

**[PAKISTAN PRISONS RULES, 1978]**

***RULES FOR THE  
SUPERINTENDENCE AND  
MANAGEMENT OF PRISONS IN  
PAKISTAN***

***CHAPTER- 1***

**Definitions**

**Acts Relating to Prisons and Prisoners**

**Rule 1.** The enactments (as subsequently amended from time to time and adapted by the Government of Pakistan Adaptation of Pakistan Laws Order, 1947) regulating the establishment and management of prisons, the confinement, treatments and transfer of prisoners, the maintenance of discipline amongst them and other matters relating to prisoner, are as follows:

- (i) The Prisons Act, 1894 (Act IX of 1894);
- (ii) The Prisoners' Act, 1900 (Act III of 1900)
- (iii) Regulation III of 1818, for the confinement of State Prisoners;
- (iv) The Pakistan Penal Code, 1860 (Act XLV of 1860);
- (v) The Criminal Procedure Code, 1898 (Act V of 1898);
- (vi) The Civil Procedure Code, 1908 (Act V of 1908)
- (vii) [Mental Health Ordinance, 2001]—Extracts
- (vii-a) The Punjab Borstal Act, 1926;
- (viii) The Reformatory Schools Act, 1897;
- [(ix) The Sindh Children Act 1955, and
- (x) The Sindh Borstal Schools Act 1955.]

*Note.* Some of the Acts specified are printed entire in the Appendices. In the case of other Acts, such portions as are likely to be of use to prison officials and do not appear in these Rules, will be found in the Appendices.

**Definitions prescribed in the Prisons Act, 1894.**

**Rule 2.** In the Prisons Act—

- (i) "Prison", means any jail or place used permanently or temporarily, under the general or special orders of the Provincial Government for the detention of prisoners, and includes all lands and buildings appurtenant thereto, but

does not include: —

- (a) any place for the confinement of prisoners who are exclusively in the custody of Police; and
- (b) any place specially appointed by Government under section 541 of Code of Criminal Procedure, 1898;
- (ii) "criminal prisoner", means any prisoner duly committed to custody under the writ, warrant or order of any Court or authority exercising original jurisdiction, or by order of a Court Martial;
- (iii) "Convicted criminal prisoner", means any criminal prisoner under sentence of a Court or Court Martial, and includes a prisoner detained in prison under the provisions of Chapter VIII of the Code of Criminal Procedure, 1898, or under the Prisoners Act, 1900;
- (iv) "Civil prisoner", means any prisoner who is not a criminal prisoner;
- (v) "remission system", means the rules for the time being in force regulating the award of remission to and the consequent shortening of sentences of prisoners in prisons;
- (vi) "history ticket", means the ticket exhibiting such information as is required in respect of each prisoner by Prisons Act or the rules thereunder;
- (vii) "prohibited article", means an article, the introduction or removal of which into or out of a prison is prohibited by any rule under the Prisons Act;[\*\*\*]
- (viii) "medical subordinate", means any Assistant Medical Officer [; and]
- [(ix) "officer Incharge prosecution" means an officer notified as such by the Government.]

**Definitions Prescribed in Prison Rules as under Prisons Act (Act II of 1894).**

**Rule3.** In these rules, unless a different intention appears from the subject or context, the expression —

- (i) "Casual prisoner", means any convicted criminal prisoner who is not a "habitual" as hereinafter defined;
- (ii) "central prison" means any prison in which criminal convicted prisoners are received for the purpose of undergoing their sentences by transfer from any other prison and in which such prisoners are not, when committed to prison, in the first instance ordinarily received; provided that no prison shall be deemed to be a central prison unless and until the Provincial Government shall have declared it to be such;
- (iii) "compartment" means any room, workshop, godown or other covered-in, enclosed and protected place, in a prison, other than a cell or ward;
- (iv) "Convict", means a convicted criminal prisoner;
- (v) "district prison", means any prison to which prisoners from one or more districts are in the first instance, ordinarily committed, and includes every prison other than a central prison or a special prison as defined in this rule;
- (vi) "Habitual " or "habitual criminal, means—
  - (a) Any person convicted of an offence whose previous conviction or convictions under Chapter XII, XVI. XVII. or XVIII of the Pakistan Penal Code taken by themselves or with the facts of the present case show that he habitually commits an offence or offences punishable under any or all of those chapters;
  - (b) any person committed to or detained in prison under section 123 read with section 110 of the Code of Criminal Procedure;
  - (c) any person convicted of any of the offences specified in (a) above when it appears from the facts of the case, even if no previous conviction ha\$ been proved that he is by habit a member of a gang of dacoits, or of thieves or a dealer in slaves or in stolen property; and
  - (d) any person convicted by a Court or tribunal acting outside Pakistan of an offence which would have rendered him liable to be classified as a habitual criminal if he had been convicted in a Court established in Pakistan.

*Explanation-For* the purpose of this definition the word, "conviction" shall include an order made under section 118, read

with section 110, of the Criminal Procedure Code.

### COMMENTS

These sections of Cr.P.C. are for Court order to present good conduct surety by habitual persons.

*Note 1.* The classification of a convicted person as a habitual criminal should ordinarily be made by the convicting Court, but if the convicting Court omits to do so, such classification may be made by the [District Coordination Officer] or in the absence of an order by the convicting Court or [District Coordination Officer] and pending result of a reference to the [District Coordination Officer], by the officer Incharge of the prison where such convicted prisoner is confined;

Provided that any person classed as a habitual criminal may apply for the revision of the order.

*Note 2.* The convicting Court or the [District Coordination Officer] may, for reasons to be recorded in writing, direct that any convicted person or any person committed to or detained in prison under section 123, read with section 110 of the Code of Criminal Procedure shall not be classed habitual criminal and may revise such directions.

*Note 3.* Convicting Courts or [District Coordination Officers], as the case may be, may revise their own classifications, and the [District Coordination Officer] may alter any classification of a prisoner made by a convicting Court or any other authority; provided that the alteration is made on the basis of facts which were not before such Court or authority.

*Note 4.* The expression [District Coordination Officer] wherever it occurs in notes 1, 2 and 3 above means the [District Coordination Officer] of the district in which the criminal was convicted, committed or detained.

*Note 5.* Every habitual criminal shall, as far as possible, be confined in a special prison in which no prisoner other than habitual criminal shall be kept:

Provided that the Inspector-General of Prisons may transfer to this special prison any prisoner not being a habitual criminal whom for reasons to be recorded in writing, he believes to be of so vicious or depraved a character as to exercise, or likely to exercise, so evil an influence on his fellow prisoners that he ought not to be

confined with other casual prisoners, but a prisoner so transferred shall not otherwise be subject to the special rules affecting habitual criminals.

- (vii) "juvenile", means any prisoner who has not attained the age of eighteen years:

#### **COMMENTS**

A person below eighteen years in age but above 7 years has been defined as a child in light of the United Nations Child Rights Convention (CRC) ratified by Pakistan for the special treatment of children in community based corrective, rehabilitative and resocialization programmes. The Juvenile Justice System Ordinance, 2000 was legislated by the Pakistan Government for uniform adoption by the Capital City Islamabad and all the provinces. The ICT model Juvenile Justice Rules, 2001 are given in the second book followed by Punjab Rules, 2002 in this behalf.

- (viii) "special prison", means any prison provided for the confinement of a particular class or classes of prisoners, and classed as special prison by Government;
- (ix) "under sentence", means under sentence of imprisonment of either description;
- (x) "subordinate officer", means and includes every officer of a prison other than the Superintendent and Medical Officer;
- (xi) "Warder", means a head warder, or a warder for purposes of duty;
- (xii) "Inspector-General", means Inspector-General, for the time being of prisons in a Province;
- (xiii) "Government", means the Government of the Province; and words importing masculine gender shall be taken, to include females and the words in singular shall include the plural and vice versa.
- (xiv) The Government may amend any rule.

#### **CHAPTER- 2**

##### *Classification of Prisons*

##### ***Four kinds of Prisons,***

**Rule4.** Prisons shall be classified into four kinds namely, Central Prisons, Special Prisons, District Prisons and Sub-Jails.

**Central Prisons.**

**Rule5.** (i) Central Prisons shall have accommodation ordinarily for more than 1,000 prisoners irrespective of the length of sentences. There shall be a Central Prison in each division of a Province.

(ii) The Provincial Government may, in its discretion, declare any Special Prison or District Prison to be a Central Prison.

**Special Prisons.**

**Rule6.** (i) The Provincial Government may, from time to time, declare any prison to be a Special Prison or establish a Special Prison at any place.

(ii) No prison shall be deemed to be a Special Prison, within the meaning of these rules, unless, it has been declared to be so or established as such under clause (i).

(iii) Women's Prisons, Open Prisons, Borstal Institutions and Juvenile Training Centers shall be deemed to be Special Prisons under this Rule.

**District Prisons.**

**Rule7.** All Prisons, other than Central Prisons or Special Prisons shall be deemed to be District Prisons.

**Classes of District Prisons.**

**Rule8.** (i) There shall be three classes of District Prisons:-  
First class, having accommodation ordinarily for 500 prisoners or more with sentences upto 5 years;

Second class, having accommodation ordinarily for 300 prisoners or more but less than 500 with sentences upto 3 years;  
and

Third class, having accommodation ordinarily for less than 300 prisoners with sentences upto one year.

(ii) The class to which any District Prison shall be deemed, during any year, to belong and the term of sentence for confinement in each prison shall be determined by the Inspector-General in the month of July in each year, in accordance with the



for not more than five days.

**No prisoner to be admitted without a proper warrant.**

*Rule14.* No prisoner shall be admitted into any prison except under a lawful warrant or order of commitment issued by a competent Court addressed to the Superintendent of Prison.

**Identification of prisoners on admission.**

*Rule15.* Before admitting a prisoner, the Assistant Superintendent incharge of admission shall question him and ascertain that his name and other particulars correspond with those entered in his warrant or order and shall give a receipt in the prescribed form to the Police escort.

**Thorough search of prisoners on admission.**

*Rule16.* Every prisoner on admission into a prison shall be thoroughly searched at the main gate by the gate-keeper under the supervision of the Assistant Superintendent. All weapons and prohibited articles found on search shall be taken away from him. Cash, jewellery, clothing and any private property belonging to the prisoner, shall also be taken away, entered in the admission register and stored.

**Every prisoner to be given an admission number.**

*Rule17.*(i) Every convicted prisoner will be entered serially in the admission register. The serial number of this register pertaining to him will be his admission number and it will be used alongwith his name and classification in all future reference in official correspondence about him. The serial numbers will be allowed to run usually from 1 or 10,000. In certain prisons where prisoners with admission numbers belonging to the earlier part of the old series are confined, the numbers may be continued beyond 10,000 to avoid danger of repetition or duplication of numbers.

(ii) Under-trial prisoners will be entered serially in the admission register of under-trials and this serial number will be changed on 1st January each year.

**Writing-up and Medical Examination of prisoners.**

*Rule18.* Every prisoner shall be written up in admission register by the Assistant Superintendent incharge of admissions and shall also be examined by

the [Senior Medical Officer] or the [Medical Officer] within 24 hours of his ' admission into the prison. The Senior Medical Officer or Medical Officer shall examine every prisoner and enter in the admission register, the age, height, weight and the



state of health of the prisoner, specifying whether good, indifferent or bad, together with such observations in regard, to his physical or mental conditions as he may consider necessary and if the prisoner is sentenced to rigorous imprisonment, the class of labour for which he is fit, whether hard, medium or light. While describing a prisoner's health as bad or indifferent the Senior Medical Officer or Junior Medical Officer, shall record the reasons such as enlarged spleen, anaemia, etc. He shall also ' note whether the prisoner has been "vaccinated or has had small-pox.

#### **Un explained injuries.**

*Rule19.* Every prisoner on admission shall be carefully examined by the Medical Officer or Junior Medical Officer for the presence of any un-explained injuries, wounds, contusions or abrasions and if detected shall be entered in the Injury Register and the admission register.

#### **Report of unexplained injuries.**

*Rule20.* When a prisoner with injuries on his body is admitted into a prison from police custody he shall be examined immediately by the Medical Officer. If the examination reveals unexplained injuries not already recorded in the medico-legal report accompanying the prisoner, a report shall at once be made to the [Sessions judge and officer Incharge of the Prosecution] and the Superintendent of Police.

#### **Search and Examination of women prisoner.**

*Rule21.* In case of women prisoners, the search and examination shall be carried out by a woman warder under the orders of Deputy Superintendent and the Medical Officer, respectively.

#### **Record for purposes of identification.**

*Rule22.* A full personal description of every prisoner, with a note of any special marks on his person, and his left thumb impression, shall, for the purpose of identification, be recorded in the admission register.

#### **State of education to be recorded.**

*Rule23.* The state of education of every prisoner on admission and in the case of Muslim prisoners, whether he knows Namaz and Quran, shall be recorded in the admission register and the history ticket.

**Convicted prisoners to be provided with prison clothing.**

**Rule24.** Every convicted prisoner sentenced to rigorous imprisonment, shall be provided with prison clothing and equipment according to the prescribed scale. Every prisoner shall on admission be required to wash himself and his clothes thoroughly.

**Procedure on completion of entries in admission register.**

**Rule25.** On completion of the necessary entries in the admission register and of the procedure prescribed in this Chapter, the Deputy Superintendent shall check each entry and satisfy himself that the entries correspond with the warrants and are correct in every respect and shall append his initials in token thereof.

The Assistant Superintendent incharge of admissions shall produce, as soon as possible, all the newly admitted prisoners with their warrants and the admission register before the Superintendent.

**Inspection by the Superintendent.**

**Rule26.** The Superintendent shall satisfy himself that the prisoner's description, identification, marks and thumb impression/signature have been duly recorded in the admission register. The Superintendent shall countersign the entries of private property, appeal and release date after satisfying himself about their accuracy. He shall inspect the clothing and equipment issued to the prisoner,

**Examination of warrants.**

**Rule27.** *The* Deputy Superintendent and the Assistant Superintendent incharge of admissions shall examine the warrant of every convicted prisoner and satisfy himself:-

- (i) that there is a separate warrant for every convict;
- (ii) that the warrant bears the date on which the sentence was passed, that the impression of the Court's seal is clear and distinct and that the signature of the Presiding Officer of the Court is legible and in full;
- (iii) that the parentage, caste, residence and occupation of the convict are duly set forth in the warrant;
- (iv) that the period of imprisonment to which the convict has been sentenced is, clearly written in block letters as well as in figures;

- (v) that the nature of imprisonment, e.g. simple or; rigorous, is clearly set forth in the warrant;
- (vi) that the orders of the Court are clearly stated in warrant, e.g.
  - (a) in case of a convict already undergoing a sentence, whether the sentence, or sentences passed subsequently shall take effect at once or after the expiry of the current sentence; and
  - (b) in the case of two or more sentences awarded on the same date whether the sentences shall run concurrently or consecutively;
- (vii) that the full particulars of any further sentence of imprisonment to be undergone in default of payment of fine are recorded;
- (viii) that in the case of prisoners previously convicted a statement of their previous conviction is duly recorded;
- (ix) that the classification (habitual or casual) is recorded on the warrant; and
- (x) That the Magistrate who issued the warrant is competent to award the sentence recorded in the warrant.

*Note.* A Magistrate of the third class awarding rigorous imprisonment for a single offence for over one month is not competent to award such sentence.

**Return of warrant for correction.**

**Rule28.** The Superintendent shall return the warrant for correction to the officer who issued it, if by any error or omission, the warrant is defective in form or otherwise irregular.

**Procedure when the legality of a warrant is doubted.**

**Rule29.** (i) When an officer incharge of a prison doubts the legality of a warrant or order sent to him for execution, or the competency of the person whose official seal and signature are affixed thereto, to pass the sentence and issue such warrant or order, he shall refer the matter to Provincial Government whose order on the case will be final and all other public officers shall be guided as to the further disposal of prisoner.

(ii) Pending a reference made under sub-Rule (i), the prisoner shall be detained in such manner and with such restrictions or mitigations as may be specified in the warrant or order.

**(Section 17 Act III of 1900)**

*Note.*—Under section 438 of the Code of Criminal Procedure, the District Magistrate is empowered to remove certain irregularities in the warrant. It is only when an irregularity exists that cannot be otherwise set right, that a report should be made to Government under section 17 of the Prisoner's Act, 1900.

**Superintendent not to refuse admittance to a prisoner whose warrant is defective.**

**Rule30.** The Superintendent should not refuse to admit a prisoner in whose warrant or order omissions and irregularities exist, but should draw the immediate attention of the Magistrate concerned to the defects and ask for rectification at once sending at the same time a copy of his letter to the [Sessions Judge and Officer incharge of the Prosecution] for his information. However, the Superintendent is justified in refusing to receive or detain a prisoner in prison on a warrant to which is affixed a signature by means of a seal or stamp. But he should ordinarily adopt the procedure detailed in Rule 29.

**Copy of warrant returned for correction to be kept.**

**Rule31.** When a warrant is returned for correction, an attested copy shall be retained in the prison office until the original is returned. Blank warrant forms shall be kept for this purpose.

**Calculation of date of release. Responsibility for correctness.**

**Rule32.(i)** The date on which the prisoner is entitled to be released shall be calculated by the Assistant Superintendent incharge of admission and an entry made in the release register or the release check register, as the case may be under that date, giving the name, parentage and admission number, etc., of the prisoner. It is not the duty of the committing officer to note the date of release on the warrant. If such date is noted incorrectly or omitted the warrant shall not be returned for correction on that account:

(ii) In case the release or check date is changed either by the imposition of additional imprisonment, or by reduction of the sentence, or by absence on bail or after escape, a new date of release or check date shall be fixed and an entry made under that date. The old entry should be Scored through with red ink, and a reference made against it to the new date fixed. .

(iii) The Deputy Superintendent shall himself check each entry of date of release or check in the warrant, admission register and released register or release check register and shall be personally responsible for its correctness.

**Superintendent to see necessary alterations in registers.**

**Rule33.** The Superintendent shall be responsible for seeing that necessary alterations are made in the registers and documents noted in the preceding Rule when a convict's sentence is enhanced or reduced on appeal. The Superintendent shall similarly be responsible for seeing that necessary alterations are made on the realization of fine. The Superintendent and the Deputy Superintendent shall initial these alterations.

**Rules for calculation of date of release.**

**Rule34.** -In calculating the date of release, the following rules shall be observed:

- (a) The date on which the sentence was passed and the day of release shall count as days of imprisonment.
- (b) The term "month" or "year" means a calendar month or a year.
- (c) When a sentence includes a fraction of a month, the month shall be reckoned to consist of thirty days.
- (d) If a sentence of death is commuted to one of imprisonment, the sentence of imprisonment shall be deemed to commence from the date on which the sentence of death was passed.
- (e) If in case of a prisoner two or more sentences are to be undergone otherwise than concurrently, no day shall be counted as a day of imprisonment in respect of more than one such sentence.
- (f) A sentence of imprisonment for one day shall be deemed to expire on the same day on "which the sentence was passed.

*Example 1.* A prisoner sentenced to one year's imprisonment on 15th January, 2003 shall be released on the 14th January, 2004.

*Example 2.* A prisoner sentenced on the 1st January to one month's imprisonment shall be released on the 31st of the same month.

*Example 3.* A, B and C are sentenced respectively to one month's imprisonment on the 29th, 30th and 31st January, 2003. All

the three sentences will expire on the 28th February.

*Note.*-In a leap year sentences of B and C will expire on the 29th February:

*Example 4.* A convict sentenced to 1<sup>1/2</sup> month's imprisonment on 2nd February will be released on 16th March.

#### **Periods to be included for sentence.**

**Rule35.** If any prisoner is released on bail pending appeal or revision or his sentence of imprisonment is suspended for some time, for any reason, and such a prisoner is subsequently again committed to prison, the period during which the prisoner was out of prison or on bail or the sentence was suspended shall not count as sentence served, unless the warrant or the order of recommitment otherwise directs:

Provided that—

- (a) a prisoner who is released on bail on the day on which the sentence of imprisonment is passed, shall not be deemed to have undergone any part of his sentence until he is again placed in confinement; and that
- (b) this rule shall not be deemed to apply to persons undergoing imprisonment under the provision of section 123 of the Code of Criminal Procedure.

#### **Suspension of sentence of prisoners surrendered to foreign jurisdiction.**

**Rule36.** When a prisoner undergoing sentence in any of the prisons in the Punjab, for a conviction in Pakistan, is surrendered to a foreign jurisdiction, his sentence shall, be deemed to be suspended until the date of his surrender when it shall revive and have effect for the remaining unexpired portion of his sentence. The sentence of a prisoner undergoing imprisonment in default of furnishing security is not to be deemed to be suspended on his surrender to a foreign jurisdiction.

#### **Date of release when a period does not count towards sentence.**

**Rule37.** When a period has been excluded from a sentence under the preceding rules, the mode to be adopted in calculating the date of release is, take the full term of sentence as commencing from the date of re-admission and deduct from it the number of days already passed in prison; the date so arrived at, will be the date on which the sentence expires.

#### **Period spent on parole to count towards sentence.**

**Rule38.** The period spent out of a prison by a convict on

parole shall count towards his sentence unless specifically ordered otherwise in any particular case.

**Period spent in hospital to count towards sentence.**

**Rule39.** The period spent by a prisoner in an outside hospital shall count towards his sentence.

**Date of release when two or more sentences run concurrently.**

**Rule40.** When a prisoner is sentenced to two or more terms of imprisonments to be served consecutively, the date of release shall be calculated as if the sum of the terms was awarded in one sentence.

*Example.--*A prisoner, sentenced on the 21st June, 1973 to one year's imprisonment, is, for another offence, subsequently sentenced to a further term of one year, the period will commence from the expiration of the first sentence. He will be released on the 20th June, 2003, not on the 19th June, 2003.

**Operation of a second sentence when the first sentence is set aside.**

**Rule41. (i)** When a prisoner has been committed to prison at one trial-under two separate warrants, the sentence in the one will take effect after the expiry of the sentence in the other, the date of such second sentence shall, in the event of the first sentence being set aside on appeal, be presumed to take effect from the date on which he was committed to prison under the first or original sentence.

(ii) Where separate sentences have been passed in separate trials, the sentences being consecutive, under section 397 of the Code of Criminal Procedure, the operation of the second sentence will, in the event of first sentence being set aside on appeal, commence from the date of conviction in the second sentence.

**Date from which a sentence finally passed shall count.**

**Rule42.** When an appellate Court modifies a sentence passed by a lower Court without change of section, or when an appellate Court passes a *new* sentence by changing the section or otherwise, the sentence finally passed shall count, unless otherwise specially directed, from the date of imprisonment under original sentence.

**Calculation of date of release when a fine is partially paid.**

**Rule43.** If a prisoner is sentenced to imprisonment 6f which the whole or part is in default of the payment of any fine, and if the

fine or a portion of it is not immediately paid, the date of release shall be fixed on such dates as shall correspond to payment as well as nonpayment of the fine. When any portion of the fine is subsequently paid, the date of the release shall be altered accordingly.

*Example.*—If a prisoner is sentenced on the 1st January to six months imprisonment and to pay a fine of Rs. 300, or in default of payment to be imprisoned for a further period of six months, then supposing that the prisoner, immediately on conviction pays Rs. 100, the date of release shall be first fixed at 31st October, that is, six months plus four months (being the term proportionate to the amount of the fine unpaid), and entries shall be made on the warrant as the 30th June and 31st October; if he afterwards pays another Rs. 100 the later date shall be changed to 31st August, on his paying the whole, the fact shall be noted opposite the entry on the 30th June.

**Calculation of remission on payment of fine.**

**Rule44.** If a prisoner is sentenced to fine and in default, to imprisonment for a period and pays a portion of his fine, the remission for the payment shall be calculated in days, fractions of less than half a day shall not be counted. Half or over shall count as one day.

*Example.*-A prisoner is sentenced on 15th July to six months' imprisonment and to pay a fine of Rs. 300 or in default six months further imprisonment. He pays Rs.63. The calculation shall be made as follows:-

Number of days of imprisonment in lieu life <hr style="width: 100%;"/> of	X Amount Paid	= Number  days to be remitted.
Amount of fine Rs. 180x63 =37/4/5 days i.e. 300		38 days

Note.-Month shall be reckoned to consist of thirty days for the purpose of calculating the number of days to be deducted in lieu of the amount of fine realized.

**COMMENTS**

**Conversion of death sentence into life imprisonment/** Limit of imprisonment for non-payment of fine. Termination of



imprisonment on payment of proportional part of fine. Sentence of death penalty awarded to accused by trial Court under S. 302, P.P.C. on four counts was converted into life imprisonment, which was to run concurrently with all benefits of S. 382-B, P.P.C. Sentence awarded to accused under S. 307, P.P.C. for 10 years on each count was also to run concurrently along with life imprisonment. If worked out on consecutive basis, sentence of accused in lieu of default in payment of fine on all counts would come to 28 years and if accused was made to suffer said 28 years of sentence then it would be violative of S. 65, P.P.C. which had stipulated that term of imprisonment in default in payment of fine would not exceed  $1/4^{\text{th}}$  of term of imprisonment which was the maximum fixed for the offences, if the offence be punished with imprisonment as well as fine. Accused, in the present<sup>1</sup> case, had been awarded the maximum sentence of life imprisonment. Sentence in lieu of default in payment of fine could not exceed  $1/4^{\text{th}}$ . Sentence of imprisonment awarded to accused in lieu of default in payment of fine of each count would also run concurrently so as not to exceed  $1/4^{\text{th}}$  of the term of imprisonment substantially awarded to him. Sentence of imprisonment awarded to accused in lieu of default in the payment of fine on all counts, after he had served out his substantial sentence of imprisonment, would run concurrently. If accused, before expiration of the term of imprisonment fixed in default of payment, offered to pay proportionate amount of fine for the un-expired period of sentence, then respondent. Authorities would, in compliance with S. 69, P.P.C. and R. 44 of Pakistan Prisons Rules, make requisite calculations of fine and upon its payment, would release accused from jail in case if he was not required in any other case.

**Disposal of notice intimating payment of fine.**

**Rule45.** If a fine is paid in part or whole after a prisoner is admitted in prison, the court receiving it will unless it has already received back the prisoner's warrant, with an endorsement showing that he has been released, notify the fact to the Superintendent.

This notification shall be attached with the warrant and returned with it after the sentence has been carried out.

**Notice intimating payment of fine to be forwarded to the prison where the prisoner is transferred.**

**Rule46.** When a prisoner whose sentence includes imprisonment in default of payment of fine is transferred to some other prison, the Superintendent of transferring prison is responsible for seeing that notifications of payment of fine received by him, are promptly forwarded to the prison in which the

prisoner is confined. Such notices shall always be sent under a registered cover.

**Payment of fine at the prison.**

**Rule47(i)** Fine can be tendered at the prison with the written permission of the Superintendent. The Deputy Superintendent will receive the fine or a portion thereof, issue a receipt to the person who paid it and shall on the first opportunity produce the warrant with an entry of the fact that such payment has been made, and credit given in the sentence, for the signature of the Superintendent.

(ii) Fines received at the prison shall, without delay be remitted into the local treasury through the [District Officer (Revenue)], All fines tendered at prison shall be received irrespective of the fact whether the prisoner is due for release or not provided he is confined in that prison.

**Action if no sentence has been awarded in lieu of fine.**

**Rule48.** *If a prisoner sentenced to a fine in addition to a substantive sentence and the order of the Court does not mention any imprisonment in lieu of fine, the prisoner will be released on the expiry of his substantive sentence and the [Sessions Judge] informed of the fact.*

**Imprisonment in lieu of fine to run after the expiry of all the substantive sentences.**

**Rule49.** *If a prisoner sentenced to imprisonment in default of payment of fine is, either at the same time or subsequently, sentenced to a term of imprisonment without the option of fine, the imprisonment in default of payment of fine shall be kept in abeyance till the expiry of all the substantive sentence of imprisonment.*

*Example.-A prisoner is sentenced on the 9th June, 2005, to two years rigorous imprisonment and a fine of Rs. 100 or in default six months further rigorous imprisonment. On the 9th of July of the same year he is sentenced on another charge to rigorous imprisonment for eighteen months and on the 15th of October, 2005, he is again sentenced on a third charge to rigorous imprisonment for two years. The sentence of six months imprisonment in default of payment of fine shall begin from the 9th December, 2010, (the date on which all the substantive sentences expire being the 8th December).*

Note.-This covers the case of a prisoner whose first sentence of imprisonment is in default of payment of fine. Any substantive

sentence of imprisonment subsequently passed shall count from the date of the first sentence, and the imprisonment in lieu of fine shall be taken effect last, although a portion of it may have been already served when the substantive sentence was awarded.

**Imprisonment under sections 106 or 118 Cr.P.C. in addition to substantive sentence:**

**Rule50.** (i) If any person, in respect of whom an order requiring security is made under section 106 or section 118, is, at the time such order is made, sentenced to or undergoing a sentence of imprisonment, the period for which such security is required shall commence on the expiry of such sentence.

(ii) In other cases such period shall commence on the date of such order unless the Magistrate, for sufficient reason, fixes a later date.

*Note.*—An order under section 123 of the Criminal Procedure Code directing that a person who has failed to give security shall be detained in prison is not a "sentence of imprisonment" for the purposes of section 397 of the Criminal Procedure Code. It is merely an order for detention in prison, and if it is passed under clause (2) of section 123, the Magistrate proceeding must be laid before the Sessions Judge, who may thereafter pass such order on the case as he thinks fit, but if the Sessions Judge confirms, or varies the order, and does not set it aside, the period for which detention is ordered must date from the time when the first court passed its order. Imprisonment for failure to give security for keeping the peace shall be simple.

**Sentence awarded to an escaped convict how to take effect.**

**Rule51.** When an additional sentence of imprisonment is passed on an escaped convict who has been recaptured, such sentence shall take effect according to the following rule:-

If the new sentence is severer in its kind than the sentence which such convict was undergoing when he escaped, the new sentence shall take effect immediately, and the expired portion of original sentence, shall be served subsequently. When the new sentence is not more severe, it shall take effect after he has served the unexpired portion of his original sentence.

*Note.*—A sentence of life imprisonment is severer than one of imprisonment; a sentence of rigorous imprisonment is severer than one of simple imprisonment.

**Entry when whipping is awarded**

**Rule52.(i)** When whipping is awarded in addition to an imprisonment an entry shall be made in red ink in the release register, on the page of the day on which the prisoner is to receive stripes. Should this date be uncertain, owing to an appeal being lodged, two or three forward entries shall be made as a reminder that the prisoner is to be brought up at the proper time to receive stripes.

[(ii) Procedure of whipping shall be the same as prescribed under the Whipping Ordinance 1979 and Whipping Rules 1979]

**Execution of sentence of whipping only.**

**Rule53.** When the accused is sentenced to whipping, only, the sentence shall be executed at such place and time as the court may direct. Under the Criminal Procedure Code as now revised all whipping sentences are appealable. The court does not, however, in the case of sentence of whipping only, provide for any postponement of execution unless the convicted person furnishes bail to the satisfaction of the court for his appearance at a later date; In the case of prisoners received in prison with sentence of whipping only, the sentence should be executed at the time specified in the warrant. If no time is mentioned in the warrant, then the sentence should be executed as soon as possible. The fact that the prisoner may express to the prison authority an intention to appeal does not justify them in delaying execution of the sentence.

**Execution of sentence of whipping in addition to imprisonment.**

**Rule54.** When a person is sentenced to whipping in, addition to an imprisonment, the whipping shall not be effected until fifteen days from the date of the sentence or if an appeal is preferred within that time until the sentence has been confirmed by the appellate court. If no intimation of an appeal having been preferred is received within fifteen days the Superintendent shall nevertheless allow such further time to elapse as is necessary for a communication from the appellate court to reach him in the ordinary course, before inflicting the whipping.

The whipping shall be inflicted as soon as practicable after the expiry of the period fixed under this rule or if an appeal is preferred then as soon as practicable after the receipt of the order of the appellate court confirming the sentence. The whipping shall be inflicted in the presence of the Superintendent unless the Judge or Coordination Officer orders it to be inflicted in his own presence. If

a further appeal is made to the High Court for revision of the sentence, the infliction of the whipping is not to be delayed in the absence of orders by that Court staying execution.

**Mode of inflicting punishment. Limit of number of stripes.**

**Rule55.** *In the case of Sharia Court whipping a prisoner of sixteen years of age or over, whipping shall be inflicted with a light ratan 1 M.-21 Cm. long and 1 Cm.- 2 mm. in diameter and in the case of prisoners under sixteen years of age, it shall be inflicted with a still lighter ratan.*

*Note.* A thin line-cloth shall be provided to prisoners. It shall be soaked in some antiseptic solution. It shall be thoroughly disinfected after use. The drawing stroke, which is calculated to lacerate the flesh, is prohibited.

**Whipping to be inflicted on buttocks.**

**Rule56.** Whipping shall be inflicted on buttocks. It shall not be inflicted in public. The Superintendent shall be present at the time of infliction.

**Whipping not to be executed in instalments.**

**Rule57.** Whipping shall not be executed in instalments.

**Section 393 of Criminal Procedure Code**

393. *Not be executed by instalments. Exemptions.* No sentence of whipping shall be executed by instalments; and none of the following persons shall be punishable with whipping, namely:-

- (a) females;
- (b) males sentenced to death or to [imprisonment for life] or to imprisonment for more than five years;
- (c) males whom the Court considers to be more than forty-five years of age.

**Senior Medical Officer to certify fitness to receive stripes.**

**Rule58.** (i) The Senior Medical Officer shall certify that the prisoner is in a fit state of health to undergo such punishment, before a sentence of whipping is executed.

(ii) If during the execution of sentence of whipping, the Senior Medical Officer certifies that the prisoner is not in a fit state of health to undergo the remainder of the sentence, the whipping shall be finally stopped.

**Procedure when whipping cannot be inflicted.**

**Rule59.** *In any case in which a sentence of whipping is wholly or partially prevented from being executed the matter shall*

at once be reported to the Magistrate who passed the sentence and the prisoner kept in custody till the Magistrate can revise it. It is not permissible to defer the whipping until the prisoner is fit to receive it.

**Section 394 of Criminal Procedure Code:**

**394. Whipping not to be inflicted if offender not in fit state of health.** (1) The punishment of whipping shall not be inflicted unless a medical officer, if present, certifies or if there is not a medical officer present, unless it appears to the Magistrate or officer present that the offender is in a fit state of health to undergo such punishment.

(2) **Stay of execution.** If, during the execution of a sentence of whipping, a medical officer Certifies, or it appears to the Magistrate or officer present, that the offender is not in a fit state of health to undergo the sentence, the whipping shall be finally stopped.

**Section 395 of Criminal Procedure Code:**

**395. Procedure if punishment cannot be inflicted under section 394.**(1) In any case in which, under section 394, a sentence of whipping is, wholly or partially, prevented from being executed, the offender shall be kept in custody till the Court which passed the sentence can revise it; and the said Court may, at its discretion, either remit such sentence or sentence the offender in lieu of whipping or in lieu of so much of the sentence of whipping as was not executed, to imprisonment for any term not exceeding twelve months, or to a fine not exceeding five hundred rupees, which may be in addition to any other punishment to which he may have been sentenced for the same offence.

(2) Nothing in this section shall be deemed to authorize any Court to inflict imprisonment for a term or a fine of an amount exceeding that to which the accused is liable by law, of that which the said Court is competent to inflict.

**Whipping to be certified on warrant.**

**Rule60.** After a whipping has been duly inflicted, the Superintendent shall endorse a certificate on the warrant to that effect, recording the date of execution.

**Police registered prisoners.**

**Rule61.** P. R. Slips sent by the Police shall be attached with the warrants and a note to this effect made on the warrants.

Police registered prisoners are divided into two classes, namely, P. R. and P.R. T.

Letters T.R.' indicate that a prisoner is "Police registered"

and shall be released from the prison in which he is confined at the time of his release.

Letters P.R.T. indicate that a prisoner is "Police registered" and that he is to be transferred one month prior to his release to the prison of the district noted on the slip as his native district.

The registration of a prisoner as P.R.T. shall be recorded in red ink in the admission register and release register.

The fact of a prisoner, being P.R. or P.R.T. shall have no effect in his classification.

P.R. Slip received after a prisoner has been transferred to some other prison should be forwarded to that prison under registered cover.

P.R. Slip of a prisoner shall be sent to the Superintendent of Police of the district of which he is resident, a fortnight before he is due for release.

#### **Finger impression slip of P.R. Prisoners.**

**Rule62.** The finger impression slips of P.R. convicts shall be prepared in the presence of and signed by (a) Magistrate (b) a Gazetted Police Officer or (c) the Superintendent of the Prison.

In all cases the portion of the P.R. Slip which classifies a convict as P.R. or P.R.T. shall be signed by the Superintendent of the Police.

#### **Superintendent to order a prisoner to give his thumb impression.**

**Rule63.** The order to a convict to give his thumb impression is a lawful order and should be upheld by the Superintendent of the Prison, who should take steps to see that it is enforced. An Officer of the prison must order a prisoner to allow his thumb impression to be taken.

#### **Abstract of Rules to be read and hung up in a conspicuous place.**

**Rule 64.(i)** A summary of the rules relating to the conduct and treatment of prisoners shall be read over to every prisoner after his admission into prison and proper means shall from time to time thereafter be taken by the Superintendent to make every prisoner acquainted with the purport or all such rules for the time being in force.

(ii) A summary, of the rules in National or Provincial language shall be hung up in every barrack in some conspicuous place in every prison.

### **Convicted prisoners to be provided with history tickets.**

**Rule65.**(i) Every prisoner shall be provided with a history ticket in the prescribed form at the time of admission. The Assistant Superintendent incharge of admissions shall record the full information required by .the columns provided in the ticket. The Medical Officer shall record the prisoner's age, weight, state of health and the class of labour for which he is fit. Entries of weighment shall be recorded monthly, Admission *and* discharges from hospital with the disease from which he suffered and also admission and discharges from the convalescent party shall also be recorded.

(ii) The Superintendent shall check allotment of labour in the history ticket. He shall record in his own hand all punishments awarded to a prisoner. Entries of special remission, promotion and employment on out parties shall also be made by him.

(iii) Entries relating to appeals, letters received and sent, interviews, issue of clothing and awards of ordinary remissions shall be made and initialled by the Assistant Superintendent or other Officer entrusted by the Superintendent with these duties.

### **Maintenance and custody of history tickets.**

**Rule66.** History ticket shall be so maintained as to be a continuous record of the prisoner's conduct and employment throughout the period of imprisonment. The history ticket should be stored in a locked almirah. The almirah shall be kept in a central place in the prison under the charge of an Assistant Superintendent or other official appointed by the Superintendent. If a history ticket is lost or spoiled, a duplicate shall be prepared with the permission of the Superintendent. All punishments and other entries shall be traced from the record and copied. The Deputy Superintendent shall check and sign a certificate on the new ticket that all entries have been correctly recorded. The word "Duplicate" shall be clearly marked on the ticket and it will show the date and the reason of preparation under the Superintendent's signature.

Tickets of under-trial and civil prisoners shall also be kept in prison like the history tickets of convicts.

At weekly parade the ticket will be issued just before and received immediately after the Superintendent's inspection.

### **Retention of history ticket after release or death.**

**Rule67.** The history ticket of every prisoner shall be



retained in safe custody-□

- a) in the event of release for one year, and
- (b) in the event of escape or death for two years

#### CHAPTER- 4

##### *Prisoners' Property*

###### **Property to be received by prison official.**

**Rule68.** All cash, jewellery, articles of clothing and other property received with or found on the person of a prisoner, on his admission to the prison or sent subsequently by the police, or tendered for him by his relatives or friends, prior to his release, shall be received and taken over by the Assistant Superintendent incharge of admission or other Officer on duty.

###### **List of property to be entered in admission register and read over to the prisoner.**

**Rule69.** Such money and property shall be entered in the admission register and prisoner's property register and in the list of prisoner's property attached with prisoner's warrants and read over to the prisoner in the presence of the Superintendent, who shall attest the entries in the register and in the list of prisoner's property. If the prisoner can write, he shall be required to sign the list in token of its correctness, otherwise his thumb impression shall be affixed thereto. Entries in the admission register shall also be signed by the Deputy Superintendent as far as cash, jewellery, and other valuable properties are concerned, and by the Assistant Superintendent incharge of the prisoner's property in regard to clothing and other articles. Any list sent by the police with the property shall be filed with the warrant.

###### **Condition of clothing and full description of valuables to be recorded.**

**Rule70.** The condition of clothing, whether new, part-worn, or rags, shall always be recorded in the admission register and prisoner's property register and in the list of prisoner's property. If the clothing are woollen, the fact should be specifically mentioned. In the case of jewellery and other valuable property, full description, weight and the estimated value shall also be recorded. All additions, erasures or alterations to the list of any prisoner's property, shall be initialled by the Superintendent.

###### **Receipt to be obtained of the official who receives the property.**

**Rule71.** When such property is made over by an official receiving it to another official, the receipt of the latter official will be taken in the admission register. All cash, jewellery and other

valuable articles shall remain in the custody of the Deputy Superintendent.

**Superintendent may refuse to receive property.**

*Rule72.* The Superintendent may receive or refuse any property tendered for a prisoner by his friends or relatives at the time of admission or subsequently.

**Money to be entered in cash book on admission.**

*Rule73.* (i) Receipt of all moneys belonging to the prisoners shall be entered in the cash book and all transactions shall be posted in the "prisoners' cash account register."

(ii) Money which is the property of the prisoners shall not be held for a long time by the Deputy Superintendent, but shall be paid into the treasury at convenient intervals to the credit of personal ledger account of prisoner. For this purpose a separate prisoner's cash deposit account with the treasury shall be maintained. The cash balance retained by the Deputy Superintendent, shall not be in excess of the normal amount required for disbursements each month and any money in excess of the anticipated expenditure shall be remitted to the treasury at the end of each month.

**Valuable property.**

*Rule74.* (i) The Deputy Superintendent shall keep all the valuable property belonging to the prisoners in his custody in the treasure chest in small bags or packets. Special envelopes should be provided for the purpose on which number, name, sentence and date of sentence of the prisoner shall be written.

Such property shall be entered in the register of valuable articles.

(ii) The Deputy Superintendent shall enter these packets in the register of valuable articles according to the admission number of the prisoner. The register shall be re-written every alternate year. When a Deputy Superintendent is transferred, the register shall be checked and signed by both the relieved and relieving officers.

(iii) The Superintendent shall check all the valuable property of the prisoners with register and admission register and satisfy himself as to its accuracy at least once a year and record the result in his order book.

*Note.* Securities, Bonds, Coins and Currency notes of foreign countries shall be classed as valuable articles.

**Certain articles may be allowed to prisoners.**

*Rule75.* (i) Prisoners may be allowed to keep the following

articles for use in the prison:-

1. Jersey.	1
2. Bunyan.	2
3. Towels.	2
4. Blanket, Loi or Dhussa.	1
5. Socks.	2
Pairs.	
6. Lota.	1
7. Hair Oil.	1 vial.
8. Toothbrush.	1
9. Tooth paste or powder.	1
10. Comb.	1
11. Small mirror.	1
12. Metal Glass.	1
13. Spoon.	
<b>Amennement</b>	
[ 14. Mug, cup or piala alongwith plate for taking tea, made of plastic or china clay.	1
15. Plate made of plastic china clay, enameled.	1
16. Mug made of plastic enameled etc.	
<b>Amendement</b>	
[ 17. Disposable shaving razor.	1
18. Shaving Cream.	1
19. Shaving brush. "	1
20. Jam & Pickle in small quantity.	1 Bottle.
21. Biscuits standard size. packets.	
22. Bottle of squash or sharbat.	1 bottle.
23. Full over sweater may be used under the shirt during winter.	
24. Underwear/Nicker.	1
25. Jai-Nimaz and Tasbeeh	1
26. Spectacles for eyesight	1
27. Reading material i.e. books,[Pen] , magazine preferably educative and Islamic.	1

- 28. Match Box/Lighter
- 29. Yogurt (Dehi)
- 30. Shoes/Chappal 2 pairs]

A tin container of four gallon capacity may also be allowed for keeping articles of personal use.

(ii) Women prisoners may be allowed to retain in moderation, certain ornaments of small value but not made of gold or silver such as a ring, nose nail and bangles. Superintendent may, however, at his discretion refuse to allow retention of ornaments in any particular case for disciplinary reasons.

Women prisoners shall be responsible for the safe custody of such articles, which should be entered in their history tickets and initialed by the Superintendent.

#### **Treatment of property of prisoners.**

**Rule 76.** Prisoners property shall be dealt with in accordance with the following rules:-

Articles of a perishable nature or which are likely to deteriorate by storage or of bulky nature may, with the consent of the prisoner, either be sold, and the sale proceeds credited to the prisoner's account or be handed over to his friends or relatives.

- (b) If a prisoner is suffering from a contagious or an infectious disease, at the time of his admission, his clothes shall be destroyed forthwith, and a note made in the admission register and prisoners property register.
- (c) Damaged or filthy clothes shall also be destroyed and the fact recorded in the admission register and prisoners property register.
- (d) The clothing of every prisoner sentenced to rigorous imprisonment for two years or more, on the rejection of his appeal, shall be sold by public auction, and the proceeds credited to the prisoner's account, an entry to this effect will also be made in admission register and prisoners property register by the Assistant Superintendent.
- (e) The clothing of every prisoner with a sentence of less than two years, shall be carefully packed, and kept in the private property godown.

**Clothing to be stitched in bundles and labeled**

**Rule77.** The clothing of prisoners retained in prison under clause (e) of the preceding rule shall be thoroughly washed, repaired and stitched, into bundles before being stored in the property godown. Every bundle shall be labelled giving the admission number, name, sentence and date of sentence and the contents of the packet. The bundles shall be arranged alphabetically.

*Note.--19 gr. washing soda and 233 gr. firewood per prisoner is permitted for washing of clothes.*

**Disposal of cash property of the prisoners**

**Rule 78. (i)** The cash property of prisoners paid to them on release or disposed of otherwise during any month shall be paid by the Deputy Superintendent from the cash property of prisoners received during the same month.

(ii) Should the cash received be in excess of that disbursed, the balance shall be remitted into the treasury at the close of the month, If the disbursements are in\*excess of receipts at any time, the difference shall be paid from the permanent advance which shall be recouped by withdrawal from the prisoner's cash account in the treasury.

(iii) The receipt and the disposal of all money belonging to prisoners shall .be entered in the cash book and when articles belonging to prisoners are sold the amount realized shall also be entered on the list of private property attached to each prisoner's warrant.

(iv) The Superintendent shall occasionally satisfy himself that the amount of cash deposited in the treasury to the credit of the prisoners corresponds with the amount shown in the cash book under the same head,

**Disposal of property on transfer of a prisoner.**

**Rule79.** On the transfer of a prisoner from one prison to another his money and property shall be sent with him to the prison to which he is transferred.

**Disposal of clothing of certain prisoners on transfer.**

**Rule80.** The clothing of every prisoner sentenced to two years or more shall, whenever possible, be disposed of as laid down in clause (d) of rule 76 before the prisoner is transferred to any other prison.

**Property tendered for certain prisoners not to be received.**

**Rule81.** Property tendered at a prison for a prisoner

already transferred to another prison, shall not be accepted. The person who tenders the property may be informed of the prison to which the prisoner has been transferred, in case he wishes to send the property to him.

**Property may be made over to a relative or friend.**

**Rule82.** The Superintendent may, at the request or with the consent of a prisoner, make over the whole or any part of his money or other property in prison to any person he may specify except a prisoner; provided that the Superintendent may withhold and retain so much of the money or other property of such prisoner as he may think necessary for providing him with sufficient clothes and money on release.

**Confiscation and disposal of money and prohibited articles in a prisoner's possession.**

**Rule83.** (i) A prisoner at the time of his admission to prison on transfer or otherwise shall be warned in the main gate to surrender, any money or other articles which he may possess. Any cash or other articles voluntarily surrendered shall be deposited in his cash account or kept with his property.

(ii) Any money or other prohibited articles, found in a prisoner's possession after admission to the prison shall be confiscated. The Superintendent may award a portion of the money recovered on search to the prisoner who discovers it, on the following scale:-

UptoRs.100	50%
Rs.101 toRs.200	40%
Rs.201 to Rs.500	33 <sup>1</sup> / <sub>3</sub> %
Above Rs.500	25%

Full amount so recovered should be entered in the cash book. After disbursement of the award to the finder, the balance of such confiscated money shall be deposited in the treasury under head "XXII-Jails and convict settlement-A-Jails-Misellaneous".

(iii) The Superintendent shall cause to be destroyed all prohibited articles such as poisonous or intoxicating substances, knives and other weapons of assault, etc., of minor value found with a prisoner. Valuable articles shall be sold by public auction and the sale proceeds deposited in the local treasury.

**Prisoners may be allowed to issue cheques.**

**Rule84.** Cheques may be issued by the prisoners while confined in prison on the following conditions:-

(a) A cheque for not more than 5000 rupees will be

allowed at one time once a week for maintenance of the dependents of the prisoner.

- (b) The signature of the prisoner will be duly attested by the Superintendent.
- (c) If a cheque for more than 5000 rupees is required at any time, the relatives of the prisoners should get a written permission from the [District Coordination Officer.]
- (d) On no account a prisoner should be allowed to run a business by issuing cheques during his term of imprisonment.
- (e) The cheque book shall remain in the custody of the Deputy Superintendent.

**Disposal of the property of an escaped prisoner.**

**Rule85.** The money and other property of an escaped prisoner shall be retained in prison for one year from the date of his escape. If he is not recaptured within that period, his property shall be sold and the proceeds together with each deposit, if any, deposited into local treasury as unclaimed property.

**Property of deceased prisoners.**

**Rule86.** (i) On the occurrence of a prisoner's death, his relatives shall be informed through the [District Officer (Revenue)] of the details of the prisoner's property, any wish expressed by him before his death as to its disposal and the approximate price it is likely to fetch, if sold by auction.

(ii) If instructions are received within a reasonable time that the relatives want the property it shall be sent to the legal heirs of the prisoner, through the [District Coordination Officer] of his district, all transit charges being paid by such heirs. In the absence of such instructions, the property shall be sold and the sale proceeds together with the cash deposit, if any, sent to the legal heirs by money order after deducting the money order commission, through the [District Coordination Officer].

**Purchase of articles from a prisoner's cash account.**

**Rule 87.** (i) A prisoner who has money in his account, may be allowed to purchase such articles as permitted under the rules. A receipt for the articles purchased shall be obtained from the prisoner and pasted in the admission register. Necessary entries

will be made in the prisoner's cash account and property register.

(ii) Prisoners will not be allowed to handle cash under any circumstances.

**Receipt for cash and property delivered to a prisoner on release or by his relative.**

**Rule88.** When cash and other property is delivered to a prisoner on release, he shall affix his thumb-impression or signature in the admission register and the property register in the column provided for the purpose in token of its receipt or if cash or property is handed over to a relative or friend of a prisoner, a receipt shall be obtained and pasted in the admission register and the property register.

**Compensation for loss of property.**

**Rule89.** If any part of a prisoner's money or other property is lost while in the custody\* of any prison official the prisoner shall be compensated at the expense of the official responsible for such loss. The Superintendent shall decide whether any compensation is to be granted to the prisoner and if so, to what extent.

**CHAPTER-5**

***Appeals and Petitions***

**Facilities to prisoners for filing appeals.**

**Rule90.** The Superintendent shall inform every convicted prisoner, on first admission to prison, of the period within which an appeal from the order under which he has been committed to prison may be filed. If the prisoner desires to appeal, every facility shall be given to him for the purpose. A request for appeal, made within the period allowed, shall be attended to forthwith.

**Limitation for appeals.**

**Rule91.** (i) The periods allowed for appealing are as follows:-

- |     |  |         |
|-----|--|---------|
| (a) | [****]   |         |
| (b) | Appeal to the Sessions Judge                           | 30 days |
| (c) | Appeal to High Court<br>days against sentence of death | .7      |
| (d) | Appeal to the High Court                               | 60      |



days in all other cases

- (e) Petition for special leave 30  
days to appeal to Supreme Court

(ii) The presentation of a petition of appeal by a convicted prisoner to the Superintendent shall, for the purpose of the Limitation Act, 1908, be equivalent to presentation to the Court. (Vide section 420 of the Code of Criminal Procedure).

(iii) The Superintendent shall not withhold the appeal of any convicted prisoner, even though it be apparently barred by limitation.

**Interview for the purpose of appealing.**

**Rule92.** Every convicted prisoner shall be allowed reasonable opportunity of interviewing his relatives, friends and legal advisers for the purpose of preparing his appeal. Every such interview shall be allowed within sight, but out of hearing of the prison official supervising the interview.

If a relative or agent of the convicted prisoner undertakes to submit an appeal on his behalf, the arrangement must be authorised by a power of attorney to which the convicted prisoner shall affix his signature or thumb-impression. This shall be attested by the Superintendent, or in his absence by the Deputy Superintendent.

**Prohibition against writing appeals without permission.**

**Rule93.** No prisoner or Officer of the prison shall prepare, write out, or submit any appeal or petition on behalf of any prisoner without the previous permission in writing of the Superintendent.

**Procedure in the case of prisoners without friends, relatives or counsel.**

**Rule94.** (i) If a convicted prisoner without a friend, relative or counsel to act for him, elects to appeal, the Superintendent shall apply to the Court concerned for a copy of the judgment or order against which the appeal is to be filed. If several persons are sentenced in the same case, only one copy of judgment shall suffice for all the prisoners electing to appeal from the same prison.

(ii) On receipt of the copy of the judgment or order, a prisoner if literate shall be allowed to write his own appeal. If the prisoner is not able to write, the Superintendent shall cause his appeal to be written for him by another prisoner or a prison official strictly in accordance with the dictation of the appellant.

(iii) An appeal preferred by a prisoner from the prison should, before despatch, be read over to him in the presence of the Superintendent. If the prisoner approves of the appeal, he shall affix his signature or thumb-impression on it. The Superintendent shall sign the document and cause the official seal of the prison to be stamped on it.

(iv) The Superintendent shall forward the appeal, with a copy of the judgment or order appealed against, direct to the appellate court as required by section 420 of the Code of Criminal Procedure.

*Section 420 of Criminal Procedure Code*

"420. *Procedure when appellant in jail.* If the appellant is in jail, he may present his petition of appeal and the copies accompanying the same to the Officer in charge of the jail, who shall thereupon forward such petition and copies to the proper Appellate Court."

The appellate court will itself requisition the records from the Record Room.

(v) If after the receipt of the copy of the judgment or order, a relative, friend or agent of the prisoner undertakes to file the appeal on his behalf and the prisoner is willing, a copy of the judgment shall be delivered to him and a proper receipt obtained for it.

(vi) The provisions of this rule shall also apply, mutatis mutandis, to petitions for revision or clemency and the like.

*Note.* (1) In case other than summon cases, convicted prisoners are entitled under section 371 (1), Criminal Procedure Code, to a copy of the judgment free of cost. In summon cases no court fee are payable on the copy of the judgment. Government have further approved the principle that if a person convicted in a summons case is in prison, he or his agent shall be allowed a copy of the judgment free of copying fee."

*Section 371 (1) of Criminal Procedure Code.*

"371. Copy of judgment, etc. to be given to accused [\*\*\*].  
(1) In every case where the accused is convicted of an offence, a copy of the judgment shall be given to him at the time of pronouncing the judgment or, when the accused so desires, a translation of the judgment in his own language, if practicable, or

in the language of the Court, shall be given to him without delay. Such copy or translation shall be given free of cost:

[Provided that this subsection shall not apply to cases tried summarily or where the accused is convicted of an offence under any law other than the Pakistan Penal Code.]

[\*\*\*\*\*]

(3) *Cure of person sentenced to death.* When the accused is sentenced to death by a Sessions Judge, such Judge shall further inform him of the period within which, if he wishes to appeal, his appeal should be preferred.

*Note.* (2) If a prisoner's appeal fails and he desires to prefer an application for revision, he is not entitled to a free copy of judgment and must obtain it at his own cost.

*Note.* (3) Copy of judgment of the High Court will be supplied free of cost to a prisoner under sentence of death if he wishes to file a petition for special leave to appeal to the Supreme Court.

#### NOTIFICATION

Punjab Inspectorate of Prisons has specially directed Superintendents Jails to strictly observe Rule 94 (iv) and section 420, Cr.P.C. for the aid, advise, release, rehabilitation, appeal against conviction and welfare of the detenus, mental patients, lunatics, missing persons, women, children and drug addicts and also 'for their rehabilitation and welfare, purely on humanitarian grounds in the best interest of justice and humanity without any affiliation/consideration for any political party and activities *vide* letter No. JB/G-1/25110-37, dated 8<sup>th</sup> July, 1992.

#### **When an appeal is not desired.**

**Rule95.** If any prisoner states that he does not wish to appeal, the fact shall be recorded on his history ticket *and* initialed by the Superintendent. The date on which a convict decides to appeal or not to appeal should also be recorded. Subsequent entries relating to the appeal and its result shall also be recorded thereon.

#### **Prisoners not to be transferred pending appeal.**

**Rule96.** With the exception of such class of prisoners for whom transfer orders are from time to time issued, prisoners who have not completed the period allowed for appeal without appealing or until the decision of their appeals, should not ordinarily be transferred to another prison. If any such prisoner is

transferred, it is the duty of the transferring prison to apply for a copy of the judgment, and forward it promptly to the prison where the prisoner has been transferred.

#### **Appeals of prisoners transferred.**

**Rule97.** When any communication relating to the appeal of a prisoner who has been transferred, is received, it shall be forwarded without delay by registered post to the Superintendent of the prison in which the prisoner is confined after noting the same in the admission register of the prison from which the prisoner has been transferred.

#### **Reminder enquiring the result of the appeal.**

**Rule98.** If the result of an appeal to the Sessions Judge is not communicated within one month, or in the case of an appeal to the High Court, within three month's of the date on which the appeal was submitted, the Superintendent shall send a reminder to the Court [with a copy to the Officer in charge prosecution] .and repeat the enquiry at reasonable intervals until it is communicated. The result of appeal shall, when received, be communicated to the prisoner concerned and entered in his history and admission register. The letter conveying the result of appeal should be filed with the prisoner's warrant.

#### **Procedure when a Court directs retrial of a prisoner.**

**Rule99.** If an appellate Court directs that a prisoner be retried and a warrant for his release on bail or for his custody ending trial is not received at the same time, the prisoner shall unless he has to undergo a sentence or another warrant, be removed to the under-trial prisoner's ward, and the Superintendent shall apply to the Court for a warrant for his custody pending trial.

#### **Petitions from prisoners sentenced by Court Martial**

**Rule100.** No appeal lies from a sentence passed by a court martial, but a person convicted by a court martial under the Pakistan Air Force, Navy or Army Act, has a right to submit one petition, only against the finding or sentence for disposal by the highest authority to whom he is authorised to apply. His legal right to submit a petition, and the authority to which a petition, shall be addressed, are explained to every accused at the time of promulgation of the sentence. The petition should be forwarded to the Officer commanding of the unit to which the prisoner belonged who will forward the same alongwith the record of the proceedings to the highest authority. Appeals for petitions addressed to the President of Pakistan or to any Civil authority, will be 'forwarded

to the Adjutant-General Headquarters, Rawalpindi. Director of Personnel, Naval Headquarters, Karachi or Director of Personnel, Air Force Headquarters, Peshawar liberty as the case may be, for disposal.

#### **Petitions for clemency,**

**Rule101.** Every prisoner shall be at liberty to submit a petition to Government for clemency, and shall, if he desires, be accorded reasonable facilities for preparing and submitting such a petition. Except in the case of petition against the execution of sentences of death, all such petitions must be accompanied by copies of the judgment of the Court of conviction and of any superior Court, which may have dealt with the case on appeal or revision. These will be supplied by the petitioners themselves:

*Note. 1.* Once a petition for clemency has been rejected no second or subsequent petition shall be forwarded to the Provincial Government for consideration unless there are fresh grounds, which the Superintendent shall himself certify quoting the previous references.

*Note 2.* While forwarding the petition for clemency of a prisoner his mercy petition role on the prescribed form alongwith a report by the Medical Officer on the present state of health of the prisoner shall also be sent. Any outstanding achievement gained by a prisoner such as in education or industry etc., shall also be brought to the notice of the Government.

*Note. 3.* All petitions for clemency shall ordinarily, be addressed to the Governor of the Province and shall be routed through the Inspector General of prisons.

#### **Appeals and petitions to Supreme Court.**

**Rule102.** (i) Appeals can only be preferred to the Supreme Court of Pakistan in pursuance of special leave to appeal granted by the Court upon a petition in that behalf presented by or on behalf of the intending appellant.

(ii) All petitions and applications for special leave to appeal shall ordinarily be lodged in the Supreme Court within 30 days from the date of the judgment or order against which appeal is to be filed: provided that the Supreme Court may for sufficient cause, extend the time. For this purpose an application for condonation of delay setting forth cogent reasons shall have to be filed alongwith the petition of appeal.

(iii) The petitioner, if he is in prison, may either direct his

relatives to file a petition for special leave to appeal in the Supreme Court, through a properly constituted attorney enrolled in that court or present his petition for special leave to appeal and the following documents to the Superintendent who shall, after obtaining signature or thumb-impression of the petitioner thereon, forward the same to the Registrar, Supreme Court of Pakistan for disposal.

- (a) A certified copy of the judgment of the High Court appealed against;
- (b) a certified copy of the judgment of the Lower Court in case of an appeal for a conviction by the High Court reversing an order of acquittal passed by the Lower Court; and
- (c) an application for condonation of delay if petition for special leave to appeal is preferred after the prescribed time.

*Note.* An English translation of the petition should also be forwarded if it is written in any other language.

(iv) No Court fee is to be affixed to any of the documents filed in the Supreme Court.

(v) The decision of the Supreme Court will be communicated to the Superintendent of the prison in which the petitioner is confined.

**Petition for special leave to appeal to Supreme Court by or on behalf of condemned prisoner. Execution to be postponed.**

**Rule103.** (i) In accordance with the Supreme Court Rules 1956, the petition for special leave to appeal should ordinarily be lodged in the Supreme Court within thirty days from the date of the judgment or order sought to be appealed from. The execution of all condemned prisoners shall remain postponed from the date of the High Court's judgment pending final orders from the Government.

(ii) If intimation is received from or on behalf of the condemned prisoner that it is intended to apply to the Supreme Court, within thirty days of the date on which the Superintendent of the prison has informed him of the confirmation of his sentence by the High Court for special leave to appeal, proof must be furnished to the Provincial Government that the appeal has been filed in the Supreme Court. The Superintendent of the prison shall

also communicate the case to the Registrar of the Supreme Court and shall request him to confirm that an appeal has actually been filed on behalf of the prisoner. If appeal has been filed through the prison, the Superintendent shall inform the Provincial Government of this fact.

**Petition for mercy from or on behalf of condemned prisoner.**

**Rule 104.** (i) Immediately on receipt of intimation of the dismissal by the Supreme Court of his appeal or application for special leave to appeal or of the breaking down of his application for special leave to appeal, in case the condemned prisoner has made no previous petitions for mercy, the Superintendent shall inform the condemned prisoner concerned that if he desires to submit a petition for mercy it should be submitted in writing within seven days of the date of such intimation.

(ii) If a condemned prisoner submits a petition within the period of seven days prescribed by Sub-Rule (i) the Superintendent of the prison shall forthwith dispatch it to the Home Secretary to the Provincial Government, together with a covering letter reporting; the date fixed for the execution by the Sessions Judge, and shall certify that the execution has been stayed pending the receipt of the orders of the Provincial Government on the petition. If no reply is received within thirty days from the date of the dispatch of the petition, the Superintendent shall remind the Home Secretary to the Provincial Government, drawing attention to the fact, but he shall in no case carry out the execution before the receipt of the Provincial Government's reply. If after consideration the Provincial Government rejects the petition, it shall be forwarded to the Secretary to the Government of Pakistan, Ministry of Interior, Interior Division. In case, however, the Provincial Government decides to commute the sentence, the petition to the President shall be with-held and intimation of this fact shall be sent to the petitioner and to the Superintendent of the prison where the prisoner is confined.

(iii) If the condemned prisoner submits a petition after the period prescribed by Sub-Rule (i) above the Superintendent of the prison shall at once forward it to the Provincial Government stating that pending a reply the sentence will not be carried out. If such petition is, however, received by the Superintendent till evening on the day preceding that fixed for the execution, he shall at once forward it to the Provincial Government and at the same time telegraph the substance of it. giving the date of execution and stating that the sentence will not be carried out pending the receipt

of the orders of the Government.

(iv) If the condemned prisoner submits a petition after the period prescribed, it will be within the discretion of the Provincial Government to consider the petition and to postpone execution, and also to withhold or not to withhold the petition addressed to the President whether the Provincial Government considers the Petition addressed to it or not. In the following Provincial Government, whether it considers the petition or not, shall forward the petition to the Secretary to the Government of Pakistan, Interior Division, and shall simultaneously postpone execution pending the receipt of the orders of the President:-

- (1) Where the sentence of death was passed by an appellate court on an appeal against the prisoner's acquittal, or on an application for enhancement of sentence preferred by the Provincial Government, or as a result of an enhancement of sentence by the appellate court on its own motion; or
- (2) Where the circumstances of the case are such which in the opinion of the Provincial Government render it desirable that the President should have an opportunity of considering it. Such cases would include those of a political character and cases in which for any special reason considerable public interest has been aroused.

(v) The Provincial Government shall withhold a petition submitted by a condemned prisoner when a petition containing a similar prayer has already been submitted to the President. The petitioner shall be informed of the fact of withholding the petition and of the reason thereof.

(vi) While forwarding a petition for mercy to the President from a prisoner under sentence of death, the Provincial Government shall forward with it the records of the case and its observations and comments on the grounds urged for commutation, and if it had previously rejected a petition addressed to itself and a brief statement of the reasons thereof.

(vii) The Provincial Government shall transmit petitions for mercy alongwith the records of the case, to the Secretary to the Government of Pakistan Interior Division, as expeditiously as possible, and upon receipt of the President's orders shall immediately send an acknowledgment in the same manner as is used for communicating the orders. If the petition is rejected, orders



will be communicated by a duly registered, express letter and receipt thereof shall be acknowledged by express letter. Orders commuting death sentences shall be communicated by telegram in all cases and the receipt thereof shall also be acknowledged by telegram.

(viii) Petitions for mercy submitted on behalf of a prisoner under sentence of death by his relative or friend shall be dealt with in the manner provided by these rules for dealing with a petition from the prisoner himself. A petitioner on behalf of a condemned prisoner shall be informed of the orders passed in the case. If the petition is signed by more than one person it will be sufficient to inform the first signatory. The prisoner shall also be informed of the fact of the petition having been submitted on his behalf and of the orders passed thereon.

(ix) In the event of its coming to knowledge of the Superintendent at any time before the execution of the sentence that altogether exceptional circumstances have arisen which plainly demand a reconsideration of the sentence, he is at liberty, anything in the foregoing rules notwithstanding, to report the circumstances by telegraph to the Provincial Government and ask for its orders and to defer execution till they are received.

(x) The Superintendent shall at once repeat back to the Home Secretary to the Provincial Government all telegrams communicating orders to him regarding petitions for mercy, by way of acknowledgement of their receipt.

(xi) When acknowledging the orders of the Government and the intimation that the petition has been forwarded for the orders of the President of Pakistan.

(xii) On receipt of intimation about the rejection, by the President, of a petition submitted by or on behalf of a condemned prisoner or a prisoner undergoing sentence of imprisonment, the Provincial Government shall inform the Superintendent of the Prison concerned about it. The Superintendent shall make an entry in the relevant register accordingly.

(xiii) If, after the rejection of the petition by the President, orders are received from the Provincial Government regarding the commutation of the death sentence of a condemned prisoner or the release of a prisoner before the due date of release, without any indication as to the approval of the President having been obtained in this behalf, the Superintendent shall at once send to the Government a telegram pointing out that the petition of the prisoner had already been rejected by the President and enquiring

whether the prior approval of the President has been obtained by the Provincial Government to the commutation of the death sentence/release of the prisoner. A copy of the telegram will be endorsed by him to the Ministry of Interior.

(xiv) If the reply from the Provincial Government is in the affirmative, the orders of that Government shall be implemented forthwith and intimation in this regard sent to the Provincial Government as well as to the Ministry of interior.

**Fixing of date of execution.**

**Rule105.** In the event of the final orders of Government to carry out executions, the Superintendent shall appoint a day for execution not more than a week later than the date on which such orders actually reach him irrespective of the date fixed by the Sessions Judge on the black warrants, so as to permit of the usual antecedent formalities, e.g., summoning of relative and friends for last interview the making of will, etc., being observed in due order and without precipitation. The date so fixed should be intimated to Government when acknowledging the order of execution.

**Punjab Amendment:** For rule 105, the following shall be substituted:-

**Execution of Condemned Prisoners.**

*Rule 105.* (i) On receipt of the final orders of the Government to carry out the execution, the Superintendent Jail, shall request the Trial Court concerned to fix a date for the execution of the sentence of death, in accordance with paragraph 39 of Chapter 24-B of the High Court Rules and Orders, Vol. III.

(ii) The date so fixed will be intimated to the Provincial the Federal Government through the fastest means of communication.

(iii) The Superintendent of Jail will make arrangements for summoning of relatives and friends of the condemned prisoner for the last interview, making of will, if any, and such like other purpose-

*Notification. No.3/23-Prs-II-HD/87, dated. 5-11-1990. Govt of the Punjab, Home Department.*

**Superintendent to visit his office on the morning of execution.**

**Rule106.** On the morning of any execution, the Superintendent shall, before proceeding to the cell of the condemned prisoner, enter his office and assure himself that there is no communication awaiting him connected with the execution.

**Instructions regarding submission of mercy petition of condemned prisoners.**

**Rule107.** The following instructions are laid down for the preparation and submission of mercy petition of condemned prisoners by the Superintendent of the prison:-

(i) Each and every mercy petition submitted by a condemned prisoner shall simultaneously be addressed to the President of Pakistan, Islamabad and the Governor of the Province and should be in duplicate.

(ii) If the petition is submitted in Urdu or any other language it shall be accompanied by a carefully prepared translation in English in duplicate, which to ensure its accuracy should be examined by the Superintendent. The documents shall be attested by the Superintendent.

(iii) The mercy petition roll, in duplicate, shall also accompany the petition.

(iv) In case where the condemned prisoner takes plea of young or old age, unsound mind or ill-health, two copies of the Medical report by the Medical Officer, of the prison shall also be submitted, stating therein the correct age, ailment, infirmity, etc., as the case may be.

(v) If in the opinion of the Superintendent and the Medical Officer the prisoner was below 18 years of age on the date of occurrence of the crime or above 60 years on the date of submission of mercy petition, a copy of the birth certificate or particulars of birth viz date of birth of the prisoner and the name of the union council or committee and the district where the entry of birth was recorded may be obtained from the relatives of the prisoner and forwarded to Government.

(vi) All correspondence pertaining to condemned prisoner shall always be made in pink coloured envelopes inscribed. "Death case Immediate" standardized for use in all prisons.

**Procedure of opening dak relating to condemned prisoners in prison.**

**Rule108.** There must be in each prison -an official designated by name who will be responsible for receiving and opening all communications received in the prison at all times of the day and night, from Government or elsewhere in general and in respect of condemned prisoners in particular. All such communications shall immediately be brought to the notice of the Superintendent or in his absence, the Deputy Superintendent.

**All letters to be signed by the Superintendent or Deputy**

**Superintendent.**

**Rule109.** All letters acknowledging the receipt of letters of Government in death cases must be signed by the Superintendent or the Deputy Superintendent of the prison.

**Orders to be communicated by telegraph.**

**Rule110.** Orders of the Governor rejecting the petition for mercy from condemned prisoners will, be communicated by an express letter and should be promptly acknowledged by the Superintendent by post. The orders of the President declining to interfere and ordering the carrying out of the execution will be conveyed by Government by telegram and will be repeated back to Government by wire by the Superintendent. The orders of commutation of death sentence and the postponement of execution will also be communicated by telegraph and should be acknowledged, by the Superintendent, by telegram.

**Procedure when acknowledging orders of Government.**

**Rule111.** When acknowledging any orders of Government postponing the execution, the Superintendent shall state in his acknowledging letter that the execution has been postponed pending further orders of the Government.

**CHAPTER-6***Release of Prisoners*

*Note.* The method of calculating the date of release is described in rules on admission of prisoner.

**Name of prisoner with a sentence of less than four months to be entered in release register.**

**Rule112.** On admission to prison of a prisoner with a substantive sentence of less than four months his name shall be entered in the release register under the date on which his sentence will expire. If special remission is awarded subsequently, the date shall be altered accordingly.

**Check dates to be fixed for prisoners with sentence of four months or over.**

**Rule113.** The names of prisoners whose substantive

sentences are of four months or over shall be entered in release register according to the check date at the time of admission. For every such prisoner a date called the check date shall be fixed. This date shall be the date on which the prisoner will complete two-thirds of his sentence. The check date shall be recorded on the history ticket, warrant and remission sheet and all entries shall be signed by the Deputy Superintendent.

**Management and custody of warrants.**

*Rule 114.* The date of sentence and the date of release of a prisoner and the register number given to him, shall be endorsed on his warrant and signed by the Deputy Superintendent. The warrants shall be arranged according to the date of release and put together in open folds in monthly bundles and docketed outside with the month and year. Each bundle shall occupy a separate receptacle in the warrant almirah, of which the Assistant Superintendent incharge of releases shall keep the key. No prisoner shall be allowed to have access to the warrants under any circumstances.

**Monthly examination of warrants.**

*Rule 115.* The warrants of all prisoner, whose release becomes due in any month, shall be examined on the 20th day of the month preceding to ascertain their correctness.

**Fixation of final date of release.**

*Rule 116.* The date of release of a prisoner shall be fixed atleast one month before the check date calculated for him under Rule 113 after crediting the prisoner with the remissions already earned and those which he is likely to earn in the interval. After the date has been checked and approved by the Deputy Superintendent, the prisoner's name shall be entered in the release register under the date finally fixed, the Assistant Superintendent incharge of releases and the Deputy Superintendent shall initial the entries of final date of release in the release register, remission sheet and the history ticket.

**Prisoner to be informed of his date of release.**

*Rule 117.* A prisoner whose final date of release has been finally fixed shall be informed of the date on which he is to be released. He shall also be provided with a service post card (if he wishes) to inform his relatives about the date on which he will be released.

**Prisoner in respect of whom order under section 565, Cr.P.C. is made to notify their intended residence.**

*Rule 118* (i) Fourteen days before any prisoner in respect

of whom an order under section 565, Criminal Procedure Code has been made, is to be released, the Superintendent shall explain to the prisoner the nature of the order and the requirements of the rules made by the Government under said section and shall call upon him to state the place at which he intends to reside after release.

(ii) The Superintendent shall then report to the Superintendent of Police the name and other particulars necessary for identification of the prisoner and the place at which such prisoner intends to reside after release.

*Note.* The Court making an order under section 565, Criminal Procedure Code (directing a prisoner to notify his residence after release) shall send a copy of such order with the commitment warrant to the Superintendent of the prison in which the prisoner is sent.

**Section 565 of Criminal Procedure Code.**

*565. Order for notifying address of previously convicted offender.--*(1) When any person having been convicted—

- (a) by a Court in Pakistan of an offence punishable under section 215, section 489-A, section 489-B, section 489-C, or section 489-D of the Pakistan Penal Code, or of any offence punishable under Chapter XII or Chapter XVII of that Code, with imprisonment of either description for a term of three years or upwards, (his address must be conveyed to police).

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<sup>1</sup>(b)

is again convicted of any offence punishable under any of those sections or Chapters with imprisonment for a term of three years or upwards by a High Court, Court of Sessions, <sup>2</sup>[District Magistrate, Sub-Divisional Magistrate] or Magistrate of the first class, such Court or Magistrate may, if it or he thinks fit, at the time of passing sentence of <sup>3</sup>\*\*\* imprisonment on such person, also order that his residence, and any change of or absence from such residence after release be notified as hereinafter provided for a term not exceeding five years from the date of the expiration of such sentence.

(2) If such conviction is set aside on appeal or otherwise, such order shall become void.

(3) The <sup>4</sup>[Provincial Government] may make rules to carry out the provisions of this section relating to the notification of residence or change of or absence from residence by released

convicts.

(4) Any order under this section may also be made by an Appellate Court or by the High Court when exercising its power of revision.

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1. Clause (b) Omitted by Ord., 27 of 1981, S. 3 & Sch. 2
  2. The words were omitted by L.R.O. 1972 as amended by Act 21 of 1976, but as the entry in item 185(1) of L.R.O., was omitted by Act, 23 of 1997 S. 3(19) the words were introduced.
  3. Omitted by L.R.O., 1972 as amended by Act, 21 of 1976 Sch. C. Enforced in Punjab on 26.12.1975 by Punjab Notification No. Judl. 1-3(2)/75; In Balochistan on 23.12.1975 by Balochistann Notification No. Leg. 3/15/Law/75 dated 23.12.1975. In N.W.F.P. on 26.12.1975 by Notification N. Judl. 1-3(2)775 dated 26.12.1975. In Sindh on 24.12.1975 by Notification No. S. Legis-4(8)/75 dated 23.12.1975. In Islamabad on 21.3.1996 by Federal S.R.O. 202(I)/96 dated 20.3.1996.
  4. Subs, by the A.O., 1937 for LG."

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<sup>6</sup>[(5) Any person charged with a breach of any such rule may be tried by a Magistrate of competent jurisdiction in the district in which the place last notified by him as his place of residence is situated.]

**When release falls on a holiday.**

**Rule 119** A prisoner whose date of release falls on a Sunday or any of the gazetted holidays shall be released on the proceeding day; provided that, if, for any reason, a civil prisoner or a political detainee is entitled to be released on a Sunday or a Gazetted holiday, he shall be released on that day.

**Time of release of prisoners.**

**Rule120.** (i) No prisoner shall be released after the hour of lockup or before the opening of the prison on any day.

(ii) Prisoners shall ordinarily be released in the forenoon.

(iii) Every prisoner whose release has been ordered by a Court on any working day, shall be released on the same day, as soon as possible after the receipt of the released order.

**Prisoner to produce his kit on release.**

**Rule121** (i) Every prisoner shall be required to return his complete prison kit in a clean condition before he is brought up for release.

(ii) A prisoner shall be put up before the Superintendent for release in his private clothes or if he has no clothes of his own, in the clothing for released prisoners provided by the Superintendent.

**Procedure when the sentence expires,**

**Rule122.** (i) When the sentence of a prisoner expires, the Assistant Superintendent incharge of releases shall bring him before the Deputy Superintendent together with his warrant and the admission register. After thorough checking and identification by the Deputy Superintendent, the Assistant Superintendent shall produce the prisoner before the

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5. Sub-section (5) omitted by Act, 22 of 1939, S. 3.

6. The original sub-section (6) was re-numbered as sub-section (5) by Act, 22 of 1939, S. 3.

Superintendent for release and he shall be released at the prison gate in the presence of the Assistant Superintendent.

(ii) Every order for the final discharge of a prisoner shall be signed by the Superintendent.

**Identification of prisoners on release.**

**Rule123.** Every prisoner shall before being released be carefully identified by reference to the personal description and marks of identification recorded in the admission register, and the Superintendent and the Deputy Superintendent shall satisfy themselves, respectively that the prisoner put up is 'titled to be released and that his sentence has been duly executed except in respect of any remission earned and granted under the remission system.

**Release Orders.**

**Rule124.** (i) An order of release of a prisoner, whether convicted or under-trial, shall be carried out with reasonable promptitude, and the prisoner shall ordinarily be released the same day, unless his further detention is required under some other authority. If the order is received in the absence of the Superintendent, the Deputy Superintendent shall release the prisoner on his own responsibility. The warrant of such prisoner shall be signed by the Superintendent on his next visit to the prison.

(ii) All release orders received by post shall ordinarily be complied with on the same day and if received late in the evening shall be acted upon the next day.

(iii) Release orders,-reduction warrants, bail orders and



notices intimating payment of fine shall be sent to the prison authorities through an official messenger of the Court or through registered post and not through the friends or relatives of the prisoner. Release order etc. sent locally shall be received by the Assistant Superintendent incharge of releases.

(iv) Release orders, reduction warrants, etc., sent locally shall be received in the prison during the office hours only.

(v) In case of two or more prisoners convicted in the same case, there must be a separate release order or reduction warrant, as the case may be, for every prisoner.

#### **Over-detention to be reported to the Inspector General.**

*Rule125.* The case of every prisoner detained in confinement after the date on which he is entitled to be released shall be reported to the Inspector General.

#### **Warrant of a release of prisoner transferred.**

*Rule126.* On receipt of warrant for the release of a prisoner who has been transferred to another prison, such warrant shall be forwarded without further delay by registered post to the prison in which the prisoner is confined.

#### **Release order to be duly authenticated.**

*Rule127.* The Superintendent shall not release any prisoner on the authority of any informal document. Release orders duly signed by the Coordination Officer and impressed with the seal of the Court shall alone be acted upon. All release orders before being acted upon should be carefully scrutinized by the Deputy Superintendent in order to see that the seal of the Court and signature of the Coordination Officer are genuine and that the particulars noted in the release order correspond with the original commitment warrant. In case of doubt a reference should be made to the Court concerned before the order is carried out.

#### **Release on the authority of a telegram.**

*Rule128.* No prisoner shall be released on the authority of telegram except in the case of telegram dispatched by the Home Secretary to the Provincial Government. All such telegrams should be confirmed by telegraphic enquiry.

#### **When a prisoner may be released on recognizance.**

*Rule129.* (i) If the warrant of an appellate Court directs that a prisoner shall be released on bail or on his own or another

person's recognizance, the Superintendent shall not release such prisoner until he shall receive from the Coordination Officer, intimation in writing that such tag or recognizance has been duly given, and that such prisoner may be set at liberty in accordance with the terms thereof.

(ii) The personal bond or recognizance of a prisoner whose release has been ordered should be attested by the Superintendent or the Deputy Superintendent in the absence of the Superintendent.

**Prisoners on release to be furnish with certificate.**

**Rule130.** Every released prisoner shall be furnished with a release certificate signed by the Superintendent, to the effect that he has completed his term of imprisonment, the amount of remission, if any, being stated therein. A report on his character and conduct in prison and of proficiency in any industry learnt by him in prison shall also be included in the certificate, if the prisoner so desires, but not otherwise.

**Section 491 Criminal Procedure Code**

*"491. Power to issue directions of the nature of a habeas corpus.--(1) Any High Court may, whenever it thinks, fit, direct:—*

- (a) that a person within the limits of its appellate criminal jurisdiction be brought up before the Court to be dealt with according to law;
- (b) that a person illegally or improperly detained in public or private custody within such limits be set at liberty;
- (c) that a prisoner detained in any jail situate within such limits be brought before Court to be there examined as a witness in any matter pending or to be inquired into in such Court;
- (d) that a prisoner detained as aforesaid be brought before a Court-martial or any Commissioners for trial or to be examined touching any matter pending before such Court-martial or Commissioners respectively;
- (e) that a prisoner within such limits be removed from one - 'custody to another for the purpose of trial; and
- (f) that the body of defendant within such limits be brought in on the Sheriffs return of *cepi corpus* to a writ of attachment.

<sup>7</sup>[(1A) The High Court may, by general or special order published in the official Gazette, may direct that all or any of its powers specified in clauses (a) and (b) of sub-section (1) shall, subject to such conditions, if any, as may be specified in the order, be exercisable also by) a Sessions Judge; or (b) an Additional Sessions Judge, within the territorial limits of a Sessions Division.]

(2) The High Court may, from time to time, frame rules to regulate the procedure in the cases under this section.

(3) Nothing in this section applies to persons detained under any other law providing for preventive detention.

**Return of prisoner's property on release.**

**Rule131.** (i) At the time of release of a prisoner, cash and other property (if any) belonging to him shall be delivered to him. An acknowledgement of the receipt of cash and property (if any) shall be obtained from him in the admission register.

(ii) Cash or property lost while in the custody of a prison Officer shall be compensated at the expense of the Officer responsible for such loss,

**Conditions under which clothing may be supplied to a released prisoner.**

**Rule132.** (i) Every prisoner whose clothing has been sold or destroyed or is insufficient for purpose of health or decency, shall "upon release be supplied, at the expense of the Government, with such clothing as the Superintendent may considered necessary. However, if any prisoner possesses sufficient money (more than Rs. 10). either in his cash deposit or earned while in prison, he shall if he so desires, be supplied with clothing on payment, but not otherwise.

(ii) In severe cold whetherafter a serviceable blanket may .be issued to really destitute and deserving prisoners who are old and infirm or juveniles or women and when the journey involves travelling by night.

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<sup>7</sup> Sub-section (1A) inserted by Amendment Ordinance, No. VIII of 2002, dated 9.2.2002.

Blankets issued to prisoners on release shall be condemned and written off the book.

**Meal to prisoners on release.**

**Rule133.** Prisoners shall be supplied with meals before

release.

**Scale of subsistence allowance to prisoners.**

**Rule134.** The following scale of diet money is laid down for prisoners possession not- more than two rupees on release:-

- (i) Journey by road
  - (a) No allowance when the distance to be traveled is 8 Km-050 M or less.
  - (b) If the distance exceeds 8 Km-050,M one rupee for every 24 km-140 M or part three.
- (ii) Journey by rail or lorry:
  - (a) No allowance when the journey to be traveled is 80 Km.—470 M. or less.
  - (b) When the journey exceeds 80 Km-470 M. one rupee for every day's or part of the day's journey.
- (iii) Every released prisoner, who is certified by the Medical Officer to be unfit to travel on foot, shall be given a suitable conveyance allowance for such portion of the journey, to his home, as he will have to travel by road.
- (iv) All women prisoners on release shall be provided with conveyance allowance where the distance to be traveled by them exceeds 1 Km-610 M. Conveyance may also be provided for short distances in cases in which for reasons of health or custom or other valid reason, failure to make such provision would cause undue hardship to women prisoners.
- (v) All allowances granted under these rules to any prisoner on his release shall be paid to him in the presence of the Deputy Superintendent or the Superintendent. .

**Prisoners to be given railway pass or bus fare on release.**

**Rule135.** Every prisoner whose home is more than 8 Km-050 M. from the prison from which he is released shall be Given:-

- (i) a free third class railway pass, to the station nearest to his destination, or

- (ii) bus fare according as his home is most conveniently reached by bus.

A prisoner may be given bus fare in addition to railway pass if his home is more than 8 Km-050 M. from the nearest railway station and is served by a bus route from that station.

- (iii) In case of any prisoner or class of prisoners, Government may, by special order direct that subsistence allowance, pass or Railway fare shall not be given.

- (iv) No railway pass or bus fare shall be given to an prisoner sentenced to imprisonment in lieu of fine imposed under the provisions of sections 112 and 113 of the Pakistan Railway Act of 1890.

**Railway pass and subsistence allowance to under-trial prisoners.**

**Rule136.** Under-trial prisoners released from prison may be given free railway pass and subsistence allowance as laid down in the preceding rule.

**Release of women prisoners.**

**Rule137. (i)** When a women prisoner is due for release, the Superintendent will inform the women's relatives about the date of her release, so that they may come and receive her at the prison gate.

(ii) If relatives do not turn up to receive her and if she is below thirty years of age she should be sent to her home escorted by a woman warder or a respectable woman entertained for the purpose.

(iii) In the event of release of a woman prisoner upon acquittal or otherwise when the release is effected late she may be allowed to stay for the night in the women's ward to enable her to proceed to her home the next morning.

**Notification**

Punjab Prisons have been directed to implement Rule 137 for home escort of women prisoners of 30 years or bellow by female warders, if not received by relatives on release *vide* Inspectorate of Prisons, Punjab letter No. JB/G-1/28091-119, dated 6.5.1992.

**Release of juvenile prisoner.**

**Rule138.** (i) Notice of the date of release of every juvenile prisoner shall, one month before such date, be sent to his relatives to receive him at prison on release.

(ii) If no relative appears to receive him, and if young is f unable to make his way home, he shall be escorted by a warder. If this is unnecessary, the prisoner shall be released in the ordinary way.

#### COMMENTS

Under rule 138 juvenile inmates release be notified to their relatives. If none of them turns up to receive him/her on release, a male warder should escort such inmate to home *vide* Prison Inspectorate of Punjab letter No. JB/G-1/28091-119, dated 6.5.1992.

#### **Release of Police Registered prisoners.**

**Rule139.** (i) P.R.T. slips of prisoners shall be forwarded by the prison to the Deputy Inspector General of Police, Special Branch direct at least one month before the date of release.

(ii) P.R. slips of prisoners should be sent to the Superintendent of Police of the district in which the prisoner has his home, at least a fortnight prior to release.

(iii) P.R. and P.R.T. slips should be dispatched under registered cover and if sent locally a receipt should be obtained from the Police Officer.

#### **Release of lifers and long term prisoners.**

**Rule 140.** (i) Imprisonment for life will mean twenty-five years rigorous imprisonment and every lifer prisoner shall undergo a minimum of fifteen years substantive imprisonment.

(ii) The case of all prisoners sentenced to imprisonment for life shall be referred to Government, through the Inspector General, after they have served fifteen years substantive imprisonment for consideration with reference to section 401 of the Code of Criminal Procedure.

(iii) The cases of all prisoners sentenced to cumulative periods of imprisonment aggregating twenty-five years or more shall also be submitted to Government, through the Inspector General, when they have served fifteen years substantive sentence for orders of the Government.

#### COMMENTS

#### **Grant of remissions to the prisoners. Scope.**

Provincial Government and other authorities competent under law can grant remissions to the prisoners in accordance with law and

the rules framed thereunder. Combined effect of Rs. 217 and 140 of the Pakistan Prison Rules, 1878 is that ordinarily the total remissions given to someone, who has been sentenced to life imprisonment, cannot shorten the period of, sentence of a convict to less than 15 years Principles. Life imprisonment. Definition.<sup>8</sup>

**Grant off emission. Accused persons convicted under Hadd or Qisas.** Non-payment of compensation to the legal representatives of the deceased. Failure to seek permission of trial Court. Authorities while granting huge remission i.e. more than 18 years did not make reference to the concerned trial Court for granting remission/releasing the accused persons but granted remission and released them.

Accused persons had not paid the compensation amount to the legal representatives of the deceased and Daman amount to injured complainant. Effect. Authorities were duty bound to inform the trial Court about recovery of the amount before releasing the accused persons but same was not done and accused were released straightaway which seriously prejudiced the legal representatives of deceased and injured complainant as well as caused injustice to them. Authorities ignored that not only the appeal of the accused

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8. PLD 1968 Lah. 1 and (1962) All. ELR 246 *ref.* PLD 2006 SC 365(d).

persons was pending before High Court but revision of the petitioner against the accused persons for enhancement of sentence from, life imprisonment to death was also pending. Accused persons had served only 6 years 3 months sentence and they had been granted remission for more than 18 years. Such remissions were illegal, improper and the accused persons were remanded to jail to serve out the remaining sentences. Review application was allowed in circumstances.<sup>9</sup>

**Judgment passed by High Court in exercise of Constitutional jurisdiction under Art. 199 off the Constitution. Review. Maintainability. Principles.** At the time of dismissal of the main petition regarding emissions granted to accused persons, proper facts and law points were not considered. Petitioner sought review of the judgment and in his review application had mentioned legal points. Validity. Remission granted by Authorities to the accused persons was challenged on legal points and. the same points were not properly brought before the High Court dismissing the Constitutional petition. Review application was maintainable

in circumstances.<sup>10</sup>

**Case of a prisoner seriously ill on release.**

**Rule141.** No prisoner suffering from an acute or serious illness shall be discharged from prison against his will or until in the opinion of the Medical Officer he can be safely discharged or can be admitted to a Civil hospital.

**Return of warrants of released prisoners.**

**Rule142.** (i) The warrant of a prisoner released on expiry of sentence or, on bail shall be returned to the Court which issued it, with an endorsement showing the date and cause of release and the date on which the warrant is returned.

(ii) The warrant of every prisoner who dies in prison shall be returned to the <sup>11</sup>[Officer Incharge of the Prosecution] of the district in which he was convicted.

(iii) Warrants of escaped prisoners who remain at large and are not recaptured, should be returned to the Court concerned ten years after the date of escape with a certificate

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9. PLD 1992 SC 595; PLD 1991 FSC 236; 2001 PCr.LJ 1453; 1998 PCr.LJ 921 and PLJ 2002 SC 1010 *tef.* PLD 2004 Kar. 99(b).

10. 2002 SCMR 1611 *ref.* PLD 2004 Kar. 99(a).

11. Subs, for "District Magistrate" vide Punjab Notifi. No. S.O. (Prs) 18-1/2002 dated 12.1.2002.

signed by the Superintendent showing the date on which the prisoner escaped.

(iv) If any prisoner is required to undergo two or more sentences under separate warrants, such warrants shall be returned when all the sentences have been executed.

(v) After execution of the sentences the warrants of commitment of prisoners sentenced by Court Martial shall be sent to the Officer commanding of the Unit in which the Court was held.

(vi) Warrants of under-trial prisoners released on bail should be immediately returned to the Court concerned.

**Release of prisoners suffering from disease.**

**Rule143.**(i) The Superintendent <sup>12</sup>[will refer the case for] release of prisoner suffering from serious illness with the consent of the<sup>13</sup>[Officer Incharge of the Prosecution] in whose jurisdiction the prisoner's offence was committed, provided that:-

- (a) the disease is likely to prove fatal if the prisoner; remains in prison;
- (b) there is reasonable chance of recovery if the prisoner is released.



- (c) the prisoner has not done any willful act, since he has been in prison, to produce or aggravate his disease;
- (d) the Medical Officer and the Medical Superintendent of the District Headquarter Hospital recommend the release and certify that the disease is of the nature described; and
- (e) the prisoner has not more than six months to remain in prison before the expiry of his sentence.

(ii) The prisoner shall be informed, before release that his liberation is conditional on the sanction of the Government, and that if such sanction is withheld, he will

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12. Subs, for "may" by Notifi. No. SO (Prs) 18.1/2002, dated 12.1.2002.

13. Subs, for "District Magistrate" by Notifi. No. SO (Prs) 18.1/2002, dated 12.1.2002.

have to return to prison to serve the remainder of his sentence. The prisoner's friends shall be sent for and a security bond taken from them, before he is released, that they will give him up if required to do so.

(iii) The case shall be immediately reported to the Inspector General in the prescribed form for submission to Government.

**Action in case of difference of opinion.**

**Rule144.** *If* the District Magistrate dissents from the Superintendent's recommendations, the case shall be submitted through the Inspector-General to Government for orders.

**Punjab Amendment:**

**Action in case of difference of opinion.**

*Rule144. Omitted by Punjab Notification No. SO (Prs.j 18-1/2002, dated 12.1.2002.*

**Cases not provided for in the foregoing rules.**

**Rule145.** Cases not provided for the foregoing rules will be dealt with by the Government under the provisions of section 401 of the Code of Criminal Procedure, 1898 on receipt of recommendations from the Inspector General.

**Release of prisoners on ground of old age, infirmity or illness.**

**Rule146.** The Superintendent may recommend a prisoner for premature release who owing to old age, infirmity or illness is permanently incapacitated from the commission of further crime of

the nature of that for which he has been convicted. The case shall be submitted to Government through the Inspector General. It shall be accompanied by the recommendations of the Medical Officer. The Inspector General *will, in all* such cases, obtain the Medical opinion of the Medical Board which will be convened by the Director of Health Services.

The board will send its opinion through the Inspector General Prisons.<sup>14</sup>

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14. Vide Punjab Home Department letter No. 1-9/72 MP. Dated November, 20, 1980.

## CHAPTER-7

### *Transfer of Prisoners*

*Note:* Transfer of prisoners within the Province is governed by Sections 29, 37, and 39 and outside the Province by section 40 of the Prisoners' Act, 1900.

#### **Power of Inspector General to transfer prisoners.**

**Rule147.** *The* transfer of prisoners from one prison to another within the Province shall be directed by the Inspector General.

#### **Transfer of P.R T. prisoners outside the Province.**

**Rule148.** A P.R.T. prisoner who is not a resident of the Province where he is serving his sentence, may be removed by order of the Inspector General within two months of his release to the prison of the district to which he belongs or the prison nearest his home. The Inspector General of the Province to which the prisoner is being removed, shall be informed:

Provided that if the Government appoints any prison or prisons as receiving centres for the prisoners removed from other Provinces, orders made under this rule shall in each case direct that prisoners be removed to such prison.

#### **Sanction of Government necessary for transfer of a prisoner to another Province.**

**Rule149.** The transfer of prisoners from a prison in one Province to a prison in another Province for execution of sentence,

for release or for production in a court requires the previous sanction of the Government. When such a transfer is rendered necessary by any general or special order, the Superintendent shall submit the descriptive roll in duplicate of the prison to the Inspector General, for transmission to Government.

**Transfer of prisoners to other Provinces on reciprocal basis.**

**Rule150.** Transfer of prisoners on administrative grounds from one Province to another Province may be arranged mutually between the respective Inspectors General on reciprocal basis.

**Transfer of condemned prisoners.**

**Rule151.** Transfer of prisoner under sentence of death from one prison to another shall be directed by the Inspector General subject to the control of the Government.

**Prisoners to be transferred to undergo sentence.**

**Rule152.** The following classes of prisoner shall be transferred in the manner prescribed in the succeeding rules, when necessary, to undergo sentences:-

- (i) long term prisoners;
- (ii) juvenile and women prisoners;
- (iii) prisoners detained under the Reformatory Schools Act, 1897, and the Borstal or Children Acts;
- (iv) Court Martial prisoners; (v) habitual prisoners;
- (vi) leper and tubercular prisoners;
- (vii) prisoners whose transfer is necessary to relieve overcrowding;
- (viii) prisoners with special qualifications whose services are required elsewhere;
- (ix) influential, violent or dangerous prisoners;
- (x) prisoners whose transfer is necessary in the interest of their health; and
- (xi) prisoners whose transfer is necessary or desirable for any other reason, e.g., insecurity of the prison, character of the prisoner, or his having friends or relatives amongst the staff.

The Superintendent may transfer prisoners under clauses (i) to (v) without the sanction of Inspector General. Transfers under clauses (vi) to (xi) shall not be made without the previous sanction

of the Inspector General.

Leper or tubercular prisoners whose condition is serious may, however, be transferred in anticipation of sanction, but formal sanction for such transfers must be obtained.

**Transfer of prisoners for local or disciplinary reasons.**

**Rule153.** The Superintendent may recommend to the Inspector General transfer to another prison of any prisoner whose detention in the prison is considered to be inexpedient for local or disciplinary reasons or for any other sufficient cause. The reasons for transfer should always be communicated to the Superintendent of the prison to which the prisoner is transferred and should also be recorded on the history ticket of the prisoner.

**Transfer of adolescent, habitual and other prisoners.**

**Rule154.** (i) All male adolescent prisoners under the age of 18 years with sentences of three months or over shall immediately on conviction be transferred to the Borstal Institution and Juvenile Prison.

(ii) All women prisoners with sentence of two months or over shall immediately on conviction be transferred to the women's prison.

(iii) All adult habitual prisoners shall be transferred to the habitual prison.

(iv) All Court Martial prisoners shall immediately on admission be transferred to prison situated near their homes and if long termers, to central prisons nearest their homes.

**Transfer of leper and tubercular prisoners.**

**Rule155.** Leper and tubercular prisoners shall be transferred to prisons specially reserved for them. Medical history and record of the case must invariably accompany these prisoners. In case of tubercular prisoners the skiagram will also be sent. Early diagnosis of all cases of tuberculosis is essential not only to give the patients a reasonable chance of recovery but also to remove a source of infection to others. If the case is serious one, transfer may be made in anticipation sanction and formal sanction may be obtained afterwards.

**Transfer of local prisoners whose sentences exceed' five years.**

**Rule156.** Prisoners whose sentences exceed five year shall not be confined in a prison which is situated in the horn district or which is close to their "homes.

**Adult male prisoners where to be confined.**

**Rule157.** Subject to the limitation of the length of sentences, adult male prisoners will ordinarily be confined in the prisons to which they are committed or transferred to other prisons in accordance with the policy of transfer of prisoners which will be framed by the Inspector General.

**Power of Inspector General as to detention and transfers.**

**Rule158.** Nothing contained in these rules regarding the confinement of prisoners in prisons, shall be deemed in any way to interfere with the powers of the Inspector General to direct, in his discretion, by general or special order, that any class or classes of prisoners shall be confined in or transferred to any prison or class of prisons.

**Transfer of prisoners for purpose (s) of release.**

**Rule159.** Every P.R.T. prisoner shall be transferred to the prison of his home district thirty days to his release. Sanction of the Inspector General is not necessary for such transfers.

**COMMENTS**

**Human right case. Jail Authorities are obliged to transfer before his release.** Keeping a prisoner nearer to his home district, therefore, is quite in accord with the Rules. Inspector General (Prisons) is vested with vast discretion to direct: by general or special order that any class of prisons. Supreme Court observed that Authorities of all the four Provinces should follow a uniform policy as far as practicable, to keep the prisoners nearer to their home districts which besides being in consonance with the spirit of the Rules would go a long way to alleviate human problem.

Rule 159 of the Pakistan Prison Rules makes it obligatory on the Jail Authorities to transfer a prisoner to the prison of his home district 30 days before his release. Therefore, keeping a prisoner nearer to his home district is quite in accord with the spirit of the Prison Rules.

**Procedure when P.R.T. prisoner is unfit to travel.**

**Rule160.** If a P.R.T. prisoner is unfit for transfer on account of illness thirty days before release, he shall be transferred if he recovers in time and is fit to undertake the journey. If he remains unfit till the date of his release, the Superintendent of Police of his" district, and the local Superintendent of Police shall be informed and the prisoner shall be released in the usual way.

**Prisoner not ordinarily to be transfer**

**Rule161** (i) Subject to the provisions of rule 152, prisoners

shall not ordinarily be transferred from the prison to whom they were in the first instance committed until the result of the appeal is known or if appeal is not preferred, time for appealing has elapsed.

(ii) Prisoners confined in default of furnishing security or of payment of fines shall, not also be ordinarily transferred.

**Transfer of old, infirm and sick prisoners**

**Rule162.** (i) Informs and prisoners over sixty years of age shall not be transferred without the special sanction of the Inspector General.

(ii) Sick prisoners shall not be transferred till they are fit to travel. In case their transfer is necessary for any reason, application for special sanction must be accompanied by a brief medical history of the case and the ground for desiring the transfer.

**Medical examination of prisoners, before transfer**

**Rule163.** Every prisoner shall be medically examined before transfer and unless certified fit to undertake the journey, shall not be removed from the prison.

**Prisoners not to be transferred when epidemic prevail.**

**Rule164.** (i) No prisoner shall be transferred without the special sanction of the Inspector General from one prison to another when there is an outbreak of epidemic in either the transferring or the receiving prison and for two weeks after the prisons have been declared free from infection. Special precautions shall be taken to guard against infection when a transfer has to be made along a route where any infection is known to prevail.

(ii) On the outbreak of an epidemic in a prison, the Superintendent shall immediately inform the Inspector General who shall stop all transfer to and from that prison until the prison has been declared free from infection.

**Descriptive roll to be submitted**

**Rule165.** When applying for the transfer, of a prisoner to another prison, his descriptive roll shall be submitted to the Inspector General giving reasons for desiring the transfer. The roll shall, however, also be submitted in cases where transfer has been effected in anticipation of sanction.

**Documents to be sent with a prisoner on transfer**

**Rule166.** The following documents shall be sent with each prisoner on transfer: —

(a) Warrant or warrants.

(b) Remission sheet.

(c) List of prisoner's property.

(d) History ticket written up-to-date.

(e) Descriptive roll.

(f) List of prison property accompanying him.

All these documents should be numbered serially and the number of warrants mentioned specially.

**Action when a transfer ordered cannot be carried out**

*Rule167.* When an order received for the transfer of any prisoner cannot be carried out owing to illness, release on appeal or other reasons, the descriptive roll conveying the sanction for transfer shall be returned to the Inspector General stating the reason for not affecting the transfer.

**Time of arrival of prisoner(s)**

*Rule168.* Prisoners should be dispatched so as to reach the receiving prison during daytime. Night journeys should be avoided as far as possible. Dates should be so arranged that the prisoners do not arrive at their destination on Sundays or gazetted holidays.

**Notice for requisition of Police escorts**

*Rule169.* Notice of the intended transfer of prisoners or the production of prisoners before a court shall be given in writing to the Superintendent of Police three days before the guard is required. Earlier intimation should be given whenever possible. When transfer is to be effected immediately for special reasons, escort should be requisitioned by telephone.

Requisition for the Police escort should state the number and class of prisoners to be guarded, whether men or women and if there are any violent or dangerous characters amongst them.

**Note** Condemned prisoners, dacoits and lifers should be mentioned as such and classed as dangerous prisoners.

**Duty of Superintendent with regard to prisoners to be sent to court**

*Rule 170.* Upon delivery of any order under section 41 of the Prisoners Act, 1900 to the Superintendent of the Prison in which the prisoner named therein is confined, whether prisoner be confined in a prison located within the district other than that in which court passing or counter-signing the order for attendance of the prisoner is located, that officer shall cause him to be taken to the court in which his attendance is required, so as to be present in such court at the time in such order mentioned and shall cause him to be detained in custody in or near the court until he has been examined or the Judge or the Magistrate authorize him to be taken back to the

prison in which he was confined. The Superintendent of the police is responsible for providing escort and for the safe custody of prisoner till he is redelivered to the prison.

**Order to transmitted through the District Coordination Officer.**

**Rule171.** Subject to the provisions of section 37 and 39 of the Prisoners Act, 1900, when any prisoner, for whose attendance an order under section 41 of the same Act is made, is confined in any district other than that in which a court making or counter-signing the order is situated, the order shall be sent by the court by which it is made to the [District Coordination Officer] within the local limits of whose jurisdiction the person is confined and the District Coordination Officer shall cause it to be delivered to the Superintendent of the prison in which the prisoner is confined.

**Intimation to the receiving prison.**

**Rule172.** When prisoners are transferred from, one prison to another, the 'Superintendent shall send intimation to the Superintendent to the receiving prison by a letter or a telegram as may be considered necessary, informing 'him of the date and the time 'of their arrival at destination.

**Scale of Police escort for prisoners.**

**Rule173.** The scale of police escort for prisoners is,—  
For one prisoner Two Constables.  
From two to four prisoners Two constables.  
From five to nine prisoners/ One head constable and three constable  
From ten to twelve prisoners One head constable and four constables.

If the prisoner or prisoners are desperate' and dangerous, the Superintendent of Police furnishing; the escort may increase the strength at his discretion.

Police escort shall be held responsible for the safe custody of prisoners until they are again made over to the prison.

**Prisoners to be handcuffed before removal.**

**Rule174.** Male prisoners except A Class prisoners and political detainees shall be handcuffed before removal from prison:

**Imposition of fetters on transfer.**

**Rule175.** (i) Prisoners admitted to Class 'A or Class B' shall not wear fetters when traveling by rail or road unless the Superintendent of Police for reasons to be recorded in writing so requires.



(ii) Prisoners confined for offences punishable under sections 224, 225-B, 302, 303, 304,307, 308/392, to 402 of the Pakistan Penal Code, 1860, shall while traveling by rail or road wear fetters if the Superintendent of Police in the case of an undertrial prisoner and the Superintendent of Jail, in the case of a convicted prisoner for reasons to be recorded in writing considers it necessary.

(iii) Condemned prisoners and escapee prisoners shall wear fetters on transfer.

(iv) When bar fetters are imposed the prisoners shall be transported by a Police van or other conveyance.

(v) Women prisoners and juvenile prisoners shall not wear fetters.

(vi) When the Medical Officer certifies in his report book that a prisoner, owing to age or infirmity, is unfit to be fettered he shall not be fettered.

***Sections 302,303,307,308 of Pakistan Penal Code***

***302. Punishment of qatl-i-amd.*** Whoever commits qatl-i-amd shall, subject to the provisions of this Chapter, be--

- (a) punished with death as qisas;
- (b) punished with death or imprisonment for life as ta'zir having regard to the facts and circumstances of the case, if the proof in either of the forms specified in Section 304 is not available; or
- (c) punished with imprisonment of either description for a term which may extend to twenty-five years where according to the Injunctions of Islam the punishment of qisas is not applicable [:

"Provided that nothing in this clause shall apply to offence to qatl-i-amd if committed in the name or on the pretext of honour and the same shall fall within the ambit of clause (a) or clause (b), as the case may be."

***[303. Qatl committed under ikrah-i-tam or ikrah-i-naqis.***

Whoever commits qatl,—

- (a) under ikrah-i-tam shall be punished with imprisonment for a term which may extend to twenty-five years but shall not be less than ten years and the person causing "ikrah-i-tam" shall be punished for the kind of qatl committed as a consequence of his ikrah-i-tam; or
- (b) under "ikrah-i-naqis" shall be punished for the kind of qatl committed by him and the person causing "ikrah-i-

naqis' shall be punished with imprisonment for a term which may extend to ten years.

[307. *Cases in which qisas for qatl-i-amd shall not be enforced.* Qisas for qatl-i-amd shall not be enforced in the following cases, namely:-

- (a) when the offender dies before the enforcement of qisas;
- (b) when any wali voluntarily and without duress, to the satisfaction of the Court, waives the right of qisas under Section 309 or compounds under Section 310; and
- (c) when the right of qisas devolves on the offender as a result of the death of the wali of the victim, or on the person who has no right of qisas against the offender.

(2) To satisfy itself that the wali has waived the right of qisas under Section 309 or compounded the right of qisas under Section 310 voluntarily and without duress the Court shall take down the statement of the wali and such other persons as it may deem necessary on oath and record an opinion that it is satisfied that the waiver or, as the case may be, the composition, was voluntary and not the result of any duress.

***Illustrations***

- (i) A kills Z, the maternal uncle of his son B. Z has no other wali except D the wife of A. D has the right of qisas from A. But if D dies, the right of qisas shall devolve on her son B who is also the son of the offender A. B cannot claim qisas against his father. Therefore, the qisas cannot be enforced.
- (ii) B Kills Z, the brother of her husband A. Z has no heir except A. Heir A can claim qisas from his wife B. But if A dies, the right of qisas shall devolve on his son D who is also son of B, the qisas cannot be enforced against B.

308. *Punishment in qatl-i-amd not liable to qisas, etc.* (1) Where an offender guilty of qatl-i-amd is not liable to qisas under Section 306 or the qisas is not enforceable under clause (c) of Section 307, he shall be liable to diyat:

Provided that, where the offender is minor or insane, diyat shall be payable either from his property or, by such person as may be determined by the Court:

Provided further that, where at the time of committing qatl-i-amd the offender being a minor, had attained sufficient maturity, or being' insane had a lucid interval, so as to be able to realise the

consequences of his act, he may also be punished with imprisonment of either description for a term which may extend to [twenty-five] years as ta'zir;

Provided further that, where the qisas is not enforceable under clause (c) of Section 307, the offender shall be liable to diyat only if there is any wali other than offender and if there is no wali other than the offender, he shall be punished with imprisonment of either description for a term which may extend to [twenty five years as tazir].

(2) Notwithstanding anything contained in sub-section (1), the Court, having regard to the facts and circumstances of the case in addition to the punishment of diyat, may punish the offender with imprisonment of either description for a term which may extend to [twenty five] years, as ta'zir.

392, *Punishment for robbery.* Whoever commits robbery shall be punished with rigorous imprisonment for a term which [shall not be less than three years nor more than] ten years, and shall also be liable to fine; and, if the robbery be committed on the Highway [xxx] the imprisonment may be extended to fourteen years.

402. *Assembling for purpose of committing dacoity.* Whoever, at any time after the passing of this Act, shall be one of five or more persons assembled for the purpose of committing dacoity, shall be punished with rigorous imprisonment for a term which may extend to seven years, and shall also be liable to fine.

#### **Food of prisoners on transfer.**

**Rule 176.** (i) Prisoners on transfer or about to be sent to court shall be given cooked food before leaving the prison.

(ii) If the journey is a short one and the prisoner will reach the prison before the next meal, he shall get his food from that prison on arrival.

(iii) If the journey is such that the prisoner cannot reach the prison before meal time, the Officer-in-charge of the Police escort shall receive diet money for each prisoner at the rate of [three rupees] per meal. All advances for diet money or for incidental expenses shall be accounted for by the official to whom the money is entrusted.

(iv) It is the duty of the Police escort to see that new prisoners get their food before they are taken to the prison if they are likely to arrive there too late for a meal.

**Diet of prisoners removed from prison.**

**Rule177.** The Inspector-General shall from time to time fix the scale of diet for prisoners removed under these rules. The Officer-in-charge of the escort shall provide and ensure" that each prisoner receives diet in accordance with such scale. When the court is situated in the same station 'where the prisoner is confined, the Superintendent shall supply the prisoners cooked food before sending them to court When the court is situated at a distance, diet, money at the rate of fifty paises [three rupees] per prisoner per meal shall be, paid to the Police escort by the Superintendent.

**Money advance for road expenses and railway pass.**

**Rule178.** A sum of money, sufficient to meet all expenses together with a railway pass for the tickets required if the journey is to be performed by rail, shall be handed over to the warder incharge or the Officer-in-charge of the escort as the case may be, by the Superintendent of the despatching prison.

**Different kinds of conveyance by rail.**

**Rule 179.** (i) Prisoners may be conveyed in rail in—

- (a) ordinary third class carriages; or
- (b) reserved third class compartments.

(ii) (a) When the number of prisoners escorted does not exceed, twelve, and they are not desperate characters, they may be conveyed in an ordinary third class carriage. The escort shall sit on each side of the prisoners and guard the doors.

(b) Condemned prisoners, lifer prisoners, prisoners of exceptionally dangerous character or when the number of prisoners exceeds twelve shall be conveyed in compartments' with prison fittings subject to availability, otherwise in ordinary, reserved compartments.

(iii) Prisoners *may* also be conveyed in buses provided their number is sufficiently large to justify requisitioning of a bus and they are not of desperate type.

**Notice of Railway authorities Class of train.**

**Rule180.** (i) The Superintendent shall give at least three days notice to the Station Master of the number of persons, both prisoners and guard, for whom reserved accommodation is required and the particular train by which it desired to despatch them.

(ii) Prisoners on transfer shall be despatched by ordinary passenger trains except when it may be necessary for special reasons to despatch them by mail train.

**Superior class prisoners may travel in a higher class.**

**Rule181.** Normally third class railway accommodation shall be provided for prisoners. Superior class prisoners may, however, travel in second class and if they pay the difference in railway fare both for themselves and for the Police escort they may be allowed to travel in a higher class.

**Adjustment of travelling expenses.**

**Rule182.** (i) The expenses for the Police escort shall be paid by the Police Department. All expenses connected with the transfer of prisoners shall be borne by the despatching prison.

(ii) The Superintendent shall furnish the warder incharge or the Police Officer, as the case may be, with a railway pass on the credit note system or bus fare if a bus is requisitioned for the prisoners and the warder if one accompanies the party. The Superintendent of the receiving prison shall issue a railway pass for the return journey of warder. In case the transfer is outside the Province, the railway pass for the return journey should be issued in advance by the despatching prison.

(iii) When reserved accommodation is requisitioned, payment should be made according to the number of compartments required for the whole party of guard and the prisoners irrespective of the number carried in compartment at the rate of fares, on the full marked carrying capacity of the compartment, subject to a minimum charge of Rs.5 per compartment per journey.

(iv) Prisoners and guard, when the number of prisoners does not exceed twelve shall be paid for at the ordinary rates for the actual number travelled.

(v) When for any reason prisoners are conveyed by mail train, higher rates chargeable for journeys by such trains, must be paid.

(vi) The police will pay for their tickets in cash and a railway pass for the balance of tickets required shall be issued by the Superintendent but no charges shall be made for police escort provided with seats in compartment hired for prisoners.

(vii) An endeavour should be made to transfer prisoners in such numbers at a time that the Prison Department may not be put

to loss owing to vacant seats.

**Police Department to defray conveyance of under-trial prisoners.**

**Rule183.** *The* Police Department shall defray all charges of every kind relating to the conveyance of all under-trials to and from courts.

**Classes to be kept separate on transfer.**

**Rule184.** Women prisoners shall, when on transfer, be kept completely apart from male prisoners and male juveniles from adult males. Further separation of the various classes should be carried out as far as practicable.

**Conveyance to prisoners travelling by road.**

**Rule185.** (i) Prisoners who have to travel by road, on transfer shall be provided with conveyance or conveyance allowance. Carriage hire will not, however, be allowed when the distance does not exceed one mile.

(ii) Women prisoners shall be provided with a suitable conveyance and shall travel during day time. A woman warder should invariably accompany them on transfer.

(iii) Condemned prisoners shall be moved to and from a railway station in Police lorries, where Police lorries are not available, they shall be conveyed in some other suitable conveyance.

**Prisoners to be searched before transfer. Receipt to be taken.**

**Rule186.** (i) Before transfer the prisoners shall be paraded inside the prison, and the Deputy Superintendent shall satisfy himself that all the prisoners have sufficient clothing and are properly dressed.

(ii) Prisoners shall ordinarily wear their own clothes while on transfer. Those who have no clothes of their own, or whose clothes have been disposed of otherwise, shall wear prison clothes.

(iii) They shall be carefully searched in the presence of the Assistant Superintendent incharge of transfers and of the Officer-in-charge of the Police escort, from whom a receipt shall be taken for the prisoners property and documents handed over to him. They must thoroughly satisfy themselves that the letters are securely riveted and the ankle ring do not come off the heels, if the prisoners are fettered.

**Warder to accompany prisoners on transfer**

**Rule187.** (i) A warder shall accompany prisoners on transfer when their number exceeds twenty-five. He shall be incharge of the Government property, documents and private effects of the prisoners.

(ii) The Deputy Superintendent must satisfy himself, before the prisoners leave the prison, that all necessary arrangements have been made to provide them with the means if water-supply, food, etc en route and that the warder accompanying them understands his duties in this connection.

**Duties of Warder or Police Officer incharge of prisoners.**

**Rule188.** *The presence of a warder does not affect the responsibility of the Police escort for the safe custody of the prisoners on transfer. The duties of the warder shall be:-*

- (a) to arrange and provide the prisoners with food and water when necessary. He shall carry enough buckets or earthen pitchers for storing water;
- (b) to preserve carefully and be responsible for the safe custody and safe delivery of the documents and property of all sorts sent with the prisoners;
- (c) to return safely to the prison from which the party was dispatched, the clothing and other Government property sent with the prisoners;
- (d) to obtain receipts from the Assistant Superintendents incharge of admissions of the receiving prison for the prisoners' property and documents made over to him;
- (e) to take every precaution to secure the immunity of the prisoners from sickness and injury; and
- (f) to allow only the authorised food in the journey.

**Documents etc. to be examined on arrival.**

**Rule189.** On the arrival of the prisoners at their destination, the Assistant Superintendent incharge of admission shall examine carefully, the warrants, history tickets, the lists of property, both Government and private, compare these with the property actually received and shall furnish the necessary receipts.

**Receipts for prisoners, etc., Government property to be returned.**

**Rule190.** The receiving prison shall duly acknowledge

the receipt of the prisoners and, of the documents and property relating to them. One copy should be made over to the Police and the other sent to the dispatching prison. Identical articles of clothing and other Government property sent with the prisoners shall be returned to the dispatching prison.

*Note.* Fetters actually received with the prisoners need not be returned, but an equivalent number of these articles in good condition and upto standard should be returned instead

**Procedure when property is retained by receiving prison.**

**Rule191.** *If it is necessary to retain any of the property in the receiving prison, a report of the fact shall be made to the Superintendent of the transferring prison. Property so retained must be accounted for in the registers of both the prisons and in the indents for such articles subsequently submitted.*

**Procedure when property is missing.**

**Rule192.** *If it be found on the arrival of the prisoners a their destination that the property received does not correspond with the lists, immediate notice of the fact shall be given to the Superintendent of the transferring prison, who shall institute an enquiry in the matter.*

**Illness of a prisoner on transfer Ultimate disposal.**

**Rule193.** *When a prisoner on transfer becomes ill as to be unable to complete the journey, he should be left at the nearest Police Station and taken when sufficiently well to be moved, to the nearest prison where he shall be received. His warrant, property and all papers connected with him should be made over to the Superintendent of the prison, where he is detained who shall inform the Superintendent of the prisons from and to which the prisoner was proceeding, of the occurrence. On recovery the prisoner shall be forwarded with his papers, etc., to his destination. In the case of death, the fact, with date, shall be noted on his warrant, which with the other papers and property accompanying him shall be returned to the prison from whence he came.*

**Death of a prisoner before he can be received in any prison.**

**Rule194.** *If a prisoner dies on transfer and before he can be received in any prison en route, the Officer incharge of the police escort should report the fact to the [Sessions Judge or the nearest Magistrate] as the case may be, in which the death takes place, with a view to an enquiry being held into the circumstances attending it. A copy of the proceedings, together with the warrant, documents and property accompanying the prisoner, should be forwarded to the Superintendent of the prison from where he came. Such*



Superintendent shall submit a copy of the proceedings of the inquiry to the Inspector General..

**Escape en route.**

**Rule195.** *If an escape occurs en route, intimation of i he same should be given as soon as possible to the nearest authorities and to the Superintendent of the prison from which the prisoner came, with a view to his recapture. If he is not immediately recaptured, his property and other documents shall be returned to the prison from which he was dispatched.*

**Recapture of a prisoner who escapes on transfer.**

**Rule196.** *A prisoner who escapes on transfer shall, recaptured, be sent to the prison from which he was dispatched. A report of the recapture of a prisoner shall b sent to the Inspector-General.*

**Transfer of prisoners to Civil Hospitals in case of serious illness.**

**Rule197.** (i) *Where it is necessary to remove a convicted prisoner or an under trial prisoner to hospital outside the prison for operative or other special treatment which cannot conveniently be given in the prison itself:*

- (a) *The orders of Government shall be obtained through the Inspector-General, in cases in which a convicted or under trial prisoner is to be admitted to the hospital for treatment provided that in, emergent cases the Superintendent of the prison is authorised to anticipate the sanction of Government and if he does so, he should make at immediate report through the Inspector-General.*
- (b) *In cases in which a convicted or under-trial prisoner is taken to hospital for treatment as an out-patient only or for X-ray examination, the Superintendent of the prison is empowered to authorise this visit himself.*

(ii) *The discretion given to the Superintendent to anticipate the sanction of Government, does not apply to cases in which it is proposed to remove a prisoner to a hospital in another station. In such cases the orders of the Inspector General must be obtained in advance, and the Inspector General will make an immediate report to Government in all cases in which he allows prisoners to be so moved in anticipation of sanction.*

(iii) *In all cases in which a prisoner is removed to a hospital foe the purpose of an operation, the removal should take*

place as close as possible to the time fixed for operation and the prisoner should be brought back to the prison hospital as soon as this can conveniently be done.

(iv) Prisoners admitted in hospital outside the prison shall always be guarded by the Police.

(v) All expenses incurred by the hospital authorities in connection with the treatment of prisoners from prison will be borne by the Health Department.

## CHAPTER-8

### *Remission System*

#### **Definitions.**

**Rule198.** In these rules, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say—

- (a) "convicted prisoner" means a person sentenced to imprisonment and committed to prison, and includes a person committed to prison in default of furnishing security to keep the peace or to be good behaviour;
- (b) "Lifer" means a prisoner sentenced to imprisonment for life; such sentence shall mean twenty five years rigorous imprisonment; and
- (c) "sentence" means a sentence as finally fixed on appeal, revision or otherwise, and includes an aggregate of more sentences than one, and an order of committal to prison in default of furnishing security to keep the peace or be of good behaviour.

#### **Definition of remission system.**

**Rule199.** Remission system is an arrangement by which a prisoner sentenced to imprisonment, whether by one sentence or by consecutive sentences, for a period of four months or more may by good conduct and industry become eligible for release when a portion of his sentence ordinarily not exceeding one-third of the whole sentence has yet to run.

#### **Nature of Remission.**

**Rule 200.** Remission under these rules may be ordinary or special.

#### **Cases in which no ordinary remission is earned.**

**Rule 201.** --Ordinary remission shall not be earned in respect of:-

- (i) any sentence of rigorous imprisonment amounting to less than four months;
- (ii) any sentence of simple imprisonment, except for any continuous period not being less than one month, during which the prisoner labours voluntarily; and
- jjiii) any sentence of rigorous imprisonment in default of payment of fine; provided that if this sentence is in addition to a substantive sentence of four months or more, ordinary remission shall also be earned in respect of such sentence.

*Explanation* /.-If a prisoner's sentence or total of sentences is reduced on appeal to less than four months, he shall cease to be eligible for ordinary remission under these rules and any remission that he may have earned prior to the reduction of sentence or sentences shall be cancelled.

*Explanation*-/ When a sentence of less than four months has, by subsequent conviction or convictions or otherwise, been raised to a sentence of four months or more, the prisoner shall be credited with ordinary remission from the first day of the calendar month following the month in which he was admitted to a prison on his first or original conviction.

**[No remission to persons convicted under espionage /anti-state activities.**

**Rule 201-A.** On a move from the Federal Government, Rule 201-A was added to Pakistan Prison Rules 1978 as follows:

Notwithstanding any thing contained in these rules, a person convicted under the charge of espionage/antistate activities shall not be entitled to ordinary and special remission unless Federal Government or the Provincial Government or competent authority makes a specific order in writing in this behalf.

**Ordinary remission not earnable for certain offences committed after admission to prison.**

**Rule202.** *If* a prisoner is convicted for an offence committed after admission into prison or for an assault committed after admission to prison, on a warder or other Officer, the remission of whatever kind earned by him excluding remission awarded by Government under section 401 of Criminal Procedure Code, awarded for blood donation, surgical

sterilization and for passing examinations, upto the date of the said conviction may in part or whole be cancelled with the sanction of the Inspector-General.

**Re-admission to the remission system.**

**Rule203.** The Superintendent may, with the previous sanction of the Inspector-General, re-admit to the remission system any prisoner who has been removed there from as punishment for prison offences. Any such prisoner shall earn remission under these rules from the commencement of the month following such re-admission.

**Scale of ordinary remission:**

**Rule204.**(i) Ordinary remission to be awarded to a prisoner, other than a prisoner employed on prison service, shall be according to the following scale :-

- (a) two days per month for thorough good conduct and scrupulous attention to all prison regulations;
- (b) three days per month for industry and the due performance of the prescribed daily task.

(ii) Ordinary remission to be awarded to a prisoner employed on prison service, as specified in the table below, shall be according to the scale specified against each category of such service.:-

<i>Serial No.</i>	<i>Prisoners</i>	<i>Classification as per labour allotment</i>	<i>Extent of award of ordinary remission per-month</i>
1.	Numberdar	....	6 days.
2.	Muqaddam	....	7 days.
3.	Shinposh	....	8 days.
4.	Cook -	'	7 days.
5.	Educational Teacher	....	8 days.
6.	Sweeper	....	8 days plus Rs.10 per mensem to be paid under the head Contract Contingencies"
7.	Mason, Barber,	....	6 days.

Hospital  
Attendant,  
Cleaner and  
prisoners  
who work  
on Sundays  
and  
holidays.

Scale of award of remission when a prisoner is unable to labour through causes beyond his control.

**Rule205.** (i) A convicted prisoner who is unable to labour through causes beyond his control, such as his being in court, in transit from one prison to another, in hospital or in an invalid gang shall be granted remission under rule 204 on the scale earned by him during the previous month., if his conduct prior to and during the period in question has been such as to deserve such grant.

(n) A convicted prisoner whose absence from work is due to his own misconduct in prison, shall not be allowed remission for labour under rule 204 for the period of absence, when the Medical Officer reports that the prisoner's absence from labour is due to causes within his control and is caused by action of the prisoner himself with a view to avoid work or to get admission into or to remain in hospital.

(iii) A prisoner under sentence of death whose death sentence is subsequently commuted to imprisonment for life or rigorous imprisonment for any period on appeal or otherwise shall be entitled to award of ordinary remission under sub-rule (i) of rule 204 from the date of award of such death sentence.

**Section 382-B of Criminal Procedure Code.**

*382-B. Period of detention to be" considered while, warding sentence of imprisonment.* Where a Court decides to pass a sentence of imprisonment on an accused for an offence it [shall take into consideration the period, if any, during which such accused was detained in custody for such offence Appellate Court has power to apply this Section.

**Application of remission system.**

**Rule206.** (i) Remission shall be calculated from the first day of-the calendar month next following the date of the prisoner's sentence.

(ii) Prisoner who after having been released on bail or

because his sentence has been temporarily suspended is afterwards recommitted to prison shall be brought under the remission system on the first-day of the calendar month next following his re-admission, and shall on his return to prison, be credited with any remission which he may have earned prior to his release on bail-or the suspension of his sentence.

(ii) Remission awarded to prisoners specified in sub-rule (i) or rule 204 shall be calculated from the first day of the next calendar month following the appointment or employment as such.

**Power of officers to award remission.**

**Rule207.** Ordinary remission shall be awarded by the Superintendent or subject to his control and supervision by the Deputy Superintendent, Assistant Superintendent, or any other Officer, specially empowered in that behalf by him.

**Remission to be awarded quarterly.**

**Rule208.** (i) Ordinary remission, other than annual and triennial remission, shall be awarded quarterly, and as nearly as possible, on 1st January, 1st April, 1st July and 1st October, and shall be recorded on the history ticket of the prisoner concerned.

(ii) Prisoners shall be informed of the remission they have earned and they are expected to remember it.

**Procedure for awarding remission.**

**Rule209.** (i) An Officer awarding ordinary remission shall, before making the award, consult the prisoner's history ticket in which every punishment awarded must be carefully recorded.

(ii) If a prisoner has not been punished during the quarter, otherwise than by a formal warning, he shall be awarded full ordinary remission for that quarter under these rules.

(iii) If a prisoner has been punished during the quarter otherwise than by a formal warning, two days remission shall be deducted from the month in which he has been punished and the balances of remission to which he is entitled shall be awarded, provided that not more than two days shall be deducted for one month even if the number of punishment is more than one in that month.

*Explanation.* —The deduction of two days remission under this sub-rule shall be in addition to any forfeiture of remission which may have been ordered for any offence committed by the

prisoner.

(iv) All remission recorded on the prisoner's history ticket shall be entered every quarter on the remission sheet and signed by the Superintendent.

**No remission for the month of release.**

**Rule210.** No prisoner shall receive ordinary remission for the month in which he is released; provided that if in calculating that date of his release it is found that the grant of the full amount of remission for any month would bring the prisoner's date of release within the very month, remission just sufficient to admit of his being released on the 1st day of the following month shall be given.

**Annual good conduct remission.**

**Rule211.** (i) Any prisoner eligible for ordinary remission under these rules who for a period of one year commencing from the first day of the month following the date of his sentence or recommittal to prison or the date on which he was last punished for a prison offence, has not committed any prison offence whatever, shall be awarded fifteen days ordinary remission in addition to any other remission earned under these rules.

*Example.* A prisoner sentenced to two years rigorous imprisonment on Hth July, 1972 shall be eligible for annual good conduct remission of fifteen days on 1st August 1973, provided he is not punished for any prison offence during this period.

(ii) A prisoner who completes three years of his sentence without having committed during the whole of this period any prison offence whatsoever shall, in addition to the annual remission of fifteen days under sub-rule (i), be granted, at the of the third year of his sentence, a further remission of thirty days for good conduct; provided that the total remission earned shall not in any case exceed the maximum remission permissible under these rules.

(iii) Prison offences punished only with a warning shall not be taken into account for the award of remission under this rule.

**Remission to Prisoners who donate blood.**

**Rule212.** <sup>2</sup>[(i) A convicted prisoner subject to his medical fitness shall be allowed to donate blood and for such donation he shall be awarded thirty days extra remission.]

(ii) The number of times a prisoner shall be allowed to donate blood and earn remission therefore shall be in accordance with the Table II below:-

**TABLE-II**

<i>Period of imprisonment</i>	<i>Nature of imprisonment</i>	<i>Interval permissible between each donation</i>	<i>Extent of donation</i>
1 month upto 6 months	Simple/rigorous --or in lieu of fine.		Once only.
Exceeding 6 months upto 5 years.	Simple or rigorous or in lieu of fine.	Six	Three times.
Exceeding 5 years and above.	Rigorous months	Six	Four times.

2. In rule 212 for sub-rule (i) the following sub-rule shall be substituted *vide* Notification No 3/23-SO-Prs-II-HD/87. dt. 18.7.1988 Govt. of the Punjab, Home Department.

(iii) Remission granted under this rule:-

- (a) is not liable to forfeiture, like ordinary remission, and
- (b) shall be exclusive of the limit of one third remission prescribed under rule 217.

**Remission to a prisoner who undergoes surgical sterilization.**

**Rule 213.** -A prisoner who voluntarily undergoes surgical sterilisation (vasectomies tuberculigation) shall be awarded thirty days special remission. He shall also be allowed to receive a monetary award (if any) from the Family Welfare Department.

**Special remission.**

**Rule 214.** Special remission may be given to any prisoner, whether entitled to ordinary remission or not, for special services such as:-

- (i) marked diligence in teaching other prisoners to read and write"



- (ii) special proficiency in learning to read and write or passing an examination;
- (iii) marked success in teaching a handicraft;
- (iv) special excellence in work or greatly increased output of work of good quality;
- (v) protecting a prison Officer or a prisoner from attack;
- (vi) special assistance to an Officer of the prison in case of an out-break of fire or similar emergency;
- (vii) special economy in the use of clothes;
- (viii) assisting in detecting or preventing breaches of prison discipline or regulations; and
- (viii) regular prayers and observance of fasts during Ramzan.

#### **COMMENTS**

The Punjab government, home Department has debarred the offenders imprisoned under offences of drugs/narcotics from any special remission or premature-release on parole

#### **No ordinary or special remission.**

*Rule214-A* No person who is convicted for espionage or anti-state activities shall be entitled to ordinary or special remission unless other-wise directed by the Provincial, Government.

#### **Education remission.**

*Rule215.* (i) A convicted prisoner who has already passed any examination specified in the Table III below may appear in any one of the said examination in an academic year, and shall on passing such examination be entitled to earn remission once as per scale given in sub-rule (ii):

Provided that, in case of passing examinations at serial No.2 he shall be entitled to earn one remission for each such examination, but shall not be entitled to earn more than two remissions; and

Provided also that he is certified by the Superintendent to have been of good character.

### TABLE III

Serial No.	Name of the Examinations
1.	Examination of reading Holy Quran to be conducted by a committee constituted under this rule for prisoners who learn to read the Holy Quran during confinement. <b>Punjab Amendment:</b> In the existing table of] examinations given under Rule 215(i), the following] new clause shall be added after No. 1. "1-A. Examination of understanding the meanings of Holy Qur'an, or acquiring proficiency in understanding fundamentals of Islam."
<i>Notifi. No. 3/23-SO-Prs-HD/81, dt. 11.3.1986.</i>	
2.	Oriental language examination in Arabic, Urdu, Bengali, Punjab, Persian, Sindhi and Pushto languages.
3.	An examination conducted' by a Technical Institution recognized by Central/Provincial Government.
4.	Middle (in full subject).
5.	Matriculation (in full subjects).
6.	Intermediate (in full subjects).
7.	B.A. (in full subjects)
8.	LL.B.
9.	M.A.
(ii)	The scale of remission shall be as follows :-
(a)	For prisoners undergoing substantive 2 months sentence upto 2 years
(b)	For prisoners undergoing substantive" 3 months sentence exceeding two years but not -exceeding 6 years
(c)	For prisoners undergoing substantive 4 months sentence exceeding 6 years but not exceeding 10 years •
(d)	For prisoners undergoing substantive 6 months

sentence exceeding 10 years

- (iii) Remission under this rule shall be granted by the Inspector General and the Recommendation for such remission shall be accompanied by the Provincial certificate, degree or diploma.
- (iv) Remission under this rule shall be exclusive of the limit of one-third remission prescribed in rule 217.
- (v) For the Purpose of examination of reading holy Quran the Committee shall consist of:-
  - a. Superintendent of the Prison.
  - b. Khatib of a Jamia Masjid to be appointed by the District Coordination Officer
  - c. District Officer Education of Schools or his representative.

**Punjab Amendment:**

**Enhanced Education Remission and Intensive Education System.** -

**Rule 215.** (i) A convicted prisoner, who has not already passed an examination specified in the table below may appear in any one of the said examinations in an academic year and shall on passing such examination be entitled to earn remission according to the scale given in sub-rule (II), provided that he is certified by the Superintendent to be of good character.

**TABLE IV**

<b>S.No.</b>	<b>Name of Examination</b>
(i)	Any examination held by a University, Board of Secondary Education, Board of Technical Education, Director of Education or a District Education Officer.
(ii)	Oriental, language examination in Arabic, Urdu, Bengali, Punjabi, Persian, Sindhi and Pushto languages.
(iii)	Primary classes examination conducted by the District Education Officers.
(iv)	Examination of reading the Holy Quran held for prisoners who learn to read Holy Quran during confinement.
(v)	Examination of understanding the meaning of the Holy Quran

or acquiring proficiency in under-static fundamentals of Islam.

- (vi) Examination of learning the Holy Quran by heart (Ha e-Quran) held for convicts who learnt Quran by heart during confinement.
- (vii) Examination of reading and understanding of the Geeta, Bible, Grunth or any other basic religious book held for a convict who is Hindu, Christian, Sikh, or follower of any other religion during confinement."

(ii)-(a) In the case of an examination mentioned at Sr. **Rule-265** No. (i) of the Table-IV, the scale of remission shall be as follows:

- (A) For prisoners undergoing substantive sentence upto two years, for
    - (i) Securing 40% marks 2 months
    - (ii) Securing 41 % to 60 % marks 3 months
    - (iii) Securing above 60% marks 4 months
  - (B) For prisoners undergoing substantive sentence exceeding 2 years but not exceeding six years, for
    - (i) Securing 40% marks 3 months
    - (ii) Securing 41% to 60% marks 4 <sup>1/2</sup> months
    - (iii) Securing above 60% marks 6 months
  - (C) For prisoners undergoing substantive sentence exceeding 6 years but not exceeding 10 years, for
    - (i) Securing 40% marks 4 <sup>1/2</sup> months
    - (ii) Securing 41 % to 60% marks 6 months
    - (iii) Securing above 60% marks 8 months
  - (D) For prisoners undergoing substantive sentence exceeding 10 years, for
    - (i) Securing 40% marks , 5 months
    - (ii) Securing 41 % to 60% marks 6 months
    - (iii) Securing above 60% marks 10 months
- (b) In the case of an examination mentioned at Sr.No.(ii) of the Table-IV the convict shall not be entitled to earn more than two remissions in all
  - (c) In the case of the examination mentioned at Sr.No. (iii) of the Table-IV a convict, who appears in and passes the said examination after 6 months of his admission into jail shall be awarded two months remission.
  - (d) In the case of the examination mentioned at Sr.No. (iv)

of the table remission shall be 3 months.

- (e) For the purpose of the examination at Sr.No. (v) of the Table-IV the courses of Taleem-ul-Quran shall be divided into the following four units with the scale of remission mentioned against each:—

S No. COURSES  
REMISSION

i)	First Unit/First Course/Elementary Course. What is Islam?	15 days
ii)	Second Unit/Second Course/What is Islam?	15 days
iii)	Third Unit/Third Course. What is Islam?	30 days
iv)	Forth Unit/Fourth Course. Islamic System of Justice	60 days
v)	Fourth Unit/Fifth Course. Holy Prophets of the Quran.	60 days

- (f) In the case of the examination mentioned at Sr. No. (vi) of the Table-IV remission shall be awarded according to the following scale.

(i)	For convicts undergoing sentence upto 3 years.	6 months
(ii)	For convicts undergoing sentence exceeding 3 years but. not exceeding 6 years.	9 months
(iii)	For convicts undergoing sentence exceeding 6 years but not exceeding . 10 years.	12 months
(iv)	For convicts undergoing sentence exceeding 10 years.	2 years

- (g) For the purpose of examination Sr.No.(iv), (v) and (vi) of the Table-IV, the examination shall be conducted by a Committee comprising the following:

- (i) Superintendent of the Prison or his Deputy Superintendent.

- (ii) District Khatib, Auqaf Department, Government of the Punjab or his nominee.
- (iii) Principal of the local college or a Lecturer nominated by him.
- (iv) A Representative of the Government.
- (h) In case an undertrial prisoner passes an examination, mentioned in the Table-IV, he shall be allowed remission at the same scale as admissible to a convicted prisoner, if his trial results in conviction.
- (i) A prisoner under sentence of death who passes an examination mentioned in the table shall be entitled to remission according to the above scale if his sentence is commuted.
- (j) Remission under this rule shall be granted by the I.G. Prisons and the recommendation for such remission shall be accompanied by the necessary provisional certificate, degree, diploma or a certificate issued by the Committee.

**Extent of special remission.**

**Rule 216.** (i) Special remission may be awarded by the following authorities upto the extent mentioned against each:-

Authority Awarding Remission      Extent of Award

1. Superintendent	Not exceeding thirty days in one year.
2. Inspector-General	Not exceeding sixty days in one year.
3. Government	Not exceeding sixty days in one year.
4. Federal Government	Not exceeding sixty days in one year.

*Explanation.* For the purpose of this rule, year shall be reckoned from the date of sentence. .

(ii) An award of special remission shall be entered in the history ticket and remission sheet of the prisoner concerned as soon, as possible after it is made, and the reasons for every award of special remission by the Superintendent shall be briefly

recorded thereon.

**Extent of total remission.**

**Rule217.** (i) The total remission, both ordinary and special awarded to a prisoner under these rules (other than remission for donating blood awarded under rule 212, surgical sterilisation under rule 213 and for passing an examination under rule 215) shall not exceed one third of his sentence;

Provided that Government may, on the recommendations of the Inspector-General, grant remission beyond the one-third limit in very exceptional and deserving cases.

(ii) Remission, both ordinary and special, earned by a lifer shall be so much that a sentence of imprisonment for life is not shortened to a period of imprisonment less than fifteen years.

**Remission under section 401 of Criminal Procedure Code.**

**Rule218.** Special remission is awarded by Government on occasions of public rejoicing. It is granted unconditionally under section 401 (i) of the Criminal Procedure Code, 1898, and is not governed by these rules.

**COMMENTS**

**Classification of convicts.** Remissions under Pakistan Prison Rules, 1978, are of two kinds; ordinary and special; it is provided in R. 218 of Pakistan Prison Rules, 1978, that special remission is awarded by Government on occasions of public rejoicing and is granted unconditionally under S. 401(1), Cr.P.C. and is not governed by Pakistan Prison Rules, 1978 and under the proviso to S. 401, Cr.P.C. there is no total denial of remission. Denial is only in respect of remission granted by Provincial Government under S. 401, Cr.P.C. in respect of sentences awarded under Chapter XVI of Penal Code, 1860, and in respect of a class of criminals who committed offence in the name or on the pretext of Karo Kari, Siah Kari or similar other customs and practices; in addition to the fact that under proviso to S. 401, Cr.P.C. there is no total denial of remission, a reasonable classification based on intelligible differentia is available.

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6. PLD2007Kar. 139(p).

***Section 401 of Criminal Procedure Code 1898.***

*"401.(1) Power to suspend or remit sentences.—*(1) When any person has been sentenced to punishment of an offence, the Provincial Government may at any time without conditions or upon any conditions -which the person sentenced accepts, suspend the execution of his sentence or remit the whole or any part of the punishment to which he has been sentenced.

(2) Whenever an application is made to the Provincial Government for the suspension or remission of a sentence, the Provincial Government may require the presiding Judge of the Court before or by which the conviction was had or confirmed to state his opinion as to whether the application should be granted or refused, together with his reasons for such opinion and also to forward with the statement of such opinion a certified copy of the record of the trial or of such record thereof as exists.

(3) If any condition on which a sentence has been suspended or remitted is, in the opinion of the Provincial Government, not fulfilled, the Provincial Government may cancel the suspension or remission, and thereupon the person in whose favour the sentence has been suspended or remitted may, if at large, be arrested by any police-Officer without warrant and remanded to undergo the unexpired portion of the sentence.

(4) The condition on which a sentence is suspended or remitted under this section may be one to be fulfilled by the person in whose favour the sentence is suspended or remitted, or one independent of his will.

(4-A) The provisions of the above subsections shall also apply to any order passed by a Criminal Court under any section of this Code or of any other law, which restricts the liberty of any person or imposes any liability upon him or his property.

(5) Nothing herein contained shall be deemed to interfere with the right of the President or of the Central Government when such right is delegated to it to grant pardons, reprieves, respites or remissions of punishment.

(5-A) Where a conditional pardon is granted by the President or in virtue of any powers delegated to it by the Central Government, any condition thereby imposed, of whatever nature, shall be deemed to have been imposed by a sentence of a competent Court under this Code and shall be enforceable accordingly.

(6) The Provincial Government may, by general rules or



special orders, give directions as to the suspension of sentences and the conditions on which petitions should be presented and dealt with.

#### **COURT OBSERVATION/GOVERNMENT DIRECTIONS**

The High Court held vide Cr.L.J.1998 page 921 Pehawar that no Amnesty or Government remission is valid to convicts under Qisas/Diyat cases with conviction consent. Same was upheld by Lahore High Court vide pet. 23185 of 1999 on April 2, 2001. Remission by President or Governor is otherwise valid only after date of conviction. The Punjab Government directions under Court citations also held, invalid posting of Amnesty remissions in the Qisas/Diyat convictions vide letter No. S.O. (M.P.) 3-8/99 dated July 31,2001.

#### **Remission in calculating date of release.**

**Rule219.** Account of remission shall be kept in days and in calculating the date, of release of a prisoner the number of days of remission earned shall be converted into months and days, at the rate of thirty days to a month.

#### **Release of prisoners on earning remission.**

**Rule220.** When a prisoner has earned such remission as entitles him to release, the Superintendent shall release him unconditionally.

#### **Remission to be endorsed on warrant on release.**

**Rule221.** When a convicted prisoner is released under rule 220 the total amount of remission earned by him shall be endorsed on his warrant and in the admission register of convicted prisoners in the column of disposal and the endorsement shall be signed by the Superintendent.

#### **Remission to be entered on history ticket and remission sheet of prisoner on transfer.**

**Rule222** (i) When a prisoner is transferred to another prison, the total amount of remission earned by him upto the end of previous months shall be endorsed on his remission sheet and entered in his history ticket, the entries being signed by the Superintendent, and the remission sheet together with the other documents shall be sent with the prisoner to the prison to which he is transferred.

(ii) The total amount of remission earned by a prisoner at the time of his transfer shall also be recorded in the admission

register against the endorsement of transfer.

(iii) The receiving prison shall be responsible that the information and documents referred to in sub-rule (i) are duly obtained.

(iv) Each prison at which a prisoner serves a portion of his sentence shall be held responsible for the correct calculation and record of remission earned by him in that prison.

**Remission sheet.**

**Rule 223.** Remission sheet shall be attached to the warrant of every convicted prisoner with a sentence of four months or more soon after his admission into the prison. Columns pertaining to particulars shall be filled in at the same time and entry of check date of release shall be signed by the Assistant Superintendent and the Deputy Superintendent. Remission sheet shall be retained in the warrants office of the prison for a period of one year after the release of a prisoner

## CHAPTER-9

### *The Classification and Separation of Prisoners*

#### **Classes of prisoner.**

**Rule224.** A prisoner confined in prison may be—

- (i) a criminal prisoner, which includes:
  - (a) a convicted prisoner; and
  - (b) an unconvicted or under trial prisoner;
- (ii) a civil prisoner; or
- (iii) a state prisoner detained under Regulation III of 1818, or a person ordered to be detained in prison without trial under any law relating to the detention of such person.

*Note.* Lunatics may also be temporarily detained in prisons under the orders of the Magistrate.

#### **Classification of convicted prisoners.**

**Rule225.** (i) Convicted prisoners shall be classified into:-

- (a) superior class;
- (b) ordinary class; and
- (c) political class.

(ii) Superior class includes A and B class prisoners  
Ordinary class comprises of prisoners other than superior class.

Political class comprises of prisoner who commit crimes not for personal gain but for political motives. This class is not criminal and does not require reformative or correctional; treatment.

#### **Casuals and habituals.**

**Rule226.** Convicted prisoners are classified into casuals and habituals.

(i) Casuals are first offenders and who lapse into crime not because of a criminal mentality but on account of their surroundings, physical disability or mental deficiency.

(ii) Habituals are:-

- (a) ordinary habituals prisoners; and
- (b) professionals or repeaters.

Ordinary habitual prisoners are those frequently lapse into crime owing to their surroundings or some physical or mental defects.

Professionals or repeaters are men with an object, sound in mind and in body, competent, often highly skilled, who deliberately and with open eyes prefer a life of crime and know all the tricks and maneuvers necessary for that life. They may be first offenders.

**Classification of convicted prisoners according to age.**

*Rule227.* Convicted prisoners are further classified as under:-

- (a) Juveniles under the age of 18.
- (b) Adolescent over 18 and under 21 years of age.
- (c) Adults over the age of 21.

**Nature of sentence.**

*Rule228.* There shall be two classes of convicted prisoners according to the nature of their sentence, i.e.:-

- (a) those undergoing rigorous imprisonment; and
- (b) those undergoing simple imprisonment.

**Classification of under-trial prisoners.**

*Rule 229.* Under trial prisoners shall be classified as under: -

- (a) Committed to Sessions.
- (b) Committed to other Courts.

**Classification of women prisoners.**

*Rule230.* Women prisoners will be classified in the same manner as is provided in the case of males.

**Separation of prisoners.**

*Rule231.* Prisoners shall be kept separate as under:

- (i) In a prison containing men as well as women prisoners, the women shall be imprisoned in a separate prison, or separate part of the same prison in such manner as to prevent their seeing conversing or holding any communication with the male prisoners. -
- "(ii) Juveniles shall be kept separate from all other prisoners.
- (iii) Undertrial prisoners shall be kept separate from convicted prisoners.
- (iv) Civil prisoners shall be kept separate from criminal prisoners.
- (v) Political prisoners shall be kept separate from a!

other prisoners.

**Further provisions regarding separation.**

**Rule232.** Separation of the following prisoners shall, to the extent to which it can in each prison be observed, be carried into effect:

- (i) Undertrial prisoners who have been committed to Sessions, shall be kept separate from undertrial prisoners who have not been so committed and those who have been previously convicted shall be kept separate from those who have not been previously convicted.
- (ii) Casual convicted prisoners shall be kept separate from habitual convicted prisoners.
- (iii) Simple imprisonment prisoners shall be kept separate from the rigorous imprisonment prisoners.
- (iv) Convicted prisoners who are under 16 years of age shall be kept separate from convicted prisoners who are more than 16 years of age.
- (v) Every habitual criminal shall, as far as possible be confined in a special prison in which only habitual criminals are kept. The Inspector-General may, however sanction the transfer to such special prison of any prisoner not being a habitual prisoner, whom for reasons to be recorded, the Superintendent of the prison believes to be of so vicious and depraved a character: as to make his association with other casual prisoners undesirable. Prisoners so transferred shall not otherwise be subjected to the special rules affecting the habitual criminals.
- (vi) Political prisoners may be kept separate from each other, if deemed necessary.

**Exception to the Rule regarding separation.**

**Rule233.** When in any prison only one prisoner exists in any class and separation would amount to solitary confinement, such prisoner, if he so desires, be permitted to associate with prisoners of another class in such a manner so as not to infringe the provisions of section 27 of the Prisons Act, 1894.

**Association and segregation of prisoners.**

**Rule234.** Subject to the provisions of Rule 231, convicted

prisoners may be confined either in association or individually in cells or partly in one way and partly in the other.

**Segregation of under trial prisoners.**

**Rule235.** Under-trial prisoners may be confined separately in cells, when in the opinion of the Superintendent, it is necessary in the interest of the prison discipline to do so, or under the orders of the Inspector-General, or of Government.

**COMMENTS**

**Detention of under trial accused. Delay in trial.**

Reports received from the trial Courts revealed that the main reason for delay in trial of the cases of prisoners detained in custody for long duration were non-appearance of prosecution witnesses and non-production of prisoners in the Court at the time of hearing. Person accused of an offence could not be detained indefinitely and a presumption of innocence was attached to him until proof of his guilt. High Court directed that after 31<sup>st</sup> March, 2007, non-production of a prisoner on the date of hearing could possibly be treated as detention without lawful authority or in an unlawful-manner and be dealt with accordingly. Trial Courts were also directed furnish a list of cases on a daily basis when prisoners in, custody had not been produced. Superintendents of Central Prison and special prison, were directed to furnish quarterly reports mentioning the prisoners not produced in Court on that date of hearing and reasons for such non-production. Non-production of prisoners, was not the only cause of unconscionable delay, but on several occasions non-availability of witnesses or the relaxed attitude of the parties or the courts contributed to such delay.

**Keeping prisoners in cells. Crowding of prisoners; Measures to be taken.**

Only convicts and not under-trial prisoners could be kept in cells, save in exceptional conditions. High Court directed that immediate steps be taken to construct new barracks in District jails and central jail; that as soon as barracks were completed, all convicted persons be transferred from central jail to partly relieve the said jail from burden of over population; that possibilities of further construction in the premises of central jail could be examined that Jail Authorities would prepare a list of all under-trial prisoners, convicts charged with offences punishable with imprisonment for three years or less, which would be produced in the Court on next date of hearing so that they could be transmitted

to Sessions Judges for deputation of Magistrates conduct trial of cases in jails and that it would be ensured that prosecution witnesses were available at the trial and in that events of failure of the prosecution to produce their expeditiously, power to grant bail might be liberally exercised

**Prolonged detention without trial. Effect.**

Prolonged detention, without trial could be treated as detention is, unlawful manner not merely liable to be struck down, but also to entitle the detainee to be compensated by the detaining authority. High Court directed Special Assistant to Member inspection Team to require all the trial Courts to keep record of uses where under-trial prisoners required to be produced were not produced in their respective courts and submit to High Court in monthly returns, which would be periodically Communicated to the Inspector-General Prisons who would seek appropriate explanation from the Superintendent of every Prison and communicate same to the High Court.

**Occupation of vacant cells.**

**Rule 236.** Cells not in a use for purposes of punishment : otherwise, shall be occupied by the convicted prisoners for the purpose of separation subject to the following conditions:-

- (a) Juveniles shall in preference to any other class of prisoners be confined in cells both by day and night.
- (b) Prisoners convicted under section 366 (A), 376 and 377 of the Pakistan Penal Code, shall in preference to prisoners other than juveniles be placed in cells both by day and night.
- (c) Habitual prisoners shall be placed in cells both by day and night in preference to casual prisoners.

**Sections 366-A,376 & 377 of Pakistan Penal Code are:**

"Section 366-A. *Procreation of minor girl*

Section 376. *Punishment for ape.*

Section 377. *Unnatural offences.*

*Explanation:* Penetration is sufficient to constitute the carnal intercourse necessary to the offence described in this section."

**Separation of habituals.**

**Rule237.** habitual prisoners shall be subjected to the stem of separation prescribed in the preceding rules in rotation..

**Senaration of casuals.**

**Rule238.** If at any time there are more cells in any prison than suffice for the separation of all habitual, prisoners of the casual class shall be confined in cells by night only in rotation.

**Procedure when separation by day is not feasible.**

**Rule239.** A convicted prisoner who would ordinary come under the operation of any of the preceding rules relating to the separation of prisoners, but cannot be confined in a cell by day, by reason that he is required for some prison service shall be confined in a cell by night.

*Explanation.* Separation under Rules 235 to 239, is restricted merely to the separation of individual prisoners for purpose of prison management; such separation is not to have any irksome conditions attached to it.

**Separation of prisoners to prevent the commission of an offence.**

**Rule240.** If in the opinion of the Superintendent, the presence of any prisoner in association with others is detrimental to good order and discipline, and is likely to encourage or lead to the commission of any offence, such prisoner may be kept separate in a cell.

**Separation to be as complete as possible.**

**Rule241.** Subject to the provisions of Rule 233, the separation of the various classes of prisoners shall be carried out to the fullest extent as far as possible. If there are not a sufficient number of latrines, bathing rooms and feeding arrangements to keep the classes completely apart, such arrangements for separation as are under the circumstance practicable shall be made.

**Rules for the classification of prisoners into A, B and! Class.**

**Rule242.** (i) Convicted shall be divided into three classes; A,B and C Class. Class will contain all prisoners who are:

- (a) casual prisoners of good character.
- (b) by social status, education and habit of life have been accustomed to a superior mode of living and,
- (c) have not been convicted of offence involving elements of cruelty, moral degradation, personal greed, serious or premeditated violence, serious offence against property, offences relating to the possession of explosives, firearms and other



dangerous weapons with object of committing or enabling an offence to be committed and abetment or incitement of offences falling within these sub-clauses.

(ii) Class B will consist of prisoners who by social status, education or habit of life have been accustomed to a superior mode of living. Habitual prisoners can be included in this class by order of the Government.

(iii) Class "C" will consist of prisoners who are not classified as A and B.

#### **Classifying authority.**

**Rule 243.** For A and B classes the classifying authority will be the Government. Courts may classify prisoners into A and B class pending final orders of the Government. Class "C" will be classified by the trying Courts, but such prisoners will have a right to apply for revision to the Government. Petitions of revision will be forwarded by the Superintendent to the Inspector-General for transmission to Government.

#### **COMMENTS**

**Grant of B class to the under trial prisoner.** Plea raised was that the petitioner was accustomed to better mode of life and had degree of Bachelor in Science of Computing and Information Systems which entitled him for better class in prison. Validity. Applicant's case would fall under category of under trial prisoner as given in Rule 248, Pakistan Prison RuJes because his education reflected his social status and the way of life, showing that he was accustomed to a superior mode of living. High Court, while allowing petition, directed the jail authorities to provide B class facilities to the petitioner.

#### **Superintendent may award B class to convicted prisoners.**

**Rule 244.** In case convicting Court omit to classify convicted prisoners for better class treatment. Superintendents of prisons subject to the approval of Government may classify them as B class prisoners, provided that such prisoners appear to fulfill the conditions prescribed for better class treatment.

#### **Qualifications for A and B class.**

**Rule 245.** The recommending authority shall invariably furnish to Government the following details when recommending a prisoner to A or B class.

- (a) Whether the prisoner is casual or habitual.

- (b) Previous convictions if any.
- (c) Offence and sentence.
- (d) Social and financial status of family.
- (e) Profession of the prisoner.
- (f) Income of the prisoner, if any.
- (g) Academic qualifications of the prisoner.

If the statement of the prisoner on these points require verification, further enquiries should be made from [District Coordination Officer] or any other source. The recommending authority may either defer making any recommendations until it has received the information asked for or may make the recommendations on the material available and state that the result of further enquiries will be submitted when received.

**Disagreement between the convicting Court and District Coordination Officer.**

**Rule246.** In case in which there is disagreement between the convicting Court and the District Coordination Officer, as to the classification of any prisoner, the [District Coordination Officer] shall decide the class in which convicted prisoner shall be kept pending final orders of the Government.

**Condemned prisoners governed by these rules.**

**Rule247.** The above rules shall also apply to the prisoners under sentence of death.

**Classification of under-trial prisoners.**

**Rule248.** (i) There shall be only two classes of under trial prisoners-

- (a) better class; and
- (b) ordinary class.

(ii) better class will include those under-trial prisoners who by social status, education or habit of life have been accustomed to a superior mode of living and will correspond to A and B class of convicted prisoners. Ordinary class will include all others and will correspond to C class.

(ii-a) Those undertrial prisoners who pass matriculation or higher examination in 1st Division during their stay in" the pil shall be allowed better class jail facilities with effect from the date the result is announced.

(iii) Before an under trial, prisoner is brought before a competent Court, it will be at the discretion of the Officer [not below the rank of Assistant Superintendent/Deputy Superintendent of police

having jurisdiction in the area] to properly classify him. After he is brought before the Court, he

be classified by that Court, subject to the approval of the provincial Government.

#### COMMENTS

**Superior class in jail, entitlement to.** Petitioner had impugned order of Sessions Judge whereby accused, who was convicted under S. 302, P.P.C. was held entitled to superior class in jail where accused was presently confined. Accused simply a Graduate from Karachi university and neither other qualification had been mentioned which could show accused was an exceptionally highly educated or professionally qualified person nor any evidence was brought on record to show that accused had status of superior mode of Accused had not been reported to have been suffering from serious disease which could have been an alternate ground for granting him better class in jail. High Court in exercise of its revisional jurisdiction, set aside order passed by Sessions Judge where by superior class was granted to the accused in ii' by misinterpreting provisions of R. 248(b)(iii) of Pakistan Prison Rules.

#### Classification of political prisoners.

**Rule 249.** Classification of political prisoners will determined by the authority ordering their retention in prison.

## CHAPTER-10

### *Superior Class Prisoners*

#### **Superior Class Prisoners.**

**Rule 250.** superior class prisoners are—

- (i) Convicted prisoners admitted to A or B class by order of the Government;

- (ii) convicted prisoners admitted to A or B class by order of the Courts pending the orders of Government; and
- (iii) undertrial prisoners admitted to superior class by order of the Court subject to the revisional order of the [Provincial Government].

Application of general rule.

**Rule251.** Except as provided in the chapter, all prison rules shall also apply to superior class prisoners.

**Accommodation.**

**Rule252.** (i) Superior class prisoners shall, where such accommodation is available, be kept apart from other prisoners and be accommodated in rooms or in association barracks set aside for them. The imprisonment shall in no case involve any thing in the nature of separate confinement, except when it is given as prison punishment.

(ii) In the case of B class prisoners, it shall not be necessary to keep them separate from ordinary prisoners in factories or at times when they are not required to be in their rooms or barracks.

**Tasks.**

**Rule253.** The tasks shall be allotted with due regard to the capacity, character, previous mode of life and antecedents of the prisoners.

**Sleeping outside in hot weather.**

**Rule254.** (i) A and B class prisoners may be allowed to sleep outside their rooms or barracks during the hot weather (1st May to 1st October), if the arrangements in the particular prison permit this to be done with safety and without an] additional expenditure.

(ii) This facility shall not be permitted to condemned prisoners admitted to superior class.

**Furniture.**

**Rule255.** (i) Rooms shall be supplied with following articles:-

One cot, one chair, one teapoy, one lantern if there is no electric light/ brie Shelf, and necessary washing and sanitary appliances.

(ii) Association barracks shall be provided With the

following: -

One cot per prisoner, one large table with benches, shelves, sufficient lamps to enable reading at the table, necessary night sanitary appliances, latrines and bath rooms in the enclosure.

(iii) A class prisoners may supplement the furniture by other articles within reasonable limit at their own cost, at the discretion of the Superintendent.

(iv) Commodes shall also be supplied to those prisoners who are accustomed, to their use and ask for them.

(v) They shall be allowed a lamp or light for reading upto 10 p.m.

**Punjab Amendment:** The existing rule 255, shall be substituted as under:-

**"More Furniture"**

**Rule 255.** (i) Rooms shall be supplied with following articles:—

One cot woven with niwar, one chair, one tea-pot, and table lamp, one shelf, one ash tray, one wooden rack and necessary washing and sanitary appliances.

(ii) Association barracks shall be provided with the following:-

One cot woven with niwar per prisoner, one large table with benches, shelves, sufficient light to enable reading at the tables Necessary night sanitary appliances, latrines and bath rooms in the enclosure.

(iii) A class prisoners may supplement the furniture by other articles within reasonable limit at their own cost, at the discretion of the Superintendent.

(iv) Where flush fittings are not available, commodes shall be supplied to those prisoners who are accustomed to their use and ask for them.

(v) They shall be allowed a table lamp for reading upto 10p.m.

(vi) One waste paper basket will be supplied for each cell and more for association barracks at the discretion of the Superintendent.

*Notifi. No. 3/23-SO-Prs-II-HD/8L Gaz. of Punjab Extra. Part-I, 4.9.1985, [PLD 1986 Pb. St. 46.]*



prisoners. A fixed towel hanger will be provided in each bathroom.

*Punjab Notifi. No. 3/23-SO-Prs-II-HD/81, dt 4.9.1985.*

### **Cooking arrangement**

**Rule 258.** When several superior class prisoners are confined together, a separate cook house shall be provided for them. In the case of a superior class prisoner if confined individually he may be permitted a C class prisoner-cook to cook his food.

**"Rule 258. Coking arrangement.**—When several superior class prisoners are confined together, two C class prisoners may be provided to cook food for them. If a superior class prisoner is confined individually he may be permitted a C class prisoner for coking."

*Notifi. No. SO (Prs) 2-11/2002/1071-1171, dt. 2.6.2003.*

### **Utensils.**

**Rule 259.** (1) The following utensils shall be supplied to each prisoner: -

One enamel plate, two enamel cups, one metal glass, one spoon and one enamel mug.

(ii) A class prisoners if they desire, shall be allowed to use their own utensils.

**Punjab Amendment:** The existing rule 259 shall be substituted as:-

(i) The following utensils shall be supplied to each prisoner:-

"(a) One full plate, one quarter plate, one teaspoon, one table spoon and one tumbler of stainless steel and one tea cup.

(b) The following utensils shall be supplied to the prisoners for common use by six prisoners.

One tea set (tea pot, milk pot and sugar pot). One tea kettle and one jug of stainless steel.

(c) The following articles will be provided in common kitchen for preparation and service of food (for six better class prisoners):-

One steel Tawa. one medium size Parat. one cooking kettle.

one cooking spoon, one dish for curry, one dish for sweet, one dish for rice, one fry pan, one meat safe (medium size) and one kitchen knife of stainless steel and condiment grinding equipment, one kerosene oil stove (where no Sui gas arrangement exists).

(d) Any other articles of kitchen requirement, considered necessary, may be provided at the discretion of the Superintendent Jail.

(ii) A class prisoners if they desire, shall be allowed to use their own utensils."

**Diet.**

**Rule 260.** (i) Superior diet shall be provided according to the following scale; provided that the Inspector General may, with the approval of the Government, modify or alter the scale of diet to suit the local conditions:—

Name of article	Diet scale for Meat eaters		Diet scale for Vegetarians	
	Kgr.	Grs. ....	Kgr.	Grs. 0...583
Wheat atta		0...583		0...583
Dal		0...117		0...117
Meat		0...17		
Milk		0...233		0...583
Vegetable Ghee		0^29		0...29
Sugar		0...58		0...58
Tea		0...29		0...29
Milk for tea		0...117		0...117
Vegetable Ghee		0...117		0...233
Potatoes		0...117		0...117
Condiments		0...15		0...15
Salt		0...15		0...15
Firewood		1...886		1...886

(ii) Meat eaters can exchange meat with eggs or fish when available, or liver, kidneys, brain, etc., provided cost does not



exceed that of the authorised amount of meat 175 grs.

(iii) Loaf bread weighing upto 467 grs may be substituted for wheat-atta, in the case of foreigners or Pakistanis accustomed to western diet 467 grs. rice may be substituted for 583 grs.. wheat-atta in case of rice eaters.

(iv) Prisoners will not be permitted to accumulate raw rations from day to day. Unconsumed raw rations will be/taken back in the prison stock.

(v) The diet in the case of A class prisoners may be supplemented at their own expenses with extra article of food of a simple character, provided money for its purchase is deposited with the Superintendent.

(vi) The occasional present of fruits to superior class prisoners by their relatives and friends is permitted at the discretion of the Superintendent. Alcohol, intoxicating drugs and articles of luxury shall not be permitted.

(vii) A copy of the scales prescribed shall be hung up in the rooms or barracks where such prisoners are confined.

#### **Punjab Amendment: Better Diet.**

**Rule260.** Against the below noted items the quantity be substituted as follows:

Name of Article	Diet Scale for Meat eaters	Diet scale for vegetarians
	Kgr. Grs.	Kgr.Grs.
Meat	0...175	....
Tea	0...7	0...7
Potatoes	0...117	0...117
Salt	0...15	0...15
Firewood	1...886	1...886

**Punjab Amendment:** The existing rule shall be substituted as under:-

#### **Better clothing and bedding.**

**"Rule261.** "(i) A class prisoners may, within reasonable limits, wear their own clothing and provide their own bedding, shoes, etc.

(ii) A class prisoners who prefer prison clothing, etc. and all B class convicted prisoners shall be supplied with clothing and

other equipment according to the scale given below; provided that the Inspector-General may with the approval of the Government, modify or alter the scale to suit the local conditions: -

**Male Prisoners;**

*throughout the year*

Two dasuti shirts or kurtas.  
Two dasuti Shalwars or trousers.  
Two cotton azarbands. .  
Two towels.  
Two Dasuti caps.  
Two Dasuti pillow covers  
One foam pillow.  
Two Dasuti bed sheets.  
One blanket.  
One cotton Durrie.

***During winter:***

One woollen Jersey.  
Four blankets (medium quality)  
One foam mattress 5 cm thick.

**Women Prisoners**

*throughout the year:*

Two cotton Shalwars.  
Two Dasuti pillow covers.  
Two cotton shirts.  
Six napkins.  
Two cotton Dopattas of coarse muslim.  
Two cotton Azarbands.  
Two towels.  
One foam pillow.  
Two Dasuti bed sheets.  
One blanket.  
One cotton durrie.

***During Winter:***

Four blankets.  
One foam mattress 5 c.m. thick.  
One woolen jersey."

*Notifi. No. 3/23-SO-Prs-II-HD/81 Gazette of Punjab Extra.  
Pt. I, dt 4.10.1985.*

**Mosquito Nets.**

**Rule262.** Superior class prisoners may be permitted to use mosquito nets at their own expense.

**Facilities for reading.**

*Rule263.* In addition to books from the prisoner library a prisoner may have any <sup>9</sup>[reading material legally available in the market subject to clearance of superintendent from private source] number of books or magazines upto a reasonable limit from private sources, provided that such books or magazines are not considered unsuitable by Superintendent, who if in doubt, shall consult the Inspector-General. Daily newspapers shall be supplied from a list approved by Government. These papers shall be examined by the Superintendent before issue to the prisoners.

**Electric Fans.**

*Rule264.* Prisoners may be allowed to use their own electric fans during the summer season, if such arrangement do not already exist in the ward reserved for them.

**Letters and interviews.**

*Rule265.* Superior class prisoners shall be allowed to write one letter and have one-interview weekly. Both the letter and interview are interchangeable. On urgent occasions such as death or serious illness in a prisoner's family, this rule may be relaxed at the discretion of the Superintendent. The number of persons who may visit a prisoner at any given times should be limited to six. The discussion of political matters shall not be allowed at these interviews. The subject matter of all letters shall be strictly limited to private affairs and shall not contain any reference to prison administration and discipline, other prisoners or politics.

Publications of matters discussed at interview or of the substance of letters received from prisoners shall entail the withdrawal or curtailment of this privilege.

**Menial duties.**

*Rule266.* They shall not be required to perform menial duties nor to pay for having such duties done for them. These duties will be discharged by the prison servants who shall not be used as personal servants by a superior class prisoner. One attendant and one cook prisoner may be allowed to superior class prisoners upto ten in number.<sup>10</sup>

**Punishments.**

*Rule267.* There shall be subject to the general rules regarding punishments, except that whipping shall only be inflicted with the previous sanction of the government. All penalties

inflicted on A <sup>11</sup>[Superior] class prisoners by the Superintendent shall immediately be reported to the Inspector-General. In case of misbehaviour, the Superintendent may withdraw individual privileges, subject to the sanction of the Inspector-General, when the period exceeds one month, but the power to remove a prisoner from this class rests with the Government only.

#### **Discipline.**

*Rule268.* They shall at all times behave in an orderly manner, and shall be required to show due respect to prison officials and visitors. In all respects the prisoners shall be subject to the rules which apply to ordinary prisoners.

#### **Transfers.**

*Rule269.* (i) Normally second class railway accommodation shall be provided at the time of transfer from a, prison. Prisoners may be allowed to travel by a higher class at their own expense if they wish to do so, in which case they will be required to pay the difference in fares both for prisoners themselves and their escorts.

(ii) They shall be conveyed by taxi or tonga to and from the prison to the railway station at the time of transfer. Prisoners shall not be transferred from a prison in one district to a prison in another district by motor car unless the previous sanction of Government has been obtained.

#### **Superior class undertrial prisoners.**

*Rule270.* (i) Accommodation-As far as possible; they will be provided with accommodation superior to that provided for "c" class convicted prisoners.

(ii) Diet. They shall be allowed the same diet as prescribed for B class prisoners. They may supplement it at their own expense provided that the food so obtained is of a simple character. Alcohol, intoxicating drugs and articles of luxury shall not be permitted.

(iii) Clothing. Prisoners inadequately, clad and who are unable to obtain clothing from private source be provided with B class clothing at Government expense. They may be allowed their own beddings at the discretion of the Superintendent.

(iv) Other Concessions. Subject to the discretion of the Superintendent, superior class under-trial prisoners may be provided with ordinary furniture as is allowed to B class prisoners. They will ordinarily be permitted to obtain books, magazines and newspapers, subject to censorship by the Superintendent, and

allowed the use of a light upto 10 p.m.

(v) *Letters.* Their letters will be subjected to censorship in exactly the same way as those of ordinary under-trial prisoners [by the concerned agencies.]

(vi) *Other matters.* All other rules pertaining to ordinary under-trial prisoners shall also apply to Superior class under-trial prisoners.

## CHAPTER-11

### *Simple Imprisonment Prisoners*

#### **Application of general rules.**

**Rule271.** Except as otherwise provided in this chapter, all the Prison Rules shall apply to prisoners sentenced to simple imprisonment. They shall be subject to ksulittle restriction as is consistent with the maintenance of order and discipline in the prison.

#### **Restriction against transfer.**

**Rule272.** Prisoners sentenced to simple imprisonment shall ordinarily be detained in the prisons to which they are committed.

#### **Can wear their own clothes.**

**Rule273.** (i) A prisoner sentenced to simple imprisonment shall be permitted to wear his own clothes, which if insufficient for decency or warmth, shall be supplemented by such prison clothing not exceeding the scale provided for prisoners sentenced to rigorous imprisonment, as may be necessary to make up the deficiency. Prisoners classed as habituals shall be required to wear the prescribed prison outfit.

(ii) The Superintendent may, for any sufficient reason, which he shall record in the history ticket, deprive any prisoner of this class of privilege of being allowed to wear his private clothing or any portion of it.

#### **Clothing for Military prisoners.**

**Rule274.** Military prisoners sentenced to simple imprisonment shall on no account be allowed to wear military uniform in prison. Any such prisoner who does not possess private clothing except his uniform, shall be provided with necessary clothing by the Superintendent. This will not exceed the scale provided for the prisoners sentenced to rigorous imprisonment.

#### **Utensils and bedding.**

**Rule275.** Every simple imprisonment prisoner shall be supplied with utensils and bedding on the scale provided for prisoners sentenced to rigorous imprisonment. He shall be required

to keep such clothing, bedding and other necessaries as may be issued to him, in a clean and orderly condition.

**To keep the wards and yards clean.**

**Rule276.** Prisoners sentenced to simple imprisonment shall keep their wards and yards clean except those who are unaccustomed to do such work. They shall not, however, be compelled to perform any menial duties or any work of a degrading nature.

**Simple imprisonment prisoners who elect to labour.**

**Rule277.** A simple imprisonment prisoner shall not be required to work, unless he elects to do so.

A simple imprisonment prisoner who has elected to labour:-

- (i) shall be allowed to choose such work as may be available in the prison;
- (ii) may work in association with prisoners sentenced to rigorous imprisonment but shall sleep at night in the barrack reserved for simple imprisonment prisoners;
- (iii) shall be allowed to discontinue work if he so desires;
- (iv) shall be eligible to receive the benefits of the remission system under Rule 204.
- (v) shall not be punished for neglect of work, short work or refusal to work except by withdrawal from the remission system.

**Separation of simple imprisonment prisoners who do not labour.**

**Rule278.** (i) Simple imprisonment prisoners who do not elect to labour shall remain during the day time in the part of the prison assigned to them and shall not enter the factory enclosure or communicate with labouring prisoners.

(ii) A simple imprisonment prisoner shall participate in all necessary reformatory activities of the prison, such as education, religious and moral instructions and games and sports according to his needs and aptitude as may be determined by the Superintendent under the regulations in the force in the prison.

**Walking exercise for non-labouring prisoners.**

**Rule279.** A prisoner who does not elect to labour may be

compelled to take walking exercise for not more than an hour in the morning and an hour in the evening, if the Superintendent and the Medical Officer consider it advisable in the interest of his health.

## CHAPTER-12

### *Juvenile and Youthful Offenders*

#### **Juvenile and youthful offenders.**

**Rule280.** (i) "Juvenile" in the case of male means a prisoner who at the time of conviction was under eighteen years of age and includes "youthful offender".

(ii) "Youthful offender" means a male juvenile who, when convicted was fifteen years of age.

#### **Detention of juvenile offenders.**

**Rule281.** Subject to the provisions of this Chapter, both classes if sentenced to three months or over shall be sent to the Borstal Institution and juvenile Reformatory. Only youthful offenders may be sent to the Reformatory School.

#### **Power of Sessions Judge to send the boys to Reformatory School.**

**Rule282.** *The* Superintendent should examine every youthful offender with a view to recommend him for admission to the Reformatory School. If the Superintendent decides to recommend transfer he should have the youthful offender placed before the [Sessions Judge] under section 10 of the Reformatory Schools Act of 1897, for an order of detention in the school. The [Sessions Judge] may, if such youthful offender appears to be a proper person to be an inmate of a Reformatory School, direct that instead of under going the residue of his sentence, he shall be sent to a Reformatory School and there detained for a period which shall be subject to the same limitations as are prescribed by or under section 8 of the Reformatory School Act of 1897 about the period of detention specified in it.

#### **Selection of youthful offenders for detention in Reformatory School.**

**Rule 283.** In considering whether youthful offenders should be sent to the Reformatory School, Magistrate and Superintendents should bear the following in mind:-

The most proper subjects for reformative treatment are those who are without parental or other control, and who have committed an offence or offences against property. The following

should be sent:-

- (i) First offenders, unless there is reasonable cause for supposing that they are being trained in criminal habits or are likely to lapse into crime again.
- (ii) Those suffering from serious physical deformity, mental disorder including epilepsy or other well marked nervous diseases.
- (iii) Boys under ten years of age.

**Particulars of order for detention in Reformatory School.**

**Rule284.** An order of detention in the Reformatory School, under section 8,9 and 10 of the Reformatory Schools Act must specify the following matters with the greatest care:-

- (i) The age of youthful offender on the date of his conviction for which purpose the Medical Superintendent of District Headquarter Hospital may, (if necessary), be asked to give his opinion.
- (ii) The period of his detention.-The minimum period is three years and maximum is seven years-vide section 8(i) of Reformatory Schools Act. When a youthful offender attains the age of eighteen years, he is released under section 13(2) of the same Act. The following periods have been prescribed under section 8(i):-

<i>Age at Conviction</i>	<i>Period</i>
Ten years	Not less than five years and not more than seven years.
Eleven years	Do.
Twelve years	Not less than five years and not more than six years.
Thirteen years	Four years.
Fourteen years	Four years
Fifteen years	Three years.

**Procedure for sending to Reformatory School.**

**Rule285.** When an order for detention in the Reformatory School has been passed, the youthful offender shall be sent without passing through the prison, by the [Sessions Judge] to the Reformatory School. There should be sent with him a copy of the judgment of the Criminal Court together with a short history



showing any crime for which he may have been previously punished, the status and character of his parents or guardians and any other facts known to the Police, which might be useful in his correctional treatment.

**Procedure in case accommodation not available in the Reformatory School.**

*Rule286.* If accommodation in a Reformatory School is not immediately available for such youthful offender, the Court will send such youthful offender to the District Prison where he will be detained in the juvenile ward. He will be detained in the prison until he can be sent to the Reformatory School or until his original sentence expires whichever event happen first. Should the term of His original sentence first expire, he shall be released, but should he be sent to a Reformatory School, then the period of detention previously undergone shall be treated as detention in a Reformatory School.

**Power of Courts to pass a sentence of detention in a Borstal Institution in the case of an inmate under 21 years of age.**

*Rule287.* When any male prisoner less than 21 years of age is convicted of an offence by is a Court of Sessions, a section 30 Magistrate or a first class Magistrate, or is ordered to give security for good behaviour and fails to give such security and when by reason of his criminal habits or tendencies or association with persons of bad character it is expedient, in the opinion of the Judge or Magistrate that he should be detained in a Borstal Institution and Juvenile Reformatory Centre, such Judge or Magistrate may, in lieu of passing a sentence of rigorous imprisonment, pass an order of detention for a term which shall be in accordance with the provision of the Borstal Act, Children's Act or any other Act pertaining to detention of. juvenile delinquents that may be in force in the province.

**Power of Superintendent to present prisoner less than 21 years of age before [Sessions Judge] for detention in a Borstal Institution.**

*Rule288.* Whenever it appears to the Superintendent of prison that any male prisoner less than 21 years of age sentenced to rigorous imprisonment for an offence or committed to or confined in prison for failing to give security for good behaviour should be detained in a Borstal Institution and Juvenile Reformatory Centre, he shall cause such prisoner to be produced before the [Sessions Judge] in whose jurisdiction the prison is situated, and if the

[Sessions Judge] after making such enquiry as he may deem proper or may be prescribed, is satisfied that the prisoner should be detained he may order the prisoner to be removed from prison and detained for a period equal to the unexpired term or the imprisonment to which he was sentenced or of the period for which security was required from him, as the case may be.

**Enquiry to be made regarding the age of the offender before the passing of an order of detention.**

*Rule289.* Before passing an order of detention under any Act pertaining to detention of juvenile delinquents the <sup>5</sup>[Sessions judge] or Court as the case may be, shall enquire or cause an enquiry to be made into the question of the age of the offender and after taking such evidence (if any) as may be deemed necessary or proper shall record the evidence thereon.

**Transfer of juvenile delinquents.**

*Rule290.* All juveniles ordered to be detained under any of the Acts pertaining to juveniles shall be immediately transferred to the Borstal Institution.

**Juveniles not sent to a Reformatory or Borstal Institution**

*Rule291.* Male convicts less than 21 years of age not transferred to a Reformatory School or Borstal Institution under the provisions of the Reformatory School Act or other Acts pertaining to Juveniles shall be transferred to the Borstal Institution and Juvenile Reformatory Centre, if sentenced to three months or over.

**Juvenile female prisoners where to be confined.**

*Rule292.* Juvenile female convicted prisoners shall be transferred immediately on conviction to the Women's prison.

**Juvenile prisoners to be designated as inmates.**

*Rule293.* Convicted prisoners confined in the Borstal Institution and Juvenile Reformatory Centre, shall be designated as inmates.

**Separation of juveniles.**

*Rule294.* In every prison which is provided with a separate juvenile ward, such ward should be cellular for the purpose of separation of prisoners at night. If a suitable ward does not exist, juvenile prisoners should be confined in cell by night,

**Treatment of juveniles.**

*Rule295.* All juveniles shall receive careful individual attention. The features of their treatment will be (1) sustained work: (2) physical, mental and moral training with a view to teach them self discipline; and (3) careful arrangement for their future

after discharge. The aim of prison treatment shall be to give the young offenders whose mind and character are still pliable, such training as is likely to create in them a high standard of social behaviour.

*Explanation.-*The shortening of sentence, of course reforms an inmate with manifest result. But experience has shown that with young prisoners of this age much can be effected by close personal care and oversight of minor or each of rules by the prison authorities. The stimulus of personal touch and interest, will be found for more effective than a rigid insistence on prison routine.

**Juveniles to be employed in association during the day.**

**Rule296.** In all cases, young prisoners shall be employed in association as long as possible during the day, and arrangements shall be made for such evening occupations, industrial or educational, as will avoid early locking in their cells. They will be kept separate from adults. There must, on no account, be opportunity for conversation or communication with adults, and they must be kept out of sight of adult as far as possible.

**Industrial training of inmates.**

**Rule297.** An inmate shall be encouraged to pick up the industry of his choice. He shall be given, the choice of any of the industries taught in the Institution, compatible with his profession, taste or other circumstances as far as possible. If he shows no special inclination or aptitude, the Superintendent may decide the industry which he should be taught giving full considerations to his hereditary calling and which he may follow after release to enable him to earn an honest livelihood.

**Education.**

**Rule298.** (i) Every inmate sentenced to imprisonment for a year or more shall be brought under a course of instruction, in reading, writing and arithmetic for two hours daily. The standard of general education will be up to the Martic standard as laid down for schools by the Education Department. It will be in the power of the Superintendent to raise the standard and to increase the subjects taught, in the case of promising boys. Every Muslim boy shall be taught Nimaz with its meaning and Quraan Sharif.

(ii) A well- stocked library shall be provided in the Borstal Institution and Reformatory Centre.

**Physical drill, gymnastics and games.**

**Rule299.** (i) Physical drill, gymnastics, indoor and outdoor games and training in scouting shall be provided for all inmates. Instructions in first aid and sanitation shall be regularly imparted..

(ii) A spacious play ground shall be provided in the jails.

**Young adults in Borstal Institution and Reformatory Centre.**

**Rule300.** When an inmate confined in the Borstal Institution and Juvenile Reformatory Centre, attains the age of 21 years, he shall be removed from that Institution and transferred to an adult prison. This rule will not apply to inmate ordered to be detained in the Borstal Institution and Reformatory Centre under any of the Acts pertaining to juvenile delinquents.

**Treatment of juveniles in prisons other than the Borstal Institution.**

**Rule301.** In prisons other than the Borstal Institution and Juvenile Reformatory Centre, where juveniles may be confined, efforts shall be made to teach the Nimaz, elementary education and industrial training under proper supervision.

**Employment of a prisoner as Instructor.**

**Rule302.** Should it be necessary at any time to employ a prisoner for the instruction of the juvenile prisoners, an elderly well behaved casual prisoner shall be specially selected by the Superintendent himself for this purpose. He shall, on no pretext, be left alone with the juveniles. Inmates shall not be employed as instructors, as such duties are performed by the paid staff.

**Provision of cots and other facilities to juveniles in Borstal Institution and Reformatory Centre.**

**Rule303.** (i) Cots shall be provided to all inmates confined in a Borstal Institution and Reformatory Centre.

(ii) Electric light shall be provided in all rooms for reading up to 10 p.m.

(iii) Sanitary toilets and bath rooms shall be provided for the inmates.

(iv) Dining halls for eating in association shall also be provided.

(v) Electric fans shall be provided in all rooms and workshops.

**Assistance to juvenile prisoners after release.**

**Rule304.** When juvenile prisoner is due for release and required assistance to settle in life, the Superintendent shall send intimation to the Secretary of the District Committee of the Prisoners' Welfare Society of the district of his residence at least one month before the date of release.

## CHAPTER-13

### *Women Prisoners and Innocent Children*

#### **Separation of prisoners**

**Rule305.** Women prisoners both convicted and under-trial, shall, as required by section 27 of the Prisons Act, 1894, be rigidly secluded from male prisoners so as to prevent their seeing, conversing or holding any communication with them. The women's enclosure shall be so situated as not to be visible from any part of the male prison.

#### **Women prisoners.**

**Rule306.** Women prisoners with sentences of two months or more shall ordinarily be transferred to the Women's Prison.

#### **Disposal of women prisoners not provided for in the preceding rule.**

**Rule307. (i)** Women prisoners with sentences of less than two months shall be confined in the prisons to which they are committed,

(ii) When the number of women prisoners confined in any prison is in excess of the available accommodation, the excess number shall ordinarily, irrespective of the length of sentences, be transferred to the Women's Prison,

#### **Age group of prisoners.**

**Rule308.** Women prisoners fall into the following age groups:-

- |     |             |                                   |
|-----|-------------|-----------------------------------|
| (1) | Juveniles   | Those under 16 years of age.      |
| (2) | Adolescents | Those from 16 to 20 years of age. |
| (3) | Adults      | Those over 20 years of age.       |

#### **Separation of different classes of women prisoners,**

**Rule309.** The following classes of women prisoners shall be kept apart from one another:-

(i) Unconvicted from convicted prisoners; juveniles and adolescent from adult prisoners; habitual from casual prisoners; and prostitutes and procuresses from respectable women.

(ii) Superior class under-trial or convicted prisoners should, where possible, be kept apart from ordinary prisoners.

**Provision where there is only one woman prisoner.**

*Rule310* .Where there is only one woman prisoner in the prison, arrangement shall be made for a women warder to remain with her both by day and night. In case of a prisoner who is ineligible for transfer under Rule 306, the Superintendent should if he considers .her detention in that prison inadvisable, seek the orders of the Inspector-General as to her transfer.

**Removal from the women's enclosure.**

*Rule311.* (i) No women prisoner shall leave or be removed from the women's enclosure except for transfer, attendance in Court, release, or under orders of the Superintendent, for any special purpose.

(ii) Every women prisoner who is authorised to leave the women's enclosure- shall be accompanied by and be in the custody of a woman warder from the time she leaves the enclosure until she has been brought back to it.

**Work.**

*Rule312.* Women convicted prisoners shall ordinarily be employed on spinning, newar making etc., and shall, whenever possible, be given instructions in needle work, knitting and other domestic industries. They shall not be employed on grinding grain or similar irksome work.

**Bar to certain kinds of punishments.**

*Rule313.* A woman prisoner shall not be punished by the imposition of handcuffs, fetters or whipping, provided that handcuffs may if absolutely necessary, be imposed on any woman prisoner for the purpose of restraint only. Women prisoners shall not wear fetters on transfer.

**Conditions under which male officers may enter women's enclosure.**

*Rule314.* A male officer of the prison may enter the women's ward by day only if he has a legitimate duty to attend to, and is accompanied by the woman warder all the time he remains inside such ward or enclosure. Should it be necessary to enter the women's ward at night, the head warder on duty shall call the Deputy Superintendent, and the women warder and these three

officers shall enter together. Warders acting as escorts to visitors or officials shall remain outside the enclosure.

**Search of women prisoners.**

**Rule315.** Women prisoners shall be searched by a women warder and the search should not be carried out in the presence of a male officer. In the main gate a separate room should be reserved for the search of women prisoners,

**Certain ornaments may be allowed to women prisoners.**

**Rule316.** (i) Women prisoners may be allowed to retain, in moderation, certain ornaments of small value such as a ring, a nose-nail and bangles (glass or silver). Superintendent may, however, at his discretion, refuse to allow the retention of ornaments in any particular case for disciplinary reasons.

(ii) Women prisoners shall be responsible for the safe custody of such articles which should be entered on their history tickets and initialed by the Deputy Superintendent.

(iii) Women prisoners may be permitted to replace churis at their own expense.

**Amenities for women prisoners.**

**Rule317.** (i) Women prisoners shall be supplied with a comb for their hair. They shall be given one chatak of soap and one chatak of mustard oil per prisoner every week for washing and dressing their hair. They shall also be allowed the use of a looking glass, one or two such glasses should be fixed in the wall in each ward. Sanitary toilets and bath rooms shall be provided in the women's ward.

(ii) Every women prisoner shall be provided with a cot, a mattress and a pillow.

**Supply of food'.**

**Rule318.** Cooked food shall be brought to the women's enclosure by a reliable convicted prisoner accompanied by a warder and placed outside the enclosure gate from where it shall be taken inside by the woman warder or an elderly woman prisoner.

**Cleanliness of women's enclosure.**

**Rule319.** Women prisoners shall attend to the cleanliness of their enclosures. Conservancy work shall be done by paid sweepers. Sweepers so admitted shall not be permitted to go out of sight of the women warder or hold any communication by word or gesture with the women.

**Keys of women's enclosure. Lock of main entrance.**

**Rule320.** (i) The keys of the various locks in use in the

women's enclosure shall during the day time be in the possession of the women warder when she is on duty. The entrance door of the women's ward shall be locked on the outside by the head warder who shall keep the key. The entrance door of the ward shall also be locked on the inside by the women warder.

(ii) Before leaving the women's enclosure, the woman warder shall lock all the prisoners into their sleeping wards or workshops and having done so, shall lock the door of the main entrance and make over the keys to the Deputy Superintendent.

(iii) When the woman warder leaves the ward, the main entrance door shall be locked on the outside by two locks. The key of one of these locks will be handed over by the woman warder alongwith other keys to the Deputy Superintendent. The key of the other lock will remain by day in the custody of the head warder on duty and by night at the main gate.

#### **Location of women's prison.**

**Rule321.** (i) Women's Prison shall be located away from men's prison. The charge of the office of the Superintendent may be held by the Superintendent of the neighboring prison as an additional duty, but the supervisory, custodial and instructional staff shall all be females. Duties of gatekeeper and guarding of main wall from outside may be performed by male warders.

(ii) No male official or visitor shall enter the women's unless accompanied by the Lady Deputy/Assistant Superintendent.

(iii) Only ladies shall be appointed as non-official visitors for the women's Prison.

#### **Women prisoners in an advanced stage of pregnancy.**

**Rule322.** The case of every woman prisoner in an advanced stage of pregnancy shall be reported to the Inspector-General for reference to the Government with a view to the suspension and remission of her sentence or otherwise. A full statement of the case by a lady doctor shall accompany the report.

#### **Child birth in prison.**

**Rule323.** As far as possible a child birth in prison shall be avoided, but if this is not possible, the services of a lady Medical Officer or failing it a qualified midwife shall be requisitioned. In districts where there is a maternity and child welfare centre, the authorities incharge of such centre shall be requested to depute a lady doctor or a qualified midwife to attend cases of confinement in the women's ward. No charge may be made for the service of a lady



doctor or mid-wife so deputed to prison, but they shall be entitled to conveyance charges to and from the prison.

**Under-trial women prisoners expecting confinement.**

*Rule324.* The case of undertrial women prisoners expecting confinement shall be referred to the [Trial Court] with a view to the release of such prisoners, but if release on bail is not possible provisions laid down in the preceding Rule shall be followed.

**Children born in prison.**

*Rule325.* In the event of a child being born in a prison, notice of the birth shall be sent to the municipal authorities.

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2. Words "District Magistrate" subs: by "Trial Court" vide the **Punjab Amendment** Notification No. SO. (Prs.) 18-1-2002 dated 12th January 2002.

**Children to be allowed to remain with their mothers.**

*Rule326.* Women prisoners shall be allowed to keep their children with them in prison till they attain the age of three years.

**Amendment for the Punjab, Sindh and N.W.F.P. Provinces: Children with mothers.**

*Rule326.* Women prisoners shall be allowed to keep their children with them in prison till they attain the age of "six" years.

**Cases in which a child cannot be kept in a prison.**

*Rule327.* No woman prisoner shall be allowed to keep a child who is over the age of three years. On a child becoming disqualified for further retention or when a woman prisoner dies or is executed and leaves a child, the Superintendent shall inform the [District Coordination Officer] of the place where the prisoner resided and the latter shall arrange for the proper care of the child. Should the relatives or friends of the prisoner be unable or unwilling to support the child the [District Coordination Officer] shall arrange for the removal of the child to healthy nursery surroundings through the special societies managing such institutes. The child shall be returned to the mother on release provided she is ready and also capable to look after it.

[ii) If the child is a girl who has attained the age of puberty

and the relatives are unable or unwilling to support and take care of the girl, the Sessions Judge of the District shall, with the help of any welfare society or individual, arrange for her marriage.]

**Diet and clothing for children.**

**Rule328.** Children in prison shall be provided with such clothing as the Superintendent may prescribe in writing. The scale of the diet for children is prescribed in rules pertaining to dietary.

**CHAPTER-14**

***Prisoners Under Sentence of Death***

**Warrant of commitment for sentence of death.**

**Rule329.** As soon as a prisoner is sentenced to death, the police officer who attends the trial, will inform the Superintendent" of the prison of the fact. If the sentence is passed by the Sessions Judge, that officer will issue a warrant of commitment pending confirmation of the sentence by the High Court. When the sentence has been confirmed by the High Court or is passed by the High Court, a warrant of execution will be transmitted by the Session Judge, or the High Court as the case may be, to the Superintendent of the prison in which the condemned prisoner is confined.

**Search and confinement,**

**Rule330.** Every prisoner under sentence of death shall be searched immediately on arrival in the prison by, or under the orders of, the Deputy Superintendent, and every article of clothing and other articles of whatever description shall be taken away from him. After having furnished him with prison clothing, bedding,

aluminium utensils and light chappals, the Deputy Superintendent shall remove him to a cell and forthwith make arrangements for his watch and ward: <sup>1</sup>[Provided that the prisoners under sentence of death shall not be kept in death cells pending confirmation of their sentence from the High Court.]

**Cell to be examined. Facilities be provided.**

**Rule331.** (i) The Deputy Superintendent or the Assistant Superintendent incharge of condemned prisoners shall examine every cell in which a condemned prisoner is to be confirmed. He shall satisfy himself that, it is secure and does not contain any article which the prisoner could possibly use as a weapon of offence or as an instrument with which to commit suicide, or which in the opinion of the Superintendent, is in-expedient to permit in such cell.

(ii) All cells used for the confinement of condemned prisoners shall be provided with flush, toilet seats and low level water taps. Privacy should be ensured.

(iii) Electric fan shall be provided in every such cell but precautions should be taken to ensure that the prisoner is unable to reach it.

**Special guard over condemned prisoners.**

**Rule332.** Every condemned prisoner shall be confined in a cell apart from all other prisoners and shall be placed both by day and night under the charge of a special guard.

**Information to be supplied to prisoner,**

**Rule333.** The date fixed for the execution, the periods within which appeals or petitions must be submitted, and the result of the petition in each case, shall be intimated to the condemned prisoner by the Deputy Superintendent or the Assistant Superintendent.

**Light at night.**

**Rule334.** Electric light shall be provided from sunset to sunrise in condemned prisoner's cell, so that he may at times remain under observation.

**Munj mat not to be issued.**

**Rule335.** Munj mat shall not be issued to any condemned prisoner. An extra blanket shall be issued.

**The guarding of condemned prisoners.**

**Rule336.** (i) If the permanent establishment of the prison is not sufficient to furnish the necessary number of warders to guard condemned prisoners, temporary warders shall be entertained.

(ii) The duty of guarding condemned prisoners shall always

be entrusted to the most trust worthy warders on the establishment.

**Number of Warders required for guarding.**

**Rule337.** (i) To furnish one sentry for continuous duty day and night over a condemned prisoner, three warders are required, each to give eight hours of duty.

(ii) When there are two or more condemned prisoners confined in a prison at the same time, in cells situated at sonic distance from one another, a separate warder shall be placed over each cell, but if the cells are contiguous, one warder shall be posted to guard a maximum of eight prisoners.

(iii) For any number of prisoners in excess of eight, an extra warder shall be posted over when the cells are contiguous.

(iv) When two or more cells are occupied, the warder shall walk up and down in front of them, so that each prisoner may be brought into view at short intervals.

**Duty of Warder over condemned prisoners.**

**Rule338.** (i) The warder on duty over the condemned prisoners shall be armed with a cane stick and provided with a whistle to raise alarm when necessary.

(ii) He shall be posted in, or immediately outside the door of the cell yard, accordingly as the prisoner is in the cell yard respectively, and shall keep him constantly in view.

(iii) He shall allow no person except authorised prison visitors, the Superintendent, Medical Officer, Deputy Superintendent and Assistant Superintendent, head warder on duty and the authorised workers of the prison under proper guard, to go near or communicate with the prisoner, without an order in writing from the Superintendent, when not accompanied by him.

**Management of keys. Conditions under which the doors may be opened.**

**Rule339.** (i) The keys of a cell in which a condemned prisoner is confined shall be kept by the head warder on duty. In case of an alarm, in the event of emergency, such as attempt by the prisoner to commit suicide, escape or any other offence, he shall enter the cell and take all possible steps to frustrate it.

(ii) The door of a cell in which a condemned prisoner is confined shall not ordinarily be opened unless the prisoner has been first handcuffed and so securing him against the possibility of using violence. If he refuses to be handcuffed, he may be taken out if three warders and an Assistant Superintendent are present.

(iii) The locks in use in a condemned cell shall be such a cannot be opened by any other key in use in the prison.

**Occupation of cell yards. Precautions to be taken.**

**Rule340.** (i) A condemned prisoner should (unless disallowed for special reasons by die Superintendent in writing), be permitted to occupy the courtyard for half an hour, each morning and evening. Only one such prisoner out of eight prisoners at a time should be allowed to do so.

(ii) During the time a condemned prisoner occupies a courtyard, both the cell and the yard doors should be kept locked and on each occasion before opening the cell door to admit the prisoner to the yard, handcuffs should be applied and should remain on him till he is again locked into the cell.

(iii) A condemned prisoner shall not be removed from his cell to the yard or vice versa for any purpose, except in the presence of the head warder.

(iv) A prisoner sanitary worker or other prisoner allowed to enter the cell of a condemned prisoner to perform any duty, shall first be carefully searched and while carrying out his work, shall be kept under close supervision by the warder on duty.

(v) When handcuffs are to be applied before the cell door is opened, the prisoner should be asked to thrust his hands between two of the bars of the groated door. The handcuffs can be removed in a similar manner, when he has been locked in the cell.

**COMMENTS**

**Condemned prisoner.** Duties of Warder Head Warder, Assistant Superintendent Jail Deputy Commissioner Jail and Superintendent Jail stated. Supreme.<sup>2</sup>

**Duty of Head Warder over condemned prisoners.**

**Rule341.** The head warder on duty shall visit the cells occupied by condemned prisoners frequently at uncertain hours during the day and night and cells secure and the light are burning brightly. He shall report forthwith to the Deputy Superintendent any neglect on the part of the sentry or any unusual or suspicious conduct on the part of a prisoner.

**Condemned prisoners to be searched twice daily.**

**Rule342.** The Assistant Superintendent incharge shall have every condemned prisoner carefully searched at morning and

evening. He shall have the cells carefully examined in his presence and shall satisfy himself that the prisoner has no forbidden articles in his possession and that the cell is sound and secure. He shall also examine the prisoner's food and be present when it is issued. He shall report in his report book that he has carried out these duties.

#### **Sections 222, 223 and 225 of the P.P.C. 1860**

*222. Intentional omission to apprehend on the part of public servant bound to apprehend person under sentence or lawfully committed.* Whoever, being a public servant legally bound as such public servant to apprehend or to keep in confinement any person under sentence of a Court of Justice for any offence or lawfully committed to custody, intentionally omits to apprehend such person, or intentionally suffers such person to escape or intentionally aids such person in escaping or attempting to escape from such confinement, shall be punished as follows, that is to say:-

with imprisonment for life or with imprisonment of either description for a term which may extend to fourteen years, with or without fine, if the person in confinement, or who ought to have been apprehended, is under sentence of death; or with imprisonment of either description for a term which may extend to seven years with or without fine if the person in confinement, or who ought to have been apprehended, is subject, by a sentence of a Court of Justice, or by virtue of a commutation of a such sentence, to imprisonment for life or imprisonment for a term of ten years or upwards; or

with imprisonment of either description for a term which may extend to three years, or with fine, or with both, if the person in confinement, or who ought to have been apprehended is subject, by a sentence of a Court of justice,, to imprisonment for a term not extending to ten years or if the person was lawfully committed to custody.

*223. Escape from confinement' or custody negligently suffered by public servant.* Whoever, being a public servant legally bound as such public servant to keep in confinement any person charged with or convicted of any offence or lawfully committed to custody, negligently suffers such persons to escape from confinement, shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or with both.

*225. Resistance or obstruction to lawful apprehension of*

*another person.* Whoever intentionally offers any resistance or illegal obstruction to the lawful apprehension of any other person for an offence, or rescues or attempts to rescue any other person from any custody in which that person is lawfully detained for an offence, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both;

or, if the person to be apprehended, or the person rescued or attempted to be rescued is charged with or liable to be apprehended for an offence punishable with imprisonment for life imprisonment for a term which may extend to ten years, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine;

or, if the person to be apprehended or rescued, or attempted to be rescued is charged with or liable to be apprehended for an offence punishable with death, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine;

or, if the person to be apprehended or rescued: or attempted to be rescued, is liable under the sentence of a Court of Justice, or by virtue of a commutation of such a sentence, to imprisonment for life \*\*\*\* or imprisonment, for a term of ten years or upwards, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine:

or, if the person to be apprehended or rescued, or attempted to be rescued, is under sentence of death shall be punished with imprisonment for life or imprisonment of either description for a term not exceeding ten years, and shall also be liable to fine.

**Diet. Precautions to be taken.**

**Rule343.** (i) All prisoners under sentence of death shall be allowed the ordinary diet of convicted prisoners. All food intended for consumption by a condemned prisoner shall be examined by the Deputy Superintendent, Assistant Superintendent or Medical Officer, who may withhold any article he regards with suspicion and report the circumstances to the Superintendent. The food shall be delivered to the prisoner in the presence of the head warden on duty.

(ii) Prisoners under sentence of death shall be permitted to arrange to supplement their food at their own cost. The cost should be paid to the Superintendent who will arrange for the preparation of the food within the prison premises or purchase fruits, etc. for

them.

**Condemned prisoners allowed usage of books.**

*Rule344.* A condemned prisoner who can read should be encouraged to read suitable books from the prison library. He may also be permitted to obtain at his own expense such books, as may be approved by the Superintendent. Newspapers shall also be allowed.

**Smoking by condemned prisoners.**

*Rule345.* Condemned prisoners are allowed to smoke cigarettes or biris at their own expense, but these will be obtained through the prison. Prisoners who smoke and are unable to obtain cigarettes at their own cost, may be given five cigarettes daily at Government expense.

**Prohibition against fetters.**

*Rule346.* Condemned prisoners shall not be fettered except as punishment or when on transfer.

**Precautions for women prisoners.**

*Rule347.* In case of woman prisoner under sentence of death-(i) the prisoner shall be guarded by women warders;

(ii) the search of the prisoner shall be conducted by a woman warder without the presence of any male official, but the cell shall be examined by the Assistant Superintendent.

(iii) the food shall be distributed by a woman warder in the presence of the Assistant Superintendent; and

(iv) the prisoner shall not be handcuffed when she is allowed into the cell yard.

**Women certified to be pregnant.**

*Rule348.* When a women prisoner sentenced to death is certified by Medical Officer to be pregnant, the warrant with the fact noted on it, shall be returned to the Sessions Judge, who is empowered to direct the postponement of the execution pending the orders of the High Court.

**When a woman declares herself pregnant.**

*Rule349.* When a woman prisoner sentenced to death declares herself to be pregnant and the Medical Officer is unable to certify the correctness-of otherwise of the statement, he shall record the fact in writing and the interval of time necessary to enable him to arrive at a definite decision. This record alongwith the warrant, shall be forwarded to the Sessions Judge.

**The sentence may be postponed or commuted.**



**Rule350.** If a women sentenced to death is found to be pregnant, the High Court shall order the execution of the sentence to be postponed, and may if it think fit, commute the sentence to imprisonment for life, vide section 382, Criminal Procedure Code.

**Evidence of condemned prisoners.**

**Rule351.** When the evidence of a condemned prisoner is required, the Court shall proceed to the prison for the purpose, and shall not require the prisoner's attendance under Part IX of the Prisoners Act 3 of 1900:

Provided that if the presence of a prisoner under sentence of death is required by a Session Judge or High Court for the purpose of taking additional evidence in the case under section 428 of the Code of Criminal Procedure, 1898, the prisoner's attendance may be required under Part IX of the Prisoner Act, 1900.

**Communication of date and time of execution.**

**Rule352.** When the date of execution has been finally fixed, the Superintendent shall inform the [District Coordination Officer] and the relatives and friends of the condemned prisoner by post and through the [District Coordination Officer] of the date and time of the execution.

**Officer responsible for execution. Mishap to be reported.**

**Rule353.** (i) The Superintendent is responsible that the arrangements for an execution are complete and are made in good time and that the gallows, rope, cap and pinioning straps-are in the good order. The Superintendent shall not delegate to any subordinate the charge of the arrangements for an execution. He shall ordinarily remain at headquarters during the 24 hours preceding the execution.

(ii) The occurrence of any mishap or departure from the rules, shall be reported to the Inspector-General.

**Place of execution.**

**Rule354.** (i) Executions shall normally take place at the District Prison of the district in which the prisoner was sentenced, unless the warrant otherwise directs.

(ii) If a condemned prisoner requests for change of place of execution for any cogent reason, his petition shall be forwarded of Government, through the Inspector-General, for orders. If the Government orders change in the place of execution, the warrant

shall be returned to the Sessions Judge who issued it for altering the place of execution on the warrant.

(iii) If a condemned prisoner is executed in a prison other than his home-district prison, his dead body, if claimed by relations, shall be transported to his home at Government expense. In case it is not claimed by relatives, it shall be buried in the prison graveyard.

- (i) For a prisoner under 100 Kgs. weight = 7
- (ii) For a prisoner under 100 Lbs. weight = 7 feet
- (iii) For a prisoner under 120 Lbs. weight = 6 feet
- (iv) For a prisoner under 140 Lbs. weight = 5 <sup>1</sup>/<sub>2</sub> feet
- (v) For a prisoner under 160 Lbs. weight = 5 feet.  
Height = 5'5"  
Neck = 9"  
4' = 8"  
Weight = 135 Lbs.  
5' = 6"  
4' = 8"  
Drop = 0 = 10

**Punjab Amendment:** In rule 354, for sub-rule (iii) the following shall be substituted as:-

"(iii) Dead body of any prisoner who dies in jail or any condemned prisoner who is executed shall be transported to his home at Government expense. In case it is not claimed by relatives it shall be buried in the Prison graveyard."

**Description and testing of rope.**

**Rule 355.** (i) A manilla or cotton rope 2 Cm.-5 Mm. in diameter shall be used for executions. At least five such ropes in serviceable condition shall be maintained at every prison where executions are to take place. The rope should be 5M-80Cm. in length, well twisted and fully stretched. It should be of uniform thickness capable of passing readily through the noose ring and sufficiently strong to bear the strain of 127 Kilograms with a 2 M-13 Cm. drop.

(ii) The ropes and gallows shall be tested in the presence of the Superintendent, one day before the date fixed for execution. If a rope does not pass the test, another one shall be substituted and tested.

(iii) Ropes that have been tested shall be locked up in a place of safety.

(iv) On the evening before the execution, the gallows and ropes should be examined to ascertain that they have not been damaged since the test.

(v) The rope shall be tested by attaching to one end a bag of sand equal 10 one and a half times the weight of the prisoner to be executed and dropping this weight the distance of the drop calculated for the prisoner.

(vi) The Superintendent shall condemn a rope which shows signs of wear or when he has any reason to suspect its reliability. No rope more than five years old shall be used at any execution. A label duly signed by the Superintendent shall be sewn on to each end of every execution rope showing the date of its purchase.

#### **Regulation of drops.**

**Rule356.** (i) The drop is the length of the rope from a point on the rope outside the angle of the lower jaw of the condemned prisoner as he stands on the scaffold, to the point where the rope is embraced in the noose after allowing for the constriction of the neck that takes place in hanging.

(ii) The following scale of drop proportionate to the weight of the prisoner is given for general guidance, the Superintendent must use his discretion and also be guided by the advice of the Medical Officer and the physical condition of the prisoner.

	Kg. Gr.	Drop Cm	Mm
For a prisoner under 45- 3 10 Weight		2	13
For a prisoner under 54 - 320 Weight.		1	82
For a prisoner under 63- 5 10 Weight		1	67
For a prisoner under 81 - 654 Weight		1	52

*Explanation.* The length of the rope should be equal to the distance from beam to the plank plus the difference between the drop and the height upto the angle of lower jaw of the condemned prisoner. If such height comes out to be more than drop, the difference is to be deducted and the end of the rope in that case will be slightly above the plank.

#### **Illustration**

I. For a prisoner under 100 Kgs. Weight = 7 feet

- II. For a prisoner under 100 Lbs. Wight =7 feet
- III. For a prisoner under 120 Lbs. Wight = 6 feet
- IV. For a prisoner under 140 Lbs. Wight =5<sup>1/2</sup> feet
- V. For a prisoner under 160 Lbs. Wight = 5 feet

Height	= 5'=5"
Neck	= 0= 9"
	4' = 8"
Weight	=135 Lbs
	5'= 6"
	4' = 8"
Drop	0= 10"

**The Executioner.**

*Rule 357.* (i) Executions shall be carried out by the public executioner whenever his services are available and failing him, by some trust-worthy individual locally entertained for the purpose or by a prison official or a reliable prisoner.

(ii) On the First occasion "of the employment of any person to perform the work of an executioner, the Superintendent shall satisfy himself that he under stands how to perform the duty.

(iii) A person who carries out the execution shall be paid rupees ten per execution out of the Contingencies.

(iv) The services of the public executioner should be obtained through the Superintendent of the Headquarter prison, intimating at the same time, the date fixed for the execution. All Headquarter prisons will employ a public executioner on its permanent establishment.

**Officer to attend execution.**

*Rule358.* The Superintendent, the Medical Officer and a First Class Magistrate deputed by the (Sessions judge] shall be present when an execution is being carried out. The Medical Officer must not be below the rank of grade 17. When the Superintendent is also a Medical Officer, it is not necessary for another Medical Officer to attend. If the Superintendent is a First Class Coordination Officer it is not necessary for another Coordination Officer to be present.

**Prison guards at executions. Police force when necessary.**

*Rule359.* (i) When the execution is to take place inside the

prison, a guard of twelve warders shall be present at the main gate with rifles and ten rounds of ammunition per man, half an hour before the time fixed for execution. The guard shall not enter the prison unless called upon to suppress any disturbance or when spectators are admitted.

(ii) When the execution is to take place outside the prison walls for any reason, the Superintendent shall send intimation of the fact to the Superintendent of police, two clear days before the date fixed for the execution to enable him to arrange for the attendance of Police guard of one Sub-Inspector, two Head Constables and twelve Constables and more: if any disturbance is apprehended. The police guard will be in addition to the warder guard of the prison which shall also fall in the same manner as when the execution is inside the prison.

**Prisoners to be locked-up at the time of execution.**

**Rule360.** Whenever an execution is being carried out, the prisoners shall remain locked-up in their barracks and cells till the execution is over and the body is removed.

**Time and day of execution.**

**Rule361.** (i) Executions shall take place at the following hours:-

May to August	..4.30A.M.
March April, September, and October	... 5.30A.M.
November to February	...6.30A.M.

(ii) Executions shall not take place on Sundays, gazetted holidays, the day following Sunday and holiday and in the month of Ramzan Sharif.

**Procedure to be adopted at execution.**

**Rule362.** (i) The Superintendent and Deputy Superintendent will visit the condemned prisoner in his cell a few minutes before the hour fixed for execution. The Superintendent shall first identify the prisoner as the person named in the warrant and read out a translation of the warrant and sequence of rejection of appeal and mercy petitions in national or regional language to the prisoner in the presence of the Coordination Officer. Any other document requiring signature by the prisoner, such as his will, shall thereafter be signed by him and attested by the Coordination Officer. The Superintendent will then proceed to the scaffold; the prisoner remaining in his cell. In the presence of the Deputy Superintendent the hands of the prisoner will next be pinioned behind his back and his fetters (if any) removed.

(ii) The prisoner shall then be taken to the scaffold under the charge of the Deputy Superintendent and guarded by a head warder and six warders, two proceeding in front, two behind and one holding either arm.

(iii) On the arrival of the prisoner at the scaffold where the Superintendent, Coordination Officer and Medical Officer have already taken their places, the Superintendent shall inform the Coordination Officer that he has identified the prisoner. The prisoner shall then be made over to the executioner.

(iv) The condemned prisoner shall mount the scaffold and shall be placed directly under the beam to which the rope is attached, the warders still holding him by the arms.

(v) The executioner shall next strap his legs tightly together, place the cap over his head and face and adjust the rope tightly round his neck the noose being 3Cm 7 Mm to the right or left of the middle line and free from the flap of the cap.

(vi) The warders holding the condemned man's arms then withdraw and at a signal from the Superintendent, the executioner shall carry out the sentence.

#### COMMENTS

Promulgation. Commencing day of Ordinance, 2000. Conviction to minors. Challenge to. No doubt it was most gruesome and shocking murder committed by a single person in the history of crimes in which one by one children of different ages for fairly long period were first subjected to sodomy by him and killed in the most cold barbaric and inhuman manner throwing afterwards their dead bodies in acid-Crossed the barriers of lay in directing-to strangle accused in a manner provided and then to cut his body in 100 pieces such direction is against the teachings of Islam and in violation of Rule 362 of Pakistan Prison Rules and is also perverse and of no legal effect. Appeals accepted.

#### **Body to remain suspended half an hour. Return of warrant.**

**Rule 363.** (i) The body shall remain suspended for half an hour and shall not be taken down till the Medical Officer declares life extinct.

(ii) The Superintendent shall return the warrant of execution to the Sessions Judge with an endorsement to the effect that the sentence has been carried 'out.

#### **Spectators may be admitted.**

**Rule 364.** Respectable male adults up to maximum of twelve, may be admitted with the sanction of the Superintendent, to witness an execution either inside a prison, or into the gallows enclosure when the gallows is outside the prison; provided that the Superintendent may in his discretion refuse admission altogether or to any particular individual. Spectators are to be kept at a distance and a sufficient strength of the guard should be drawn up close at hand, ready, prepared to suppress any disturbance or frustrate any attempt at rescue.

"The wali of the victim, if so desires, shall be allowed to witness the execution."

## **CHAPTER-15**

### ***Undertrial Prisoners***

#### **Admission of under-trial prisoners.**

**Rule365.** The Assistant Superintendent incharge of admissions shall, when admitting an under-trial prisoner to prison, question him and satisfy himself that the name and other particulars entered in the warrant are correct. In case of the name and other particulars do not appear to be correct, he shall after admitting the prisoner make an immediate report to the Coordination Officer who issued the warrant.

#### **Warrant of deletion.**

**Rule366.** A. Court may order an accused person to be detained or remanded to custody in prison. No person shall be detained or remanded to prison for a period exceeding fifteen days at a time, except in case of persons committed for trial in a Court of Sessions. Every such order made by a Court other than the High Court, shall be in writing and signed by the presiding Judge or Coordination Officer.

#### **Examination of warrant.**

**Rule367.** The Assistant Superintendent shall see that the warrant authorising the prisoner's detention in the prison lock-up bears the date of committal and the date on which the prisoner is to be produced before the Court. When a warrant is incomplete or the remand granted is for an indefinite period, the Superintendent shall, as soon as possible, return the warrant for correction to the Court which issued it.

#### **Date of production of prisoners in Sessions cases.**

**Rule368.** In Sessions cases as soon as the date is fixed for production of the prisoner, it shall be endorsed on the warrant as well as on the prisoner's ticket and the prisoner shall be informed of the date fixed, so that he may make necessary arrangements for the conduct of his defence.

**Medical Examination on admission.**

**Rule369.** Every under trial prisoner on admission shall be examined by the Medical Officer and the procedure laid down in rule 18 will be followed.

**Under-trial prisoner's ticket.**

**Rule370.** Every under-trial prisoner shall on admission be provided with an under-trial prisoner's ticket on the prescribed form.

**Periodical weighments.**

**Rule371.** Under-trial prisoners shall be weighed on admission and subsequently every month and their weights entered on their tickets.

**Examination by the Superintendent.**

**Rule372.** Every under-trial prisoner shall be brought for examination before the Superintendent, who shall satisfy himself that a careful record of the identification marks, the left thumb-impression or signature in case of literate prisoners is made in the admission register and that all other particulars have been correctly filled in.

**Permitted to wear his own clothes and use his own bedding.**

**Rule373.** Every under trial prisoner shall be allowed to wear his own clothes and use his own bedding, the detail of which shall be recorded in the register of under-trial prisoners and read out to the prisoner in the presence of the Superintendent. The entries in the register shall be countersigned by the Superintendent. An under-trial prisoner who is unable to provide himself with sufficient clothing and bedding shall be supplied by the Superintendent with such clothing and bedding as may be necessary.

**Disposal of money or other property recovered by police at arrest.**

**Rule374.** (i) Money or other property found on the person of or belonging to an under-trial prisoner other than necessary



wearing apparel, is taken charge of by the Police, who is required to enter on the back of the prisoner's warrant a list of all such articles. In the case of a prisoner sentenced to imprisonment the articles shall be forwarded to the prison to which he is committed.

(ii) Articles of clothing brought to prison by an unconvicted prisoner shall be entered in the appropriate column of admission register.

#### **Maintenance from private sources.**

**Rule375.** An under-trial prisoner may be permitted by the Superintendent to purchase or receive from private sources, food, clothing,- bedding and other necessaries subject to the following restrictions:-

- (a) The articles shall be examined by the Assistant Superintendent and the Medical Officer before being introduced into prison.
- (b) Nothing that may be considered injurious to health or unnecessary or unsuitable by the Superintendent shall be allowed. Intoxicating drugs and spirituous liquors are prohibited.
- (c) In case of any epidemic disease being prevalent in the city, food from private sources may be stopped temporarily on the advice of the Medical Officer.

#### **Prohibition against hiring or selling of clothing and food.**

**Rule376.** No part of any food, clothing, bedding or other necessaries belonging to an under-trial prisoner shall be given, hired or sold to any other prisoner, and any prisoner transgressing this rule shall lose the privilege of purchasing food or receiving it from private sources for such time as the Superintendent thinks proper.

#### **Maintenance of private accounts.**

**Rule377.** (i) Under-trial prisoners may be permitted to receive money from their friends or relatives to purchase articles permissible under the rules.

(ii) The account of private money allowed for under-trial prisoners and purchases made from it shall be maintained in a separate register. On the discharge or release of an under-trial prisoner, the balance of money shall be delivered to him and receipt obtained in the register.

**Permission to cook his own food.**

*Rule378.* Claims for permission to cook food are not recognized; but such a privilege may be granted at the discretion of the Superintendent.

**Privilege of purchasing food may be withdrawn.**

*Rule379.* (i) If any prohibited or injurious article is found concealed in food or other things supplied to an under-trial prisoner from private source, the privilege of purchasing or obtaining food from such sources shall be withdrawn.

(ii) The Superintendent may for any sufficient reason refuse to allow the purchase or delivery of any article to an under-trial prisoner, which he considers unnecessary or unsuitable.

**Supply of prison diet.**

*Rule380.* All under-trial prisoners except those allowed to purchase or receive food from outside, shall be supplied with food at Government expense. Such food shall be prepared in the prison cook house and served by prisoner cooks.

**Work for under-trial prisoners.**

*Rule381.* (i) Under-trial prisoners may, if they so wish, be employed on any productive labour inside the prison factory. Every under-trial prisoner shall be required to keep himself, his clothing and bedding clean and may also be required to keep his cell or ward clean, but no work of a degrading character, shall be taken from him. Scavenging and cleaning of drains and sook pits shall always be done "by paid sweepers.

(ii) Under-trial prisoners, who work voluntarily in the prison factory, shall be paid 50 Paisas per prisoner for full days task. Labouring diet shall be provided to such under-trial prisoners.

**Report of previous convictions.**

*Rule382.* (1) When the Superintendent or any prison official receive information that an under-trial prisoner has been previously convicted, such information shall be communicated forthwith to the Court concerned.

**Punjab Amendment:**

**Report of previous convictions.**

*Rule382.* (i) The Superintendent of Police shall invariably inform the Superintendent Jail about the nature and back-ground

of dangerous characters on their admission to Jail enabling Jail authorities to take timely precautions for their safety and security in the Jail

(ii) When the Superintendent or any prison official receive information that an under-trial prisoner has been previously convicted, such information shall be communicated forthwith to the Court concerned.

#### **Separation of under-trial prisoners.**

*Rule383.* Under-trial prisoners shall be strictly segregated from convicted prisoners. The under-trial prisoner's wards shall be placed under the charge of a head warder and visited regularly by the parties employed on sweeping and supplying food and water.

#### **Special directions by Magistrates.**

*Rule384.* Any special directions given by a Coordination Officer, regarding the separation of an under-trial prisoner should be carried out. Such separation should not be accompanied by irksome conditions, except those necessary to secure to object in view, namely to prevent him from communicating directly or indirectly with other prisoners concerned in the same case.

#### **Under-trial prisoners not to alter their appearance.**

*Rule385.* An under-trial prisoner shall not be allowed to cut his hair or to shave in a way that would alter his personal appearance, so as to make it difficult to recognize him. The hair of an under-trial prisoner, may however, be cut at any time when it is considered necessary by the Medical Officer.

#### **Punishments.**

*Rule 386.* An under-trial prisoner is liable to be punished for breaches of prison discipline, with any of the punishments enumerated in rules on offences and punishment.

#### **Books, newspapers, etc.**

*Rule387.* Under-trial prisoners may be allowed to use their own books approved by the Superintendent up to a reasonable limit in addition to those available in the prison library. They may be allowed to read at their own expense; magazines and newspapers on the approved list.

#### **Identification parades.**

*Rule388.* (i) When intimation is sent by a Coordination Officer, that an under-trial prisoner is to be put up for

identification by witnesses, the Superintendent shall issue instructions to prevent the prisoner from disguising himself or changing his appearance in such a way as to make recognition difficult.

(ii) The prisoner to be identified shall be placed among a number of prisoners as similar to him as possible in dress,, stature and appearance and shall not be allowed to conceal his face or stature, so as to impede recognition.

(iii) The identification parade shall be held at a place which is not visible from the main gate. No other person shall be allowed to stand nearby. The proceedings shall be attended by an Assistant Superintendent, who shall carry out any orders given to him by the Magistrate conducting the identifications. The witnesses in no case shall be harassed or helped by any prison official or a prisoner.

#### **Search of prisoners going to Courts.**

**Rule389.** A receipt shall be obtained from the officer incharge of the escort for the under-trial prisoners sent to courts and such officer shall certify in the gate keeper's register that he has searched the prisoners. All under-trial prisoners shall be searched again at the main gate on return from the courts before they are being taken over from the police.

#### **Time for meal.**

**Rule390.** Prisoners attending courts shall be given their full morning meals before they are sent out in the morning and arrangement shall be made to enable them to have evening meal in the prison on their return.

#### **Early return of under trial prisoners from courts.**

**Rule391.** Under-trial prisoners should be returned to the prison not later than the time mentioned in Rule 11. The Superintendent shall draw the attention of the [Sessions Judge] to any instance in which this rule has not been observed.

#### **Notice of discharge or release on bail.**

**Rule392.** If an under-trial prisoner is discharged in court or released on bail while attending court, the notification of the fact should be brought back by the Police escort who took charge of the prisoners for conveyance to court. If the notification is not received the same day, the Superintendent shall without delay call the attention of the court to the matter.

#### **Conveyance charges to be paid by the Police.**

**Rule393.** The expenditure of every kind including cost of diet incurred during conveyance of under-trial prisoners to and from courts or from one district to another shall be paid by the

Police.

**Accused sentenced to whipping only.**

**Rule394.** A person who has been sentenced to whipping only by order of a court and is sent to prison for the execution of the sentence, shall be entered in admission register in red ink and treated as an under trial prisoner.

**Monthly list to be sent to the <sup>3</sup>[Sessions Judge of District and Officer Incharge of Prosecution].**

**Rule 395.** (i) Every <sup>4</sup>[Sessions Judge] of District and Officer Incharge of Prosecution shall visit once a month the under-trial prisoners confined in the prisons or prisons under his jurisdiction with the express object *at* knowing all those cases which appear to be delayed.

(ii) The Superintendent shall submit a monthly list to the <sup>5</sup>[Sessions Judge of District and officer incharge of Prosecution] and the Inspector-General, giving the name and other particulars of all under-trial prisoners other than those committed to Sessions, who have been detained in prison for more than three months since their first admission.

**Under-trial prisoners unfit to attend courts.**

**Rule396.** In the event of an undertrial prisoner being unfit by reasons of sickness to attend court on the date fixed, the Superintendent shall immediately send a report of the case to the court concerned for orders. The report should indicate when the prisoner is likely to be fit to attend court.

**Serious illness of an under-trial prisoner.**

**Rule397.** When an under-trial prisoner is seriously ill, the Superintendent shall send a report of the fact to the court concerned, and such report shall be accompanied by a medical report of the case in order to enable the court to consider the possibility of ordering the release of the prisoner on bail.

**Notice of death to be sent to court.**

**Rule398.** When an under-trial prisoner dies in prison, the Superintendent shall at once report the occurrence to the <sup>6</sup>[Sessions Judge] of District and Officer Incharge of Prosecution] and the Court under-whose authority such under trial prisoner was detained.

**Approvers.**

**Rule399.** (i) All prisoners who have accepted the under of pardon under the provisions of section, 337 of the Criminal Procedure Code, hereinafter called approvers, shall be kept separate from all other classes of prisoners and shall be kept

separate from each other, unless the <sup>7</sup>[Sessions Judge of District and Officer Incharge] of Prosecution shall otherwise direct.

(ii) Except under the orders of the Superintendent no prison official below the rank of Assistant Superintendent who is incharge of prisoners of other classes, and no prison Worker shall have access to any approver.

(iii) The approvers shall be permitted to associate with a person or persons of their own sex, subject to the control and approval of the Government. If it is not practicable to arrange for such association, a paid warder shall be posted on duty at the ward or cell, as the case may be. to keep such prisoner's accompany.

(iv) No one shall be allowed to interview an approver without the written permission of the <sup>8</sup>[Officer- Incharge of Prosecution] whose discretion in the matter 'shall be absolute.

(v) Every approver shall be supplied with food at Government expense on a scale according to his social status as may be approved by the <sup>9</sup>[Officer Incharge of Prosecution]; provided that it shall be in no case inferior to the diet supplied to ordinary under-trial prisoners. Such food shall not be prepared in the cook house or cooked, and served by prisoners, but shall either be cooked by the prisoner himself or by such agency in such place either within or without the prison as may be approved by the Superintendent, subject to the control of the <sup>10</sup>[Officer Incharge of Prosecution].

(vi) No letter, written communication of any kind, books, newspapers, packet or parcel of any description shall either be delivered to or sent by an approver, without the permission of the Superintendent and under the control of the <sup>11</sup>[Officer Incharge of Prosecution]. The Superintendent is allowed to withhold and confiscate any such letter, written communication parcel, etc.

### ***Section 337 of Criminal Procedure Code***

*337. Tender of pardon to accomplice.* (1) In the case of any offence triable exclusively by the High court or Court of Session, or any offence punishable with imprisonment which may extend to ten years, or any offence punishable under section 211 .of the Pakistan Penal Code with imprisonment which may extend to seven years, or any offence under any of the following sections of the Pakistan Penal Code, namely, sections 216-A, 369, 401, 435 and 477-A, <sup>12</sup>[Officer Incharge of the prosecution in the District] may, at any stage of

investigation, or inquiry into or the trial of the offence, with a view to obtaining the evidence of any person supposed to have been directly or indirectly concerned in or privy to the offence, tender a pardon to such person on condition of his making a full and true disclosure of the whole of the circumstances within his knowledge relative to the offence and to every other person concerned, whether as principal or abettor, in the commission thereof<sup>13</sup>["Provided that no person shall be tendered pardon who is involved in an offence relating to hurt or qatl without permission of the victim or, as the case may be, of the heirs of the victim." ]

(1-A) Every Coordination Officer who tenders a pardon under subsection (1) shall record his reasons for so doing, and shall, on application made by the accused, furnish him with a copy of such record:

Provided that the accused shall pay for the same unless the Coordination Officer for some special reason thinks fit to furnish if free of cost.

<sup>14</sup>(2) Every person accepting a tender under this section shall be examined as a witness in the subsequently trial, if any.]

<sup>15</sup>[(2-A) In every case where a person has accepted a tender of pardon and has been examined under sub-section (2), the Magistrate before whom the proceedings are pending shall, if he is satisfied that there are reasonable grounds for believing that the accused is guilty of an offence, commit him for trial to the Court of Session or High Court, as the case maybe].

(3) Such person, unless he is already on bail, shall be detained in custody until the termination of the trial.

### **Disciplinary action against under-trial prisoners outside the precincts of prisons.**

**Rule400.** Under-trial prisoners who commit certain offences while being conveyed from a prison by road or rail to the courts and from the courts or other places back to prison, may be punished by the Superintendent. An under-trial prisoner does not cease to be under the control of the Superintendent when being taken from the prison to a court or from a court back to prison. The fact that a Police escort accompanies a prisoner does not release him from the control of the Superintendent as regards punishment

for an act which constitutes a prison offence.



## CHAPTER-16

### *Civil Prisoners*

#### **Segregation of civil prisoners.**

**Rule401.** Under sub-section (4) of section 3 of the Prisons Act 1894, every prisoner who is not a criminal prisoner is a civil prisoner. Under section 27 (4) of the same Act, every civil prisoner shall be confined in an enclosure inside the prison entirely separate from the enclosures allotted to criminal prisoners.

#### **Classes of civil prisoners.**

**Rule402.** Civil prisoners are of the following classes:-

- (i) Prisoners committed to civil prison by the order of the Civil Court under section 32 of the Code of Civil Procedure, 1908. (penalty for default to pay Government dues).
- (ii) Persons imprisoned under order, of a Criminal Court under section [...] 514 of the Code of Criminal Procedure. (*Procedure on forfeiture of bond by Court*)
- (iii) Revenue defaulters
- (iv) Persons detained in civil prisons under any other law for the time being in force.

#### **Application of other rules to civil prisoners.**

**Rule403.** Except as otherwise provided in this chapter, all prison Rules shall apply to civil prisoners.

#### **Maintenance from private sources.**

**Rule404.** A civil prisoner shall be permitted to maintain himself, and to purchase or receive from private sources at proper hours, food, clothing, bedding, or other necessaries, but subject to examination and to such rules as may be approved by the Inspector-General.

#### **Diet of certain civil prisoners. Permission to cook.**

**Rule405.** (i) Civil prisoners who are supplied with prison diet, shall, unless the scale of subsistence allowance (if any),

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1. The words "318, 332 and omitted by Law Reforms Order, 1972.

permits of a more liberal scale, be provided with diet prescribed for ordinary prisoners. Their food shall be prepared in the prison cook house and cooked and served by prisoner cooks.

(ii) Civil prisoners admitted into prison under Rule 98, in Order XXI of the First Schedule of the Code of Civil Procedure for resisting or obstructing the execution of a decree shall be provided with non-labouring prison diet at the expense of the State.

(iii) Civil prisoners who are not provided with prison diet may be permitted to cook their own food at a place provided for the purpose.

**Cooking utensils.**

**Rule406.** Civil prisoners not provided with prison diet, shall be permitted to use their own cooking utensils.

**Subsistence allowance.**

**Rule407.** The Government may fix graduated scales of monthly allowances payable for the subsistence of civil prisoners according to their status.

**Supply of food to civil prisoners when subsistence allowance is provided.**

**Rule408.** (i) Every civil prisoner for whom a subsistence allowance is provided may be supplied with food, clothing, bedding and other necessaries by his friends, at such hours as the Superintendent may, from time to time fix. When any civil prisoner is supplied with food, clothing and necessaries by his friends subsistence allowance shall be made over to the prisoner.

(ii) When any such prisoner is not supplied with food by his friends, the Deputy Superintendent shall supply him with food according to the prisoner's choice, provided the daily cost does not exceed the daily subsistence allowance fixed for such prisoners. If the daily cost of food is less than the sum allowed, the balance shall be made over to the prisoner.

**Articles to be delivered to the Deputy Superintendent and to be examined.**

**Rule409.** Articles supplied for the use of any civil prisoner shall be delivered to the Deputy Superintendent or other officer appointed by the Superintendent. Such articles

shall be examined before being introduced in to the prison. The Superintendent may withhold any articles for sufficient reason from a civil prisoners.

**Certain articles not to be given.**

*Rule410.* Intoxicating drugs and spirituous liquors shall not be allowed to any civil prisoner. They can, however, smoke biris and cigarettes at their own expense.

**Articles through whom purchased.**

*Rule411.* All articles purchased for civil prisoners, except those from prison stores, shall be purchased (through) the Deputy Superintendent under the orders of the Superintendent.

**Restrictions on transfer of food and clothing.**

*Rule412.* No part of any food, clothing, bedding, or other necessaries belonging to any civil prisoner shall be given, hired or sold to any other prisoner and any prisoner transgressing this rule shall lose the privilege of purchasing food or receiving it from private sources. for such time as the Sumerintendent thinks proner

**Supply of clothing and bedding to civil prisoners.**

*Rule413.* Every civil prisoner unable to provide himself with sufficient clothing and bedding shall be supplied by the Superintendent with such clothing and bedding as may be necessary.

**Supply of furniture and appliances.**

*Rule414.* (i) As Government only provides subsistence allowance at certain rates for civil prisoners, such articles of furniture and appliances as are absolutely necessary, shall be supplied by the prison.

(ii) Every civil prisoner is at liberty to supplement as his own expense, the food, furniture and appliances allowed to him.

**Extra expenditure on civil prisoners.**

*Rule415.* If any extra articles of diet are ordered by the Medical Officer for a civil prisoner on medical grounds, any excess of expenditure over and above what can be made by the daily subsistence allowance, shall be paid by the Government.

**Labour.**

*Rule416.* No civil prisoners shall be put to work under any circumstances.

**Punishments.**

*Rule417.* Civil prisoners shall not be punished with imposition of handcuffs and fetters or by whipping.

**Civil prisoners follow a trade and receive the earning.**

**Rule418.** (i) Civil prisoners may, with the permission of the Superintendent, work or follow any trade or profession.

(ii) Civil prisoners furnishing their own implements and who are not maintained at the expense of the prison, shall be allowed to receive the whole of their earnings; but the earnings of such as are furnished with implements or who are maintained at the expense of the prison shall be subjected to a deduction, to be determined by the Superintendent, for the use of the implements and the cost of their maintenance.

**Books, periodicals and games.**

**Rule419.** Civil prisoner should be allowed books from the prison library and they should be permitted to obtain at their own expense any books or newspapers from outside, subject to such safeguards against the introduction of improper literature as may be considered necessary. Civil prisoners shall also be allowed to engage in such indoor games as cards, chess or carom, and to occupy themselves in such manner as the Superintendent may consider proper.

**Sleeping out side in summer.**

**Rule420.** Civil prisoners may be allowed to sleep outside their ward or barrack in the open enclosure during summer nights.

## CHAPTER-17

### *State Prisoners*

**Report when a state prisoner is received.**

**Rule421.** (i) When any person committed for safe custody under the provisions of Regulation III of 1818, is received into any prison, an immediate report shall be made to the Inspector General.

(ii) This report should give the status of the prisoner, particulars of the order directing his detention and the provision made for his safe custody, dieting and treatment.

**How state prisoners are to be treated.**

**Rule422.** Every state prisoner, shall, subject to provisions of the Regulation for the confinement of State Prisoners, be treated in such manner as the warrant or order committing him to prison may direct.

**When a state prisoner is to be treated as civil prisoner.**

**Rule423.** For the purposes of the Prisons Act, 1894, and

unless the warrant of commitment or order relating to any prisoner confined under the Regulation for the confinement of State Prisoners, otherwise directs, every state prisoner shall be deemed to be civil prisoner and entered in civil prisoner's register.

**When to be treated as an unconvicted criminal prisoner.**

**Rule424.** If the warrant or order relating to any state prisoner directs that he be confined in the criminal prison, he shall, for the purposes of the Prisons Act 1894, be treated as unconvicted criminal prisoner.

**Report to Government regarding state prisoners.**

**Rule425.** Every officer in whose custody any state prisoner may be placed shall, as soon after taking such prisoner into custody as may be practicable, report to Government whether the decree of confinement to which he may be subjected appears liable to injure his health, and whether the allowance fixed for his support is adequate for the supply of his own wants and those of his family, according to their status in life.

*Note.* The report should be submitted through the [Sessions Judge and District Coordination Officer).

**Inspector General to issue orders.**

**Rule426.** The Inspector General shall issue such orders as he may consider necessary and as are not inconsistent with the instructions of Government for the health and comfort of every state prisoner.

**Officers to submit periodical reports.**

**Rule427.** (i) Every Superintendent of a prison in whose custody any state prisoner is confined shall in 1st January and 1st of July each year submit to the District Coordination Officer a report on the conduct, health and comfort of such prisoner; and also submit a copy of this report to the Inspector General for information.

(ii) The officer in whose custody any state prisoner is placed shall forward, with such observations as may appear necessary, every representation which such state prisoner may from time to time be desirous of submitting to the Government.

**No state prisoner to be transferred.**

**Rule 428.** No state prisoner shall be transferred from one prison to another, except under the special orders of the Government.

**Appropriation of allowances.**

**Rule 429.** Every officer in whose custody any state prisoner is placed shall take care that the allowance fixed for the

support of such state prisoner is used for that purpose.

**When prison diet is to be supplied.**

**Rule 430.** Every state prisoner who is not permitted to maintain himself shall be subjected to prison diet on the scale for the time being prescribed for convicted prisoners, unless directed otherwise.

**Provisions, as to clothing, etc., of state prisoners.**

**Rule 431.** When any state prisoner is not permitted to maintain himself he shall be provided with such clothing, bedding and other necessaries as the Superintendent, subject to the control of the Inspector-General may, from time to time, prescribe.

**Procedure on death, transfer or release.**

*Rule 432.* (i) On the death of a state prisoner a special report with full particulars, shall be made to the Inspector-General for submission to Government. The order and warrant shall at the same time be returned through the Inspector-General with an endorsement certifying the prisoner's death.

(ii) A report shall be made to the Inspector-General when a state prisoner is transferred to another prison or released under the order of Government; in the latter case the order or warrant shall accompany the report with an endorsement certifying the release of the prisoner.

Note. In addition to above, separate confidential instructions are issued by Government from time to time about the treatment of state prisoners in prisons.

## CHAPTER-18

### *Mental Patient*

#### **Definition of mental patient.**

**Rule433.** A mental patient is for the purpose of these Rules, an idiot or person of unsound mind.

Note.-the term "mental patient" is used for the term, "lunatic" as defined in section 3(5) of the Lunacy Act. 1912. [Lunacy Act, IV of 1912 replaced by Mental Health Ordinance, 2001]

#### **Classes of mental patients.**

**Rule434.** Mental patients detained in a prison may be—

- (i) Non-criminal, i.e., those who have committed no crime, but are sent for medical observation under the provisions of the Lunacy Act. 1912 (Act. IV of 1912 has been replaced by Mental Health Ordinance, 2001.); or
- (ii) criminal, i.e., those who are accused of having committed or have committed a crime.

#### **Separation of mental patient.**

**Rule435.** Every person supposed or found to be a mental patient, whether detained or confined in a prison shall be kept separate from other prisoners.

#### **Mental Patients to be considered dangerous until certified harmless.**

**Rule436.** A mental patient shall be considered dangerous until the Medical Officer has certified that he is harmless. The Superintendent and Medical Officer, shall from time to time, give such directions as may be necessary, for the proper guarding of the mental patient and shall warn the prison officers of any symptoms which may necessitate greater watchfulness.

#### **Non-criminal mental patient.**

**Rule437.** (i) Non-criminal mental patients shall be detained in:-

- (a) the mental hospital.
- (b) where there is no mental hospital, they will be detained in a civil hospital or dispensary, where in the opinion of the [District Coordination Officer], suitable accommodation and establishment for the reception



and custody of mental patient exist; and

(c) in other cases, in the District Prisons.

(ii) When a mental patient is detained in a prison, the Superintendent should make adequate arrangements for the comfort and care of the mental patient, having regard to his class and status in life. He should as far as possible be kept separate from convicted prisoners.

**Detention of non-criminal patients; procedure when period expires.**

**Rule438.** The maximum period during which a non-criminal mental patient can be detained for observation is thirty days. On expiry of this period, the Superintendent shall address the Coordination Officer or officer under whose warrant the person is detained pointing out that the authorised period of detention has expired and requesting that an order for the release of the person detained or his transfer to a mental hospital be furnished. If within the next seven days, the Superintendent has not received the court's order, he shall report the matter to the Inspector-General.

**Maintenance charges of non-criminal mental patient.**

**Rule439.** Non-criminal mental patients shall be entirely excluded from all statistical returns relating to prisons. Their maintenance charges for the period of observation shall be borne by the Prison Department. If the patients, after the period of observation are duly certified and reception orders issued, then the cost of maintenance from the date of the reception orders shall be met by the Health Department, even though the patients be detained in prisons.

**Classification of criminal mental patients.**

**Rule440.** The term "criminal mental patient", shall include persons of the following classes:-

- (i) An accused person, in respect of whose soundness of mind doubts are entertained by the Magistrate trying the case, and who is sent to a prison for medical observation, under section 464 of the Code of Criminal Procedure;
- (ii) an accused person, who by reason of unsoundness of mind, is incapable of making his defence, and who is in consequence, detained under section 466 of the Code of Criminal Procedure, pending the orders of the Government;
- (iii) a person who is held to have committed an act which would have constituted an offence but for the unsoundness of his mind, and who has been

- acquitted on the ground that he was of unsound mind when the act was committed and is detained under section 471 of the Code of Criminal Procedure, pending the orders and during the pleasure of Government; and
- (iv) a convicted prisoner who becomes a mental patient in prison.

***Section 464, 466 and 471 of Criminal Procedure Code***

*S. 464. Procedure in case of accused being lunatic.*

*S. 466. Release of lunatic pending, investigation or trial—*

*S. 471. Person acquitted on such ground to be detained in safe custody.*

**Procedure when certain mental patients are committed to prison.**

**Rule441.** (i) Whenever a person belonging to class (ii) in rule 440 is detained in a prison under section 466 of the Code of Criminal Procedure, the Superintendent shall apply to [District Coordination Officer] for an order for his transfer to mental hospital in anticipation of the receipt of orders from Government.

(ii) Whenever a person belonging to class (i) or Sub-Rules (ii) of rule 440 is detained in a prison for more than a month, the fact shall be reported to the Inspector-General.

**Confinement of criminal mental patient.**

**Rule442.** (i) Whenever a criminal mental patient is found to be dangerous, noisy or filthy in his habits, he shall be confined in a cell, and kept under strict and continuous supervision.

(ii) Mental patients other than those mentioned in clause (i), may in the discretion of the Medical Officer, be detained in the prison hospital or in a ward set apart for the purpose.

**Close observation of convicted prisoners feigning insanity.**

**Rule443.** When a convicted prisoner is acting as if he was insane, the Superintendent shall put him under observation. The Medical Officer shall scrutinize his symptoms closely so as to preclude the possibility of a criminal feigning insanity.

**Procedure in case of a convicted prisoner of unsound mind.**

**Rule444.** Whenever it appears to the Superintendent that any convicted prisoner is of unsound mind, he shall, in the first instance, place the patient under the observation of Medical Officer for a period of ten days. After the expiry of this period, the Medical Officer shall report the result to the Superintendent. If the patient is found to be of unsound mind, a report regarding his case shall be

submitted to the Inspector-General for obtaining the orders of the Government for his removal to a mental hospital. The following documents shall be forwarded with case:-

- (a) A descriptive roll of the prisoner.
- (b) His descriptive roll in form No.9 of the Medical Hospital Manual.
- (c) Medical Certificate in form No.3 of Schedule I of Lunacy Act IV of 1912 (*Replaced by Mental Health Ordinance 2001*).

**Transfer of a mental patient to mental hospital.**

**Rule445.** On receipt of an order from Government for the removal of a mental patient, the Superintendent shall transfer him to the mental hospital specified, with the following documents :-

- (a) The Government order directing his transfer.
- (b) His descriptive roll in form No.9 of the mental hospital manual.
- (c) The medical certificate in form No.3 of Schedule I of Lunacy Act IV, 1912. (*Replaced by Mental Health Ordinance, VIII of 2001*)

If the mental patient is a convicted prisoner, the following documents shall be sent in addition:-

- (d) Warrant of imprisonment.
- (e) Remission sheet.
- (f) History ticket and private property (if any).
- (g) A copy of the Court's judgment in his case.

*Explanation 1.* If the Court's judgment does not contain full particulars of the offence committed, a copy of the Police report on the arrest, or that of the Police roznamcha, should accompany the mental patient.

*Explanation 2.* Government property accompanying a mental patient on transfer to a mental hospital should be returned to the dispatching prison.

**Conditions before a transfer can be made.**

**Rule446.** A criminal mental patient shall not be transferred from a prison to a mental hospital:-

- (a) unless the Medical Officer certifies immediately before his transfer, that he is physically fit to undertake the journey; and
- (b) until it has first been ascertained that Medical Superintendent of the mental hospital is prepared to receive him.

**Transfer in anticipation of sanction in urgent cases.**

**Rule 447.** In urgent cases (i.e., if the patient is noisy, filthy or dangerous), the Superintendent may, if he considers it necessary and with the previous consent of the Medical Superintendent of the mental hospital concerned, transfer the prisoner to the mental hospital in anticipation of the sanction of Government. In such case the prescribed documents shall be sent with the patient and a copy of the Government order shall be forwarded as soon as it is received.

**Procedure when a sentence is about to expire.**

**Rule 448.** When an insane prisoner cannot be transferred so as to reach the mental hospital before the expiry of his sentence, he shall be detained in the prison and on the expiry of his sentence treated as a non-criminal mental patient.

**Time spent in mental hospital to count towards sentence.**

**Rule 449.** When an insane prisoner has become of sound mind, and an order for his return to prison has been issued by Government, the time during which he was detained in the mental hospital shall be reckoned as sentence undergone.

**Procedure when a recovered patient has a relapse.**

**Rule 450.** (i) When a recovered criminal mental patient undergoing probation in a prison has a relapse of insanity, he should be immediately returned to the mental hospital in anticipation of the orders of Government. In such a case the prescribed documents should be forwarded with him; the Government order to follow immediately after it has been received.

(ii) The Superintendent shall forthwith apply through the Inspector-General for the confirmation of his action by Government submitting at the same time the documents required by Rule 445.

**Treatment of patients returned to prison.**

**Rule 451.** When a recovered mental patient is returned to a prison, he shall be assigned some suitable work and such liberty as the Medical Officer may consider safe.

**Mental patients to be visited by Inspector-General.**

**Rule 452.** (i) The Inspector General of Prisons (where such office exists) shall be a visitor ex-officio of all the mental hospitals within the limit of his jurisdiction, (section 28 of Act IV of 1912 Replaced by Mental Health Ordinance 2001)

(ii) When any person is confined under the provisions of Sections 466 or 471 of the Criminal Procedure Code, the Inspector-General, if such a person is confined in a prison, or the visitors of the mental hospital or any two of them, if he confined in a mental hospital, may visit him in order to ascertain his state of mind; and

he shall be visited at least once in every six months by the Inspector-General or by two such visitors, and such Inspector-General or visitors shall make a special report to Government as to the state of mind of such person.

**Procedure when prisoner is reported capable of making his defence.**

**Rule453.** If such person is confined under the provisions of section 466 of the Criminal Procedure Code and such Inspector-General or visitors shall certify that in his or their opinion such person is capable of making his defence, he shall be taken before the Magistrate or Court as the case may be, at such time as the Magistrate or Court appoints and the Magistrate or Court shall deal with such person under provisions of section 468; and the certificate of such Inspector General or visitors shall be receivable as evidence,

***Sections 473 and 474 of Criminal Procedure Code***

**473. Procedure where lunatic prisoner is reported capable of making his defence.** If such person is detained under the provisions of section 466, and in the case of a person detained in a jail, the Inspector General of Prisons, or, in the case of a person detained in a lunatic asylum, the visitors of such asylum or any two of them shall certify that, in his or their opinion such person is capable of making his defence, he shall be taken before the Magistrate or Court, as the case may be, at such time as the Magistrate or Court appoints, and the Magistrate or Court shall deal with such person under the provisions of section 468; and the certificate of such Inspector General or visitors as aforesaid shall be receivable as evidence.

**474. Procedure where lunatic detained under section 466 or 471 is declared fit to be released.** (1) If such person is detained under the provisions of section 466 or section 471, and such Inspector General or visitors shall certify that, in his or their judgment, he may be released or to be detained in custody, or to be transferred to a public lunatic asylum if he has not been already sent to such an asylum; and, in case it orders him to be transferred to an asylum, may appoint a Commission, consisting of a Judicial and two medical officers.

(2) Such Commission shall make formal inquiry into the state of mind of such person, taking such evidence as is necessary, and shall report to the Provincial Government, which may order his release or detention as it thinks fit.

**Officer empowered to act as Inspector-General.**

**Rule454.** The Provincial Government may empower the officer incharge of a prison in which a person is confined under the

provisions of section 461 or 471 of the Criminal Procedure Code, to discharge all or any of the functions of Inspector-General, under section 473 or section 474 of the Code. (Section 471 (i) of Criminal Procedure Code.

**Discipline and punishment of mental patient.**

**Rule 455.** (i) A mental patient cannot be punished for any offence committed by him, but such restraints can be imposed as are necessary to prevent him from injuring himself or others, or causing inconvenience.

(ii) A person confined during the pleasure of Government under section 471 of the Criminal Procedure Code when not actually insane, is subject to the same discipline's a prisoner sentenced to rigorous imprisonment, except that he cannot be put to labour.

(iii) A person confined under observation if sane, is liable to prison discipline.

## CHAPTER-19

### *Convict Officers*

#### [Warder]

#### **Convict officers are public servants.**

**Rule456.** Prisoners who have been appointed as officers of prisons shall be deemed to be public servants within the meaning of the Pakistan Penal Code (Section 23 of Prisons Act, 1894.)

#### **Three grades of convict officers.**

**Rule457.** There shall be three grades of convict officers, namely numberdar, moqaddam and shinposh.

#### **Appointments to be made by the Superintendent.**

**Rule458.** All appointments to the position of numberdar, moqaddam and shinposh respectively shall be made by the Superintendent.

Provided that no prisoner, who does not possess the necessary qualifications, shall at any time be so appointed without the previous sanction of the Inspector General.

#### **Qualification for appointment to the position of convict officer.**

**Rule459.** A literate prisoner with a minimum height of 1 M.— 67 Cm and normal vision in both eyes and who is physically and mentally fit to perform the duties of a numberdar, moqaddam or shinposh, respectively, shall be eligible for appointment to any such office, provided he possesses the following further qualifications, in respect of each such office, namely :-

- (i) For a numberdar, that—
  - (a) He is a prisoner of the casual class; save in the case of prisons reserved for habitual prisoners, where prisoners of the habitual class shall be eligible for appointment; provided that no habitual prisoner with more than two previous convictions shall be appointed as numberdar in the habitual barracks;
  - (b) his substantive term of imprisonment is not less than six months;
  - (c) he has completed one-third of his sentence including remission;
  - (d) he is well-behaved and an industrious prisoner;
  - (e) he has, at the time of his appointment, earned at least three-fourth of the remission which it was possible for him to obtain;
  - (f) he has not been convicted of the following sections of the Pakistan Penal Code:-

121, 121-A, 122, 123, 123-A, 124, 124-A, 125, 127, 128, 130, 131, 132, 161, 162, 165, 167, 224, 225, 231, 232, 234, 310, 311, 328, 364, 364-A, 372, 376, 377, 396, 397, 408, 409, 420, 477, 497, 498:

- (g) he is not a smuggler or goonda,
- (h) and he has a fixed abode.
- (ii) *For a moqaddam, that*
  - (a) he has served as a numberdar for not less than three months;
  - (b) he has, at the time of his appointment earned three-fourth of the remission which it was possible for him to obtain;
  - (c) he has served half of his sentence including remission; and
  - (d) his work as a numberdar has been good.

*Explanation* Prisoners sentenced to imprisonment for life may be promoted when they have served seven and a half years substantive sentence.

(iii) *For a shinposh, that-*

- (a) his substantive sentence is not less than three years and that he is a prisoner of the casual class;
- (b) he has served as a moqaddam for not less than (a) six months in the case, of- a prisoner whose term does not exceed three years, or (b) one year in the case of a prisoner whose term exceed three years;
- (c) his work as a moqaddam has been good;
- (d) he is a resident of Pakistan; and that
- (e) if under sentence of imprisonment for life, he has completed not less than ten years of his sentence, exclusive of any remission gained under the remission system.

**Duties of numberdar.**

**Rule460.** The duties of a *numberdar* shall be, to--

- (a) patrol the inside of ward and assist in maintaining discipline and order at night;
- (b) prevent prisoners leaving their berth except with permission and for a necessary purpose;
- (c) count the prisoners in his charge frequently, satisfy himself that all are present, and reply when challenged by the outside patrol;
- (d) prevent, as far as lies in his power, any breach of



prison rules by any prisoner in his charge, and to report the same;

- (e) report cases of sickness;
- (f) assist in quelling any disturbance and, in case of necessity, defend any official;
- (g) perform such task as may be allotted to him during the day and render all proper assistance to the warder-in-charge of his gang;
- (h) When so required, act as a messenger within the prison walls and escort prisoners from one part of the prison to another; and
- (i) watch the prison walls and prevent prisoners from lurking near them.

**Duties of moqaddam.**

*Rule461.* The duties of a moqaddam shall be to—

- (a) perform all or any of the duties of a numberdar which it may at any be his duty to perform;
- (b) When so required, patrol the outside of wards at night, in the manner prescribed for warders; and to
- (c). see that prisoners keep themselves clean, wash and fold their clothing properly and keep their feeding utensils and .fettters clean and bright.

**Duties of shinposh.**

*Rule462.* The duties of shinposh shall be to—

- (a) perform all or any of the duties of numberdar or moqaddam which it may at any time be his duty to perform;
- (b) take charge of a certain number of subordinate convict officers and prisoners inside the prison, and see that the duties assigned to such subordinate convict officers and prisoners, respectively, are properly performed; and to
- (c) take charge a section or the prison or a workshop enclosure, maintain order and discipline amongst its occupants, exclude therefrom prisoners who are not, and detain therein prisoners who are, in his charge.

**A convict officer permanently incapacitated, may be reduced.**

*Rule463.* Should a convict officer, from any cause at any time become permanently incapacitated physically or mentally for

all or any of the duties required of him, the Superintendent may, in consultation with the Senior Medical Officer, reduce him to the next grade (if any) the duties of which he is capable of performing or remove him from office.

**Strength of convict officers.**

**Rule464.** The strength of each grade of convict officers shall be fixed as under:-

<i>Name of grade</i>	<i>District Prison</i>	<i>Central Prison</i>
Numberdar	8% of authorized prison population	6% of authorized prison population.
Moqaddam	5% Do.	3% Do.
Shinposh	2% Do.	1% Do.

*Note.* The Inspector General is empowered to increase the percentage of convict officers in the case of smaller District Prisons according to their minimum requirements.

**Appointments of women convict officers.**

**Rule465.** Women prisoners are eligible for appointment as convict officers for duty in the women's prison in accordance with the rules contained in this chapter.

**They shall not be employed outside the barracks at night.**

**Supply of whistles to convict officer.**

**Rule466.** Every convict officer shall be provided with a whistle for raising an alarm in case of an emergency.

**Supply of umbrellas and great coats.**

**Rule467.** All convict officers on duty at places, where they are exposed to the inclemencies of weather, shall be provided with umbrellas to protect them from the sun in hot weather and rain. Woollen great coats shall be provided to all convict officers in winter.

## CHAPTER-20

### *Dietary:*

**Power to fix scales of prison diet:**

**Rule468.** The Inspector-General, with the sanction of Government, shall fix the scale of prison diet to be provided in respect of each class of prisoners and with like sanction, may from time to time.

- (a) Vary the scale of prison diet generally, or that prescribed in respect of the prisoners of any class;
- (b) prescribed a special scale of prison diet in respect of the prisoners confined in any prison or in the prisons situated within any specified local area; and
- (c) prescribed a special scale of prison diet in respect of any period or during any season of the year.

**Prisoners to receive diet according to scale:**

**Rule469.** (i) Every prisoner shall be entitled to receive daily at the appointed meal hours, food according to the scale prescribed for the class to which he belongs, unless he is permitted by rules to receive food from private source. No prisoner shall at any time receive, consume or possess any articles of food or drink not provided for or supplied to him under the rules.

(ii) Rules regarding diet of superior class prisoners will be found in rule 260.

**Power reserved to Medical Officer to vary prison diet:**

**Rule470.** In the case of any prisoner in which the Medical Officer considers the prescribed diet to be unsuitable or insufficient for reasons of health, he may order in writing a special diet or extra articles of diet for such prisoner. The change, in the dietary of any class of prisoners requires the sanction of the Inspector- General.

**Labouring and non-labouring diet:**

**Rule471.** (i) The following classes of prisoners shall be entitled to the labouring diet:-

- (1) Male convicted prisoners over 16 years of age sentenced to rigorous imprisonment.
- (2) Male convicted prisoner over 16 years of age sentenced to simple imprisonment who labour voluntarily.
- (3) Prisoners under sentence of death.

(ii) The following classes of prisoners shall be entitled to non-labouring diet:-

- (1) Male convicted prisoners sentenced to simple imprisonment.
- (2) Women prisoners.

- (3) Civil prisoners maintained at Government expenses.
- (4) Male convicted prisoners under 16 years of age.
- (5) Under-trial prisoners.

**Morning meal:**

**Rule 472.** The following scales are prescribed for the morning meal of all prisoners:

Tea	...	2.3 Grs.
Milk	...	58 Grs.
Gur	...	29 Grs.
Wheat Hour	...	58 Grs.

*Explanation* —58 grams wheat flour will be cooked as roti for issue to prisoners. 29 Grs. Gur may be replaced by 15 Grs. Sugar where available. If tea the some prisoners do not favour Sugar is authorized to issue them some suitable substitute provided the cost does not exceed that of the scale of tea, milk and gur..

**Punjab improvement in Rule 472**

**Amendment on issue of Morning meal to Prisoners:**

**Meal improved:**

At present in almost all the Jails tea and 5 grams parched grams are being issued to the prisoners as morning meal. It has been noticed that not only the grams are parched improperly but also not cherished by old age and infirm prisoners and go waste for alternatives. Therefore, with a view

to improve the quality and to introduce variety in the food of the prisoners it has been decided to make a change in breakfast. The cost of proposed menu has been worked out which does not exceed the overall cost of present fixed pattern of morning meals. Accordingly, in future the variety of breakfast will be provided as given in the following programme:

*On Monday, Wednesday, Friday & Saturday:*

Roti of 58 grams Atta		
and tea made of;	Re. 0.9	per prisoner
Sugar	15 grams	
Milk	58 grams	Re. 0. 48
Tea	2 grams -	Re. 0. 57

*On Sunday, Tuesday & Thursday:*

Dalia made of	Re. 0. 50
Milk 29 grams	Re. 0. 98
Sugar 29 grams & Tea	
as above.	

Since slight variation in cost is possible due to local market rates, therefore, the cost of the menu be worked out at your end

also and intimate to this office.

According to the calculation of this end, the cost of present morning meals i.e. grams and tea comes to Re. 0.75 per prisoner i.e. costing Rs. 5.25 a week while the new menu will cost Rs. 5.22 per week in addition to advantage of variety of food.

**Midday and evening meals:**

**Rule 473.** (i) The following scale is prescribed for each of the midday and evening meals per prisoner for all labouring prisoners—

Sr. No.	Commodity	Weight	Weight for N.W.F.P.
1.	Wheat flour	.... 291 Grs.	300 Grs.
2.	Dal	.... 36 Grs.	500 Grs.
3.	Vegetables	.... 58 Grs.	75 Grs.
4.	Salt	.... 7 Grs.	15 Grs.
5.	Vegetable ghee (Vanaspati)	.... 9 Grs	9.60 Grs.
6.	Chillies	.... 1.1 Grs	1.20 Grs.
7.	Turmeric	.... 0.58 Grs.	0.60 Grs.
8.	Garlic or onion	... 1.16 Grs.	1.20 Grs.

Non-labouring prisoners shall also get the above scale except in the case of wheat flour which shall be 203 grams per prisoners per meal.

*Explanation.*—In accounting for the issue of petty rations, such as vegetable ghee, chillies, turmeric, etc. fractions upto one half should be disregarded and those in excess of one half should be shown as one chatak and entered accordingly in the diet register and stock book of rations, provided that the total issued does not exceed the scale fixed.

(ii) Dal of the same kind should not be issued at two consecutive meals. Vegetable shall be issued cut up and ready for the pot.

(iii) Beef at the scale of 58 Grs. per head per meal shall be issued twice a week in place of dal. Beef and vegetables will be cooked as one dish. Beef without bones shall be issued.

*Note.* -Potatoes instead of beef shall be issued to Hindu and Sikh prisoners.

(iv) On the first Thursday of every month 233 Grs. rice per prisoner will be cooked either as plua or sweet rice. Beef allowed at (iii) above will be used for cooking plua. No dal will be issued for the meal time when beef is cooked nor wheat flour when rice or

pluao is given. Vegetable ghee at 12 Grs. per head will be allowed to cook pluao and sweet and, 117 Grs. of gur'per head if sweet rice is made. No vegetables and dal will be cooked when pluao or sweet rice is issued.

(v) The following scale of condiments is allowed per prisoner for cooking pluao:-

- |                  |          |
|------------------|----------|
| (1) AlaichiKalan | ... 1.16 |
| (2) Zeera        | ... 1.16 |
| (3) Dar Chini    | ... 1.16 |

**Scale of fuel:**

**Rule474.** (i) The daily scale of fuel shall be as follows:-

Firewood	350 Grs. per prisoner ;,
	400 Grs. Per prisoner for N.-
	W.F.P.

(ii) Scale firewood may be increased from 350 to 467 Grs. per prisoner in prisons where the population does not-exceed one hundred prisoners.

(iii) In addition to the above scale of fuel, an allowance of 117 Grs. of firewood per prisoner is allowed for the preparation of morning meals.

(iv) 6 Kgr.—532 Grs. firewood shall be allowed for boiling one maund milk in hospital and cookhouse.

**Issue of special diet on Eids:**

**Rule475.**-All prisoners shall receive the following special on the occasion of Eid-ul-Fitar and Eid-ul-Azha.

Time	Dishes
(a) Eid-ul-Fitar	
Morning	... Swayyan with milk and sugar.
Mid-day	... Beef with vegetable and roti.
Evening	... Pulao and beef with vegetable.
(b) Eid-ul-Aza	
Morning	... Halva
Mid-day	... Beef with vegetable and roti
Evening	... Pulao and beef with vegetable.

The scale of issue per prisoner is given below:-

(i) Morning		
Dishes	Weight	For NWFP
Swayyan	.... 58 Grs.	Weights enhanced
Sugar	.... 58 Grs.	for NWFP with
Milk	.... 233 Grs.,	Federal Government

Firewood as per scale.

**HALVA**

Dishes	Weight
Wheat flour	.... 87 Grs. ....
Vegetable ghee	20 Grs.
Sugar	58 Grs

Firewood as per scale

(ii) Mid-day

Dishes	Weight	For NWFP
Beef	58 Grs	Rates Enhanced
Vegetable Ghee	12 Grs	
Vegetable	58 Grs	
Condiments as per scale	.... 233 Grs.,	

scale scale

Roti as per scale.

Firewood as per scale

(iii) Evening

Dishes	Weight	For NWFP
Beef	58 Grs	Rates Enhanced
Rice	233 Grs.	

Vegetable Ghee 29 Grs.

Beef for vegetable 58 Grs.

Vegetable ghee ... .. 12 ,,

Vegetable ... .. 58

Condiments as per scale plus condiments sanctioned for pulao.

Firewood as per scale.

*Note*—A special extra diet consisting of 233 Grs. rice, 117 Grs. gur, 29 Grs. vegetable ghee and 233 Grs. firewood per prisoner cooked into sweet rice shall be served to the Christian prisoners on Christmas and to Hindu and Sikh prisoners on Dusehra and Guru Nanak's Birth-day respectively. This diet will be divided into two dishes and issue along with mid-day and evening meals.

**Diet of prisoners in extra-mural labour camps:**

**Rule 476.** The following scales of diet are prescribed per

prisoner in extra mural labour camps:-

Morning meal:

Wheat flour ... ..	146	Grs.
Vegetable ghee ...	12	„
Tea leaves... ..	2.3	,
Milk ... ..	117	
Gur ... ..	29	

Mid-day:

Wheat flour ... ..	292	
Dal ... ..	117	„
Vegetable ghee ...	12	„
Salt ... ..	10	
Chillies ... ..	1.93	
Turmeric ... ..	0.95	„
Garlic or onion ...	1.93	„

Evening:

Wheat flour ... ..	292	Gr.
Beef ... ..	117	Gr.
		(twice a week in lieu of dal).
Vegetable ghee ...	12	„
Dal ... ..	117	
Salt ... ..	10	
Chillies ... ..	1.93	
Turmeric ... ..	0.96	
Garlic onion ... ..	1.93	„

Firewood shall be issued at the rate of 467 Grs. per prisoner per day.

*Explanation.*—Where beef is not readily available muttan may be issued, provided the cost does not exceed that of beef.

Dal	125	gms
Vegetable ghee or cooking oil of equivalent; value	15	gms

Evening

Wheat flour	300	gms
Beef 125 gm (twice a week in lieu of dal)		
Vegetable ghee	15	gms."

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**Aftarl to prisoners observing fasts daring Ramzan:**

**Rule477.** Prisoners who observe fast during the month of Ramzan shall be followed the following additional diet per prisoner



:-

In Summer:

Milk	233	Grs.
Ice ... ..	233	

Gur ... .. 58

(Made into sharbat)

In Winter:

Milk ... .. 117 Grs.

Gur ... .. 58

Tea leaves ... 2.3 „

Firewood ... 58

(Made into tea)

*Note.*—Morning meal prescribed in rule 472 will not be issued during the month of Ramzan.

**Food provided by Private Societies:**

**Rule478.** Whenever any philanthropic society offers to provide a special meal fruits on any special occasion like this, etc; to the entire population of the prison, it may, at the discretion of the Superintendent, be permitted to issue the food or fruits to the prisoners and the Superintendent shall record the fact in his order book.

**Rice diet:**

**Rule479.** In the case of prisoners who are accustomed to rice diet the Superintendent may direct the issue of 233 Gr. of rice for each meal in lieu of wheat atta. Prisoners on rice diet shall also be provided with morning meal as prescribed in rule 472.

*Explanation*— 233 Gr. of rice when cooked should weight not less than 700 Gr. Cooked weight varies with the quality of rice and Superintendent should experiment with each variety of rice and fix the exact quantity of cooked weight in each case.

**Variety of dais:**

**Rule480.** Gram dal should be issued to prisoners at two meals in a week, and masur, mash, moong or some other variety at the remaining meals at the discretion of the Superintendent, provided that one and the same dal shall not be issued for both the meals in a day.

**Manner of issuing dal:**

**Rule481.** Gram should be split before issue for use as dal and the husk should be carefully removed. Masur, mash and moong shall ordinarily be issued whole. The Superintendent may, at his discretion authorise in writing, the issue of crushed mash, moong or masur, as dal. This may be necessary at the end of the season when these are liable to attack by weavils, When masur is issued after crushing, all husk shall be carefully removed.

**Programme of issuing different dals:**

**Rule482.** In arranging programme of issue of dals of different kinds, the Superintendent shall pay special regard to their prices. Dais which are cheaper or which are the staple food of locality shall be issued often than other dais. The programme showing the days on which a particular dais is to be issued shall be noted by the Superintendent in his order book and copies of it shall be kept in office, grain godown and the cook house.

**Issue of Vegetables:**

**Rule483.** (i) The Superintendent shall daily inspect the vegetables when they are cut up ready for use and see that they are of good quality and free from stalks, decayed or fibrous portions. The vegetable should be weighed after they are ready for the pot. Arrangements must be made for sample and continuous supply of vegetables hot and rainy months, more specially those kinds which are of anti-scorbutic value such as onions, tomatoes, cabbages, potatoes when obtainable and radishes.

(ii) Succulent fresh vegetables should be used in the dietary in preference to dry vegetables. As far as possible only one vegetable shall be issued at one meal and to give variety to the food, there shall be change in the kinds of vegetables issued at different meals. Issue of chaulai and other sags shall be restricted to our meals in a week.

**Diet of convalescent prisoners:**

**Rule484.** Every prisoner on the convalescent list shall ordinarily receive wheat bread daily. He may, when ordered by the Medical Officer, receive upto 467 Gr. of milk with 29 Grs. of Gur or 117 Grs. of meat or dahi in addition to diet to which he is ordinarily entitled.

**Scale of diet for sick prisoners:**

**Rule485.** (i) The following scales of diet are prescribed for

patients in the hospital:-

Scale No. I ...	Milk diet	ilk 1 Kgr.--165 Gr and sugar 73 Gr.
Scale No. II ...	Milk and sago	Milk 933 Gr., sugar 58 Gr., rice 233 Gr.,
Scale No. III...	Milk and Rice	Milk 933 Gr., sugar 58 Gr. rice 233 Gr.,
Scale No. IV ...	Rice and Dal	Rice 467 Gr. dal moong 117 Gr. vegetable 117 Gr.
Scale No. V ...	Roti and Dal	Wheat atta 467 Gr. dal moong 73 Gr. vegetable 117 Gr.

350 Gr. of firewood-is allowed for each of the above five scales.

The following additional articles shall be issued for Scales IV and V:-

Salt 19 Gr. Ghee 23 Gr. Chillies 2.32 Gr. onion or garlic 2.32 Gr. and turmeric 1.16 Gr.

*Note—Diet* scale No. IV, rice and dal may be cooked as "kitchen" for issue to any patient. Sweetened wheat, dalia be issued to hospital patients as breakfast in diets number III, IV and V. It will consist of wheat 29 Gr. and sugar 29 Gr.

The above questions are for the whole day and may be issued at the times fixed by the Medical Officer,

(ii) The Medical Officer is authorised to order such extra articles of diet to prisoner sick in hospital, as may, in his opinion appear necessary.

(iii) The Junior Medical Officer is responsible for the preparation of diet of hospital patients subject to the control of the Medical Officer.

(iv) When the Medical Officer considers necessary, he may allow ordinary diet to a patient in hospital.

**Diet of patient and prisoners convalescent list to be recorded:**

**Rule486.** The diet scale and the details of the extras, if any,

ordered for each patient admitted to the hospital or to the infirm and convalescent prisoners, shall be recorded on the bed-head tickets to the case of patients in hospital and on the history tickets in the case of prisoners or infirm and convalescent list, under the initials of the Medical Officer.

**Extra diet for nursing mothers:**

**Rule487.** A nursing mother with a child admitted to prisons, shall receive, in addition to the ordinary diet 467 Gr. of milk and 29 Gr. sugar daily.

This issue shall cease when the child is one year old.

**Diet for the pregnant Womens:**

**Rule488.** The Medical Officer shall pay special attention to the dietary of pregnant Women prisoners, and shall, for each such prisoner, draw up a special diet scale to include milk, fresh vegetables, fruit or any other article of diet. The quantities of these shall be determined by him according to necessary. The quantities shall not usually exceed the following scales:-

Milk ... 700 Gr.  
Fresh fruit ... 233. „  
Fresh vegetable ... 233 „

**Diet scale for children:**

**Rule489.** (i) A child admitted to prison with his mother shall receive according to age, one or other- of the following allowances of food daily:-

- (a) Under twelve months Milk 467 Gr. sugar 29 Gr.
- (b) Over twelve months and upto 1-1/2 years. Milk 467 Gr. sugar 29 Gr.  
Rice 117 Gr. dal 29 Gr. salt 10 Gr. ghee 12 Gr.

(ii) Extras when necessary shall be given as the Medical Officer directs.

(iii) 117 Gr. fresh fruit thrice, weekly shall be issued to all children above the age of one year.

**Treatment of grain before grinding.**

**Rule490.** -Wheat before being ground into flour should be thoroughly cleaned and fresh from dirt, unsound or inedible grains and any other deletrious substances. The flour shall be sifted through a fine wire gauze with 22 to 25 holes to 2 CM.—5M.M.

**Cleaning and winnowing loss:**

**Rule491.** (i) The maximum loss allowed for cleaning, winnowing and grinding the various grains and pulses is given below:-

Article	Loss in cleaning per maund	Loss in grinding per maund	Bran
Wheat	467 Grs.	467 Grs.	467 Gr.
Dal	467 .Grs.	933 Grs.	
Gram for bullocks	467 Grs.	—	
Chillies	2 Kgr.---	333 Grs.	

(ii) When the actual loss in cleaning is less than authorised, the actual loss shall be charged.

(iii) In the case of gram 37 Kgr.-324 Gr. should yield 25 Kgr.—194 Gr. dal. The remaining 11. Kgr.—197 Gr.; consisting of husk and coarse flour should be issued to bullocks in lieu of 7 Kgr. —165 Gr. gram. 933 Gr. loss is allowed in cleaning this gram.

(iv) Brandover: and above the requirements of the prison cattle should be sold at short intervals and not allowed to accumulate.

**The issue of uncooked rations:**

**Rule492.** (i) The store-keeper shall weigh out the rations to the Assistant Superintendent, the warder incharge of the cook house, and the major Medical Officer, who shall be responsible that the correct quantities are issued. Ghee shall be added dal and vegetables in the presence of the junior Medical Officer and the Assistant Superintendent.

(ii) The time for the issue of raw rations from the grain godown shall be fixed by the Superintendent and shall be strictly adhered to. The whole day's ration shall be issued once in the morning.

**Charge of cook house:**

**Rule493.** Each cook house shall be under the charge of a warder and an Assistant Superintendent, who shall be held responsible for any irregularity detected in connection with preparation of food. This shall not absolve the Deputy Superintendent and other officers from responsibility in connection with the correct weight and quality of rations,

**Issue of ghee and condiments:**

**Rule494.** Ghee and condiments for the whole day shall be issued once in the morning and shall be kept in two boxes duly locked, separate for each meal. The condiments and ghee shall be

added to the dal and vegetables while they are being cooked in the presence of Assistant Superintendent and the junior Medical Officer.

**Scales, weights and measures:**

**Rule495.** Properly adjusted beam-scales and standard weights shall be used for weighing supplies in bulk and individual rations; these shall be frequently tested by the Superintendent. Pieces of bricks, stones or other unauthorised weights shall not be used as weights. Dal and vegetable measures of standard pattern shall be kept in sufficient number for distribution of goods to prisoners. All complaints-made by the prisoners regarding the quantity quality or cooking of food shall on the first opportunity be brought to the notice of the Superintendent.

**Method of kneading flour and making roti:**

**Rule496.** (i) The cooks shall perform the duty of preparing food with care and attention. The flour issued to the cook house shall be fresh and free from adulteration. It shall be soaked in water for half an hour and then slowly and thoroughly kneaded by hand. In a well-kneaded dough of proper consistency, if a finger is inserted atta should not stick to finger. While kneading, some salt and khamtz, may be. added to the dough, if the prisoners like it.

(ii) Tanoor-ki-roti shall be prepared from this dough. For this purpose sufficient number of tanoors shall be installed in the cook house, keeping a couple in reserve. Arrangement should be made so that smoke emitted from tanoors does not spread all over the cook house but is exhausted through- a special chimney. New garah cloth should be issued for making gaddies for cooking of roti in tanoor.

(iii) One part of wheat gives 1.4 to 1.5 parts of bread. 262 gr. of wheat flour should give two rotis weighing 355 gr. to 392 gr. 203 gr. weight atta should give 292 gr. to 305 gr. rotis. Roti should not be less than 305 Cm. in dia meter and should be of the same thickness throughout.

**Brass vessels to be used in cook-house:**

**Rule497.** Iron vessels shall not be used in the cooking house. Dega, dal buckets, spoons, measurers, scales and weights, etc., used in the cook house shall all be made of brass, and the Assistant Superintendent incharge shall be responsible for seeing that all cooking pots and other vessels are kept scrupulously bright and clean. The cook house shall at all times be neat and tidy. All food shall be distributed from brass or other trays provided with handles and served hot.

**Cooks:**

**Rule498.** The cooks should be well behaved and as for as possible, short termes. No convicted prisoner shall be permitted to cook his own food separately. As for as possible the cooks should be changed every six months. A careful watch shall be kept to prevent any theft or tampering with food,

**Medical examination of cooks:**

**Rule499.** All prisoners employed as cooks in the prison cook-house shall be examined by the Medical Officer prior to their employment and any prisoner suffering from any disease shall not be so employed. All prisoners working in the cookhouse shall be given a medical check up every month and the result noted on the chart which will be maintained in the cookhouse. The result will also be noted on the history tickets.

**Protection from flies:**

**Rule500.** All food shall be carefully protected from flies. The doors, windows and sky-lights of the cookhouse shall be fly proof. The main entrance of the cook-house shall have double doors.

**Shelter from rain and heat during meals:**

**Rule501.** Prisoners shall be protected from rain and intense heat while having meals. Dining sheds shall be provided for the purpose in enclousers and factories.

**Provision of electric fans:**

**Rule502.** Electric fans shall be provided in all cookhouses.

**Duty of Inspector-General to ensure adequate food:**

**Rule503.** (i) It shall be duty of the Inspector-General to take all such measures as may be necessary to ensure that every prisoner is at all times so supplied with food and drink as to maintain him in good physical health and vigor.

(ii) He shall ensure that every non-labouring prisoner gets not less than 2,400 calories and every labouring prisoner not less than ,2,800 calories in his food every day.

**Supervision of foodstuffs and water supply:**

**Rule504.** It shall be the duty of the Superintendent, the Medical Officer and the Deputy Superintendent at all times to satisfy themselves, that:-

(a) Pure and wholesome water is provided for consumption by the prisoners, and that a supply of such water is at all times freely available to every prisoner for drinking purposes;

(b) every article issued, or meant for issue for the food of any prisoner is of the prescribed quality and quantity, and is

- good, wholesome and fit for human consumption;
- (c) every cooked article of food supplied to any prisoner is properly and cleanly cooked so as to be wholesome and palatable;
  - (d) every article of food, whether raw or cooked is subjected to proper examination and inspection before it is issued for consumption by any prisoner.
  - (e) all foodstuffs at any time contained and stored are frequently inspected, and that all articles which are unwholesome or in any respect unfit for human consumption are forthwith rejected and are not issued for the use of prisoners, and
  - (f) proper places for convenient and orderly distribution of food and suitable utensils, etc., for consumption of food are duly provided.

**Examination of food by Medical Officer:**

**Rule505.** The Medical Officer shall ordinarily examine the food daily and when, defective in quality, made a notice of the fact in his report book, which shall be brought to the notice of the Superintendent. He should at uncertain times and at least once a week when the food is cooked and ready for issue and occasionally after distribution to the prisoners, cause such food to be weighed in his presence and note the result in his report book.

**Inspection of food by the Superintendent:**

**Rule506.** The Superintendent shall daily inspect the cooked food and frequently while it is being issued to prisoners.

**Deputy Superintendent to check food daily:**

**Rule507.** The Deputy Superintendent shall daily inspect all the food prepared for prisoners. He shall taste the food to test its quality, weigh ten per cent of rations at random and record the fact daily in his report book.



## CHAPTER-21

### *Clothing and Equipment:*

#### **Supply of clothing to prisoners:**

**Rule508.** (i) Every prisoner sentenced to rigorous imprisonment or imprisonment for life shall be supplied with, and wear prison clothing in accordance with the prescribed scale.

(ii) No prisoner to whom any clothing or bedding is supplied under the above clause, shall receive, possess or use, or be permitted to receive, possess or use, any article of clothing or bedding other than an article so supplied, or an article, the receipt, possession or use of which the Superintendent may, at any time, sanction in respect of any such prisoner.

#### **Clothing for simple imprisonment and under trial prisoners:**

**Rule509.** Prisoners sentenced to simple imprisonment and under-trial prisoners shall be permitted to wear their own clothing, provided:-

- (a) that such convicted or under-trial prisoners as are unable to provide themselves with the necessary clothing shall be supplied with sufficient clothing from the prison stores, and
- (b) prisoners sentenced to simple imprisonment who elect to labour shall be supplied with and wear the same clothing as is supplied to prisoners sentenced in rigorous imprisonment.

#### **Military prisoners not permitted to wear uniform:**

**Rule510.** (i) Prisoners belonging to Army and other formations, who wear uniforms shall on no account be allowed to wear them in prison.

(ii) If such prisoner is entitled under the rules to wear his own clothing, but possesses nothing except his uniform, he shall be provided with the necessary clothing from the prison stores.

#### **Prisoners not allowed to wear political symbols:**

**Rule511.** Prisoners shall not be allowed to wear political symbols.

#### **Habitual Prisoners not wear own clothes:**

**Rule512.** Habitual prisoners sentenced to simple imprisonment shall not be permitted to wear their own clothing.

#### **When convicted prisoners are permitted to wear private clothing:**

**Rule513.** All prisoners sentenced to rigorous or simple imprisonment may be permitted to wear private clothing when:-

- (a) attending Court ; and,
- (b) on transfer to another prison.

**Prisoners to conform to orders as to the care of the articles:**

**Rule514.** Every prisoner to whom any articles of clothing or bedding or other equipment is at any time supplied, shall conform to all such orders as to the care, custody and use as may, from time to time, be issued by the Superintendent, subject to the directions (if any) of the Inspector General.

**Power to fix scales of prison clothing and bedding:**

**Rule515.** The Inspector General shall, with the sanction of Government, fix the scale of clothing bedding and other equipment, to be provided for each class of prisoners, and similarly may, from time to time:-

- (a) vary the scale of clothing and bedding generally or for prisoners of any class.
- (b) prescribe a special scale in respect of prisoners confined in any prison, or in the prisons situated within any prescribed local area;
- (c) prescribe a special scale in respect of any period or during any season of the year; and
- (d) vary the shape, size, material or quality of any article prescribed in any scale of clothing or bedding.

**Standard pattern for all articles:**

**Rule516.** The Inspector General shall prescribe the measurements, pattern, etc., of each article of clothing and bedding for supply to prisoners. Sealed sample approved by him shall be maintained in each prison authorised to manufacture and supply such articles. Instructions regarding the manufacture, pattern measurements and standard weights of clothing and bedding shall be issued by the Inspector General from time to time.

**Power of Medical Officer to order extra clothing:**

**Rule517.** The Medical Officer is authorised to direct at any time on medical grounds the issue of extra clothing to any prisoners or class of any prisoners for any specified period or during any season of the year. He may authorise the issue of extra warm clothing to prisoners who are old or infirm, whenever necessary.

**Scale of clothing:**

**Rule 518.** (i) The following scale of clothing, bedding and other equipment is prescribed for C class convicted prisoners:-

<b>MEN</b>	<b>WOMEN</b>
2 dasuti kurtas.	2 fine dasuit kamiz
2 dasuti shalwars	2 fine dasuti shalwars
1 dasuti cap	2 fine dasuit or garah sheets
1 dasuti jangia	1 dasuti towel (1 M.-52 Cm)
1 dasuti sheet	X 68 Cm. 6Mm.
1 dasuti towel	2 azarbands
(IM-52Cm x 68cm—6M)	4 garah napkins for sanitary use.
2 Azarband	1 durrie.
1 durie.	1 blanket
1 blanket	1 munj mat
1 munj mat	1 matress stuffed with cotton or coir.
1 almunium cup	1 pilow 1 pillow cover
1 almunium pltae	1 almunium cup
1 almunium mug	1 almunium plate.
	1 almunium mug
	1 comb
	1 bed.

*Note.* Sikh prisoners may be issued a garah cloth turban 3 Meter-66 Cm x 61 Cm. During Winter Added Items

Men	Women
1. woollen jacket	1. woollen jersey;
2. blankets	2. blankets.

(ii) During the coldest winter months i.e. December, January and February, one or more extra blankets according to severity of winter, may be issued to every prisoner. It should not, however, be necessary to issue extra blankets for more than three months. Blankets and woollen jackets shall be issued to prisoners on 15th October and withdrawn on 14th April each year.

(iii) A hand fan should be issued to each prisoner on 15<sup>th</sup> April and withdrawn on 14th October.

**Punjab Amendment:** In rule 518(i) the scale of clothings, bleedings and other equipments prescribed for C class female prisoners shall be substituted as under:--**Clothing Improved:**

WOMEN

2 during a year. 2 during a year. 2 during a year.

- 1 Fine Dasuit Kamiz
2. Fine Dasuti Shalwar
3. Doppatta or Trivera or some other fine fabric Size 2M 10 C.mx 1M 5 C.m.  
1 during a year.
- 2 during a year. 2 during a year.
- 1 during a year
4. Turkish Towel  
91 C. x 61 Cm. (Jail Made).
- 5 Aauzarband weighing 20 gm.
6. Bed sheets Dasuti 2 Meter-13 C.m. 1.36 M
- 7 Dasuti Chaddar during Wintter 2 Meter-10 C.m. 1 Meter-5 C.m.  
8 per month
8. Sanitary pads 23 C.m. 8 C.m. (Jail made).
9. Durree (Jail made) 1
10. Blanket (Jail made) 1
11. Munj Mat (jail made) 1
12. Mattress stauffed with cotton or foam 1
13. Illo 1
14. Pillow covers (jail made) 2
15. Aluminium Cup 1
- 16 Aluminium Plate 1
17. Aluminium Mug 1
18. Bed 1
- 19 <sup>2</sup>[Washing Powder] [125 grams per week.
20. TOILET SOAP (Medium 1 Cake per fortnight

	Quality)	
21.	Mustard Oil	[140 grams per week.
22.	Hair removing powder	One time used packet once week.
23.	Brassiere (jail made)	3 per year
24.	Parands yarn of 50 gm Jail made	2 per year
25.	Comb	2 per year
26.	Banyan made of muslim	2 per year.

Note.—Sikh prisoners may be issued a garah cloth turban 3 meter 66 Cm 61 Cm

**During Winter:**

**Men**

1. Woolen jacket
2. Blankets

**Women**

1. Woolen jersey.
2. Blankets.

[Explanation, --(i) The above article shall be issued only to those Prisoners who cannot afford them].

(ii) During the coldest winter months January and February one or more extra blankets according to severity of winter, may be issued to every prisoner. It should not, however, be necessary to issue extra blankes for more than three months. Blankets and woollen jackets shall be issued to prisoners on 15th October and withdrawn on 14th April each year.

(iii) A hand fan should be issued to each prisoner on 15th April and withdrawn on 14th October.

[(iv) The Women prisoners permitted to keep children with them in jail shall be issued the following articles per child:-

1.	Feeder Bottle	1 for six months
2.	Feeder nipples	1 per month
3.	Talcum powder (Medium quality)	150 grams per month
4.	Toilet soap (Medium quality)	1 cake per month
5.	Toys	Costing up to Rs.10 per year.
6.	Shoe (Medium quality)	One pair per year.

7.	Nappies (jail made)	4 per six months
8.	Clothings (Medium quality)	4 sets per six months

*Note.* -Under- trial prisoners who cannot maintain themselves shall also be supplied the above articles at same scale at Government expenses.

#### **Clothing of convict officers:**

**Rule519.** (i) Convict officers shall be issued the same clothing prescribed for ordinary prisoners except that they shall be issued a red berretcap with a brass badge instead of the ordinary cap.

(ii) The colour of kurtas and salwars shall be yellow for moqaddams and green for shinposhes.

(iii) A leather belt shall issue to a moqaddam and shiposh.

(iv) Convict officers on the duty outside the barracks at night shall be provided with wollen great coats during winter.

#### **Clothing infants:**

**Rule520.** The Superintendent shall provide children permitted to remain with their mothers in prison with all necessary clothing in accordance with the requirements of the season.

#### **Certain prisoners to wear black cap:**

**Rule521.** Convicted prisoners who had escaped or attempted to escape from prison shall wear a cap of distinctive colour and shall be issued a cap of black colour.

#### **Clothing to be marked:**

**Rule522.** The admission number of every prisoner sentenced to the period of imprisonment shall be stamped on his clothing, and bedding. Cotton articles shall be marked with one inch numbers with indelible ink, while woollen articles shall marked with white paint.

#### **Life of clothing and bedding:**

months Woollen jackets, coats, blanket and cotton durries should give at least three years service, while munj mat should last two years. All new blankets issued to prisoners for the winter season should be withdrawn in April leaving one serviceable blanket only, with each prisoner.

(ii) Life of aluminum cups, plates and mugs is two years,

**Issue of clothing:**

**Rule524.** (i) The storekeeper shall issue complete kit to every newly admitted prisoner and will receive back the kit from all prisoners leaving the prison either on transfer or on release. He will be responsible for the correct issue and correct receipt of clothing and other equipment. He shall be assisted in this work by a literate head warder, to be detailed by the Superintendent.

(ii) General distribution of cotton clothing shall not be made. Issues shall be made as necessity arises. All issues of clothing and other articles and subsequent renewals shall be recorded on the history tickets of prisoners with dates under the initials of the issuing officer. Entries relating to new articles of clothing shall be prefixed with the letter "N" and those relating to be used but serviceable clothing with the letter "S".

(iii) A common ledger for the prison shall be kept by the storekeeper where first and subsequent issue of clothing shall be recorded against the names of individual prisoners. A blank register containing 400 pages should be used for the purpose. One half of a page should be allotted to each prisoner. Names should be recorded alphabetically.

(iv) Prisoners sentenced to imprisonment for six months or less should ordinarily be supplied with one new and one serviceable cotton suit. Short terms may be issued with two serviceable suit.

**Hospital clothing:**

**Rule525.** (i) All articles of cotton clothing for hospital use shall have two red stripes each 1 Cm.—2 Mm. wide and 1 Cm.— 8 Mm. apart running along the centre and woven in the cloth. Woollen clothing shall be made in grey with two red stripes in the centre as described above.

(ii) The Medical Officer shall see that patients in the hospital are supplied suitable and sufficient clothing to make them comfortable. They shall be provided with a bed, a mattress stuffed with cotton or coir, a pillow stuffed with cotton, a pillow cover, two bed sheets, a kurta, a pyjama, a towel and blankets and a

woollen jacket in winter.

(iii) The clothing of every prisoner shall, on his admission to hospital, be taken from him and a complete hospital outfit issued. The prisoner's clothing shall then be washed and placed in the hospital store room till his discharge, when it shall be returned to the clothing godown or destroyed, if the Medical Officer considers such a course necessary.

(iv) The junior Medical Officer shall be incharge of the hospital clothing store and shall be responsible for the care of articles.

(v) A certain number of articles should be set aside for patients suffering from infectious diseases. Articles intended for such use should be distinctly marked with a piece of fact dyed red cloth 7 Cm.—4 Mm, length and 1 Cm 2 Mm. breadth and stitched on to article of clothing.

**Extra clothing for convalescents:**

**Rule526.** Prisoners on convalescent and infirm list should be provided with an extra blanket, a woollen pyjama and woollen jacket during the coldest season of the year.

**Extra clothing to certain prisoners:**

**Rule527.** Every prisoner employed on a labour which soils the clothing shall be supplied with an extra serviceable suit dyed blue for wear during work. Cooks shall be allowed new kurtas and pyjamas dyed blue for work in the cook house. They may also be allowed an apron of coarse white dasuti loth. Clothing issued to cooks and sheets in use in cook houses for covering food shall be chargeable to dietary head and taken on stock.

**Clothing to be kept serviceable:**

**Rule528.** Every prisoner's clothing and equipment shall, be renewed as necessity arises. No prisoner shall be allowed to remain in tattered and unserviceable clothing. In every barrack or cell block sufficient number of hand needles and thread shall be kept for prisoners to repair their clothing. A prisoner who does not keep his clothes in serviceable condition shall be liable to punishment.

**Cleanliness of clothing and bedding:**

**Rule529.** All clothing and bedding must be kept in a thoroughly clean condition. Convicted prisoners shall be employed to wash hospital clothing for those who are sick.

**Sufficient clothing to be kept in stock:**



**Rule530.** A sufficient stock of clothing to meet all possible requirements, shall be kept in store in every prison.

**Supervision of supply of clothing and bedding:**

**Rule531.** It shall be the duty of the Superintendent, the Medical Officer and the Deputy Superintendent to see that:-

- (a) every prisoner is provided with sufficient clothing and bedding necessary for his health;
- (b) every prisoner entitled to prison clothing and bedding is duly supplied with all the articles according to the prescribed scale;
- (c) all clothing and bedding supplied is of the prescribed pattern and quality clean, in good condition and in all respects suitable for use by prisoners; and that
- (d) all articles of clothing or bedding at any time obtained and stored in the prison are frequently inspected, and that all articles which are in any respect unsuitable or inferior to the prescribed description and quality are forthwith rejected and are not issued for the use of prisoners.

**Duty of Inspector General with regard to clothing:**

**Rule532.** It shall be the duty of the Inspector General, from time to time, to take all such measures as may be necessary to ensure that every prisoner is at all times so supplied with clothing and bedding as to preserve him in reasonable comfort and good health.

**Responsibility of prisoners regarding clothing:**

**Rule533.** (i) No prisoner shall destroy, damage, alter or in any way make away with article of clothing, bedding or other equipment at any time supplied to him or in his possession, and every prisoner shall take reasonable and proper care of every articles supplied to him.

(ii) The manner in which articles of clothing, bedding and other equipment supplied to prisoners are to be kept or used by such prisoners, shall be prescribed by the Superintendent, subject to the directions, if any, of the Inspector-General.

**Disposal of unserviceable clothing:**

**Rule534.** Once a month all articles of clothing and bedding, etc, considered unserviceable shall be put before the Superintendent and if declared useless shall be condemned by him, and written off. in the clothing register in words by him and initialled. All condemned cotton clothing shall be torn into pieces

in the presence of the Superintendent, weighed and taken on stock. Suitable pieces may be picked out of the lot by the storekeeper for repair of prison clothing, Cotton rags should be sent to the Government press if required, otherwise auctioned. Woollen articles when condemned should not be torn into more than two pieces. These should be weighed and taken on stock and despatched to prisons manufacturing drugget carpets and durries and if not required by such prisons these should be disposed of by auction to the best advantage of State.

**Disposal of clothing received on release:**

**Rule 535.** Clothing received back from prisoners on release or transfer shall be taken by the storekeeper. It shall be washed, disinfected and repaired if necessary for re-issue, if not, it shall be placed before the Superintendent for condemnation in accordance with the preceding rule,

**Submission of clothing indents:**

**Rule 536.** Indents for clothing, bedding and other equipment shall be submitted in duplicate to the Inspector General on or before the 1st of October each year. The requirements shall be carefully considered so as to obviate the necessity of submitting a supplementary indent.

**Clothing godown:**

**Rule 537.** (i) The clothing store shall be in the charge of a storekeeper. It shall be his duty to see that all articles, cotton as well as woollen, received back from the prisoners are thoroughly washed and disinfected and then placed in store properly arranged in bundles; that all articles in store have been thoroughly repaired and are regularly aired and kept fit for use, and that every precaution is taken, *e.g.*, by the use of insecticides and frequent airing, to prevent damage.

(ii) Necessary facilities shall be afforded by the Deputy Superintendent, to the storekeeper for the washing and repairing of clothes.

(iii) Blankets and woollen jackets shall be stored in the clothing store according to these conditions and shall be classified as:-

(1) new ;

(2) good ; and

(3) serviceable;

and shall be kept in separate bundles and marked according to their classification. The bundles shall be kept in dasuti covers to protect them from dust and moisture. Napthalene balls or other insecticide shall be put in folds of all woollen clothing stored in the godown. An account of dasuti covers shall also be kept in the clothing register.

(iv) Small articles such as jangias and caps shall be stored in . bundles of one hundred each and all other articles in bundles of twenty five to facilitate checking of stores.

(v) 1/2 chatak washing soda and six chataks firewood is allowed for washing the clothings of one prisoner. Woollen clothing shall be disinfected by soakings in water treated with one per cent phenyle on the weight of the clothing.

## CHAPTER-22

### *Letters and Interviews:*

#### **Facilities to new convicted prisoners:**

**Rule538.** Every newly convicted prisoner shall be allowed reasonable facilities for seeing or communicating with his relatives, friends and legal adviser with a view to the preparation of an appeal, revision or to the procuring of bail. He shall also be allowed to have interviews with, or write letters to his relatives or friends once or twice of oftener if the Superintendent considers it necessary to enable him to arrange for the management of his property or other family affairs.

#### **Facilities to prisoners imprisoned in default of payment of fine or furnishing security:**

**Rule539.** Every prisoner committed to prison in default of payment of fine or for failure to furnish security under Chapter VIII of the Code of Criminal Procedure, shall be allowed to communicate, by letters and to have interviews at any reasonable time with his relatives and friends for the purpose of arranging for the payment of the fine or the furnishing of security.

#### **Letters on transfer from one prison to another:**

**Rule540.** Every prisoner shall, on transfer from one prison to another be allowed to write special letters to his friend or relatives intimating the change of address. If the prisoner is for any reason unable to inform his friends or relatives before his transfer from a prison, he shall be permitted to do so after his arrival in the other

prison.

**Application for admission to superior class:**

**Rule 541.** A prisoner may write an application addressed to Government through the [District Co-ordination Officer] for admission to a superior class. Such applications shall, as far as possible contain all the necessary particulars regarding his social status, education, etc, as required by the rules.

**Representation to Government or Government officers:**

**Rule 542.** Prisoners may be permitted to address communication to Government, the Inspector-General or any other Government officers in their Official capacity with a view to the redress of a grievance. Such communications shall be to the point and not contain any offensive or irrelevant matter. Communications from one prisoner on behalf of another or joint memorials or petitions are not permitted.

**Interviews and letters for condemned prisoners:**

**Rule 543.** Every prisoner under sentence of death shall be allowed to interview and communicate with his relatives, friends and legal adviser at the Superintendent may think reasonable. Once interview and one letter [in a fortnight] may normally be allowed. If desired by the prisoner, the Superintendent may request the District Coordination Officer of the prisoner's district to communicate his "desire for an interview with his relatives or friends.

**Ordinary letters and Interviews:**

**Rule 544.** In addition to the privileges referred to in the preceding rules every convicted prisoner shall be allowed to have an interview with his friends or relatives once a [fortnight] Each prisoner should be allowed one Service postcard a month, but there will be no restriction on the number of letters which he may receive. He may also be allowed two letters per month at his own expense. These privileges shall be subject to good conduct and may be withdrawn or postponed by the Superintendent if the prisoner has been found guilty of a serious breach of discipline.

Explanation. 1.—A- letter merely arranging an interview shall not be counted as a letter for the purpose of this rule.

[Explanation 2.-A prisoner may with the permission of the Superintendent substitute a letter with reply for an, interview and vice versa.]

**Extra interviews and letters:**

**Rule 545.** (i) The Superintendent may, at his discretion grant interviews liberally or allow the dispatch of letters at shorter intervals than provided in the preceding rule, or inspite of the prisoner's misconduct, if he considers that special or urgent

grounds exist for such concession, as for example, in the event of the prisoner being seriously ill or on the occurrence, of the death of near relative, or if the friends or relatives have come from a distance to see the prisoner and it would inflict an undue hardship on them to refuse an interview, or if the prisoner is nearing release and wishes to secure employment, or for other sufficient reasons. Matters of importance such as the death of a relative, may, also be communicated at any time by the friends of a prisoner to the Superintendent who will, if he thinks it expedient, inform the prisoner of the substance of the communication.

(ii) In the case of a prisoner suffering from dangerous illness and the case of extreme urgency the friends or relatives should be called by letter or telegram.

**Punjab Amendment:** After rule 545-A, the following rule 545-B shall be inserted:-

***Rule 545-B. Participation in funerals.***—(i) The Provincial Government or the District Coordination Officer may permit a well behaved prisoner to participate in the funeral of his blood or other relative of the first degree subject to his safety and security under adequate police escort.

(ii) The prisoner shall not leave the place specified in the permission order.

(iii) The police escort shall be responsible for the safety and security of the prisoner when the prisoner is attending the funeral and this responsibility shall commence when the prisoner is taken out of the prison and continue till his re-admission into the prison.

(iv) The duration of permission granted under this rule may not ordinarily exceed twelve hours, depending on the circumstance of each case, which shall not include the time consumed for journey, to and from the" prison.]

*Notifi. No. SO (MP) 9-1-G/2008 (P), dated 4.8.2008.*

**Censorship of letters:**

***Rule 546.*** No letter shall be delivered to or sent by a prisoner until it has been examined by the Superintendent or an officer authorised by the Superintendent in this behalf, but no necessary delay shall be, allowed to occur in its delivery or despatch. If a letter is written in a language unknown to the examining officer, he shall take steps to get it translated before forwarding it. No letter written in cipher shall be allowed to be sent or received. The Superintendent may withhold any letter which seems to him to be in any way improper objectionable, or may delete any passages which appear improper or objectionable. The subject-matter of letters shall be restricted to private and domestic

affairs only. Suspicious looking letters - may be exposed to heat or treated in any other suitable manner as a safeguard against unauthorised messages written in invisible ink being smuggled in or out of prison.

**Retention of letters by prisoners:**

*Rule547.* A prisoner may unless the Superintendent otherwise directs retain any letters which may have been delivered to him or may request to these be kept for him in the prison.

**Interview or communication to take place without permission of Superintendent:**

*Rule548.* No prisoner shall be allowed to have an Interview or to write letter except with the permission of the Superintendent, which shall be recorded in writing.

**Provision of writing materials:**

*Rule549.* Writing materials, including service post-cards shall be supplied to any prisoner permitted to write a letter and all letters shall be written at such time and place as the Superintendent may appoint. One day in the week, preferable Sunday, shall be set apart for letter writing. Service postage stamps at Government expense shall be provided for prisoner's letters.

**Letters and interviews, etc., to be recorded on history tickets:**

*Rule550.* (i) Interviews and letters allowed to a prisoner shall be entered on his history ticket and initialled by the Superintendent or by an officer deputed by him.

(ii) Every interview shall also be recorded in the interview register and entries shall be initialled by the Deputy Superintendent and Superintendent.

(iii) All petitions, vakalatnamas and notices sent or received by prisoners shall be entered on the history tickets. All registered letters and parcels received by prisoners shall be similarly recorded.

**Petitions for interviews:**

*Rule551.* Request for interviews with prisoners may be oral-or in writing at the discretion of the Superintendent. A prison official, to be deputed by the Superintendent, shall record the names of the interviews and prisoners in the interview register. If the prisoner is not entitled to an interview, the applicant shall be informed at once by the Assistant Superintendent or other officer incharge of interviews.

[*Explanation,* -while recording interviews number of the identity card of the interviewer shall also be entered in the Interviews register. No visitor shall be allowed to have interview without showing the identity card].

**Time and days of interview:**

**Rule552.** The Superintendent shall fix the days and hours at which all interviews shall be allowed and no interview shall be permitted on any other day, or at any other time except with the special permission of the Superintendent. A notice specifying the days and hours for interviews shall be posted outside the prison. Ordinarily interviews should be taken place on working days. No interview should be allowed on Sunday and gazetted holidays except with the special permission of the Superintendent.

*Explanation 1.*—If the number of interviews is large at any prison, request for interviews should be recorded twice daily i.e., in the morning and at afternoon.

*Explanation 2.*—Presents of cooked food, sweets and fruits from relatives and friends of prisoners may be permitted to prisoners on Eid-ul-Fitr and Eid-ul-Azha.

**Place of interview:**

**Rule553.** Every interview shall take place in a special part of the prison set apart for the purpose, if possible at are near the main gate subject to the following conditions:-

(i) If a prisoner is seriously ill, the Superintendent may permit the interview to take place in the prison hospital;

(ii) a condemned prisoner shall ordinarily be interviewed in his cell; and

(iii) the Superintendent may, for special reasons to be recorded in writing, permit an interview to take place in any part of the prison.

**Number of persons at an interview:**

**Rule554.** Not more than six adults shall be allowed to interview a prisoner, at one interview. At the last interview of a condemned prisoner, not more than fifty adults in five batches of ten each, shall be allowed to interviews the condemned prisoner. The Superintendent may exceed this limit of the occasion warrants it and is not likely to interfere with arrangements for execution the following day

**Persons granted an interview may be searched:**

**Rule555.** Every person desiring to have an interview with a prisoner shall, give his name and address and submit to be searched it such interview is to take place inside the prison. The search shall not be made in the presence of any prisoner or any other person except the officers of the prison, and in case of a Women visitor, the search shall be conducted by a Women warder. If the visitor-refuses to be searched or to give his name and address, he shall not be permitted to enter the prison or to interview any prisoner and the fact shall be recorded by the Deputy Superintendent in his report book.

**Supervision of interviews:**

*Rule556.* Every interview with a convicted prisoner shall take place in the presence of an Assistant Superintendent or other officer detailed for the purpose who shall be responsible that no irregularity occurs, and shall so place himself as to be able to see and hear what passes and to prevent any prohibited article being passed between the parties. The conversation shall be limited to private and domestic affairs only.

[For this purpose a grated gallery of 5%' to 6' width, fitted with expanded metal shall be provided to maintain the distance between the prisoners and interviewers].

**Termination of interviews:**

*Rule 557.* An interview may be terminated at any moment, if the officer supervising the interview considers that sufficient cause exists. In every such case the reason for terminating the interview shall be reported at once for the orders of the senior officer present at the prison.

**Duration of interview:**

*Rule558.* The time allowed for an interview shall not ordinarily exceed thirty minutes, but may be extended by the Superintendent at his direction.

**Search of prisoner before and after interview:**

*Rule559.* Every prisoner shall be carefully searched before and after an interview by a head warder or warder specially deputed for this purpose. The search shall not be conducted in the presence or within sight of interviewers.

**Superintendent may refuse any interview:**

*Rule560.* The Superintendent may refuse an interview to a prisoner ordinarily entitled under the rules, if in his opinion it is against the public interest to allow any particular person to interview the prisoner or for some other sufficient cause. In every such case he shall record in his order book the reason for such refusal. The Superintendent may, in his discretion disallow ex-prisoners from interviewing prisoners, unless they are related to them.

**Abuse of privilege:**

*Rule561.* Any prisoner who abuses any privilege relating to interviews or letters or communications with persons outside the prison shall be liable to be excluded from such privileges for such time and may be subjected to such further restrictions as the Superintendent may direct.

**Deposit of articles or cash at interview:**

*Rule562.* Should the friends or relatives interviewing a



prisoner wish to make over any articles or cash for the use of the prisoner either in prison or on release, they shall deposit these at the main gate with the permission of the Superintendent. Any article or cash deposited under this rule shall be entered in the relevant registers and the prisoner informed. The prisoner shall be permitted, while in prison, to use only such articles as he is allowed to have under the rules. The introduction of any article or cash into the prison, except in accordance with this rule or with the written sanction of the Superintendent is prohibited and declared to be an offence under section 42 of the Prisons Act, 1894.

**Fixation of quota of articles to be received by the prisoners at the time of interviews:**

**Rule 563.** (i) Prisoners may be allowed to receive the following articles for their consumption once a month at the time of interviews:-

S. No.	Commodity	Weight	For NWFP
1.	Gur, shakkar or sugar	1 Kgr.-866 Gr.	Rates enhanced
2.	Cigarettes	15 packets of ten each	
3.	Ghee	1 Kgr.-866 Gr.	
4.	Mustard oil	0 Kgr.-933 Gr.	
5.	Toilet soap.	2 cakes.	
6.	Washing soap	933 Gr.	
7.	Chewing tobacco (bira)	233 Gr.	

A tin for keeping gur, shakkar, ghee and oil may be allowed.

(ii) Juvenile prisoners shall not be permitted to receive or smoke cigarettes or bias, etc.—

(hi) Other articles like fruits, sweets and cooked food may be allowed at interviews only and allowed to be taken inside the prison.

**Interviews, etc. in case of under-trial and civil prisoners:**

**Rule 564.** Under trial and civil prisoners shall be granted all reasonable facilities at proper time and under proper restrictions for interviewing or otherwise communicating, either orally or in writing, with their relatives, friends or legal advisers. Under-trial prisoners may ordinarily be allowed one interview [in a fortnight].

**Number of letters allowed to under-trial prisoners:**

**Rule 565.** An under-trial prisoner shall be allowed to write

a letter once a week at Government expense. If an under-trial prisoner desires to write more letters in connection with his defence, he may be allowed to do so at Government expense, if the Superintendent considers this necessary? He may "also be permitted to send other letters at his own expense.

**Interviews of under-trial prisoners with legal advisors:**

**Rule566.** Every interview between an under-trial prisoner and his legal adviser shall take place within sight, but out of hearing, of a prison official, A similar concession may also be allowed by the Superintendent in the case of an interview with any near relative of under-trial prisoner.

*Explanation.-*The term, "friend or relative", as applied to a prospective interviewer of prisoners and as occurring in rules supra is to be literally and strictly interpreted, i.e., no one should be allowed an interview with a prisoners who is not entitled under the rules, unless he can submit proof of a personal or intimate acquaintance or near relationship. In the case of a relative, the nature of relationship should be ascertained.

**Application from legal advisers for under-trial prisoners:**

**Rule567.** When any person desires an inter-view with an under-trial prisoner in the capacity of his legal adviser he shall apply in writing, giving his name and address, nature of case and stating the immediate object of his visit, and shall satisfy the Superintendent that he is a bona fide legal adviser of the prisoner with whom he seeks an interview and that he has legitimate business with him.

**Confidential letters of under-trial prisoners:**

**Rule568.** Any bona fide confidential written communication prepared by an under-trial prisoner as instructions to his legal adviser, shall be forwarded to that legal adviser and the Superintendent shall not disclose the contents of the communication or any portion thereof to any other person. For the purpose of this rule the term legal adviser means a legal practitioner within the meaning of Act XVIII of 1879.

**Interviews with approvers:**

**Rule569.** The Deputy Superintendent shall personally conduct interviews with approvers, after these are granted by the [ Officer Incharge of prosecution in the District] and shall bring all these interviews to notice of the Superintendent and also keep a record in his report book. Such interviews shall be terminated at once if any attempt is made by the interviewers to influence the

prisoner to withdraw his confession or to alter his evidence.

**Interviews of civil prisoners:**

**Rule570.** Civil prisoners may see their friends and relatives at such time, and under such restrictions as the Superintendent may fix. The presence of a prison officer shall not be necessary.

## **CHAPTER-23**

### *Offences and Punishments:*

**Acts declared to be prison offences under section 45, Prisons Act, 1894;**

**Rule571.** *The following acts are declared to be prison-offences when committed by a prisoner:-*

- (1) Such wilful disobedience to any regulation of the prison, as shall have been declared by rules made under section 59 to be a prison offence;
- (2) any assault or use of criminal force;
- (3) the use of insulting or threatening language;
- (4) immoral or indecent or disorderly behaviour;
- (5) wilfully disabling himself from labour;
- (6) contumaciously refusing to work;
- (7) filing, cutting, altering or removing hand-cuffs, fetters or bars with out due authority;
- (8) wilful idleness or negligence at work by any prisoner sentenced to rigorous imprisonment;
- (9) wilful mismanagement of work by any prisoner sentenced to rigorous imprisonment;
- (10) wilful damage to prison-property;
- (11) tampering with or defacing history-tickets, records or documents;
- (12) receiving, possessing or transferring any prohibited article
- (13) feigning illness; .
- (14) wilfully bringing a false accusation against any officer or prisoner; .
- (15) omitting or refusing to report, as soon as it comes to his knowledge, the occurrence of any fire, any plot or conspiracy, any escape, attempt or preparation to escape, and any attack or preparation for attack upon any prisoner or prison official; and
- (16) conspiring to escape, or to assist in escaping, or to commit any other of the offences aforesaid.

**Prison offences:**

**Rule 572.** In addition to acts declared to be prison offences under section 45 of the Prisons Act, 1894. the following acts are forbidden, and every prisoner who willfully commits any of the following acts shall be deemed to have willfully disobeyed the regulations of the prison and to have committed a prison offence within the meaning of sub-section 1 of the above section of the Act:-

- (1) quarrelling with any other prisoner;
- (2) secreting any article whatever;
- (3) showing disrespect to any prison officer or visitor;
- (4) making groundless complaints;
- (5) holding any communication (in writing, by word of mouth or other wise), with an outsider, with a prisoner of the

opposite sex, civil or under-trial prisoner or a prisoner of a different class, in disobedience of the regulations of the prison;

- (6) abetting the commission of any prison offence;
- (7) doing any act or using any language calculated to wound or offend the feelings and prejudices of a fellow prisoner;
- (8) doing any act calculated to create any unnecessary alarm in the minds of the prisoners or officers of the prison;
- (9) leaving the party to which he is attached, or the part of the prison in which he is confined, without the permission of an officer of the prison;
- (10) refusing to eat food, or the food prescribed by the prison diet scale;
- (11) introducing into food or drink anything likely to render it unpalatable or unwholesome;
- (12) omitting or refusing to wear the clothing given to him or exchanging any portion of it for the clothing of other - prisoners, or losing discarding, damaging, or altering any part of it;
- (13) omitting or refusing to keep clean' his clothing, blankets, bedding, fetters utensils or disobeying any order as to the arrangement and discipline of such articles;
- (14) tampering in any way with prison locks/lamps or lights or other property with which he has<sup>4</sup> no concern;
- (15) stealing the prison clothing or any part of the prison kit of another prisoner;
- (16) manufacturing any article without the knowledge or permission of an officer of the prison;
- (17) performing any portion of the task allotted to another prisoner or obtaining the assistance; of another prisoner in the performance of his own task;
- (18) causing or omitting to assist, in suppressing violence or insubordination of any kind;
- (19) omitting or refusing to help any officer of :the prison in case of an attempted escape or of an attack; upon such officer or upon another prisoner; and
- (20) disobeying any lawful order of an officer of the prison or omitting or refusing to perform duties in the manners prescribed.

**Reference to Magistrate:**

**Rule 573** When in the opinion of the Superintendent any

of the following offences are established against a prisoner; he shall get a case registered against him at the local Police Station for judicial trial:-

- (a) offence punishable under section 224 of the 'Pakistan Penal Code;
- (b) offence punishable under sections 148, 304-A, 325 and 326 of the Pakistan Penal Code; and
- (c) any offence triable exclusively by the Court of Sessions.

Sections 148, 304, 325, 326 of P.P.C. S. 148. *Rioting armed with deadly weapon.* S. 304. *Proof of qatl-i-amd liable to qisas, etc.* S. 325. *Attempt to commit suicide.*

S. 326. *Thug.*

#### **Powers of Superintendent:**

**Rule 574.** It shall be in the discretion of the Superintendent to determine, with respect to any act which constitutes both a prison offence *and* an offence under the Pakistan Penal Code other than an offence included in the preceding rule, whether, he will use his own powers of punishment or get a case registered against him at the local Police Station for judicial trial.

#### **Procedure in cases of heinous offences:**

**Rule 575.** *If any prisoner is guilty of an offence against prison discipline which, by reason of his having frequently committed such offences or otherwise, is in the opinion of the Superintendent not adequately punishable by the infliction of any punishment which he has power under the Prisons Act, 1894, to award, the Superintendent may forward such prisoner to the Court of the [Session Judge] or of any Magistrate of the first class having jurisdiction, together with a statement of the circumstances, and such Magistrate shall thereupon inquire into and try the charge so brought against the prisoner, and, upon conviction, may sentence him to imprisonment which may extend to one year, such term to be in addition to any term for which such prisoner was undergoing imprisonment when he committed such offence, or may sentence him to say of the punishments enumerated in section 46 of the Prisons, Act:*

*Provided that the [Session Judge] may transfer the case /or inquiry and trial to any Magistrate of the first class ; and*

*Provided also that no person shall be punished twice for the same offence, (section 52 of the Prisons Act, 1894).*

#### **Segregation of prisoners committing assault:**

**Rule576.** When a prisoner commits an assault on, a prison officer, he shall, unless he has also received injuries which necessitate his being sent to the hospital, be confined in a cell,' until his case has been disposed of and shall in the meantime be kept under close supervision day and night,

**Recorded report not to be withdrawn:**

**Rule577.** A report once made by an officer against a prisoner and recorded on. his history ticket shall not be withdrawn except by the direction of the Superintendent after investigation.

**Investigation of Reports:**

**Rule578.** All reports shall be investigated by the Superintendent as soon as possible. The prisoner shall be present during the investigation and shall -be allowed to cross-examine the officers making the report and any other officer or witness who may be called. If a prisoner asks that any witnesses be called, it is for the Superintendent to decide whether the calling of such witnesses is necessary for the purposes of the investigation.

**Superintendent's discretion in awarding punishments:**

**Rule579.** (i) When the investigation & completed, the Superintendent will clearly pronounce to the Prisoner & his award. The Superintendent while awarding punishments', to prisoners for prison offences, shall endeavour to apportion the penalty to the needs of the case. Major punishments should be awarded for offences involving serious violence or repeated or serious breaches of rules.

(ii) If a prisoner has committed any infringement of the prison rules through ignorance or excludable carelessness, the Superintendent may admonish him without recording a charge. If such infringement amounts to an offence, it shall be recorded on the prisoner's history ticket.

**Only Superintendent authorised to award punishment:**

**Rule580.** No report against a prisoner shall be dealt with by any officer of the prison except the Superintendent, or, in his absence, the officer appointed to act for him. The Superintendent shall enter the award of any punishment on a prisoner's history ticket with his own hands.

**Entries in Punishment Register:**

**Rule581.** (i) The Superintendent shall have the necessary entries "made in the punishment register on the same day a punishment is awarded to a prisoner.

(ii) In case of every serious offence, the names of the witnesses

proving the offence shall be recorded, and, in the case of offences for which whipping is awarded, the Superintendent shall record the substance of the evidence of the witnesses, the defence of the prisoner, and the findings with reasons. The names of two witnesses shall be recorded in every case where a major punishment has been awarded.

(iii) Against the entries relating to each punishment the Deputy Superintendent and Superintendent shall affix their initials as evidence of the correctness of the entries.

(iv) Any punishment involving a forfeiture of remission shall also be entered in the remission sheet of a prisoner on the same day and corresponding deduction made from the amount of total earned remission.

**Authority for punishments:**

**Rule582.** (i) The Superintendent shall have the power to award any of the punishments enumerated in rules 583 and 584.

(ii) No officer subordinate to the Superintendent shall have power to award any punishment whatever. (Section 48 Act IX, 1894).

**Minor Punishment;**

**Rule583.** The following punishments provided in section 46 of the Act shall be considered minor:-

- (1) A formal warning which shall be personally addressed to the prisoner by the Superintendent and recorded in the punishment register and on the prisoner's history ticket.
- (2) Change of labour for a stated period to some more irksome or severe form.

*Explanation.* —This punishment is not to be executed until the Medical Officer declares the prisoner to be fit to undergo the same and makes an entry to this effect on the prisoner's history ticket.

- (3) Forfeiture of remission earned not exceeding four days.
- (4) Forfeiture of class, grade or prison privilege for a period not exceeding three months.
- (5) Temporary reduction from a higher to a lower class or grade.
- (6) Cellular confinement for not more than seven days.

*Explanation 1*— Cellular confinement means such confinement with or without labour as entirely secludes a prisoner from communication with but not from sight of other prisoners.



**Explanation 2.**—After each period of cellular confinement an interval of not less duration than such period must elapse before the prisoner is again sentenced to cellular confinement.

(7) Separate confinement for not more than fourteen days.

**Explanation.**—Separate confinement means such confinement with or without labour as secludes a prisoner from communication with, but not from sight of, other prisoners, and allows him not less than one hour's exercise daily and to have his meals in association with one or more other prisoners.

(8) Imposition of handcuffs

**Explanation 1.**—Handcuffs imposed by way of punishment for prisoner offences shall be iron handcuffs (swivel with spring-catch handcuffs) weighing not more than one lb. each.

**Explanation 2.**—Handcuffs may be imposed on the wrists in front by day or by night for a period of not more than twelve hours at a time, with intervals of not less than twelve hours between each period and for not more than four consecutive days or night.

**Explanation 3.**—A Women or civil prisoner is not liable to the imposition of any forms of handcuffs.

(9) Imposition of link fetters for not more than thirty days.

#### **Major punishments:**

**Rule 584.** The following punishments provided in section 46 of the Prisons Act, 1894, shall be considered major punishments :-

- (1) Hard labour for a period not exceeding seven days in case of convicted criminal prisoners not sentenced to rigorous imprisonment.
- (2)
  - (a) Forfeiture of earned remission exceeding four but not exceeding twelve days.
  - (b) Forfeiture of earned remission in excess of twelve days.
  - (c) Forfeiture of class, grade or prison privilege for a period exceeding three months.
  - (d) Exclusion from remission system for a period not exceeding three months.
  - (e) Exclusion from remission system for a period exceeding three months.
  - (f) Permanent reduction from a higher to a lower grade.

**Explanation.**—The major punishments 2(b) and 2(c) and any

combination of major punishments 2(b), 2(c) and 2(e) shall not be awarded by the Superintendent without the previous sanction of the Inspector-General.

(3) Cellular confinement for a period exceeding seven days.

*Explanation.*—The maximum period for this punishment is fourteen days and an interval of not less than during the period of confinement must elapse before prisoner is again sentenced to cellular confinement.

(4) Separate confinement for a period exceeding fourteen days, but not exceeding three months.

*Explanation.*—The previous confirmation of the Inspector-General is required when the period exceeds one month.

(5) Link fetters if imposed for more than 30 days but not exceeding three months.

(6) Bar fetters.

*Explanation 1.*—Bar fetters shall be composed of two iron bars joined together by a welded link and attached to ankle rings. The total weight of such fetters including the ankle rings shall not exceed five lbs. and each bar shall not be less than 50Cm -8 Mm in length.

*Explanation 2.*—The maximum period for which bar fetters may be continuously imposed in three months.

Note.—Punishment fetters should be removed when a prisoner wearing the same is to be produced in Court.

(7) Whipping,

(8) Any combination of minor punishments admissible under section 47 of the Act.

**Plurality of Punishment under sections 46 and 47:**

**Rule 585.** (i) Any two of the punishments enumerated in rules 583 and 584 may be awarded for any offence, subject to the following exceptions:-

- (1) Formal warning shall not be combined with any other punishment except those specified in rule 583 (3, 4 and 5), and rule 584 (2).'
- (2) Cellular confinement shall not be combined with separate confinement so as to prolong the total period of Seclusion to which the prisoner shall be liable.
- (3) Whipping shall not be combined with any other form of punishment except cellular or separate confinement and those specified in rules 583 (3, 4 and 5) and 584 (2).

- (ii) No punishment shall be awarded for any offence so as to combine with the punishment awarded for any other offence, two of the punishments which may not be awarded in combination.

**Prohibition against un-authorized punishments:**

**Rule 586.** -Except by order of a Court of Justice no punishment other than the punishments specified in rules 583, 584 and 585, shall be inflicted on any prisoner otherwise than in accordance with the provisions of these rules.

**Minor and Major Offences:**

**Rule 587.** An offence will be considered a minor offence, when it is dealt with by a minor punishment, and a major offence when dealt with by a major punishment. The classification in the annual returns should distinguish between offences dealt with by major punishment, and offences dealt with by minor punishments. The combination of minor punishments will be shown under the head of major punishments in the punishment statement.

**Restriction to whipping:**

**Rule 588.** (i) The punishment of whipping shall be reserved for serious offences and, if inflicted, shall be severe enough to act as a real deterrent. The total number of stripes shall never be less than fifteen. In case the Medical Officer certifies that a prisoner is unable to bear this number, some other punishment shall be awarded.

(ii) The punishment of whipping shall be inflicted only for mutiny or for conduct seriously affecting the discipline of the prison or for incitement thereto, for serious assaults on public servants or visitor or when other punishments have failed to deter him from commission of especially grave nature.

(iii) A record shall be maintained in the punishment register as required by section 51 of the Prisons Act, 1894, of every case punished with whipping. The Superintendent shall promptly submit a special report about the facts of the case, and the award of this punishment, to the Inspector-General.

(iv) The punishment of whipping shall not be inflicted on special class prisoners except with the permission of Government

**Medical Officer to certify fitness for whipping:**

**Rule 589.** (i) The punishment of whipping shall not be inflicted

unless the Medical Officer certifies that the prisoner is in a fit state of health to undergo such punishment.

(ii) If during the execution of a sentence of whipping, the Medical Officer certifies that the prisoner is not in a fit state of health to undergo the remainder of the sentence, the whipping shall be finally stepped (section 394 of the Code of Criminal Procedure Code, 1898).

**Mode of inflicting punishment of whipping:**

**Rule590.** (i) No punishment of whipping shall be inflicted in installments, or except in the presence of the Superintendent and Medical Officer or junior Medical Officer.

(ii) Whipping shall be inflicted on the buttocks with a light ratan not less than half an inch in diameter, and in the case of prisoners under sixteen years of age, it shall be inflicted, in the way of school discipline, with a lighter ratan. (Section 53 Act IX, 1894).

*Explanation.*—To prevent undue laceration of the skin, a piece of thin cloth soaked in some antiseptic solution shall be spread over the prisoner's buttocks during the operation. Such cloth shall be thoroughly washed and afterwards soaked in an antiseptic solution before being again brought into use, so as to obviate the possibility of disease of any kind being conveyed from one prisoner to another.

*Explanation 2.*—The drawing stroke which is calculated to lacerate the skin a prohibited.

**Limits of stripes:**

**Rule591.** In case of prisoners of or over sixteen years of age, such punishment shall not exceed thirty stripes, and in case of prisoners under sixteen years of age, it shall not exceed fifteen stripes.

## CHAPTER-24

### *Escapes and cut-breaks*

#### **Provisions for raising an alarm:**

**Rule592.** The main gate of every prison shall be provided with a bell or gong or siren with which to raise alarm. A bugler shall be entertained as a warder and he shall remain present near the main gate at all times. When prisoners are working in large numbers either inside or outside the prison, at a point so distant that a warder's whistle sounded at such place cannot be heard by the main gate sentry or the gatekeeper, a gong or other reconverted means of rapidly conveying information of any untoward occurrence shall be provided.

#### **Steps to be taken in the event of escapes or out-breaks:**

**Rule593.** Immediately a prisoner is found to be missing or making an attempt to escape or any other disturbance taking place or appearing imminent, it is the duty of the officer, who first notices the incident, to blow his whistle continuously. He shall continue to blow his whistle and every officer hearing the whistle shall blow his own whistle and continue blowing it till the continuous sounding of the alarm bell, siren or bugle at the main gate shows that the information has reached there. The gate sentry on hearing the whistle, or a bell or gong sounding the alarm in any part of the prison or its neighborhood, shall repeat the alarm by continuously sounding the bell, siren or gong till the whole establishment is thoroughly alerted. The bugler shall also sound the alarm on his bugle.

#### **Duty of gate-keeper:**

**Rule594.** The gate-keeper shall, as soon as he hears the whistle blow continuously or receives information of any prisoner having escaped or attempting to escape or of an out-break or disturbance having taken place or being imminent, order the sentry to sound an alarm, and shall send immediate information to the Deputy Superintendent and the Superintendent.

#### **Duty of sentry:**

**Rule595.** The sentry at the main gate shall sound the alarm by loudly ringing the alarm bell when ordered to do so by the gate-keeper or on his own initiative if he has reason to believe that an outbreak or disturbance, an escape or an attempt to escape is occurring or is about to occur.

**Intimation of incident at the main gate:**

*Rule596.* The warder on duty at the place where the alarm originated shall despatch a junior, warder or a convict officer with all haste to the prison gate, to convey such information as is known regarding the nature of the occurrence that has or is about to take place, so that the Deputy Superintendent or other officer incharge may be in a position to direct operations accordingly. In the case of an escape, the prisoner's name, the place where last seen, the probable direction in which he escaped and the part of the prison or the prison precincts from where he disappeared, will all be valuable information leading to his recapture. In the event of a disturbance, the place in which it occurred and the approximate number of prisoners engaged in it, will enable the officer-in-command to dispose of his forces in the most effective manner for its suppression. The Deputy Superintendent shall at once send intimation of the cause of the alarm to the Superintendent.

**Promptness in raising an alarm:**

*Rule597.* It is imperative to raise the alarm at once without any loss of time. When a prisoner is found to be missing or a disturbance has broken out or is on the point of breaking out, no attempt at search or suppression shall be made, till measures are first taken to raise the alarm. The fact that the missing prisoner was found or the disturbance put down without having recourse to an alarm, shall not be accepted as an excuse, in any way, for neglect of this important duty.

**Arming of officers and staff at alarm:**

*Rule598.* On hearing in alarm all prison officers, excepting warders on duty shall, no matter where or how engaged or whether, in proper uniform or not, forthwith assemble at the main gate. The warders shall fall in near the armoury and be armed as quickly as possible with rifles, bayonets and ten rounds of live ammunition. Warders for whom rifles are not available shall be armed with lathis. A sufficient number of lathis shall be kept in the armoury for the office establishment and warders.

**Disposal of warders at an alarm:**

*Rule599.* The procedure to be followed by the Deputy Superintendent or other senior officers present must necessarily depend on the character of the occurrence with which he has to deal. In all cases, however, a sentry shall be posted on the roof of the main gate and other position of advantage where he can command a view of the interior of the prison. Two small pickets,

each under the charge of a head warder or warder, shall be despatched to take up positions around the main wall in the rear of the prison, in order to prevent any attempt on the part of the prisoners to scale the walls in that direction. Warders in need of assistance shall fire a shot in the air to intimate the fact. A few men shall be kept in reserve to render assistance at any point where their services may be specially required, with instructions to proceed to the spot from where the sound of a rifle shot comes. The disposal of the remaining men will depend on circumstances.

**Convict Officer to fall in:**

*Rule600.* All convict officers not on duty shall on hearing the alarm fall in at the appointed place of assembly which is usually at the centre of the prison. They shall be under the charge of the chief warden in central and first class district prisons and the head warder in other prisons.

**Collection and checking of the prisoners:**

*Rule601.* Warders-in-charge of prisoners inside the prison shall collect the prisoners where they are at work and shall lock them up in the nearest barrack or factory. All prisoners locked up in barracks and factories shall be counted by the warders-in-charge. The prisoners shall sit silently till the alarm is over. Warders and convict officers, after looking up the prisoners in their charge, shall, unless otherwise directed, remain on duty outside the barracks or factories in which the prisoners have been locked up.

**Duty of Deputy Superintendent or Assistant Superintendent before the arrival of the Superintendent:**

*Rule602.* Pending the arrival of the Superintendent, the Deputy Superintendent or the Assistant Superintendent shall act in accordance with the following instructions;—

(i) If it is a case of escape or disturbance outside the prison, the Deputy Superintendent shall rush to the spot along with his spare men. He will detail search parties under charge of Assistant Superintendent's and other responsible officers in search of the missing prisoners or to take measures to quell the disturbance as the case may be, using his powers with discretion and effecting his object with as little display of force as is necessary under the circumstances.

(ii) Should it be a case of riot or disturbance inside the prison, and the sentry on the main gate roof reports that the vicinity of the main gate is clear, he shall take remainder of the guard inside the prison, and in the event of an outbreak proceed to the scene to put it down. If the circumstances are such to necessitate immediate action, he shall warn the prisoners three times in a loud voice that if they do not submit at once and disperse peacefully, they shall be

fired upon. If the circumstances are such as do not admit of delay, the warning need not be repeated. If, upon being warned, the prisoners do not submit and disperse, and if there appears to be no other immediate means of quelling the disturbance, he shall order the guards to fire upon them. The firing shall cease the moment the prisoners disperse or yield. Firing should be none with intent to wound and not to kill.

**Superintendent to assume charge of operations:**

*Rule603.* The Superintendent on arrival shall assume charge of the operations.

**Use of arms against prisoners:**

*Rule604.* The following rules have been made under clause (6), section 59 of the Prisons Act, 1894, regulating the use of arms against any prisoner or body of prisoners in case of an outbreak or an attempt to escape:-

(i) An officer of the prison may use a sword, bayonet, fire-arm or any other weapon against any prisoners escaping or attempting to escape; provided that, resort shall not be had to the use of any such weapon unless such officer has reasonable grounds to believe that he cannot otherwise prevent the escape,

(ii) Any officer of the prison may use a sword, bayonet, fire-arm or any other weapon on any prisoner engaged in any combined outbreak or in any attempt to force or break open the outer gate or enclosure wall of the prison, and may continue to use such weapon so long as such combined outbreak or attempt is being actually prosecuted.

(iii) Any officer of the prison, may use a sword, bayonet, fire-arm or any other weapon against any prisoner using violence to any officer of the prison or other person provided; that such officer has reason, to believe that the officer of the prison or other person is in danger of life or limb, or that other grievous hurt is likely to be caused to him.

(iv) Before using fire-arms against a prisoner under this rule, the officer of the prison shall, except where circumstances make such course impossible, give a warning to the prisoner, that he is about to fire on him.

(v) No officer of the prisoners shall, when a superior officer" is present, use any arms against a prisoner under this rule except under the orders of such superior officer.

**Steps to be taken at escapes:**

*Rule605.* (i) In the event of all escape, the Deputy Superintendent shall immediately form search parties of warders and convict officers, and conduct a thorough search of the prison premises for the missing prisoner.



(ii) If a prisoner working outside the prison escapes the warder-in-charge of the party shall immediately raise the alarm by blowing his whistle and pursue the prisoner only if he is in sight, leaving the party in the charge of the convict officer. Such warder shall then immediately march the gang at the double to the main gate, and inform the gatekeeper of the occurrence and have the alarm sounded at once.

(iii) In the case of an escape or attempt to escape at night, if it appears probable that the prisoner is still lurking within the prison, warders with torches shall be posted at intervals inside the enclosure walls and the remaining warders divided into two parties each with torches, one to search inside and the other outside the prison.

Note.—Torches ready for use and sufficient battery cells should be kept in a box at the main gate.

**Gate sentry to defend gate and protect officers:**

*Rule606.* It shall be the duty of the gate sentry at times of alarm to defend the gate and to protect any officer of the prison or other person to whom a prisoner may be actually using violence.

**Precautions to be taken in case of disturbance:**

*Rule607.* In case of a disturbance the officer-in-charge should keep his men together in line and not allow them to approach the body of prisoners nearer than thirty yards, at which distance he is in the best position to deal with the rioters. A few warders shall in all cases be armed with batons and supplied with; handcuffs to arrest and secure any ring leaders or escaping prisoners.

**Absolute silence to prevail at an alarm:**

*Rule608.* Absolute silence shall be observed at an alarm and all the details carried out in an orderly and systematic manner. Assistant Superintendents and warders who have to take charge of detached parties of men, shall be instructed before hand of the duties required of them, so that they may know exactly what to do and where to go to when the alarm is sounded without waiting for instructions.

**Conclusion of alarm:**

*Rule609.* The alarm shall be concluded by blowing "the retire" on a bugle or sounding the alarm gong as a signal for all officers to return and fall in at the main gate, where a roll call shall be held and the names of the officers who were absent or late in turning up noted for necessary action. The Deputy Superintendent shall note in his report book the date and time of the alarm and the cause for it.

**Assistance from district authorities:**

*Rule610.* (i) The Superintendent shall, in consultation with the

Superintendent of Police and the [Zila Nazim], make such arrangement for a concerted plan of action in the case of an outbreak or escape, as may seem advisable.

(ii) The Deputy Superintendent shall, on the occurrence of an escape or outbreak, send word to the officer-in-charge of the nearest police station.

(iii) In the case of a serious riot or combined insubordination amongst the prisoners, the Superintendent shall immediately inform the [Zila Nazim] and the Superintendent of Police who shall afford all possible assistance to the Superintendent if required by him.

(iv) In case of an escape, intimation shall be sent by telephone to the District Police lines for assistance in the recapture of the prisoner.

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1. Subs, for "District Magistrate" by Notifi. No. SO (Prs) 18-1/2002, dt. 12.1.2002.

(v) Whenever it is necessary to place prisoners in confinement in any place without the walls of the prison, the Superintendent shall apply to the Superintendent of Police for such police guard as may in the opinion of the latter officer, be necessary and the Superintendent of Police shall supply such guard accordingly.

(vi) In every case in which any prisoners are guarded by the police under the provisions of the preceding sub-rule, the responsibility for the sole custody of the prisoners shall rest with the police.

(vii) If from any cause, any prison, at any time become temporarily insecure, the Superintendent shall inform the Superintendent of Police of the fact, and it shall be the duty of that officer to supply such police guard as he may think necessary to provide for the safety of the prisoners until the prison is made secure.

**Notice of an escape to be sent to Police Officers:**

**Rule 611.** When an escape has taken place and attempts at recapture have been ineffectual, immediate notice shall be sent to the Superintendent of Police and to the [Zila Nazim], together with a descriptive roll of the prisoner giving all the information available, including his usual place of residence, etc. If the prisoner belongs to a district other than that in which he was confined, similar reports and descriptive roll shall be sent to the [District Co-ordination Officer] of that district, the Superintendent of Railway Police and the [District Co-ordination Officer of all the districts he is likely to traverse on his way to his home. The information may also be sent by telegraph to the Police of other districts.

**Report to the Inspector-General and Home Secretary:**

**Rule612.** (i) The Superintendent shall immediately report, by telegram, the occurrence of an escape or any other serious unusual event-, to the Inspector-General and the Home Secretary.

(ii) A brief report of every escape shall be submitted to the Inspector-General police. The Superintendent shall conduct an enquiry as soon as after the occurrence as possible and shall forward a detailed report to the Inspector-General along with his findings. A copy of the judgment in the case of a prisoner tried for escape shall also be submitted to the Inspector-General. In the case of escapes not entirely due to negligence, but in part to some defect in the buildings or in the method of guarding, it is necessary to point out such defects clearly.

(iii) A report of the recapture of a prisoner shall be made to the Inspector-General giving particulars of the date and circumstances of recapture and such additional details of the escape as may be elicited from the prisoner.

(iv) Every attempt to escape, and the particulars in each case, shall be reported to the Inspector-General along with the descriptive roll of the prisoner.

**Alarm parades:**

**Rule613.** (i) The Superintendent shall hold a practice alarm parade once in three months [at least once in a month and where necessary more frequently at unspecified hours of the day without previous warning] uncertain times of the day, without previous warning. It should be started from any part of the prison where prisoners usually work. As an alarm may be raised at any time, it is important that staff and prisoners should not know whether it is merely for practice, and the same attention should be given to details on each occasion to accustom warders to the different circumstances which they may be called upon to deal and test their preparedness to turn out at short notice. Report of the alarm parades held shall be submitted to the Inspector General at the end of every quarter stating-therein the names of the defaulters and action taken against them.

(ii) At least once in the year [once in each quarter] one alarm parade shall be held at night.

**Reward for recapture:**

**Rule614.** (i) Superintendent may recommend any person for grant of suitable reward by the Inspector-General after the consideration of all the circumstances for the recapture of any escaped prisoner.

(ii) The Inspector-General is empowered to sanction an amount not exceeding Rs. 100 in any one case for the recapture of any prisoner.

(iii) No reward for the recapture of a prisoner who escapes from police custody shall be paid by the Prison Department, but the case may be referred to the Police Department for consideration of reward.

*Explanation 1*--Any Government servant may receive without special permission any reward offered for the arrest of a criminal, etc.

*Explanation 2*--When two or more persons have been instrumental in recapture of an escaped prisoner, the reward shall be divided amongst them in such manner as the Inspector-General may direct.

**Reward for a prisoner preventing an escape:**

**Rule615.** Every prisoner who assists in any way whatsoever in preventing an escape shall, if he cannot be adequately rewarded by the Superintendent, under the remission rules, be brought to the notice of the Inspector-General for award of special remission by him.

**Procedure on recapture of a prisoner:**

**Rule616.** (i) On the recapture of a prisoner, the fact shall be notified to all officers who have been addressed under rule 611.

(ii) A recaptured prisoner may be admitted into and detained in prison on the authority of his original warrant, the time he was at large shall not count as sentence served.

**Fetters for recaptured prisoners:**

**Rule617.** (i) A prisoner who had escaped from prison may On recapture, be placed in fetters.

(ii) The period for which he may be kept in fetters shall be fixed up by the Superintendent having regard to the circumstances of the escape. An order imposing fetters under this rule shall be subject to review by the Inspector-General at the time of his inspection of the prison.

**Documents relating to escaped prisoners:**

**Rule618.** (i) The conviction warrant of an escaped prisoner shall be retained in the prison office for a period of ten years from the date of escape, after which it shall be returned to the issuing Court and the name of the escaped prisoner struck of the prison record.

(ii) The remand or committal order of an under-trial or civil prisoner who has escaped from prison shall be returned to the Court concerned with an endorsement to this effect.

**Note on history tickets:**

**Rule619.** A brief note shall be made on the history tickets of all convicted prisoners recaptured after escape from prison. It should state the date, the nature of escape, whether it was from inside or outside the prison and if it was during the day or night. Any other important facts relating to the escape, may also be noted.

**Construction of the outer wall of a prison:**

**Rule620.** (i) The outer wall of every prison shall be rounded on top; cornices, projections of any sort or broken glass only afford a hold for a blanket or cloth. At every junction of a partition wall with the outer wall and at every angle in the outer wall, a sufficient addition should be made to the height to prevent the possibility of any prisoner scaling the walls at these places. The main wall of a prison shall not ordinarily be less than 4 M.--86 Cm. in height a clear space 4 M.-86 Cm. feet shall be left between it and any building on either side of it.

(ii) The enclosure walls of barracks and cell blocks shall not be less than 3M--5 Cm. in height.

**Report of assaults of disturbance:**

**Certain prisoners not to be entrusted with knives etc:**

**Rule621.** (i) A full report of every serious assault committed by a prisoner as an officer of the prison and of every serious disturbance or combined out break amongst prisoners shall be submitted to the Inspector-General.

(ii) Prisoners of a sulky, morose or violent temper shall on no account be entrusted with a knife or other implement which can be used as a weapon of assault.

(iii) All locks in use in a prison shall be examined daily and any lock found defective shall be put up before the Deputy Superintendent who shall immediately replace it with a serviceable one.

(iv) Even in case of a cognizable crime which is to form the subject of police and magisterial enquiry and subsequently ends in a criminal trial, the Superintendent shall at once conduct an enquiry, and submit his report to the Inspector-General with special reference to prison discipline and rules. If he finds that any officials is at fault, he shall state how he proposes to deal with them.

## CHAPTER-25

### *Prisoners in cells:*

#### **Confinement in cells under section 28 of the Prisons Act, 1894:**

**Rule 622.** Section 28 of the Prisons Act, empowers Superintendent to confine convicted criminal prisoners either in association or individually in cells, or partly in one way and partly in the other. If any prisoner is confined in a cell under that section, he should, if circumstances permit, be treated in all other respects like ordinary prisoner confined in association. He should be locked up and unlocked at the same hours and allowed to work and have meals in association with other prisoner. The prisoner is kept in a cell because it is considered expedient to confine him there and not because he has been given this confinement as a punishment. Superintendent shall see that this section is not used as an excuse, for keeping prisoners in cells as a punishment. When it is intended to keep a prisoner in a cell as punishment, action shall be taken under rules 583 and 584.

#### **Construction of cells:**

**Rule 623.** (i) A sufficient number of cells shall be provided in every prison.

(ii) Each cell for solitary confinement shall have a yard attached to it, where the occupant have the benefit of fresh air without the means of communicating with other prisoners. Suitable sanitary and bathing arrangements shall also be provided.

(iii) Cells intended for separate and cellular confinement shall have a general yard with suitable sanitary and bathing arrangements in which the occupants can take meals in association and be allowed to take exercise.

(iv) The outer door of every cell yard shall have an eye-hole so that the occupant can be watched. The cell should have an iron

grated door and an iron grated ventilator.

**The purpose for which cells may be made:**

*Rule 624.* Cells may be used for:-

(a) carrying out sentences of judicial solitary confinement;

- (b) separate and cellular confinement as a person punishment;
- (c) the Medical observation of those suspected of being insane or the accommodation of noisy, dangerous or other mental patients whom it is advisable to keep apart.
- (d) the separation of prisoners:
- (e) the medical observation and segregation of prisoners suspected of malingering, causing sickness or injury to themselves or who are suffering from contagious or infectious diseases.
- (f) confinement of prisoners under sentence of death.
- (g) quarantine; and
- (h) confinement of prisoners on hunger strike.

**No prisoner to be placed in a cell without a written order:**

*Rule625.* No prisoner shall be placed in a cell either as punishment, or for segregation without the order of the Superintendent duly recorded on his history ticket.

**Cell tickets:**

*Rule626.* If a prisoner is confined in a cell by way of prison punishment, segregation under section 28, Prisons Act, 1894, or for any other cause, a cell ticket shall be posted outside the cell showing particulars of the prisoner.

**An officer to be within hearing of prisoners in cells.**

**Visits:**

*Rule627.* Every prisoner confined in a cell shall invariably be in the immediate charge of a warder. The guards shall be so arranged and posted both by day and night that all prisoners in cells shall at the times have the means of communicating with a prison officer. Every prisoner so confined shall be visited by a warder on duty at least once an hour by day and night. The relieving and the relieved warder shall visit the cells together at every change of guard to see that the correct number is confined therein and that all is well.



**Close supervision of prisoners confined in cell:**

**Rule628.** (i) A strict watch shall be kept over all prisoners confined in cells to prevent them from committing suicide, injuring themselves or doing any other unauthorised acts. Every mental patient, suspected mental patient, or prisoner suspected of suicidal tendencies under medical observation in cells shall be carefully watched both by day and night.

(ii) A prisoner sent to a cell for medical observation shall be frequently visited by the warder on duty who shall send information to the medical Officer or the junior medical officer of any change which may take place in the prisoners' condition.

**Cells to be kept clean:**

**Rule629.** Prisoners confined in cells shall be required to keep their cell scrupulously clean. Their bedding shall be frequently exposed to sun air.

**Search of prisoners in cells:**

**Rule630.** Each prisoner shall be carefully searched before being placed in a cell, and all articles likely to aid escape or suicide shall be taken away from him. The cell shall also be thoroughly searched. All cells and prisoners confined therein shall be carefully searched daily at lock-up, and oftener if necessary.

**Precautions to be taken with condemned prisoners admitted to cells:**

**Rule631.** When a condemned prisoner is received in a prison on transfer or otherwise and before he is placed in his cell, the Assistant Superintendent incharge of condemned prisoners shall personally see that the prisoner's shoes are taken away from him and that he is issued a pair of prison chappals.

**Precautions to be taken with prisoners in cells at night:**

**Rule632.** (i) The presence of every prisoner in a cell shall be ascertained at each charge of guard. In the case of sickness at night, notice shall be given by the prisoner to the warder on duty, who shall inform the patrolling officer. The patrolling officer shall have the matter reported to the junior Medical Officers. It is necessary to remove the prisoner to hospital, the Deputy Superintendent or the Assistant Superintendent on night duty will be sent for, who shall have the cell opened and the prisoner removed to hospital under his supervision and with proper safe-guards. The Superintendent and the Medical Officer shall be informed of the circumstance at their next visit. A warder on day duty shall have the custody of the keys of the cells and at night these shall be kept in the key chest in the main gate. In the case of an attempt at suicide by any prisoner, the cell shall be opened at once and the attempt frustrated.

(ii) The keys of the cell shall never be entrusted to a prisoner or convict officer. The lock and bolt of every cell shall be examined daily by the head warder responsible for lock-up.

**Only one occupant in each cell: Exception:**

*Rule633.* Every prisoner shall occupy a cell by himself by night, unless for medical or other special reasons it is necessary for prisoners to be associated. In such cases no fewer than three prisoners may be lodged in one cell, and each shall be supplied with separate bedding.

**Prison servants may enter a cell:**

*Rule634.* A prison servant may be permitted to enter a cell when his services are required there and he is accompanied by a warder.

**Labour in cell:**

*Rule635.* (i) The forms of labour selected for cells shall, as far as possible be such as will not facilitate escape or suicide. If it is necessary to employ prisoners on other tasks, special precautions shall be taken.

(ii) Grinding mills provided in cells shall be fixed on cement platforms into which the lower stones should be embedded. Such cells shall not be used for night confinement, but only used during day for these prisoners awarded grinding as a prison punishment.

**Electric light in cells:**

*Rule636.* Every cell in a prison shall be provided with electric light at night. Electric fans may also be installed during summer where practicable.

**Drinking water in cells:**

*Rule637.* Prisoners confined in cells shall be provided with earthen pitchers or storing water for drinking.

## CHAPTER-26

### *Judicial Solitary Confinement*

#### **Amount of solitary confinement ordered on a warrant.**

**Rule 638.** (i) The maximum periods of confinement which a Court is empowered to inflict are—

- (a) one month, if the term of imprisonment does not exceed six months;
  - (b) two months, if the term of imprisonment does not exceed six months, but does not exceed one year; and
  - (c) three months, if the term exceeds one year.
- (ii) If the period of solitary confinement ordered is stated in months, a month shall be counted as four weeks.

*Explanation.* Solitary confinement means such confinement with or without labour as entirely secludes the prisoner both from sight of, and communication with, other prisoners.

#### **Sections 73 and 74 of Pakistan Penal Code.**

**73. Solitary confinement.** Where any person is convicted of an offence for which under this Code the Court has power to sentence him to rigorous imprisonment, the Court may, by its sentence, order that the offender shall be kept in solitary confinement for any portion or portions of the imprisonment to which he is sentenced, not exceeding three months in the whole, according to the following scale, that is to say:-

- a time not exceeding one month if the term of imprisonment shall not exceed six months;
- a time not exceeding one month if the term of imprisonment shall exceed six months and shall not exceed one year;
- a time not exceeding one month if the term of imprisonment shall exceed one year.

**74. Limit of solitary confinement.** In executing a sentence of solitary confinement, such confinement shall in no case exceed fourteen days at a time, with intervals between the period of solitary confinement of not less duration than such periods, and when the imprisonment awarded shall exceed three months, the solitary confinement shall not exceed seven

days in any one month of the whole imprisonment awarded, with intervals between the periods of solitary confinement of not less duration than such periods.

**Limit of solitary confinement.**

**Rule639.** In executing a sentence of solitary confinement, such confinement shall in no case exceed fourteen days at a time, with intervals between the periods of solitary confinement of not less duration than such periods and when the imprisonment awarded shall exceed three months the solitary confinement shall not exceed seven days in any one month of the whole imprisonment awarded, with intervals between the periods of solitary confinement of not less duration than such periods. [*Section 74, Pakistan Penal Code.*] (*Reproduced above*)

**Conditions to be complied with, in executing sentences of solitary confinement.**

**Rule640.** (i) (a) When a prisoner is placed in a cell, an entry should be made on the History Ticket, giving the date of commencement of the period of solitary confinement. At the termination of each period of confinement, the date of termination shall also be entered on the History Ticket. The period undergone shall then be recorded on the back of the warrant.

(b) On the discharge of a prisoner from prison, an entry should be made in Admission Register showing the total amount of solitary confinement undergone as recorded on the warrant.

(ii) A prisoner should be placed in solitary confinement until the Senior Medical Officer certifies on the History Ticket that he is fit to undergo it.

(iii) A prisoner who is unfit at the time he would ordinarily be confined, should be placed in a cell at a subsequent date when he is declared fit by the Senior Medical Officer.

(iv) The execution of sentence of solitary confinement need not be postponed on account of an appeal having been lodged.

(v) Every prisoner undergoing solitary confinement shall be visited daily by the Senior Medical Officer or Medical Officer.

(vi) If the Senior Medical Officer is of the opinion that solitary confinement is likely to prove injurious to the mind or body of any prisoner, he shall forthwith order him to be removed from the cell, and shall record the order in his Report Book.

(vii) If a prisoner sentenced to solitary confinement is declared permanently unfit by the Medical Officer to undergo such confinement, the fact shall be reported to the Court which awarded the sentence.

The declaration shall be recorded on the History Ticket and the warrant.

**Solitary confinement when to be undergone.**

**Rule 641.** If a prisoner is sentenced under two or more separate warrants any period of solitary confinement awarded can only be given effect to during the time the sentence, of which it forms part, is being executed.

**Endorsement on warrant of Solitary Confinement undergone.**

**Rule 642.** On the expiry of the sentence of a prisoner, including solitary confinement, the Superintendent while certifying the execution of the sentence on the warrant shall also state the total period of solitary confinement undergone by the prisoner and shall record the reason if any portion has not been executed.

## CHAPTER-27

### *Fetters for Safe Custody*

#### **Prisoners may be required to wear fetters.**

**Rule 643.** The Superintendent may, at his discretion, require all or any prisoners to wear fetters while confined in any place outside walls of the prison.

#### **Fettering of convicted prisoners.**

**Rule 644.** (i) No convicted prisoner inside the prison other than a camp or temporary prison shall be fettered except on the ground that he is violent, dangerous or had escaped or attempted to escape;

(ii) Long term convicted prisoners and prisoners under sentence of imprisonment for life may be fettered while confined in a District Prison pending transfer to a central prison.

(iii) Where in exceptional circumstances not covered by the above sub-rules, fetters have to be imposed on a prisoner, the Superintendent shall record the reasons for doing so on the History Ticket.

#### **Only Superintendent is authorized to order fetters and handcuffs.**

**Rule 645.** Imposition of fetters and handcuffs requires the order of the Superintendent, and the Deputy Superintendent or Assistant Superintendent shall not order any prisoner to be put in fetters or handcuffs on his own authority except in the case of emergency in which case a report shall be made to the Superintendent in writing on his next visit to prison.

#### **Entries on history ticket.**

**Rule 646.** If the Superintendent considers it necessary to impose fetters on any convicted or under-trial prisoner he shall record on the History Ticket the reason for the imposition of the fetters and the period for which these are imposed. The date on which fetters are actually removed shall also be noted on the History Ticket.

A record shall also be kept in the Fetters Register giving the number and name of the prisoner, the date on which fetters were imposed and the reason for considering use of fetters necessary. The date on which the fetters are removed shall also be noted in the register.

**Removal of fetters of patients.**

**Rule 647.** Fetters of patients admitted to hospital shall be removed, unless the superintendent directs otherwise or when the prisoner is specially dangerous and the fact has been noted on his history ticket by the superintendent. When the superintendent considers it necessary he may direct the removal of fetters from one leg of the patient and this fact shall be entered in his history ticket under his initials.

**Review of orders for the imposition of Fetters.**

**Rule 648. (i)** The Superintendent shall review in the beginning of every quarter cases of all the prisoners who are wearing fetters for safe custody.

(ii) The Inspector-General may, at the time of inspection, satisfy himself that there are sufficient reasons for the imposition of fetters.

(iii) Fetters imposed for safe custody shall be removed immediately when the Superintendent is satisfied by the prisoner's conduct or other circumstances that their imposition is no longer necessary.

(iv) When a prisoner has been in fetters for six<sup>1</sup> months and the Superintendent considers their imposition necessary for a further period, he shall report the circumstances to the Inspector-General for his orders.

**Description of fetters which may be used.**

**Rule 649.** Bar fetters shall be used for safe custody inside the prison and link-fetters ordinarily for prisoners working in parties outside the prison.

**Prisoners exempted absolutely.**

**Rule 650.** Fetters shall not to be imposed on the following:

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- (i) Women prisoners;
- (ii) Civil prisoners;
- (iii) Convict officers; and
- (iv) Prisoners who by reason of age, physical infirmity or serious illness, are, in the opinion of the Senior Medical Officer, unfit to be placed in fetters.

**Prisoners ordinarily exempted.**

**Rule 651.** Fetters shall not ordinarily be imposed on the following except for special reasons which shall be recorded by the Superintendent on their History Tickets:-

- (i) prisoners, the unexpired period of whose term of imprisonment is less than six months;
- (ii) prisoners who have undergone three-fourth of their substantive sentence of imprisonment;
- (iii) under-trial prisoners; (iv) prisoners under sentence of death; or (v) prisoners who are being produced in Court.

**Imposition of handcuffs.**

**Rule 652.** Handcuffs may, as a measure of restraint, be imposed on any prisoner, if the Superintendent is of the opinion that their imposition is necessary for the protection of the prisoner himself or any other person.

**Fetters to be examined daily.**

**Rule 653.** (i) Fetters imposed on prisoners for safe custody shall be examined daily by a head warder and once a



week by the Assistant Superintendent who shall record the fact in his Report Book. The fetters of dangerous prisoners shall be examined daily by the Assistant Superintendent.

(ii) It shall be ensured that the fetter rings are small enough and cannot be drawn over the feet and that the rivets fit the holes and have sufficient head on each side.

**Gaiters to be provided.**

**Rule 654.** All prisoners under fetters shall be provided with gaiters to prevent abrasion.

**Care of fetters.**

**Rule 655.** Prisoners on whom fetters have been imposed shall keep their fetters bright and polished

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## CHAPTER-28

### *Discipline and daily routine:*

#### **Time of un-locking and lock-up:**

**Rule 656.** Prisoners, other than those ordered or required to be confined in cells by day and night, shall unlocked and removed from their sleeping barracks, cells and other places half an hour before sunrise. In the evening they shall be placed in their proper sleeping barracks and cells and locked up for the night before sunset.

#### **Discipline and movements of prisoners:**

**Rule 657.** Prisoners shall be kept and shall remain under strict order, discipline and control both by day and night. All movements of prisoners shall be conducted in an orderly and regular manner, under strict control.

#### **Power of Inspector-General to issue directions:**

**Rule 658.** The Inspector-General may, in his direction, from time to time, issue detailed instructions as to the manner in which the order discipline and control are to be maintained.

#### **Prisoners to obey lawful orders:**

**Rule 659.** Every prisoner shall obey every lawful order issued to him by an officer of the prison.

#### **Unlocking of prisoners:**

**Rule 660.** One hour before sunrise the bugler shall sound the reveille, and the prisoners shall rise as soon as it is sounded. They shall arrange their bedding and spare clothing neatly on their sleeping berths and shall then sit there and counted by the convict officers. On the arrival of the Deputy-Superintendent or Assistant Superintendent and warders, each barrack shall be unlocked; the prisoners marched in pairs and counted by the day head warder. The officer detailed for this duty shall verify the number of prisoners counted out of each barrack by comparison with the entries in the lock-up register. When the prisoners have been counted and the Deputy Superintendent has satisfied himself that the number of prisoners unlocked is correct, the night duty warders shall be marched out of the prison. The completion of unlocking shall be announced by the bugle call.

**Ablution and morning meals:**

**Rule 661.** The prisoners shall then visit the latrines and bath rooms in an orderly manner. When the prisoners have performed their toilet and offered their morning prayers, they shall be served with breakfast by the cooks at appointed places. Any prisoner expressing a wish to receive medical treatment shall be examined and treated by the Junior Medical Officer. Any prisoner who appears to be ill, shall be sent to hospital at once.

**Prisoners movements:**

**Rule 662.** Whenever prisoners are marched from one part of the prison to another or are sitting or standing in parties, except when at meals or at work or when paraded for inspection, they shall be arranged in files of pairs and shall rise, move forward, stop or set down at the word of command or signal.

**Prisoners' conduct towards Officers:**

**Rule 663.** Prisoners shall be required to conduct themselves and to show proper respect to prison officers and visitors. When an officer or a visitor arrives all the prisoners shall sit or stand at attention at the word of command of a warder, or head warder.

**Distribution into work parties:**

**Rule 664.(i)** After breakfast, the prisoners shall be distributed into their respective work parties. A record of the names of the prisoners made over to each warder during the day shall be kept in a register and every subsequent change of a prisoner from one party to another shall be recorded therein. Each party shall be made over to its responsible officer and marched to its working place.

(ii) Prisoners who are to work in the prison "factory shall be assembled in an orderly manner at the factory gate under the supervision of chief warder or head warder. They shall be handed over to the head warder incharge of the factory who will count them and give a proper receipt for them. He shall maintain a daily attendance register of all prisoners working in the factory. The same procedure will be observed in the afternoon at the closure of the factory. All prisoners leaving the factory shall be searched by the head warder in the presence of the Assistant Superintendent incharge of the factory.

**Arrangements of utensils at work:**

**Rule 665.** Every prisoner shall carry his utensils with him and shall place these in a line near his place of work. Prisoners are not allowed to remove from their sleeping barracks and cells any part

of their bedding or clothing.

**Prisoners to be locked in work sheds:**

**Rule 666.** The gate of every work shed shall ordinarily be kept locked after the prisoners have entered, and the key shall be kept by the warder incharge who shall be responsible that no prisoner passes into or out of the work shed without proper permission.

**Access to a urinal and latrine at all hours:**

**Rule 667.** Every prisoner shall have access to a urinal or latrine at all hours.

**Mid-day meals:**

**Rule 668.** At 11 *A.M.* the prisoners shall suspend work at march to the bathrooms. After they have washed their hands and faces they shall proceed to the dining sheds or places appointed for the distribution of meals. Here they shall sit down and the cooks shall distribute the food in the presence of the Assistant Superintendent. The food shall ordinarily be consumed at the spot. Prisoners working in the prison garden or other places outside the prison shall ordinarily receive food at their place of work.

**Procedure after mid-day meals:**

**Rule 669.** When the meal is finished the prisoners shall visit the bath rooms for a wash and cleaning of plates, etc. A couple of tubs shall be placed nearby where prisoners may throw any food left over by him. The prisoners shall resume work after the meals.

**Checking of Food:**

**Rule 670.** The Deputy Superintendent and the Assistant Superintendent shall be present when the food is distributed to the prisoners at mid-day, and in the evening. They shall verify the weight of a number of rations and frequently test the scales and weighs in the use. They shall record in the report book that the food distributed was correct in weight and food in quality or otherwise and note down complaints, if any, made by prisoners.

**Cessation of work and lock-up:**

**Rule 671.** The prisoners shall stop work at 3 P.M. in winter and 4 P.M. in summer. They shall collect their utensils and march to the spot where the parties were formed. After the head warder has counted them and compared them with the attendance register, they shall march to their respective wards and enclosures. They shall visit the latrines and bath rooms. The evening meal will be

distributed in the same manner as at mid-day. They shall then go to their barracks or cells where they shall be searched, counted and lock up.

**Permission to well-behaved prisoners to sleep outside during summer:**

**Rule 672.** Well-behaved prisoners who have undergone one-third of their substantive sentence may be permitted to sleep outside at night during summer months, *i.e.*, from the 1st of May, to the 30th of September of each year, provided the Superintendent considers them reliable and worthy of this concession. All prisoners under twelve years of age or over sixty years of age irrespective of other conditions imposed and length of term of imprisonment, may be allowed this privilege. Prisoners who are guilty of any prison offence during the last three months, shall be debarred. The concession shall be withdrawn from a prisoner who has been allowed to sleep outside and subsequently punished for any prison offence. The selection of prisoners for this concession shall be made by the Superintendent and recorded on history tickets under his initials.

**Disposition of prisoners on parade:**

**Rule 673.** At the Superintendent's weekly inspection, the prisoners shall sit in single file. Before each prisoner shall be spread out his munjmat and durrie on which shall be arranged in order his blankets, sheet, spare suit, towel and jangia. His mug, cup and plate shall be placed at the end in front of him. The history ticket shall be placed over his kit. On the arrival of the Superintendent the prisoners may make requests, if any, on their turn. The Superintendent shall give a patient hearing to every such request and dispose it of according to the merit of the case.

**Prisoners not to leave their places to make complaints:**

**Rule 674.** No prisoner shall leave his place at any time to make any representation to the Superintendent or Deputy Superintendent, but he may, if the representation as an urgent one, such is complaint of assault or ill-treatment or the like, represent the matter to the Superintendent or Deputy Superintendent when these officers are making their rounds. Any prisoner wishing to make a request shall, if the matter is urgent, be brought before the Superintendent, but minor complaints and petitions should, as a rule, await the Superintendent's weekly parade.

**Instructions to Prisoners:**

**Rule 675.** Every prisoner shall, on admission to prison, be:-

- (a) warned to avoid the acts that are prison offences;

(b) instructed as to the course he is to pursue on the occasion of a riot, disturbance or whenever the alarm is sounded; and

(c) informed of his liability to be fired upon if he joins in a riot or disturbance, or attempts to escape or refuses or neglects to person the course laid down for his guidance.

**Prisoners to wash their clothing weekly:**

**Rule 676. (i)** All prisoners shall wash their cotton clothing on Friday. A tub containing a hot solution of washing powder shall be placed in a suitable place near the bath rooms. Each prisoner shall dip his clothing in this solution and proceed to the washing place to scrub and clean them. The Superintendent may detail prisoners to boil and wash articles of bedding and clothing for certain classes of prisoners, *e.g.*, cooks, condemned prisoners, hospital patients etc. 125 grams of washing powder per week, 140 grams of toilet soap fortnightly and 60 grams of mustard oil (for those who grow long hair) per week shall be used by each prisoner. These articles shall be issued only to those prisoners who cannot afford them.

(ii) During the months of December and January, firewood at the scale of 9 Kgr.—331 Gr per 100 prisoners may be issued for warming water for ablution in the prisons which may be specified by the Inspector-General.

(iii) Masonry furnaces shall be constructed in all enclosures of barracks and all yards for boiling water. These may also be used by prisoners for heating ghee permitted to them under rules.

### **Punjab Amendment:**

**[Rule 676.(i)]** All prisoners shall wash their cotton clothing on Friday. A tub containing a hot solution of washing powder shall be placed in suitable place near the bath rooms. Each prisoner shall dip his clothing in this solution and proceed to the washing place to scrub and clean them. The Superintendent may detail prisoners to boil and wash articles of bedding and clothing for certain classes of prisoners, *e.g.* cooks, condemned prisoners, hospital, patients, *etc.*, 12,5 paid teachers who may be assisted in this work by educated prisoners. Religious education shall be compulsory for all prisoners. Facilities may be provided to prisoners who are desirous for higher studies.

(ii) Every prison shall have a well-stocked library. Prisoners shall be permitted to borrow books from it. Prisoners shall be permitted to read daily newspapers to be supplied at State expense. Prisoners may also be permitted to obtain, at their own expense, newspapers and magazines on the approved list.

**Rule 677** On Sunday and holidays prisoners may be permitted to sit or lie freely but quietly in the yards off their barracks or cells. Association will be allowed only amongst the Prisoners may play games permissible under the rules in their own yards in the afternoons or may take walking exercise.

**Rule 678.** Prisoners are allowed to play indoor games such as carom , ludo and chess inside the barracks. Outdoors games such as Kabbadi, wrestling, volley-ball andd foot-ball are also allowed for an hour in the evening in the prison play-ground under proper supervision, if ccondition permit it.

**Rule 679.(i)** Education upto Primery standard shall be imparted to all illiterate prisoners daily for at least onw hour (two hour) by paid teachers who may be assisted in this work by educated prisoners. Religious education shallbe compulsory for all prisoners. Facilities may be provided to prisoners who are desirous for higher studies.

(ii)Every Prison shall have a well stocked library. Prisoners shall be permitted to read daily newspapers to be supplied at State expense Prisoners may also be permitted to obtain at their own expense newspapers and magazines on the approved lists.

### **Radio and Television:**

**Rule 680.** Prisoners shall not be permitted to keep private radios or transistors except with the special permission of the Inspector-General in individual cases. A centrally located radio

with loud speakers in different enclosures may be installed for the benefit of prisoners. This will be operated by a prison official and shall not be played during working hours or after 9 P.M. Television sets may also be installed, if donated by some philanthropic society.

**Punjab Amendment:** In rule 680. after the words "Inspector-General", the 'words "or the Deputy Inspector-General" shall be inserted..

**Matters affecting caste or religion:**

**Rule 681(i).** No undue interference with the religion of prisoners shall be permitted.

(ii) Every prisoner shall be allowed to offer his devotions in a quiet and orderly manner.

(iii) The prisoners shall be allowed congregational prayers in the prison provided they undertake to behave properly at the congregation. These congregational prayers will usually be arranged in the yards or circles of each prison. All prisoners, except condemned prisoners and prisoners in punishment cells, shall be allowed congregational prayers on Fridays and Ids. A Maulvi from outside may be permitted to lead the prayers.

(iv) Muslim prisoners shall be expected to observe fasts during the month of Ramzan, Sehri shall be cooked during the night and issued to prisoners fresh and hot. Stale food shall not be issued.

(v) When a Superintendent is in doubt about the validity of any plea advanced by a prisoner on grounds of religion, he shall refer the matter for the orders of the Inspector-General, whose decision shall be final.

**Cutting of hair:**

**Rule 682.** (i) The hair of every prisoner sentenced to rigorous or simple imprisonment, and of every under-trial prisoner shall be trimmed in the prison barber shops to such extent and at such times as may be necessary for reasons of health and cleanliness.

(ii) Prisoners accustomed to shave before admission, may be shaved in prison barber shops.

(iii) All reasons in use shall be fastened by chain to an iron rod fixed in the barber's box and when not in use shall be kept carefully locked up in the store room.

(iv) Prisoners shall not be handcuffed while being shaved except in the use of prisoners whose antecedents or conduct in prison render this precaution essential.

(v) Every prisoner who is permitted to grow long hair shall be allowed 15 Gr. mustard oil and 29 Gr. soap per week. He shall be permitted to supplement the above articles at his own expense



grams of washing powder per week, 140 grams of toilet soap fortnightly and 60 grams of mustard oil (for those who grow long hair) per week shall be used by each prisoner. These articles shall be issued only to those prisoners who cannot afford them].

**Routine of prisoners on non-working days:**

**Rule 677.** On Friday and holidays prisoners may be permitted to sit or lie about freely but quietly in the yards of their barracks or cells. Association will be allowed only amongst the prisoners usually confined in a particular barrack or yard. Prisoners may play games permissible under the rules in their own yards in the afternoons or may take walking exercises.

**Games:**

**Rule 678.** Prisoners are allowed to play indoor games such as carom, ludo and chess inside the barracks. Outdoors games such as Kabbaddi, wrestling, volleyball and football are also allowed for an hour in the evenings in the prison playground under proper supervision, if conditions permit it.

**Education:**

**Rule 679.** (i) Education upto primary standard shall be imparted to all illiterate prisoners daily for at least one hour by

(vi) All prisoners shall be allowed soap and oil for toilet purposes at their own expense out of their private cash property or through their friends and relatives.

(vii) A depilatory powder consisting of barium sulphide, one part, zine oxide, one part and starch, two parts shall be issued to women prisoners and other prisoners requiring it. Thus should be made into a paste before use and applied for removal of hair. Blades shall not be permitted to prisoners.

**Smoking of cigarettes:**

**Rule 683.** Prisoners are allowed to smoke cigarettes and biris at their own expense, but smoking inside the factories or while at work anywhere is prohibited. Convict officers on duty shall not smoke. Prisoners are allowed to keep match boxes. Hookas shall not be permitted.

**Hanger Strikes:**

**Rule 684.** (i) Prisoners who go on hunger strike shall be warned that requests for the redress on any alleged grievances shall not be considered at all so long as the strike continues, that hunger strike is a major prison offence, that a mass hunger strike amounts to mutiny and that hunger strikers are liable to be punished either with a prison punishment or by prosecution under section 52 of the

Prisons Act, 1894, under which they may be sentenced to imprisonment which may extend to one year.

Explanation.—A hunger striker shall not be prosecuted under the Prisons Act without the previous sanction on the Inspector-General.

(ii) The warning must be administered to the prisoner by the Superintendent himself and this shall be recorded on his history ticket.

**Action on the occurrence of hunger strike:**

**Rule 685.** When one or more prisoners go on hunger strike, they shall be immediately isolated from other prisoners, and, if possible, also from one another. All cases of hunger strike shall be reported immediately to the Inspector-General together with the reasons for the hunger strike. A daily report in duplicate by the Medical Officer on the health and general conditions of the prisoner shall be sent by the Superintendent to the Inspector-General.

**Artificial feeding:**

**Rule 686.** *In* the event of the prisoner refusing to take food and resorting to hunger strike, the Medical Officer shall adopt methods of artificial feeding if in his judgment physical condition is such that artificial feeding provides the only method of keeping the prisoner alive. The actual operation of artificial feeding shall be carried out by the Medical Officer or the junior Medical Officer.

**Penalty for introduction or removing prohibited articles and communicating with prisoners under section 42:**

**Rule 687.** Whoever contrary to any rule under section 59 of the Prisons Act, introduces or removes or attempts by any means whatever to introduce, remove into or from any prison, any prohibited articles, and even officer of a prison, who contrary to any such rule knowingly suffers any such article to be introduced into or removed from any prison, to be possessed by any prisoners, or to be supplied to any prisoner outside the limits of a prison, and whatever contrary to any such rule, communicate or attempts to communicate with any prisoner, and whoever abets any offence made punishable by this section, shall, on conviction before a Magistrate, be liable to imprisonment for a term not exceeding six months, or to fine not exceeding two hundred rupees, or to both (section 42, 'Prisons Act, 1894).

**Power to arrest for offences under section 42:**

**Rule 688.** When any person, in the presence of any officer of a

prison, commits any offence specified in section 42" of the Prisons Act and refuses on demand of such officer to state his name and residence, or gives a name and residence which such officer knows, or has reason to believe, to be false, such officer may arrest him and shall without unnecessary delay make him over to a Police Officer and therefore such Police Officer shall proceed as if the offence had been committed in his presence (section 43 Prisons Act, 1894).

**Publication of penalties:**

**Rule 689.** *The Superintendent shall cause to be affixed, in a conspicuous place outside the prison, a notice in national and official provincial languages setting forth the act, prohibited under section 42 of the Prisons Act and the penalties incurred by their commission.*

**List of prohibited articles:**

**Rule 690.** *The articles specified or included in any of the description contained in the list annexed to this rule, shall be deemed to be prohibited articles, within the meaning of section 42 and clause (12) of section 45 of the Prisons Act, 1894, unless any such article shall be:-*

- (a) introduced into any prison.
- (b) remove from any prison.
- (c) supplied to any prisoner outside the limits of any prison or
- (d) received, processed or transferred by any prisoner, with the permission of the Superintendent or other officer empowered by him in this behalf.

**List of prohibited articles:**

- (1) Spirituous liquors of every description.
- (2) All explosives, intoxicating or poisonous substances and chemicals, whether fluid or solid of whatever description.
- (3) All arms and weapons and articles which are capable of being used as weapons of whatever description.
- (4) All bulion, metal, coin, jewellery, ornaments, currency notes, securities and articles of value of every description.
- (5) All books, paper, and printed or written matter and materials and appliances for printing or writing of whatever description.
- (6) String ropes, chains, bamboos and all materials which are capable of being converted into string or rope or chain,

any article likely to facilitate escape, or implement of any kind.

(7) Wood, bricks, stones and earth of every description.

**Further defining and regulating prohibited articles:**

**Rule 691.** Every article, or whatever description, shall be deemed to be a prohibited article within the meaning of section 42 and Clause (12) of section 45 of the Prisons Act, in the case of.

(i) A prisoner—if introduced into or removed from any prison or received, possessed or transferred by such prisoner, and such article has:-

- (a) not been issued for his personal use from prison stores or supplies, under proper authority:-
- (b) been so issued, if possessed or used at a time or place other than such as is authorized; or
- (c) not been placed in his possession for introduction, removal or used, as the case may be, by proper authority.

(ii) A prison official—if introduced into or removed from any prison or supplied to any prisoner and such article.

- (a) has not been issued or sanctioned for his personal use by proper authority;
- (b) is not an article of clothing necessary for his personal wear, or
- (c) has not been placed in his possession for by proper authority for introduction into or removal from the prison or for the purpose of being supplied to any prisoner.

(iii) A visitor—if introduced (into or removed from any prison, or supplied to any prisoner and such article—

- (a) is not required for his personal use while within the prison and has not been declared by him before entering the prison, and the introduction into or removal from the prison, or possession, of which while in prison, has not been permitted by proper authority.
- (b) is introduced, with or without authority and is not retained in his possession until he has left the prison premises; or
- (c) comes into his possession while within the prison, and his subsequently removed by him from the prison.

(iv) Any other person—if introduced into or removed from any prison, or supplied to any prisoner whether within or without the prison.

**Outsiders not to communicate with prisoners:**

**Rule 692.** No person other than a visitor, official or inmate of

a prison acting in pursuance of his privilege or duty as such visitor, official or inmate, shall communicate or attempt to communicate with any prisoner.

**Punjab Amendment:**

**Duty Officer**

[**Rule 693 A.** One Assistant Superintendent of Jail shall be on duty in the Jail at every hour of duty/day and night. Such Assistant Superintendent shall be called "*DUTY OFFICER*".

Note:-The existing Rule 693 shall be re-numbered as Rule 693-A and before this rule the above given new Rule 693 shall be added: vide Notification No. 3/23-SO-Prs-II-HD/81, dated 29.12.1981 Government of Punjab, Home Department. This is an amendment.

**CHAPTER-29**

*Watch and Ward:*

**Every Prisoner to be in the charge of prison officers:**

**Rule 693.** Every prisoner in a prison shall at all times, both by day and night be in the charge of some officer. A record of the name of every prisoner shall be kept in a register for the day and in the barrack register for the night so that the responsibility for an escape or other incident resulting from the negligence of the prison staff can be fixed definitely and beyond all doubt.

**Vigilance over prisoners to prevent escapes:**

**Rule 694.** (i) The officers in immediate charge of prisoners shall carefully watch the prisoners in their charge in all their movements and employments and use the utmost alertness and vigilance in order to prevent escapes.

(ii) Prisoners shall not ordinarily be employed near high standing crops or thickets or bushes or places which afford facilities for hiding or escape. No thickets or bushes shall be allowed to grow in the vicinity of a prison or the place where prisoners usually work. When prisoners are employed to remove thickets or bushes, a warder armed with rifle and ammunition shall be detailed for duty at the spot.

**Method of arranging warders duty:**

**Rule 695.** The warder guard shall, after due allowance has been made for leave sickness, transfer, etc, be divided into two squads as equally as possible which may be called A and B squad A will come on duty in the morning before sunrise and

relieved by squad B at noon. Squad B will be on duty till lock up in the evening and will be relieved by the night guard which may be composed partly from squad A and partly from squad. The Inspector-General may change or modify this system to suit local conditions.

**Executive Officers to accompany morning guard:**

**Rule 696.** The Assistant Superintendent on day duty, Chief Warder and the warder guard detailed for duty during the day shall collect in the morning in the main gate fifteen minutes before they are due for duty. The warders after roll call

and search shall be marched to their places of duty by the Chief warder and head warders for unlocking of prisoners.

**Unlocking:**

**Rule 697.** The barracks and cells shall be opened and the prisoners counted out in pairs and searched by the head warders in the presence of the warders on duty during the first period of day. The Assistant Superintendent, Chief warder and head warders shall verify the number counted out of each warder by comparison with the entries in the lock up register. A head warder shall take charge of the convict officers who are to guard the prison walls during the first turn of duty and post them round the main wall. When the Assistant Superintendent has satisfied himself that the number of prisoners unlocked is correct the relieved warders of the last night watch shall be marched out of prison and dismissed. The unlocking of barracks and cells shall be carried out under the supervision of the Assistant Superintendent. The Deputy Superintendent shall also frequently visit different parts of the prison to see that the unlocking is correctly carried out and the officers are present. The number of prisoners unlocked in each barrack, ward and cell block as well as the total number of prisoners unlocked shall be recorded in the lock up register which shall be signed by the Assistant Superintendent.

**Distribution into parties:**

**Rule 698.** When the prisoners have had their morning meals, they shall be distributed into their respective parties and a responsible officer shall be placed in charge of each party. The responsibility for the charge of a party shall never be divided between two or more officers. The strength of a party working outside the prison walls, but within the premises shall not without the sanction of the Inspector-General, exceed twelve prisoners. There shall be at least one warder in charge of every such party. In the case of prisoners working inside the prison each party may including the convict officers, contain as many as can be conveniently and effectively supervised. Such parties may, when the warders are insufficient in number, be placed in charge of selected convict officers. Prisoners shall not be employed for work beyond the premises of the prison without the special sanction of the Inspector General.

**Relief of morning guard:**

**Rule 699.** The warders placed on duty at the unlocking of the barracks and cells in the morning shall be relieved at noon by squad B, which shall be brought into the prison by the head warders taking the second turn of day duty. They shall remain in charge until the prisoners are locked up and correctly taken over by the warders on night guard. The convict officers guarding the main wall shall in like manner be changed by a warder at noon.

**Attendance Register:**

**Rule 700.** A record of the names of prisoners made over to each warder during the day shall be kept in an attendance register, and every subsequent change of a prisoner from one party to another shall be recorded therein under the initials of the Deputy Superintendent or an Assistant Superintendent. When warders and convict officers are posted to their respective parties in the morning, the names of the prisoners composing each party shall be called from the attendance register in the presence of the warder taking charge, who shall verify the total number by counting them. The warder's name shall then be recorded in the register and his receipt obtained. Every long term and dangerous prisoner should be specially pointed out to the warder taking charge of the party so that a special watch may be kept on him. At every change of guard the number of prisoners in each party shall be counted, and in the case of parties outside the prison, the names of the prisoners composing each party shall be called over. In larger prisons there should be several registers so that the rolls may be called simultaneously at the same time. Literate warder may be employed to assist in writing up the registers.

**Collection of parties in the evening:**

**Rule 701.** *On* the cessation of work in the evening the parties shall be collected and the prisoners in each party counted and verified.

**The duties of warders incharge of outside parties:**

**Rule 702.** Every warder incharge of a party working outside the prison shall keep a vigilant eye on the prisoners in his party and shall not allow them to warder or go out of work



area on any pretext whatever. He shall be personally responsible for their safe custody throughout the whole period of his duty. He shall check the prisoners frequently during his hours of duty. Prisoners working all day at a distance from the prison shall be provided with a temporary latrine in close proximity to the work and under the eye of the warder incharge. Permanent, warders with experience should be placed in charge of out-parties. Every warder incharge of an out-party shall keep a list of prisoners which shall be initialed by the checking officer at the time of his visit.

**Checking of out-parties:**

**Rule 703.**(i) The chief warder or a head warder shall check the out-parties at least twice daily once before noon and once in the afternoon.

(ii) The Deputy Superintendent or an Assistant Superintendent shall check the out-parties twice daily once in the morning and again in the afternoon at uncertain hours.

(iii) The Superintendent shall pay surprise visits to the out-parties at least once a month and satisfy himself that the rules are duly complied with and shall record the fact in his order book.

**Evening count and lock up of prisoners:**

**Rule 704.** After the evening meal is over the prisoners shall be locked up in the following manner:-

(i) Every barrack, ward and cell shall be searched by the head warder incharge. Clothing, bedding and other articles of prisoners shall also be searched. The gratings of doors and windows shall also be checked by him.

(ii) The head warder, warders and convict officers shall then carefully search every prisoner with due regard to privacy and decency.

(iii) The name of every prisoner shall then be called from the attendance register of the barrack who shall then enter the barrack. The head warder shall keep a count of the prisoners. The prisoners shall sit on their berths where the convict officers on night duty shall again count them and report the number to the head warder. When the head warder is satisfied that the number is correct, he shall lock the barrack. The

number locked up in the barrack shall be written by chalk on the black slab outside the barrack door.

(iv) When all the prisoners, except the convict Officers on the duty in enclosures and main wall, have been locked up, the total number of prisoners shall be verified. The number of prisoners locked up in each barrack, ward and cell block as well as the total number of prisoners in the prison shall be recorded in the lock up register to which the Deputy Superintendent shall append his signatures in token of correctness.

(V) Lock up of prisoners shall be completed before sunset.

**Deputy Superintendent, Assistant Superintendents to be present at lock up:**

**Rule 705.** All Assistant Superintendents shall be present in their respective charges at evening lock up, and ensure that the procedure laid down in the preceding rule is being properly and effectively carried out. The Deputy Superintendent shall be present in the prison at this time, and shall ascertain by surprise visits to various parts of the prison, that all officers are present at their posts, and lock up is being carried out properly.

**Disposal of Keys:**

**Rule 706.** On the completion of the lock up, the keys of the barracks, cells and other places where prisoners are confined shall be collected and counted in the presence of the Deputy Superintendent who shall note the number in the lock up register. He shall then lock the keys in the key chest in the main gate and make over the key of such chest to the gatekeeper on night duty. The gatekeeper shall in turn make over the key to his successor who will deliver it to the Assistant Superintendent on duty on his entering the prison next morning. The keys of the barracks in which convict officers for night duty are confined shall be placed in the charge of the patrolling officer.

**Rest for Warders:**

**Rule 707.** (i) The last section of the night guard shall not be employed in squad A on the following day.

(ii) Duties shall be so arranged that each warder can have three nights off in a week.

**Employment of convict officers on night guarding:**

**Rule 708.** (i) The barracks shall be guarded inside by convict officers and they shall be responsible for escapes from barracks where they are posted on duty.

(ii) Convict officers may be employed on guarding the main wall at night when the number of warders is insufficient or where watch towers do not exist. There shall be at least two wardens to every convict officer on duty at any time.

(iii) No convict officer shall be placed on any beat where he cannot be under the observation of a warder. A single beat between two walls shall always be guarded by a warder.

(iv) The main wall of the prison shall be guarded by day by convict officers under supervision of a patrolling officer. Convict officers shall not be employed to guard the main wall at night to a greater extent than necessary or to relieve warders, of their ordinary spell of night duty.

(v) Convict officers shall not be employed to guard condemned prisoners.

(vi) Trust-worthy convict officers with short unexpired sentence shall be selected for duty at the main wall or outside the barracks at night.

**Convict officers detailed for duty outside to be kept separate:**

**Rule 709.** Convict officers detailed for guarding outside at night, shall, when not on duty and whenever possible, be confined in a ward by themselves. They shall be let out and locked up, before and after their turn of duty, respectively by both the relieved and the relieving patrolling officers.

**Armed warders to accompany parties taken beyond the prison precincts:**

**Rule 710.** When prisoners are taken outside the prison to work at a place so distant that alarm if sounded cannot be heard at the prison, one or more warders shall accompany the parties, armed with rifles and ammunition. These shall be in addition to the warders in charge of the parties and shall

station themselves at a suitable position to guard the prisoners and render assistance, should it be required.

**Duties of warders on night watch:**

**Rule 711.** The duties of every warder on night watch are:-

(i) to patrol the main wall of the prison, he shall not quit his beat or sit down, and shall be armed with a baton;

(ii) to watch the prisoners and premises vigilantly in order to preserve silence, order and security;

(iii) to see that convict officers do not sit but patrol- the barracks constantly during their watch;

(iv) to be constantly on the move, examining each barrack to see that every prisoner is on his berth, and that the ward is properly lighted.

(v) to examine frequently bolts, locks, gratings and doors in order to satisfy himself fully that they are intact:

(vi) to get the Prisoners counted by convict officers on duty at least once in every hour and to satisfy himself that the number is correct; and

(vii) to give immediate alarm by blowing his whistle on the happening of any occurrence requiring prompt action such as escape, riot, fire, etc.

**Duties of patrolling Officers:**

**Rule 712.** The duties of every head warder or warder on patrol duty at night are:-

(i) to see that night sentries both inside and outside the barracks are on the alert;

(ii) to go around each barrack or cell block once every hour, examining lock, bolts, gratings, doors, walls and roofs in order to satisfy himself fully that they are intact;

(iii) to frequently get the prisoners counted by convict officers on duty and to satisfy himself that the number is correct;

(iv) to see that every association barrack confining prisoners is well lighted;

(v) to patrol the main wall and ensure that warders and convict officers are alert and watch tower sentries are vigilant:

(vi) to report immediately any cases of serious sickness to the junior Medical Officer and the Assistant Superintendent on duty who shall, if necessary, take steps for the removal of the sick prisoner to hospital; and

(vii) to raise alarm and send immediately information to the Assistant Superintendent on night duty and the Deputy Superintendent of any occurrence requiring prompt action, such as an escape, riot and fire etc.

**Roster of Officers for duty:**

**Rule 713.** A roster showing the turns of duty of each warder and convict officer shall be prepared in advance under the orders of the Deputy Superintendent in the day duty register of warders and convict officers. All subsequent changes of duty of officers on the roster shall be noted on it.

**Place of duty to be changed daily:**

**Rule 714.** No officer shall be placed on the same place of duty two nights in succession, nor informed of his beat till he is about to be posted. A record shall be kept showing the officer put at each place during each watch in the night duty registers of warders and convict officers.

**System of water inside the barracks at night:**

**Rule 715.** Every Barrack in which prisoners are confined shall be patrolled inside by a convict officer at a time who shall be relieved at the time the warder guard is changed. A roster showing the names of the convict officers detailed for duty in each barrack or ward, with the hours of duty shall be kept in the night duty register of convict officers. The duties of these convict officers shall be changed every fortnight. When exceptional precautions are necessary or a barrack is of unusual length, more convict officers may be placed on duty at one time, each being allotted a definite beat.

**Duties of convict officers inside barracks at night:**

**Rule 716.** The duties of a convict officer on duty inside a barrack are:-

- (i) to maintain order and discipline;
- (ii) to acquaint himself with the appearance of all dangerous and important prisoners in the barrack and keep a special watch on them;
- (iii) to satisfy himself by frequent counting that all the prisoners are present and intimate the fact to the outside patrol at

his each visit;

(iv) to report to the patrolling officer, at each change of guard, the number of prisoners present after actual counting;

(v) to give notice of any unusual occurrence to the patrolling officer for taking an action that may be necessary; and,

(vi) to report immediately to the head warder or the warder on duty any serious cases of sickness.

**Lights:**

**Rule 717.** (i) The main wall, barracks, cells and yards shall be lighted with bright electric lights. In prisons where there is no electricity; these shall be lighted with lamps burning brightly all night.

(ii) Every barrack, cell and yard not provided with electricity shall be provided with sufficient number of lanterns. The lanterns shall be suspended from the roof eight feet from the ground by an iron rod.

The scale of kerosene oil allowed during summer and winter is given below: -

Kind of lamp	Summer scale (15 <sup>th</sup> April to 14 <sup>th</sup> October)	Winter scale (15 <sup>th</sup> October to 14 <sup>th</sup> April)
Lanterns ... ..	85 Gr.	11 Gr.
Main wall Lamps ... ..	170 Gr.	22 Gr.

(iii) It is the duty of the patrolling officer and the convict officers inside the barracks to see that the lights are kept burning brightly. The use of saked lights is prohibited.

(iv) Every patrolling officer, warder and convict officer on night duty, shall be provided with lanterns where necessary which they shall carry in their hands throughout their hours of duty.

(v) From sunset to sunrise a good light shall be kept burning in front of the grated door of every cell not provided with electric light in which a dangerous prisoner is confined, so that he may at all times be under observation.

**Barracks not to be changed without orders:**

**Rule 718.** Prisoners shall not be transferred from one barrack to another without the orders of Deputy Superintendent.

**Cell Blocks:**

**Rule 719.** Rules relating to the watch and ward of association barracks shall also apply to cell blocks where a warder or convict officer shall be on duty outside.

**Prisoners in cells to respond to calls:**

**Rule 720.** A prisoner confined in a cell at night shall respond to a call at any time when any patrolling officer or other officer on duty has any suspicion in regard to his presence.

**Search of warder guard at the main gate:**

**Rule 721.** At every change of guard during the day and night, the gate keeper shall search the relieving and the relieved warders between the gates. The Deputy Superintendent or Assistant Superintendent shall personally conduct the search of warders once a week and report in his report book.

**Guard awakener:**

**Rule 722.** A warder may be employed for awakening the warders of the night guards for their turns of duty. The warders should be told before hand at Jock up, their hours of duty at night.

**Custody of dangerous prisoners:**

**Rule 723.** Special precautions shall be taken for the safe custody of dangerous prisoners and the following rules shall be strictly observed: -

- (i) a list of such prisoners shall be prepared under the signatures of the Deputy Superintendent and a separate register shall be maintained by him for all dangerous prisoners whose place of night confinement shall be marked daily by the Deputy Superintendent and carried out by the Chief Warder;
- (ii) on being admitted to prison they shall be confined in the most secure building available and placed under the charge of trust worthy warders. They shall be confined in different barracks or cells each night.
- (iii) they shall be thoroughly searched twice daily and occasionally at uncertain hours. The Deputy Superintendent or Assistant Superintendent shall have them searched at least once daily in his presence and must satisfy himself that they are properly searched by a trustworthy subordinate at other times.
- (iv) they may be fettered if necessary. The reasons for having recourse to letters shall be recorded by the Superintendent to the prisoner's history ticket.
- (v) they shall not be employed on any industry affording facilities for escape and shall not be entrusted with implements that can be used as weapons.
- (vi) warders on taking over charge of such prisoners must satisfy themselves that their fetters, are intact and the iron bars on the gratings of the barrack or cells in which they are confined are secure and all locks, bolts, etc., are in proper order. They shall during their terms of duty, frequently satisfy themselves that all such prisoners are in their place, and shall acquaint themselves with their appearances;
- (vii) As far as may be practicable, prisoners working in the same

party or workshop shall be locked up in the same barrack or ward. Prisoners working in out-parties shall, as far as possible, be locked up separately from others; and

- (viii) interviews of all dangerous prisoners shall be held individually and not along with other prisoners so that conversation can be over-heard.

**Punjab Amendment:** Rule 723 (i) Shall be substituted as under:  
**Security measures:**

**Rule 723** [Special precautions shall be taken for the safe custody of dangerous prisoner declared as such by the Superintendent and the following Rule shall be strictly observed: -

(i) A list of such prisoners shall be prepared under the signatures of Deputy Superintendent which shall be reviewed by the Superintendent at least once a week. A separate register shall be maintained by the Deputy Superintendent for all dangerous prisoners whose place of night confinement shall be marked daily by him and carried out by the Chief Warder or any other officer detailed for the purpose.]

(ii) The following shall be added to sub-rule (viii) for rule 723:

(viii) [The may be required to submit the list, of their relatives for approval by the Superintendent, who will fix the date of interview;

Friends shall not be included in the approved list of interviewers.]

[(ix)'All dangerous prisoners shall be required to submit a list of their relatives to the Superintendent Jail on their admission to jail. No friend will be allowed interview with them]..

**Visit by officials at night, report to be made:**

**Rule 724.** Every Deputy Superintendent and Assistant Superintendent shall in case of a Central Prison ordinarily visit all parts of the prison at night at least once in a week and of a District prison twice a week each on different nights, and see that officers/officials are alert and cell reports from patrolling officers and warders on duty whether the correct number of prisoners is present in their respective charges and that there is sufficient light in all places. The duration of the night round shall not ordinarily be less than one hour. The time of the visit shall not be made known before hand. The date of the visit, the hour of entering and leaving the prison, the part of the prison visited and a report of any unusual occurrence that comes under operation shall be recorded in a book which shall be avoided for the purpose at the main gate. The book shall remain in the custody of the Assistant Superintendent during the day and the gate keeper during the night. The Assistant



Superintendent shall produce it daily before the Deputy Superintendent and Superintendent.

**Punjab Amendment:**

[Rule 724- i) Every night, there shall be four rounds in a Central Jail, and three in a District Jail to check the security arrangements.

(ii) The rounds shall be made by the Deputy Superintendent or a Assistant Superintendent or a Head warder, provided that every Deputy Superintendent and Assistant Superintendent shall make at least two night round on different nights in a week.

(iii) The time and the order in which these officers will make the rounds shall not be made known and the order in which these officers will made the rounds shall be changed occasionally.

(iv) The rounds shall be made between the following hours:-

**Central Jails:**

First round 8 p.m; to 11 p.m.

Second round 11 p.m. to 1 a.m.

Third round 1 a.m. to 3 a.m.

Fourth round 3 a.m. to unlocking.

**OTHER JAILS.**

First round 8 p.m. to 11 p. m.

Second round 11 p.m. to 2 p m.

Third round 2 a. m. to unlocking.

The duration of the round shall not be less than one hour.

(v) The Deputy Superintendent or Assistant Superintendent on night round; duty shall be exempted from attending un-locking on the following morning.

(vi) The date of the visit the hour of entering and leaving the prison, the parts of the prison visited and a report of any unusual occurrence that comes under observation, shall be recorded in a book which shall be provided for the purpose at the main gate. This book shall remain in the custody of the Assistant Superintendent during the day and the gate-keeper during the night. The Assistant Superintendent shall produce it daily before the Deputy Superintendent and Superintendent."

**Opening of barracks at night:**

**Rule 725.** No barrack shall be opened during the night except in cases of urgent necessity, and then only in the presence of the Assistant Superintendent a head warder and enough warders to ward off any untoward incident. Before any barrack is so opened, a

chain shall be passed through the door post and the grating of the door and secured with a lock so as to allow only one person to get out of the barrack at a time and to make it impossible for the prisoners to attempt a rush.

**Precautions about lock and keys:**

**Rules 726.** (i) The locks of the doors of all sleeping barracks and cells shall be so placed that the prisoners cannot reach them from inside.

(ii) The keys of all barracks and cells shall be kept in the key chest at night. The inner gates of enclosures within the circles shall be kept locked at night. The keys of these locks shall remain with the warders on duty.

(iii) The loss of a prison key shall be reported at once to the Superintendent.

(iv) A lock, the key of which has been lost or mislaid, shall be destroyed in the presence of the Superintendent and written off from the records.

(v) All enclosures gates shall be kept locked up during the day time.

(vi) On each bunch of keys there shall be a brass disc showing the name of the place to which it belongs and the number of keys in the bunch, and the key chest shall be provided with books named to correspond with the names on the bunches of keys.

(vii) The keys shall be placed in a ring the ends of which shall either be soldered or rivetted so that no key may be removed from it.

**Testing of gratings:**

**Rule 727.** Bars of iron gratings fixed in drains under the main wall shall be tested from time to time. The Deputy Superintendent or Assistant Superintendent shall conduct this test personally once a week and make a report in his report book.

**Watch towers:**

**Rule 728.** Masonry watch towers shall be constructed along the main wall of a prison. Entry to the watch tower shall be from outside the prison. A sentry armed with a rifle and ammunition shall be posted on each watch tower day and night. Search lights shall be provided on each watch tower and means for raising an alarm shall also be provided. Watch tower sentry shall be responsible for protecting the main wall area under his command. The distance between two watch towers shall not exceed 182 M.--

88 Cm.

**Convict officers on main wall duty:**

**Rule 729.** (i) In every prison where there are no watch towers a chain of specially selected convict officers shall be posted along the inside of the main wall by day. Each convict officer shall patrol a beat of one hundred yard. A duty roster showing the names of convict officers employed on this duty and the posts that they occupy shall be kept and written up under the orders of the Deputy Superintendent. Each convict officer shall be given a wooden disc which he shall pass on to the convict officer at the next beat. The discs shall be serially numbered upto thirty and each convict officer shall be responsible for circulating a disc every six minutes during the day. The object is to keep the convict officers on the move. If a convict officer is slack on duty, the fact will become apparent to the gate keeper by delay in return of the discs and he can then instruct the patrolling officer on duty at the main wall accordingly.

(ii) Warders shall be employed to guard the main wall at night but convict officers may also be employed if the number of warders is insufficient. There shall be at least two warders to every convict officer on duty at any time. Circulation of discs shall also be - continued at night.

(iii) The relieve and postings of these convict officers shall be carried out according to military discipline under the supervision of a head warden or warden.

(iv) In prisons having watch towers it shall not be necessary to post the convict officers and warders along the main wall but one or two patrolling officers shall be on duty at all hours to patrol the main wall from inside.

**Eligibility of convict officers for main wall duty:**

**Rule 730.** *It is very essential that only those convict officers who have first been tried with success inside barracks and enclosures for some time and have not long periods to serve shall be entrusted with the guarding of the main wall.*

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## CHAPTER-30

### *Accidents, Deaths and Disposal of the Dead*

#### **Precautions against death by accident or suicide.**

**Rule 731.** Superintendent and Deputy Superintendent shall take every precaution against death by accident or suicide in their prisons and the following instructions shall be carefully followed:-

- (i) When prisoners are employed on digging earth for clay or any other purpose, the Deputy Superintendent shall take steps to guard against the undermining of earth banks and see that the work is carried out in such manner as will make accidents from falling earth impossible.
- (ii) Whenever prisoners are employed in dangerous places where accidents are likely to occur (as on the roof of a building or top of a ladder or wall), either a rope shall be tied round their waste and fastened to a secure place or some other suitable device, such as the erection of a scaffolding underneath, shall be adopted, so as to ensure the safety of the prisoners.
- (iii) As a precaution against accidents as well as suicide, all wells inside the prison shall be provided with a grated door which shall be kept locked. The Warder incharge of a party of prisoners working on a well, before he leaves the well, shall close and lock the door of the grating. Prisoners shall on no account be employed inside a well for any purpose.
- (iv) Prisoners suspected of suicidal tendencies shall be carefully watched and be kept under the constant supervision of a Warder or convict officer.
- (v) Before a prisoner is put in a cell or isolation ward,, the prisoner as well as the cell or isolation ward shall be carefully searched and all implements and appliances likely to facilitate suicide shall be removed.
- (vi) All the sky lights in cells and isolation Ward& and all windows at a height of more than 91 Cm. from the ground shall be protected by a mesh of wire gauze on the inside so that no prisoner confined in

the cell or ward is able to use the bars for committing suicide.

**Precautions against fire**

**Rule 732.** The following measures are prescribed precautions against are:-

- (i) No fire except in constructed fire-places (e.g., in cook-house, blacksmith shops, etc.) shall be allowed in any of the prison buildings, during day or night-
- (ii) No fire or light shall be carried about unguarded in any part of the prison building.
- (iii) No stacks or collection of grass, straw or other inflammable material shall be allowed to accumulate near any building. Kerosene oil and other inflammable articles shall be stored separately in a place of safety away from other articles.
- (iv) All appliances for extinguishing fire shall at all times be kept available for immediate use and in serviceable condition.
- (v) Half a dozen buckets full of water shall at all times be kept near each godown, factory, at the main gate and other prominent places. The word "FIRE" shall be painted on these buckets.
- (vi) A supply of and or dry earth in buckets or tins shall be available at all (sic) godown, factory, at the main gate and other lounent places.
- (vii) Chemical fire extinguishers, where available, shall be fixed at suitable places.
- (viii) On the occurrence of an out break of fire, the municipal fire brigade shall be immediately called, in.
- (ix) The prison shall be provided with a fire alarm to notify the out break of fire. A fire alarm parade shall be held once a year and the fact recorded in the Superintendent's Order Book.
- (x) The Superintendent shall draw up suitable instructions showing precisely the arrangements and duties of all the members of the prison establishment and convict officers when a fire alarm has been sounded.
- (xi) The Superintendent shall satisfy himself from time to time that these instructions are being carefully carried out in the prison.

**Deaths.**

**Rule 733.** On the death of a prisoner, the Superintendent

shall inform the nearest relatives or friends of the deceased, if he is a local man, through a messenger, otherwise by a telegram and shall send a copy to the District Coordination Officer] of the district to which the deceased belonged. The prisoner's warrant duly endorsed, shall be returned to the Court concerned.

**Sudden or violent death or suicide.**

**Rule 734.** The senior officer present shall immediately report the occurrence of any sudden or violent death or death from suicide to the Superintendent and the Medical Officer. The body shall be left in the position in which it was found pending the arrival of the Magistrate and the Medical Officer. If it is not certain that life in extinct immediate measurers shall be taken to give relief and to restore animation and for this purpose the body ma, if necessary, be removed to a more convenient place.

**Report of death to be made to the [Sessions Judge] and the Police.**

**Rule 735.** In every case of sudden, unnatural or violent death or supposed suicide, or whenever there is any doubt or complaint or question concerning the cause of death of any prisoner, or whenever any prisoner dies from the effect of punishment or injury, a report shall forthwith be made to the [Sessions Judge], who shall depute a first class Magistrate to hold an inquest inside the prison under section 174 of the Criminal Procedure Code and ask the Medical Superintendent to conduct the post-mortem examination. The Magistrate and the Medical Superintendent shall forward their reports to the Superintendent. A report of such death shall also be made to the Officer Incharge of the nearest Police Station.

2002.

3. Subs, for "District Magistrate" Punjab Notification No. SO (Prs.) 18-1/2002, dt. January 12, 2002.

**Report to be made to the Inspector General.**

**Rule 736.** The Superintendent shall, in every instance in which an inquest may be held on the body of any prisoner submit a full report of the circumstances of each case to the Inspector-General together with a copy of the findings of the Magistrate who conducted the enquiry.

**Magistrate who is Superintendent not to hold an inquest.**

**Rule 737.** A Magistrate who is the Superintendent of the prison or acting as such, shall not hold an inquest into the cause of death of any prisoner dying in the prison or which he has charge at the time, unless there is no other duly authorized Magistrate available for the duty.

**Post-mortem examinations.**

**Rule 738.** In every case of illness which ends fatally, the Medical Officer shall also see the body of the prisoner, and shall record full particulars of the cause of death in his Report *Book*: When there is any doubt regarding the cause of death, the Medical Officer shall get a post-mortem examination conducted. In the event of several deaths occurring from any prevailing disease, a post-mortem examination shall be made only in one or more selected cases.

**Medical Officers empowered to make post-mortem.**

**Rule 739.** The following officers are empowered in view of section 173(3) of the Criminal Procedure Code to conduct post-mortem examination

- (a) District Medical Superintendent.
- (b) Medical Officer incharge of a Civil Hospital.
- (c) Police Surgeon.
- (d) Whole-time Senior Medical Officers of Central Prisons.

**Conditions under which a body may be made over to friends.**

**Rule 740.** (i) The body of any prisoner who dies-in prison or is executed, shall be made over to the friends or relatives of the deceased, if claimed by them before the body has been disposed of by burial or cremation, unless there are special reasons to the contrary, e.g., the prisoner has died of any infectious disease, or if there are grounds for supposing that the prisoner's funeral will be made an occasion for a demonstration.

(ii) The friends or relatives of a deceased prisoner making application for the body after burial, shall be referred to the [Sessions Judge] who shall be informed whether the deceased prisoner died of any infectious disease, how long he has been dead and whether, in the opinion of the Medical Officer of the prison, the body can be exhumed and removed with safety or without becoming a nuisance to the public.

*Explanation 1.* Nobody can lay claim to a corpse as it is not property.

*Explanation 2.* When a prisoner dies, his sentence ceases. If the body is not made over to the friends or relatives of the deceased, it merely remains to dispose it of in a suitable and decent manner.

**Disposal of a body not made over to friends.**

**Rule 741.** (i) The body of any prisoner dying or executed

in prison, not made over to the friends or relatives of the deceased, shall if the deceased was—

- (a) a Muslim, be buried in the grave-yard with the prescribed Islamic rites, or
- (b) a non-Muslim, be cremated or buried in the prison burial ground in accordance with the rites of his faith.

*Explanation 1.* All religious rites connected with the death of Muslim shall be observed on the death of a Muslim prisoner.

The ritual bath with soap should be given and kafoor sprinkled over the body, and it shall be wrapped in 16 M-46 Cm. of coffin cloth. Soap and Kafoof should be obtained through local purchase. The services of the local grave digger may be hired. Funeral prayers for the dead should be held in which staff should join. Government have sanctioned an amount of rupees twenty for general expenses.

*Explanation 2.* In case of Christians, intimation should be sent to the local Church, if one exists.

(ii) Each unclaimed body prior to removal from the prison shall be wrapped in 16 M.-46 Cm. of new garah cloth.

#### **Burial ground for every prison.**

**Rule 742.** There shall be a burial grounds, attached to every prison, distinctly marked off from the surrounding ground by a wall, ramp or hedge, and it shall be used for the disposal of the bodies of Muslim prisoners only. A separate portion in the burial ground shall be set apart for the burial or cremation of the bodies of non-Muslims.

#### **Selection of burial ground. To last for fifteen years.**

**Rule 743.** The land selected for a burial ground shall not be in the immediate vicinity of the prison or any centre of population and not near the source of any drinking water supply; it shall be ensured that the prevailing wind does not blow from it to wards the prison and that sufficient ground is available for all the requirements for at least fifteen years.

#### **Matters concerning graves, grave-yards, burial and cremation.**

**Rule 744.** (i) The burial ground shall be kept clean and tidy and free from jungle and the graves disposed in regular rows; so as to economize space. Each grave shall be marked with the name and the register number of the prisoner.

(ii) The growth of grass above the graves should be encouraged, but it shall be kept trimmed. Quick growing trees shall



be planted above the ground.

(iii) The Superintendent and the Medical Officer shall occasionally visit the burial ground to satisfy themselves that it is properly kept.

(iv) No grave shall be less than five feet deep. While filling in a grave the earth shall be well pressed down to protect the body from the depredations of animals and the earth shall be heaped up on foot above the surface of the ground.

(v) Special care shall be taken that the body disposed of by cremation is completely consumed and its ashes are buried.

## CHAPTER-31

### Capacity of buildings in prisons:

**Rule 745. (i)** The accommodation capacity of wards, barracks, cells and other buildings intended for the occupation of prisoners, shall ordinarily be regulated by the scale of superficial and cubic space and lateral ventilation prescribed in respect of each prisoner as shown below:-

	Floor space per head	Cubic space per head	Lateral ventilation
	Sqr. Meters.	Cu. Meters	Sq. Meters
(a) Barracks—			
(i) Plains	18	220	7
(ii) Hills ... ..	16	162	2 1/2
(b) Cells-			
(i) Plains	31	366	9
(ii) Hills ... ..	24	244	3 1/2
(c) Hospital—			
(i) Plains ... ..	31	366	9
(ii) Hills ... ..	24	244	3 1/2

(ii) In calculating the cubic space account shall not be taken of any air space above 3 Metres—96 Cm. and in no case the height shall exceed 4 Metres 66 Cm.

(iii) No building shall be within 4 Metres—87 Cm. of an enclosure wall.

### Ventilation of wards and cells. Shutters and fans:

**Rule 746.** Direct circulation of air through every barrack, cell and other compartment shall ordinarily be secured by large grated openings on both sides and at each end of the barrack. Openings with gratings for lateral ventilation in barracks and hospital wards shall be provided between buttresses and shall extend right down to the floor level. Shutters shall be provided in barrack during winter to protect the prisoners from extreme cold. During summer electric fans shall be provided.

### Fitness for occupation:

**Rule 747.** No newly constructed ward, barrack or cell, shall be occupied by any prison until the Medical Officer shall have

certified that such ward cell or other compartment is in all respect fit for occupation.

**Capacity of wards to be inscribed over the door:**

**Rule 748.** Outside every ward, barrack and other compartment ordinarily used as sleeping accommodation for prisoners shall be inscribed the following particulars namely:-

- (a) the class of prisoners for whose occupation it is intended: -
- (b) the superficial floor area in square feet; and
- (c) the number of prisoners it can accommodate according to its superficial area or cubic space.

**Sleeping berth:**

**Rule 749.** Every ward, barrack or cell shall be provided with masonry sleeping berth according to the capacity of the barracks. Each berth shall be 1 Metre-97 Cm. long 91 Cm. broad, and 37 Cm. high and shall be provided with a masonry pillow at one end. The space between two berths shall, ordinarily, be not less than 91 Cm. In upper floors, the height shall be reduced to 30 Cm.—5 Mm. be provided in cells for condemned prisoners.

Explanation.—The arrangement of berths in barrack will depend upon the position of gratings and the facilities provided for ventilation and their number will depend on the accommodation available.

**Requirement of cells. Daily visit to occupants:**

**Rule 750.** No cell shall be used for solitary confinement unless it is furnished with the means of enabling the prisoner to communicate at any time with an officer of the prison, and every prisoner so confined in a cell for more than 24 hours, shall be visited at least once a day by the Medical Officer or the Junior Medical Officer.

**Height of walls of cell yard:**

**Rule 751.** For the purpose of admitting sunshine and air, the enclosure wall of cell yards shall in no case exceed eight feet in height.

**Lock-up register to show authorized accommodation:**

**Rule 752.** The authorised accommodation available in each barrack shall be shown in the lock-up register to enable the Superintendent to see whether any particular barrack is over-crowded.

**Temporary accommodation for prisoners:**

**Rule 753.** Whenever it appears to the Inspector-General that the number of prisoners in any prison is greater than can conveniently or safely be kept herein, and it is not convenient to transfer the excess number to some other prison, or when ever due to outbreak of an epidemic within any prison, or for any other reason it is desirable to provide for the temporary shelter and safe custody of prisoners, provision shall be made for the accommodation and safe custody of prisoners in temporary prisons by the Inspector General in such manner as the Government may direct.

**Procedure when it is necessary to provide shelter outside the prison:**

**Rule 754.** Whenever it becomes necessary to provide for the temporary shelter and safe custody of prisoners outside the prison, the Superintendent shall report the circumstances to the Inspector-General, who will if necessary, take the special directions of the Government as to the provisions to be made, under section 7 of the Prisons Act, 1894.

**Provision of tenants to be maintained:**

**Rule 755.** The Inspector-General shall arrange to maintain a small number of tenants at every prison for the relief of temporary overcrowding or other emergencies a reserve supply of tenants at each Central Prison and at such other prisons as he may select for the purpose.

**Mode of calculating tentage:**

**Rule 756.** The tentage accommodation shall be calculated at the rate of 6.40 Squares Metres for each prisoner.

*Explanation.*--The standard prison tent covers a floor area 4 Metres— 87 Cm, x 4 Metres—87 Cm. and can accommodate twelve prisoners.

**Thatched huts when to be provided:**

**Rule 757.** When the tentage accommodation is inadequate or when the Inspector-General is of the opinion that such accommodation should be substituted for tenants, thatched huts (chhappars), may be provided. The provisions of the preceding rule shall also apply to these huts.

**Tents to be kept serviceable:**

**Rule 758.** (i) Tents shall be kept in serviceable condition and used only for prison purposes. These shall be occasionally pitched and aired. Every tent shall be marked with the date of -manufacture and the date of receipt in the prison.

(ii) Whenever tents are dispatched from one prison to another, an inventory showing the number of tents, their condition and the number of mallets, ropes, tat covers, etc., accompanying them shall be forwarded with the railway receipt and advice of dispatch. Before tents are returned they shall be repaired and all missing articles replaced.

**Provision for custody prisoners:**

**Rule 759.** (i) All prisoners in a prison in excess of accommodation shall be provided with temporary shelter in huts or tenants pitched inside or outside the main enclosure walls.

(ii) The safe custody of prisoners accommodated outside the prison shall be entrusted to the Police.

(iii) The Superintendent shall apply to the Inspector-General for sanction to entertain such temporary establishments may be necessary.

(iv) In case of emergency and before arrangements can be made to have tents or huts erected the workshop may be utilized to afford the necessary shelter, provided that all' articles likely to facilitate escape or to be used as dangerous weapons are removed.

**Precautions against overcrowding:**

**Rule 760.** When the population of prison has appointment exceeded. The maximum number for which accommodation is available, the Inspector-General shall be informed for having some of the prisoners transferred or arrangements made for temporary shelter as the case may be.

**Clearness of buildings and precincts:**

**Rule 761.** (i) The prison precincts and enclosures shall be kept perfectly neat and clean at all times. Daily and continued attention shall be given to secure extreme neatness and tidiness of roads, paths, grassy plots and open grounds. The grounds outside the main wall shall be kept clear of all under growth and rank vegetation.

(ii) The walls and ceilings of all workshops and factories shall be thoroughly cleaned once a week. The floors shall be swept daily either before the work begins or after it stopped.

(iii) The floors of all barracks, cells and hospital shall be cleaned daily and the walls brushed down weekly. The ceilings shall be cleared of cobwebs once a fortnight. The inside walls of all barracks and cells shall be lime washed with additions of yellow earth once a week up to a height of 1 Metres—27 Cm, and the rest of the walls of barracks and cells shall be white washed often as the Medical Officer may consider necessary.

The hospital shall receive particular attention -in this respect. The walls should be painted green up to 91 Cm., and the remaining portion shall be of cream colour. The ceiling shall be white washed.

(iv) All beddings shall be spread out and exposed to the sun at least twice weekly.

General cleanliness:

**Rule 762.** The main and partition walls of the prison, if kacha, shall be mud-plastered before the commencement of the rainy season. Patches of plaster which have come down due to rains shall be attended to forthwith. The main wall shall not present on unsightly picture. Pucca walls shall be rubbed down after the rainy season in order to remove weather strains. All ceilings, floors, walls, furniture, etc., shall be kept clean and in good state of repair. Godowns shall be kept clean, well arranged and well ventilated and their contents aired as often as necessary. The roofs shall always be clean and tidy and no rubbish allowed to accumulate there.

**Disinfection of cells:**

**Rule 763.** (i) The wards or cells occupied by prisoners

suffering from infectious or contagious diseases, shall be white-washed and disinfected as often as may be directed by the Medical Officer.

(ii) During summer the walls and ceilings of barracks and cells shall be regularly sprayed with some insecticide to protect prisoners from mosquitos.

**Return regarding prisoners on the last day of the month:**

**Rule 764.** A return showing the number of prisoners locked-up in the prison on the last day of the month together with the capacity of the prison shall be submitted to the Inspector-General on the first of each month.

**Sources of water supply:**

**Rule 765.** Water shall be obtained in sufficient quantity from the purest supply in the neighborhood. Before deciding upon the source from which water shall be taken; samples shall be sent to the Chemical Examiner for analysis. Every possible precaution shall be taken to prevent the contamination of water whether at its source, during its carriage or in its distribution.

**Precautions to prevent contamination:**

**Rule 766.** The masonry cylinder of every well shall be water-tight and a masonry platform and drain to prevent spill water soaking into the ground in the neighborhood of the well, shall be provided. To avoid contamination, filth or refuse of any discription shall not be buried or allowed to lie near any well used for drinking or bathing purposes.

**Wells to be protected. Periodical cleaning Tube wells:**

**Rule 767.** (i) Wells shall be protected so as to guard against accidents 'and suicides. Every well in the prison shall

be thoroughly cleaned in the month of October each year and often if the Medical Officer considers it necessary.

(ii) Where possible, electric or diesel tube wells shall be provided for the supply of water for drinking, bathing and other purposes.

**Supply of water to prisoners:**

**Rule 768.** (i) Every barrack and workshop shall be provided with sufficient number of earthen gharas, filled with drinking water for the use of prisoners and each prisoner in a cell shall be provided with a small pitcher for his personal use.

(ii) Gharas shall be placed on raised platform and not on the floor. Water taps shall be provided in each yard. There shall be one tap for fifty prisoners. Overhead shower baths shall also be provided, where possible.

(iii) A water tap shall also be provided inside every barrack.

**Analysis of water:**

**Rule 769.** The water of all prison wells which is used or likely to be used for drinking or ordinary purposes, shall be got analysed qualitatively, by the Chemical Examiner or Provincial Chemical laboratory in January each year.

**Premises to be kept clean. Cess pools prohibited. Other sanitary matters:**

**Rule 770.** The Superintendent, Medical Officer, Deputy Superintendent and all subordinate officers shall be responsible for proper attention to conservancy arrangements. It is the duty of the visitors to satisfy themselves that conservancy arrangements are adequate. The Superintendent and the Deputy Superintendent shall pay particular attention not only to the disposal of the night soil and refuse matter but also to every detail connected with the cleanliness and neatness of all parts of the prison and its surroundings.

The following matters require special attention:-

- (a) The ground shall be clean and free from leaves, weeds and rubbish of every description, the lawns and hedges trimmed, the paths kept in repair, kacha drains dressed and their levels readjusted.
- (b) Drains and latrines shall be kept scrupulously clean and no sewage matter permitted to find its way into them. Cess pools of any kinds are prohibited within prison precinct. The use of sunk reservoirs for refuse water shall be avoided. Rubbish or manure pits shall not be allowed



within or near the prison walls.

**Latrines:**

**Rule 771.**(i) Each enclosure shall have a separate day rines with sufficient number of seats. Latrines with flush tem shall, where possible, be provided. Number of seats all not be less than ten per cent of the population.

(ii) The floors of latrines shall be well raised and renewed frequent, intervals. Every latrines shall be provided with a of and partitioned for the sake of privacy. Iron latrines pans tall be provided in every latrines to receive the excreta. The trines pans shall be coated with crude oil or coal at least ice a week, every cell shall be provided with an iron or arthen pan for conservancy purposes. These shall be kept thoroughly cleaned and treated with crude oil or coal tar at least once a week,

**Hospital of urine and night soil:**

**Rule 772.** (i) The urine and night soil shall be disposed of in trenches dug in fields or other selected open spaces in the prison garden but well away from the prison. The trenches shall be filed in with all the earth that has been taken out. After six months the land can be used for cultivation, preferably a crop of fodder should be grown first.

(ii) Incineration is the most sanitary method of disposal. It shall be employed when the prison is near a city and has a small garden.

**Latrines for warders:**

**Rule 773.** Flush type group latrines shall be provided in the warders lines for the warders and their families. Cleanliness of cold type latrines shall be carried out in the same manner as described for latrines for prisoners.

**Sanitary arrangements in cells:**

**Rule 774.** Cells shall be provided with flush system, when possible, otherwise with sanitary openings in the back wall the cells to hold and all removal of latrines pans. Old patte cells shall be provided with a latrine pan or gamla in o corner or in the cell-yard if the occupant has access to These receptacles shall be removed and cleaned by the sweej every morning, and should be frequently painted with coal or crude oil.

**Drainage of prison land. Sanitary defects to reported:**

**Rule 775.** (i) The drainage of the land around the pris shall receive careful attention and all low ground shall be fill up with clean earth. High crops shall not be grown within Metres—72 Cm.

of the prison walls to avoid affording cover any prisoner escaping or attempting to escape.

(ii) It is the duty of the Medical Officer to bring to notice the Superintendent any defects of drainage within the pris area or its vicinity. The construction of public latrines, sewr or drains of the existence of any other in sanitary conditions the neighborhood of the prison likely to effect the health the prisoners, shall be reported to the Inspector-Gen: through the Superintendent.

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## CHAPTER-32

### *Medical Administration:*

#### **Procedure when the mortality is unusually high: .**

**Rule 776.**—Whenever the mortality in a prison during any month exceeds one per cent, the Medical Officer shall record in the monthly return, reasons as to cause of the increased death rate. If there is unusually high mortality, he shall make a special report to the Inspector-General for transmission to Government, if necessary.

#### **Classification of prisoners according to health:**

**Rule 777.** The health of every prisoner shall be described as "good" "bad", or "indifferent". Prisoners on admission to prison who are in immediate need of medical treatment shall be shown as in bad health, unless suffering from trivial and temporary ailment ; those who are not fit for hard labour, but do not need hospital treatment, shall be shown as in indifferent health. If a prisoner is in bad or indifferent health, the Medical Officer shall record the cause of the disability, such as enlarged spleen, anaemia scurvy etc, on the history ticket and admission register.

#### **Prisoners received from unhealthy districts:**

**Rule 778.** *Prisoners* received from unhealthy districts shall be kept under special medical observation for one or two weeks after admission, in order that effect of imprisonment and prison diet upon them may be noted. Those addicted to opium or other narcotics shall be placed under medical treatment in order to purge them of the habit.

#### **Deduction for clothes, etc. when weighing prisoners:**

**Rule 779.** When being weighed, male prisoners shall wear shalwar only women prisoners shall be fully attired and deduction made for the article worn.

#### **Result of weighment of prisoners:**

**Rule 780.** (i) After each monthly weighment of prisoners, the junior Medical Officer shall note the result of weighments in his report book stating:-

- (a) the names of the prisoners who have lost weight and the amount lost by each;
- (b) the names of those steadily losing weight; and
- (c) the reasons in brief for loss in weight.

The report shall be put up before the Medical Officer for any action he considers necessary.

(ii) The Medical Officer shall himself select a number of prisoners at each monthly inspection for a "check weighment."

(iii) All prisoners who have lost 1 Kgr.—361 Gr. or more in weight shall be separately paraded for the inspection of the Medical Officer.

**Convalescent and infirm parties:**

**Rule 781.** (i) The Medical Officer shall place in the infirm party all old and infirm prisoners, and "in the convalescent party all prisoners who are recovering from serious illness or are otherwise out of condition. Infirm party shall be kept within the hospital enclosure. The prisoners in infirm and convalescent parties shall be allowed extra rest for at least one hour after unlocking and for two hours at midday.

(ii) Prisoners in infirm and convalescent parties shall be given such light labour and extra articles of diet and clothing as the Medical Officer considers necessary, which shall be recorded on the prisoner's history tickets. The Medical Officer shall inspect the infirm party daily and the convalescent party once a week.

(iii) During the winter old and infirm prisoners shall receive 1/5 chatak of oil weekly for rubbing into the skin.

(iv) Prisoners suffering from active illness shall be admitted to hospital, and not treated in the convalescent party.

**Convalescents and informs to be weighed weekly:**

**Rule 782.** Prisoners in convalescent and infirm parties shall remain together and shall, ordinarily be kept in hospital. They shall be weighed every week on such day as the Medical Officer may fix and the weighments recorded on the history tickets. The daily average number in the parties shall be shown in the column "remarks" of the monthly return of the sick.

**Admission to and removal from the convalescent and infirm parties:**

**Rule 783.** Under the orders of the Medical Officer, prisoners who have re-covered health and no longer require special attention shall be removed from the parties. No prisoner shall be placed in or discharged from the parties except by order of the Medical Officer.

**Procedure when prisoners are losing weight:**

**Rule 784.**--Whenever an unusual proportion of the prisoners have lost weight, or there is a general tendency to scurvy or to ulceration of the gums and anaemia, or an increase of admissions to hospital from dysentery or other bowel complaints, the Medical Officer shall make careful enquiry to ascertain the cause. The diet of the prisoner shall then be varied by the liberal issue of animal food in lieu of dal; potatoes, onions and radishes may be substituted for a portion of the vegetable supply. Both the Superintendent and the Medical Officer shall occasionally visit the prisoners while at their meals, and ascertain if there are any complaints regarding the food and if much of it is left unconsumed. If the food appears to be unpalatable due to lack of variety, this defect shall be remedied as far as possible.

**Labour and loss of weight:**

**Rule 785.** If the loss of weight is more marked amongst prisoners on one form of labour than on another, the tasks shall be carefully regulated and the prisoners employed on that particular task changed. Prisoners who at three successive weighments are found to be losing weight, or in whom the loss of weight at any weighment is found to be over-2 Kgr.—268 Gr. shall ordinarily be changed to a lighter form of work. On the other hand, the Medical Officer shall guard against being imposed upon by prisoners who scheme to lose weight, by causing such prisoners to be weighed unexpectedly at short intervals.

**Prophylaxis against certain diseases:**

**Rule 786.** Prophylaxis against malaria, its sequelae and certain bowel diseases shall be carried out before the season for such diseases.

**Provisional of hospital:**

**Rule 787.** In every prison a hospital for the reception of sick prisoners shall be provided.

**Prisoners complaining of illness to be examined:**

**Rule 788.** Every prisoner complaining of illness shall be

brought before the Medical Officer or the junior Medical Officer who shall examine him and determine whether he shall be treated as an out-patient or admitted to hospital: Prisoners shall not be detained or kept under observation, but shall be admitted and brought on hospital registers.

**Articles to be supplied to patients:**

**Rule 789.** Each patients shall be supplied with an iron bed, a mattress and a pillow stuffed with cotton, a pillow cover, two bed sheets, a cotton kurta and pyjama a towel, a woollen jackets in winter and as many blankets as the Medical Officer deems necessary.

**Maintenance of bed need tickets and temperature charts:**

**Rule 790.** Over every occupied bed in hospital shall be placed a ticket where shall be recorded full particulars of the history and examination of the patient, the progress, diet and treatment of the disease. In a case of dysentery, it shall be noted whether the prisoner suffered from the infection in his own home or had acquired it in the prison, and in every case of fever a record of the temperature shall be kept on the temperature chart. Suitable clasp frames for holding there tickets shall be provided.

**Cleanliness of clothing and bedding:**

**Rule 791.** The Medical Officer shall take measures to ensure the cleanliness of clothing and bedding. A proper place for washing and boiling soiled clothes shall be provided in every prison. Blankets and woollen jackets shall be frequently exposed to the sun and washed in phyenyle solution, if considered necessary. Similarly hospital clothing and blankets, etc., shall be treated separately. .

**Sick prisoners to bathe daily:**

**Rule 792.** Prisoners in hospital who are not too ill, shall bathe daily or at such times as the Medical Officer may direct.

**The feeding of sick prisoners:**

**Rule 793.** As a rule, sick prisoners shall receive four meals a day. There shall be a separate kitchen in the hospital enclosure, a special cook appointed and suitable brass or aluminum vessels provided for the preparation of food for the sick. Arrangements shall be made for the frequent feeding of sick prisoners and for having milk constantly ready. The feeding of the sick and in firms, etc., shall take place in the presence of the junior Medical Officer.

**Convalescent prisoners to do light work:**

**Rule 794.** As certain amount of physical exertion is an important factor in the maintenance and improvement of health, and keeps the mind occupied, prisoners who are convalescing may be provided with some light work preferably in hospital without prescribing any definite task.

**Intimation of serious illness to relatives:**

**Rule 795.** When a prisoner is seriously ill, intimation shall be sent to the relatives and in the case of under-trial prisoners to the Court concerned also, for informing his relatives. Ordinarily intimation shall be sent through post, but in urgent cases telegrams may be sent at Government expense.

**Treatment of infectious disease:****Disposal of body in such case:**

**Rule 796.** Prisoners suffering from any infectious disease shall be treated in isolation ward. After the recovery or death of patient, his clothing, bedding etc., shall be thoroughly disinfected or destroyed and the room in which the case occurred, or was treated, shall be thoroughly cleaned and disinfected according to the nature of case. The Medical Officer shall give written directions for the segregation of prisoners suffering, or suspected to be suffering, from infectious diseases for cleaning and disinfecting the ward or cell, and for disinfecting or destroying any clothing or bedding. Before removal for burial the body of any prisoner who dies of cholera, smallpox or other communicable diseases, shall be wrapped in

sheet saturated with one part of corrosive sublimate in 1000 parts of water or some other strong disinfectant. Such corpses shall be disposed, of with the best possible delay and surrounded with an ample supply of quick lime.

**Report on occurrence of cholera:**

**Rule 797.** When a case of cholera occurs in a prison, it shall be reported by telegram to the Inspector-General and the [Executive District Officer (Health)] and by letters to the Superintendents neighboring prisons, the nearest Civil and Military authorities and the [District Officer(Health) or Deputy Director officer (Health)] in whose jurisdiction the prisoners situated. If other cases follow a daily report of the progress of the disease and the measures taken to meet it, shall be sent to the Inspector-General and the [Executive District (health)] The report shall be submitted daily for fifteen days after the occurrence of the last case.

**Precautions in cholera cases:**

**Rule 798.** A. case of cholera or suspected cholera shall at once be inoculated with a full dose of i.c.c. of anti-cholera vaccine, and similar arrangements shall be made as soon as possible to inoculate the rest of the prison population. The Medical Officer shall take immediate steps to ensure that the water-supply is protected from any possible contamination and all open wells shall be chlorinated with bleaching powder. The cook-house shall be inspected and the milk shall be boiled under his personal supervision. The sanitary arrangements shall receive special attention and all latrines and open drains shall be kept scrupulously clean and liberally sprinkled with lime. The issue of raw vegetables and fruits shall be temporarily stopped.



**Disinfection of wards and latrines:**

**Rule 799.** The floor and walls of the room where a case of cholera has occurred shall be disinfected with some strong disinfectant. Similar disinfection of the latrines used by the patient and any place where he may have vomitted or passed excreta shall be carried out. Earthen vessels used by the patient shall be burnt and destroyed. Metal utensils shall be treated with fire or boiling.

**Precautions when epidemic disease is prevalent:**

**Rule 800.** *In* the event of the outbreak of an epidemic disease in the vicinity of the prison, care shall be taken to prevent communication of disease to the prisoners, either through new admissions or by prison staff. Newly admitted prisoners—whether under-trial or convicted—shall be kept in quarantine. If the disease is preventable by inoculation (*e.g.*, cholera, plague, etc), it shall be carried out forthwith.

**Avoidance of damp and chill, etc:**

**Rule 801.** *Damp* and chills should be avoided. The numbers confined in each ward shall be reduced by providing short term prisoner with temporary accommodation elsewhere.

**Purification of drinking water:**

**Rule 802.** All wells and reservoirs shall be properly chlorinated. No water shall be issued for drinking or cooking unless it has been chlorinated.

**Food supplies and vessels to receive attention:**

**Rule 803.** Food shall be constantly inspected to ensure that it is of good quality, cleanly prepared and well-cooked. The issue of uncooked food, raw vegetables and fruits shall be temporarily suspended. All food stuffs not required immediately especially milk shall be boiled and stored in a cool place in vessels scalded with boiling water and protected from flies. The cook-house shall be closely supervised by the Medical Officer and all refuse shall be removed and burnt in an incinerator. The drains from the cook house shall be cleaned daily and liberally dust with bleaching powder. The cooks shall be inoculated against cholera and small pox. A close watch shall be kept on their state of health.

### **Strict attention to sanitary matters:**

**Rule 804.** Strict attention should be paid to all sanitary arrangements, especially to conservancy, care being taken that the latrine pans are cleaned immediately after use. The number of sweepers shall be increased.

### **Investigation as to the origin the first case:**

**Rule 805.** *In any epidemic it is of the greatest importance to ascertain all the circumstances connected with the occurrence of the first case, and a very careful investigation shall be made in order to discover, if possible, how it originated. Such enquiries, if delayed, are usually unsatisfactory.*

### **Measures against small-pox:**

**Rule 806** (i) In the case of small-pox the patient shall be isolated and treated in a separate ward or tent in a remote part of the prison. The contacts shall be vaccinated at once and isolated for fifteen days. The Medical Officer will take immediate steps to vaccinate the entire staff and all the prisoners.

(ii) The clothing and personal effects of small-pox patients should be thoroughly washed in a strong disinfectant and thereafter disinfected in a high pressure steam disinfector or thoroughly boiled.

(iii) The barrack in which a case of small-pox has occurred shall be vacated at once, the floors and berths washed with a disinfectant and the walls white washed and the door and windows left open for a week when it may, if necessary, be re-occupied.

### **Measures against plague:**

**Rule 807.** To prevent the occurrence of plague, the systematic destruction of rats, more specially in grain godown and food stores, shall be carried out throughout the year. The measures, in respect of the isolation and treatment of the patient, the evacuation of infected barrack and the disinfection of clothing are similar to those detailed in the case of small-pox but on the appearance of plague in a prison, the staff and prisoners should be inoculated with anti-plague vaccine,

a supply of which can be obtained from the [Executive District Officer (Health).

### **Measures against louse borne disease, relapsing fever and typhus:**

**Rule 808.** In the case of louse-borne diseases, relapsing fever and typhus, the detection of the first case shall be followed by

measures similar to those detailed in the case of plague so far as the isolation and treatment of the patient is concerned. The clothing and personal effects of the patient and contacts shall be disinfected in a steam pressure disinfector and the contacts shall be kept under observation for a week. In the event of the occurrence of further cases, the "de-lousing" of the prison population shall be carried out, and repeated once a week until the disease is brought under control.

**Officers Health to be consulted on out-break of an infectious disease:**

**Rule 809.** The Director of Health Services being the official adviser in all matters of health, he or the [District Officer (Health)] or the nearest [Deputy District Officer (Health)] of Health shall be consulted at once when any infectious disease or obscure sickness becomes prevalent or threatens to become, prevalent in the prison.

## CHAPTER-33

### *Prison Industries:*

#### **Labour for convicted prisoners:**

**Rule 810.** The Superintendent should provide suitable labour for every class of prisoners sentenced to rigorous imprisonment confined in the prison. Such labour may be industrial or non-industrial. While establishing an industry in any prison the following two main objectives shall be kept in view:-

- (a) Imparting vocational training to the prisoners to enable them to earn respectable livelihood after their release.
- (b) The said industry is locally available in the hinterland.

#### **Days on which prisoners are exempt from labour:**

**Rule 811.** (i) No prisoner shall be required to perform any labour on Fridays, public holidays except such as may be necessary for the management and domestic economy of the prison, or to meet any emergency.

(ii) The Inspector-General may, with the previous sanction of Government, by a general or special order, exempt any prisoner or class of prisoners or all prisoners generally, from labour on any particular day or day other than those specified in the above sub-rule. This concession may be extended to non-Muslim prisoners on the occasion of their important festival.

#### **Time limit for prison labour:**

**Rule 812.** As required by section 35 of the Prisons Act, 1894, no prisoner shall be kept to labour for more than nine hours on any day, except in an emergency and with the written sanction of the Superintendent.

#### **Classification of labour, Allotment of labour:**

**Rule 813** (i) The various forms of prison labour shall be classified as hard, medium and light.

(ii) The Deputy Superintendent shall employ every convicted prisoner under the control of the Superintendent in accordance with the class of labour determined for him by the Medical Officer upon admission or subsequently under the authority of sections 24 and 35 of the Prisons Act, 1894. The labour allotted on admission and subsequent charges of labour shall be recorded on the history , ticket under the initials of the Deputy Superintendent who shall personally see the prisoner when allotting or changing any such labour.

(iii) No prisoner shall be employed on any kind or class of

labour which the Medical Officer considers unsuitable or for which that officer consider him unfit, or shall be subjected to any labour, unless the Medical Officer certifies his fitness for the same.

**Tine to be given to acquire skill:**

**Rule 814.** Every convicted prisoner when first being put on any kind of work, with which he is not acquainted, shall be allowed a reasonable time (to be fixed by the Superintendent but not exceeding six months), in which to acquire the necessary skill to enable him to perform the full task. Mental and physical capabilities shall be taken into consideration. If he knows a trade carried on in prison, he shall be put on that trade at once to utilize any skill he may possess.

**Frequent change of work to be avoided:**

**Rule 815.** Frequent change of work, except on medical grounds, shall be avoided, but the same form of hard labour shall not be exacted indefinitely without variation; and sedentary work shall occasionally be changed for work involving more general movement. Every Superintendent, Deputy Superintendent and Assistant Superintendent shall make himself acquainted with the tasks fixed for the various industries carried on in the prison. Specially seven forms of labour shall not be exacted continuously from any prisoner for more than two months at a time. Lighter work shall be given for the like period before the prisoner is again put on the same labour or an equally severe labour.

**Tasks for prisoners:**

**Rule 816.** (i) The tasks prescribed for adult male convicted prisoners shall not be less than the work performed by a free labour.

(ii) The task imposed on women or juvenile prisoners shall not exceed two-thirds of the tasks fixed for hard or medium labour for adult male convicted prisoners.

**Recess for prisoners on labour:**

**Rule 817.** All convicted prisoners shall have one hour's recess daily from 11 A. M. to 12 Noon throughout the year for mid-day meals and rest. Reason able time and facility for offering prayers shall be allowed to prisoners working in the factory.

**Hours of commencing and stopping work:**

**Rule 818.** Prisoner shall commence work as soon as ablutions, morning prayers, issue of breakfast and distribution into parties are completed, that is, usually about an hour after

unlocking; and in the afternoon work shall be stopped at 3 P. M. in winter and 4 P. M. in summer.

**Description of work:**

**Labour tasks to be fixed:**

**Rule 819.** Subject to the provisions of Chapter VII of the Prisons Act, 1894, the Inspector-General may, with the sanction of Government, from time to time prescribe, whether generally in respect of all prisons or specially in respect of any particular prison or class of prisons, the description of work to be carried on, and the labour tasks to be fixed, in respect of each class of labour.

**Forms of labour and classification of labour tasks:**

**Rule 820.** Under the authority of the preceding rule, the various forms of labour to be carried on and the tasks in each case (in so far as they admit of being fixed) to be exacted from prisoners sentenced to labour are given in Appendix A.

**Fixing task for unspecified labour:**

*Rule 821.*—The Superintendent shall fix the task of any labour not specified in the preceding rule or not carried on as a regular industry, or when the form of labour is specified but a definite task is not fixed. The task so prescribed shall not be less than the work performed by a free labour.

**Training in skilled labour:**

**Rule 822.** (i) The Deputy Superintendent shall keep suitable prisoners under training in all forms of skilled labour in order to replace artisan prisoners on release. The proportion of such prisoners shall not be less than twenty per cent in each industry.

(ii) In Central Prisons and first class District Prisons an additional twenty per cent of such prisoners shall be trained as or well-conducted and are eligible for transfer to smaller prisons on the termination of the period of training.

(iii) When an artisan prisoner is transferred, the Deputy Superintendent of the transferring prison shall certify on the history ticket of the prisoner that he is conversant with the work for which he is being transferred.

**Checking of work:**

**Rule 823.** The Deputy Superintendent or the Assistant Superintendent incharge of the prison factory shall, every afternoon, check the quality of work and see that all prisoners perform their allotted tasks, noting the work done on the task sheets. The action taken on short or bad\* work shall also be noted on the task

sheets.

**Checking of tools:**

**Rule 824.** (i) The Deputy Superintendent or the Assistant Superintendent incharge of the prison factory shall maintain a tool list in every workshop. He shall cause to be checked all the tools every evening and cause them to be collected and stored in place of security after entering in the tool list the number of tools so stored.

(ii) The Assistant Superintendent, head warder and the technical instructor incharge of workshop and factories shall be responsible for the tools and other property kept therein.

**Leans and appliance for labour to be provided:**

**Rule 825.** (i) Every prisoner sentenced to rigorous imprisonment shall ordinarily be employed on same suitable kind of hard labour for which he is fit Prisoners shall not be put on medium labour or light labour, so long as they are fit to perform either hard, of medium labour.

(ii) In all tasked labour due allowance shall be made for beginners. Prisoners shall be gradually worked up to full task which should usually be possible within a month or so but such period, in no case, shall exceed six months.

(iii) The Deputy Superintendent, while allotting labour to a prisoner shall keep in view the health of the prisoner, his aptitude and the requirements of the industries carried on in the prison.

**Extra mural labour:**

**Rule 826.** No prisoner or a party of prisoners shall be employed extra murally beyond the limits of the prison precinct without the sanction of the Inspector-General.

**Specification of labour outside the prison:**

**Rule 827.** (i) Prisoners in outside labour on prison premises shall be employed solely for prison purposes and on the following kinds of labour:-

- (a) Brick and tile-making ;
- (b) work in prison gardens and farms;
- (c) repairs of the quarters of the prison officers, of roads and other works; and cleaning of prison premises:
- (d) construction of new buildings on prison precincts.

(ii) Subject of such general or special directions as the Inspector-General may from time to time give in that behalf,

prisoners may be employed without the prison premises, on public works which are at any time carried out under the supervision and control of any Government Department or of a local authority on daily wages as may be specified by the Inspector-General.

(iii) Prison labour may be hired out to private individuals and institutions on such terms and conditions as may be specified by the Inspector-General in that behalf from time to time.

**Sanction of Superintendent to outside employment:**

**Rule 828.** No prisoner shall at any time be employed on any labour outside the prison walls or be permitted to pass out of the prison for the purpose of being so employed, unless and until the Superintendent shall have sanctioned his being so employed and recorded on the prisoner's history ticket that such sanction has been given.

**Restriction of the employment of prisoners outside the prison walls:**

**Rule 829.** (i) No prisoner shall at any time be employed on any labour without the walls of the prison.

- (a) without the sanction of the Inspector-General, until he has undergone not less than one sixth of the substantive term of imprisonment to which he has been sanctioned ;
- (b) without the sanction of the Inspector-General, if the unexpired term of substantive imprisonment together with imprisonment (if any) in lieu of fine, to which he has been sentenced, exceeds two years;
- (c) if a sentence of whipping remains to be executed; or
- (d) if any other charge or charges are pending against him:

Provided that clauses (a) and (b) shall not be deemed to apply to any camp prison established for the purposes of carrying out any public work.

(ii) Prisoners who are of good character and who are not residents of foreign territory shall be employed, outside the prison. When there are more prisoners eligible than are actually required, those with the shortest unexpired sentenced shall be chosen. Care shall be exercised not to pass out any prisoner who had escaped or had attempted to escape or possesses any inclination to escape.

**Certificate of eligibility for outside labour:**

**Rule 830.** Before any prisoner is employed on outside work, the Deputy Superintendent shall certify on his ticket, after examining the warrant of conviction, that he is eligible for outside



labour under the rules contained in this chapter.

**Sanction for employment on outside labour:**

**Rule 831.** The prisoner shall then be brought up before the Superintendent who shall, after satisfying himself that the prisoners is eligible for such employment and that there is nothing in his previous conduct to indicate that it would be inadvisable to trust him outside, sanction his outside employment.

**Employment of prisoners in the garden:**

**Rule 832.** Only casual prisoners with the shortest unexpired sentenced shall be employed in the prison garden. They shall be specially passed for such work by the Superintendent. Habitual prisoners shall not be put on garden work except when sufficient number of casual prisoners is not available. In prisons reserved for habitual prisoners, habituals with not more than two previous convictions may be employed.

**Employment of prisoners in the garden attached to the residences of prison officers:**

**Rule 833.** A party of five prisoners and one convict officer may be employed in the garden attached to the residences of the Inspector-General, Deputy Inspector-General and Superintendents of all prisons. The Inspector-General may employ eight prisoners and two convict officers at his residence.

**Restriction on the employment of prisoners on prison services:**

**Rule 834.** The number of convicted prisoners regularly employed on prison services such as cooks, barbers, water-carriers, sweepers, etc., shall not, without the special sanction of the Inspector-General, exceed:-

- (a) in Central Prisons or first class District Prisons—ten per cent of the total population ; and
- (b) in case of other prisons—twelve per cent of the total population. Selection and limitation of prison servants

**Rule 835.** Sweepers shall be chosen from the general scavenger class. Prisoners of other similar castes may be

employed as sweepers, if they volunteer to do such work: Barber shall ordinarily belong to the casual class. Hospital attendants shall be selected from those passed for light labour are who have completed at least half their sentences. If there is a large number of serious cases in hospital, the proportion of one attendant to ten patients may be temporarily exceeded.

**Water carrier and cleaning party for staff quarters:**

**Rule 836.** Small detachments of the cleaning and water carrier parties may, under proper supervision, be permitted to clean and supply water twice a day to the quarters occupied by the prison staff.

**No prisoner to be employed on private work or service:**

**Rule 837.** No prisoner shall at any time be employed by any officer of the prison, or other person, on any private work or service of any kind whatsoever, except on a work carried on in the prison factories and an order for which has been booked in the regular way with the knowledge and permission of the Superintendent and subject to the payment of the normal charges for such work.

*Explanation.*—For the purpose of this rule, private work does not include the supplying of water to, the cleaning of the quarters occupied by the prison staff or employment in warders messes, under the orders of the Superintendent.

**Employment of prisoners as clerks:**

**Rule 838.** The employment of prisoners as clerk or on writing work in prison offices or at the gate shall not be allowed.

**No prisoner to be allowed to visit the bazar:**

**Rule 839.** No prisoner shall at any time, upon any pretext, or for any purpose whatsoever, whether accompanied by warders or police escort be permitted to proceed to or visit any bazar, market or any unauthorised place.

**Employment on dangerous work:**

**Rule 840.** The Superintendent shall not employ prisoners on work which is likely to endanger life or limb unless they are willing to undertake the work.

**How prison labour may be employed:**

*Rule 841.*--Prison labour shall ordinarily be employed to supply:

- Firstly the requirements of the prison and the Prison Department.
- Secondly the requirements of other Government Department and
- Thirdly other demands which the Inspector General may from time to time approve.

**Prison labour may be employed for work of Buildings Department and works of national importance:**

**Rule 842.** Prison labour may be utilized:-

- (a) for the preparation of building material for the Buildings Department or for private sale, within the prison premises.
- (b) for the construction of works under the Building Department in or near the prison and
- (c) with the previous sanction of Government, on large works of national importance at a distance from any permanent prison.

**Prison labour for construction of buildings:**

**Rule 843.** Prison labour shall be utilized to the fullest extent in the construction and repair of all prison buildings and in the preparation of materials for the same.

**Centralization of industries:**

**Rule 844.** *Large* industries shall be centralized in selected prisons and endeavour shall be made to mechanise these as far as possible.

**Manufacture of articles for sale:**

**Rule 845.** When the requirements of the prison and other departments have been met to the fullest extent, prison labour may be employed in the manufacture of articles for sale to public.

**Price of prison made articles:**

**Rule 846.** (i) In calculating the price of prison-made article the following shall be taken into account:

- (a) The cost of raw materials;
- (b) One-third of the cost of raw materials towards wages of labour and profit.

(ii) In case where the price worked out according to the above sub-rule is such below the current market rates, the ratio of one-third may be increased to adjust the price.

**Restrictions on private orders Sales Depots:**

**Rule 847.** No order from private persons for prison made articles shall be booked until half the estimated value is deposited by the purchaser as an advance. The balance of the price shall be

paid on the delivery of the goods. Credit shall not be allowed to private purchasers. Surplus articles manufactured by prisons shall be dispatched to the Sales Depots organized by the Department at various places where these will be disposed of by sale to public. The price of these articles shall be re-fixed by a Board, the constitution of which will be determined by the Inspector-General from time to time.

**Price list:**

**Rule 848.** A price list of the articles manufactured in every prison shall be prepared and maintained in the office. It shall be revised whenever necessary.

**Disposal of proceeds of employment of prisoners:**

**Rule 849.** (i) No officer shall at any time retain in his possession, or dispose of without proper authority:-

- (a) any article supplied for use in any industry in a prison, or manufactured by any prisoner;
- (b) any sum of money realised from or received on account of the sale of any such articles or of the earning of any prisoner;

and the entire amount of money realised or received shall as soon as may be, paid to the credit of the Government in the nearest public treasury.

(ii) No expenditure is to be met from, or payment made out of, any sum of money realised by the sale of articles or received on account of earnings of the prisoners. All sums of money so realised or received are to be credited, as soon as possible, in the treasury, expenditure being met from sums supplied under proper authority, by the treasury for the purpose.

All prison earnings should pass intact into treasury and accounts, so that every item of receipt and disbursement shall appear in those accounts and be subjected to proper scrutiny and control.

**Adjustment of accounts with other Department:**

**Rule 850.** Payments for all articles received from, or supplies to any Government Department, irrespective of the amount, shall either be in cash or adjusted by book transfer.

**How money is to be paid into treasury:**

**Rule 851.** All cash shall be paid into the treasury under appropriate heading and accompanied in each case by the form

prescribed for the purpose properly filled in.

**Yearly audit of factory accounts:**

**Rule 852.** The factory accounts of all District and Central Prisons will be systematically audited once a year by a staff of auditors, under the orders of the Audit office.

**Management of prison factories:**

**Rule 853.** The management of the prison factories shall be governed by the following rules:-

- (1) Manufacture of any articles shall not be taken in hand in factory unless an order has been previously registered for it. This equally applies to goods required for stock or made from materials produced in prison, e.g., wood obtained from trees in prison garden.
- (2) When the Superintendent has a large order for an article, he shall register the order in such quantities as to ensure that the work is executed within a reasonable time which shall not ordinarily exceed three months. Orders for goods meant only for stock shall not be booked in large numbers at a time.
- (3) Purchase of all raw materials shall be controlled by the Inspector-General, subject to any order issued by the Government from time to time.
- (4) Suppliers shall be required to, present, alongwith the materials supplied an invoice in duplicate in the prescribed form giving the number and weight of the materials and the rates. The original invoice bearing the supplier's signature shall be retained in the prison office and the duplicate shall be returned to the supplier after being signed by way of receipt by the officer concerned.
- (5) The full market value of the materials received from other departments shall be recorded in the factory register.
- (6) Except with the special permission of the Inspector-General, work on the wages system shall not be permitted in the prisons. When any work on this system is accepted i.e., when materials are supplied by other departments, or private firms and the prison charges for the cost of labour only, the quantity of the materials received shall be entered, in the appropriate register on separate pages, the column of price being left blank. In the books of the factories also full details as to the disposal of materials shall be shown on a separate page marked "Work on wages".
- (7) Materials shall be intended for by the officer incharge of the

factory from the store-keeper to meet immediate requirements only and in no case for more than two weeks' consumption. The accumulation of materials in factories is prohibited.

- (8) The Deputy Superintendent or Assistant Superintendent shall be in charge of the factories.
- (9) The raw materials for manufacture shall be under the charge of the Deputy Superintendent or Assistant Superintendent, who shall issue each morning what is required for the day's work and receive back in the afternoon the material which has not been utilised. He shall, also as far as possible, satisfy himself that there is no waste of material, but this shall not relieve the paid instructors of the responsibility for the safe custody and proper disposal of the manufactory stores.
- (10) The paid instructors employed in the factory shall also be responsible for any shortages found in the tools and raw materials in the process of manufacture under their charge.

## CHAPTER-34

### *The prison Garden and Cattle:*

#### **Maintenance of gardens:**

**Rule 854.** The Deputy Superintendent shall be responsible that the garden attached to the prison grows at all seasons a sufficient quantity of good and wholesome vegetables and condiments for the prisoners' use and that the whole of the prison land outside the prison walls available for cultivation is cultivated to the best advantage.

A garden of sufficient size to supply all the vegetables and condiments required shall be laid out and another plot set apart as time orchard. All spare land shall be utilised for raising crops suitable for prisoner food and fodder for the prison cattle.

#### **No subordinate officer permitted to enter into garden:**

**Rule 855.** No warder or subordinate officer shall be permitted to go into the garden unless on duty.

#### **Prison garden to be kept clean:**

**Rule 856.** All available land shall be laid out in fields of uniform size which shall be serially numbered. Cemented irrigation channels shall be provided to carry water to all fields. The prison garden shall be kept neat and clean and free from weeds and undergrowth. The nursery shall be located on the best land which is not likely to remain damp or water-logged. It shall be within a reasonable distance from the source of water and shall be hedged off from the rest of the cultivation.

#### **Trees and plants:**

**Rule 857.** (i) Mango, jaman, tamarind and lemon orderly other fruit trees shall be freely grown along roads, the boundaries of prison land and other available places where they are not likely to interfere with the crops. The trees provide shade when planted within the prison enclosures, but shall not be allowed to grow within 6 M--10 Cm. the enclosure walls nor planted so thickly or so near buildings as to interfere with free ventilation.

(ii) Fruits collected from these trees shall be issued for consumption by patients in hospital and other prisoners.

(iii) Old trees which are no longer bearing fruit and are fit for fuel only, shall be cut down and replaced by young plants. The wood obtained shall be taken on stock and utilized for prison purposes.

**Manuring:**

**Rule 858.** Each and every part of the prison garden shall in turn be allowed to lie fallow for trenching purposes, a moderate sized plot being sufficient at a time. Removal of manure from trenches for use as- to dressing in other fields shall not be permitted. All organic refuse such as dry leaves, unused portion of vegetables, fodder, prison sweepings, cattle urine and dung shall be collected and consigned to the manure pit for turning into compost measure. When the pit is full, it shall be covered with a few C. M. of day earth. In this way a sufficiency of manure will always be available for top dressing.

**Seeds and vegetables:**

**Rule 859.** (i) The Deputy Superintendent and the Assistant Superintendent incharge of the garden are responsible for producing seeds of good quality, summer vegetables in sufficient quantities for growing vegetables-during the next year for the prison and for supply to smaller prisons. A supply of winter vegetable seeds may be purchased locally each year by the prisons according to their requirements.

(ii) During winter when vegetables are plentiful and the supply greater than the consumption, well-matured and selected vegetables shall be sliced, thoroughly dried in the sun stored in containers in a dry place for use during the hot whether and rains, to supplement the supply from the prison garden mature vegetables and those that are fibrous, overgrown or running to seed, shall not be stored.

**Storage of seeds:**

**Rule 860.** The Deputy Superintendent and the Assistant Superintendent Incharge shall see that seeds are gathered for future use from fully developed, disease free and properly matured plants of good quality vegetables. Before storing them in air tight tin cases or bottles, they shall be dried in the shade for a few days and also in the sun for a day or so in the



mornings hours. Drying in the sun outfight definitely reduces the guminating qualities of the seeds. As a precaution against ravages of insects and weevils, a few naphthaline balls may be put in the containers. Seeds must not be placed in a place where they may be constantly exposed to a humid and stuffy atmosphere.

**Reaping and storage:**

**Rule 861.** The Deputy Superintendent and the Assistant Superintendent incharge are responsible that crops grown on prison land are harvested at proper times; that no unnecessary delay occurs between reaping and storage; that proper precautions are taken against unauthorized removal, pilfering, percolation or loss by vermin; that the bye-products are properly disposed of for Government purposes only and that all such articles are duly accounted for in the prison accounts. The produce of the prison land shall, as far as possible, be utilised either as food for prisoners or fodder for the prison cattle. An annual statement showing the value of vegetables and other products of the prison land utilised to supplement articles purchased for the maintenance department of the prisons, shall be submitted to the Inspector-General.

**Condiment's and sags:**

**Rule 862.** Turmeric (haldi), mint (podina), chillies, fenugreek (methi), coriander (dhahia) and other condiments shall be grown in the prison garden for the use of prisoners. Two or more large fields shall always be under sags, (leaf vegetables) which have great antiscorbutic value. Sags of various types such as karam, chulai, palk, kulfa, lalsag and china sarson should be grown extensively in, proper seasons and should be systematically harvested so as to encourage growth. In this way sags can be kept growing for a long time.

**Vegetables for storage:**

**Rule 863.** Potatoes, yarns, pumpkins, onions and other vegetables which are capable of being stored shall be cultivated extensively and stored for use during the time when fresh vegetables are scarce. Sufficient onions shall be grown by each prison so as to meet its requirements for the year.

**Nursery:**

**Rule 864.** Nursery beds for vegetables should preferably be of the raised type. The soil in nursery beds should consist of, roughly, one part of good garden soil, one part of leave mould put through a seive, one part of well-rotted cattle manure also put through a seive and one part of good river sand.

**Care in the gardening:**

**Rule 865.** Successful gardening requires frequent and thorough surface tillage and careful attention to weeding and irrigation is essential. Excessive watering of young plants should be avoided.

**Percentage of prisoners employed in the garden:**

**Rule 866.** The number of prisoners employed in the garden for the production of vegetables, condiments and antiscorbutics shall not ordinarily exceed three per cent of the population of the prison. In smaller district prisons the proportion may, however, be increased to five per cent. An experienced gardener shall, when a gardener is not specially sanctioned, be entertained as *a.* warder.

**Register of vegetable:**

**Rule 867.** Vegetables supplied daily from the garden shall be weighed. The kind of vegetable issued and its weight shall be recorded in garden produce register. The quantities issued of staff, shall also be entered therein. The register shall be maintained by the Assistant Superintendent incharge of the garden.

**Supply of vegetables to prison officers:**

**Rule 868.** No vegetable shall be supplied to prison officers unless a surplus is available after fully satisfying the needs of prisoners. Warders shall receive vegetables whenever available in reasonable quantities free of charge. Other prison officers are permitted to receive vegetables from the prison garden at such monthly rates of payment as may be fixed by the Inspector General.

(ii) Any garden produce, fruits and grass, etc., in excess the prison requirements, may be sold, the sale proceeds paid into the treasury and the sum deducted from the cost of prison maintenance in the annual accounts.

(iii) If vegetables have to be purchased for a prison, their issue to the staff shall cease.

**Permission to keep milch animal:**

**Rule 869.** (i) The Superintendent and Deputy Superintendent are permitted to keep to milch animals with their two calves or a horse in lieu of one of the milch animals. Assistant Superintendents may be permitted by the Superintendents to keep one milch animal provided proper animal sheds are available in their quarters and proper care is exercised by them in keeping the sanitation and cleanliness of the premises upto the standard. No other subordinate shall be permitted to keep private cattle on the prison premises. Private cattle shall on no account be kept with the prison cattle nor shall any of the food belonging to the prison be allowed for them.

(ii) Officers permitted to keep milch animals may be permitted to obtain green fodder, if available from the prison garden at such monthly rates of payment, as may be fixed by the Inspector General.

**Account of trees:**

**Rule 870.** (i) The Deputy Superintendent shall maintain an account of trees's growing on the prison grounds with a diameter of 30 Cm. or over in the garden register showing their serial numbers, description, age, etc. The serial number shall be painted on the barks of the tree after slightly smoothing the surface. Fruit trees such as lime, etc., shall not be numbered, but the total number of plants of each variety shall be noted in the register.

(ii) The Superintendent shall verify the trees in the register every year in the month of September. He shall record the result of such verification with full details of trees cut down and the new ones taken on the register during the year.

(iii) No tree on prison land shall be cut down or otherwise removed without an order in writing of the Superintendent. The wood obtained shall be taken on stock and utilised for prison purposes only.

**Branding of animals:**

**Rule 871.** All animals belonging to the prison shall be branded on the left side with the mark P (Prison). Iron brands for this purpose may be obtained locally.

**Shoeing of bullocks:**

**Rule 872.** Shoeing of bullocks shall be carried out regularly to ensure their efficiency and full working capacity. A competent farrier may be entertained for the purpose.

**Ration of cattle:**

**Rule 873.** (i) The following scale of ration is fixed for prison cattle and it may be changed or modified by the Inspector General on the advice of the Director of Animal Husbandry:-

Serial No.	Description of cattle	Bhusa	Gram	Oil cake .	Green Grass weeds	Salt
		Kg. Grs.	Kg. Grs.	Kg. Grs	Kg. Grs	Kg. Grs
1.	Working bullock or the buffalo	9-331	1-866	0-938	392	1- 868
2.	Stud bull for Dairy	—	0-333	1-1	“ 2	“
3.	Dry buffalo	10	0-467	01 – 407	“ 2	“
4.	Dry cow	7-465	1/2 -	1/2-	“ 2	“
5.	Bufffalo in milk	9—331	3-799	0-933	“ 2	“
6.	Cow in milk	7-46	2-866	0-93	“ 2	“
7.	Claves not exceeding six month's ago	-	-	-	“ 2	“
8.	Claves above six months but not exceeding one year in age	3-432	0-467	-	-	
9	Claves above one years but not exceeding two years	5-669	½	0-46	“ 2	“
10	Claves above two years	6-732	½	½	“ 2	“

(ii) (a) Green fodder when available shall replace bhusa at the rate of three to one, but not more than 5/4th of bhusa shall be so

replaced.

- (b) It would be desirable, if a larger variety of foodstuff could be obtained.
- (c) During summer months barley and during winter months cotton seed may be issued to cattle in milk; but within the cost of scale of gram and oil cake allowed above.
- (d) Cheapness and platability are the chief considerations when compounding a mixed ration.
- (e) Green grass and weeds shall be available in the garden in any quantity.
- (f) Bran collected in the grain godown shall be issued to cattle daily and the quantity of gram shall be reduced by half the quantity of bran fed.
- (g) 1 Kgr.—866 Grs of grain and 933 Grs. of oil-cake should be issued to a working bullock from the 1st April to 31st October and 2 Kgr.—333 Grs. of gram and 467 Grs. of oil cake for the remaining period of the year.
- (h) Green fodder, grass and bran are not to be purchased from the market.

**The Dairy:**

**Rule 874.** *As a measure of economy and prevention of disease, every prison shall, when possible, have a dairy. To secure the successful and profitable working of the dairy, expert advice from the department of Animal Husbandry shall always be obtained. The milk or other produce of prison dairy shall be consumed for prisoners' use only. It shall primarily be utilised for hospital requirement and convalescents.*

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## CHAPTER-35

### *Prison Buildings*

#### : Classification of works and repairs

**Rule 875.** -(i) Buildings in prison, are classified as follows:-

	Rs.
A.-Original work }	
Major works costing over	25,000
Minor works costing over	1,000
but not exceeding	...25,000
petty works costing.... ..	1,000 or under

B.—Repairs                      Special periodical or annual.

(ii) "Original works", include all new constructions whether entirely new or merely additions and alterations to existing buildings; all repairs to newly purchased or previously abandoned buildings required to bring them into use and substitutions of one kind of work for another, e.g. a tiled for a thatched roof.

(iii) "Special repairs", include the complete renewal of a roof or floor and repairs, rendered necessary by storm, flood or other unforeseen accident. Special repair estimates unlike other repair estimates, do not lapse with the financial year, but remain current till the completion of the work in the same way, as estimates for original works.

(iv) "Periodical or annual repair", comprise not only such work as painting and white-washing, but such miscellaneous repairs as it may be convenient to carry out the same time.

(v) The Inspector General is competent to convey administrative approval for works of prison buildings to be carried out of department grant under the head "28 Jails and convict settlement-D-Work" upto Rs. 20,000 [Rs. 50,000] and grant technical sanction to estimate of expenditure on the work of the nature mentioned above upto Rs. 50,000.

#### **Proposal for an original major works:**

**Rule 876.** (i) Every proposal for major work shall be accompanied by: -

- (a) an explanation of the requirement:
- (b) a brief statement of the general nature and extent of the work proposed and
- (c) rough approximate estimate of the probable cost, and a

rough pencil sketch showing the chief dimensions of the work.

(ii) The proposal shall be initiated by the Inspector General and sent to Government for administrative approval.

(iii) The [District Officer District Roads and Buildings] may be called upon to report on any proposal for an original major work and to state roughly the probable cost as required by clause (i), but that officer should not be asked to prepare detailed drawings and estimates: this can only be done under orders of the authority to accord technical sanction to the detailed estimate.

**Details when a minor work is proposed:**

**Rule 877.** When a minor work is proposed, the procedure for the preparation of estimates will be the same as that for a major work. Superintendents of prisons may ask officers of the Buildings Department for rough estimates of the cost of every work they consider necessary and when these are received, submit them to the Inspector General for allotment of funds. In the event of the Inspector General being prepared to make an allotment, he will communicate the fact to the [Executive District officer, (Works)] who will then order the preparation of the detailed estimate.

**Details when a major work is proposed:**

**Rule 878.** (i) Major work will ordinarily be proposed by the Superintendent who may call upon the Building Department for rough approximates estimates of the cost and oh receipt,

submit them to the Inspector General who may then apply for the administrative approval of the Government if the estimates of cost exceed Rs. 5,00,000 If approved, the Inspector General will include the work in his list of budget proposals and the [Executive District Officer (Works) of the Chief Engineer of the Buildings Department, on receipt of administrative approval, will issue orders for the preparation of the detailed plans and estimate.

(ii) The detailed plans and estimate will be sent to the Superintendent for countersignature and afterwards returned to the [District Officer District Roads and Buildings] who will transmit them through the [Executive District Officer (Works) to the Inspector General, for the countersignature and approval of these officers.

(iii) The detailed plans and estimates will finally be forwarded by the Inspector General to the Chief Engineer of the Buildings Department for technical sanction. Requisite funds will be provided by the Inspector General in direct contract with the Finance

Department through the Administrative Secretary concerned.

**Procedure when repairs are required:**

**Rule 879.** Estimate for repairs will be prepared by the Buildings Department and sent to the Superintendent of the prison concerned, who will forward it along with his comments to the Inspector General for final approval. No work will be executed unless finally approved by the Inspector General.

**Matters concerning works generally:**

**Rule 880.** (i) Nothing in this chapter shall be construed as a permission to any officer to carry out in portion any system of works or alterations of which the cost in the aggregate would exceed that he is empowered to sanction.

(ii) No material alterations or additions to a building may be made without the approval of the [Executive District Officer (Works)] nor any building be dismantled or new building constructed without his permission.

(iii) No work may be commenced till sanction has been accorded, an allotment of funds made and order for its commencement issued by the competent authority. In emergency cases of danger or inconvenience suddenly arising, a definite written request must be made to the [District Officer District Roads and Buildings] who will act on his own responsibility.

**Prison labour:**

**Details to be observed in his execution of works:**

**Rule 881.** (i) In the execution of every prison work prison labour shall be utilised to the fullest extent. [District Officer, District Roads and Buildings] should give a Superintendent the option of executing the whole or any part of a prison work and to assist him in providing employment for prisoners on such work, but as it will not always be possible for a Superintendent to carry out prison works, such works may be classed as those to be done by:-

- (a) prison labour.
- (b) paid labour and
- (c) prison and paid labour combined.

(ii) As laid down in Public Works Code the estimates for works on which it is intended to use prison labour will, as in the case of free labour, provided for the full market value of the work to be done; but a note of the reduction to be effected by the employment of prisoners will be made on the abstract of the



estimate.

(iii) No charges shall be made to the Buildings Department when prisoners are employed on prison works. When prison labour is employed on other public works, the full market value of the work performed, as certified by the [Executive Engineer] will be charged to the Buildings Department and necessary adjustment for such charges shall be afforded to the Prisons Department.

(iv) The [District Officer, District Roads and Buildings] will from time to time inform the Superintendent of the probable demand for prison labour. The Superintendent shall arrange as far as practicable for the required number of prisoners being made available and apply, if necessary to the Inspector General for the transfer of more prisoners to make up the required number.

(v) When a sanctioned prison work is to be executed by prison labour, the Superintendent will apply to the [District Officer, District Roads and Buildings] for all tools, plant and materials required for the work. Such tools and materials shall be devoted solely to the purpose sanctioned in the estimate.

(vi) The Superintendent will also engage such paid skilled labour and supervision as is necessary, in consultation with the [District Officer, District Roads and Buildings] this will be paid for the Superintendent and charged in the estimate.

(vii) The work to be done shall be laid out by the [District Officer, District Roads and Buildings] or by his subordinate deputed for the purpose and no deviation from the sanctioned plan shall be permitted without formal sanction.

(viii) It is the duty of the [District Officer, District Roads and Buildings] to appoint to the Superintendent when progress, on a work on which prison labour is employed, is considered unsatisfactory; to assist the Superintendent in framing a table of task work and to instruct his subordinate to report daily those prisoners who have not completed their tasks or who have been otherwise negligent at their work.

(ix) All building operations are to be conducted by the [District Officer, District Roads and Buildings] and his subordinate in charge, without interference. The supervision of Buildings Department must, however, be effectual, so that loss to the prison by dismantling of work, waste of materials or loss of tools may be reduced to the minimum.

**Annual and special repairs. Execution of work:**

**Rule 882.** (i) The Prison Department is authorized to execute all petty and annual repairs and also any original

works or special repairs not likely to cost more than [Rs. 50,000] to buildings used, or intended to be used for residential or non-residential purposes, subject to the following exception:-

- (a) Such works where skilled civil engineering supervision is required.

*Explanation.*--Such supervision is not considered necessary in the case of simple works which can normally be entrusted to skilled artisans employed by the Inspector General.

- (b) Construction of buildings for headquarters' officers.
- (c) Construction works in connection with residential buildings for which capital and revenue accounts are maintained.
- (d) Such works as the Finance Department may call upon the relevant Department to execute.

*Explanation.*—(1) Before works under this order are executed, the administrative approval of the competent authority must be obtained by the Department.

*Explanation.*--(2) An upto date record of expenditure against sanctioned estimates shall also be maintained by the Department.

(ii) Estimates for the class or works and repairs thus undertaken by the Prison Department, will be prepared by the officers of the Buildings Department as usual and when it has been decided that the Prisons Department should carry out work, the abstract of cost shall be cut down to show saving effected by the used on prison labour.

(iii) In cases where the Superintendent of Prison has no mistri or skilled workmen at his disposal to put in charge of the works, the [District Officer, District Roads and Buildings] concerned should either lend him one from his own staff, if he has one available, or should see that the estimate provides for the payment of one charged to works. If in any particular case the Superintendent of the prison professes his inability to carry out work which the [District Officer, District Roads and Buildings] has not objected to as unsuitable to prison labour, the [District Officer, District Roads and Buildings] would, of course, carry it out for him; the matter is one that should be arranged between the Superintendent and the [District Officer District Roads and Buildings]. But it should be born in mind that, whenever by supplying help in the way of subordinate staff the [District Officer, District Roads and Buildings] can aid the Superintendent to carry out work, it will be preferable to do so rather than to undertake it himself.

(iv) The [District Officer, District Roads and Buildings] should, as far as possible, inspect or direct one of his subordinate to inspect works made over to Superintendent of Prison for execution while they are in progress, when they are of such a nature that some degree "of professional supervision would be desirable. [District Officer, District Roads and Buildings] will also, during tour, examine them.

(v) In carrying out prison works in Superintendent of the prison will act on behalf of the Buildings Department and as such it will be his duty to see that money provided for one work is not diverted to another or that no deviations from drawings or specifications are allowed.

*Explanation.*--On the completion of work carried out by the prison, the Superintendent will furnish the [District Officer, District Roads and Buildings] with information on the following points to enable the latter to keep the register of buildings up-to-date :-

- (a) Particulars of work.
- (b) Cost. -
- (c) Date of completion.

**Duties and responsibility of Superintendent and [District Officer, District Roads and Buildings]:**

**Rule 883.** (i) The disposal of complaints of officers of the Buildings Department regarding the work shall rest with the Superintendent. It is the duty of the [District Officer, District Roads and Buildings] to see that his arrangements for materials, etc., are such that full employments is found for the number of prisoners requisitioned by him.

(ii) The Superintendent shall be responsible for the discipline, feeding, clothing, treatment, guarding and supervision of prisoners employed on a work.

(iii) No scaffolding, loose bamboos, planks, tools, etc, likely to facilitate escape, shall be left in the prison at night. A special watch shall be placed by Superintendent over extensive scaffolding or building materials that are a source of danger and which cannot be removed each evening.

(iv) Outside labourers when employed shall be kept separate as far as practicable. When skilled outside labourers are engaged to teach prisoners and supervise their work, laxity in discipline shall not be permitted.

**Inspection of buildings and armouries:**

**Rule 884.** (i) The [District Officer, District Roads and

Buildings] of the Buildings Department in whose Division a prison is situated, shall inspect the prison annually. He shall after the inspection, record a report on the general condition of the building and especially point out the defects, if any, which come to his notice.

The [District Officer, District Roads and Buildings] shall submit this report to the [Executive District Officer (works and services)] for information and also send a copy to the Superintendent for transmission to the Inspector General with his comments.

(ii) On receipts of the inspection report the Superintendent will ask the [District Officer, District Roads and Buildings] for estimates for "such work as he considers necessary to remedy the unsatisfactory features pointed out by him. If for financial or other reasons the Prisons Department do not consider it advisable to take action on any of the matters brought out in the report, the Superintendent will inform the [District Officer, District Roads and Buildings] accordingly, so that these particular points may be repealed.

(iii) The [Executive District Officer (Works and Services)] will forward to the [District Co-ordination Officer], for information only such inspection reports as exhibit unsatisfactory features of an important nature requiring his special attention.

**Signing of completion certificate:**

**Rule 885.** (i) On the completion of a work, a completion certificate shall be forwarded by the [District Roads District Officer, and Buildings] to the Superintendent for signatures. If the Superintendent is satisfied that the work has been executed properly, he will sign the completion certificate. If on the other hand he objects to the way the work has been performed or to any statement on the certificate or other paper presented to him for signature, he should return the papers without signing the completion certificate along with his comments to the [District Officer, District Roads and Buildings] for final disposal.

(ii) A copy of the completion certificate with the remarks, if any, made by the Superintendent, shall be sent to the Inspector General.

**Disposal of materials:**

**Rule 886.** Materials obtained from prison buildings dismantled or under going repairs left over after completion will be issued by the [District Officer, District Roads and Buildings] concerned at reasonable rates to the Superintendent of prison if the latter requires such material. The Superintendent will take these

materials on his stock for use in repairs to prison buildings and necessary credit will be afforded to the estimates.

**Grant for annual repairs:**

**Rule 887.** A grant of funds for annual repairs is made to all the Superintendents for repairs to prison buildings. This grant shall be accounted for in prison registers in the same way as other expenditure on account of maintenance of prisoners, etc.

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**CHAPTER-36**

*Inspector General:*

**Appointment and powers of Inspector General under section 5, Act IX, 1894:**

**Rule 888.** An Inspector General of Prisons shall be appointed for each Province and shall exercise, subject to the orders of the Provincial Government, the general control and superintendence of all prisons situated in the territories under such Government.

**Appointment and duties of Deputy Inspector General:**

**Rule 889.** (i) One or more Deputy Inspectors-General may also be appointed to assist the Inspector General in the discharge of his duties, the total work load on the Inspector General is great in view of the large number of prisons and the prisoners.

(ii) Duties of the Deputy Inspector General shall be assigned by the Inspector General.

**Punjab Amendment:** In rule 889, sub-rule (ii) shall be substituted by the following:

"(ii) The Deputy Inspector-General of a region shall exercise the powers of the Inspector-General in the region."

**Appointment of Inspector General and Deputy Inspector General:**

**Rule 890.** The Inspector General shall be appointed by promotion of the Deputy Inspector General, if such a post exists, otherwise the post shall be filled in by promotion of one of the Superintendents of Prisons (Grade 18) with at least, five years experience on the basis of selection with due regard to ability, integrity and seniority. The post of Deputy Inspector General shall also be similarly filled in.

**Power to certain temporary establishment:**

**Rule 891.** (i) The Inspector General may from time to time in

respect of any prison, entertain or sanction the entertainment of temporary establishment in accordance with the Delegation of Powers under the Financial Rules.

(ii) Every temporary subordinate officer shall be subject to the same liabilities as regards transfer, promotion, removal and

punishment, as are under these rules applicable to subordinate officers employed permanently.

**Supply of articles to prisons and sale of manufactured articles:**

**Rule 892.** (i) Subject to the general control of Government and the provisions of these rules, the Inspector General may enter into such arrangements as may be necessary for the construction of works, supply articles, for use in prisons and for the sale of articles manufactured in prisons.

(ii) The Inspector General is empowered to execute deeds, contracts and other instruments for the supply of articles for use in prisons or regarding the sale of articles manufactured in prisons.

**Provision of funds, expenditure and accounts:**

**Rule 893.** Subject to the budget provision and allotment of funds to meet the expenditure of the Prison Department the entire control over all expenditure on the maintenance of prisons and on all matters in any way relating to, or connected with, the administration of prisons, shall vest in the Inspector General. The Inspector General shall in all respects comply with the requirements, as to the submission of estimates, the expenditure of money, the management and audit of accounts and the like, of the Audit office and all the rules and orders of Government in the Finance Department. All expenditure incurred shall be regulated in accordance with the rules as laid down in the Delegation of Powers under the Financial Rules. .

**Monthly audit of expenditure by Inspector General:**

**Rule 894.** The Inspector General shall cause monthly bills of all expenditure, of whatever description, on or relating to prisons, to be sent regularly to him and shall himself audit such bills or cause them to be duly audited under his directions and orders.

**Petty contracts:**

**Rule 895.** (i) Any contract for the supply of any articles to the extent of the estimated requirements of any prison for a period not exceeding six weeks, shall be deemed to a petty contract.

(ii) Petty contracts may be made by the Superintendent within his financial powers subject to the control of the Inspector General.

**All other contracts require previous sanction:**

**Rule 896.** No, contract' other than a petty contract shall be made by any officer without the previous written sanction of the



Inspector General.

**Inspection of prisons:**

**Rule 897.** It shall be duty of Inspector General, as far as may be, personally to visit and inspect every prison at least once a year and to satisfy himself that the provisions of the Prisons Act, 1894, and all rules, regulations, directions and orders made or issued there under, applicable to such prison are duly obeyed and enforced, and that the management of such prison is in all respect efficient and satisfactory. A note recording the result of each visit and inspection shall be sent to the Superintendent in duplicate who shall place a copy of it in the inspection minutes file and return the other copy with his remarks and explanations to the Inspector General within 15 days in .case of informal visits and within one month in the case of formal inspections.

**Duties of the Inspector General at inspections:**

**Rule 898.** In accordance with the provisions of the preceding rule, the Inspector General [or the Deputy Inspector-General] shall, at his inspection of each prison, ordinarily:-

- (a) see all parts of the prison including the workshops, store rooms, kitchen and hospital, noting their state of repair, sanitary condition and efficiency, the extent to which the structural arrangements permit of separation of the different classes of prisoners as required by the Prisons Act of 1894 and the rule made there under and whether these arrangements are availed of to the fullest extent;
- (b) examine the prison garden and note its condition as to its capabilities to supply vegetables in sufficient quantities to all the prisoners and whether it has been successfully cultivated;
- (c) note any defects in the water supply and conservancy arrangements, see that the sick are carefully attended to and that the food is of proper quality and quantity;
- (d) see that accommodation is ample and there is no overcrowding;
- (e) see every prisoner confined in the prison, noting any circumstances of importance requiring attention, such as the adption of task to physique and capabilities, the condition and sufficiency of the clothing; the employment of fetters, the working of the remission system, the award of punishments and afford every prisoner a reasonable opportunity of making any request or\* complaint and

investigate those relating to prison discipline;

- (f) inspect the warder establishment as to its efficiency, inspect the arms and accoutrements;
- (g) Satisfy himself that the watch and ward arrangements are satisfactory both by day and night;
- (h) satisfy himself that proper arrangements are made for the safe custody of all records and that due regard is paid to all requirements of the law and rules and
- (i) record his opinion of the manner in which the prison is administered, the extent to which officers appear familiar with their duties, rules and regulations, together with any suggestions he may wish to make and any orders he may desire to issue to the Superintendent.

**Punjab Amendment:** In rule 898 after the words "Inspector-General", the words "or the Deputy Inspector-General" shall be inserted.

*Notifi. No. SO (MP) 9-I-G/2008 (P), dated 4.8.2008. A*

**copy of minutes when to be submitted to Government:**

**Rule 899.** A copy of any part of the inspection minute which deals with matters which should, in the opinion of the Inspector General be brought to the notice of Government, shall be forwarded by him to Government.

**Annual reports and returns:**

**Rule 900.** The Inspector General shall, in the first week of October each year, submit to Government a report on the administration of prisons, together with statistical and other statements, returns and information and in such form, as the Government may from time to time prescribe.

**Channel of communication:**

**Rule 901.** The Inspector General shall be the channel of communication between the Government and all Superintendents and staff of the Prisons Department.

**Removal of prisoners:**

**Rule 902.** (i) The Government of Pakistan 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 for maintaining good behaviour, to any prison in Pakistan.

(ii) The Provincial Government and subject to its orders and

control, the Inspector General may in like manner, transfer any prisoner confined in a prison to any other prison in the province.

*(vide section 29 of the Prisoners Act, 1900).*

**Inspection of Criminal lunatics by the Inspector General of Visitors:**

**Rule 903.** (i) When any person is confined under the provisions of section 466 or section 471 of the Code of Criminal Procedure, 1898, the Inspector General, if such person is confined in a prison or the visitors of the mental hospital or any two of them, if he is confined in a mental hospital, may visit him in order to ascertain his state of mind and he shall be visited once at least in every six months by the Inspector General or by two such visitors. The Inspector General or visitors shall make a special report about the state of mind of the person to the authority under whose order he is confined.

(ii) Government may empower the officer-in-charge of the prison in which such person may be confined to discharge all or any of the functions of the Inspector General under the above clause.

**Inspector General, a visitor of all mental hospital:**

**Rule 904.** Under the provisions of-section 28 (2) of the Lunacy Act IV 1912, the Inspector General is ex-officio visitor of all mental hospitals that may be established in the province.

**Financial control over judicial lockups:**

**Rule 905.** The Inspector General will exercise financial control over all judicial lockups with regard to such matters, as sanctioning expenditure, approving of budget arrangements and dealing with questions relating to the entertainment of special establishments and other similar matters.

**Annual inspection of judicial lockups:**

**Rule 906.** The Inspector General shall, at least once in a year, inspect all judicial lockups in order to see that the sanitary arrangements are satisfactory and that the financial arrangements are proper. He will bring to the notice of the Government any defects which he may observe and will review the general management of judicial lockups in his annual administration report.

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**CHAPTER-37**

*The [District Co-ordination Officer]:*

**<sup>2</sup>[District Co-ordination Officer] to visit prisons:"**

**Rule 907.** (i) It shall be duty of the [District Co-ordination Officer] from time to time to visit and inspect every prison situated within the limits of his district and to satisfy himself that the provisions of the Prisons Act, 1894, and all rules, regulations, directions and orders made or issued thereunder, applicable to such prison, are duly observed and enforced.

(ii) In all matters relating to discipline and management of the prisons, the [District Co-ordination Officer] visiting and inspecting any prison, under the provisions of rules, shall discharge his duties subject to the general control of the Inspector General.

(iii) The result of each visit and inspection made, shall be recorded in the visitors book maintained at the prison.

**Power conferred on the [District Co-ordination Officer];**

**Rule 908.** Under section 11(2) of the Prisons Act, 1894, the Superintendent of a Prison other than a Central Prison, shall comply with all orders not inconsistent with the said Act, or any rule thereunder which may be given respecting the prison by the [District Co-ordination Officer] subject to such general or special directions, as may be given by Government.

**Exercise of power by the [District Co-ordination Officer]:**

**Rule 909.** (i) The orders passed under sub-section (2) of section 11 of the Prisons Act, 1894 should except in which immediate action is, in the opinion of the [District Co-ordination Officer] necessary, be so expressed that the Superintendent may have time to refer (if he thinks necessary) to the Inspector General before taking action thereon.

(ii) All orders issued by the [District Co-ordination Officer] shall, if expressed in time requiring immediate compliance, be forthwith complied with and a report made to the Inspector General.

**[District Co-ordination Officer] to communicated with Superintendent:**

**Rule 910.** The [District Co-ordination Officer] shall not address any communication or order to any officer of any prison other than the Superintendent. All orders issued by the <sup>12</sup>[District Co-ordination Officer] shall be in writing.

**General directions under section 11(2) of the Prison Act:**

**Rule 911.** (i) The [District Co-ordination Officers] orders shall ordinarily be issued in the form of any entry in the visitors' book.

The [District Co-ordination Officer] shall not unnecessarily interfere in the management of a prison. He shall avoid any action likely to weaken the authority of the Superintendent over the prison staff and prisoners.

(ii) In the matters of an emergent and important character affecting the safety of the public, the prison or the prisoners, it is open to the [District Co-ordination Officer] to take all such measures as may be necessary in the special circumstances of the case, and all action taken shall be promptly reported to the Inspector General.

(iii) If the [District Co-ordination Officer] gives an order to which the Superintendent takes exception, the latter officer may represent the matter to the Inspector General, but he shall forthwith comply with any order which is not clearly inconsistent with the Prisons Act, or any rule made under and does not involve any immediate risk or danger. In the event of his hesitating to comply with any order on any of these grounds, he shall in cases of urgency, obtain the Inspector General's orders by telegraph or telephone.

(iv) In cases which are not urgent, the Superintendent will make a reference to the Inspector General in the ordinary course and will communicate the reply to the [District Co-ordination Officer].

#### **Appointment of teachers on religious and moral subjects**

**Rule 912.** The [District Co-ordination Officer] is authorized to appoint honorary teachers in religious and moral subjects who may be permitted to lecture in the prison once a week, the day and hour being fixed by the Superintendent. They may be paid five rupees per visit as a conveyance allowance out of the contingencies.

## CHAPTER-38

Visitors:

### **Visitors, powers of Government, to appoint:**

**Rule 913.** (i) Visitors of prisons shall be:-

- (a) ex-officio officials and
- (b) non-officials appointed by name.

(ii) The following officers and others, whom the Government may from time to time so appoint, shall be ex-officio visitors of prisons situated within the areas under their charge, or within their jurisdictions:-

- (a) [Zila Nazim].
- (b) District and Sessions Judge.
- (c) [District Co-ordination Officer].
- (d) Deputy Inspector General of Police.
- (e) Superintendent of Police.
- (f) [Executive District Officer (Health)].
- (g) Director of Reclamation and Probation.
- (h) [Executive District officer (Agricultural)].
- (i) Head of Department of Social Work, Psychology and Psychiatry of the University.
- (j) Administrator, Auqaf Department.
- (k) Director of Industries.
- [(1) Executive District Officer (Revenue)].

**Visit by official visitors:**

**Rule 914.** (i) [District Co-ordination Officer] and Sessions Judges shall visit the prison at their headquarters at least once in three months and those in other district in their divisions when on tour.

(ii) [District Co-ordination Officer] shall visit the prisons situated in their jurisdictions at least once a month.

(iii) In January each year, the Superintendent shall submit a report to Government through the Inspector General, giving the number of visits made by the visitors during the previous years.

**Duties of official visitors:**

**Rule 915.** (i) Any official visitor may examine any book, paper and record in the prison, and may interview any prisoner confined therein.

(ii) It shall be the duty of every official visitor to satisfy himself that the provisions of the Prisons. Act, 1894, and of all rules, regulations, orders and directions made or issued thereunder, are duly observed, and to bear and bring to notice any complaint or representation made by any prisoners.

**Non-official visitors:**

**Rule 916.** (i) Government may appoint such number of persons, not exceeding ten for a District Prison and fifteen for a Central Prison, to be non-official visitors in respect of any prison, as it may think fit, pending on the population of the prison.

*Explanation,—*Population means the average population of the preceding year of the new appointments of non-official visitors.

(ii) Every non-Official visitor shall hold office for four years, but may be re-appointed on the expiry of his term.

**Appointment of non-official visitors:**

**Rule 917.** (i) A selection board under the chairmanship of the [ District Co-ordination Officer] consisting of the local members of the National and Provincial Assemblies, Superintendent of Police, Superintendent of Prison and the Secretary of the Prisoners Aid Society, shall be constituted for appointment of non-official visitors. The Secretary of the Prisoners Aid Society will be the Secretary of the board. Six months before the expiry of the term of non-official visitors, the secretary will arrange for a meeting of the board and place before the members the proposed names. The selection board shall then make recommendations to the Provincial Government. Two names shall be sent for each vacancy of the non-official visitors.

(ii) The Minister for Prisons and the Home Secretary may also nominate any person, to be non-official visitor to any prison in the province on the basis of their personal information regarding his interest in the welfare of prisoners.

(iii) The appointment of non-official visitors shall be made by the Government and notified in the Provincial Gazette.

(iv) The Secretary of the selection board shall take care to ensure, before placing the names before the board that well-educated gentlemen with good record of social service to their credit, are recommended. He shall place detailed information before the board, about their special qualifications such as education, interest in prison reforms, social work and capability in finding employment for prisoners on release. In the case of re-appointment of the previous non-official visitors, a full report about the work done by them, shall accompany the recommendations.

(v) The most suitable persons to be appointed as non-official visitors are psychologists, social workers, doctors, men of letters, industrialists and philanthropists. Retired Government officials are also suitable for such appointment.

(vi) Members of the Provincial Assembly who represent urban or rural constituencies may, during the term of their



membership, be appointed *ex-officio* non-official visitors of the prisons situated in their constituencies.

[Provided that MNAs/Senators shall also be appointed as *ex-officio* non-official visitors of the prisons situated in their respective constituencies].

*Explanation.--E,very* Member of the Provincial Assembly shall have the authority to visit prisons in- his constituency as soon as he is elected as Member of the Provincial Assembly.

**Punjab Amendment:** In rule 917, for sub-rule (vi), the following sub-rule shall substituted:-

- "(vi) (a) A member of the National Assembly, the Senate and the Provincial Assembly of the Punjab may, during the term of his membership, be appointed *ex-officio* non-official visitor of the prison situated in the district concerned.
- (b) Every Member of the Provincial Assembly of the Punjab shall have the authority to inspect the prison of the district concerned during office hours with prior intimation.
- (c) Where there is no prison in the district concerned, a Member of the Provincial Assembly of the Punjab shall have the authority to inspect the prison in which the prisoner of the district concerned is kept.

*Explanation:--For* the purpose of this sub-rule, the "district concerned" shall, for a member of the National Assembly and the Provincial Assembly of the Punjab, elected against general seats, be the district of his constituency and for a Senator a Member of the National Assembly and the Provincial Assembly of the Punjab elected against seat reserved for women and non-Muslims, be the district where such Senator or Member, as the case may be, is registered as a voter.

*Notifi. No. SO (Prs) 23-1/2005, dt. 13.11.2006. Unreported Statutes [PLD 2004-09 Supp. II. P. 638]*

(vii) Secretaries of the Prisoners Aid Societies shall "be appointed *ex-officio* non-official visitors of prisons in their respective districts. The term of appointment of these gentlemen shall be conterminous with their office. The [District Co-ordination Officer] while submitting proposals for the appointment of the Secretaries as *ex-officio* non-official visitors shall also forward the necessary draft notifications.

(viii) The [District Co-ordination Officer] will maintain

the rosters of ex-officio visitors for the purpose of monthly visits to the prisons in their respective districts.

(ix) For Women's Prison and at prisons where women prisoners are confined, lady non-official visitors should be appointed from amongst prominent lady social workers and lady teachers of industrial homes.

**Visits by non-official visitors:**

**Rule 918.** (i) Every non-official visitor is expected to take interest and visit the prison of which he is a visitor once a month and often, if possible. It is not necessary to give prior intimation to the prison about the intended visit.

(ii) A non-official visitor, likely to be away from the station or unable to visit the prison for six months or so, shall report the fact to the [District Co-ordination Officer] who may appoint a substitute, if necessary.

(iii) In the event of a non-official visitor failing to visit prison for six months, he shall be regarded as having vacated office.

**General duties of all visitors:**

**Rule 919.** (i) All visitors shall be afforded every facility for observing the state of the prison and its management and shall be allowed access under proper regulations, to all parts of the prison and to every prisoner.

(ii) Official visitors may call for and inspect any book or record in the prison other than those of a confidential nature, unless the Superintendent, for reasons to be recorded in writing declines on this ground that its production undesirable. Every official and non-official visitor shall have the right to see any prisoner and to put any question to him

**Board of visitors:**

**Rule 920.** Once in every quarter not less than two officio and one non-officio visitors, of which one unless prevented by unavoidable cause, shall be the [District Co-ordination Officer] shall constitute a Board and visit the prison of which they are visitors The [District Co-ordination Officer] shall be *ex-officio* Chairman of the Board. The Board shall meet at the prison on a date to be fixed by the [District Co-ordination Officer] and will inspect all buildings and prisoners, hear any complaints and

petitions that may be preferred, inspect the prisoners food and see that it is of good quality and properly cooked, inspect the punishment register and satisfy themselves that it is kept up-to-date.

*Note.*-The District Co-ordination Officer] and the Superintendent of Police shall not delegate their functions under this rule to any of their subordinates.

**Duties of Visitors:**

**Rule 921.** All visitors whether official or non-official, I during every visit shall :-

- (a,) Inspect the barracks, cells, wards, workshops and other buildings of the prison generally and the food;
- (b) ascertain whether consideration of health, cleanliness and security are attended to, whether proper management and discipline are maintained in every respect, and if any prisoner is illegally detained or is detained, for an undue length of time while awaiting trial;
  
- (c) hear, attend to all representations and petitions made by or on behalf of prisoners and
- (d) direct if deemed advisable that any such representation or petitions be forwarded to Government.

**Time of visit:**

**Rule 922.** No visits shall be made after the prisoners have been locked up for the night, or on any public holiday or Friday.

**Punishing the prisoners for complaints made to visitors:**

**Rule 923.** No prisoners shall be punished for any statement made by him to a visitor unless an enquiry made by Magistrate results in a finding that it is false.

**Respect for visitors:**

**Rule 924.(i)** Due respect shall be paid to the official and non-official visitors and their requests for information shall be complied with readily.

(ii) No visitor shall be allowed to go round the prison without the escort necessary for his personal safety, but on the demand of the visitor, the guard should withdraw out of hearing to permit private communication between the visitor and the prisoner.

(iii) Any visitor is at liberty to go round the prison unattended,

except for the warder escort, if he so desires:-

Provided that the visitor shall in no case interview a political prisoner except in the presence of the Superintendent or the Deputy Superintendent.

(iv) Except on the occasion of the visit of the Board of Visitors no visitor can claim to be accompanied on his rounds by the Superintendent or the Deputy Superintendent.

**Visitors not permitted to hold meetings of Prisoners:**

**Rule 925.** (i) Visitors are not permitted without the express consent of the Superintendent to interview more than one prisoner at a time. Anything in the nature of meeting or conference whether for the discussion of political topics for the ventilation of prison grievances is strictly prohibited.

(ii) All private interviews with prisoners will normally be subject to a time limit of ten minutes., If a visitor wishes to exceed this limit, he should give his reasons for doing so in writing to the Superintendent.

**Duties of lady visitors:**

**Rule 926.** *Lady* visitors, when appointed to a prison where women prisoners are confined, shall have the same functions and duties as male visitors, except that their functions shall extend only to the women prisoners and women's enclosures and that they shall have nothing to do with the male portion of the prison.

**Day of visit to be recorded.**

**Copy of remarks to be sent to certain officers:**

**Rule 927.**(i) Every visitor shall, after he has completed his visit to the prison, record in the visitor book, the date and hour of his visit and may enter therein any remarks or suggestions he may wish to make. There shall be only one visitors book for both classes of visitors. This book shall on no account be removed from the prison premises.

(ii) A copy of the remarks made by every visitor, together with the Superintendent's comments or the action taken by the Superintendent, shall be forwarded to the Inspector General and in the case of remarks about the long detention of under trial prisoners, ,a copy of such remarks shall also be forwarded to the [District Co-ordination Officer]

(iii) Non-official visitors shall write their remarks in the visitors' book at the time of their visit to the prison. Any remarks not recorded at the time and received subsequently from non-

official visitors, shall be ignored. Superintendent shall bring these rules to the notice of any non-official visitor who proposes not to enter any remarks in the visitors' book at the close of his visit.

(iv) Remarks by the visitors shall be treated as confidential and shall not be communicated to the prisoners or to anyone outside the prison. Visitors shall not give publicity to any remarks recorded by them in the visitors' book by publication in the press or otherwise.

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(v) Every non-official visitor will, on the expiry of his term, submit to Government through the Inspector General a detailed report with suggestions for improvements in prison administration.

**Disposal of the record made by visitors:**

**Rule 928.**(i) Any remarks made by a visitor under the preceding rule should be limited to a statement and fair criticism of actual -facts which may come to his knowledge and such suggestions, as he may desire to make. Criticism shall be constructive and confined to such aspects of to ordinary administration which may be considered susceptible of alteration or improvement and shall on no account directly reflect either favourably or adversely on the character or conduct of any of the prison staff. Should the visitor wish to bring to notice what he considers to be the good or bad work of any official, he should do so by letter addressed to the Inspector General.

(ii)The Inspector General may pass orders on remarks made by a visitor and shall forward these to Government, if any question of importance is raised, which in his opinion, requires the order of Government.

(iii) In the case of [District Coordination Officer] the remarks recorded in the visitor's book by [District Coordination Officer], a copy of the record, with the comments of the Superintendent and the Inspector-General, shall invariably be forwarded to Government.

(iv) A copy of any orders passed by the Inspector General or Government, or any remarks made by a visitor, shall be communicated to that visitor through the Superintendent.

**Names of visitors to be displayed:**

**Rule 929.** The Superintendent shall have a list hung up at the main gate giving the names of all prison visitors-official and non-official. Persons other than those authorised,- shall not be allowed

to visit the prison.

**Admission of the police officers and the interrogation of prisoners by them:**

**Rule 930.**(i) The Superintendent of Police or a Deputy Superintendent of Police may, for any purpose connected with the discharge of his duties as such police officer, be permitted to enter the prison at any time.

(ii) Police officers of subordinate rank who may be detailed for duty, shall be permitted to enter the prison:-

- (a) for the purpose of recognising old offenders, at the time - of the Superintendent's weekly parade and
- (b) for the purpose of conducting operations for the identification of prisoners during working hours on any week day.

(iii) No police officer shall, at any time, upon any pretext whatsoever, be allowed to enter any women's ward or any cell or compartment in which any woman is confined without the permission in writing of the Superintendent.

(iv) No police officer shall be permitted to interrogate any prisoner, except in so far as may be necessary for the identification of such prisoner, without an order in writing from the [District Co-ordination Officer] addressed to the Superintendent.

(v) Any interview, permitted under an order from the [District Co-ordination Officer] shall take place in the presence of the Deputy Superintendent or other proper officer of the prison, but out of his hearing.

*Explanation.—For the purposes of sub-rule (ii), prison officer shall give every assistance by parading separately, if required, any prisoners whom the Police may desire to inspect for the purposes of identification.*

**Rank of officer deputed to interrogate a prisoner:**

**Rule 931.** A Police Officer deputed to interrogate a prisoner under the provisions of sub-rules (iv) and (v) of the preceding rule<sup>^</sup> shall ordinarily not be below the rank of an Assistant Sub-Inspector.

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20. Sub. for District Magistrate by Punjab Notifi. No. SO (Prs) 18-1/2002 dt. 12.1.2002.

21. In rule 933 "superintending Engineer" replaced by "Executive District Officer (Works)" by Punjab Notification ibid of January 12, 2002 .

**Police Officer to be in uniform:**

**Rule 932.** No subordinate Police Officer shall be admitted to a prison unless he is in proper uniform.

Officers of the WAPDA, Communications and works may enter the prison during business hours:

**Rule 933.** The [Executive District Officer (Works and Services) of the Circle, the [District Officer and Deputy District Officer (District Roads and Buildings) of the District and their employees, shall, during business hours, have free access to the prison to such an extent, as may be necessary for the purposes connected with the discharge of the official duties of their Department, but not otherwise.

**Visits by authorised persons:**

**Rule 934.** (i) A person other than an official or non-official visitor may visit a prison, if he has obtained the written permission of the Inspector General, the [District Co-ordinatio@fficer] or the Superintendent. Visits by such persons may be made on any day between the hours of 9 and 2 P M. The restriction, however, is not intended to prohibit the Superintendent from admitting persons whom he may wish to show round the prison at any other time.

(ii) Any such person shall not, in the absence of special orders to the contrary, be permitted to put any question to prisoners or to make any enquiries either from officials or from prisoners concerning the discipline and management of the prison.

**CHAPTER-39**

The Superintendent:

**Appointment of Superintendent:**

**Rule 935.** Superintendents of Prisons shall be appointed by Government and shall hold their office either alone or the conjunction with any other duties at the discretion of Government,

**Conditions of service:**

**Rule 936.** Superintendents of District Prisons shall be in grade 18 and Superintendents of Central Prisons shall be in grade 19.

(ii) The service conditions of Superintendents of Prisons shall be regulated by the Service Rules of the Service as may have been or may hereafter be framed by Government.

**To reside in official quarters:**

**Rule 937.** Superintendents of Prisons shall reside in the official residence provided for them near the prison. They shall be entitled to rent free unfurnished quarters or rent in lieu thereof, if official residence is not available.

**Exercise of powers of Superintendent and Medical Officer:**

**Rule 938.** All or any of the powers and duties conferred and imposed by the Prisons Act, 1894, on a Superintendent or Medical Officer, may in his absence be exercised and performed by any other officer whom the Government may appoint in this behalf either by name or by his official designation.

**Duties of the Superintendent in general:**

**[Rule 939.** (i) The over all responsibility for the security and management of the jail, shall squarely devolve on the Superintendent.]

(ii) Subject to the orders of the Inspector General, the Superintendent shall manage the prison in all matters relating to discipline, labour, expenditure, punishment and control.



(iii) Subject to such general or special directions as may be given by the Government, the Superintendent of a prison other than a Central Prison, shall comply with all orders not inconsistent with the Prisons Act or any rule thereunder which may be given respecting the prison by the [District Co-ordinating Officer], and shall report to the Inspector General all such orders and the action taken thereon.

(iv) Under section 12 of the Prisons Act, 1894, the Superintendent is required to keep or cause to be kept, certain specified records and such other records as may be prescribed under section 59 of the said Act.

**General duties of the Superintendent:**

**Rule 940.** (i) The Superintendent shall discharge his duties subject to the control of the Inspector General and all orders passed by him, shall be subject to revision by the latter.

(ii) It shall be the duty of every Superintendent of a Prison to:-

- (a) provide for the maintenance, care, custody and control of all prisoners confined in the prison;
- (b) maintain order and discipline amongst the prisoners and subordinate officers;
- (c) control all expenditure relating to the prison;
- (d) enquire into and adjudicate upon all prison offences and breaches of discipline, and to punish those who are found guilty of committing any prison offence or breach of discipline and
- (e) generally to take such measures as may be necessary or expedient for the proper protection and management of the prison and prisoners, and for the purpose of effecting and enforcing the provisions of Prisons Act, 1894, and all rules, regulations and orders made or issued thereunder, which may be applicable to prisoners and staff.

**Superintendent to visit prison daily:**

**Rule 941.** *The Superintendent shall visit the prison at least once- on every working day and also on Sundays and public holidays when special circumstances require his attendance. If from any cause, the Superintendent is unable to visit the prison on any working day, he shall record the fact and the cause of his absence in his order book.*

**Time-expired prisoners to be released before noon:**

**Rule 942.** *The Superintendent shall ordinarily release time-expired prisoners as far as possible before noon each day and shall see to the return of their private property and the grant of subsistence allowance to them.*

**Prisoners to be seen daily:**

**Rule 943.** *The Superintendent of a District Prison shall as far as practicable, see every prisoner in his charge daily, and Superintendent of a Central Prison shall likewise see every prisoner once in every two days.*

**Inspection of food:**

**Rule 944.** *The Superintendent shall daily inspect the food prepared for prisoners.*

**Surprise visits:**

**Rule 945.** *The Superintendent shall occasionally visit the prison at uncertain hours of the day and the night, and shall satisfy himself as to the due observance of all rules and orders. At least once a [Twice a week] he shall visit the prison at night and record a report in his order book, noting the time of his visit and stating whether night guarding was being effectively carried out and everything was in order.*

**Prisons to be inspected and maintained in an efficient state:**

**Rule 946.** *The Superintendent shall frequently visit and inspect every barrack, yard, cell, workshop 'cook-house' latrine, armoury, warders line, every other part of the prison and its precincts. He shall satisfy himself that all buildings, structures, enclosure walls and the like are secure and maintained in the best possible state of repair. He shall see that every part of the prison precincts and premises is kept clean and in an efficient sanitary condition.*

**Superintendent's order book:**

**Rule 947.** *The Superintendent shall maintain an order book and shall record therein all orders passed by him relating to the management and discipline of the prison. He shall satisfy himself that every such order is duly carried into effect. All officers entrusted in any way with the execution of any such order, shall sign the order book in acknowledgement of having seen and received the order.*

**Distribution of duties:**

**Rule 948.** *(i) The Superintendent shall record on his order book*

the distribution of duties and registers, etc., amongst the subordinate officers in such a way that any responsibility for errors, dereliction of duty or defalcations, etc., may be fixed with precision. A copy of distribution of duties of executive and clerical staff, shall be maintained in the office. Nothing contained in any order recorded under this rule shall be deemed in any way to relieve the Deputy Superintendent of his general responsibility, under the Superintendent, for the entire management of the prison, or to relieve the Deputy Superintendent, or any other subordinate officer of his liability to discharge any duty imposed on him by any law or rules for the time being in force.

(ii) The hours of attendance of the executive staff shall be so fixed that at least one such officer is always present inside the prison through out the day between unlocking and lock-up.

**Arrange of duties of officers:**

**Rule 949.** The Superintendent shall, as far as possible, arrange that no official, particularly a storekeeper, shall remain employed on the same duties for more than a year at a time.

**Duty hours of Superintendent:**

**Rule 950.** Superintendent shall attend his office for at least six hours daily and shall ordinarily observe the office hours fixed by Government from time to time.

**Visits to the Hospital:**

**Rule 951.** The Superintendent shall visit the hospital frequently and shall see that proper arrangements are made for the safe custody and proper care of sick prisoners and that prison discipline is maintained in the hospital so far as is consistent with the medical treatment of the prisoners. He shall carry into effect all written directions given by the Medical Officer in regard to the proper segregations of prisoners suffering or suspected of suffering from contagious disease. He shall, whenever necessary, and without delay, take all reasonable measures for cleaning and disinfecting, any place occupied by such prisoner and for disinfecting, or destroying all infected clothing, bedding or other articles.

**Visits to garden:**

**Rule 952.** The Superintendent shall visit the prison garden at least once a week and satisfy himself that all necessary measures are being taken for the purpose of cultivating and producing an ample and continuous supply of vegetables, condiments, antiscorbutics and fodder. He shall see that the garden is kept in

proper order and free from weeds, that the trenching of filth and refuse from the prison is properly carried out and that stable litter and other manure is suitably disposed of.

**Storage of grain:**

**Rule 953.** At the proper season when grain is cheapest, the Superintendent shall arrange to store a sufficient quantity of each kind of grain required for the dietary of prisoners. He shall see that the grain purchased for storage is of good quality and free from weevils. Proper arrangements shall be made for the preservation of grain and its proper storage.

**Checking of stores and equipment:**

**Rule 954.** (i) The Superintendent shall check all stores, equipment and Government property, etc , at least once in six months and record the result of verification in the remarks column of the store registers. A notice of this check shall be made in his order book and serious discrepancies, if any, shall be reported to the Inspector General at once.

(ii) The check of articles shall be so arranged that the Superintendent checks one-half in one quarter, which the Deputy Superintendent shall check in the second quarter and vice versa. In this way every article will be checked once in three months either by the Superintendent or the Deputy Superintendent. The certificate of the check shall be submitted to the inspector General soon after the first January and the first July each year. The Superintendent, on taking over charge need not check the stores, but he shall examine the books to see what articles have not been checked by his predecessor in the half year and shall check these during the remaining period of the half year.

(iii) When shortages are found in any of the stores, the Superintendent shall take immediate action to fix the responsibility for the shortages amongst the official concerned. If the total value of the stores found short does not exceed rupees five hundred, he shall conduct the necessary enquiry and submit full report with his recommendation to the Inspector General for his orders. If the total value of the shortages exceeds rupees five hundred, he will initiate disciplinary proceedings against the official concerned, and submit his findings with recommendations to the Inspector General for orders.

**Weekly parade:**

**Rule 955.** (i) The Superintendent shall hold a weekly parade of prisoners in the prison ordinarily on Saturday.

(ii) If the Superintendent is not also a Medical Officer then the Medical Officer also be present at such parades in addition to any other parades that he may think fit to hold. In winter, the parade may be held in the open in the sun, but during summer or on rainy days, the prisoners shall be paraded in a sheltered place, such as the shady side of or inside a barrack.

(iii) In each parade the Superintendent shall satisfy himself:-

- (a) that each prisoner is properly classified;
- (b) that every prisoner is provided with a properly written up history ticket, that weighments have been duly made and recorded on the tickets, and that prisoners showing substantial loss on weight are duly set apart for medical inspection ;
- (c) that the prisoners are clean and are provided with clothing, bedding and utensils, etc., prescribed under the rules ; that the articles supplied to them are properly marked, numbered and are clean, serviceable and in good condition;
- (d) that the prisoners understand the remission rules, and that remissions have been aduly awarded, communi□catedo them and that each prisoner knows the amount of remission earned by him and
- (e) generally that the rules and orders applicable to prisoners are being carried out.

(iv) At every such parade the Superintendent shall hear and enquire into and pass orders on any complaint or request that the prisoners may make. It shall be his duty to listen to these complaints in a patient and considerate manner and to afford the prisoners reasonable facilities for making any representations that they may like to make. No prisoner shall, however, leave his place to make such representations.

(v) On such parades every prisoner shall be required to neatly arrange bedding, spare clothing history ticket, cup and plate on the front end of his munjmat. On the arrival of the Superintendent he shall sit at the other end of the mat.

**Checking and counting prisoners twice daily:**

**Rule 956.** The Superintendent shall cause all prisoners to be checked and counted at least twice daily, at Unlocking in the morning, at lock up in the evening.

**All business to be transacted on prison premises:**

**Rule 957.** The Superintendent shall ordinarily transact all business connected with the prison within its precincts and he shall not, except in cases of necessity or emergency, require the attendance of the Deputy Superintendent, Assistant Superintendent at any place outside the prison premises.

**Superintendent to enquire into all prison offences and record punishments:**

**Rule 958.** The Superintendent shall hold an enquiry into every offence committed or alleged to have been committed by a prisoner and award punishment and shall satisfy himself that every punishment is duly carried into effect.

**Superintendent to visit prison when an unusual occurrence is reported:**

**Rule 959.** When the Deputy Superintendent reports any unusual occurrence requiring immediate action, the Superintendent shall forthwith proceed to the prison to investigate the case and take such measures as may be necessary. He shall record the matter in his order book.

**Record of award of punishment by Superintendent:**

**Rule 960.** Any punishment awarded to a prisoner for an offence shall be recorded by the Superintendent on the prisoner's history ticket, and shall be copied in the punishment register by a subordinate officer, in every case in which the punishment of whipping is ordered, the Superintendent shall make the necessary entries on the history ticket of the prisoner and shall have the punishment and other particulars prescribed by section 51 of the Prisons Act, 1894, entered in the punishment register and he shall initial entries.

**Appointment and punishment of subordinate officers:**

**Rule 961.** (i) The Superintendent shall exercise such powers, in regard to the appointment and punishment of subordinate officers, as are specified in the rule relating to such officers.

(ii) The Superintendent may, at any time enquire into and record his opinion about the conduct of any subordinate officer. In conducting such enquiry he shall be guided by the rules laid down in that behalf.

**Superintendent to report all important occurrences:**

**Rule 962.** The Superintendent shall report at once by telegram or telephone to the Inspector General and the Home Secretary.

(a) all serious breaches of prison discipline;

- (b) every case in which any prisoner escapes or attempts to escape or is recaptured or commits suicide or dies from or receives a serious injury.
- (c) • all outbreaks of epidemic disease or disease which is likely to an epidemic form amongst the prisoners and prison staff, and measure taken to prevent its spread and
- (d) all serious cases of over-crowding and all other matters which the Inspector General may by general or special order require to be so reported. Each such report shall be followed by a detailed report.

**Superintendent to accompany Inspector General or Official visitors:**

**Rule 963.** (i) The Superintendent shall accompany the Inspector General whenever he visits the prison for the purpose of inspection and shall take all necessary measures to facilitate the inspection and ensure the safety of the Inspector General.

(ii) The Superintendent shall, if so desires, similarly accompany an official visitor during his visit to the prison.

**Superintendent to exercise vigilant control over receipt and expenditure:**

**Rule 964.** (i) The Superintendent shall at all times exercise strict supervision and control over all cash and property received by him or by any subordinate officer, or in his or any subordinate officer's charge, and over all expenditure of every kind incurred on the upkeep and management of the prison and the maintenance of prisoners. He shall cause proper accounts and vouchers of all such receipts and expenditure and property to be regularly kept and audited in accordance with the provisions of the rules.

(ii) The Superintendent shall be personally liable for all defalcations, loss or damage in any way due or attributable to any neglect, disobedience or misconduct on his part.

(iii) The Superintendent shall keep a constant watch over prison receipt and expenditure to promote all possible economy in every branch. He shall carefully examine all demands and indents before sanctioning them or submitting them for sanction. He shall frequently satisfy himself by personal inspection that the registers and account books are regularly written up, that daily entries are made in day books, that cash balances correspond with the entries in the cash books and are correct, and that outstanding are not allowed to remain unrealized longer than necessary. The rules

issued by the Finance Department shall be observed in all matters of accounts in addition to the rules made under the Prisons Act, 1894 and the orders of the Inspector General.

**Payment of supplies:**

**Rule 965.** The Superintendent shall satisfy himself that all supplies are paid for at the time of purchase, or as soon afterwards as possible.

**Superintendent to give effect to requisition of the Medical Officer:**

**Rule 966.** The Superintendent shall carry into effect all written requisitions of the Medical Officer about the provision of extra bedding clothing, the alteration of the diet of any prisoner or with respect to any alteration of discipline, or treatment in the case of any prisoner whose mind or body may. in the opinion of the Medical Officer, require it.

**Procedure on change of Superintendent:**

**Rule 967.** When an officer is taking over the charge of the office of the Superintendent, he shall satisfy himself that all records and registers are upto date and in good order, and that the cash balances, permanent advance and account are complete and duly kept. He shall note in writing the defects, deficiencies or irregularities, if any, detected either at the time of taking over or within one month thereafter and shall communicate the same to the Inspector General.

**Reports and statistics:**

**Rule 968.** (i) The Superintendent shall regularly and punctually submit to the Inspector General all such special or periodical: -

- (a) returns of statistical information;
- (b) statement of accounts in respect of receipts, expenditure and property;
- (c) bills, vouchers and other original documents and
- (d) reports and other information as he may at any time prescribe by general or special order -or as may be required by the Rules in the Prisons rules or the order of Government.

(ii) By the thirty-first of August each year, the Superintendent shall furnish the Inspector General with a report on the administration of his prison during the preceding year, the report



shall be in such form containing such particulars and accompanied by such statistical and other statements and returns, as the Inspector General may prescribe. Every such report shall state and explain all events of importance which have occurred in the prison during the year under report, and all material differences in the vital, financial and other statistics, between the year under report and the two years immediately preceding the same.

(iii) The annual administration report; of prison shall be forwarded to the Inspector General direct, and a copy of it shall be sent to the [Zila Nazim] in the case of Central Prisons and to the [District Co-ordination Officer] the case of District Prisons.

**Precautions against fire:**

**Rule 969.** The Superintendent shall see that proper precautions are taken to prevent damage by fire to prison buildings and all Government property contained therein. He shall draw up an order showing the duties of the members of the establishment on the outbreak of fire. A copy of this order shall be maintained in the main gate.

*Note.--For* precautionary measures against the fire see Rule 732. •

**Precautions for preventing escape:**

**Rule 970.** The Superintendent shall see that every necessary precaution is taken to prevent escapes and shall cause a daily examination to be made of all cells, doors, windows, bars, locks, bolts, fetters, handcuffs and fastenings, etc. He shall require the Deputy Superintendent to report daily the result of such examination in his report book. On every Sunday and public holiday, a special head warder shall be detailed for examining all gratings and fetters in the afternoon.

**Special precautions for security:**

**Rule 971.** The Superintendent shall use his direction in ordering such special precautions, as may be necessary for the security of any important or dangerous prisoner whether he has received any warning from the Magistrate or not. As the Superintendent is the sole judge of the measures necessary for the safe custody of the prisoner, he shall be responsible for seeing that the precautions taken are reasonably sufficient for purpose.

**Superintendent not to leave station without sanction:**

**Rule 972.** The Superintendent shall not leave the station without obtaining the previous sanction of the Inspector General while proceeding on casual leave, the Superintendent shall hand

over charge of the prison to the Deputy Superintendent, Medical Officer or the senior most Assistant Superintendent, if the former two posts do not exist at the prison.

## **CHAPTER-40**

### **The Medical Officer:**

#### **General duties of Senior Medical Officer:**

**Rule 973.** Subject to the control of the Superintendent, the Senior Medical Officer shall have charge of the medical and sanitary administration of the prison and shall perform such duties as are prescribed in the Prisons Rules.

#### **Appointment of Senior Medical Officer:**

**Rule 974.** Senior Medical Officers will be deputed to prisons from the Health Department. Whole time Medical Officers shall be appointed for Central prisons and first class District Prisons and part time in other prisons.

#### **Temporary absence of Senior Medical Officer:**

**Rule 975.** Whenever the Senior Medical Officer of a prison is temporarily absent from the station, his duties shall be performed by the junior Medical Officer of the prison. He will consult the Medical Superintendent in emergency cases, if considered necessary.

#### **Senior Medical Officer to visit prison daily:**

**Rule 976.** The Medical Officer shall visit the prison at least once a day except on Fridays and public holidays, and on those days also whenever necessary. The Senior Medical Officer shall visit the prison oftener than once a day, should circumstances render it necessary. He shall visit every part of the prison and its precincts frequently. Emergencies and urgent calls shall, however, be promptly attended to at all times..

#### **Responsibility of health of prisoners and hygiene:**

**Rule 977.** The Medical Officer shall be responsible for all matters connected with the health--physical and mental, of the prisoners and their treatment when sick and the hygiene of the prison. He shall take all measures necessary for the maintenance of the prison and its surroundings in a thoroughly sanitary state.

#### **Direction and recommendation by Senior Medical Officer:**

**Rule 978.** (i) Any directions (other than those which are to be carried out; by the Senior Medical Officer himself or

under his personal supervision) which the Senior Medical Officer may think fit to give in respect of the treatment of any prisoner shall be recorded on the history ticket of the prisoner.

(ii) Every recommendation relating to the prisoners generally or to any, party or class of prisoners or effecting the medical or sanitary administration of the prison in general, which the Senior Medical Officer may think fit to make shall, to be recorded by him in his report book.

#### **Examination of prisoners on admission and release:**

**Rule 979.** *In addition to "complying with the provisions of chapter IV of the Prisons Act, 1894, in regard to the admission, removal and discharge of prisoners the Senior Medical Officer shall record or cause ,to be recorded under his supervision:-*

(i) at the time of the admission of every prisoner in the admission register and on the history ticket of such prisoner the state of health, age weight, height, identification etc, the class of labour for which the prisoner is fit if sentenced to labour and any other observations which the examination of the prisoner may disclose, within twenty four hour of admission of prisoners; and

(ii) at the time of the discharge of every prisoner from the prison, the Medical Officer shall record in the admission register the state of health and the weight of the prisoner so discharged.

#### **Vaccination of prisoners:**

**Rule 980.** (i) The Senior Medical Officer shall vaccinate or cause to be vaccinated soon after admission every prisoner who is not protected against smallpox and vaccinate prisoners whenever necessary.

(ii) Children received with their mothers or born in prison shall also be similarly vaccinated.

(iii) The Senior Medical Officer may, however, dispense with vaccination or revaccination in any case in which he considers it unnecessary, either because the prisoner is already sufficiently protected and bears well defined marks of previous vaccination or has suffered from the disease.

#### **Duties with regard to sick prisoners and malingerers:**

**Rule 981.** (i) The Senior Medical Officer shall daily visit the sick in the hospital and shall examine every prisoner who

complains of illness, and may if necessary, direct the admission of any such prisoner to hospital.

(ii) If at any time the Senior Medical Officer is of opinion that any prisoner is malingering, he shall forthwith report the fact to the Superintendent.

**Senior Medical Officer to report in certain cases:**

**Rule 982.** Whenever the Medical Officer has reason to believe that the mind or body of a prisoner is, or is likely to be injuriously effected by the discipline or treatment to which he is subjected, the Medical Officer shall report the case in writing to the Superintendent together with such observations as he, may think proper. The Superintendent will take suitable action into the matter.

**Inspection of prison precincts:**

**Rule 983.** (i) At least once in every week the Medical Officer shall inspect every part of the prison and its precincts, and shall satisfy himself, that nothing exists therein which is likely to be injurious, to the health of the prisoners. He shall particularly examine the drainage, water supply and conservancy arrangements and see that they are satisfactory and in good working order. He shall see that precautions are being taken against overcrowding and that arrangements for the ventilation and a cleanliness of barracks, cell, workshops, etc., are satisfactory. He shall also visit the garden and satisfy himself that the trenching of filth and refuse from the prison is effectively and duly conducted.

(ii) The Senior Medical Officer shall inspect the staff quarters and warders lines once a week and see that all the area is kept neat and clean, drainage and conservancy arrangements are satisfactory and that unhygienic practices are not allowed to be carried on.

**Inspection of cookhouse and rations:**

**Rule 984.** The Senior Medical Officer shall inspect the cookhouse daily at uncertain hours and shall at such inspections examine the uncooked rations and test the quality and weight of the cooked rations.

**Senior Medical Officer may vary diet in certain cases:**

**Rule 985.** *The* Senior Medical Officer may, in his discretion, make any addition or alteration in the diet of any sick, convalescent, infirm or any other prisoner and in respect of any party specially employed, which he may deem necessary on medical grounds.

**Medical Officer to inspect cemetery:**

**Rule 986.** The Senior Medical Officer shall occasionally inspect the cemetery of the prison, and shall satisfy himself that it is maintained in a sanitary condition.

**Medical Officer's duty on the appearance of epidemic:**

**Rule 987 (i)** The Senior Medical Officer shall in the event of the outbreak of an epidemic amongst the prisoners or the staff, be responsible that all measures and precautions which may be necessary or expedient to meet the emergency and prevent the spread of the disease are promptly taken, and that rules and orders regulating such matters are fully enforced.

(ii) Immediately upon the appearance of any case of infectious disease or any disease which is likely to assume an epidemic form, the Senior Medical Officer shall report the fact to the Superintendent for the information of the Inspector General together with his recommendations for preventing the spread of the disease and otherwise dealing with it.

**Special action in case of cholera:**

**Rule 988.** *The* Senior Medical Officer shall maintain a special record in the prescribed form, of all cases of cholera, whether sporadic or epidemic, and shall furnish the necessary report as required under the rules.

**Attendance on Officers:**

**Rule 989.** *The* Senior Medical Officer shall in case of illness attend on all members of the prison staff, their families and relations with them on the premises.

**Examination of candidates:**

**Rule 990.** The Senior Medical Officer shall examine every candidate for employment as a subordinate official who may be sent to him for the purpose and shall report on his physical condition and state of health to the Superintendent.

**Supply of medicines and diet:**

**Rule 991.(i)** Medicines prescribed by the Senior Medical Officer for the treatment of prison officers and their families shall be supplied free from the prison hospital.

(ii) Any special diet ordered by the Senior Medical Officer to a warder or any member of staff who is seriously ill and is admitted to the staff hospital shall be supplied at Government expense.

**Duty of Medical Officer upon the death of any prisoner:**

**Rule 992.** (i) In the event of the death of any prisoner, the Senior Medical Officer shall see and, if necessary, examine the body of the deceased prisoner, so that he may in every case, be in a position to certify the death and its cause. All deaths shall be recorded in his report book.

(ii) When the Senior Medical Officer is in doubt as to the cause of death, and every case in which death appears or is likely to have been the result of an offence punishable under the Pakistan Penal Code, he shall get a complete and regular post-mortem, examination conducted of the body of the deceased. In the event of several deaths resulting from any prevailing epidemic a post-mortem examination shall be made in one or more selected cases by the Medical Officer.

(iii) The provisions of the above sub-rule shall, *mutatis mutandis*, apply to the case of a death occurring amongst the officers of the prison while employed on duty at or within such prison.

**Record to be made on death of prisoner:**

**Rule 993.** On the death of any prisoner, the Senior Medical Officer shall forthwith record in his report book, the following particulars, so far as they can be ascertained: —

- (1) The day on which the deceased first complained of illness or was observed to be ill;
- (2) the labour, if any, on which he was engaged on that day;
- (3) the scale of his diet on that day;
- (4) the day on which he was admitted to hospital;
- (5) the day on which the Medical Officer was first informed of the illness;
- (6) the nature of the disease;
- (7) when the deceased was last seen before his death -by the Senior Medical Officer or junior Medical Officer;
- (8) when the prisoner died ; and
- (9) an account of the appearance after death in case where a post mortem examination is made together with any special remarks considered necessary by the Medical Officer.

**Senior Medical Officer to comply with duties imposed by the**

### **Inspector General.**

**Rule 994.** (i) The Senior Medical Officer, shall duly observe and comply with all directions issued by the Inspector General as to the duties which he is to perform and the manner in which they are to be performed. He shall furnish such periodical, statistical and other information and reports, in respect of sickness-and mortality amongst prisoners, the sanitation of the prison and other matter pertaining to his duties, as may be prescribed by the Inspector General.

(ii) The Medical Officer shall :-

- (a) submit for the sanction of the Inspector General, a yearly indent for medicines and medical stores;
- (b) keep or cause to be kept a proper account of. medicines, instruments, appliances, and other equipment;
- (c) satisfy himself that prisons are kept separate from other medicines, properly labelled and always under lock and key.
- (d) from time to time examine the medicines in store to assure himself that they are in a fit condition for use;
- (e) once in every three months check the stock medicines and test by weight or measurement the quantities entered in the stock book and examine and check the surgical instruments;
- (f) be responsible for seeing that all medicines, instruments and hospital stores purchased for the prison are duly and faithfully applied for the use of the prison; and
- (g) submit a report to the Inspector General through the Superintendent every year in August on the medical and sanitary administration of the prison.

### **Weekly parades:**

**Rule.995.** *The senior* Medical Officer shall see all prisoners on the weekly parade. He shall observe the general state of their health, and see that they are clean in their persons and free from disease. He shall examine the records of prisoners' weighment and satisfy himself that the weighments are properly carried out and recorded and that the prisoners clean their teeth and mouth regularly and the necessary facilities for this purpose are adequately provided. He shall examine all prisoners who show substantial loss in weight:



**Prisoners in solitary confinement:**

**Rule 996.** Under section 29 of the Prison Act, every prisoner in solitary confinement shall be visited daily by the Medical Officer or the Junior Medical Officer.

**Cleanliness of clothing and bedding in hospital:**

**Rule 997.** The Senior Medical Officer shall take measures to ensure the cleanliness of the clothing and bedding issued for hospital use, and shall make effective arrangements -for the boiling, washing and disinfection of these articles.

**Bed-head tickets and temperature charts:**

**Rule 998.** The Medical Officer shall cause to be maintained for each patient admitted to hospital a temperature chart and bed-head ticket on which shall be recorded daily short notes about symptoms, treatment and diet.

**Cleanliness and other amenities in hospital:**

**Rule 999.** The Medical Officer shall see that the hospital compound is kept as clean and bright as possible. Lawns and flower beds shall be provided and maintained in good condition.

**Training of prisoners as nursing orderlies:**

**Rule 1000.** The Medical Officer shall select intelligent long-term prisoners as sick attendants, who shall be carefully trained by the Junior Medical Officer before their employment as hospital orderlies.

**Electric fans in hospital:**

**Rule 1001.** Every hospital ward shall be provided with a sufficient number of electric ceiling fans for the use and comfort of the patients. Where there is no electricity, pull-punkhas shall be provided and C class prisoners may be employed for pulling these. The Senior Medical Officer shall ensure that this facility is provided in the prison hospital.

## CHAPTER-41

### *The Deputy Superintendent:*

#### **Persons include the word "Deputy Superintendent".**

**Rule 1002.** For the purpose of duty, the expression "Deputy Superintendent" shall be deemed to include Assistant Superintendent and every person for the time being performing all or any of the functions or duties of a Deputy Superintendent.

#### **Condition of Services:**

**Rule 1003.** (i) The Deputy Superintendent shall be in Grade 16.

(i) The service conditions of Deputy Superintendent of prisons shall be regulated by the Service Rules of the Service as may have been or may hereafter be framed by Government.

#### **General Duties:**

**Rule 1004.**(i) The Deputy Superintendent shall be the chief executive officer of the prison and shall discharge his duties under the immediate directions and orders of the Superintendent. It shall be his duty to see that all orders issued by the Superintendent are duly carried out.

(ii) It shall be the duty of the Deputy Superintendent to maintain discipline both amongst subordinate officers and the prisoners and the strict enforcement of all rules, regulations and orders relating to the management of the prison, prisoners, and the staff.

#### **Residence:**

**Rule 1005.** The Deputy Superintendent shall reside in the house provided at the prison premises unless the Superintendent permits him, in writing to reside elsewhere when a house is not available. He shall be provided with rent free quarters or rent in lieu thereof if official residence is not available.

#### **Absence of night:**

**Rule 1006.** The Deputy Superintendent shall not be absent from the prison for the night without permission in writing from the Superintendent, but if absent without leave for a night from unavoidable necessity, he shall immediately report the fact and the cause of it to the Superintendent.

#### **Deputy Superintendent to make over charge when leaving the**

**prison;**

**Rule 1007.** The Deputy Superintendent shall, before leaving the prison for any purpose whatsoever, and on every occasion on which he proposes to leave the prison, make over charge of the prison to the next senior officer present, and shall record the fact of having done so in his report book. The officer receiving charge shall countersign the entry made in acknowledgement of having done so.

**Duties as regards safety of prisoners, discipline, visits and attendance:**

**Rule 1008.** (i) The Deputy Superintendent shall take every action necessary or expedient for ensuring the safe custody of prisoners confined in the prison, as well as for enforcing and maintaining discipline and order amongst prisoners and subordinate officers.

(ii) The Deputy Superintendent shall at least once daily see every prisoner confined in the prison and visit every cell barrack, ward, workshop, cookhouse, latrine and every other part of the prison and its premises including the hospital. He shall, except as provided under the rules, always remain present within the prison or its premises.

(iii) The Deputy Superintendent is permitted to be absent for meals and rest at such time and for such periods as the Superintendent may specify, or when required to appear in a Court, or when leave of absence is granted by the Superintendent.

**Report book:**

**Rule 1009.** (i) The Deputy Superintendent shall regularly maintain a report book, in which he shall record all reports and other matters which these rules and the departmental instructions require him to record, and all important events connected with the administration of the prison. The report book shall be put up before the Superintendent every day and signed by him.

(ii) No space shall be left blank either below or on top of the pages or between the reports. Each report shall be serially numbered and numbering shall be renewed on the first of each month. Important reports shall be underlined and the Superintendent shall initial them and pass necessary orders. The Superintendent shall also affix his initials at the bottom of each page of the report book.

**Daily entries in report book:**

**Rule 1010.** The Deputy Superintendent shall record in his report book:-

- (a) the time of unlocking of the prison, and the number of prisoners un-locked;
- (b) the number of the staff (if any) who were absent;
- (c) distribution of morning meal and the time prisoners began work;
- (d) the time midday meal was served and work recommenced ; checking of midday meal and a report about its quality and quantity;
- (e) the time work was stopped for the day ; checking of evening meal and time of meal and
- (f) the time the lock-up was completed and the number of prisoners locked up.

**Other matters of importance to be recorded in the report book:**

**Rule 1011.** *The* Deputy Superintendent shall record in his report book all instances in which he may have found it necessary to use restraint to any prisoner ; any violent outbreak or serious offence, accident, death, or other occurrence out of the ordinary routine ; application for the Superintendent's sanction for the employment of prisoners in any special manner or for any unusual expenditure, and whenever it is proposed to draw money from the Treasury for factory or prison purposes and a note showing the necessary for the same.

**Deputy Superintendent not to delegate his duties without permission:**

**Rule 1012.** *If the Deputy Superintendent is at any time prevented, by any unavoidable cause, from performing any duty imposed upon him as Deputy Superintendent, he shall take immediate measures to have such duty performed by the next senior officer present and report the fact to the Superintendent, except as hereinbefore provided, the Deputy Superintendent shall not without the previous permission of the Superintendent, delegate at any time any duty to any other officer.*

**Presence at lock-up:**

**Rule 1013.** *The Deputy Superintendent shall be present at and supervise the locking up of the prisoners. He shall satisfy himself, both morning and evening, that all prisoners are present and in safe custody.*

**Allotment distribution and checking of labour:**

**Rule 1014.**—*The Deputy Superintendent shall allot to each prisoner sentenced to undergo rigorous imprisonment a proper task and satisfy himself that every such prisoner who is fit for labour is daily put on the allotted labour and performs his prescribed task. He shall visit the workshops frequently while the prisoners are at work and check the tasks performed.*

**Inspection of rations and food:**

**Rule 1015.** *The Deputy Superintendent or under his orders Assistant Superintendent incharge cook-house shall supervise the daily issue of raw rations and satisfying himself that these are of good quality, properly cleaned and up to weight. He shall see that the food is properly cooked, good in quality and correct in weight. He shall supervise the distribution of food and satisfy himself that each prisoner gets his proper quantity as the prescribed times.*

*Explanation.*—*In larger prisons the Superintendent may allot this duty to an Assistant Superintendent; but this will not absolve the Deputy Superintendent of his over-all responsibility about the proper cooking of the food, its quality and quantity.*

**Report of unusual occurrence:**

**Rule 1016.** *The Deputy Superintendent shall immediately report every unusual occurrence of a serious nature, to the Superintendent.*

**Admission of prisoners:**

**Rule 1017.** *Upon the admission of every prisoner the Deputy*

Superintendent shall—

- (a) examine the warrant or order under which such prisoner is committed to the prison and satisfy himself that it is in all respects complete, in order and valid;
- (b) remove, or cause to be removed, from such prisoner all money or other articles found on him, including (if such prisoner is not entitled to retain these) his wearing apparel and shall provide him with a complete prison outfit;
- (c) take measure to preserve and protect all property belonging to the prisoner; and
- (d) shall-satisfy himself that the rules regarding the search and admission of prisoners contained in Chapter IV of the Prisons Act 1894, are duly complied with.

**Effects of prisoners:**

**Rule 1018.** *All money or other articles about which no order of a competent Court has been made, and which may with proper authority, be brought into the prison by any prisoner or sent to the prison for his use, shall be placed in the custody of the Deputy Superintendent.*

**Execution of sentences:**

**Rule 1019.** *It shall be the duty of the Deputy Superintendent:-*

- (a) to cause all lawful warrants and orders of commitment to be duly obeyed and carried into effect;
- (b) on the admission of every prisoner, to cause in name to be duly recorded in the register of releases under the date on which such prisoner is entitled to be released;
- (c) to give effect to all remission of sentence lawfully earned or granted;
- (d) to take all measures that may be necessary or expedient in order to avoid premature release or over-detention;
- (e) to bring up every prisoner who is liable to undergo the punishment of whipping, on the proper day before the Superintendent; and
- (f) to give effect to the sentences of solitary confinement awarded by the Courts.

**Prisoners committing offences to be brought up before Superintendent:**

**Rule 1020.** *The Deputy Superintendent shall, in the event of*

any prisoner being guilty, a breach of discipline or misconduct, cause the offender to be brought before the Superintendent for orders and shall record the charge on the prisoner's history ticket.

**Weekly search:**

**Rule 1021.** *The Deputy Superintendent shall, at uncertain times, at least once a week, cause each prisoner, all clothing and bedding and all barracks, cells, workshops, latrines and other places frequented by prisoners, to be thoroughly searched for prohibited articles.*

**Interviews and communications:**

**Rule 1022.** *It shall be the duty of the Deputy Superintendent to regulate all interviews and communication between prisoners, their relatives and friends, and to prevent all unauthorised persons from entering the prison premises or communicating with the prisoners. He shall arrange for a proper prison officer to supervise and conduct all interviews.*

**Deputy Superintendent when required to accompany officers and visitors:**

**Rule 1023.** *The Deputy Superintendent shall, whenever required to do so accompany the Superintendent, Medical Officer and other Government officer visiting the prison.*

**Enforcing of discipline amongst subordinate officers:**

**Rule 1024.** *(i) It shall be the duty of the Deputy Superintendent to exercise proper control over all officers subordinate to him and to satisfy himself that every such officer is at all times efficient and that he discharges his duties regularly and in a satisfactory manner.*

*(ii) The Deputy Superintendent shall at all times maintain strict discipline amongst subordinate officers and shall be responsible that:-*

- (a) all officers subject to discipline of a military nature are acquainted with drill and the use of arms;*
- (b) all officers in respect of whom uniforms are prescribed, wear proper uniforms;*
- (c) the prescribed roster of attendances and duties is carried into effect;*
- (d) all officers are neat and clean in appearance, properly dressed and accounted when on duty; and*
- (e) that every instance in which any subordinate officer is guilty of any dereliction of duty, breach of discipline or*

other misconduct which comes to his knowledge, is recorded in his report book and brought to the notice of the Superintendent.

**Power to grant four hours leave:**

**Rule 1025.** The Deputy Superintendent may grant leave of absence for a period not exceeding four hours at any one time to any subordinate officer. He shall make all necessary arrangements for the due performance of the duties, of the officer to whom such leave is granted, and shall make a record of all such leaves granted.

*Note.-At a prison where the Deputy Superintendent is incharge, he will have the powers of granting casual leave to the staff.*

**Weekly parades:**

**Rule 1026.** Every Monday morning the Deputy Superintendent shall before the arrival of the Superintendent, hold a parade of all the prisoners confined in the prison and shall:-

- (a) carefully inspect every prisoner;
- (b) examine and check the clothing, bedding, utensils and history tickets of every prisoner;
- (c) check the barrack register and satisfy himself that every prisoner is present or accounted for; (d) and satisfy himself generally that everything is in proper order. He shall record the result of his inspection in his report book nothing the shortage, if any, the state of clothing, cleanliness, numerical strength and other matters of importance relating to the prisoners.

**Responsibility for records, warrants, money, etc:**

**Rule 1027.** The Deputy Superintendent shall be responsible for the state custody of the records to be maintained under section 12 of the Prisons Act for the commitment warrants and all other documents confined to his care and for the money and other articles taken from prisoners.

**Custody of Government property: Periodical stock taking:**

**Rule 1028** (i) The Deputy Superintendent and other subordinate officers shall be responsible for the receipt, issue and safe custody of all stores machinery tools, plant, raw materials, manufactured goods and all other articles of whatever kind for the time being in their charge and they shall maintain proper accounts and registers thereof, The Deputy Superintendent shall take frequently, and shall from time to time examine and verify the



accounts and registers Grain godowns shall be checked, once a month.

(ii) The Deputy Superintendent shall check every article of store at least once in six months and record the result of his verification in the remarks columns of the stock registers nothing discrepancies, if any. A note of his check shall also be made in his report book and the discrepancies, if any shall be reported to the Superintendent. The relieving Deputy Superintendent, if there is a change in office, shall check all articles on assuming charge and this may be taken as a six monthly check.

(iii) The checking of articles shall be so arranged that the Superintendent checks one half in one quarter which the Deputy Superintendent shall check in the second quarter and vice versa in this way every articles will be checked once in three months either by the Superintendent or the Deputy Superintendent. The certificate of the check shall be submitted to the Inspector General soon after the 1st January and the 1st July of each year.

**Sick prisoners:**

**Rule 1029.** (i) The names of prisoner desiring to see the Senior Medical Officer or appearing ill shall, without delay, be reported by the Officer incharge of such prisoners to the Deputy Superintendent.

(ii) The Deputy Superintendent shall immediately inform the Senior Medical Officer to see such prisoners and shall carry into effect all written directions given by the Senior Medical Officer respecting alterations of the discipline, diet or treatment of such prisoners.

**Record of directions of the Medical Officer:**

**Rule 1030.** All directions given by the Medical Officer in relation to any prisoner shall be recorded on the prisoner's history ticket and the Deputy Superintendent shall state in his report book whether the directions have been carried out and if not complied, he shall state the reasons.

**Notice of death of prisoner:**

**Rule 1031.** Upon the death of a prisoner, the Deputy Superintendent shall give immediate notice of it to the Superintendent, Senior Medical Officer and the Medical Officer.

**Prisoners not to be Ironed except under necessity:**

**Rule 1032.** No prisoner shall be put in irons or under mechanical restraint by the Deputy Superintendent on his own authority, except in case of urgent necessity, when an immediate

report shall be made to the Superintendent at his next visit.

**Management of prison factories:**

**Rule 1033.** *The Deputy Superintendent shall use all means in his power to ensure that the employment of prisoners on various labours is profitable to Government. He shall prevent waste and miss-appropriation of material in the factories and shall be responsible for the checking of materials consumed in the process of manufacture. He shall see that the quantities of material indented for have been received, that all purchases have been made at the cheapest market rates and that the selling prices fixed for manufactured goods are profitable and the amounts are promptly realized from the sale of goods and for remitting these into the local Treasury.*

**Warder Guard:**

**Rule 1034.** *(i) The Deputy Superintendent shall control and supervise the posting of the warder guard on various duties. He shall, at uncertain intervals, visit the guards at their posts, and satisfy himself that the warders are duly posted and are alert, and that the patrolling is being properly performed.*

*(ii) The Deputy Superintendent shall ordinarily change the duties of warders every month or oftener at any time, if considered necessary.*

*(iii) The Deputy Superintendent shall see that all parties of warders enter and leave the prison with military precision. He shall cause the warders to be searched at uncertain hours at least once a Week and report the result in his report book. He shall see that the warders sleep in the quarters allotted to them and do not leave the prison premises without permission.*

**Deputy Superintendent responsibility for property and money:**

**Rule 1035.** *The Deputy Superintendent shall render an account on his removal or transfer, of all Government and other property and money entrusted to his care. He shall see that all store-rooms are clean, neatly arranged and protected from vermin, insects and weather, etc., and that they are secure and in-accessible to prisoners.*

**Testing weights, scales and measures:**

**Rule 1036.** *(i) Once every three months, the Deputy Superintendent shall test all weights, scales and measures in use in godowns, cook-house, etc., and shall record the result of such test in his report book. Any weights, scales and measures found below*

the standard or defective shall be placed before the Superintendent for condemnation and destroyed in his presence.

(ii) The Deputy Superintendent shall before taking delivery, weigh measure or count all stores supplied to the prison.

**Supervision of office work:**

**Rule 1037** (i) The Deputy Superintendent shall exercise general supervision, over the work of the office. The delegation of the preparation of returns, entries in register, or of any of the Deputy Superintendents duties to any subordinate, in no way relieves the Deputy Superintendent of the responsibility for ensuring that these are correctly and punctually made. His most important duties are the direct control of prisoners and the management of the prison. He shall daily check the cash books, compare the balance of cash in hand with the balances shown in the cash books, initial the latter if correct, and present them to the Superintendent daily for examination.

(ii) The Deputy Superintendent shall report every month in his report book the state of the registers, etc., in charge of each of his subordinates.

**Responsibility for economy in every department:**

**Rule 1038.** The Deputy Superintendent shall promote such economy as is consistent with efficiency in every department of the prison. He shall prepare of cause to be prepared, and submit to the Superintendent, all indents for require-inert of food, clothing and other articles. He shall prevent needless destruction of Government property, utilized prison labour to the fullest extent for supplying the requirements of the prison and other departments and bring to the notice of the Superintendent any waste or extravagance.

**Inventory of property and stores on heading over charge:**

**Rule 1039.** (i) When making, over charge of his duties on resignation, suspension, transfer, discharge or on taking leaves other than casual leave, the Deputy Superintendent shall prepare an inventory list in the prescribed form of all property, stores, etc, in his immediate charge, which shall be signed by himself and by the officer who relieves him, and kept in the prison records.

(ii) The Superintendent shall countersign the inventory list after satisfying himself as to its correctness, and copies shall be given to the relieved and the relieving officers. In the case of a Deputy Superintendent's death, the inventory list shall be made by or under the direction of the Superintendent. All stores including, the stores of grain, shall be carefully counted or weighed and checked by the

relieving officer.

(iii) The stock of ammunition shall be compared with the stock as shown in the ammunition register • and also the number of empty fired cases in stock. It shall also be seen whether the stocks of ammunition is in accordance with the prescribed scales.

**Duty of Deputy Superintendent on charge of Superintendent:**

**Rule 1040.** When a new Superintendent assumes charge of a prison, it shall be, the duty of the Deputy Superintendent to bring to his notice in writing, all orders specially relating to that prison. In the event of any grave irregularity taking place in consequence of the non-observance on the part of the Superintendent of any such order, the Deputy Superintendent will be held responsible unless he can show that he brought the order in question to the notice of the Superintendent.

## CHAPTER-42

### *Assistant Superintendents:*

#### **Appointment and condition of service:**

**[Rule 1041.**(i) For every prison, there shall be appointed 1 [three] or more Assistant Superintendents according to the nature, class and population of the Prisons.]

(ii) The service conditions of Assistant Superintendent of prison shall be regulated by the Services Rules of the service as may have been or may hereafter be framed by Government.

#### **Physical standard:**

**Rule 1042.** Candidates for direct appointment shall be physically fit in all respects and conform to the following standard it:-

- (a) Minimum height— 1 Meter—70Cm.<sup>2</sup>
- (b) Minimum girth of chest—78Cm. with an expansion of 3 Cm-3 Mm.
- (c) Vision right eye—6/6]  
left eye—6/6] without glasses

#### **Residence:**

**Rule 1043.** Assistant Superintendents shall reside at the prison premises and shall be entitled to rent quarters or house-rent allowance in lieu thereof if official residence is not available.

#### **General duties:**

**Rule 1044.** (i) An Assistant Superintendent shall, subject to the orders of the Superintendent, be competent to perform any of the duties, and be subject to all the responsibilities, of a Deputy Superintendent under the Prisons Act, or any rule thereunder.

(ii) Assistant Superintendents shall be subordinate to the Deputy Superintendent and shall obey all orders issued by him.

(iii) The Assistant Superintendent shall take the place of the Deputy Superintendent when this officer is temporary absent or incapacitated for duty.

(iv) Some of the duties of the Deputy Superintendent may be assigned to the Assistant Superintendents, who shall perform such duties under the general supervision of the Deputy Superintendent.

3. Amended vide Government or the Punjab Home Deptt. Notification No. 3/23-SO-Prs-II-HD/81 dated 29-12-81.

4. IBID-height enhanced vide HD/81, dated 29.12.1981.

#### **Assignment of duties:**

**Rule 1045.** (i) The Assistant Superintendents shall perform such duties as the Superintendent may prescribed in writing in his order book. The duties shall be clearly prescribed and shall be changed periodically to afford them every opportunity to acquire a

thorough training and all round experience of every detail of prison management.

(ii) The following duties shall ordinarily be allotted to the Assistant Superintendent: -

(1) Direct charge of a section of the prison including the prisoners confined therein and the Government property that may be located there.

(2) Admission, transfer and release of prisoners.

(3) Award of ordinary remission to prisoners.

(4) Appeals and petitions of prisoners.

(5) Supervision of factories.

(6) Supervision and drill of warder guard.

(7) Supervision of cook-house, issue of rations to the cooks and the examination of cooked food and its distribution.

(8) Supervision of interviews and letters of prisoners.

(9) Search of prisoners and buildings under their charge.

(10) Maintenance of registers pertaining to their duties and responsibility for their correctness.

(11) Maintenance of report book when incharge of a factory or circle to record discharge of their daily duties, and any important matter concerning their duties which may be necessary to bring to the notice of the Superintendent.

(12) Presence and supervision at distribution of meal and at evening lock-up.

(13) Night round on turn and search of relieving and relieved night guard once a week.

(iii) The Assistant Superintendents shall perform all other duties as are prescribed in the various chapters of the Prison Rule.

#### **Leave on Fridays and public holidays:**

**Rule 1046.** (i) In prisons where there are two or more Assistant Superintendents, one Assistant Superintendent may have the day off in rotation on Fridays.

(ii) On Fridays and public holidays the Deputy Superintendent shall arrange duties of Assistant Superintendents in such a way that one officer is always present inside the prison from unlocking to lock-up. All Assistant Superintendents shall attend the evening lock-up.

#### **Weekly checking of clothing and equipment:**

**Rule 1047.** Every Thursday evening the Assistant

Superintendents in charge of circles shall hold a parade of the prisoners confined in their circles and shall:-

- (a) carefully inspect every prisoner;
- (b) examine and check the clothing bedding, utensils and history tickets of every prisoner;
- (c) check the barrack register and satisfy themselves that every prisoner is present or accounted for; and

satisfy themselves generally that everything is in proper order. They shall record - in their report book the shortages (if any), the state of clothing, cleanliness of barracks and yards and any other matter of important relating to prisoners of their circle.

### **CHAPTER-43**

*The Junior Medical Officer:*

#### **Appointment:**

**Rule 1048.** The appointment, transfer and punishment of Junior Medical Officers, attached to prisons shall rest with the [Executive District Officer (Health)]

#### **Whole-time Junior Medical Officer:**

**Rule. 1049.** Every whole-time Junior Medical Officer (fa) is entitled to draw the ordinary pay of his grade and such special allowance as sanctioned by the Government for the prison to which he is attached, on the condition that his duties have been satisfactorily performed;

- (b) is entitled to free quarters, if such quarters are not available, he shall reside near the prison in a place approved by the Superintendent and shall be entitled to house-rent in lieu thereof; and
- (c) shall not engage in private practice and shall not absent himself from the prison premises without the permission of the Medical Officer.

#### **Special allowance may be stopped for unsatisfactory work:**

**Rule 1050.** Any special allowance granted to a Junior Medical Officer under the preceding rule shall be with-held by the Inspector General or by the Superintendent with the sanction of the Inspector General, for any month during which, in the opinion of either of those officers, the work of the Junior Medical Officer was unsatisfactory

*Explanation.--* Stoppage of the allowance is not a punishment but a refusal to pay that has not been earned under the terms on

which the allowance is granted. It must be stopped for the whole month or not at all.



**Procedure when Junior Medical Officer commits as Offence:**

**Rule 1051.** If an Assistant Medical Officer commits, an offence, other than an offence punishable by law, a report shall be made to the Inspector General for transmission to the [Executive District Officer (Health)]

**Junior Medical Officer to obey orders of certain Officers:**

**Rule 1052.** (i) In all matters relating to hospital management and other professional duties, the Junior Medical Officer shall obey the orders of, and discharge such duties as may be lawfully assigned to him by, the Medical Officer. In matters relating to the maintenance or order and discipline in the prison, he shall obey the orders of the Superintendent and the Deputy Superintendent.

(ii) In every prison the Junior Medical Officer shall record in his report book and report to the Medical Officer, all orders given to him by the Superintendent or the Deputy Superintendent.

**Junior Medical Officer to inform Medical Officer of death:**

**Rule 1053.** *The* Junior Medical Officer shall, without delay report to the Medical Officer every death that occurs in the prison.

**Hours of duties:**

**Rule 1054.** (i) In prison where there are two Junior Medical Officers their duties shall be so arranged by the Medical Officer that the work is evenly distributed, and that one of them shall always be present throughout the day. They shall all be present when the Medical Officer is visiting the sick, and at such other times as he considers necessary.

(ii) In prisons where there is only one whole-time Junior Medical Officer, he shall remain present throughout the day except when allowed to be absent for meals and rest. A par-time Junior Medical Officer shall pay a visit early in the morning and again in the evening before lock-up. The Junior Medical Officer shall visit the hospital frequently at night when any prisoner is seriously ill and see that the medicines and

food prescribed have been distributed ; he must be prepared at all times to attend when services are required.

**General duties of a Junior Medical Officer:**

**Rule 1055.** The general duties of a Junior Medical Officer are:-

(i) to attend to any prisoners who complain of sickness and, if necessary, send them to the notice of the Medical Officer at his next visit having distributed the necessary medicines to out door patients, to visit the hospital, do whatever is needful there, and note the condition progress and temperature, when necessary; of each case on the bed-ticket;

(ii) to visit the infirm and convalescent parties and any prisoners kept under observation, every morning; distribute such medicines as may be necessary ; satisfy himself that the prisoners get the food, clothing, bedding and rest ordered for them, and that no prisoner is removed from these parties without the authority of the Medical Officer.

(iii) to visit all prisoners confined in cells daily, and report to the Medical Officer any complaint that may have been made to him;

(iv) to be responsible for the custody and care of stock of medicines, instruments, appliances,' clothing and other equipment in the hospital:

(v) to keep all prisoners under lock and key and retain the key in his possession, be responsible that such poisons are properly labelled and kept separate from other drugs and not allow any prisoner attendant to handle any poison or vessel containing any poison;

(vi) to make the necessary indents for all hospital supplies, and see that the food for the sick is properly prepared and the extras ordered for the sick and the food is distributed in his presence;

(vii) to keep all the hospital registers written up-to-date, be responsible for their safety, and prepare and submit to the Medical Officer at proper times, all monthly and other returns;

(viii) to be responsible that the surgical instruments and appliances are kept in good order, that the clothing and bedding

are marked in the prescribed manner, and that all articles issued for use in hospital are safely stored and kept clean;

(ix) to be responsible that cleanliness, order and discipline are maintained in the hospital, that the dispensers and attendants perform their duties, and that any excess or deficiency of attendants is brought to notice.

(x) to keep a vigilant watch on any prisoner suspended of malingering, or whose soundness of mind is a matter of doubt, and report the result of his observations to the Medical Officer.

(xi) to be present at the various parades frequently and separate for treatment any prisoner who appears not to be in his usual health or complains of loss of appetite; and

(xii) to arrange that all cases of bowel complaints are, as far as circumstances permit, treated in a separate ward ; that the dejecta of such patients is, when necessary, kept for the inspection of Medical Officer and is subsequently properly disinfected and disposed of; to accompany the Medical Officer when the latter visits the prison and give effect forthwith to any orders given to him relating to the health of the prisoners or the sanitation of the prison.

**Examination of newly admitted prisoners:**

**Rule 1056.** The Junior Medical Officer shall examine all newly admitted prisoners carefully and under the supervision of the Medical Officer, record, in the admission register and history tickets, all the particulars required by rules 18 and 979, and to satisfy himself that the private clothing of newly admitted prisoners are cleaned, and, if necessary, disinfected before removal to the godown.

*Note.*—When a prisoner with injuries on his body admitted into a prison from Police custody, his medical examination shall be conducted in the manner prescribed in rule 19.

**Duties as regards vaccinations, pregnancy and serious diseases:**

**Rule 1057.** (i) It is the duty of the Junior Medical Officer to see that every unprotected prisoner is vaccinated immediately, after admission, and record the result in admission register and the history ticket, or, in the case of a child, on the historyticket of the mother:

(ii) If the Junior Medical Officer has reason to believe that any woman prisoner is pregnant, he shall report the circumstances to the Medical Officer.

(iii) The Junior Medical Officer shall promptly bring to the notice of the Medical Officer and Superintendent any case of suspected cholera, infectious disease, serious injury or other serious case.

**Duties as regards food and its distribution:**

**Rule 1058.** It is the duty of the Junior Medical Officer:-

- (a) to inspect the grain godown and kitchen daily, see that these and all vessels used for cooking or distribution of goods are clean, and that the food is of good quality, properly prepared and cooked and is in the prescribed quantities both in the raw and the cooked condition, to keep samples of anything he considers to be unwholesome for the inspection of the Medical Officer, to see that the milk is properly boiled before issue, and to inspect the food supplied to civil and under-trial prisoner by their relations ; and
- (b) to examine the food before it is distributed ; be responsible that the proper quantities of ghee and salt have been added and thoroughly mixed.

**Duties as regards water supply, sanitation and ventilation:**

**Rule 1059.** It is the duty of the Junior Medical Officer:-

- (a) to examine periodically the walls or other source of water supply and bring to notice any defects in quantity or quality, to examine daily all vessels in which drinking water is stored or conveyed, and see that they are kept clean;
- (b) to inspect daily all bathing places, latrines and urinals, see that they are kept clean, and
- (c) to see that the ventilation of the hospital, sleeping barracks and workshops is properly attended to according to season, and that the prisoners are not exposed to inclemencies of weather.

**The weighment of prisoners:**

**Rule 1060.** (i) The Junior Medical Officer shall conduct monthly weighments of prisoners, record each prisoner's weight on his history ticket, and report all prisoners steadily losing weight to the Medical Officer, as soon as possible after weighment.

(ii) Patients in hospital shall be weighed every week and their weights recorded on the temperature charts.

**To report deaths and assist at post-mortem:**

**Rule 1061.** The Junior Medical Officer shall forthwith report every death to the Medical Officer and the Deputy Superintendent. He shall assist at the postmortem examinations, and see that the body is afterwards properly stiched up and covered.

**Medical aid to Officers:**

**To assist Medical Officer generally:**

**Rule 1062.** The Junior Medical Officer shall, under the directions of the Medical Officer, afford medical aid to all officers, their families and dependents living on the prison premises, render that officer every assistance, and report all matters which may, in any way, affect injuriously the health of the prisoners or the staff, such as:-

- (a) overcrowding
- (b) unseasonable or worn out clothing;
- (c) neglect of personal cleanliness;
- (d) undue exposure to the weather
- (e) neglect of punctuality of meals
- (f) neglect to air, dry or clean clothing and bedding; and
- (g) unsuitable tasks.

**Assistance by Dispensers:**

**Rule 1063.** For every prison one or more Dispensers shall be appointed according to the class of the prison. The conditions of service of Dispensers shall be regulated by the Service Rules that may have been or may hereafter be framed by Government. Rule 1052, for the guidance of Junior Medical Officer shall also apply to Dispensers, and in addition every

Dispenser shall obey the lawful orders of the Junior Medical Officer, when such orders are not inconsistent with instructions of the Medical Officer.

**Duties of Dispenser:**

**Rule 1064.** The dispenser shall work under the orders of the Medical Officer in matters connected with the medical work of the prison, and of the Superintendent and the Deputy Superintendent in other matters. He shall help the Junior Medical Officer in compounding and distributing medicines, taking temperatures and weighing prisoners, etc. He shall be present at unlocking. His duties shall be prescribed in writing by the Medical Officer in his report book.

## CHAPTER-44

### *General Rules Relating to Prison Officers:*

#### **Prisoners to be treated with tact, humanity and strict impartiality:**

**Rule 1065.** (i) Every officer of a prison shall at all times avoid all conduct likely to unduly irritate or annoy any prisoner, and shall treat every prison humanly and with fact, good temper, and strict impartiality. He shall listen, without displaying impatience or irritation, to every complaint or report which any prisoner may at any time make to him, and shall show all such kindness and consideration to every prisoner as is compatible with the firm and effective discharge of his duties. Subject to the foregoing provisions every officer shall firmly maintain strict discipline and enforce all rules, regulations and orders applicable to the discharge of his duties.

(ii) It is important that every complaint made by a prisoner should be listened with attention, so that, if genuine, the grievance may be redressed or remedied, and there should not be any just cause for discontentment.

#### **Prisoners not to be struck; Use of force regulated:**

**Rule 1066.** (i) No officer shall, at any time, under any circumstances or under any pretext, strike any prisoner otherwise than in exercise of the right of private defence or in pursuance of his duty in giving effect to punishment lawfully inflicted or to any other provision of law.

(ii) No officer shall, in the discharge of his duties, at any time ; use more force than is absolutely necessary for the purpose of enforcing the law and carrying out his duties.

(iii) It is lawful to use all means necessary to effect an arrest (section 45, Criminal Procedure Code), and a prisoner has no right of private defence against prison officers acting in the discharge of their duty (section 98, Pakistan Penal Code), and every officer may use all force necessary to resist any force used by prisoners against lawful authority.

**Officers not to have business dealings with Prisoners:**

**Rule 1067.** No officer shall sell or let, nor shall any person in trust for or employed by him sell or let, or derive any benefit from selling or letting any articles to any prisoner or have any money or other business dealings directly or indirectly with any prisoner.

**Officer not to be Interested in Prison Contracts:**

**Rule 1068.** No officer shall directly or indirectly be concerned in contract or agreement for the supply of any article to the prison, nor receive directly or indirectly any fee, gratuity, present or loan from any contractor or supplier, or from any prisoner, prisoner's relative or friend or any person visiting the prison.

**Prisoners to be punished only by the Superintendent, improper language to be avoided:**

**Rule 1069.** No officer of a prison, other than the Superintendent, shall at any time award any punishment to any prisoner or, otherwise than in accordance with law and the orders of the Superintendent, inflict any punishment on any prisoner.

(ii) No officer of any prison shall use violent, abusive, insulting or unnecessarily irritating language to any prisoner.

**Private employment of prisoners:**

**Rule 1070.** Prison officers are prohibited from employing any prisoner directly or indirectly for their private benefit or advantage or of any other person except in a regular way by placing a proper order for the manufacture of an article.

**Report of misconduct and breach of rules:**

**Rule 1071.** Every prison officer shall forthwith report to the Superintendent or other superior officer any misconduct or deliberate breach of any rule or regulation on the part of any subordinate prison officer or of any prisoner which may in any way come to his knowledge.

**Duty of all officers to prevent and report escapes and breaches of discipline:**

**Rule 1072.** (i) It shall be the duty of every officer to do all lawful acts which may be necessary, and to exercise the



utmost vigilance, for the purpose of preventing any prisoner from breaking out of prison or escaping or from creating any disturbance or riot, or from doing any other violent or disorderly act.

(ii) Every prison officer is required to take all lawful measures to prevent the commission of any prison offence and to enforce all rules, regulations and orders for the time being in force in regard to conduct and discipline of the prisoners and the administration of the prison. He is required to report, at the earliest opportunity, to superior authority every breach or attempted breach of discipline on the part of prisoners.

**Prohibition against entering cell at night:**

**Rule 1073.** No prison officer shall enter a cell or barrack occupied by any prisoner at night unless accompanied by another officer and then only in case of emergency.

**Application of rules to Asstt. Superintendents and others:**

**Rule 1074.** (i) The term subordinate officer means and includes every prison officer other than the Superintendent and the Medical Officer.

(ii) Unless there is something inconsistent with anything contained in any rule relating to any officer or class of officers, or repugnant to the subject or context, the rules relating to subordinate officers, generally hereinafter following shall be deemed to apply also to the Deputy Superintendents, Assistant Superintendents and all persons serving under the orders of the Superintendent and the Medical Officer.

**Certificate of fitness for employment:**

**Rule 1075.** (i) No candidate for employment as a Subordinate Officer shall be entertained, unless and until the Medical Officer of a prison or a Medical Superintendent certifies that he is medically fit.

(ii) Every prison officer shall be vaccinated on appointment and re-vaccinated whenever considered necessary.

**Appointment to be on probation:**

**Section 54 of the Prison Act to be read out: \_**

**Rule 1076.** (i) Unless in any case the appointing authority for any sufficient reason, otherwise directs, every person

appointed as a subordinate officer shall be deemed to have been so appointed on probation, and subject to confirmation in the event of his being found to be in every respect efficient and fit.

(ii) The prisons of section 54 of the Prisons Act. 1894, shall be read out and explained to every person appointed as a subordinate officer, whether temporarily or permanently, at the time of his appointment and he shall be required to affix his signature on a written acknowledgement that the provisions of this rule have been complied with.

(iii) Every warder on appointment shall enter into an agreement not to resign from service for two years.

**Conditions of service of subordinate officers:**

**Rule 1077.** (i) It shall be deemed to be a condition of the employment of every subordinate officer that he shall be liable, at the discretion of the Inspector General, to serve in any prison to which he may at any time be transferred or appointed, whether in the same or any other capacity.

(ii) Every member of the Warder establishment of a circle, shall be liable to serve at any place in or outside his Circle when required.

(iii) No subordinate officer shall be posted to a prison, other than a Central Prison, in his home district without the sanction of the Inspector General.

(iv) No person shall be employed as a subordinate Officer in any prison where any relation of his is confined as prisoner or employed as a subordinate officer, without the previous sanction of the Inspector General.

(v) It shall be the duty of every candidate for employment and of every subordinate officer to forthwith inform the Superintendent if he is in any way related to or connected with another officer employed in the same prison, or with any prisoner confined in that prison.

**Prohibition against employment of persons dismissed or punished criminally:**

**Rule 1078.** (i) Persons who have any time been dismissed from .Government Service shall not be employed in the Prison Deptt. without the special sanction of Government. The

Government shall be given a full statement of the facts relating to such dismissal.

(ii) Persons who have any time been convicted of any offence against the Criminal Law and punished with imprisonment or with whipping shall not be employed in the Prison Deptt. without the special sanction of the Inspector General.

(iii) Only persons of good conduct and respectable character shall be employed as prison officers.

**Candidates to disclose previous punishment:**

**Rule 1079.** (i) Before any person is temporarily or permanently appointed as prison officer, he shall be required to make a declaration that he has not at any time been dismissed from Government service or convicted of any offence and punished with imprisonment or whipping.

(ii) If any such person has been so dismissed or convicted and punished, he shall instead of making a declaration as aforesaid, make a full disclosure of the circumstances attending such dismissal or conviction and punishment, for the information and orders of the proper authority.

**Prohibition against business and pecuniary transactions:**

**Rule 1080.** (i) No prison officer shall directly or indirectly engage in any business or employment other than his legitimate duties.

(ii) No prison officer shall lend money to, or borrow money from, enter into any pecuniary transaction with, or incur any obligation in favour of any other officer or any prisoner.

**Residential quarters:**

**Rule 1081.** (i) Rent free residential quarters shall ordinarily be provided at such prison for the Deputy Superintendent, Assistant Superintendents, Assistant Medical Officer Dispensers, Assistants and Clerical Staff, Storekeepers Instructors, Teachers and the Warder establishment.

(ii) Every prison official for whom the residential quarters are not available at a prison shall reside within such distance of the prison as the Superintendent may direct.

### **Leave to Subordinate Officers:**

**Rule 1082.** (i) No subordinate officer shall, leave person at any time, without the permission of the Deputy Superintendent, if such officer is subordinate to him, and, in any other case, of the Superintendent, be absent from the prison premises, whether by day or night.

(ii) The Deputy Superintendent shall not, without the sanction of the Superintendent, grant leave of absence to any subordinate officer, or permit any such officer to remain absent, for any period exceeding four hours at anyone time.

(iii) Whenever any leave is granted by the Deputy Superintendent to any subordinate officer, he shall, at the time the leave is granted, record the fact, and the period of leave in his report book.

(iv) Every subordinate officer shall immediately on return from leave report the fact to the Deputy Superintendent who shall forthwith record his arrival in his report book.

(v) The Deputy Superintendent shall similarly record in his report book, all leave granted by the Superintendent and all reports made of return from leave.

### **Absence caused by illness or other unavoidable case:**

**Rule 1083.** Whenever any subordinate officer is at any time prevented by sudden illness or other unavoidable cause, from attending the prison or performing his duties, he shall forthwith give notice to the Superintendent alongwith his reasons for absence. The Superintendent shall then make suitable arrangements for the due performance of his duties.

### **Acquaintance with rules and regulations:**

**Rule 1084.** It shall be the duty of every officer to make himself thoroughly acquainted with the duties of his office and all rules and regulations. He shall discharge his duties with zeal, efficiency, honesty, alacrity and regularity.

### **Note Book:**

**Rule 1085.** Every subordinate officer shall keep a note book with him in which he shall record every order given to him by his superior officers.

**Subordinate Officers to render prompt obedience:**

**Rule 1086.** It shall be the duty of every subordinate officer at all times to render prompt and implicit obedience to every lawful order, given to him by a superior officer, with proper courtesy and respect.

**Prohibition against communicating with prisoners, their relatives and friends:**

**Rule 1087.** (i) No subordinate officer shall, otherwise than with the special permission of the Superintendent, at any time:-

- (a) correspond or communicate with any relative or friend of any prisoner;
  - (b) hold any unauthorised communication with any prisoner;
  - (c) correspond or communicate with any discharged prisoner ;  
or
  - (d) permit any discharged prisoner or any relative of am prisoner to visit or remain at his quarters.
- (ii) No subordinate officer shall at any time—
- (a) hold any unnecessary conversation with any prisoner;
  - (b) treat any prisoner with familiarity : or
  - (c) discuss any matter relating to the discipline Or regulations of the with or within the hearing of any prisoner.

**Uniforms:**

**Rule 1088.** (i) Every subordinate officer for whom uniform is prescribed shall wear such uniform at all times when on duty except the duty Assistant Superintendent during the night.

(ii) Every subordinate officer shall at all times and on all occasions be neat and clean in his dress and prison.

**Officers not to leave place of duty idle about or quarrel:**

**Rule 1089.** (i) Every subordinate officer when on duty, except when ordered by a superior officer to go elsewhere, shall not leave his beat or place of duty. Idleness or lounging about the prison premises is prohibited.

(ii) No subordinate officer shall at any time, while on duty, smoke, sing or talk loudly, or cook or eat his food, or do any act likely to distract him from his duty, or in any way conduct himself in an unseemly or disorderly manner.

(iii) All quarrelling or disputes between prison Officer is prohibited. Any disagreement between subordinate officers about any matter connected with their duties shall at once be referred to the Deputy Superintendent.

**Visitors of Subordinate Officers:**

**Rule 1090.** No subordinate officer shall at any time be permitted to receive any visitor inside the prison or while on duty outside the prison.

**Complaints:**

**Rule 1091.** (i) Any subordinate officer desiring to make any complaint of any kind shall do so in writing to the Superintendent within twenty-four hours of the occurrence of the cause of complaint.

(ii) The making of frivolous, vexatious or false complaints is prohibited.

**Combined action by Officers forbidden:**

**Rule 1092.** Subordinate officers are forbidden from taking part in any agitation for the redress of any grievance on suspend grievance, on for any other purpose whatsoever.

**Care and Custody of Keys:**

**Rule 1093.** (i) No subordinate officer who is at any time entrusted with any key shall, under any circumstances or any pretext whatsoever

- (a) take any key belonging to a lock in use for securing the custody of any prisoner out of the prison;
- (b) leave any such key lying about;
- (c) deliver any such key to any person other than a prison officer duly authorised to receive such key or to have the care or custody thereof; or
- (d) leave post of duty or the prison without delivering such key to the officer duly authorised to receive the same from him.

(ii) The Key of any cell, barrack, ward, godown, main gate or main gate wicket, shall not, under any circumstances or under any pretext, be at any time made over to any prisoner.

(iii) If any key is lost or mislaid, the lock shall at once be condemned and destroyed by the Superintendent. The Officer held responsible for the loss shall be liable to pay the cost of the lock.

(iv) Every warder shall keep the bunch of keys secured to his waist belt with a stout chain.

(v) Locks supplied to prisons shall not be provided with duplicate keys.

**Officers not to resign without Notice:**

**Rule 1094.** No subordinate officer shall, without the permission in writing of the Superintendent, resign or otherwise leave service, unless he has submitted a notice in writing for a period of not less than two months, of his intention to resign, and the period of such notice has expired.

**Prohibition against sleeping on duty or other irregularities:**

**Rule 1095.** No subordinate officer shall at any time:-

- (a) be in a state of intoxication;
- (b) sleep while on duty;
- (c) enter any enclosure reserved for women prisoners unless he is authorised to do so under the rules and is accompanied by a woman warder;
- (d) commit, or permit or abet the commission of any irregularity in the supply of distribution of food, clothing, or other articles to prisoners;
- (e) display cowardice in the discharge of his duties;
- (f) be guilty of any act of insubordination, disobedience, breach of discipline or neglect of duty ; or
- (g) mangle or render himself unable or unfit to discharge his duties.

**Grant of leave by whom sanctioned:**

**Rule 1096. (i)** Leave other than casual-leave, to Deputy Superintendents, Assistant Superintendents, Accounts and Clerical Staff Teacher, Inspectors and Dispensers, etc., shall be

sanctioned by the Inspector General but any officer to whom a certificate of sickness is granted by the Medical Officer, may be allowed to proceed on leave in anticipation of the sanction of the Inspector General.

(ii) In the case of others, the grant of all kinds of leave shall rest with the Superintendent.

(iii) Application for leave from officers mentioned in sub-rule (i) shall be submitted to the Inspector General one month before the date on which the leave is required.

**Communication of address during leave:**

**Rule 1097.** (i) Whenever a prison officer proceeds on leave or is absent from the station he shall leave his address at the prison office and keep it informed of any subsequent change of address.

(ii) Whenever a Superintendent proceeds on leave, he shall communicate his address to the Inspector General.

**Leave to warders:**

**Rule 1098.** *The* leave granted to warders shall be so arranged that not more than ten per cent of their sanctioned strength shall be absent from all cause at any one time. For this purpose warders shall be required to apply for leave one month before the date on which the leave is required.

**Superintendent may stop or cancel leave:**

**Rule 1099.** The Superintendent may stop all leave or recall any officer on leave (except in the case of leave on medical grounds) during the prevalence of unusual sickness in the prison or on the occurrence of any circumstances requiring his presence.

**Service Books:**

**Rule 1100.** (i) A service book shall be prepared for every non-gazetted officer on appointment (at his own expense), in which all changes of appointment, offences, punishments, leave, transfers, and changes of pay, shall be recorded under the signatures of the Superintendent. It shall be kept in the office of the prison to which the officer is attached. On transfer of an officer his service book, after recording necessary entries in it, shall be sent under registered cover without delay, to the



Superintendent of the prison to which he is transferred, On the resignation or discharge without fault of an officer except retirement on pension his service book may be given to him, after making an entry to this effect in his service book.

(ii) The entries on the opening page of service books shall be attested at least once in five years, and the signatures of the officers and the Superintendent taken on that page and dated.

(iii) Every step in the official life a Government servant must be recorded in his service book and each entry shall be attested by the Superintendent. The head of the office must see that all entries are duly made and attested and that the service book contains no erasure or overwriting. All corrections shall be neatly made and properly attested.

(iv) Every period of suspension from employment and every other interruption of service must be noted, with full details of duration, in any entry made across the page of the service book and must be attested by the attesting officer. It is the duty of the attesting officer to see that such entries are promptly made.

(v) Personal certificates of character shall not, unless the Head of Department directs, be recorded in a service book, but if a Government servant is reduced to a lower substantive post, the reason of the reduction shall be briefly shown. The Superintendent may, however, record his opinion about the work, conduct and integrity of each member of the Warder, establishment at the end of the year in his service book.

(vi) It is the duty of every Government servant to see that his service book is properly maintained as prescribed in sub-rule (iii), so that there may be no difficulty in verifying his service for pension. The Superintendent should permit an officer to examine his service book if he desires to do so.

#### **Character rolls and confidential reports:**

**Rule 1101.** (i) For every officer of the superior service except Warder establishment there shall be maintained in the office of Inspector General a character roll in the form of a personal life in which shall be incorporated the confidential reports from the Superintendents and the remarks recorded by the Inspector General. A statement shall be attached to the character roll showing all particulars regarding rewards punishments, transfers, leave and promotions etc.

(ii) Annual confidential reports on Deputy Superintendents, Assistant Superintendents. Accounts and Clerical Staff Teachers,

Dispensers and members of the Technical Staff, etc., shall be submitted by Superintendents to the Inspector General in January each year. The Superintendent, if he desires, may submit confidential reports at the time of his transfer or on the transfer of an Officer.

(iii) The Superintendent shall personally record his remarks in the confidential reports after careful consideration so that the character roll may be a genuine appraisal of the merits and work of the officer concerned.

(iv) Annual confidential reports on Superintendents of Prisons shall be initiated by the Inspector General.

(v) All adverse remarks shall be communicated by the Inspector General to the officer concerned in a personal letter.

**Increments:**

**Rule 1102.** *An increment shall ordinarily be drawn as a matter of course unless it is withheld as punishment. Rules in this behalf as laid down in the Civil Service Rules shall be followed.*

**Pay of Officer reduced to lower grade:**

**Rule 1103.** *When a Government servant is reduced as a penalty from a higher to a lower grade or post, he may be allowed to draw pay not exceeding maximum of the lower grade of post.*

(ii) If a Government servant, who has been reduced to a lower grade or post on account of misconduct or inefficiency, is subsequently promoted or reinstated, his previous service in the grade or post from which he was reduced will count for increments unless the authority promoting or reinstating him declares that it shall not count either in whole or in part.

**Half-yearly gradation list of Officers:**

**Rule 1104.** *A classified list of Superintendents Deputy Superintendents and Assistant Superintendents shall be prepared by the office of the Inspector General half-yearly for general information. Promotions and appointments shall be made, as far as possible, by merit and not by Seniority alone.*

**Application for pension or gratuity:**

**Rule 1105.** *(i) When an official is due to retire from service his pension papers, etc., shall be prepared by the prison to which he is attached six months before the date of retirement and sent to the sanctioning authority, together with his service book for necessary verification and for transmission to the Audit Office.*

(ii) If an officer intends to retire on qualifying or

superannuation pension the pension papers shall be prepared and submitted to the Audit Office six months before he intends to retire, but he shall not be permitted to retire, unless the Audit Office has verified the service.

(iii) The authority who makes the appointment is competent to sanction the pension as shown below:-

Sr No.	Appointment Authority	Establishment
1	Government	Superintendent and Deputy Superintendent
2	Inspector-General	Assistant Supdt, Accounts,, Clerical and Technical
3	Supdt, Head Quarter Prisoner	Chief warder,, Head Warder and Warder.

#### **Executive Staff Punishment and Appeal Rules:**

**Rule 1106.** The Executive Staff shall be governed by the Prisons Department Executive Staff Punishment and Appeal Rules, as given below. These shall apply to all subordinate officers, *i.e.* the Deputy Superintendents, Assistant Superintendents, Chief Warders, Head Warders, Warders and Women Warders: -

1. Every subordinate officer found to be guilty of any breach of any prison rules and regulations, neglect or violation of duty or other misconduct, shall be liable to any one or more of the penalties enumerated below: -

- (a) censure;
- (b) in the case of officers subject to discipline of a military nature; extra drill for one hour daily not exceeding seven days; confinement to barracks for a period not exceeding 15 days, extra guard or fatigue duty for a period not exceeding 7 days in a month; reduction on the gradation list up to five places;
- (c) stoppage of leave for any period;
- (d) entry of a black mark;
- (e) withholding of increments or promotion including stoppage at any efficiency for;
- (f) reduction to a lower post of time-scale or to a lower stage in a time-scale;

- (g) recovery from pay of the whole or part of any pecuniary loss caused to Government by negligence of orders;
- (h) suspension for any period not exceeding six months;
- (i) removal from service not disqualifying from further employment; or
- (j) dismissal from service which disqualifies from, future Government employment

Explanation.(i) The discharge • of a person during the period of probation, or on the expiry of the period of a temporary appointment, or on the termination of the period of a contract, does not amount to removal or dismissal within the meaning of this rule.

*Explanation.--(ii)* Removal may be inflicted for general unfitness for the duties of his office.

*Explanation.(iii)* Dismissal should only be inflicted for the gravest misconduct or of continued misconduct, indicating complete unfitness for service. A person who succeeds in obtaining employment by concealing his antecedents would also merit dismissal on discovery of the true fact. While inflicting the penalty regard should be paid to the length of service and claim to pension.

Explanation.--(iv) Departmental punishment is altogether distinct from punishment under the Criminal Law, and may be inflicted apart from any action taken under the latter.

*Explanation.*—(v) No subordinate officer shall be removed or dismissed except by order of the appointing authority.

*Explanation.*—(vi) The order of dismissal, removal or reduction of Warders, Head Warders and Chief Warders by a Superintendent shall be subject to the confirmation of the Superintendent of the Headquarter Prison.

2. (i) Penalties inflicted under heads (e) (f) and (h) sub-rule I shall also involve the entry of a black mark in the character roll, or service book of the officer concerned but not more than one black mark shall be awarded for any offence.

(ii) A subsequent commendatory entry in a character roll or service book made or approved by an officer not below the rank of the officer who awarded the punishment or continuous good conduct for a period of six months spent on duty from the date of entry of the last black mark, shall cancel one black mark for the purpose of clause (i) of this sub-rule. It shall be at the discretion of the officer awarding the commendatory entry to declare whether such entry shall cancel as outstanding black mark.

(iii) The existence of one or more uncanceled black marks shall ordinary bar all leave -other than sick leave or hospital leave.

(iv) The existence of three uncanceled black marks shall render the recipient liable to reduction in grade or postponement of an increment for one year. Such punishment shall cancel all existing black marks for the purpose of clause (iii) above.

(v) When the total number of uncanceled black-marks outstanding against a subordinate officer exceeds six, he shall be called upon to show cause why he should not be dismissed on the grounds of his persistent misconduct.

3. (i) The order awarding a penalty which involves a black mark shall specify the number of black marks outstanding against the officer and when the award of one more black mark will render him liable to reduction or dismissal, he shall be warned of the fact, and shall be supplied with a copy of such order.

(ii) Black marks shall take effect from the first of the month following the date of offence unless otherwise ordered.

(iii) In addition to the entry in the character roll or service book, the details of the offence for which a black mark is awarded, a record of all such black marks and of their cancellation shall be kept in a tabular form in the character roll or service book.

4. If, in the opinion of the Superintendent and Deputy Superintendent or Assistant Superintendent is guilty of an offence, which cannot be adequately punished by him, the Superintendent shall forthwith suspend such subordinate officer, and refer the case to the Inspector General for his orders.

5. When any subordinate officer is accused or suspected of having committed the offence and, after the Superintendent has made necessary enquiry and is of the opinion that a *prima facie* case against such officer has been made out and that the case cannot be adequately dealt with departmentally he shall forthwith suspend such officer and cause him to be brought before a Magistrate having jurisdiction to enquire into or try the case;

Provided that when any subordinate officer is accused or suspected of having committed any of the following offences, and a *prima facie* case against him, exists, a prosecution shall be instituted:-

- (a) willfully or negligently permitting a prisoner to escape or any other serious offence punishable under the Pakistan Penal Code;
- (b) any offence punishable under section 42 of the Prisons Act, 1894;
- (c) any breach of rule 1094 or clause (c) of rule 1095 of the Prison Rules, and
- (d) any breach of Sections 9 or 10 of the Prisons Act, 1894.

*Note.* A copy of judgment in the case of every subordinate officers sent up for judicial trial, shall be forwarded to the Inspector General,

6. Every subordinate officer who shall at any time be convicted of any serious offence by a Criminal Court shall, without prejudice to any other punishment to, which he may

be liable or subjected to be liable to be summarily dismissed from his office.

7. No subordinate officer who has been punished by a Criminal Court shall without sanction of the competent authority be retained in the prison service.

8. In enquiring into and passing orders upon charges against subordinate officers, in which, if proved, the punishment is likely to be under clause (a), (b), (c), (e), and (g), of sub-rule 1, it shall be sufficient for the Superintendent to record the name and office of the accused person, the nature of the offence and the final order passed.

9. (i) No order awarding a penalty specified in clauses (d) (f), (h), (i) and (j) of rule 1, shall be passed against a subordinate officer other than an order based on the facts found proved by a Criminal Court unless he has been informed in writing of the grounds on which it is proposed to take action, and has been afforded on adequate opportunity of defending himself. The grounds on which it is proposed to take action shall be reduced in the form of a definite charge or charges which shall be communicated to the person charged together with a statement of the allegations on which each charge is based and of any other circumstances which it is proposed to take into consideration in passing orders in the case. He shall be required within a reasonable time, to put in a written statement of his defence and to state whether he desires to be heard in person. If he is so desires, and if the authority so directs, an oral enquiry shall be held. At the enquiry oral evidence shall be heard as to such of the allegations as are not admitted and the person charged shall be entitled to cross-examine the witnesses in person and to have such witnesses called as he may wish provided that the officer conducting the enquiry may, for special and sufficient reasons to be recorded in writing, refuse to call a witness. The proceedings shall contain sufficient record of the evidence and the statement of the findings and the grounds thereof:

Provided that:-

(a) this sub-rule shall not apply where the person concerned has absconded, or where it is for other reasons, impracticable to communicate with him; and

(b) all or any of the provisions of this sub-rule may in exceptional cases, for special and sufficient reasons to be recorded in writing, be waived where there is a difficulty in observing exactly the requirements of this sub-rule and those requirements may be waived with out injustice to the person charged.

(ii) No subordinate officer who is called upon to produce his defence for the charges framed against him, shall be allowed to engage a counsel:

Provided that if the charge or charges are likely to result in the dismissal of a subordinate officer such officer, may, with the sanction of the enquiring officer, be represented by counsel:

Provided further that if in an enquiry, counsel is engaged on behalf of Government, a subordinate officer against whom the charges are being enquired into, shall be entitled to engage counsel.

(iii) At any time after hearing the evidence in support of the charge, the Superintendent may, if he is of the opinion that *prima fade* case has been made out, suspend the accused officer from his office.

(iv) When time is given to the accused person to prepare his defence, the Superintendent shall furnish the accused person with a written order to file a written statement of his defence within the time allowed.

(v) In the case of Deputy Superintendent or an Assistant Superintendent, the Superintendent shall, after complying with the above provisions submit the record of the case for the orders of the Inspector General and in other cases, he shall pass the final orders himself.

(vi) When any subordinate officer is dismissed he shall, without undue delay, be supplied with a copy of the final orders passed, but shall not be supplied with any record of the proceedings.

(vii) (a) No subordinate officer shall be dismissed, removed or reduced in rank until he has been given reasonable opportunity of showing cause against the action proposed to be taken against him. Unless such penalty is imposed on the



ground of conduct which has led to his conviction on a criminal charge, or unless the authority empowered to impose such punishment is satisfied for reasons to be recorded in writing, that to allow any opportunity as aforesaid is not reasonably practicable in the particular case.

(b) In the case of dismissal, removal or reduction of chief warders, head warders and warders by the orders of a Superintendent, the confirmation of the order by the Superintendent of the Headquarters Prison is necessary.

10. A subordinate should be put upon his formal defence on a reputation for dishonesty recorded by a succession of his superiors. Departmental punishment may be awarded unless the official can give such an explanation of his bad reputation as may avoid the conclusion that he has been habitually corrupt even though no specific instance of corruption be proved against him. The charge will take the form of a statement quoting the opinion of the officers who have recorded that the accused has a reputation for dishonesty and calling upon him to show cause why he should not be removed from service or subjected to departmental discipline by reason of such reputation.

11. (i) Every subordinate officer who is at any time suspended from his office for any period, shall forthwith vacate the quarters allotted to him at the prison and quit the premises, and shall not return until the expiry of the period of his suspension.

(ii) Every subordinate officer who is at any time permanently removed or dismissed from his office, shall forthwith vacate the quarters allotted to him at the prison and quit the premises. In case of default, he may, if the Superintendent so directs, be forthwith removed therefrom by any officer authorised by the Superintendent in this behalf.

(iii) A subordinate officer who is suspended from office by the Superintendent pending a reference to and the orders of the Inspector General may, at the discretion of the Superintendent, either be permitted to continue to occupy the quarters allotted to him at the prison or be required to vacate the same and quit the premises.

(iv) No subordinate officer who has been removed or dismissed and no subordinate officer who has been suspended shall at any time during the period of suspension, without the sanction of the Superintendent, be permitted on any pretext, to enter the prison.

*Note.*—The descriptive roll of every warder punished with dismissal shall be circulated to all Superintendents of Headquarters

Prisons for information and record.

12., Subject to any special directions laid down by Government in regard to the punishment of a particular class of subordinate Officers, the final authority in regard to punishments shall be the authority as laid down in the Prisons Department Delegation of Powers Rules, 1962.

#### NOTIFICATION

**No, PRS-I (M) 6/78.**—In exercise of the powers conferred on him under Section 59(12) of the Prisons Act. 1894 (XI of 1894), and in partial modification of the West Pakistan Prisons Department Delegation of Powers Rules, 1962, the Governor of the Punjab is pleased to direct that in Rule 1106 of the Pakistan Prisons Rules (1978 Edition) the following amendments shall be made, namely:-

*Amendment--In the Prisons Department Executive Staff Punishment and Appeal Rules:-*

- (a) Notwithstanding any provisions to the contrary contained in any rules for the time being in force in the Province, of the Punjab or any part thereof, the authorities for the purposes of appointment, punishment appeals, transfer and controlling T.A. in respect of each person holding post mentioned in column 2 of the Schedule annexed herewith shall be such as are specified against the post of such person in Column 3 to 9 of the said Schedule.
- (b) Any authority empowered under these rules to impose penalties on the holder of a post shall be competent to impose such penalties on every person holding such post whether such person was appointed by such Authority or not. [please see schedule ii of the notification]

*By order of the Governor of the Punjab*

MOHAMMAD HAYATULLAH KHAN

SUMBAL

Home Secretary Government of the Punjab

Dated, 8th January, 1981

**SCHEDULE I & II**

Serial No.	Name of the Post	Appointing Authority	Authority competent to reduce in rank, remove or dismiss	Authority competent to award other punishment	Appellate Authority in case of reduction in rank or removal or dismissal	Appellate Authority in respect of other punishment	Transferring Authority	Controlling Authority in respect of T.A.
1.	Deputy Superintendent Jail	Government	Government	IG Prisons	-	Government	IG Prisons	IG Prisons
2.	Assistant Superintendent Jail	IG Prisons	IG Prisons	Superintendent Jail	Government	D.I.G Prisons	D.I.G Prisons	Supdt. Jail
3.	Chief Warders	Supdt. H.Q. Jails	Supdt. H.Q. Jails	Supdt. Jail	D.I.G Prisons	D.I.G Prisons	Supdt. H.Q. Jail	Supdt. Jail
4.	Headwarder, headwomen Warders, warders and women warders	Supdt. H.Q. Jails	Supdt. H.Q. Jails	Supdt. Jail	D.I.G Prisons	D.I.G Prisons	Supdt. H.Q. Jail	Supdt. Jail

(G.M. JAVAJAH)  
Under Secretary Prisons-I  
Home Department



13. (i) A subordinate officer shall be entitled to appeal to the next superior authority against an order, except against an order of the Government:-

- (a) Imposing upon him any of the penalties specified in sub-rule 1;
- (b) discharging him in accordance with the terms of his contract, if he has been engaged on a contract for a definite or for an indefinite period and has rendered under either form of contract continuous service from of a period exceeding five years at the time when his services are terminated;
- (c) reducing or withholding the maximum pension admissible to him under the rules governing pensions,
- (d) altering or interpreting to his disadvantage a rule by which his conditions of service are regulated; or
- (e) terminating his appointment otherwise than upon reaching the age fixed for superannuation.

(ii) After an appeal or the second appeal provided in clause (vi), if any, has been rejected, the subordinate officer concerned may apply for revision to the Government:

Provided that the power of revision shall be exercised only:-

- (a) if the appellate authority is one other than Government; and
- (b) only on the ground of material irregularity in the proceedings of the enquiring or appellate authority or on the discovery of new and important matter or evidence which after the exercise of due diligence was not within the knowledge of the petitioner or could not be produced by him when the orders were made against him or on account of some mistake or error apparent on the fact of the record:

Provided further that Government may at any time revise any order passed by it in exercise of its appellate powers under these rules.

(iii) In the case of an appeal against an order imposing any penalty specified; in sub-rule 1, the appellate authority shall consider:-

- (a) whether the facts on which the order was based have been

established:

- (b) whether the facts established afforded sufficient grounds for taking action; and
- (c) whether the penalty is excessive, adequate or inadequate,

and after such consideration shall pass such order as it thinks proper, either confirming the order appealed against or remitting, reducing or increasing the penalty:

Provided that no penalty shall be increased unless opportunity is given to the official concerned to show cause why such penalty should not be increased.

(iv) An authority from whose order an appeal is preferred under these rules, shall give effect to any order made by the appellate authority.

(v) Government or the Inspector General may call for and examine the records of any case in which a subordinate authority has imposed any of the penalties specified in sub-rule 1 or has decided that no penalty should be imposed and after making further investigation if necessary, confirm, remit or reduce or subject to the provisions of clause (iv), increase the penalty or subject to the provisions of sub-rule 9 impose any of the penalties specified in sub-rule 1.

(vi) In all cases in which an appellate authority other than Government increase the penalty imposed by the punishing authority upon a subordinate officer, such officer shall be entitled to prefer a second appeal to Government.

(vii) Every subordinate officer preferring an appeal shall do so separately and in his own name.

(viii) Every appeal preferred under these rules shall contain all material statements and arguments relied on by the appellant, shall contain no disrespectful or improper language and shall be complete in itself and every such appeal shall be submitted through the Superintendent of the prison to which ,

the appellant belongs or belonged and through the authority from whose order the appeal is preferred.

(ix) An appeal or application for mercy may be withheld by an authority subordinate to Government, if:-

- (a) it is an appeal in a case which under these rules no appeal lies, '
- (b) it does not comply with the provisions of clause (viii),
- (c) it is not preferred within six months after the date on which the appellant was informed of the order appealed against and no reasonable cause is shown for the delay or,
- (d) it is a repetition of a previous appeal and is made to the same appellate authority by which such appeal was decided and no new facts or circumstances are adduced which afford grounds for a reconsideration of the case:-

Provided that in every case in which appeal is withheld, the appellant shall be informed of the fact and the reasons for it;

Provided further that an appeal withheld on account of only failure to comply with the provisions of clause (viii) may be resubmitted at any time within one month of the date on which the appellant has been informed of the withholding of the appeal, and, if resubmitted in a form which complies with these provisions, shall not be withheld.

(x) No appeal shall lie against an order withholding an appeal passed by a competent authority or against an order of transfer.

(ix) An appellate authority may call for the records of any appeal withheld by an authority subordinate to it, which under these rules may be made to it and may pass such order thereon as it considers fit.

*Explanation.*--The appeal should be forwarded within ten days of its receipt by the Superintendent and appellant informed of its despatch.

14. (i) Any person affected by an order passed by the Superintendent and who desires to appeal to the Inspector

General may apply to the Superintendent for a copy of the order in question. It shall be the duty of the Superintendent to supply such person with a correct copy of the order passed without undue delay.

(ii) No appeal will be heard by the Inspector General unless it is accompanied by a copy of the order appealed against duly attested by the Superintendent, or a reasonable explanation of the absence of such copy.

15. If any subordinate officer makes any appeal which in the opinion of the Inspector General, is frivolous, vexatious and false, or submits a subsequent appeal when a former appeal has been disposed of by the Inspector General and the subsequent appeal discloses no new or important matter which has not been considered by the Inspector General in disposing of the former appeal, such subordinate officer shall be deemed to have committed an act of insubordination within the meaning of clause (f) of rule 1095 of the Prison Rules.

**Discipline punishments and appeal of other staff:**

**Rule 1107.** In matters relating to discipline, punishments and appeals, all other members of the establishment excepting those specified in the preceding rule shall be governed by the Civil Services Rules of the Province.

**Powers regarding subordinate officers:**

**Rule 1108.** All officers of a prison shall obey the directions of the Superintendent; all officers subordinate to the Deputy Superintendent shall perform such duties as may be imposed on them by the Deputy Superintendent with the sanction of the Superintendent or be prescribed by rules of the Prison Rules.

**Suspension, removal and dismissal of Subordinate Officers:**

**Rule 1109.** No member of a subordinate service shall be removed or dismissed except by order of the authority which appointed such member. If in the opinion of the Superintendent any of the subordinate officers is guilty of an offence which cannot be adequately punished by him, the Superintendent shall forthwith, suspend such officer pending reference to and the orders of the Inspector General.



## CHAPTER-45

### *Warder Establishment:*

#### **Warder establishment organised in circles: \_**

**Rule 1110.** (i) For the purpose of the appointment, transfer and promotion of warders and the better organization of the warder establishment of the Province, prisons may be grouped into one or more circles, according to the number of prisons in the Province. Each circle shall be under the charge of a Superintendent, who will be designated as Superintendent, Headquarters, Prison, for the purpose of appointments under these rules.

(ii) The management of the warder establishment of prison shall, for the purpose of appointments transfers and promotion etc., rest with the Superintendent of the Headquarters, Prison of the circle to which such prison is attached.

(iii) The Inspector General may, at any time transfer any prison from one circle to another or create additional circles.

(iv) Women's Prison shall be the Headquarters Prison for all the women warders of the Province.

#### **Circle cadre of warder establishment:**

**Rule 1111.**(i) The warder establishment shall consist of circle cadres, members of one cadre not being eligible save as provided in rule 1115 for appointment to a post in any other cadre. Such establishment shall comprise the posts of Chief warders, head warders, warders and such other posts in the Department as may be determined by Government from time to time.

#### **Permanent strength:**

**Rule 1112.** (i) The permanent strength of the warder establishment shall be allocated to each prison by the Inspector General and may be revised by him if and when necessary.

(ii) [The strength of head Warders shall be calculated on the basis of one for every ten Warders,]

**Requirement for establishment in the warder guard:**

**Rule 1113.** (i) Men for warder establishment shall be recruited from division in which the Headquarter Prison is located.

(ii) The minimum height of accepted candidates for establishment shall be 1 Metre and 70 Cm. and the minimum width of chest. 78 Cm. Candidates shall have normal vision in both eyes without glasses, be physically fit in all respects for prison services and not be under twenty one years or more than twenty five years of age.

**<sup>2</sup>Punjab Amendment:** In rule 1113, for sub-rule (ii) the following shall be substituted:-

"(ii) The minimum height of accepted candidates for enlistment shall be 1 Metre and 70 Cm. And the minimum girth of chest. 78 Cm. Candidates shall have normal vision in both eyes without glasses, be physically fit in all respects for prison services and not be under twenty one years or more than twenty five years of age."

*Notified No. 3/23 SO Prs-U-HD/SI, dt.29.12.1981*

(iii) As far as possible the warder guard shall be recruited from pensioned or released soldiers of the Defence Services. The candidates must have good character in their discharge certificates. In the case of ex service personal, men over the age of 35 years shall not be appointed.

(iv) No person shall be appointed as a warder unless he possesses the educational certificate of Middle Standard from a recognised School or Board.

*Explanation.*--Inspector General of prisons is empowered to relax the above conditions to suit local conditions by a general or special order,

**Occurrence of a permanent vacancy:**

**Rule 1114.** (i) When a permanent vacancy occurs in any prison the Superintendent shall report the fact at once to the Superintendent of the Headquarters Prison, who will arrange to fill the vacancy.

(ii) Selection of permanent warders shall be made by a Committee consisting of the Superintendent of the Headquarters Prisons and a Senior Superintendent of the same circle. The Superintendent of the Headquarters Prison shall call for a committee once in a quarter and oftener, if necessary.

(iii) Every newly appointed warder shall be placed on probation

of two years from the date of appointment. On completion of satisfactory probationary period, he will be confirmed in his appointment by the Superintendent of the Head-quarters Prison.

**Warders liability to serve outside the circle:**

**Rule 1115.** At the time of appointment every warder shall be informed that he is liable to serve at any prison in the Province.

**Headquarters Prison to maintain list of approved candidates:**

**Rule 1116.** (i) The Headquarters Prison shall maintain a list of approved candidates suitable in every respect for appointment as warders. A description roll of each candidate showing his name, father's name, caste, age, height, chest measurement, physical fitness, identification marks, thumb impression, residence, education and Military service, etc., shall be kept by the Headquarters Prison. The applicant shall be intimated the fact of his acceptance and pending his being called on to fill a permanent vacancy, should be employed in any temporary vacancy which may occur in the affiliated prisons. Ordinarily the affiliated prisons shall not employ any temporary warders themselves. These temporary warders will be considered for selection of permanent posts if their word and conduct has been satisfactory.

(ii) The characters and antecedents of candidates shall be verified through the Police Department before employment.

**Conditions as to the prison to which posted:**

**Rule 1117.** No warder shall be posted to a prison in his home district or in a district in which he has been long resident. Warders shall not ordinarily be allowed to remain at a Central Prison for more than three years or over two years at other prisons.

**Warders to be vaccinated:**

**Rule 1118.** All warders shall be vaccinated immediately on appointment and revaccinated whenever considered necessary.

**Gradation list:**

**Rule 1119.** At each Headquarters Prison, a gradation list showing the seniority and other particulars, etc., of all the warders in the circle, shall be maintained. All permanent warders will be shown in this list according to their categories. Each warder will be allotted a serial number on permanent appointment which shall be his personal number. Seniority will count from the date of appointment in a permanent vacancy. -

**Service register and service sheet. Monthly statement of offences and punishments:**

**Rule 1120.** (i) A service register shall be maintained at the Headquarters Prison of each circle, containing the particulars of appointment, promotion, home district, places in which service has been passed, rewards, offences, punishments and leave with the dates in each case, of every warder in the circle.

(ii) The Superintendent of each prison in the circle shall send to the Superintendent of the Headquarters Prison by the 10th of each month, a complete and correct copy of the entries in the warders service books for the preceding month for record in the service register of the circle.

(iii) In the same statement shall be shown the offences committed by and the punishment awarded to the warders.

*Explanation.*— Temporary warders who have been punished shall not be shown in the list and warders officiating as head-warders should be shown in their substantive grades.

**Promotion of warders:**

**Rule 1121.** (i) The Superintendent of each Headquarters Prison shall, subject to the general control of the Inspector General, promote warders to head-warders and head-warders to chief warders. All promotions shall be made by selection on merit. When the Superintendent promotes a warder otherwise than by seniority on the gradation list, he shall report the circumstances to the Inspector General for his sanction.

(ii) No warders shall be promoted as head-warder and a head-warder as chief warder unless these official shall have successfully undergone the promotion course for each cadre organised at the Training Institutes.

(iii) Illiterate warders shall not be promoted to any capacity whether temporary or permanent.

(iv) Warders who have completed 5 years service or Matriculate warders or warders with conspicuous prison service who have completed 3 years service, have not received any punishment during the last two years, are efficient in drill and are markmen shall be eligible for promotion.

(v) Warders showing exceptional gallantry in prison service may, however, be promoted irrespective of other qualifications with the prior sanction of the Inspector General.

**When a warder gets leave or is suspended:**

**Rule 1122.** When a warder is granted leave or suspended, the Superintendent of the prison to which the warder is at the time attached shall make his own arrangements for carrying on the work of the absence.

**Warders on transfer to be relieved on fix date:**

**Rule 1123.** Superintendent of Headquarters Prison, when ordering transfer of warders, shall fix the date on which the warders concerned shall be relieved, allowing sufficient time for his instructions to be received and acted upon. The warders shall be relieved on the dates fixed unless it is not practicable on account of sickness or some equally important reason, in which case the warders should be relieved at the earliest and intimation shall be sent to the Superintendent of the Headquarters Prison. No casual or other leave shall be granted to any warder who is under orders of transfer.

**When a Superintendent exceeds his powers of punishment:**

**Rule 1124.** The Superintendent of a Headquarters Prison has no power to revise or modify any punishment awarded by a Superintendent of any other prison, but if a Superintendent exceed his powers he shall draw his attention to the fact with a view to a revision of the punishment. Any difference of opinion shall be referred to the Inspector General.

**Separate accommodation for warder:**

**Rule 1125.** *{i}* All head warders and seventy-five per cent of the warders shall be provided with family quarters. The rest shall be accommodated in single warders barracks.

(ii) Single warders barracks shall be provided with electric lights and fans or lamps and kerosene oil at State expense. The quantity of oil issued for these lamps will be the same as for lanterns for prisoner barracks.

**Messing system for warders:**

**Rule 1126.** In all Central and first class District Prisons a messing system for warden shall be provided. Initial expenditure on kitchen utensils shall be incurred by Government and a cook shall be entertained at Government expense. All single warders shall have their meals in this mess.

**Transfer of warders from one circle to another:**

**Rule 1127.** Transfer of warders from one circle to another shall be made only for special reasons, under the orders of the Inspector General. Mutual interchange may, however, be allowed by the Inspector General with the consent of the Superintendent of the both the Headquarters Prison and the parties concerned at their own expense. Such warders will be placed on the gradation list according to the dates of their appointment.

**Re-employment after leaving service:**

**Rule 1128.** No warder who has left the prison service shall be again entertained without the sanction of the Inspector General.

**Military training of warders**

**Rule 1129.** Every warder shall be required from time to time to undergo instruction and practice in the nature of military- training necessary to acquaint him and keep him acquainted with squad and company drill and to render him thoroughly efficient in the use of the arms prescribed for warders.

**Punjab Amendment:**

**Training of warder establishment:**

**[Rule 1129.** Every warder/head warder shall be provided training for four months on his induction into service in the duties of his office and rules and regulations. A copy of Pakistan prison Rules in Urdu shall be supplied to him at subsidized rates. The training shall also ensure proficiency in drill and in the use of arms.]

**Military discipline of warders:**

**Rule 1130.** Warders shall be subject to discipline of a military nature necessary for the efficient discharge of all duties and functions for the protection and management of the prison.

**Hours of duty:**

**Rule 1131.**--*The hours of duty of warder shall not ordinarily exceed on an average nine hours on any one day. This includes half an hour's drill.*

**Temporary warders in emergencies:**

**Rule 1132.** (i) When, for any sufficient reason, it is necessary to entertain warders in excess of the sanctioned strength and the matter is so urgent that the previous sanction of the Inspector General cannot be obtained. The Superintendent may in anticipation of sanction, entertain such number of additional warders as may be necessary, but an immediate reference shall be made to the Inspector General.

(ii) Temporary warders must conform to the standard laid down in rule 1113 of these Rules. Very exceptional cases, if any, should be referred to Inspector General for relaxation.

(iii) The character and antecedents of temporary warders shall be verified through the Police prior to employment.

(iv) Only those person shall be entertained as temporary warders who are considered fit for confirmation in due course.

**Pay of temporary warders. Sanction to their entertainment:**

**Rule 1133.**--(i) Extra warders entertained under the provisions of the preceding rule shall receive the pay of newly enlisted warders.

(ii) When applying for sanction to the Inspector General the number of men entertained, the period for which required, the reasons for entertaining them shall be stated.

(iii) Temporary Warders shall not be entered in the gradation list. If they are up to standard, possess the necessary qualifications for enlistment, and their work and conduct has been satisfactory, they may be put up for selection in the permanent establishment.

**Rewards:**

**Rule 1134.** (i) The Inspector General may grant cash rewards not exceeding Rs. 100 in any case to a chief warder, a head warder or warder for special services as for example:-

(a) Bravery in preventing an escape or disturbance, etc.

- (b) Special skill or energy in recapturing a runaway when the escape is not due to the negligence of the warder or head warder proposed for reward.
- (c) Securing the highest number of marks in the annual musketry practice.
- (d) Rendering valuable assistance in the management of the prison.
- (e) Furnishing information leading to the discovery of stolen Government property, or giving information about plots of escape or mutiny, etc.
- (f) Exceptional devotion to duty or courage
- (g) Special care of uniform, arms and equipment.
- (h) Gardening.
- (i) Other miscellaneous services.

(ii) The Inspector General may grant a reward not exceeding Rs. 100 to any person other than an officer of Prisons Department who furnishes valuable information, e.g., about stolen Government property, misconduct of warders etc.

**Regulation of duties of warder guard:**

**Rule 1135.** The general duties of watch and ward, the posting and duties of guards and sentries, the fixing of their periods of duty and their strength, and all matters relating to the protection of prisoners and the prison and the duties of warders and like, shall be regulated by the Superintendent in accordance with the orders of the Inspector General. In emergent cases or matters about which no provision has been made in any such order the Superintendent shall use his own discretion.

**Assignment of duties of head warders:**

**Rule 1136.** (i) The Superintendent or the Deputy Superintendent may direct any head-warder or warder to perform any duty in any part of the day or night. Duties shall ordinarily be assigned on the first day of every month and shall as far as possible be changed monthly and may be changed oftener, if considered necessary.

(ii) Every head-warder or warder shall comply with the orders of all officers superior to him in rank.

**Uniforms, arms and accoutrements:**

**Rule 1137.** (i) When on duty, all head-warders and warders, shall wear their uniform and shall not sit or lie down. They shall keep their uniforms, arms and accoutrements clean and in good



order.

(ii) The chief warden in Central and first class District Prisons and the senior head warden on duty in other prisons shall be responsible for the appearance and discipline of the head-warder and warders working under them and shall report any head-warder or warden found to be black or improperly dressed whilst on duty.

**Duties of chief warden and senior head warders:**

**Rule 1138.** The chief warden in Central and first District Prisons and the senior head-warder in other prison shall:-

- (a) post the warders under the orders of the Deputy 1 Superintendent explaining to each warden the duties and responsibilities of his post and supervise the warders on duty;
- (b) assist the Deputy Superintendent at unlock midday count and lock-up and in the distribution of various parties in the morning and their collection in the evening and the maintenance of attendance register;
- (c) visit and count at uncertain hours all parties working inside the prison, and forthwith report to the Deputy Superintendent any unusual occurrence;
- (d) visit the main wall and satisfy himself that the convict officers on the main wall duty are present at their posts and are on the alert;
- (e) supervise the distribution of food and the conservancy arrangements;
- (f) cause all gratings, door or other openings of enclosures and barracks in which prisoners are confined to be secured and satisfy himself by personal inspection that they are secure;
- (g) pay surprise visits to all outside parties and visit them at least once daily; and
- (h) be responsible for the general cleanliness of the warders line, and see that all warders live in the quarters provided for them. He shall report warders who absent themselves without leave, or who permit, released prisoners or friends and relatives of prisoners to remain in or to visit their quarters.

**Duties of Head-warders:**

**Rule 1139.** It shall be the duty of every head-warder to:-

- (a) superintend the warders subordinate to him in the discharge of their duties;
- (b) assist in every possible way in the management of the prison, the prevention of escapes and the maintenance of order and discipline generally amongst subordinate officers and prisoners. ,
- (c) comply with the requirement of all rules, regulations, and orders about the duties he is to perform and the manner in which he is to perform them;
- (d) assist the Deputy Superintendent in all routine duties;
- (e) open the cells barracks and other compartments each morning and count the prisoners;
- (f) distribute the prisoners, who are liable to labour to their work parties each morning;
- (g) cause the name and prison number of every prisoner placed incharge of any warder to be entered in the attendance register;
- (h) issue all necessary tools ; raw materials and other articles required for the days work and to keep a record of all articles issued;
- (i) collect all such articles together with the produce of the prisoners' in the evening;
- (j) satisfy himself that all articles issued have been duly returned to him labour or accounted for;
- (k) measure or check the task performed by each prisoner and note the same in the task sheet;
- (l) supervise the use of latrines, bathrooms and the distribution of meals;
- (m) check the prisoners at each change of guard;
- (n) check air gratings, locks, bolts and the like daily and , satisfy himself that they are secure;
- (o) keep all the buildings under his charge neat and clean and in proper state of repair;
- (p) cause all bamboos, scantlings, poles, ladders, ropes, well gear and other articles likely to facilitate escape to be removed and kept in a safe place, beyond reach of

prisoners;

- (q) keep constantly moving about while on day duty amongst the prisoners supervising the work and discipline of the prison and keeping the warders and convict officers on the alert;
- (r) in the presence of the Assistant Superintendent to count, search and lock the prisoners in cells, barracks, . etc., at the prescribed time, each evening; and.
- (s) give the warders half an hour's drill daily.

**Duties of head-warders on relieving guard:**

**Rule 1140.** (i) No head-warder or warder shall leave his post of duty until he has been duly relieved and his responsibility shall continue till he is relieved.

(ii) The senior head-warder shall, at least ten minutes before the hour fixed for relieving the guard on duty, collect the warders of the relieving guard in the main gate. At the proper time he shall march the relieving guard to their respective posts, and remove the guard to be relieved. The relief shall be carried out with military precision.

(iii) No relief whether by day or night shall be effected otherwise than in the presence of both the relieved and the relieving officers and also the senior head warder carrying out the relief. Such head-warder shall satisfy himself that the party is complete and corresponds with the number in the attendance register.

(iv) Warders whether going on or off duty shall be marched in double file. When the relief is complete, the relieved head-warder shall march the relieved warders to the main gate.

**Periods of duty. Drill Arrangement of duties:**

**Rule 1141.** (i) Every head-warder shall ordinarily be on duty for six hours daily, exclusive of the period spent on night duty, drill, at unlocking and locking up.

(ii) Every head-warder shall attend such drills, and parades for instruction in drill, maneuvering, practice in the use of arms and other matters in the nature of military training as the Superintendent may prescribe.

(iii) The periods of duty shall be so arranged that head-warder shall be present at every relief of warders from duty of any kind throughout the day and night.

**Remission of drill to head-warders:**

**Rule 1142.** Every head-warder shall attend drill parade daily until he is qualified to drill the warders, when he shall not, except as a punishment, be required to attend more than a week.

**Relieving guard over women prisoners:**

**Rule 1143.** The head-warder in charge of women's enclosure shall, at each change of guard, ascertain from the women warder without entering the women's enclosure, that the count is correct and all is well.

**Custody of keys:**

**Rule 1144.** (i) The keys of the prison shall, when not used, be kept in a locked chest in the main-gate. The key of this chest shall be kept in the custody of the gate-keeper.

(ii) Any keys which any officer may have to carry about his person, while on duty, shall be attached to him person by means of a stout chain.

**Duties of head-warder incharge of armoury:**

**Rule 1145.** *The* duties of the head-warder incharge of the armoury shall be to—

- (a) give each warder (except those who are except) half an hour's drill daily and report warders who are absent;
- (b) give effect to any punishment drill ordered by the Superintendent;
- (c) inspect daily all arms, accoutrements and see that they are kept clear, and fit for immediate use;
- (d) take charge of the armoury, ammunition and spare accoutrements keep the key of the armoury in his possession, see that the ammunition is kept dry and in good order, and that ten rounds of ammunition are always kept ready for use for each rifle;
- (e) satisfy himself that each sentry knows and understands the duties of his post;
- (f) keep note of ammunition in stock, received and expended;
- (g) see that torches and the like required for use at night in case of alarm are always kept ready and in j serviceable condition ; and
- (h) report to the Superintendent daily on his arrival that arms

and ammunition are in good order and fit for use and any other matter or importance that has come to his knowledge.

**Assignment of duties of warder:**

**Rule 1146.** (i) Each warder shall have specific duties assigned to him by the Superintendent or Deputy Superintendent such charge of barracks, work-shops, or a party of prisoners either inside or outside the prison. The posts and duties shall ordinarily be changed on the first day of every month or after if necessary, to prevent them establishing relations with the prisoners.

(ii) The more important duties shall be entrusted to the senior and experienced warders; junior warder being placed in less responsible charges.

**General duties:**

**Rule 1147.** It shall be the duty of every warder at all times to:-

- (a) render all assistance in his power in the management of the prison, the maintenance of order and discipline amongst warders and prisoners, the guarding and defending of the prison and all persons and property kept therein or belonging thereto against the use of criminal force by any person;
- (b) obey the orders of all officers superior to him in rank;
- (c) comply with all rules, regulations and orders regulating the duties which he is to perform and the manner in which he is to perform them;
- (d) take proper care of all property of what ever kinds in his charge and duty to account for the same when called upon to do so; and
- (e) be at all times in state of readiness to turn out immediately accoutred and armed, whenever called to do so or when an alarm is raised, and do all lawful acts-to prevent escapes and disturbances, etc.

**Detailed duties:**

**Rule 1148.** It shall be the duty of every warder:-

- (a) not to take off any portion of his uniform or lie or sit

down while on duty;

- (b) to know the number of prisoners in his charge, to count them frequently during his hours of duty and to satisfy himself that he has in his custody, not only the correct number, but also the particulars prisons for whom he is responsible;
- (c) to search the prisoners as well as the factories, and barracks in which they are confined at the time of receiving and making over charge;
- (d) to report every prisoner whom he considers to have committed a prison offence;
- (e) to see that any prisoner who has to go to the latrine at unauthorised times, is made over to the charge of a responsible officer whilst away from the Party;
- (f) to maintain scrupulous cleanliness in the buildings in his charge and see that the drains are clean and kept free from silt;
- (g) to bring to the notice of the Assistant Superintendent and junior Medical Officer any prisoner appearing to be ill or complaining of illness;
- (h) to report any plots for escape, assault, out-break, or for obtaining prohibited articles;
- (i) to give an immediate alarm by blowing, his whistle if a prisoner is missing, or if any disturbance appears imminent or takes place;
- (j) to prepare^ prisoners for parades and see that each prisoner takes his place in proper order and behaves well; and
- (k) to keep his arms and accoutrements, clean, in good order and fit for immediate use.

**No warder to leave his post:**

**Rule 1149.** No warder shall, while on duty, at any times, under any circumstances, on any pretext, leave his post or absent himself from duty until relieved in due course and released from duty:

Provided that he may leave his beat to prevent an escape or to assist in sub-during a disturbance taking place within his sight when he is on main-wall duty or when he is incharge of

prisoners, if he can do so without serious risk to the custody of his prisoners.

**Duties on being relieved:**

**Rule 1150.** A warden on being relieved shall explain to his successor what the duties of the charge are and shall bring to the notice any long-termed and dangerous prisoners. The relieving warden shall, before taking charge, satisfy himself that the property and the number of prisoners made over to him are correct.

**Arm for warders:**

**Rule 1151.** Every warden shall be provided with a rifle and ammunition. All arms and ammunition shall, when not in actual use, be securely kept in the armoury.

**Main-gate sentry:**

**Rule 1152.** (i) [Two sentries] shall be posted at the main-gate day and night.

(ii) During the day the two sentries at the main-gate shall be posted immediately outside the gate and carry his rifle with fixed bayonet. The rifle shall not be loaded but 12 rounds of ammunition (a packet of 10 and 2 loose cartridges) shall be kept in the pouch, which shall be brought round to the front of the belt, the flap being left unbuttoned.

(iii) During the night the sentry at the main-gate shall be posted between the gates from lock-up to unlocking, and shall similarly be in possession of 12 rounds of ammunition.

**The main gate picket:**

**[Rule 1153.-(i)** [Three Wess] and one senior warden [one Head Warden] shall form the main gate picket. They

should be specially selected and as far as possible be ex- soldiers. Their duties shall be hanged after every four hours.

(ii) A check post shall be established at a reasonable distance from the main gate to check the motor Vehicle allowed to approach the main gate of the jail].

**Duties of a sentry:**

**Rule 1154.** The duties of a sentry are:-

- (a) to mount guard with fixed bayonet, move briskly on his post with his rifle at "the rifle slope", and not to "order arms" or "stand at case" for more than fifteen minutes in an hour;
- (b) not to enter into conversation with any one except when questioned by a superior officer;
- (c) not to interfere unnecessarily with any prisoner or prison officer;
- (d) not to leave his post without regular relief upon any pretext whatsoever;
- (e) not to allow any person to approach his post after dark, without challenging;
- (f) challenging after dark, to warn the person challenged, if the reply is unsatisfactory, to stand until the officer incharge of the picket arrives, bringing his rifle at the same time to "the charge".
- (g) challenging on a dark night, on hearing voices or the approach of foot steps, if he receives no answer, or an unsatisfactory answer, to- call the officer incharge of the picket, or, if necessary, give the alarm;
- (h) when on duty at night satisfy himself that the main-gates and wickets are securely locked;
- (i) not to allow any persons to crowd around him;
- (j) if he sees a prisoner attempting to escape, to call on him to stand, and if he refuses to do so and there is no superior officer present, to fire on the prisoner, provided he cannot otherwise prevent the escape;
- (k) if he is beyond call and has to raise the alarm, to fire a shot in the air as the signal for alarm;
- (l) if he sees any article in or near the jail likely to facilitate, escape, or if any unusual incident comes under his observation, to at once report the matter to the officer in charge of the picket.
- (m) when on duty at the main-gate at night, not to allow



any person to enter or leave the jail who is not an official duly authorised to enter or leave, and not to permit any Warder to enter or leave except when accompanied by the patrolling officer on duty, or one of the superior officials;

- (n) when on duty at night not to challenge so loudly as to be heard by the Warders on duty inside the jail, and not to give notice to these Warders of the approach of any visitor;
- (o) to retain in his possession at night the key of the lock of the outer wicket and the key of one of the locks of the inner wicket; and
- (p) to enforce his orders firmly and without distinction of persons.

**Daily inspection by Superintendent Reception of visitors:**

**Rule 1155.** The members of the warder guard mustered for morning drill shall be paraded daily under the supervision of the Deputy Superintendent and on the arrival of the Superintendent at the jail shall "present arms". If an official or non official visitor arrives while the parade is in progress the guard shall also "present arms" to the visitor. At other times the gate picket shall turn out and stand to "attention". The Superintendent shall inspect the parade of the Warder guard once a week.

**Escorts for visitors:**

**Rule 1156.** *The* escort for an official or non-official visitor to a jail shall consist of a Warder armed with a baron, from the warder guard. The Warder may be taken from the main-gate picket if it is a double one; otherwise it shall be taken from the men detailed in the next relief of the main-gate picket.

**Gatekeepers:**

**Rule 1157.** (i) A literate head warder or warder shall be employed constantly on duty as a gatekeeper in the main gate of every jail both by day and a night. A panel of names of head

warders and warders specially selected for efficiency and integrity shall be maintained at every jail after approval by the Inspector General for their employment as gatekeepers. The gatekeepers shall be posted out of this panel and changed monthly.

(ii) The gatekeepers shall perform eight hours duty daily, four hours by day and four hours by night. The duties may be arranged as below;

A	B	C
6-10 A.M.	10-2 P.M.	2-6 P. M.
6-10 P.. M.	10-2 A. M.	2-6 A. M.

Duties of A, B and C will be changed after every ten days in rotation.

**Gate Book:**

**Rule 1158.** (i) The gatekeeper shall maintain a gate book in which he shall make all entries in chronological order and shall not leave any blank spaces with a view to preventing spurious entries being made subsequently.

(ii) The date in the gate book shall be changed at mid-night and the hours shall be recorded from 0 to 24.

**Entries to be recorded in gate book:**

**Rule 1159.** The gatekeeper shall record in the gate book:-

- (a) the names of all persons passing into or out of the prison, together with the hour and minute of their entrance and exit;
- (b) the hour and minute at which any articles pass into or out of the prison, their description and number or weight, the entries being made in red ink, and the name of the officer or person, bringing in or taking out the articles;
- (c) the time to be entered in red ink, at which the bugle is sounded for the unlocking and the lock up or for an alarm, etc., and
- (d) at every relief of the gatekeeper, a note of the exact time of each relief and the number of keys taken over

with the signatures of both the relieved and the relieving officers.

**Prison officers to sign the gate book:**

**Rule 1160.** The prison officers going into or out of the prison shall sign their names with ranks in the gate book and enter the hour and minute of entrance and exit, and also record the number of the bunch of keys which they may take from or return to the key chest. They shall write their names legibly and in full.

**Statement of prison population:**

**Rule 1161.** The gatekeeper shall write in the gate book, in tabular form, a daily statement of the prison population, showing the balance of prisoners from the previous day, the number of prisoners admitted and the number of prisoners released or otherwise disposed of, and the balance at the end of the day ; such balance should correspond with the actual number of prisoners locked-up, for the night.

**Daily check of the gate book:**

**Rule 1162.** The Deputy Superintendent shall check and sign the gate book daily.

**Examination of gate book by the Superintendent:**

**Rule 1163.** The Superintendent shall examine the gate book at least once a week and see that all entries have been made neatly and all orders as to its maintenance are duly complied with.

**Admission of outsiders:**

**Rule 1164.** The gatekeeper shall admit all prison officers on duty. He shall not admit any other person without authority from the Superintendent or the Deputy Superintendent. He shall be furnished with a list of all official and non-official visitors and shall admit such persons on their presenting themselves for admission.

**Gatekeeper to know all prison officers and to observe prisoners going out of prison:**

**Rule 1165.** The gatekeeper shall made himself thoroughly acquainted with the appearance of all prison officer and shall carefully observe the faces and appearance of all prisoners

leaving the prison in order to prevent any prisoner attempting to escape in disguise.

**Personal search by the gatekeeper:**

**Rule 1166.** (i) The gatekeeper is authorised to search every person entering into or going out of the prison except the following:

- 
- (a) All official and non-official visitors:
- (b) higher officials of the prison including head warders; and
- (c) casual visitors admitted by orders of the Superintendent, Inspector General, or the <sup>8</sup>[District Co-ordinating Officer]
- (ii) The gatekeeper shall search all prisoners who pass through the gates.
- (iii) The search of all persons, including prisoners shall be carried out with due regard to decency and with as little annoyance and inconvenience to the person search as possible.
- (iv) Women prisoners shall be searched by the women warder only in a secluded place and not in the presence of any male person.

**Search of officers ordinarily exempt from search:**

**Rule 1167.** When the gatekeeper has reason to suspect that any officer or other person ordinarily exempted from search, is introducing or removing unauthorised articles, he shall detain him between the gates and send notice to the Deputy Superintendent, who may, if necessary, cause the, person concerned to be searched or take such other action as he may consider necessary.

**Prevention of introduction of prohibited articles:**

**Rule 1168.** The gatekeeper shall endeavour by every means in his power to prevent the introduction of unauthorised prohibited articles and the misappropriation of any prison property. The gatekeeper or any other prison officer may examine any thing carried in or out of the prison.

**Outparty register:**

**Rule 1169.** The gatekeeper shall maintain a register of all prisoners whose employment outside the prison walls has been sanctioned by the Superintendent.

**A warder to assist the gatekeeper:**

**Rule 1170.** In Central Prisons and large district prisons a

warder may be employed to assist the gatekeeper in writing up the gate book, but the responsibility for the correct record of the person or prisoners entering or leaving the prison and for the number and weight of articles shall lie with the gatekeeper.

**Working of the double gate system:**

**Rule 1171.** *All* prisoners shall be provided with double gates. The gatekeeper shall open only one gate or wicket at a time and before doing so shall satisfy himself that all other means of entry and exit are secure. For ordinary purpose entrance or exit shall take place through the wickets.

**Passing out and in out parties:**

**Rule 1172.** When prisoners employed in out parties are going out or returning to the prison, the following procedure shall be followed: -

(i) On passing prisoners out, the gatekeeper shall first let them through the inner wicket and then lock it. The prisoners shall then be made to sit down while the roll is being called from the out party register by the head warder incharge of out parties. The totals of each party shall be signed by the head warder. The gatekeeper shall enter in the gate book in the number of prisoners sent out in each party and the name of the warder incharge. The entry shall be signed by the warder incharge of the party. The gatekeeper shall then open the outer wicket and count the prisoners as they pass out of the prison to verify the total. Every change in the party shall be noted by the head warder incharge of out parties in the register of out parties and recorded by the gatekeeper in the gate book.

(ii) When the prisoners in out parties are returning to the prisons, the gatekeeper shall first open the outer wicket and admit the party to the passage between the gates. He shall then lock the outer wicket and call out the name of each prisoner as recorded in the out party register. When the

number in the party has been found to correct, he shall open the inner wicket and count the prisoners as they pass into the prison to verify the total.

(iii) The gatekeeper shall not allow to pass out of the prison any prisoner who is not in the., custody of a warder duly authorised to take him outside the prison.

(iv) If the gatekeeper has reason to believe that any prisoner is being taken out of the prison contrary to rules, he shall detain him and after making a note of it in the gate book report the matter at once to the Deputy Superintendent.

**Cleanliness of main gate:**

**Rule 1173.** *The gatekeeper shall be responsible for seeing that the prison front, the main gate and the passage between the two gates is always kept clean. He shall keep the passage clear of any person or prisoners who are not specially authorised to remain there and shall keep on eye on the movements of all persons employed or detained therein.*

**Keys of main gate:**

**Rule 1174.** The gate-keeper shall keep with him the keys of the locks of the two main gates and the wickets during the day. The gates and the wickets of every prison shall except when it is necessary to open the same for the purpose of lawfully passing any prisoner or thing into or out of the prison, be kept shut and locked.

**Making over keys of the gate at lock-ups:**

**Rule 1175.**—When the prisoner are locked up for the night, a second lock shall be put on the main gate and the gatekeeper shall then deliver the keys of inner and outer gates to the Deputy Superintendent for custody in the key chest provided for the purposes. He shall deliver one key of the inner wicket to the sentry posted between the gates and shall himself keep the other keys of the wickets.

**Gatekeeper's keys to be kept in bunch with others:**

**Rule 1176.** The main gate keys shall be kept in a bunch with eight other somewhat similar keys, though not exactly resembling them, and shall be attached by a stout chain to the belt of the gatekeeper, This will add materially to the security

of the prison by making it difficult for prisoners to obtain the keys and to ascertain which of them will fit the locks of the gates in case of outbreak, etc.

**Issue and receipt of bunches of keys:**

**Rule 1177.** The gatekeeper shall record in the gate book the time of issue and receipt of all bunches of keys of the prison with the name of the officer to whom he issues or from whom he receives the bunches.

**Light:**

**Rule 1178.** The gatekeeper shall keep a light burning brightly in the passage between the gate through out the night.

**Article to be kept between the gates:**

*Rule 1179.*--The gatekeeper shall be incharge of the following articles which shall be kept between the main gate:-

- (a) a clock;
  - (b) a weighing machine;
  - (c) a measuring staff;
  - (d) spare fetters and handcuffs, which shall be kept in a place of security;
  - (e) a standing desk with lock and key, for the gate book and writing materials;
  - (f) a key chest;
  - (g) the Deputy Superintendent's cash chest;
  - (h) apparatus for extinguishing fire;
  - (i) the list of the visitors and other persons who are authorised to enter the prison under the rules; and
  - (j) notice boards.
-

## CHAPTER-46

*Lady Assistant Superintendent and women warders:*

### **Duties of Lady Assistant Superintendent:**

**Rule 1180.** (i) In the women's prison there shall be a Lady Assistant Superintendent who shall, subject to the control of the Superintendent of the local men's prison, have complete charge of all women prisoners at any time committed to, or detained, in the prison.

(ii) All rules, regulations, etc., applicable to Assistant Superintendents as regards appointment, conditions of service and duties, shall *mutatis mutandis* be applicable to Lady Assistant Superintendent.

(iii) The Lady Assistant Superintendent shall be assisted by a staff of women -warders who shall perform duties as laid down in the succeeding rules, subject to the control of the Lady Assistant Superintendent.

### **Women warders duties:**

**Rule 1181.** (i) In every other prison where women prisoners are confined, a women warder shall be incharge of the women enclosure. She shall work under the supervision and orders of the Deputy Superintendent and the Superintendent.

(ii) The duties of the woman warders, shall, as regards women prisoners, be similar to those performed, as regards male prisoners, by warders and head warders. All rules, regulations, orders and directions for the time being applicable to such warders and head warders, shall be applicable to women warders.

### **Recruitment of women warders:**



**Rule 1182.** *The following conditions shall govern the recruitment of women warders :-*

- (i) The age of the women at the time of recruitment shall not be less than 25 years not more than 35 years.
- (ii) They should be medically fit and examined by the Medical Officer of the prison or District Headquarters Hospital.
- (iii) They should be of good character and antecedents. The Superintendent must satisfy himself about these before employing a woman.
- (iv) They should be literate. Prohibition against males entering the women's prison:

**Rule 1183.** (i) No male person employed in any capacity or connected with the women's prison shall otherwise than in case of emergency and when called upon to do so by the Lady Assistant Superintendent, or a women warder and then only when accompanied by the Lady Assistant Superintendent or a women warder, at any time enter any barrack, cell, woman prisoner.

(ii) The duties of the male warders shall be to patrol the area outside the main wall at night, to act as gatekeepers and sentries, to prevent escapes and any unauthorised persons from having access to and any prohibited article from being introduced into or removed from the prison.

*Note.--* Female sweepers shall be employed for conservancy work in the women's enclosure.

#### **Distribution of Food:**

**Rule 1184.** The women warders shall carefully supervise the distribution of food to women prisoners and see that each prisoner receives her proper ration. She shall report to the Deputy Superintendent any instance in which the food is bad, or badly cooked or is insufficient in quantity ;

#### **Escorting of women Prisoners:**

**Rule 1185.** The woman warder shall escort every woman prisoner leaving the women's enclosure and shall remain with her till she returns to the enclosure or quit the prison premises.

#### **Search of women Prisoners:**

**Rule 1186.** *The woman warder shall conduct the search of*

women prisoners. Such search shall not be conducted in the presence of any male person.

**Entrance door of women's enclosure, how to be regulated:**

**Rule 1187.** (i) When the woman warder is present on duty the entrance door to the women's enclosure shall be locked on the outside by the head warder who shall retain possession of the key, and it shall also be locked on the inside by the woman warder.

(ii) A call bell shall be provided in the women's enclosure for emergency calls.

**Woman warder not to permit males to enter women's enclosure:**

**Rule 1188.** Woman warder shall not allow any prison officer or male prisoner to enter the women's enclosure without proper authority. If any male prison officer or male prisoner without proper authority at any time enters or attempts to enter any ward or portion of the prison reserved for occupation by women prisoners also shall make a report to the Deputy Superintendent and the Superintendent forthwith.

**Communication with male prisoners forbidden:**

**Rule 1189.** No woman warder shall at any time on any pretext, hold any interview, intercourse or communication of any kind whatsoever with any male prisoner, or visit any party of the prisoners, reserved for male prisoners, except in the discharge of her duties.

**Duties in regard to sick and children:**

**Rule 1190.** (i) It shall be the duty of every woman warder to call the attention of the Medical Officer to any woman prisoner who complains of illness or appears to- be ill. She shall satisfy herself that every woman prisoner who is sick receives the special diet (if any) at any time prescribed for her by the Medical Officer and that all women prisoners at any time in any special or convalescent party, are duly supplied with any special or extra diet ordered for them by the Medical Officer.

(ii) - The woman warder shall be responsible for seeing that every child for the time being in prison receives the clothing and the diet prescribed for and is properly cared for.

**Duties as to the task of women prisoners:**

**Rule 1191.** (i) The woman warder shall make over to women prisons sentenced to rigorous imprisonment their allotted tasks and satisfy herself that every such prisoner performs her full task properly. She shall bring to the notice of the Deputy Superintendent every default on the part of women prisoners.

**Duties as to locking up of prisoners at night:**

**Rule 1192.** The woman warder shall:-

(i) each evening before the time fixed for locking up, search every woman prisoner and her clothing and bedding and every ward, cell and other compartment allotted to women prisoners;

(ii) count the women prisoners and lock them up in their respective places and reports to the Deputy Superintendent that she had done so and record the fact in the lock-up register; and

(iii) after having complied with the requirements of the above clauses deliver the keys of the wards, cells, other compartments and the women's enclosure to the Deputy Superintendent.

## CHAPTER-47

### *Security and security Bonds:*

#### **Officers to furnish security and execute bonds:**

**Rule 1193.** Every Deputy Superintendent, Assistant Superintendent, Head Clerk, Accountant, Store-keeper and such other persons employed in a prison who are entrusted with the custody of cash, stores and other valuable property, as may be required to do so, shall be required to furnish security and execute a bond for the due performance of all duties required from them.

#### **Scale of security deposit:**

**Rule 1194.** The amount of security to be furnished by each officer and the monthly deductions to be made, if authorised, shall as follows:-

	Monthly Deduct	ions
	Rs.	
Deputy Superintendent... ..	1,500	20.00
Asstt. Superintendent .....	500	10.00
Head Clerk... ..	500	10.00
Accountant... ..	500	10.00
Store-keeper ... ..	500	10.00

#### **Forms of Security:**

**Rule 1195.** The only forms of security which shall be accepted from these officers shall be Post Office Defence Saving Certificates or Post Office Saving Bank deposit. The security may, at the option of the Inspector General be furnished either in full on "appointment or subsequently by special payments or by monthly deductions from pay until the total sum required is deposited. The security deposits lodged in Post Office, shall be pledged to the Inspector General of Prisons.

#### **Deposit of Security Deductions:**

**Rule 1196.** (i) All deductions made and the total amount :o date, including interest, and the pass book account number shall be recorded in a separate register.

(ii) Each official's monthly deposit shall be paid into the Post Office Saving Bank immediately after his pay has been drawn, the amounts so realized and paid into deposit with the dates being entered in the cash book. Interest accruing on deposits shall be credited to the undeposited portion of the security; if the security is fully paid up, the interest shall be disbursed to the owner.

#### **Custody of Savings Bank Books:**

**Rule 1197.** *The saving bank books shall be kept by the Deputy Superintendent in his cash chest and placed before the Superintendent when required for examination and verification at the entries in the cash book.*

**Disposal of Security deposit on transfer of an Official:**

**Rule 1198.** On the transfer of an official, the Superintendent of the prison to which such official is attached, shall arrange for the transfer of the security deposit and pass book to the Superintendent of prison to which the official is transferred.

**Procedure when full security is deposited:**

**Rule 1199.** When the full amount of security has been deposited, the depositor shall be informed and further deduction from his salary stopped.

**Disposal of security on death or retirement:**

**Rule 1200.** On the death of an official, the Superintendent shall, after the lapse of a period sufficient to satisfy himself that no claim or demand is outstanding (such period in no case to exceed six months from the date of death), apply to the Inspector General for withdrawal of security from the savings bank or for encashment of certificates which shall be endorsed by the Inspector General to the Superintendent, to whom they shall be sent. Any money claim that Government may have against the deceased officer, not covered by pay or other money due to him, shall then be recovered by the Superintendent, from the security deposit money, or money realized by the encashment of the certificates, as the case may be, and the balance shall be paid to the heirs of the deceased official. If no recoveries are to be made, the full security deposit or refund of certificates shall be made over by the Superintendent to the accredited person. On the retirement, resignation or discharge of an officer the same action shall be taken except that the balance of money after the settlement of Government claims shall be paid to the official concerned or, if the security is in Post Office certificates from which no claim has to be realised, they shall be delivered to him duly endorsed. A receipt shall be obtained for all money or certificates made over.

**Execution of Security bond:**

**Rule 1201.** Security bonds shall be executed as soon after appointment as possible. In the case of Deputy Superintendent Assistant Superintendent and such other persons who are required

to execute them,- the bonds shall be forwarded to the Inspector General for safe custody.

**When security deposit may be returned:**

**Rule 1202.** (i) When an official who has security deposit in the savings bank, is granted leave without pay on medical certificate, the Superintendent may, with the sanction of the Inspector General; provided the leave is for more than six months, withdraw and pay to the officer concerned half the amount of such officer's deposit. If at the end of the term of leave, Medical Superintendent certifies that the official is still unfit for duty and that further leave is necessary, the official may receive back the remainder of his security deposit.

(ii) In other cases when necessity is proved, the Inspector General may sanction the withdrawal and payment to the official of a sum not exceeding half the amount of the deposit.

**Forfeiture of security:**

**Rule 1203.** (i) Any officer who violates the terms of his security bond is, as therein laid down, liable to the forfeiture of the whole or part of his security. No officer shall, however, forfeit any part of his security without the sanction of the Inspector General.

(ii) Whenever the Superintendent is of opinion that any official deserves to have security forfeited in part or whole, he shall refer the case to the Inspector General giving the reasons for such opinion.

**CHAPTER-48**

*Uniforms:*

### **Uniform of Superintendent and Deputy Superintendent:**

**Rule 1204.** (i) The following uniform has been prescribed by the Government for the Superintendent of a prison:-

*Jacket.*—Khaki drill/serge with rolled collar; four medium prison pattern buttons down the front, two breast and two side pockets with plain flaps to button, shoulder straps plain fastening at top with button and inscription "Prisons" and one crescent and one star across centre of straps in case, of Superintendents of Central Prisons and one crescent in case of Superintendents of District Prisons:

*Trousers.*--Slacks, khaki drill serge not turned up at ends.

*Shirt.*—Mazri cloth with turned down collar. *Tie.* -Khaki woollen / silk.

*Head dress.*—A khaki woollen peaked cap with a floral brass cap badge with inscription "Prisons"

*Boots.*—Brown, ankle laced.

*Socks.*- Khaki cotton or woollen.

*Belt.*—Brown leather Sam Brown belt with brass fittings.

*Swagger stick.*--Cane.

*Whistle.*—Fastened with a khaki silk cord and carried in the left breast pocket.

*Jersey.*--Gray woollen, full sleeves, V neck with pockets.

*Great coat.*—Khaki woollen, double breasted with prison pattern brass buttons.

(ii) The uniform of a Deputy Superintendent shall be the same as that prescribed for the Superintendent except that three stars shall be worn across centre of straps instead of crescent.

Explanation. "Except-on ceremonial occasions, the Superintendent and Deputy Superintendent may wear mazri shirt with shoulder straps and badges, khaki slacks, peaked cap, brown shoes and belt during summer in his office. Boots will be worn on parades.

**Note:** The Article Rain Coat be added to rule No. 1204, 1205, 1207, 1208 and 1210 as allowed by Punjab prison department.

### **Uniform of Asstt. Superintendent:**

**Rule 1205.** The uniform of an Assistant Superintendent shall be the same as that prescribed for the Deputy Superintendent

except that one star shall be, worn across centre of straps during the probationary period and two stars after confirmation.

**Uniform of Lady Assistant Superintendent:**

**Rule 1206.** The following uniform has been prescribed for the Lady Assistant Superintendent:-

*Shirt.*-With pointed collar and two breast pockets, made of grey cotton, cambric or linen cloth.

*Shalwar.*-Made of grey long cloth or linen. *Dupatta.*-Made of grey Muslin cloth 2 Metre—28 Cm.

*Shoes.*—Brown leather lace walking shoes or brown Afghan chappals medium heels.

*Badges of Rank.*—As for Assistant Superintendent.

*Belt.* -Brown leather Sam Brown with brass fittings.

*Great coat.*-Khaki serge.

*Jersey.*--Grey woolen, V neck, full sleeves with pockets.

*Socks.*--Khaki cotton or woolen-

**Uniform for a Warder:**

**Rule 1207.** (i) The uniform of a warder shall be as under-

*Shirt.*-Mazri cloth with turned down collar, two breasts with plain flaps fastening with grey plastic buttons, inscription "Prisons" in brass across; shoulder straps which will fasten it top with one button.

*Cop.*--One piece khaki woolen beret cap super-imposed with a maroon cloth diamond 5 Cm. x 5 Cm. with a floral brass badge with inscription "Prison"

*Foot wear.*-(i) Black Afghan Chappals.

(ii) Black ammunition boots.

*Socks.* --Khaki woolen.

*Waist Belt.* -Black leather 6 Cm—2 Mm wide with-brass clasp with the word "Prisons" and "Warder" embossed thereon to be worn over shirt.

*Great coat.*—Khaki woolen. *Jersey.*-Grey woolen full sleeves.

*Baton.*—76 Cm. long cane stick with 2 Cm.--5 Mm. diameter with 23 Cm. black leather thong at upper end..

*Whistle.*—Fastened with a black leather strap and carried in right breast pocket.

*Explanation.* --Chappals may be worn in summer only. On parades boots will be worn. Sentry at the gate shall always wear



boots.

*Note.*—*In* prison located in cold climates, one flannel shirt and one serves blacks shall also be issued to the warder guard. Inspector General determine be prisons where such uniform is to be issued.

(ii) The uniform of a head warder shall be the same as that prescribed for warders with the following addition :-

- (a) Three chevrons on both sleeves above elbow.
- (b) Belt to have the words "Head Warder" embossed on the clasp.

(iii) The uniform of a chief warder shall be the same as for head warders with the difference that he will wear a leather Sam Brown belt.

*Note* 1-Chevrons shall consist of black braid on red ground.

*Note* 2.-Ex-service personnel shall not be permitted to Wear their old service badges and uniform.

**Uniform of a Woman warder:**

**Rule 1208.** The uniform of a woman warder shall be as under :-

Dupatta-Grey muslin 2 Metre—28 Cm. long with maroon border 2 1/2 Cm.

*Shalwar.*—*Mazri* cloth. *Shirt.* —*Mazri* cloth.

*Footwear.* -Black Afghan chappals. *Great* coat.-

Khaki woollen with round collar. *Jersey.*—*Grey*

woollen, full sleeves V neck. *Socks.*-Khaki

woollen. *Belt.*—As for warder.

**Superintendent to provide own uniform:**

**Rule 1209.** Every Superintendent shall provide himself with the prescribed uniform. These officers shall receive a uniform allowance of Rs. 750/- each, renewable after seven years for winter uniform and Rs. 350/- each, renewable after three years for summer uniform. Every Deputy and Assistant Superintendent should be provided with uniform free of charge according to his rank.

**Free issue of uniform to warders:**

**Rule 1210.** (i) Every member of warder establishment all be provided with uniform, etc., free of charge according to his rank and grade, the articles so supplied and the periods of renewal from the date of issue, are shown below:-

**Warders:**

Name of article	No.	Years.
Khaki Drill Slacks	1	1
Mazri Shirt	1	1
Khaki Wolven Great Coat	1	5
Gray Wollen Jearsy	1	3
Wollen Socks	1	1
Chevron	1	2
Afghan Chappals	1	1
Ammunition Boots	1	3
Set of Button Badages and Lettters	1	5
Belt	1	5
Whistle	1	5
Baton	1	5
Ammunition Pouch	1	5
Riffle Sling	1	5
Kit box	1	5
Charpoy	1	5
Polish Tin	1	3 Months

<b>Women Warder</b>		
Dopatta		1
Shalwar	1	1
Shirt	1	1
Afghan Chappals	1	1
Woollen Great Coat	1	5
Wollen Jersey	1	3
Wollen Socks	2	1
Belt	1	5
Whistle	1	5
Kit Box	1	5
Charpoy	1	5
Polish tin	1	3 Months

(ii) In addition to the issue of the above articles, one shin and one slack will be issued to warders and one dopatta, one shalwar and one shirt will be issued to women warders on first appointment. Each of these articles are renewable after one year.

**Issue to temporary warders:**

**Rule 1211.** Every prison shall when necessary be supplied yearly with complete suits of uniform for the use of temporary warders, according to season and requirements. Chappals shall, however, be provided for the use of those temporary warders, whose appointment is likely to last for a year or more. Articles not in use shall be kept in the custody of the Assistant Superintendent, and time-expired or unserviceable articles of such uniforms shall not become the property of such warders. No temporary warders shall be allowed to enter the prison unless he is properly dressed in

uniform. Charpoys and boxes shall also be issued. All the articles of uniform shall issued subject to the condition that these articles are proper!^ looked after by them and are returned on termination of their j services.

**Annual indent for Uniforms:**

**Rule 1212.** (i) The Superintendent shall indent direct on the manufacturing prisons for the supply of articles of uniform for the warder establishment not later than the 15th February for summer uniforms and 15th of August for winter uniforms. '

(ii) The Superintendent may indent for uniform for the permanent establishment, together with such extra articles as likely to be required for temporary warders.

(iii) In the case of articles issued at longer intervals than a year, jerseys shall be requisitioned for not more than one-t and great coats one-fifth of the strength of the ward establishment.

*Example.* --Great coats are supposed to last five years, so that one fifth of the sanctioned establishment can receive new great-coats every, year; similarly jerseys for one-third of the strength can be indented for yearly and so on.

(iv) Uniforms shall be made in the following sizes and shall be ordered accordingly:-

No. 1 for height 1 Metre--75 Cm. to 1 Metre-83 Cm. No. 2 for height 1 Metre-70 Cm. to 1 Metre-75 Cm.

(v) When received, they shall be distributed by the Assistant Superintendent who shall maintain a uniforms register, showing the dates of receipt and issue of all articles.

(vi) All articles of uniform shall be supplied by the respective Headquarter Prisons.

(vii) Each prison shall be debited with the cost of uniforms supplied.

**Marking of Articles:**

**Rule 1213.** Every article of clothing shall before issue be marked with the personal number of the warder and the date of issue, with one inch figures in the case of woolen articles, and half inch figures for cotton articles as under:-

Mazri shirt	On the inner side or neck band
Slacks	On inside of the waist band

Cap	On the inside.
Jersey	Inner side of back.
Great coat	Inner side of back.

Cotton articles shall be marked with indelible ink and woollen ones with white paint.

**Conditions under which free issue of uniforms, etc., is made:**

**Rule 1214.** (i) Every article of uniform including chappals and boots, supplied free to any warder, is Government property during the period for which it was issued and shall be duly accounted for during such period, but shall be taken by the warder wherever he may be transferred. Each such article becomes the property of the warder to whom it was issued after the expiry of the prescribed period.

(ii) Arms and accoutrements, such as bayonet frogs, ammunition pouches, kit boxes and charpoys shall not be taken by the warder on transfer, but shall remain at the prison. Any warder losing or damaging any of these articles otherwise than by fair wear, shall be required to pay the cost of renewal *or* repair, as the case may be.

**Kit inspections:**

**Rule 1215.** (i) A kit inspection shall be held by the Superintendent once a month, ordinarily on the first Saturday, when every warder shall be required to exhibit at the articles of uniform issued to him. Any article lost or damaged during the period for which it was issued, shall be replaced at the expense of person to whom it was issued, the value being recovered from his next pay, provided that not more than rupees five shall be recovered in any one month.

(ii) A few spare articles of clothing, buttons and badges etc., shall be kept at each prison for sale. Any article purchased to replace one lost or damaged shall be marked with the purchaser's number and the date on which the last free issue of a similar article was made to him, it shall become his property when the period of issue of the article of which it is a substitute, expires.

**Adjustment of cost of uniform when a warder leaves service:**

**Rule 1216.** (i) If a warder is discharged, dismissed, resigns, retires or dies, before the expiry of the period for which any article

of uniform was issued to him, it shall be received back and taken on stock by the prison provided the article is not damaged by unfair use. It shall be issued to a temporary warder or a warder appointed in his place. If the article is lost or damaged by unfair use, 'the unused value' of such article shall be deducted from any payment due to him, and the article will then become his property or the property of his heirs.

(ii) The unused value of any article is that part of its total cost which corresponds with the time, it is still to last as compared with the period for which it was issued. In the calculation, less than 15 days shall be ignored and 15 days or more shall count as a full month.

(iii) When the pay due and the security deposit, to the credit of a warder, does not cover the estimated value of the lost or damaged articles of his uniform, the prison shall bear the loss.

**Disposal of money recovered for uniforms:**

**Rule 1217.** all moneys received from warders under the provisions of the preceding rule shall be credited to Government under head "XXII" Prisons and Convict Settlements, Prison Miscellaneous" and the treasury receipts kept in record.

**Issue of uniforms:**

**Rule 1218.** Uniforms shall be issued to warders on appointment. All subsequent issues shall be made when due. the date of issue of every article of uniform shall be recorded in the kit, ticket, which shall accompany the service book of the warder on transfers.

**Custody of uniform when a warder goes on leave:**

**Rule 1219.** (i) When a warder proceeds on leave for a month or less, he shall make his own arrangements for the safe custody of his uniform during his absence.

(ii) If the leave is for more than a month, he shall make over his uniform to the Assistant Superintendent incharge, the warder guard and it shall not be used by any other person during his absence.

*Note.*-Uniforms when not in use should be preserved from damage by insects, by sprinkling these liberally with insecticide powder before packing them up. All woollen articles should be preserved in the like manner.

**Washing and repair of uniform:**

**Rule 1220.** (i) Arrangements shall be made in every prison washing "warders" uniforms, a monthly deduction to meet ; actual cost of materials used, being made from each warder. Woollen clothing shall be cleaned at Government pence. Prison labour may be utilized for washing, etc.

(ii) Uniform damaged by fair wear and tear may be repaired by prison labour free of cost.

## CHAPTER-49

### *Arms, Ammunition and Drill:*

#### **Prison Armoury:**

**Rule 1221.** A special room near the main-gate shall be set apart for storing the arms and ammunition. It shall be furnished with suitable racks for the rifles and pegs to hang accoutrements on.

#### **Rules for prison armouries:**

**Rule 1222.** (a) The armoury shall at all times be kept scrupulously clean.

- (b) A brush shall be kept in the armoury for clearing it when it is opened for the issue, receipt or inspection of the stores.
- (c) No unauthorised person shall at any time be admitted into the armoury.
- (d) The official directly incharge of the armoury shall take care that it is well and securely locked.
- (e) The armoury shall not be opened during or on the approach of a storm except in case of emergency.
- (f) No naked lights or smoking shall be allowed inside the armoury.
- (g) Boxes containing ammunition or arms shall not be thrown down or dragged along the floor.
- (h) Empty boxes or loose packing materials shall not be kept in the armoury.
- (i) The prison armoury is not to be used for storage of - dynamite or any explosive, except ammunition.

#### **Supply of Ammunition and Arms:**

**Rule 1223.** (i) Indents in quadruplicate for ammunition, shall

be submitted to the Inspector General for submission to Government not later than the 15th March of each year. Fifty rounds of ammunition per warder is sanctioned annually. Ammunition actually expended and such as may have deteriorated and needs renewal, shall be indented for.

(ii) Ammunition for Deputy Superintendent and Assistant Superintendents shall be indented for on the scale allowed for warders.

(iii) Unserviceable ammunition and empty cartridge cases shall be returned to the arsenal at the time the annual indent is submitted.

(iv) All necessary Ordinance forms can be obtained on application to the Inspector-General.

(v) Ammunition will only be issued by the Ordinance Department in exchange for an equivalent number of empty fired cases of the same description.

**Procedure for despatch of consignments of ammunition:**

**Rule 1224.** All consignments of empty cases shall be sent in sealed S. A. ammunition boxes, and packing notes filled up and signed by the Deputy Superintendent, shall be deposited in the box. The packages "shall be addressed directly to the Chief Ordinance Officer of the arsenal of supply and shall be marked with the name of the consigner and the number and description of the fired cases and their weight. All railway freight shall be prepaid and a receipt obtained from the Railway authorities for such payment.

**Committee to investigate losses and condemn unserviceable arms and ammunition:**

**Rule 1225.** (i) To maintain strict control and check over losses of arms and ammunition, a committee of three officers shall be appointed to investigate case of loss of ammunition and arms. The committee shall consist of a Magistrate, the Superintendent of Prison and the Deputy Superintendent. The Chief Ordinance Officer will accept the findings of this committee.

(ii) As the requisition's for ammunition are only complied with by the Ordinance Department on the prior receipt of an equivalent number of empty fired cases of the same description, great care should be exercised for the custody of fired cartridges at the time of expending the ammunition. Should there be any rounds deficient owing to the loss of empty fired cases, the matter shall be investigated by the committee referred to above.



**Expenditure of ammunition:**

**Rule 1226.** (i) In order to effect a regular turn over of the stock of ammunition, the issue of ammunition for expenditure, shall be made in the following order:-

- (a) The contents of broken boxes viz., boxes, the tin linings of which have been opened and loose rounds.
- (b) Boxes of ammunition on which the words "Examined year" are engraved on the label. This ammunition shall be used up in order of date of examination.
- (c) Other ammunition, the oldest in stock to be used first.

(ii) The period of complete turn-over of ammunition has been fixed as not more than eight years.

**Storage of ammunition:**

**Rule 1227.** The spare ammunition shall be kept in the ammunition pit in the armoury secured with two padlocks.

**Annual musketry course:**

**Rule 1228.** Every Deputy Superintendent, Assistant Superintendent, head warder and warder shall be put through an annual musketry course in January and February of each year, before the submission of annual indent for ammunition in March. Each prison shall submit the result of the annual musketry course to the Headquarters Prison soon after its completion.

*Note.-For rules regarding the annual musketry course see Appendix B.*

**Rifles to be numbered:**

**Rule 1229.** (i) Every rifle shall be numbered and placed in the special charge of the warder for whose use it is intended, who will be held responsible that such rifle with the bayonet and accoutrements entrusted to his care, are always kept clean and in good serviceable condition.

(ii) A list showing the number and name of each warder, the number of his rifle and the various arms and accouterments for which he is responsible, shall be posted in the armoury.

**Rifles to be kept in a special place:**

**Ammunition to be in readiness:**

**Rule 1230.** Each rifle shall have a special place assigned to it in arms' rack, and bearing the same number so that every warder can find his own readily. The rifle when not in use shall be

kept in its place and a packet of ammunition shall be kept near it in readiness. Spare ammunition shall be kept securely locked-up in the ammunition pit and the keys shall be kept by the Deputy Superintendent.

**Inspection of arms and accoutrements:**

**Rule 1231.** *All arms accoutrements and ammunition shall be inspected daily by the head warder incharge of the cury and weekly by the Deputy Superintendent. It shall be checked by the Superintendent once a month.*

**List of arms, etc. to be sent to Inspector-General:**

**Rule 1232.** *On the 1st December of each year a list of arms and accoutrements in stock with remarks as to their condition and the quantity of each kind of ammunition in store; shall be submitted to the Inspector General for information.*

**Petty repairs of arms:**

**Rule 1233.** *All petty repairs to arms shall be carried out by the armourers attached to the Headquarters Prisons, who will visit each prison once a year or of terner for this purpose. Arms requiring major repairs shall be sent to the arsenal.*

**Inspection of arms by C.C.M.A:**

**Rule 1234.** *The Civil Chief Master Armourer will inspect the arms and ammunition in possession of prison. The inspection will be carried out once in three years,*

**Rifles not to be taken inside the prison:**

**Rule 1235.** *Rifles shall not ordinarily be taken inside the prison, but in times of emergency or at an alarm they may be brought inside under the orders of the Superintendent or the Deputy Superintendent.*

**Drill and the use of arms weekly parade:**

**Rule 1236.** *(i) Every Deputy Superintendent. Assistant Superintendent and warder shall undergo a thorough in squad and company drill and in the use of the arms provided for them. They shall also be put through a musketry course once a year.*

*(ii) Any Deputy Superintendent or Assistant Superintendent who has acquired a sound knowledge of drill and is qualified to drill the guard, shall only be required to attend the Superintendent's drill parade which shall ordinarily take place on Saturdays. On*

these occasions the whole establishment required to undergo training in drill and available for the purpose, shall be inspected by and drilled in the Superintendent Warders who are proficient in drill shall not, except as a punishment, be required to be present at drills parade more than three times a week.

(iii) Subject to the provision of the following sub-rule and the exemption in the case of head warders, all warders shall, unless prevented by sickness or an absence on leave, be required to attend drill daily for half an hour either in the morning or evening except Fridays.

(iv) At the weekly inspection parade, the Superintendent should make a close examination of the arms, accoutrements, etc., and satisfy himself that they are clean and in good order, that the men are properly turned out and clean in their persons and uniforms.

**Instructions as to saluting superior officers:**

**Rule 1237.** (i) The gate sentry shall present arms on the arrival at the prison of:-

- (a) the Inspector-General;
- (b) the Superintendent;
- (c) distinguished visitors.

(ii) The gate sentry shall give butt-salute to the Medical Officer and Deputy Superintendent on their approach. He shall come to attention when an Assistant Superintendent approaches.

(iii) A warder sitting, shall, when any of the above officers approaches rise, and stand at attention.

(iv) Before addressing an officer, a warder shall halt two paces from him and salute with hand. He shall also salute when withdrawing.

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## CHAPTER-50

*Registers, Forms, Accounts and Office Procedure*

*section 1-Registers*

### **Records to be kept by the Superintendent:**

**Rule 1238.** The Superintendent shall keep, or causes to be kept, the following recorded:-

- (i) a register of prisoners admitted;
- (ii) a book showing when each prisoner is to be released;
- (iii) a punishment book for the entry of the punishments inflicted on prisoners for prison offences;
- (iv) a visitors' book for the entry of any observations made by the visitors touching any matters connected with the administration of the prison;
- (v) a record of the money and other articles taken from prisoners and all such other records as may be prescribed by rules under section 59, (section 12, Prisons Act, 1894).

### **Register of prisoners admitted and record of property:**

**Rule 1239.** *The* register of prisoners admitted prescribed in section 12 of the Prisons Act, 1894, shall be maintained in two parts, namely:-

- (a) register of unconvicted criminal prisoners;
- (b) register of convicted prisoners.

(ii) The record of money and other property taken from prisoners, prescribed by section 12 of the same Act, shall be kept in appropriate columns of the registers referred to in sub rule (i).

### **List of Registers:**

**Rule 1240.** In addition to any registers which the Inspector General may, at any time by executive order, require to be maintained in any prison or class of prisons, the following registers shall be maintained in all prisons in so far as may be applicable, namely:-

No. of Register register	Description of
1.	Admission register of under trial prisoners.
2.	Admission register of convicted prisoners.

3. Release diary of prisoners.
4. Transfer register of prisoners-
5. Alphabetical register of convicted prisoners.
6. Property register of prisoners.
7. Prisoners' private cash account register.
8. Punishment register of prisoners.
9. General abstract of prisoners.
10. Barrack or party wise distribution of prisoners.
11. Interview register.
12. General lock-up register.
13. Prison cash book.
14. Register of other contingencies.
15. Register of contingencies.
16. Book of purchases.
17. Register of letters received.
18. Register of letters despatched.
19. Visitors autograph book.
20. Visitors' remarks book.
21. Gate book.
22. Superintendent's order book.
23. Deputy Superintendent and Asstt. Superintendent's report book.
24. Ammunition register.
25. Inventory of miscellaneous articles.
26. Garden register.
27. Night duty report book.
28. Warders uniform register.
29. Warders' service register.
30. Target practice register.
31. Warders day duty book.
32. Warders' night duty book.
33. Grain godown register.
34. Daily diet requisition book.
35. Clothing godown register.
36. Factory cash book.
37. Factory contingent register.
38. Factory order book.
39. Register of raw materials.
40. Factory process register.
41. Register of Manufactured articles.
42. Daily sales register

43. Labour distribution register.
44. Medical Officer's report book.
45. Hospital admission register.
46. Medicines stock book.
47. Register of daily diet of patients.
48. Prison hospital out-door register.
49. Injury Register.
50. Death Register.
51. Escape register.
52. Tree register.
53. Livestock register. •

**Forms of Register:**

**Rule 1241.** The forms of and the particulars to be recorded in the several registers specified in the preceding rule shall from time to time, be prescribed by the Inspector-General;

Provided that every register now prescribed and in use shall continue to be maintained in its present form until the Inspector General shall supersede the same by a direction given under this rule.

**Instructions for keeping registers:**

**Rule 1242.** The following instructions for keeping the registers shall be carefully attended to:-

**Register No. 1.**—Admission register or under trial prisoners:-

*Column 5.*—If Muslim, the caste, and if Christian or Hindu, the denomination or caste shall be entered.

*Column 10.*—All property brought with the prisoner, or received from him afterwards, shall be here entered and the property in excess on his requirement and which is to be kept in the godown, shall be entered separately.

*Columns 11 and 12* shall be filled in by the Medical Officer or under his orders by the Assistant Medical Officer. The prisoners shall be medically examined within 12 hours of their admission to the prison, as far as possible.

*Column 13.*—A full personal description of the prisoner such as may be useful for his identification and identification marks shall be given in the column.

*Column 14* shall be filled in by the Medical Officer.

**Register No. 2.** Admission register of convicted prisoners:-

(i) Age, Labour, health, weight, protection and identify-cation

marks are to be filled in by or under the direction of the Medical Officer. The entries in the register shall be made within 12 hours of the admission of prisoner, as far as possible.

(ii) *Previous occupation.*-The particulars shown shall be in accordance with the classification required in quarterly statement No. II

(iii) *Previous conviction.*-All previous convictions, if established shall be entered in this column with the date crime and sentence in each case.

(iv) *Sentence.*-In cases in which a convicted prisoner is sentenced to two or more sentences under different warrants the aggregate of the sentences shall be shown in the register and each sentence shall also be entered separately and in detail. On receipt or result of appeal if the sentence is reduced. or the section is altered,- the amended sentence and section shall be recorded in red ink after crossing out the original sentence and section.

(v) *Date of release.*-If a convicted prisoner is sentenced to imprisonment in default of payment of fine, the dates of expiry of both the substantive sentences and the sentence in lieu of fine shall be shown. On payment of fine or receipt of notice of payment thereof, the latter date shall be scored out and initialled by the Assistant Superintendent. If the fine is paid in part, an entry shall be made to show the amount paid and the consequent date of release.

(vi) *Check date.*--The check date of every convicted prisoners with a sentence of four months or more shall be fixed immediately after admission to the prison.

(vii) *Weight.*-Weight shall be recorded in lbs., fractions of a lb. being ignored.

(viii) *Property* (a) Details of all property of a prisoner taken from him or delivered with him on admission into prison, or afterwards received on his account, shall be entered in this register in the columns provided for their purpose.

(b) When the property of a prisoner is recorded by an official and made over to another for custody, latter shall initial the entries in this register in token of its receipt.

(c) The page number of cash book in which the cash property of the prisoner is entered shall be noted below the similar entry in this register in order to facilitate checking.

(d) A receipt stamp shall be fixed to the receipt obtained from

a prisoner on his release for his cash property, if the payment exceed Rs.20/-.

(ix) The names of the civil prisoners and detenues shall also be recorded in this register.

**Register No. 3.—Release diary:-**

(i) This register shall be contain 366 pages. A page shall be set apart for every day-of the year.

(ii) On the conviction of a prisoner with as sentence of less than four months, his name shall be entered on the page allotted to the day on which he is to be released.

(iii) If a prisoner is entitled to be released, before the expiry of his sentence on account of the award of special remission for reduction of sentence, a line shall be drawn through his name where it is entered on the date of the expiry of his sentence and;

(iv) The names of civil prisoners and detenues shall be entered in the day on which they are to be released at the bottom of the page.

(v) On the fixation of final date of release of a prisoner, his name shall be entered on the page allotted to the day on which his date of release has been fixed.

(vi) When a prisoner is transferred or dies before the expiry of the sentence, his name shall be scored out under the date in which it is entered and a note made against his name in the remarks column.

(vii) Cause of discharge such as on appeal, expiry of sentence, transfer, furnishing security, or under remission rules shall be entered in the column provided for the purpose. If the prisoner is released under the remission, rules the amount of remission earned shall also be entered in this column.

**Register No. 4.—Transfer register of prisoners:- .**

*Column 6.*—Full detail of documents such as warrant, remission sheet, property sheet, etc., sent alongwith a prisoner on transfer, shall be given in this column.

*Column 7.*—Cash property of a prisoner sent along on transfer, shall be entered in this column.

*Column 8.*—Transfer charges (if any) such as diet money, conveyance allowance, etc., shall be entered in



this column.

*Column 11.*—Receipt of (he Police escort shall be obtained in this column.

**Register No. 5.**~Alphabetical register of convicted prisoners:-

(i) The names shall be classified alphabetically, the number of pages set apart for each letter being fixed according to the number of names likely to begin with that letter. When names belonging with the same letter are numerous, the pages set apart for them, may be subdivided in the manner followed in dictionaries. Letters under which names are not likely to occur, shall be omitted. If the pages set apart for any letter become filled up new pages may be opened further on in the same book for the names belonging with this letter, or in a new book, but at the end of the last completed page of reference shall be made to the page on which the names are continued. The index shall be arranged, if possible, to last from 5 to 10 years.

(ii) The initial letter of surnames shall determine their position in the index, and applications such as Sheikh, Sayed, Fakir and the like shall follow the proper names and not affect their position. The names need not be arranged alphabetically according to the letter succeeding the initial letter nor need a new entry be made in the case of a prisoner whose name is already in the index; it will be sufficient in cases to enter against the old entry, the date of the prisoner's re-admission with his new register number. The index shall be posted up as prisoners are received,

**Register No. 6.**—Register of valuable Articles. All gold articles, Jewellery, watches, foreign coins, bonds, shares and other valuable articles belonging to prisoners, shall be recorded in this register which shall remain in the custody of the Deputy Superintendent. While handing over articles to a prisoner at the time of his release, his receipt shall be obtained in the appropriate column.

**Register No.-7.**~Prisoners private cash account register:-This register will maintain on account of receipt and expenditure of cash of a prisoner on the page where it was entered at the time of his admission till the date of his discharge and will give detail of expenditures. One page will be enough for one prisoner.

**Register No. 8.**—Punishment register of prisoners:-

(i) Entries of punishments of whipping and of sentences

inflicted *by a Court* for offences committed in prison, shall be entered in red ink, in order that they may be readily distinguished. At the end of each month, an abstract of offences and punishments according to the headings in monthly statement No. VI, shall be prepared.

(ii) When a prisoner is sentenced to flogging the previous punishments awarded to him shall also be entered in this register.

(iii) When a prisoner is sentenced to whipping or change of labour, the Medical Officer's certificate as to the fitness of the prisoner to undergo the punishment shall be obtained in appropriate column.

(iv) When the prisoner punished is a woman, letter "W" shall be written under her admission number in column 3.

(v) When an offence is committed, it shall be brought on this register promptly, even if judgment has not been pronounced.

**Register No. 9.**—General abstract of prisoners:-

This register shows the number and class of prisoners in the prison each day. The number "Locked-up yesterday "(column 2) shall correspond with the number shown as remaining on the previous day. The entries for each day shall be made on the morning of the day following.

**Register No. 10.**—Barrack or party wise distribution of prisoners:-

(i) Serial number commencing from 1 shall be entered in the column of the day concerned against the name of each prisoner in a barrack or forming the party deputed for work. If for any reason any prisoner is not locked up in the barrack or is unable to accompany the party, a cross mark shall be entered in place of a serial number.

(ii) The names of prisoners subsequently added, shall be entered after the last name on the register and the sequence of serial number shall be maintained in order to facilitate the counting of the prisoners.

(iii) The warder locking up the barrack and the Assistant Superintendent in-charge shall sign the register daily after look up.

(iv) In the case of out parties, the gatekeeper shall obtain the signature of the warder at the bottom of the column of the day

concerned and shall himself. daily record the number of prisoner forming the party.

**Register No. 11.—Interview register:-**

Full particulars and address of the interviewer shall be recorded in this register by the official in charge of interviews.

**Register No. 12.-Generally lock-up register:-**

(i) Against the side heading "name of circle or barrack" shall be entered circle No. I, II, Women's enclosure, Juvenile ward, etc., as the case may be and immediately under this entry the authorised accommodation of such ward shall be given. The number of prisoners actually confined in a circle or ward at any lock-up shall be given against the date.

**Register No. 13.—Prison cash book:-**

(i) In this register shall be entered the receipt and disbursement of all moneys passing through the hands of the Deputy Superintendent, except such as relate to the Factory Section for which a register is provided.

(ii) A fixed sum of money known as permanent advance is sanctioned for every prison. On the 1st April of each year, the Audit office is to be furnished with a certificate, the full amount of the advance is in possession of and to be accounted for by the Superintendent. Petty payments shall be made by the Deputy Superintendent in cash from this advance when the payment of large sums is necessary the Superintendent shall draw upon the Treasury by abstract bill, which he may after obtaining a proper receipt for the amount endorsed for payment to the person to whom the money is due .of the money may be received from the Treasury and paid in cash. No. large sums shall be kept in hand for more than 24 hours so that money shall not be drawn until it is actually required for\* disbursement. There shall therefore, seldom by a balance against the prison, except the permanent advance prisoners, cash diet money of civil prisoners, cash realized by sale of Government property (not manufactory) and possible petty refunds which, however, shall always be paid into the Treasury without unnecessary delay. -

(iii) A receipt shall be taken for all disbursements even for small sum. The receipts shall, when possible, be in national or official provincial language and the payee shall state in words the

amount received. Separate receipts for payments under Factory and Maintenance Sections shall, as a rule, be taken. All receipts for sums over Rs. 20/- must be stamped.

(iv) Large sums shall, as far as possible, be paid in the presence of the Superintendent, but when this is not practicable witnesses, who shall attest the payment by affixing their signature to the receipt.

(v) All receipts for cash payment shall bear two series of numbers, firstly, a serial number for the month. The former shall be entered upon the receipt at the time it is given by the recipient of the money, the latter at the close of the month after the receipts have been arranged in the manner described in clause (iii) above, the annual number shall be given on top, and the monthly number underneath, thus No. 1001. Receipt relating to prison maintenance and Prison manufactory, respectively shall be given a separate and distinct series of annual and monthly numbers. Only the annual numbers shall be shown in the columns provided for the purpose in Register No. 14 and 37. The serial numbers shall commence with the financial years viz., 1st July.

(vi) Before signing the certificate printed on the bill, the Superintendent shall satisfy himself that all vouchers under Rs. 25/- in amount have been cancelled and cannot be used again.

(vii) A detail of the balance in hand shall be very minute and must give full information as to the items which made up the balance under each of the heads. It shall be signed by the Superintendent when prepared.

(viii) Receipt shall not be utilised towards expenditure but shall be credited into treasury at once. Money can be drawn from the treasury as often as is required.

(ix) Cash book shall be put up daily before the Superintendent who shall initial it in token of his having examined it.

(x) No advance shall be made to any from the permanent advance sanctioned for the prison.

(xi) A formal receipt shall be issued for the money received in the prison in all cases except from the treasury.

(xii) All receipts on account of diet money of civil prisoners shall be credited into the treasury at once.

(xiii) No loans shall be obtained from any person or other heads of account.

**Register No. 14. and 15.--**Register of other contingencies and contingencies:-

(i) When the permanent advance is running short and money is required from the treasury, the entries in this register shall be totaled and the total shown in red ink. If money is required in excess of the permanent advance for making purchases, the amount so required shall be entered in this register and included in the abstract bill.

(ii) Money may be drawn from the Treasury on abstract bills as often as may be necessary, but such drawings shall usually be limited to three or four in a month and drawings made between the 26th and the last day of the month shall be utilized total, in paying for purchases actually made between the 26th of the previous month and the 25th of the month to which the bill relates.

(iii) Save as above provided, no money shall be drawn from the Treasury between the 26th and the last day of the month ; payments for purchases made between those dates shall be made from the permanent advance and accounted for in the succeeding month's bill.

(iv) Strict compliance with the two preceding clauses is necessary, with the objection of obtaining agreement between the monthly accounts of prisoner as kept in the office of the Inspector General and the Audit Office.

(v) In the first abstract bill presented after the 1st of the month shall be included the amount paid from the permanent advance between the 26th and the end of the previous months.

(vi) When funds are needed, the Deputy Superintendent shall note in his report book the amount the requires under each head of expenditure. He shall present this entry to the Superintendent, who, after satisfying himself that the sums included in it properly represent requirements, shall sign or initial it.

(vii) Such entry in the Deputy Superintendent's report book duly signed or initialled by the Superintendent, will be authority for the official entrusted with the duty, to prepare an abstract contingent bill for the amount therein set forth entering each sum under its appropriate head of expenditure, and thereafter writing the total of the bill in wards as well as in figures. He shall see that the amount shown in the abstract bill corresponds with the total of this register.

(viii) The Deputy Superintendent having satisfied himself that the bill has been drawn according to the items entered in his report book shall endorse it, and present it before the Superintendent of his signature.

(ix) The Superintendent after comparing the items with the interview in this register will sign the abstract bill and at the same time initial such entries ; he shall then hand over the abstract bill to the Deputy Superintendent, who shall be held responsible for it.

(x) It will be the duty of the Deputy Superintendent to count the cash actually received from the Treasury, to compare it with entries in this register and to bring to the notice of the Superintendent at once any discrepancy he may discover.

(xi) No money shall be drawn from the Treasury until it is required, for disbursement.

(xii) The abstract bill forms shall always be kept locked in an almirah, the key of which is to be in charge of the head clerk.

(xiii) When the accounts for a month are closed, a memo shall be prepared in the register to show the total expenditure under each head of grant and budget allotment available.

**Register No. 16.--Book of purchase:-**

(i) The same register will do for the maintenance and the factory section The purchase orders (indents on supplier) should be compiled in this book, columns 1 to 5 being written up at that time, and columns 7 to onwards being entered up from information when the goods and the invoice have been received. The order book shall be placed before the Superintendent and he will observe whether orders have been strictly complied with as to quantity, quality and the date of delivery and from this information decide whether or not to continue dealings with firms and remark accordingly in the last column. The system of calling for tenders and selection by the Superintendent shall be continued. The account office shall particularly watch invoices, and see that the quantity billed for agrees with the quantity delivered.,

(ii) *Stock limits.*-The limits of stocks to be carried shall be fixed i.e., the minimum below which the stock of each kind of article shall not fall and thus interrupt manufacture and the maximum above which, for financial reasons, it would not be expedient to pass. Stocks would then be held at a safe level within these limits.

(iii) Indents on supplier.—When stocks are reaching the minimum limit, the storekeeper shall notify the accounts office, who will prepare an indent and put it up to the Superintendent for signature. The indent will be duplicated by a double carbon paper, the original being dispatched to the supplier.

**Registers No. 17 and IS.**—Register of letters received and dispatched:-

(i) All letters received shall be entered in a single consecutive series in register No. 17, and all letters dispatched shall, in like manner, be entered in register No 18. The series shall be conterminous with the calendar year.

(ii) An account of the service stamps purchased and expended shall be kept in the column of-stamps account. The balance shall be struck daily.

(iii) When a letter has been filed after information, the fact shall be noted in column of Register No. 17.

(iv) All correspondence shall be arranged in the correspondence almirah (each year's separately) according to the subject. The classification of subjects shall ordinarily be as follows, but may be modified by the Superintendent to suit the requirements of his office. A table showing the classification adopted shall be pasted on the inside of the front cover of register No. 17:-

- (1) Accidents, assaults or outbreaks.
- (2) Accoutrements, arms uniforms, ammunition and indents therefore, alarm parades and military, training.
- (3) Admission and release of prisoners, including correspondence relating to warrants, fines, remission of sentence and the release of prisoners on account of sickness.
- (4) Annual reports and returns.
- (5) Appeals.
- (6) Bills and accounts, general maintenance and manu□factory, including budget.
- (7) Civil prisoners.
- (8) Classification and separation of classes including correspondence about habituals and previous convictions.
- (9) Convict Officers, clerks and servants.

- (10) Discipline, offences and punishments of prisoners rules and orders.
- (11) Epidemic and outbreaks of infectious diseases, camping out.
- (12) Escapes and recaptures, guarding, watch and ward.
- (13) Establishment, appointment, offences and punishments of prison officers security bonds, leave and transfer of officers, pay travelling allowances.
- (14) Executions and correspondence connected therewith.
- (15) Garden and dairy.
- (16) General registers and returns.
- (17) Indents for clothing, bedding, stationery, forms and other supplies.
- (18) Labour and employments of prisoners.
- (19) Mental Patients (criminal and non-criminal).
- (20) Prisoners property and petitions.
- (21) Public Works, original works, additions, alterations and repairs.
- (22) Sickness and mortality and matters connected with sanitation con servancy, or medical administration.
- (23) Storage of grain and the purchase of supplies.
- (24) Transfers of prisoners, including overcrowding, escort and railway passes.
- (25) Visitors, remarks and inspection.
- (26) Miscellaneous.

(v) The letters on each subject shall be placed between protecting paper covers or file boards and held in position with a tags or lace and arranged in order of date. These files shall then be grouped together to form collective files according to the classification adopted, and in each, collection the separate files of correspondence shall be serially numbered and the year and subject matter of the contents superscribed on each. The file number shall be shown in column No. 7 of Register No. 17 and column No. 5 of Register No 18 respectively, against entries made therein. When not in use the files shall be arranged in serial order on a shelf in the correspondence almirah.

(vi) No file shall, except when in use, be kept at any place outside the almirah. When more than one officer has access to the



file almirah, each file shall, when being taken from its place, be substituted by a slip of paper with the signature of the officer who removed it, who shall be held responsible for its safety till it is again restored to its place.

(vii) The Superintendent shall himself open all letters and thereafter pass on them with any instructions he may wish to give to the receipt clerk for entry in the receipt register and disposal.

**Register No. 20.--Visitors' Remarks Book:-**

This register shall be kept in the prison gate and put up before official and non official visitors and other important visitors for their signatures.

**Register No. 20.--Visitors Remarks:-**

(i) Beside the official and non-official visitors of the prison, the Inspector General and other superior officers of Government, visiting the station, and the officers of the Education Department, may record their remarks in this book.

(ii) A copy of the remarks recorded in the register by any visitor shall be despatched in duplicate to the Inspector General with a copy of the Comments made by the Superintendent.

**Register No. 21.--Gate Book :--**

(i) There shall be only one gate book with the Gatekeeper, This will record the particulars of all persons, prisoners, visitors and articles or goods entering or leaving the prison. No column shall be left blank, if it is not required it must be scored out so that subsequent entries cannot be made in the book.

(ii) For further instructions regarding the maintenance of gate book see rules 1158 and 1159.

**Register No. 22 and 23.**—Superintendents order book and Deputy Superintendent and Assistant Superintendent's report book.

For instructions see rules 947 and 1000.

**Register No. 24.--\*Ammunition register:-**

It shall be written like a ledger and account shall be opened for every item or a separate page, the name of ammunition being mentioned on top. This register must be written and maintained by the Assistant Superintendent himself and shall be put up before the Superintendent once month for checking of ammunition.

**Register No. 25.—Inventory of miscellaneous articles:-**

It shall be written only once in the beginning of the year, Three or four lines shall be left between each item to have enough space for entering subsequent purchases or condemnations during the year.

**Register No. 26.—Register of garden:-**

(i) Each plot in the garden shall be allotted a distinct number which shall be clearly exhibited on the spot by means of a small pillar or post.

(ii) The area of each plot shall be shown in the register in acres.

(iii) The actual amount of produce from a plot either sent for storage to the godown or issued to prisoners, shall be shown in this register. Such as grain, straw, fruit, vegetables, etc. The yield per acre should be worked out and entered in the register.

(iv) A note signed by the Superintendent shall be entered in the register dwelling on any special feature of the crop whenever necessary.

(v) The signature of the official in charge of the godown shall be recorded against the entry of all articles sent for storage to the godown.

(vi) When a plot is allowed to lie fallow the reason shall be recorded in the register under the signature of the Superintendent.

(vii) An account of all trees on prison lands shall also be maintained in this register.

**Register No. 27.—Night Duty Report Book -**

(i) This book shall remain in the custody of the Assistant Superintendent during the day and in the custody of the gatekeeper during the night. The Assistant Superintendent shall put up this book before the Deputy Superintendent and the Superintendent everyday.

(ii) The officer visiting the prison at night shall record his observations in the book before leaving the prison.

**Register No. 28—Warders Services Register:-**

**This Register shall be maintained at all prisons.** The Assistant Superintendent shall be responsible for the receipt and issue of article and for an accurate account of the same being kept in the

Register. Each article before issue shall be marked according to the orders in Rule 1213.

**Register No. 29.—Warders' Uniform Register:-**

This register shall be maintained at all prisons. The Assistant Superintendent shall be responsible for the receipt and issue of articles 85 for an accurate account of the same being kept in the register. Each article before issue, shall be marked according to the orders in Rule 1213.

**Register No. 30.—Target Practice Register:-**

The result of the annual musketry course of Officers and the warder guard shall be maintained in this register by the Lines Officer.

**Registers No. 31 and 32.--Warders Day and Night Duty Book:-**

(i) Any alterations made in the duties of warders shall be attested by the Assistant Deputy Superintendent.

(ii) Warders shall affix their signatures or thumb impressions against their names just before they go on duty.

(iii) Names of temporary warders shall also be shown in this register with the duty assigned to them.

(iv) Names of warders on leave or on the sick list, etc., shall be shown at the bottom.

**Register No. 33. Grain Godown Register:-**

(i) This register is intended to show the grain and other articles handled from day to day in the grain godown. Each article shall have a page set apart for it monthly.

(ii) Garden produce, which admits of being stored, such as onions, potatoes, garlic, chillies, coriander, etc, shall be entered in this register.

The articles shown shall be actual and not calculated.

(iv) The opening and closing balances in the beginning and at end of month, shall also be written in words.

**Register No. 34. Daily diet requisition book:-**

Requirements of articles of diet for prisoners and patients in hospital shall be indicated for by the Assistant Superintendent and the Medical Officer daily.

**Register No. 35.--Clothing Godown Register:-**

This register is primarily intended to show the balance clothing, etc., in the godown on any particular day. Two pages are allotted to a month. On the left hand side all clothing *received* from any source such as manufacturing prisons, released prisoners, etc., are to be entered in the proper columns under new and old. Similarly on the right hand side clothing issued to newly admitted prisoners, etc., shall be shown daily according to its condition whether new or old. The names of each kind of articles shall be entered on top of the page in separate column. Balance shall be struck off at the end of the month which represents the contents of the godown on the last day of the month. With a view to compare the contents, of the godown with quantities of clothing in the indent, the number of clothing with prisoners shall be entered at close of the month at the bottom of the register and the total of the balance and the number with prisoners shall agree with the indent minus the clothing condemned. A separate register shall be maintained by the Assistant Medical Officer for Hospital clothing.

**Register No. 36.-Factory Cash Book:-**

(i) All moneys relating to the factory and factory establishment shall be entered in this register on the left if received, and on the right if disbursed. Instructions operating to register No. 13 apply to this register also.

(ii) Full information as to whether the amount received is drawn on an abstract bill or is the sale-proceeds of articles sold, or recoveries made to meet the retrenchments from the Factory bill shall be given in column of particulars, on receipt side, Amount received in advance shall be entered in red ink or underlined with red ink and distinctly marked as "advance for an article."

(iii) Number of the receipt issued for the money received from any person shall be entered. In case money drawn on abstract bill, the number and date of Deputy Superintendents report in his report book applying for the sanction of the Superintendent to draw the money from the Treasury shall be noted. A receipt shall be issued for each and every amount received by the prison on the sale of an article or on the recovery on any account, to matter whether remitter wants it or not.

(iv) In the column of particulars on expenditure side shall be stated whether the payments made are for purchases of material, tools, etc., or sale-proceeds paid into the Treasury.

(v) Monthly number of the payee's receipts obtained for the items paid or number of the vouchers under which the money is credited into the Treasury shall be entered in the appropriate column.

(vi) The balances in this register shall be worked out daily and details in red ink given at the close of each day's transaction thus:-

Payable into Treasury Rs.--

Available for expenditure Rs.--

(vii) Sale proceeds of goods shall be deposited into the Treasury as frequently as possible and shall not be utilized for any other purpose.

(viii) The balance of cash in hand shall be compared with the balance shown in the cash book and if found correct, the Deputy Superintendent shall initial the latter and present it to the Superintendent who shall initial it in token of his having done so.

**Register No. 37.--Factory Contingent Register:-**

(i) Instructions prescribed for keeping register No. 14 fully] and wholly apply to this register also.

(ii) On closing the cash account for a month, a memo shall be prepared to show the progressive total of expenditure up-to-date.

(iii) From this total all supplies made to the maintenance ( own and other prisons shall be deducted and those receive from departments other than Prisons added;

(vi) At the same time another memo shall be prepared to show the detail of expenditure under different heads of manufacture carried out in the prison and the progressive total of cash profits.

**Register No. 38.--Factory Order Book:-**

(i) Orders shall be entered in this register at the time of their receipt.

(ii) The Superintendent shall examine it at intervals to satisfy himself that no delay occurs in the execution of orders, and that such orders are carried out as far as possible cording to priority of receipt.

(iii) All orders including those which are complied with and settled immediately, must be entered in this register.

**Register No. 39.-Register of raw-materials:-**

(i) All articles of every description for the factory, whether paid or not shall, as soon as received, be entered on the receipt ie of this register.

(ii) All articles issued shall be entered at the time the issue made.

(iii) The entries on the issue side shall also include the loss stock by accident or theft.

(iv) The accounts for each month shall be closed with a double red ink line drawn across the page under the last entry the month.

(v) Articles supplied for the prison maintenance department or to other prison maintenance or factory departments shall be entered in red ink.

(vi) Each article shall be given a folio page. The entries shall be taken from Register No. 37 and arranged under their appropriate heads. Column of value on the receipt side shall be filled in from Register No. 37 and when available.

(vii) Incidental charges, such as Railway freight, coolie hire, cartage, etc., shall be entered under the article to which they appertain.

(viii) All charges shall, as far as possible, be classified and entered under the article to which they appertain. Charges for witch classification is impossible shall be entered under head "Miscellaneous."

(ix) value of articles issued from stock may be entered once a month for the total quantity issued under each head, if found convenient and possible.

**Register No. 40.--Factory Process Register:-**

(i) A separate register for each industry shall be kept, if the industry is on a large scale. If the industries are not on large scale, a few pages for each industry shall be set apart. An index shall be given in the beginning of the Register.

(ii) All raw-materials as soon as received from godowns shall be entered in the column provided.

(iii) When goods are manufactured and sent to store, they shall be noted in the appropriate column with articles of raw-material consumed and the loss. The actual loss and not the average shall be entered, and in no case shall the former exceed that sanctioned for each manufactured article, in articles made up from cotton yarn on which stretch is used, an allowance for the latter is to be given and

noted separately.

(iv) Any correction shall be attested by the Superintendent himself.

(v) At the close of each month the total of raw-materials received and the raw-materials with losses actually consumed in the process of manufacture, shall be given and the balances struck.

(vi) At the end of each month the Accountant, the Factory Officer and the Deputy Superintendent shall certify that articles finished and stored correspond with register No. 41 and the balances shown in this register agree with the actual balances in the process of manufacturer.

(vii) This register shall be maintained independently by the Factory Officer and not by the storekeeper in charge of the godowns of raw-materials and manufactured goods.

(viii) The Superintendent shall, at least once a month, personally satisfy himself that this register is correctly kept up, that the balances shown correspond with the actual stock in process of manufacture that the loss is actual and not according to the scale and that it is not in excess of the scale laid down by rules.

(ix) All articles issued from stores shall be entered in this register, or, matter whether they remain in process of manufacture till next day or not.

(x) All miscellaneous articles which are consumed in *manufactures shall* also be entered in this register under their appropriate heads.

(xi) This register is very important and shall be filled in and kept up very carefully. The Deputy Superintendent shall check it frequently.

**Register No. 41.—Register of manufactured articles:-**

(i) A few pages should be allotted to each article of manufacture according to requirements; all receipts shall be entered on the left hand and all sales whether cash or credit, well as articles supplied to the maintenance or factory sections of any prison, or consumed in the process of manufacture, on the right hand side.

(ii) In the event of articles being lost, or destroyed, a note the circumstances should be made in this register under the initial of the Superintendent.

**Register No. 42.—Daily Sales Register:-**

This register will record cash sales and also sales on credit which will be compiled from bills, the persons or departments to whom the goods were sold being noted in column 3. The total of the bill in column 9 and the analysis will agree with the total in column 6. Sales should be analyzed under different heads in each prison according to what is made or manufacture there, e.g., furniture, textile products, ironmongery, oil soap products, etc. This register will be totaled monthly.

**Register No. 43.—Labour Distribution Register:-**

(i) Prisoners shall be shown as exempt from labour on the days they are admitted and released, respectively.

(ii) When making up averages, Sundays and other days on which prisoners are exempt from labour, shall be excluded and these days left blank.

(iii) Non-labouring convicted prisoners who work voluntarily shall be included with prisoners sentenced to labour in the details of distribution of work, and a note of the number so included with the nature of the work done, made at the bottom of the page, to explain the difference between the total of the distribution list and the number of prisoners sentenced to labour.

(iv) Members of the convalescent party employed on light labour should be shown as employed under columns allotted to the particular work on which they are engaged, and not included in the column "unemployed", sub-column "infirm party", which is intended for convalescent who are not required to work.

**Register No. 44.—Medical Officer's Report Book:-**

This register will be maintained as record of daily events pertaining to health and welfare of prisoners by the Medical Officer, Assistant Medical Officer.

**Register No. 45.—Hospital Admission Register:-**

To be kept by the Medical Officer or the Assistant Medical Officer under his direction. The various entries shall be made as soon as the information required is available.

*Column 7.* The nomenclature of disease shall be adhered to in filling in this column.

**Register No. 46.—Medicine Stock Register:-**

This register shall be maintained by and kept in the custody of



Assistant Medical Officer. The Medical Officer will check the stock of medicines at least once a month.

**Register No. 47.--Register of daily diet of patients:-**

(i) This register is a record of diet issued to sick prisoners in hospital.

(ii) The term "special diet" means diet which is issued in lieu of ordinary diet and the term extra diet means the diet issued in addition to ordinary diet.

**Register No. 48.--Prison Hospital Outdoor Register-**

The name of every prisoner or prison official attending the I hospital or who is attended to by the Assistant Medical Officer in the cells, barracks, factory, etc., shall be recorded in this register.

**Register No: 49.—Injury Report Book;-**

(i) Reports of all injuries received by a prisoner in prison either as a result of accident or fight, shall be entered in this register.

(ii) Unexplained injuries on the person of a prisoner at the time of admission, shall also be recorded in this register.

**Register No 50--Death Register:-**

This registry shall be maintained by the Medical Officer in hospital. Every case of death shall be recorded in this register. The return on the prescribed form shall continue to be sent to the Inspector-General.

*SECTION 11-RETURNS, BILLS, FORMS, ETC.*

**List of returns etc., to be furnished:**

**Rule 1243.** *The bills, returns, reports, etc., to be furnished by the Superintendent, are as follows:-*

A) PERIODICAL

Number of Form	Description of Bill return, etc.	To whom to be submitted	Date on which due
1	Monthly population statement	Inspector General	5 <sup>th</sup> of every months
2	List of un-convicted prisoners (other than sessions) detained for more than two months	District Magistrate	1 <sup>st</sup> of every month

64	List of payees' receipts	Inspector General	8 <sup>th</sup> of succeeding month
65	Statement of railway warrant	Ditto	Ditto
66	Statement of credit notes	Ditto	Ditto
67	Price current rate statement	Ditto	Ditto
68	Statement of detailed expenditure	Ditto	Ditto
99	General bill of prison supplies	Ditto	Ditto
98	Factory detailed contingent bill	Ditto	Ditto
112	Mortality statement	Ditto	5 <sup>th</sup> of succeeding month
113	Monthly sick return	Ditto	Ditto
100	General bill or articles supplies to other Government Offices.	Accountant General	3 <sup>rd</sup> of each month
83	Warders Service Sheet	Superintendent Head quarters Prison	10 <sup>th</sup> of succeeding month

**Quarterly**

3	Statement No. 1-Number and disposal of convicted prisoners.	Inspector General	15 <sup>th</sup> of month succeeding the quarter
4	Statement No. II—Religion, Age, Education ad previous occupation.	Ditto	Ditto
5	Statement No. III-Offences and punishments of convicted prisoners.	Ditto	Ditto
6	Statement No. IV—Mortality according to length of time	Ditto	Ditto
7	Statement No. V and VI—Particulars of undertrial and Civil Prisoners.	Inspector General	15 <sup>th</sup> of month succeeding the quarter
8	Statement No.		

	VII—Condition of prisoners discharged	Ditto	Ditto
102	Outstanding list due to the prison factory	Ditto	8 <sup>th</sup> of month succeeding the quarter
94	Estimate for miscellaneous articles.	Inspector General	1 <sup>st</sup> May and 1 <sup>st</sup> December
9	Half-yearly report on the conduct and health of state prisoners.	Deputy Co-Missioner	1 <sup>st</sup> January and 1 <sup>st</sup> July
10	Half-yearly report of mental patients	Inspector General	Ditto
87	Half-yearly position list of warders (furnished by superintendent of Headquarters Prison)	Superintendent of tributary prisons	Ditto
<b>Yearly</b>			
11	Statement No. VIII—Admission of convicted prisoners according to length of sentence	Inspector General	1 <sup>st</sup> August
12	Statement No. IX—particulars of habitual prisoners.	Ditto	Ditto
13	Statement No. X—Escape and recapture.	Ditto	Ditto
14	Statement No. XI—Sickness and mortality of prisoners.	Ditto	Ditto
15	Particulars of prisoners punished by whipping	Ditto	Ditto
16	Statement No. XII—Remission Statement	Ditto	Ditto
OF 88-90	Confidential report of Upper Subordinates	Ditto	10 <sup>th</sup> January
79	Report on the character and qualification of warder	Ditto	Ditto
95	Indent for prison clothing	Ditto	1 <sup>st</sup> October
70	Annual indent for Registers and Forms	Ditto	1 <sup>st</sup> August

72	Statement of amount credited into treasury	Ditto	January
103	Factory Financial Statement	Inspector General	20 <sup>th</sup> January
73	Financial statement of Prisons Expenditure	Ditto	Ditto
96	Tent Statement	Ditto	20 <sup>th</sup> January
114	Annual Sick Return	Ditto	20 <sup>th</sup> January
P.AF.Z 2096	Receipt and delivery vouchers for arms and ammunition	Chief Ordinance Officer	---
P.AF.Z 2096	Requisition for Arms and Ammunition	Inspector General	15 <sup>th</sup> March
C.A.C 3 and 4	List of establishment standing on the 1 <sup>st</sup> of April.	Audit Office	1 <sup>st</sup> May
Stereo A and T 320	Certificate for the possession of full permanent advance	Audit Office	15 <sup>th</sup> April
B.M.I	Budget Estimates (Income)	Inspector General	1 <sup>st</sup> October
W.F.35	Annual Indent for Universal forms	Ditto	1 <sup>st</sup> March
Stereo A and T 328	Indent for Account and Treasury Forms	Ditto	1 <sup>st</sup> September
I	Indent for stationery	Ditto	1 <sup>st</sup> September
MSD 134 135	Indent for medicines quadruplicate	Ditto	20 <sup>th</sup> January

(B) DETAILED DESCRIPTION OF FORMS

No. of Form	Description of Forms
1.	Weekly Population Statement
2.	List of un-convicted prisoners who have been for more than 60 days in prison to the District Magistrate
3.	Statement No. I—Number and disposal of convicted prisoners.
4.	Statement No. II—Religion, age, education and previ□

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ous occupation.

5. Statement No. III—Offences and punishments of convicted prisoners.
6. Statement No. IV—Mortality according to length of time.
7. Statement No. V and VI—Particulars of undertrial and civil prisoners.
8. Statement No. VII—Conditions of prisoner discharged.
9. Half yearly report on the conduct and health of State Prisoners.
10. Half-yearly report of mental patients.
11. Statement No. VIII—Admission of convicted prisoners according to length of sentence.
42. Statement No. IX—Particulars of habitual prisoners.
13. Statement No. X—Escape and mortality-of recapture.
14. Statement No. XI—Sickness and prisoners.
15. Particulars of prisoners punished by whipping.
16. Statement No. XII—Remission Statement.
17. Circle lock up slip.
18. Lock up report to Superintendent.
19. Railway. Pass form.
20. Acknowledgement of prisoners.
21. Receipt form.
22. Challan form
23. Transfer roll of prisoners.
24. Indent on suppliers.
25. Indent form.
26. Requisition for police escort.
27. Intimation regarding transfer of prisoner.
28. Docket for reconsideration of classification of prisoners.
29. Nominal roll of prisoners for special promotion.
30. Roll of prisoners punished, requiring confirmation by the Inspector General'.
31. Death case slip.
32. Death case envelope.
33. Docket forwarding petition for march from condemned prisoners.
34. Acknowledgement of Government's orders on the

petition of mercy of condemned prisoners.

35. Docket to District Magistrate regarding last interviews.
36. Docket to District Magistrate for a first class Magistrate.
37. Docket to District Magistrate not to detail the Magistrate.
38. Execution certificate.
39. 1. Undertrial ticket.  
2. Convicted prisoner, history ticket 1st leaf.
40. Convicted prisoner history ticket 2nd leaf.
41. Convict history ticket cover.
42. Civil prisoner's ticket.
43. Cell ticket.
44. Condemned prisoner's cell ticket.
45. Gate pass.
46. Return to Stores.
47. Medical history sheet of criminal lunatics.
48. Fitness certificate for transfer to mental hospital.
49. Remission card.
50. Escape report.
51. Recapture report.
52. Docket to Deputy Commissioner remitting fine.
53. Objection on warrants.
54. Form for grounds of appeal.
55. Reminder for copy of judgment/result of appeal,
56. Docket intimating to Court regarding transfer of prisoners prior to decision of appeal.
57. Release certificate.
58. Statement of prisoners to be conditionally released.
59. Statement of prisoners to be released on medical grounds.
60. List of prisoners notifying their intended place of residence after release.
61. Commutation roll Fourteen years roll.
62. Labels for prisoners private clothing.
63. Warrant cover and list of prisoner's private property.
64. List of payees, receipt.
65. Statement of railway warrants.
66. Statement of credit notes.
67. Price current rate statement.
68. Statement of detailed expenditure.

69. Abstract bill for contingent charges.
70. Annual indent for registers and forms.
71. Form for copy of remarks of visitors.
72. Statement of amount credited in Treasury.
73. Financial statement of prison expenditure.
74. Charge report.
75. Stock Note form (goods' manufactured and sent to Stores).
76. Notebook.
77. Supplier's invoice.
78. Invoice form.
79. Report on the character and qualifications of warders.
80. Declaration of non relationship.
81. Record of enquiry against upper subordinates.
82. Record of enquiry against warders.
83. Warders service sheet.
84. Security Bond.
85. Casual leave account.
96. Kit sheet of warders.
87. Half yearly position list of warders.
88. 1. Verification roll of warder medical examination.  
2. Verification from Police.
89. Acknowledgement of warders having read the section 54 of Prisons Act IX of 1894.
90. Docket of Inspector General for extra warders.
91. Leave application for upper subordinates.
92. Descriptive roll of a warder dismissed.
93. Estimate for miscellaneous articles.
94. Indent for prison clothing.
95. Tent statement.
96. Memo of prison clothing to be sent with prisoners on transfer.
97. Factory detailed contingent bill.
98. General bill of prison supplies.
99. General bill of articles supplied to other Government Departments.
100. Abstract bill for factory.
101. Outstanding list due to the prison factory.
102. Factory financial statement.
103. Daily task sheet.

104. Factory order form.  
 105. Acknowledgement of factory orders.  
 107. Intimation regarding supply of articles.  
 108. Sale bill.  
 109. Sale Indent.  
 110. Tool list.  
 111. Mortality.  
 112. Monthly sick return.  
 113. Annual sick return.  
 114. Temperature chart.  
 315. Bed head ticket.  
 116. Temperature chart and case sheet.  
 117. Prison hospital out-patient ticket.  
 118. Daily cholera report.
- Stereo A & T 306 Abstract bill for contract contingent charges.  
 Stereo A & T 309 Abstract bill audited contingencies.  
 Stereo A & T 314. Bill for Service postage.  
 Stereo A & T 289. Last pay certificate.  
 P.A.F.Z. 209S1 (a) Application for repair of arms. Emergent indent for stationery.  
 Stereo A&T 301 Health certificate.  
 MSD 136 Supplementary indent for medicines (in quadruplicate).

*Note.*—In this paragraph all forms which bear number only are prison forms. The other are adopted from various sources, the abbreviations being as follows:-

- U.F = Universal Forms.  
 A & T = Account and Treasury.  
 MSD = Medical Store Department.  
 BM = Budget Manual.  
 C.A.C. = Civil Account Code

#### **Classification of Expenditure:**

**Rule 1244.** Classification of expenditure:-

- (1) The following classification of prison expenditure has been prescribed by the Government of Pakistan :-

SCHEDULE SHOWING ITEMS OF JAIL EXPENDITURE  
 CLASSIFIED ACCORDING TO THE CLASSIFICATION  
 ADOPTED IN THE REVISED FINANCIAL STATEMENT No.



Main heads Adopted by the Finance Department	Sub-heads required for administrative purposes	Classification of Items
Establishment	A----- Rations	Cells for no remark. This sub-head should include cost of provisions and fuel.
	B.- Miscellaneous dietary charges	This sub-head should include ordinary recurring expenditure on such items as earthen pots and plates, leaves for plates, jars for pickle, sacks for grain, baskets, tinning, cooking, utensils, repairing, grind, stones or any culinary utensils or receptacles for provisions, diet of children in prison with their mothers, fish fry for stocking prison tanks, articles for fishing or expenses in getting fish from prison tanks, cargage of provisions to the prison; also the cost of metal pots and plates and wooden platters and paddy mills and dhenkis, if these articles are- not likely to last for three years, but if
	C—Garden or Agriculture expenses.	they are, the cost should be included in column 13-B (Dietary dead stock). This sub-head should include ordinary recurring expenditure on such items as seeds, manure, country ploughs, motts arid ropes

		for irrigation, garden baskets, or bamboos or cane for making them tokas or sun hats, nets for fruit trees, kudalis or phaoras (hoes), and dous of knives not likely to last three years.
	D—Proportion of dairy expenses	The working expenses of the dairy should be divided between this head and "hospital charges" in the proportion in which the produce of the dairy is used for the general dieting of the prisoners or for sick and the infirm. Such items as fodder straw, medicines, fuel, rope, bamboos, attendants (if not on the regular establishment) should be included here, but no expenditure for livestock, plant or appliances likely to last for three years or upwards.
Hospital charges	A—Sick diet and extras for patients	This sub-head is for food and fuel only.
	B—Cost of extras or special diet. Etc., for prisoners who are in weak health but who are not in hospital.	No remarks.
	C—Medicines and Hospital equipment	This sub-head will show the cost of medicines, whether purchased locally or supplied by the Medical Store Depot also of run procured for the sick. Hospital equipment will include such articles as hospital pillows, bedding and clothing splints,

		hospital bed pans and urinals if not coming under the definition of extraordinary expenditure expenses for repairing such articles, cloth for bandages, Sajji Matt or soap for hospital use, etc.
	D—Proportion of dairy expenses	See above, "Dieting Charges" (D)
Clothing and Bedding of prisoners		Not only the cost of new-clothing and bedding, but all charges for repairs (needles, thread, cloth, etc.) should be included under this head. The cost of new bed sheets (wood or iron, should be included under "extra ordinary expenditure Miscellaneous, column 13 (J).
Sanitation charges	A-Conservancy washing and purifying.	Under this subhead should be included all Municipal charges for special conservancy work done, expenditure for brooms, tar or pitch privy and dry earth, baskets and bamboos for making such baskets; rope for mehtars or jute for making it; kundal is or hoes for conservancy, soap or washing soda for washing prisoners clothes, shall lime for white washing (if not treated as a public work charges); earthen pots and vessels for conservancy; repairing conservancy utensils, carts, etc, cargage of river mud for mud washing; disinfectants, sulphur for fumigation and other conservancy items not coming under the definition of "extraordinary expenditure",
	B-Charges for	Water-tax or rate paid to a

water supply.

municipality will be an exception to the rule that Municipal charges shall be included under the head of "Contingencies" it should be included here (unless no service is rendered for it). Likewise such charges as ropes for drawing water for service of the prison maskhas, mats and other appliances for the purpose,

glasses for examination of water and expenses in connection with water analysis, repairs of pumps, pipes, reservoirs or tanks, water receptacles, carts or other appliances for distributing water, and renewal of parts, coal or firewood for boiling drinking water;

"Extraordinary expenditure" being excluded

C—Extraordinary Charges

The Sub-head should contain the cost of cholera camps and other measures taken, in emergencies to preserve health, Cholera camp charges will include cost of temporary shelter, bamboos, strings, mats, straw for bedding, carriage of water, materials for sick prisoners, and other charges strictly due to camping out the prisoners. The cost of extra guard will be included under this head, but not of those deputed from the ordinary establishments

Charges for moving prisoners.

A—Transfer charges and road subsistence for convicts.

This sub-head includes rail fares and carriage of transfers, and subsistence and other expenses for detaining prisoners in

transit (except when  
transportation prisoners are  
dispatched from the collecting  
prison

or deportation); railway fares and carriage, when necessary, or released convicts; subsistence allowance or gratuities given to convicts on release is granted for subsistence on the journey home; but not if granted as rewards, clothes for released convicts and transfer charges for lunatics, sent to asylums.

B-Transportation charges

Only charges connected with the despatch of convicts from their provinces for deportation to destination should be included in this column, not charges for maintenance clothing etc., while detained in the province awaiting deportation or transfer charges, for removal to the collecting (Central) Prison of the Province. Such items as railway fare and carriage, subsistence on the journey, cost of clothing, blankets, bedding, fetters, handcuffs and hand rings sent away with the prisoners were come under this heading.

Miscellaneous services and supplies A—lighting

This head should include such items as gas is used (this rate will also be an exception to the rule that Municipal rates 'shall be charged to contingencies, if the gas works are under a Municipality); kerosens and

E—Execution Charges	<p>other lamp oil, wicks, renewal lamp glasses, repairing gas pipes, lamps "Extraordinary charges" are to be excluded</p> <p>This head should include such items as materials for repairing neck rings, ankle mugs, wrist rings or fetters; iron for rivets; smithy coal, neck tickets, leather or canvas for gaiters; canes for flogging, nut for marking cloths, etc., combs for females; shaving or hair cutting charges, repairing locks and keys. "Extraordinary charges" excluded.</p>
C—Uniform and equipment of warders	<p>This head should include such items as uniform, shoes, great coats, umbrellas for warders, ammunition (when paid for) repairs to arms, accoutrements or uniforms; oil for arms "Extraordinary charges" for new arms, accoutrements, arm racks, etc., are to be excluded.</p>
D—Money payments as rewards for recapture and service.	<p>This head should include such items as rewards for recapture and recapturing prisoners gratuities to prisoners for good conduct or extra work; allowances to monitors; allowances to recovered lunatics rewards for meritorious service.</p>

E-Execution Charges This head should include such items (if paid by the Prison Deptt.) as the cost of temporary gibbets, executionropes, cap, pay of executions and doms, cremationr burial. Expenditure for permanent plant should be included under "Extraor□dina Charges", Miscell□aneou column 13 (J).

F—Other Miscellaneous services and supplies This head should include such items as oil for unct□ionfor females, aged and infirm, coolie hires, carriage and freight packing, umbr□ellafor monitors books, pamphlets and slates for education, brass wire nett□ir (Unless required for the garden), dyes camphor, "rough on rates" packing charges, paint and paint brushes, linseed oil, saws, enamel solder "gurgas", burial charges parddh for□wa windows, mats for closing windows or for prisoners to sit upon bam□boofor making these, chalk, glue fodder, straw or medicines for draggbt cattle, showing of bullocks "Extraordinary charges" sho□u be excluded.

Traveling Allowance This sub-head should incl□u traveling allowances of non-gazetted officers, not allowances paid to gazetted officers



Contingences	A—Rent, rates and taxes	Water rates and gas rates are to be excluded; the former will be included in column 8 (B), and the latter in column 10 (A). Water-rates and lighting and conserveancy taxes may, however, be included under head, if no service is rendered and the payments are simply made as taxation, the water supply etc., being otherwise arranged for.
	B—Service postage	To include cost of postage stamps and unpaid covers.
	C—Telegraph and Telephone Charges	To include cost of telegrams and rent of telephone lines
	D—Current office expenses	To include country stationery, book binding, gharry hire of officers (if allowed), dusters, matches, oil for punkhs wheels, cost of hanging and removing punkhs, ropes, repairing and polishing furniture and similar charges.
	E—Office furniture	To include cost of almir-ahs, racks, shelves, tables, deck, chairs, tools, mats, floor matting, durees or carpets, purdas, iron safes, pankhas and pankha frames, clocks, gongs, letter scales and weights, water goblets and glasses for officers and the like. This is an exception to the rule that "Extraordinary Expenditure" is to be shown separately
	F—Register and stationary	To include Stationery Department charges and all printing charges.
Extraordinary	A—Conservanc	This sub-head should include

charges for life stock, tools and plants	y and supply stock	Water dead-stock	such items as Donald-son's Ejectors, iron urine tube, conservancy pans, etc., iron blanket boilers, water pumps, pipes or reservoirs, water carts, iron water tanks or drums, iron or brass taps, iron and wooden buckets, hot water appratts (if of a lasting kind and for boiling drinking water).
	B—Dietary dead-stock.		To include cooking range or "Donald-son's Ghulas", grain carts wheat mills, scales and weights for grain godown or cooks, if of metal, iron or copper cooking utensils, ovens, if iron or brass cups or plate, axes and the like.
		C—Hospital dead-stock	To include cost of iron beds, covered iron pans, iron urinals or metal bed ions, excreta desiccators, and similar lasting appliances
	D—Garden and Agricultural Plant		To include iron ploughs, fencing, pumps for irrigation wells (if not treated as a Public Works charge) or other lasting plant.
	E—Lighting dead-stock		Here should be shown the cost of laying down gas pipes or of new kerosene or other lamps of a subst <sup>□</sup> nti <sup>□</sup> kind likely to last for three years or upwards iron oil tanks and such like lasting plant
	F—Disciplinary stock		To include the cost of weighing machines or scal <sup>□</sup> es for weighing prisoners, measuring rodes or instru <sup>□</sup> mentsfor anthropometry iron for fetters and wrist-rings blacksmith's imple <sup>□</sup> nts for making fetters, etc. (if likely to

		last three years) new locks, handcuffs, removable fetters, flogging tringles, hair clippers scissors or rasors (if lasting for three years and upwards) steel dies and types for numbering neck tickets and similar lasting stock.
Extraordinary Charges for livestock Tools and Plant	C—Arms and Accoutrement	To include original cost of arms (if charged for), belts, badges, pounber bayonet scabbards, batons, arm-ranks, nap caps, alarm rattles etc.
	H—Dairy livestock plant.	To include cost of cows, cream separators, iron or metal milk pails or receptacles, lactometers, metal or wooden churms, cow-sheds (if they are not buil□din; erected by the Public Works Department) and othar lasting plant. Maint□enancēcharges to be included under "Dietary Charges" (D) and 'Hospital' (D).
	I—Drought Cattle	To include the cost of bullocks, horses, poines and sheds for sheltering them (if not charged to Public Works. Maintenance charges to be included under 'Miscellaneous service' (F).
	J—Other Miscellaneous dead stock not coming under the above heads.	To include iron cost or beds (expect when intended for hospital), permanent gibbets, ladders and other stock which cannot be classified under above heads.

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*Note.* — Where these articles are supplied by the Public Works Department Workshops, the Prison Department should be debited and the Public Works Department credited with their value. Expenditure on buildings, however, is recorded in the accounts of the Public Works Depart□me

and should be excluded from the accounts of the Prison Department.

(2) The above classification is not exhaustive, as it was not intended that it should be minute and elaborate beyond any useful measure; its object is to reduce to a minimum the change "of such an inaccuracy as would have a serious effect in reviewing and comparing the financial administration of different prisons.

(3) Excluding furniture which is classed under the head "Contingencies", all outlay on dead or livestock which is likely to remain in use for three years or more, must be" classified under Extraordinary charges for livestock, tools and plant. The proceeds of prison garden and farms should, as far as possible, be used for prison purposes, the sales to officials being restricted to small baskets of vegetables. The cash realised from these petty sale proceeds of ordinary Government property, not of prison manufactures and should be deducted at the end of the years in the annual administrative accounts from the gross expenditure for dieting prisoners the net amount only being entered in statement No. 73. Similarly the sale proceeds of the old stores, or of useless or obsolete appliances, not belonging to the manufacture department should be paid into the treasuries in the ordinary course and credited in the accounts to the heads of charge under which the property was originally purchased.

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#### SECTION IV.--PRESERVATION AND DESTRUCTION OF RECORDS

##### **Classification of records for purposes of preservation:**

**Rule 1245.** (i) All the prison registers, returns, and records of every description, shall, for the purpose of preservation or destruction be classified under the following heads:-

- (a) those to be preserved permanently;
- (b) those to be kept for 12 years;
- (c) those to be kept for 3 years and
- (d) those to be kept for 2 years.

(ji) Each of the four classes shall be kept separate and on the back of each register or bundle, a piece of coloured paper showing the period for which .it is to be preserved or the approximate date on which it is to be destroyed, should be pasted.

**Classification of letters and correspondence:**

**Rule 1246.** The Superintendent shall exercise his discretion as to the classification of letters and correspondence for preservation; except:-

- (a) letters relating to standing orders;
  - (b) important public works and manufactures;
  - (c) the acquisition and renting of land;
  - (d) any permanent charges upon Government and
  - (e) escapes when the prisoner is not recaptured.
- Correspondence relating to persons granted gratuities shall be destroyed after ten years.

**Records to be permanently preserved:**

**Rule 1247.** The following record; shall be preserved permanently-

- (a) Reports.—Annual Administration Report of the Department.
- (b) Registers.—Nos. 2, 3, 5, 7, 13, 14, 15, 17, 18, 25, 28, 36, 37, W. F. 93. Acquittance Roll.
- (c) Bills, Forms, etc.—Nos. 50, 78, 79, 80, 84, 85, 86, 89, 93, A.G. 55. C.A.C. and 4. A.F. 85.

**Records to be kept for 12 years:**

**Rule 1248.** The following records shall be kept for 12 years and then destroyed:-

- (a) Reports and returns.—Superintendent's Annual Report and Returns Medical Officer's Annual Returns and Cholera Report.
- (b) Registers.—Nos. 1, 8, 10, 16, 20, 22, 23, 29, 33, 35, 39, 40, 41, 42, 44, 45, 49 and 50.
- (c) Bills, Forms, etc.—Nos. 47, 48, 58, 7.4, 88, (1 and 2) 113, 114 and 126.

**Records, etc. to be kept for three years:**

**Rule 1249.** The following records shall be prescribed for 3 years and then destroyed:-

- (a) Reports and Returns.—Nil.
- (b) Registers.—Nil.

- (c) Bills Forms, etc.-Nos. 16, 23, 64, 65, 66, 67, 68, 70, 72, 90, 94, 95, 96, 97, 98/99, 100, 102, 103, 115, 116. P.A.F.Z. 2091 and 2096 A & T 320, B.M.I. M.S.D. 334-35. M.S.D. 336.
- (d) Correspondence.—English files relating to Civil pensioners shall be destroyed three years after the death of a pensioner where there are outstanding claims on the part of the heirs.

**Records, etc., to be kept for three years:**

**Rule 1250.** The following records shall be preserved for 2 years and then destroyed:-

- (a) Reports and returns.—Nil.
- (b) Registers.-Nos. 4, 9, 12, 18, 19, 21, 24, 26, 27, 30, 31, 34, 38, 43, -T7, 48, 50, 74, 76, O.H. 13-L.
- (c) Bills. Forms, etc.—All bills, forms, etc., other than those detailed in sub-head (c) of rules 1247, 1248 and 1249.

Form No. 49.-(Remission Card) shall be retained in the prison office for a period of one year after the release of a prisoner to whom it relates.

Note.-Applications received from the friends and relatives of prisoners for interviews, etc. are to be preserved in the prison office for one year and then destroyed.

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**LIST OF VARIOUS KINDS OF LABOUR WITH  
CLASSIFICATION  
AND THE TASK PRESCRIBED FOR EACH.**

**APPENDIX A**

**HARD**

- (a) By Task
 

1	--- ----	Dosuti cloth 684 Cm. wide 18 Metre- 29 Cm. on fly shuttle looms and 9 Metre- 14 Cm on hand looms
2	Warping by manual	Warps, 30 Metre-43

	labour	Cm, labour. long each by four convicts.
3	Blanket manufacture	18 Metre-29 Cm. by 1 Metre-67 Cm. on fly shuttle looms.
4	Bowing wool	6 Kgr...532 Grs.
5	Felting or Shrinking blankets	2 Blankets.
6	Grinding grain	Wheat and grams, 13 Kgr-997 Grs. Wheat, makki or bajra 13 Kgr.-997 Cm., Dal, 37 Kgr.; 324 Grs.
7	Storing and weighing	50 bags of 74 Kgr. 650 grs each, <i>i.e.</i> , 3732 Kgr.--420 Grs.
8	(a) Alee pounding (b) Munj pounding	933 Grs. dry fibre to be extracted. 9 Kgr.-331 Grs.
9	Brick making	Molding 1,000 bricks
10	Surkhi pounding	186 Kgr. 620 Grs.
11	Printing	1,500 pulls.
12	Cooking	3 cooks for every 100

prisoners, 1  
cook for  
every 50  
prisoners.

(b) *By time (i.e, 9 hours' steady work)*

1. Carrying water.
2. Carrying stone or clay.
3. Masonary and concrete work.
4. Grinding lime.
5. Tile making.
6. Pottery.
7. Hewing and cleaning firewood.
8. Carpenter's work.
9. Blacksmiths work.
10. Press work.
11. Rope making.
12. Sweeping.

### **MEDIUM**

(a) *By Task*

1. Carpet wearing

Woollen carpets.

1st quality, *i.e.*, 20 threads  
to 2 <sup>1</sup>/<sub>2</sub> Cm.... 2 <sup>1</sup>/<sub>2</sub> Cm

2nd quality, *i.e.*, 15 threads to 2  
<sup>1</sup>/<sub>2</sub> Cm. ... 5 Cm.

3rd quality, *i.e.*, 10 threads to 2  
<sup>1</sup>/<sub>2</sub> Cm. ... 7<sup>1</sup>/<sub>2</sub> Cm.

One convict can weave upto 61  
Cm. in width.

Cotton Carpets :-

10 Cm. to 23 Cm by 61 Cm.



	according to quality.
2. Dari weaving	Striped -- 91 x 91 Kantedar--61 x 91 Flowered- 31 x 61 Tapestry- 7 1/2 x 61
3. Munj or hemp mat weaving	5-1/2 Sq. Meter
4. Tape weaving	Newar 5 Cm. 6 1/2 Cm. i.e., 9 Metre--12 Cm.
5. Money bag weaving	1 bag holding 1,000 rupees.
6. Tailoring	Hand Sewing. Coats, 5 Jangiahs 8, tikonis 8 langots. 20, towels 25, caps 40 kurtees for females 3. Machine sewing. Convicts suit 4 Warders uniform 3.

(b) By time (i.e. 9 hours steady work)

1. Cleaning grain.
2. Husking rice or pulse.
3. Winnowing grain.
4. Flour sling.
5. Tent making.
6. Clothing printing.
7. Dyeing.
8. Leather working.
9. Tin working.
10. Book binding.
11. Carpenter's work.
12. Basket, bamboo and ratan work.
13. Hair cutting. One barber should be employed for every 50 prisoners.
14. Gardening.
15. Cleaning and clay washing barracks.
16. Cleaning lamps.
17. Laundry work.

**LIGHT**

(a) *By Task*

- |    |                          |   |
|----|--------------------------|---|
| 1. | Twisting thread of fibre | Cottong yarn, 1 Kgr. – 400 Grs. Munj Ban 274 Meter. |
| 2. | Spinning                 | Wool, 933 Grs.                                      |
| 3. | Folding paper            | 300 Sheets.   |
| 4. | Making envelopes         | 200 Large 500 small                                 |

(b) *By Time (i.e., 9 hours steady work)*

1. Winding bobbins.
2. Grain or seed sifting.
3. Splitting and dress cane.
4. Weeding and light gradening.
5. Dressing vegetables.
6. Sweeping.