

# THE CIVIL JAILS ACT, 1874.

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# SIND ACT NO.II OF 1874

## [THE CIVIL JAILS ACT, 1874.]

[15<sup>TH</sup> January, 1875]

An Act for the regulation for jails in <sup>2</sup>[Sind] and the enforcement of discipline therein.

PREAMBLE. [Rep. Act IX OF 1894.]

### PART I AND II

PRELIMINARY; CLASSES OF JAILS.

1 TO 7. [Rep. Act IX of 1894.]

### PART III

CIVIL JAILS.

8. [Limitation of application of Part III.] Rep. Act IX of 1894.

9. There shall be a civil jail at the seat of the District Court for each district created under <sup>3</sup>[section 4 of the Sind Civil Courts Ordinance, 1962]: Provided that it shall be in the power of the <sup>4</sup>[Provincial Government] to establish civil jails at other convenient places. Civil jail to be at seat of each District Court, and may be at other places.

[10. (1) The nazir of the District Court or of the Chief Civil Court at the place where the civil jail is located shall be ex-officio keeper of the civil jail, and shall be responsible for the safe custody of the prisoners and for the preservation for cleanliness and good order in the Jail and among the prisoners, and shall have Nazir of District Court to be keeper of civil jail and to have establishment under him.

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1. For statement of Objects and reasons, see B.G.G., 1873, Pt. V, p. 290; for first Report of the Select Committee, See *ibid*, 1874, p. 82; for second Report of the Select Committee, see *ibid*, p. 121 and for Proceedings in Council, see *ibid*, 1873, p. 483, and *ibid*, 1874, pp. 111, 152 and 154. The short title was given by the Sind Short titles Act, 1921 (Sind 2 of 1921) which has been rep. by Sind ordinance 5 of 1955, s. 5, Sch. I. Civil Jails in Sind are administered under ss. 9 to 16 of this Act as amended by subsequent enactments, see the Prisons Act, 1894 (9 of 1894), s. 1(4).
  2. Subs. by the words "Province of Sind" by W.P.A.O. 1964, s. 2 Sch. which were previously subs. by the Sind Laws (Adaptation, Revision, Repeal and Declaration) Ordinance 1955 (Sind 5 of 1955), s. 7, Sch. III, for "City and Presidency of Bombay".
  3. Subs. by Sind Act 17 of 1975, s. 3, Sch. II, for "Section 21 of the Sind Civil Courts Act, 1926" which were previously subs. by Sind Ord. 5 of 1955, s. 7, Sch. III for "see. 3 of Act XIV of 1869".
  4. Subs. by the A.O., 1937, for "G. in C."
  5. S.10 renumbered as sub-section (1) of that section by Sind 7 of 1945, s. 2, (w.e.f. 1<sup>st</sup> July, 1946).

Such establishment under him as the District Judge, with the sanction of the 1 [Provincial Government], may direct].

<sup>2</sup>[(2) In the absence of the Nazir, the District Judge or the judge of the chief Civil Court, as the case may be, may appoint any other member of the staff of this court to exercise the powers and perform the duties of the Nazir under this Act.]

11. The Judges or the <sup>3</sup>[Assistant Judge] of the district in which a civil jail is situated shall visit such civil jail at least once in each month, and shall issue in writing such orders connected with the economy of the jail, the good management, health and accommodation of the prisoners, as he may think fit. Judge to visit civil jail.

He shall record the date of his visit, and any remarks he may have to make, in a book to be kept for the purpose.

12. A medical officer to be appointed by the 1 [Provincial Government] shall attend the civil jail, and shall be bound to offer such advice to the District Judge, or other officer in charge of the civil jail, as may seem expedient to him with regard to the sanitary state of the jail and of the prisoners. Medical officer to attend jail.

He shall also administer remedies at the expense of the 4 [Provincial Government] to the sick: Provided that nothing contained in this section shall prevent a prisoner in a civil jail from employing at his own expense any medical man he may think fit to consult. Remedies administered at expense of Provincial Government.

13. The civil jail shall be opened daily for the admission of those wishing to visit prisoners from 9 a.m. till 3 p.m., and no stranger shall be allowed to remain in the civil jail beyond the above mentioned hours except by permission of the Judge, the Assistant Judge of the district, or on the recommendation of the medical officer by the permission of the nazir in charge of the jail. Strangers may be admitted to civil jail.

14. (1) Prisoners in the civil jail may either make their own arrangements for their subsistence, or may, within the amount of subsistence-money or batta furnished by the party at whose suit they are detained, require the nazir to furnish their food and other necessaries out of the subsistence-money fixed for them by the Court by which they are committed: provided that excess in the Subsistence of prisoners in civil jails.

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1. Subs. by the A.O. 1937, for "G in C".  
 2. Sub-section (2) added by Sind 7 of 1945, s. 2 (w.e.f. 1<sup>st</sup> July, 1946).  
 3. Now to be deemed as "Additional District Judge" under section 28 (4) (ii) of W.P. Civil Courts Ordinance, 1962 (Ord. II of 1962).  
 4. Subs. by the A.O. 1937, for "Government".

use of intoxication liquors or drugs be strictly prohibited. A tariff of prices approved by the District Judge on the first day of each month shall be kept in each civil jail and shall be accessible to all the prisoners.

(2) Every civil prisoner unable to provide himself with sufficient clothing and bedding shall be supplied by the nazir, with such clothing and bedding as may be ordered by the Judge or <sup>1</sup>[Assistant Judge] under the provisions of section 11 of this Act.

When any such 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 nazir on demand in writing the cost of the clothing and bedding so supplied to the prisoner; and in default of such payment the prisoner shall be released.

15. Whenever a prisoner shall die in the civil jail, the nazir shall immediately report such death to the nearest Magistrate, who shall thereupon inquire into the cause of such death, and make a written report thereon to the <sup>2</sup>[Director of Prison], and the corpse of such prisoner shall, after the medical officer appointed under section 12 <sup>3\*</sup> \* has certified to his death, be made over to his relatives or friends <sup>4</sup>[if any be present and willing to take charge of it].

Disposal of corpse of prisoner dying in civil jail.

<sup>5</sup>[If no relatives or friends of a prisoner who has died in prison is present and willing to receive and dispose of his corpse, it shall be buried, burnt or otherwise disposed of.]

<sup>6</sup>[16. If, at the time of a prisoner's death or release, any of the subsistence-money furnished by the party at whose suit such prisoner was detained remains unexpended, notice shall be forthwith given to the party paying the same, and the balance so remaining un-expended shall be returned to such party or his representatives: Provided that he or they claim payment thereof within three months from the date of such notice; failing which such balance shall become the property of <sup>7</sup>[the Provincial Government].

Disposal of subsistence-money in hand on prisoner's release.

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1. Not to be deemed as "Additional District Judge" by s. 28 (4) (ii) of the West Pakistan Civil Court Ordinance, 1962 (W.P. Ord. II of 1962).
  2. Subs. for the words "Inspector General of Prisons" by W.O. Ord. XXV of 1962 Sch. I.
  3. The words "of this Act" rep. by the Sind General Clauses Act, 1886 (Sind 3 of 1886) sch.,B.
  4. Subs. by Sind II of 1882, s. 1 for "or in failure of their taking the Corpse, It shall be buried, burnt or otherwise disposed of at the expense of the Civil Jail fund, as hereinafter provided".
  5. Added by *ibid*.
  6. Subs. s. 16, *ibid*, s. 2.
  7. Subs. for the words "the Crown for the purposes of the Province" by W.P.A.O., 1964, S. 2 (i), Sch. Part. IV.

The cost of disposing of the corpses of deceased prisoners under clause of the last preceding section, and of procuring comforts for sick prisoners, and generally for the maintenance of the civil jails, shall be provided by <sup>1</sup>[the Provincial Government] subject to such rules as <sup>1</sup>[the Provincial Government] may from time to time prescribe in this behalf.]

Cost of disposing of corpses and other expenses connected with civil jail to be provided by Provincial Government.

<sup>2</sup>[16A. (1) The Provincial Government may make rules to carry out the purposes of this Act.

Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing powers, the Provincial Government may make rules for any of the following matters, namely:-

- (i) for the government of civil jails and for the appointment of all officers appointed under this Act;
- (ii) the register and other records to be kept or caused to be kept by the keeper of the jail;
- (iii) as to the food, bedding and clothing of prisoners maintained otherwise than at their own cost;
- (iv) in regard to the admission, custody, dieting, treatment and release of prisoners;
- (v) for the employment, instruction and control of prisoners;
- (vi) for regulating the conduct of prisoners and prescribing the privileges admissible to them.

(3) The rules may provide that any contravention thereof shall, on conviction, be punishable with fine which may extend to rupees fifty.

(4) Copies of rules made under sub-section (1) shall be exhibited, both in English and in the Vernacular, in some place to which all persons employed within a civil jail have access.

<sup>3</sup>(5) \* \* \* \* \*

**PART IV to XIV.**

[Criminal Jails; Superintendents of Criminal Jails, and their duties;

Jailors and their duties; Medical officer; Prison offences; Offences in relation to Jails; Visits to, and correspondence of, Prisoners; Discharge of Prisoners, Visitors of Jails, Extra-mural Gangs, Miscellaneous.]

**17 to 52. [Rep. Act IX of 1894.]**

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1. Subs. for the word "Government" by A.O., 1937.  
 2. S. 16 A ins. by Sind 7 of 1945, s. 3 (w.e.f. 1<sup>st</sup> July 1946).  
 3. Sub-section (5) omitted by W.P.XVI of 1957, s. 3(3), Sch. III.