

THE TRAVANCORE-COCHIN PRISONS ACT, 1950

(ACT XVIII OF 1950)

CONTENTS

Preamble.

Sections.

CHAPTER I

Preliminary

1. Short title, extent and commencement.
2. Continuance of rules and orders issued.
3. Definitions.

CHAPTER II

Maintenance and Officers of Prison

4. Accommodation for prisoners.
5. Inspector-General of the prison
6. Officers of prisons.
7. Temporary accommodation for prisoners.

CHAPTER III

Duties of Officers

Generally

8. Control and duties of officers of prisons.
9. Officers not to have business dealings with prisoners.
10. Officers not to be interested in prison contracts.

Superintendent

11. Superintendent.
12. Records to be kept by the Superintendent.

Medical Officer

13. Duties of Medical Officer.
14. Medical Officer to report in certain cases.
15. Report on death of prisoner.

Jailer

16. Jailer.
17. Jailer to give notice of death of prisoner.
18. Responsibility of Jailer.
19. Jailer to be present at night.

SC-41

20. Power of Deputy and Assistant Jailers.

Subordinate Officers

21. Duties of gate-keeper.
22. Subordinate officers not to be absent without leave.
23. Convict Officers.

CHAPTER IV

Admission, removal and discharge of prisoners

24. Prisoners to be examined on admission.
25. Effects of prisoners.
26. Removal and discharge of prisoners.

CHAPTER V

Discipline of prisoners

27. Separation of prisoners.
28. Association and segregation of prisoners.
29. Solitary confinement.
30. Prisoners under sentence of death.

CHAPTER VI

Food, clothing, and bedding of civil and unconvicted criminal prisoners

31. Maintenance of certain prisoners from private sources.
32. Restriction on transfer of food and clothing between certain prisoners.
33. Supply of clothing and bedding to civil and unconvicted criminal prisoners.

CHAPTER VII

Employment to prisoners

34. Employment of civil prisoners.
35. Employment of criminal prisoners.
36. Employment of criminal prisoners sentenced to simple imprisonment.

CHAPTER VIII

Health of prisoners

37. Sick prisoners.
38. Record of directions of Medical Officers.
39. Hospital.
40. Power of Superintendent to send a prisoner to hospital or asylum for special treatment

CHAPTER IX

Visits to Prisoners

41. Visits to civil and unconvicted criminal prisoners
42. Search of visitors.

CHAPTER X

Offences in relations to prisoners

43. Penalty for introduction or removal of prohibited articles into or from prison and communication with prisoners.
44. Powers to arrest for offence under Section 43.
45. Publication of penalties

CHAPTER XI

Prison-offences

46. Prison-offences.
47. Punishment of such offences.
48. Plurality of punishments under Section 47.
49. Award of punishment under Sections 47 and 48.
50. Punishment to be in accordance with foregoing Sections.
51. Medical Officer to certify to fitness of prisoner for punishment.
52. Entries in punishment book.
53. Procedure on committal of heinous offence.
54. Whipping.
55. Offence by prison subordinate.

CHAPTER XII

Miscellaneous

56. Extramural custody, control and employment of prisoners.
57. Confinement in irons
58. Prisoners not to be ironed by Jailer except under necessity.
59. Power to make rules.
60. Exhibition of copies of rules.
61. Exercise of powers of Superintendent and Medical Officer.

THE TRAVANCORE-COCHIN PRISONS ACT, 1950

(Act XVIII of 1950)

An Act to provide for the management of prisons

WHEREAS it is expedient to regulate the management of prisons in the State of Travancore-Cochin ;

It is hereby enacted as follows:—

CHAPTER I

Preliminary

1. (1) This Act may be called the Travancore-Cochin Prisons Act, 1950. Short title, extent and commencement.

(2) It shall extend to the whole of the State of Travancore-Cochin and it shall come into force on such date as may be notified by Government in the Gazette. a

2. (1) The Travancore Prisons Act, I of 1071 and the Cochin Prisons Act, VI of 1076 are hereby repealed. Continuance of rules and orders issued.

(2) All rules and appointments made, directions given, and orders issued, which are in force on the day that this Act comes into force, shall, so far as they are consistent with this Act, be deemed to have been respectively made, given and issued under this Act.

(3) The prisons established under the Travancore Prisons Act of 1071 and the Cochin Prisons Act, VI of 1076, shall be deemed to be prisons established under this Act.

3. In this Act—

(1) "Prison" means any jail or place used permanently or temporarily under the general or special orders of Government for the detention of prisoners, and includes all lands and buildings appurtenant thereto, but does not include— Definitions.

(a) any place for the confinement of prisoners who are exclusively in the custody of the police,

(*) Published in the Gazette dated 6th June 1950.

For Statement of Objects and Reasons see Gazette Extraordinary dated 25th November 1949.

For Report of the Select Committee see Gazette Extraordinary, dated 10th December 1949.

For debate in Assembly see Legislative Assembly Proceedings (1949), Vol III, pages 570, (1950) Vol I, pages 1861, 1892 and 1897. dl-

(b) Brought into force on 7th November 1950 by Notification No. H-5-16258/50/CS, dated November 1950 published in Gazette dated 7th November 1950.

(b) any place specially appointed by Government under the provisions of the Code of Criminal Procedure for the time being in force,

(c) any place which has been declared by 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, and includes a person detained in prison under the provisions of Chapter VIII of the Travancore or Cochin Code of Criminal Procedure.

(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 jails.

(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 or Sub-Assistant Surgeon.

(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.

CHAPTER II

Maintenance and Officers of prisons

4. Government shall provide, for the prisoners in the State of Travancore-Cochin 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. The District Magistrate of the District in which the prison is situate or any other officer appointed by Government shall be Inspector-General in respect of that prison who shall exercise, subject to the orders of Government, the general control and superintendence of that prison.

6. For every prison, Government shall appoint a Superintendent, a Medical Officer (who may also be the Superintendent), a Medical Subordinate, a Jailer, and such other officers as Government thinks necessary.

Officers of
prisons.

7. 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,

Temporary
accommoda-
tion for
prisoners.

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 Government may direct, for the shelter and safe custody in temporary prisons, of so many of the prisoners as cannot be conveniently or safely kept in the prison.

CHAPTER III

DUTIES OF OFFICERS

Generally

8. 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.

Control and
duties of
Officers of
prisons.

9. 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.

Officers not to
have business
dealings with
prisoners.

10. No officer of a prison shall, nor shall any person in trust for or employed by him, have any interest, direct or indirect, in any contract for the supply of provisions or any other article to the prison nor shall he derive any benefit, directly or indirectly from the sale or purchase of any such provisions or articles on behalf of the prison or of any article belonging to a prisoner.

Officers not to
be interested
in prison
contracts.

Superintendent

11. Subject to the order of the Inspector-General, the Superintendent shall manage the prison in all matters relating to discipline, labour, expenditure, punishment and control.

Superin-
tendent

Records to be kept by the Superintendent.

12. 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 visitor's book for the entry of any observations made by the visitors touching any matters connected with the administration of the prison,
- (5) a record of the money and other articles taken from prisoners,

and all such other records as may be prescribed by rules made under Section 59.

Medical Officer

Duties of Medical Officer.

13. Subject to the control of the Superintendent, the Medical Officer shall have charge of the sanitary administration of the prison, and shall perform such duties as may be prescribed by rules made by Government under Section 59.

Medical Officer to report in certain cases.

14. Whenever the Medical Officer has reason to believe that the mind of a prisoner is or is likely to be, injuriously affected by the discipline or treatment to which the prisoner is subjected, the Medical Officer shall report the case in writing to the Superintendent, together with such observation as he may think proper.

This report, with the orders of the Superintendent thereon, shall forthwith be sent to the Inspector-General for information.

Report on death of prisoners.

15. 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.

Jailer

16. (1) The Jailer shall reside in the prison, unless the Jailer Inspector-General permits him in writing to reside elsewhere.

(2) The Jailer shall not, without the Inspector-General's sanction in writing, be concerned in any other employment.

17. Upon the death of a prisoner, the Jailer shall give immediate notice thereof to the Superintendent and the Medical Subordinate ^{Jailer to give notice of death of prisoner}

18. 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 confided to his care, and for the money and other articles taken from prisoners. ^{Responsibility of Jailer}

19. 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. ^{Jailer to be present at night}

In prisons where the Jailer is permitted to reside elsewhere, the Superintendent shall arrange for the Jailer and the subordinate next in grade remaining by turns in the prison at night.

20. 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. ^{Power of Deputy and Assistant Jailers}

Subordinate Officers

21. The officer acting as a 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. ^{Duties of gate-keepers}

Subordinate
officers not to
be absent
without leave.

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

Convict
Officers.

23. Prisoners who have been appointed as officers of prison shall be deemed to be public servants within the meaning of the Penal Code for the time being in force.

CHAPTER IV

Admission, removal and discharge of prisoners

Prisoners to be
examined on
admission.

24. (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 prisoner's health, and of any wounds or marks on his person, the class of labour he is fit for if sentenced to rigorous imprisonment, and any observations which the Medical Officer thinks fit to add.

(3) In the case of female prisoners, the search and examination shall be carried out by the Matron or a female warder under the general or special orders of the Medical Officer.

Effects of
prisoners.

25. All money or other articles in respect whereof no order of a competent Court has been made, and which may with proper authority be brought into the prison by any criminal prisoner or sent to the prison for his use, shall be placed in the custody of the Jailer.

Removal and
discharge of
prisoners

26. (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 illness or distemper, nor until, in the opinion of the Medical Officer, such discharge is safe.

CHAPTER V

Discipline of prisoners

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

Separation of prisoners

(1) in a prison containing female as well as male prisoners, the females shall be imprisoned in separate buildings, or separate parts of the same building, in such manner as to prevent their seeing, or conversing or holding any intercourse with the male prisoners;

in a prison where male prisoners under the age of twenty-one are confined, means shall be provided for separating them altogether from the other prisoners, and for separating those of them who have arrived at the age of puberty from those who have not;

(3) unconvicted criminal prisoners shall be kept apart from convicted criminal prisoners; and

(4) civil prisoners shall be kept apart from criminal prisoners.

28. Subject to the requirements of the last foregoing Section, convicted criminal prisoners may be confined either in association or individually in cells, or partly in one way and partly in the other.

Association and segregation of prisoners.

29. No cell shall be used for solitary confinement unless it is furnished with the means of enabling the prisoner to communicate at any time with an officer of the prison, and every prisoner so confined in a cell for more than twenty-four hours whether as a punishment or otherwise, shall be visited at least once a day by the Medical Officer or Medical Subordinate.

Solitary confinement.

30. (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.

Prisoners under sentence of death.

(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

Maintenance of certain prisoners from private sources

31. A civil prisoner or an unconvicted criminal prisoner shall be permitted to maintain himself, and to purchase or receive from private sources, at proper hours, food, clothing, bedding or other necessaries, but subject to examination and to such rules as may be approved by Government.

Restriction on transfer of food and clothing between certain prisoners.

32. No part of any food, clothing, bedding or other necessaries 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.

Supply of clothing and bedding to civil and unconvicted criminal prisoners

33. (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.

CHAPTER VII

Employment of prisoners

Employment of civil prisoners

34. (1) Civil prisoners may, with the Superintendent's permission, work and follow any trade or profession.

(2) Civil prisoners finding their own implements and not maintained at the expense of the prison, shall be allowed to receive the whole of their earnings; but the earnings of such as are furnished with implements, or are maintained at the expense of the prison, shall be subject to a deduction, to be determined by the Superintendent, for the use of implements and the cost of maintenance.

Employment of criminal prisoners

35. (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 eight 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.

36. 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.

Employment of criminal prisoners sentenced to simple imprisonment.

CHAPTER VIII

Health of prisoners

37. (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.

Sick prisoners.

(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.

38. All directions given by the Medical Officer or Medical Subordinate in relation to any prisoner, with the exception of orders for the supply of medicines or directions relating to such matters as are carried into effect by the Medical Officer himself or under his superintendence, shall be entered, day by day, in the prisoner's history-ticket, or in such other record as 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.

Record of directions of Medical Officers.

Hospital. 39. In every prison, a hospital or proper place for the reception of sick prisoners shall be provided.

Power of Superintendent to send a prisoner to hospital or asylum for special treatment. 40. 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 Lunacy Act for the time being in force, send him to such hospital or asylum, subject to the prisoner or any relative or a friend of the prisoner executing such bond and abiding by such other conditions, if any, as 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.—Nothing contained in this Section shall be deemed to affect the operation of Section 9 of the Travancore-Cochin Prisoners Act, in cases to which that Section applies.

CHAPTER IX

Visits to prisoners

Visits to civil and unconvicted criminal prisoners. 41. Due provision shall be made for the admission at proper time 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

Search of visitors. 42. (1) 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.

In the case of female visitors, the search shall be made by the matron or a female warder.

(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 Government may direct.

CHAPTER X

Offences in relation to Prisons

43. Whoever, contrary to any rule made under Section 59 introduces or removes or attempts by any means whatever to introduce or remove, into or from any prison, or supplies or attempts to supply to any prisoner outside the limits of a prison, any prohibited article,

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

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.

44. 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 such persons and shall without unnecessary delay make him over to a police officer, and thereupon such police officer shall proceed as if the offence has been committed in his presence.

Powers to arrest for offence under Section 43.

45. 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 43, and the penalties incurred by their commission.

Publication of penalties.

CHAPTER XI

Prison-offences

46. The following acts are declared to be prison-offences when committed by a prisoner.—

Prison-offences.

(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) filing, 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.

Punishment
of such
offences.

47. 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 prisoner's history-ticket.

- (2) change of labour to some more irksome or severe form for such period as may be prescribed by rules made by Government,

- (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 Government,

(5) imposition of handcuffs of such pattern and weight, in such manner and for such period, as may be prescribed by rules made by Government,

(6) imposition of fetters of such pattern and weight, in such manner and for such period, as may be prescribed by rules made by Government,

(7) separate confinement for any period not exceeding three 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 allow him not less than one hour's exercise per diem and to have his meals in association with one or more other prisoners.

(8) penal diet, that is, restriction of diet in such manner and subject to such conditions regarding labour as may be prescribed by 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,

(9) 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.

(10) penal diet as defined in clause (8) combined with cellular confinement,

(11) 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.

48. (1) Any two of the punishments enumerated in the last foregoing Section may be awarded for any such offence in combination, subject to the following exceptions, namely:—

(i) formal warning shall not be combined with any other punishment except loss of privileges under clause (4) of that Section;

Plurality of
punishments
under Section
47

(ii) 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 confinement;

(iii) 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;

(iv) whipping shall not be combined with any other form of punishment except cellular and separate confinement and loss of privileges admissible under the remission system;

(v) no punishment shall be combined with any other punishment in contravention of rules made by Government.

(2) No punishment shall be awarded for any such offence as to combine, with the punishment awarded for any other such offence, two of the punishments which may not be awarded in combination for any such offence.

Award of
punishments
under
Sections 47
and 48.

49. (1) The Superintendent shall have power to award any of the punishments enumerated in the two last fore-going 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.

Punishment
to be in ac-
cordance with
fore-going
Sections.

50. 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.

Medical
Officer to
certify to fit-
ness of pri-
soner for
punishment.

51. (1) No punishment of penal diet, either singly or in combination, or of whipping, or of change of labour under Section 47, 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 by 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.

52. (1) In the punishment book prescribed in Section 12, ^{Entries in punishment book.} there shall be recorded in respect of every punishment inflicted, the prisoner's name, register number and the class (whether habitual or not) to which he belongs, the prison-offence of which he was guilty, the date on which such prison-offence was committed, the number of previous prison-offences recorded against the prisoner and the date of his last prison-offence, the punishment awarded and the date of infliction.

(2) In the case of every serious prison-offence, the name 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 the Superintendent shall affix their initials as evidence of the correctness of the entries.

53. 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 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 47:

^{Procedure on committal of heinous offence}

Provided that no person shall be punished twice for the same offence.

54. (1) No punishment of whipping shall be inflicted in ^{Whipping.} 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 diameter on the buttocks; and in the case of prisoners under the age of sixteen, it shall be inflicted in the way of school discipline, with a lighter ratan.

55. (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 ^{Offence by prison subordinate} 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.

CHAPTER XII

Miscellaneous

Extramural
custody, con-
trol and em-
ployment of
prisoners.

56. 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.

Confinement
in irons.

57. (1) 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, he may, subject to such rules and instructions as may be laid down by Government, so confine them.

(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.

Prisoners not
to be ironed
by Jailer
except under
necessity.

58. 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.

Power to make
rules

59. Government may make rules consistent with this Act—
(1) determining the classification of prison-offences into serious and minor offences.

³ [either prospectively or retrospectively]

3. Inserted by Act 10 of 1976

- (20) for rewards for good conduct,
(21) for the treatment, transfer and disposal of criminal lunatics or recovered criminal lunatics confined in prisons,
(22) for regulating the transmission of appeals and petitions from prisoners and their communications with their friends,
(23) for the appointment and guidance of visitors of prisons,
(24) 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 the provisions of the Code of Criminal Procedure for the time being in force and to the officer employed and the prisoners confined therein, and
(25) generally, in regard to the admission, custody, employment, dieting, treatment and release of prisoners, and for other purposes consistent with this Act.

Exhibition of
copies of rules. 60. Copies of rules under Section 59 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.

Exercise of
powers of
Superintendent
and Medical
Officer. 61. 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 Government may appoint in this behalf either by name or by his official designation.

(2) fixing the punishments admissible under this Act, which shall be awardable for commission of prison-offences or classes thereof,

(3) declaring the circumstances in which acts constituting both a prison-offence and an offence under the Penal Code for the time being in force may or may not be dealt with as a prison-offence,

(4) for the award of marks and the shortening of sentences,

(5) regulating the use of arms against any prisoner or body of prisoners in the case of an outbreak or attempt to escape,

(6) defining the circumstances and regulating the conditions under which prisoners in danger of death may be released,

(7) regulating the transfer from one prison to another of prisoners whose term of imprisonment is about to expire,

(8) for the classification of prisoners, and description and ✓ construction of wards, cells and other places of detention,

(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, guidance, control, punishment, and dismissal 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 and 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 the classification and separation of prisoners,

(17) for regulating the confinement of convicted criminal prisoners under Section 28,

(18) for the preparation and maintenance of history-tickets,

(19) for the selection, and appointment of prisoners as officers of prisons,