

*Prisons.***No. 16 of 1877.***(As amended by No. 24 of 1890.)***An Ordinance to amend the Law relating to Prisons.**

Preamble.

WHEREAS it is expedient to amend the law relating to prisons in this island, and to provide rules for the regulation of such prisons: It is hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, as follows:

I.—Preliminary.

Short title.

1 This Ordinance may be cited for all purposes as "The Prisons Ordinance, 1877."

Operation of Ordinance.

2 This Ordinance shall come into operation on the first day of May, 1878.

Repeal of former Ordinances.

3 The Ordinance No. 18 of 1844, intituled "An Ordinance for the better regulation of Prisons," the Ordinance No. 2 of 1853, intituled "For the safe custody of Convicts employed upon Public Works," the Ordinance No. 20 of 1866, intituled "An Ordinance to amend the Ordinance No. 18 of 1844," the 9th and 10th sub-sections of the 30th section of "The Fiscals' Ordinance, 1867," and 70th and 71st sections of the said "Fiscals' Ordinance, 1867," and the Ordinance No. 16 of 1869, intituled "An Ordinance to convert the Welikada and Hulftsdorp Prisons into Central Convict Establishments and to vest in the Superintendent thereof certain powers vested in the Fiscal of the Western Province," are hereby severally repealed.

Interpretation clause.

4 In this Ordinance the following terms shall have the respective meanings hereby assigned to them, unless there is something in the context repugnant thereto:

"Prison" means any jail and includes any prison hospital and any grounds or buildings occupied for the use of the prison;

"Criminal prisoner" means any prisoner charged with or convicted of any crime or offence, or liable under any sentence, judgment, or other proceeding to the performance of hard labour;

"Civil prisoner" means any prisoner confined under any civil process or order of court by which hard labour is not imposed; and any person committed for contempt of court who is not liable to the performance of hard labour.

II.—Establishment and Officers of Prisons.

Establishment of prisons.

5 The prisons situated at the places mentioned in the schedule shall be or continue to be prisons for the reception of prisoners of every description committed or remanded under the authority of any court, justice of the peace, or coroner or deputy coroner, having jurisdiction within any part of the districts or limits set opposite the names of such places respectively in the said schedule.

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Provided always that it shall be lawful for the Governor, with the advice of the Executive Council, by Proclamation, at any time or from time to time to close any of the prisons mentioned in the schedule hereto, or to make any alteration in the districts or limits within which any such prisons are appointed, and also to establish any other prison or prisons for this island or for any part thereof, and any such Proclamation to revoke, alter, or amend; and every prison so established shall become subject to the provisions of this Ordinance in the same manner as if such prison had been mentioned in the schedule hereto.

6 Whenever it appears to the Governor that the number of prisoners in any prison is greater than can conveniently or safely be kept therein; or whenever from the outbreak of epidemic disease within any prison or for the performance of labour or for any other reason it is desirable to provide for the temporary shelter or safe custody of any prisoners without the walls of any prison, provision shall be made in such manner as the Governor may from time to time specially or by any general rules to be made in the manner provided in section 76 direct, for the temporary shelter or safe custody without the walls of the prison of so many of the prisoners as cannot be conveniently or safely kept therein. Prisoners for whom such shelter or custody is provided as aforesaid shall be subject to the provisions of this Ordinance and to any rules to be made under section 76 in the same manner in every respect as if they were within a prison.

7 It shall be lawful for the Governor, or the Inspector-General of Prisons, by writing under his hand, to direct the removal of any prisoner from one prison to another; and for the superintendent by writing under his hand to direct the removal of any prisoner from any prison under the charge of such superintendent to any other prison situate within the same province; and such writing shall be sufficient warrant for the jailor of the prison, to which such prisoner shall be so directed to be removed, to receive and detain such prisoner and deal with him according to law.

8 The warrant or sentence of any judge, magistrate, coroner, deputy coroner, or justice of the peace committing any person for any offence cognizable by such judge, magistrate, coroner, deputy coroner, or justice to any prison, wherein such person may be lawfully detained, shall be good and sufficient, whether such prison shall or shall not be within the jurisdiction of such judge, magistrate, coroner, deputy coroner, or justice.

9 There shall be as heretofore an Inspector-General of Prisons appointed by the Governor, and in such Inspector-General shall be vested (subject to the orders of the Governor) the general control and superintendence of all prisons situate in this island. Such Inspector-General shall hold his office during pleasure. It shall also be lawful for the Governor, whenever in his opinion special occasion shall require it, to appoint a Deputy Inspector-General of Prisons and to confer upon such deputy all or any of the powers vested by this Ordinance in the Inspector-General.

Prisons may be closed and new prisons established.
[§ 1, 24 of 1890]

Temporary shelter of prisoners.

Governor or Inspector-General may remove prisoners from one prison to another. Superintendent may remove prisoners from one prison to another in the same province.

Warrants of commitment by judges, &c., when good out of their jurisdiction.

Inspector-General of Prisons.

Deputy.

Prisons.

Officers of
prison.

10 For every prison there shall be a superintendent, a medical officer (who may also be the superintendent), a jailor, and such subordinate officers as the Governor shall think necessary. There shall also be a matron in every prison in which females shall be imprisoned. There may also be an assistant medical officer and an assistant jailor for any specified prison where the Governor may think such necessary. There shall be attached to every prison one officer at least who shall be competent to interpret native languages.

Appointment of
officers.

11 The superintendent, medical officer, assistant medical officer, jailor, assistant jailor, and matron shall be appointed by the Governor, and shall hold their respective offices during pleasure. The subordinate prison officers shall be appointed by and hold office during the pleasure of the Inspector-General of Prisons.

Past
appointments
valid.

12 All appointments of any such officers as aforesaid heretofore made shall be deemed to have been made under the provisions of this Ordinance.

III.—Duties of Officers.

Officers to obey
superintendent.

13 All officers of a prison shall obey the directions of the superintendent: the matron and all subordinate officers shall perform such duties as may be directed by the jailor with the sanction of the superintendent: and the duties of the matron and of each subordinate officer shall be inserted in a book to be kept by her or him.

Officers not to
sell or let to
prisoners.

14 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.

Officers not to
contract with
prisoners.

15 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, except so far as is expressly allowed by rules made under section 76, shall he derive any benefit directly or indirectly from the sale of any article on behalf of the prison or belonging to a prisoner.

Superintendent.

Duties of
superintendent.

16 Subject to the directions of the Inspector-General of Prisons, the superintendent shall—

- (1) Manage the prison in all matters relating to discipline, labour, expenditure, punishment, and control;
- (2) Correspond on all matters connected with the prison with the Inspector-General;
- (3) Submit to the Inspector-General all prison accounts with proper vouchers for audit;
- (4) Periodically inspect all property of the Government in his charge and report thereon to the Inspector-General;
- (5) Generally obey all rules made under section 76 for the guidance of the superintendent.

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Medical Officer.

17 It shall be lawful for the Governor, acting with the advice of the Executive Council, to make rules as to each of the following matters :

Power to make rules as to medical officer's duties.

- (1) How often the medical officer shall visit the prison and see each prisoner ;
- (2) The records to be made respecting sick prisoners ;
- (3) Periodical inspection of every part of the prison ;
- (4) Reports on its cleanliness, drainage, warmth, and ventilation ;
- (5) Reports on the provisions, water, clothing, and bedding supplied to the prisoners.

The medical officer shall obey such rules.

Medical officer to obey rules.
To report special cases.

18 Whenever the medical officer has reason to believe that the health of a prisoner is or is likely to be injuriously affected by the discipline, diet, or treatment to which he is subjected, the medical officer shall report the case in writing to the superintendent, together with such recommendations as the medical officer thinks proper.

19 On the death of any prisoner the medical officer shall forthwith record in writing the following particulars, namely :

To make entries as to death of prisoners.

- (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 ;
- (5) And (in cases where a *post mortem* examination is made) an account of the appearances after death ; together with any special remarks that may appear to the medical officer to be required.

20 Where an assistant medical officer is appointed to a prison, he shall be competent to perform any duty required by this Ordinance or by any rule made hereunder to be performed by the medical officer.

Assistant medical officer.

Jailor.

21 The jailor shall reside in the prison or in such convenient place near thereto as the superintendent shall by writing appoint. The jailor shall not without the Inspector-General's sanction be concerned in any other employment.

Residence of jailor.

22 The jailor shall deliver to the medical officer daily a list of such prisoners (if any) as are confined in punishment cells.

To deliver lists of prisoners (if any) in punishment cells.

23 Upon the death of a prisoner the jailor shall give immediate notice thereof to the superintendent and to the nearest coroner or deputy coroner of the district, and also, when practicable, to the nearest relative of the deceased.

To give notice of death of prisoners.

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The jailor shall also report to the superintendent from time to time, as they occur, all escapes and recaptures. He shall also report to the superintendent and to the medical officer, without delay, all outbreaks of epidemic disease.

To keep books and accounts.

24 The jailor shall keep or cause to be kept the following records :

- (1) A register of warrants ;
- (2) A book showing when each prisoner is to be released ;
- (3) A punishment book for the entry of the punishments inflicted 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 76.

Responsible for safe custody of documents.

25 The jailor shall be responsible for the safe custody of the records to be kept by him under the preceding section, and also for the commitments and all other documents committed to his care.

Not to be absent without leave.

26 The jailor shall not be absent from the prison or from his residence, if residing outside 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 at the earliest opportunity report the fact and the cause of it to the superintendent.

Assistant jailor.

27 Where an assistant jailor is appointed to a prison, the superintendent may at his discretion by written order assign any part of the jailor's duties to such assistant jailor ; and in such case the same responsibilities shall attach to such assistant jailor in respect of such duties as attach to the jailor.

Substitute for jailor in case of necessity.

28 Where there is no assistant jailor, or when his services are not available by reason of sickness or other cause, the superintendent shall, when the jailor is absent from the prison or temporarily incapacitated, appoint by writing under his hand some person to act as his substitute during such absence or incapacity, and the substitute so appointed shall have all the powers and perform all the duties of the jailor.

Matron.

Residence and duties of matron.

29 The matron shall reside in the prison or in such convenient place near thereto as the superintendent shall by writing appoint ; and she shall not without the superintendent's sanction absent herself from the prison or from her other dwelling-place, nor shall she without such sanction be concerned in any other employment. It shall be her duty constantly to superintend the female prisoners.

*Prisons.**Subordinate Officers.*

30 The officer acting as gate-keeper, or any other officer of the prison, may examine anything carried into or out of the prison and may stop and search any person suspected of bringing spirits or other prohibited articles into the prison, and if any such articles or property be found shall give immediate notice thereof to the jailor. Provided that the persons of females shall be searched by some female officer of the prison.

Powers of gate-keeper.

31 Subordinate officers shall not be absent from the prison without leave from the superintendent or from the jailor, and before absenting themselves they shall leave their keys in the jailor's office.

Subordinate officers not to be absent without leave.

Visitors.

32 It shall be lawful for the Governor, whenever he shall think fit, to appoint one or more fit and proper person or persons to be the visitor or visitors of any prison, and every such visitor to remove and to appoint another or others in his stead. All appointments of visitors heretofore made shall be deemed to have been made under the provisions of this Ordinance. Provided that nothing herein contained shall be taken to abridge or affect the power of any judge of the Supreme Court to visit and examine any prison at any time, how and when he may think fit. Every visitor so appointed shall be at liberty to enter at all times any such prison and to make any inquiries or examination therein as to him shall appear necessary; and every such visitor is hereby required to visit such prison at such periods as the Governor shall direct, unless prevented by illness or other sufficient cause, and shall from time to time make such reports as may be required by the Governor; and any officer of any such prison who shall at any time refuse admittance to any such visitor or to any member of the Legislative Council or to any district judge, police magistrate, or commissioner of a court of requests, having jurisdiction in the district wherein the prison is situated, or to any person authorized by any rule to be made under section 76, to enter the prison, or offer to him any hindrance or obstruction, shall be guilty of an offence, and be liable to be tried and punished therefor under the provisions of section 69.

Appointment and duties of visitors.

33 Every visitor so appointed as aforesaid shall have power, and he is hereby required, to hear all complaints which shall be made by any prisoner respecting any deficiency of food or of its being of an inferior or improper quality, or respecting any ill-treatment received from any prison officer; and if such complaint shall clearly appear to such visitor to be frivolous or malicious, it shall be lawful for such visitor to order the confinement of the prisoner making such complaint in a punishment cell for forty-eight hours, there to be kept on the sparest possible diet consistent with health. And the jailor shall carry such order into

Visitors to hear complaints.

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effect. And if any such visitor shall consider any complaint respecting the quantity or quality of food or of any ill-treatment, not being of a serious character, to be substantiated, he shall make report thereof to the Colonial Secretary; but if he shall consider that such ill-treatment is sufficiently serious to require the intervention of a court of justice, he shall immediately make report thereof to the Queen's Advocate or some deputy Queen's advocate.

IV.—*Admission, Removal, and Discharge of Prisoners.*

Prisoners to be searched on entrance and as often as necessary.

34 When a prisoner is first admitted, and at any time thereafter when considered necessary, he shall be searched, and all weapons and prohibited articles shall be taken from him.

Medical examination of criminal prisoners.

35 Every criminal prisoner shall also, as soon as convenient after admission, be examined by the medical officer, who shall enter in a book to be kept by the jailor a record of the state of the prisoner's health and any observations which the medical officer thinks fit to add.

Effects of criminal prisoners retained.

36 All money or other effects in respect whereof no order of a competent court has been made, and which may be brought into prison by any criminal prisoner or sent to the prison for his use, shall be placed in the custody of the jailor, and disposed of as may be directed by rules to be made under section 76.

Medical examination before removal and discharge of prisoners.

37 All prisoners, previously to being removed to any other prison, shall be examined by the medical officer.

V.—*Discipline of Prisoners.*

Requisitions of Ordinance as to separation of prisoners.

38 The requisitions of this Ordinance with respect to the separation of prisoners are as follows :

- (1) Males shall be separated from females ;
- (2) Juvenile prisoners, whenever it is practicable, shall be separated from adults ;
- (3) Convicted prisoners, whenever it is practicable, shall be separated from unconvicted ;
- (4) Civil prisoners, whenever it is practicable, shall be separated from criminal prisoners ;
- (5) Prisoners committed for contempt of court or for the non-payment of any fine or penalty or of money due upon any estreated recognizance or for want of securities shall, whenever it is practicable, be separated from other criminal prisoners.

Cells to be furnished with means of communication.

39 No cell shall be used for separate confinement unless it is furnished with the means of enabling the prisoner to communicate at any time with an officer of the prison.

Prisoners under sentence of death.

40 Every prisoner under warrant or order for execution shall, immediately on his arrival in the prison after sentence, be searched by or by order of the jailor, and all articles shall

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be taken from him, which the jailor deems it dangerous or inexpedient to leave in his possession. Provided that the prisoner, if a female, shall be searched by some female officer of the prison.

41 Every prisoner under such warrant or order, as is mentioned in the preceding section, shall be confined in a cell apart from all other prisoners, and shall be placed by day and by night under the charge of an officer or guard.

To be separately confined and guarded.

42 Due provision shall be made in every prison for the enforcement of hard labour in the cases of such prisoners as may be sentenced thereto.

Sentences of hard labour to be enforced.

43 Female prisoners shall in all cases be attended by female officers.

Female prisoners to be attended by females.

44 No gaming shall be permitted in any prison, and the jailor shall seize and destroy all dice, cards, or other instruments of gaming found in the prison or on the person of any prisoner.

No gaming to be allowed.

45 No money shall be taken by any prison officer by way of garnish, fee, or gratuity from any prisoner or any person on his behalf or account, on his entrance into or discharge from or during his detention in the prison, under any pretence whatsoever.

No fee to be taken from a prisoner.

VI.—Food, Clothing, and Bedding of Prisoners.

46 A civil 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.

Civil prisoner may maintain himself.

47 No part of any food, clothing, bedding, or other necessaries belonging to any civil prisoner shall be sold to any other prisoner; and any civil 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.

Civil prisoner not to sell provisions.

48 Every civil 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.

Allowance of clothing and bedding.

VII.—Employment of Prisoners.

50 Civil prisoners may with the superintendent's permission work and follow their respective trades and professions, and, when they find their own implements and are not maintained at the expense of the prison or of the Crown, they 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 or the Crown shall be subject to a deduction, to be determined by the superintendent, for the use of implements and the cost of maintenance.

Work and earnings of civil prisoners.

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Examination
by medical
officer of
labouring
prisoners.

51 The medical officer shall from time to time examine the labouring prisoners while they are employed, and shall enter in his journal the name of any prisoner whose health he thinks likely to be injured by a continuance of hard labour, and thereupon such prisoner shall not again be employed at such labour until the medical officer certifies that he is fit for such employment; but if the medical officer certifies that such prisoner may without detriment to his health be employed on some lighter kind of labour, it shall be lawful for the jailor so to employ him.

Employment
of prisoners
sentenced to
simple
imprisonment.

52 Provision shall, whenever practicable, be made by the superintendent for the employment (so long as they so desire) of all criminal prisoners not subject to hard labour.

VIII.—Health of Prisoners.

Names of sick
prisoners to be
reported to
jailor.
Jailor to report
them to the
medical officer.

53 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 attending them to the jailor; and the jailor 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 the medical officer's written recommendations respecting alterations of the discipline or treatment of such prisoner.

Entry of recom-
mendations by
medical officer.

54 All recommendations 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 his journal, which shall have a separate column, wherein entries shall be made by the superintendent, stating in respect of each recommendation the fact of its having been or not having been complied with, accompanied by such observations, if any, as the superintendent thinks fit to make, and the date of the entry.

Infirmaries.

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

Bathing of
prisoners

56 All prisoners shall be furnished with proper means of washing or otherwise cleansing themselves and of having their clothing washed; and provision shall be made for their bathing within the prison, if possible, or otherwise at the nearest convenient place; and during such bathing or washing care shall be taken that different classes and sexes of prisoners be kept separate.

IX.—Visits to and Correspondence of Prisoners.

Visits to
prisoners.

57 Due provision shall be made for the admission, at proper times and under proper restrictions, into every prison of persons with whom criminal prisoners before trial and civil prisoners may desire to communicate.

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58 The jailor may demand the name and address of any visitor to a prisoner; and when the jailor has any ground for suspicion, he may search such visitors or cause them to be searched, but the search shall not be in the presence of any prisoner or of another visitor to a prisoner. In case of any such visitor refusing to be searched, the jailor may deny him admission, and the grounds of such proceedings, with the particulars thereof, shall be entered in his journal.

Power of jailor as to visitors.

X.—Offences in relation to Prisons.

59 Whoever, contrary to the regulations of the prison, brings, throws, or attempts by any means whatever to introduce into any prison or any place provided under section 6 for the temporary shelter and safe custody of prisoners, or who supplies or attempts to supply to any prisoner, while in custody outside any prison, any spirituous or fermented liquor or tobacco, betel, opium, bhang, or other intoxicating or poisonous drug, or any money or any other article which may be prohibited by any rule made under section 76, and every officer of a prison who knowingly suffers any such liquor, tobacco, betel, opium, bhang, drug, money, or other article to be brought, thrown, or introduced into or used in any such prison or place or to be supplied to any prisoner, while in custody outside any prison, contrary to such regulations, and whoever aids and abets any person in committing any offence under this section, shall be guilty of an offence, and on conviction be liable to a fine not exceeding fifty rupees, or to imprisonment, with or without hard labour, for any period not exceeding three months, or to both.

Carrying liquor, tobacco, or drugs into prison.

Suffering liquor, &c., to be sold or used in prison.

59 (1) It shall be lawful for any officer of a prison to arrest any person who commits an offence under the above section, or who abets another in committing such offence, and forthwith to make over the person so arrested to the nearest police officer, or to produce him before the nearest police magistrate, to be dealt with according to law.

Offenders may be arrested without warrant by prison officers. [§ 3, 24 of 1890]

60 Whoever, contrary to the regulations of the prison, conveys or attempts to convey any letter or other writing to any prisoner in custody, whether within or without any prison, or from any such prisoner to any other person, and every officer of a prison who aids and abets any person in committing any offence under this section, shall be guilty of an offence, and on conviction be liable to a fine not exceeding fifty rupees, or to imprisonment, with or without hard labour, for any period not exceeding three months, or to both.

Carrying letters to prisoners.

Prison officer abetting.

61 The superintendent shall cause to be affixed in a conspicuous place outside the prison or the place provided as aforesaid a notice in the English, Sinhalese, and Tamil languages respectively, setting forth the penalties incurred by persons committing any offence under sections 59 and 60 respectively.

Notice of penalties to be affixed outside prison.

Prisons.

Jurisdiction of
criminal courts.

63 The criminal courts of the district in which an escaped prisoner may be recaptured or surrender, as well as the criminal courts of the district in which he escaped, shall, if possessed in other respects of jurisdiction, be competent to try such prisoner for his escape. Provided that nothing in this section contained shall prevent such escape or attempts to escape being tried and dealt with as offences against prison discipline in manner hereinafter provided.

XI.—*Prison Offences.*

List of prison
offences.

64 The following acts are declared to be offences against prison discipline :

- (1) Wilful disobedience of the regulations of the prison by any prisoner ;
- (2) Assault or use of criminal force by any prisoner ;
- (3) The use of insulting or threatening language or gestures by any prisoner to any officer or prisoner ;
- (4) Indecent or disorderly behaviour by any prisoner ;
- (5) Wilfully disabling himself from labour ;
- (6) Contumaciously refusing to work ;
- (7) Filing or cutting irons or bars ;
- (8) Idleness or negligence at work by any prisoner liable to the performance of hard labour ;
- (9) Wilful mismanagement of work by any prisoner liable to the performance of hard labour ;
- (10) Wilful damage to prison property ;
- (11) Escaping or conspiring to escape, or to assist in escaping or to commit any other of the offences aforesaid.

Superintendent's
power to punish
prison offenders.
[§ 4, 24 of 1890]

65 The superintendent, *or in his absence a visitor*, may examine any person touching the offences in the preceding section mentioned, and determine thereupon and punish such offences :

- (1) By confinement in a punishment cell for any time not exceeding fourteen days ;
- (2) By ordering the offender for any time not exceeding three days to close confinement, to be there kept upon a diet reduced to such extent as shall be prescribed by any rule made under the provisions of section 76 ;
- (3) By corporal punishment not exceeding twelve lashes or twenty stripes with a rattan ;
- (4) When the offender is not sentenced to hard labour, by hard labour for any time not exceeding seven days ;
- (5) Or by any two of the above-mentioned punishments.

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66 The jailor shall enter in a separate book, called the Punishment Book, a statement of the nature of any offence that has been punished under the preceding section, with the addition of the name of the offender, the date of the offence, and the amount of punishment inflicted. Such statement shall be signed by the superintendent *or by the visitor who shall have inflicted such punishment.*

Jailor to enter punishments in a book.

[§ 5, 24 of 1800]

67 If any prisoner is guilty of repeated offences against prison discipline, or is charged with any offence against prison discipline which the superintendent, or a visitor in the absence of the superintendent, thinks is not adequately punishable under section 65, the superintendent, or in his absence such visitor, shall cause the offender to be prosecuted before the police court of the division in which the offence was committed, with a view to his committal before a superior court, which shall, upon the conviction of the offender, have power to award such punishment as it may in its ordinary jurisdiction impose; or any two visitors shall have power to inquire upon oath or affirmation into the offence and to punish the offender:

Punishment of prisoners by criminal courts. Or by visitors.

[§ 6, 24 of 1800]

- (1) By confinement in a punishment cell or in irons for any term not exceeding one month; or
- (2) By corporal punishment not exceeding twenty-five lashes or thirty stripes with a rattan; or
- (3) By imprisonment, with or without hard labour, for a term not exceeding six months, such term to be in addition to the term for which he is undergoing imprisonment; or

(4) *By any two of the afore-mentioned punishments.*

[§ 6, 24 of 1800]

Provided always that nothing in this or in the 65th section shall authorize the infliction of corporal punishment or confinement in irons on any female prisoner or any prisoner not liable to the performance of hard labour.

No hard labour or corporal punishment to be inflicted on females or civil prisoners.

68 All corporal punishment within the prison shall be inflicted in the presence of the superintendent or a visitor and the medical officer, subject to the law for the time being in force relating to the infliction of corporal punishment.

Corporal punishment.

69 Every jailor and subordinate officer of a prison ill-treating any prisoner or wilfully violating or neglecting any rule contained in this Ordinance or made under section 76, shall be guilty of an offence, and be liable, on conviction before the superintendent, who is hereby authorized to try such offences, to a fine not exceeding one hundred rupees, or on conviction before the police magistrate of the district where such offence shall be committed, to a fine not exceeding two hundred rupees, or to imprisonment, with or without hard labour, for a term not exceeding three months, or to both. Any such police magistrate shall have power to award the full amount of such penalty. Any fine imposed by the superintendent under this section may be recovered either by reduction from the convicted officer's

Penalty on officers ill-treating prisoners or violating rules.

Recovery of fines from prison officers.

Prisons.

Appeal from
sentence of
superintendent.

Ordinary criminal
courts to retain their
jurisdiction.
No person to be
punished twice for
the same offence.

salary and allowances, or, upon a report of such conviction being made by the superintendent to the police court of the district, may be enforced by such court in the same manner as fines imposed by such court in the exercise of its ordinary jurisdiction. Provided always that the imposition of any fine by the superintendent shall be subject to appeal to the Inspector-General, who is hereby empowered to confirm, reverse, or modify the sentence of the superintendent, as the justice of the case may require. Every such appeal shall be in writing, and shall be lodged with the superintendent within forty-eight hours of the sentence being passed. Provided also that nothing in this section contained shall be taken to deprive any criminal court of jurisdiction to try and punish any person charged with the ill-treatment of any prisoner. Provided also that no person shall, under this section, be punished twice for the same offence.

XII.—*Miscellaneous.*

General
provisions as to
irons.

70 Except as provided by section 67, and except as hereinafter provided, no prisoner shall hereafter be put in irons save in compliance with the sentence of a competent court.

Prisoners, when
travelling, may
be put in irons.

71 Prisoners when required to travel from station to station, or being removed from the prison for any other purpose, may be put either in leg-irons or handcuffs as a measure of safety only, and such irons or handcuffs shall be removed on the prisoners arriving at their destination.

Escaped
prisoners.

72 Any prisoner who may once have effected his escape from custody, and who has been recaptured, and any prisoner upon whom well-founded suspicion rests of attempting to escape or of conspiring with or aiding others to escape, or who has been guilty of any act of gross insubordination or mutinous conduct, may be put in irons or body-belt by the jailor, who shall at once report the case to the superintendent, who is hereby required to make a full inquiry into the matter and to give such order as shall to him appear necessary, reporting the circumstances without delay to the Inspector-General of Prisons for final decision.

Other cases.

73 In any other case it shall be lawful to put any prisoners in irons or body-belt, when such may appear to the superintendent necessary or expedient from the nature of the work upon which the prisoners are employed, or by reason of the remoteness from sufficient supervision, or from any other sufficient cause; but in all such cases the sanction of the Inspector-General must be obtained, and the names, sentences, and dates of conviction of the prisoners must be submitted to the Inspector-General.

Release from
irons.

74 Any prisoner put in irons or body-belt shall not be released therefrom except on the written order of the superintendent, who shall record the same in his order book and report the matter to the Inspector-General of Prisons.

Prisons.

75 A list of all prisoners who are in irons or body-belts shall be kept at each prison, showing the name of each prisoner, date and length of sentence, date when put in irons or body-belt, and authority for his being so put.

List to be kept of prisoners in irons.

76 It shall be lawful for the Governor, acting with the advice of the Executive Council, from time to time to make general rules for all prisons or special rules for any particular prison or prisons :

Power to make supplementary rules.

- (1) For the government of prisons and for the guidance of prison officers, and for regulating the procedure to be followed in investigations into prison offences under sections 65 and 67 respectively ;
- (2) As to what cells only shall be used for the separate confinement and punishment of prisoners ;
- (3) As to the time during which prisoners not guilty of offences against prison rules may be confined separately ;
- (4) As to communication and correspondence of prisoners with their friends and legal advisers ;
- (5) As to articles to be brought into any prison ;
- (6) As to sales of articles on behalf of prisons or belonging to prisoners ;
- (7) As to the food and clothing of criminal prisoners ;
- (8) For the religious and other instruction of prisoners ;
- (9) For the classification of prisoners ;
- (10) As to the nature of the hard labour to be imposed upon the different classes of prisoners liable to perform hard labour ;
- (11) For the employment and control of convicts within or without prisons, and for the guidance of the officers in charge of such convicts ;
- (12) For remission of sentences ;
- (13) For rewards for good conduct ;
- (14) For the appointment and guidance of visitors of prisons ;
- (15) For regulating the powers vested, under section 72, in the jailor, superintendent, and Inspector-General of Prisons, regarding the use of irons and body-belts.

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Provided always that such rules shall not be repugnant to any of the provisions of this Ordinance, and shall be duly published in the *Government Gazette*.

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 ordinarily have access.

77 All rules now in force relating to any of the matters contained in this Ordinance shall, so far as such rules are consistent with this Ordinance, remain in force until altered or repealed by the Governor, acting with the advice of the Executive Council.

Present rules.

Prisons.

Certified copy of committal sufficient evidence of lawful custody.

78 A copy of the committal of any prisoner by a competent court, coroner, deputy coroner, or justice of the peace, or a copy of the extract from the calendar relating to any prisoner who may have been convicted by the Supreme Court, shall, if such copy be certified by the superintendent of any prison, be sufficient *prima facie* evidence for all purposes of the lawful custody of such prisoner. Provided, however, that it shall be lawful for a competent court to require the production of the original committal, where the court shall deem the same necessary.

Order for production of prisoners before courts of record or officers conducting preliminary investigations.

79 Whenever any prisoner is required to appear before any court, coroner, deputy coroner, or justice of the peace to give evidence, or for any other purpose, it shall be lawful for such court, coroner, deputy coroner, or justice in his discretion, if he shall consider the presence of such prisoner necessary for the ends of justice, by a writing under his hand, to direct the superintendent of the prison, where such prisoner shall be imprisoned, to produce such prisoner before such court, coroner, deputy coroner, or justice, and such superintendent shall, in the absence of good and sufficient cause to the contrary, cause such prisoner to be produced in compliance with such order.

No prisoner to be a juror at an inquest.

80 In case any coroner or deputy coroner shall hold an inquest on the body of any prisoner who shall have died while in custody, no prison officer or prisoner or person engaged in any trade or dealing with the prison shall be a juror at such inquest.

Warrants may be addressed to fiscal, who shall give prisoner into charge of jailor.

81* All warrants of commitment (except warrants of commitment for trial) and all warrants of remand or of arrest in civil or criminal process issued by any court, coroner, deputy coroner, or justice of the peace may, as heretofore, be addressed to the fiscal or deputy fiscal, and such fiscal or deputy fiscal shall, with as little delay as possible after taking charge of or arresting the person required by such warrant to be committed, remanded, or arrested, give such person into the charge of the superintendent or jailor of some prison of the district over which such court, coroner, deputy coroner, or justice may have jurisdiction, together with a copy of the warrant certified under the hand of such fiscal or deputy fiscal. It shall thereupon become the duty of such superintendent or jailor to take charge of and keep safely such prisoner, until he shall be delivered from prison in due course of law. And the copy of such warrant, so certified as aforesaid, shall be sufficient *prima facie* evidence for all purposes of the lawful custody of such prisoner.

Jailor to deliver over to fiscal civil and unconvicted criminal prisoners, when so required.

82 It shall be the duty of the jailor to deliver over to the fiscal or deputy fiscal having jurisdiction in the district in which the prison is situated, or to any person authorized in writing in that behalf by such fiscal or deputy fiscal, any civil and any unconvicted criminal prisoner in charge of

* This section is partially repealed by No. 3 of 1883.

such jailor, whenever so required by such fiscal or deputy fiscal or authorized person aforesaid. Provided, however, that no civil prisoner shall be removed or allowed by the fiscal or deputy fiscal to go beyond the walls or other enclosed limit of the prison, in which such prisoner may be confined, unless upon special rule and order of court requiring the attendance of such prisoner, or upon the application of such prisoner to be carried before any such court for the purpose of preferring any complaint or application.

Civil prisoner not to go beyond limit of prison except by order of court.

83 The allowance for the maintenance of civil prisoners, when paid to the fiscal under the provisions of the 68th section of "The Fiscals' Ordinance, 1867," shall be paid by the fiscal to the jailor of the prison wherein such prisoners are confined, for the purpose of such maintenance.

Allowance for maintenance of civil prisoners to be paid over by fiscal to jailor.

84 All warrants of commitment for trial or of remand or deliverance from jail issued by any court, coroner, deputy coroner, or justice of the peace shall be addressed to the superintendent or jailor of the jail to or from which the person named in the warrant is to be committed or delivered, and such superintendent or jailor shall directly carry such warrant into effect according to law.

Warrants of commitment, &c., to be addressed to the superintendent of the jail.

85 There shall be affixed in a conspicuous part of every prison in which civil prisoners are confined a table of rates of prison allowance for civil prisoners, in the English language, together with a translation thereof in the Siphalese and Tamil languages respectively.

Table of rates of allowance for civil prisoners to be affixed in prison.

86 The Inspector-General shall make a yearly return to the Legislative Council of all punishments of any kind whatsoever which may have been inflicted within each prison under the provisions of this Ordinance, and the offences for which such punishments were inflicted.

Return of punishments.
