

The Prisons Act, 1894

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Act 9 of 1894

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The Prisons Act, 1894(9 of 1894)Statement of Objects and Reasons.-There are at present four different Acts in force for the regulation of jails in British India and for the enforcement of discipline therein. These Acts differ inter se in various important points, namely, as to the jail offences enumerated in them, as to the punishments which might be inflicted for these offences, and as to the authorities competent to inflict these punishments. In consequence divergent systems of jail management have grown up in the several provinces, whereby there has been a sacrifice of that uniform enforcement of sentences of imprisonment which effective general administration requires. The object of this Bill is to repeal the four local Acts and to prescribe a uniform system of prison management in India.The Bill is mainly (based) on Act XXVI of 1870, (an Act to amend the law relating to Prisons), which is in force in the North-Western Provinces and Oudh, the Punjab, the Central Provinces, Coorg and Burma, with amendments embodying the conclusions arrived at by the Government of India on the Report of the Jail Committee of 1889 and the Report of the Prison Conference of 1892, as stated in the Resolution recorded in the Home Department of the 9th November, 1892, and in the Circular letter to Local Governments and Administrations, dated the 25th March, 1893, to which it appeared necessary to give legislative form.An Act to amend the law relating to Prisons.Whereas it is expedient to amend the law relating to prisons in [India except the territories which, immediately before the 1st November, 1956, were comprised in Part B States] [Substituted by the Adaptation of Laws (No.2) Order, 1956, for "Part A States and Part C States".]Je rules for the regulation of such prison; It is hereby enacted as follows:-{||-|Amended in its application to-the Province of Madras by- (i) the Prisons and Indian Lunacy (Madras Amendment) Act, 1938 (Madras Act 14 of 1938); (ii) the Prisons (Madras Amendment) Act, 1940 (Madras Act 5 of 1940); (iii) the Prisons (Madras Amendment) Act, 1947 (Madras Act 18 of 1947); and (iv) the Prisons (Madras Amendment) No.II Act, 1947 (Madras Act 19 of 1947).Punjab by the Prisons (Punjab Amendment) Act, 1926 (Punjab Act 9 of 1926).Delhi by Delhi Act 6 of 1956.Assam by Assam Act 12 of 1956.Orissa by Orissa Act 23 of 1956 and 29 of 1958.West Bengal by West Bengal Act 22 of 1957.Himachal Pradesh by Himachal Pradesh Act 10 of 1974.Kerala by Kerala Act 10 of 1976.The Act has been extended to- (1) N.E.F.A. by Regulation 30 of 1960, subject to certain modifications, vide Section 3 and Sch.The whole of Madhya Pradesh by Madhya Pradesh Act 40 of 1961.Goa, Daman and Diu by Regulation 11 of 1963, Section 3 and Sch. Goa is now a State, see Act 18 of 1987, Section 3

(w.e.f. 30.5.1987).Dadra and Nagar Haveli by Regulation 6 of 1963, Section 2 and Sch.I.Lakshadweep by Regulation 8 of 1965, Section 3 and Sch.The Union territory of Pondicherry by Act 26 of 1968, Section 3 and Sch.Repealed in part (in West Bengal) by West Bengal Act 7 of 1948.Repealed in its application to Bellary District by Mysore Act 14 of 1955.}|{|-[Andhra Pradesh].- In its application to the State of Andhra Pradesh, in the Preamble, after the words and letter comprised in Part B States, add other than the territories specified in sub-section (1) of section 3 of the States Reorganisation Act, 1956.Andhra Pradesh Act 23 of 1958, Section 3 and Sch. (w.e.f. 1-2-1960).[Gujarat].- In its application to the State of Gujarat, the amendment is the same as those of Maharashtra, except Gujarat is to be substituted for Maharashtra.Gujarat Act 11 of 1960, Section 87.[Madhya Pradesh].- In its application to the State of Madhya Pradesh, in the Preamble, after the words Part B States, insert other than the Madhya Bharat and Sironja regions of the State of Madhya Pradesh.Madhya Pradesh Act 40 of 1961, Section 3 and Sch. (w.e.f. 1-2-1961).[Maharashtra]In its application to the State of Maharashtra, in the Preamble, after the words and letter comprised in Part B States, insert other than any such territories forming part of the State of Maharashtra by section 8 of the States Reorganisation Act, 1956.Bombay Act 23 of 1959, Section 2 (w.e.f. 1-6-1959).[Tamil Nadu]In its application to the added territories in the State of Tamil Nadu, in the Preamble the words other than the territories specified in sub-section (1) of section 13 of the States Reorganisation Act, 1956, shall be deleted, which were added by Andhra Pradesh Act 23 of 1958videTamil Nadu (Added Territories) A.L.O., 1961 (w.r.e.f. 1-4-1960).|}

Chapter I

Preliminary

1. Title, extent and commencement.

(1)This Act may be called The Prisons Act , 1894.(2)[It extends to the whole of India except [the territories which immediately before the 1st November, 1956, were comprised in Part B States] [Substituted by A.O. 1950.];] and(3)It shall come into force on the first day of July, 1894.(4)Nothing in this Act shall apply to civil jails in the [State] [Substituted by A.O. 1950, for "Province".] of Bombay [as it existed immediately before the 1st November, 1956] [Inserted by the Adaptation of Laws (No.2) Order, 1956.] outside the city of Bombay, and those jails shall continue to be administered under the provisions of sections 9 to 16 (both inclusive) [of] [The Civil Jails Act, 1874.] Bombay Act 2 of 1874, as amended by subsequent enactments.

[Andhra Pradesh].- In its application to the State of Andhra Pradesh, in sub-S. (2) of Section 1, after the words and letter comprised in Part B States, add other than the territories specified in sub-section (1) of section 3 of the States Reorganisation Act, 1956.Andhra Pradesh Act 23 of 1958, Section 3 and Sch. (w.e.f. 1-2-1960).[Gujarat].- In its application to the State of Gujarat, the amendments are the same as those of Maharashtra, except in sub-S. (4), the words State of Gujarat are to be substituted for State of Bombay outside Greater Bombay.Bombay Act 23 of 1959, Section 2; Act 11 of 1960, Section 87.[Madhya Pradesh].- In its application to the State of Madhya Pradesh, in Section 1,(a) in sub-S. (2), after the words Part B States, insert other than the Madhya Bharat and Sironja Regions of the State of Madhya Pradesh; and(b) Sub-S. (4) shall be omitted. Madhya

Pradesh Act 40 of 1961, Section 3 and Sch. (w.e.f. 1-2-1962).[Maharashtra].- In its application to the State of Maharashtra, in Section 1,(a) in sub-S. (2), after the words and letter comprised in Part B States, insert other than any such territories forming part of the State of Maharashtra by section 8 of the States Reorganisation Act, 1956;(b) sub-S. (3) shall be deleted;(c) in sub-S. (4), for the words and figures as it existed immediately before the 1st November, 1956 outside the City of Bombay, and those jails shall continue to be administered, substitute outside Greater Bombay, and those jails shall be administered; and(d) in the marginal note, for the word commencement, substitute application.Bombay Act 23 of 1959, Section 2 (w.e.f. 1-6-1959).[Tamil Nadu]In its application to the State of Tamil Nadu, in sub-S. (2) of Section 1, the words and figures other than the territories specified in sub-section (1) of section 3 of the States Reorganisation Act, 1956 shall be omitted, which were added by Andhra Pradesh 23 of 1958.Tamil Nadu (Added Territories) A.L.O., 1961 (w.r.e.f. 1-4-1960).

2. Repeal.

- [Repealed by the Repealing Act, 1938 (1 of 1938), section 2 and Schedule.]

3. Definitions.

- In this Act,(1)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 appurtenant thereto, but does not include(a)any place for the confinement of prisoners who are exclusively in the custody of the police;(b)any place specially appointed by the State Government under section 541 of the [Code of Criminal Procedure, 1882 (10 of 1882)] [Now see the Code of Criminal Procedure, 1973 (2 of 1974).]; or(c)any place which has been declared by the State Government, by general or special order, to be a subsidiary jail;(2)criminal prisoner means any prisoner duly committed to custody under the writ, warrant or order of any Court or authority exercising criminal jurisdiction, or by order of a Court-martial;(3)convicted criminal prisoner means any criminal 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 (10 of 1882)] [Now see the Code of Criminal Procedure, 1973 (2 of 1974).] or under the [Prisoners Act, 1871 (5 of 1871)] [Now see the Prisoners Act, 1900 (3 of 1990).];(4)civil prisoner means any prisoner who is not a criminal prisoner;(5)remission system means the rules for the time being in force regulating the award of marks to, and the consequent shortening of sentences of, prisoners in jail;(6)history ticket means the ticket exhibiting such information as is required in respect of each prisoner by this Act or the rules thereunder;(7)Inspector General means the Inspector General of Prisons;(8)Medical Subordinate means an Assistant Surgeon, Apothecary or qualified Hospital Assistant; and(9)prohibited article means an article the introduction or removal of which into or out of a prison is prohibited by any rule under this Act.

[Andhra Pradesh].- In its application to the State of Andhra Pradesh, in Section 3, after Cl. (4), insert the following clause, namely:(4-A) furlough system means the system of releasing prisoners in jails on furlough in accordance with the rules for the time being in force.Andhra Pradesh Act 23 of 1958, Section 3 and Sch. (w.e.f. 1-2-1960).[Gujarat].- Same as that of Maharashtra.Gujarat Act 11

of 1960, Section 87; Gujarat A.L. (8th Amdt.) Order, 1961.[Maharashtra].- In its application to the State of Maharashtra, in Section 3,(i) for Cl. 5, substitute the following clauses, namely:(5) remission system means the system of regulating the award of marks to, and the consequent shortening of sentences of, prisoners in jail in accordance with the rules for the time being in force;(5-A) furlough system means the system of releasing prisoners in jail on furlough in accordance with the rules for the time being in force.Bombay Act 27 of 1951, Section 2 (w.e.f. 13-5-1953).(5-B) parole system means the system of releasing prisoners in jail on parole, by suspension of their sentences in accordance with the rules for the time being in force;(ii) Cl. (8) shall be deleted.Bombay Act 23 of 1959, Section 3, (w.e.f. 1-6-1959).[Orissa].- In its application to the State of Orissa, in Section 3, for Cl. (5), substitute the following clauses, namely:(5) remission system means the system of regulating the award of marks to, and the consequent shortening of sentences of, prisoners in jail in accordance with the rules for the time being in force;(5-A) furlough system means the system of releasing prisoners in jail on furlough in accordance with the rules for the time being in force;(5-B) parole system means the system of releasing prisoners in jail on parole, by suspension of their sentences in accordance with the rules for the time being in force.Orissa Act 29 of 1958, Section 2 (w.e.f. 19-11-1958).[Uttar Pradesh].- In its application to the State of Uttar Pradesh, in Section 3,(i) in Cl. (1), between the words for the detention and of prisoners, insert and reformation.Uttar Pradesh Act 9 of 1958, Section 3 (w.e.f. 27-2-1958).(ii) for Cl. (7), substitute the following clause, namely:(7) Inspector-General means the Inspector-General of Prisons, and in relation to the performance of such functions of the Inspector-General as are entrusted by or under the rules made under this Act to Deputy Inspector-General of Prisons, includes such Deputy Inspector-General.Uttar Pradesh Act 19 of 1966, Section 2.

Chapter II

Maintenance And Officers Of Prisons

4. Accommodation for prisoners.

- The State Government shall provide for the prisoners in the territories under such Government, accommodation 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. Inspector-General.

- An Inspector General shall be appointed for the territories 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 under such Government.

[Gujarat].- Same as that of Maharashtra.Gujarat Act 11 of 1960, Section 87; Gujarat A.L. (8th Amdt.) Order, 1961.[Madhya Pradesh].- In its application to the State of Madhya Pradesh, Section 5 shall be renumbered as sub-section (1) thereof and after sub-section (1) as so renumbered, insert the following sub-section, namely:(2) The State Government may also appoint an Additional Inspector-General of Prisons and one or more Deputy Inspector-General of Prisons for the whole of the State or any part thereof, and they shall exercise, carry out or discharge all or any of the powers,

duties and functions of the Inspector-General under this Act, or under any law for the time being in force, as the Inspector-General may delegate to them, with prior approval of the State Government. Madhya Pradesh Act 2 of 1986, Section 3 (w.r.e.f. 31-12-1985). [Maharashtra].- In its application to the State of Maharashtra, Section 5 shall be renumbered as sub-S. (1) thereof and after sub-section (1) as so renumbered, add the following sub-section, namely: (2) The State Government may also appoint one or more Deputy Inspectors-General of Prisons for the whole of such territories or any part thereof, and they shall exercise, carry out or discharge all or any of the powers, duties and functions of the Inspector-General under this Act, or under any law for the time being in force, as the Inspector-General may delegate to them, with the prior approval of the State Government. Bombay Act 23 of 1959, Section 3 (w.e.f. 1-6-1959). [Uttar Pradesh].- In its application to the State of Uttar Pradesh, Section 5 shall be renumbered as sub-S. (1) thereof and after sub-S. (1) as so renumbered, insert the following sub-section, namely: (2) The State Government may also appoint one or more Deputy Inspectors-General of Prisons, and they shall perform such of the functions of the Inspector-General under this Act or under any other law for the time being in force as may be entrusted to them by or under the rules made under this Act. Uttar Pradesh Act 19 of 1966, Section 3.

6. Officers of prisons.

- For every prison there shall be a Superintendent, a Medical Officer (who may also be the Superintendent), a Medical Subordinate, a Jailer and such other officers as the State Government thinks necessary: Provided that [the State Government of Bombay] [Substituted by A.O. 1937, for certain words.] may [- - -] [The words "with previous sanction of the G.G. in C." omitted by A.O. 1937.] declare by order in writing that in any prison specified in the order the office of Jailer shall be held by the person appointed to be Superintendent.

[Delhi].- Same as that of Punjab Delhi Laws Act, 1912, Section 7 and Notification No. 189/38, dated 30-5-1939. [Gujarat].- In its application to the State of Gujarat, in proviso to sub-S. (1) of Section 6, for State Government of Bombay the words State Government of Gujarat are to be substituted, the rest of the amendments are the same as those of Maharashtra. Bombay Act 45 of 1959, as adapted by Gujarat A.L. (8th Amdt.) Order, 1961; Act 11 of 1960, Section 87. [Madhya Pradesh].- In its application to the State of Madhya Pradesh, in the proviso to Section 6, for the words the State Government of Bombay, substitute the State Government of Madhya Pradesh. Madhya Pradesh Act 40 of 1961, Section 3 and Sch., Part A (w.e.f. 1-2-1961). [Maharashtra].- In its application to the State of Maharashtra, in Section 6, (a) renumber the section 6 as sub-S. (1) thereof; (b) in sub-S. (1) as so renumbered, after the words as Superintendent, insert (who may be a Deputy Inspector-General of Prisons); (c) the words a Medical Subordinate shall be deleted; (d) in the proviso, for State Government of Bombay, substitute State Government of Maharashtra; (e) after sub-S. (1), insert the following sub-section, namely: (2) Where one or more Deputy Superintendents are appointed for a prison, they shall, subject to the general or special orders of the Inspector-General, exercise, carry out or discharge all or any of the powers, duties and functions of a Superintendent under this Act, or any law for the time being in force, as the Superintendent may delegate to them. Bombay Act 45 of 1959, Section 3 (w.e.f. 21-9-1959) and Maharashtra A.L.A.O., 1960 (w.e.f. 1-5-1960). [Punjab, Haryana and Chandigarh].- In its application to the States of Punjab and Haryana and Union territory of Chandigarh, in Section 6, at the end, add the following proviso,

namely: Provided further that in the Punjab the State Government may appoint for any prison a Deputy Superintendent instead of a Jailer, and an Assistant Superintendent instead of a Deputy or Assistant Jailer, and these officers when so appointed, shall exercise the same powers, shall discharge the same duties and shall be subject to the same disabilities as Jailers and Deputy or Assistant Jailers, respectively. Punjab Act 9 of 1926 (w.e.f. 1-9-1926); Punjab Act 5 of 1957, Section 4 and Central Act 31 of 1966, Section 88.

7. Temporary accommodation for prisoners.

- Whenever it appears to the Inspector General that the number of prisoners in any prison is greater than can 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 of epidemic disease within any prison, or for any other reason, it is desirable to provide for the temporary shelter and safe custody of any prisoner, provision shall be made, by such officer and in such manner as the State Government may direct, for the shelter and safe custody in temporary prisons of so many of the prisoners as can be conveniently or safely kept in the prison.

Chapter III

Duties Of Officers

Generally

8. Control and duties of officers of prisons.

- All officers of a prison shall obey the directions of the Superintendent; all officers subordinate to the Jailer shall perform such duties as may be imposed on them by the Jailer with the sanction of the Superintendent or be prescribed by rules under section [59] [Substituted by A.O. 1937, for "60".].

9. Officers not to have business dealings with prisoners.

- No officer of a prison shall sell or let, nor shall any person in trust for or 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. Officers not to be interested in prison contracts.

- 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 sale or purchase of any article on behalf of the prison or belonging to a prisoner. Superintendent

11. Superintendent.

(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 Presidency-town shall obey all orders not inconsistent with 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.

[Andhra Pradesh].- In its application to the State of Andhra Pradesh, in sub-S. (2) of Section 11, for the words the District Magistrate, substitute the District Collector. Andhra Pradesh Act 23 of 1958, Section 3 and Sch. (w.e.f. 1-2-1960). [Gujarat].- Same as that of Maharashtra. Gujarat Act 11 of 1960, Section 87; Gujarat A.L. (8th Amdt.) Order, 1961. [Maharashtra].- In its application to the State of Maharashtra, in Section 11, in sub-S. (2), the words a central prison or shall be deleted. Bombay Act 45 of 1959, Section 4 (w.e.f. 21-9-1959); and Act 23 of 1959, Section 2 (w.e.f. 1-6-1959).

12. Records to be kept by Superintendent.

- The Superintendent shall keep, or cause to be kept, the following records: (1) a register of prisoners admitted; (2) a book showing when each prisoner is to be released; (3) a punishment book for the entry of the punishments inflicted on prisoners for prison-offences;

4.

) a visitors book for the entry of any observation 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 all such other records as may be prescribed by rules under section 59 [- - -] [The words and figures [or section 60] omitted by A.O. 1937.]. Medical Officer

13. Duties of Medical Officer.

- 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] [for rules as to Medical Officer's duties under Section 13, see different local Rules and Orders.].]

14. Medical Officer to report in certain cases.

- 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. Report on death of prisoner.

- On the death of any prisoner, the Medical Officer 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 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.

[Gujarat].- Same as that of Maharashtra.Gujarat Act 11 of 1960, Section 87 and Gujarat A.L. (8th Amdt.) Order, 1961.[Maharashtra].- In its application to the State of Maharashtra, in Section 15, Cl. (7), the words or Medical Subordinate shall be deleted.Bombay Act 45 of 1959, Section 5 (w.e.f. 21-9-1959); Act 23 of 1959, Section 2 (w.e.f. 1-6-1959).

Jailer

16. Jailer.

(1)The Jailer shall reside in the prison, unless the Superintendent permits him in writing to reside elsewhere.(2)The Jailer shall not, without the Inspector Generals sanction in writing, be concerned in any other employment.

17. Jailer to give notice of death of prisoner.

- Upon the death of a prisoner, the Jailer shall give immediate notice thereof to the Superintendent and the Medical Subordinate.

18. Responsibility of Jailer.

- The Jailer shall be responsible for the safe custody of the records to be kept under section 12, for the commitment warrants and all other documents confined to his care, and for the money and other articles taken from prisoners.

19. Jailer to be present at night.

- The Jailer shall not be absent from the prison for 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. Powers of Deputy and Assistant Jailers.

- Where a Deputy Jailer or Assistant Jailer is appointed 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 Jailer under this Act or any rule thereunder. Subordinate Officers

21. Duties of gate-keeper.

- The officer acting as 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 Jailer.

22. Subordinate officers not to be absent without leave.

- Officers subordinate to the Jailer shall not be absent from the prison without leave from the Superintendent or from the Jailer.

23. Convict officers.

- Prisoners who have been appointed as officers of prisons shall be deemed to be public servants within the meaning of the Indian Penal Code (45 of 1860).

Chapter IV

Admission, Removal And Discharge Of Prisoners

24. Prisoners to be examined on admission.

(1) Whenever a prisoner is admitted into prison, he 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 Jailer, a record of the state of the prisoners 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. Effects of prisoners.

- 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 Jailer.

26. Removal and discharge of prisoners.

(1)All prisoners, previously to being removed to 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

27. Separation of prisoners.

- 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 inter-course with the male prisoners;(2)in a prison where male prisoners under the age of [twenty-one] [Substituted by Act 6 of 1930, Section 2, for "eighteen".] 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. Association and segregation of prisoners.

- 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. Solitary confinement.

- 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.

[Gujarat].- Same as that of Maharashtra.Gujarat Act 11 of 1960, Section 87, Gujarat A.L. (8th Amdt.) Order, 1961.[Maharashtra].- In its application to the State of Maharashtra, in Section 29 for the words or Medical Subordinate, substitute or any officer authorised by the Medical Officer in this behalf.Bombay Acts 45 of 1959, Section 7 (w.e.f. 21-9-1959); 23 of 1959, Section 2 (w.e.f. 1-6-1959).

30. Prisoners under sentence of death.

(1) Every prisoner under sentence of death shall, immediately on his arrival in the prison after sentence, be searched by, or by order of, the Jailer and all articles shall be taken from him which the Jailer 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 And Unconvicted Criminal Prisoners

31. Maintenance of certain prisoners from private sources.

- 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. Restriction on transfer of food and clothing between certain prisoners.

- 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.

33. Supply of clothing and bedding to civil and unconvicted criminal prisoners.

(1) 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 bedding so supplied to the prisoner, and in default of such payment the prisoner may be released.

[Andhra Pradesh].- Same as that of Tamil Nadu. Andhra Pradesh Act 23 of 1958, Section 3 and Sch. (w.e.f. 1-2-1960). [Tamil Nadu].- In its application to the State of Tamil Nadu, in Section 33, for sub-section (2), substitute the following, namely: -(2) When a civil prisoner has been committed to prison by a Court in execution of any decree or order in favour of a private person, such person shall immediately deposit or cause to be deposited in Court, to meet the cost of the prisoners clothing and bedding, such amount as may be fixed by the Court in accordance with the rules, if any, made

by the State Government in that behalf; and, in default of such deposit, the prisoner may be released. [Tamil Nadu Acts 19 of 1947, Section 2 (w.e.f. 7-11-1947) and 35 of 1949.]

Chapter VII

Employment Of Prisoners

34. Employment of civil prisoners.

(1) Civil prisoners may, with the Superintendents 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. Employment of criminal prisoners.

(1) No criminal prisoner sentenced to labour or employed 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 on any kind or 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.

[Andhra Pradesh].- In its application to the State of Andhra Pradesh, in sub-S. (1) of Section 35, for the words nine hours, substitute eight hours. Andhra Pradesh Act 23 of 1958, Section 3 and Sch. (w.e.f. 1-2-1960).

36. Employment of criminal prisoners sentenced to simple imprisonment.

- Provision shall be made by the Superintendent for the employment (as long as they so desire) of all criminal prisoners sentenced to simple imprisonment; but no prisoner 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.

Chapter VIII

Health Of Prisoners

37. Sick prisoners.

(1)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 Jailer.(2)The Jailer 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.

[Gujarat].- Same as that of Maharashtra.Gujarat Act 11 of 1960, Section 87.[Maharashtra].- In its application to the State of Maharashtra, in Section 37,(1) in sub-S. (1), for the words Medical Subordinate, substitute Medical Officer;(2) in sub-S. (2)(a) for the words Medical Subordinate, where they occur for the first time, substitute Medical Officer;(b) the words or Medical Subordinate shall be deleted.Bombay Act 45 of 1959, Section 8 (w.e.f. 21-9-1959).

38. Record of directions of Medical Officers.

- 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 prisoners history-ticket or in such other record as the State Government may by rule direct, and the Jailer 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 observations, if any, as the Jailer thinks fit to make, and the date of the entry.

[Gujarat].- Same as that of Maharashtra.Act 11 of 1960, Section 87; Gujarat A.L. (8th Amdt.) Order, 1961.[Maharashtra].- In its application to the State of Maharashtra, in Section 38,(1) the words or Medical Subordinate shall be deleted;(2) in the marginal note, for the word Officers, substitute Officer.Bombay Act 45 of 1959, Section 9 (w.e.f. 21-9-1959); 23 of 1959, Section 2 (w.e.f. 1-6-1959).

39. Hospital.

- In every prison a hospital or proper place for the reception of sick prisoners shall be provided.

[Andhra Pradesh].- Same as that of Tamil Nadu.Andhra Pradesh Act 23 of 1958, Section 3 and Sch.[Madhya Pradesh].- In its application to the State of Madhya Pradesh, after Section 39, insert the following sections, namely:39-A. Power of Superintendent to send a prisoner to hospital or asylum for special treatment.(1) The Superintendent may, if in his opinion, a prisoner requires special treatment in a hospital outside the prison or in an asylum as defined in the Indian Lunacy Act, 1912, send him 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 by rule or order prescribe.(2) The period spent by the prisoner for such treatment in the hospital or asylum or in going thereto or return therefrom 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, in cases to which that section

applies. Explanation II.- In this section prisoner means a convicted criminal prisoner. 39-B. Punishment for escape or attempt to escape from hospital or asylum.- (1) If any prisoner dealt with under section 39-A escapes 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 which 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 was liable for the offence of which he was already convicted. 39-C. Provisions applicable to bonds referred to in section 39-A.- The provisions of Chapter XLII of the Code of Criminal Procedure, 1898, shall, so far as may be, apply to the bonds referred to in section 39-A. Madhya Pradesh Act 40 of 1961, Section 3 and Sch. (w.e.f. 1-2-1962). [Tamil Nadu].- In its application to the State of Tamil Nadu, after Section 39, insert the following section, namely: 39A. Power of Superintendent to send a prisoner to hospital or asylum for special treatment.- The Superintendent may, if in his opinion, a prisoner requires special treatment in a hospital outside the prison or in an asylum as defined in the Indian Lunacy Act, 1912, send him 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 by rule or order prescribe. Any period during which the prisoner is undergoing treatment in such hospital or asylum or spent by him in going thereto or returning therefrom 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, in cases to which that section applies. [Tamil Nadu Act No. 14 of 1938, dated 3.10.1938]. [Tamil Nadu].- In section 39-A of the Prisons Act, 1894 (herein after referred to as the said Act), the Explanation shall be renumbered as Explanation I and the following shall be added as Explanation II, namely - Explanation II.- In this section 'prisoner' means a convicted criminal prisoner. [Tamil Nadu Act 14 of 1938, Section 2 (w.e.f. 25-10-1938), as amended by Tamil Nadu Act 5 of 1940, Section 3 (w.e.f. 9-4-1940)]. [Tamil Nadu].- After section 39-A of the said Act, the following sections shall be inserted, namely: - 39B. Punishment for escape or attempt to escape from hospital or asylum.- If any prisoner dealt with under section 39-A escapes 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 which may extend to two years, or with fine, or with both. The punishment under this section shall be in addition to the punishment for which the prisoner was liable for the offence of which he was already convicted. 39C. Provisions applicable to bonds referred to in section 39-A.- The provisions of Chapter XLII of the Code of Criminal Procedure, 1898, shall, so far as may be, apply to the bonds referred to in section 39-A. [Tamil Nadu Acts 5 of 1940, Section 3 (w.e.f. 9-4-1940); 35 of 1949 and 22 of 1957.]

Chapter IX

Visits To Prisoners

40. Visits to civil and unconvicted criminal prisoners.

- Due provision shall be made for the admission, at proper times and under proper restrictions, into every prison of persons with whom civil or unconvicted criminal prisoners may desire to communicate, care being taken that 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. Search of visitors.

- The Jailer may demand the name and address of any visitor to a prisoner, and, when the Jailer 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 Jailer may deny him admission; and the grounds of such proceeding, with the particulars thereof, shall be entered in such record as the State Government may direct.

Chapter X

Offences In Relations To Prisons

42. Penalty for introduction or removal of prohibited articles into or from prison and communication with prisoners.

- Whoever, contrary to any rule under section [59] [Substituted by A.O. 1937, for "60".] 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 rule, knowingly suffers any such article to be introduced into or 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. Power to arrest for offence under section 42.

- When any person, in the presence of 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 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 his presence.

44. Publication of penalties.

- The Superintendent shall cause to be affixed, in a conspicuous place outside the prison, a notice in English and the Vernacular setting forth the acts prohibited under section 42 and the penalties incurred by their commission.

[Gujarat].- Same as that of Maharashtra. Act 11 of 1960, Section 87; Gujarat A.L. (8th Amdt.) Order, 1961. [Madhya Pradesh].- In its application to the State of Madhya Pradesh, in Section 44, for the word Vernacular, substitute Hindi in Devnagri script. Madhya Pradesh Act 40 of 1961, Section 3 and Sch. (w.e.f. 1-2-1961). [Maharashtra].- In its application to the State of Maharashtra, in Section 44, for the word Vernacular, substitute regional language. Bombay Act 23 of 1959, Section 3 (w.e.f. 1-6-1959).

Chapter XI

Prison Offences

45. Prison offences.

- The following acts are declared to be prison-offences when committed by a prisoner: (1) 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; (2) any assault or use of criminal force; (3) the use of insulting or threatening language; (4) immoral or indecent or disorderly behaviour; (5) wilfully disabling himself from labour; (6) contumaciously refusing to work; (7) filling, cutting, altering or removing handcuffs, fetters or bars without due authority; (8) wilful idleness or negligence at work by any prisoner sentenced to rigorous imprisonment; (9) wilful mismanagement of work by any prisoner sentenced to rigorous imprisonment; (10) wilful damage to prison property; (11) tampering with or defacing history-tickets, records or documents; (12) receiving, possessing or transferring any prohibited article; (13) feigning illness; (14) wilfully bringing a false accusation against any officer or prisoner; (15) omitting or refusing to report, as soon as it comes to his knowledge, the occurrence of any fire, any plot or conspiracy, any escape, attempt or preparation to escape, and any attack or preparation for attack upon any prisoner or prison official; and (16) conspiring to escape, or to assist in escaping, or to commit any other of the offences aforesaid. [46] [For rules issued with reference to clauses (4), (6) and (7) of section 46, see Gazette of India, 1923, Pt. I, p. 1751.]. Punishment of such offences.- The Superintendent may examine any person touching any such offence, and determine thereupon, and punish such offence by (1) a formal warning. Explanation. A formal warning shall mean a warning personally addressed to a prisoner by the Superintendent and recorded in the punishment book and on the prisoners history ticket; (2) change of labour to some more irksome or severe form [for such period as may be prescribed by rules made by the [State Government] [Inserted by Act 17 of 1925, Section 2.]; (3) hard labour for a period not exceeding seven days in the case of convicted criminal prisoners not sentenced to rigorous imprisonment; (4) such loss of privileges admissible under the remission system for the time being in force as may be prescribed by rules made by the [State Government] [Substituted by A.O. 1950, for "Provincial Government".]; (5) 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; (6) imposition of handcuffs of such pattern and weight, in such manner and for such period, as may be prescribed by rules made by the [State Government] [Substituted by A.O. 1950, for "Provincial Government".]; (7) imposition of fetters of such pattern and weight, in such manner and for such period, as may be prescribed by rules made by the [State Government] [Substituted by A.O. 1950, for "Provincial Government".]; (8) separate confinement for any period not exceeding [three] [Substituted by Act 17 of 1925, Section 2, for "six".] months. Explanation. Separate confinement means such confinement

with or without labour as secludes a prisoner from communication with, but not from sight of, other prisoners, and allows him not less than one hours exercise per diem and to have his meals in association with one or more other prisoners;(9)penal diet, that is, restriction of diet 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 to a prisoner for more than ninety-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.Explanation. Cellular confinement means such confinement with or without labour as entirely secludes a prisoner from communication with, but not from sight of, other prisoners;[- -]

[Clause (11) was repealed and Clauses (12) and (13) renumbered as Clauses (11) and (12),

respectively by Act 17 of 1925, Section 2.](11)[[Clause (11) was repealed and Clauses (12) and (13)

renumbered as Clauses (11) and (12), respectively by Act 17 of 1925, Section 2.] penal diet as defined in clause (9) combined with [cellular] [Substituted by Act 17 of 1925, Section 2, for "solitary".]

confinement [- - -] [The words "as defined in clause (11)" repealed by Act 17 of 1925, Section

2.];(12)[[Clause (11) was repealed and Clauses (12) and (13) renumbered as clauses (11) and (12),

respectively by Act 17 of 1925, Section 2.] whipping, provided that the number of stripes shall not

exceed thirty:Provided that nothing in this section shall render any female or civil prisoner liable to the imposition of any form of handcuffs or fetters, or to whipping.

[Andhra Pradesh].- In its application to the State of Andhra Pradesh, in Section 46,(a) in Cl. (4), after the words the remission system, insert or furlough system;(b) Cl. (5) shall be omitted;(c) in Cl. (8), for the words three months, substitute two months;(d) Cl. (12) shall be omitted;(e) in the Proviso, the words or to whipping or render any prisoner on hunger-strike liable to whipping shall be omitted.Andhra Pradesh Act 23 of 1958, Section 3 and Sch. (w.e.f. 1-2-1960).[Assam].-

In its application to the State of Assam, in Section 46(1) omit Cl. (12), and the words or to whipping appearing in the Proviso to the said section and substitute a full stop for the comma appearing after the word fetter in the said Proviso;(2) after Cl. (11), add the following clauses, namely:(12) forfeiture of class, grade, or prison privileges for a period not exceeding three months;(13) permanent or temporary reduction from a higher to a lower class or grade.Assam Act 12 of 1956, Section 2 (w.e.f. 2-5-1956).[Bihar].-

In its application to the State of Bihar, in Section 46,(i) Cl. (12) shall be omitted; and(ii) in the proviso, the words or to whipping shall be omitted.Bihar Act 31 of 1956, Section 2

(w.e.f. 24-11-1956).[Gujarat].- Same as that of Maharashtra.Gujarat Act 11 of 1960, Section 87,

Gujarat A.L. (8th Amdt.) Order, 1961.[Himachal Pradesh].- In its application to the State of Himachal Pradesh, in Section 46(4), substitute and deemed always to have been substituted as under:(4)(a) temporary forfeiture of class, grade or prison privileges,(b) temporary or permanent reduction from a higher to a lower class or grade,(c) such loss of privileges admissible under the remission system time being in force as may be prescribed by rules made by the State

Government.Himachal Pradesh Act 10 of 1974, Section 2.[Madhya Pradesh].-

In its application to the State of Madhya Pradesh, in Section 46,(i) Cl. (12) shall be omitted; and(ii) in the proviso, the words or to whipping shall be omitted.Madhya Pradesh Act 40 of 1961, Section 3 and

Sch.[Maharashtra].- In its application to the State of Maharashtra, in Section 46,(a) in Cl. (4), for the words the remission system, substitute the remission or furlough system.Bombay Act 27 of

1953, Section 3 (w.e.f. 13-5-1953); Act 23 of 1959, Section 3 (w.e.f. 1-6-1959).(b) for Cl. (5), substitute the following clauses, namely:(5) exclusion from the privilege of earning wages for a specified period;(5-A) temporary or permanent reduction from a higher to lower grade or class, or forfeiture of the grade or class, or of all or specified prison privileges;:(c) Cls. (9) and (11) shall be omitted.Bombay Act 23 of 1959, Section 3 (w.e.f. 1-6-1959).(d) Cl. (12) shall be omitted and in the Proviso, the words or to whipping shall be omitted.Bombay Act 39 of 1957, Section 4 (w.e.f. 28-9-1957).[Orissa].- In its application to the State of Orissa, in Section 46,(a) in Cl. (4), for the words the remission system, substitute the remission or furlough system.Orissa Act 29 of 1958, Section 3 (w.e.f. 19-11-1958).(b) after Cl. (4), insert the following clause, namely:(4)(a) temporary forfeiture of class, grade or prison privileges or temporary or permanent reduction from a higher to a lower class or grade.Orissa Act 23 of 1956, Section 2 (w.e.f. 31-10-1956).(c) Cl. (5) shall be omitted.Orissa Act 29 of 1958, Section 3 (w.e.f. 19-11-1958).[Punjab, Haryana and Chandigarh].- In its application to the States of Punjab and Haryana and Union territory of Chandigarh, in Section 46, for Cl. (4), the following shall be, and shall be deemed always to have been substituted, namely:(4)(a) temporary forfeiture of class, grade or prison privileges,(b) temporary or permanent reduction from a higher to a lower class or grade,(c) such loss of privileges admissible under the remission system for the time being in force as may be prescribed by rules made by the State Government.Punjab Act 37 of 1957, Section 2 (w.e.f. 6-11-1957) and Central Act 31 of 1966.[Tamil Nadu].- In its application to the State of Tamil Nadu, in Section 46, add at the end of the proviso 'or render any prisoner on hunger-strike liable to whipping'. [Tamil Nadu Act 18 of 1947, Section 2 (w.e.f. 6-11-1947).][Uttar Pradesh].- In its application to the State of Uttar Pradesh, in Section 46, after Cl. (4), insert the following clause, namely:(4-A) forfeiture or reduction of grade, either temporarily or permanently, and temporary forfeiture of prison privileges.Uttar Pradesh Act 9 of 1958, Section 3 (w.e.f. 27-2-1958).[West Bengal].- In its application to the State of West Bengal, in Section 46,(a) Cls. (5) and (9) with the Proviso thereof, (11) and (12) shall be omitted; and(b) at the end of the Proviso, the words or to whipping shall be omitted.West Bengal Act 22 of 1957, Section 3 (w.e.f. 6-1-1958).

47. Plurality of punishment under section 46.

- [(1)] [Section 47 renumbered as sub-Section (1) thereof and sub-Section (2) inserted by Act 17 of 1925, Section 3.] 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 any additional period of penal diet awarded singly be combined with any period of penal diet awarded in combination with [cellular] [Substituted by Act 17 of 1925, Section 3, for "solitary".] 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;] [Substituted by Act 17 of 1925, Section 3, for exception (3).](4)whipping shall not be combined with any other form of punishment except cellular or separate confinement and loss of privileges admissible under the remission system;(5)[no punishment will be combined with any other punishment in contravention of rules made by the State Government.] [Inserted by Act 17 of 1925, Section 3.](2)[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 punishment which may not be awarded in combination for any such

offence.] [Section 47 renumbered as sub-Section (1) thereof and sub-Section (2) inserted by Act 17 of 1925, Section 3.]

[Andhra Pradesh].- In its application to the State of Andhra Pradesh, in sub-S. (1) of Section 47, Cl. (4) shall be omitted.Andhra Pradesh Act 23 of 1958, Section 3 and Sch. (w.e.f. 1-2-1960).[Assam].- Same as that of Andhra Pradesh.Assam Act 12 of 1956, Section 3 (w.e.f. 2-5-1956).[Bihar].- Same as that of Andhra Pradesh.Bihar Act 31 of 1956, Section 3 (w.e.f. 24-11-1956).[Gujarat].- Same as that of Maharashtra.Act 11 of 1960, Section 87; Gujarat A.L. (8th Amdt.) Order, 1961.[Madhya Pradesh].- In its application to the State of Madhya Pradesh, in Section 47(1), the words clause (4) shall be omitted.Madhya Pradesh Act 40 of 1961, Section 3 and Sch. (w.e.f. 1-2-1962).[Maharashtra].- In its application to the State of Maharashtra, in Section 47, in sub-S. (1),(a) Cl. (2) shall be omitted.Bombay Act 23 of 1959, Section 3 (w.e.f. 1-6-1959).(b) Cl. (4) shall be omitted.Bombay Act 39 of 1957, Section 4 (w.e.f. 28-9-1957).[Orissa].- In its application to the State of Orissa, in Cl. (4) of Section 47(1), for the words the remission system, substitute the remission or furlough system.Orissa Act 29 of 1958, Section 4 (w.e.f. 19-11-1958).[West Bengal].- In its application to the State of West Bengal, in sub-S. (1) of Section 47, Cls. (2) and (4) shall be omitted.West Bengal Act 22 of 1957, Section 4 (w.e.f. 6-1-1959).

48. Award of punishments under sections 46 and 47.

(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.

[Andhra Pradesh].- In its application to the State of Andhra Pradesh, after Section 48, insert the following section, namely:48-A. Punishment for breach of conditions of suspension or remission of sentence or grant of furlough.If any prisoner fails without sufficient cause to observe any of the conditions on which his sentence was suspended or remitted or furlough was granted to him, he shall be deemed to have committed a prison offence and the Superintendent may, after obtaining his explanation, punish such offence by(1) a formal warning as provided in clause (1) of section 46;(2) reduction in grade if such prisoner has been appointed an officer of prison;(3) loss of privileges admissible under the remission or furlough system; or(4) loss of such other privileges as the State Government may by general or special order, direct.Andhra Pradesh Act 23 of 1958, Section 3 and Sch. (w.e.f. 1-2-1960).[Gujarat].- Same as that of Maharashtra.Gujarat A.L. (8th Amdt.) Order, 1961.[Maharashtra].- In its application to the State of Maharashtra, in Section 48-A, add same as that of Andhra Pradesh, except :(i) after the word furlough where it occurs for the first time, insert the words or release on parole;(ii) after the word furlough where it occurs for the second time, insert the words or parole.Bombay Act 27 of 1953, Section 5 (w.e.f. 13-5-1953); Act 23 of 1959, Section 3 (w.e.f. 1-6-1959).[Orissa].- In its application to the State of Orissa, Section 48-A same as that of Andhra Pradesh except that the marginal note reads as follows:Punishment for breach of conditions of suspension of sentence.Orissa Act 29 of 1958, Section 5 (w.e.f. 19-11-1958).

49. Punishments to be in accordance with foregoing sections.

- 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. Medical Officer to certify to fitness of prisoner for punishment.

(1) No punishment of penal diet, either singly or in combination, or of whipping, 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. (3) In the latter case he shall state what extent of punishment he thinks the prisoner can undergo without injury to his health.

[Andhra Pradesh].- In its application to the State of Andhra Pradesh, in sub-S. (1) of Section 50, the words or of whipping shall be omitted. Andhra Pradesh Act 23 of 1958, Section 3 and Sch. (w.e.f. 1-2-1960). [Assam].- Same as that of Andhra Pradesh. Assam Act 12 of 1956, Section 4 (w.e.f. 2-5-1956). [Bihar].- Same as that of Andhra Pradesh. Bihar Act 31 of 1956, Section 4 (w.e.f. 24-11-1956). [Gujarat].- Same as that of Maharashtra. Gujarat Act 11 of 1960, Section 87, Gujarat A.L. (8th Amdt.) Order, 1961. [Madhya Pradesh].- In its application to the State of Madhya Pradesh, in Section 50, for sub-S. (1), substitute the following sub-section, namely: (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. Madhya Pradesh Act 12 of 1968, Section 2 (w.e.f. 18-5-1968). [Maharashtra].- In its application to the State of Maharashtra, in sub-S. (1) of Section 50, (a) the words or of whipping shall be omitted. Bombay Act 39 of 1957, Section 4 (w.e.f. 28-9-1957). (b) the words of penal diet, either singly or combination, or shall be omitted. Bombay Act 23 of 1959, Section 3 (w.e.f. 1-6-1959). [West Bengal].- In its application to the State of West Bengal, in sub-S. (1) of Section 50, the words of penal diet, either singly or in combination, or of whipping, or shall be omitted. West Bengal Act 22 of 1957, Section 5 (w.e.f. 6-1-1958).

51. Entries in punishment books.

(1) In the punishment book prescribed in section 12 there shall be recorded, in respect of every punishment inflicted, the prisoners 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, and, in the case of offences for which whipping is awarded, the Superintendent shall record the substance of the evidence of the witnesses, the defence of the prisoner, and the finding with the reasons therefor.(3)Against the entries relating to each punishment the Jailer and Superintendent shall affix their initials as evidence of the correctness of the entries.

[Andhra Pradesh].- In its application to the State of Andhra Pradesh, for sub-S. (2) of Section 51, substitute the following sub-section, namely:(2) In the case of every serious prison offence, the names of the witnesses providing the offence shall be recorded.Andhra Pradesh Act 23 of 1959, Section 3 and Sch. (w.e.f. 1-2-1960).[Assam].- In its application to the State of Assam, in sub-S. (2) of Section 51, the words in the cases of offences for which whipping is awarded and the commas before these words and thereafter shall be omitted.Assam Act 12 of 1956, Section 5 (w.e.f. 2-5-1956).[Bihar].- In its application to the State of Bihar, in sub-S. (2) of Section 51, the beginning with and, in the cases of offences and ending with with the reasons therefor shall be omitted.Bihar Act 31 of 1956, Section 5 (w.e.f. 24-11-1956).[Gujarat].- Same as that of Maharashtra.Gujarat Act 11 of 1960, Section 87 and Gujarat A.L. (8th Amdt.) Order, 1961.[Madhya Pradesh].- In its application to the State of Madhya Pradesh, for sub-S. (2) of Section 51, substitute the following sub-section, namely:(2) In the case of very serious prison offences, the name of the witnesses proving the offence shall be recorded.Madhya Pradesh Act 12 of 1963, Section 3 (w.e.f. 18-5-1968).[Maharashtra].- Same as that of Bihar.Bombay Act 39 of 1957, Section 4 (w.e.f. 28-9-1957); Act 23 of 1959 (w.e.f. 1-6-1959).[West Bengal].- Same as that of Bihar.West Bengal Act 22 of 1957, Section 6 (w.e.f. 1-6-1958).

Sections 51-A and 51-B

[Gujarat].- Same as that of Maharashtra.Gujarat Act 11 of 1960, Section 87 and Gujarat A.L. (8th Amdt.) Order, 1961.[Maharashtra].- In its application to the State of Maharashtra, after Section 51, insert the following sections, namely:51-A. Power to arrest without warrant person committing breach of conditions of suspension of sentence, etc.If any condition on or subject to which a sentence has been suspended or remitted or release on parole or furlough is granted is, in the opinion of the authority exercising such power, not fulfilled, such authority may cancel its order granting such suspension, remission or release on parole or furlough, and thereupon the person in whose favour such order was made may, if at large, be arrested by any Police Officer without warrant, and remanded to undergo the unexpired portion of his sentence.51-B. Criminal liability for breach of conditions of suspension of sentence, etc.- (1) If any prisoner fails without sufficient cause to observe any of the conditions on or subject to which his sentence was suspended or remitted, or release on parole or furlough was granted to him, he shall, on conviction, be punished (such punishment being in addition to any punishment which such prisoner was undergoing when he committed such offence) with imprisonment for a term which may extend to two years or with fine which may extend to one thousand rupees, or with both.(2) No Court shall take cognizance of an offence under this section except with the previous sanction of the State Government or the authority which granted suspension or remission of the sentence.Bombay Act 23 of 1959, Section 3 (w.e.f. 1-6-1959).

52. Procedure on committal of heinous offence.

- 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 the District Magistrate or of any Magistrate of the first class [or Presidency Magistrate] [Inserted by Act 13 of 1910, Section 2.] 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: [Provided that any such case may be transferred for inquiry and trial by the District Magistrate to any Magistrate of the first class and by a Chief Presidency Magistrate to any other Presidency Magistrate: and] [Substituted by Act 13 of 1910, Section 2, for the first proviso.] Provided also that no person shall be punished twice for the same offence.

[Andhra Pradesh].- Same as that of Tamil Nadu. Andhra Pradesh Act 23 of 1958, Section 3. [Gujarat].- Same as that of Maharashtra. Gujarat Act 11 of 1960, Section 87; Gujarat A.L. (8th Amdt.) Order, 1961. [Madhya Pradesh].- In its application to the State of Madhya Pradesh, in Section 52, (a) the words the District Magistrate or of and or Presidency Magistrate shall be omitted; (b) these provisos shall be omitted. Madhya Pradesh Act 40 of 1961, Section 3 and Sch. (w.e.f. 1-2-1962). [Maharashtra].- In its application to the State of Maharashtra, in Section 52, (a) the words of the District Magistrate or shall be omitted; (b) in the first proviso, the words by the District Magistrate or to any Magistrate of the first class and shall be omitted. Bombay Acts 23 of 1951, Section 2 and Sch.; Act 23 of 1959, Section 2. [Punjab, Haryana and Chandigarh].- In its application to the States of Punjab and Haryana and Union territory of Chandigarh, in Section 52, (a) for the words District Magistrate or of any Magistrate of the first class or Presidency Magistrate, substitute Chief Judicial Magistrate or any other Judicial Magistrate of the first class; and (b) for the first proviso, substitute the following proviso, namely: Provided that any such case may be transferred for inquiry and a trial by the Chief Judicial Magistrate to any other Judicial Magistrate of the first class. Punjab Act 25 of 1964, Section 2 and Sch. (w.e.f. 2-10-1964) and Central Act 31 of 1966, Section 88 (w.e.f. 1-11-1966). [Tamil Nadu].- In its application to the State of Tamil Nadu, in Section 52, for the words and figures 'sentence him to any of the punishments enumerated in section 46', the words and figures 'sentence him to any of the punishments to which he is liable under section 46' shall be substituted. [Tamil Nadu Act 18 of 1947, Section 2 (w.e.f. 6-11-1947)].

53. Whipping.

(1) No punishment of whipping shall be inflicted in instalments, or except in the presence of the Superintendent and Medical Officer or Medical Subordinate. (2) Whipping shall be inflicted with a light ratan not less than half an inch in a diameter on the buttocks, and in case of prisoners under the age of sixteen it shall be inflicted, in the way of school discipline, with a lighter ratan.

[Andhra Pradesh].- In its application to the State of Andhra Pradesh, Section 53 shall be omitted. Andhra Pradesh Act 23 of 1958, Section 3 and Sch. (w.e.f. 1-2-1960). [Assam].- Same as that of Andhra Pradesh. Assam Act 12 of 1956, Section 6 (w.e.f. 2-5-1956). [Bihar].- Same as that of Andhra Pradesh. Bihar Act 31 of 1956, Section 6 (w.e.f. 24-11-1956). [Gujarat].- Same as that of Maharashtra. Gujarat Act 11 of 1960, Section 87; Gujarat A.L. (8th Amdt.) Order, 1961. [Madhya Pradesh].- In its application to the State of Madhya Pradesh, Section 53 shall be omitted. Madhya Pradesh Act 40 of 1961, Section 3 and Sch. (w.e.f. 1-2-1962). [Maharashtra].- In its application to the State of Maharashtra, Section 53 shall be deleted. Bombay Act 39 of 1957, Section 4 read with Act 23 of 1959 (w.e.f. 1-6-1959). [West Bengal].- Same as that of Andhra Pradesh. West Bengal Act 22 of 1957, Section 7 (w.e.f. 6-1-1958).

54. Offences by prison subordinates.

(1) Every Jailer 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 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) No person shall under this section be punished twice for the same offence.

[Madhya Pradesh] In its application to the State of Madhya Pradesh, in Section 54, sub-S. (2) shall be omitted. Madhya Pradesh Act 40 of 1961, Section 3 and Sch. (w.e.f. 1-2-1962).

Chapter XII

Miscellaneous

55. Extramural custody, control and employment of prisoners.

- 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 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. Confinement in irons.

- Whenever the Superintendent considers it necessary (with reference either to the state of the prison or the character of the prisoners) for the safe custody of any prisoners that they should be confined in irons, may, subject 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. Confinement of prisoners under sentence of transportation in irons.

(1) Prisoners under sentence of transportation may, subject to any rules made under section [59] [Substituted by A.O. 1937, for "60".], 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.

[Bihar].- In its application to the State of Bihar, in sub-S. (1) of Section 57, for the word transportation, substitute imprisonment for life. Bihar Act 31 of 1956, Section 7 (w.e.f. 24-11-1956). [Uttar Pradesh].- In its application to the State of Uttar Pradesh, in Section 57, sub-S. (1), substitute the following sub-section, namely: (1) The sentence of imprisonment for life shall be regarded as a sentence of rigorous imprisonment and the prisoners undergoing such sentence may, subject to any rules made under section 59, be confined in fetters for the first three months after admission to prison. Uttar Pradesh Act 11 of 1962, Section 2 (w.e.f. 11-10-1962). [West Bengal].- In its application to the State of West Bengal, Section 57 shall be omitted. West Bengal Act 22 of 1957, Section 8 (w.e.f. 6-1-1958).

58. Prisoners not to be ironed by Jailer except under necessity.

- No prisoner shall be put in irons or under mechanical restraint by the Jailer of his own authority, except in case of urgent necessity, in which case notice thereof shall be forthwith given to the Superintendent.

[Andhra Pradesh].- In its application to the State of Andhra Pradesh, after Section 58, insert the following section, namely: 58-A. Power to release a prisoner on furlough. The State Government or any authority empowered by it may release a prisoner on furlough in accordance with rules for the time being in force. Andhra Pradesh Act 23 of 1958, Section 3 and Sch. (w.e.f. 1-2-1960). [Goa, Daman and Diu].- In its application to the Union territory of Goa, Daman and Diu, after Section 58, insert the following section, namely: 58-A. Release of prisoners on parole. The State Government or any authority empowered by it may release a prisoner on parole or furlough in accordance with such rules as may be made in this behalf. 58-B. Surrender of prisoners on the expiry of the period of temporary release.- (1) Any prisoner released on parole or furlough shall surrender himself to the officer-in-charge of the prison from which he was released, on the expiry of the period of parole or furlough or at such earlier time as he may be directed by the State Government or any authority empowered by it in this behalf. (2) Any prisoner who does not surrender himself as required by sub-section (1) or fails to comply with any other conditions upon which he is released, may be arrested by any police officer without a warrant, and shall be liable upon conviction to be punished with imprisonment of either description for a term which may extend to two years or to a fine which may extend to Rs. 1,000 or both. Goa, Daman and Diu Act 5 of 1968, Section 2 (w.e.f. 21-3-1968).

59. Power to make rules.

- [(1)] [Section 59 renumbered as sub-Section (1) thereof by Act 4 of 1986, Section 2 and Sch. (w.e.f. 15.5.1986).] [The State Government may] [Substituted by A.O. 1937, for certain words.] [, by notification in the Official Gazette,] [Inserted by Act 4 of 1986, Section 2 and Sch. (w.e.f. 15.5.1986).] make rules consistent with this Act (1) defining the acts which shall constitute prison-offences; (2) determining the classification of prison-offences into serious and minor offences; (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 (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 prisoner in danger of death may be released; (8) [for the classification of prisons, and description and construction of wards, cells and other places of detention; [Substituted by A.O. 1937, for Clauses (8) and (9).] (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 within or without prisons; (13) for defining articles the introduction or removal of which into or out of prisons without due authority is prohibited; (14) for classifying and prescribing the forms of 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; (19) for the preparation and 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 term of transportation or imprisonment is about to expire subject, however, to the consent of the State Government of any other State to which a 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 guidance 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 (10 of 1882)] [Now see the Code of Criminal Procedure, 1973 (2 of 1974).], and to the officers employed, and the prisoners confined, therein; (27) in regard to the admission, custody, employment, dieting, treatment and release of prisoners; and (28) generally for carrying into effect the purposes of this Act. (2) [Every rule made under this section shall be laid, as soon as may be after it is made, before the State Legislature.] [Inserted by Act 4 of 1986, Section 2 and Sch. (w.e.f. 15.5.1986).]

[Andhra Pradesh].- In its application to the State of Andhra Pradesh, in Section 59, for Cl. (5), substitute the following clause, namely: (5) for the award of marks, granting remission or furlough, determining the conditions on which and the authority by which such remission or furlough shall

be granted and the consequent shortening of the sentence. Andhra Pradesh Act 23 of 1958, Section 3 and Sch. (w.e.f. 1-2-1960). [Assam].- In its application to the State of Assam, in Section 59, for Cl. (5), substitute the following clause, namely: (5) for the award of marks, the suspension or remission and consequent shortening of sentences, and the grant of leave or emergency release and determining the conditions on which and the authority by which the sentences may be suspended or remitted and the prisoner may be granted leave or emergency release. Assam Act 1 of 1968, Section 2 (w.e.f. 16-2-1968). [Bihar].- In its application to the State of Bihar, in Section 59, (i) in Cl. (16), for the word transportation, substitute imprisonment for life; and (ii) in Cl. (22), the words transportation or shall be omitted. Bihar Act 31 of 1956, Section 8 (w.e.f. 24-11-1956). [Goa, Daman and Diu].- In its application to the Union territory of Goa, Daman and Diu, in Section 59, after Cl. (28), insert the following clauses, namely: (29) for release on parole or furlough and determining the conditions on which and the authority by which prisoners may be released on parole or furlough; (30) All rules made under this section shall be laid on the table of the Legislative Assembly as soon as may be, after they are made and shall be subject to such modifications as the Assembly may make during the session in which they are laid or the one immediately following. Goa, Daman and Diu Act 5 of 1968, Section 3 (w.e.f. 21-3-1968). [Gujarat].- Same as that of Maharashtra. Gujarat Act 11 of 1960, Section 87; Gujarat A.L. (8th Amdt.) Order, 1961. [Kerala].- In its application to the State of Kerala, in Section 59, after the words the State Government may make rules consistent with this Act, insert either prospectively or retrospectively. Kerala Act 10 of 1976, Section 2 (w.r.e.f. 10-10-1972). [Maharashtra].- In its application to the State of Maharashtra, in Section 59, for Cl. (5), substitute the following clause, namely: (5) for the award of marks, the suspension, or remission and consequent shortening of sentences, and the grant of release on parole or furlough and determining the conditions on which and the authority by which the sentences may be suspended or remitted and the prisoners may be released on parole or furlough. Bombay Act 23 of 1959, Section 3 (w.e.f. 1-6-1959). [Orissa].- In its application to the State of Orissa, in Section 59, for Cl. (5), substitute the following clause, namely: (5) for the award of marks, granting remission or furlough, determining the conditions on which and the authority by which such remission or furlough shall be granted and the consequent shortening of the sentence. Orissa Act 29 of 1958, Section 6 (w.e.f. 19-11-1958). [West Bengal].- In its application to the State of West Bengal, in Section 59, (a) Cl. (16) shall be omitted; (b) in Cl. (22), the words transportation or shall be omitted. West Bengal Act 22 of 1957, Section 9 (w.e.f. 6-1-1958).

[60] [This section had been incorporated with slight modifications in clauses (8) to (27) of section 59.]. Power of Local Government to make rules.- [Repealed by the Government of India (Adaptation of Indian Laws) Order, 1937.]

61. Exhibition of copies of rules.

- Copies of rules, under [section 59] [Substituted by A.O. 1937, for "sections 59 and 60".] so far as they affect the Government of prisons, shall be exhibited, both in English and in the Vernacular, in some place to which all persons employed within a prison have access.

[Gujarat].- Same as that of Maharashtra. Gujarat Act 11 of 1960, Section 87; Gujarat A.L. (8th Amdt.) Order, 1961. [Madhya Pradesh].- In its application to the State of Madhya Pradesh, in Section 61, for the words both in English and in Vernacular, in some place to which all persons

employed within a prison have access, substitute both in English and in Hindi in Devanagri script, in some conspicuous place and to which all persons employed within a prison have access. Madhya Pradesh Act 40 of 1961, Section 3 and Sch. (w.e.f. 1-2-1961). [Maharashtra].- In its application to the State of Maharashtra, in Section 61, for the word Vernacular, substitute regional language. Bombay Act 23 of 1959, Section 3 (w.e.f. 1-6-1959).

62. Exercise of powers of Superintendent and Medical Officer.

- 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. The schedule Enactments Repealed. [Repealed by the Repealing Act, 1938 (1 of 1938), section 2 and Schedule.]