

THE STATE PRISONERS REGULATION, 1818

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APPENDIX

THE ¹[*] STATE PRISONERS REGULATION, 1818.**
Bengal Regulation III of 1818.

(7th April, 1818.)

A Regulation for the confinement of State Prisoners.

1. Whereas reasons of the security of ²[Bangladesh] occasionally render it necessary to place under personal restraint individuals against whom there may not be sufficient ground to institute any judicial proceeding, or when such proceeding may not be adapted to the nature of the case, or may for other reasons be inadvisable or improper; Preamble

and whereas it is fit that, in every case of the nature herein referred to the determination to be taken should proceed immediately from the authority of the Government;

and whereas the ends of justice required that, when it may be determined that any person shall be placed under personal restraint, otherwise than in pursuance of some judicial proceeding, the grounds of such determination should from time to time come under revision, and the person affected thereby should at all times be allowed freely to bring to the notice of the Government all circumstances relating either to the supposed grounds of such determination, or to the manner in which it may be executed;

and whereas the ends of justice also require that due attention be paid to the health of every State prisoner confined under this Regulation, and that suitable provision be made for his support according to his rank in life, and to his own wants and those of his family;

and whereas the reasons above declared sometimes render it necessary that the estates and lands of *zamindars, talukdars* and others should be attached and placed under the temporary

¹ The word "Bengal" was omitted by Article 6 of the Bangladesh (Adaptation of Existing Laws) Order, 1972 (President's Order No. 48 of 1972).

² The word "Bangladesh" was substituted for the word "Pakistan" by Article 5 of the Bangladesh (Adaptation of Existing Laws) Order, 1972 (President's Order No. 48 of 1972).

management of the Revenue Authorities without having recourse to any judicial proceeding;

and whereas it is desirable to make such legal provisions as may secure from injury the just rights and interests of individuals whose estates may be so attached under the direct authority of the Government;

it is hereby enacted as follows:-

Proceedings
for placing
persons under
restraint as
State
prisoners

2. First.- When the reasons stated in the preamble of this Regulation may seem to the Government to require that an individual should be placed under personal restraint, without any immediate view to ulterior proceedings of a judicial nature, a warrant of commitment shall be issued by the Government to the officer in whose custody such person is to be placed:

Provided that a person shall not be placed under personal restraint for a period longer than two months without the authority of a Board consisting of a Judge of the Supreme Court, who shall be nominated by the Chief Justice of that Court, and another senior officer in the service of ¹[Bangladesh], who shall be nominated by the President.

Form of
warrant

Second.- The warrant of commitment shall be in that one of the forms set out in the Appendix to this Regulation which is appropriate to the case.

Third.- The warrant of commitment shall, in relation to a person to be confined for reasons connected with defence, external affairs or the security of ²[Bangladesh] be sufficient authority for his detention in any fortress, jail or other place in Bangladesh, and in relation to any person to be confined for reasons connected with the maintenance of public order in Bangladesh shall be sufficient authority for his detention in any fortress, jail or other place in Bangladesh.

¹ The word "Bangladesh" was substituted for the word "Pakistan" by Article 5 of the Bangladesh (Adaptation of Existing Laws) order, 1972 (President's Order No. 48 of 1972).

² The word "Bangladesh" was substituted for the word "Pakistan" by Article 5 of the Bangladesh (Adaptation of Existing Laws) order, 1972 (President's Order No. 48 of 1972).

2A. The provisions of sub-section (2) of section 6 of the Security of Pakistan Act, 1952 (XXXV of 1952), and those of section 6A of that Act, shall mutatis mutandis apply in relation to a person placed under personal restraint under this Regulation as they apply in relation to a person detained under that Act.

Procedure Board, etc.

3. Every officer in whose custody any State prisoner may be placed shall, on the 1st of January and 1st of July of each year, submit a report to the Government on the conduct, the health and the comfort of such State prisoner, in order that the Government may determine whether the orders for his detention shall continue in force or shall be modified.

Officers having custody of State prisoners to submit periodical reports

4. *First.*- When any State prisoner is in the custody of a Zila Magistrate, the Judges are to visit such State prisoner on the occasion of the periodical sessions, and they are to issue any orders concerning the treatment of the State prisoner which may appear to them advisable, provided they be not inconsistent with the orders of the Government issued on that head.

State prisoners in custody of Zila Magistrate, by whom to be visited

Second.- When any State prisoner is placed in the custody of any public officer not being a *Zila* Magistrate, the Government will instruct either the *Zila* Magistrate, or the Judge, or any other public officer, not being the person in whose custody the prisoner may be placed, to visit such prisoner at stated periods and to submit a report to the Government regarding the health and treatment of such prisoner.

State prisoners in custody of public officer, not being Zila Magistrate, by whom to be visited

5. The officer in whose custody any State prisoner may be placed is to forward, with such observations as may appear necessary, every representation which such State prisoner may from time to time be desirous of submitting to the Government.

Representations by State prisoners to be submitted to Government

Report to Government regarding confinement, etc., of prisoners

6. Every officer in whose custody any State prisoner may be placed shall, as soon after taking such prisoner into his custody as may be practicable, report to the Government whether the degree of confinement to which he may be subjected appears liable to injure his health, and whether the allowance fixed for his support be adequate to the supply of his own wants and those of his family, according to their rank in life.

Appropriation of allowance for support

7. Every officer in whose custody any State prisoner may be placed shall take care that the allowance fixed for the support of such State prisoner is duly appropriated to that object.

Functions of the Government

7A. (1) Where a person is, or is to be, confined in Bangladesh under this Regulation for reasons connected with defence, external affairs or the security of ¹[Bangladesh], the warrant of commitment, and any orders as to his release or the place of his detention shall be issued by the Government, and the amount of the allowance to be fixed for his support shall be fixed by the Government and shall be paid by the Government; and all reports and representations to be made under the foregoing provisions of this Regulation shall be submitted and forwarded to the Government.

(2) Subject as aforesaid, all things to be done by or to the Government in relation to any persons confined or to be confined under this Regulation shall be done by or to the Government.

(3) References in the preceding sections of this Regulation to the Government shall be construed in accordance with the foregoing provisions of this section.

¹ The word "Bangladesh" was substituted for the word "Pakistan" by Article 5 of the Bangladesh (Adaptation of Existing Laws) order, 1972 (President's Order No. 48 of 1972).

8. [Applicability of ss. 3 to 7 to persons now confined, as State prisoners]. Rep. by the Repealing Act, 1874 (XVI of 1874)

9. Whenever the ¹[Government], for the reasons declared in the preamble to this Regulation, shall judge it necessary to attach the estates or lands of any *zamindar*, *jagirdar*, *talukdar* or other person, without any previous decision of a Court of Justice or other judicial proceeding, the grounds on which the Resolution of the Government may have been adopted, and such other information connected with the case as may appear essential, shall be communicated to the Judge and Magistrate of the district in which the lands or estates may be situated, and to the *Sadar Dewani Adalat and Nizamat Adalat*.

Attachment of estates by order of Government without decision of Court

10. First.-The lands or estates which may be so temporarily attached shall be held under the management of the officers of Government in the Revenue Department; and the collections shall be made and adjudged on the same principles as those of other estates held under *khas* management.

Management of attached estates

Second.- Such lands or estates shall not be liable to be sold in execution of decrees of the Civil Courts, or for the realisation of fines or otherwise, during the period in which they may be so held under attachment.

Attached lands not liable to sale in execution

Third.- In the cases mentioned in the preceding clause the Government will make such arrangement as may be fair and equitable for the satisfaction of the decrees of the Civil Courts.

Government to arrange for satisfaction of decrees

11. Whenever the ¹[Government] shall be of the opinion that the circumstances which rendered the attachment of such estate necessary have ceased to operate, and that the management of the estate can be committed to the hands of the proprietor without public hazard or inconvenience, the Revenue authorities will be directed to release the estate from attachment, to adjust the accounts of the collections during

Rule as to cases where Government orders release of estate from attachment

¹ The word "Government" was replaced, for the words "Provincial Government" by Article 8 of the Bangladesh (Adaptation of Existing Laws) Order, 1972 (President's Order No. 48 of 1972).

the period in which they may have been superintended by the officers of the Government, and to pay over to the proprietor the profits from the estate which may have accumulated during the attachment.

Extent

12. This Regulation, so far as it relates to the confinement of persons for reasons connected with defence, external affairs or the security of ¹[Bangladesh] extends to the whole of all the Governors' Provinces; and so far as relates to other matters, extends to Bangladesh except Sind.

Governor's
Province

12A. In this Regulation references to a Governor's Provinces mean East Pakistan and those areas in West Pakistan which immediately before the 14th day of October, 1955 were comprised in the Punjab, the North-West Frontier Province, Sind-Baluchistan including the Leased Areas, the Baluchistan States Union and the State of Bahawalpur and the State of Khairpur and those areas which, immediately before the first day of July, 1961, were comprised in the Federal Territory of Karachi.

¹ The word "Bangladesh" was substituted for the word "Pakistan" by Article 5 of the Bangladesh (Adaptation of Existing Laws) order, 1972 (President's Order No. 48 of 1972).

(APPENDIX.)
[Ben. Reg. III of 1818.]
APPENDIX.
Forms of Commitment.

Form of Commitment for reasons connected with defence and external affairs.

To the (here insert the officer's designation).

WHEREAS the President for good and sufficient reasons being reasons connected with defence and external affairs (omit any inappropriate words), has seen fit to determine that (here insert the State Prisoner's name) shall be placed under personal restraint at (here insert the name of the place), you are hereby required and commanded in pursuance of that determination to receive the person abovenamed into your custody and to deal with him in accordance with the orders of the appropriate Government and the provisions of the ¹[***] State Prisoners Regulation, 1818.

Form of commitment in other cases.

To the (here insert the officer's designation).

WHEREAS the ²[Government] for good and sufficient reasons, being reasons connected with the maintenance of public order, has seen fit to determine that (here insert the State Prisoner's name) shall be placed under personal restraint at (here insert the name of the place), you are hereby required and commanded, in pursuance of that determination, to receive the person abovenamed into your custody and to deal with him in conformity with the orders of the Government and the provisions of the ³[***] State Prisoners Regulation, 1818.

¹ The word "Bengal" was omitted by Article 6 of the Bangladesh (Adaptation of Existing Laws) Order, 1972 (President's Order No. 48 of 1972).

² The word "Government" was substituted, for the words "Governor" by Article 9 of the Bangladesh (Adaptation of Existing Laws) Order, 1972 (President's Order No. 48 of 1972),.

³ The word "Bengal" was omitted by Article 6 of the Bangladesh (Adaptation of Existing Laws) Order, 1972 (Presidents Order No. 48 of 1972).