

Prisons (Rajasthan Amendment) Act, 2015

RAJASTHAN

India

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Act 26 of 2015

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Prisons (Rajasthan Amendment) Act, 2015(Act No. 26 of 2015)Statement of Objects and Reasons. - Introduction or removal of prohibited articles into or from prison and communication with prisoners is an offence under Section 42 of Prisons Act, 1894. This offence is non-cognizable. It was proposed to make the offence under Section 42 cognizable by enhancement of the quantum of punishment and accordingly Section 43 was also proposed to be amended.Provisions were also sought to be made to enable the State Government to grant parole to the prisoners and to make rules in that behalf. It was also proposed that in case the prisoner released on parole does not surrender himself to the officer in charge of the prison on the expiry of the period of parole, he shall be liable to be punished with imprisonment which may extend to three years or with fine which may extend to three thousand rupees or with both. Accordingly, new Sections 58-A and 58-B were sought to be inserted in the Prisons Act, 1894 and Section 59 thereof was sought to be amended by inserting a new clause (27-a) therein."The Prisons (Rajasthan Amendment) Bill, 2015" regarding amendment in the Prisons Act, 1894 was introduced in last session of Legislative Assembly, however, the Bill could not be passed in that session. There were orders of the Rajasthan High Court in PIL 2808/2012 directing effective check on illegal mobile phones in jails. Therefore, the proposed amendments were required to be made immediately.Since the Rajasthan State Legislative Assembly was not in session and circumstances existed which rendered it necessary for the Governor of Rajasthan to take immediate action, he, therefore, promulgated the Prisons (Rajasthan Amendment) Ordinance, 2015 (Ordinance No. 8 of 2015), on 20th August, 2015, which was published in Rajasthan Gazette, Part IV (B), Extraordinary, dated 21st August, 2015.The Bill seeks to replace the aforesaid Ordinance.Hence the Bill.[Dated 8.10.2015.][Received the assent of the Governor on the 7th day of October, 2015]An Act to amend the Prisons Act, 1894 in its application to the State of Rajasthan.Be it enacted by the Rajasthan State Legislature in the Sixty-sixth Year of the Republic of India, as follows: -

1. Short title, extent and commencement.

(1)This Act may be called the Prisons (Rajasthan Amendment) Act, 2015.(2)It extends to the whole

of the State of Rajasthan.(3)It shall be deemed to have come into force on and from 20th August, 2015.

2. Amendment of Section 42, Central Act No. 9 of 1894.

- In Section 42 of the Prisons Act. 1894 (Central Act No. 9 of 1894), hereinafter referred to as the principal Act, in its application to the State of Rajasthan, for the existing expression "for a term not exceeding six months, or to fine not exceeding two hundred rupees, or to both", the expression "for a term not exceeding three years, or to fine not exceeding three thousand rupees, or to both" shall be substituted.

3. Amendment of Section 43, Central Act No. 9 of 1894.

- In Section 43 of the principal Act, for the existing expression "and refuses on demand of such officer to state his name and residence, or gives a name or residence which such officer knows, or has reason to believe, to be false," shall be deleted.

4. Insertion of new Sections 58A and 58B, Central Act No. 9 of 1894.

- After the existing Section 58 and before the existing Section 59 of the principal Act, the following new 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 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.

- (1) Any prisoner released on parole 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 at such earlier time as he may be directed by the State Government or any authority empowered by it in this behalf.

(2)Any Prisoner who does not surrender himself as required by sub-section (1) or fails to comply with any other conditions upon which he is released, may be arrested by any police officer and shall be liable upon conviction to be punished with imprisonment of either description for a term which may extend to three years or with fine which may extend to three thousand rupees or with both."

5. Amendment of Section 59, Central Act No. 9 of 1894.

- In sub-section (1) of Section 59 of the principal Act, -(i)in clause (27), the existing word "and", appearing at the end, shall be deleted; and(ii)after the clause (27), so amended, and before the existing clause (28), the following new clause shall be inserted, namely: -"(27-a) for release on parole and determining the conditions on which and the authority by which prisoners may be released on parole; and".

6. Repeal and savings.

(1)The Prisons (Rajasthan Amendment) Ordinance, 2015 (Ordinance No. 8 of 2015) is hereby repealed.(2)Notwithstanding such repeal, all things done, actions taken or orders made under the principal Act as amended by the said Ordinance shall be deemed to have been done, taken or made under the principal Act as amended by this Act.