

PUNJAB VIDHAN SABHA

BILL NO. 8-PLA-2021

THE PRISONS (PUNJAB AMENDMENT) BILL, 2021

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BILL

further to amend the Prisons Act, 1894, in its application to the State of Punjab.

BE it enacted by the Legislature of the State of Punjab in the Seventy-second Year of the Republic of India, as follows:-

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| Short title and commencement. | 1. | (1) This Act may be called the Prisons (Punjab Amendment) Act, 2021. |
| | | (2) It shall come into force on and with effect from the date of its publication in the Official Gazette. |
| Amendment in section 3 of Central Act 9 of 1894. | 2. | In the Prisons Act, 1894 (hereinafter referred to as the principal Act), in its application to the State of Punjab, in section 3,-
(i) in clause (8), the word "and" shall be omitted; and
(ii) in clause (9), for the sign ".", the sign and word "; and" shall be substituted and after clause (9), the following clause shall be added, namely:-
"(10) "wire less communication device" includes mobile phone, wi-fi for personal computer and tablet PC, computer, laptop, palmtop and their use for communication like verbal, non-verbal, internet, General Packet Radio Service (GPRS), e-mail, Short Message Service (SMS), Multimedia Message Service (MMS) or any such device, which is available for similar purpose." |
| Amendment in section 45 of Central Act 9 of 1894. | 3. | In the principal Act, in section 45,-
(i) in clause (3), the words "or threatening" shall be omitted;
(ii) in clause (12), for the words "any prohibited article", the words, figures and sign "any prohibited article, other than those mentioned in section 52-II" shall be substituted; and
(iii) clauses (2), (10) and (16) shall be omitted. |

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Substitution of section 52-A of Central Act 9 of 1894.

4. In the principal Act, for section 52-A, the following shall be substituted, namely:-

"52-A. (1) Notwithstanding anything contained in this Act, if any prisoner is found guilty of possessing, operating or using a wireless communication device or its components like sim card, memory card, battery or charger or any other component of such a device, or if the prisoner or any other person assists or abets or instigates in the supply thereof, he shall be punished on first conviction with imprisonment of either description for a term which shall not be less than three years but which may extend to five years, and shall also be liable to fine, and be punished on second or subsequent conviction, with imprisonment of either description for a term which shall not be less than five years, but which may extend to seven years, and shall also be liable to fine.

(2) If the prisoner is found using the wireless communication device for attempting, abetting, conspiring or committing an offence inside or outside the prison premises and as a consequence thereof an offence is committed, he shall be liable for punishment as provided in the Indian Penal Code (Central Act 45 of 1860) for the offence so committed.

52-B. Whoever is found guilty of rioting inside the prison premises, shall be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine.

52-C. (1) Whoever is found guilty of assault or use of criminal force on any prison official or any authorized visitor in execution of his duty, shall be punished with imprisonment of either description for a term which may extend to three years, and with fine.

(2) Whoever is found guilty of assault or use of criminal force on any person inside the prison premises, shall be punished with

imprisonment of either description for a term which may extend to one year, and with fine.

52-D. Whoever is found guilty of escaping or attempting to escape or aiding or assisting any prisoner in escaping from lawful custody in the prison premises, or harbouring any such prisoner who has escaped from lawful custody in the prison premises, or offering or attempting to offer any resistance to the recapture of such prisoner while escaping, shall be punished with imprisonment of either description for a term which may extend to seven years, and with fine.

52-E. Whoever with an intent to cause, or knowing that he is likely to cause wrongful loss or damage to any prison property, or cause the destruction of any prison property, or any such change in any prison property, or in the situation thereof as destroys or diminishes its value or utility, or affects it injuriously, commits mischief causing damage to prison property.

52-F. Whoever commits mischief causing damage to prison property, shall be punished with imprisonment of either description for a term which may extend to five years, and with fine.

52-G. Whoever commits the offence of criminal intimidation on a prison official or any authorized visitor in the prison premises, shall be punished with imprisonment of either description for a term which may extend to three years and with fine;

If threat be to cause death or grievous hurt, etc. - and if the threat be to cause death or grievous hurt, or to cause the destruction of any property by fire, or to cause an offence punishable with death or imprisonment for life, or with imprisonment for a term which may

extend to seven years, shall be punished with imprisonment of either description for a term which may extend to ten years, and with fine.

52-II. Whoever is found guilty of introducing into the prison, or removing from any prison, or supplying to any prisoner outside the limits of any prison while such prisoner is in lawful custody, or receiving or possessing or transferring,-

Punishment for introducing, removing etc. of spirituous liquors, tobacco etc.

- (a) spirituous liquors of any description; or
- (a) tobacco and all its preparations which are, or may be intended to be used for the purpose of smoking, chewing or snuffing; or
- (b) poisonous intoxicating, or sedative substance, whether in the form of herbs or chemicals, and whether fluid or solid of whatever description,

shall be punished on first conviction with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine, and be punished on a second or subsequent conviction, with imprisonment of either description for a term which may be extended upto five years, and shall also be liable to fine.

52-I. (1) All offences under sections 52-A to 52-D and sections 52-I to 52-II shall be cognizable and non-cognizable, non-bailable etc. bailable.

(2) The sentence awarded under section 52-A or section 52-B or section 52-C or section 52-D or section 52-I or section 52-G or section 52-II, shall commence at the expiration of imprisonment to which he has been previously sentenced under any offence."



STATEMENT OF OBJECTS AND REASONS

In order to strengthen the security arrangements in the jails of the state of Punjab and to prevent the use of mobile phones by the inmates, riots inside the jails, incidents of assault on the jail staff, damage to the jail property, incidents of absconding, possession of drugs inside the jails etc there is need to add new penal provisions in The Prisons Act, 1894.

To make this possible, a Bill namely 'The Prisons (Punjab Amendment) Bill, 2021' is being presented before Punjab Vidhan Sabha for its approval.

Sukhjinder Singh Randhawa,
Jails Minister, Punjab.

**CHANDIGARH:
THE 5th MARCH, 2021**

**SHASHI LAKHANPAL MISHRA,
SECRETARY.**

N.B. – The above Bill was published in the Punjab Government Gazette (Extraordinary), dated the 5th March, 2021 under the proviso to rule 121 of the Rules of Procedure and Conduct of Business in the Punjab Vidhan Sabha (Punjab Legislative Assembly).