

PRISONS ACT, 1894

THE PRISONS ACT, 1894 (IX of 1894) An act to amend the law relating to Prisons Where as it is expedient amend Lhe law relacing to prisons in India except the territories which immediately before the 1st November, 1956, were comprised in Part B States Other than the Madhya Bharat and Sironi ,regions of the State of Madhya Pradesh 2nd to provide ru!cg for the regulation Of such prisons; it is hereby enacted as follows:— CHAPTER I—PRELIMINARY 1. (1) This Act may be called the Prisons Act, 1894 Title, extent and (2) except the territories which immediately before the 1st November, 1956 soere comprised in part B States *other than the Madhya Bharat and Sironj regions of the State of Madhya Pradesh. (3) It shall come into force on the first day of July, 1894. (4) Omitted

2. Repealed by Act I of 1938. Definitions

3. In this Act—(I) "Prison" means any jail or place used permanently or temporarily under the general or special orders of a State Government for the detention of prisoners, and includes all lands and buildings 2ppurteant thercto, but does include— (a) any place for the confinement of prisoners rho are exclusiN ely in the custody of the police; (b) any piace specialiy appointed by the State Government under section 541 of the Code of Criminal Procedure, 1882; or (c) any place which has been declared by the State Government by general or special order, to be a subsidiary jail; (2) C 'Criauiual prisoner" means any prisoner duly com- mitted to custexiy under the writ, warrant or order of any Court or authcirtv exercising crimi- nal jurisdiction, or by order of a Court-martial; •Inserted by Madhya Prajesh Act No. 40 of 1961. (4) By Madhya Pradesh Second Extension of Laws Act, 1961 (No. 40 of 1961). 2 for prisoners• Inspector-General. Officers of JAIL MANUAL [PRISONS ACT (3) "Convicted criminal prisoner" 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 Priso- ners Act, 1871; (4) "Civil prisoner" means any prisoner who is not a criminal prisoner; (5) "Remiuion system" means the rules for the time being ir force regulating the award of marks to, and the consequent shortening of sentences of prisoners in jails; History-ticket" 'nears the ticket exhibiting such information as is required in respect of each pri- soner by this Act or the rules thereunder; (7) "Inspector General" means the Inspector General of Prisons; (8) "Medical Subordinate" means an Assistart Sur- geon, Apothecary or qualified Hospital Assis- tant; and (9) "Prohibited article" means zn article the introduc— tion or removal of which into or out of a prison is prohibited by any rule under this Act

CHAPTER II—MAINTENANCE AND OFFICERS OF PRISONS 4. The State Government shall provide, for the prisoners in the territories under such Government, accommodauctn in prisons constructed and regulated in such manner as to comply with the requisitions of this Act in respect of the separation of prisoners

5. An Inspector-General shall be appointed for the terri- tories subject to each State Government, and shall exercise, subject to the orders of the State Government, the general control and superintendence of all prisons situated in the territories ander such Government

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 officersas the State Government thinks necessary: PRISONS ACT I JAIL MANI-TAL. Provided that the State Government of Pr'desh may, declare by order in 9.riting that in any prison specified in the order the office of Jailor shall be held by the person appointed to be Superintendent

7. Whenever it appears to the Inspector General that the number of prisoners any prison is greater than 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 ofepidemic disease within any prison, or for any other reason, it is desirable to provide for the remrorory sheper end safe cvstody of poy prisoners. provision shall be made, by such officer and in such manner as the State Government may direct, for the shelter and safe custody in cemporary prisons of So many of the prisoners as cannot be conveniently or safely kept in the prison

CHAPTER III—DVTIES OF OFFICERS GENERALLY 8. All offeers Of a prison shall obey the drections of the Superintendent; Officers to J2i!or 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 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 prison shall, nor shall any person in trust for or employed by him have any interest directly or indirectly in any contract for the supply of the prison; nor shall he derive any benefit, directly or indirectly, from the sale 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 State Government the Superintendent of a prison other than a central prison or a prison situated in a presidency-town shall obey all orders not inconsistent with the provisions of the Prison Act, 1947. 12. The Superintendent shall keep, or cause to be kept, by the Superintendent, the following records:— (1) a register of prisoners admitted; (2) a book showing prisoner is to be released; (3) a punishment book for the entry of the punishments inflicted on prisoner 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 (6) such other records as may be prescribed by the Prison Rules. 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 State Government under section 59. 14. Whenever the Medical Officer has reason to believe in certain that the mind of 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. This report, with the orders of the Superintendent thereon shall be sent to the Inspector General for information.

15. On the death of any prisoner, the Medical Officer Report on death of shall forthwith record in a register the following particulars so far as they can be ascertained, namely:—(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 where post-mortem examination is made) an account of the appearance after death, together with any special remarks that appear to the Medical Officer to be required. 16. (1) The Jailor shall reside in the prison unless the Superintendent permits him in writing to 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 notice of death give immediate notice thereof to the Superintendent and the Medical Subordinate. 18. The Jailor shall be responsible for the safe custody and preservation of the records to be kept under section 12, for the commitment warrants and all other documents confided to his care, and for the money and other articles taken from prisoners.

19. The Jailor shall not be absent from the prison for Jailor to be present at night. 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 Powers of Deputy and Assistant 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 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 any such article or property be found, shall give immediate notice thereof to the Jailor

22. Officers subordinate to the Jailor shall not be allowed to be from the prison without leave from the Superintendent or without leave from the Jailor. JAIL MANUAL [PRISONS ACT Convict offers

23. Prisoners who have been appointed as officers of prisons shall be deemed to be public servants the meaning of the Indian Penal Code. CHAPTER IV—ADMISSION, REMOVAL AND DISCHARGE OF PRISONERS 24. Whenever a prisoner is admitted into prison, he shall be examined on admission, shall be searched, and all weapons and prohibited articles shall be taken from him. (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 the general or special orders of the Medical Officer. prisoners

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. Removal and 26. All prisoners, previously to being removed to charge of prisoner any other prison, shall be examined by the Medical Officer. (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 Separation of - • 27. The requisitions of this Act with respect to the Separation of prisoners are as follows :— (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 twenty-one 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

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 twenty-four hours, whether as a punishment or otherwise, shall be visited at least once a day by the Medical Officer or Medical Subordinate; 30. Every prisoner under sentence of death shall, immediately on his arrival in the prison after sentence be searched, 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. (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 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, 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 prisoner, and any prisoner transgressing the provisions of this shall lose the privilege of purchasing food or receiving it from private sources, for such time as the Superintendent thinks proper. 7 Association and segregation of prisoners. Solitary confinement. Prisoners under sentence of death. Maintenance of certain prisoners from private sources. Restriction on transfer of food and clothing between certain prisoners. 8 Supply of clothing and bedding to civil and unconvicted criminal prisoners. Employment of civil prisoners. Employment of

JAIL MANUAL [PRISONS ACT 33. Every civil prisoner and uncomi-ced criminal prisoner unable to provide himself with SLficiert clothing and bedding shall be supplied by the Superintendent with such Clothing and ldding as may be (2) When any civü prisoner has been committed to prison in execution of a decree in favour of a private person, such person, or his repreentatile shall, Within forty-c ight hours after the receipt by him of a demand in Friting pay to the Superintcndent the cost of the clothing and beddingsosupplied to the prisoner; and in default cf such payment the prisoner may be released

CHAPTER VII—EMPLOYMENT OF PRISONERS 34. Civil prisoners may, with the Superintendent's per- mission, work and follow any trade or profession. (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 eamirgs of such as are furnished with implements or are maintaiced at the expence of the prison shall be subject to a deduction, to be determined by the Superintendent, for the of imple- ments and the cost of maintenance

35. No criminal prisoner sentenced to labour, or employed criminal prisoners• on labour at his own desire Shall, except on an emergency with the sanction in v•riting of the Superintendent, be kept to labour for mere than nine hours in any one day.(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 ofeach 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 or any kind of class Of labour, such prisoner shall not be employed on that labotr but shall be placed on such other kird or class of labour as the Medical Officer may consider suited for him

36. Provision shall be made by the Suprinrrdent for the Employment.Of criminal primners the employment (as longas they so desire) of all criminal pri- sentenced to simple sonerS sentenced to simple imprisonment, but no prisoner not sentenced to rigorotz imprisonment El be for neglect of work excepting by such alteraticninthe scale of diet as may be established by the rules of the priwn in the case of neglect of work by such a prisoner. PRISONS ACT JAIL MANUAL CHAPTER VIII—HEALTH OF PRISIONERS 37. The names of prisoners desiring to see the Medical Subordinate or appearing out of health in mind or bcdy shall, without delay, be reported by the Officer in immediate charge Of such prisoners to the Jailor. (2) The Jailor shall without delay, cal: the attention of the Medical Subordinate to any prisoner desiring 'o 'see him or is ill, or •rhosestateofmind or body appears to require attention, and shall carry into effect all written directcns given by theMedical Officer or Medical Subordinate respcctirgalte- rations of the d iscipline or treatm<lt of any such prisoner

38. Ali 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 matters 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 State Government may by rule direct, and the Jailor shall make an entry in proper piace stating in respect of each direction the fact of its having been or not having beer.complied with, accompanied by such observation, if any, as the Jailor thinks fit to make and the date of tbc entry, Hospital 39. In every prison a hospital or proper place forthe reception of sick prisoners shall be provided. 39—A. The Superintendent may if in his opinion a prisoner requires special treatment in a hospital outside the pr is«r or in any asylum as defined in the Indian Lunacy Act, 1912 (No. 4 of 1912) send him cr cause him to bc seat to such hospital or asylum, subject to prisoacr or say relative friend of rhe prisncr executirg such bond and abldirg by such other conditions, if any. asthe StgteGovermment may prescribe. (2) The period spent by the prisoner for such treatment in the hospital or asylum or in going thereto or returning there from shall be deemed to be part of the his detention in the prison. Explanation I.—Nothirg contained in this section shall be deemed to affect the operation of sec- cion 30 of rhe Prisoners Act, 1900. Sick prisoners. Record tions Of Officer. Of direc— Me. ficai Hospira i. Power Of Surrin— tea,d2nt to tend a prisoner to hospital or xsyiu.m Cial treatment. XFT'T7, 3 2000 sons 'Act, 1894 (No. 9 of 1894) (hereinafter referred to as the Principal Act). shall to the State or Madhya Pradesh, be amended in the tnanner hereinafter provided. :ection 36 of the Principal Act, the rollowing section shall be inserted, natnely •Ille prisoners shall be paid wages the entploytncnt provided thetn at such as may be prescribed from time to time. The amount of fifty per cent. Of the total amount Of wages earned by the prisoner in a month shall bc kept and deposited in a separate common fund which shall be

exclusively used [or the payment or compensation to the deserving victims or his family or the offence the commission of which entailed the sentence or imprisonment to the prisoner. 'account of the fund shall be maintained by the Superintendent of Jail in such form and in such manner as may be prescribed. rate of compensation to be paid to the victims shall be fixed by a committee consisting of such persons as may be prescribed.']. frvi7T, Amendment of Central Act No. 9 or in its application to the State Madhya Pradesh. Section 36-A. compensation. q. 108. @ÄTFV2000. t./SOS/2000. 3 2000—+ 13, 1921 fafi.1 3iix faiT 3 2000 T. 92-Füq-31 29 1999 Rooo. 31ftfr-qq, f<FVR, (3TmVTWI)" 31fr4fnq, t. 7 8 fraia; 3 2000 g.) (Gil fiqftfaq ' • äfi?if fifW.(: t. fift firfta 3 2000 T. (VI. 348 (3) 1999 (7MiT 1 2000) t. 07. qfrü MADHYA PRADESH ACT No. I OF 2000 THE PRISONS (MADHYA PRADESH AMENDMENT) IT, 1999. [Received the assent of the Governor on the 29th December. '999•. assent first published in -Sdhya Pradesh Gaze' (Extra-ordinary)" dated 3rd January. | An Act further to amend the Prisons Act, 1894, in its application to the St•r •Madhya Pradesh Be it enacted by the Madhya Pradesh Legislature in the Fiftieth Year of Republic of India as follows Short title. 1, This Act may be called the Prisons (Madhya Pradesh) Act, 1999. 10 Punishment for escape or attempt to escape from hospital or asylum. Provisions apply to bonds referred to in Section 39-A. Visits to Civil and unconvicted' criminal prisoners: Search of visitors. JAIL MANUAL [PRISONS Act (NO. 3 of 1900), in cases to which that section applies. Explanation II.—In this section, prisoner means a convicted criminal prisoner. 39-B. If any prisoner dealt with under section 39-A escape or attempts to escape from the hospital or asylum to which he has been sent or when going thereto or returning therefrom, he shall be punished with imprisonment for a term may extend to two years, or with fine or, with both. (2) Such punishment shall be in addition to the punishment for which the prisoner liable for the offence of which he was already convicted. *39-C. The provisions of Chapter XLII of the Code of Criminal Procedure, 1898 (No. V of 1898), shall, so far as may be apply to the bonds referred to in section 39-A

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 civil or unconvicted. criminal prisoners may desire to communicate, care being taken 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

41. 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.(2) In case of any such visitor refusing to permit himself to be searched, the Jailor may deny him admission; and the Penalty for introduction or removal of prohibited article from prison and communication with prisoners on grounds of such proceeding With the particulars thereof, shall be entered in such record as the State Government 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 knowingly suffers any such articles to be introduced into or • Inserted by Pradesh Act NO. 40 Of 1954. PRISON'S ACT] JAIL MANUAL 11 removed from any prison, to be possessed by any prisoner, or to be supplied to any prisoner outside the limits of a 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 to both

43. When any person, in the presence of any Officer of Power to arrest for 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 this presence. *44. The Superintendent shall cause to be in a conspicuous place outside the prison a notice in English and in Hindi in script setting forth acts prohibited under section 42 and the penalties incurred by their commission

CHAPTER XIA'RISON OFFENCES 45. The following acts are declared to be prison offences when committed by a prisoner (2) (3) (4) (5) (6) (7) such wilful disobedience to any regulation of the prison as shall have been declared by rules made under section 59 LO be a prison offence; any assault or use of criminal force; the use of insulting or threatening language; immoral indecent or disorderly behaviour; wilfully disabling himself from labour; contumaciously refusing to work; filing, cutting; altering or removing handcuffs, fetters or bars without due authority; Wilful idleness or negligence at work by any prisoner sentenced to rigorous imprisonment; • Substituted by Madhya Pradesh Act 40 of 1901- 12 (9) (10) (11) (12) (13) (14) (15) (16) Punishment Of such 46. JAIL MANUAL [PRISONS ACT wilful mismanagement Of work by any prisoner sentenced to rigorous imprisonment ; wilful damage to prison property; tempering With or- defacing history-ticketss records or documents; receiving, possessing or transferring prohibited articles; feigning illness; wilfully bringing a false accusation against any officer or prisoner; omitting or refusing to report, as soon as it comes to his knowledge the occurrence of any fire, any plot or conspiracy, 21B, escape, attempt or plot...-ration escape, and {ry {reparation for attack upon any prisoner or official, and conspiring to escape, or to assist in escape; or to commit any other of the offences aforesaid. The Superintendent may examine any person touching any such offence, and determine thereupon, and publish of, fences. such offence by:- (I) a formal warning; Explanation.—A formal shall mean a warning personally addressed to a prisoner by the and recorded in the punishment-book 2nd in the prisoner's history ticket; (2) (3) (4) (5) (6) (7) change of labour to some more irksome or severe form for such period as may be prescribed by rules made by the State Government; hard labour for a period not exceeding seven in the case of convicted criminal prisoners not sentenced to rigorous imprisonment; such loss of privileges "dismissal under the remission system for the time being in force as may too be prescribed by rules made by the State Government; the substitution of gunny or other coarse fabric for clothing of other material, not being woollen, for a period which shall not exceed three months; imposition of handcuffs of such pattern weight, in such manner and for such period as may be prescribed by rules made by the State Government; imposition of fetters of such pattern and weight, in such manner for such period, as may be prescribed by rules made by the State Government; PRISONS ACT I JAIL MANUAL (S) separate confinement for any period not exceeding three months; Explanation.—Separate confinement means such confinement with or without labour which secludes a prisoner from communication with, but not from sight of other prisoners, and 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 food in such manner and subject to such conditions regarding labour as may be prescribed by the State Government; Provided that such restriction of diet shall in no case be applied a prisoner more than 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 fourteen 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 or solitary confinement ; 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. Omitted. Provided that nothing in this section shall render any female or civil prisoner liable to the imposition of any form of handcuffs or fetters. 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:— (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 • Omitted by Madhya Pradesh Act; .10 of 1961. 13 Plurality of sentences under section 46. 14 Award of punishment under section 46 and 47. Punishment to be in accordance with foregoing sections. Medical Officers to certify to fitness of prisoner for punishment JAIL MANUAL) [PRISONS ACT 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; Omitted. (5) no punishment will be combined with any other punishment in contravention of rules made by the State Government; [21 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 confirmation for a period exceeding one month, to the previous confirmation of the Inspector-General. (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.

***50.** (1) No punishment of penal diet, either singly or in combination, 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, who, if he considers the prisoner fit to undergo the punishment, shall certify accordingly in 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 record his opinion in writing and shall state the prisoner is absolutely unfit for punishment of the kind awarded, or whether he considers any modification necessary. Omitted by Madhya Pradesh Extension of Laws Act, 1951. Substituted by Madhya Pradesh Act, No. 40 of 1961. **PRISONS ACT JAIL MANUAL** (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. (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.** (1) 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 any 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. (2) Both the provisions omitted

53. Omitted. **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 to him, or who shall engage without authority in any employment other than his prison duty, or who shall be guilty of entries in punishment book. Procedure on commitment of heinous offences. Offences of prison boundary. 16 Extra mural custody. control and employment of prisoner. Confinement in irons. Confinement of prisoners under sentence of transportation in irons. Prisoners not to be ironed by Jailor except under necessity. Power to make rules. **JAIL MANUAL [PRISONS ACT]** 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. Omitted

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 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 either to the state of prison or the character of the prisoners) for the safe custody of any prisoners that they should be confined in irons he may subject them to such rules and instructions as may be laid down by the Inspector General with the sanction of the State Government, so confine them. **57.** (1) Prisoners under sentence of transportation may be subjected to any rules made under section 59 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

59. The State Government may make rules consistent with this Act— (1) defining the acts which shall constitute prison— offences (2) determining the classification of offences into serious and minor offence; • Substituted by Madhya Pradesh Act. 12 Of 1968. PRISONS ACT JAIL MANUAL (3) fixing the punishments admissible under this Act which shall be awardable for commission of prison offences or classes thereof; (4) declaring the circumstances in which acts constituting both a prison offence and an offence under the Indian Penal Code (Act 45 of 1860), 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 parts of prisons; (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 with or without prisoners; (13) for defining articles the introduction or removal of which into or out of prisons without due authority is prohibited; (14) for classifying prisoners for 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; 18 Power Of Local Government to make rules. Exhibition of copies of rules. Exercise of powers of Superintendent and Medical Officer. JAIL MANUAL [PRISONS ACT (19) for the end 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 terms of transportation or imprisonment is about to expire, subject, however, to the consent of the State Government of any other State to which the prisoner is to be transferred; (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 communications with their friends; (25) for the appointment and of visitors of prisons; (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, release of prisoners; and (28) generally for carrying to 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 Hindi in Devnagri script in some conspicuous place and to which all persons employed within a prison have access

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 State Government may appoint in this behalf either by name or by his official designation. • Omitted by the Government of India Laws 1930. 'Amended by Madhya Act, No. of PRISONS Act I JAIL MANUAL THE SCHEDULE Enactments repealed 19 (Repealed by the Repealing Act, I of 1938), 2 and Sch.