

GHQ/SCAP Records (RG 331, National Archives and Records Service)

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(1) Box no. 289

(2) Folder title/number: (13)
Chapter II: Interviews and Letters

(3) Date: ?

(4) Subject:

| Classification | Type of record |
|----------------|----------------|
| 323, 424 | e |

(5) Item description and comment:
Folder (13) thru (19): Parts of Some Collected
Regulations and Rules ?

(6) Reproduction: Yes No

(7) Film no.

Sheet no.

(Compiled by *National Diet Library*)

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Chapter 11 INTERVIEWS and LETTERS

Rules & Regulations for Visitors

(Notification Kanke No. 561 of Director of)
(
(Prison Affairs Bureau, August, 1907)

As the Rules and Regulations for Visitors for Inspection under Article 3, the Regulations for Enforcement of the Prison Law, and the Rules and Regulations for Visitors under Article 125, the same Law, have been decided as shown in the attached note, it is desired that you will deal with these visits accordingly.

Rules and Regulations for Visitors

During their visits, ~~visitors~~ ^{visitors} shall obey all the instructions which may be given by prison officials.

No visitor shall be allowed to converse with prisoners on subjects other than those which are described in the application made before hand.

No visitor other than those who have been specially permitted, shall be allowed to use any foreign language.

During visits no money or other articles shall be received from or handed to prisoners.

Conversations shall be brief and to the point and care should be taken not to make them prolix.

In case any visitor during an interview fails to obey the order by the official in presence or used improper languages or shows a dangerous attitude, the interview shall be suspended.

Form of Book for Recording Interviews.

(Justice Ministry Instructions No.5, August, 1907)

The forms of the register of accomplices, register of interviews and

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book for recording deaths shall be revised as shown in the attached note and shall be enforced on and from October 1, 1907.

(The register of accomplices and the book for recording deaths are)
(
(shown respectively in the imprisonment and detention section, and)
(
(in the medical section.)

Register of Interviews

Approval _____

Rejection _____

Date _____

Purport of

Application

for Interview

Main Points of

Conversation

Interviewer's

Address, Social

Status, Occupation,

Name, Age, and

Relations with the

Prisoner

Type and Name

of the Prisoner

Remarks _____

Rules for Handling the Register of Interviews

1. Whenever application is made for an interview, the chief warden under the 2nd Section, after making a necessary inquiry, shall ~~literally~~ ^{suitably} fill in the register and submit it to the Governor of the Prison for his decision to approve or reject the application. In the case of rejection, the reasons therefor shall be described under the remarks column.
2. Officials who were present at interviews, shall insert the gist of conversations in the register, and after affixing his seal thereto, shall report the ~~contents~~ ^{contents} to the Governor. In case there is anything which furnishes information useful for the penal administration, it shall be inserted in the personal record book

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and observation table.

3. In case a prisoner has been allowed an interview with any person other than his relative, the reasons therefor shall be inserted in the remarks column.

4. In case an interview has been suspended on the ground that purport of such interview has been different from what described in the application, the fact shall be inserted in the remarks column.

Matters concerning Interviews with Prisoners.

Directions (At a meeting of Governors of Prisons,
(
(November, 1922

I think it reasonable to afford facilities as ^{far} as the laws and regulations permit when there is a person who desires an interview with a prisoner. It is necessary to have a suitable staff member be present at the interview in view of the fact that such interview may become a motive of reforming a convict, depending upon who the interviewer is, and also depending upon circumstances.

I hope you will avoid to fall in a senseless practice in dealing with visitors; for instance to refuse an interview to a person who has come a long way, for the reason that he has arrived just a little after the office hour or to cause a conversation on an important matter discontinue, by strictly observing the time limit for the interview.

You are also required to see your way to improve such inconvenient arrangements in places for interviews as allowing the passage of conversations only through narrow windows.

In respect to interviews with visitors to be allowed to the accused, it should be pointed out that a lenient treatment shall be given unless there is a fear of a hindrance to preservation of evidences. However, caution should

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be observed not to let lenient treatment to go so far as to leave places for interviews equipped improperly, in order to prevent from easily utilizing the negligence on the part of the prison authorities for destroying evidences.

It is sometimes revealed that those engaged in conversations can convey their wills each other secretly by writing or other means when they are sitting with a table of narrow width between. It is necessary to rectify immediately this kind of imperfect arrangements.

Limited Numbers of Letters and Interviews

(Inquiry Daikan ko No. 481 by Governor)
(
(of the Osaka Prison, May, 1908)

There are two kinds of interpretations as to the term "restriction" contained in Articles 123 and 129 of the Regulations for Enforcement of the Prison Law, and we would like to know which should be taken as the correct interpretation of the term.

Interpretation a is to the effect that as the "restriction" has been made not to let convicts indiscriminately communicate with the outside world, the communications shall not be allowed until two months expires after the imprisonment. But Interpretation-b has it that after his imprisonment a prisoner may be allowed to send a letter to or have an interview with a person with whom the prisoner desired to get in touch and that it is proper to reckon "the two months" from the day on which the first communication was allowed.

(Reply kanhei No. 711 from Chief of Prison Affairs Section,)
(
(Prison Bureau, June, 1908)

It is not necessary that the legal period will be applied to the first letter or interview to be allowed to prisoners, but the length of time fixed by law should elapse before the second letter or interview is allowed and so forth with the following communications.

Subject Same as Above

(Inquiry No. 1424 by Governor of the Hiroshima Prison,)
(
(July, 1908)

1. In case an interview or sending or receipt of a letter has been allowed without applying the restriction stipulated under Paragraph.2, Article 23 and Paragraph 2, Article 129 of the Regulations for Enforcement of the Prison Law, is it necessary that the legal length of time elapses before such communications are allowed for the second time or such case may be treated as an exception without imposing the restriction?
2. When a prisoner who received no letter for 4 months after his conviction, has received in one day or with 5 or 7 days' interval, two or three letters, is it proper to hand him all the letters at a time in consideration of the time which has elapsed since his conviction without receiving any communication, or is it necessary to hand him a letter at a time and let him have the rest of the letters one after another with the legal interval? (Article 138, the Regulation for the Enforcement of the Prison Law.)

I would like to ask for your instructions as to the above points since I entertain doubts in respect thereto.

(Reply Kanhei No. 983 from Director of the Prison Bureau,)
(
(August, 1908)

You may handle the matters according to the ^{latter} interpretation mentioned in your note.

Interviews between Accused and his ~~Lawer~~ Lawyer

Inquiry (Inquiry Meikei No. 120 by Governor of the Nagoya Prison)
(and concurrently of the Nagoya Juvenile Prison,)
(January, 1925)

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Since I am in doubt as to the following points in connection with the enforcement of the Revised Code of Penal Procedure, your instructions are earnestly desired in respect thereto.

1. With regard to interviews to be allowed to the accused under preliminary investigation, there has been Notification Kahi ko No. 47 dated August, 1913, giving directions in respect thereto, but since the enforcement of the Revised Code of Penal Procedure, the accused has become able to engage a lawyer even the client is under preliminary investigation. It is, therefore, thought proper to allow the lawyer interviews with his client concerning the preliminary investigation in accordance with Paragraph 2, Article 125 of the Regulations for Enforcement of the Prison Law. Inasmuch as the prison authorities are not fully informed of the details of the case of the accused concerned and also of the progress of the preliminary investigation, it cannot be said that there is no fear of such interviews making the preservation of the secret of preliminary investigation, or offering opportunities for destroying evidences. Accordingly, instructions are desired as to whether conversations should not be allowed pertaining to the case in which the prisoner is involved as was the practice in the past, unless the preliminary judge issues an order approving such conversations.
2. As Articles 111 and 112 of the Code of Penal Procedure are not applicable to the suspect detained or taken into custody according to Articles 123 and 129 of the same Code, it is considered that censorship by the Governor of the Prison will be sufficient as to letters received or sent by the suspect. In case however, such letters are found to be of an undesirable nature, the Governor of the prison will have no right to reject receipt or despatch of same by the prisoner, and it is considered to be not quite proper to submit letters in question to the public prosecutor for censorship. I would, therefore, like to know how to handle the matter.

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(Reply Gyokei No. 130 from Director of the Penal)
 (Administration Bureau, February, 1924)

It should be noted that the questions ~~raised~~^{raised} above shall be handled as follows:-

1. The details of his case may be talked over when the accused under preliminary investigation has an interview with his lawyer, and Notification Kanhi ko No. 47 of 1913 shall naturally become null and void.
2. Although there is no express provision as to the suspect, it is considered that he may be treated same as the accused by properly interpreting the ~~spirit~~^{spirit} of the relevant laws.

Prisoners should Provide as far as possible Stationery for Letters
by Himself

(Direction) (at a meeting of prison Governors in 1913)

With regard to letter-paper for prisoners, it is necessary to make them use as far as possible paper in their possession.

Letters, Receipt of Despatch of Which is not Permitted
for the Accused

(Notification (by order) Gyochi ko No. 1 of Director of the)
 (Penal Administration Bureau)

In respect to the letters to be sent by the accused awaiting ~~trial~~^{trial}, there has been the practice to allow him send out same unless the order under Article 112, the Code of Criminal Procedure, is issued, even if the delivery of such letters to the addresses may result in intimidation or commission of other crimes by the addresser. The practice seems to have been followed by taking it as the inevitable under the existing laws which permit no other of the Prison Law. It is, however, matter-of-course not to connive at the commission of crimes in the prison, and by sending out letters with the knowledge of the addresser's sinister intention, those concerned cannot evade the responsibility

for aiding and abetting of a crime. It is therefore desired that receipt or despatch of letters will be disapproved hereafter when they are censored according to Article 130, the Regulations for Enforcement of the Prison Law and their contents are considered to constitute a crime.

(Joint Notification Gyohi ko No.1(2) dated)
(December, 1924 sent by Directors of the Penal)
(Administration and the Criminal Bureaus,)
(to Presiding Judge of the Supreme Court,)
(Public Prosecutor General, Chiefs of)
(Courts of Appeal, Chief Public Prosecutors)
(of Courts of Appeal, and Chief Public)
(Prosecutors of Local Courts.)

With regard to the above subject the notification attached has been issued by order, but in the past letters to be received or sent by the accused have been forwarded to the prison concerned with the remarks "Approval" unless receipt or despatch of same is prohibited by the law court concerned or the examining judge according to Article 112, the Code of Criminal Procedure. Inasmuch as this practice, however, may give some hinderances to the full enforcement of what intended in the notification, it is desired that all letters other than those, receipt or despatch of which has been prohibited, will hereafter be marked as "censored".

(Joint Notification Gyohi No.25 dated February,)
(1925 sent by Directors of the Penal Administration)
(and the Criminal Bureaus to Presiding Judge of the)
(Supreme Court, Public Prosecutor-General, Chiefs)
(of Courts of Appeal, Chief Public Prosecutors of)
(Courts of Appeal, Chiefs of Local Courts, and)
(Chief Public Prosecutors of Local Courts.)

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Although Notification Gyohi ko No.1(2) dated 17 January has been issued in regard to the above subject, their present practice may be continued hereafter by those prisons which have hitherto taken the measure of making only the officials concerned affixing the seal of approval in handling letters to be permitted for receipt or despatch by the accused.

Censorship on Letters to and from Persons under Detention

(Notification Gyoko No. 878 of Director of)=
(
(the Penal Administration Bureau, May 1927)

In respect to Enquiry-a given in the separate note, Reply-b has been sent.

(Separate Note)

a. (Inquiry Keihatsu b. No. 513 from Director of)
(
(the Police Bureau, the Home Ministry, May, 1927)

With regard to letters to and from persons detained in the prison, the Governor of the prison has the power of censoring same, but there is no provision as to letters to and from prisoners on remand locked up in the detention house of the Police Station, and suspects similary detained, but under Paragraph 3, Article 1 of the Prison Law there are stipulations that the detention house attached to the police station may be used as a substitute for the prison. In view of the stipulations, it is considered that Chief of the police station may exercise the power enjoyed by the Governor of the prison in the above respect. However, I would like to know our view on the matter.

It should be added that according to a communication from the Osaka Prefectural Governor there has arisen a question requiring now clarification of the point raised above. It is desired that this office will be favoured with a reply by return with due regard to the above fact.

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- b. (Reply Gyohei No. 948 from Director of the Penal)
 (Administration Bureau, the Justice Ministry)

In respect to the inquiry you have made as to the power of censorship on letters to and from persons locked up in the detention house of the police station such as prisoners on remand and suspects, I am of the opinion that you may handle the matter as you have suggested.

Visits to Prisoners and Letters to and from Them

- (Instructions) (At a meeting of Governors of Prisons,)
 (October, 1927.)

It goes without saying that visits and letters have close relations with humanization of convicts. But an investigation has revealed that the numbers of visits to prisoners and letters to and from prisoners in various prisons during 1926, were 55 visits for every 100 prisoners and letters sent were 345 for every 100 prisoners while ^{those} ~~those~~ received were 231. These numbers seem to be too small. In future full consideration should be given to such visits and letters and these kinds of contact with the outside world should be permitted as frequently as possible under the present regulations. Especially care should be taken in necessary cases to make prisoners harmonize with their relatives, old friends and acquaintances, and for this purpose chances of interviews and communications may be given to prisoners. Taking opportunities of interviews allowed to prisoners and of receipt of letters by them, suitable admonitions and lectures may be given to prisoners in an effort to build their characters. On the other hand care also should be taken to make known to prisoners the intention of interviewers and senders of letters and lead prisoners to make arrangements with them as to securing employment or finding other means of living after the release from prison so as to assimilate prisoners with the society in future. It is desired that interviews and letters will be utilized further for their humanization in the above-mentioned ways.

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Letters, Receipt and Despatch of which are not Permitted for
the Accused.

(Notification Gyoko No. 1657 of Director of the)
(
(Penal Administration Bureau)

It appears that ^{ways} ~~ways~~ are now varied in dealing with letters, receipt and
despatch of which are not permitted for the accused according to Article 120,
the Code of Criminal Procedure and Article 130, the Regulations for Enforcement
of the Prison Law (See Notification Gyohi ko No.1 dated January 17, 1925).
But by obtaining the consent of prisoners concerned these letters should be
destroyed without delay after decision was made to reject the receipt or despatch
of same, otherwise they shall be kept in custody for a necessary period and ^{then} ~~the~~
hand them to prisoners concerned at some opportune time.

To Let Convicts Wear Light Blue Clothes During Interviews

(Notification Gyoko No. 702 of Director of)
(
(the Penal Administration Bureau, April, 1931)

In respect to the wearing of light-blue clothes by convicts Notifications
Kanko No.92 dated January, 1922, and Kanko No. 540 dated April, the same year,
have been issued. It is, however, considered necessary to let convicts wear light
blue clothes also during interviews. Accordingly, you may let them wear such
clothes hereafter during interviews no matter what kinds of ^{work} ~~work~~ they are
engaged or how their behaviours are.

Revision of the Regulations for the Enforcement of
the Prison Law.

(Notification No. Gyoko 1010 of Director of the)
(
(Penal Administration Bureau, May, 1931)

A revision of the above Regulations has been made as promulgated by Justice
Ministry Ordinance No.9. The purport of the revision is to rationalize the
treatment of prisoners and promote their humanization, and the revision has
been effected roughly along the following lines. It is hoped that with due
regard to the purpose of the revision, everything will be done for the perfect

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enforcement of the revised regulations.

Article 123

Despite the fact that allowing visitors interviews with prisoners has important bearings on humanization of convicts, the restriction on frequency of interviews was too strict, and therefore under the revised Regulations stipulations in this respect have been reasonably mollified so as to contribute toward the accomplishment of humanization of convicts.

Article 124

Inasmuch as the old Regulations contained not a few imperfect points, making it difficult in many cases to mollify the restriction on interviews (kinds of interviewers, and the length and frequency of interviews), a modification has been made to this Article allowing the mollification of such restriction to meet the requirements of "the progressive treatment" to be granted to particular prisoners and other necessities, for the eventual purpose of letting interviews fully operate for humanizing prisoners.

Article 127

In view of the fact that in convicts' interviews with their direct lineal ascendants and inferiors, spouses, relatives within the third degrees, and also with judges, public prosecutors and those engaged in the work for protecting ex-convicts, the presence of prison officials is not necessarily considered to be pertinent, the ^{abolition} ~~abolition~~ of the restriction under the first paragraph in the old Article has been decided with the intention of rationalizing the treatment of prisoners. Accordingly, in ^{pr}actice great care always should be taken in deciding whether the circumstances warrant the dispensation of presence of prison officials in cases referred to above or other cases. By carefully considering the degree of intimacy between convicts and visitors and also the nature of subjects for interviews, caution should be exercised not to fall in evil practice of applying the stipulations under this Article indiscriminately

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where there is no need of applying same for humanization and other purposes (protection of prisoners after discharge and disposition of business matters requiring preservation of secret). On the other hand, the purport of the revision should not be disregarded, by evading the application of the stipulations under this Article when there exist circumstances warranting dispensation of presence of prison officials.

Article 129

The purport of the revision of this Article is same as that of Article 123.

Article 129(2)

For the purpose same as that in the case of Article 129, the restriction on the frequency of receipt of letters by prisoners and on the number of letters to be received in one instance has been removed, thus establishing a new principle, under which the convicts will be allowed to receive letters without any regulated intervals between letters. In practice exceptional measures have been recognized only in cases wherein ill effects of unrestricted receipt of letters on the convicts concerned are feared from the humanization point of view or cases in which exist circumstances that compel the prison authorities to take such measure in conducting the routine business.

As the provision enabling prisoners to receive letters at any time without regulated intervals is an important point in the revised Regulations, the restriction on receipt of letters for administrative reasons should be limited to inevitable cases so as to conform with the purport of the revision.

Article 135

In the past letters, etc. handed to prisoners have been allowed, if so required, to remain in the hand of addresses for not longer than ten days, but in some cases there is necessity to extend this period for the humanization purpose, and in view of the fact, the placing of that restriction has been left to the discretion of the Governor of the prison in the revised Regulations.

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Article 138

As there will be under the new Regulations no case which will require permission for sending or receiving letters in excess of the regulated number, there is no necessity of retaining the first part of Paragraph 1 of Article 138 the Regulations for Enforcement of the Prison Law, and as result of the enactment of the new stipulations for non-restriction on the receipt of letters, it has also become unnecessary to retain the stipulations of the latter part of Paragraph 1, the same Article, and therefore Paragraph 1 has been entirely deleted.

Article 154

In accordance with Article 129 (2), the restriction on the number of time of letters allowed to be received, has been removed, and therefore it has naturally become unnecessary to retain stipulations giving the privilege to certain prisoners to receive letters more than regulated number in the form of a reward for their good behaviour.

Matters that Demand Special Attention regarding Revision of
the Regulations

Direction

(At a meeting of Governors)
(
(of prisoners, 1931)

For the repentance of convicts, liaison with their homes is particularly necessary. In view of this, the part of the Regulations for the Enforcement of of the Prison Law, that deals with interviews and letters has been revised and the number of times of interviews between convicts and their relatives has been increased while the method of the interview has been made generous and the restriction on the frequency of receipt of letters has been ^{removed} ~~removed~~. This, however, in no way means relaxation of the coercive power of the corporal punishment, but what it aims at is to give more changes to prisoners to soften their mind by getting in contact with their families, old friends and acquaintances, so as to contribute toward humanization of prisoners.

It is hoped that all the gentlemen present will fully understand the purport

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of ~~the~~ ^{the} revision and that you will see your way not to let your subordinates commit faults in dealing with these matters.

How to Fill in book of Interviews in the Cases which Do Not

Require Presence of Officials in Convicts' Interviews with Visitors

(Gyoko Notification No. 1058 of Director
(of Penal Administration Bureau, May, 1931)

It is learned that some prison authorities take it that in case the presence of officials in convicts' interviews with visitors is dispensed with according to Paragraph 2, Article 27 of the Regulations for Enforcement of the Prison Law, the gist of the conversations which is one of the items requiring insertion in the book of interviews, does not need to be written ⁱⁿ ~~in~~. However, the aim of preparing the book and of recording the gist of conversations is not only to make clear the substance of interviews for the purpose of handling the matter properly, but also to use the particulars recorded for reference purposes in respect to the treatment of prisoners and their protection after discharge. The above opinion may be easily justified by judging from the stipulations under Article 139 of the Regulations referred to above.

The above-mentioned Paragraph 2, Article 127 recognizes, as will be seen from Article 139, the exceptional measure of dispensing with the presence of officials only for the reason of extending pertinent treatment serviceable for humanization of prisoners and for their future protection. It is, therefore, thought to be not only unbecoming but also inconsistent with the purpose of preparing the book of interviews, if in the case under Paragraph 2, Article 127 it be interpreted as unnecessary to insert the gist of conversations in the said book. It is desired that in the above ^{case} ~~case~~ necessary information will be obtained after the interview, either from the visitor or the convict as to the particulars of the conversation and the gist of same will be written in the book, describing in the remarks column the fact that the presence of the official has been dispensed with.

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Arrangements of the Room to be Used for Interviews in which Presence of the Official Dispensed with and Ways of Handling Such Interviews.

(Notification Gyoko No. 1494 of Director of
(the Penal Administration Bureau, July, 1931)

As the decision made by the committee concerned as to the draft put for deliberation at the meeting of Governors of prisons and juvenile prisons which was held recently, is generally reasonable and is considered to be pertinent for enforcement, you are requested to handle the matter in such way as mentioned below.

1. Arrangements of the Room for Interviews

In order to prevent handing to or receiving from prisoners articles, handling of which in the room for interviews is objectionable, arrangements should be made in such way as interviews can easily be observed from outside the room, and for this purpose transparent glass should be used for windows and doors of the room. But you should refrain from looking into the room through window and door panes or peep into through holes, etc. for the surveillance purpose.

2. How to Handle Interviews.

a. It goes without saying that the conclusion as to the dispensation of presence of the official at interviews should be made by the governor of the prison, but an investigation and consideration of the question of whether or not there is necessity to dispense with the presence of the official should be entrusted to the prison chaplain who is conversant with the domestic circumstances of the interviewer and the relations between the convict concerned and the interviewer.

b. Convicts to whom regulations concerning dispensation of presence of officials in interviews may be applied.

As to application of the regulations concerning dispensation of presence of officials in interviews, it is not proper to limit the application to any particular types of convicts classifying them by the kinds of penalty or length of time they have been imprisoned such as short term convicts, and long term ones;

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convicts with records of commendation for their good behaviour, and those without such record; those detained in single cells and those in common cells; senior and junior persons under the system for "progressive treatment" for good behaviour; or those in the early stage of imprisonment and those on the verge of discharge. In case the dispensation of the presence of officials in interviews is found to be necessary from humanization point of view; this measure should be applied to all the convicts without granting the privilege to any particular types of them so that proper operation of the system will be made.

b. Cases in which the prison chaplain desires his presence.

In case the prison chaplain desires his presence in interviews for humanization purposes, especially for ascertaining the suitability or otherwise of the protection to be given to convicts after their discharge, his presence may be permitted as far as it does not efface the purport of the regulations for dispensing with the presence of the officials.

c. Precaution against handing and receipt of articles by prisoners For this purpose prisoners should be strictly searched before and after interviews.

d. Other particulars.

In accordance with the purport of Notification Choko No. 702 in April 1931, convicts shall be made to wear light blue ^{cloth} ~~clothes~~ in interviews.