

The Assam Prisons Act, 2013

Section 3 - (1) The State Government shall establish as many

2000. (6) "central jail" means a class of prison meant for; centralised detention and correctional treatment of offenders sentenced to relatively long terms of imprisonment and also for detention of such other class or classes of persons as specified by rules made under this Act and orders made under such rules; (7) "district jail" means a class of prison meant for detention of all classes of persons committed by the Courts of a district or a sub-division thereof; (8) "sub-jail, which is synonymous with subsidiary jail, means a class of prison meant for detention of undertrial persons committed by the Courts of a district or a sub-division thereof; (9) "special jail" means a class of prison meant for detention of such class or classes of persons as specified by rules made under this Act and orders made under such rules; (10) "open jail" means, a class of prison with a demarcated periphery but without any high enclosure wall and meant for detention of offenders sentenced to relatively long terms of imprisonment, after satisfactorily serving a part of such imprisonment in closed prisons, with a view to developing their sense of responsibility, self discipline and self-esteem prior to release from prison; (11) "Offence" means an act or omission punishable under any law in force; THE ASSAM GAZETTE, EXTRAORDINARY, MAY 30, 2013 1361 (12) "offender" means a person convicted of any offence; (13) "prison offence" means such act or omission on the part of an inmate as specified in section 70 and made punishable under section 71 and sub-section (1) of section 74; (14) "inmate" means a person detained in prison under the writ, warrant or order of any Court; (15) "adult inmate" means an inmate who has attained the age of twenty-one years; (16) "adolescent inmate" means an inmate who has attained the age of eighteen years, but has not attained the age of twenty-one years; (17) "convicted inmate" means an inmate under a sentence of death or imprisonment imposed on conviction by a Court exercising criminal jurisdiction or by a Court Martial, and includes a person committed to prison in default of furnishing security to keep the peace or be of good behaviour under section 122 of Chapter VIII of the Central Code of Criminal Procedure, 1973, or in default of Act 2 of payment of maintenance under section 125 of Chapter IX 1974 of the said Code, (18) "undertrial inmate" means a person accused of an offence and committed to prison by a Court exercising criminal jurisdiction or by a Court Martial pending the investigation, inquiry or trial of such offence; (19) "civil inmate" means a person committed to prison by a Court exercising civil jurisdiction or by an officer under any law relating to recovery of public demands; (20) "detenu" means a person committed to prison under any law providing for preventive detention; 1362 THE ASSAM GAZETTE, EXTRAORDINARY, MAY 30, 2013 V (21) "inmate of unsound mind" means - (a) a person accused of an offence, who is alleged to be of unsound mind and is Central Act 2 of committed to prison under section 328 of 1974 the Code of Criminal Procedure, 1973 pending medical examination, or (b) a person accused of an offence, who is found to be of unsound mind and Central consequently incapable of making his Act 2 of 1974 defence and is committed to prison under section 330 of the Code of Criminal Procedure, 1973 for safe custody, or (c) a person acquitted of an offence on Central grounds of unsoundness of mind, who is Act 2 of 1974 committed to prison under section 335 of the Code of Criminal Procedure, 1973 for safe custody, or (d) a convicted inmate who is found to be of unsound mind; (22) "separate confinement" means such confinement as secludes an inmate from communication with, but not from the sight of, other inmates, and allows him not less than one hour's exercise per day and to have his meals in association with one or more other inmates; (23) "imprisonment" includes imprisonment for life; (24) "imprisonment for life" means imprisonment for the entire life of the person under sentence of imprisonment for life, unless such sentence is remitted earlier by the appropriate Government; (25) "prohibited article" means an article, the introduction or removal of which into or out of a prison is prohibited by any rule made under this Act; THE ASSAM GAZETTE, EXTRAORDINARY, MAY 30, 2013 1363 (26) "history ticket" means the ticket exhibiting such information in respect of an inmate as is specified under this Act or prescribed by rules made thereunder; (27) "remission" means a concession granted under the provisions of section 65 to a convicted inmate, as a consequence of which the sentence of imprisonment, except where the sentence is one of imprisonment for life, of the inmate

is shortened; (28) furlough means the temporary conditional release of a convicted inmate on leave or on emergency grounds granted under the provisions of section 66; (29) parole means the premature conditional release of a convicted inmate granted under the provisions of section 67; (30) day-release" means conditional release of a convicted inmate during the day time granted under the provisions of section 68; (31) "Inspector General means the Inspector General of Prisons, Assam; (32) "Superintendent means the Superintendent of a prison; (33) Medical Officer means a Doctor appointed as Medical Officer of a prison; (34) officer of a prison means an officer appointed under section 8; (35) prescribed" means prescribed by rules made under this Act; (36) section" means section of this Act.1364 THE ASSAM GAZETTE, EXTRAORDINARY, MAY 30,2013 (37) the word he" and its derivatives shall be construed to mean any person, whether male or female; Central (38) words and expressions used in this Act and Act 45 not defined herein but defined in the Indian Penal Code, of 1860 and 1860 and the Code of Criminal Procedure, 1973 shall have Central Act 2 of the same meanings as assigned to them in the said 1974 Codes. CHAP TE R -II ESTABLISHMENT OF PRISON Establish ment of prisons, constructed in such manner as to comply with the Prison requirements of this Act and rules made thereunder, as may be necessary for detention and correctional treatment of offenders and for detention of such other persons as may be committed to custody under any law, and shall declare each, of the prisons so established as Centra! Jail, District Jail, Sub-Jail (which is synonymous with Subsidiary Jail), Special Jail, Open Jail or such other class of prison as may be considered necessary, each class of prisons being meant for detention of such class or classes of persons as prescribed by rules made under this Act and orders made under such rules. (2) Whenever it appears to the Inspector General that - (a) there is likelihood of arrest of persons at any place within the State in connection with any agitation, demonstration or satyagraha and in such large number as cannot conveniently or safely be kept in the prison situated within or near such place, or (b) the number of inmates in any prison is greater than can conveniently or safely be kept therein aod it is not convenient or safe to transfer the excess number to any other prison, or THE ASSAM GAZETTE, EXTRAORDINARY, MAY 30,2013 1365 (c) due to the outbreak of any epidemic disease within any prison, or for any other reason, it is desirable to temporarily provide for some alternative accommpdation for any inmates; temporary prison shall be established and so declared by such officer and in such manner as the State Government may by rules made under this Act prescribe or by general or. special orders direct, to provide for accommodation of so many of the persons or inmates as cannot conveniently or safely be kept in the prison established under sub section (1) CHAPTER-III RIGHTS AND DUTIES OF INMATESRights of