

Prisons (Goa, Daman and Diu Amendment) Act, 1967

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Act 5 of 1968

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Prisons (Goa, Daman and Diu Amendment) Act, 1967(Act No. 5 of 1968)[Dated 1st February 1968]LA/1298/68. - An Act to amend the Prisons Act, 1894, in its application to the Union Territory of Goa, Daman and Diu to provide for the release of prisoners on parole and for certain matters connected therewith.Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Eighteenth Year of the Republic of India as follows:-

1. Short title, extent and commencement.

(1)This Act may be called the Prisons (Goa, Daman and Diu Amendment) Act, 1967.(2)It extends to the whole of the Union Territory of Goa, Daman and Diu.(3)It shall come into force at once.["Insertion new section 36A. - In the Prisons Act, 1894 (Central Act 9 of 1894) after section 36 the following section shall be inserted, namely.-[36A. Creation of fund for compensation. - The prisoners shall be paid wages for the employment provided to them at such rate as may be prescribed from time to time. An amount of fifty per cent. of the total amount of wages earned by the prisoner in a month shall be kept and deposited in a separate common fund which shall be exclusively used for the payment of compensation to the deserving victims or his/her family of the offence the commission of which entailed the sentence of imprisonment to the prisoner. The account of fund shall be maintained by the Superintendent of Jail in such form and in such manner as may be prescribed. The rate of compensation to be paid to the victims or his/her family shall be fixed by a committee consisting of such persons as may be prescribed."] [Inserted by the amendment Act 18 of 2005 (11-11-2005)].

2. Insertions of new sections 58-A and 58-B.

- After section 58 of the Prisons Act 1894 (Central Act IX of 1894) hereinafter referred to as the Principal Act, the following sections shall be inserted, namely:-

58A. Release of prisoners on parole. - The State Government or any authority empowered by it may release a prisoner on parole or furlough in accordance with such rules as may be made in this behalf.

58B. Surrender of prisoners on the expiry of the period of temporary release. - (i) Any prisoner released on parole or furlough shall surrender himself to the officer in charge of the prison from which he was released, on the expiry of the period of parole or furlough or at such earlier time as he may directed by the State Government or any authority empowered by it in this behalf.

(ii) Any prisoner who does not surrender himself as required by sub-section (i) or fails to comply with any other conditions upon which he is released, may be arrested by any Police officer without a warrant and shall be liable upon conviction to be punished with imprisonment of either description for a term which may extend to two years or to a fine which may extend to Rs. 1000/- or both.

3. Amendment of section 59.

- In section 59 of the Principal Act after sub-section 28 the following sub-sections shall be inserted, namely:-(i)[in clause (8), for the expression "wards, cells", the expression [wards, cells, higher security enclosures/prison] shall be substituted; [In sub-section (1) of section 59 of the Prisons Central Act 9 of 1894, substituted in clauses (8), (9), (10), (12), (26), (27) and inserted clauses (17), (18), (25) and omitted clause (3) amended and passed by the Legislative Assembly of Goa on 25-1-2007 and came into force with effect from 10-10-2007 published in the Official Gazette, Series I No. 35 dated 5-12-2007.](ii)for clause (9), the following clause shall be substituted, namely:-(9)[for the regulation by numbers, length or character of sentences, or otherwise, of the prisoners, including high security prisoners, to be confined in each class of prisons, classification of the under trial;](iii)for clause (10), the following clause shall be substituted, namely:-(10)[for the governance of prisons, the welfare of prisoners, the appointment of all officers appointed under this Act and the establishment of armed guards and reserve guards;](iv)in clause (12) for the word "instruction" the expression "instruction, vocational training" shall be substituted;(v)in clause (17), after the expression "separation of prisoners" and before the figure";", the expression "and reception center" shall be inserted;(vi)in clause (18), after the expression "prisoners under section 28" and before the figure" the expression "and the execution of sentence including to prisoners sentenced to death" shall be inserted;(vii)in clause (25), after the expression "guidance of visitors of prisons" and before the figure";", the expression, ", welfare officer and his functions" shall be inserted;(viii)in clause (26), for the expression "541 of the Code of Criminal Procedure, 1882 (10 of 1882)" the expression "417 of the code of Criminal Procedure, 1973 (2 of 1974)" shall be substituted;(ix)in clause (27), for the expression "treatment and release of prisoners and"; the expression "treatment, correctional-cum-Orientation Course and release of prisoners;" shall be substituted;(29)[for the release on parole or furlough and determining the conditions on which and the authority by which prisoners may be released on parole or furlough. [Clause 29 & 30 was inserted by the amendment Act 5 of 1968 thereafter vide amendment Act 12 of 2007 clause 30 were omitted.]Clause (30) [

omitted]

3. Repeal and Savings.

(1)The Prisons (Goa Amendment) Ordinance, 2006 (Ordinance No. 6 of 2006), is hereby repealed,(2)notwithstanding such repeal, anything done or any action taken in exercise of any power conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act as if this Act was in force on the day on which such thing or action was done or taken.