



## THE PRISONS ACT, 1894



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# THE PRISONS ACT, 1894

## <sup>1</sup>ACT No. IX OF 1894

[22nd March, 1894]

### An Act to amend the law relating to Prisons

WHEREAS it is expedient to amend the law relating to prisons in <sup>2</sup>[Pakistan], and to provide rules for the regulation of such prisons; It is hereby enacted as follows:-

#### CHAPTER 1

#### PRELIMINARY

**1. Title, extent and commencement.**—(1) This Act may be called the Prisons Act, 1894.

<sup>3</sup>[(2) It extends to the whole of Pakistan.]

(3) It shall come into force on the first day of July, 1894.

(4) Nothing in this Act shall apply to civil jails in <sup>4</sup>[Sind and the <sup>5</sup>[Karachi Division]], and those jails shall continue to be administered under the provisions of Section 9 to 16 (both inclusive)

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<sup>1</sup>For Statement of Objects and Reasons, see Gazette of India, 1894, Pt. V, p. 14; for Report of the Select Committee, see *ibid.*, p. 63, and for Proceedings in Council, see *ibid.*, Pt. VI, pp.10, 21,93,126 and 139.

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 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.

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 been amended in its application to the Province of West Pakistan by West Pakistan Act 41 of 1958.

The 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 Area by N.W.F.P., Regulation, No.II of 1974, s. 3.

This Act has been amended in its application to the province of Sind by the Sind Act No. 17 of 1975, s. 3 and 2nd Sch.

This Act has been amended to the extent of Islamabad Capital Territory, see Ordinance No. 27 of 1981, s. 5 and Sch. IV.

<sup>2</sup> 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 Provinces and the Capital of the Federation" which had been subs. by A.O. 1949, Arts. 3(2) and 4, for "British India."

<sup>3</sup> Subs. by Ord. 21 of 1960, s. 3 and 2nd Sch. (with effect from the 14th October, 1955), for the existing sub-section (2), as amended by the Federal Laws (Revision and Declaration) Act, 1951 (26 of 1951).

<sup>4</sup> Subs. by A. O., 1949, Sch. for "the Presidency of Bombay outside the city of Bombay".

<sup>5</sup> Subs. by A. O., 1964, Art.2 and Sch., for "Federal Territory of Karachi" which had been subs. by the Repealing and Amending Ordinance, 1961 (1 of 1961), s. 3 and 2nd Sch., for "Capital of the Federation".

of <sup>1</sup>Bombay Act, II of 1874, as amended by subsequent enactments.

2. [Repeal] Rep. by the repealing Act, 1938 (I of 1938), S. 2 and Schedule.

**3. Definitions:** In this Act—

(1) “prison” means any jail or place used permanently or temporarily under the general or special orders of a <sup>2</sup>[Provincial Government] for the detention of prisoners, and includes all lands and buildings appurtenant thereto, but does not include-

(a) any place for the confinement of prisoners who are exclusively in the custody of the police ;

(b) any place specially appointed by the <sup>2</sup>[Provincial Government] under Section 541 of the <sup>3</sup>[Code of Criminal Procedure, 1898 (Act [V of 1898](#))] ; or

(c) any place which has been declared by the <sup>2</sup>[Provincial Government] by general or special order, to be a subsidiary jail :

(2) “criminal prisoner” means any prisoner duly committed to custody under the writ, warrant or order of any Court or authority exercising criminal jurisdiction, or by order of a Court-martial :

(3) “convicted criminal prisoner” means any criminal prisoner under sentence of a Court or Court-martial, and includes a person detained in prison under the provisions of Chapter VIII of the <sup>3</sup>[Code of Criminal Procedure, 1898 (Act [V of 1898](#))] or under the<sup>3</sup>[Prisoners Act, 1900 ([III of 1900](#))].

(4) “civil prisoner” means any prisoner who is not a criminal prisoner:

(5) “remission system” means the rules for the time being in force regulating the award of marks to and the consequent shortening of sentences of, prisoners in jails:

(6) “history-ticket” means the ticket exhibiting such information as is required in respect of each prisoner by this Act or the rules thereunder:

(7) “Inspector-General” means the Inspector-General of Prisons:

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<sup>1</sup>The Civil Jails Act, 1874.

<sup>2</sup>Sub. by A. O.,1937, for “L. G.”.

<sup>3</sup>Subs. by Ord. XXVII of 1981, s. 5 and Sch. IV (only to the extent of Islamabad Capital Territory).