

CHAPTER 2

DEFINITIONS

Definitions

4. Unless a different intention appears from the subject or context:
 - i. "Act" means 'The Prisons Act of 1894' or any other law governing the prisons.
 - ii. "After care service" means the activity aimed at financial rehabilitation of released prisoners as normal and good citizens.
 - iii. "Civil prisoner" means any prisoner who is not committed to custody under a writ, warrant or order of any court or authority exercising criminal jurisdiction, or by order of a court martial and who is not a detainee.
 - iv. "Competent authority" means any officer having jurisdiction and due legal authority to deal with a particular matter in question.
 - v. "Confinement" means confinement in a prison and includes detention therein under any law providing for preventive detention.
 - vi. "Convicted prisoner or Convict" means any prisoner under sentence of a court exercising criminal jurisdiction or court martial and includes a person detained in prison under the provisions of chapter VIII of the Code of Criminal Procedure of 1973 and the Prisoners Act of 1900.
 - vii. "Correctional services" means services aimed at the reformation and rehabilitation of the offender and proper administration, management and functioning of prisons.
 - viii. "Court" means a court established by any law for the time being in force and includes any officer or authority vested with the powers of exercising civil, preventive or criminal jurisdiction under any law for the time being in force.
 - ix. "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 as defined in the Army Act.
 - x. "Detainee" means any person detained in prison by warrant, writ or order issued under any law providing for preventive detention or any person detained without any opportunity of trial under any law for the time being in force.
 - xi. "Habitual offender" means a prisoner who has been convicted in a particular offence for more than one occasion or is under-trial for a particular offence in more than 3 different cases.

- xii. "History ticket" means the ticket exhibiting such information as is required in respect of each prisoner by the act or the rules thereunder.
- xiii. "Imprisonment" means as defined in the Indian Penal Code.
- xiv. "Inmate" means any person kept in a prison under lawful warrant.
- xv. "Legal advisor" means a legal practitioner within the meaning of the Legal Practitioners Act, 1879 or the Advocates Act, 1961.
- xvi. "Magistrate" means any person exercising all or any of the powers of a Magistrate under the Code of Criminal Procedure.
- xvii. "Manual" means Bihar Prison Manual, 2012.
- xviii. "Medical officer" means in relation to prisons, a gazetted officer of the State Government and includes qualified medical practitioners declared by general or special orders of the State Government to be a medical officer.
- xix. "Non-habitual offender" means all other prisoners who are not habitual prisoners.
- xx. "Offence" means any act or omission made punishable by any law for the time being in force.
- xxi. "Open Prison" means a minimum security prison meant for keeping well-behaved convicted prisoners, which is governed by open jail rules. A system based on self-discipline and sense of responsibility of the inmates towards the group in which they live.
- xxii. "Prison" means any area or place used permanently or temporarily under the general or special orders of a State government for the detention of prisoners, under Section 417 of Code of Criminal Procedure, 1973 and includes all land and buildings thereto, but does not include any place for the confinement of prisoners who are exclusively in the custody of the police, or/and any place specially appointed by the State government under Section 417 of the Code of Criminal Procedure, 1973.
- xxiii. "Prisoner" means any person confined in prison under the order of a competent authority.
- xxiv. "Probation officer" means an officer appointed as such by the State government to undertake probation work under the Probation of Offenders Rule of 1959, or any other law.
- xxv. "Professional criminal" means any person convicted of an offence punishable under Chapters XII, XVI, XVII and XVIII of the Indian Penal Code. (to see rule)

- xxvi. "Prohibited article" means an article which cannot be introduced or removed into or out of a prison according to the Act or rules.
- xxvii. "Recidivist" means an offender who has committed another crime after the first one.
- xxviii. "Remission" means reduction in sentence granted as a reward for good conduct and behaviour in the prison as well as for special contributions and cooperation of the prisoner in administering the prison.
- xxix. "Remission system" means the rules in force for regulating the remission of sentence of prisoners.
- xxx. "Separate confinement" means confinement in a cell with or without labours, so as to seclude the prisoner whilst in his/her cell from communication with, but not from sight of, other prisoners.
- xxxi. "Superintendent" means an officer who is appointed by the competent authority to be in charge of a prison with such designation as it may specify.
- xxxii. "Under-trial prisoners" means a person who has been committed to prison custody with pending investigation or trial by a competent authority.
- xxxiii. "Whistle Blower" means an officer who raises a concern about a wrongdoing. The revealed wrongdoing shall include violation of a law, rule, regulation and/or direct threat to public interest such as fraud, health/safety violations and corruption.
- xxxiv. "Young offender" means a person who has attained the age of 18 years and has not attained the age of 21 years.
- xxxv. "Officer-in-charge of Prison" means any Prison officer present in the prison office.

