

ACT NO. VII OF 1894.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 8th March, 1894.)

An Act to amend the Prisoners Act, 1871.

WHEREAS it is expedient to amend the Prisoners Act, 1871; It is hereby enacted as follows:—

V of 1871.

1. To section 1 of the said Act the following shall be added, namely:—

Addition to section 1, Act V, 1871.

“Any reference in Part III or Part V of this Act to a prison or jail, or to imprisonment or confinement, may be read as referring to a reformatory or reformatory school or to confinement therein.”

2. Section 9 of the said Act is hereby repealed.

Repeal of section 9, Act V, 1871. Amendment of section 14, Act V, 1871.

3. In section 14 of the said Act, for the words “or in pursuance of a warrant of any Court established in Calcutta, Madras or Bombay under the Presidency Small Cause Courts Act, 1882,” the following shall be substituted, namely:—

“or in pursuance of a warrant of any Civil Court established in Calcutta, Madras or Bombay under any law for the time being in force,”

4. (1) In section 16 of the said Act, for the words “acting under the authority” the words “acting, whether within or without British India, under the general or special authority” shall be substituted.

Amendment of, and addition to, section 16, Act V, 1871.

(2) To the same section the following shall be added, namely:—

“or, with the previous sanction of the Governor General in Council in each case, to any sentence or order or warrant for the detention of any person passed

passed or issued by any Court or tribunal of any Native Prince or State under the suzerainty of Her Majesty :

“Where a Court or tribunal of such a Native Prince or State has passed a sentence which cannot be executed without the concurrence of an officer of the British Government, and such sentence has been judicially considered on the merits and confirmed by any such officer specially authorised by name or by office in that behalf, such sentence, and any order or warrant issued in pursuance thereof, shall be deemed to be the sentence, order or warrant of a Court or tribunal acting under the authority of the Governor General in Council.”

Amendment
of, and
addition to,
section 19,
Act V, 1871.

5. (1) For the first fifty-one words of section 19 of the said Act the following shall be substituted, namely :—

“The Governor General in Council or the Local Government may authorise the reception, detention or imprisonment in any place in British India, or in any place under such Government, as the case may be, for the period specified in their respective sentences, of persons sentenced within the territories of any Native Prince or State under the suzerainty of Her Majesty to imprisonment or transportation for any of the following offences :”

(2) In the same section, after the words “theft of cattle” the following shall be inserted, namely :—

“or for any other act (referred to in this section as an offence) which would, if done in British India, have constituted an offence against any of the sections of the Indian Penal Code mentioned in the schedule to the Foreign Jurisdiction and Extradition Act, 1879.”

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(3) For the proviso to the same section the following shall be substituted, namely :—

“Provided that such sentences have been pronounced after trial before a tribunal of which the presiding Judge, or, if the Court consisted of more than

one

one Judge, at least one of such Judges, was an officer of the British Government authorised to act as such Judge by the Native Prince or State or by the Governor General in Council."

6. For section 30 of the said Act the following shall be substituted, namely:—

Substitution of new section for section 30, Act V, 1871. Removal from one jail to another in territories under same Local Government.

X of 1882.

"30. When any person is, or has been, sentenced to imprisonment or transportation by any Court, or in default of giving security for keeping the peace or maintaining good behaviour has been committed to, or is detained in, prison under section 123 of the Code of Criminal Procedure, 1882, the Local Government, or (subject to its orders and under its control) the Inspector General of Prisons may order his removal during the period for which he has been sentenced to imprisonment or transportation or the security has been ordered to be given, as the case may be, from the jail or place in which he is confined to any other jail or place of confinement within the territories subject to the same Local Government."

7. For section 32 of the said Act the following shall be substituted, namely:—

Substitution of new section for section 32, Act V, 1871.

X of 1882.

"32. When any person is, or has been, sentenced to imprisonment or transportation by any Court, or, in default of giving security for maintaining good behaviour, has been committed to, or is detained in, prison under section 123 of the Code of Criminal Procedure, 1882, the Governor General in Council may order his removal during the period for which he has been sentenced to imprisonment or transportation or the security has been ordered to be given, as the case may be, from the jail or place in which he is confined to any other jail or place of confinement in British India."

Removal of prisoners from territories under one Local Government to territories under another.