



The Andhra Pradesh Prisons Development Board Act, 2001

Act 12 of 2001

Keyword(s):

Building, Fund, Jail, Land, Prison,

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ANDHRA PRADESH ACTS, ORDINANCES AND REGULATIONS, Etc.

The following Act of the Andhra Pradesh Legislative Assembly received the assent of the Governor on the 13th April, 2001 and the said assent is hereby first published on the 17th April, 2001 in the Andhra Pradesh Gazette for general information:-

ACT NO. 12 OF 2001.

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE ANDHRA PRADESH PRISONS DEVELOPMENT BOARD FOR THE DEVELOPMENT OF THE PRISON SYSTEM AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Fifty-second Year of the Republic of India as follows:-

CHAPTER - I

PRELIMINARY

1. (1) This Act may be called the Andhra Pradesh Prisons Development Board Act, 2001. Short title extent and Commencement.

(2) It extends to the whole of the State of Andhra Pradesh.

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

2. In this Act, unless the context otherwise requires,- Definitions.

(a) "Board" means the Andhra Pradesh Prisons Development Board constituted under section 3;

(b) "building" includes a house, dormitory, barrack, cell, latrine, godown, shed, hut, wall and any other structure whether of masonry, bricks, mud, wood, metal, cement, concrete or any other material whatsoever;

(c) "fund" means the Prisons Development Fund created under this Act;

(d) "Government" means the State Government of Andhra Pradesh;

(e) "Jail" means a prison and includes all Central Prisons, district jails, sub-jails, prisoners' agricultural colonies, state jails for women and borstal schools;

(f) "land" includes rights in or over land and benefits to arise out of land, and buildings, structures and other things attached to the earth or permanently fastened to anything attached to earth;

(g) "notification" means a notification published in the Andhra Pradesh Gazette and the word 'notified' shall be construed accordingly;

(h) "prescribed" means prescribed by rules made under this Act;

(i) "Prison" means any jail or place by whatever name called including all lands and buildings, appurtenant thereto, used permanently or temporarily under the general or special orders of the State Government for the detention of prisoners, and includes all central prisons, district jails, sub-jails, prisoners' agricultural colonies, State Jails for women and borstal schools;

(j) "Regulations" means the regulations made by the Board under this Act.

CHAPTER - II

ESTABLISHMENT OF THE BOARD

3. (1) With effect from such date as the Government may, by notification, specify in this behalf, there shall be established a Board to be called 'the Andhra Pradesh Prisons' Development Board.

Constitution
and composition
of the Board.

(2) The Board established under sub-section (1) shall be a body corporate having perpetual succession and a common seal, with power to acquire, hold and dispose of property both movable and immovable, to do all things incidental to and necessary for the purposes of this Act and to contract and may by the said name sue and be sued.

(3) The Head Office of the Board shall be at Hyderabad or at such other place as may be notified.

(4) The Board shall consist of the following members, namely:-

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|--|-------------------------|
| (a) Chief Minister. | Chairman. |
| (b) Minister for Prisons. | Vice-Chairman. |
| (c) Registrar General of the High Court of Andhra Pradesh. | Ex-officio Director. |
| (d) Principal Secretary to Government Home (Prisons) Department. | Ex-officio Director. |
| (e) Principal Secretary to Govt. Finance Department. | Ex-officio Director. |

- | | | |
|-----|--|-------------------------------|
| (f) | Principal Secretary to Govt. Revenue Department. | Ex-officio Director. |
| (g) | Secretary to Government, Law Department. | Ex-officio Director |
| (h) | Director General and Inspector General of Police. | Ex-officio Director. |
| (i) | Director of Prosecutions. | Ex-officio Director. |
| (j) | Two persons to be nominated by the Government out of whom one shall be a woman, from among such non-officials who have distinguished themselves in the field of Prison Administration or Prison reforms or service to Prisoners or Human rights. | Members. |
| (k) | Inspector General of Prisons. | Ex-officio Managing Director. |

Term of Office. 4. A non-official member of the Board shall hold office for a period of three years from the date of his appointment, and may resign his office earlier by giving notice in writing to the Government and shall cease to be a member on the resignation being accepted by the Government:

Provided that the Government may reduce the term of office of a non-official member before the expiry of such term without giving any notice to such member

and without assigning any reasons and appoint any other person in his place for the remainder of such term.

5. (1) The Board shall meet at such times and places as the Chairman may decide and an urgent meeting may be convened by the Managing Director at any other time for the transaction of urgent business as may be provided by the regulations:

Meetings
of the Board.

Provided that atleast one meeting shall be held in every three months.

(2) The Chairman or in his absence the Vice-Chairman and in the absence of both the Chairman and the Vice-Chairman, any member chosen by the members present among themselves, shall preside at a meeting of the Board.

(3) The procedure in regard to transaction of business at the meetings including the quorum shall be such as may be provided by the regulations.

6. No act or proceedings of the Board shall be invalid by reason only of the existence of any vacancy amongst its members or any defect in its constitution.

Vacancy etc.,
not to invalidate
the acts and
proceedings
of the Board.

7. The terms and conditions of service of the members of the Board including the honoraria and the allowances to be paid to them, shall be such as may be prescribed.

Terms and
Conditions
of service.

8. (1) The Board may appoint such officers and employees as may be required to enable the Board to carry-out its functions under this Act in such manner as may be prescribed.

Appointment
of staff.

(2) The Board may, from time to time, appoint qualified persons in the fields of Prison Administration, Medicine, Architecture, Engineering, Social work, Sociology, Industrial management and the like, to be consultants to the Board as it may consider necessary for the efficient performance of its functions on such terms and conditions as may be prescribed.

Chief Controlling Authority. 9. The Managing Director shall be the Chief Controlling Authority in all matters connected with the administration of this Act, subject to the general or special orders of the Government or the Board in this behalf and may exercise all powers necessary for that purpose.

Functions of the Board. 10. (1) Subject to the provisions of this Act, the functions of the Board shall be,-

(a) to examine the living conditions of the prisoners in all the prisons and jails with specific reference to their basic needs and provision of facilities compatible with the dignity of human life;

(b) to look after the prisoners with humanity and help them lead law abiding and useful lives after their release;

(c) to endeavour to reform and re-assimilate the prisoners in the social milieu by giving them appropriate correctional treatment;

(d) to see that the prisoners are provided sufficient accommodation,

hygienic surroundings, sufficient water supply, sun light, ventilation and adequate medical attention, if necessary by repairing or altering the existing Jails;

(e) to build new prisons, where the existing prisons are not in a satisfactory condition or beyond repair;

(f) to review the programmes of treatment of prisoners, education, vocational training, industry, manufacturing activities, agriculture, poultry, dairying, horticulture and such other occupational activities being carried on in the prisons with a view to developing prisons as correctional centres;

(g) to efficiently manage the prisons, if necessary, by acquiring properties, whether movable or immovable, including Computers, Communication facilities, gadgets, vehicles, security or surveillance equipment, electronic video linkage systems etc.

(2) For the efficient discharge of the duties entrusted to it the Board shall exercise such powers and perform such functions as are conferred or imposed by or under this Act or the rules made thereunder.

CHAPTER - III

BOARD'S FINANCE, ACCOUNTS AND AUDIT

11. (1) The Board shall have and maintain its own fund in the name and style of 'Prisons Development Fund' to which shall be credited,-

Prisons
Development
Fund.

(a) all moneys received by the Board from the State and Central Governments, by way of grants, loans, advances or otherwise;

(b) all moneys borrowed by the Board by way of loans or debentures;

(c) all moneys generated by the agricultural, horticultural, industrial or manufacturing activities undertaken by the prisoners in Jails;

(d) all fees, charges and profits received by the Board;

(e) all moneys received by the Board from the disposal of lands, buildings, and other properties (movable or immovable); and

(f) all moneys received by the Board by way of rents or profits or in any other manner or from any other source.

(2) The Prisons Development Fund shall be applied towards meeting the expenses incurred by the Board in the administration of this Act, and for such other purposes as may be prescribed.

(3) The Board may keep such sum of money out of its funds in deposit in any of the scheduled banks, and any money in excess of the said sum shall be invested in such manner as may be prescribed.

Power of
the Board
to borrow.

12. The Board may, from time to time, subject to such conditions as may be prescribed borrow any sum required for the purposes of this Act.

13. The Government may, after due appropriation made by the State Legislature, made such grants, advances and loans to the Board as the Government may deem necessary for the performance of the functions of the Board under this Act, and all grants, loans or advances made shall be on such terms and conditions as the Government may determine.

Grants,
Advances
and loans
from
Government.

14. The Board shall prepare every year in such manner and in such form as may be prescribed an annual report giving a true and full account of its activities during the previous year and submit the said report to the Government for being placed on the Table of the State Legislature in the immediate ensuing session.

Annual Report.

15. The Board shall furnish to the Government such returns or other information with respect to its activities as the Government may, from time to time, require.

Returns
etc.

16. (1) The Board shall maintain proper accounts and other relevant records, and prepare an Annual Statement of accounts in such form and in such manner as may be prescribed.

Accounts
and
audit.

(2) The accounts of the Board shall be subject to annual audit by the Director of State Audit under the provisions of the Andhra Pradesh State Audit Act, 1989, and any expenditure incurred in connection with such audit shall be payable by the Board.

Act
9 of
1989

(3) The accounts as certified by the Director together with the audit report thereon, shall be forwarded annually to the Government.

CHAPTER - IV

ACQUISITION MAINTENANCE AND DISPOSAL OF
LANDS AND BUILDINGS

Vesting
of prison
lands and
buildings
in the
Board.

17. On and from the date of commencement of this Act, all land and buildings appurtenant thereto in the charge or possession or use of the Prisons Department of Government of Andhra Pradesh other than those specified in the Schedule shall, vest in the Board and be subject to its control.

Acquisition
of
land.

18. (1) If, in the opinion of the Board, any land is required for the construction of a new Prison or improvement of an existing prison or construction of quarters for the staff of the Prisons Department, the Board may request the Government to acquire such land under the provisions of the Land Acquisition Act, 1894.

Central
Act 1
of 1894

(2) Where the Board proposes to acquire any land by private negotiations otherwise than under the provisions of the Land Acquisition Act, 1894, it shall approach the concerned District Collector with a request to determine the value at which the land is to be acquired.

(3) Where in the opinion of the Board there is suitable land belonging to a Government Department or organisation it can acquire the said land either by way of exchange with its own land or payment of market value, as fixed by the concerned District Collector, or a combination of exchange and payment of market value.

(4) If, in the opinion of the Board, land required for the construction of a new prison or improvement of an existing prison is to be acquired on lease it shall approach the concerned District Collector with a request to determine the lease amount and other terms and conditions for obtaining the said land on lease.

(5) The Board may, in case of disagreement with the recommendations of the District Collector under sub-sections (2) to (4), refer the same, along with its views, to the Government, whose decision shall be final.

19. (1) The Board may, subject to such rules as may be made in this behalf retain, lease, sell, exchange or otherwise dispose of,-

Disposal
of land,
buildings
etc., by
the Board.

(a) any land or building or property whether movable or immovable in its possession; and

(b) any other land or building or property whether movable or immovable consequent upon decommissioning of any Prison.

(2) The consideration or proceeds obtained by disposal or otherwise of a land or building or property under sub-section (1) shall be credited to the "Prisons Development Fund".

CHAPTER - V

MISCELLANEOUS

20. (1) The Government may, by notification, make rules for carrying out all or any of the purposes of this Act.

Power to
make
rules.

(2) Every rule made under this Act shall be, immediately after it is made, laid before the Legislative Assembly of the State if it is in session, and if it is not in session, in the session immediately following for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiration of the session in which it is so laid or the session immediately following the Legislative Assembly agrees in making any modifications in the rule or in the annulment of the rule, the rule shall from the date on which the modification or the annulment is notified, have effect only in such modified form or shall stand annulled as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Power to
make Regu-
lations.

21. (1) The Board may with the previous approval of the Government by notification made Regulations not inconsistent with this Act or rules made thereunder to discharge its functions under this Act.

(2) In particular and without prejudice to the foregoing power such Regulations may provide for all or any of the following matters namely:-

(a) the administration of the funds and properties of the Board, and the maintenance of its accounts;

(b) the summoning and holding of meetings of the Board, and the time and places at which such meetings shall be held and the conduct of business

thereat, and the number of Directors necessary to constitute a quorum;

(c) the duties of officers and employees of the Board and their salaries, allowances and other conditions of service;

(d) the procedure to be followed in inviting, considering and accepting tenders;

(e) the authentication of the orders and other instruments of the Board; and

(f) any other matter arising out of the Board's functions under this Act.

(3) The Government may, by notification, modify or rescind any Regulation made and thereupon the Regulation shall stand modified accordingly or shall cease to have effect, as the case may be.

22. All members, Officers and employees of the Board when acting or purporting to act in pursuance of the provisions of this Act or any rule or Regulation made thereunder, shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 and the Prevention of Corruption Act, 1988.

Members,
officers
and
employees
of the Board
to be public
servants.
Central Act
45 of 1860.
Central Act
49 of 1988.

J.1114/5

SCHEDULE

(See Section 17)

| S1. | Name and Place of the Prison. | Survey No. and extent of the Land. | Remarks. |
|-----|----------------------------------|---|----------|
| (1) | (2) | (3) | (4) |
| 1. | Central Prison Secunderabad. | S.No.4 (Ward No. 148 Block No. A). | |
| | | Jamisthanpur Village, Hyderabad. 30 Acres 75 Cents. | |
| 2. | Central Prison Visakhapatnam. | S.No.693-1460A 1461A. | |
| | | Visakhapatnam (Urban) 26.35 Acres. | |

G. BHAVANI PRASAD,
Secretary to Government,
Legislative Affairs & Justice,
Law Department.

STATEMENT OF OBJECTS AND REASONS

In order to improve the living conditions of the prisoners, to provide sufficient accommodation with hygienic surroundings by building new prisons wherever necessary, to reduce overcrowding, to ensure treatment of prisoners compatible with human rights and dignity of human life, to review the programmes of treatment of prisoners with a view to develop prisons as correctional centres with an endeavour to reform and re-assimilate the prisoners in the social milieu and secure transformation in the mental attitudes of prisoners so as to rehabilitate them after release as law abiding useful members of society, it is necessary to develop medical, educational, vocational and other infrastructural facilities in prisons. This requires not only provision of funds in a big way but also quicker decision making and decentralised functioning which can be best achieved by having an autonomous agency vested with the task of infrastructural development in prisons.

To achieve the above object, the Government have decided to establish a high level body to be called the Andhra Pradesh Prisons Development Board by under-taking legislation.

This Bill seeks to give effect to the above decision.

T. DEVENDER GOUND,
Minister for Home, Jails,
Cinematography, Fire Service,
F.D.C., N.C.C. and
Sainik Welfare.