

**PRISONS AND CIVIL JAILS (Bombay Extension, Unification
and Amendment) Act, 1958**

23 of 1959

[27th April, 1959]

CONTENTS

1. Short title and commencement
2. Extension of Act IX of 1894 as in force in pre-Reorganisation
Bombay area to other areas of the State
3. Further amendments to Act IX of 1894 as in force throughout
the State
4. Extension of Bom II of 1874 as in force in pre -Reorganisation
Bombay area to other areas of the State
5. Saving

**PRISONS AND CIVIL JAILS (Bombay Extension, Unification
and Amendment) Act, 1958**

23 of 1959

[27th April, 1959]

An Act to extend the Prisons Act, 1894, and the Civil Jails Act, 1874 to the rest of the State of Bombay and to bring those Acts into force therein; to provide uniformity in the provisions of those Acts in their application to the whole of the State; and for those and certain other purposes further to amend the aforesaid Acts and to repeal corresponding laws in force in those parts of the State to which the Acts are now extended. Whereas it is expedient to extend the Prisons Act, 1894, (IX of 1894) and the Civil Jails Act, 1874 (Bom. II of 1874) to the rest of the State of Bombay and to bring these Acts into force therein; to provide uniformity in the provisions of those Acts in their application to the whole of the State; and for those and certain other purposes further to amend the aforesaid Acts and to repeal coiresponding laws in force in those parts of the State to which the Acts are now extended; It is hereby enacted in the Ninth Year of the Republic of India as follows:-

1. Short title and commencement :-

(1) This Act may be called the Prisons and Civil Jails (Bombay Extension, Unification and Amendment) Act, 1958

(2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. Extension of Act IX of 1894 as in force in pre-Reorganisation Bombay area to other areas of the State :-

For the purposes of extending the Prisons Act, 1894, (IX of 1894) to the rest of the State of Bombay, and bringing it into force therein, and for providing uniformity in the provisions of that Act in its application to the whole of the State, on the commencement of this Act, the Prisons Act, 1894 (IX of 1894) as in force immediately before such commencement in the pre-Reorganisation State of Bombay (excluding the transferred territories), shall be extended and be so in force, throughout the State; in consequence whereof, on such commencement,-

(1)

(a) the Hyderabad Prisons Act. 1954, (Hyd. XXIX of 1934) in its application to the Hyderabad area of the State of Bombay,

(b) the Prisons Act, 1894, (IX of 1894) as adapted and applied by the State of Saurashtra (Application of Central and Bombay Acts) Ordinance, 1948, (Sau. Ord. XXV of 1948) to the Saurashtra area of the State of Bombay.

(c) Part VIA inserted in the Prisoners Act, 1900, (III of 1900), by the Central Provinces and Berar Prisoners (Amendment) Act, 1939 (CP and Berar IV of 1939) and the Central Provinces and Berar Prisons (Amendment) Repealing Act, 1900 CP and Berar XV of 1940) both in their application to the Vidarbha region of the State. shall stand repealed:

(2) in the prisons Act, 1894, (IX of 1894) as extended and brought into force by the foregoing provision (hereinafter referred to as "the principal Act"), in its application to the State of Bombay,-

(a) in the preamble thereto, after the words and letter "comprised in Part B States" the words and figures" other than any such territories forming part of the State of Bombay by section 8 of the States Reorganisation Act, 1956 (XXX VII of 1956) shall be inserted.

(b) in section 1-

(i) in sub section (2), after the words and letter ' 'comprised in Part B States" the words and figures "other than any such territories forming part of the State of Bombay by section 8 of the State Reorganisation Act, 1956 (XXXVII of 1956) shall be inserted;

(ii) sub-section (3) shall be deleted;

(iii) in sub section (4) for the words and figures "as it existed immediately before the 1st November, 1956 outside the City of Bombay, and those jails shall continue to be administered" the words "outside Greater Bombay, and those jails shall be administered" shall be substituted;

(iv) in the marginal note for the word "commencement" the word "application" shall be substituted.

(c) in section 3, after clause (4) the following clause shall be inserted, namely -

"(4A) references to "District Magistrate" shall be construed, in relation to the Hyderabad area of the State of Bombay, as references to the Collector and Additional District Magistrate";

3. Further amendments to Act IX of 1894 as in force throughout the State :-

In the principal Act, in its application to the State of Bombay,-

(a) in section 3 after clause (5A) the following clause shall be, inserted, namely-

"(5B) 'parole system' means the system of releasing prisoners in Jail on parole, by suspension of their sentences in accordance with the rules for the time being in force";

(b) sections shall be renumbered as sub-section (1) thereof and after the sub-section so renumbered the following shall be added namely,

"(2) The State Government may also appoint one or more Deputy Inspector-General of Prisons for the whole of such territories or any part thereof, and they shall exercise, carry out or discharge all or any of the powers, duties and functions of the Inspector General under this Act, or under any law for the time being in force as the Inspector General may delegate to them, with the prior approval of the State Government";

(c) in sections 44 and 61 for the word "Vernacular" the words

"regional language" shall be substituted;

(d) in section 46 -

(i) in clause (4) for the word "system" the words "or parole system" shall be substituted;

(ii) for clause (5) the following shall be substituted, namely-

"(5) exclusion from the privilege of earning wages for a specified period;

(5A) temporary or permanent reduction from a higher to lower grade or class, or forfeiture of the grade or class, or of all or specified prison privileges";

(iii) clauses (9) and (11) shall be deleted;

(e) in section 47, in sub-section (1), exception (2) shall be deleted;

(f) in section 48A-

(i) after the word '-furlough' where it occurs for the first time the words "or release on parole" shall be inserted;

(ii) after the word "furlough" where it occurs for the second time the words "or parole" shall be inserted;

(g) in section 50, in sub-section (1) the words "of penal diet, either singly or in combination, or" shall be deleted;

(h) after section 51 the following sections shall be inserted -

"51 A. Power to arrest without warrant person committing breach of conditions of suspension of sentence, etc.-If any condition on or subject to which a sentence has been suspended or remitted or release on parole or furlough is granted is, in the opinion of the authority exercising such power, not fulfilled, such authority may cancel its order granting such suspension, remission or release on parole or furlough, and thereupon the person in whose favour such order was made may, it' at large, be arrested by any Police-officer without warrant, and remanded to undergo the unexpired portion of his sentence.

51 B. Criminal liability for breach of conditions of suspension of sentence, etc. -

(1) If any prisoner fails without sufficient case to observe any of the conditions on or subject to which his sentence was suspended

or remitted, or release on parole or furlough was granted to him, he shall on conviction, be punished (such punishment being in addition to any punishment which such prisoner was undergoing when he committed such offence) with imprisonment for a term which may extend to two years or with fine which may extend to one thousand rupees, or with both.

(2) No Court shall take cognizance of an offence under this section except with the previous sanction of the State Government or the authority which granted suspension or remission of the sentence";

(i) in section 59 for clause (5) the following shall be substituted, namely-

"(5) for the award of marks, the suspension or remission and consequent shortening of sentence and the grant of release on parole or furlough and determining the conditions on which and the authority by which the sentences may be suspended or remitted and the prisoners may be released on parole or furlough".

4. Extension of Bom II of 1874 as in force in pre - Reorganisation Bombay area to other areas of the State :-

For the purposes of extending the Civil Jails Act, 1874 (Bom 2 of 1874) to the rest of the state of Bombay, and bringing it into force hence in, and for providing uniformity in the provisions of that Act in its application to the whole of the State, on the commencement of this Act, the Civil Jails Act, 1874, (Bom II of 1874) as In force immediately before such commencement in the pre- Reorganisation State of Bombay (excluding the transferred territories) is hereby extended, and shall be so in force, throughout the State; in consequence whereof, on such commencement,-

(1)

(a) the Civil Jails Act, 1874 (Bom II of 1874)as applied by the Kutch (Application of Laws) Order, 1949 to the Kutch area of the State of Bombay, and

(b) the Civil Jails Act, 1874 (Bom II of 1874)as adapted and applied by the State of Saurashtra (Application of Central and Bombay Acts) Ordinance, 1948, (Sau Ordi XXV of 1948) to the Saurashtra area of the State of Bombay,shall stand repealed;

(2) in the Civil Jails Act, 1874, (Bom II of 1874) as extended and brought into force by the foregoing provision (hereinafter referred

to as the extended Civil Jails Act") -

(a) in the long title for the words City and Presidency of Bombay" the words "State of Bombay excluding Greater Bombay" shall be substituted;

(b) in Part III, below the heading "Civil Jails" the following section shall be inserted, namely: -

"8. Application-This Act shall apply to civil jails in the State of Bombay outside Greater Bombay";

(c) in section 9 after the figures "1869" the words "or any corresponding law for the time being in force in any part of the State" shall be inserted;

(d) in section 10, after the words "District Court" the brackets and words "(or the corresponding officer by whatever name called, hereinafter referred to as "the nazir")" shall be inserted.

5. Saving :-

The repeal by section 2, of-

(i) the Hyderabad Prisons Act, 1954, (Hyd XXIX of 1954) and the Prisons Act, 1894, (IX of 1894) as adapted and applied to the Saurashtra area of the State by the state of Saurashtra (Application of Central and Bom Acts) Ordinance," 1948; (Sau Ord. XXV of 1948)

(ii) Part VI-A inserted in the Prisoners Act, 1900. (3 of 1900) by the Central Provinces and Berar Prisoners (Amendment) Act, 1939, (C P, and Berar IV of 1939) in its application to the Vidarbha region of the State of Bombay; and

(iii) the Central Provinces and Berar Prisons (Amendment) Repealing Act, 1940, (C.P. and Berar XV of 1940) in its application to the Vidarbha region of the State of Bombay; and, by section 4, of-

(iv) the Civil Jails Act, 1874, (Bom. II of 1874), as applied by the Kutch (Application of Laws) Order, 1949, to the Kutch area of the State of Bombay; and

(v) the Civil Jail Act, 1874, (Bom. II of 1874) as adapted and applied by the State of Saurashtra (Application of Central and Bombay Acts) Ordinance, 1948, (Sau. Ord. XXV of 1948), to the Saurashtra area of the State of Bombay, shall not affect-

- (a) the previous operation of any of the laws so repealed, or
- (b) any right, privilege, obligation or liability acquired, accrued or incurred under any of the laws so repealed; or
- (c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any of the laws so repealed, or
- (d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid; and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed, as if this Act had not commenced in the area in which the laws were in force:

Provided that, subject to the foregoing provision anything done or any action taken (including any appointment or delegation made, notification, order, instruction or direction issued, rule or regulation made or permission granted) under any such law shall, in so far as it is not inconsistent with the principal Act or the extended Civil Jails Act, be deemed to have been done or taken under the corresponding provisions of those Acts, and shall continue to be in force accordingly, unless and until superseded by anything done or any action taken under the principal Act or, as the case may be, the extended Civil Jails Act;

Provided further that reference to any law so repealed, or to any of the provisions thereof, or to any officer or authority appointed thereunder, in any law for the time being in force, or in any instrument or other document shall, as far as may be, be construed as a reference to the principal Act or, as the case may be, the extended Civil Jails Act or the relevant provisions thereof, or the corresponding officer or authority mentioned therein or appointed thereunder.