

THE KARNATAKA PRISONERS ACT, 1963

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STATEMENT OF OBJECTS AND REASONS

Act 25 of 1964.- There are at present four different sets of laws in several integrated areas of the State, as noted below, for the execution of various types of punishments awarded by Courts:-

1. The Prisoners Act, 1900 (Central Act III of 1900), as in force in the Bombay Area, Madras Area, and the Coorg District;
2. The Hyderabad Prisoners Act, 1954 (Hyderabad Act XXV of 1954), as in force in the Hyderabad Area;
3. The Mysore Transfer of Prisoners Act, 1954 (Mysore Act XXX of 1954), as in force in the Mysore Area;
4. Section 57-A of the Mysore Prisons Act, 1943 (Mysore Act XLIV of 1943), as adapted by the Mysore Adaptation of Laws Order, 1956, as in force in the Mysore Area.

It is considered necessary to have a uniform law for the execution of various types of punishments awarded by Courts, as applicable to the entire State of new Mysore.

This Bill is accordingly brought forward.

(Published in the Karnataka Gazette, Part IV-2A, dated 21st June 1962, (Notification No.4317-LA dated 16.06.1962).

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¹[KARNATAKA ACT]¹ No. 25 OF 1964

(First published in the ¹[Karnataka Gazette]¹ on the Twenty-fifth day of June, 1964.)

THE ¹[KARNATAKA]¹ PRISONERS ACT, 1963

(Received the assent of the President on the Fourteenth day of May, 1964.)

An Act to make certain provisions relating to prisoners confined by order of a court in the ¹[State of Karnataka]¹.

WHEREAS it is expedient to make certain provisions relating to prisoners confined by order of a court in the ¹[State of Karnataka]¹;

BE it enacted by the ¹[Karnataka State]¹ Legislature in the Fourteenth Year of the Republic of India as follows:—

1. Short title, extent and commencement.—(1) This Act may be called the ¹[Karnataka]¹ Prisoners Act, 1963.

(2) It shall extend to the whole of the ¹[State of Karnataka]¹;

(3) It shall come into force on such ²[date]² as the State Government may, by notification, appoint.

1. Adapted by the Karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

2. Notification bringing the Act into force is not available.

2. Definitions.—(1) In this Act, unless the context otherwise requires,—

(a) “court” includes any officer lawfully exercising civil, criminal or revenue jurisdiction;

(b) “notification” means a notification published in the official Gazette;

(c) “prison” includes any place which has been declared by the State Government, by general or special order, to be a subsidiary jail.

(2) In sections 5 to 9 (both inclusive), references to prisons or to imprisonment or confinement shall be construed as referring also to reformatories, Borstal institutions, junior and senior certified schools and other institutions of like nature, or to detention therein.

3. Officers in charge of prisons to detain persons duly committed to their custody.—The Officer in-charge of a prison shall receive and detain all persons duly committed to his custody under this Act or otherwise, by any court, according to the exigency of any writ, warrant or order by which such person has been committed, until such person is discharged or removed in due course of law.

4. Officers in-charge of prisons to return writs, etc., after execution or discharge.—The officer in-charge of a prison shall forthwith, after the execution of every such writ, warrant or order as aforesaid, other than a warrant of commitment for trial or after discharge of the person committed thereby, return such writ, warrant or order to the court by which the same was issued or made together with a certificate, endorsed thereon and signed by him showing how the same has been executed or why the person committed thereby has been discharged from custody before execution thereof.

5. Power of officers in-charge of prisons to give effect to sentences of certain courts.—Officers in-charge of prisons in the State may give effect to any sentence or warrant or order for the detention of any person passed or issued by any court or tribunal acting, whether within or without the State, under the general or special authority of the Central Government, or of any State Government in India.

6. Warrant of officer of such court to be sufficient authority.—A warrant under the official signature of an officer of such court or tribunal as is referred to in section 5 shall be sufficient authority for holding any person in confinement, or for sending any person for imprisonment for life in pursuance of sentence passed on him.

7. Procedure where officer in-charge of prison doubts the legality of warrant sent to him for execution.—(1) Where an officer in-charge of a prison doubts the legality of a warrant or order sent to him for execution or the competency of the person whose official seal or signature is affixed thereto, to pass the sentence and issue the warrant or order, he shall refer the matter to the State Government and the prisoner shall be dealt with in accordance with such order as the State Government may make on such reference.

(2) Pending orders on a reference made under sub-section (1), the prisoner shall be detained in such manner and with such restrictions and mitigations as may be specified in the warrant or order.

8. Removal of prisoners.—(1) The State Government may, by general or special order, provide for the removal of any person confined in a prison,—

(a) under a sentence of death, or

(b) under or in lieu of a sentence of imprisonment for life, or

(c) in default of payment of a fine, or

(d) in default of giving security for keeping the peace or maintaining good behaviour to any other prison in the ¹[State of Karnataka]¹.

(2) Subject to the orders and under the control of the State Government, the Inspector-General of Prisons may, in like manner, provide for the removal of any prisoner confined as aforesaid in a prison in the ¹[State of Karnataka]¹, to any other prison in the State.

1. Adapted by the Karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

9. Lunatic prisoners how to be dealt with.—(1) Where it appears to the State Government that any person detained or imprisoned under any order or sentence of any court is of unsound mind, the State Government may, by a warrant setting forth the grounds of belief that the person is of unsound mind, order his removal to a mental hospital or other place of safe custody within the ¹[State of Karnataka]¹, there to be kept and treated as the State Government directs during the remainder of the term for which he has been ordered or sentenced to be detained or imprisoned, or, if on the expiry of that term it is certified by a Medical Officer that it is necessary for the safety of the prisoner or others that he should be further detained under medical care, or treatment, then until he is discharged according to law.

(2) Where it appears to the State Government that the prisoner has become of sound mind, the State Government shall, by a warrant, directed to the person having charge of the prisoner if still liable to be kept in custody, remand him to the prison from which he was removed or to any other prison within the ¹[State of Karnataka]¹, or, if the prisoner is no longer liable to be kept in custody, order him to be discharged.

(3) The provisions of the Indian Lunacy Act, 1912 (Central Act IV of 1912), so far as they can be made applicable, shall apply to every person confined in a mental hospital or other place of safe custody under sub-section (1) after the expiration of the term for which he was ordered or sentenced to be detained or imprisoned; and the time during which a prisoner is confined in a mental hospital or other place of safe custody under that sub-section shall be reckoned as part of the term of

detention or imprisonment which he may have been ordered or sentenced by the court to undergo.

(4) In any case in which the State Government is competent under sub-section (1) to order the removal of the prisoner to a mental hospital or other place of safe custody within the ¹[State of Karnataka]¹, the State Government may order his removal to any such hospital or place in any other State by agreement with the Government of such other State; and the provisions of this section respecting the custody, detention, remand, and discharge of a prisoner removed under sub-section (1) shall, so far they can be made applicable, apply to a prisoner removed under this sub-section.

1. Adapted by the Karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

10. Appointment of places for confinement of persons under sentence of imprisonment for life and removal thereto.—(1) The State Government may appoint places within the ¹[State of Karnataka]¹ to which persons under sentence of imprisonment for life shall be sent; and the State Government or any officer duly authorised in this behalf by the State Government shall give orders for the removal of such person to the place so appointed, except when sentence of imprisonment for life is passed on a person already undergoing imprisonment for life under a sentence previously passed for another offence.

(2) In any case in which the State Government is competent under sub-section (1) to appoint places within the State and to order the removal thereto of persons under sentence of imprisonment for life, the State Government may appoint such places in any other State by agreement with the Government of such State and may, by like agreement, give orders or duly authorise any officer to give orders for the removal thereto of such persons.

1. Adapted by the Karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

11. Release on recognizance by order of High Court, of prisoner recommended for pardon.—The High Court may, in any case in which it has recommended to the State Government, the granting of a free pardon to any prisoner, permit him to be at liberty on his own recognizance.

12. Repeal and savings.—The Prisoners Act, 1900 (Central Act III of 1900), as in force in the ¹[Belgaum Area]¹, the ¹[Mangalore and Kollegal Area]¹ and in the Coorg District, the Hyderabad Prisoners Act, 1954 (Hyderabad Act XXV of 1954), as in force in the ¹[Gulbarga Area]¹, and the Mysore Transfer of Prisoners Act, 1954 (Mysore Act XXX of 1954), and section 57-A of the Mysore Prisons Act, 1943 (Mysore Act XLIV of 1943), as adapted by the Mysore Adaptation of Laws Order, 1956, as in force in the Mysore Area, are hereby repealed:

Provided that section 6 of the ¹[Karnataka]¹ General Clauses Act, 1899 (¹[Karnataka]¹ Act III of 1899), shall be applicable in respect of such repeal and section 8 and section 24 of the said Act shall be applicable as if the said enactments had been repealed and re-enacted by this Act.

1. Adapted by the Karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973