

# The Prisoners Act, 1900

( ACT NO. III OF 1900 )

**<sup>1</sup>♣An Act to consolidate the law relating to Prisoners confined by order of a Court.**

WHEREAS it is expedient to consolidate the law relating to prisoners confined by order of a Court; It is hereby enacted as follows:-

## PART I

### PRELIMINARY

**Short title  
and extent.**

1.(1) This Act may be called the Prisoners Act, 1900.

(2) It extends to the whole of Bangladesh.

**Definitions**

2. In this Act, unless there is anything repugnant in the subject or context,-

(a) "Court" includes <sup>2</sup>[\* \* \*] any officer lawfully exercising civil, criminal or revenue jurisdiction; and

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

## PART II

### GENERAL

**Officers in  
charge of  
prisons to  
detain  
persons  
duly  
committed  
to their  
custody.**

3. 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, or until such person is discharged or removed in due course of law.

**Officers in  
charge of**

**prisons to  
return writs,  
etc., after  
execution  
or  
discharge.**

4. The officer in charge of a prison shall forthwith, after the execution of every such writ, order or warrant as aforesaid other than a warrant of commitment for trial, or after the discharge of the person committed thereby, return such writ, order or warrant 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 the execution thereof.

### **PART III**

[Omitted]

**[Omitted]**

[Omitted by the Adaptation of Central Acts and Ordinances Order, 1949.]

### **PART IV**

#### **EXECUTION OF SENTENCES**

**References  
in this Part  
to prisons,  
etc., to be  
construed  
as referring  
also to  
Reformatory  
Schools.**

14. In this Part all references to prisons or to imprisonment or confinement shall be construed as referring also to Reformatory Schools or to detention therein.

**Power for  
officers in  
charge of  
prisons to  
give effect  
to  
sentences  
of certain  
courts.**

15.(1) Officers in charge of prisons may give effect to any sentence or order or warrant for the detention of any person passed or issued

(a) by any Court or tribunal acting <sup>3</sup>[\* \* \*] under the general or special authority of the Government, <sup>4</sup>[or of any court or tribunal which was before the

twenty-sixth day of March, 1971, acting under the general or special authority of any Government that functioned within the territories now comprised in Bangladesh].

<sup>5</sup>[\* \* \*]

<sup>6</sup>[\* \* \*]

**Warrant of officer of such Court to be sufficient authority**

16. A warrant under the official signature of an officer of such Court or tribunal as is referred to in section 15 shall be sufficient authority for holding any person in confinement, or for sending any person for transportation, in pursuance of the sentence passed upon him.

**Procedure where officer in charge of prison doubts the legality of warrant sent to him for execution under this Part.**

17.(1) Where an officer in charge of a prison doubts the legality of a warrant or order sent to him for execution under this Part, 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 Government, by whose order on the case he and all other public officers shall be guided as to the future disposal of the prisoner.

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

**Execution in Bangladesh, etc., of certain capital sentences not ordinarily executable there.**

18.(1) Where a court established by the authority of the Government exercising, in or with respect to territory beyond the limits of Bangladesh jurisdiction which the Government has in such territory,

(a) has sentenced any person to death, and,

(b) being of opinion that such sentence should, by reason of there being in such territory no secure place for the confinement of such person or no suitable appliances for his execution in a decent and humane manner, be executed in Bangladesh has issued its warrant for the execution of such sentence to the officer in charge of a prison in Bangladesh,

such officer shall, on receipt of the warrant, cause the execution to be carried out at such place as may be prescribed therein in the same manner and subject to the same conditions in all respects as if it were a warrant duly issued under the provisions of section 381 of the Code of Criminal Procedure, 1898.

(2) The prisons of which the officers in charge are to execute sentences under any such warrants as aforesaid shall <sup>7</sup>[\* \* \*] be such as the Government may, by general or special order, direct.

(3) A Court shall be deemed, for the purposes of this section, to be a court established by the Government if the presiding Judge, or if the Court consist of two or more Judges, at least one of the Judges, is an officer of the Government authorized to act as such Judge by <sup>8</sup>[\* \* \*] the Government:

Provided that every warrant issued under this sub-section by any such tribunal shall, if the tribunal consists of more than one Judge, be signed by a Judge who is an officer of the Government authorize as aforesaid.

## PART V

[Omitted]

[Omitted]

[Omitted by the Criminal Law (Extinction of Discriminatory Privileges Act, 1949 (Act No. II of 1950).]

## PART VI

### REMOVAL OF PRISONERS

**References in this Part to prisons, etc., to be construed as referring also to Reformatory Schools.**

28. In this Part, all references to prisons or to imprisonment or confinement shall be construed as referring also to Reformatory Schools or to detention therein.

**Removal of prisoners.**

29.(1) The Government may, by general or special order, provide for the removal of any prisoner confined in a prison

(a) under sentence of death, or

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

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

(d) in default of giving security for keeping the peace or for maintaining good behaviour,

to any other prison in Bangladesh <sup>9</sup>[\* \* \*].

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

<sup>10</sup>[\* \* \*].

**Lunatic  
prisoners  
how to be  
dealt with.**

30.(1) Where it appears to the Government that any person detained or imprisoned under any order or sentence of any Court is of unsound mind, the Government may, by a warrant setting forth the grounds of belief that the person is of unsound mind, order his removal to a lunatic asylum or other place of safe custody within Bangladesh there to be kept and treated as the 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 expiration 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 Government that the prisoner has become of sound mind, the 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 another prison within Bangladesh, or, if the prisoner is no longer liable to be kept in custody, order him to be discharged.

(3) The provisions of <sup>11</sup>[the Lunacy Act, 1912,] shall apply to every person confined in a lunatic asylum 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 lunatic asylum 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.

<sup>12</sup>[\* \* \*].

**[Repealed]**

31. [Repealed by the Amending Act, 1903 (Act No. I of 1903).]