

ACT No. II OF 1867.

PASSED BY THE GOVERNOR-GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor-General on the 25th January 1867.)

An Act to make further provision for the removal of prisoners.

WHEREAS it is expedient to authorize the Local Government to remove any prisoner sentenced by a Court established by Royal Charter from the jail in which such prisoner is confined to any other jail, or in the case of a prisoner of unsound mind, to a Lunatic Asylum, within the territories subject to the same Local Government: And whereas it is also expedient to authorize the Governor-General of India in Council to remove any prisoner sentenced by any Court from the jail in which such prisoner is confined to any other jail within British India; It is hereby enacted, as follows:—

1. When any person shall be, or shall have been, sentenced to imprisonment by a Court established by Royal Charter, it shall be lawful for the Local Government to order the removal of such person, during the period prescribed for his or her imprisonment, from the jail or place in which he or she is confined to any other jail or place of imprisonment within the territories subject to the same Local Government.

2. Whenever it shall appear to the Local Government that any person imprisoned by the sentence of a Court established by Royal Charter, is of unsound mind, such Government, by a warrant which shall set forth the grounds of belief that such prisoner is of unsound mind, may order his or her removal to a Lunatic Asylum, or other fit place of safe custody, within the territories subject to the same Government, there to be kept and treated as the Local Government shall direct during the remainder of the term of imprisonment ordered by the sentence; or if it shall be certified by a medical officer that it is necessary for the safety of the prisoner or others that he or she should be detained under medical care or treatment, then until he

he or she shall be discharged according to law ; and when it shall appear to the same Government that such prisoner has become of sound mind, the Local Government, by a warrant directed to the person having charge of the prisoner, shall remand him or her to the prison from which he or she was removed, if then still liable to be kept in custody, or if not, shall order him or her to be discharged. The provisions of Section 9 of Act XXXVI of 1858 (*relating to Lunatic Asylums*) shall apply to every person confined in a Lunatic Asylum under this Section after the expiration of the term of imprisonment to which he or she shall have been sentenced ; and the time during which he or she shall have been so confined shall be reckoned as part of such term.

3. When any person shall be, or shall have been, sentenced to imprisonment by any Court, it shall be lawful for the Governor-General of India in Council to order the removal of such person during the period prescribed for his or her imprisonment, from the jail or place in which he or she is confined to any other jail or place of imprisonment in the territories which are or may become vested in Her Majesty or Her successors by the Statute 21 & 22 Vic., cap. 106 (*An Act for the better Government of India*).

Governor-General in Council may order removal of prisoners sentenced by any Court from one jail to another in British India.