



The Prisoners Tamil Nadu (Amendment) Act, 1958

Act 11 of 1958

Keyword(s):

Central Act Amendment, The Prisoners Act, 1900

Amendment appended: 14 of 1994

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¹[TAMIL NADU] ACT No. XI OF 1958².

[THE PRISONERS (¹[TAMIL NADU] AMENDMENT)
ACT, 1958].

[Received the assent of the Governor on the 21st May 1958;
first published in the Fort St. George Gazette on the
4th June 1958 (Jyaishta 14, 1880).]

An Act further to amend the Prisoners Act, 1900 (Central
Act III of 1900), in its application to the ³[State of Tamil
Nadu].

WHEREAS it is expedient further to amend the
Prisoners Act, 1900 (Central Act III of 1900), in its
application to the ³[State of Tamil Nadu], for the
purposes hereinafter appearing;

BE it enacted in the Ninth Year of the Republic of India
as follows:—

1. (1) This Act may be called the "Prisoners (¹[Tamil Nadu] Amendment) Act, 1958."
Short title
and extent.

(2) It extends to the whole of the ³[State of Tamil
Nadu]

2. 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 sub-section (1) as so renumbered, the following sub-section shall be added, namely:—
Amendment
of section 5,
Central Act
III of 1900.

"(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. For section 7 of the principal Act, the following section shall be substituted, namely:—
Substitution
of new
section for
section 7 in
the Central
Act III of
1900.

"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

¹ These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

² For Statement of Objects and Reasons, see *Fort St. George Gazette, Extraordinary*, dated the 31st March 1958, Part IV A, pages 183-184.

³ This expression was substituted for the expression "State of Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

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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."

Omission
of section 8
in Central Act
III of 1900.
Substitution of
new section
for section 10
in Central Act
III of 1900.

4. Section 8 of the principal Act shall be omitted.

5. 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."

Substitution
of new
section for
section 11 in
Central Act
III of 1900.

6. For section 11 of the principal Act, the following section shall be substituted, namely:—

"11. *Delivery of persons committed for trial by a Court of Session.*—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."

Amendment
of section 16,
Central Act,
III of 1900.

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

*According to clause (c) of sub-section (3) of section 3 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), which came into force on the 1st April 1974, any reference to a Presidency Magistrate shall be construed as a reference to a Metropolitan Magistrate.

8. In section 29 of the principal Act—

Amendment
of section 29,
Central Act,
III of 1900.

(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. Part VII of the principal Act shall be omitted.

Omission of
Part VII in
Central Act
III of 1900.

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 3rd March 1994 and is hereby published for general information :—

ACT No. 14 OF 1994.

An Act further to amend the Prisoners Act, 1900 in its application to the State of Tamil Nadu.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Forty-fourth Year of the Republic of India as follows :—

1. (1) This Act may be called the Prisoners (Tamil Nadu Amendment) Act, 1994. Short title,
extent and
commencement.
- (2) It extends to the whole of the State of Tamil Nadu.
- (3) It shall come into force at once.

2. In section 29 of the Prisoners Act, 1900, for sub-section (3), the following Amendment of
section 29. sub-section shall be substituted, 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 inquiry or trial under any writ, warrant or order of any court may, by order, be directed to be removed—

- (a) by the Superintendent, Central Prison, within his jurisdiction,—
- (i) from a central jail to a district jail or a subsidiary jail; or
- (ii) from a district jail to a central jail or a subsidiary jail; or
- (iii) from one subsidiary jail to another subsidiary jail or a district jail or a central jail; and
- (b) by the Inspector-General of Prisons,—
- (i) from one central jail to another central jail or to a district jail or a subsidiary jail; or
- (ii) from one district jail to another district jail or a central jail or a subsidiary jail; or
- (iii) from one subsidiary jail to another subsidiary jail or to a district jail or a central jail.”

(By order of the Governor)

M. MUNIRAMAN,
Secretary to Government,
Law Department.