

# THE PRISONS' ACT, 1870.

## ARRANGEMENT OF SECTIONS.

### CHAPTER I.

#### PRELIMINARY.

##### SECTIONS.

1. Short title.  
Local extent.  
Commencement of Act.
2. Repeal of enactments.
3. Interpretation-clause.

### CHAPTER II.

#### MAINTENANCE AND OFFICERS OF PRISONS.

4. Local Government to provide prison accommodation.
5. Temporary shelter of prisoners.
6. Inspector General of Prisons.
7. Officers of prison.
8. Appointment of officers.
9. Salaries, suspension and dismissal of officers.

### CHAPTER III.

#### DUTIES OF OFFICERS.

##### *Generally.*

10. Officers to obey Superintendent.
11. Officers not to sell or let to prisoners.
12. Officers not to contract with prisoners ;  
Nor to benefit by sales.

##### *Superintendent.*

13. Duties of Superintendent.

##### *Medical Officer.*

14. Power to make rules as to Medical Officer's duties.  
Medical Officer to obey such rules.
15. To report special cases.

16. To

## SECTIONS.

16. To make entries as to death of prisoners.
17. Deputy Medical Officer.  
Subordinate Medical Officer.

*Gaoler.*

18. Residence of Gaoler.
19. To deliver list of prisoners confined in punishment-cells.
20. To give notice of death of prisoners.
21. To keep enumerated books and accounts.
22. Responsible for safe custody of documents.
23. Not to be absent without leave.
24. Deputy Gaoler.

*Subordinate Officers.*

25. Powers of Gate-Porter.
26. Subordinate officers not to be absent without leave.

## CHAPTER IV.

## ADMISSION, REMOVAL AND DISCHARGE OF PRISONERS.

27. Prisoners to be searched on entrance.  
Medical examination of criminal prisoners.
28. Effects of criminal prisoners retained.
29. Medical examination before removal and discharge of prisoners.

## CHAPTER V.

## DISCIPLINE OF PRISONERS.

30. Requisitions of Act as to separation of prisoners.
31. Rules as to separate confinement.
32. Cells to be furnished with means of communication.
33. Prisoners under sentence of death.

## CHAPTER VI.

## FOOD, CLOTHING AND BEDDING OF PRISONERS.

34. Civil prisoner may maintain himself.
35. Civil prisoner not to sell provisions.
36. Allowance of clothing and bedding.  
Judgment-creditor to defray such allowance.

## CHAPTER VII.

## EMPLOYMENT OF PRISONERS.

37. Work and earnings of civil prisoners.
38. Examination by Medical Officer of labouring prisoners.
39. Employment

39. Employment of prisoners sentenced to simple imprisonment.

---

CHAPTER VIII.

HEALTH OF PRISONERS.

40. Names of sick prisoners to be reported to Gaoler. Gaoler to report them to Medical Officer.  
41. Entry of directions by Medical Officer.  
42. Infirmaries.

---

CHAPTER IX.

VISITS TO AND CORRESPONDENCE OF PRISONERS.

43. Visits to prisoners.  
Correspondence of prisoners.  
44. Power of Gaoler as to visitors.

---

CHAPTER X.

OFFENCES IN RELATION TO PRISONS.

45. Carrying liquor, tobacco or drugs into prison. Suffering liquor, tobacco or drugs to be sold or used in prison.  
Carrying letters into and out of prison.  
Abetment of such offences.  
46. Notice of penalties to be placed outside prison.

---

CHAPTER XI.

PRISON OFFENCES.

47. List of prison-offences.  
48. Superintendent's power to punish prison-offenders.  
49. Punishment of prisoners by Magistrate.  
50. Corporal punishment.  
51. Penalty on officers ill-treating prisoners or violating rules.

---

CHAPTER XII.

MISCELLANEOUS.

52. Confinement in irons of prisoners sentenced to rigorous imprisonment.  
53. Confinement in irons by Gaoler of his own authority.  
54. Power to make supplementary prison-rules.  
55. Present rules.  
56. Exercise of powers of Superintendent.  
Schedule.

## ACT No. XXVI OF 1870.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

*(Received the assent of the Governor General on the 3rd  
October 1870).*

An Act to amend the law relating to Prisons.

**W**HEREAS it is expedient to amend the law relating to prisons in the North-Western Provinces, the Panjáb, Oudh, the Central Provinces, and British Burma, and to provide rules for the regulation of such prisons ; It is hereby enacted as follows :—

Preamble.

### CHAPTER I.

#### PRELIMINARY.

**1.** This Act may be called "The Prisons' Act, 1870." Short title.

It extends only to the territories respectively under the government of the Lieutenant-Governors of the North-Western Provinces and the Panjáb, and under the administration of the Chief Commissioners of Oudh, the Central Provinces and British Burma. Local extent.

*Repeal.*  
10/1/74 And it shall come into force on the first day of December 1870. Commence-  
ment of Act.

**2.** On and after that day the enactments mentioned in the schedule to this Act annexed shall be repealed to the extent specified in the third column of the said schedule. Repeal of  
enactments. *Repeal*  
11/73

**3.** In this Act—

"prison" means any gaol or penitentiary, and includes the airing-grounds or other grounds or buildings occupied for the use of the prison ; Interpreta-  
tion-clause.  
"Prison."

"criminal

"Criminal prisoner."

"criminal prisoner" means any prisoner charged with or convicted of a crime;

"Civil prisoner."

and "civil prisoner" means any prisoner confined in a civil jail, or on the civil side of a jail.

## CHAPTER II.

### MAINTENANCE AND OFFICERS OF PRISONS.

Local Government to provide prison accommodation.

4. The Local Government shall provide for the prisoners in the territories under such Government, accommodation in a prison or prisons constructed and regulated in such manner as to comply with the requisitions of this Act in respect of the separation of prisoners.

Temporary shelter of prisoners.

5. Whenever it appears to the Local Government that the number of prisoners in any prison is greater than can conveniently or safely be kept therein,

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 prisoners,

provision shall be made by such officer and in such manner as the Local Government from time to time directs, for the temporary shelter and safe custody of so many of the prisoners as cannot be conveniently or safely kept in the prison.

Prisoners for whom such temporary shelter is provided shall be subject to the same rules as if they were within the prison.

Inspector General of Prisons.

6. An Inspector General of Prisons shall be appointed in the North-Western Provinces by the Local Government, ~~in the Panjab by the Local Government,~~ and in Oudh, the Central Provinces and British Burma, by the Governor General in Council.

In each Inspector General so appointed shall be vested (subject to the orders of the Local Government) the general control and superintendence of all prisons situate in the territories under such Government.

7. For

*the Panjab & Oudh  
(See Act XIV/78,  
sec. 2)*

7. For every prison there shall be a Superintendent, a Medical Officer (who may also be the Superintendent), a Gaoler and such subordinate officers as the Local Government thinks necessary. Officers of prison.

Subject to the orders of the Governor General in Council, the Local Government may direct that for any specified prison there shall also be a Deputy Medical Officer and a Deputy Gaoler.

8. The Local Government shall appoint the Superintendent and the Medical Officer and the Deputy Medical Officer. Appointment of officers.

The Superintendent (subject to the approval of the Inspector General of Prisons) shall appoint the Gaoler and Deputy Gaoler.

The Superintendent shall also appoint the subordinate officers.

9. Every officer appointed under this Act shall receive such salary as (subject to the approval of the Governor General of India in Council) the Local Government directs; and may be suspended or dismissed by the authority appointing him: Salaries, suspension and dismissal of officers.

Provided that no Gaoler or Deputy Gaoler shall be dismissed without the consent of the Inspector General of Prisons.

Any subordinate officer dismissed under this section may appeal to the Inspector General, whose orders on such appeal shall be final.

### CHAPTER III.

#### DUTIES OF OFFICERS.

##### *Generally.*

10. All officers of a prison shall obey the directions of the Superintendent: all subordinate officers shall perform such duties as may be directed by the Gaoler with the sanction of the Superintendent; and the duties of each subordinate officer shall be inserted in a book to be kept by him. Officers to obey Superintendent.

II. No

Officers not to sell or let to prisoners.

11. 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.

Officers not to contract with prisoners ;

12. 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, except so far as is expressly allowed by rules made under section fifty-four, shall he derive any benefit, directly or indirectly, from the sale of any article on behalf of the prison or belonging to a prisoner.

nor to benefit by sales.

*Superintendent.*

Duties of Superintendent.

13. Subject to the orders of the Inspector General of Prisons, the Superintendent shall—

manage the prison in all matters relating to discipline, labour, expenditure, punishment and control :

correspond on all matters connected with the prison with and through the Inspector General :

submit to the Inspector General all bills of prison expenditure with proper vouchers for audit :

report to the Inspector General from time to time, as they occur, all escapes and recaptures, and all outbreaks of epidemic disease :

send to the Inspector General returns of all prisoners sentenced to transportation :

periodically inspect all property of the Government in his charge, and report thereon to the Inspector General ;

and, generally, obey all rules made under section fifty-four for the guidance of the Superintendent.

The Superintendent shall also obey all orders respecting the prison given by the Magistrate of the District, or the Deputy Commissioner, as the case may be, and shall report to the Inspector General all such orders and the action taken thereon.

*Medical Officer.*

Power to make rules as to Medical Officer's duties.

14. The Local Government shall make rules as to each of the following matters :—

how often the Medical Officer shall visit the prison and see each prisoner :

the

the records to be made respecting sick prisoners :  
 periodical inspection of every part of the prison :  
 reports on its cleanliness, drainage, warmth and  
 ventilation :

reports on the provisions, water, clothing and bed-  
 ding supplied to the prisoners.

The Medical Officer shall obey such rules.

Medical Offi-  
 cer to obey  
 such rules.

To report  
 special cases.

15. Whenever the Medical Officer has reason to be-  
 lieve 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 directions as the Medical Officer thinks proper.

16. On the death of any prisoner, the Medical  
 Officer shall forthwith record in writing the following  
 particulars, namely,—

To make en-  
 tries as to  
 death of pris-  
 oners.

when the deceased was taken ill,

when the Medical Officer was first informed of the  
 illness,

the nature of the disease,

when the prisoner died,

and (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.

17. Where a Deputy Medical Officer is appointed  
 to a prison, he shall be competent to perform any  
 duty required by this Act, or by any rule made here-  
 under, to be performed by the Medical Officer.

Deputy Me-  
 dical Officer.

When there is no Deputy Medical Officer, or when  
 his services are not available by reason of sickness  
 or other cause, the Local Government may, by general  
 or special order, appoint a Subordinate Medical Officer  
 to act as a substitute for the Medical Officer, and the  
 Subordinate Medical Officer so appointed shall perform  
 all the duties of the Medical Officer.

Subordinate  
 Medical Offi-  
 cer.

#### Gaoler.

18. The Gaoler shall reside in the prison, unless  
 the Superintendent permits him in writing to reside  
 elsewhere.

Residence of  
 Gaoler.



elsewhere. The Gaoler shall not, without the Inspector General's sanction, be concerned in any other employment.

To deliver list of prisoners confined in punishment-cells.

**19.** The Gaoler shall deliver to the Medical Officer daily a list of such prisoners as are confined in punishment-cells.

To give notice of death of prisoners.

**20.** Upon the death of a prisoner, the Gaoler shall give immediate notice thereof to the Superintendent.

To keep enumerated books and accounts.

**21.** The Gaoler shall keep, or cause to be kept, the following records:—

(1) a register of warrants;

(2) a book showing when each prisoner is to be released;

(3) a punishment-book for the entry of the punishments inflicted for prison-offences;

(4) a visitors' book for the entry of any observations made by visitors to 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 made under section fifty-four.

Responsible for safe custody of documents.

**22.** The Gaoler shall be responsible for the safe custody of the records to be kept by him under section twenty-one, and also for the commitments and all other documents confided to his care.

Not to be absent without leave.

**23.** The Gaoler 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 report the fact and the cause of it to the Superintendent.

Deputy Gaoler.

**24.** Where a Deputy Gaoler is appointed to a prison, he shall be competent to perform any duty required by this Act or by any rule made under section fifty-four to be performed by the Gaoler.

Where there is no Deputy Gaoler, or where his services are not available by reason of sickness or other cause, the Superintendent shall, when the Gaoler is absent from the prison or temporarily incapacitated, appoint an officer of the prison to act as his substitute during such absence or incapacity, and the substitute

stitute so appointed shall have all the powers and perform all the duties of the Gaoler.

*Subordinate Officers.*

**25.** The officer acting as Gate-Porter, or any other officer of the prison, may examine anything carried in or out of the prison, and may stop and search any person suspected of bringing in spirits or other prohibited articles into the prison, or of carrying out any property belonging to the prison, and if any such articles or property be found, shall give immediate notice thereof to the Gaoler. Powers of Gate-Porter.

**26.** Subordinate officers shall not be absent from the prison without leave from the Superintendent, or from the Gaoler, and before absenting themselves they shall leave their keys in the Gaoler's office. Subordinate officers not to be absent without leave.

CHAPTER IV.

ADMISSION, REMOVAL AND DISCHARGE OF PRISONERS.

**27.** When a prisoner is first admitted, and whenever he afterwards enters the prison, he shall be searched, and all weapons and prohibited articles shall be taken from him. Prisoners to be searched on entrance.

Every criminal prisoner shall also, as soon as possible after admission, be examined by the Medical Officer, who shall enter in a book, to be kept by the Gaoler, a record of the state of the prisoner's health, and any observations which the Medical Officer thinks fit to add. Medical examination of criminal prisoners.

**28.** All money or other effects in respect whereof no order of a competent court has been made, and which may 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 Gaoler. Effects of criminal prisoners retained.

**29.** All prisoners, previously to being removed to any other prison, shall be examined by the Medical Officer. Medical examination before removal and discharge of prisoners.

No prisoner shall be removed to any other prison unless the Medical Officer certifies that the prisoner

is

is free from any illness rendering him unfit for removal.

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.

Requisitions of Act as to separation of prisoners.

**30.** The requisitions of this Act, with respect to the separation of prisoners, are as follows:—

(1.)—In a prison containing female prisoners as well as males, the women 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 men.

(2.)—In a prison where children under twelve years of age are confined, means shall be provided for separating them altogether from the other prisoners.

(3.)—Criminal prisoners before trial shall be kept apart from convicted prisoners.

(4.)—Civil prisoners shall be kept apart from criminal prisoners.

Rules as to separate confinement.

**31.** The Local Government shall have power to make rules—

(1) as to what cells only shall be used for the separate confinement of prisoners:

(2) as to the time during which prisoners not guilty of offences against prison rules may be confined separately.

Cells to be furnished with means of communication.

**32.** No cell shall be used for separate confinement unless it is furnished with the means of enabling the prisoner to communicate at any time with an officer of the prison.

Prisoners under sentence of death.

**33.** Every prisoner under warrant or order for execution shall, immediately on his arrival in the prison after sentence, be searched by, or by order of, the

Gaoler

Gaoler, and all articles shall be taken from him which the Gaoler deems it dangerous or inexpedient to leave in his possession.

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 an officer or guard.

## CHAPTER VI.

### FOOD, CLOTHING AND BEDDING OF PRISONERS.

**34.** A civil 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.

Civil prisoner may maintain himself.

**35.** No part of any food, clothing, bedding or other necessaries belonging to any civil prisoner shall be sold to any other prisoner; and any civil prisoner transgressing this regulation shall lose the privilege of purchasing food or receiving it from private sources, for such time as the Superintendent thinks proper.

Civil prisoner not to sell provisions.

**36.** Every civil 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.

Allowance of clothing and bedding.

When any such prisoner has been committed to prison in execution of a decree in favour of a private person, such person, or his representative, shall be liable to pay to the Superintendent on demand the cost of the clothing and bedding so supplied to the prisoner; and in default of such payment the prisoner shall be released.

Judgment-creditor to defray such allowance.

## CHAPTER VII.

### EMPLOYMENT OF PRISONERS.

**37.** Civil prisoners may, with the Superintendent's permission, work and follow their respective trades and professions.

Work and earnings of civil prisoners.

Civil

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.

Examination  
by Medical  
Officer of  
labouring  
prisoners.

**38.** The Medical Officer shall, from time to time, examine the labouring prisoners while they are employed, and shall enter in his journal the name of any prisoner whose health he thinks likely to be injured by a continuance at hard labour, and thereupon such prisoner shall not again be employed at such labour until the Medical Officer certifies that he is fit for such employment.

But if the Medical Officer certifies that such prisoner may without detriment to his health be employed on some lighter kind of labour, it shall be lawful for the Gaoler so to employ him.

Employment  
of prisoners  
sentenced to  
simple imprison-  
ment.

**39.** Provision shall be made by the Superintendent for the employment (as long as they so desire) of all criminal prisoners sentenced to simple imprisonment.

The Superintendent shall make rules as to the amount and nature of such employment; 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 prisoners.

## CHAPTER VIII.

### HEALTH OF PRISONERS.

Names of  
sick prisoners  
to be reported  
to Gaoler.

**40.** The names of prisoners desiring to see the Medical Officer or appearing out of health in mind or body shall be reported by the officer attending them to the Gaoler.

The

The Gaoler shall, without delay, call the attention of the Medical Officer to any prisoner desiring to see him, or who is ill, or whose state of mind or body appears to require attention, Gaoler to report them to Medical Officer.

and shall carry into effect the Medical Officer's written directions respecting alterations of the discipline or treatment of any such prisoner.

41. All directions given by the Medical Officer 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 his journal, which shall have a separate column wherein entries shall be made by the Gaoler, 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 Gaoler thinks fit to make, and the date of the entry. Entry of directions by Medical Officer.

42. In every prison an infirmary or proper place for the reception of sick prisoners shall be provided. Infirmary.

## CHAPTER IX.

### VISITS TO AND CORRESPONDENCE OF PRISONERS.

43. Due provision shall be made for the admission, at proper times and under proper restrictions, into every prison of persons with whom prisoners before trial may desire to communicate. Visits to prisoners.

The Local Government shall also impose such restrictions upon the communication and correspondence of prisoners with their friends as it thinks necessary for the maintenance of good order and discipline. Correspondence of prisoners.

44. The Gaoler may demand the name and address of any visitor to a prisoner; and, when the Gaoler has any ground for suspicion, may search visitors, or cause them to be searched, but the search shall not be in the presence of any prisoner or of another visitor. Power of Gaoler as to visitors.

In case of any such visitor refusing to be searched, the Gaoler may deny him admission; and the grounds  
of

of such proceeding, with the particulars thereof, shall be entered in his journal.

## CHAPTER X.

### OFFENCES IN RELATION TO PRISONS.

Carrying liquor, tobacco or drugs into prison,

**45.** Whoever, contrary to the regulations of the prison, brings, throws, or attempts by any means whatever to introduce into any prison, or any place provided under section five for the temporary shelter and safe custody of prisoners, any spirituous or fermented liquor, or tobacco, or intoxicating or poisonous drug,

suffering liquor, tobacco or drugs to be sold or used in prison, carrying letters into and out of prison,

and every officer of a prison who knowingly suffers any such liquor, tobacco, or drug, to be sold or used in such prison or place contrary to such regulations,

and whoever, contrary to such regulations, conveys, or attempts to convey, any letter or other article not allowed by such regulations, into or out of any such prison or place,

abetment of such offences.

and whoever abets within the meaning of the Indian Penal Code any offence made punishable by this section,

shall, on conviction before a Magistrate, be liable to rigorous imprisonment for a term not exceeding six months or to fine not exceeding two hundred rupees or to both.

Notice of penalties to be placed outside prison.

**46.** The Superintendent shall cause to be affixed, in a conspicuous place outside the prison or the place provided as aforesaid, a notice setting forth the penalties incurred by persons committing any offence under section forty-five.

## CHAPTER XI.

### PRISON OFFENCES.

List of prison offences.

**47.** The following acts are declared to be offences against prison discipline:—

(1) wilful disobedience to the regulations of the prison by any prisoner;

(2) assaults

- (2) assaults or use of criminal force by any prisoner ;
- (3) insulting or threatening language by any prisoner to any officer or prisoner ;
- (4) indecent or disorderly behaviour by any prisoner ;
- (5) wilfully disabling himself from labour ;
- (6) contumaciously refusing to work ;
- (7) filing or cutting irons or bars ;
- (8) idleness or negligence at work by any convicted criminal prisoner ;
- (9) wilful mismanagement of work by any convicted criminal prisoner ;
- (10) wilful damage to prison property ;
- (11) conspiring to escape, or to assist in escaping, or to commit any other of the offences aforesaid.

**48.** The Superintendent may examine any person touching such offences, and determine thereupon, and punish such offences—

Superintendent's power to punish prison offenders.

- (1) by imprisoning the offender in solitary confinement for any time not exceeding seven days ;
- (2) by ordering the offender for any time not exceeding three days to close confinement, to be there kept upon a diet reduced to such extent as the Local Government shall prescribe ;
- (3) by corporal punishment not exceeding thirty stripes of a ratan ; or
- (4) where the offender is not sentenced to rigorous imprisonment, by hard labour for any time not exceeding seven days.

The Gaoler shall enter in a separate book, called the punishment-book, a statement of the nature of any offence that has been punished under this section, with the addition of the name of the offender, the date of the offence, and the amount of punishment inflicted. Such statement shall be signed by the Superintendent.

**49.** If any prisoner is guilty of repeated offences against prison discipline, or is guilty of any offence against prison discipline which the Superintendent

Punishment of prisoners by Magistrate.

thinks



thinks is not adequately punishable under section forty-eight, the Superintendent shall report the same to the Magistrate of the District or any Magistrate empowered to receive complaints without reference by the Magistrate of the District.

Such Magistrate shall have power to inquire upon oath and to determine concerning any matter so reported to him, and to sentence the offender to be punished

by confinement in a punishment-cell or in irons for any term not exceeding six months,

or by corporal punishment not exceeding thirty stripes of a ratan.

or by rigorous imprisonment for a term not exceeding six months, such term to be in addition to the term for which he is undergoing imprisonment.

Nothing in this or the last preceding section shall authorize the infliction of corporal punishment, or confinement in irons, on any female prisoner or any civil prisoner.

Corporal  
punishment.

**50.** All corporal punishment within the prison shall be inflicted in the presence of the Superintendent, subject to the law for the time being in force relating to the infliction of corporal punishment and the precautions to be taken in reference thereto.

Penalty on  
officers ill-  
treating pris-  
oners or vio-  
lating rules.

**51.** Every Gaoler and subordinate officer of a prison ill-treating any prisoner, or wilfully violating or neglecting any rule contained in this Act or made under section fifty-four, shall be liable, on conviction before the Superintendent, to fine not exceeding one hundred rupees, or, on conviction before a Magistrate not being the Superintendent, to fine not exceeding two hundred rupees, or rigorous imprisonment for a term not exceeding one month, or both.

Any fine imposed by the Superintendent under this section may be recovered, either by deductions from the convicted officer's salary and allowances, or under the law for the time being in force for the recovery of fines.

No person shall, under this section, be punished twice for the same offence.

CHAPTER XII

## CHAPTER XII.

## MISCELLANEOUS.

**52.** 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, the Superintendent may so confine them.

Confinement in irons of prisoners sentenced to rigorous imprisonment.

**53.** Except in case of urgent necessity, no prisoner shall be put in irons or under mechanical restraint by the Gaoler of his own authority, and notice thereof shall be forthwith given to the Superintendent.

Confinement in irons by Gaoler of his own authority.

Except in case of urgent necessity, no prisoner shall be kept in irons or under mechanical restraint for more than twenty-four hours, without an order in writing from the Superintendent specifying the cause thereof, and the time during which the prisoner is to be kept in irons or under mechanical restraint. Such order shall be kept by the Gaoler as his warrant.

**54.** The Local Government may, from time to time, make rules consistent with this Act,

Power to make supplementary prison rules.

(1) for the government of prisons and for the guidance of all officers appointed hereunder :

(2) as to sales of articles on behalf of prisons or belonging to prisoners, and as to the commission receivable thereon :

(3) as to the food and clothing of criminal prisoners :

(4) for the employment and control of convicts within or without prisons, and for the guidance of the guards in charge of such convicts :

(5) for remission of sentences :

(6) for rewards for good conduct ; and

(7) for the appointment and guidance of visitors of prisons.

Copies of such rules, so far as they affect the government of prisons, shall be exhibited in some place to which all persons employed within a prison have access.

55. All

Present rules. **55.** All rules now in force relating to any of the matters mentioned in sections fourteen, thirty-one, thirty-nine and fifty-four shall, so far as such rules are consistent with this Act, be deemed to have been made under those sections respectively.

Exercise of powers of Superintendent. **56.** All or any of the powers and duties conferred and imposed by this Act on a Superintendent may be exercised and performed by such other officer as the Local Government from time to time appoint in this behalf.

*Repd 4/11/70*

SCHEDULE.

[See Section 2.]

*Rep. XXVI of 70  
not returned  
to Govt*

*Rep. XXVI of 74  
not returned  
to Govt*

*Rep. Ben Act II of 1870  
XXVI of 1870  
not returned  
to Govt*

Number and year.	TITLE.	Extent of repeal.
Bengal Regulation XIV of 1816.	To provide more effectually for the Management of the Public Jails; and to enable the Magistrates to maintain good Order and Discipline in those Jails; as well as among the Prisoners employed on the Public Roads, or other Public works:—also to place the Jail at Allypore, in the Vicinity of Calcutta, under the inspection and control of the Court of Nizamut Adawlut; and to provide for the Transportation of Convicts to the Island of Mauritius or its immediate Dependencies.	So much as has not been repealed.
Bengal Regulation XVII of 1816.	For the occasional Revision of the regular Police and Jail Establishments; for the due Support and Regulation of the Establishments of chokeedars; for amending the Rules in Force for the Appointment and Removal of Police Officers; for modifying the Constitution of the Offices of the Superintendents of Police; and for reducing the Miscellaneous Business of Courts of Circuit, and Court of Nizamut Adawlut.	Sections fourteen and eighteen.
Bengal Regulation III of 1826.	For extending to Dewanny prisoners some of the Provisions in Regulation XIV, 1816, and for modifying the Rule contained in Section III, Regulation IV, 1816.	The whole.

SCHEDULE (continued).

## SCHEDULE (continued).

Number and year.	TITLE.	Extent of repeal.
✓ Bengal Regulation IV of 1833. <i>not substituted</i> <i>known</i>	To provide more effectually for the Management of Convicts sentenced to Labour and employed on the Roads or Public Works under Superintendents or their Assistants appointed by Government, and to enable those officers to maintain good Order and Discipline among the Convicts and their Guards.	The whole.
Bengal Regulation II of 1834.	For abolishing Corporal Punishment; for substituting a Fine in certain Cases for a Sentence of Labour; and for the gradual Introduction of a better System of Prison Discipline.	So much as has not been repealed.
Act No. XVIII of 1844.	For the better control and management of Gaols within the Bengal Presidency.	The whole.