



THE PRISONERS ACT, 1900



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THE PRISONERS ACT, 1900

¹ACT No. III OF 1900

[2nd February, 1900]

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

1. Short title and extent.—(1) This Act may be called the Prisoners Act, 1900 ;

²[(2) It extends to the whole of Pakistan.]

³* * * * *

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

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

(b) “prison” includes any place which has been declared by the ⁴[Provincial Government], by general or special order, to be a subsidiary jail.

¹ For Statement of Objects and Reasons, see Gaz. of India, 1899, Pt. V, p. 101; for Report of the Select Committee, see *ibid.*, 1900, p. 23; for Proceedings in Council, see *ibid.*, 1899 Pt. VI, pp. 102 and 242; *ibid.*, 1900, p. 21.

This Act has been applied to Phulera in the Excluded Area of Upper Tanawal to the extent the Act is applicable in the N.W.F.P., subject to certain modifications, see N.W.F.P. (Upper Tanawal) (Excluded Area) Laws Regulation, 1950. It has been extended to the Excluded Area of Upper Tanawal other than Phulera by the N.W.F.P. (Upper Tanawal) (Excluded Area) Laws Regulation, 1950 and declared to be in force in that area with effect from 1st June, 1951, see N.W.F.P. Gazette, Extraordinary, dated 1st June, 1951.

It has also been extended to the Leased Areas of Baluchistan, see the Leased Areas (Laws) Order, 1950 (G. G. O. 3 of 1950); and applied in the Federated Areas of Baluchistan, see Gaz. of India, 1937, Pt. I, p. 1499.

This Act, as in force in the North West Frontier Province immediately before the commencement of N.W.F.P. Regulation No. II of 1974, has been applied to the Provincially Administered Tribal Areas of Chitral, Dir, Kalam, Swat and Malakand Protected Areas by N.W.F.P. Regulation No. II of 1974, s. 3.

This Act has also been amended in its application to the Province of N.W.F.P. by N.W.F.P. Act VI of 1977.

This Act has also been amended in its application to the Province of Punjab by Punjab Ordinance XXVIII of 1984.

This Act has also been amended in its application to the Province of Sind by Sind Ordinance I of 1978 and Sind Ordinance X of 1984.

² Subs. by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960), s. 3 and 2nd Sch. (with effect from the 14th October, 1955), for the original sub-section (2) as amended by the Repealing and Amending Act, 1914 (10 of 1914), A. O., 1949, and the Federal Laws (Revision and Declaration) Act, 1951 (26 of 1951).

³ Sub-section (3) rep. by Act 10 of 1914, s. 3 and Sch. II.

⁴ Subs. by A. O. 1937, for “L. G.”.

PART II

GENERAL

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, or 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, 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.— [PRISONERS IN THE PRESIDENCY-TOWNS.] Omitted

by A.O., 1949, Sch.

PART IV

¹[EXECUTION OF SENTENCES]

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

²[**15. Power of officers in charge of prisons to give effect to sentences of certain Courts.** Officers in charge of prisons may give effect to any sentence or order or warrant for the detention of any person passed or issued by any Court or tribunal, whether within or without Pakistan, established by law.]

¹ Subs. by A. O. 1949, Sch., for the original heading "PRISONERS OUTSIDE THE PRESIDENCY-TOWNS".

² Subs. by Federal Laws (Revision and Declaration) Ordinance, 1981 (27 of 1981) s. 3 and Second Sch. for the original section 15, which was amended by various Acts.

16. 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 15 shall be sufficient authority for holding any person in confinement, ¹* * * in pursuance of the sentence passed upon him.

17. Procedure where officer in charge of prison doubts the legality of warrant sent to him for execution under this Part.—(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 ²[Provincial 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.

18. Execution in the Provinces, etc., of certain capital sentences not ordinarily executable there.—(1) Where a ³[Court established by the authority of the ⁴[Federal Government]] exercising, in or with respect to territory beyond the limits of ⁵[Pakistan] ⁶* * *, jurisdiction which ⁷[the ⁸[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

¹ The words “or for sending any person for transportation” omitted by the Federal Laws (Revision and Declaration) Ordinance, 1981 (27 of 1981), s. 3 and Second Sch.

² Subs. by A.O., 1937, for “L. G.”.

³ Subs. by A.O., 1949, Sch., for “British Court”.

⁴ Subs. by F.A.O., 1975, Art. 2 and Table, for “Central Government”

⁵ Subs. by Ordinance 27 of 1981, s. 3 and Second Sch., for “the Provinces”, which had been subs. by A. O., 1949, Arts. 3 (2) and 4, for “British India”.

⁶ The words “and the [Federal Territory of Karachi]” omitted by A.O., 1964, Art. 2 and Sch. The words in crotchets were subs. by the Repealing and Amending Ordinance, 1961 (1 of 1961), s. 3 and 2nd Sch., for “Capital of the Federation”.

⁷ Subs. by A.O., 1937, for “G. G. in C”.

⁸ Subs. by A.O., 1961, Art. 2, for “Crown” (with effect from the 23rd March, 1956).