



APPENDICES
TO THE
BURMA JAIL MANUAL

PART I
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PART II

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MANUAL OF RULES
FOR THE SUPERINTENDENCE
AND MANAGEMENT OF
TAILS IN BURMA

[Prescribed by the Government of Burma]

PART I

(REVISED EDITION)

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PREFATORY NOTE

An abstract will be found, printed in italics at the head of certain chapters, of the statutory provisions bearing on the subject to which the chapter relates. These abstracts are inserted merely to show how the rules supplement the law, and where the law is to be found, and should not be accepted as in any manner taking its place.

TABLE OF CONTENTS

	PAGE
CHAPTER I.—Acts and Regulations regulating the establishment and maintenance of jails	1
CHAPTER II.—Classification of jails and sanctioned establishments ...	20
CHAPTER III.—The Inspector-General of Prisons	23
CHAPTER IV.—Visitors—Official and Non-official	27
CHAPTER V.—Jail Officers—	
(i) Superintendent	32
(ii) Deputy Superintendent	44
(iii) Jail Officers generally	45
(iv) (a) Jailors (General)	60
(b) Chief Jailor	63
(c) Deputy and Assistant Jailors	70
(v) Chief and Head Warders	71
(vi) Gate-keepers	72
(vii) Warders and Wardresses	76
(viii) Security deposits	81
(ix) Reserve Warder Guard	85
(x) Jail Armoury	87
(xi) Technical Staff	91
(xii) Uniforms for Jailors, Warders and Wardresses	92
CHAPTER VI.—Convict Officers	100
CHAPTER VII.—General Discipline—	
(i) Guarding	108
(ii) Escapes and outbreaks	115
(iii) Discipline and routine	124
CHAPTER VIII.—In relation to prisoners—	
(i) Admission of prisoners	132
(ii) Classification and separation of prisoners	146
(iii) Appeals and petitions	153
(iv) Solitary confinement	163
(v) Whipping	167
(vi) Fines	170
(vii) Prisoners' property	173
(viii) Prisoners' history-tickets	177
(ix) (a) Transportation	180
(b) Transfer of prisoners	180
(x) Release of prisoners	191
(xi) Prisoners undergoing simple imprisonment	196
(xii) Female prisoners' and infants	200
(xiii) Juvenile prisoners	202
(xiv) Condemned prisoners	208
(xv) Classification of convicted prisoners into three classes	241

CHAPTER VIII.—In relation to prisoners.—*concl.*

- (xvi) European prisoners
- (xvii) Vagrants
- (xviii) Undertrial prisoners
- (six) Civil prisoners
- (xx) State prisoners
- (xxi) Lunatics—
 - (a) Criminal...
 - (b) Civil or non-criminal
- (xxii) Lepers

CHAPTER IX.—Interviews and communications with prisoners—

- (i) General
- (ii) Ministers of Religion

CHAPTER X.—Prison Offences and Punishments

CHAPTER XI.—Remissions and Rewards

CHAPTER XII.—Relating to the treatment of prisoners in cells

CHAPTER XIII.—Public Works ...

CHAPTER XIV.—Medical Administration—

- (i) Medical Officer
- (ii) Assistant Medical Officer
- (iii) Medical Subordinate*
- (iv) General Precautions
- (v) Hospital management
- (vi) Infectious diseases and epidemics
- (vii) Buildings
- (viii) Conservancy ...
- (ix) Water Supply ...
- (x) Burial grounds and burials

CHAPTER XV.—Labour and Jail Industries ...

CHAPTER XVI.—Clothing, Bedding and other equipment

CHAPTER XVII.—Diet

CHAPTER XVIII.—Accounts—

- (i) General
- (ii) Accounts—Supplies and Services
- (iii) Accounts—Manufactures

CHAPTER XIX.—General Office Procedure ...

CHAPTER XX -- Miscellaneous—

- (i) Gardening and Agriculture
- (ii) Jail Libraries

MANUAL OF RULES

FOR THE SUPERINTENDENCE AND MANAGEMENT OF

JAILS IN BURMA

[Prescribed by the Government of Burma]

PART I.

CHAPTER I.

INTRODUCTORY.

THE following Acts and the Regulation mentioned below, as amended by the Government of Burma (Adaptation of Laws) Order, 1937, deal specially with the establishment and management of Jails, the confinement and treatment of persons therein, and the maintenance of discipline amongst them:—

Act IX of 1894, the Prisons Act, as amended by Act XIII of 1910 and Act X of 1914.

Act III of 1900, the Prisoners Act, as amended by Act I of 1903, Act X of 1914 and Act XVII of 1923.

Regulation III of 1818 for the confinement of State prisoners.

Act XXIV of 1855, an Act to substitute penal servitude for the punishment of transportation in respect of European and American convicts, as amended by Act X of 1914.

Act III of 1930, the Prevention of Crime (Young Offenders) Act, as amended by Act VI of 1931 and Act VII of 1934.

Act IV of 1912, the Indian Lunacy Act, as amended by Act XII of 1916 and Act VI of 1922.

Act IX of 1908, the Indian Limitation Act, as amended by Act XII of 1923.

Act IX of 1874, the European Vagrancy Act, as amended by Act X of 1914 and Act XII of 1923.

Act III of 1931, the Burma Criminal Law Amendment Act.

2. Those provisions of the Civil Procedure Code (Act V of 1908), the Provincial Insolvency Act (Act V of 1920), the Presidency Towns Insolvency Act, 1909, the Criminal Procedure Code (Act V of 1898) and the Indian Penal Code (Act XLV of 1860, as amended), as amended by the Government of Burma (Adaptation of Laws) Order, 1937, which relate to the confinement of prisoners, the execution of sentences, appeals, lunatics and the like, must also be complied with in connection with prison administration.

K of 188

3. The Prisons Act, since it forms the main statutory basis for the administration of prisoners, is reproduced below. The remaining enactments, or such parts of them as are relevant to the subject of jails, are reproduced in Part II of this Manual.

[of 188
7 of 187

ACT No. IX OF 1894 [AS AMENDED BY ACTS Nos. XIII OF 1910, X OF 1914 AND XVII OF 1925 AND BY THE GOVERNMENT OF BURMA (ADAPTATION OF LAWS) ORDER, 1937].
[Received the assent of His Excellency the Governor-General.]

The Prisons Act, 1894.

CHAPTER I.

PRELIMINARY.

1. (1) This Act may be called the Prisons Act, 1894.

Title and commencement.

(2) It shall come into force on the first day of July 1894.

2. (1) On and after the said first day of July 1894, the enactments mentioned in the Schedule shall be repealed to the extent specified in the fourth column thereof.

Repeal.

(2) But all rules and appointments made, directions given and orders issued under any of those enactments shall, so far as they are consistent with this Act, be deemed to have been respectively made, given, and issued under this Act.

(3) Any enactment or document referring to any of those enactments shall, so far as may be, be construed to refer to this Act or to the corresponding portion thereof.

3. In this Act—

Definition.

- (1) "prison" means any jail or place used permanently or temporarily under the general or special orders of the Governor for the detention of prisoners, and includes all lands and buildings appurtenant thereto, but does not include—
- (a) any place for the confinement of prisoners who are exclusively in the custody of the police;
- (b) any place specially appointed by the Governor under section 541 of the Code of Criminal Procedure, 1882; or
- (c) any place which has been declared by the Governor, by general or special order, to be a subsidiary jail;
- (2) "criminal prisoner" means any prisoner duly committed to custody under the writ, warrant, or order of any Court, or authority exercising criminal jurisdiction, or by order of a court-martial;
- (3) "convicted criminal prisoner" means any criminal prisoner under sentence of a Court or court-martial, and includes a person detained in prison under the provisions of Chapter VIII of the Code of Criminal Procedure, 1882, or under the Prisoners' Act, 1900.
- (4) "civil prisoner" means any prisoner who is not a criminal prisoner;
- (5) "remission system" means the rules for the time being in force regulating the award of marks to, and the consequent shortening of sentences of, prisoners in jails;
- (6) "history-ticket" means the ticket exhibiting such information as is required in respect of each prisoner by this Act or the rules thereunder;
- (7) "Inspector-General" means the Inspector-General of Prisons;
- (8) "Medical Subordinate" means an Assistant Surgeon, Apothecary or qualified Hospital Assistant; and
- (9) "prohibited article" means an article, the introduction or removal of which into or out of a prison is prohibited by any rule under this Act.

K of 1882.

L of 1882.
7 of 1871.

CHAPTER II.

MAINTENANCE AND OFFICERS OF PRISONS.

4. The Governor shall provide, for the prisoners in British Burma, accommodation in prisons constructed and regulated in such manner as to comply with the requisitions of this Act in respect of the separation of prisoners.
- Accommodation for prisoners.
5. An Inspector-General shall be appointed for British Burma, and shall exercise, subject to the orders of the Governor, the general control and superintendence of all prisons situated in British Burma.
- Inspector-General.

6. For every prison there shall be a Superintendent, a Medical Officer (who may also be the Superintendent), a Medical Subordinate, a Jailor, and such other officers as the Governor thinks necessary.

7. Whenever it appears to the Inspector-General that the number of prisoners in any prison is greater than can conveniently or safely be kept therein, and it is not convenient to transfer the excess number to some other prison,

or whenever from the outbreak of epidemic disease within any prison, or for any other reason, it is desirable to provide for the temporary shelter and safe custody of any prisoner,

provision shall be made by such officer and in such manner as the Governor may direct, for the shelter and safe custody in temporary prisons of so many of the prisoners as cannot be conveniently or safely kept in the prison.

CHAPTER III.

DUTIES OF OFFICERS.

Generally.

8. All officers of a prison shall obey the directions of the Superintendent; all officers subordinate to the Jailor shall perform such duties as may be imposed on them by the Jailor with the sanction of the Superintendent or be prescribed by rules under section 59.

9. No officer of a prison shall sell or let, nor shall any person in trust for or employed by him sell or let, or derive any benefit from selling or letting, any article to any prisoner or have any money or other business dealings directly or indirectly with any prisoner.

10. No officer of a prison shall, nor shall any person in trust for or employed by him, have any interest, direct or indirect, in any contract for the supply of the prison; nor shall he derive any benefit, directly or indirectly, from the sale or purchase of any article on behalf of the prison or belonging to a prisoner.

Superintendent.

11. (1) Subject to the orders of the Inspector-General, the Superintendent shall manage the prison in all matters relating to discipline, labour, expenditure, punishment and control.

(2) Subject to such general or special directions as may be given by the Governor, the Superintendent of a prison other than a central prison shall obey all orders not inconsistent with this Act or any rule thereunder which may be given respecting the prison by the District Magistrate, and shall report to the Inspector-General all such orders and the action taken thereon.

12. The Superintendent shall keep, or cause to be kept, the following records:—

- | | |
|---------------------------------------|--|
| Records to be kept by Superintendent. | (1) a register of prisoners admitted ; |
| | (2) a book showing when each prisoner is to be released ; |
| | (3) a punishment-book for the entry of the punishments inflicted on prisoners for prison offences ; |
| | (4) a visitor's book for the entry of any observations made by the visitors touching any matters connected with the administration of the prison ; |
| | (5) a record of the money and other articles taken from prisoners ; |

and all such other records as may be prescribed by rules under section 59.

Medical Officer.

13. Subject to the control of the Superintendent, the Medical Officer shall have charge of the sanitary administration of the prison, and shall perform such duties as may be prescribed by rules made by the Governor under section 59.	Duties of Medical Officer.
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14. Whenever the Medical Officer has reason to believe that the mind of a prisoner is, or is likely to be, injuriously affected by the discipline or treatment to which he is subjected, the Medical Officer shall report the case in writing to the Superintendent, together with such observations as he may think proper.	Medical Officer to report in certain cases.
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This report, with the orders of the Superintendent thereon, shall forthwith be sent to the Inspector-General for information.

15. On the death of any prisoner, the Medical Officer shall forthwith record in a register the following particulars, so far as they can be ascertained, namely,—	Report on death of prisoner.
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- (1) the day on which the deceased first complained of illness or was observed to be ill ;
- (2) the labour, if any, on which he was engaged on that day ;
- (3) the scale of his diet on that day ;
- (4) the day on which he was admitted to hospital ;
- (5) the day on which the Medical Officer was first informed of the illness ;
- (6) the nature of the disease ;
- (7) when the deceased was last seen before his death by the Medical Officer or Medical Subordinate ;

(8) when the prisoner died ; and

(9) (in cases where a *post-mortem* examination is made) an account of the appearances after death ;

together with any special remarks that appear to the Medical Officer to be required.

Jailor.

16. (1) The Jailor shall reside in the prison, unless the Superintendent permits him in writing to reside elsewhere.

(2). The Jailor shall not, without the Inspector-General's sanction in writing, be concerned in any other employment.

17. Upon the death of a prisoner, the Jailor shall give immediate notice thereof to the Superintendent and the Medical Subordinate.

18. The Jailor shall be responsible for the safe custody of the records to be kept under section 12, for the commitment warrants and all other documents confined to his care, and for the money and other articles taken from prisoners.

19. The Jailor shall not be absent from the prison for a night without permission in writing from the Superintendent ; but, if absent without leave for a night from unavoidable necessity, he shall immediately report the fact and the cause of it to the Superintendent.

20. Where a Deputy Jailor or Assistant Jailor is appointed to a prison, he shall, subject to the orders of the Superintendent, be competent to perform any of the duties, and be subject to all the responsibilities of a Jailor under this Act, or any rule thereunder.

Subordinate Officers.

21. The officer acting as gate-keeper, or any other officer of the prison, may examine anything carried in or out of the prison, and may stop and search or cause to be searched any person suspected of bringing any prohibited article into or out of the prison or of carrying out any property belonging to the prison ; and, if such article or property be found, shall give immediate notice thereof to the Jailor.

22. Officers subordinate to the Jailor shall not be absent from the prison without leave from the Superintendent or from the Jailor.

- XLV of 1860.** 23. Prisoners who have been appointed as officers of prisons shall be deemed to be public servants within the meaning of the Indian Penal Code.
- Convict officers.

CHAPTER IV.

ADMISSIONS, REMOVAL AND DISCHARGE OF PRISONERS.

24. (1) Whenever a prisoner is admitted into prison, he shall be searched, and all weapons and prohibited articles shall be taken from him.

Prisoners to be examined on admission.

(2) Every criminal prisoner shall also, as soon as possible after admission, be examined under the general or special orders of the Medical Officer, who shall enter or cause to be entered in a book, to be kept by the Jailor, a record of the state of the prisoner's health, and of any wounds or marks on his person, the class of labour he is fit for if sentenced to rigorous imprisonment, and any observations, which the Medical Officer thinks fit to add.

(3) In the case of female prisoners, the search and examination shall be carried out by the matron under the general or special orders of the Medical Officer.

25. All money or other articles in respect whereof no order of a competent Court has been made, and which may with proper authority be brought into the prison by any criminal prisoner or sent to the prison for his use, shall be placed in the custody of the Jailor.

Effects of prisoners.

26. (1) All prisoners, previously to being removed to any other prison, shall be examined by the Medical Officer.

Removal and discharge of prisoners.

(2) No prisoner shall be removed from one prison to another unless the Medical Officer certifies that the prisoner is free from any illness rendering him unfit for removal.

(3) No prisoner shall be discharged against his will from prison, if labouring under any acute or dangerous distemper, nor until, in the opinion of the Medical Officer, such discharge is safe.

CHAPTER V.

DISCIPLINE OF PRISONERS.

27. The requisitions of this Act, with respect to the separation of prisoners are as follows:—

Separation of prisoners.

(1) in a prison containing female as well as male prisoners, the females shall be imprisoned in separate buildings, or separate parts of the same building, in such manner as to prevent their seeing, or conversing, or holding any intercourse with the male prisoners;

(2) in a prison where male prisoners under the age of 21 are confined, means shall be provided for separating them altogether from the other prisoners and for separating those of them who have arrived at the age of puberty from those who have not ;

(3) unconvicted criminal prisoners shall be kept apart from convicted criminal prisoners ; and

(4) civil prisoners shall be kept apart from criminal prisoners.

28. Subject to the requirements of the last foregoing section, convicted criminal prisoners may be confined either in association or individually in cells, or partly in one way and partly in the other.

Association and segregation of prisoners.

29. No cell shall be used for solitary confinement unless it is furnished with the means of enabling the prisoner to communicate at any time with an officer of the prison, and every prisoner so confined in a cell for more than 24 hours, whether as a punishment or otherwise, shall be visited at least once a day by the Medical Officer or Medical Subordinate.

Solitary confinement.

30. (1) Every prisoner under sentence of death shall, immediately on his arrival in the prison after sentence, be searched by, or by order of, the Jailor, and all articles shall be taken from him which the Jailor deems it dangerous or inexpedient to leave in his possession.

Prisoners under sentence of death.

(2) Every such prisoner shall be confined in a cell apart from all other prisoners, and shall be placed by day and by night under the charge of a guard.

CHAPTER VI.

FOOD, CLOTHING AND BEDDING OF CIVIL AND UNCONVICTED CRIMINAL PRISONERS.

31. A civil prisoner or an unconvicted criminal prisoner shall be permitted to maintain himself, and to purchase, or receive from private sources at proper hours, food, clothing, bedding, or other necessities, but subject to examination and to such rules as may be approved by the Inspector-General.

Maintenance of certain prisoners from private sources.

32. No part of any food, clothing, bedding, or other necessities belonging to any civil or unconvicted criminal prisoner shall be given, hired, or sold to any other prisoners ; and any prisoner transgressing the provisions of this section shall lose the privilege of purchasing food or receiving it from private sources, for such time as the Superintendent thinks proper.

Restriction on transfer of food and clothing between certain prisoners.

33. (1) Every civil prisoner and unconvicted criminal prisoner unable to provide himself with sufficient clothing and bedding shall be supplied by the Superintendent with such clothing and bedding as may be necessary.

Supply of clothing and bedding to civil and unconvicted criminal prisoners.

(2) When any civil prisoner has been committed to prison in execution of a degree in favour of a private person such person or his representative, shall, within 48 hours after the receipt by him of a demand in writing, pay to the Superintendent the cost of the clothing and bedding so supplied to the prisoner; and in default of such payment the prisoner may be released.

CHAPTER VII.

EMPLOYMENT OF PRISONERS.

34. (1) Civil prisoners may, with the Superintendent's permission, work and follow any trade or profession.
Employment of civil prisoners. (2) Civil prisoners finding their own implements, and not maintained at the expense of the prison, shall be allowed to receive the whole of their earnings; but the earnings of such as are furnished with implements or are maintained at the expense of the prison shall be subject to a deduction, to be determined by the Superintendent, for the use of implements and the cost of maintenance.

35. (1) No criminal prisoner sentenced to labour or employed on labour at his own desire shall, except on an emergency with the sanction in writing of the Superintendent, be kept to labour for more than nine hours in any one day.
Employment of criminal prisoners.

(2) The Medical Officer shall from time to time examine the labouring prisoners while they are employed, and shall at least once in every fortnight cause to be recorded upon the history-ticket of each prisoner employed on labour the weight of such prisoner at the time.

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

36. Provision shall be made by the Superintendent for the employment (as long as they so desire) of all criminal prisoners sentenced to simple imprisonment; but no prisoner not sentenced to rigorous imprisonment shall be punished for neglect of work excepting by such alteration in the scale of diet as may be established by the rules of the prison in the case of neglect of work by such a prisoner.
Employment of criminal prisoners sentenced to simple imprisonment.

CHAPTER VIII.

HEALTH OF PRISONERS.

37. (1) The names of prisoners desiring to see the Medical Subordinate or appearing out of health in mind or body shall, without delay, be reported by the Officer in immediate charge of such prisoners to the Jailor.
Sick prisoners.

(2) The Jailor shall, without delay, call the attention of the Medical Subordinate to any prisoner desiring to see him, or who is ill, or whose

state of mind or body appears to require attention, and shall carry into effect all written directions given by the Medical Officer or Medical Subordinate respecting alterations of the discipline or treatment of any such prisoner.

38. All directions given by the Medical Officer or Medical Subordinate in relation to any prisoner, with the exception of orders for the supply of medicines or directions relating to such matter as are carried into effect by the Medical Officer himself or under his superintendence, shall be entered day by day in the prisoner's history-ticket or in such other record as the Governor may by rule direct, and the Jailor shall make an entry in its proper place stating in respect of each direction the fact of its having been or not having been complied with, accompanied by such observations, if any, as the Jailor thinks fit to make, and the date of the entry.

Record of directions
of Medical Officers.

39. In every prison an hospital or proper place for the reception of sick prisoners shall be provided.

Hospital.

CHAPTER IX.

VISITS TO PRISONERS.

40. Due provision shall be made for the admission, at proper times and under proper restrictions, into every prison of persons with whom civil or unconvicted criminal prisoners may desire to communicate, care being taken that, so far as may be consistent with the interests of justice, prisoners under trial may see their duly qualified legal advisers without the presence of any other person.

Visits to civil and
unconvicted criminal
prisoners.

41. (1) The Jailor may demand the name and address of any visitor to a prisoner, and, when the Jailor has any ground for suspicion, may search any visitor, or cause him to be searched, but the search shall not be made in the presence of any prisoner or of another visitor.

Search of visitors.

(2) In case of any such visitor refusing to permit himself to be searched the Jailor may deny him admission; and the grounds of such proceeding, with the particulars thereof, shall be entered in such record as the Governor may direct.

CHAPTER X.

OFFENCES IN RELATION TO PRISONS.

42. Whoever, contrary to any rule under section 59, introduces or removes, or attempts by any means whatever to introduce or remove, into or from any prison, or supplies or attempts to supply to any prisoner outside the limits of a prison, any prohibited article, and every officer of a prison who, contrary to any such rule, knowingly suffers, any such article to be introduced into or removed from any person, to be

Penalty for intro-
duction or removal of
prohibited articles into
or from prison and
communication with
prisoners.

possessed by any prisoner, or to be supplied to any prisoner outside the limits of the prison,

and whoever, contrary to any such rule, communicates or attempts to communicate with any prisoner,

and whoever abets any offence made punishable by this section shall, on conviction before a Magistrate, be liable to imprisonment for a term not exceeding six months, or to fine not exceeding two hundred rupees, or both.

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

Power to arrest for
offence under section
42.

44. The Superintendent shall cause to be affixed, in a conspicuous place outside the prison, a notice in English and the Vernacular setting forth the acts prohibited under section 42 and the penalties incurred by their commission.

Publication of
penalties.

CHAPTER XI.

PRISON OFFENCES.

45. The following acts are declared to be prison offences when committed by a prisoner:—

(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) Continuously refusing to work ;

(7) Filing, cutting, altering or removing handcuffs, fetters or bars without due authority ;

(8) Wilful idleness or negligence at work by any prisoner sentenced to rigorous imprisonment ;

(9) Wilful mismanagement of work by any prisoner sentenced to rigorous imprisonment ;

(10) Wilful damage to prison property ;

(11) Tampering with or defacing history tickets, records or documents ;

(12) Receiving, possessing or transferring any prohibited article ;

(13) Feigning illness ;

(14) Wilfully bringing a false accusation against any officer or prisoner ;

(15) Omitting or refusing to report, as soon as it comes to his knowledge, the occurrence of any fire, any plot or conspiracy, any escape, attempt or preparation to escape and any attack or preparation for attack upon any prisoner or prison official; and

(16) Conspiring to escape, or to assist in escaping, or to commit any other of the offences aforesaid.

46. The Superintendent may examine any person touching any such offence, and determine thereupon and punish such offences.

(1) a formal warning;

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

(2) change of labour to some more irksome or severe form, for such period as may be prescribed by rules made by the Governor;

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

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

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

(6) imposition of handcuffs of such pattern and weight, in such manner and for such period, as may be prescribed by rules made by the Governor;

(7) imposition of fetters of such pattern and weight, in such manner and for such period, as may be prescribed by rules made by the Governor;

(8) separate confinement for any period not exceeding three months;

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

(9) penal diet,—that is, restriction of diet in such manner and subject to such conditions regarding labour as may be prescribed by the Governor:

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;

(10) cellular confinement for any period not exceeding 14 days:

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

(11) penal diet as defined in clause (9) combined with cellular confinement ;

(12) whipping, provided that the number of stripes shall not exceed thirty :

Provided that nothing in this section shall render any female or civil prisoner liable to the imposition of any form of handcuffs, or fetters, or to whipping.

47. (1) Any two of the punishments enumerated in the last foregoing section may be awarded for any such offence in combination, subject to the following exceptions, namely:—

Plurality of punishments under section 46

(1) Formal warning shall not be combined with any other punishment except loss of privileges under clause (4) of that section ;

(2) Penal diet shall not be combined with change of labour under clause (2) of that section, 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 the 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.

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

48. (1) The Superintendent shall have power to award any of the punishments enumerated in the two last foregoing sections subject, in the case of separate confinement for a period exceeding one month, to the previous confirmation of the Inspector-General.

Award of punishments under sections 46 and 47.

(2) No officer subordinate to the Superintendent shall have power to award any punishment whatever.

49. Except by order of a Court of Justice, no punishment other than the punishments specified in the foregoing sections shall be inflicted on any prisoner, and no punishment shall be inflicted on any prisoner otherwise than in accordance with the provisions of those sections.

Punishments to be in accordance with foregoing sections.

50. (1) No punishment of penal diet, either singly or in combination or of whipping, or of change of labour under section 46, clause (2), shall be executed until the prisoner to whom such punishment has been awarded has been examined by the Medical Officer to certify to fitness of prisoner for punishment.

Officer, who if he considers the prisoner fit to undergo the punishment shall certify accordingly in the appropriate column of the punishment-book prescribed in section 12.

(2) If he considers the prisoner unfit to undergo the punishment he shall in like manner record his opinion in writing and shall state whether the prisoner is absolutely unfit for punishment of the kind awarded, or whether he considers any modification necessary.

(3) In the latter case he shall state what extent of punishment he thinks the prisoner can undergo without injury to his health.

51. (1) In the punishment-book prescribed in section 12 there shall be recorded, in respect of every punishment inflicted, the prisoner's name, register number, and the class (whether habitual or not) to which he belongs, the prison offence of which he was guilty, the date on which such prison offence was committed, the number of previous prison offences recorded against the prisoner and the date of his last prison offence, the punishment awarded and the date of infliction.

(2) In the case of every serious prison-offence, the names of the witnesses proving the offence shall be recorded, and, in the case of offences for which whipping is awarded, the Superintendent shall record the substance of the evidence of the witnesses, the defence of the prisoner, and the finding with the reasons therefor.

(3) Against the entries relating to each punishment the Jailor and Superintendent shall affix their initials as evidence of the correctness of the entries.

52. If any prisoner is guilty of any offence against prison discipline which, by reason of his having frequently committed such offences or otherwise, in the opinion of the Superintendent, is not adequately punishable by the infliction of any punishment which he has power under this Act to award, the Superintendent may forward such prisoner to the Court of the District Magistrate or of any Magistrate of the first class having jurisdiction, together with a statement of the circumstances, and such Magistrate shall thereupon inquire into and try the charge so brought against the prisoner, and upon conviction, may sentence him to imprisonment which may extend to one year, such term to be in addition to any term for which such prisoner was undergoing imprisonment when he committed such offence or may sentence him to any of the punishments enumerated in section 46:

Provided that any such case may be transferred for enquiry and trial by the District Magistrate to any Magistrate of the first class and

Provided also that no person shall be punished twice for the same offence

53. (1) No punishment of whipping shall be inflicted in instalments, or except in the presence of the Superintendent and Medical Officer or Medical Subordinate.

(2) Whipping shall be inflicted with a light rattan not less than half-an-inch in diameter, on the buttocks, and in case of prisoners under the age of sixteen it shall be inflicted, in the way of school discipline, with a lighter rattan.

54. (1) Every Jailor or Officer of a prison subordinate to him who shall be guilty of any violation of duty or wilful breach or neglect of any rule or regulation or lawful order made by competent authority, or who shall withdraw from the duties of his office without permission, or without having given previous notice in writing of his intention, for the period of two months, or who shall wilfully overstay any leave granted to him, or who shall engage without authority in any employment other than his prison-duty, or who shall be guilty of cowardice, shall be liable on conviction before a Magistrate, to fine not exceeding two hundred rupees, or to imprisonment for a period not exceeding three months, or to both.

(2) No person shall under this section be punished twice for the same offence.

CHAPTER XII.

MISCELLANEOUS.

55. A prisoner, when being taken to or from any prison in which he may be lawfully confined, or whenever he is working outside or is otherwise beyond the limits of any such prison in or under the lawful custody or control of a prison-officer belonging to such prison, shall be deemed to be in prison and shall be subject to all the same incidents as if he were actually in prison.

56. Whenever the Superintendent considers it necessary (with reference either to the state of the prison or the character of the prisoners) for the safe custody of any prisoners that they should be confined in irons, he may, subject to such rules and instructions as may be laid down by the Inspector-General with the sanction of the Governor, so confine them.

57. (1) Prisoners under sentence of transportation may, subject to any rules made under section 60 *, be confined in fetters for the first three months after admission to prison.

(2) Should the Superintendent consider it necessary, either for the safe custody of the prisoner himself or for any other reason, that fetters should be retained on any such prisoner for more than three months, he shall apply to the Inspector-General for sanction to their retention for the period for which he considers their retention necessary, and the Inspector-General may sanction such retention accordingly.

58. No prisoner shall be put in irons or under mechanical restraint by the Jailor of his own authority, except in case of urgent necessity, in which case notice thereof shall be forthwith given to the Superintendent.

* Section 60 of the Prisons Act, 1894, has been amalgamated with section 59 of the Act by the Government of Burma (Adaptation of Laws) Order, 1937, and the provisions thereof now form clauses 8 to 26 of section 9.

59. The Governor may make rules consistent with this Act—

- Power to make rules. (1) defining the acts which shall constitute prison-offences ;
- (2) determining the classification of prison offences into serious and minor offences ;
- (3) fixing the punishments admissible under this Act which shall be awardable for commission of prison offences or classes thereof ;
- XLV of 1880.** (4) declaring the circumstances in which acts constituting both a prison offence and an offence under the Indian Penal Code may or may not be dealt with as a prison offence ;
- (5) for the award of marks and the shortening of sentences ;
- (6) regulating the use of arms against any prisoner or body of prisoners in the case of an outbreak or attempt to escape ;
- (7) defining the circumstances and regulating the conditions under which prisoners in danger of death may be released ;
- (8) for the classification of prisons and description and construction of wards, cells and other places of detention ;
- (9) for the regulation by numbers, length or character of sentences, or otherwise, of the prisoners to be confined in each class of prisons ;
- (10) for the government of prisons and for the appointment of all officers appointed under this Act ;
- (11) as to the food, bedding and clothing of criminal prisoners and of civil prisoners maintained otherwise than at their own cost ;
- (12) for the employment, instruction and control of convicts within or without prisons ;
- (13) for defining articles the introduction or removal of which into or out of prisons without due authority is prohibited ;
- (14) for classifying and prescribing the forms of labour and regulating the periods of rest from labour ;
- (15) for regulating the disposal of the proceeds of the employment of prisoners ;
- (16) for regulating the confinement in fetters of prisoners sentenced to transportation ;
- (17) for the classification and the separation of prisoners ;
- (18) for regulating the confinement of convicted criminal prisoners under section 28 ;
- (19) for the preparation and maintenance of history tickets ;
- (20) for the selection and appointment of prisoners as officers of prisons ;
- (21) for rewards for good conduct ;
- (22) for regulating the transfer of prisoners whose term of transportation or imprisonment is about to expire ;
- (23) for the treatment, transfer and disposal of criminal lunatics or recovered criminal lunatics confined in prisons ;
- (24) for regulating the transmission of appeals and petitions from prisoners and their communication with their friends ;
- (25) for the appointment and guidance of visitors of prisons ;
- X of 1882.** (26) for extending any or all of the provisions of this Act and of the rules thereunder to subsidiary jails or special places of confinement appointed under section 541 of the Code of Criminal Procedure 1882, and to the officers employed and the prisoners confined, therein ;
- (27) in regard to the admission, custody, employment, dieting, treatment and release of prisoners ; and
- (28) generally for carrying into effect the purposes of this Act.

60. *Omitted.*

61 Copies of rules, under section 59 so far as they affect the government of prisons, shall be exhibited, both in English and in the Vernacular, in some place to which all persons employed within a prison have access.

Exhibition of copies of rules.

62. All or any of the powers and duties conferred and imposed by this Act on a Superintendent or Medical Officer may in his absence be exercised and performed by such other officer as the Governor may appoint in this behalf either by name or by his official designation.

Exercise of powers of Superintendent and Medical Officer.

THE SCHEDULE.

ENACTMENTS REPEALED.

(See Section 2.)

Year. (1)	No. (2)	Title or short title. (3)	Extent of repeal. (4)
<i>Acts of the Governor-General-in-Council.</i>			
1856	VIII ...	An Act for the better control of the jails within the Presidency of Bombay.	So much as has not been repealed.
1870	XXVI ...	Prisons Act, 1870	So much as has not been repealed.
1874	XV ...	Laws Local Extent Act, 1874	So much of Part (b) of the third schedule as relates to Act VIII of 1856.
1878	XIV ...	An Act to assimilate certain powers of the Local Governments of the North-Western Provinces and Oudh.	Section 2.
1886	XX ...	Upper Burma Laws Act, 1886	So much as relates to Act XXVI of 1870.
1891	XII ...	Repealing and Amending Act, 1891.	So much of the second schedule as relates to Acts VIII of 1856 and XXVI of 1870.
<i>Acts of the Governor of Fort St. George in Council.</i>			
1869	V ...	Madras Jails Act, 1869	So much as has not been repealed.
1882	VII ...	Madras Jails Act, Amendment Act, 1882.	The whole.
1889	II ...	An Act to amend the Madras Jails Act, 1869.	The whole.
<i>Acts of the Governor of Bombay in Council.</i>			
1874	II ...	An Act for the regulation of jails in the City and Presidency of Bombay, and the enforcement of discipline therein.	So much as has not been repealed, except sections 9 to 16 (both inclusive) as amended by Bombay Act I of 1882.
1882	II ...	An Act to amend Bombay Act II of 1874.	Section 3.
1883	IV ...	An Act to amend the Law concerning the confinement of civil prisoners liable to imprisonment under the Criminal Procedure Code.	The whole.
1887	I ...	An Act to further amend Bombay Act II of 1874.	The whole.

THE SCHEDULE—concl'd.

Year.	No.	Title or short title.	Extent of repeal.
(1)	(2)	(3)	(4)

Acts of the Lieutenant-Governor of Bengal in Council.

1864	II	...	An Act for the regulation of jails and the enforcement of discipline therein.	So much as has not been repealed.
1865	V	...	An Act to amend Act II of 1864, passed by the Lieutenant-Governor of Bengal in Council and to extend the provisions thereof to the Presidency Jail.	So much as has not been repealed.

Regulations made under the Statute 33 Victoria, Chapter 3

1872	III	...	Santhal Parganas Settlement Regulation.	So much of the Schedule (as amended by Regulation III of 1886) as relates to Bengal Acts II of 1864 and V of 1865.
1874	IX	...	Arakan Hill District Laws Regulation, 1874.	So much as relates to Act XXVI of 1870.
1875	II	...	Assam Prisons Regulation, 1875	The whole.
1890	I	...	British Baluchistan Laws Regulation, 1890.	So much as relates to Act XXVI of 1870.

CHAPTER II.

CLASSIFICATION OF JAILS AND SANCTIONED ESTABLISHMENTS.

Classes
of
Jails.

4. The following are the classes of Jails :—

(i) *Central Jails* intended for the confinement of all classes of prisoners, including prisoners sentenced to transportation.

(ii) *District Jails* intended for the confinement of all classes of prisoners with the exception of convicts sentenced to terms of imprisonment exceeding five years.

(iii) *Camp or Extramural Jails* intended for the confinement of prisoners employed on extramural work as may, from time to time, be prescribed by Government.

(iv) *Subsidiary Jails* intended for the confinement of undertrial prisoners and of convicted prisoners whose sentences are too short to admit of removal to other jails.

For the rules regarding management of police lock-ups declared to be Subsidiary Jails, see Appendix XXVI, wherein a list of such Subsidiary Jails is also given.

Names
of
Jails.

5. The Central Jails are those at :—

Rangoon.	Bassein.	Mandalay.
Insein.	Myaungmya.	Myingyan.
Tharrawaddy.	Thayetmyo.	Akyab.

The District Jails are those at :—

Kyaukpyu.	Paungde.	Bhamo.
Moulmein.	Henzada.	Katha.
Tavoy.	Maubin.	Mônnywa.
Mergui.	Yamethin.	Pagan.
Toungoo.	Meiktila.	Magwe.
Prome.	Shwebo.	Mogôk.

Class
of
officers
in
charge
of
Jails.

6. The Central Jails at Rangoon, Mandalay, Insein and Tharrawaddy and the Camp Jails shall be supervised by officers who are in whole-time charge.

The Central Jails at Myingyan, Bassein, Myaungmya, Thayetmyo and Akyab shall be supervised, as collateral charges, by the Civil Surgeons of the respective stations, and so shall all District Jails. Jails in Subdivisions shall be supervised by the Senior Medical Officer of the station.

7. The following is the establishment sanctioned for jails :—

Sanctioned strength of Jailors, Warders and Wardresses and their scale of pay.

(a) One hundred and fifty-four Jailors on the time-scale of pay of Rs. 100—5—190—10—250, with four special pays of Rs. 150—20—250 *per mensem* attached to the Chief Jailorships of Myingyan, Thayetmyo, Bassein and Myaungmya Jails ; four special pays of Rs. 50 *per mensem* attached to the Chief Jailorships of Rangoon, Insein, Mandalay and Tharrawaddy Jails ; five special pays of Rs. 30 *per mensem* attached to the Chief Jailorships of the Moulmein, Toungoo, Henzada, Akyab and Prome Jails ; and fourteen special pays of Rs. 20 *per mensem* attached to the Chief Jailorships of the remaining jails

(b) The sanctioned permanent warder staff is as follows :—

8 Chief Warders, on Rs. 50 each *per mensem*.

55 Head Warders, on the scale of pay of Rs. 28—1—40 each *per mensem*.

1,093 Warders on the time-scale of pay of Rs. 20— $\frac{2}{3}$ —22— $\frac{2}{4}$ —26 each *per mensem* ; and

9 Wardresses, of whom two are stationed at each of the Jails at Mandalay, Myingyan, Toungoo and Thayetmyo on Rs. 25— $\frac{5}{8}$ —40 and one at Rangoon on a consolidated pay of Rs. 30 *per mensem*.

No permanent establishment in excess of the above strength shall be entertained without the special sanction of Government

(c) All Jail Warders, including Chief and Head Warders, whose homes are in India and who were entertained prior to 27th June 1933 may be granted free passages for themselves by sea, river or rail, by the class to which they are entitled, to and from their homes when proceeding on or returning from leave, subject to the following conditions :—

Grant of free passages to Warder Staff.

- (i) That the maximum number of free return passages granted does not exceed three in the course of the entire service of the Jail Warders, including Chief and Head Warders ;
- (ii) That a free passage shall not be granted until a Jail Warder has completed five years' service in Burma ;
- (iii) That a second free passage shall not be granted until he has completed fifteen years' service ; and
- (iv) That a further free passage shall not be granted until he has completed twenty-five years' service.

If a Jail Warder has already been granted a free passage under the orders previously in force he will be eligible for further free passages under the terms above imposed. But the total number of free passages to be granted under the present rules shall be reduced by the number of free passages already received by him.

NOTE 1.—The grant of any concession under these orders together with the date of payment should be recorded in the service book of the Jail Warder so that the conditions imposed may not be overlooked.

NOTE 2.—All service, whether temporary, officiating or permanent counts as service for purpose of passage concessions to Jail Warders provided that such service is continuous (*i.e.*), that there are no breaks in service or interruptions of duty involved.

NOTE 3.—Warders entertained on or after June 27th 1933 are not entitled to any free passages.

CHAPTER III

GENERAL SUPERVISION

The Inspector-General of Prisons.

Under section 5 of the Prisons Act, 1894, an Inspector-General of Prisons shall be appointed for the territory subject to each Local Government, and shall exercise, subject to the orders of the Local Government, the general control and superintendence of all prisons situated in the territories under such Government.

Statutory
Provision.

8. Under section 5 of Act IX of 1894, the Inspector-General is appointed by the Local Government and, subject to the orders of the Local Government, is invested with the general control and superintendence of all the prisons situated in Burma, except such as are directly under the governance of the military authorities.

General con-
trol and
superinten-
dence of
prisons.

9. He shall exercise full control over all expenditure in jails, submitting annually to Government, through the Accountant-General, in such manner and at such time as may be prescribed, an estimate of the funds necessary for their maintenance.

Control of
expenditure.

10. All monthly and other statements of jail expenses of every description shall be submitted to and scrutinized by him.

Audit of bills.

Debit vouchers on account of charges against jails by other Government Departments which have not been countersigned by the Superintendents of Jails concerned will be intimated to them by the Accountant-General, through the Inspector General.

11. His powers of sanction of establishment under his control are contained in paragraphs 389 and 390 of the Burma Treasury Manual, Volume I. He is empowered to sanction all ordinary working expenses either for manufactory or for general purposes within the limits of the Budget grants.

Financial
powers.

12. He shall pass orders upon all contracts, except those of a petty description, which may be deemed requisite for the supply to jails, of food, clothing and other articles, and no contract, except of a petty description, shall be valid unless sanctioned by him.

Powers to
sanction
contracts.

Financial
powers
regarding
construction
of, or repairs
to, Jail
buildings.

13. He is authorized to accord administrative approval, to expenditure up to a limit of Rs. 10,000 in each case, on new works and additions to existing jail buildings, other than residential buildings, intimation that the work has been administratively approved being sent to the Superintending Engineer concerned.

Inspection
of jails by the
Inspector-
General.

14. He shall visit every jail in the province at least once a year, and during these visits—

- (a) he shall inspect all jail buildings with a special reference to their state of repair and security and shall note how far the structural arrangements permit of due effect being given to the requirements of the Prisons Act in regard to the separation of the different classes of prisoners ;
- (b) he shall examine the sanitary condition of the jail, the condition of the garden, water-supply and conservancy arrangements, the care and treatment of the sick and the nature and quality of the food supplied to the prisoners ;
- (c) he shall personally see every prisoner in the jail, noting his physical condition, his fitness for his task, and the condition of his clothing and shall give any prisoner, who desires it, an opportunity of making a representation passing such orders as appear to him necessary ;
- (d) he shall inspect the jailor and warder establishment, their arms and accoutrements and satisfy himself that the staff are proficient in their duties and thoroughly understand the standing orders with regard to watch and ward and the prevention and suppression of riots ;
- (e) he shall compare, with the rates obtaining in the local market, the rates paid for contingent purchases, and shall satisfy himself that economy is practised in the use of all articles both contract and local purchase ;
- (f) he shall satisfy himself that all accounts and registers are maintained according to the rules in force for the time being, that proper arrangements are made for the safe custody of all records and that due regard is paid to all requirements of the Prisons Act and to all Rules framed thereunder.

- 15.** On completion of the inspection he shall record his opinion of the state of the jail as he found it, the extent to which the jail officers appear to understand their duties and shall make any suggestion he may wish to, for the guidance of the Superintendent. Such extracts, as appear to be of importance shall be submitted by him to the Government with the Superintendent's remarks. Memorandum of inspection.
- 16.** All Jailors, Chief and Head Warders shall be appointed by the Inspector-General and no officer of these grades shall be dismissed or removed by any subordinate authority. He may direct the reduction, suspension, removal, dismissal or the transfer from one jail to another of any jail subordinate. Powers of appointment and punishment.
- 17.** Whenever it appears to the Inspector-General that the number of prisoners in any prison is greater than can conveniently or safely be kept therein, and it is not convenient to transfer the excess number to some other prison, or whenever, from the outbreak of epidemic disease within any prison, or for any other reason, it is desirable to do so, he shall make provision for the shelter and safe custody, in temporary prisons of so many of the prisoners as cannot be conveniently or safely kept in that prison. Accommodation of prisoners in temporary prisons to relieve over crowding of during epidemic season.
- 18.** Under section 29, Act III of 1900, as amended by Act I of 1903, he may order the removal of prisoners from one jail to another within Burma.' He shall also regulate all details regarding the transfer of prisoners sentenced to transportation. Transfer of prisoners.
- 19.** He shall be the medium of communication between Government and every officer of the Department, and, unless specially excepted, every communication, from any officer of the Department, which is intended for the perusal of Government, shall be submitted through him. Channel of communication.
- 20.** He shall submit, together with his comments, each year to the Government not later than the 1st April, a detailed report of the jail administration for the previous calendar year, giving such statistics as may, from time to time, be prescribed. Annual administration Report.
- 21.** Under the provisions of section 28 (2), Act IV of 1912, the Inspector-General is *ex-officio* a visitor of all mental hospitals in Burma. Inspector-General an *ex-officio* Visitor of all Mental Hospitals.

Discharge of
duties during
the Inspec-
tor-General's
absence from
Rangoon.

22. In the absence of the Inspector-General from Rangoon, the Superintendent of the Rangoon Central Jail, shall, in all emergencies, exercise all or any of the powers of the Inspector-General. The Superintendent of the Inspector-General's Office shall, during the absence of the Inspector-General from Rangoon, be in charge of the office, and may dispose of such class of routine business as the Inspector-General may direct ; provided that all business so disposed of shall be submitted by him to the Inspector-General on his return. He shall sign letters provided that drafts, other than those of a purely routine nature, have been approved by the Inspector-General.

Assaults in
Jails.

23. When a serious assault occurs in a jail, the Inspector-General shall report to the Government at once the facts of the case as far as they are known to him, and as soon as the departmental enquiry has been held, a brief report with the findings and his opinion shall be submitted to the Government and in cases which are sent to Court, a report of the result of the trial and any further action taken by him should also be submitted. If the proceedings of the departmental enquiry or of the trial are required by the Government, they will be asked for ; otherwise they need not be submitted.

CHAPTER IV.

Visitors.

24. The undermentioned officers shall be *ex-officio* visitors of the jails described against the designation of each :—

Ex-Officio
visitors of
jails.

Designation.	Jails in respect of which appointed.
The Chief Justice The Ministers to the Governor The Judges of the High Court of Judicature at Rangoon. Commissioners of Divisions	All jails in Burma. All jails in their respective administrative divisions.
The Inspector-General of Civil Hospitals, Burma. The Director of Public Health, Burma The Assistant Director of Public Health, Burma. Sessions Judges	All jails in Burma All jails in their respective Sessions Divisions
The Sessions Judge, Hanthawaddy District Magistrate The Commissioner of Police, Rangoon ... The Inspector-General of Police The Deputy Inspector-General of Military Police.	The Rangoon Jail. All jails in their respective districts. The Rangoon Jail
The Deputy Inspector-General of Police for Railways and Criminal Investigation. The Deputy Inspector-General of Civil Police in charge of Ranges.	All jails in Burma.
The Civil Surgeon, Prome .. The Subdivisional Magistrate, Paungde The Civil Surgeon, Myingyan The Subdivisional Magistrate, Pagan The Subdivisional Magistrate, Mogok ... The District and Sessions Judge, Sagaing and Lower Chindwin.	The Paungde Jail. The Pagan Jail. The Mogok Jail. The Mandalay Jail.

The District Magistrate shall, when at headquarters, visit the jail at least once a month, and likewise the Subdivisional Magistrate, the jail at his subdivision. Commissioners shall, as a rule, visit all jails within their jurisdiction when they go on tour.

25. The District or the Subdivisional Magistrate concerned will not ordinarily interfere in the detailed management of the district jail, but will make such recommendations, in the visitors' book, as may seem to him advisable, leaving it to the Superintendent to take such action thereon as he thinks fit. The Superintendent of a District jail, however, is bound to obey all orders not inconsistent with the Prisons Act, or with any

Interference in the management of a district jail by District or Subdivisional Magistrates.

rule thereunder, which may be given by the Magistrate, respecting matters connected with the jail, and shall report to the Inspector-General all such orders and the action taken thereon.

Non-Official
Visitors.

26. (1) Government nominates, as non-official visitors of specified jails, gentlemen of position who are likely to take an interest in the welfare of the prisoners, and are willing to accept the duty. The names of all such non-official visitors shall be notified in the *Burma Gazette*.

(2) Government may fix, at such figure as it may think fit, the number of persons to be non-official visitors in respect of any jail.

(3) There shall ordinarily be six non-official visitors for each central jail, three for each district jail, and two for each subsidiary jail. There shall also be two lady non-official visitors for the female section of those jails where women are confined.

(4) Every non-official visitor shall be appointed for a period of three years, and shall be eligible for reappointment on the expiry of each term of office. In the event of death or resignation of, or vacation of office by, a visitor, Government may appoint another visitor for the unexpired portion of the term of office of his predecessor.

Board of
ex-officio and
Non-Official
Visitors.

27. (1) The *ex-officio* and non-official visitors of each jail shall constitute a Board, of which the District Magistrate shall be the *ex-officio* Chairman. In the case of jails, or of subsidiary jails, situated in the subdivision of districts, the Subdivisional Officer shall be Chairman of the Board. The Superintendent of each jail shall be co-opted as Secretary to the Board. It shall be the duty of the Chairman to arrange the roster for weekly visits to the jail so as to give each male non-official visitor his due turn, and to send out a notice by post card, or letter, intimating whose turn it is to visit the jail in the coming week. There shall not be a fixed day for these visits, but the visitor shall be left free to visit the jail on any working day that suits him. Similar arrangements for periodical visits by lady visitors should be made by the Chairman.

(2) Unless he obtains the special permission of the Chairman or Superintendent, a visitor shall not visit the jail after lock-up.

(3) A non-official visitor who is about to absent himself for a period of three months or more, from the station where the jail, of which he is a visitor, is located, shall report the circumstances to the Chairman of the Board of Visitors in order that arrangements may, if necessary, be made for the appointment of a substitute and in the event of his failure

so to report, he shall be regarded as having vacated office on the expiry of three months from the date of his departure.

28. (1) The Board shall meet at the Jail monthly, on such days as the Chairman may determine, shall view the buildings and prisoners, hear all complaints and petitions that may be preferred, inspect the prisoners' food and see that it is of good quality and properly cooked, and examine the punishment book and satisfy itself that it is up to date. The monthly, collective visit of the Board shall not supersede, nor take the place of, visits to be paid by individual visitors.

Frequency of meetings of the Board of Visitors
Duties of the Board.

(2) A list of questions, which may prove of assistance to the Board and Visitors, is printed in pamphlet form. Copies of the list will be supplied in the Jail, on application to the Superintendent.

Pamphlet for the guidance of Jail Visitors.

(3) A visitor may call for any book, or other record, in the Jail, but the Superintendent may decline to produce any book, paper, or record, for the perusal of any visitor, if for reasons to be recorded in writing, he considers its production undesirable.

Production of records for perusal.

29. Lady visitors shall have the same powers and duties as male visitors except that their functions shall extend only to the female prisoners and the female ward. They shall not enter the male portion of the prison, unless it is necessary to pass through it in order to reach the female ward.

Lady Visitors.

30. No visitor shall be allowed to go round a jail without an escort (as provided for in paragraph 243); but any visitor is at liberty to go round the jail unattended except for the warder escort; except on the occasion of the quarterly meetings no visitor can claim to be accompanied, on his rounds, by the Superintendent, Chief Jailor, Deputy Jailor or an Assistant Jailor, the reason being that all these officials have heavy and responsible duties to perform and should not be called away to accompany visitors except in special circumstances. A visitor may, however, take an interpreter with him into the jail, should such be considered necessary.

Attendants on Visitors.

NOTE.—Every visitor has the right to see any prisoner and put any questions to him out of the hearing of any jail official.

31. *Ex-officio* and non-official gazetted visitors will, on arrival, be given a copy of the morning report (Form No. 57*). After completing their visit they will record, in the visitors' book (Form No. 56), any remarks or suggestions which they may wish to make, and the Superintendent shall forward a

Record of remarks and disposal of such records.

Except where otherwise specified, the forms referred to in this Manual are those contained in the Guard-book of Jail Forms.

copy of the record to the Inspector-General, for such orders as may be necessary, together with a copy of the morning report. Where the remarks of visitors require explanation from the Superintendent, such explanation shall invariably accompany the copy. When obvious errors or infringements of jail rules are pointed out, they shall be remedied at once, and when the remarks have reference to structural defects, extracts relating thereto shall be forwarded through the Executive Engineer of the division, to the Superintending Engineer of the circle. The Inspector-General may, if necessary, forward to the Government a copy of, or extracts from, any visitor's remarks.

Admission
of outsiders
into prisons.
Officers of
the P.W.D.
and Audit
Department
to be admit-
ted during
business
hours.

32. With the exception of the superior officers of Government visiting a station and the *ex-officio* and non-official gazetted visitors, no person unconnected with the jail, shall be admitted into it unless he is accompanied by, or has obtained the written permission of the District Magistrate, or the Superintendent, or the Inspector-General. The Superintending Engineer of the circle, the Executive and Assistant Engineers of the division, the officers of the Audit Department and their employees shall, during business hours, have free access for all purposes connected with the official duties of their departments.

In the absence of the station, of both the District Magistrate and Superintendent of the jail, the officers performing the current duties of either should grant the necessary permission when the District Superintendent of Police or Sub-divisional Police Officer, applies for admission into the jail.

Interroga-
tion of
prisoners by
Police
Officers.

33. Except as provided in the next paragraph, no police officer shall, without the special permission of the District Magistrate, or the Commissioner of Police, be allowed to interrogate any prisoner. This permission shall be given in the form of a written order addressed to the Superintendent or Chief Jailor. As a rule, no police officer deputed to interrogate a prisoner should be below the rank of a Sub-Inspector. The interview shall take place in the presence of a jailor, who will, however, keep at such a distance that he cannot overhear the conversation which takes place.

Preparation
of the
history
sheets, etc.,
of prisoners
by Police
Officers.

34. Inspectors and Sub-Inspectors of District Detective Staffs may be granted general permits of admission into jails by the District Magistrate, for the purpose of interviewing prisoners, with a view only to preparing their history sheets and to opening their name cards as required in connection with the Crime Classification System.

35. When a Magistrate or a *lugyi* attends the jail for the purpose of holding an identification parade of suspects, there is no objection to his being accompanied by a police officer who will hold a watching brief on behalf of the Police.

Identifica-
tion parade
of suspects.

Although such police officer may advise as to the conduct of the identification parade, it is to be clearly understood that he has nothing to do with the discipline of the prisoners which is a matter for the jail authorities and the conducting Magistrate. When a Magistrate is not present at the identification parade the *lugyi* will have to obtain the Magistrate's permission, in writing, to enter the jail for the purpose of holding the identification parade.

CHAPTER V.

JAIL OFFICERS.

Section I.—Superintendents of Jails.

Statutory provision.

Under section 6 of the Prisons Act, 1894, there shall be a Superintendent for every prison. Under section 11 (1) he shall manage the prison in all matters relating to discipline, labour, expenditure, punishment and control, subject to the orders of the Inspector-General. Section 11 (2) requires a Superintendent of a prison other than a central prison or a prison situated in a Presidency town to obey the lawful orders of a District Magistrate respecting the prison. The Superintendent is the officer in charge of a prison within the meaning of section 15 of the Prisoners' Act, 1900, and other enactments.

Superintendents entitled to possess one revolver or pistol.

36. For every jail there shall be a Superintendent. Each Superintendent or Deputy Superintendent of jail is entitled to carry or possess one revolver or pistol as part of his equipment. For any firearm possessed or carried in excess of the above limit, the Superintendent or Deputy Superintendent must take out a licence on payment of the prescribed fees.

Notification regarding change of Superintendents.

37. All changes in the office of Superintendent of a jail, other than those arising in consequence of temporary absence on inspection and district work, shall be notified by the Inspector-General in the *Burma Gazette*, but appointments to the charge of the whole-time jails at Rangoon, Insein, Mandalay and Tharrawaddy also of Camp Jails, if any, will be made by Government.

Discharge of duties during Superintendent's absence from station, or while he is temporarily unfit owing to illness.

38. When a Superintendent of a jail is absent from the station, or is temporarily unfit to attend to his duties on account of sickness, the powers and duties conferred and imposed by the Prisons Act, 1894, on him may be exercised and performed by the Deputy Superintendent or the District Magistrate, or in the case of the Jails mentioned in column 1 of the list below, by the Magistrate designated in the corresponding place in column 2 of the list:—

Jail. (1)	Designation of Magistrate (other than District Magistrates) at headquarters where Jail is situated. (2)
Tharrawaddy	Treasury Officer and Headquarters Magistrate, Tharrawaddy.
Bassein	Treasury Officer and Headquarters Magistrate, Bassein.
Thayetmyo	Treasury Officer and Headquarters Magistrate, Thayetmyo.

Jail. (1)	Designation of Magistrate (other than District Magistrates) at headquarters where jail is situated. (2)
Myingyan	Treasury Officer and Headquarters Magistrate, Myingyan.
Akyab	Treasury Officer and Headquarters Magistrate, Akyab.
Kyaukpyu	Treasury Officer and Headquarters Magistrate, Kyaukpyu.
Moulmein	Treasury Officer and Headquarters Magistrate, Moulmein.
Mergui	Treasury Officer and Headquarters Magistrate, Mergui.
Tavoy	Treasury Officer and Headquarters Magistrate, Tavoy.
Toungoo	Treasury Officer and Headquarters Magistrate, Toungoo.
Prome	Additional Magistrate, Prome.
Paungde	Subdivisional Officer, Paungde.
Myaungmya	Treasury Officer and Headquarters Magistrate, Myaungmya.
Henzada	Treasury Officer and Headquarters Magistrate, Henzada.
Maubin	Treasury Officer and Headquarters Magistrate, Maubin.
Mandalay	Senior Magistrate, Mandalay.
Yamethin	Treasury Officer and Headquarters Magistrate, Yamethin.
Meiktila	Treasury Officer and Headquarters Magistrate, Meiktila.
Shwebo	Treasury Officer and Headquarters Magistrate, Shwebo.
Bhamo	Treasury Officer and Headquarters Magistrate, Bhamo.
Katha	Treasury Officer and Headquarters Magistrate, Katha.
Monywa	Treasury Officer and Headquarters Magistrate, Lower Chindwin, Monywa.
Pagan	Subdivisional Officer, Pagan (Nyaung-u).
Magwe	Treasury Officer and Headquarters Magistrate, Magwe.
Mogok	Treasury Officer and Headquarters Magistrate, Mogok.

NOTE.—Whenever the Superintendent of the Mandalay Jail is absent from Mandalay, the powers and duties conferred and imposed by section 62 of the Prisons Act on a Superintendent or Medical Officer, may be exercised by the Civil Surgeon, Mandalay (*see* Judicial Department Notification No. 32, dated the 17th February 1911). The question whether the Senior Magistrate or the Civil Surgeon should act for the Superintendent in any particular case, should be settled by mutual agreement, subject to the control of the Deputy Commissioner.

These persons however may not sign Travelling Allowance Bills which must be signed by the Superintendents of jails themselves.

39. The executive management of a jail in all matters relating to internal economy, discipline, labour, expenditure, punishment and control generally shall be vested in the Superintendent, subject to the orders and authority of the Inspector-General and in accordance with the rules made by Government. Executive management of a jail.

40. The Superintendent of the Rangoon Central Jail may engage in consulting medical practice, and the Superintendents of the Insein and Mandalay Central Jails, in general medical practice within the limits of Insein and Mandalay, provided that such concession is not permitted to interfere, in any way, with the proper duties of the officer concerned. Private medical practice.

41. No whole-time Superintendent of a jail will be confirmed in his appointment until he has passed the Lower Standard Examination in Burmese. Language qualifications required of Superintendents.

**General
duties of
Superinten-
dents.**

42. Superintendents shall make themselves thoroughly acquainted with the Jail Manual, and with all acts, regulations and orders relating to jails and referred to in Chapter I and shall be responsible for the due observance thereof, and for the execution of all sentences imposed on prisoners committed to their charge.

**Training of
newly
appointed
whole-time
Superinten-
dents.**

43. An officer, without previous experience of Jail Administration, who is appointed to the whole-time charge of any jail shall, if circumstances allow, be appointed for a period of six months' training at either the Rangoon or Insein Central Jail. During this period, he shall be placed under the orders of the Superintendent who shall generally instruct him in his duties and give him opportunities of becoming acquainted with each section of the work in turn, subject to such instructions as the Inspector-General may prescribe. The Inspector-General shall, as far as possible, help and instruct him during this period and shall satisfy himself that the probationary period is usefully occupied. The officer shall take the opportunity of making himself acquainted with the Burma Jail Manual and with the Burmese language with the object of passing the required standard.

**Pay of
whole-time
Superinten-
dents belong-
ing to the
Indian Medi-
cal Service.**

44. The following are the rates of consolidated pay authorized for Superintendents in whole-time charge according to their ranks in the Indian Medical Service:—

Rank.	Service in Rank.	Basic Pay.	Overseas Pay.		Year of total Service.
			If drawn in Sterling.	If drawn in Rupees.	
(1)	(2)	(3)	(4)	(5)	(6)
		Rs.	£.	Rs.	
Lieutenant		500		150	1st
Captain	(i) During first 3 years' service as Captain.	650		150	2nd
				150	3rd
				150	4th
			15	150	5th
			15	150	6th
	(ii) With more than 3 and less than 6 years' service as Captain.	750	25	250	7th
			25	250	8th
			25	250	9th
	(iii) With more than 6 years' service as Captain.	850	25	250	10th
			25	250	11th
			30	300	12th

Rank.	Service in Rank.	Basic Pay.	Overseas Pay.		Year of total Service.
			If drawn in Sterling.	If drawn in Rupees.	
(1)	(2)	(3)	(4)	(5)	(6)
		Rs.	£	Rs.	
Major	(i) During first 3 years' service as Major.	950			
	(ii) With more than 3 and less than 6 years' service as Major.	1,100	30	300	13th and over.
	(iii) With more than 6 years' service as Major.	1,250			
Lieutenant-Colonel.	(i) Until completion of 23 years' total service.	1,500			
	(ii) During 24th and 25th years' service.	1,600			
	(iii) After completion of 25 years' total service.	1,700			
	(iv) When selected for increased pay.	1,850			

NOTE.—(1) Until the completion of 23 years' total service, basic pay is regulated according to rank and service in rank (columns 1 and 2), which, owing to the system of accelerated promotion may be in advance of the time-scale of promotion.

NOTE.—(2) Overseas pay is admissible only in the case of officers who, at the date of their appointment to the Indian Medical Service, had their domicile elsewhere than in Asia, and is regulated solely with reference to length of total service (column 6).

NOTE.—(3) The above scale shall be deemed to have had effect from 1st May 1934.

For Superintendents of Central Jails the rates of pay in column 3 of the statement above are increased by Rs. 150 a month. The overseas pay will be drawn by all such officers who were in permanent service on 1st December 1918 and by all such British Officers who have joined or may join the service after that date. Such Indian Officers who have joined or may join the permanent service after 1st December 1918 will not be allowed to draw this overseas pay unless they are already drawing pay at a higher rate than is admissible without overseas pay in which case they will continue to enjoy the benefit of the higher rate so long as they would otherwise have done, but they will not receive any further increment until it is due to them under the scales now sanctioned.

Allowance of Superintendents holding collateral charge of Central Jails and the Superintendent and Medical Officer of the Tharrawaddy Jail.

The allowance per month for the collateral charge of the Myingyan, Bassein, Myaungmya and Thayetmyo Central Jails, shall be Rs. 250 irrespective of the daily average population. The allowance per mensem for the collateral charge of the Akyab Central Jail shall be regulated in accordance with the provisions of paragraph 46 of the Burma Jail Manual. The scale of pay of the whole-time non-medical Superintendent of the Central Jail at Tharrawaddy is Rs. 600—50—850. A special pay of Rs. 100 is admissible to the Civil Surgeon, Tharrawaddy, for the medical charge of the Tharrawaddy Central Jail.

Allowance admissible to officers appointed to the medical charge of Central Jails.

45. An officer, appointed to the medical charge of a central jail, when the administrative and medical charge is not united, is entitled to a local allowance of Rs. 100, or, in special cases, at the discretion of Government, to Rs. 150 (*vide* Article 172, Civil Service Regulations) subject to the proviso that the total cost for administrative and medical charge shall not exceed the total pay admissible for the combination of the two charges in one person. Civil Medical Officers, in collateral charge of central jails, are entitled to an allowance in lieu of free quarters, provided they reside in the immediate neighbourhood of the jail, in a situation approved by the Inspector-General.

Allowance admissible to officers appointed to the collateral charge of District Jails.

46. The allowance for the collateral charge of district jails is determined by the Inspector-General, in April, for the ensuing year, according to the average prisoner population of the preceding year, and is reckoned by the following scale:—

			Rs.
First	class district jails, 500 or more	...	150
Second	" " " 300 to 499	...	100
Third	" " " 150 to 299	...	75
Fourth	" " " 50 to 149	...	50
Fifth	" " " less than 50	...	Nil.

The charge is usually held by the Civil Surgeon but, under Article 165, Civil Service Regulations, any one (except a member of the Indian Civil Service or a Superintendent of a central jail), who holds collateral charge of a district jail shall draw the allowance according to the scale above-mentioned.

An officer discharging the current duties of the Superintendent during the temporary absence of the latter is not held to be in collateral charge.

The allowance sanctioned for any jail is admissible from date of assumption of administrative charge, as notified by the Inspector-General.

47. Medical Officers in charge of subsidiary jails at district headquarters are entitled to special pay similar to that drawn in respect of a district jail. *vide* paragraph 46 *supra*. No special pay is admissible in the case of a subsidiary jail at district headquarters which has an average daily population of less than 50. Sub-Assistant Surgeons in charge of subsidiary jails which are not at district headquarters are entitled to special pay at the following rates:—

Allowance admissible to officers in charge of Subsidiary Jails.

	Rs.
For a subsidiary jail with a daily average population of 50 and more	30
For a subsidiary jail with a daily average population between 25 to 49	20
For a subsidiary jail with a daily average population of less than 25	15

48. The Superintendent shall visit the jail daily, as soon after sunrise as possible, when his first duty shall be to release time-expired convicts, with due observance of the rules regarding the return of their private property and the grant of subsistence for the journey to their homes. If unable, from sickness or any other cause, to visit the jail, he shall record the fact and cause of his absence in his order book.

Daily visit to Jail

49. Section 12 of the Prisons Act, 1894, requires that the Superintendent of every Jail shall keep, or cause to be kept, all such registers and records as are prescribed by that Act and by these rules.

Maintenance of records

50. He shall satisfy himself that all registers, and remission cards and books are properly written up and accurately maintained. For this purpose, he shall regularly inspect and initial every register and remission card maintained in the jail, and shall issue orders in his order book with reference to the remedy of any defect discovered at his inspections. A copy of these orders will be forwarded to the Inspector-General for his information. The Superintendent will further satisfy himself that the cash balances in hand are accounted for in the books; that credits and debits do not accumulate; that the amounts paid in the jail are immediately entered on the credit side of the journal. He will be held responsible for defalcations on the part of the jail staff and for unrealisable debts if it be shown that such losses have been rendered possible by neglect on his part of any rule laid down for his guidance. He shall, before the seventh of every month, examine the judicial solitary confinement, admission, release and appeal

Inspections of records by, and financial responsibility of, Superintendents.

registers, and all remission cards and submit to the Inspector-General a certificate in the prescribed form (Form 207) that they are correctly posted and up-to-date.

Weekly
inspection of
prisoners.

51. He shall hold a weekly inspection of prisoners every Monday morning with special reference to the following points:—

(1) The cleanliness and sufficiency of clothing, bedding and other equipment for each prisoner.

(2) The general discipline of the ranks ; prompt obedience to the word of command.

(3) Special orders with regard to those who appear by reason of ill-health to be unable to perform the labour allotted to them.

(4) That every opportunity be given to prisoners to make personally to the Superintendent representations with regard to their treatment in jail, and to submit any memorials or petitions they may desire. A register should be maintained to show how such memorials or petitions have been disposed of and this register shall be initialled by the Superintendent each week.

(5) The inspection of water-drums and receptacles for drinking water and the sanitary arrangements in general of each ward.

Visit to Jail
at uncertain
hours.

52. He shall visit the jail at uncertain hours both by day and night and satisfy himself that all is in order. He shall note in his order book the time and the state of the jail at the time of his visit. He shall visit the jail between lock-up and unlock at least once a fortnight and give special attention to the matters referred to in paragraph 164.

Sanitary
inspection of
jail.

53. He shall duly inspect the barracks, yards, cells, workshops, latrines and every part of the prison and shall satisfy himself that the highest possible standard of sanitation is everywhere maintained.

Inspection of
food.

54. He shall occasionally be present when the food is being issued to assure himself that the prisoners obtain their full rations by weight and that the quality and the cooking of the rations are in every respect satisfactory.

Control of
expenditure.

55. He shall exercise the utmost economy, carefully examining all demands and indents before sanctioning them or submitting them for sanction. He shall assist other Superintendents in the purchase of foodstuffs or other articles

that may be procurable, at or near his station, at favourable rates. All enquiries to this end shall be responded to promptly and cheerfully. He shall be responsible for the due observance by his staff, of all rules relating to accounts, books and records.

56. He shall twice a year, on the 1st April and 1st October, give written orders detailing jail officers to take stock of raw materials, manufactured articles, tools and plant, clothing and other property (except grain in bulk) belonging to Government, and shall, after the verification is made, sign the several stock books and registers in token of their having been compared with the reports received from the subordinates concerned, and shall submit to the Inspector-General on or before the 15th June and 15th December, a certificate (in Jail Form No. 100) to show that these orders have been complied with. Any deficiency or irregularity, which may be detected, shall be reported at once to the Inspector-General. The reports submitted by the various Jailors shall be kept in the custody of the Chief Jailor for production before the Audit Staff. As the Inspector-General is required to furnish the Accountant-General, by the 15th August of each year, with a store account of raw materials, manufactured articles, and tools and plant of the Jail Department for inclusion in the Appropriation Accounts, the Superintendent's report as regards the stock of raw-materials, manufactured articles, and tools and plant should be accurate in all respects, and should be correctly exhibited in the annual financial statement (Form No. 144) submitted to the Inspector-General.

Inventory of stocks.

57. He shall also cause the paddy on hand to be carefully weighed at the close of each year and the result verified with the book balance. In the case of any deficiency, a prompt report shall be submitted to the Inspector-General with full particulars as to the cause of the shortage. In addition to the verification at the close of the year the stock of paddy shall be verified by weighment whenever a fresh purchase is made, as by this procedure it will be easily ascertained in which particular purchase the shortage occurred. The above procedure shall be adopted with respect to other foodstuffs purchased and stored in bulk.

Weighment of paddy and other foodstuffs purchased in bulk.

NOTE.—To fix responsibility for shortages, Superintendents shall be careful to issue definite orders, in writing, as to the subordinate who is to weigh the cereals at the time of purchase. The subordinate selected shall be the person who will have direct custody of the grain and who will be in charge of the issue.

58. The Superintendent shall maintain in his office a register in which shall be detailed the duties of each individual subordinate, so that the responsibility for errors, and for any

List of duties of subordinates.

other dereliction of duty, may be fixed with precision and without trouble. Every list shall be signed by the Superintendent and a copy furnished to the subordinate concerned.

Employment
of prisoners
as Jail
servants or
convict
officers.

59. He shall see that no more than the authorized percentage of prisoners is employed as jail servants, or convict officers, and shall not permit any prisoner to be employed in any private capacity either for himself or for any other person, except as specially provided for by this Manual.

Maintenance
of Order
Book.

60. He shall maintain an Order Book in two parts—Part I dealing with orders in relation to appointments, transfers and movements generally of the staff ; Part II dealing with matters of discipline and general management. and shall see that such orders are promptly carried out.

Visit to Jail
hospital.

61. The Superintendent—if not a medical man, shall visit the Jail hospital daily and shall satisfy himself that the written directions of the medical officer regarding the segregation of prisoners, the cleansing and disinfecting of any place occupied by them and the orders with regard to their clothing and bedding, are carried out immediately. He shall similarly ensure that the written orders of the Medical Officer affecting the health of any prisoner, with regard to changes in his food, clothing, labour and discipline, are properly carried out.

Communica-
tions
addressed to,
or sent by,
prisoners.

62. He shall read, or cause to be read, every letter addressed to, or written by, a prisoner, marking all letters with his initials. He shall use his discretion in communicating to, or withholding from, a prisoner, at any time, the contents of any letter, notifying the fact in the order book.

Refusal of
permission
for inter-
views.

63. Whenever he sees fit to refuse admission to friends of a prisoner who is entitled to an interview, he shall record in the order book his reasons for withholding the desired permission.

Report of
important
occurrences.

64. He shall report to the Inspector-General, as they occur, all cases of attempts to escape, any escapes and recaptures, all serious assaults and other serious breaches of Jail discipline, all suicides and accidental deaths and all outbreaks of epidemic disease or cases of serious overcrowding. In the case of escapes, attempts to escape, serious breaches of Jail discipline, suicide, attempts to commit suicide, accidental deaths and serious accident a departmental enquiry must be held and the proceedings submitted to the Inspector-General. In cases where

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prosecution has been resorted to, a report of the result of the trial must also be forwarded as soon as the result is known. The Court proceedings, however, need not be forwarded unless required.

65. In all cases of sudden and violent death, or of supposed suicide, he shall see that the procedure laid down in section 2, clause (ii) of Judicial Department Notification No. 275, dated the 2nd July 1891, as amended by Judicial Department Notification No. 154, dated the 12th October 1927, is carried out. (*Vide* paragraph 168)

Sudden and violent death or supposed suicide.

66. Appointments of warders and wardresses are made by the Superintendent in communication with his Group Superintendent under paragraph 211, but under paragraph 16 all Jailors, Chief and Head Warders are appointed by the Inspector-General. The powers of the Superintendent to punish Sub-Assistant Surgeons are detailed in paragraph 923 and other Jail officers in paragraph 131.

Superintendent's powers to appoint Warders and Wardresses and to punish Sub-Assistant Surgeons.

67. Before inflicting any punishment except of a petty nature, upon any paid subordinate of the Jail, the Superintendent shall be guided by the orders laid down in General Department "G" Circular No. 49 of 1930, reproduced in Appendix XIII.

Procedure regarding inflictment of punishment upon subordinates.

68. All proceedings of a Superintendent under paragraphs 66 and 67, shall be subject to the control and revision of the Inspector-General who, either on his own motion, or on an appeal from any person affected, may call for the record of the case and pass such orders as may appear to him necessary.

Appointment and punishments subject to the control of, and revision by, Inspector-General.

69. The Superintendent shall enquire into every offence alleged against a prisoner and shall deal with it as laid down in the Rules in Chapter X.

Offences alleged against a prisoner.

70. He shall record in the punishment register any order passed by him and shall see that it is carried into effect, provided that the Medical Officer certifies that the prisoner is fit to undergo the punishment.

Ensurance of infliction of punishment.

71. In respect of every punishment inflicted (including formal warnings), entries shall be made in the punishment register furnishing all particulars required by section 51 (1) of Act IX of 1894. In the case of every serious jail offence, the names of the witnesses proving the offence shall be recorded,

Punishments inflicted to be recorded in registers, etc.

and in the case of offences for which whipping is awarded, the Superintendent shall record the substance of the evidence of the witnesses, the defence of the prisoner, and the finding, with the reasons therefor. The orders for punishment of any offence not punished by whipping may be entered by the Superintendent in the prisoner's history 'ticket, and may thence be copied, by a subordinate, into the punishment register; but in every case in which whipping is awarded, the Superintendent shall himself make the necessary entries in the punishment register. Against the entries in the punishment register, relating to each punishment, the Superintendent and jailor shall affix their initials as evidence of the correctness of the entries.

Submission
of reports
and returns
to the
Inspector-
General.

72. The Superintendent shall submit punctually, to the Inspector-General, such yearly and other returns, statements, bills and vouchers as may from time to time, be prescribed. As soon as possible after the close of each year, he shall furnish the Inspector-General with a report on the administration of the jail, in which all matters of importance, or possessing a bearing on the jail statistics of the year, shall be noted.

Superinten-
dent to
accompany
Inspector-
General and
ex-officio
Visitors
during visits.

73. He shall accompany the Inspector-General on his inspection of the Jail and also *ex-officio* visitors, if so desired.

Disposal of
official cor-
respondence.

74. Rules for the conduct and disposal of official correspondence are prescribed in Chapter XIX.

Jail business
to be tran-
sacted within
Jail precincts.

75. He shall, as a rule, transact all business connected with the jail within its precincts. He shall not, except in case of necessity, require the attendance of the jailor beyond the jail limits.

Prohibition
of smoking.

76. Neither the Superintendent nor any member of the staff shall smoke in any part of the jail beyond the inner gate neither shall any visitor be permitted to do so.

Precautions
against fire.

77. He shall see that the following instructions, dealing with precautions against fire and the measures to be adopted for its suppression, are duly observed—

(1) that fire signals are arranged for use by day, as well as by night :

- (2) that fire brigades are organized and their members trained periodically, say once a month, in the use of scaling ladders, water buckets, and in the several duties they would be called on to perform during a fire ;
- (3) that all water buckets, tanks and bathing troughs are always kept full, and that the supply of dry earth inside each ward, to be used for extinguishing any lamp which may flare up or burst, is sufficient ;
- (4) that ward keys are kept by night between the gates in such a manner as to be readily accessible and easily distinguishable ;
- (5) that a complete code of instructions for the guidance of paid and convict establishments is drawn up and copies hung in some conspicuous place in the jail, as well as inside each ward.

78. On a change of Superintendents, the relieving officer shall, before taking over charge, satisfy himself that the cash balances, permanent advance and accounts are correct ; that the registers and stock books are written up to date ; that the files of circulars from the Inspector-General are complete, and that the file of Government circulars includes all those circulated to Superintendents of Jails. A report to this effect shall be made to the Inspector-General. Irregularities and errors in the books or elsewhere, detected within a month of taking charge, shall also be reported.

Procedure to be followed before taking charge of a jail.

Section II.—Deputy Superintendent.

Discharge
of duties
during the
Superinten-
dent's
absence.

79. The powers and duties conferred and imposed by the Prisons Act on a Superintendent of Jail will be exercised and performed by the Deputy Superintendent whenever the Superintendent is absent from the jail.

Language
qualification.

80. No Deputy Superintendent will be confirmed in his appointment until he has passed in Burmese by the Lower Standard.

Duties
generally
stated.

81. The Deputy Superintendent shall make himself thoroughly acquainted with the Jail Manual and with all acts, regulations and orders relating to jails and referred to in Chapter I. He will assist the Superintendent in the executive management of the jail in all matters relating to internal economy, discipline, labour, expenditure and general control and may be called upon by the Superintendent, subject to the approval of the Inspector-General of Prisons, to perform any of the duties of the Superintendent.

Duties
further
defined.

82. The Deputy Superintendent is expected to assist the Superintendent in carrying out some of his duties. The nature of these must necessarily vary with the conditions obtaining in each jail. The duties to be performed by the Deputy Superintendent should therefore be laid down in writing as in the case of jailors (*vide* paragraph 195) with this proviso that in the case of Deputy Superintendents the previous approval of the Inspector-General is necessary.

Section III.—Jail Officers generally.

Under section 22 of the Prisons Act, 1894, officers subordinate to the Chief Jailer shall not be absent from the prison without leave from the Superintendent or from the Chief Jailer. Section 54 renders liable to judicial punishment a Chief Jailer or officer subordinate to him who shall be guilty of certain specified offences against discipline.

Statutory provision.

83. All members of the subordinate executive staff, unless they belong to either the Auxiliary or the Territorial Forces, and are annually declared efficient, shall undergo a thorough training in squad drill and in the use of the arms provided for them. For this purpose a jailor or a warder qualified for the duty shall hold a drill parade for at least half an hour every day. When jailors have acquired a knowledge of their drill, they will be required to attend parade only once a week. At least once in every month the whole reserve staff, not actually on duty, will be inspected by, and be drilled before, the Superintendent. The whole of the jailor and warder staff shall, in turn, undergo a thorough musketry course, including target practice, the Military Police or other rifle range being leased, if necessary, on payment. The results obtained at the annual course should be recorded in the prescribed register (Form No. 79).

Training in drill and musketry.

84. Every officer of a prison previous to his being entertained, shall be examined by the Medical Officer of the prison, who will certify as to his physical fitness for employment, in the form prescribed in Supplementary Rule 6 framed by Government under Fundamental Rule 10.

Physical fitness.

85. All subordinate officers in the jail service are liable to be transferred to any jail in Burma.

Liability to serve in any Jail.

86. All appointments to permanent posts in the cadre shall be probationary for six months. At the end of that time, the services of any newly appointed subordinate officer, who has failed to qualify in drill and knowledge of his duties, may be dispensed with.

Subordinate officers to undergo probation.

87. On appointment, every subordinate officer in the superior service, except chief warders, head warders, warders and wardresses shall be furnished at his own expense with a service book (F.R. Form 10), in which all changes of appointment, transfers, or changes of pay, must be recorded.

Service books of subordinate officers.

When a subordinate is punished by censure, stoppage of increment, reduction to a lower post, suspension from employment, removal or dismissal from service, the reason for the censure, stoppage of increment, reduction, suspension, removal or dismissal, as the case may be, shall be briefly recorded in the Service Book of the subordinate (e.g.—“Reduced owing to revision of establishment”, “Removed for inefficiency”, etc.) with a reference to the number and date of the relevant order. The entries must be written up to date under the signature of the Superintendent and the monthly establishment pay bill should not be signed until this has been done. This book shall be kept in the Superintendent's custody in the office of the jail to which the officer is attached, and it will be the record on which the grant of pension will depend. On the transfer of an officer, his service book, after all necessary entries have been made in it, shall be sent under registered cover without delay, to the Superintendent of the jail to which he is transferred.

Disposal of
Service
Books.

88. The following rules are issued with regard to the disposal of the service books of deceased subordinates and of subordinates who have ceased to belong to the department.

The service book of a subordinate, whose services have been terminated by death, resignation, discharge, or dismissal, should be retained in the office to which he was last attached, and disposed of as follows:—

(i) In the case of a subordinate's services terminating by his death, his service book may, on application, be handed over to his relatives: should no application be made within twelve months of the subordinate's decease, the service book should be destroyed.

(ii) If the subordinate has resigned, or has been discharged not as a punishment, the service book may, on his application, and after disposal of any current papers, be handed over to him, an entry being first made therein to that effect. If the subordinate has not claimed his service book, but is afterwards re-employed, his service book should, on requisition, be sent to the head of the office in which he is re-employed. If no claim at all is made for the service book, it should, after a period of three years, be destroyed.

(iii) The service book of a subordinate who has been dismissed, and who is afterwards reinstated, will, on requisition, be sent to the head of the office in which he is re-employed. If not claimed for a period of three years, it should be destroyed.

89. A service roll in T.F. No. 33B shall be maintained for chief warders, head warders, warders and wardresses (who are superior servants for purposes of leave and pension) and other inferior servants holding substantively a permanent post. It shall be kept in the custody of the head of the office in which the Government servant is serving.

Maintenance
of Service
Rolls

90. A personal file for each jailor, chief and head warder shall be kept in the Inspector-General's office, in which shall be recorded all particulars regarding rewards, punishments, transfers, leave and results of annual inspections. In reporting transfers, assumptions and relinquishments of duty, Form No. 112 should be used.

Personal file
maintained
at the
Inspector-
General's
Office.

NOTE 1.—All punishments inflicted on jailors, chief and head warders, should be reported immediately to the Inspector-General, in the form appended to Jail Department Circular No. 17—99, dated 15th March 1905.

NOTE 2.—For rules regarding the grant of departmental rewards to officers of the Prisons Department for the performance of special services, see Judicial Department Notification No. 101, dated the 14th July 1909, reproduced as Appendix XVI.

91. No promotion among jailors, chief and head warders will be made without the sanction of the Inspector-General. For the purpose of enabling the Inspector-General to determine whether such promotion should be sanctioned, the character and the services of each jailor, chief and head warder, and warders considered qualified for promotion to the grade of head warder shall be reported to him on the 31st January of each year on Form 103. It should be definitely stated whether these warders are qualified for advancement, and reasons in support of the opinion should be given fully. Any unfavourable remarks contained in these reports should be duly communicated to the subordinates concerned, so that they may know their failings and endeavour to improve. A note that this has been done should be made at the foot of the return before submission. Subordinates should be discouraged from the practice of soliciting promotion and representing their own claims for preferment. It must be distinctly understood that promotions will be made, as far as possible, by merit and not by seniority.

Promotion.

92. Superintendents are empowered to determine whether a subordinate officer, on progressive salary, is entitled to his annual increment. An increment shall ordinarily be drawn as a matter of course unless it is withheld. An increment may be withheld by the Inspector-General if—

Grant of
annual incre-
ments.

- (a) the subordinate's conduct has not been good or his work has not been satisfactory ;

- (b) the subordinate is not efficient in drill ;
- (c) his security bond has not been executed ; and
- (d) the full amount of security required by these rules has not been deposited, or, if the monthly deposits in the Savings Bank have not been duly and regularly made.

In ordering the withholding of an increment, the Inspector-General shall state the period for which it is to be withheld, and whether the postponement shall have the effect of postponing future increments.

No increment shall be granted if the subordinate has not passed the examinations in Burmese and Hindustani as required by paragraph 152.

Before granting such an increment, the Superintendent shall certify, on the prescribed form printed at the foot of the establishment pay-bill, that the subordinate is entitled to it.

Grant of
leave.

93. Applications for leave from jailors, chief warders and head warders, shall be transmitted to the Inspector-General for disposal. Applications from warders may be disposed of by the Superintendent. In cases where leave is granted on Medical Certificate in excess of the leave reserve the Group Superintendent must be consulted and his sanction obtained.

NOTE 1.—Leave should not be granted, or recommended, until it has been ascertained by a reference to the applicant's service book, or service roll, that the leave applied for is admissible under the rules governing the grant of leave. That these orders have been complied with should be duly endorsed on the application, it being at the same time mentioned under which of the Fundamental Rules the leave is admissible.

NOTE 2.—The Superintendent may grant any officer subordinate to him casual leave not exceeding ten days at a time, provided that the total amount of such leave granted in one year shall not exceed fifteen days.

NOTE 3.—The services of warders have been declared to be superior for purposes of leave.

Pension or
gratuity.

94. (1) Applications for pension or gratuity on retirement shall, in the case of jailors, chief and head warders, be submitted to the Inspector-General on the prescribed form at least six months before the date on which the officer is due to leave the service. The service record, after necessary verification of service by the Superintendent of the Jail in which the officer is then serving, should accompany the application.

(2) The same procedure shall be followed in regard to applications received on behalf of warders, except that the application should be submitted to the Group Superintendent concerned, for disposal.

(3) A pension or gratuity, which is certified by the Accountant-General to be clearly admissible by rule, will be sanctioned by the officer who has authority to fill the appointment vacated by the retiring officer.

(4) The payment of arrears of pension, as contemplated in Article 957 of the Civil Service Regulations, may also be sanctioned by the officer who sanctioned the pension.

NOTE 1.—In cases where the officer, who has the power, under Article 918 (b), Civil Service Regulations, to sanction a pension, records on the pension application or in the letter forwarding it to the Accountant-General, his opinion that the pension claimed should be granted in full, the Accountant-General, if he finds the claim in order, will forthwith issue the necessary pension payment order, and intimate having done so to the officer concerned. If, however, the sanctioning authority desires to ascertain from the Accountant-General the amount of pension admissible before deciding the amount he will sanction, he should intimate his wish to the Accountant-General when forwarding the application for report.

NOTE 2.—In cases where the officer, who has power to sanction a pension, records, on the pension application, or the letter forwarding it, that the pension claimed should be granted in full, a duplicate copy of the first page of the pension application should be forwarded along with the pension case.

NOTE 3.—The services of warders have been declared to be superior for purposes of pension.

95. Every subordinate officer shall be required to give two months' notice before he can resign his appointment. In case of abolition of appointment, three months' notice shall, if possible, be given to him. Resignation or abolition of appointment.

96. No jail officer shall be concerned or engaged in any other occupation. He shall not keep cattle or other stock, except for his private use, which may be permitted in accordance with the provisions of paragraph 107; nor shall hire out carts or cattle for profit, or engage in any private trade or enterprise [Section 54 (1), Prisons Act]. Officers not to engage in trade.

97. All jail officers must be persons of respectable character. Disreputable conduct or intoxication, though occurring outside the jail, will render an officer liable to removal; and it will not be taken into consideration at what place, or hour, an officer may be intoxicated nor will it be regarded as any excuse that the person offending may think himself capable of the duties of his situation, it being absolutely necessary that all persons, connected with the jail, should be perfectly sober at all times. Swearing and improper language, incurring debts which he is unable to pay, the habit of frequenting public liquor shops, or keeping bad company, and gambling, will be considered sufficient ground for the discontinuance of an officer's service. Prohibition against drink, bad conduct, etc.

98. All wrangling or dispute among jail officers is strictly prohibited, and any disagreement between subordinate Dispute amongst officers.

officers as to matters connected with their duties, should be referred to the chief jailor or, if necessary, to the Superintendent, for his decision. Frivolous or false complaints shall be severely punished.

Smoking,
drinking, etc.

99. No subordinate officer shall drink, or sing, or talk loudly, while on duty ; nor shall he smoke in any part of the jail beyond the inner gate.

Loan;
pecuniary
obligation
to contrac-
tors.

100. No officer shall either tender a loan to, or receive one from, any other officer ; neither shall he place himself under any pecuniary obligation to any contractor or tenderer of jail supplies. Unofficial communications with reference to jail supplies are strictly prohibited.

Combination
amongst
officers.

101. No combinations among officers are allowed, and proceedings, tending thereto, will be punished.

Department
within the
jail.

102. Subordinate officers shall not lounge about the jail ; they shall confine themselves to their respective posts, except when ordered, by a superior officer, to go elsewhere.

Prevention
of escapes
and intro-
duction of
contraband.

103. All jail officers are bound—

- (a) to exert the utmost vigilance in the prevention of escapes, and to this end they shall see that all ladders, ropes, bamboos, and other articles, which may facilitate escape, are not left in any place from which they may be taken by any prisoner ;
- (b) to enforce jail regulations and, if possible, to prevent the commission of the jail offences detailed under section 45 of the Prisons Act, 1894, and in paragraph 809 of this Manual ;
- (c) to give effect to the requirements of section 42 of the Prisons Act, dealing with the introduction or removal of prohibited articles into or from prison, and communication with prisoners ; and
- (d) to report at the earliest opportunity, to superior authority, every infringement of the laws and regulations referred to under (b) and (c) and every attempt and abetment referred to under (c) in the preceding two clauses.

Arrest of
persons
under 42,
Prisons Act.

104. Every jail officer may arrest, and shall, without unnecessary delay, make over, to a police officer, any person who commits, in his presence, any offence specified in section

42 of the Prisons Act, and who refuses to give his name and address.

105. Every subordinate officer, for whom quarters are provided by Government, shall live in those quarters, and those for whom no quarters are provided shall live within such a distance of the jail as shall, from time to time be fixed. An officer, occupying Government quarters, shall not let lodgings therein except with special permission. Quarters.

106. The quarters occupied by subordinate officers shall at all times, be open to the inspection of the Superintendent or other officers deputed by him, also to the Medical Officer. These Inspections shall, however, invariably be carried out in the company of the subordinate occupying the quarters. Inspection of quarters.

107. Subject to the sanction of the Superintendent of the jail, cattle and poultry may be kept on the premises by subordinate officers on the following conditions:— Keeping of cattle and poultry.

1. That not more than 25 per cent of the jailor staff and 10 per cent of the warder staff in the case of central and large district jails ; and not more than 50 per cent of the jailor staff and 25 per cent of the warder staff in the case of small district jails, may keep stock ;

Exception.—Where there are only two jailors attached to a jail both may keep stock.

2. That not more than one cow and a calf or a goat may be kept by any individual jailor or warder ;

3. That stock may be kept only by a jailor or warder who has rendered good service and is married and has young children living with him ;

4. That suitable accommodation for the cattle is provided ;

5. That proper grazing land is available ; and

6. That no damage is done to jail property.

In the case of poultry, the Superintendent of the Jail will exercise his discretion as to the extent to which poultry keeping may be permitted.

NOTE.—This concession should be withdrawn by the Superintendent in any case of abuse.

Officers not
to receive
visitors
within the
jail.

108. No subordinate officer shall be permitted to receive any visitor within the jail, except with the sanction of the Superintendent.

Knowledge
of rules.

109. Every subordinate officer shall make himself fully acquainted with the rules and regulations relating to his duties, and no plea of ignorance will be accepted as an excuse for neglect. For this purpose, one or more duly corrected copies of the Jail Manual should always be available for reference and study.

Behaviour
of subor-
dinate
towards
superior
officers.

110. Every subordinate officer shall yield prompt and strict obedience to all orders of his superior officers, and shall at all times treat superior officers with respect.

Not to be
absent
without
permission.

111. No subordinate officer shall, without the permission of the Superintendent or the Chief Jailor, be absent during the hours fixed for his attendance. Any subordinate officer, disabled from the performance of duty by illness, shall give, or send, immediate notice to the Chief Jailor, who shall make such arrangements as may be necessary for the performance of the duty of the disabled officer.

Prisoners to
be treated
with good
temper and
their com-
plaints heard
with atten-
tion.

112. All officers shall treat prisoners with good temper, humanity, kindness, and strict impartiality, and listen patiently, and without irritability, to any complaint or grievance. It is of importance that every complaint made by a prisoner should be heard with attention, in order that, if real, it may be redressed, and that no cause for discontent may be allowed to remain.

Prohibition
against
punishing
or abusing
prisoners.

113. No subordinate officer shall punish any prisoner, except under the orders of the Superintendent, or threaten any prisoner with punishments, or use violent, abusive or insulting language to any prisoner. Conduct, intended merely to irritate or annoy any prisoner, shall be avoided.

Prisoners
not to be
struck.

114. No officer shall, on any pretext, strike a prisoner, except in self-defence, or in defence of another, or in the repression of disturbance, and no more force shall then be used than is absolutely necessary.

Charge of
prisoners.

115. On every occasion on which any officer receives charge of a party of prisoners, he shall count them and report the number at once to the officer from whom he receives

them, after which he will be held responsible for their safe custody and regular conduct.

116. Officers on being relieved from any particular duty, or transferred to another part of the jail, shall point out to their successors, all matters of special importance connected with their duties, and explain any directions of the Superintendent, Medical Officer, or other superior officer, affecting any particular prisoner or matter.

Officers to instruct their successors.

117. No officer shall sell or let, nor shall any person in trust for him, or employed by him, sell or let or derive any benefit from selling, or letting, any article to any prisoner, or have any money or other business dealing, directly or indirectly, with any prisoner.

Officers not to have dealings with prisoners.

118. No officer shall, nor shall any person in trust for him, or employed by him, have any interest, direct or indirect, in any contract for the supply of the prison, nor shall he derive any benefit, directly or indirectly, from the sale or purchase of any article on behalf of the prison, or belonging to a prisoner.

Officers not to be interested in jail contracts.

119. No officer shall receive, directly or indirectly under any pretext whatever, any fee, gratuity or present from any contractor, or from any person tendering, or intending to tender, for a contract, or from any prisoner, or prisoner's friend, or from any person visiting the jail.

Officers not to have dealings with contractors, prisoners or their friends.

120. No officer shall procure for his own use, or for the use of any one else, articles from the manufacture department, or from the farm, dairy or garden, except as provided for under paragraph 157, at rates other than those at which they are offered to the public.

Jail-made articles to be obtained at same rates as charged to the public.

121. Every subordinate officer shall be provided with a book detailing his duties. This book he shall keep about his person, and produce when called upon to do so.

To be provided with a book detailing duties.

122. No officer shall unnecessarily converse with a prisoner, or allow any familiarity on the part of prisoners towards himself or any other officer of the jail.

Familiarity with prisoners prohibited.

123. Officers subordinate to the Chief Jailer shall not be absent from the prison precincts, day or night, without leave from the Superintendent or from the Chief Jailer.

Not to be absent from prison precincts.

Dress and
personal
appearance.

124. All officers shall pay strict attention to cleanliness of person and dress, and shall at all times, when on duty, appear in the uniform prescribed in section XII of this Chapter.

Care of keys.

125. No subordinate officer entrusted with keys shall leave them lying about. He shall not take them out of the jail or deliver them to any person, except when authorized to do so.

Employment
of prisoners
as private
servants and
intercourse
with them or
their friends
prohibited.

126. Except as permitted by paragraph 1050 no officer shall employ any prisoner as a private servant, or on any private account, or correspond with, or hold any intercourse with, the friends or relatives of any prisoner; nor shall he employ, or correspond with, any discharged prisoner, without the written permission of the Superintendent.

Entering
prisoner's
cell at night.

127. No officer shall enter a prisoner's cell at night, unless accompanied by another officer, and then only in case of sickness or other emergency.

Grievances.

128. Any officer, having any grievance connected with his duty or situation in the jail, must state the same respectfully, in writing, for the decision of the Superintendent.

Re-employ-
ment of
dismissed
officers.
Descriptive
roll of
dismissed
warders.

129. No subordinate officer once dismissed from employment in the Department shall, without the sanction of Government, be employed again in the same or any other jail. Whenever a warder is dismissed from the service, his descriptive-roll shall be prepared in manuscript giving particulars as to name, father's name, native place (district and village), occupation, age, height (in feet and inches), date of entertainment, date of dismissal, description (personal identification marks) and reasons for dismissal and submitted to the Inspector-General for record and circulation to all jails.

Persons
convicted by
a Court of
Law not to
be enter-
tained in the
service.

130. No person who has suffered, under a sentence unreversed on appeal or otherwise, imprisonment either for a non-bailable offence against property, or for an offence as a public servant, shall be entertained in the service without the previous sanction of the Inspector-General and the Commissioner of the Division.

Punishment
of subordi-
nate officers.

131. The Superintendent is authorised to punish offences other than criminal offences, committed by jailors and other subordinate officers by deferring payment of salary for not

more than fifteen days, by fines not exceeding, in any month, half a month's pay, or, in cases of warders only, by cancelling or deferring leave due, by ordering extra drill up to a maximum of two hours a day, or by confinement to quarter guard for a period not exceeding ten days at a time with punishment drill up to two hours a day, and without pay during the period of such confinement. All fines inflicted shall be deducted in the pay bill for the pay next due. All fines inflicted upon jailors, chief and head warders shall be reported to the Inspector-General for record in his office. Offences which cannot suitably be punished in the above manner should be dealt with in accordance with the orders contained in General Department "G" Circular No. 15 of 1940. The Schedule attached to General Department "G" Circular No. 5 of 1926, dated the 11th February 1926, as subsequently amended, shows the powers of Superintendents and others in respect of suspension, dismissal, etc. (See Appendices XIII and XIV.)

The Group Superintendent is authorized to punish any warder, other than a chief or head warder, belonging to his group, with removal, dismissal, reduction of pay, or transfer to any jail within the group, with forfeiture of travelling allowance.

NOTE 1.—All sums of money recovered as fines from jailors and from House Masters of the Borstal Training School will be credited to a special fund under the control of the Inspector-General, to be spent on the following objects :—

- (1) Promotion and maintenance of Jailors and House Masters Recreation Clubs, and
- (2) Purchasing prizes for musketry and sports.

NOTE 2.—All sums of money recovered as fines from the members of warder establishment will be credited to a special account under the control of the Superintendent of the jail to be spent on the following objects :—

- (1) Prizes for musketry ;
- (2) Reward for the best turned out man at arms (once a year) ;
- (3) Provision of additional food, luxuries, etc., for sick warders ;
- (4) Sports prizes at warders' annual sports, and
- (5) For purposes intended to improve the amenities of the whole warder staff of any jail (subject to the previous approval by Government).

132. Every jailor, or other subordinate officer, who is guilty of any violation of duty, or wilful breach or neglect of any rule of this Manual, or of any lawful order issued by a superior officer, or withdraws from the duties of his office without permission or without giving two months' previous notice, or who wilfully overstays any leave granted to him, or who, without permission, engages in any employment other than his prison duty, or is guilty of cowardice, is liable to prosecution under section 54 of the Prisons Act and, on conviction before a Magistrate, may be punished with a fine, not exceeding Rs. 200, or to imprisonment for a period not

Offences
punishable
under 54,
Prisons Act.

exceeding three months, or to both ; but no person shall be punished twice for the same offence.

Offences
ordinarily
punishable
by dismissal
or under 54,
Prisons Act

133. Subordinate officers, who commit any of the following offences, shall ordinarily be punished by dismissal, or, in serious cases, when there is sufficient evidence to obtain conviction, shall be prosecuted under section 54 (1) of the Prisons Act—

- (a) appearing on duty, or otherwise, in a state of intoxication ;
- (b) sleeping on duty ;
- (c) striking a prisoner, except in self-defence, or in defence of another, or for the repression of violence ;
- (d) improperly entering, or permitting any person to enter, the female enclosure ;
- (e) committing, or conniving at, irregularities in the supply or distribution of food ;
- (f) having dealings with any prisoner, or prisoner's friend ;
- (g) employing a prisoner, for private purposes ;
- (h) insubordination, or insolence, towards any superior officer.

An order for dismissal under these instructions shall be passed by proper authority, *vide* paragraphs 16 and 131.

Institution of
criminal pro-
ceedings
against
warders.

134. When it becomes necessary to institute criminal proceedings against a paid warder, it is not necessary that the previous sanction of the Group Superintendent should be obtained. In such cases the matter should be placed in the hands of the Police at once, and a report of the action taken made to the Group Superintendent.

Cases of
offending
subordinates
deserving
of milder
punishment

135. Where there are extenuating circumstances, or when the previous good service and character of an offending subordinate render leniency expedient, the Superintendent is authorized to refer the matter for the orders of the Inspector-General, definite recommendations being submitted therewith.

Offences to
be dealt with
judicially.

136. For the following offences a prosecution shall be instituted against the offender, provided the evidence is such as to make a conviction probable ; if the evidence is not sufficient for this but is sufficient to produce a reasonable belief of the guilt of the officer in the mind of the Superintendent,

he shall take action in accordance with the instructions given in paragraph 67—

- (a) wilfully, or negligently permitting an escape ;
- (b) any offence under section 42 of the Prisons Act, relating to the introduction or removal of, or the supply to prisoners of, forbidden articles, unauthorized communication with prisoners and abetment of such offences ;
- (c) being concerned, directly or indirectly, with any contract for supplies for the jail, or receiving any present from a supplier ;
- (d) leaving the service without giving due notice.

No offence of this character, can be ignored, condoned, or punished departmentally with a mere fine. Nor is it necessary, before instituting criminal proceedings, to obtain the previous sanction of the Inspector-General.

137. In all cases of criminal prosecutions brought by, or on behalf of, Government against public officers, for acts of omissions arising out of the performance of their public duties, the following procedure shall be observed—

Procedure
regarding
institution
of criminal
proceedings.

- (a) where the charge is of a cognizable offence, the prosecution shall be entrusted to the Police, and will be conducted by them ;
- (b) where the charge is of a non-cognizable offence the officer who prefers the complaint shall refer for instructions, to the Magistrate of the district, who may, if he thinks fit, either instruct the officer himself to prosecute, or, if the case is of a complicated and difficult nature, rendering in his opinion the employment of a legal practitioner necessary for its proper conduct take action for representation of the Crown under Government's General Department Circular No. 31 of 1923.

Any case detailed under paragraph 136, in which a criminal prosecution is not instituted, shall be reported to the Inspector-General.

Any subordinate officer who is sentenced to imprisonment, or to flogging, shall be liable to be summarily removed or dismissed from his office and shall not be retained in the jail service without the sanction of the Inspector-General.

Forfeiture of
security
deposit.

138. An officer, punished judicially for a breach of regulations, may also be deprived of his security deposit, if the Inspector-General so orders it.

Record of
punishment
inflicted.

139. Every serious punishment inflicted on a jail officer shall be duly recorded in his service book, and, in the case of jailors, chief or head warders, shall be registered in the office of the Inspector-General.

Procedure
regarding
appeals.

140. Appeals from the decisions of Superintendents will lie to, and be disposed of by the Inspector-General. Appeals will not be attended to by the Inspector-General unless accompanied by a copy of the Superintendent's order. Appeals from jail officers, still in the Department, must be forwarded through the Superintendent of the particular jail to which the appellant is, or was, attached.

Officers
punished
entitled to
copy of
order.

141. All parties affected by an order of punishment are entitled to have, on application, a copy of it duly attested by the Superintendent ; such copies should contain full details of the grounds of the decision (*vide* paragraph 67).

Appeals to
be preferred
within spec-
ified periods.

142. Appeals preferred against an order passed as a result of proceedings held in accordance with the orders of Government regarding Departmental Enquiries must be preferred within six months. Government may, however, at its discretion for good cause shown extend the period to twelve months. In all other cases appeals against the order of a Superintendent must be submitted to the Inspector-General within two months of the date of the receipt of the order appealed against.

Frivolous
appeal.

143. Jail officers are warned that frivolous appealing, against the decision of a superior officer, will be considered a mark of insubordination.

Second
appeal must
contain fresh
grounds.

144. The Inspector-General, having passed an order on any appeal, will not notice a second petition on the same subject, unless it contains some new or important matter unconsidered before.

Acquittal of
officers by
a criminal
court.

145. The fact that a jail officer has been tried and acquitted by a criminal court does not preclude a subsequent departmental enquiry. If no subsequent enquiry, with a view to dismissal, removal or reduction is held, the authority which

ordered the suspension should determine whether the order of acquittal passed by the criminal court amounts to honourable acquittal within the meaning of Fundamental Rule 54 and should pass appropriate orders under Fundamental Rule 54 (a) or Fundamental Rule 54 (b) as the case may be.

146. Subordinate officers, dismissed or removed from, or allowed to resign, their appointments, shall be required at once to quit the jail and the quarters occupied by them, and shall give up any uniform or other property of Government entrusted to them. Officers of all grades placed under suspension may be required to vacate their quarters. No officer under suspension shall be admitted inside the jail except with the written permission of the Superintendent.

Vacation of quarters by officers vacating appointments or under suspension. Entrance to jail by officers suspended prohibited.

147. Claims by subordinate officers to allowances during any period for which they may have been under suspension shall be determined according to the ordinary rules on the subject (*vide* Rule 53 of the Fundamental Rules).

Allowances during period of suspension.

148. Rewards offered by private persons, provided that they are such as a subordinate may accept under Rule 48 of the Fundamental Rules, may be paid with the previous sanction of the Inspector-General, to whom the full circumstances of the case shall be reported for orders.

Rewards offered by private persons to subordinate officers.

Section IV (a). — Jailors (General).

Grant of
quarters or
house allow-
ance to
jailors

149. The sanctioned strength of jailors and rates of pay are given in paragraph 7. Jailors shall be provided with free quarters furnished. * If quarters are not available, they shall, in lieu thereof, be granted house allowance as detailed below:—

(a) in the districts at a fixed sum of Rs. 18 per mensem, and

(b) in Rangoon at a fixed sum of Rs. 30 per mensem.

Recruitment.

150. Recruitment to the service, shall be made by the Inspector-General.

Qualifica-
tions of
Recruits.

151. Every recruit must—

- (a) have passed the High School Final Examination ;
- (b) have been born or be domiciled in Burma and have a good knowledge of the Burmese language ;
- (c) be not less than 18 years and not more than 25 years of age at the time of selection ;
- (d) not, except in the case of Burmans, be under 5 feet 6 inches in height. In the case of Burmans the minimum height must be 5 feet 3 inches ;
- (e) produce a certificate of physical fitness for Government service ;
- (f) produce a certificate of good moral character ;
- (g) have undergone training at the Training School in the Rangoon Central Jail.

Language
qualification.

152. A Non-Burman Jailor appointed on or after the 1st July 1934 will receive no grade promotion and will obtain no increment of pay until he has passed in Burmese by the Lower Standard, and on failure to pass the examination within three years of appointment he will be liable to forfeit his appointment.

NOTE.—Non-Burman officers only are required to pass in Burmese, but an officer, who has passed the High School Examination (English), in Burmese or the lower "A" course in Burmese of the Intermediate Examination, is exempted from the Lower Standard Examination in Burmese, and an officer, who has passed the High School Examination (Anglo-Vernacular) in Burmese, from the Higher Standard Examination.

* Quarters for Jailors shall be provided by the Department with the following articles of furniture, free of charge:—

One cot (single or double).
Two arm chairs.
One easy chair.
One dining table.

One dressing table.
One commode.
One wash-hand stand.
One metal safe.

153. Though not required to pass in Burmese by a standard higher than the lower, jailors are encouraged to make themselves proficient in the vernacular. The circumstance that one has passed a higher examination than another may determine the issue in the consideration of rival claims to promotion.

Higher Burmese qualifications beneficial to Jailor Service.

154. A nominal roll (in Form No. C.S.O. 17) of candidates intending to appear for examination in Burmese or Hindustani, as the case may be, shall be submitted to the Inspector-General on the 1st April and 1st September. These rolls should be submitted blank when there are no candidates offering. Cadet jailors may also be permitted by the Inspector-General to appear for examinations in Burmese by the Lower Standard and in Hindustani by the Colloquial Standard.

Nominal roll of Jailors appearing for Burmese or Hindustani Examinations.

155. The travelling allowance admissible to an officer attending an obligatory examination will also be admitted in the case of jailors attending, with the permission of the authorities named, a non-obligatory examination.

Travelling allowance admissible to officers appearing for non-obligatory examination.

156. When a jailor is discharged, or suspended, resigns, takes leave (other than casual leave), or is transferred, either from one jail to another, or from one post to another, he shall in making over charge to his successor, give an inventory of all property, stores, etc., in his hands, together with vouchers for all credit sales. This list will be kept with the jail records, a copy being given to his successor (see also paragraph 1120). The Superintendent shall satisfy himself as to the correctness of the list, after allowing full time for all due enquiry, which, however, shall not exceed six months from the date of the jailor leaving the jail. If the Superintendent be satisfied of the correctness of the accounts, he may furnish the jailor, should the latter require it, with a certificate that no demands or liabilities are outstanding against him in that jail. In case of a jailor's death the inventory shall be made by, or under the directions of, the Superintendent, and the certificate shall be granted and security deposits repaid after reference to the Inspector-General, and on the application of the heirs or the executors of the deceased (see also paragraph 1159). This rule, so far as it refers to handing over charge, may be suspended in the case of a jailor who takes privilege leave for not more than six weeks, but, in that case, the jailor who takes leave shall be primarily responsible for the stores, etc., during his absence, and the burden of proving the responsibility of his *locum tenens*, for any loss, shall lie with him.

Handing over charge by Jailors.

Free supply
of vegetables.

157. With the permission of the Superintendent, the Chief Jailor and other members of the jail staff who devote their spare time to the improvement of the garden may be supplied with vegetables for their own consumption from the jail garden, free of charge, provided that this permission shall not be given unless the entire supply of vegetable for jail use is being obtained from the garden.

Section IV (b).—Chief Jailer.

Section 16 of the Prisons Act, 1894, requires that the Chief Jailer shall reside in the prison, unless the Superintendent permits him in writing to reside elsewhere. Under section 19, he shall not be absent from the prison for a night without permission in writing from the Superintendent; but if unavoidably absent without leave for a night, he shall immediately report the fact and the cause of it to the Superintendent. Under section 17, he must give immediate notice of the death of a prisoner to the Superintendent and Medical subordinate. Section 18 makes him responsible for the safe custody of records, commitment warrants and other documents committed to his care, and for money and other articles taken from prisoners.

Statutory provision.

158. The Chief Jailer is the chief executive officer of the jail and is immediately subordinate to the Superintendent. In jails where a Deputy Superintendent has been appointed he shall be immediately subordinate to the Deputy Superintendent. He shall reside in quarters provided for him, unless the Superintendent permits him in writing to reside elsewhere. He shall not, during the day, absent himself from the jail precincts except with the permission of the Superintendent, or when his presence is required in a Court of Justice.

Status, and condition as to residence.

159. He shall not be absent from the prison precincts for a night without permission, in writing, from the Superintendent; but, if absent unavoidably without leave for a night, he shall, on return, immediately report the fact and the cause of it to the Superintendent. In jails where there are only two jailors, both cannot be absent at the same time, whether by day or night.

Not to be absent for a night without permission.

160. The Chief Jailer shall control the whole of the subordinate jail establishment under the orders of the Superintendent and shall assist the Superintendent on all occasions and see that his instructions are carried into effect.

General duties.

161. He shall receive all prisoners on admission, and shall satisfy himself that their warrants are in order, shall take from them all money, jewellery and other articles as well as clothing not required in jail, and shall thereafter, as soon as possible, present the prisoners before the Superintendent and the Medical Officer.

Admission of prisoners.

To accom-
pany officers
during
inspection of,
or visits to,
jail.

162. He shall, if required, accompany the Superintendent and Medical Officer, on their visits to the jail. (See also paragraph 30)

Daily inspec-
tion of
workyards
and working
parties.

163. He shall visit the several workshops and working parties daily, and see that the prisoners are kept steadily at their work, and that the full task of work is exacted.

Visit to jail
at uncertain
hours.

164. He shall, at least twice a week, visit the wards and cells at uncertain hours during the night between the hours of 8 p.m. and 4 a.m., to ascertain that the sentries and convict night watchmen are at their posts and on the alert; that the ward lamps have not been tampered with, and are giving sufficient light; that prisoners are in their places, and are behaving properly, and are not exposed to drift, rain or excessive draught; and that the ventilation of, and all other sanitary matters connected with, wards are being properly attended to, recording the results in his report book.

Daily ins-
pection of jail.

165. He shall daily inspect every part of the jail, especially the cells, barracks and bedding; he shall see that they are clean and in order; that the means of security in the different barracks, yards and workshops are effective; and that tools and implements issued are checked and duly returned into store daily at the close of work.

Sick priso-
ners, and
execution of
medical
officer's
directions.

166. He shall, without delay, call the attention of the Medical Subordinate to any prisoner desiring to see him or who is ill, or whose state of mind or body appears to require attention; and shall carry into effect all written directions given by the Medical Officer or Medical Subordinate respecting alterations of the discipline or treatment of any such prisoner.

Suicide.

167. He shall issue strict instructions to his subordinates that in every case of suicide or attempted suicide, of a prisoner by hanging, the body should be immediately held up and cut down by the person who sees it first, the noose loosened and artificial respiration tried forthwith (*vide* Prisons Department Circular No. 63—200, dated the 22nd September 1913). On no account, whatever, should the body be left hanging.

To report
cases of
death.

168. Upon the death of any prisoner, he shall report the same to the Superintendent and the Medical Officer. A return of every death of a prisoner, or of any person residing on the jail premises, shall be furnished by the Chief Jailer to the

person appointed to register births and deaths for the area in which the jail is situated. On the occasion of an unnatural or sudden death of any person within the walls of a prison or in the custody of the Prisons Department, the Chief Jailer shall, after consulting the Superintendent and Medical Officer, report the facts forthwith to the officer in charge of the nearest police-station and shall grant facilities to the Police for carrying out the instructions contained in Judicial Department Notification No. 275, dated the 2nd July 1891, as amended by Judicial Department Notification No. 154, dated the 12th October 1927.*

169. He shall adopt proper precautions against fire and shall take care that no rubbish is piled against any of the walls or allowed to remain within the jail precincts and that both warders and prisoners are trained by means of special drill (*vide* paragraph 77) to act in a concerted manner in the event of fire. He shall also see that ladders, provided by the Public Works Department, for use against fire, are kept in the appointed place, and are readily available when required.

Precautions
against fire.

170. He shall see that all subordinate officers and servants are fully instructed in their particular duties, and shall be responsible for the strict carrying out of all the rules relating to the internal management of the jail.

Responsible
for obser-
vance of
rules by
subordinates

171. He shall conduct the work of the office, and shall be responsible for the safe custody of the registers of admission and release, the punishment book, the visitor's book and all other documents confided to his care, as well as for the money and other articles taken from prisoners; he shall be responsible for the custody and proper disposal of all warrants and the strict enforcement of their terms; he shall keep the cash-books with his own hand, and shall also keep such other registers as the Superintendent may direct. He alone shall receive and disburse money, and he shall not, except as provided in paragraph 1120, delegate this duty to any other official.

Custody of
money,
documents,
books, etc.

* In the case of an unnatural or sudden death of any person within the walls of a prison or in the custody of the Prisons Department, the officer in charge of the police-station on receiving a report of the matter shall proceed to the spot, and place a guard over the body, with orders not to allow the body or anything which may have contributed to, or caused the death of the deceased, to be touched until the arrival of a Magistrate, and such officer shall at the same time send intimation to the Senior Magistrate present at the station with a view to the holding of an inquest. If the death has taken place outside the walls of a prison, the above procedure should be followed with such modification as circumstances necessitate.

Labour of
prisoners.

172. He shall assign to each prisoner his work, subject to the control of the Superintendent, and shall see that the work is properly entered in the history ticket. He shall make himself acquainted, as far as possible, with the character and industry of every prisoner especially of those coming under the remission system, and shall advise the Superintendent as to the amount of remission to be allotted to each prisoner.

To be pre-
sent at unlock
and lock-up.

173. He shall invariably be present on the counting and locking up at night and on the opening of the wards in the morning, and he shall occasionally check the number of prisoners during the hours of work.

Misconduct
by prisoners
or staff.

174. He shall diligently observe the behaviour of all the subordinate officers, convict officers and prisoners, and shall report at once to the Superintendent, any neglect, or misconduct, that may come to his knowledge.

Placing
prisoners in
irons.

175. No prisoner shall be put in irons or under mechanical restraint by the Chief Jailer of his own authority, except in the case of urgent necessity, in which case, notice thereof shall be forthwith given to the Superintendent.

To supervise
warder staff
and arrange
for monthly
alarm parade.

176. He shall be held responsible that the warder guard is properly drilled, generally efficient, and clean and neat in appearance. It shall be his duty to see that the fixed proportion of the reserve guard is at all times present at the jail, in full force. He shall hold an alarm parade, at least once a month, recording the time occupied in mustering and arming the warder guard, and the names of all the officials who were absent, or did not appear within a reasonable time. Prior to holding such parades, timely warning should be sent to the Deputy Commissioner and in the case of the Rangoon Central Jail, to the Commissioner of Police and the Commandant, Rangoon Battalion, Burma Military Police.

Visit to
warders'
quarters at
night.

177. He shall see that all warders invariably sleep in the quarters allotted to them, and he shall occasionally, at least once a fortnight, visit the warders' quarters at night and ascertain that none of them has left the jail premises without permission.

Report
book.

178. He shall keep a report book (Form No. 71) in which he shall record daily the state of the jail and all occurrences

of importance, and make reports and representations. He shall enter daily—

- (a) the hour at which the wards were opened ;
- (b) what members of the staff were present ;
- (c) the hour when prisoners began work ;
- (d) the number of prisoners who used the night latrine
(in small jails, the numbers and names of these prisoners) ;
- (e) the number of cells unoccupied ;
- (f) the hour at which prisoners stopped work in the forenoon and at which work was recommenced ;
- (g) the hour at which work was stopped for the day, and at which the lock-up was completed ; and
- (h) the hour at which the garden and extramural files were visited and the name of the officer visiting.

This book shall be laid daily (or oftener, if necessary) before the Superintendent, who shall endorse his orders against each entry, or, if no orders or comments are necessary, append his initials.

179. He shall see the rations weighed and served out to cooks, and be responsible that the foodstuffs are of good quality, up to weight, and properly cleaned and cooked. He shall supervise the distribution of the cooked food, and shall be held responsible that each prisoner receives his proper quantity.

To supervise
distribution
of rations
and cooked
food.

180. He shall be responsible that the scales, weights and measures, in use in the jail for the issue and distribution of provisions, stores and raw materials, are accurate and in proper order. He shall, before taking delivery, carefully weigh, measure or count all stores, whether supplied by contract or purchased in the local market.

Weighment
of food-
stuffs and
other articles.

181. He shall be responsible for the state of all jail store-rooms, and shall see that all godowns, used for the storage of manufactured goods, or raw or other materials, are, as far as possible, rendered inaccessible to convicts.

Store room
and
godowns.

182. He is prohibited from making advances, from private funds, for jail purposes. In all financial transactions he shall strictly follow the procedure prescribed in Chapter XVIII of this Manual, in the Civil Account Code, and other Accounts Manuals.

Accounts.

Sunday
afternoon
inspection of
prisoners.

183. He shall, on Sunday afternoons, muster all the jail subordinates on duty, examine every prisoner, and cause a certificate to be given by a jailor in each ward on the following points:—

- (a) that the fetters of every prisoner, ordered to wear them, are clean and secure;
- (b) that the name and number of every prisoner is duly entered in the proper gang book and that every prisoner has his history ticket, and that all required to wear labels are possessed thereof;
- (c) that every prisoner has his authorised supply of clothing and bedding, and that these are clean and in good order; and
- (d) that the ward and its annexes are in the highest possible sanitary condition and secure against escapes.

Attention to
person of the
prisoners.

184. He shall make arrangements for the regular messing and daily bathing of the prisoners and for the systematic carrying out of all parades; shall see that their clothing is in proper repair, and that their hair is kept cut in accordance with the prescribed rules.

To prevent
introduction
of forbidden
articles.

185. It shall be his duty to see that forbidden articles are not introduced into the jail, and he must frequently cause search to be made for such articles in the bedding and in any other place where they are likely to be hidden.

Sale of jail-
made
articles.

186. Except when other arrangements have been made the Chief Jailor shall be entrusted with the sale of all jail manufactures. Ordinarily, all such sales shall be for cash, but, in the case of well-known and respectable persons, credit may be allowed. * In every case a receipt for goods supplied on credit must be taken and no longer credit than one month shall be given. The Chief Jailor shall be held responsible for any infringement of these rules and for failure to send in a bill at the proper time.

Enforcement
of terms of
warrant and
maintenance
of registers.

187. He shall be responsible that the name of every prisoner is, on his arrival, entered in the register of releases under the date on which he is to be released; that, in the case of any prisoner obtaining a remission of sentence, or receiving any additional sentence while in jail, the necessary entries are made in the admission registers, the entry in the release register is transferred to the correct date, the history

* See paragraph 1205, and foot-note thereto.

ticket is similarly corrected, and that no prisoner is, on any account, either released before, or kept in jail beyond, the termination of his sentence, or beyond the date on which under the remission system, he is entitled to be released. If whipping is imposed, in addition to imprisonment, he shall see that the fact is noted in the register of judicial awards of whipping (Form No. 27), and is duly carried out. If a prisoner is sentenced to solitary confinement, he shall see that an entry is made in a register of prisoners so sentenced (Form No. 11) and that the prisoner is placed in a cell, at proper intervals, for prescribed periods as required by law (*vide* Section 74, Indian Penal Code). In the case of prisoners retransferred from other jails or from Port Blair, he shall see that the fact is noted in the admission register against the original entry made at the time the prisoner was first admitted into the jail and that, against the new entry, the previous admission entry number is recorded.

188. He shall at once bring before the Superintendent any prisoner whose transfer to another jail, under the rules hereinafter provided, may appear expedient.

Production
before Superintendent of
prisoners for
transfer.

189. A Superintendent or Officer-in-Charge of Jail under orders of transfer, or on proceeding on leave, will write a full handing-over-note in duplicate for the information of his successor.

One copy will be given to the relieving Officer.

One copy will be forwarded to the Inspector-General of Prisons.

The handing-over-note will include comments on the following items:—

1. Buildings.
2. Arms, etc.
3. Discipline.
4. Clothing and Bedding.
5. Diet and Food Supply.
6. Medical, Health, Sanitation, etc.
7. Staff—Conduct, Efficiency, etc.
8. Industries.
9. Any other matter.

190. The Chief Jailer shall see that prisoners extramurally employed are in the custody of a warder guard of the prescribed strength, and that due precautions are taken to ensure against escape. He is also responsible for the identity of the prisoners sent to extramural labour, *vide* paragraph 204.

Warder
guard over
extramural
prisoners.

Section IV (c).—Deputy and Assistant Jailors.

Statutory
provision.

Under Section 20 of the Prisons Act, 1894, a Deputy or Assistant Jailor shall, subject to the orders of the Superintendent, be competent to perform any or all of the duties and be subject to all the responsibilities of a Chief Jailor.

NOTE.—The terms “Deputy” and “Assistant” are employed to indicate the relative local position and rank of a jailor. An individual, while retaining unaltered his position in the cadre of jailors, may rank as Chief Jailor, Deputy Jailor or Assistant Jailor according as he may be attached to a small, middle sized, or large jail.

General
duties.

191. Deputy and Assistant Jailors shall, subject to the orders of the Superintendent, be required to perform any of the duties and be subject to all the responsibilities of a Chief Jailor under the rules contained in this Manual.

Relative
position of
jailors.

192. All Deputy Jailors attached to particular prisons shall be subordinate to the Chief Jailors of such prisons, and, similarly, all Assistant Jailors attached to a prison shall be subordinate to the Chief Jailor and Deputy Jailor of that prison.

Seniority
amongst
jailors.

193. At prisons at which there are more than one Assistant Jailor, the senior Assistant Jailors shall have authority over the juniors.

Clerical
work, and
other duties.

194. Except what may have been specially reserved for the Chief Jailor, all the clerical work connected with the jail office, and such other duties, as may be prescribed, in writing by the Superintendent, shall be performed by the Deputy and Assistant Jailors.

Assignment
of duties.

195. A fair share of the duties imposed on the Chief Jailor shall be assigned to the Deputy and Assistant Jailors, who shall perform the duties allotted to them, under the general supervision of Chief Jailor. The work, which each has to do, must be clearly prescribed by the Superintendent, in his order book, and should, from time to time, be changed so that all may undergo a thorough training.

Section V.—Chief and Head Warders.

196. The special duties of a Chief, or Head Warder are to assist the jailor in all routine work ; to open the jail with the jailors and count out the prisoners ; to distribute the prisoners to their work ; to see that all the numbers and names of the prisoners, placed in charge of each warder and convict officer, are written in the warder's or convict officer's gang book (Form No. 83) ; to issue tools, raw material and rations ; to measure tasks and note the amount done by each prisoner ; to superintend the latrine, bathing and feeding parades ; to count the prisoners at each change of guard during the day and at lock-up ; and to see that the jail is secure and that all bamboos, ropes, or other means for facilitating escape are removed.

Special
duties
defined.

197. The duties of the Chief, and Head Warder and the periods for which they will be on duty shall be prescribed by the Superintendent.

Superinten-
dent to
prescribe
duties of
Chief and
Head
Warders.

Section VI.—Gate-keepers.

Statutory provision.

Under section 21 of the Prisons Act, 1894, the officer acting as Gate-keeper, or any other officer of the prison, may examine anything carried into or out of the prison may stop and search or cause to be searched any person suspected of bringing any prohibited article into or out of the prison, or of carrying out any property belonging to the prison and if any such article or property be found, shall give immediate notice thereof to the Chief Jailer.

Class of Officers to be selected as Gate-keepers.

198. Two senior warders shall be deputed to perform the duties of gate-keeper. No warder who cannot read or write shall be detailed for this duty, nor shall a convict officer, however qualified, be employed. Selected convict officers may, however, hold charge of all doors and wickets which control communications between the various sections inside the jail, excepting such as open into the enclosure for females.

Hours of duty.

199. At the opening of the jail, the first gate-keeper will come on duty and will remain between the gates from 6 a.m. to 9 a.m., when he should be relieved by the second gate-keeper who will continue on duty till 12 noon. At 12 noon the first gate-keeper will take his second turn of three hours, and at 3 p.m. he will be again relieved by the second gate-keeper, who will remain in charge till the jail is looked up. If the work is light and the jail small, one gate-keeper will suffice, and in this case he should be relieved during the midday rest, when the prisoners are locked up in their wards, his keys being handed to the jailor on duty in the office.

Maintenance of registers.

200. The gate-keeper on duty shall keep two registers (Forms Nos. 204 and 205); in one he shall record the names of all persons (other than those referred to in paragraph 204) who pass out of, or into, the jail, and in the other he shall enter notes of all goods, tools or stores passed either into the jail or out of it, through the main gates. In making these entries he shall note the exact time of ingress or egress. Convict door and wicket-keepers shall maintain note books for recording similar information. The Chief Jailer shall daily check and sign these registers and note-books.

Both gates not to be opened at the same time.

201. The gate-keeper shall open only one gate at a time, and shall never, under any circumstances, have both gates open at once. Neglect of this rule shall be punished very severely.

202. There shall be two locks on the inner gate and one on the outer gate. The keys of these locks shall be kept in a bunch with eight or ten others, resembling them (but which do not fit the locks), and shall be fastened with a stout chain to the gate-keeper's waist belt. Custody of keys.

203. The following procedure shall be followed when passing prisoners out of the jail for extramural labour:— Passing prisoners out of the jail.

The prisoners will muster in front of the inner gate in groups under their respective warders, each with his gang book containing the list of prisoners constituting his charge. The jailor on duty will call out the name of each prisoner therein recorded, scoring out the names of such as may be detained in jail by reason of ill-health or otherwise. If necessary, the places of absentees will be filled by selection from the register (Form No. 102) of those eligible for extramural employment. When the respective gangs have been made up, the Chief Jailor shall pass them through the inner gate, checking each man's breast ticket with the number in the gang book. When all have been passed through, the inner gate will be closed and the gate-keeper shall search and count the prisoners through the outer gate, each warder verifying the count as their charges pass out. The gate-keeper will then close the outer gate, and note on his check slate the total number of prisoners composing each gang.

204. The Chief Jailor is responsible for the identity of the prisoners sent to extramural labour, and shall keep a list showing details of all prisoners so employed with the names of the warders in charge. The Chief Jailor shall check the prisoners going out and coming in, from this list. Jailor responsible for identity of prisoners.

205. (1) The gate-keeper shall admit or pass out of the jail as the case may be— Persons allowed to enter and leave the jail.

- (a) all *ex-officio* and non-official visitors, police officers, and officers of Public Works Department on duty,
- (b) officers of the jail going on, and coming off, duty,
- (c) prisoners duly authorized to enter and leave.

(2) With the exception of persons mentioned in clause (1) no person shall be permitted to enter the jail unless under a written order from, or when accompanied by, the Superintendent.

(3) A list of the *ex-officio* and non-official visitors entitled to admission shall be posted between the gates both in English and in the Vernacular.

Search of
persons
entering or
leaving the
jail.

206. (1) All *ex-officio* and non-official visitors, casual visitors admitted with, or under the orders of, the Superintendent, respectable merchants, superior subordinates of other departments visiting the jail on business, or on duty, and jail officers of the rank of Selection Grade Warder and above, shall ordinarily be exempt from being searched.

(2) Should the gate-keeper have reason to suspect that any person, ordinarily exempt from search, is introducing or removing prohibited articles, he shall detain such person between the gates and send notice to the Chief Jailor, who shall himself, if he thinks necessary, conduct a search.

(3) Females shall only be searched by a female warder in private, and without the presence of any male officer.

(4) The Chief Jailor shall occasionally, and at least once a week, at unexpected times, search some of the officials of the jail, subordinate in rank to himself, who are ordinarily exempt from search, on their way into, or out of, or when inside, the jail, and shall report the circumstance that he has done so, with the results, in his Report Book.

(5) Search of all officers of the rank of Selection Grade Warder and above shall be conducted by the Chief Jailor with as much privacy as possible.

(6) Should any person other than a jail officer or prisoner decline to submit to be searched, or decline to deliver up any transferable articles in his possession to the temporary custody of the gate-keeper, when required to do so, he shall be denied admission.

Responsibilities of a
gate-keeper.

207. The gate-keeper shall be responsible—

- (a) for the cleanliness and tidiness of the passage between gates and the security of all articles placed therein, which shall, for the time being, be in his charge ;
- (b) that the gates and wickets of the main gate, except when it is necessary to open them for the purpose of passing any person or thing into, or out of, the jail, are kept shut and locked ; and
- (c) for the safety and correctness of the keys entrusted to his charge, and he shall not allow these keys to pass out of his personal custody.

Custody of
keys.

208. He shall take charge of the keys of the wards, etc., handed over to him after completion of lock-up and deposit them in their appropriate compartments in the key-box fixed

to the wall in the passage between the entrance gates. The key of the box will be in his charge.

209. The passage between the entrance gates shall always be lighted at night.

Lighting of
passage
between
gates.

to the wall in the passage between the entrance gates. The key of the box will be in his charge.

209. The passage between the entrance gates shall always be lighted at night.

Lighting of
passage
between
gates.

Section VII.—Warders and Wardresses.

Height and
educational
qualifica-
tions.

210. Candidates for warderships shall be between 18 and 25 years of age, of robust constitution, and not less than 5 feet 5 inches in height. In the case of Burmans, the minimum height shall not be less than 5 feet 3 inches. Preference should be given to men who can read and write.

Reservists and pensioners of the Indian Army may be recruited as warders provided the age of such a recruit does not exceed 35 years.

Appointment
to warder
establish-
ment.

211. Appointments to the warder establishment shall be made, in communication with the Group Superintendent, by the Superintendent, who, prior to enlistment, shall warn candidates against lending or giving money to any superior officer in consideration of their appointment, or for any other reason.

Division of
warder
establish-
ments into
groups.

212. To ensure efficiency in warder establishments the staff of warders shall be subdivided into groups. Each group will consist of warders attached to certain district jails associated with those of a particular central or district jail, the Superintendent of which shall (subject to the supervision of the Inspector-General) exercise control regarding transfers of members belonging to his group.

Constitution
of groups
of warder
establish-
ments.

213. The Warder Staff shall be subdivided into the following groups:—

Insein Central Jail ...	...	...	Nil.
Rangoon Central Jail	...	...	{ Tavoy. Mergui.
Bassein Central Jail ...	...	...	{ Henzada. Toungoo.
Myaungmya Central Jail	...	...	{ Maubin. Moulmein.
Thayetmyo Central Jail	...	...	{ Magwe. Taungdwingyi. Prome.
Mandalay Central Jail	...	...	{ Bhamo. Katha. Shwebo. Mogok. Yamethin.
Do. ...	...	...	All Wardresses.
Myingyan Central Jail	...	...	{ Monywa. Pakokku. Meiktila. Pagan.
Tharrawaddy Central Jail	...	...	{ Thaton. Paungde.
Akyab Central Jail	...	...	{ Kyaukpyu. Sandoway.

214. Every Superintendent of a jail may, subject to the approval of his Group Superintendent, enlist his complement of warders. On enlistment of any warder at a district jail, the Officer-in-Charge shall at once send to the Group Superintendent a descriptive roll, giving particulars of name and father's name, residence, age, height, personal description, whether he can read and write, and date of enlistment. Preference should be given to warders who can read and write.

Entertain-
ment of
warders.

Superintendents of Jails may sanction the entertainment of temporary warders, on a pay not exceeding the minimum pay of a warder for a period not exceeding three months, to guard prisoners condemned to death. The entertainment and the dispensing of the services of warders under this rule should be communicated to the Group Superintendent, and the Accountant-General, Burma, through the Group Superintendent.

215. A Group Superintendent shall have the names of all warders, belonging to his group, entered on his promotion board, in the form subjoined—

Regulation
of promotion
of warders
by Group
Superinten-
dent.

- (1) Name.
- (2) Date of joining Government service.
- (3) Date of appointment to Jail Department.
- (4) Date of promotion to present pay.
- (5) Salary.
- (6) Whether passed in Burmese ; and if so, by what standard.
- (7) Jail to which attached.
- (8) State of education.
- (9) Remarks.

Entries shall be made in the order of date of appointment and, whenever a vacancy occurs in his group of jails, the Group Superintendent shall, as far as possible, endeavour to fill in the vacancy by the transfer of an experienced warder from his own jail. Ordinarily, no warder should be granted an incremental rise in pay until he becomes efficient in drill and in other branches of his duties, and frequent misconduct on the part of any member of the warder establishment shall defer the grant of increment. The register of warders in the group shall be secured by lock and key in such a manner as will prevent interference, except by the jailor responsible for its proper maintenance.

Maintenance
of Service
sheet-roll by
Superinten-
dent.

216. A service sheet-roll (J.F. No. 80) will be maintained for each Chief Warder, Head Warder, Warder and Wardress in addition to a service-roll (T.F. No. 33B) as required by paragraph 89. An additional manuscript sheet shall be appended to the service-roll in which shall be recorded the issue of uniforms, etc., supplied at Government expense, *vide* paragraph 263.

Service sheet-
roll of
warder
establish-
ment to be
kept by
Group Super-
intendent.

217. A service sheet-roll in Form No. 80 shall also be kept at the group jail, containing in respect of every warder of the group, particulars of appointment, promotion to present pay, districts in which service has been passed, where at present serving, rewards, offences, punishment and leave taken, with date of each change or occurrence. These sheet-rolls shall be kept under lock and key. To enable the Superintendent of the group jail to have the record kept complete and up-to-date, the Superintendent of every affiliated jail shall send to him, every month, all necessary details.

Group Super-
intendents
not to inter-
fere with the
punishment
inflicted by
Jail Super-
intendents.

218. The Group Superintendent has no power to revise, or modify, any punishment awarded by the Superintendent of a jail; but if, in any case, he is of opinion that any warder, belonging to his group, has been too leniently or too heavily punished, or that the punishment exceeds the powers granted by paragraph 131 or elsewhere in this Manual, he shall report the matter to the Inspector-General.

Residence.

219. All warders and wardresses shall live in the immediate vicinity of the jail, in quarters provided for them, unless permitted to reside elsewhere by the Superintendent in writing.

Allotment of
duties.

220. Each warder shall have a particular duty assigned to him, by the Superintendent or Chief Jailor, such as charge of a particular ward or set of wards, charge of a particular workshop, or set of workshops, charge of a particular gang of prisoners, inside or outside the jail. The posts and duties of warders shall be frequently exchanged, so as to prevent the warders from forming permanent relations with any of the prisoners. A register in Form No. 81 shall be kept up daily, showing the duties performed by the warders of the day staff and the night watch staff, also the distribution and time-roll of the day staff, night staff, sentries, turnkeys and reserve guards.

221. Warders in charge of work-sheds will be responsible for all tools and property kept in them.

Custody of tools and other property.

222. In addition to the duties prescribed in paragraph 103, it shall be the duty of all warders—

Duties of Warders.

- (a) to stand, or patrol, whilst on duty ; on no consideration may a warder take off his belt, and lie or sit down whilst on duty ;
- (b) to know the number of prisoners in their charge, to count their prisoners frequently during their turn of duty, and to satisfy themselves that they have, in their custody, the correct number ;
- (c) to search all prisoners in their gangs at the time they are made over to them, and likewise before they give over charge of them to any other person, also at such other times, during their watch, as may be necessary ;
- (d) to report all cases of idleness and short work ;
- (e) to see that no dirt, or litter, is allowed to lie about the jail ;
- (f) to see that any prisoner, who has to go to the latrine at unauthorized times, is made over to the charge of a responsible officer whilst away from the gang ;
- (g) to bring to the notice of the jailor any sign of sickness, or any prisoner complaining of sickness ;
- (h) to report any plots against the jail authorities for the purpose of escaping, or of assault, or outbreak or of obtaining forbidden articles ;
- (i) to prepare prisoners for muster and for parades and to see that each prisoner comes to his proper place in proper order, and behaves well ;
- (j) to report at once, to superior authority, the fact of any prisoner being missing ;
- (k) to keep their arms and accoutrements clean and in good order, and fit for immediate use.

Any warder breaking any of these rules is liable to the penalties set forth in paragraphs 131, 132, 133 and 136.

223. A translation of the duties of warders must be posted in the guard-room and the passage between the entrance-gates.

A translation of warders' duties to be posted in jail.

224. (a) In every jail where female prisoners are concentrated, wardresses shall be employed in place of warders

Wardresses.

for the guarding, etc., of the section. The number of wardresses shall be fixed by Government from time to time.

(b) The provisions of paragraphs 211—222 relating to warders shall also apply to wardresses.

(c) In addition to her other duties, a wardress shall see that no male person shall enter the female enclosure unless accompanied by an authorized jail officer.

Section VIII.—Security Deposits.

225. Every member of the executive force, from the jailor down to the lowest paid warder, as well as temporary warders, entertained for four months and more shall be required to furnish security, the amount to be fixed in the case of jailors at Rs. 3,000, and members of the manufacture department, other than warders or menials, at a year's pay, and in the case of all other subordinates, at half a year's pay. The only forms of security which will be accepted shall be Government promissory notes, Post Office Cash Certificates, or Postal Savings Bank deposits. The full amount of security may be deposited in a single payment, or may at any time be made up by one or more special payments, or by monthly deductions of 10 per cent from the officer's pay.

Officers required to furnish security.

226. The following procedure shall be observed in regard to Government being indemnified for any shortage or loss of Government property in the case of an officer in service who is held responsible for the shortage or loss and who has executed a Security Bond in accordance with the provisions of paragraph 229 of the Burma Jail Manual.

Recovery for shortage or loss, of Government property.

All recoveries up to and including a sum of Rs. 100 shall ordinarily be recovered from the pay of the officer concerned. In all other cases the amount may be recovered from the Security Deposit of the subordinate or in instalments from his pay as the Inspector-General may direct.

227. All deductions made under paragraph 225 shall be recorded in a special column of the acquittance roll, and a register shall be maintained (Form No. 1) for the purpose of showing how far the required securities have been deposited. The Superintendent shall open, in the Postal Savings Bank, a separate account for each subordinate and each such account shall be headed: "The Superintendent of Jail, Y.Z., on account of security of A.B.," and every officer's monthly deposit shall be punctually paid into the Savings Bank, by the jailor, immediately after it is realized. Superintendents will be held responsible for omissions and irregularities. The amount realized by these deductions and paid into the Savings Bank shall be, respectively, debited and credited in the general cash-book on the proper dates. The interest accruing from the amount deposited shall be credited towards any undeposited portion of the security. If the security has been fully paid

Method of depositing security.

up, the interest as it falls due, shall be disbursed to the officer concerned.

NOTES.—(1) Security deposits shall be definitely pledged to the Superintendent of Jail to which the subordinate is attached.

(2) Post Office Cash Certificates when furnished as Security Deposit, should be formally transferred to the Inspector-General of Prisons, Burma, as the pledge, instead of to the Superintendent of the Jail to which the subordinate is attached.

Custody of
Savings
Bank books.

228. The Savings Bank books for security deposits shall be kept by the jailor, in his cash chest, and shall be produced by him before the Superintendent, as vouchers, whenever there is an entry, in his cash book, of the deposit of security money.

Security
bond.

229. Every officer depositing security under these rules shall be required to sign a security bond (Forms 2 and 3) for the due performance of any duties required of him, and shall be strictly bound by the conditions and penalties set forth in the bond. Such bonds shall be executed as soon after appointment as possible. They are exempt from stamp duty, and need not be registered. The bonds relating to Jailors, Chief and Head Warders shall be retained by the Inspector-General, and those relating to Warders by the respective Group Superintendents, for safe custody and production when required. In preparing the security bond, the amount of security noted in the space provided in the form for the purpose must be Rs. 3,000 or the sum of twelve or six months' salary, as the case may be, reckoned according to the maximum pay of the officer's rank.

Officer
required
nominate
heirs
to
receive
deposits
after death.

230. On enlistment every officer, depositing security under these rules, shall be required to declare in writing the name of the person to whom the balance due on his security deposit shall be payable in the event of his death. Payment to such a nominee shall be a complete discharge to the Department. One copy of the declaration duly attested by the Superintendent should be maintained with the Postal Savings Bank Pass Book containing the security deposit of the officer and a duplicate copy should be attached to his Security Deposit Bond.

Transfer of
security
deposit
account.

231. On the transfer of an officer or warder, the Superintendent, to whom the account is pledged, is authorized to arrange for the transfer of the subordinate's security deposit account and pass book to the Superintendent of the jail to which the officer or warder is being transferred.

232. Jail subordinates are permitted to invest the amount of security deposit in any recognized or authorized Government Security or bond, the depositor paying all charges incidental to the purchase. The bond will be deposited with the Superintendent in the Chief Jailor's cash chest.

Investment
of deposits.

233. All Government promissory notes tendered as security shall be endorsed (by the officer who tenders them) to the Controller of Currency. These notes, with such as the Controller of Currency may purchase with security money, will be converted into stock, and interest falling due upon them will be distributed periodically, through the Accountant-General, who will issue orders payable at the local treasury. These orders will be sent, through the Superintendent of the jail concerned, to the depositor, who will be required to receipt them before presentation. Promissory notes, transmitted through the post office, should be enclosed in registered covers.

Government
promissory
notes.

234. When the full amount of security has been deposited, the depositor shall be informed and further deductions from salary stopped. In the case of warders, the Superintendent shall furnish the depositor with a certificate that the full amount of security has been deposited (stating the amount), and should advise him to send it to his heirs or representatives, so that, in case of the depositor's death, his heirs may put in a claim for the return of the deposit.

Completion
of deposits.

235. On the retirement of the depositor, the Government promissory notes in custody of the Controller of Currency will be delivered up or sold on application made by the Superintendent of Jail, through the Inspector-General, if necessary.

Disposal of
promissory
notes.

Application for disposal as above shall be made through the Accountant-General to whom the Government promissory notes, or its sale proceeds, will be returned. In the case of deceased depositors, requisitions for sale and not for the return of the Government promissory notes should be made.

236. Security deposits at credit in the Savings Bank may also, in like cases, be drawn and disbursed, but whenever a withdrawal is desired, the previous orders of the Inspector-General must be obtained. In applying for the orders of the Inspector-General under this rule, Form No. 214 must be used.

Disburse-
ment of
security
deposits.

237. Any officer, who absconds, or is convicted and sentenced for permitting a prisoner to escape, shall ordinarily forfeit his security, but no officer shall forfeit any part of his

Forfeiture of
security
deposits.

security without the sanction and order of the Inspector-General. Whenever a Superintendent is of opinion that an officer should forfeit his security, or any part of it, he shall refer to the Inspector-General for orders (*see* paragraph 138).

Disposal of
security
deposit on
leaving the
Service.

238. When any officer leaves the service on retirement, resignation or discharge, his security shall be retained until all pecuniary claims against him, made on behalf of Government, are settled. If possible, such claims should be recovered by deduction from any pay that may be due to the officer at the time of his discharge ; but if they cannot be so recovered and are not paid within two months of the date on which the officer leaves the service, the Superintendent may realize the security and recover the claim from the proceeds. After such claims have been settled, the balance of the money shall be paid to the officer concerned, on his granting a receipt for it, but no security shall be totally relinquished within six months of the date the officer leaves the service of Government.

Disposal of
unclaimed
deposits in
the Saving
Bank.

239. Unclaimed Security Deposits of subordinates no longer in service whose whereabouts are unknown or with whom communication cannot be made shall, if remaining unclaimed for a period of one year from the date the subordinate left the service, be withdrawn by the Superintendent of Jail concerned and credited into the Treasury under the head "Revenue Deposits" in the names of the subordinates concerned. A record of the Security Deposit accounts so credited shall be made in the "Register of Security Deposit Accounts."

Section IX.—Reserve Warder Guard.

240. In every jail there shall be a reserve guard, the strength and composition of which shall be determined by the Superintendent, with the approval of the Inspector-General. It shall ordinarily be in charge of a chief or head warder, failing which, a senior warder shall be in charge. The reserve senior warder must be competent to give such jail subordinates as are required to possess it, the necessary training in drill and other duties.

Strength and composition of the reserve guard.

241. Each member of the warder force shall, in turn, do duty in the reserve guard, and to effect this the men in the reserve shall be changed fortnightly. The guard shall always be ready to turn out, at a moment's notice, fully armed and equipped should their services be required to quell an outbreak or to prevent any combined attempt at escape, and the strength shall never, on any account, be reduced below the prescribed limit. Should a portion of the guard be detached for day or night duty, or should individuals have permission to be absent at meals, or on other occasions, the full number shall be maintained by substituting an equal number of other members of the staff not on duty.

Reserve guard to be maintained at full strength.

242. The reserve guard, besides assisting in the day and night watching, shall provide an armed sentry to patrol the verandah of the guard-room, from which position he controls the inner main gate and has an extensive view of the interior. The special duties of the sentry are the protection of the armoury and the inner gate, and the signalling of the prescribed alarms on the occurrence of outbreaks, or fires.

Armed sentry to patrol guard room.

243. Escorts for *ex-officio* and non-official gazetted visitors shall ordinarily be furnished by the reserve guard. The Superintendent shall determine the strength and composition of the escort, who shall be armed with lathis 36" long attached by a leather thong to the wrist.

Escorts for visitors.

244. The senior reserve warder shall see that all warders on duty are dressed in proper uniform ; that all warders on the reserve are drilled daily for at least half an hour ; that no warder absents himself from the jail premises without due authority ; that the guard-rooms are kept clean and neat, and the beds and clothing in them properly arranged. He shall report all defaulters.

Duties of senior reserve warder.

Daily report
by senior
reserve
warder.

245. On the first arrival of the Superintendent on his daily visit to the jail, the senior reserve warder shall present himself and report (*vide* Form No. 81)—

- (a) whether, during the preceding 24 hours, the reserve guard was at any time below its full strength, and, if it was, the cause ;
- (b) whether any visiting officer of the jail visited the jail at night, and any other matter of importance that may have taken place overnight ;
- (c) whether the arms, and ammunition in pouches are ready for immediate use ;
- (d) any particulars in respect of any irregularities, or misconduct on the part of warders.

Senior
reserve
warder to be
in charge of
the armoury.

246. The senior reserve warder will be in charge of the armoury and will be responsible for the cleanliness and safe custody of all the arms, ammunition and accoutrements. He shall also keep an account of ammunition expended, maintaining a register in Form No. 15 for the purpose.

He shall personally see that nobody is allowed to enter the Guard-room or the Jail Armoury except warders actually on duty and other officials or visitors to the jail.

Section X.—Jail Armoury.

247. The jail armoury will contain a Musket .410 or .476 bore with bayonet, bayonet scabbard, and frog, and ammunition pouch for each warder on the reserve guard. Swords shall also be provided for all jailors and for the senior warder, and *dahs* for all other warders. The armoury will always be under the observation of the armed sentry. All pouch ammunition, other than that carried by the armed sentry or sentries on duty, shall be deposited in the armoury, the key of which will be kept with the armed sentry on duty, the duplicate key being retained with the senior warder in charge of the guard. This rule, as to custody of the keys, shall also be followed where jails, unprovided with armouries, keep these pouches in an almirah or other receptacle provided for the purpose. In the case of stock ammunition, namely, ball, buckshot, and blank, the key of the box, in which it is deposited, shall be kept by the senior warder in charge of the guard, and the duplicate key, with the Chief Jailor.

Jail
armoury.

248. Retired jailors, who have rendered approved service of not less than fifteen years in the Department at the time of retirement, may be allowed, with the permission of the Inspector-General, to retain their swords.

Retention of
swords by
retired
jailors.

249. The allowance of ammunition *per* jailor, and *per* warder, *per* annum, for training shall be 20 rounds ball, and 40 rounds ball and 50 blank respectively. Besides the above, there shall always be a reserve of 30 rounds of buckshot cartridges *per* rifle. Buckshot is intended for service only in connection with outbreaks and escapes. Every sentry, carrying firearms, shall be provided with three blank and seven buckshot cartridges. Ball ammunition is intended for target practice.

Scale of
issue of
ammuni-
tion.

250. Indents (in duplicate) for ammunition required for each jail shall be submitted to the Inspector-General on the 15th November of each year, Form I.A.F.Z.-2098 being used for the purpose. For detailed instructions regarding the issue of ammunition and return of empty fired cases, etc., see Appendix XXXI.

Indents for
ammuni-
tion.

251. Arms should be maintained in serviceable condition and, when they need repair or renovation, six copies of I.A.F.O.-1370 shall be submitted to the Inspector-General for approval and transmission to the Chief Ordnance Officer,

Maintenance
of arms.

Rangoon Arsenal. The Chief Ordnance Officer will record his orders regarding despatch of arms, and any other order which may be necessary, on the six copies of I.A.F.O.-1370. One copy will be retained by the Rangoon Arsenal and the remaining five copies will be returned to the office of origin.

If the orders of the Chief Ordnance Officer are that the repairable arms shall be sent in, they shall be despatched to the Arsenal, together with the five copies of I.A.F.O.-1370, which were returned.

The I.A.F.Z.-2098 is only necessary when disposal orders on surplus stores are required, or when indenting for stores.

A separate set of forms I.A.F.O.-1370 shall be submitted in respect of each item of stores bearing a distinct nomenclature and make or size. For example if one Musket and one Bayonet require repairs, one set of forms shall be submitted in respect of the Musket and a separate set for the Bayonet.

NOTE.—In cases where jails are situated at a remote distance from Rangoon and when it is desirable to save time and freight, the Superintendent of Jail may, with the previous sanction of the Inspector-General, utilize the services of Military Police armourers for repairs to firearms at the rates prescribed by the Deputy Inspector-General of Military Police, Burma.

252. The following rules regulate the supply of arms by, or, return of arms to, the Burma Army Ordnance Corps:—

(a) *Indents for first issues of arms sanctioned by the Government of Burma.*

For initial requirements of arms, which have been sanctioned by the Government of Burma, Superintendents of Jails should submit indents (I.A.F.Z.-2098) in duplicate, duly signed, to the Inspector-General, who will check the demand with the authority quoted on the indent. The Inspector-General will then countersign the indent, forward one copy to the Chief Ordnance Officer, Burma, for compliance, and retain the duplicate copy for record in his office.

(b) *Indent for replacements of unserviceable arms or component parts of arms.*

With regard to the arms becoming unserviceable, a Board of three members should be appointed to investigate and record the circumstances attending to the cause of arms becoming unserviceable. The Board should, if possible, record the period the arms have been in use and whether the arms appear to have become unserviceable through fair wear and tear, or otherwise. If the arms be found to have become unserviceable through neglect or carelessness, the name of the person or persons, responsible should be recorded. The proceedings of

the Board on A.F.A.-2 (in original) should be forwarded to the Inspector-General for orders. If on the other hand the arms be found to have become unserviceable through fair wear and tear, an indent should be submitted by the Superintendent with the proceedings.

The indent for the replacement of unserviceable arms and component parts of arms should be submitted on I.A.F.Z.-2098, in triplicate, to the Inspector-General, who will countersign the indent, retain the triplicate copy for record in his office and forward the other copies to the Chief Ordnance Officer for compliance. The Chief Ordnance Officer will record on the duplicate copy his orders regarding the disposal of the unserviceable arms or component parts and then return that copy to the Inspector-General. On receipt of the duplicate copy with the orders of the Chief Ordnance Officer, the Inspector-General will record such orders on the triplicate copy of the indent, which was retained by him and then despatch the duplicate copy to the Superintendent of Jail concerned for necessary action.

(c) Indents to replace losses.

In the case of arms lost, a Board should be appointed as in the case of arms becoming unserviceable, and, it should record its opinion as to whether the loss was unavoidable and should be borne by the State, or was due to neglect or carelessness on the part of any person, or persons, who should be required to make good the loss. The name of the person, or persons, responsible should be recorded and the proceedings of the Board on A.F.A.-2 (in original) should be forwarded to the Inspector-General for orders. Indents to replace losses should be submitted in duplicate to the Inspector-General as in the case of indents for first issues.

The above rules also apply in cases of loss of ammunition.

The Board to investigate such cases as hereinbefore mentioned will consist of a Magistrate, the Superintendent of the Jail and the Chief Jailor or Deputy Jailor.

(d) Disposal orders in respect of surplus arms or component parts of arms.

Any store, which is found to be surplus to the requirements of the jail and for which disposal orders are required, shall be entered on I.A.F.Z.-2098 which should be submitted in duplicate to the Inspector-General, who will countersign the forms, retain the duplicate copy for record in his office, and forward

the original copy to the Chief Ordnance Officer. The Chief Ordnance Officer will record his disposal instructions on the form and return it to the Inspector-General, who will record such instructions on his office record and then return the original copy with the disposal instructions to the Superintendent of Jail concerned for necessary action.

(e) *Return of Stores to Arsenal.*

When serviceable or unserviceable arms or component parts of arms, other than those mentioned above, are ordered to be returned to the Arsenal, five copies of vouchers (I.A.F.Z.-2096) should be prepared by the Superintendent of Jail concerned and disposed of as shown below. Separate sheets of vouchers should be prepared for stores which are in separate Vocabulary Sections.

Three copies to the Arsenal (at the time of the despatch of the stores).

One copy to the Inspector-General.

One copy retained for record in his office.

NOTE.—A stock of the following forms is maintained by the Inspector-General, and may be had on application to his office :—

I.A.F.Z.-2096	...	Receipt, Delivery and Expense Voucher.
I.A.F.Z.-2098	...	Indent and Disposal Order Form.
I.A.F.O.-1370	...	Work Order.
A.F.A.-2	...	Proceedings of Board or Committee.
I.A.F.A.-498	...	Loss Statement—All Services.

List of
firearms.

253. A list of all firearms on charge shall be submitted, for the information of the Inspector-General, not later than the 15th June of each year.

Inspection of
arms and
accoutre-
ments.

254. The senior warder of the reserve guard shall inspect the arms and accoutrements and ammunition daily, and the Superintendent and the Chief Jailor shall do so once a week. Any warder, whose rifle or accoutrements are found to be dirty or otherwise neglected, will be punished.

Section XI.—Technical Staff.

255. The Technical Staff employed in the Jail Department shall be subject to the provisions of the Prisons Act and the Disciplinary Rules contained in this Manual. They shall be subordinate to the Superintendent of the Jail to which they are attached. Conditions of service.

Section XII.—Uniforms for Jailors, Warders and Wardresses.

Uniform
for non-
Burman
Jailors.

256. (a) For all grades of jailors, except Burmans, the uniform shall be as follows:—

Jackets.—Summer: white drill, or serge. Winter and wet weather: khaki drill, or serge. Military pattern, with two pockets, one on each side, five ball buttons (silver-plated) down front, one half ball button and badge "B.J." on each shoulder strap, and one half ball button on each pocket.

Trousers.—Summer: white drill. Winter and wet weather: khaki drill, or serge. Plain, without piping of any kind.

Head-dress.—*Sola topee*, uniform pattern, with white cover for summer, and a khaki cover for winter and wet weather. *Pagari*, of corresponding colour, edged on the upper aspect with a scarlet band quarter inch wide.

Boots.—Black (ammunition shape, light or heavy, as may be desired), to be worn with khaki, and plain white canvas shoes for white dress.

Uniform for
Burman
Jailors.

(b) For Burman jailors the uniform shall be as follows:—

Coat.—Summer: khaki drill. Winter and wet weather blue serge.

Cherry red silk *pasoe* or *longyi* with white horizontal stripes, $\frac{1}{2}$ inch wide, woven at intervals of 1 inch.

Gaungbaung.—Pink silk, with a *khyingya* beneath so as to secure uniformity of shape.

Silver-plated buttons; shoulder badge; pattern of coat—the same as that prescribed for European jailors.

Black shoes to be worn throughout the year with black stockings.

Uniform
for Jailors
who are
natives of
India.

(c) Jailors who are natives of India may wear the uniform prescribed for Europeans or Burmans whichever they desire. But Punjabi and other jailors, whose national head-dress is a turban and who elect to wear the uniform prescribed in paragraph 256 (a), shall provide themselves with khaki turbans with fringe in lieu of the prescribed *sola topee*. Turbans of approved pattern can be had on application to the Superintendent of Jail, Rangoon.

Articles of
uniform sup-
plied on first
appointment
to temporary
or officiating
Jailors.

257. On first appointment every temporary or officiating Jailor will be supplied free of cost, with one set of buttons, a pair of shoulder badges and a whistle (with lanyard), which

shall remain the property of the Crown until the officer concerned is confirmed in his appointment.

On confirmation in the Department every jailor will be supplied with an initial complete outfit of uniform excluding buttons, shoulder badges and whistle (with lanyard), which have been supplied on first appointment. Articles of uniform supplied on confirmation.

Swords, sword belts and whistles (with lanyards) will be supplied once for all at Government expense. A free issue of shoulder badges and buttons will be made once in ten years.

258. Retired jailors, who have rendered approved service of not less than fifteen years in the Department at the time of retirement, may wear their uniform on ceremonial occasions or when calling on Government officials. Permission to wear such uniform, after retirement, should be obtained from the Inspector-General. Retired jailors entitled to wear uniform.

259. For all grades of warders the uniform shall be as follows:— Uniform for Warders.

Khaki kurta.—Military Police pattern—with two breast pockets, one on each side, seven half ball brass buttons, three in front, and one on each shoulder to connect a blue shoulder cord, and one on each breast pocket. Brass numerals to be worn on right breast on a blue background.

All warders will wear shorts of the same material as the *kurta*.

Hats
Pagri —Khaki C.I.V. hats for Burmans, Karens and Gurkhas, and khaki *pagris* for others. In both cases, a brass badge will be worn over a blue background, in front.

Putties.—Khaki.

Shoes.—Country manufacture.

Chevrons, as detailed below:—

Class of Warders.	Number of bars to the chevrons.
Chief Warders	4 and Crown.
Head Warders	4
Warders on Rs. 26	3
Warders on Rs. 24	2
Warders on Rs. 22	1
Warders on Rs. 20	Nil.

NOTE.—For instructions relative to the manner in which the chevrons are to be worn, see paragraph 264.

Issue of
swords, waist
belts and
lathies.

260. The senior warder of each jail shall wear a staff sergeant's brown leather belt and sword with steel scabbard, and a worked scarlet sash. All other warders shall wear a brown leather waist-belt, two inches wide, closed with a brass buckle inscribed "Burma Jails" and when on duty, should hold their lathies in their hands.

NOTE.—Lathies should be made of male Bamboo and should be 36 inches long for ordinary use and 66 inches long for use in time of outbreaks. Only lathies for ordinary use should be provided with a leather thong. The number of lathies 66 inches long in each jail should not exceed 50 per cent of the total strength of warders.

Scale of
issue of
uniform.

261. Warders, entitled to their use, will be provided, at Government expense, with the undermentioned articles:—

Annually.

One *pagri*, khaki (for warders other than Burman, Karen and Gurkha).
One pair ammunition boots.
Three pairs woollen socks.

Biennially.

Three suits khaki uniform.
One set of chevrons.
One worked scarlet sash.
One waterproof cape and cap (if those previously supplied are worn out).

Triennially.

Two pairs khaki putties.
One C.I.V. hat (for Burman, Karen and Gurkha warders).
When the previous supply is worn out, but not more frequently than once in four years.
One great coat.

Decennially.

One brown leather belt.
One brass badge for *pagri*.
One set brass numerals for Kurta.
Eight half ball buttons.
One Staff Sergeant's belt.

Once for all.

One charpoy, and one box in which to keep Government uniform.

I. Scale of uniform for warders employed at the Mòkpalin
Camp Jails:—(a) *Working dress*:—

Khaki <i>pagri</i>	...	One.	} Annual Issue.
Khaki shirts	...	Three.	
Khaki shorts	...	Three pairs.	
Canvas shoes	...	Three pairs.	
Khaki putties	...	One pair.	Biennial Issue.

(b) *Parade dress*:—

Boots	...	One pair.	} Triennial Issue.
Khaki putties	...	One pair.	
Khaki uniform	...	One suit.	
Khaki <i>pagri</i>	...	One.	

II. Scale of uniform for warders employed at the Alôn
Camp Jail:—(a) *Working dress*:—

Khaki <i>pagri</i>	...	One.	} Annual Issue.
Khaki shirts	...	Three.	
Khaki shorts	...	Two pairs.	
Canvas shoes	...	Two pairs.	
Khaki putties	...	One pair.	Biennial Issue.

(b) *Parade dress*:—

Boots	...	One pair.	} Biennial Issue.
Khaki putties	...	One pair.	
Khaki uniform	...	One suit.	
Khaki <i>pagri</i>	...	One.	

262. Wardresses will be provided at Government expense with the undermentioned articles:—

Uniform for
wardresses.

1. Two red *longyis* on enlistment and subsequently one after every six months.
2. Four white *eingyis* (longcloth) on enlistment and subsequently two after every six months.
3. One umbrella per year.
4. One pair of leather slippers and one pair of wooden slippers per year.

263. A manuscript register sheet, indicating the date of every issue of uniform, etc., supplied at Government expense

Issue of
uniform to
be recorded
in a register.

to each person entitled thereto, should be drawn up in the form subjoined, and be appended to his service-book.*

Name _____ Rank _____ Grade _____

Name of Articles. (1)	Number issued. (2)	Period from which issued. (3)	Date of issue. (4)	Date of re-issue. (5)	Date of re-issue. (6)	Date of re-issue. (7)
Khaki uniform ...						
<i>Pagri</i> ...						
C.I.V. Hat, Khaki ...						
Putties ...						
Shoes ...						
Waterproof Caps and Capes ...						
Chevrons ...						
Scarlet sash ...						
Great Coat ...						
Buttons, brass ...						
Badge, brass ...						
Numerals, brass ...						
Belts, Staff Sergeant's ...						
Belts, Warders ...						
Whistles ...						

* The issue, to jailors, of shoulder badges, buttons, and whistles shall be recorded in a separate register kept by the Superintendent of the Insein Jail.

Chevrons,
shoes and
sash.

264. Chevrons.—These are to be of yellow stripes, half inch wide. By chief and head warders, the chevrons will be worn above the elbow, and by other warders, below the elbow.

Shoes.—They should be frequently examined while in wear, and any necessary repairs should be carried out at once. Unless shoes are promptly repaired whenever necessary, they will not last in a serviceable condition for the whole of the period for which they are issued. Shoes worn out in less than six months must be replaced at the cost of the warder to whom issued.

Sash.—This should be worn over the right shoulder.

265. While on duty, jailors and warders of all grades shall wear the prescribed uniform. Watches and trinkets are not to be worn outside the uniform.

Prescribed uniform to be worn while on duty. Firearms, etc., not to be taken inside the jail.

Firearms, swords and bayonets shall not be taken inside the jail, except under orders from the Superintendent, or Chief Jailor, as on alarm parades, or for use during a disturbance.

266. *Sealed patterns.*—Superintendents are strictly forbidden to introduce, or sanction, any deviation from the sealed patterns of clothing, etc., which may be had from the Superintendent of the Rangoon Central Jail for inspection and guidance, whenever required. They will be held personally responsible for any expense which may be entailed by having to replace, or alter, any articles which may be found, by inspecting officers, not to be in conformity with the sealed samples.

Uniform to be in conformity with sealed pattern.

267. Indents for uniforms, etc., for the jail warder staff and buttons, shoulder badges and whistles for the jailors shall be submitted at the same time as indents for prisoners' clothing, so that they may be despatched together. Warders' uniforms are made in three sizes, as follows:—

Indents for uniforms.

No. I—for tall men, say, from 5 feet 9 inches to 6 feet.

No. II—for men of medium size, say, from 5 feet 7 inches to 5 feet 9 inches.

No. III—for short men, say, from 5 feet 5 inches to 5 feet 7 inches.

Indents should specify the numbers of each size required.

268. In addition to the above allowance of clothing supplied at Government expense, warders will be required, if the Superintendent, after the inspection of their kit, considers it necessary, to provide themselves with two extra suits of khaki uniform clothing at their own cost, so as to have four suits in all fit for use. These extra suits, when necessary, will be supplied on indent in the same manner as in the case of the Government allowances of clothing and the cost will be deducted by monthly instalments from the pay of the men.

Warders to be given extra suits at own expense, if necessary.

Badges, buttons and whistles, if lost, shall be replaced by all subordinates at their own expense, a reserve stock being retained at the Insein Central Jail for the purpose. All charpoys and boxes in the reserve guard-room shall be of uniform colour and size.

Badges, etc., if lost, to be replaced by subordinates.

Old uniform
to be
surrendered
after
prescribed
period.

269. The uniform, including buttons and shoes or boots, supplied by Government to warders, is Government property. When the next periodical issue becomes due the old articles must be produced and will be withdrawn in exchange for the issue of new. Any article that cannot be produced for exchange will be replaced at the expense of the officer.

All old uniforms will be collected and retained in the Jail concerned and the articles will be washed, repaired as far as possible, and brought on to stock for issue to temporary warders whose employment is likely to be for a period of less than one year. Any article of clothing that is found to be beyond repair shall be written off stock under the sanction of the Inspector-General.

Temporary warders, who are likely to be retained in service for one year or more, will be provided with new suits of uniform as prescribed by paragraph 261.

Officers
entitled to
take uni-
forms with
them on
transfer.

Liability of
officers for
renewal or
repair of
arms, accou-
trements and
uniforms if
damaged or
lost.

270. The uniform is issued for the personal use of the officer to whom it is given and will be taken with him when transferred to any other jail. This rule does not apply to arms and accoutrements (*i.e.*, belts, buckles, rifles, bayonets, swords, bayonet frogs and ammunition pouches and the charpoys and boxes), all of which shall remain at the jail to which they were supplied; but any officer, losing these or damaging them otherwise than by fair wear and tear, shall pay the cost of renewal or repair. Similarly, if the uniform is not properly used and becomes unserviceable before the next issue becomes due, it will be renewed at that officer's expense.

Surrender of
uniform on
discharge,
retirement,
etc.

271. The uniform of a warder, on discharge, retirement, resignation or dismissal should be retained by the jail and issued to his substitute. No recoveries shall be made from the warder leaving the service except when such uniform is lost, or damaged, otherwise than by fair wear and tear, within the period prescribed in paragraph 261. In such cases there shall be deducted a portion of the cost bearing to the whole cost the proportion which the time that remains between the date of his leaving the service and the next date of issue of such articles bears to the period the articles ought to last (as prescribed by paragraph 261), calculated by months. Recoveries under this rule may be made from any pay, or from security money, due to him at the time of discharge or retirement, and shall be paid into the local treasury.

272. All Government uniform, except shoes issued to warders, shall be neatly marked with the number of the officer and the year of issue, in some place where the mark will not be conspicuous. For marking, the extract of *chit-thi* (dhobies' nut, *Semecarpus anacardium*) or coal tar may be used ; for dark coloured, or woollen materials the marking must be done on a piece of white cotton tape, securely sewn to the garment.

The number of the officer and the date of issue to be marked on uniform.

273. Special arrangements for washing uniforms may be made in every jail, and deduction, to meet the actual cost, will be effected monthly from each jailor's and warder's pay. Subordinates may, however, make their own arrangements for getting cotton uniforms washed by an outsider ; but, in such cases, neglect of a *dhobi* to return the clothing, or to wash it properly, will not be accepted as an excuse for appearing in dirty or untidy uniform. The Superintendent shall decide which system is to be followed.

Washing uniforms

274. Leather belting must be kept clean, pliable and polished, and badges, buckles, buttons, etc., must be kept bright. Uniform, which has become damaged by fair wear and tear, may be repaired in the jail by convict labour, free of cost.

Treatment of leather belting.

CHAPTER VI.

CONVICT OFFICERS.

Class of
officers.

275. There shall be three grades of convict officers, namely, night watchmen, overseers and warders, appointments to which shall be made by the Superintendent. Habitual Convict Officers shall only be employed in jails reserved for the accommodation of prisoners of the habitual class, and in Jails where both habituels and casuals are confined their duties shall be restricted to the habitual sections of the Jails and they shall have nothing to do with prisoners of the casual class.

Convict
officers
deemed to
be public
servants.

276. Prisoners who have been appointed as convict officers are deemed to be public servants within the meaning of the Indian Penal Code (*vide* section 23 of the Prisons Act, 1894).

Duties
convict
officers.

277. Convict officers shall also comply with the orders contained in paragraph 103, and shall perform such duties as are indicated in paragraph 222, as may be assigned to them, as well as the duties prescribed in this and the following chapter :—

(a) No convict officer shall be employed on the duty of guarding prisoners in cells or barracks at night, and no convict officer shall be outside his barracks at night. A convict officer may, however, be employed within wards on patrol duty at night.

(b) No convict officer shall have independent charge of any file, gang, or other body of prisoners, nor shall he have independent power to issue orders to prisoners, but there shall always be a paid officer in superior charge under whose control and orders the convict officers shall work :

Provided that within the main walls of the jail, a reliable convict officer may temporarily be entrusted with charge of a gang employed on fatigue duty, or of a convalescent gang or a small gang of *methars* or water carriers or compound sweepers.

(c) Convict officers required for employment in yards or barracks reserved for prisoners sentenced to simple imprisonment shall, as far as possible, be drawn from the ranks of simple imprisonment prisoners.

Reward for
faithful
compliance
of orders.

278. For the faithful compliance with these orders and due performance of such duties as may be imposed upon them convict officers shall be rewarded as provided for under the remission rules. Every convict officer, when newly appointed

shall be on probation for three months. During this period, he shall be trained in all his duties. At the end of the probationary period, he shall be examined by the Chief Jailor, who will satisfy himself that the convict officer thoroughly understands his duties. The convict officer will then be confirmed by the Superintendent. Convict Officers should be encouraged to read and write. Other qualifications being equal, literate prisoners should be given preference. The method of training of convict officers shall be prescribed by the Inspector-General.

Appointment
and training
of convict
officers.

279. For any dereliction of duty, or for the commission of any criminal or prison offence (*vide* sections 42, 45 and 54 of the Prisons Act) convict officers shall be dealt with, by the Superintendent, in accordance with the provisions of sections 42, 46 and 54 of the said Act.

Liable to
punishment
for dereliction
of duty.

280. All convict officers shall, after the weekly inspection, be paraded together, apart from ordinary prisoners. The opportunity should be taken to explain to them the advantages of their position, to instruct them in their duties, to praise those who have done well, and to promote the most eligible to vacancies in the higher grades, and punish such as have committed faults during the previous week.

Weekly
inspection by
Superintendent.

281. In order to discharge the duties of convict officers in jails where, owing to the short terms of sentence, prisoners locally confined are ineligible for such trusts, qualified prisoners shall be imported from the nearest central jail. All applications for convicts required for this purpose shall be addressed to the Inspector-General.

Central Jails
to supply
convict
officers
to other jails.

282. No prisoner of the casual or habitual class shall be appointed a watchman who does not possess the following qualifications:—

Appointment
of convict
night watch-
men.

- (a) if a prisoner of the habitual class, he must not have more than two previous convictions in addition to the qualifications enumerated below:—

A prisoner of the casual or habitual class,

- (b) must have completed one-sixth of his sentence, provided that in the case of a prisoner with a sentence of more than 25 years his sentence shall be reckoned as being 25 years ;
(c) must have been well behaved and industrious ;
(d) if under the remission rules, must have earned at least two-thirds of the available remission ;

- (e) must be physically fit to do two or three hours' night duty in addition to his ordinary day labour ;
- (f) must not have been convicted of *thuggee* drugging or of an unnatural offence.

Strength of
convict night
watchmen.

283. Convict night watchmen should be limited to the number actually required in addition to the convict overseers and convict warders, for guarding all the sleeping wards of the jail. Whenever it is possible, these appointments shall be reserved for prisoners under the remission rules.

Duties of
convict night
watchmen.

284. The general duties of a convict night watchman are to assist the convict overseer in watch and ward, and in maintaining order and discipline inside the wards at night ; to prevent prisoners leaving their beds, except with permission and for a necessary purpose ; to keep silence in the wards, and to take care that all the prisoners are present ; and, whenever challenged by the patrol, to count the prisoners and reply. By day he shall perform such task as is allotted him, and shall render such assistance to the warder or overseer in charge of his gang, as he may require. Convict night watchmen may also be employed as messengers within the jail walls and to escort prisoners from one part of a jail to another when necessary (for instance, when a prisoner has to be sent to the hospital, or brought before the Superintendent or Medical Officer, or requires to attend the latrine at times other than at regular latrine parades), and also to watch the jail walls in order to give notice of any prisoner suspiciously lurking near them. They may also be put in charge of the undertrial prisoners' ward or of part of a gang inside a jail in cases when a gang has to be divided and work in two places. Selected convict night watchmen may be allotted any of the duties mentioned in paragraph 289, or any special duties. Whenever a convict night watchman is allotted any such special duties, an order to that effect shall be entered in his history ticket.

Dress for
convict night
watchmen.

285. Male convict night watchmen shall wear ordinary prison clothing and, in addition, white cotton caps. Those in charge of gangs shall wear parti-coloured caps, half white and half blue.

Female convict watchmen shall wear, in addition to their ordinary prison clothing, a cotton armlet, 3 inches wide, the top half white, the bottom half blue, between the shoulder and the elbow of the right arm.

286. No prisoner is eligible for promotion to convict overseership unless he comes under the remission rules, has served one-sixth of his sentence as a convict night watchman, during which time he has earned at least two-thirds of the available remission and is physically capable of performing such duties as may be required of him.

Eligibility
for convict
overseership.

287. No prisoner shall be appointed a convict overseer, permanently or temporarily, in contravention of the above rule without the sanction of the Inspector-General. Every order appointing a prisoner a convict overseer shall be written, by the Superintendent, on the prisoner's history ticket.

Appointment
of convict
overseers.

288. The number of convict overseers shall not exceed 10 per cent of the jail population, but a minimum number of six may be appointed in each jail.

Strength of
overseers.

289. The Superintendent will fix the duties of convict overseers, but the assignment of individual men for the posts may be left to the Chief Jailor.

Duties of
convict
overseers.

It is the special duty of all convict overseers—

- (a) to assist the convict warders of their gangs in superintending the prisoners at work, conducting them to parades, maintaining discipline and silence, and keeping them together and in files, when moving from place to place ;
- (b) to share with other convict officers the duty of guarding the wards by inside, and, in special cases, by outside, patrol during the night ;
- (c) to count, frequently the prisoners made over to them to see that the number is correct, and to search them and to prevent them receiving or retaining forbidden articles ;
- (d) to escort individual prisoners about the jail and to take them to hospital when necessary ;
- (e) to keep the history tickets of the prisoners of their gangs ;
- (f) to give notice of any breaches of jail rules, plots or conspiracies that may come to their knowledge, whether amongst prisoners of their own or of other gangs ;
- (g) to report all cases of sickness and every prisoner who uses the latrine out of regular hours, except for the purpose of urinating ;
- (h) to see that every prisoner properly folds up and arranges his bedding in the morning, before the wards are opened ;

- (i) to see that prisoners wash themselves and their clothes, and keep their leg-irons clean and bright, and that they do not barter, alter, or damage their clothing ;
- (j) to assist in quelling any outbreak, and to defend any official in case of necessity ;
- (k) to obey all orders issued by the Superintendent, jailor or other superior officer.

Dress for
convict
overseers.

290. Male convict overseers, in addition to the ordinary prison dress, will be provided with blue cotton caps. They shall wear, on their left arm, a brass badge engraved with the word "Overseer," and serially numbered from 1 upwards. These badges shall be distributed in the order of merit that bearing "No. 1" being given to the most deserving man. They shall not carry any cane or weapon, except when on patrol, or extramural guard, when they shall be armed with batons. When required to do duty in any position exposing them to sun or rain, they shall be provided with a bamboo hat.

In addition to the ordinary prison dress, female convict overseers will wear on their right arms, between the shoulder and the elbow, a blue cotton armband, 3 inches broad.

Exemption
of convict
overseer
from corpo-
ral punish-
ment, penal
diet, etc.
Eligibility
for convict
wardership.

291. Convict overseers shall be exempted from corporal punishment and penal diet, and from having their hair cropped and beards clipped.

292. No prisoner is eligible for promotion to a convict wardership unless he is under a sentence of at least three years, and unless he has served one-sixth of his sentence as a convict overseer, during which time he has earned at least two-thirds of the available remission.

Enquiry into
antecedents
of prisoners
selected for
convict
warders.

293. As it is extremely dangerous to appoint, as a convict warder, a prisoner who has no fixed abode, or whose antecedents cannot be enquired into, it is necessary, before his appointment, to ascertain, from the prisoner, particulars as to his place of abode and his relatives and friends living there ; these details should be verified by enquiry through the District Superintendent of Police of the district in which the place of abode is situated. Similar precautions should be adopted before employing a convict overseer as an assistant night patrol outside wards, or as an assistant to a paid warder in charge of an extramural file.

294. Convict warders, besides assisting paid warders in guarding and working extramural gangs, in patrolling outside the wards at night and in other ways, when their duties shall be the same as are prescribed for the paid officers whom they assist—

Duties of
convict
warders.

- (a) may have control over a certain number of subordinate convict officers with their charges inside the jail, and shall see that the duties assigned to these officers are faithfully performed ; or
- (b) may have charge of a section of the jail or work-yard, and shall be responsible for its orderly and sanitary conditions for the observance of jail rules by its occupants, and for the exclusion therefrom of such as do not, and for the detention therein of such as do, belong to it ; or
- (c) may have charge of a convict night watch, and shall be answerable during the watch for the conduct of all subordinate officers and prisoners in the ward ;

but, whatever their special duty may happen to be, they shall assist the jail authorities in every way in their power in maintaining discipline and in enforcing compliance with jail rules not only amongst their own, but also, if necessary, among the charges of other officers.

295. Male convict warders shall be supplied with a uniform, consisting of a blue cotton blouse, short trousers and *gaungbaung*, and a belt of blue cotton webbing, 3 inches wide, to be worn round the waist fastened with a brass badge on which are engraved the letters "C.W." and a serial number. In addition to the privileges enjoyed by overseers, detailed in paragraph 291; convict warders shall be allowed (1) to eat their food apart from the other prisoners ; (2) to sleep in places specially allotted to them ; (3) a small mat or *dari* for spreading on the floor ; (4) a piece of white cloth, as a bedsheet ; (5) a pillow of gunny, stuffed with coir ; (6) a cake of country soap ; (7) beef or fish once a week ; (8) the use of tobacco in the shape of pipe-smoking, twice daily, in the presence of a jail official ; (9) a gratuity not exceeding eight annas a month. As a punishment for minor offences, all or any one of the extra privileges may be temporarily, or permanently, withheld. In regard to dress, female convict warders will wear their ordinary prison dress but will be supplied, in addition, with a cotton armband, 3 inches wide, the top and bottom half of which will have a blue band each one inch wide separated by a white band also

Equipmen
dress and
privileges
convict
warders.

one inch wide. This armlet will be worn on the right arm between the shoulder and the elbow.

NOTE.—The gratuity earned monthly should be drawn from the Treasury only at the time of release of the prisoner and paid to him, a proper account being maintained of the dates of promotion and degradation in respect of each prisoner.

Degradation
and punish-
ment of
convict
officers.

296. For any grave offence, or the frequent repetition of a minor offence, a convict officer may be degraded by the Superintendent, subject to the confirmation of the Inspector-General; but in every such case a departmental enquiry shall be held by the Superintendent, and a report in Form No. 20 submitted at the close of each month, to the Inspector-General. Convict night watchmen, who have either been flogged for a jail offence, or convicted before a Magistrate for an offence committed in jail, also convict overseers and convict warders judicially punished for an offence committed in jail, shall be reduced permanently to ordinary prisoners. But, under exceptional circumstances, the Superintendent may, with the previous sanction of the Inspector-General, reinstate such a convict, when by good behaviour for a prolonged period, he has shown himself deserving of consideration. In the same way an ordinary prisoner, who has been flogged for a jail offence or convicted before a Magistrate for an offence committed in jail, shall not be eligible for promotion to convict night watchman. In this case also when such a prisoner, by prolonged good behaviour, has shown himself deserving of special treatment, the Superintendent may, with the previous sanction of the Inspector-General, promote the prisoner to convict night watchman.

Class of
convicts not
eligible for
convict
officership.

NOTE.—Convict overseers and convict warders are exempt from corporal punishment (*vide* paragraphs 291 and 295), and convict officers of all grades shall be exempt from liability to wear the ankle rings and fetters (except in so far as regards convict officers in charge of extramural files).

eligible
convicts may
be appointed
officers in
special
cases.

297. If, in any jail, a sufficient number of convicts eligible for employment as convict officers is not available, convicts who are not fully eligible may be so employed, subject to the following conditions:—

(1) Each case shall be submitted for the sanction of the Inspector-General.

(2) The convicts who most nearly comply with the conditions laid down in the foregoing rules shall be selected.

(3) Such convict officers shall be allowed the concessions given to qualified prisoners.

Class
convict
officers.

297A. “B” class prisoners promoted to be convict officers will be provided with a broad armlet, three inches wide, to be

worn on the right arm between the shoulder and the elbow. The grades will be distinguished by different colours, red for convict night watchmen, green for convict overseers and blue for convict warders. The letters C.N.W., C.O., and C.W., will be embroidered on the armlets in white, each letter being not less than $\frac{3}{4}$ inch in height.

worn on the right arm between the shoulder and the elbow. The grades will be distinguished by different colours, red for convict night watchmen, green for convict overseers and blue for convict warders. The letters C.N.W., C.O., and C.W., will be embroidered on the armlets in white, each letter being not less than $\frac{3}{4}$ inch in height.

CHAPTER VII.

GENERAL DISCIPLINE.

Section I.—Guarding.

Cardinal
principles
of guarding.

298. The cardinal principle to be observed in guarding a jail is that every prisoner shall at all times, both by day and night, be in charge of some officer, whose responsibility for an escape, resulting from negligence, can be proved in a criminal court. To effect this a record of the names of prisoners made over to each officer shall be kept in a gang book (Form No. 83), and every subsequent change of a prisoner, from one gang to another, shall be recorded therein ; also at every change of a guard a responsible officer shall be present to witness and verify the number of prisoners made over to the relieving officer. It is also expedient, during the daytime, when prisoners are moving about the jail, to have the outer wall of the jail watched by convict officers patrolling inside or posted on a central tower or look-out, or by paid sentries on the top of the walls ; but, except in special cases (such as guarding low or otherwise insecure workyard walls) and for limited portions of the day, paid sentries can be more usefully employed in other capacities. This is, however, only an additional precaution and shall not be an excuse for neglect of principle enunciated above.

Jailors and
warders to
be present at
the opening
of the jail.

299. The following procedure shall be observed :—

(a) All warders on the paid establishment (excluding gate-keepers and the reserve guard) shall come on duty with the jailors, on the opening of the jail.

Searching
and count-
ing of
prisoners at
unlock.

(b) The wards shall then be opened and the prisoners searched and counted out in pairs in the presence both of the warders of the last watch responsible for each ward and of the jailor or senior warder on duty. The convict officers will then take charge of their gangs and conduct the different parades prescribed in paragraph 344. The number counted out shall be carefully verified by the jailor, by comparison with the lock-up register. The free warders of the night watch should be detained in the jail for duty until the early morning meal parade is over. When this has been carried out, the relieved warders of the last night watch will be marched out of the jail.

Division of
prisoners
into gangs.

(c) When the morning parades are completed the prisoners shall be distributed in gangs, and a responsible officer, paid or convict, shall be placed in charge of each gang. The