deducted from the regular ration, or, if the Medical Officer considers it advisable, may be given in excess of the regular scale.

937. These gangs should, if possible, be accommodated in upper wards at night, and special care should be taken that their wards are not over ventilated in the rainy season, or cold weather. Prisoners of these gangs should all have the extra clothing and bedding, prescribed for them under paragraph 1059.

Special precautions as regards sleeping, bedding and clothing arrangement.

938. These gangs shall be carefully and frequently examined by the Medical Officer with a view to the early detection of sickness and of removing, from them, every prisoner who has recovered health and no longer requires special attention. A register showing, for each gang separately, the name, register number, date of attachment to the gang, and date of discharge from the gang, shall be kept in Form No. 51, and no prisoner shall be placed in, or discharged from, these gangs except by order of the Medical Officer.

Admission to, and discharge from special and convalescent and infirm gangs.

939. Whenever there is an unusual proportion of the prisoners who have lost weight, or there is a general tendency to scurvy or to ulceration of the gums, or anæmia, or an increase of admissions to hospital from dysentery or other bowel complaints, the Medical Officer shall make careful enquiry to ascertain the cause. The diet of all the prisoners shall then be varied by the liberal issue of animal food in lieu of *dal*, etc.; and potatoes, onions, and radishes may be substituted for a portion of the vegetable supply. Both the Superintendent and the Medical Officer shall occasionally visit the prisoners while at their meals to ascertain if there are any complaints regarding the food, and note if much of it is left uneaten. If the food appears to be unpalatable, owing to want of variety, this defect should be remedied as far as possible.

Steps to be taken in case of increase of sickness or when large number of prisoners lose weight.

Diet.

940. If the loss of weight is more marked amongst prisoners on one form of labour than on another, the tasks should be carefully regulated, and the prisoners employed on that particular work should be changed if the tendency to lose weight continues. Prisoners who, at three successive weighments, are found to be losing weight, or in whom the loss of weight at any weighment is found to be great shall not be placed on hard labour. On the other hand, the Medical Officer should guard against being imposed upon by prisoners whose scheme to lose weight, or to cause sickness. This is attempted chiefly amongst prisoners of the habitual class. Prisoners, who are losing weight, and are found to leave their food for a day or two immediately before the day for their

Change of labour when loss of weight is more marked when employed on any particular form of labour. Unexpected weighment of prisoners who wilfully lose weight, or become sick, and punishment

of such
offenders.

usual fortnightly weighment, should be weighed unexpectedly at short irregular intervals, until it is clearly demonstrated whether they are wilfully causing the loss ; and any prisoner, proved beyond doubt to have done this, or to have taken any deleterious substance to cause sickness, should be punished when fit to bear punishment.

Hygienic
treatment
of prisoners
according to
seasons.

941. Medical Officers should also carefully regulate the hygienic treatment of the general body of prisoners according to season. In the cold weather, in unhealthy districts, or where the cold is unusually severe, it is necessary that all risk of chill shall be avoided. The Medical Officer shall, therefore, be allowed to exercise his discretion as to the time at which the prisoners shall be taken out of their wards in the early morning, and he may direct that, at the early morning parades, before prisoners march to their work, they shall be allowed to use their blankets.

Prophylactic
system of
treatment.

942. The prophylactic system of treatment, especially as regards the prevention of malarial fever and its sequelæ, and bowel complaints, should be adopted for the prevention of such diseases at the seasons when they are most prevalent.

Treatment
of malaria
cases.

943. Every prisoner, who has suffered, or is known to have suffered, from malaria, should be treated in accordance with circulars issued from time to time from the office of the Inspector-General. A record of all such cases should be maintained in the jail hospital and, on page 4 of the monthly sick return (Form No. 37), a note should be recorded, under the heading "Remarks by Medical Officer," affording information as to the number of prisoners who received cinchona febrifuge during the month, how many of them suffered from malaria prior to or after their admission to jail, the number of relapses (if any) after a regular issue of cinchona febrifuge, and the Medical Officer's opinion as to the efficacy of the treatment.

Transfer of
prisoners to
Rangoon for
anti-rabic
treatment.

944. On any prisoner being bitten by an animal, which there is good reason to believe to be rabid, in the event of anti-rabic treatment not being available locally, the Superintendent will ascertain from the prisoner whether he is willing to be sent to the Burma Pasteur Institute, Rangoon, to undergo the anti-rabic means of cure and, if he expresses his willingness, he shall be required to sign a declaration to that effect. The prisoner will then, if confined in a jail outside Rangoon,

be transferred, in anticipation of the sanction of the Inspector-General, to the Rangoon Jail with the least possible delay, the Superintendent of the latter jail being simultaneously apprised of the transfer so as to enable him to communicate with the Director of the Burma Pasteur Institute as to the time and days the prisoner should attend the Institute for treatment.

A prisoner, who expresses his unwillingness to undergo the anti-rabic treatment, should be required to make a written declaration to that effect.

A report, on every prisoner bitten by a rabid animal and the action taken in each case shall be submitted by the Superintendent, without delay, to the Inspector-General who will take further necessary action under paragraph 18, if such is required.

Section V.—Hospital Management.

Statutory provisions.

Section 37 of the Prisons Act, 1894, requires that the names of sick prisoners shall be reported without delay to the Jailer, and by him to the Medical Subordinate. The Jailer shall carry into effect all written directions given by the Medical Officer or Medical Subordinate respecting the treatment of any such prisoner. Under Section 38, directions of this nature shall be entered day by day in the prisoner's history ticket or in such other record as the Government may direct, and the Jailer shall record the action he has taken upon them.

Under Section 39 a hospital shall be provided in every prison.

Training of prisoners as hospital attendants and dressers.

945. In all jails a certain number of prisoners shall be trained to discharge the duties of hospital attendants and dressers. It is extremely important that as many prisoners as possible should be trained in First Aid, and the Superintendent should take steps to ensure that this is done.

945A. Prisoners employed in a jail hospital, or on duties connected with the hospital, shall wear a white, cotton armlet, with the letter "H" on it, on the left sleeve of their jackets. The letter "H" should be red in colour $2\frac{1}{2}$ " in height, and $2\frac{1}{4}$ " wide.

Jail Officials to assist Medical Subordinates in detecting cause of sickness.

946. It is the duty of jail officials to bring at once to the notice of the Medical Staff any circumstances from which the sickness of any prisoner may be inferred. If a prisoner be observed to visit the latrine oftener than usual he shall be removed to a segregation ward for observation.

Provision of hospitals, and determination of manner of treatment of sick.

947. Where possible, separate hospitals shall be provided for male and female prisoners. All prisoners complaining of illness shall be brought before the Medical Officer, and shall be examined by him, and he shall determine whether they shall be placed under medical observation, or treated as out-patients, or admitted to hospital; or, if he thinks necessary, he shall take any other action which he is empowered to take by these rules (see paragraphs 884, 889 and 941).

For action to be taken in connection with leper prisoners see paragraphs 397, 551A and Section XXII of Chapter VIII.

948. When a prisoner (convict or undertrial) requires surgical or other attention, for which the necessary facilities are not available at the Jail, he may be sent to the Civil Hospital for treatment. If, for reasons of urgency or otherwise, the necessary police escort cannot be provided, the prisoner shall be required to sign a form of conditional release, if he is in a fit state to do so.

Transfer of prisoners to a Civil Hospital for treatment.

In every case the sanction of the District Magistrate concerned should be obtained. In the case of a convicted prisoner, the sanction should be obtained from the District Magistrate of the district in which the prisoner was convicted ; in that of an undertrial, from the District Magistrate of the district in which the court trying the prisoner is situated. In urgent cases where the delay entailed in obtaining the sanction of the District Magistrate would endanger the life of the prisoner the Superintendent may, at his own discretion and on his own responsibility, transfer him to the Civil Hospital, pending the receipt of sanction.

Every case of a prisoner sent to the Civil Hospital must be reported to the Inspector-General of Prisons, the nature of the disease that necessitated the removal of the prisoner to the Hospital being stated.

The prisoner shall return to Jail as soon as he is discharged from hospital. The period passed in hospital shall be reckoned towards the sentence to be undergone, if the patient is a convicted prisoner.

In all cases where a refractory, violent or dangerous prisoner is sent to the Civil Hospital for treatment, it is the duty of the Superintendent of Jail concerned to inform the hospital authorities of the character of the prisoner in order that due precautions may be taken.

The procedure outlined above shall also be observed in the event of it being found necessary to send to the Civil Hospital for treatment, a child which has been permitted to be with the mother in Jail under the provisions of paragraph 602, and the Medical Officer is of opinion that it would be inadvisable to separate the child from the mother.

949. Any prisoner may be detained in hospital for 24 hours, but not longer, under medical observation, without being brought on the hospital register. Every prisoner, who is under medical observation or treatment for longer than 24 hours, and is not in the "convalescent and infirm" or "special" gang or is not a civil lunatic shall be entered in the hospital register and be included in the hospital statistics.

Entry in Register of all cases detained in Hospital.

Provision of iron cots and bedding. **950.** An iron cot shall be provided for every patient. Each cot shall be covered with a strong bamboo mat and be furnished with a pillow, and each patient shall be provided with a bed sheet, a mattress, and as many blankets as the Medical Officer deems necessary.

Bed-head tickets. **951.** Over every occupied bed in hospital shall be placed a ticket in Form No. 59, wherein shall be recorded full particulars of the previous history, progress of the case, and its treatment. In the case of dysentery, it should be noted whether the prisoner had suffered from the disease in his own home or had subsequently acquired it in the Jail. In every case of fever a temperature chart (Form No. 52), recording the patient's temperature, shall be attached to the bed-head ticket. Suitable clasp frames, for holding these tickets, should be provided.

Cleanliness of hospital and yard. **952.** Hospitals shall be kept scrupulously clean and well ventilated, but in the cold season the ventilation should be regulated as directed in paragraphs 890 and 997. The yard of a hospital shall be turfed, and flower beds should be maintained in it.

Washing and disinfecting of hospital clothing and bedding. **953.** The Medical Officer shall take such steps as will secure the strictest cleanliness in the bedding and clothing. A proper place for washing and boiling the soiled hospital or other clothing and sheets shall be provided outside the Jail enclosure, if possible, and the blankets and blanket clothing shall frequently be boiled in a blanket boiler or otherwise sterilized.

Bathing. **954.** Prisoners in hospital, who are not too ill, shall bathe daily at such time as the Medical Officer may direct.

Diet. Cooking and feeding arrangements. **955.** The scale of diet for prisoners in hospital is prescribed in paragraph 1079, but the Medical Officer may order, in each individual case, such diet as he considers necessary, and may fix the hours at which the food shall be distributed ; but, as a rule, all sick prisoners in hospital should receive four meals a day and more if necessary. In large Jails, if considered necessary, there shall be a separate cook-shed in the hospital for the preparation of food for the sick, and a special convict cook, or cooks, shall be appointed. Utensils of suitable size and capacity shall be provided specially for the hospital ; and arrangements should be made for the frequent feeding of the

sick, and for having sago and other invalid food constantly ready.

956. Noisy, filthy or dangerous lunatics shall not be kept in the hospital, but in separate cells (*see* paragraph 764).

Segregation of troublesome lunatics.

957. In some cases it will be well for prisoners actually in hospital, to have some employment. Easy work should, therefore, be provided for these prisoners, but no task should be exacted. As a factor in the maintenance and improvement of health, it must be recognized that labour and physical exercise play an important part, and accordingly, where no form of organic disease is present, light labour is to be preferred to idleness.

Labour for patients.

958. A prisoner who is seriously ill or moribund may be permitted to be seen and interviewed by his relatives and friends. Intimation of the state of the prisoner, as well as of his death, if death ensues, shall be sent to the Deputy Commissioner of the district in which the prisoner was convicted. The Deputy Commissioner will cause the necessary information to be sent to the relatives of the prisoner.

Grant of interviews to prisoners seriously ill, or moribund.

959. The Medical Officer shall submit to the Inspector-General such monthly or annual reports and returns as may have been prescribed. He shall also keep, or cause to be kept, all such records as may be prescribed.

Maintenance of records.

NOTE.—For the disposal of a sick prisoner whose sentence has expired, *see* paragraph 575, for order regarding procedure to be followed on the death of a prisoner, *see* paragraphs 900, 925 (24), 970, 1019 and 1020, and for the procedure relating to the release of convicted prisoners on account of serious sickness, *see* paragraphs 576, 577 and 579.

960. The Medical Officer shall prepare and submit for the sanction of the Inspector-General of Civil Hospitals a yearly indent in Form Medical No. 25 for medicines, surgical equipment and stores of the jail hospital to be obtained from the Medical Storekeeper. He shall see that the medicines and stores are kept in a secure place, and that a record (in Form Medical 34) is kept of the daily expenditure of the more important and expensive drugs. If any surgical instrument be missing, a return should be submitted at the close of each month shewing whether it has been broken by accident or carelessness or whether it has been lost, and the name of the Medical Subordinate responsible for it, Form Medical No. 22 being used for the purpose. When disinfectants are required

Purchase, maintenance of stock account and disposal of medicines and stores.

they should not be indented for along with, or included among, Europe medicines. Separate indents should be submitted to the Inspector-General of Civil Hospitals for disinfectants and their cost debited to "Sanitation Charges," sub-head "Conservancy, washing and purifying."

NOTE (1).—Civil Medical Officers in charge of districts, and whole-time Superintendents of Jails in their capacity as Medical Officers of jails and jail hospitals authorized to purchase medicines locally in cases of exceptional illness and in order to meet extraordinary demands, up to a limit of Rs. 5 in the case of each purchase, with an annual limit of Rs. 100. The power to make such purchases is subject to the following conditions :—

(a) That there is budget provision to meet the expenditure.

(b) That the medicines purchased are not such as are usually supplied by the Medical Store Depot.

NOTE (2).—If, in any particular instance, it is not found practicable to restrict the purchase within the limit specified in Note (1), a special report shall be submitted to the Inspector-General who will, if he approves, accord sanction to such local purchase, and, if necessary, provide an increased grant.

NOTE (3).—Medical Officers in charge of jails are authorized to purchase, locally, in anticipation of sanction, instruments, staining agents, etc., urgently required, a prompt report of such purchases being made to the Inspector-General.

Section VI.—Infectious Diseases and Epidemics.

961. The most important infectious diseases with which jails have to deal are:—Cholera, plague, small-pox. Other important infections are those of enteric, dysentery, pneumonia, infectious jaundice, and to these diarrhoea may be added. Mumps, measles, chicken-pox have also to be dealt with. Relapsing fever, cerebro spinal and tuberculous meningitis, encephalitis and typhus are rare, but may cause serious and fatal epidemics. Influenza makes periodical invasions.

Important
infectious
diseases.

Scabies is always present to a greater or less extent while to this list beri-beri may be added. Tubercle and leprosy have also to be considered.

962. The etiology of these various infections determines the precautions to be adopted. Thus cholera, enteric, dysentery and diarrhoea demand special attention to the disposal of excreta and the drinking water. Pneumonia, influenza and tubercle are conveyed through the respiratory passages.

Precautions
against
infectious
diseases.

Small-pox, mumps, measles, chicken-pox and scabies are conveyed from man to man by association; plague by means of the rat; cholera probably from infected discharges, while beri-beri follows certain errors in diet. All these infections call for segregation of the sick and of contacts as far as possible.

963. For some of these infections the Medical Officer has at his disposal positive methods of preventive treatment which must be carried out whenever the disease appears or even if the population of the jail is threatened. Thus, in the case of small-pox, recourse must be had to vaccination (which is generally enforced, with few exceptions, *vide* paragraph 887) lymph being obtained from the Vaccine Dépôt at Meiktila or from any other dépôt that may be convenient.

Vaccination
against
small-pox.

964. Whenever an outbreak of cholera or plague is threatened inoculation will be carried out as a prophylactic measure. The necessary supplies of cholera and plague vaccines can be obtained free from the Harcourt Butler Institute of Public Health, Rangoon.

Anti-cholera
and anti-
plague
inoculation.

Anti-influenza vaccine is also available from the Harcourt Butler Institute. Special sanction of the Inspector-General of Prisons is required before inoculation against influenza is done.

Segregation
of cases of
cholera,
plague and
small-pox.

965. Every case of cholera must be promptly removed to a special infectious diseases hut, which should be erected in some remote part of the jail ground, if there is no permanent building for this purpose. Should there be a civil contagious disease hospital in the station, the patient may be transferred to it. In that case the Police must be informed, and suitable arrangements made for guarding, which should, if possible, be carried out by warders; the prisoners will return to jail when cured. If the prisoner is treated in a hut in the jail grounds, a police guard should be obtained if it is not possible to carry out efficient guarding by jail warders. Cases of plague and small-pox should be dealt with in the same way.

Submission
of reports on
the occurrence
of infectious
and certain
notifiable
diseases.

966. (a) All orders for dealing with cases of infectious diseases shall be given by the Medical Officer or Superintendent, in writing. On the occurrence of a case the Superintendent shall immediately inform the following officers:—

- | | |
|---|--------------|
| (1) The Inspector-General, by telegram. | |
| (2) Neighbouring Jails. | |
| (3) The Director of Public Health, Burma. | } by letter. |

The report submitted by telegram to the Inspector-General shall be followed by a report of the case in detail, and a nominal roll of the patient. If other cases follow, a daily report on J.F. No. 53 must be sent to the Inspector-General and a copy of the report to the Director of Public Health. The daily report to the Inspector-General should continue to be submitted for fifteen days after the occurrence of the last case, a copy of each report being sent to the Director of Public Health, for a similar period. If the facts indicate that the cases are not simply sporadic, the Inspector-General will report to Government at his discretion.

(b) Certain notifiable diseases are required to be reported by Jails in urban areas and certain notifiable diseases by jails in rural areas, to the respective local Health Officers. If a jail is situated within Municipal Town or Cantonment limits, the report should be sent immediately to the local Municipal Town or Cantonment Health Officer as the case may be, and if a jail is situated outside Municipal Town or Cantonment limits, an immediate report should be sent to the District Health Officer concerned. For a list of notifiable diseases that are required to be reported by Superintendents of Jails to the local Municipal, or District, Health Officer—See Appendix XXXV, Burma Jail Manual, Part II.

967. It is of the utmost importance to be on the alert for early cases of cholera and to segregate them promptly. All contacts (*i.e.*, those prisoners who, at night, occupied the same room) must be kept separate from all other prisoners. This is most conveniently carried out by isolating them in their own dormitory, and, if possible, evacuating the room on either side of them. Contacts should be examined every morning and evening by the medical staff, all their excreta must be collected and dealt with separately, and early and doubtful cases promptly removed to the infectious diseases hut, or hospital.

Vigilance in detection of cases of cholera in early stages necessary. Precautions to be taken on discovery.

968. Warders, attendants, and sweepers in association with the infected shall, if possible, be drawn from among the contacts, preferably those with short terms to serve, and they shall be kept strictly separate from all other prisoners. They shall be accommodated in a hut adjacent to that of the sick. Special remission should be given to attendants who do well.

Posting of warders, attendants, etc., over the infected.

969. The dejecta should be received in vessels containing some strong disinfectant, and along with all hospital refuse immediately buried, or burnt. A vomit or stool pan used by a cholera patient shall on no account be used by any one else. The disinfection and purification of the persons and, clothing of the attendants on a cholera patient should be strictly enforced, and they should not be allowed to eat food and drink water which have remained in the vicinity of cholera patients, or their dejecta. Any part of the iron cot, soiled by vomit or excreta, should be strongly heated over a fire, and then painted with tar; clothing, bedding, blankets and straw so soiled, whether of patients, attendants or jail officers, should be burnt. The vessels must be protected from flies.

Disposal of dejecta.

Disposal of soil clothing and bedding.

970. When a cholera patient dies, the body must be wrapped in a sheet soaked in one part of perchloride of mercury (corrosive sublimate) in 1,000 parts of water, and promptly disposed of. No autopsy should be made. Whether he dies or recovers all his bedding and clothing must be burnt at once.

Disposal of dead bodies.

Disposal of clothing of cholera patients, who have died or recovered.

971. Special care must be taken in dealing with the excreta of the contacts. They must be protected from flies and incinerated directly they are passed.

Disposal of excreta of contacts.

Transfer of prisoners during cholera epidemic. Segregation of new admissions and extramural gangs during cholera epidemic in the neighbourhood.

972. If cholera becomes epidemic within the jail, the limitation of transfer to other jails must be considered, but, if the above-noted precautions be taken, there is little danger of the disease being carried from the jail, and the Superintendent must use his discretion. If cholera is epidemic in the neighbourhood special care must be taken to segregate new admissions, in the observation block, if there is one, or in cells, or otherwise. Extramural gangs should be limited to actual needs and these, if possible should be separated from other prisoners.

Health of staff and prisoners to be carefully watched.

973. Care must be taken to watch the health of the prisoners and the staff. Any person attacked with premonitory symptoms shall be at once removed for treatment. The earlier a patient is treated the greater is the chance of recovery.

Care of drinking water.

974. Special care must be taken to ensure the purity of the drinking water. If this is the source of disease some other source of supply must be found, if possible. The water for drinking must always be effectively chlorinated, and no water that is regarded as infected must be used for any purpose whatever, unless it is chlorinated. Wells, cisterns and reservoirs shall be sterilized by chlorination at regular intervals.

NOTE.—Sterilization by a chlorine compound may be substituted for treatment with potassium permanganate. In this case sufficient quantity of the compound must be used to ensure that there is a trace of residual chlorine remaining in the water, as tested by the starch-iodide method, after standing for half-an-hour.

Inspection of, and regular supply of, suitable food.

975. Food should be constantly inspected to ensure that it is of good quality and cleanly prepared, well cooked, and easy of digestion. If gastric disturbances are prevalent, the provision of suitable and easily digested food is of still greater importance. No work shall be done until the prisoners have had their early morning meal. Attention should be paid to regularity of meals, so that long tasks shall be avoided. Prisoners shall be encouraged not to drink water between meals, or on an empty stomach. The food supplies and water should be carefully guarded against contamination.

Storage of drinking water, and prevention of contamination. Arrangements for extramural files.

976. Drinking water should be handled as little as possible. Drinking water containers should be of metal with hinged covers and padlock. Under no conditions should prisoners be allowed to obtain water by dipping mugs or hands into the vessels. The water drums should be kept specially clean and frequently inspected. Extramural files should be allowed to drink only water taken from the main supply, and water

drums should be taken with them for use while they are at work.

977. The possibility of conveyance of the cholera poison by insects (flies) should not be overlooked. Care must be taken to prevent flies reaching the food. The purity of milk and of milk vessels should receive special attention. All milk should be boiled before use.

Prevention of contamination of food by flies. Precautions regarding milk.

978. The strictest attention shall be paid to all sanitary regulations, especially to the dry earth system of conservancy, care being taken to see that the earth is dry and well sifted, and not sand, and that it is applied immediately and in proper quantity. In the rains, if there is not sufficient dry earth stored, enough can be got by heating the earth over a fire. It will also be found of advantage to have dry earth spread near patients suffering from cholera, so as to receive any sudden discharges, which would otherwise fall on the floor. The staff of sweepers shall be increased.

Strict enforcement of sanitary regulations.

979. The hospital shall be lime-washed, and special care shall be taken that all hospital arrangements, to meet an outbreak of epidemic disease, are complete.

Hospital to be lime-washed, and arrangements to meet an epidemic to be complete.

980. When it is evident that there is a serious epidemic and that there are more cases than can be conveniently treated in extramural huts, it is necessary to treat them in the General Hospital of the jail, the ordinary patients being removed to one of the dormitories or other buildings, or one of the dormitories or other buildings may be turned into the infectious diseases block, as may be most convenient.

Accommodation of extra patients during epidemic.

981. The rules for the treatment of plague and the management of an epidemic shall follow the same general lines as regards isolation of the patient and of contacts. The rules laid down in Prison Department Circular 71—115—Main, dated the 27th August 1912, should be carefully observed.

Treatment of case of plague and management of an epidemic.

982. Other epidemic diseases such as enteric, dysentery; pneumonia, mumps, influenza, etc., should be dealt with on recognized lines. Patients suffering from these diseases need not be segregated outside the jail walls but may be treated in the extramural infectious diseases ward if there is one, or in cells.

Treatment of other epidemic diseases.

Prisoners suffering from leprosy and tubercular diseases, relapsing and typhus fever.

983. Leprosy.—The method of dealing with prisoners suffering from leprosy is set forth in Chapter VIII, Section XXII of the Manual.

Cases of tubercle of the lungs, and other tuberculous lesions, must be dealt with by segregation of the affected in special wards at Myingyan in accordance with standing orders.

The preventive measure for relapsing and typhus fever is the eradication of the louse.

Extra medical assistance during severe epidemic.

984. When a severe epidemic occurs, application should be made to the Inspector-General of Civil Hospitals, through the Inspector-General, *by telegraph*, for any extra medical assistance that may be required. If a second Sub-Assistant Surgeon is provided, one shall be told off for the temporary hospital, and neither he nor any of the attendants employed there shall be allowed to enter the ordinary hospital, or mix with other prisoners. The necessary medicines and hospital appliances and hospital registers must be taken into camp by the Medical Subordinate.

Submission of cholera reports.

985. The Medical Officer shall keep a special record of cases of cholera (in Form No. 186) and shall, at the close of an outbreak, forward two copies of the record to the Inspector-General, of which one copy shall be transmitted by him to the Director of Public Health, Burma. When preparing this register, care should be taken to chronicle the effect, on the prisoners' health, of the several moves of the disease has been limited to an isolated case or cases, the register and report shall be submitted, in duplicate, at the close of the year in which the case or cases occurred. All cholera reports shall be written at the time of occurrence, the reports on sporadic cases being filed with the cholera register, for submission at the end of the year.

Prompt investigation of source of infection of first case of cholera.

986. In any cholera epidemic it is of the greatest importance to ascertain all the circumstances connected with the appearance of the first case, and a very careful investigation should be made at once in order to discover, if possible, whether it was due to importation. Such enquiries, if delayed, are usually unsatisfactory.

Return of cases under "Choleraic diarrhoea."

987. The term "Choleraic diarrhoea" is very ambiguous and should be employed only when the Medical Officer is quite satisfied that the disease is not true Asiatic cholera. All cases distinguished by rice water evacuations should be returned as "Cholera," and treated as such.

988. It is very desirable that the term "Sporadic" and "Epidemic" should not be used in connection with reports of cases. There are no means of distinguishing between the two, and the exact significance of individual attacks can be known only when all the facts regarding the prevalence of the disease throughout the year have been ascertained and considered as a whole.

Use of
terms
"Sporadic"
and
"Epidemic."

989. In some instances, cases of cholera, in which reaction has taken place, have been discharged, and the fatal event, which afterwards occurred, recorded under the head of "Fever." This system causes great error in statistics, and if ought, on no account, to be followed. No cases of cholera should be discharged until every symptom, either directly or indirectly due to the disease, has disappeared.

Cholera
cases not
to be dis-
charged
until every
symptom has
disappeared.

990. When no cases of cholera have occurred for several days, an opinion is apt to prevail that the disease has disappeared; but it is important that this should not lead to any relaxation of the necessary precautions and preparation in anticipation of a further and generally more severe outbreak.

Precautions
not to be
relaxed
owing to
apparent dis-
appearance
of cholera.

Section VII.—Buildings.

Superficial
and cubic
space
allowed to
each
prisoner.

991. In every sleeping ward each prisoner shall be allowed superficial and cubic space, according to the following scale and conditions:—

	Superficial area per prisoner.	Cubic space per prisoner
	Sq. ft.	C. ft.
In healthy, non-malarious districts, where only two rows of prisoners sleep in the ward between ventilating openings	36	540
In unhealthy or malarious districts, where the wards are raised from 12 feet to 14 feet off the ground, and only two rows of prisoners sleep in the ward	36	750
In unhealthy districts, where the prisoners sleep within 12 feet off the ground and only in two rows	50	750
In wards in which the prisoners sleep in three rows	43	645
In wards in which the prisoners sleep in four rows	50	750
In wards in which the prisoners sleep in more than four rows	100	1,200

Provided that in jail hospitals, the allowance of space shall not be less than 54 square feet and 900 cubic feet for each prisoner.

Fixation of
maximum
number of
prisoners
for each
ward.

992. Whether calculated on the superficial area or the cubic space of the ward, the smaller number obtained by such calculation shall be the maximum number of prisoners the ward can accommodate.

Superficial
and cubic
space in
cells.

993. All cells for the separate or solitary confinement of prisoners shall have an area of not less than 75 square feet and a cubic capacity of not less than 1,000 feet. In localities where the temperature stands high continuously for long periods, the area and capacity of a cell shall be, respectively, 100 square feet and 1,500 cubic feet. One side of each cell should have a grating opening, either door or window, of not less surface area than 15 square feet. If the cell is to be used for separate confinement only, the grated opening may be its door of entrance, and ventilation may be further provided by a window in the back wall of the cell. But, if a cell is designed for solitary confinement, the grated door or window must open on a yard or other secluded enclosure. The enclosing walls of cell yards should

not be higher than eight feet, so as to admit sunlight and air. The Inspector-General shall inspect all new cells, wards or compartments: they shall not be occupied until he certifies that they are, in all respects, fit for occupation.

Inspector-General to inspect new cells.

994. Over the door of every ward there shall be an inscription, either in letters painted on the wall, or on a tablet of wood or metal, showing the class of prisoners for which it is intended, the number of cubic and square feet it contains, and the number of prisoners which it is capable of accommodating. Care shall be taken to see that the lock-up register (Form No. 54) shows the accommodation available in each ward, so as enable the Medical Officer to judge, at a glance, whether any particular ward is overcrowded or not.

Inscription to be placed on the door of each ward.

Lock-up register to show details of accommodation.

995. A return in Form No. 55 shall be submitted punctually on the first day of every month, to the Inspector-General, showing the number of prisoners who slept in the jail on the previous night, together with the number for whom the wards are adapted. In the case of overcrowding, or anticipated overcrowding, it shall be stated whether the overcrowding is likely to continue and what measures are being adopted for its relief. The return will also supply an abstract as to sickness and mortality, etc.

Submission of monthly return in Form No. 55.

996. Timely arrangements shall be made to avoid the confinement of prisoners in excess of the sanctioned number. When the arrival of excess numbers is apprehended, the Superintendent shall at once take the action indicated in paragraph 515.

Avoidance of overcrowding.

997. Thorough ventilation of the sleeping barracks is of the greatest importance. At least ten square feet of ventilation area, *per* prisoner, should be provided, and prisoners shall not be permitted, at their pleasure, to close the windows and ventilating openings with shutters or *purdahs*, if these are provided, so as to prevent necessary perflation of air, except temporarily to prevent rain from beating in. The ventilation must, however, be controlled according to season; otherwise the barracks will be too cold and draughty in cold and damp weather. If a barrack be not furnished with shutters so arranged as to allow of this being done, it shall be effected, at the discretion of the Medical Officer, by partially closing the window apertures with temporary brickwork, or matting. Every alternate window may be entirely closed, and the intermediate windows partially closed up to three or four feet from

Ventilation of sleeping wards.

the barrack floor, or all the windows may be partially closed to this extent. The effects of any such means in modifying the perflation of air must be judged by visiting the sleeping wards several hours after the prisoners have been locked up, or at daybreak before the prisoners are let out, and noting the condition of the air in the barracks; and this shall be done periodically by the Medical Officer. Whenever it appears that a barrack is either insufficiently, or excessively, ventilated, steps must be taken to remedy the defect. Whatever arrangements are made, all shutters or other means of closing the windows, which are not fixtures (*i.e.*, brickwork), must be kept open during the day-time to the fullest extent possible, and catches shall be provided for the purpose.

Daily
cleaning
of
sleeping
wards.

998. When the prisoners have left the barracks, the sweepers shall sweep and thoroughly clean every part of them, and subsequently rub down all window sills, door shutters and gratings; on which dust and dirt should not be allowed to accumulate, and shall then sweep the enclosures, and remove all litter. Walls inside should be frequently rubbed down with cocoanut husk and limewashed, or otherwise disinfected, once a year, or oftener, if necessary. The inside walls of hospitals shall be rubbed down, or limewashed, or otherwise disinfected once in every three months. When sleeping wards are infested with bugs, kerosene oil should be liberally applied, and be followed with a coat of limewash.

Cleaning of
work-sheds.

999. The walls and roofs of work-sheds shall be swept down once a week, and the walls shall be limewashed at least once a year. The floor of every workshop should be swept daily, immediately after prisoners stop work, and every part, including manufacturing appliances, should be kept clean and free of dust and refuse.