

Prisons Act, 1894

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 the [5](#) Code 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