

Prisons Act, 1894

Chapter XII - Miscellaneous

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.

Section 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, he may, subject to such rules and instructions as may be laid down by the Inspector General with the sanction of the [1](#) [State Government], so confine them.

1. Substituted by the A. O.1950, for "Provincial Government".

Section 57 - Confinement of prisoners under sentence of transportation in irons

(1) Prisoners under sentence of transportation may, subject to any rules made under section [1](#) [59], 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.

1. Substituted by the A. O.1937, for "60".

Section 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.

Section 59 - Power to make rules

[1](#)[(1)][2](#)[The State Government may][3](#)[by notification in the Official Gazette] 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 prisoners in danger of death may be released;

4[(8) for the classification of prisons, 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 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 the⁵Code of Criminal Procedure, 1882 (10 of 1882) 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.

⁶[(2) Every rule made under this section shall be laid, as soon as may be after it is made, before the State Legislature.]

1. Section 59 renumbered as sub-section (1) thereof by Act 4 of 1986, section. 2 and Sch. w.e.f. 15-5-1986.

2. Substituted by the A.O. 1937, for "The Governor General in Council may for any part of British India, and each Local Government with the previous sanction of the Governor General in Council may for the territories under its administration."

3. Inserted by Act 4 of 1986, section. 2 and Sch. w.e.f. 15-5-1986.

4. Substituted by the A.O. 1937, for clauses (8) and (9).

5. The relevant provisions of the Code of Criminal Procedure, 1898 (5 of 1898) to be referred to.

6. Inserted by Act 4 of 1986, section. 2 and Sch. w.e.f. 15-5-1986

Section 60 - Power of Local Government to make rules

¹[60. Power of Local Government to make rules

Omitted by the Government of India (Adaptation of Indian Laws) Order, 1937]

1. The provisions of this section have been incorporated with slight modifications in clauses (8) to (12) of section 59.

Section 61 - Exhibition of copies of rules

Copies of rules, under¹[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.

1. Substituted by the A. O.1937, for "sections 59 and 60".

Section 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.
