



Legislative Assembly of the State of Goa

**The Prisons (Goa Amendment)
Bill, 2007**

(Bill No. 6 of 2007)

AS
~~Table~~ introduced in the Legislative Assembly of the State of Goa

**GOA LEGISLATURE SECRETARIAT
ASSEMBLY HALL, PORVORIM
JANUARY, 2007**

The Prisons (Goa Amendment) Bill, 2007

(Bill No. 6 of 2007)

A

Bill

5 *Further to amend the Prisons Act, 1894 (Central Act 9 of 1894), in its application to the State of Goa.*

Be it enacted by the Legislative Assembly of the State of Goa in the Fifty-seventh year of the Republic of India, as follows:—

10 1. *Short title and commencement.*— (1) This Act may be called the Prisons (Goa Amendment) Act, 2007.

(2) It shall be deemed to have come into force on the 10th day of October, 2006

15 2. *Amendment of section 59.*— In sub-section (1) of section 59 of the Prisons Act, 1894 (Central Act 9 of 1894), as in force in the State of Goa,—

20 (i) in clause (8), for the expression "wards, cells", the expression "wards, cells, higher security enclosures/prison" shall be substituted;

(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 undertrial;”;

(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;

(x) clause (30) shall be omitted.

3. *Repeal and Savings*— (1) The Prisons (Goa Amendment) Ordinance, 2006 (Ordinance No. 6 of 2006), is hereby repealed,

(2) notwithstanding such repeal, any thing 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.

Statement of Objects and Reasons

The Prisons (Goa Amendment) Ordinance, 2006 (Ordinance No. 6 of 2006) was promulgated by the Governor of Goa, so as to suitably amend section 59 of Prisons Act, 1894 (Central Act 9 of 1894) with a view to enable the Government to frame rules on certain subject matter as also to frame Jail Manual and their effective implementation, as there were no substantive provisions in the said Prisons Act, 1894 (Central Act 9 of 1894).

This Bill seeks to achieve the above object and also to replace the Prisons (Goa Amendment) ordinance 2006 (Ordinance No6 of 2006)

Financial Memorandum

There is no financial implication involved in this Bill.

Memorandum Regarding Delegated Legislation

No delegated legislation is involved in this Bill.

Porvorim, Goa.
23rd January, 2007

Pratapsing Rane
Chief Minister

Assembly Hall
Porvorim, Goa
23rd, January, 2007.

T. N. DHRUVA KUMAR
Secretary to the Legislative
Assembly of Goa.

ANNEXURE

Extract of section 59 of The Prisons Act, 1894

59. *Power to make rules.*—³ [(1)]⁴ [The State Government may]⁵ [by notification in the Official Gazette] make rules consistent with this Act—

(1) defining the acts which shall constitute prison-offences;

(2) determining the classification of prison-offences into serious and minor offences;

(3) fixing the punishments admissible under this Act which shall be awardable for commission of prison-offences or classes thereof;

(4) declaring the circumstances in which acts constituting both a prison-offence and an offence under the Indian Penal Code (45 of 1860) may or may not be dealt with a prison-offence;

(5) for the award of marks and the shortening of sentences;

(6) regulating the use of arms against any prisoner or body of prisoners in the case of an outbreak or attempt to escape;

(7) defining the circumstances and regulating the conditions under which prisoners in danger of death may be released;

¹ [(8) for the classification of prisons, and description and construction of wards, cells and other places of detention;

(9) for the regulation by numbers, length or character of sentences, or otherwise, of the prisoners to be confined in each class of prisons;

(10) for the government of prisons and for the appointment of all officers appointed under this Act;

(11) as to the food, bedding and clothing of criminal prisoners and of civil prisoners maintained otherwise than at their own cost;

(12) for the employment, instruction and control of convicts within or without prisons;

(13) for defining articles the introduction or removal of which into or out of prisons without due authority is prohibited;

(14) for classifying and prescribing the forms of labour and regulating the periods of rest from labour;

(15) for regulating the disposal of the proceeds of the employment of prisoners;

(16) for regulating the confinement in fetters of prisoners sentenced to transportation;

(17) for the classification and the separation of prisoners;

(18) for regulating the confinement of convicted criminal prisoners under section 28;

(19) for the preparation and maintenance of history-tickets;

(20) for the selection and appointment of prisoners as officers of prison;

(21) for rewards for good conduct;

(22) for regulating the transfer of prisoners whose term of transportation or imprisonment is about to expire; subject, however, to the consent of the State Government or any other State to which a prisoner is to be transferred;

(23) for the treatment, transfer and disposal of criminal lunatics or recovered criminal lunatics confined in prisons;

(24) for regulating the transmission of appeals and petitions from prisoner and their communications with their friends;

(25) for the appointment and guidance of visitors of prison;

(26) for extending any or all of the provisions of this Act and of the rule thereunder to subsidiary jails or special places of confinement appointed under section 541 of the Code of Criminal Procedure, 1882 (10 of 1882) and to the officers employed, and the prisoners confined, therein;

(27) in regard to the admission, custody, employment, dieting, treatment and release of prisoners; and

(28) generally for carrying into effect the purposes of this Act.]

²[(2) Every rule made under this section shall be laid, as soon as may be after it is made, before the State Legislature.]

Assembly Hall
Porvorim, Goa
23rd, January, 2007.

T. N. DHURVA KUMAR
Secretary to the Legislative
Assembly of Goa.