

**Prisoners (Madras Amendment) Act, 1958**

**11 of 1958**

**[04 June 1958]**

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PREAMBLE

An Act further to amend the Prisoners Act, 1900 (Central Act III of 1900), in its application to the State of Madras.

Whereas it is expedient further to amend the Prisoners Act, 1900 (Central Act III of 1900), in its application to the State of Madras, for the purposes hereinafter appearing;

Be it enacted in the Ninth Year of the Republic of India as follows:--

1. For Statement of Objects and Reasons, see Fort St. George Gazette Extraordinary, dated the 31st March 1958, Part IV-A, pages 183-184.

**1. Short title and extent :-**

(1) This Act may be called the " Prisoners (Madras Amendment) Act, 1958. "

(2) It extends to the whole of the State of Madras.

## **2. Amendment of section 5. Central Act III of 1900 :-**

Section 5 of the prisoners Act, 1900 (Central Act III of 1900) (hereinafter referred to as the principal Act), shall be renumbered as sub-section (1) of that section and after subsection (1) as so renumbered, the following sub-section, shall be added, namely:--

" (2) Every warrant for the arrest of any person issued by a Court of Session shall be directed to, and executed by, a Police officer within the local limits of its jurisdiction."

## **3. Substitution of new section for section 7 in the Central Act III of 1900 :-**

For section 7 of the principal Act, the following section shall be substituted, namely:--

7. Delivery of persons sentenced to imprisonment or death by High Court or Court of Session.--

Where any person is sentenced by the High Court or by a Court of Session to imprisonment for life or 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 or the Court of Session, as the case may be, when executed."

## **4. Omission of section 8 in-Central Act III of 1900 :-**

Section 8 of the principal Act shall be omitted.

## **5. Substitution of new section for section 10 in Central Act III of 1900 :-**

For section 10 of the principal Act, the following section shall be substituted, namely:--

" 10. Delivery of persons sentenced by Presidency Magistrates or by any court constituted under lawful authority.--

Where any person is sentenced by a Presidency Magistrate or by any court constituted under lawful authority to imprisonment, or is committed to prison for failure to find, security to keep the peace or to be of good behaviour, the Magistrate or the court shall cause him to be delivered to the Superintendent, together with his or its warrant."

## **6. Substitution of new section for section 11 in Central Act III of 1900 :-**

For section II of the principal Act, the following section shall be substituted, namely:--

" 11. Delivery of persons committed for trial by a Court of Session.-  
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Every person committed by a Magistrate or Justice of the Peace for trial by a Court of Session, shall be delivered to the Superintendent, together with a warrant of commitment, directing the Superintendent to produce such persons before the court for trial, and the Superintendent shall, as soon as practicable, cause such person to be taken before the court whenever required together with the warrant of commitment in order that he may be dealt with according to law."

### **7. Amendment of section 16, Central Act III of 1900 :-**

In section 16 of the principal Act, for the words " for transportation, " the words " for imprisonment for life " shall be substituted.

### **8. Amendment of section 29, Central Act III of 1900 :-**

In section 29 of the principal Act--

(i) in sub-section (1), in clause (b), for the words or transportation " , the words " or imprisonment for life " shall be substituted;

(ii) after sub-section (2), the following sub-section shall be added, namely:--

" (3) Subject to the orders, and under the control, of the State Government, any person who is detained in custody in a, prison pending enquiry or trial under any writ, warrant or order of any court may, by order, be directed to be removed--

(i) from one subsidiary jail to another subsidiary jail in the district, by the Collector of the district or by his Personal Assistant (not below the rank of Deputy Collector),

(ii) from one subsidiary jail to another subsidiary jail within the jurisdiction of a Revenue Divisional Officer, by the Revenue Divisional Officer,

(iii) from a subsidiary jail in one district to a subsidiary jail in another district, by the Collector of the district from which the person is removed with the consent of the Collector of the other district,

(iv) by the Inspector-General of Prisons--

(a) from one central jail to another central jail or to a district jail or a subsidiary jail;

- (b) from one district jail to another district jail or a central jail or a subsidiary jail; or
- (c) from one subsidiary jail to another subsidiary jail or to a district jail or a central jail.

**9. Omission of Part VII in Central Act III of 1900 :-**

Part VII of the principal Act shall be omitted.