

## Prisons Act, 1894

### Section 46 - Punishment of Such Offences

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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<sup>1</sup> [for such period as may be prescribed by rules made by the <sup>2</sup> [StateGovernment]];

(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 <sup>3</sup> [State 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<sup>3</sup> [State 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 <sup>3</sup> [State Government];

(8) separate confinement for any period not exceeding<sup>4</sup> [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 allows him not less than one hour's exercise per diem and to have his meals in association with one or more other prisoners;

(9) penal diet,--that is, restriction of 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 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;

<sup>5</sup> [\* \* \*]

<sup>5</sup> [(11)] penal diet as defined in clause (9) combined with<sup>6</sup> [cellular] confinement

<sup>7</sup> [\* \* \*];

<sup>5</sup> [(12)] 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.

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1. Inserted by Act 17 of 1925, Section 2.

2. Substituted by the A. O. 1937, for "Governor General in Council" and again by the A. O. 1950, for "Provincial Government".

3. Substituted by the A. O. 1937 for "Governor General in Council" and again by the A. O. 1950, for "Provincial Government".

4. Substituted by Act 17 of 1925, Section 2, for "six".

5. Clause (11) rep. and Clauses (12) and (13) renumbered as Clauses (11) and (12) respectively by Act 17 of 1925, Section 2.

6. Substituted by Act 17 of 1925, Section 2, for "solitary".

7. The words "as defined in clause (11)" omitted by Act 17 of 1925, Section 2.

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