

PRISONERS ACT, 1900

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2. In this Act, unless there is anything repugnant in the subject or context—(a) c "Court" includes a Coroner and any •off*r lavefully exercising civil, criminal or revenue jurisdiction; (b) MPrison" includes any place which has •been declared by the State Government, by general or special order, to be a Subsidiary Jail; and (c) "States" neans the territories to Which this Act extends

PART II—GENERAL 3. •The Offcerin-charge of aorison Shall duly receive and detain all persons duly committed to his custody, •under this act or otherwise by any Court, according to the exigency of any writ, warrant or order by which such person has been committed, or until such person is discharged or removed in due course Of lay

4. The Officer in-charge of a prison shall forthwith, after the execution Of such writ, order or warrant as aforesaid Other than a warrant of commitment for triel, or after the dis- ofthe pençi

committed thereby, return such writ, added by Madhya-Pradesh' Extinction of Laws Act, 1958 (No. 23 of 1958). 23 Short title extent. Definitions. Officers in-charge Of prisons to detain persons duly committed to their custody, Officers in-charge of prisons to return custody or discharge. 24 Warrants, etc. to be directed to Police Power for State Government appoint Superintendents of Presidency Delivery of persons sentenced to imprisonment of death by High Court. Delivery of persons sentenced to transportation by High Court in execution Of a decree or for contempt. Delivery of persons sentenced by Presidency Magistrates. Delivery Of person committed for trial by High Court. JAIL MANUAL [PRISONERS ACT order or warrant to the Court by which the same was issued or made, together with a certificate endorsed thereon and signed by him, showing how the same has been executed, or the person committed thereby has been discharged from custody before the execution thereof. PART III—PRISONERS IN THE PRESIDENCY TOWNS 5. Every writ or warrant for the arrest of any person issued by the High Court in the exercise of its ordinary, extraordinary or other criminal jurisdiction shall be directed to and executed by a police Officer within the local limits of such jurisdiction

6. The State Government may appoint officers who shall have authority to receive and detain prisoners committed to their custody under this part. Explanation.—Any officer so appointed, by whatever designation he may be styled, is hereinafter referred to as "the Superintendent"

7. Where any person is sentenced by the High Court in the exercise of its original criminal jurisdiction to imprisonment or to death the Court shall cause him to be delivered to the Superintendent, together with its warrant, and such warrant shall be executed by the Superintendent and returned by him to the High Court when executed.

8. Where any person is sentenced by the High Court in the exercise of its original criminal jurisdiction to transportation the Court shall cause him to be delivered for intermediate custody to the Superintendent, and the transportation of such person shall be deemed to commence from such delivery.

9. Where any person is committed by the High Court, whether in execution of a decree or for contempt of Court or for any other cause, the Court shall cause him to be delivered to the Superintendent together with its warrant of commitment. Where any person is sentenced by a Presidency Magistrate to imprisonment, or is committed to prison for failure to find security to keep the peace or to be of good behaviour, the Magistrate shall cause him to be delivered to the Superintendent, together with his warrant

11. Every person committed by a Magistrate, or Justice of the Peace for trial by the High Court in the exercise of its original criminal jurisdiction shall be delivered to, the Superintendent of Prisons, who shall cause him to be taken before the Court for trial; and the Superintendent shall, as practicable, cause such person to be taken before the Court at a criminal session thereof, together with the warrant of commitment, in order that he may be dealt with according to law.

12. The High Court may, pending the hearing, under Custody pending section 350 of the Code of Civil Procedure (XIV of 1882) hearing by High Court under section of any application for a declaration to insolvency, cause the debtor concerned to be delivered to the Superintendent of Prisons, subject to the provisions as to release on security of for in- section 349 of the said Code, and the Superintendent shall detain the said judgment-debtor in safe custody until he is redelivered to an officer of the High Court for the purpose of being taken before it in pursuance of an order, or until he is released in due course of law. 13. (1) Every person arrested in pursuance of a warrant or Order of the High Court in the exercise of its original civil jurisdiction, or in pursuance of a writ or order of any Civil Court established in a Presidency-town under any law or enactment for the time being in force, or in pursuance of a warrant issued under section 5, shall be brought before the Court by which or by a Judge of which the writ, warrant or order was issued, awarded or made, or before a Judge thereof, if the said Court, or a Judge thereof, is then sitting for the exercise of original jurisdiction, (2) If the said Court or a Judge thereof, is not then sitting for the exercise of original jurisdiction, such person arrested as aforesaid shall unless a Judge of the said Court otherwise directs be delivered to the Superintendent for intermediate custody, and shall be brought before the said Court, or a Judge thereof, at the next sitting of the said Court, or of a Judge thereof, for the exercise of original jurisdiction in order that such person may be dealt with

according to law; and the said Court or Judge shall have power to make or award necessary orders or warrants for that purpose

PART IV—PRISONERS OUTSIDE THE PRESIDENCY- TOWNS

14. In this part all references to prisons or to imprisonment—ment or confinement shall be construed as referring also to Reformatory Schools or to detention therein. 15. (1) Officers in-charge of prisons outside the Presidency towns may give effect to any sentence or order or Warrant for the detention of any person passed or issued— (a) by any Court or tribunal acting, whether within the territory of persons arrested in pursuance of warrant of High Court or Civil Court in Presidency town. References in part to prisons, etc., to be construed as referring also to Reformatory Schools. Power for officers in-charge of prisons to give effect to sentences of certain Courts. 26. Warrant of officer of such Court to be sufficient authority. JAIL MANUAL [PRISONS ACT or without the under the general or special authority Of the Central Government, or of any State Government, or of the Government of Burma, or by any Court or tribunal, which was before the commencement of the Constitution acting under the general or special authority of His Majesty, or the Crown Representative; or (b) Before the 26th January, 1950, by any Court or tribunal in any Indian State (i) if the Presiding Judge, if the Court consisted of two or more Judges, at least one of the Judges, was an officer of the Crown authorised to sit as such Judge by the State or the Ruler thereof or by the Central Government or the Crown Representative; and (ii) if the reception, detention or imprisonment in any Province of India of persons sentenced by any such Court or tribunal had been authorised by general or special order by the State Government ; Provided that effect shall not be given to any sentence or order or warrant for detention passed or issued by any Court or tribunal in Burma without the previous sanction of the State Government concerted. (2) Where a Court or tribunal of such an Indian State as aforesaid had passed a sentence which could not have been executed without the concurrence of an officer of the Crown, and such sentence had been considered on the merits and confirmed by any such officer specially authorised in that behalf, such sentence, and any order of warrant should in pursuance thereof, shall be deemed to be the sentence, order or warrant of a Court or tribunal acting under the authority of the Central Government or the Crown Representative

16. A warrant under the official signature of an officer of such Court or tribunal as is referred to in section 15 shall be sufficient authority for holding any person in confinement, or for sending any person for transportation, in pursuance of the sentence passed upon him. PRISONS ACT JAIL MANUAL 17. (1) Where an officer in-charge of a prison doubts the legality of a warrant or order sent to him for execution under this Part, or the competency of the person whose official seal or signature is affixed thereto to pass the sentence and issue the warrant or order, he shall refer the matter to the State Government, by whose order on the case he and all other public officers shall be guided as to the future disposal of the prisoner. (2) Pending a reference made under sub-section (1) the prisoner shall be detained in such manner and with such restrictions or mitigations as may be specified in the warrant. 18. (1) Where a Court established by the authority of the Central Government exercising, in or with respect to territory beyond the limits of the States jurisdiction which the Central Government has in such territory.— (a) has sentenced any person to death, and (b) being of opinion that such sentence should, by reason of there being in such no secure place for the confinement of such person or no suitable appliances for his execution in a decent and human manner, be executed in place has issued warrant for execution of such sentence to the officer in-charge of a prison in the States such officer shall, on receipt of the warrant, cause the execution to be carried out at such place as may be prescribed therein in the same manner and subject to the same conditions in all respects as if it were a warrant duly issued under the provisions of section 381 of the Code of Criminal Procedure, 1898. (2) The prisons of which the Officer in-charge are to execute sentences under any such warrants aforesaid shall in such State be such as the State Government may by general or special order direct

PART V—PERSONS UNDER SENTENCE OF PENAL SERVITUDE 19-27. Repealed by the Criminal Law (Removal of Racial Discrimination) Act, 1949 (No. 17 of 1949)

PART VI—REMOVAL OF PRISONERS 28. In this part, all references to prisons or to imprisonment or confinement shall be construed as referring also to Reformatory Schools or to detention therein. 27. Procedure where officer in-charge of prison doubts the legality of Warrant sent to him for execution under this part. Execution in States of certain capital sentences ordinarily executable there. References in this part to

prisons, etc. to be construed as referring also to Reformatory 28 Ren.ywal of priso- JAIL MANUAL PRISONS ACT 29. (1) The Stgtr• Government may, by ctgpeciel order, provide for the removal of any posoner confined a prison— (a) under sentence of death, or (b) under, or in lieu of a sentence of imprisonment o! transportation, or (c) in default of payment of a fine, or (d) in default of giving security for keeping the peace or for maiLLaiuiug good behaviour; to any other prison in the State. (2) Subject to the orders, and under the ccrtrc,l Of the State Gou:rnment the Inspector General of prisons may, in like manner, provide for the removal of any prisoner cccfined as aiöcesaic! inu prison ill the State to any Olber prison in the State. Lunatic prisoners 30. (1) Where it appears to the State Government that how to be dealt any person detained or Imprisoned under enyorderor sentence with. of any Court is of ursouri mird, State Government may, by a warrant setting törth the grounds of belief that the per- son is Of unsound mind, order his removal to a lunatic asylum or other place of safe custody within the State, there to be kept and treated as the State Government directs doring the remain- der of the term for rlich he been ordered or sentenctd to be detained or imprisoned, or, if the expiration of that term it is certified by e Medic-a' Officer that it is necessary for the safety of the prisoner or others that he should be further detained under medical care or treatment then until he is. discharged according to law. (2) Where it appears to the State Government that the prisoner has become of sound mind, the State Government shall, by a Warrant directed to the person having charge of the• prisoner, if still liable to be kept in custody, remard him to• the prison from Which he Fas removed or to another prison within the State, or, if the prisoner is no logger liéble to be kept in custody, order him to be discharged. (3) The provisions Of section 9 Of the Lunatic Asylumv Act, 1858 shall apply to every person confined in e lunatic asylum under sub-section (1) after the expiration of the term for which he was ordered or sentenced to be detained or impri— soned; and Lhe time duving "ich a prisoner is cerafined a lunatic asvlum under that sub-section shall be reckoned as part of the term of detention or imprisonment Which he may have been ordered or sentenced by the Court to undergo. (4) In any case in Which the State Government is come patent under sub-section (1) to order the removal of a prisoner PRISONS ACT I JAIL MÄNUAL 29 to a lunatic asylum or other place of safe custody within , the State, the State Government may order his rcmoval to any such asylum or place rithin any ether State or within any part of Indaa to this Act docs not exler.d by tgrccment With the State Government of such other State ard the pro- visions of this section respecting lhe custidy, dctentwn, re— mand and discharge of a prisoner removed ur der sub-section (1) shall, so far as they can be made applicable, apply to a prisoner removed under 'his sub-section

31. Removal of prisoners from territoriet. under one Local Government to territorics trd'r by S-4and Sch. 111 of the Amending Act, 1903 (1 of 1903)

PART VI—A• 31-A The State Government or any euthori1Y to which Temporary relecié Of rriscnrg, the State Government may delegate its in this bÖa1f may, subject to such conditions es mzy be prescr by rules, release temporarily for a period not excccding ten days in a year excluding the time required for Journeys ard the oaysofdeparture from, and arrival at, the prison, any prisoner who has been sentenced to a term Of imprisonment of not less than three years. (2) The provisions of sub-section (1) shall not apply to prisoner rho has been classified as en habitual crimirtl for the puroose Of the rules for the time beirs in force mede under tfie Prisons Act, 1894 and Who has more than three previous convictions. (3) Ne prisoner shall be released under sub-section (1) unless— (a) he has, at the time of his release, served cre half of his Sentence including remission, or a peri(d of not Jess than 2 years of his sentence, including remission, whichever is less. (b) his conduct in prison has been good; and (c) twelve months have elapsed from the date of the expiry of the period of his previous release, if any, under this section. (4) The period of release of a prisoner under sub- section (1) shall not count towards the total period of his sentence. 31-B. (i) On theexpiry of the period for a priscrcr Surrender vri soner after relea:• was releaed under sub-section (1) of sction 31-A Ye SYZII period. surrender himself to the officer in-charge of the prison from which he Fas released. •C. P. & Petar (Act TV aAded par, VT-A-31-A 3t-c. 30 JAIL MANCAL [PRISONS ACT (2) If a prisoner does not surrender himself as required by sub-section (1), he may be arrested by any police officer wi bout a warrant and shall be remarded to undergo the un- expired portion Of his sentence. 31-C. Any prisoner v•vho docs not surrender himself as required by sub-section (1) Of section 31-B shall be liable upon conviction LO be punished m•th imprisonment of either dis— cription for a term which may extend to two years, or with fine or with both

PART VII—PERSONS UNDER SENTENCE OF TRANS. 32. (1) The State Government may appoint places A pointment of p ces for confine. within the State to nhich persons under sentence of transpor— ment of persoas ration shall be seat; and the State Government or some officer under sentence of treasportauon and duly authorised in this behalf by the State Government, shall removal there-to. , give orders for the removal of such person to the places so appointed, except when sentence of transportat is pzsscd on a person already undergoirg transportation ur-der a scn- tence previously passed for another offence. (2) In any case in Mhich the State Governmct is com- petent under sub-section (1) to appoint places v.i1Yir the State and to order the removal thereto Of persons vrder sen- tence Of transportation, the State Gcvcrn-ment may appoint such places in any other State by agreement with the State Government of that State, and may be like agreement give orders or duly aUthorise some officer to give orders for removal thereto of such persons

PART VIII—DISCHARGE OF PRISONERS 33. Any High Court may in any case in "bich it has Release, on recog- nizznce by order of recommended to Government the grantrg of free pardon High ourt ofpri- to any prisoner, permit him to be at liberty on his re- goner r 'comtn:n• ded for cognizance. PART TX— PROVISIONS FOR REQUIRING THE ATTENDANCE OF PRISONERS AND ObTAINING THEIR EVIDENCE 34-52. Repealed by the Prisoners (Attcrdznce in Courts) Act, 1955 (32 of 1955)

53. Repealed by the Repealing and Amend iring Act, 1914 (10 of 1914).The First Schedule—Repealed bytheprisoners (Attendance in Courts) Act, 1955 (32 of 1955). The Secord Schedule—Repealed by Sectict IO ibid. The Third Schedule—Rcpccled by the Repealizg and Amending Act, 1914 (IO of 1910)

