

# THE PRISONERS ACT, 1900

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#### SECTIONS

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24. [Execution of warrant.] Omitted by the Criminal Law (Removal of Racial Discriminations) Act, 1949 (17 of 1949). s. 4.

25. [Licensee when arrested to be brought up for recommitment]. Omitted by s. 4, *ibid.*

26. [Recommitment.] Omitted by s. 4, *ibid.*

27. [Penalty for breach of condition of the license.] Omitted by s. 4, *ibid.*

## PART VI

### REMOVAL OF PRISONERS

28. **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.

<sup>1</sup>[29. **Removal of prisoners.**—(1) The <sup>2</sup>[State 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 behavior,

to any other prison in <sup>3</sup>[the State <sup>4</sup>\*\*\*].

(2) <sup>5</sup>[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 State to any other prison in the State<sup>6</sup>.]

30. **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 lunatic asylum or other place of safe custody within the State, 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 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 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 another prison within the State, or, if the prisoner is no longer liable to be kept in custody, order him to be discharged.

(3) The provisions of section 9 of the <sup>7</sup>Lunatic Asylums Act, 1858 (36 of 1858), shall

1. Subs. by Act 1 of 1903, s. 3 and the second Schedule for section 29.

2. Subs. by the A.O. 1937, for "G. G. in C."

3. Subs. by the A.O. 1937, for "British India or to any prison in Berar". The words "or to any prison in Berar" had been added by Act 17 of 1923, s. 2.

4. The words "or, with the consent of the State Government concerned, to any prison in any other State" omitted by Act 29 of 1950, s. 4.

5. Subs. by the A. O. 1937, for "The L. G., and (subject to its orders and under its control)".

6. The words "or, in the case of prisoner so confined in a prison in the C. P., for his removal to any other prison in the Province or to any prison in Berar", which had been added by Act 17 of 1923, s. 2 were omitted by the A. O. 1937.

7. See now the Indian Lunacy Act, 1912 (4 of 1912).