

THE PRISONS (UTTAR PRADESH AMENDMENT) ACT, 2020

UTTAR PRADESH

India

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Act 30 of 2021

- Published on 25 August 2021
- Commenced on 25 August 2021
- [This is the version of this document from 25 August 2021.]

AN ACT further to amend the Prisons Act, 1894, in its application to Uttar Pradesh. IT IS HEREBY enacted in the Seventy First Year of the Republic of India as follows:

1.

(1) This Act may be called the Prisons (Uttar Pradesh Amendment) Act, 2020 (2) It extends to the whole of Uttar Pradesh.

2. In section 3 of the Prisons Act, 1894 hereinafter referred to as the principal Act -

(a) in clause (1), in sub-clause (b) for the words and figures "section 541 of the Code of Criminal Procedure 1882 (10 of 1882)" the words and figures "section 417 of the Code of Criminal Procedure 1973 (Act no. 2 of 1974)" shall be substituted; (b) in clause (3) for the words and figures "the Code of Criminal Procedure 1882 (10 of 1882)" or "under the Prisoners Act 1871 (5 of 1871)" the words and figures "the Code of Criminal Procedure, 1973 (Act no: 2 of 1974) or under the Prisoners Act, 1900 (Act no. 3 of 1900)" shall be substituted; (c) in clause (7) for the words "to Deputy Inspector General of Prisons, includes such Deputy Inspector General" the words "to the Additional Inspector General of Prisons and the Deputy Inspector General of Prisons, includes such Additional Inspector General of Prisons and Deputy Inspector General of Prisons" shall be substituted;

3. In section 5 of the Principal Act in sub-section (2) for the words "Deputy Inspector General of Prisons" the words "to the Additional Inspector General of substituted; Prisons and the Deputy Inspector General of Prisons" shall be substituted;

4. After section 42 of the Principal Act, the following sections shall be inserted, namely :

"42A. Notwithstanding anything to the contrary in any other provision of this Act, the possession or operation of a wireless communication device by any prisoner and the entering of any impersonator in a prison shall be prohibited. Explanation for the purpose of this section-(a) the words "wireless communication device" shall include mobile phone, wi-fi, Bluetooth, near field communication (NFC), tablet, personal computer, computer, laptop, palmtop used for the communications like verbal, non-verbal, internet, general packet radio service (GPRS), e-mail, short message service (SMS), multimedia message service (MMS) or any such equipment such as mobile sim (Subscriber Identification Module or Chip etc.) which may be used for any similar purpose. (b) The word "impersonator" means a person who enters premises of a prison with a photo, name, address or any other identity particulars and on verification of whose all or any one of such particulars are found to be false." 42B. Whoever contravene the provisions of section 42A shall on Punishment for Contravenes be liable to be punished with imprisonment which contravention of shall extend up to three years and with fine which shall extend up to twenty five thousand rupees or with both: Provided that if any prisoner is found using the wireless communication device for attempting, abetting, conspiring or committing an offence inside or outside the jail premises and as a consequence there of an offence is committed, he/she shall on conviction be punished with imprisonment for a term which shall not be less than three years and shall extend up-to five years, or with fine which shall not be less than twenty thousand rupees and shall extend up-to fifty thousand rupees or with both."

5. For section 43 of the Principal Act, the following section shall be substituted, namely :

"43. Offences under section 42B to be cognizable and non Cognizable and bailable, non-bailable offence Offences under section 42B shall be cognizable and non-bailable." STATEMENT OF OBJECTS AND REASONS The Prisons Act, 1894 has been enacted to provide for the safe and secure custody of prisoners, their maintenance, admission and release, health, labour, punishment for jail offences to maintain jail discipline and duties of officers at various levels. Instances of usage of mobile phones and wireless devices by the prisoners and entering of persons by impersonation have been frequently noted. Therefore, it had been decided to amend the said Act in its application to the State of Uttar Pradesh to provide for stringent provisions for the possession and usage of mobile phones or other wireless devices and to provide adequate punishment for impersonator entering into Prison on the basis of false identity. This Prisons (Uttar Pradesh Amendment) Bill, 2020 is introduced accordingly.