

PRISION ACT 1894

THE PRISONS ACT, 1894 (of 1894) An act to amend the law relating to Prisons Where as it is expedient to anaeLd the law relating to prisons in India except the territories which immediateJy before the 1st November, 1956, Vere comprised in Part B States other than the Madhya Bharat and Sironi .regions of the State of Madhya Pradesh 2nd to provide rules for the regulation of such prisons; it is hereby enacted as follows:— 1. 2

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CHAPTER I—PRELIMINARY (1) This Act may be called the Prisons Act, 1894 to 1,,di2 the territories which immediately before the 1st November, 1956 'Were 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. Repealed by Act I of 1938. In this Act— (I) ' 'Prison" means any jail or place used permanently or temporarily under the general or special orders o. a State Government for the detention of prisoners, and includes all lands and buildings 2t•purter.ant thercto, but does include= (a) any place for the confinement of prisoners vho are exclusis ely in the custody of the police; (b) any place 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 'Criminal prisoner" means arty prisoner duly com- mitted to custody under the writ, warrant or order of any CourF or authcirtv exercising crimi- nal jurisdiction, or by order of a Court-martial; Title, extent and commencement. Definitionsv *Inserted by Madhya Pradesh Act No. 40 of 1961. (4) By Madhya Pradesh Second Extension of Laws Act, 196t (No. 4000961). 2 Accommodation for prisoners. Inspector- General. Officers of Prisons. JAIL MANUAL [PRISONS ACT 'Convicted criminal prisoner" crimino) 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; 'Civil prisoner" means any prisoner who is not a criminal prisoner; (5) C 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; (6) C 'History-ticket" means the ticket exhibiting such information as is required in respect of each pri- soner by this Act or the rules thereunder; 'Inspector General" means the Inspector General of Prisons; 'Medical Subordinate" means an Assistant Sur- geon, Apothecary or qualified Hospital Assis- tant; and 'Prohibited article" means an article the introduc- tion or removal of which into cr out of a prison is prohibited bv 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, accommodation in prisons constructed and regulated in sach manner as to comply 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 officers as the State Government thinks necessary: PRISONS ACT] JAIL MANUAL 3 Provided that the State Government of *Madhya Prpdesh may, declare by order in writing 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 Temporary acco- mmmodation sfor number of prisoners In any prison is greater than conveniently prisoners.. 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 shelter and safe cvstody of 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 lil—DUTIES OF OFFICERS GENERALLY 8. All officers of a prison shall obey the drections of the Snnerintendent; 211 Officers to the 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 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 sell 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 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 *Substituted by M. P. Act No. 40 of 1961. Control and duties of officers of prisons. Officers not to have business dealings with prisoners. Officers not to be interested in prison contracts. Superintendent. 4 Records to be kept by Superintendent. JAIL MANUAL [PRISONS ACT 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 :— (1) a register of prisoners admitted; (2) a book in which each prisoner is to be released; (3) a punishment book for the entry of the punishments inflicted on prisoner for prison-offences; (4) 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 211 such other records as may be prescribed by rules 50. Medical Officer Duties Officer. Medical report cases of Medical 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 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. 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 Report on death of shall forthwith record in a register the following particulars as prisoner. 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, PRISONS ACT JAIL MANUAL 5 (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. 16. (1) The Jailor shall reside in the prison unless the Jailor. 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 Jailor to give notice of death of prisoner. give immediate notice thereof to the Superintendent and the Medical Subordinate. 18. • The Jailor shall be responsible for the safe custody Responsibility of Jailor. 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. 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 Powers and to a prison, he shall Subject to the orders of the Superintendent, he 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

zs gate-keeper, or Eny other officer Duties keeper. 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. or Deputy Assistant of gate• Subordinate officer 22. Officers subordinate to the Jailor shall not be absent not to be absent from the prison without. leave from the Superintendent or without leave from the Jailor. JAIL MANUAL [PRISONS ACT Convict officers

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

CHAPTER IV—ADMISSION, REMOVAL AND DISCHARGE OF PRISONERS 24. Whenever a: prisoner is admitted into prison, he Prisoners to 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 under the general or special orders of the Medical Officer

25. All money or Other articles in respect whereof no Effects of prisoners. 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 dis- 26. All prisoners, previously to being removed to charge of prisoner• any other prison, shall be examined by the Medical Officer. Separation soners. (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 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 found 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 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. (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 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 necessaries, 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 section 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 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 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. (2) When any civil prisoner has been committed to prison in execution of a decree in favour of a private person, such person, or his representative shall, within forty-eight hours after the receipt by him of a demand in writing pay to the Superintendent the cost of the clothing and beddings supplied to the prisoner; and in default of such payment the prisoner may be released.

CHAPTER VII—EMPLOYMENT OF PRISONERS 34. Civil prisoners may, with the Superintendent's permission, 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 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. 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 writing of the Superintendent, be kept to labour for more 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 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 or any kind of 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 of criminal prisoners the employment (as long as they so desire) of all criminal prisoners sentenced to simple imprisonment, but no prisoner imprisonment. 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. PRISONS ACT] JAIL MANUAL CHAPTER VIII—HEALTH OF PRISONERS 37. 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. (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 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 its proper place stating in respect of each direction the fact of its having been or not having been complied with, accompanied by such observation, if any, as the Jailor thinks fit to make and the date of the entry. Hospital 39. In every prison a hospital or proper place for the 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 prison or in any asylum as defined in the Indian Lunacy Act, 1912 (No. 4 of 1912) send him or cause him to be sent to such hospital or asylum, subject to the prisoner or any relative or friend of the prisoner executing such bond and abiding by such other conditions, if any, as the State Government 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 period of his detention in the prison. Explanation I.—Nothing contained in this section shall be deemed to affect the operation of section 30 of the Prisoners Act, 1900. Sick prisoners.. Record of directions of Medical Officer. Hospital. Power of Superintendent to send a prisoner to hospital or asylum for special treatment. 1711A13 2000 -sons 'Act, 1894 (NO. 9 of 1894) (hereinafter referred to as the

Principal Act), shall to the State of Madhya Pradesh, be amended in the Inanner 'hereinafter provided. 'ection 36 of the 'Principal Act, the following sect ion shall bc inscrtcgl, n;unely 'The prisoners shall be paid wages [or the enjploytnetll ptovided (o al 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 be kept and deposited in a separate conunon l'und which shall be exclusively used for the payancnl or compensation to the deserving victims or his family of the offence the conunission or which entailed lthe sentence of imprisonment to 'the prisoner. The account of the tund shall he Inaintained by the Superinlencnt of Jail in such and in such Inanner as may be prescribed. The ratc of compensation (o be paid to the victitns shall be fixed by a committee consisting of such persons as may bc prescribed." A m endment Of Central Act No. 9 1894 in its opplication to the Slate or Bladhya Pradesll, Jnqertinn of new Section of fond for compensation. 3 13, 1921 faiT 3 2000 2000. 29 1999 Rooo 31fUÄqq, 31fUfrqtT. 37fiAfrp1fi17 'Eh:— 7 8 71'7a 3 2000 fift 3 2000 Short title. 348 (3) iit 1999 2000) t. MADHYA PRADESH ACT No. 1 OF 2000 THE PRISONS (MADHYA PRADESH AMENDMENT) *CT, 1999. [Reccived the assent of the Governor on the 29th December, 1999; assent first published in • Sidhya Pradesh Gazetl (Extra-ordinary) n dated 3rd klanunty. 2000 | An Act further to amend the Prisons Act, 1894, in its application to the otSladJrya Pradesl Be it enacted by the Madhya Pradesh Legislature in the Fiftieth Year Republic of Ind as follows : 1, This Act may be called the Prisons (Madhya Pradesh I;t, 1999. 10 Punishment for escape or attempt to escape from hos- -pital or asylum. Provisions appli- cable to bonds ref- ferred to in Section 39-A. Visits to Civil and unconvicted' crimi- •nal prioners. Search of visitors. JAIL MANUAL [PRISONS ACT (NO. 3 of 1900), in cases to which that section applies. Explanation II.—In this section, prisoner meas a ccr— v icted criminal priscrcr. 39-B. If any prisoner dealt srith 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 M*hich may exten.d to tivo years, or v,ith fire or,' v. •ith both. (2) Such punishment shall be in addition to the punish- ment for It'hich the prisoner Wes liable for the offence of löhich he toas already convicted. *39-C. The provisions of Chapter XLII of 'the Code of Criminal Procedure, '1898 (No. V of 1898), shell, so far as may be apply to the bonds referred to in section 39-A. CHAPTER TX—VISITS TO PRISONERS 40. Due provision shall be made for the admissicn, at proper times and under proper restrictions into every prison of oerSotS with civil or unconvicted crimiræl •prisorus may desire to communicate, care being taken tb2t so far as may be consistent v:iththe interests of justice, prisorcrcs under trial may e heir duly qualified legal advisers without the presence Of any other person. Penalty for intro- duction or removal of prohibited arti- prison and commu- with pri- soners

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 seerch 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 10 permit himself to be 'searched, the Jailor may deny him admissiop; and the grounds of such proceeding with the particukrs Iltercc,f, shall be entered in such record as the State Government may direct

CHAPTER X—OFFENCES IN RELATION TO PRISONS 42. Whoever, contrary tc any rule under section 59 in- troduces or removes or attempts by any metns whatever to introduce or remove ioto or from any prison or supplies or attempts to supply to any prisoner outside the limits of a prison, any prchibitfe article. and every officer of a prison who contrgry to any such knowingly suffers any such articles to be irtroduced in to or * Inserted by Pradesh Act NO. 40 of PRISONS ACT] JAIL MANUAL removed from any prison, to be possessed by any prisoner, or to be supplied to any nrisoner outside the limits of a prison. and vrhoever, contrary to any such rule communicates or attempts to communicate M*ith eny prisoner, and whoever abets any offence made punishable by this section. Shall, on conviction before a Magistrate: be liable to im- prisonment for a term not exceeding six mnths, er to fine not exceeding two hundred rupees, or to both

43. When any person, in the presence cf 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 syhich such officer knovt s, or has reason to believe, to be false, such officer may arrest him, and shall, without unrcccsscry delay make him over to a police officer, and thereupon such police officer shall proceed as if the offence l.ad been committed in this presence. *44. The SuoerinterdeN sheil to be affixed in a conspicuous place outside the prison a notice in English and and

Elindi in Devnagari script setting lhe acts prcnibiled under secien 40 and the penalties incurred. hy their commi- s Sion

CHAPTER XI—PRISON OFFENCES 45. The f0110%ing acts are declared to be prison offences committed by a prisener:— Power to arrest for offence under sec. tion 42. penalties. (1) (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 to be a prison offence; any assault or use of criminal force; the use of insulting or threatening language; immoral cr indecent or disord(rly behaviour ; wilfully disabling himself from labour; contumaciously refusing to work; filing, cutting; altering or removing handcuffs, fetters or bars due authority; wilful idleness or negligence at work by any; prisoner sentenced to rigorous imprisonment; * Substituted Fy Madhya Pradesh Act 40 of 1961. 12 (9) (10) (11) (12) (13) (14) (15) (16) 46, Puzi-hment of such JAIL MANTJAL [PRISONS ACT wilful mismanagement of work by any prisoner sentenced te rigorous imprisonment; wilful damage to prison property; tempering 'With or defacing history-tickets, records or documents; receiving, possessing or transferring any prohlbited articles; feigning illness; wilfully brir.gir.g e false accusation zgairst any officer or prisoner; ommitting or refusing to report, as soon as it comes to his knowledge, the occurrence of any fire, anv plot or conspiracy, any escape, attempt or prenrration to esct:ne, end or rreparation for attack upon any prisoner or official, and conspiring to escape, or to assist in •scapirg cr tc commit any other of the offences Eforesaid. The Superintendent may examine any person touch- ing any such offence, and determine thereupon, end put-iSh oatences. such offence by:— (1) a formal warning; Explanation.—A formal warning shall mean a •warning personally addressed to a prisoner by the Super.:nterdcLt and recorded in the punishment-book 2nd on 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 prescrib«i by rules made by the State Government; hard labour for a period not exceeding seven drys in the case of convicted criminal prisoners rot tenced to rigorous imprisonment; such ICSs of or ivileges edmissiFe vrder lhe remi- ssion system for the time being in force as mav toe be prescribed by rules mzde by the State Goven- ment ; the substitution of gunny or other coarse fabric for clothing cf other materiel: not being MTjolJen, for a period 'Rhich shall not exceed three months; imposition of handcuffs of such pattern and weight, in such manner and for such period as may be pre- scribed by rules made by the State Government; imposition of fetters of such palton and -vceight, in such manner ard for such period, as may be pres- cribed by rules made by the State Government; PRISONS ACT JAIL MANUAL (8) separate confinement or any period not exceeding three months; Explanation.—SeparaLe confinement means such con- (9) finement with or without labour es secludes a prisoner from communication with, but not from sight of other prisoners, and him not less than one hour's exercise per diam and to have his meals in association with one or more other prisoners; Penal diel.—ihat is, rescriciien of diel in such man- ner and subject to such conditions regarding labour as may be prescribed by the State Govern- ment; Provided that such restr:ction of dict shall in no case be applied a prisoner mue dren nir:ei-y-six con- secutive 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 confirem.cnt an interval of not less duration than such period must elapse before the prisoner is again sentenced to cellular or solitary confinement; Explanation.—Cellular confincment means such confine- ment with or without labour as entirely sccltdes a prisoner from communication svith, but not from sight of, other prisoners. (11) Penal diet as defined in cluase (9) combined with cellular confinement. *(12) Omitted. Provided that nothing in this sect ion shali render any female or civil prisoner liable to the impositiez cf any form of hand- cuffs or fetters. 47. [1] Any two of the punishments enumerated in the last foregoing section may be awarded forany such offence in combination, subJect to the following exceptiers, namely (1) formal warning shall not be combined any other punishment except loss of privileges ur-der 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, 40 cf 1951. -c 13 Plurality of punishe mentunder sectbn 46. 14 Award of punish- ment under section 46 and 47. Punishment to be in accordance with foregoing sections. Medical Officers to certify to fitness of prisoner for punish. ment* JAIL MANUAL [PRISONS ACT (3) (5) any additional period of penal diet awprded singly be combined with any period of penal diet awarded in combination with cellular confinement; cellular ccnfinement shall' not be combined with separate confinement, so as to prolong the total period of seclusion to which the prisener shall be liable; Omitted. 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 confinement 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 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.

* Omitted by Madhya Pradesh Second 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 extent of punishment he thinks the prisoner can undergo Without injury to his health. (1) In the punishment-book prescribed in section 51. 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 offences 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 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. (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 granted to him, or who shall engage without authority in any employment other than his prison duty, or who shall be guilty of 15 Entries in punishment book. Procedure on commission of heinous offences. Offences of prison subordinates. 16 Extramural 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. *(2) Omitted

55. A prisoner, when being taken to or from any prison in which he may be confined, or ever 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 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 v.nder sentence of transportation mey sublect to any rules made under section 59 be confined in fetters fot the first three months after admission to prison. (2, Should the Superinterdent 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 sanciiou to their rctention for the oeriod 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 mechani- cal restraint by the Jailor of his own authority, except in case of uegent necessity in which case notice thereof shall be forthwith given to the Superintendent

59. The State Government may make rules consis- tent swith this Act—(1) defining the acts which shall constitute prison— offen ces (2) determining the classification of prison-offences into serious and. minor offence; * Substituted by Madhya Pradesh Act, 12 of 1968. PRISONS ACT JAIL MANUAL (3) fixing the punishments Edmissible under this Act vvwhich shall be awardable for commision of prison offences or classes thereof; (4) declaring the circumstances in which acts constitu- ting 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 end the shortening of sentences; (6) regulatirg the use of arms against any prisoner or body of prisoners in the case or an outbreak or attempt to escape; (7) defining the circumstencs and regula€iL-g the condi- tions under which prisoners in danger Of death may be released ; (8) for the classificatic,n of prisons, ard description and cums-ruction of wards, cells ard other p;ac€s Of Ce ntion; (9). for the regulation by numbers, lezglh or character of seatencs or otherM'isc of the priscners to be confined in each class of prisons; (IO) for the Government of prisons and for the appoint- ment of all officers appointed ur.der this Act; (11) as to the food, bedding aud clothing of criminal pri- soners and of civil prisoners maintained other- iyise than at their own ccst; (12) for Che employment instruction and control of convicts ithin or without prisers• (13) for defining articles the introduction or removal of which into or out of prisons without due authority is prohibited; (14) for classifying ard prescribirg the fc:rrs cf •labour and regulating the periods cf rest from Itbour; (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 zegulating the confinement of convicted criminal prisoners under section 28;