

CHAPTER 18

CIVIL PRISONERS

Confinement of civil prisoners in civil ward

555. Every civil prisoner shall ordinarily be confined in the civil ward of the prison. In prisons where there is no civil ward or the accommodation provided in the prison is inadequate or unsuitable, civil prisoners may be detained in a portion of the prison provided that it admits of the complete isolation of civil from criminal prisoners.

Classes of civil prisoners

556. Civil prisoners include six classes namely:

- i. Persons committed to civil prison by order of a Civil court under section 32(d) of the Code of Civil Procedure, 1908
- ii. Defendants committed to the civil prison after arrest before judgement
- iii. Judgement debtors detained under an order of a civil court in execution of a decree
- iv. Judgement debtors detained under order of certificate officer under the Public Demands Recovery Act, 1914
- v. Persons imprisoned under the order of a Criminal Court under sections 318, 332, or 514 of the Code of Criminal Procedure
- vi. Persons detained in the civil prison under any other law for the time being in force

Expenses of diet and medicine of civil prisoners

557. Under rule no. 39, Order XXI, First Schedule of the Civil Procedure Code judgment-debtors shall be directed at the expense of the decree-holders. In the case of judgment-debtors under the Public Demand Recovery Act, 1914, the certificate-officer may either forward diet-money with the prisoner, or order that he shall be fed on the non-labouring scale at the expense of Government.

558. In the event of civil prisoner falling sick, expenses of his/her treatment shall be borne by the decree holder or by the State Government.

Release on grounds of illness

559. A judgment debtor may be released from the civil prison by the State Government or committing court on the ground of the existence of any infectious or contagious disease or serious illness.

Balance of diet money, if any, to be refunded to the court

560. After a civil prisoner has been released, if there is any balance of diet-money in the Deputy Superintendent's hands, it shall be returned to the court.

Civil prisoners may maintain themselves

561. Civil prisoners shall be allowed to use their own clothes and bedding and to receive from private sources food, clothing and bedding or other necessaries. If a civil prisoner is unable to provide

himself with sufficient clothing and bedding, the Superintendent shall supply such clothing and bedding as may, in his/her opinion, be necessary. Such articles of furniture and appliances as are absolutely necessary may be supplied by the prison to a civil prisoner.

Articles to be delivered to civil prisoner after examination

562. Every article supplied for the use of any civil prisoner shall be delivered through the Deputy Superintendent (Administration & Security) and cause to be examined by him. No intoxicating drug or liquor of any kind shall be given to any civil prisoner. Articles prohibited to be delivered or kept by other prisoners shall be so prohibited for civil prisoners as well.

Civil prisoners may follow a trade and receive the earnings

563. No civil prisoner shall be compelled to do any labour. Civil prisoners may, with the Superintendent's permission work in any prison workshop or attend any vocational training programme and shall be eligible for prescribed remuneration or reward for the same.

Insolvency of civil prisoners

564. Extracts from the Insolvency Act, 1907, containing the provisions relating to insolvency, shall be posted in every ward or cell assigned to civil debtors and revenue defaulters and all necessary assistance may be provided by the Superintendent to a civil prisoner wishing to be declared insolvent under the Act. Petitions of insolvency may be written by a prison official, and such paper and writing materials as are necessary may be supplied.

Detention and release of civil prisoner

565. A civil prisoner shall be detained as per the order of the detaining authority and for a period prescribed by such authority. A civil prisoner shall be released on completion of detention period whether it be a gazetted or prison holiday.

