

The Prisoners (Tripura Amendment) Act, 1979

As Amended upto 2nd Amendment dated 04.10.2019

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*Agartala, Tuesday, November 27, 1979 A. D.
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Government of Tripura
Law Department

No. F. 2(19)-LAW/LEG/79 Dated, Agartala, the 20th November, 1979.

The following Act of the Tripura Legislative Assembly received assent of the Governor on the 9th November, 1979 and is hereby published for general information.

TRIPURA ACT NO. 20 OF 1979

*THE PRISONERS (TRIPURA AMENDMENT) ACT, 1979.*AN
ACT

to amend the Prisoners Act, 1900, in its application to the State of Tripura.

BE it enacted by the Legislative Assembly of Tripura in the Thirtieth Year of the Republic of India as follows :

Short title,
extent and
commencement.

1. (1) This Act may be called the Prisoners (Tripura Amendment) Act, 1979.

(2) It extends to the whole of the State of Tripura.

(3) It shall come into force at once.

Insertion of new
Part VI A.

2. After Part VI of the Prisoners Act, 1900 in its application to the State of Tripura, the following Part shall be inserted, namely :—

PART VI A

Temporary
release of
Prisoners
II of 1974

4 31 A(1) The State Government or such authority as the State Government may empower in this behalf may, subject to the provisions contained in sections 433 and 433A of the Code of Criminal Procedure 1973 and to such conditions as may be prescribed under section 31D at any time, release, temporarily for a period not exceeding one month at a time excluding the time required for journey from and to the prison, any prisoner who, having been sentenced to imprisonment for a term of two years or more has actually undergone imprisonment for not less than one year :

Provided that before a prisoner is released under this sub-section he shall have to execute a bond with or without surities as the State Government or other authority making the order of release may determine, for good behaviour during the period of release and for observing the condition of the release.

Explanation :—In this Part 'Prisoner' does not include a person convicted of any offence under Chapter VI or Chapter VII or under any of section 392 to 402 (both inclusive), of the Indian Penal Code, 1860 or classified as a habitual criminal for the purpose of the rules for the time being in force made under the Prisons Act, 1894.

Act XLV of 1860

Act IX 1894

(2) No prisoner shall be released under sub-section (1) unless—

- // (a) he shall have, after the expiry of the period of release, at least one year of further imprisonment to undergo ;
- (b) the officer-in-charge of the prison certifies that the conduct of the prisoner in the person has been good.

(3) Every prisoner shall, when released under sub-section (1), remain within Tripura during the period of such release.

II of 1974

(4) The provisions of sections 446, 447, 448 and 449 of the Code of Criminal Procedure, 1973, shall, as far as may be, apply in respect of bonds executed, with or without surities, in pursuance of the proviso to sub-section (1).

(5) The order granting release may be cancelled by the State Government or any other authority making the order for any reason considered sufficient by it and shall be so cancelled if, during the period of release, the prisoner contravenes any of the conditions of the release or commits any offence.

(6) Subject to the provisions of sub-section (2) of section 31C the period of release of a prisoner under sub-section (1) shall count towards the total period of his sentence.

Special provision
for release on
long term
parole.

II of 1974

31B (1) Notwithstanding anything contained in section 31A and subject to the provisions of sections 433 and 433A of the Code of Criminal Procedure, 1973 or any other law for the time being in force the State Government may, subject to such conditions as may be prescribed by rules made under section 31D at any time, direct that a prisoner may be released upon such conditions as may be specified in the directions for any period not exceeding two years and may at any time cancel his release :

Provided that if the State Government having regard to the conduct and behaviour of the prisoner released on parole is satisfied that the release of the prisoner shall continue after expiry of the period of two years aforesaid it may, from time to time, issue directions for such continuance for such period, not exceeding one year at a time, as may be specified in the directions; so, however, that the total period of such continuance in parole (after the expiry of the said period of two years) does not exceed eight years :

Provided further that no prisoner shall be released under this sub-section, unless—

- (a) he has been sentenced to undergo rigorous imprisonment for ten years or more ;
- (b) he has served at least 5 years of his sentence excluding remission of his sentence but including the period of detention, if any, spent by him during trial and the period spent on temporary release on parole under section 31A ;
- (c) his conduct has been in the opinion of the Superintendent of Jail in which he has served the sentence uniformly good ;
- (d) he is not a habitual criminal under the rules made under the Prisons Act, 1894 and had not more than three previous convictions ;
- (e) the offences for which he has been convicted, does not in the opinion of the State Government involve gross moral turpitude or mental depravity.

(2) The State Government while directing the release to any prisoner under sub-section (1) may require him to enter into a bond with or without surety for the due observance of the conditions specified in the directions and the provisions of sections 446, 447, 448 and 449 of the Code of Criminal Procedure, 1973, shall, as far as may be, apply in respect of bond executed under sub-section (1).

(3) If any prisoner released under sub section (1) fails to fulfil any of the conditions imposed upon him under the said sub-section or in the bond entered into by him, the bond shall be declared to be forfeited and any prisoner bound thereby shall be liable to the penalty thereof.

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II of 1974.

Surrender by
prisoners after
release period.

(4) Subject to the provisions of sub-section (2) of section 31C the period of release of a prisoner under sub-section (1) shall count towards the period of his sentence.

31C. (1) On the expiry of the period for which a prisoner is released under sub-section (1) of section 31A or under section 31B he shall surrender himself to the officer-in-charge of the prison from which he is released.

(2) If a prisoner does not surrender himself as required by sub-section (1), he may be arrested by any police officer without a warrant and shall be remanded to undergo the unexpired portion of his sentence (the period of release not being counted towards the total period of his sentence) and shall also be punishable under section 46 of the Prisons Act, 1894, as if he has committed a prison offence referred to in section 45 of that Act.

Act X of 1894.

Power to
make rules.

31D. (1) The State Government may make rules for carrying out the purposes of this Part.

(2) In particular and without prejudice to the generally of the foregoing provisions such rules may provide for—

(a) the procedure to be followed in respect of the proceedings for the release of prisoners under section 31A or under section 31B ;

(b) the conditions of release of prisoners under section 31A, or as the case may be, of extension of release under section 31B including conditions for supervision during the period of such release ;

(c) travelling allowances for prisoners during the period of release under section 31A or section 31B ; and

(d) restrictions on the movements of prisoners during the period of release under section 31A or section 31B.

(3) Every rule made under this part shall be laid, as soon as may be after it is made, before the Legislative Assembly while it is in session for a total period of not less than fourteen days which may be comprised in one session or two or more successive sessions and if before the expiry of the session in which it is so laid or the sessions aforesaid, the Legislative Assembly makes any modification in the rule or

decide that the rule shall not be made, the rule shall thereafter had effect only in such modified form or be of no effect ; as the case may be ; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under the rule.

H. DAS

Secretary to the
Government of Tripura.

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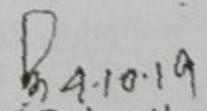
**GOVERNMENT OF TRIPURA
LAW DEPARTMENT
SECRETARIAT : AGARTALA**

No. F.8(9)-Law/Leg-I/2019/9791-92

Dated, Agartala, the 4th October, 2019.

NOTIFICATION

The following Act of the Tripura Legislative Assembly received the assent of the Governor of Tripura on the 1st October, 2019 and is hereby published for General information.


Goutam Debnath
L.R. & Secretary, Law
Government of Tripura

THE PRISONERS (TRIPURA SECOND AMENDMENT) ACT, 2019

An

ACT

to further amend the Prisoners Act, 1900 (Central Act No. 3 of 1900) (as was amended by the Tripura Act No.20 of 1979), in its application to the State of Tripura.

BE it enacted by the Tripura Legislative Assembly in the seventieth year of the Republic of India, as follows:

1. Short title and commencement:

- (1) This may be called the 'Prisoners (Tripura Second Amendment) Act, 2019';
- (2) It shall come into force on and from the date of its publication in the Tripura Gazette.

2. Amendment of Section 2:

In the definition of 'prison' under clause (b) of Section 2 of the Prisoners Act, 1900 (as was amended by the Tripura Act No 20 of 1979) (hereinafter referred to as the Principal Act), after the expression 'subsidiary jail', the following expression shall be added-

“, and shall include central jail, district jail, women jail and a Sanshodhanagar or a Correctional Home”.

3. Amendment of Section 31A:

- (1) In sub-section (1) of Section 31A of the Principal Act, the expression '**excluding the time required for journey from and to the prison**', shall be deleted;
- (2) In the proviso to sub-section (1) of section 31A of the Principal Act, the expression '**or without**' shall be deleted;
- (3) In sub-section (1) of section 31A, before the Explanation, the following two new Provisos shall be inserted as follows-

“Provided secondly that a convict convicted with capital punishment shall not be released on parole unless the punishment has been commuted or the capital punishment has been set aside;

Provided thirdly that a foreigner or of disputed nationality shall not be released on parole;

Provided fourthly that wherever the concurrence of Government of India is required under section 435 of Code of Criminal Procedure, stipulations prescribed by Government of India on the parole shall prevail."

- (4) In the Explanation given under sub-section (1) of Section 31A, in between the expressions 'Indian Penal Code, 1860' and 'or classified as a habitual criminal', the following expression shall be inserted-

"and those who are convicted under Terrorist and Disruptive Activities (Prevention) Act (TADA), Prevention of Terrorism Act, 2002 (POTA), Unlawful Activities (Prevention) Act, 1967 (UAPA), Explosive Substances Act, 1908, National Security Act, Anti-Hijacking Act, 2016, Protection of Children from Sexual Offences Act, 2012 (POCSO), Immoral Traffic (Prevention) Act, 1956, Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS), Weapons of Mass Destruction and their Delivery Systems (Prohibition of Unlawful Activities) Act, 2005, Black Money (Undisclosed Foreign Income and Assets) and Imposition of Tax Act, 2015, and offences relating to Fake Indian Currency Notes (sections 489A to 489E of Indian Penal Code)";

- (5) In sub-section (3) of section 31A, the word "Tripura" shall be substituted by "India".
- (6) In sub-section (4) of Section 31A, after the expression 'bonds executed, with' and before the expression 'sureties', the expression 'or without' shall be deleted;
- (7) After sub-section (6) of Section 31A, a new sub-section shall be inserted as follows-

"(7) It shall be lawful for the authorities, making the order of release, to ask for the reason for such release."

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4. Amendment of Section 31B:

Section 31B of the Principal Act shall be deleted.

5. Amendment of Section 31C:

In sub-section (1) of section 31C of the Principal Act, the expression "or under section 31B" shall be deleted.

6. Amendment of Section 31D:

(1) In clause (a) of sub-section (2) of section 31D, the expression "or under section 31B" shall be deleted.

(2) In clause (b) of sub-section (2) of section 31D, the expression "or as the may be of extension of release under section 31B" shall be deleted.

(3) In clause (c) of sub-section (2) of section 31D, the expression "or section 31B" shall be deleted.

(4) In clause (d) of sub-section (2) of section 31D the expression "or section 31B" shall be deleted.

Goutam Debnath
LR & Secretary, Law
Government of Tripura.