

THE



# Bombay Government Gazette.

Published by Authority.

THURSDAY, 18TH JANUARY 1894.

Separate paging is given to this Part, in order that it may be filed as a separate compilation.

## PART VI.

### BILLS OF THE GOVERNMENT OF INDIA.

#### LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 11th January 1894 :—

Bill No 1 of 1894.

#### THE PRISONS BILL.

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## ENACTMENTS REPEALED.

*A Bill to amend the law relating to Prisons.*

WHEREAS it is expedient to amend the law relating to prisons in British India, and to provide rules for the regulation of such prisons; It is hereby enacted as follows:—

## CHAPTER I.

## PRELIMINARY.

1. (1) This Act may be called the Prisons Act, 1894.  
Title, extent and commencement.

(2) It extends to the whole of British India, inclusive of Upper Burma, British Baluchistan, the Santal Parganas, the Hill Tracts of Chittagong, the Chutia Nagpur Division, the Tarai Parganas, the Pargana of Spiti, and the Zamindari and Amani Estates of Ganjam and Vizagapatam, and the Presidency-towns of Calcutta, Madras and Bombay; and

(3) It shall come into force on the \_\_\_\_\_ day of \_\_\_\_\_

2. (1) On and after that day the enactments mentioned in the schedule shall be repealed to the extent specified in the third column thereof.

(2) But all rules and appointments made, directions given and orders issued under any of these enactments shall, so far as they are consistent with this Act, be deemed to have been respectively made, given, and issued under this Act.

(3) Any enactment or document referring to any of these enactments shall, so far as may be, be construed to refer to this Act or to the corresponding portion thereof.

Definitions. 3. In this Act—

(1) "prison" means any central or district or temporary gaol or house of correction or penitentiary, and includes all grounds or buildings appurtenant to or occupied for the use of the prison, but does not include a subsidiary gaol or a place (other than a gaol) specially appointed by the Local Government under section 541 of the Code of Criminal Procedure, 1882, except as to any of the provisions of this Act or the rules made under it which may have been extended to such gaol or place by rule made under section 58:

(2) "a subsidiary gaol" means a gaol not being a central or district gaol, in which only civil or unconvicted criminal prisoners or convicted crimi-



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(Chapter II.—Maintenance and Officers of Prisons.—Sections 4-7. Chapter III.—  
Duties of Officers.—Sections 8-11.)

nal prisoners under a sentence not exceeding a period to be fixed in the case of each such gaol by the Local Government are confined, except when it is necessary to detain prisoners with longer sentences in a subsidiary gaol pending removal to a central or district gaol or as convict officers or menials:

(3) "criminal prisoner" means any prisoner charged with or convicted of an offence or confined under the provisions of the Code of Criminal Procedure, 1882, or by order of a Court-martial:

(4) "convicted criminal prisoner" means any criminal prisoner under sentence of a Court or Court-martial, and includes a person detained in prison under the provisions of Chapter VIII of the Criminal Procedure Code, 1882:

(5) "civil prisoner" means any prisoner who is not a criminal prisoner as defined above;

(6) "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 gaols: and

(7) "history-ticket" means the record to be kept by a prisoner of such information as is required in respect of such prisoner by this Act or the rules made under it.

## CHAPTER II.

## MAINTENANCE AND OFFICERS OF PRISONS.

4. The Local Government shall provide, for the prisoners in the territories under such Government, accommodation for prisoners. 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. (1) Whenever it appears to the Inspector General of Prisons 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,

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

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

6. An Inspector General of Prisons shall be appointed for the territories subject to each Local Government, and shall exercise, subject to the order of the Local

Government the general control and superintendence of all prisons situate in the territories under such Government:

Provided always that civil gaols in the Presidency of Bombay shall continue to be managed under the provisions of sections 8 to 16 of Bombay Act II of 1874.

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

Provided that in the Presidency of Bombay it shall be competent to the Local Government to declare that in certain prisons the office of Gaoler shall be held by the person appointed Superintendent.

## CHAPTER III.

## DUTIES OF OFFICERS.

*Generally.*

8. 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 such officer.

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.

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 the prison: nor shall he derive any benefit, directly or indirectly, from the sale or purchase of any article on behalf of the prison or belonging to a prisoner.

*Superintendent.*

11. (1) 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.

(2) Subject to such directions as may from time to time be given by the Local Government, the Superintendent of a prison other than a central gaol or a prison situate in a Presidency-town shall obey all lawful orders respecting the prison given by the District Magistrate, and shall report to the Inspector General all such orders and the action taken thereon.



*The Prisons Bill.*

(Chapter III.—Duties of Officers.—Sections 12-22. Chapter IV.—  
Admission, Removal and Discharge of Prisoners.—Section 23.)

*Medical Officer.*

12. 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 the Local Government under section 59.

13. 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 he is subjected, the Medical Officer shall report the case in writing to the Superintendent, together with such observations as the Medical Officer thinks proper.

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

- (1) when the deceased was taken ill,
- (2) when the Medical Officer was first informed of the illness,
- (3) the nature of the disease,
- (4) when the prisoner died, and
- (5) (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.

*Gaoler.*

15. (1) The Gaoler shall reside in the prison, unless the Superintendent permits him in writing to reside elsewhere.
- (2) The Gaoler shall not, without the Inspector General's sanction, be concerned in any other employment.

16. Upon the death of a prisoner, the Gaoler shall give immediate notice thereof to the Superintendent and the Medical Officer.

17. The Gaoler 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 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 58 or section 59.

18. The Gaoler shall be responsible for the safe custody of the records to be kept by him under section 17, for the commitment warrants and all other documents confided to his care, and also for the money and other articles taken from prisoners.

19. 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 immediately report the fact and the cause of it to the Superintendent.

20. 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 58 or section 59 to be performed by the Gaoler.

*Subordinate Officers.*

21. The officer acting as gate-keeper, 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.

22. 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.

CHAPTER IV.

ADMISSION, REMOVAL AND DISCHARGE OF PRISONERS.

23. (1) 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.

(2) 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 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.



*The Prisons Bill.*

(Chapter IV.—Admission, Removal and Discharge of Prisoners.—Sections 24-25. Chapter V.—Discipline of Prisoners.—Sections 26-29. Chapter VI.—Food, Clothing and Bedding of Civil and Unconvicted Criminal Prisoners.—Sections 30-32.)

(3) In the case of female prisoners the search and examination shall be carried out by the matron under the orders of the Medical Officer.

24. All money or other articles in respect of prisoners, 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.

25. (1) All prisoners, previously to being removed to any other prison, shall be examined by the Medical Officer.

(2) No prisoner shall be removed to any other prison, 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 distemper, nor until, in the opinion of the Medical Officer, such discharge is without danger to himself or other persons.

## CHAPTER V.

## DISCIPLINE OF PRISONERS.

26. 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 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 males;

(2) in a prison where male prisoners under the age of eighteen 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.

27. The Local Government shall have power to make rules—

(1) as to the description and construction of the cells to be used for the partial or entire seclusion of prisoners under the provisions of this Act;

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

28. 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 confined in a cell for not less than twenty-four hours, whether as a punishment or otherwise, shall be visited at least once a day by the Medical Officer or a medical subordinate.

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

(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 UNCONVICED CRIMINAL PRISONERS.

30. 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 the Inspector General.

31. No part of any food, clothing, bedding or other necessaries belonging to any civil or unconvicted criminal prisoner shall be given or sold to any other prisoner; and any such 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.

32. (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 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.



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(Chapter VII.—Employment of Prisoners.—Sections 33-35. Chapter VIII.—Health of Prisoners.—Sections 36-38. Chapter IX.—Visits to, and correspondence of, Prisoners.—Sections 39-40. Chapter X.—Offences in relation to Prisons.—Section 41.)

#### CHAPTER VII.

##### EMPLOYMENT OF PRISONERS.

33. (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.

34. (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 so employed for more than nine 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 have 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 is likely to be injured by a continuance of any kind or class of labour, he shall not be employed on such labour but shall be placed on such other kind or class of labour as the Medical Officer may consider suited for him.

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

(2) 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.

36. (1) 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 in immediate charge of them to the Gaoler.

(2) 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,

and shall carry into effect all lawful directions given by the Medical Officer in writing respecting

alterations of the discipline or treatment of any such prisoner.

37. 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 the prisoner's history-ticket or in such other record as the Local Government may by rule direct, and the Gaoler 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 Gaoler thinks fit to make, and the date of the entry.

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

#### CHAPTER IX.

##### VISITS TO, AND CORRESPONDENCE OF, PRISONERS.

39. (1) Due provision shall be made for the admission, at proper times and under proper restrictions, into every prison of persons with whom civil or unconvicted criminal prisoners may desire to communicate.

(2) The Local Government shall regulate the communication and correspondence of prisoners with their friends in such manner as it may think necessary for the maintenance of good order and discipline.

40. (1) 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 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.

(2) In case of any such visitor refusing to permit himself to be searched, the Gaoler may deny him admission; and the grounds of such proceeding, with the particulars thereof, shall be entered in his journal.

#### CHAPTER X.

##### OFFENCES IN RELATION TO PRISONS.

41. Whoever, contrary to the rules made under section 59, brings, throws or attempts by any means whatever to introduce into any prison or any place provided under section 5 for the temporary shelter and safe custody of prisoners, or gives or attempts to give to any prisoner outside the limits of a prison, any article mentioned in the said rules,



*The Prisons Bill.*

(Chapter X.—Offences in relation to Prisons.—Sections 42-43. Chapter XI.—Prison-offences.—Sections 44-45.)

and every officer of a prison who, contrary to such rules, knowingly suffers any such article to be introduced into any such prison or place, to be possessed by any prisoner or to be given to any prisoner outside the limits of a prison,

and whoever, contrary to such rules, 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 rigorous imprisonment for a term not exceeding six months, or to fine not exceeding two hundred rupees, or to both.

42. When any person, in the presence of any officer of a prison, commits any offence specified in the preceding 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 him, and shall without unnecessary delay make him over to a Police-officer, and thereupon such Police-officer shall proceed as if the offence had been committed in his presence.

43. The Superintendent shall cause to be affixed, in a conspicuous place outside the prison or the place provided as aforesaid, a notice in English and the local Vernacular setting forth the penalties incurred by persons committing any offence under section 41.

## CHAPTER XI.

## PRISON-OFFENCES.

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

- (1) such wilful disobedience to the regulations of the prison by any prisoner as shall have been declared by rules made under section 58 to be a prison-offence;
- (2) an assault or use of criminal force by any prisoner;
- (3) the use of insulting or threatening language by any prisoner;
- (4) immoral or indecent or disorderly behaviour by any prisoner;
- (5) wilfully disabling himself from labour;
- (6) contumaciously refusing to work;
- (7) filing, cutting, altering or removing handcuffs, fetters or bars;
- (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 altering or defacing history-tickets, records or documents;
- (12) receiving, possessing or transferring any articles contrary to the rules made under section 59 of this Act;
- (13) feigning illness or concealing illness;
- (14) wilfully bringing false accusations 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 gaol official;
- (16) conspiring to escape, or to assist in escaping, or to commit any other of the offences aforesaid.

45. 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;
- (3) hard labour for a period not exceeding seven days in the case of 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 Governor General in Council;
- (5) penal diet, that is, restriction of diet in such manner and subject to such conditions regarding labour as may be prescribed by the Local 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;

- (6) solitary confinement for any period not exceeding seven days:

Provided that after each period of solitary confinement an interval of not less duration than such period must elapse before the prisoner is again sentenced to solitary or separate confinement:

- EXPLANATION.—Solitary confinement means such confinement with or without labour as entirely secludes the prisoner both from sight of, and communication with, other prisoners;
- (7) separate confinement for any period not exceeding fourteen days;



*The Prisons Bill.**(Chapter XI.—Prison-offences.—Sections 46-51.)*

Provided that after each period of separate confinement an interval of not less duration than such period must elapse before the prisoner is again sentenced to separate or solitary confinement :

EXPLANATION.—Separate confinement means such confinement with or without labour as entirely secludes a prisoner from communication with, but not from sight of, other prisoners :

(8) cellular confinement for any period not exceeding six months :

EXPLANATION.—Cellular 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 ;

(9) penal diet as defined in clause (5) combined with solitary confinement as defined in clause (6) ;

(10) imposition of handcuffs of such pattern, and subject to such rules as to manner and period of imposition, as may be prescribed by rules made by the Governor General in Council ;

(11) imposition of fetters of such pattern and weight, in such manner and for such period, as may be prescribed by rules made by the Governor General in Council ;

(12) the substitution of gunny for clothing of other material for a period which shall not exceed three months ;

(13) 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.

46. Any two of the punishments enumerated in section 45 may be awarded for any such offence in combination, subject to the following exceptions, namely :—

- Plurality of punishments under section 45.
- (1) formal warning shall not be combined with any other punishment ;
  - (2) penal diet shall not be combined with "change of labour," nor shall any additional period of penal diet awarded singly be combined with any period of penal diet awarded in combination with solitary confinement ;
  - (3) solitary confinement shall not be combined with separate confinement or with cellular confinement, or separate confinement with cellular confinement so as to prolong the total period of seclusion to which the prisoner shall be liable ;
  - (4) whipping shall not be combined with any other form of punishment except separate confinement and loss of privileges under the remission system.

47. (1) The Superintendent shall have power to award any of the punishments enumerated in sections 45 and 46 of this

Plurality of punishments under sections 45 and 46.

Act, subject, in the case of cellular 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.

48. (1) No punishment other than those 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 the foregoing sections.

(2) Any Gaoler or subordinate officer of a gaol contravening this section shall be held to have committed an offence punishable under section 53 of this Act.

49. (1) No punishment of penal diet, either singly or in combination, shall be inflicted on any prisoner until the prisoner awarded such punishment has been examined by the Medical Officer, who, if he considers the prisoner fit to undergo the punishment awarded, shall certify accordingly in the appropriate column of the punishment-book prescribed in section 17.

(2) If he considers the prisoner unfit to undergo the punishment awarded, 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.

50. (1) In the punishment-book prescribed in section 17 of this Act 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 offence of which he was guilty, the date on which such offence was committed, the number of previous offences recorded against the prisoner, and the date of his last offence, the punishment awarded, and the date of infliction.

(2) In the case of every serious offence, the names 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 Gaoler and Superintendent shall affix their initials as evidence of the correctness of the entries.

51. If any prisoner is guilty of any offence against gaol discipline which, by reason of his having frequently committed such offences or otherwise, in the opinion of the Superintendent, is not adequately punishable

Procedure on committal of heinous offence.



*The Prisons Bill.**(Chapter XI.—Prison-offences.—Sections 52-54. Chapter XII.—Miscellaneous.—Sections 55-58.)*

by the infliction of any punishment awardable by himself under this Act, the Superintendent may forward such prisoner to the Court of the District Magistrate or of any Magistrate of the first class having jurisdiction, 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 of either description 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 forms of punishment specified in sections 45 and 46 of this Act:

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

52. (1) No punishment of whipping shall be inflicted in 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 case of prisoners under the age of sixteen it shall be inflicted with a lighter ratan in the same manner.

53. (1) Every Gaoler or subordinate officer of a prison ill-treating any prisoner, or wilfully violating or neglecting any provision of this Act or any rule made under section 53 or section 59, shall be liable, under the orders of the Superintendent or Inspector General, to fine not exceeding three months' pay.

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

54. (1) Every Gaoler or subordinate officer of a prison who shall be guilty of any violation of duty or wilful breach or neglect of 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 engage without authority in any employment other than his gaol duty, or who shall be guilty of cowardice, or who shall offer any personal violence not warranted by the circumstances to any person in his custody, shall be liable, on conviction before a Magistrate, to a penalty not exceeding two hundred rupees, or to imprisonment, with or without hard labour, for a period not exceeding three months, or to both.

(2) No person shall, under this section or section 53, be punished twice for the same offence.

CHAPTER XII.  
MISCELLANEOUS.

55. 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 Local Government, so confine them.

56. (1) Prisoners under sentence of transportation shall, subject to any rules made under section 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 of Prisons for sanction to their retention for the period for which he considers their retention necessary, and the Inspector General may sanction such retention accordingly.

57. No prisoner shall be put in irons or under mechanical restraint by the Gaoler of his own authority, except in case of urgent necessity, in which case notice thereof shall be forthwith given to the Superintendent.

58. 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, make rules consistent with this Act—

(1) defining the acts which shall constitute prison offences;

(2) determining the classification of such offences into serious and minor offences;

(3) fixing the punishments admissible under this Act which shall be awardable for commission of such offences or classes of offences;

(4) declaring the circumstances in which acts constituting both a prison-offence and an offence under the Indian Penal Code XLV 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) authorising the use of arms against any prisoner or body of prisoners in the case of an outbreak or attempt to escape;

(7) extending any or all of the provisions of this Act and of any rules made thereunder to subsidiary gaols, or special places of confinement appointed under section 541 of the Code of Criminal Procedure, X of 1882, and to the officers in charge thereof.



*The Prisons Bill.**(Chapter XII.—Miscellaneous.—Sections 59-61. The Schedule.)*

59. (1) The Local Government may, subject to the control of the Governor General in Council, make rules consistent with this Act—

Power of Local Government to make rules.

- (1) for the government of prisons and for the guidance of all officers appointed under this Act;
- (2) as to the food, bedding and clothing of criminal prisoners and of civil prisoners maintained otherwise than at their own cost;
- (3) for the employment and control of convicts within or without prisons, and for the guidance of the guards in charge of such convicts;
- (4) for defining articles the introduction of which into prisons without due authority is prohibited;
- (5) for the classification of the forms of labour;
- (6) for regulating the manner in which the proceeds of the employment of prisoners shall be disposed of;
- (7) for regulating the confinement in fetters of prisoners sentenced to transportation;
- (8) for the classification and the separation of prisoners;
- (9) for the preparation and maintenance of history-tickets;
- (10) for the selection and appointment of prisoners as officers of prisons;
- (11) for rewards for good conduct;

(12) for regulating the transfer or removal of prisoners from one prison or place to another;

(13) for the treatment, transfer and disposal of criminal lunatics or recovered criminal lunatics confined in prisons;

(14) for regulating the transmission of appeals and petitions from prisoners;

(15) for the appointment and guidance of visitors of prisons; and

(16) generally in regard to the admission, custody, employment, dieting, treatment and release of prisoners, and for other purposes consistent with this Act.

(2) 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.

60. All rules now in force relating to any of the matters mentioned in sections 12, 27, 35, 55, 56, 58 and 59 shall, so far as such rules are consistent with this Act, be deemed to have been made under those sections respectively, and the existing officers of prisons shall be deemed to have been appointed under this Act.

61. 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 may from time to time appoint in this behalf either by name or by his official designation.

## THE SCHEDULE.

## ENACTMENTS REPEALED.

*(See section 2.)*

Year.	No.	Title or short title.	Extent of repeal.
<i>Acts of the Governor General in Council.</i>			
1856	VIII	An Act for the better control of the jails within the Presidency of Bombay.	So much as has not been repealed.
1870	XXVI	Prisons Act, 1870	So much as has not been repealed.
1874	XV	Laws Local Extent Act, 1874	So much of Part (b) of the third schedule as relates to Act VIII of 1856.
1878	XIV	An Act to assimilate certain powers of the Local Governments of the North-Western Provinces and Oudh.	Section 2.
1886	XX	Upper Burma Laws Act, 1886	So much as relates to Act XXVI of 1870.
1891	XII	Repealing and Amending Act, 1891	So much of the second schedule as relates to Acts VIII of 1856 and XXVI of 1870.



## The Prisons Bill.

(The Schedule.)

THE SCHEDULE—*contd.*

Year.	No.	Title or short title.	Extent of repeal.
<i>Acts of the Governor of Fort St. George in Council.</i>			
1869	... V	Madras Jails Act, 1869	So much as has not been repealed.
1882	... VII	Madras Jails Act Amendment Act, 1882	The whole.
1889	... II	An Act to amend the Madras Jails Act, 1869.	The whole.
<i>Acts of the Governor of Bombay in Council.</i>			
1874	... II	An Act for the regulation of Jails in the City and Presidency of Bombay, and the enforcement of discipline therein.	So much as has not been repealed.
1882	... II	An Act to amend Bombay Act II of 1874	The whole.
1883	... IV	An Act to amend the Law concerning the confinement of civil prisoners liable to imprisonment under the Criminal Procedure Code.	The whole.
1887	... I	An Act to further amend Bombay Act II of 1874.	The whole.
<i>Acts of the Lieutenant-Governor of Bengal in Council.</i>			
1864	... II	An Act for the regulation of Jails and the enforcement of discipline therein.	So much as has not been repealed.
1865	... V	An Act to amend Act II of 1864, passed by the Lieutenant-Governor of Bengal in Council, and to extend the provisions thereof to the Presidency Jail.	So much as has not been repealed.
<i>Regulations made under the Statute 33 Victoria, Chapter 3.</i>			
1872	... III	Santhal Parganas Settlement Regulation...	So much of the schedule (as amended by Regulation III of 1886), as relates to Bengal Acts II of 1864 and V of 1865.
1874	... IX	Arakan Hill District Laws Regulation, 1874.	So much as relates to Act XXVI of 1870.
1875	... II	Assam Prisons Regulation, 1875	The whole.
1890	... I	British Baluchistan Laws Regulation, 1890.	So much as relates to Act XXVI of 1870.

## STATEMENT OF OBJECTS AND REASONS.

THERE are at present four different Acts in force for the regulation of jails in British India and for the enforcement of discipline therein. These Acts differ *inter se* in various important points, namely, as to the jail-offences enumerated in them, as to the punishments which might be inflicted for these offences, and as to the authorities competent to inflict these punishments. In consequence divergent systems of jail management have grown up in the several Provinces, whereby there has been a sacrifice of that uniform enforcement of sentences of imprisonment which effective general administration requires. The object of this Bill is to repeal the four local Acts and to prescribe a uniform system of prison management in India.

2. The Bill is mainly based on Act XXVI of 1870 (*an Act to amend the law relating to Prisons*), which is in force in the North-Western Provinces and Oudh, the Punjab, the Central Provinces, Coorg and Burma, with amendments embodying the conclusions arrived at by the Government of India on the Report of the Jail Committee of 1889 and the Report of the Prison Conference of 1892, as stated in the Resolution recorded in the Home Department of the 9th November, 1892, and in the Circular letter to Local Governments and Administrations, dated the 25th March, 1893, to which it appeared necessary to give legislative form.

3. The details of the Bill which appear to call for remark are noticed in this paragraph.

Section 3 provides for clearer definitions of the terms "prison," "subsidiary gaol," "criminal prisoner," "convicted criminal prisoner," and "civil prisoner," and adds definitions of the terms "remission system" and "history-tickets".



*Section 11.*—The powers of a District Magistrate to issue orders to the Superintendent of a prison have been restricted to prisons other than central gaols or prisons situated in a Presidency-town.

*Section 12.*—The sanitary administration of a prison has been vested in the Medical Officer.

*Section 23.*—An addition has been made to this section, which provides a useful precaution against false charges of police torture or the means of detecting such mal-practices, if committed. It also makes separate provision for the search and examination of female prisoners after admission into prison.

*Section 26* makes provision for the separation of juveniles who have arrived at the age of puberty from those who have not.

*Section 28* requires the Medical Officer or a subordinate Medical Officer to visit each prisoner confined in cells at least once a day.

*Section 34* restricts the employment of criminal prisoners sentenced to labour to nine hours in any one day, except on an emergency, and then only with the sanction in writing of the Superintendent. With the view of watching more closely the health of prisoners, this section provides for recording the weight of criminal prisoners at least once a fortnight upon their history-tickets, and places upon the Medical Officer the responsibility of seeing that a prisoner's health is not injured by the work on which he is employed.

*Section 44.*—This section follows the general principles embodied in the existing Prisons Acts (themselves based upon English legislation) and includes in the law itself a statement of the most important jail-offences. A few additional offences which seemed of sufficient importance have been included in this section, but it is still necessary to reserve the power of making rules the breach of which involve penal consequences, since every breach of a jail regulation is a jail offence, and it is not possible to include in the Act all the regulations which have to be observed in jails or expedient to make legislation necessary for the purpose of adding to or altering them. In order to provide for the equal treatment of prisoners throughout India, however the first clause of this section, relating to prison regulations generally, has been restricted by providing that, to make disobedience to such regulations punishable, the rules creating offences must be sanctioned by the Governor General in Council.

*Section 45.*—Hitherto there have been in use in jails, besides the punishments prescribed in the existing laws, other forms of punishments, consisting in the modification, to the disadvantage of a prisoner, of matters of discipline or treatment left to the discretion of the executive, such as loss of marks, relegation to a disagreeable form of labour, modification of diet, forfeiture of privileges, etc. In order, however, to prevent the introduction of objectionable forms of punishment and to secure the due record of all punishments of whatever nature, it has been considered desirable to specify exhaustively all the forms of punishment which may be resorted to; and while the section retains those forms of punishment which are laid down in the present law, clauses (1), (2), (4) and (5) introduce into it the descriptions of punishment which have hitherto prevailed at the discretion of the executive. In some of the remaining clauses modifications have also been made. Clauses (6), (7) and (8) distinguish between the different degrees of solitary, separate and cellular confinement which may be used as a punishment and are borrowed from Provincial Jail Codes where they have been found successful. Clause (9) provides for the combination of penal diet and solitary confinement; the maximum period for which penal diet may (under clause (5), be imposed at one time is entered at ninety-six hours instead of seventy-two hours as in section 48 (2) of the Act of 1870, but this is in accordance with the law in force in Bombay (Bombay Act II of 1874, section 35, proviso) and has met with general approval. Clauses (10) and (11) relate to the imposition of irons as a punishment, which under the Act of 1870 can in other Provinces than Bengal only be ordered by the Magistrate under section 49 of the Act of 1870. The restrictions which have of late years been placed on the employment of corporal punishment, and the objections to the frequent use of penal diet, make it necessary to invest Superintendents with some additional means of coercion for the control of unruly and hardened criminals. Clause (12) adds a minor punishment which has been found useful in Bengal in connection with thefts and destruction of prison clothing. Female and civil prisoners are specially excluded from the punishments of handcuffs or fetters and from whipping.

*Sections 46 to 50* have been recommended by the Conference of experts on jail management from all Provinces who were convened by the Government of India in the early part of 1892 for the purpose of preparing an amended and consolidated Prisons Bill for all India.

*Section 51* reproduces the section bearing number 49 in the Act of 1870, but the period of additional imprisonment which may be ordered by the Magistrate after judicial trial has been increased from six months to one year. It also provides that the Court may resort to any of the ordinary forms of jail punishment as it thinks fit, to meet the case of a Magistrate taking a different view from the Superintendent of the gravity of the prisoner's offence.

*Section 54* is borrowed from the Police Act, V of 1861, section 29, and is likely to prove a useful provision.

*Sections 55 and 56.*—These sections are based on the rules in force in Madras and have been accepted generally by Local Governments and Administrations.

*Sections 58 and 59.*—These sections make provision for framing the necessary rules for regulating the matters which are left by the previous sections of the Bill to be dealt with by such rules.

(Signed) A. P. MACDONNELL.

J. M. MACPHERSON,

Deputy Secretary to the Government of India.

The 11th January 1894.



**LEGISLATIVE DEPARTMENT.**

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 11th January 1894:—

**Bill No. 2 of 1894.**

*A Bill to Repeal certain obsolete Enactments and to amend certain other Enactments.*

[Ct. Act XII, 1891.] WHEREAS it is expedient that certain enactments specified in the first schedule to this Act which are spent, or have ceased to be in force otherwise than by express specific repeal, or have by lapse of time or otherwise become unnecessary, should be expressly and specifically repealed;

And whereas it is also expedient that certain formal amendments should be made in the enactments specified in the second schedule to this Act;

It is hereby enacted as follows:—

1. (1) This Act may be called the Repeal-Title, extent and ing and Amending Act, commencement. 1894.

(2) It extends to the whole of the territories administered by the Governor of Bombay in Council; and

(3) It shall come into force at once.

2. (1) The enactments specified in the first schedule are hereby repealed to the extent mentioned in the fourth column thereof.

Enactments in schedules repealed and amended respectively.

(2) The enactments specified in the second schedule shall be modified to the extent and in the manner mentioned in the fourth column thereof.

3. The repeal by this Act of any enactment shall not affect any Statute, Act or Regulation in which such enactment has been applied, incorporated or referred to;

and this Act shall not affect the validity, invalidity, effect or consequences of anything already done or suffered, or any right, title, obligation or liability already acquired, accrued or incurred, or any remedy or proceeding in respect thereof, or any release or discharge of or from any debt, penalty, obligation, liability, claim or demand, or any indemnity already granted, or the proof of any past act or thing;

nor shall this Act affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed, recognized or derived by, in or from any enactment hereby repealed;

nor shall the repeal by this Act of any enactment provide or restore any jurisdiction, office, custom, liability, right, title, privilege, restriction, exemption, usage, practice, procedure or other matter or thing not now existing or in force.

**THE FIRST SCHEDULE.**

**ENACTMENTS REPEALED.**

1	2	3	4	5
Year.	No.	Subject or title.	Extent of repeal.	Remarks.

*Part I.—Regulations of the Bombay Code.*

1827 ...	II	Caste questions; Pleaders.	In section 56, the words and figures under the rules regarding Commissioners, contained in the third clause of section XXXVIII of this Regulation.	Obsolete, in consequence of the repeal of section 38 (without any saving as to references) by Act XIV of 1869.
" ...	V	Acknowledgment of debts; interest; mortgages.	Appendix B ...	This Appendix is obsolete since the repeal of section 13 by Act XXI of 1873. It was omitted from the Bombay Code, Ed. 1880.



THE FIRST SCHEDULE—*continued.*

1	2	3	4	5
Year.	No.	Subject or title.	Extent of repeal.	Remarks.

*Part I.—Regulations of the Bombay Code—continued.*

1827 ...	XII	Police ... ..	Appendix E ... ..	<p>This Appendix is referred to in clause 1 of section 13 of the Regulation. It was apparently not repealed by Act XVII of 1862, which left unrepealed clause 1 of section 13 "in as far as it regulates the endorsement and record of warrants issued by Magistrates." Act X of 1872 repealed "so much of section 13 as has not been repealed," but did not specifically repeal Appendix E.</p> <p>In consequence of the repeal of section 13, Appendix E is obsolete, and might formally be repealed.</p>
" ...	XIII	Criminal Courts ...	Appendices A, B, D, E, F, G, H, I, J, K, L, M and N.	<p>These Appendices are obsolete, the sections of the Regulation to which they referred having been repealed by one or other of the enactments mentioned opposite the Regulation on page xv of the Chronological Table prefixed to the Bombay Code, Ed. 1880.</p> <p>(Appendix C was repealed by Bombay Act VI of 1866.)</p>
" ...	XX	Customs and Duties.	So much as has not been repealed.	<p>Parts were repealed by Acts I of 1838 and I of 1852.</p> <p>The portions which have not been specifically repealed are the title, the preamble, Appendices D, F and G, and the statement of tariff valuations printed at the end of the Regulation. These portions are apparently obsolete, since the rest of the Regulation has been repealed. No part of the Regulation was printed in the Bombay Code, Ed. 1880.</p>
" ...	XXI	Duty on Opium and Spirits.	So much as has not been repealed.	<p>Chapters I to IV were repealed by Act I of 1878, Chapters V to VIII by Act IV of 1857, Chapter IX by Bombay Act VIII of 1866, and Chapters X to XIII by Bombay Act V of 1878.</p> <p>Part of the title was repealed by Act XII of 1876, and parts of the preamble were repealed by Acts XII of 1873, XII of 1876 and I of 1878.</p> <p>The portions which have not been specifically repealed are parts of the title and preamble and the Appendices. These portions are apparently obsolete, since the rest of the Regulation has been repealed. No part of the Regulation was printed in the Bombay Code, Ed. 1880.</p>



## THE FIRST SCHEDULE—continued.

1	2	3	4	5
Year.	No.	Subject or title.	Extent of repeal.	Remarks.

*Part I.—Regulations of the Bombay Code—concluded.*

1827 ...	XXIX	Dekkhan and Khândesh.	In section 2, clause first, <i>the words and figures</i> with the exception of Regulation XVIII and of any enactments relating to stamps.	These words and figures were virtually repealed by Bombay Regulation IV of 1828. Bombay Regulation XVIII of 1827, which related to stamps, was repealed by Act XXXVI of 1860, and the territories in the Dekkhan and Khândesh are now, with the rest of the Bombay Presidency, subject to the general Stamp Law contained in Act I of 1879.
1834 ...	I	Deputy Agent for Sardars in Dekkhan.	In the title, <i>the words and figures</i> and for rescinding Regulation V of 1828, which defines the duties and jurisdiction of that office. In the preamble, <i>the words</i> to have effect from the date of promulgation.	Obsolete, section I having been repealed by Act XII of 1873. Spent.

*Part II.—Rules, Ordinances and Regulations relating to the Town and Island of Bombay.*

1825 ...	II	Repealing in part Rule, Ordinance and Regulation I of 1812.	The whole ... ..	Spent.
1827 ...	I	Repealing in part Rule, Ordinance and Regulation I of 1814.	The whole ... ..	Spent.
1828 ...	I	Preventing goods from being left on quays.	The whole ... ..	Obsolete.
1834 ...	I	Repealing in part Rule, Ordinance and Regulation II of 1827.	So much as has not been repealed.	Spent.

*Part III.—Acts of the Governor General in Council.*

1836 ...	VII	Authority of certain Regulations.	So much as has not been repealed.	Section 2 was repealed by Act VIII of 1868. Section 1 was repealed by Act VIII of 1868, except as regards duties leviable on salt or opium. The section validates proceedings under certain Regulations. All of these Regulations are obsolete. Regulations III and IV of 1817, VII of 1818 and IV of 1821 were repealed by Bombay Regulation I of 1827; Regulation XIX of 1827 was repealed by Bombay Act II of 1876; Regulation XV of 1828 was repealed by Act XXIIV of 1850; Regulation XX of 1830 was repealed by Act I of 1878; Regulations II and XIII of 1831 were repealed by Act I of 1838; Regulation I of 1833 was repealed by Act I of 1852; Regulation X of 1833 was repealed by Act XVII of 1859; and Regulations XX and XXI of 1827 have virtually been entirely repealed, and it is pro-
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## THE FIRST SCHEDULE--continued.

1	2	3	4	5
Year.	No.	Subject or title.	Extent of repeal.	Remarks.

## Part III.—Acts of the Governor General in Council—concluded.

1852 ...	XI	Titles to rent-free estates.	In the preamble, <i>the words and figures</i> and incapable of being justly disposed of under the rules for the determination of titles and the rules of procedure contained in Chapters IX and X of Regulation XVII of 1827 of the Bombay Code and their supplements. So much of section 1 as has not been repealed.	posed to repeal the residue by the present Bill. The second paragraph of section 3 of the Bill will prevent any questions arising as to the validity of proceedings taken under any of these Regulations. See, further, the notes opposite Act I of 1878, <i>infra</i> , page 5.
1874 ...	XV	Laws Local Extent Act, 1874.	In section 2, <i>the words</i> the said. Section 8, clause (i) ...	<i>Qu.</i> whether these portions of the Act need be retained on the Statute-book. Chapters IX and X of Bombay Regulation XVII of 1827, and Bombay Regulation VI of 1833, were repealed by Bombay Act VII of 1863. Part of section 1 of Act XI of 1852 was repealed by Act XVI of 1874. These words should be repealed if the residue of section 1 is repealed as suggested above. The villages named in Act IV of 1868 belong to independent Native Chiefs—see telegram from the Government of Bombay, dated 26th July 1893. There was therefore no necessity for enacting clause (i) of section 8 of Act XV of 1874.
1875 ...	VI	Loan to Sir Jamsotjee Jeejeebhoy.	The whole ...	The loan having been paid off, the Act is obsolete.
1876 ...	X	Bombay Revenue Jurisdiction Act, 1876.	In the preamble, <i>the words and figures</i> and to provide for the recovery by the Local Government of advances made for purposes other than those specified in section three of the Land Improvement Act, 1871.	Obsolete, since the repeal of the third clause of section 17 of Act X of 1876 by Act XV of 1880, section 2.
1877 ...	XIV	Broach and Kaira Incumbered Estates Act, 1877.	In section 39, <i>the word</i> And <i>where it first occurs, and the word</i> further. In section 41, clause (b), <i>the words</i> the said.	These words are superfluous since the repeal effected by Act XXI of 1881.
1878 ...	I	Opium Act, 1878 ...	The third paragraph of Section 2.	This paragraph refers to Act VII of 1836, which it is proposed to repeal—see <i>supra</i> , page 20. (It is not clear why the paragraph was enacted at all; it is not apparent why proceedings under Act I of 1878 should be validated by an Act of 1836, for this seems to be the effect of the paragraph.)
1884 ...	XI	Sindh Incumbered Estates Act, 1884.	Section 8 ... Section 9 ...	Temporary provision. Expired. Validation clause (see second paragraph of section 3 of the Bill).



## THE SECOND SCHEDULE.

## ENACTMENTS AMENDED.

1	2	3	4	5
Year.	No.	Subject or title.	Amendment.	Remarks.

*Part I.—Regulation of the Bombay Code.*

1830	...	XIII	Jurisdiction of Jagirdars, &c.	In section 3, clause third, after open to insert appeal to.	A clerical error.
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*Part II.—Act of the Governor General in Council.*

1839	...	XX	Levy of haqqs, &c.	In section 3, for shall be punishable as for an undue exaction under Regulation XVII of 1827, section XVI, of the Bombay Code, notwithstanding the offender be not a Revenue Officer of Government, read shall, whether he is or is not a Revenue Officer of Government, be punishable with imprisonment for a term which may extend to seven years, and shall also be liable to fine not exceeding ten times the amount of the sum so levied.	Bombay Regulation XVII of 1827 was repealed by Bombay Act V of 1879. That Act applies to nearly the whole of the Bombay Presidency—see section 1 and notifications under the Scheduled Districts Act, 1874. Under section 2 of Bombay Act V of 1879 the reference to Bombay Regulation XVII of 1827 in Act XX of 1830, section 3, must be read as if made to Chapter IV of the Act of 1879. But the penalties prescribed by that chapter for undue exactions by Revenue Officers are (see section 32) fine, reduction, suspension and dismissal, and these penalties are obviously unsuitable to the case of non-officials. It seems therefore to be necessary to substitute for the reference in Act XX of 1830, section 3, a clause reproducing the penalties enacted in Bombay Regulation XX of 1827, section XVI, clause first ( <i>viz.</i> , imprisonment and fine). This is the object of the amendment suggested in column 4.
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## STATEMENT OF OBJECTS AND REASONS.

The objects of this Bill are to remove obsolete matter from, and to make two formal amendments in, certain local enactments applying to the Presidency of Bombay, in view of the impending publication of the first volume of the new edition of the Bombay Code.

The Bill has been approved by the Government of Bombay.

(Signed) ALEX. EDW. MILLER.

The 8th January 1894.

J. M. MACPIERSON,  
Deputy Secretary to the Government of India.